



Agenda  
Jefferson County Planning Commission  
Tuesday, January 10, 2023 at 7:00 PM

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**By order of the President of the Jefferson County Planning Commission,  
this meeting can be participated in in-person only.  
The meeting will be broadcast live via ZOOM.**

**In-Person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Broadcast Information\*:** Meeting ID: 882 8307 1017  
Meeting Link: <https://us02web.zoom.us/j/88283071017>

*\*If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Election of Planning Commission Officers**
2. **Approval of Meeting Minutes:** December 13, 2022
3. **Request for postponement**
4. **POSTPONED from 12/13/22 Meeting: Public Workshop:** Reconsideration of the Concept Plan for Berryville Pike Telecommunications Tower consisting of a 179' Monopole Telecommunications Tower. *Note that this is the remand of the Berryville Pike Telecommunications Tower Concept Plan with discussion limited to “demonstration of need” under Jefferson County Circuit Court Civil Action No. 2022-C-85.* Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC; Property Owner: 340 Rainbow LLC; Property Location: 3511 Berryville Pike, Charles Town, WV; Parcel ID: 06001100010002; Size: 9.31 acres; Zoning District: Industrial-Commercial; File # 21-8-SP.

**There is no public comment for the following items.**

5. **Reports from Legal Counsel**
    - a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
    - b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
    - c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
    - d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.
  6. **Discussion and Approval:** Planning and Zoning 2<sup>nd</sup> Quarterly Report for FY 2022-2023 for the County Commission
  7. **Discussion and Action:** Planning Commission recommendation to the County Commission regarding the proposed budget for FY2023-2024
  8. **Planner's Memo**
  9. **President's Report**
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**10. Actionable Correspondence**

**11. Non-Actionable Correspondence**

**2024 Comprehensive Plan Update Work Session**

**1. 2024 Comprehensive Plan Update SWOT Exercise**

- a. Guided questions and input gathering.
- b. Voting on priority items.
- c. Discussion.

**2. 2024 Comprehensive Plan Update Demographic Profile**

- a. Presentation of Jefferson County's existing conditions and initial staff research.
- b. Direction related to future research.
- c. Review and Approval of the amended Summarized Timeline to be presented to County Commission.

Meeting Minutes  
Jefferson County Planning Commission  
December 13, 2022

The Jefferson County Planning Commission met on December 13, 2022 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison and Donnie Fisher were present. J. Ware and Jack Hefestay were present via ZOOM. Ron Thomas and Shane Roper were absent with notice.

Staff members present included Jennifer Brockman, Chief County Planner; Jonathan Saunders, County Engineer; Alexandra Beaulieu, Deputy Director and Zoning Administrator; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and, Tanya Lyons, Planning Clerk.

Pursuant to Planning Commission action on October 11, 2022, public participation via ZOOM is no longer permitted. The Planning Commission meeting was broadcast via ZOOM.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

1. **Approval of Meeting Minutes:** November 15, 2022

Mr. Shepp stated that the minutes stand approved without objection.

2. **Request for postponement.** Ms. Brockman referred to an email submitted by the applicant requesting a postponement of Item #6. Ms. Brockman stated this item would be heard at the January 10, 2023 Planning Commission meeting.
3. **Public Workshop:** Concept Plan for Verizon-Franklinton Telecommunications Tower consisting of a 199' Monopole Telecommunication Tower including 6 Antennas and a 2,500 square foot fenced compound area, screened by an 8' tall board fence. Applicant: Verizon Wireless; Property Owner: Douglas and Laura Gansler; Property Location: Berryville Pike at Clarke County VA line; Parcel ID: 0600290003000; Size: 15.4 ac; Zoning District: Industrial-Commercial; File: #22-12-SP.

Ms. Brockman provided an overview of the staff report (technical computer difficulties with the power point).

Mr. Phil Stetler, representative from Site Link Wireless, explained the nature of the project to the Commission. Mr. Stetler noted that Verizon will be the first wireless provider to be located on the proposed tower, but the project will be capable of handling a number of wireless co-locations on the tower. The project includes a 2,500 square foot fenced compound. The tower will not support 5G at this time, but hopefully it will in the future.

Ms. Brockman stated that the Concept Plan does show that the required 115 foot fall radius can be completely contained within the subject property. She also noted that the applicant resubmitted a revised concept plan that addressed all outstanding comments on the requirements at this time.

No comments were received on the Concept Plan from the outside agencies. The Zoning Ordinance does give the Planning Commission the authority to require that the required fencing be screened by a landscaped buffer planted along the entire exterior perimeter of the fence which is not currently depicted on the concept plan.

Mr. Shepp opened the Public Workshop. There was no public comment. Mr. Shepp closed the Public Workshop.

Mr. Shepp asked about the distance between the North project line and the fence shown on the Concept Plan.

Mr. Stetler said it is approximately 225 feet to the east property line and 252 feet to the north and to the south is 507 feet from the fenced compound.

Mr. Stolipher made a motion to approve the Concept Plan as presented, noting that the project is consistent with the Comprehensive Plan and meets all the required criteria outlined in the Subdivision Regulations and the Zoning Ordinance; Mr. Louthan seconded the motion, which carried unanimously.

4. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #2 on Final Plat DB 9/ PG18) to allow for the construction of an agricultural caretaker's residence and a detached accessory dwelling unit for a family member (in-law suite). Property Owner/Applicant: Tammy Miller; Property Location: Riccards' Estate Minor Subdivision, Lot 2; 1335 Gardners Lane, Shepherdstown; Parcel ID: 09001700090004; Size: 35.39 ac; Zoning District: Rural; File: #22-6-FPA.

Ms. Brockman provided an overview of the staff report.

Mr. Shepp acknowledged that he did this plat over 22 years ago and stated that this fact would not have an effect on his ability to make a decision on this matter.

Ms. Tammy Miller, property owner, explained the request to the Planning Commission to lift the restriction to allow for the construction of an agricultural caretaker's residence and an in-law suite.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Mr. Knott motioned to approve the Final Plat Amendment to lift the single family restriction as presented. Mr. Fisher seconded the motion, which carried unanimously.

5. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #9 on Final Plat PB 25/ PG 85A) to allow for the construction of a detached accessory dwelling unit for a family member (in-law suite). Property Owner/Applicant: Julia Reynes; Property Location: Potomac Ridge Subdivision, Lot 7; 384 Potomac Ridge Lane, Shepherdstown, WV; Parcel ID: 09001000090017; Size: 3.01 ac; Zoning District: Rural; File: #22-7-FPA.

Ms. Brockman provided an overview of the staff report, noting that the applicant had already remodeled the existing garage for this purpose, and was required to apply for a setback variance from the Board of Zoning Appeals, which was approved in November 2022.

Ms. Julia Reynes, property owner, explained the request to the Commission.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Mr. Shepp made a motion to approve the Final Plat Amendment as presented. Mr. Stolipher seconded the motion, which carried unanimously.



6. **POSTPONED to 1/10/23 Meeting: Public Workshop**: Reconsideration of the Concept Plan for the Berryville Pike Telecommunications Tower consisting of a 179' Monopole Telecommunications Tower. *Note that this is the remand of the Berryville Pike Telecommunications Tower Concept Plan with discussion limited to “demonstration of need” under Jefferson County Circuit Court Civil Action No. 2022-C-85.* Applicant: New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC; Property Owner: 340 Rainbow LLC; Property Location: 3511 Berryville Pike, Charles Town, WV; Parcel ID: 06001100010002; Size: 9.31 acres; Zoning District: Industrial-Commercial; File # 21-8-SP.

The applicant submitted an email requesting a postponement until January 10, 2023.

7. **2024 Comprehensive Plan Initial Discussion**

Staff presented an overview of the 2024 Comprehensive Plan Update, a 10 year update required by WV Code §8A-3. The presentation included the legal requirements of the update, a draft Summarized Timeline, and scope of work for the two-year process. Mr. Seigfried described each of the six phases in the timeline and the proposed public outreach methods. Ms. Brockman answered questions regarding the previous Comprehensive Plan.

Planning Commission discussed alternatives to the previous citizens committee. Mr. Stolipher agreed that because planning commission members are already picked by the public, they could function as the citizen commission. There was additional discussion on citizen input during the plan update at commission meetings.

Planning Commission approved an amended Summarized Timeline to be presented at a requested 2/2/2023 Joint County and Planning Commission meeting.

8. **Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.

Mr. Cochran did not have any legal update for Items to the Planning Commission.

9. **Planner's Memo.**

Revised 2023 Meeting Schedule and Submission Deadlines

Ms. Brockman explained that due to a conflict between the approved 2023 Planning Commission Meeting Schedule and the newly approved 2023 County Commission Holiday Schedule, the submission deadline of Monday, June 19, 2023 needs to be revised to Friday, June 16, 2023. Mr. Stolipher motioned to approve the revised 2023 Planning Commission Meeting Schedule. Mr. Louthan seconded the motion, which carried unanimously.

**10. President's Report.**

Mr. Shepp formed a Budget Committee consisting of Matt Knott, Jack Hefestay and himself and indicated they would be setting up a meeting with Roger Goodwin within a few weeks to discuss the budget proposed for County Commission's consideration.

**11. Actionable Correspondence.** None.

**12. Non-Actionable Correspondence.** None.

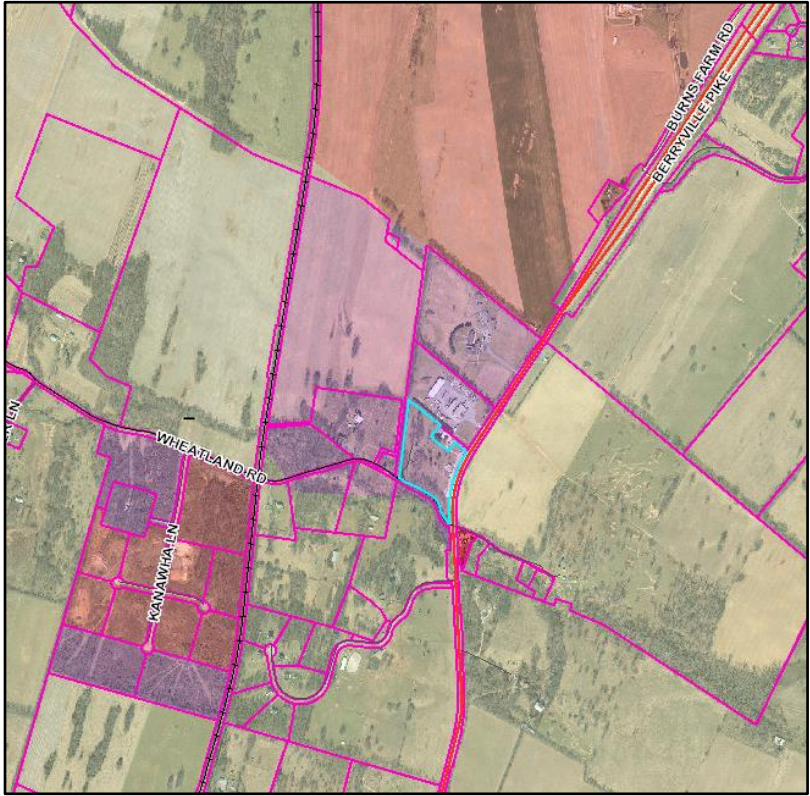
Mr. Stolipher made a motion to adjourn the meeting at 8:13 p.m. Mr. Knott seconded the motion, which carried unanimously.

These minutes were prepared by Tanya Lyons

Staff Report  
Jefferson County Planning Commission Meeting  
January 10, 2023

**Berryville Pike Telecommunications Tower Concept Plan Reconsideration (21-8-SP)**

**Item #3: Public Workshop:** Reconsideration of the Concept Plan for Berryville Pike Telecommunications Tower consisting of a 179' Monopole Telecommunications Tower.  
**Note:** This is the remand of the Berryville Pike Telecommunications Tower Concept Plan with discussion limited to “demonstration of need” under Jefferson County Circuit Court Civil Action No. 2022-C-85.

|                                 |   |
|---------------------------------|---|
| Applicant                       | New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC  |
| Owner                           | 340 Rainbow, LLC  |
| Surveyor/Engineer               | KCI Technologies, Inc.  |
| Parcel Information and Location | <p>3511 Berryville Pike, Charles Town, WV 25414<br/>Parcel ID: 06001100010002; Size: 9.3 acres; Zoning: Industrial Commercial</p>  |
| Adjacent Zoning                 | <p><i>North:</i> Industrial Commercial; <i>East:</i> Rural<br/><i>South:</i> Rural; <i>West:</i> Industrial Commercial</p>  |
| Proposed Activity               | 179' telecommunications tower   |
| Concept Plan Status:            | <p>Submitted: 04/27/2022<br/>Approved by Planning Commission: 06/14/2022<br/>Circuit Court Remand related to “Demonstration of Need”: 11/05/2022</p>  |
| Waiver/Variance                 | <p>19-16-ZC: Temporary sale of legal fireworks conducted from an 8’ x 40’ container.<br/>21-31-ZC: Change in Owner: Nonconforming Use: Mobile Home Park for four (4) mobile homes</p>                                 |

Staff Report  
Jefferson County Planning Commission Meeting  
January 10, 2023

**Berryville Pike Telecommunications Tower Concept Plan Reconsideration (21-8-SP)**

**Summary of Request**

AT&T is proposing to construct a 179' telecommunications tower (171' telecommunications tower with an 8' lightning rod) within a 2,500 square foot fenced compound. The subject property is owned by 340 Rainbow, LLC and is comprised of approximately 9.3 acres. The 1 parcel includes an existing restaurant (TJs Pit Stop) and a mobile home. The Concept Plan is the first step required by the Zoning Ordinance, followed by a Minor Site Plan, which is administratively processed. This Staff Report addresses the Concept Plan criteria only.

The Concept Plan for Berryville Pike Telecommunications Tower was approved by the Planning Commission after a Public Workshop on June 14, 2022. A lawsuit was filed by SBA Infrastructure, LLC regarding this approval on July 13, 2022. On November 5, 2022, the Circuit Court issued a Final Order that states:

“Because there are facts in dispute, specifically regarding the current level of wireless service provided by the Existing Tower and whether or not the Proposed Tower stands to effectuate any service improvement, and the Planning Commission failed to recognize the need to resolve this discrepancy, this Court GRANTS the Petition for Writ of Certiorari vacates the Planning Commission's decision to approve the permit and remands the matter back to the Planning Commission to resolve the question of whether AT&T has met its burden in "demonstrating a need" as required by Jefferson County Zoning Ordinance 4B.7 (D) and (F).”

**Therefore**, this Public Workshop is limited to the consideration and discussion of the “demonstration of need” of the Berryville Pike Telecommunications Tower Concept Plan.

**Article 4B Purpose Statement**

*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 Ordinance requires that a site plan for a proposed Wireless Telecommunications Tower shall process as a minor site plan. Prior to submission of the minor site plan, a Concept Plan is required, subject to a Public Workshop before the Planning Commission.

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 scheduling 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 Regulations and Section 4B.7 of the Zoning Ordinance.

Because telecommunication towers have unique characteristics that distinguish them from other types of development (such as height and visual impact), Section 4B.7(B) of the Zoning Ordinance specifies submittal requirements that are required in addition to those for a standard Concept Plan. Staff

Staff Report  
Jefferson County Planning Commission Meeting  
January 10, 2023

**Berryville Pike Telecommunications Tower Concept Plan Reconsideration (21-8-SP)**

determined that the Concept Plan meets all of the requirements of the Zoning Ordinance and that the requirements are addressed as follows:

- Fall radius area includes the adjoining 0.92 acre commercial parcel under the same ownership (see also note 16 on Page 2 of Concept Plan)
- In the Industrial Commercial zoning district, the permitted tower height is 199'. The proposed tower is 179'.
- Elevations and Cross-Section ordinance requirements are met.
- Proposed 179' tower will include six antennas at 171' and will allow three future co-locations.
- The proposed tower will be flat gray or galvanized finish.
- Letter from SHPO was attached.
- See Page 5 of Narrative for the development schedule. Construction expected to begin within a month of obtaining zoning and permitting approvals. It takes 3-4 months for a tower to be constructed and become fully operational.

Section 4B.7(D) of the Zoning Ordinance states that “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.”

Subsection F “Demonstration of Need” states “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.” These propagation maps were submitted and determined to be sufficient to meet this requirement and are attached to this report.

Other required elements for a Wireless Telecommunications Tower Concept Plan are the same as for a site plan submittal as established in the Subdivision Regulations, Appendix A, Sec. 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35. Staff deemed the Concept Plan sufficient with minor outstanding comments on May 6, 2022 (Review 1) and June 7, 2022 (Review 2) and placed the Concept Plan on the June 14, 2022 Planning Commission agenda for a public workshop.

**External Agency Reviews**

Most external agency reviews are not applicable, per Section 4B.7 of the Zoning Ordinance. As required by this section, the Jefferson County Historic Landmarks Commission (JCHLC) was made aware of this application filing.

**Planning Commission Public Workshop Scope of Review**

For a Wireless Telecommunications Tower, per Sections 4B.2 and 4B.7(B)(3)(c) of the Zoning Ordinance, the Concept Plan Public Workshop is the only Planning Commission meeting during which

Staff Report  
Jefferson County Planning Commission Meeting  
January 10, 2023

**Berryville Pike Telecommunications Tower Concept Plan Reconsideration (21-8-SP)**

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.

The applicant addressed the above criteria in the form of a narrative with several exhibits which Staff determined to adequately address the requirements of the Ordinance.

For the purpose of this remanded reconsideration of the Berryville Pike Telecommunications Tower Concept Plan, as ordered under Jefferson County Circuit Court Civil Action No. 2022-C-85, discussion will be limited to “demonstration of need”.

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.

**Staff Recommendation from June 14, 2022 Staff Report**

The Planning and Zoning Staff finds the proposed AT&T Telecommunications Monopole Tower Concept Plan to be:

- Complete based on the information provided related to the required criteria outlined in the Subdivision Regulations and the Zoning Ordinance; and
- Consistent with the Comprehensive Plan.
- As provided for in Section 4B.7.B.2.J.7 of the Zoning Ordinance, the Planning Commission has the discretion to require that fencing be screened by a landscape buffer of at least 10 feet in width, planted along the entire exterior perimeter of the fence. At the June 14, 2022 Planning Commission Public Workshop, the applicant proffered that the mature trees on the property will stay and they would be happy to put a fence up and shrubs which will be included on the site plan submission stage.

**Planning Commission Direction**

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. For the purpose of this remanded reconsideration of the Berryville Pike Telecommunications Tower Concept Plan, as ordered under Jefferson County Circuit Court Civil Action No. 2022-C-85, discussion will be limited to “demonstration of need”.

The Subdivision 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.



Staff Report  
Jefferson County Planning Commission Meeting  
January 10, 2023

**Berryville Pike Telecommunications Tower Concept Plan Reconsideration (21-8-SP)**

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 Concept Plan for compliance with the Demonstration of Need requirements of 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 of the Zoning Ordinance, and that the application is consistent with the Comprehensive Plan.

At the June 14, 2022 Planning Commission meeting, the Planning Commission unanimously approved the Concept Plan as submitted. After this Public Workshop focused on reconsideration of the Demonstration of Need, 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 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.”

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

Should the Planning Commission vote to find that the application adequately addresses the “Demonstration of Need” requirement of the Zoning Ordinance, the applicant will submit a minor site plan to the Department of Engineering, Planning, & Zoning for administrative review and approval. The site plan shall address the conditions (if any) identified by the Planning Commission.

**ATTACHMENTS:**

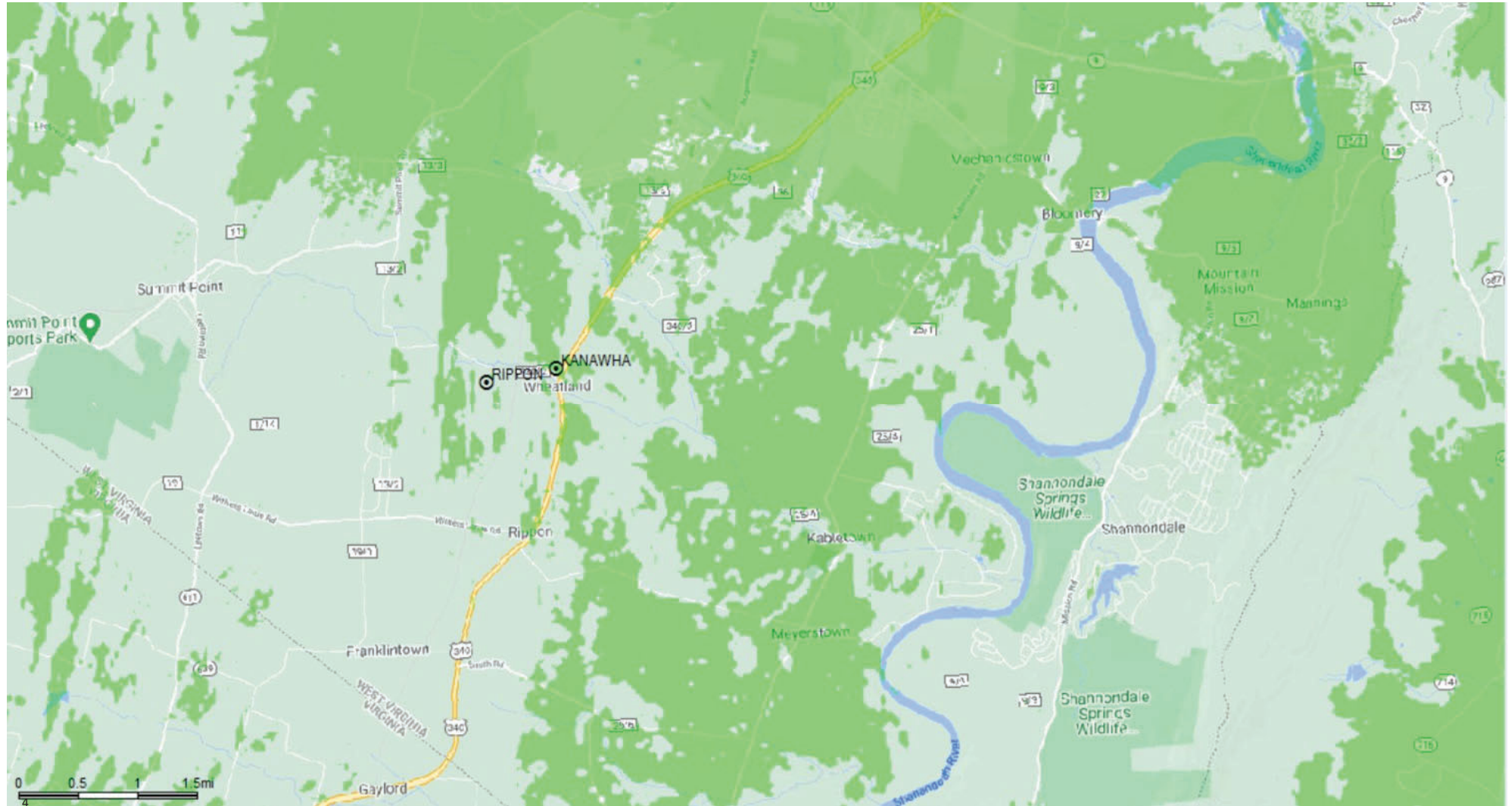
- Exhibits 2, 3, 4, and 10 from Original Concept Plan Submittal (Propagation Maps)





# **EXHIBIT 2**

## Proposed AT&T Coverage without Kanawha



# **EXHIBIT 3**



**Jefferson County  
Office of Planning and Zoning  
116 East Washington Street  
Charles Town, WV 25414**

RE: Proposed Tower Installation  
AT&T Site Kanawha  
3557 Berryville Pike, Charles Town, WV 25414

### **RF Justification**

AT&T is committed to a comprehensive deployment of wireless facilities to provide communication services to our customers, including first responders and public safety personnel in the region.

This site will be constructed using Band 14 spectrum, as well as AT&T commercial spectrum. Band 14, better known as FirstNet, is nationwide, high quality spectrum set aside by the government specifically for FirstNet. AT&T looks at Band 14 as public safety's VIP lane. In an emergency, this band – or lane – can be cleared and locked just for FirstNet subscribers. That means only those on the FirstNet network will be able to access Band 14 spectrum, further elevating their connected experience and emergency response.

Local first responders using FirstNet service will be able to utilize a seamless connection when responding to car accidents, fires, search and rescue efforts, and more while connected to Band 14 from this tower location.

AT&T requests that you approve the request by Smartlink LLC to construct the above-described tower.

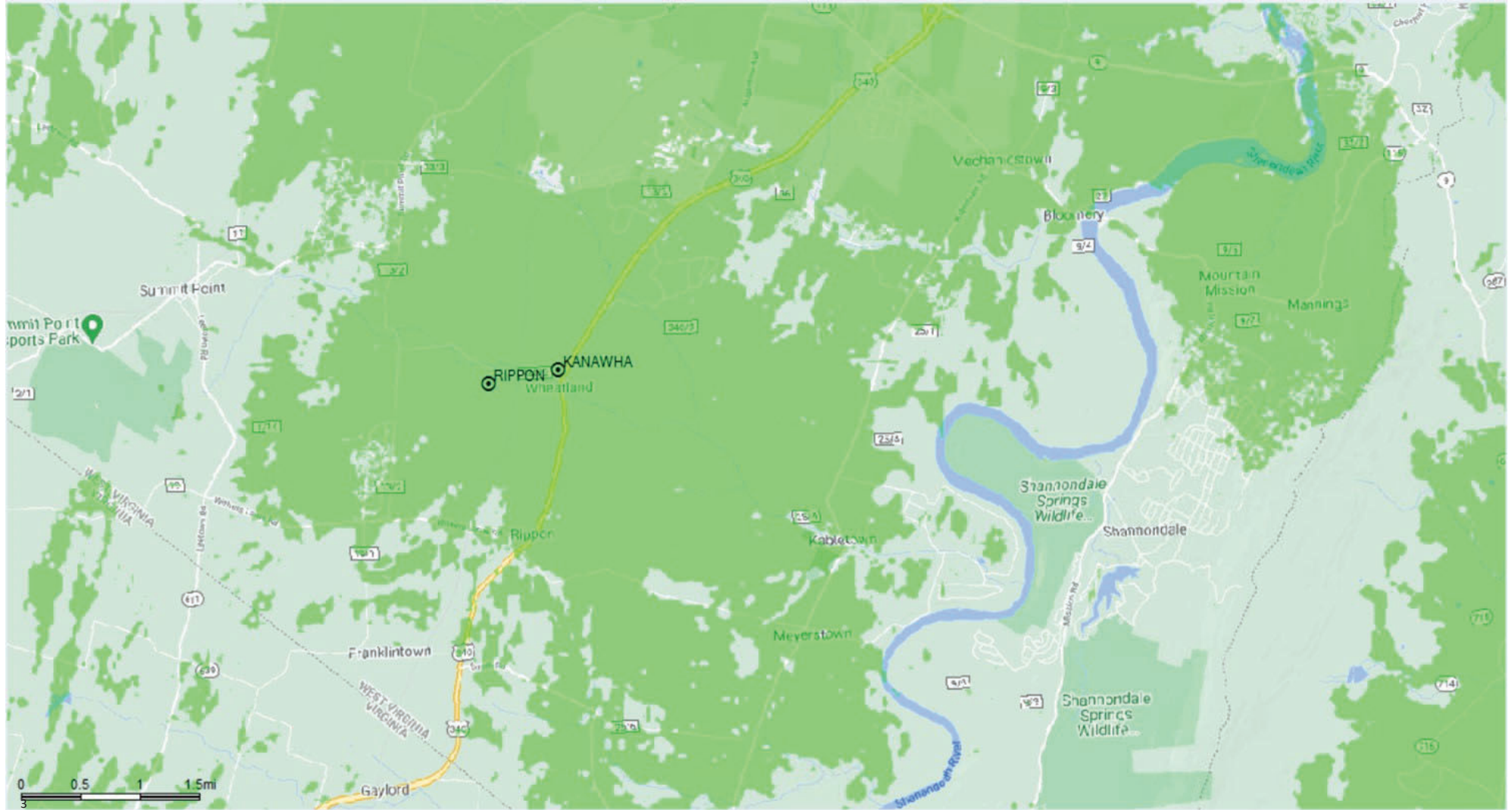
Best regards,

A handwritten signature in black ink, appearing to read "Andy Feeney", with a long, sweeping horizontal line extending to the right.

Andy Feeney  
State President WV

# **EXHIBIT 4**

Proposed AT&T Coverage with Kanawha @ 171' RC



# **EXHIBIT 10**



April 20, 2022

**AT&T's Proposed 179' Monopole Telecommunication Facility  
at 3557 Berryville Pike, Charles Town, West Virginia, 25414**

**AFFIDAVIT OF FCC COMPLIANCE AND TOWER CO-LOCATION**

Pursuant to Jefferson County Zoning and Land Development Ordinance Section 4B.7.H.4.a, the undersigned does hereby declare and affirm under the penalties of perjury, and agrees on behalf of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("AT&T"), concerning the Concept Plan to build a new telecommunications facility (the "Facility") on a portion of the property located at 3557 Berryville Pike, Charles Town, West Virginia, 25414 (the "Property") as follows:

1. The Undersigned is a duly appointed agent of AT&T, the Applicant and wireless provider, and as such is authorized to give this Affidavit and bind AT&T to this Agreement.
2. The Facility, will at all times, comply with applicable Federal Communications Commission ("FCC") standards and requirements to provide the proposed services. The antennas, as proposed and designed for this Facility, comply with all applicable FCC requirements. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.
3. AT&T has designed the Facility structurally, electrically, mechanically and in all other respects to accommodate additional wireless providers to co-locate on the Facility.
4. Subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Facility is available for co-location by other wireless providers.

New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC

By:  (SEAL)  
Jesse Bird Principal Tech Vendor My net  
Printed Name and Title



**SUPPLEMENTAL  
DOCUMENTS SUBMITTED  
BY APPLICANT**



Douglas A. Sampson  
Phone: (410) 332-8661  
Fax: (410) 332-8862  
Douglas.Sampson@saul.com  
www.saul.com

December 30, 2022

**VIA Electronic Mail**

Jefferson County Planning Commission  
Office of Planning and Zoning  
116 E. Washington Street, Suite 200  
Charles Town, WV 25414  
[PlanningDepartment@jeffersoncountywv.org](mailto:PlanningDepartment@jeffersoncountywv.org)

Re: Application No. 21-8-SP Concept Plan Application for Telecommunications  
Tower at Berryville Pike, Charles Town, West Virginia, 25414

Honorable Commissioners:

This letter is submitted by AT&T's counsel, Saul Ewing LLP and Pike Legal Group, PLLC. I last spoke with you on June 14, 2022, when this honorable Commission unanimously approved AT&T's Concept Plan and found the application to be in compliance with the Jefferson County Zoning Ordinance. That approval was appealed. The Circuit Court of Jefferson County reversed the approval and remanded the application to this Commission to determine a narrow question: whether AT&T demonstrated a need for the telecommunications facility under Section 4B.7 (D) & (F) of the Zoning Ordinance.

We believe the Circuit Court missed substantial evidence in the record of AT&T's need to bring FirstNet services to this area of Jefferson County. *See* AT&T's Statement of Compliance and Justification at 2-3, 8-9; Meeting Minutes of Jefferson County Planning Commission (Jun. 14, 2022). Existing facilities cannot accommodate AT&T's FirstNet equipment. The new facility is required to bring the FirstNet wireless and broadband network to this portion of Jefferson County. A letter from FirstNet is enclosed to further demonstrate the need for FirstNet and the benefits it will provide to Jefferson County's first responders.

While FirstNet alone is sufficient to demonstrate AT&T's need, the proposed facility will also add and improve wireless services in Jefferson County. The Circuit Court stated that it was unclear from the record whether the proposed facility would effectuate improvements in wireless services in Jefferson County. It will. For the avoidance of any doubt, enclosed are supplemental AT&T propagation maps which show that the new facility will significantly increase wireless coverage in this portion of Jefferson County. The facility will bring new and improved wireless

coverage to the north, east and southeast, between the Route 340 corridor and the Shenandoah River including Kabletown and Meyerstown. The proposed site will have at least three co-location opportunities to allow other providers to improve their wireless coverage in the same area.

AT&T respectfully requests that this honorable Commission reaffirm its prior unanimous approval of the Concept Plan, and find that AT&T has demonstrated a need for the new telecommunications facility. We look forward to discussing these issues with you at the January 10th hearing.

Very truly yours,

*/s/ Douglas A. Sampson*

Douglas A. Sampson

cc: Jennilee Hartman, Zoning Clerk  
Samantha Twinam, SmartLink LLC  
David Pike, Pike Legal Group, PLLC  
Keith Brown, Pike Legal Group, PLLC



December 8, 2022

The Jefferson County Planning Commission  
116 East Washington Street, Suite 200  
Charles Town, WV 25414

RE: AT&T MOBILITY - NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK  
NEW CELL SITE APPLICATION – Jefferson County, West Virginia

Dear Commissioners,

Under the Middle Class Tax Relief and Job Creation Act of 2012, Congress established the First Responder Network Authority (“FirstNet Authority”) and directed it to ensure the building, deployment, and ongoing operation of the Nationwide Public Safety Broadband Network (“FirstNet”), the first nationwide high-speed broadband network dedicated to public safety.<sup>1</sup> The FirstNet Authority’s mission is to provide and maintain a single, interoperable platform that consistently satisfies the demanding communications needs of the public safety community in West Virginia and across the country. New radio access network (“RAN”) sites are essential to the success of the program and delivering the mission critical coverage public safety needs to communicate and save lives.

In July 2017, Governor Jim Justice opted into the FirstNet Authority plan for RAN deployment in West Virginia, and thus authorized construction of the FirstNet network in areas of West Virginia where public safety needs coverage and capacity. By opting-in, Governor Justice enabled public safety to rapidly access broadband services in West Virginia, while also allowing the prompt buildout and deployment of the network which began in March of 2018. His decision also directed the FirstNet Authority to take on all the risks, costs, and responsibilities associated with deploying the network in West Virginia for 25 years and to take immediate steps to make prioritized services and features available to public safety in West Virginia.

This network needs to serve the first responders in Jefferson County as well as the thousands of first responders across West Virginia that have already adopted FirstNet and may respond to your next major emergency. The FirstNet Authority requests your consideration in our efforts to build new sites in your county to achieve required coverage and capacity for our vital mission in service of public safety.

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<sup>1</sup> See Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), <https://www.congress.gov/112/bills/hr3630/BILLS-112hr3630enr.pdf>

I am the Senior Public Safety Advisor assigned to West Virginia and formerly worked for the State of Maryland in emergency management and public safety communications planning. I am available to answer any questions you may have: [lori.stone@firstnet.gov](mailto:lori.stone@firstnet.gov) and 202-997-7594.

For your reference, attached is additional information about the FirstNet Authority and the network we were entrusted by Congress to establish.

Sincerely,  
Lori Stone



**Lori Stone**  
Senior Public Safety Advisor  
DC, DE, MD, PA, VA, WV  
First Responder Network Authority  
[lori.stone@firstnet.gov](mailto:lori.stone@firstnet.gov) | [firstnet.gov](http://firstnet.gov)  
Mobile: 202-997-7594

Attachments:

1. Primer on the FirstNet Authority's Congressional Mandate to Deploy a Nationwide Public Safety Broadband Network
2. FirstNet Network Management Operations Officer Letter

## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

- *Top 10 Frequently Asked Questions*  
([https://firstnet.gov/sites/default/files/TopTenFAQs\\_190906.pdf](https://firstnet.gov/sites/default/files/TopTenFAQs_190906.pdf))
- *FirstNet: The Future of Public Safety Communications*  
([https://firstnet.gov/sites/default/files/Branding\\_the\\_Future\\_of\\_Public\\_Safety\\_Communications\\_0.pdf](https://firstnet.gov/sites/default/files/Branding_the_Future_of_Public_Safety_Communications_0.pdf))
- The First Responder Network Authority (FirstNet Authority) was charged by the U.S. Congress to ensure the development, building, and maintenance of a nationwide mobile broadband network dedicated to meeting the needs of the public safety community. Over the past several years, the FirstNet Authority has made great strides toward fulfilling this purpose, including the establishment of a public-private partnership with AT&T, Inc. (AT&T) to deploy the nationwide public safety broadband network across the country and adoption of FirstNet service by hundreds of thousands of public safety professionals. As FirstNet matures and public safety reaps the benefits of a network dedicated to providing them with needed capabilities and features, the FirstNet Authority is focusing on the next stages of fulfilling its mission. The FirstNet Authority is committed to a vision where a dedicated and differentiated broadband communications experience transforms public safety operations to save lives and protect communities. This vision encapsulates the entirety of the “FirstNet Experience” from AT&T’s deployment of the FirstNet network to the FirstNet Authority’s value-adding activities and investments, which make FirstNet different from any other public safety communications experience. Over time, the FirstNet Authority’s work will help enable public safety to communicate in new and ever more useful ways to help transform public safety operations. (*First Responder Network Authority Roadmap*, at 3, [https://firstnet.gov/system/tdf/FirstNet\\_Roadmap.pdf?file=1&type=node&id=1055&force=0](https://firstnet.gov/system/tdf/FirstNet_Roadmap.pdf?file=1&type=node&id=1055&force=0)).
- *As with many bold public policy initiatives, the creation of FirstNet ensued from disaster and tragedy. Although the idea that all first responders across the United States should share one nationwide network existed prior to September 11, 2001, the events of that terrible day inspired collaborative action from public safety and Congress. As Congress directed, FirstNet is working toward the deployment of a single, interoperable platform for public safety communications that will bring dedicated priority wireless broadband services to millions of public safety personnel at the local, state, tribal, and Federal levels. . . . Authorized by Congress in 2012, FirstNet will fulfill a fundamental need of the public safety community and is the last remaining recommendation to be addressed of the 9/11 Commission. FirstNet’s mission is to ensure the deployment, and operation of a nationwide public safety broadband network (network) for public safety entities. Leveraging Long Term Evolution (LTE)5 technology standards, up to \$7 billion in funding from spectrum auctions, and a nationwide license of 20 MHz of radio frequency spectrum, the FirstNet network is intended to dramatically increase the safety and capabilities of all of those who serve in a public safety capacity, and thereby further protect the American people. Public safety, and thus the American people, will benefit from the availability of a dedicated wireless broadband network prioritized for first responders, the economies of scale afforded by a*



## PRIMER ON THE FIRSTNET AUTHORITY'S CONGRESSIONAL MANDATE TO DEPLOY A NATIONWIDE PUBLIC SAFETY BROADBAND NETWORK

national, commercial standards-based network, and the force of innovation in applications which to date has only been enjoyed by consumers. (2014 Annual Report to Congress, at 1, [https://firstnet.gov/system/tdf/FirstNet Annual Report to Congress-FY 2014.pdf?file=1&type=node&id=644&force=0](https://firstnet.gov/system/tdf/FirstNet%20Annual%20Report%20to%20Congress-FY%202014.pdf?file=1&type=node&id=644&force=0))

- During the events of September 11, 2001 (9/11), first responders could not communicate with each other. Some radios did not work in the high-rise World Trade Center; radio channels were overloaded by the large number of responders trying to communicate; and public safety radio systems operated on various frequencies and were not interoperable. There were also non-technical issues. Officials struggled to coordinate the multi-agency response, and to maintain command and control of the numerous agencies and responders.

The 9/11 Commission called for the “expedited and increased assignment of radio spectrum for public safety purposes.” Increased spectrum would allow public safety agencies to accommodate an increasing number of users; support interoperability solutions (e.g., shared channels); and leverage new technologies (e.g., live video streams) to enhance response.

In 2012, Congress acted on the recommendation of the 9/11 Commission. In Title VI of the Middle Class Tax Relief and Job Creation Act of 2012 (P.L. 112-96), Congress authorized the Federal Communications Commission (FCC) to allocate additional spectrum for public safety use; established the First Responder Network Authority (FirstNet) and authorized it to enter into a public-private partnership to build a nationwide public safety broadband network; and, provided \$7 billion out of revenues from spectrum auctions to build the network....

FirstNet has made progress in implementing the provisions in the act. In March 2017, FirstNet awarded a 25-year, \$6.5 billion contract to AT&T to build and maintain the nationwide network for public safety. FirstNet provided AT&T with 20 megahertz (MHz) of broadband spectrum, which AT&T can monetize for public safety and non-public safety use. AT&T is providing FirstNet access to its infrastructure, valued at \$180 billion, and \$40 billion to maintain and improve the network.

In September 2017, FirstNet/AT&T presented states with plans detailing how the network would be deployed in each state. Governors could opt to have AT&T deploy the network (i.e., opt in), or have the state assume responsibility for the deployment (i.e., opt out). By January 2018, all 50 states and 6 territories opted in. This was viewed as a victory for FirstNet, AT&T, and public safety stakeholders who had long advocated for a nationwide network for public safety. (Congressional Research Service, *The First Responder Network (FirstNet) and Next-Generation Communications for Public Safety: Issues for Congress*, April 27, 2018, <https://crsreports.congress.gov/product/pdf/R/R45179>)





First Responder Network Authority  
12201 Sunrise Valley Drive, M/S 243 • Reston, VA 20192 • [www.firstnet.gov](http://www.firstnet.gov)

To Whom It May Concern,

On March 28, 2017, AT&T was awarded the federal government contract to deploy and operate the Nationwide Public Safety Broadband Network (NPSBN), following an open, transparent, and competitive procurement process—as well as consultation with state, local, tribal, and federal stakeholders—consistent with the First Responder Network Authority’s (FirstNet Authority) enabling statute. The NPSBN contract between the FirstNet Authority and AT&T has a period of performance of 25 years from the date awarded.

Per the terms and conditions of the NPSBN contract, and given that all U.S. states and territories and the District of Columbia (states) opted into the FirstNet Authority plan for network deployment, AT&T is responsible for providing a comprehensive network solution to each of the states. This comprehensive network solution includes: the deployment and provisioning of a nationwide Core Network and Radio Access Network equipment and services (e.g., cell sites, backhaul, aggregation, national transport networks and operation centers); a device ecosystem; deployable capabilities; operational and business support systems; an application ecosystem; network services; integration, maintenance, and operational services; and ongoing evolution of these systems required to function fully as an operational wireless 3rd Generation Partnership Project (3GPP) standards-based Long Term Evolution (LTE) NPSBN.

The FirstNet solution provided by AT&T brings Public Safety Entities across the country a dedicated interoperable broadband network with quality of service, priority usage, and preemption. In addition, the NPSBN is physically hardened, as needed, and is resilient, secure, and highly reliable. Furthermore, the NPSBN provides to public safety agencies local control over prioritization, preemption, provisioning, and reporting.

The NPSBN and associated devices are branded as FirstNet, consistent with applicable laws and regulations. AT&T is responsible for marketing; product management; sales; distribution; customer care; communications; strategic partnership; and network deployment, operation, maintenance, and evolution. However, in accordance with its statutory duties and responsibilities, the FirstNet Authority maintains rigorous oversight of the NPSBN and AT&T’s obligations under the contract.

If you have any questions with regard to this letter, please contact Kimberly Luke at [Kimberly.Luke@firstnet.gov](mailto:Kimberly.Luke@firstnet.gov), 202-868-3683 or Kristina Montaquila at [Kristina.Montaquila@firstnet.gov](mailto:Kristina.Montaquila@firstnet.gov), 202-253-7218.

Sincerely,

Peggy O'Connor  
Director, NPSBN Program Management  
Office of the Chief Network & Technology Officer  
First Responder Network Authority





Kanawha FA# 14878905

Jefferson County, WV

Coverage Plots

Dec 09, 2022

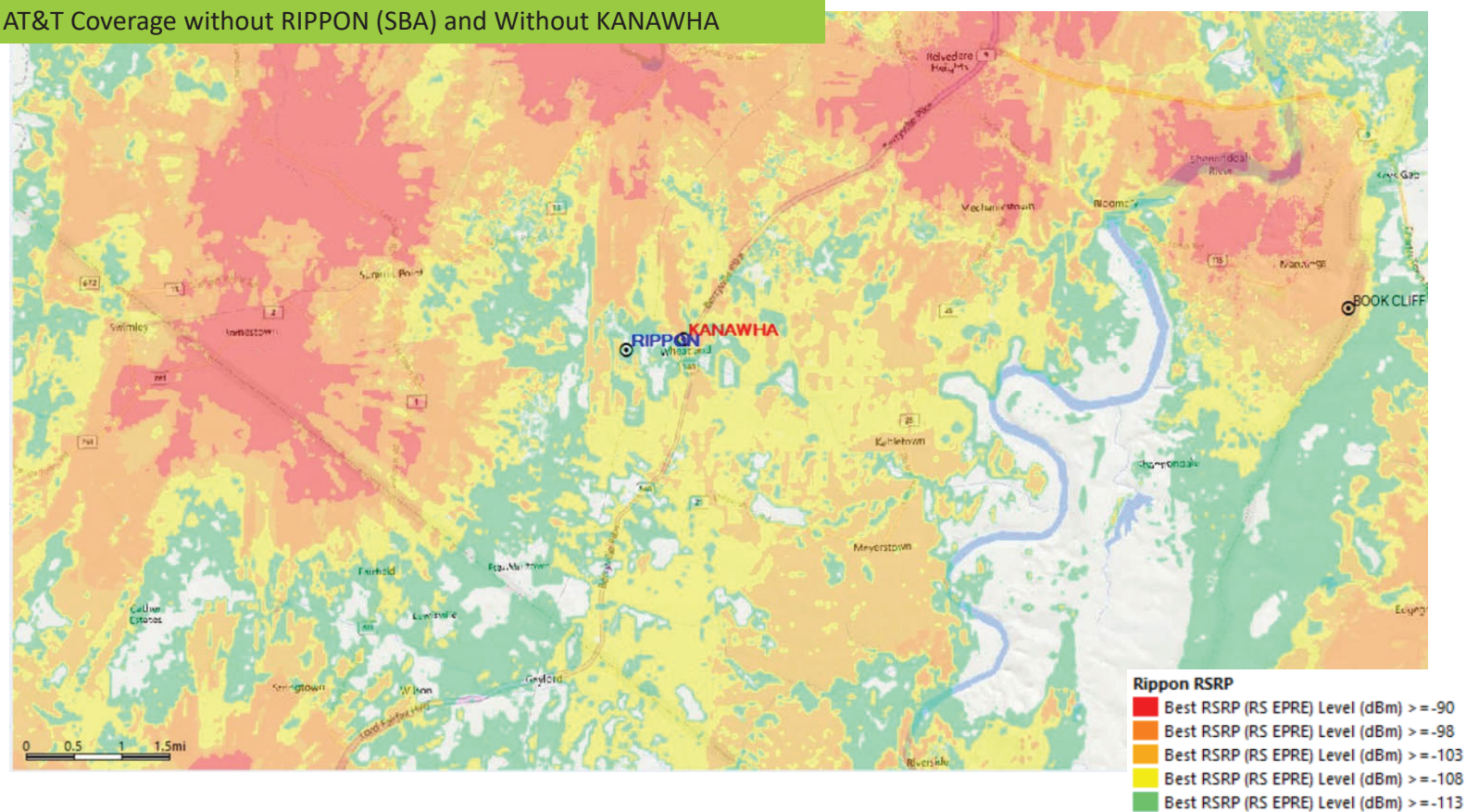
© 2019 AT&T Intellectual Property. AT&T, Globe logo, and DIRECTV are registered trademarks and service marks of AT&T Intellectual Property and/or AT&T affiliated companies. All other marks are the property of their respective owners.



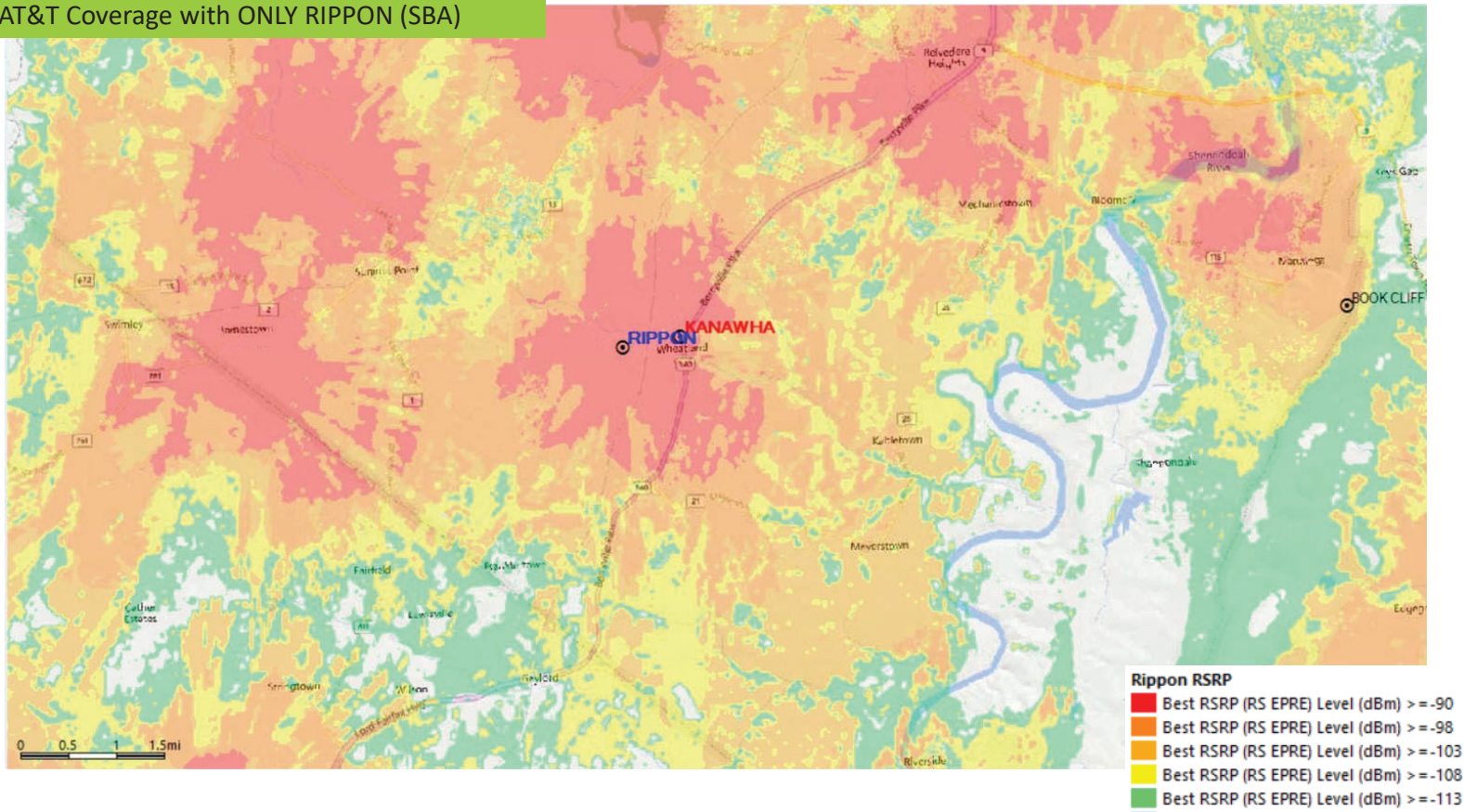
# 700 Band Analysis

Firstnet Coverage

AT&T Coverage without RIPPON (SBA) and Without KANAWHA

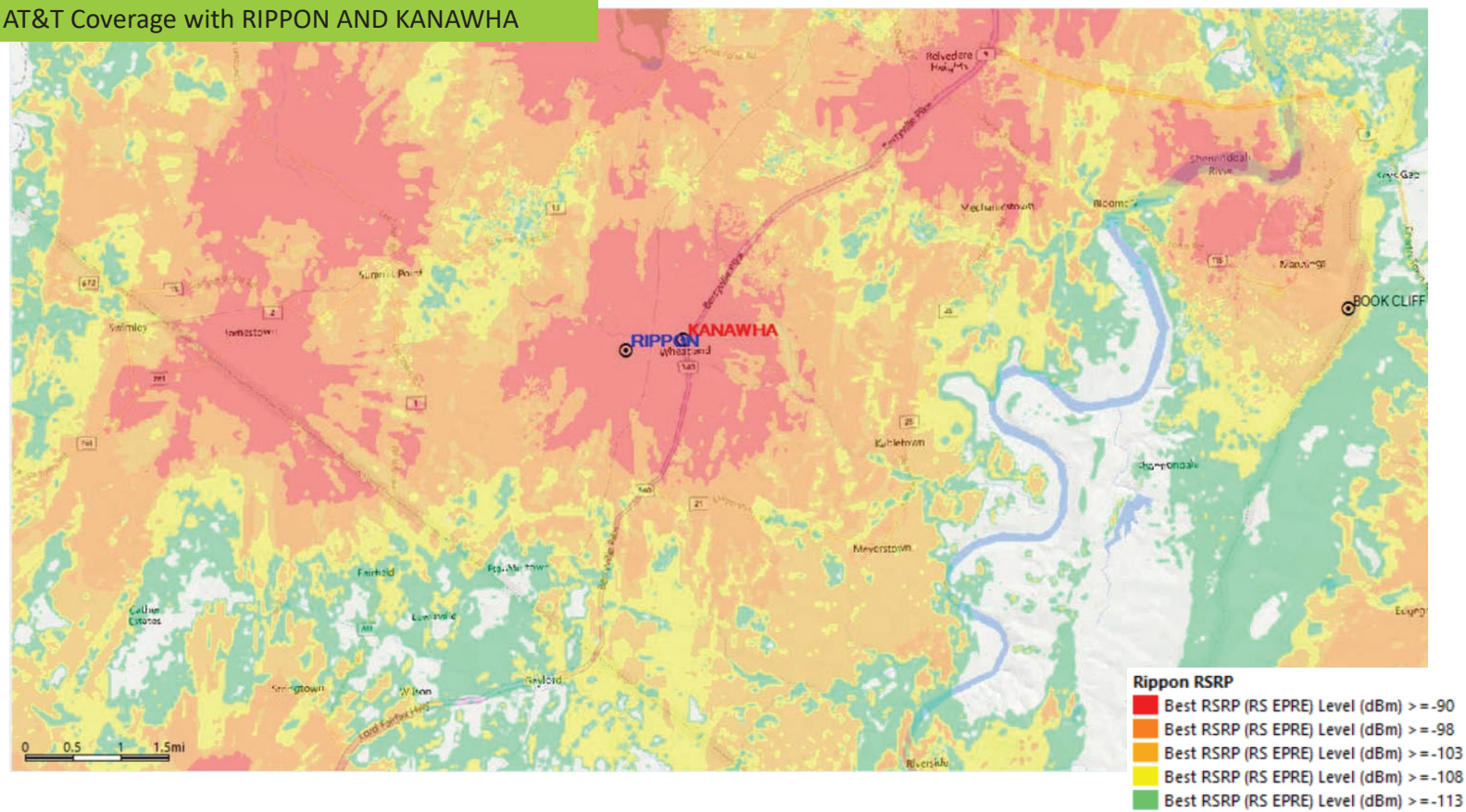


AT&T Coverage with ONLY RIPPON (SBA)

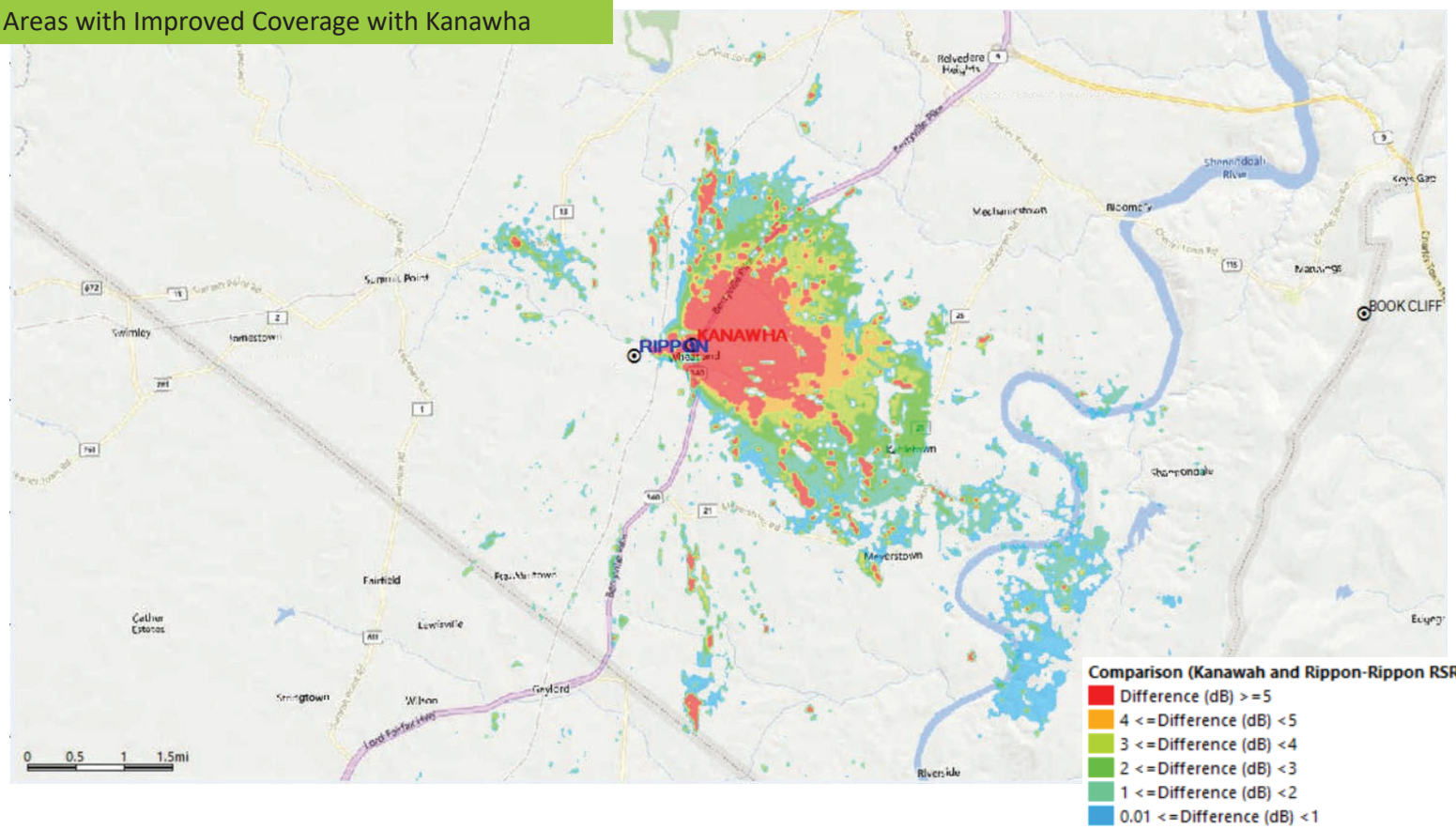




AT&T Coverage with RIPPON AND KANAWHA



Areas with Improved Coverage with Kanawha



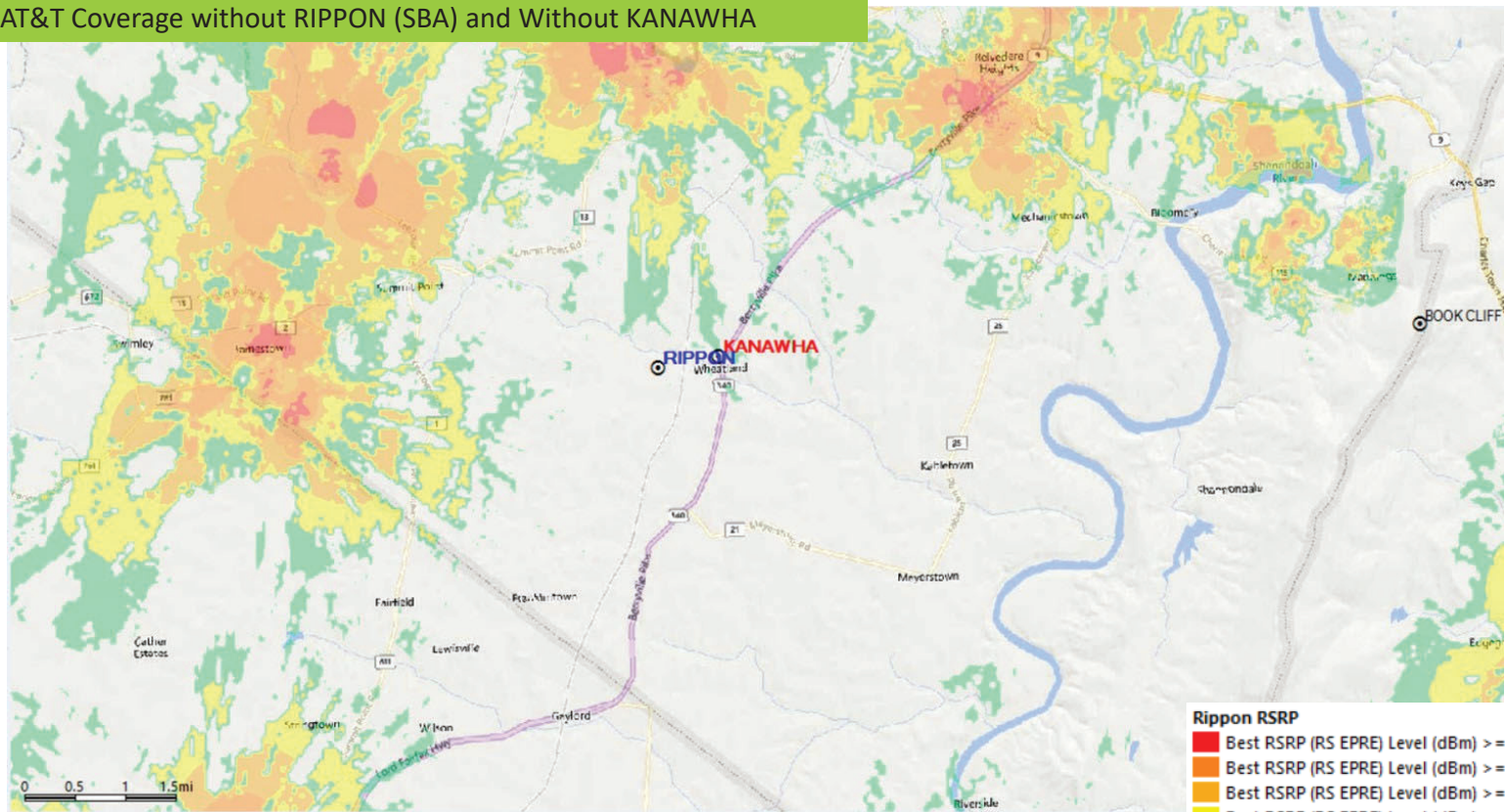


# 1900 Band Analysis

Midband (Capacity Layer)

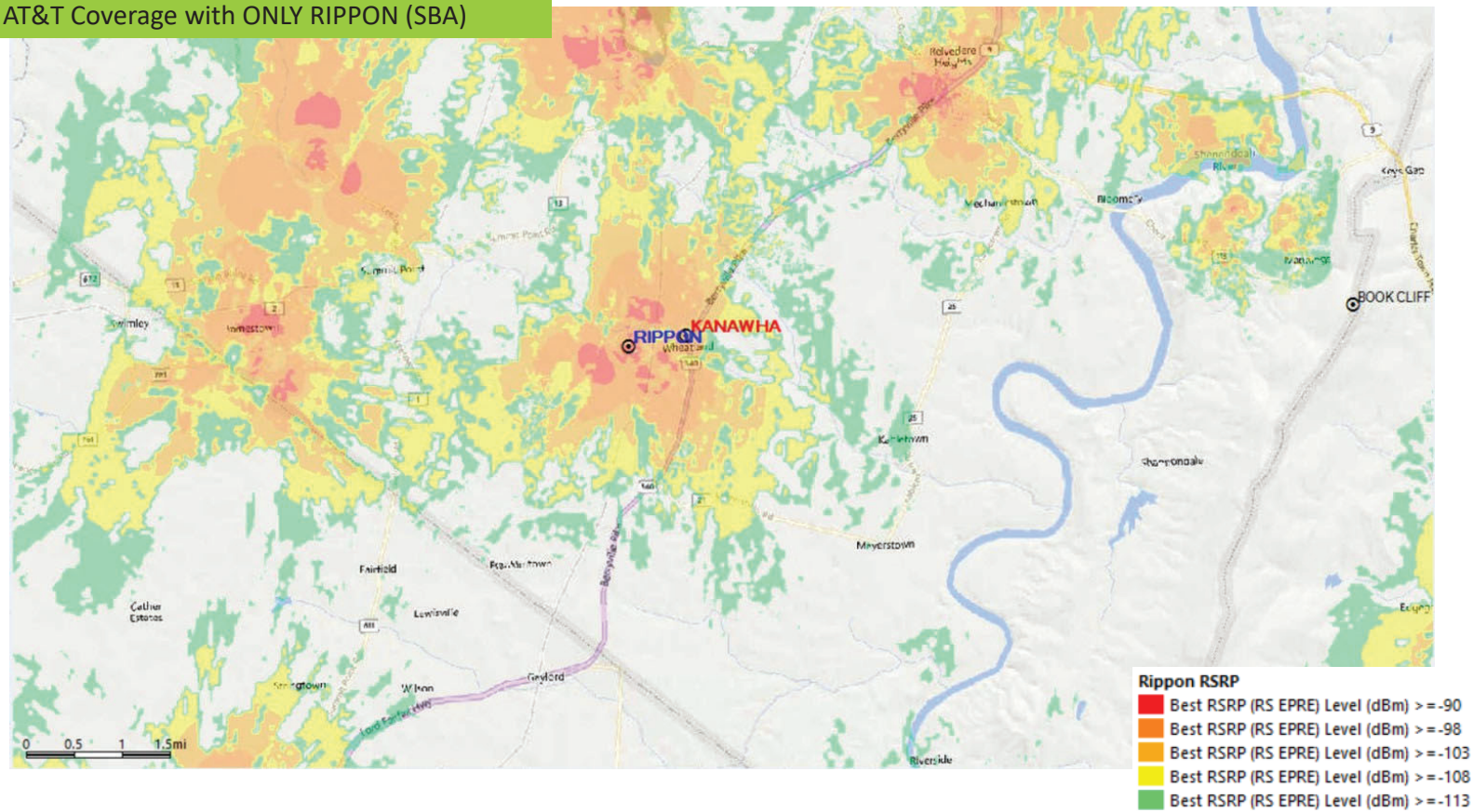


### AT&T Coverage without RIPPO (SBA) and Without KANAWHA

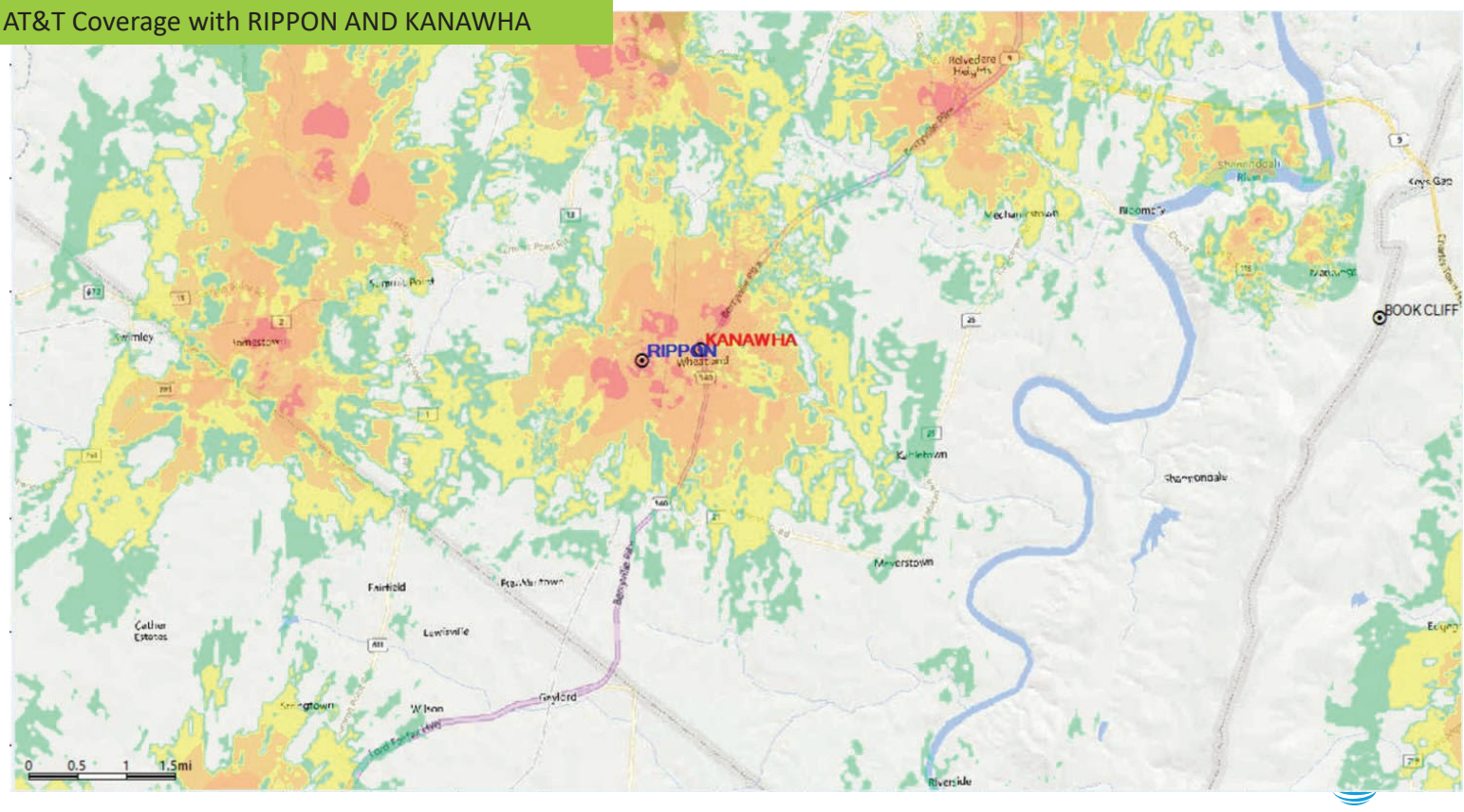




AT&T Coverage with ONLY RIPPON (SBA)

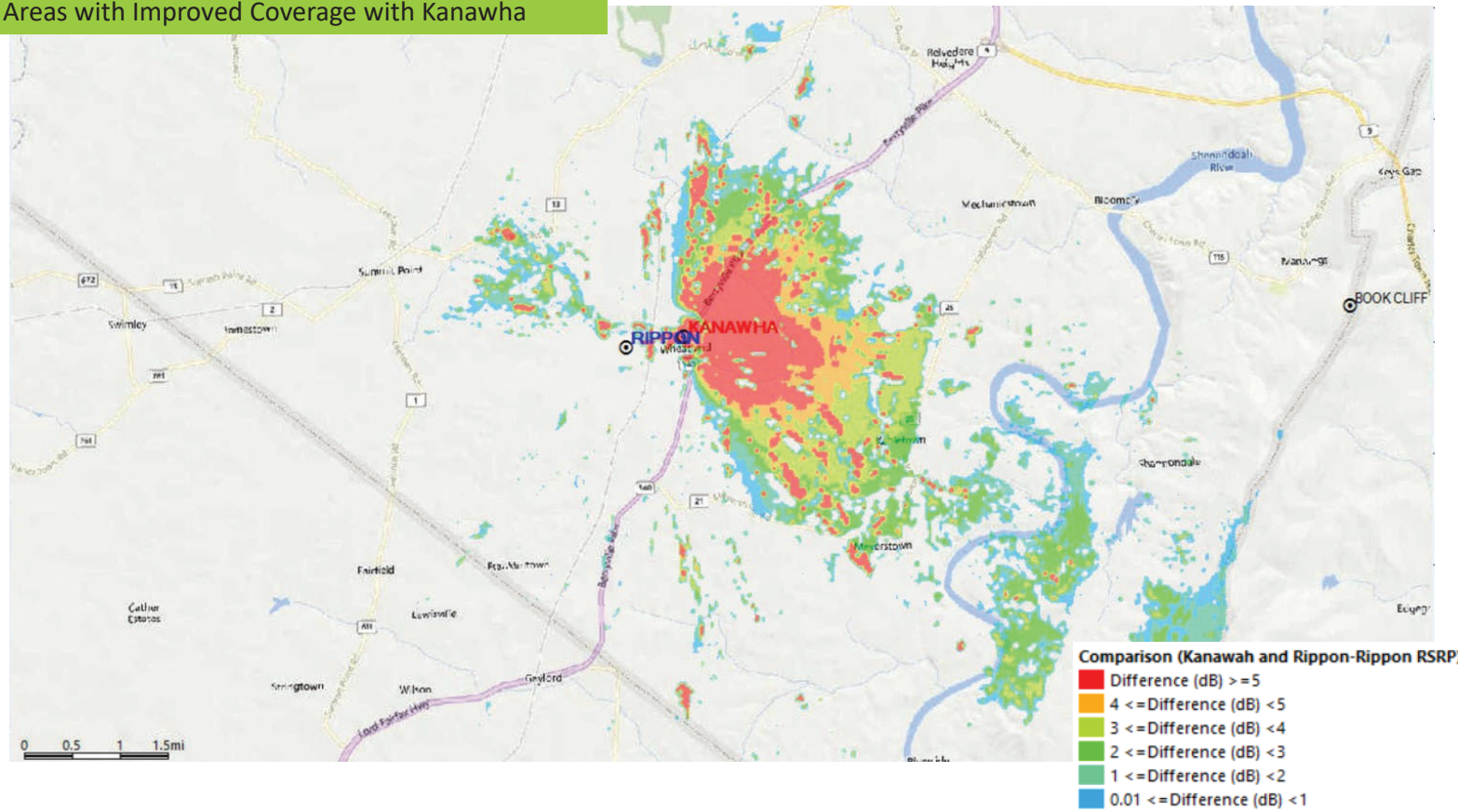


AT&T Coverage with RIPPON AND KANAWHA





Areas with Improved Coverage with Kanawha





IN RE BERRYVILLE PIKE TELECOMMUNICATIONS TOWER

JEFFERSON COUNTY, WV PLANNING COMMISSION

CASE NO. 21-8-SP

\* \* \* \* \*

**AFFIDAVIT OF GAURAV BEHL**

I, Gaurav Behl, being of full age and competent in all respects, upon my personal knowledge and review of relevant business records, depose and state as follows:

1. I am an employee of Telnet, Inc and currently working as a senior radio frequency ("RF") engineer at AT&T. I am authorized to make this Affidavit on behalf of New Cingular Wireless PCS, LLC (d/b/a AT&T) in the above-referenced application, for a new telecommunications facility at 3557 Berryville Pike, Charles Town, West Virginia, 25414.
2. The facts set forth in this Affidavit are based on my personal knowledge and/or on my review and analysis of AT&T's existing and proposed networks through a thorough RF propagation map analysis.
3. I am an RF engineer with more than 20 years' experience. My resume is attached hereto for reference. I have extensive experience with RF Planning, Design & Optimization, including creating, analyzing, and reviewing RF propagation maps.
4. As discussed at the Planning Commission hearing on June 14, 2022, the primary purpose of AT&T's proposed site is to bring FirstNet to this area of Jefferson County. FirstNet is a nationwide high-speed broadband communications platform dedicated solely to America's first responders and emergency personnel.
5. The proposed facility will also add and improve coverage for AT&T's wireless network. With its original application, AT&T submitted propagation maps showing AT&T's



wireless coverage without the proposed facility, and coverage with the proposed facility. These were attached to the statement of justification as Exhibits 2 and 4.

6. On appeal, a question was raised as to whether there was a need for AT&T's proposed site because AT&T is already co-located on a tower .59 miles away. Since the Circuit Court raised this question, AT&T conducted additional analysis which demonstrates there is a coverage need for the proposed site, even with AT&T's co-location on the existing tower. The maps are enclosed with AT&T's supplemental submission on December 30, 2020.

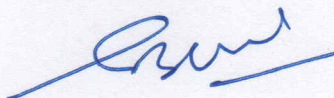
7. The maps show coverage without either tower, coverage with just the existing tower, coverage with the existing tower and proposed tower, and a map showing the increase in coverage and capacity provided by AT&T's proposed facility. AT&T determined there will be a significant increase in its wireless coverage and capacity along the Route 340 corridor and to the north, east, and southeast. AT&T's wireless network will be increased more than two miles to the southeast, to areas such as Kabletown, Meyerstown, and to the Shenandoah River.

8. Each of these propagation maps were created using Radio Planning software named Atoll which takes into consideration AT&T's existing network – location, height, Antenna Model, Transmit Frequency, Geo Data including terrain, clutter and morphology.

I solemnly affirm under the penalties of perjury that the contents of this document are true to the best of my knowledge, information, and belief.

Dated: January 3, 2023

By: \_\_\_\_\_



Gaurav Behl

Title: AT&T Radio Frequency Engineer

## SUMMARY OF QUALIFICATIONS

RF Engineer with **20+** years of experience in the field of RF Planning, Design & Optimization of LTE, 5G NR, WiMax, CDMA-1X, GSM, GPRS & UMTS networks, Good Hands-on exposure on RF planning, Model Tuning using CW drive test data, Network Dimensioning, Network benchmarking, PN / Frequency Planning, Traffic trend analysis and traffic engineering, Interference analysis, Network Optimization, Field trials, Microwave link Engineering, In building design & Software programming, Expert knowledge in Atoll, Planet EV, Wizard, EDX & Netplan tools for RF planning, Nitro, Invex3G and TEMS for data collection, Actix for post processing & Proficient with MapInfo.

## PROFESSIONAL EXPERIENCE

**Telnet Inc.,**

**Jan 2009 to Present**

**Client - AT&T (BaWa Baltimore Washington)**

**Jan 2013 to Present**

Sr. RF Engineer – New Site Build Design

- RF Design Engineering for AT&T WABA (Washington Baltimore) Market
- End to End New Site Build RF Design – Release of search rings, Site / Candidate Selection, Site Visit for design feasibility, Construction drawings review, Zoning, Release of RFDS and close outs of projects.
- Creating Radio Frequency (RF) Propagation studies and simulations using ATOLL planning tools for 5G, LTE and UMTS.
- Radio Network design for launch of Firstnet and cRAN (centralized RAN / Small Cells)
- LTE and UMTS Additional Carrier Launches
- Site Visits for Evaluation of NSB Candidates
- Zoning Meetings/ Hearings
- Capacity Analysis for Network Expansion, Design for Special Events – Inauguration/ Games/ Festivals using Sector Split/ Multi Beam Antennas
- Interaction/ Meetings with Turf Vendors to provide guidance/ project management to ensure timely completion of tasks
- Create Technical Approval packages, supported by Design and Optimization KPI
- Design for Special Events – Inauguration/ Games/ Festivals using Sector Split/ Multi Beam Antennas
- Construction drawings verification regarding aspects influencing RF performance (rad center, shadowing, antenna choices and isolation, TMA/RRH, etc.)
- Involved in FCC Spectrum extension agreements with other parties (Verizon, T-Mobile, US Cell etc.)

**Client 2 Clearwire, Seattle WA / Salt Lake City, UT**

**Jan 2009 to Jan 2013**

Sr. RF Consultant, WiMax Design and Performance

WiMax Design and Performance, Clearwire, Seattle WA

- Lead RF Engineer for 800+ Substantial Services Sites across US
- Performance Monitoring, Capacity Analysis for nationwide WiMax Sites across Multiple Vendors Huawei, Samsung & Motorola

- Perform Routine Audits to ensure regulatory compliances as well as meeting Golden Parameters
- Perform PFD Analysis to ensure NO INTERFERENCE and meeting treaty requirements on cross Border Sites with Canada and Mexico
- Support local market engineers in resolving interference and spectrum management related issues
- End to End Engineering Activities to support Augments, Retunes & Design for Substantial Services Sites
- Alarm and Outage Tracking and Coordination with NOC to resolve Issues within SLA

WiMax Design and Performance, Ericsson Manager Services, Clearwire, Seattle, WA/Salt Lake City, UT

- Was a Market RF Lead for ~100 4G WiMax sites in Boise, ID including planning, post launch optimization, capacity management, frequency planning & parameter assignment
- Performed all stages of network design including new coverage sites, new capacity sites and network overlay design
- Worked closely with all functional groups to reduce operation cost and produce fastest result
- Performed quarterly capacity growth analysis & made recommendations on carrier augments and capacity sites
- Prepared monthly coverage plots and population counts for the responsible area using Planet EV
- Analyzed customer complaints and made necessary network changes to improve customer experience
- RF design and Optimization activities for Eastern Washington and Northern California Markets to support Expedience and WiMax conversion
- End to End RF design- search ring process, optimal site selection, link budget analysis, interference mitigation, and spectrum management
- Performance Monitoring, KPI Trends analysis for Expedience Networks
- RF Support for conversion of existing Expedience Networks to WiMax, Live Support to Operations team during conversion of Expedience sites to WiMax. Troubleshooting problematic sites for Hardware issues resulting in High Noise / Bad Performance

**Brosna Communications**

**AT&T, Dallas, TX**

**May 2008 to Jan 2009**

Sr. RF Engineer- UMTS Design & Optimization 3G

- Worked at Ericsson National Team to support nationwide launch of AT&T UMTS markets
- Successfully Launched the UMTS 2nd Carrier for Dallas & Los Angeles markets.
- Managed the technical aspects of UMTS launch, client expectations and project deliverables
- Performed cluster optimization by analyzing cluster data using Actix Analyzer and Actix Spotlight.
- Performed IRAT and IFHO optimization.
- Obtained the required launch KPIs as specified by AT&T.
- Performed Optimization of UMTS network of AT&T nationwide before commercial launch. (Catering RF requirements for Pre and Post Launch)
- Detailed Investigation and analysis of each cluster for Call Drops, Handoff & Access Failures, Pilot Pollution etc
- Performed RF Design validation for Rollout of UMTS network in AT&T nationwide markets
- Conducted 2nd Carrier Design (850 and 1900) networks based on Ericsson UMTS technology using Forsk Atoll RF Propagation Modeling tool



- Tuned propagation models based on the data collected using CW test for all defined morphologies in the UMTS polygon, fine tune the models to meet the set standard deviation criteria for every morphology
- Created a base design and run simulations using Atoll for Voice, R99 and HSDPA services
- Performed Optimization of UMTS network using ACP tool Aeirso.
- Prepared and Optimized the Neighbor list.
- Generated and optimized the scrambling code plan.

#### **TTS INC**

**XOHM Sprint, Herndon, VA**

**Jan 2008 to May 2008**

Sr. RF Engineer, WiMax 4G

- Involved with In-building Penetration Loss study for 2.5 GHz
- Performed RF Propagation testing to determine losses associated with various morphologies & building construction material to tune RF propagation models used by Sprint for nationwide WiMax deployment
- Conducted Statistical Analysis on Collected CW data for inside and outside a building premises to derive In-building penetration Loss values for different area reliabilities
- Performed Post processing and Correlation of data using Forecaster software
- Supported local drive test teams in Dallas, New York and Baltimore Washington for collection of walk test data

#### **LCC**

**RF Engineer**

**June 2007 to Jan 2008**

Design Engineer- WiMax 4G, Clearwire, Louisville, KY

- Involved with RF Design for WiMax rollout in Louisville Market
- Released of Search rings based on coverage and capacity requirements
- Conducted Preparation of Coverage Prediction Plots and Analysis using RF Planning tool EDX.
- Analyzed for Covered and Uncovered Households using EDX and MapInfo utilities
- Performed Automatic Frequency planning and C/I analysis using EDX
- Conducted RF Risk Analysis for Planned sites
- Evaluated candidates for Acquisition of BTS Sites
- Coordinated with Site Acquisition team
- Supported for Zoning related activities

#### **WFI**

**Dec 2006 to Jun 2007**

Design Engineer- WiMax 4G, Sprint, BAWA

- Performed CW drive testing for Model Tuning (2.5 GHz) of sites in BAWA
- Provided technical guidance to junior engineer on CW testing
- Provided training on CelSignal & Berkley CW testing tools
- Prepared MOP for CW testing and methodology
- Conducted Benchmarking Data collection software's for CW Testing (Berkley and Celplan)
- Configured and Tested different receivers for CW Testing (Carried detailed analysis on Rhodes & Schwarz spectrum analyzers FSH3, FSH6, FS300 & FS315)

- Supported Samsung in Radio Network design for Sprint's WiMax network rollout in BAWA market

**Bharti Airtel Ltd, (Ericsson GSM 1800) Delhi, INDIA**  
Manager – Network Quality

**Mar 2006 to Nov 2006**

- Was responsible for the overall network quality of Airtel's U.P west GSM 1800 Network
- Performed KPI Performance Monitoring and Improvement Planning
- Performed RF Design Validation
- Assessed the requirement of Capacity upgrade of BTS Sites based on traffic trends
- Conducted AOP Planning and Review with vendor and top management
- Managed Network Services and Managed Capacity Services sign-off between Bharti and Ericsson
- Led a team of RF engineers working for design and optimization of GSM 1800 network.

**Reliance Infocomm Ltd, Mumbai, INDIA**  
Senior RF Engineer

**Jun 2004 to Mar 2006**

- Involved with LUCENT CDMA 2000 1X RTT System
- Performed RF Planning, Optimization and Performance Management for Reliance network
- Supported in Radio Network Planning of New sites and Repeaters for improvement of Coverage & Quality.
- Conducted Carrier growth and new capacity site planning to cater for future growth. Use of capacity enhancement features for Delhi Region.
- Performed Access, Paging and other signaling capacity planning and optimization including paging strategy modifications with integration of new MSCs in Delhi & NCR region.
- Involved with Rehoming Plans and implementation for integration of new MSCs in Delhi & NCR Region.
- Performed Optimization of Radio Network of North region for Data service quality improvement and use of Data related features.
- Conducted Vendor Evaluations – Responsible for evaluation of technical specs of various RF planning and optimization tools like Schema Optiplanner, EDX, Agilent's Nitro, Actix etc
- Planned Cost-effective solutions for Phase 2 rural towns and highways for Northern Region.
- Integrated Repeaters in existing network and optimization of Repeater settings to maximize coverage from repeaters while maintaining performance of existing network in Delhi & NCR Region.
- Performed Field trial of Optical Repeater and FSRs to study effect on coverage and performance of these solutions followed by commercial deployments.

**TATA Teleservices Ltd., Delhi, INDIA**  
Senior RF Engineer

**Jul 2003 to May 2004**

- Involved with Lucent CDMA 2000 System
- Performed RF Design and Optimization of CDMA Network in Delhi, Job profile includes optimization of existing network, Design and planning for Network expansion, Providing In building Coverage solutions.
- Had hands on exposure on RF Planning tool Wizard, Drive Test Kit Nitro and Post processing tool ACTIX.

- Conducted Radio Network designing (Link Budget analysis, coverage plots and capacity simulations) based on marketing inputs for major cities of NCR along with Motorola RF Team using RF planning tool Netplan
- Performed performance monitoring of existing network by analyzing the RF performance reports on daily basis and design and optimization based on traffic trend and forecast.
- Tracked and identified sources of external interference that degrades the performance of network by carrying spectrum analysis using Agilent's Spectrum Analyzer drive test kit.
- Involved in the planning of process for swapping entire Delhi network from Lucent system to Motorola, catered for the requirements from RF front.

**Reliance Communications Ltd., Delhi, INDIA**  
RF Engineer

**Mar 2001 to Jul 2003**

- Involved with Lucent CDMA 2000 1X System
- Performed Radio Network Planning for all major cities of North India (Delhi / NCR, Punjab & Haryana) for Reliance 's CDMA – WLL project.
- Designed Radio Network (Identifying location of BTS sites based on Demand Grids, generating search radius) Link Budget Calculations, for all major cities using AGILENT'S RF Planning Tool – WIZARD.
- Conducted Optimization of Network on RF Planning tool by doing simulation analysis for Forward and Reverse link.
- Performed Extensive Field survey of cities for Acquisition of BTS sites, CW Testing, recommending suitability of site based on clutter and suggesting antenna heights and azimuths.
- Conducted PN and Neighbor list Planning for Reliance CDMA network of Delhi and NCR
- Optimized Reliance CDMA network by analyzing the drive test data using Post Processing Optimization tool "ACTIX" by suggesting suitable changes in neighbor list, making necessary changes in the system parameters and recommending physical changes in the azimuths and tilts of the antennas.
- Provided In building coverage solutions using RF and Optical Repeaters, scope involves survey of the building, making proposed In Building solution plan, installation of Antennas and Repeaters within the building and carrying In Building Drive test using Agilent's Indoor drive Test kit.
- Handled all RF related customer complaints by checking / inspecting serving BTS site (Involves Hardware as well as Software diagnosis) suggesting additional sites, if any. Carrying optimization of the network to minimize coverage holes.

**MTNL Delhi, INDIA**  
Trainee Engineer

**Jun 2000 to Mar 2001**

- Performed Installation, Testing & Commissioning of DLC (Digital Loop Concentrator)
- Worked on ALCATEL's - DLC and did the software configuration using ALCATELS software NECTAS & TELIX.
- Was a member of the team, which installed more than 50 DLC's all over Delhi.

**EDUCATION**

- Bachelor of Engineering, Computer Science & Engineering, Marathwada University, India

## TRAINING

- 15 Days Training on RF Planning Tool – WIZARD, conducted by AGILENT Technologies at Mumbai.
- One-week training on CDMA 2000 (1-X) conducted by QUALCOMM at Mumbai.
- One-week training on RF Optimization CDMA 1X – 3G Network conducted by Lucent Technologies at Mumbai
- Three days training on “Fundamentals of CDMA 1X” conducted by Lucent technologies at Mumbai
- One-week training on “RF Drive Test and CDMA technology” conducted by Agilent technologies at Mumbai
- Three days training on “RF Optimization Post Processing Tool” conducted by ACTIX
- Four days training on “RF Planning” conducted by Motorola at Ahmadabad.
- Five days training on “RF Performance optimization” conducted by Lucent at Mumbai.
- Two weeks training on “UMTS Design using Atoll” at Dallas, TX conducted by Ericsson
- Two days training on “Overview of WiMax” conducted by WFI at Washington D.C

## SKILLS

- RF Planning Tools - Planet EV, Agilent Wizard, EDX, Forsk Atoll, Netplan
- ACTIX Analyzer, Spotlight & LDAT (Post Processing Tools)
- Windcatcher / Nitro / TEMS/ CAIT/ Invex 3G (Drive Test Tools)
- Aeirso ACP Tool
- MapInfo / MCOM
- MS Office – Word/Excel/Access/Visio

# **Public Comment**





January 4, 2023

Mr. Mike Shepp, President  
Jefferson County Planning Commission  
200 East Washington Street  
Charles Town, WV 25414

**Re:** Response to AT&T's 12/30/22 Submission

Mr. Shepp and Members of the Planning Commission:

On behalf of SBA Infrastructure, LLC ("SBA") we are submitting this response to AT&T's ("AT&T" or the "Applicant") 12/30/22 filing that we received from staff on 1/3/23. As you know, the Applicant is back before you due to the Jefferson County Circuit Court's 11/5/22 Final Order vacating the 6/14/22 approval and remanding the matter back to the Jefferson County Planning Commission (the "Planning Commission") for a determination on the Applicant's demonstration of need. For the reasons set forth below, we assert that the Applicant has failed to meet the requisite demonstration of need pursuant to Article 4B of the Jefferson County Zoning Ordinance (the "Zoning Ordinance").

#### Demonstration of Need

Article 4B of the Zoning Ordinance governs construction of Telecommunication Facilities. Section 4B.7(F) of the Zoning Ordinance stipulates that an applicant for a telecommunications tower must demonstrate the need for the proposed tower:

#### "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."<sup>1</sup>

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<sup>1</sup> Jefferson County Zoning Ordinance, §4B.7(F)

Further, the Zoning Ordinance makes clear that the burden of proof lies with the *applicant* to demonstrate “by substantial evidence in a written record that a *bona fide* need exists” for a proposed new telecommunications tower.<sup>2</sup>

### Propagation Maps

#### *First Set – Inaccurate and Deceptive*

At the 6/14/22 Planning Commission, the Applicant relied on its propagation maps and the provision of FirstNet to demonstrate need. Both bases for need failed then and both fail now. The propagation maps submitted for the Planning Commission’s review in June were inaccurate and misleading in that they failed to depict that AT&T is currently providing coverage to the area from the SBA tower. The first propagation map showed the *location* of the SBA tower (Rippon) but omitted any signal coming from it. This makes it appear as if there is no service in that area, when in reality that area is already adequately served by the SBA tower. The second map showed both sites on air but only indicated Kanawha in the title making it seem as though all of that coverage was attributable to the proposed site when it was not – it was the coverage of both sites combined which would not be the case once AT&T removed its equipment from the SBA site. AT&T’s propagation maps were deceptive and wrong and should have shown the SBA existing tower as on-air and serving this area. AT&T’s maps depict no coverage where there is service. Because AT&T’s propagation maps were inaccurate and misleading, they failed to satisfy Section 4B.7(F). And the Circuit Court agreed.

In response, SBA provided accurate propagation maps showing its existing tower online and providing the same coverage as that proposed by the Applicant.

#### *Second Set – Still Inaccurate and Demonstrate No Net Improvement*

Now, the Applicant has returned with a second iteration of propagation maps that depict only minimal signal improvement in the targeted area to the east (now that the propagation maps include the service currently provided from the SBA tower) and fail to show the loss in coverage to the west when the AT&T equipment is removed from SBA’s existing tower. What will it take to get an honest representation of the proposed coverage? The titles of the propagation maps (for both the 700 and 1900 Bands) are as follows:

1. AT&T Coverage Without Rippon (SBA) and Without Kanawha
2. AT&T Coverage With Only Rippon
3. AT&T Coverage With Rippon and Kanawha
4. Areas With improved Coverage with Kanawha

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<sup>2</sup> Jefferson County Zoning Ordinance, §4B.7(D)



The propagation map that is clearly missing is the one showing AT&T's coverage with only Kanawha because AT&T will no longer be propagating a signal from Rippon when the new tower is built. If this map were provided and not intentionally omitted, then it would show that this new proposed tower only shifts AT&T's coverage from west to east – there is no net improvement at all. The minimal coverage improvement gained to the east is completely negated by the coverage gap created to the west when AT&T removes its equipment from the SBA tower.

### SBA Propagation Study & Narrative

SBA is providing the attached propagation study and narrative to accurately portray the coverage *shift* (not improvement) that will result from the proposed tower. The coverage for FirstNet, 700 MHz, 850 MHz, 1900 MHz and 2100 MHz will all simply shift east leaving previously served areas without coverage. The annotated propagation maps show the specific area to the west including South Jefferson Elementary School that will lose coverage when AT&T migrates its equipment to the proposed tower. Finally, and to preemptively address any potential claim by the Applicant that the proposed tower will achieve better coverage along Berryville Pike, SBA's RF narrative concludes that both sites provide the same coverage to that thoroughfare.

No net improvement in service will result and the Applicant has once again failed to demonstrate the bona fide need required by Article 4B. Service improvement to the east can be accomplished without the loss to the west by simply extending the SBA tower. This can be done more quickly and without the visual intrusion of a redundant structure.

It is difficult to trust the Applicant's submissions based on its deceptive tactics. Moreover, the coverage map on AT&T's website (attached) shows nearly seamless 5G and 4G LTE coverage in this same area.<sup>3</sup>

### FirstNet

The Applicant's second bases for the need for the proposed site is FirstNet, AT&T's nationwide wireless network specifically dedicated to emergency responders. In fact, in its 12/30/22 filing it alleges FirstNet alone justifies the need for this new tower. Hardly.

At the first hearing, AT&T touted the provision of FirstNet as a reason for the proposal for a new tower. In its pleadings before the Circuit Court, the Applicant characterized the provision of FirstNet as "the primary purpose of the telecommunications tower" and stated, "AT&T determined the only way to bring FirstNet to this area of Jefferson County was with this new proposed tower." AT&T certainly did not perform its due diligence. SBA has confirmed that the equipment needed for the provision of the FirstNet network can be installed on SBA's existing tower for free and without the need for the proposed tower. This was communicated to AT&T months ago and FirstNet could be up and running and assisting

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<sup>3</sup> <https://www.att.com/maps/wireless-coverage.html>

first responders in Jefferson County through installation on SBA's existing tower much faster than on the proposed tower that has yet to be approved and/ or built. If safety and emergency communications are the priority, then installation on SBA's existing tower now and at no cost is the logical choice. All jurisdictions – especially those in the more rural areas – prioritize the provision of emergency services and support for their first responders. AT&T played upon that with this Planning Commission and failed to admit that the same service could be provided faster and more cheaply on SBA's existing tower.

In its second bite at the apple before the Planning Commission, the Applicant uses five of its 19 total pages to make the case for the provision of FirstNet at this location. There is no need. SBA does not refute the importance or need for FirstNet and, as stated on the record before the Planning Commission in June and the Circuit Court is prepared to have the FirstNet equipment installed rent-free on its existing tower immediately. No new tower is required. In fact, Congress specifically calls for the prioritization of collocation in the FirstNet network's deployment<sup>4</sup>:

“The First Responder Network Authority shall hold the single public safety wireless license granted under section 1421 of this title and take all actions necessary to ensure the building, deployment, and operation of the nationwide public safety broadband network, in consultation with Federal, State, tribal, and local public safety entities, the Director of NIST, the Commission, and the public safety advisory committee established in section 1425(a) of this title, including by, at a minimum— (A) ensuring nationwide standards for use and access of the network; (B) issuing open, transparent, and competitive requests for proposals to private sector entities for the purposes of building, operating, and maintaining the network that use, without materially changing, the minimum technical requirements developed under section 1423 of this title; (C) **encouraging that such requests leverage, to the maximum extent economically desirable, existing commercial wireless infrastructure to speed deployment of the network**; and (D) managing and overseeing the implementation and execution of contracts or agreements with non-Federal entities to build, operate, and maintain the network.” (Emphasis added.)

Here again though, the reliance on FirstNet appears disingenuous. Where has AT&T been with this critical request since the Governor's 2017 opt-in to the program? AT&T has been installed on the SBA site for years and never broached the installation of FirstNet equipment with SBA. Only in June of 2022 when it knew it could not substantiate its claims of need for service improvement via propagation maps did it suddenly prioritize FirstNet.

### Conclusion

SBA asks the Planning Commission to carefully consider the evidence before it. SBA also leaves it to the discretion of the Planning Commission if an independent consultant should be brought in to

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<sup>4</sup> U.S. Code Title 47, Chapter 13, Subchapter II, Section 1426(b)(1)(C)

assess the conflicting need stories here. SBA stands behind its propagation maps and narrative and would be happy to address any questions that resulted from independent review.

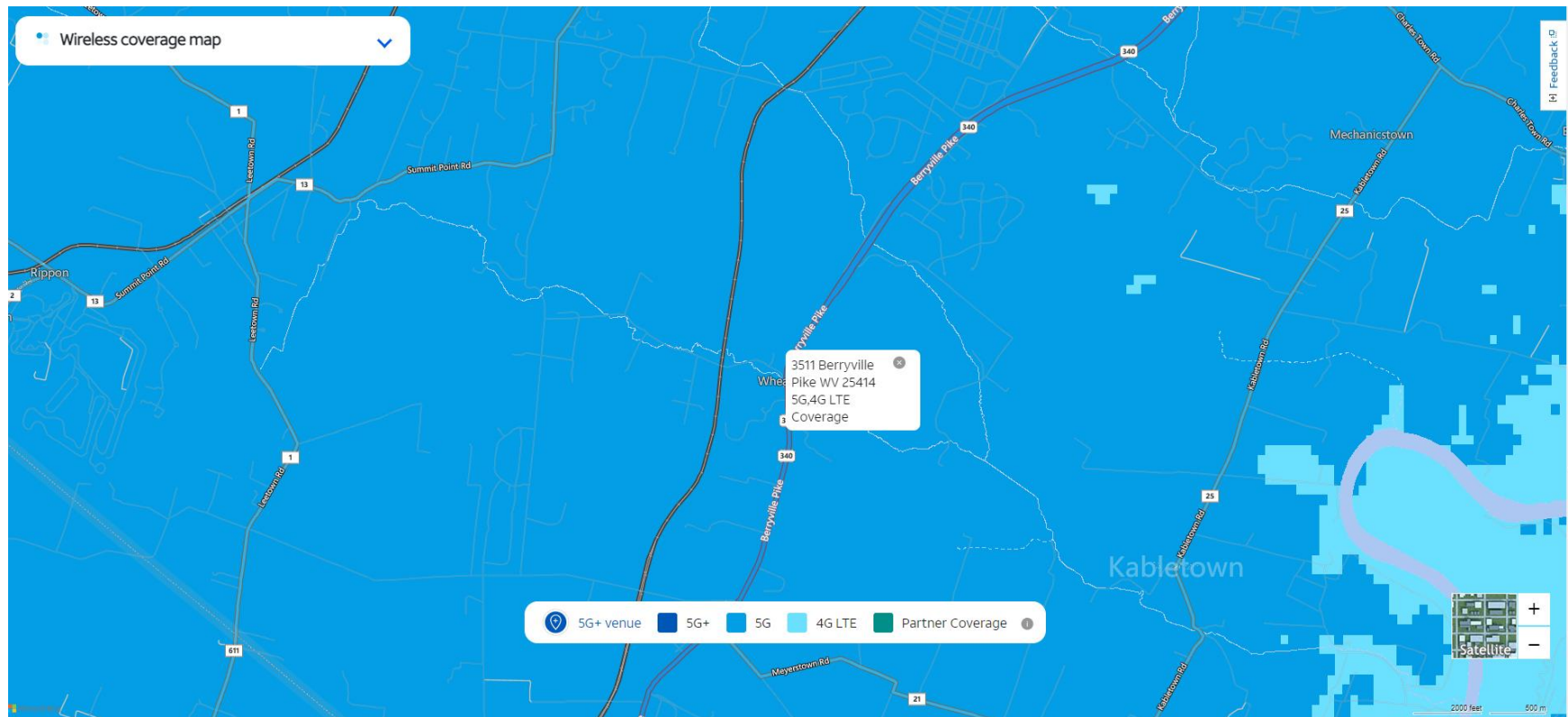
As it stands, a net increase to coverage can only be accomplished through an extension of the SBA tower and not through the proposed tower that will not effectuate any net coverage improvement. FirstNet can be on-air and assisting local emergency response personnel much sooner if installed on the existing SBA tower. The Applicant in this case has once again failed to demonstrate the requisite need for an approval and we ask that the application be denied.

Thank you,

A handwritten signature in blue ink, appearing to read "E. L. Donohue", with a stylized flourish at the end.

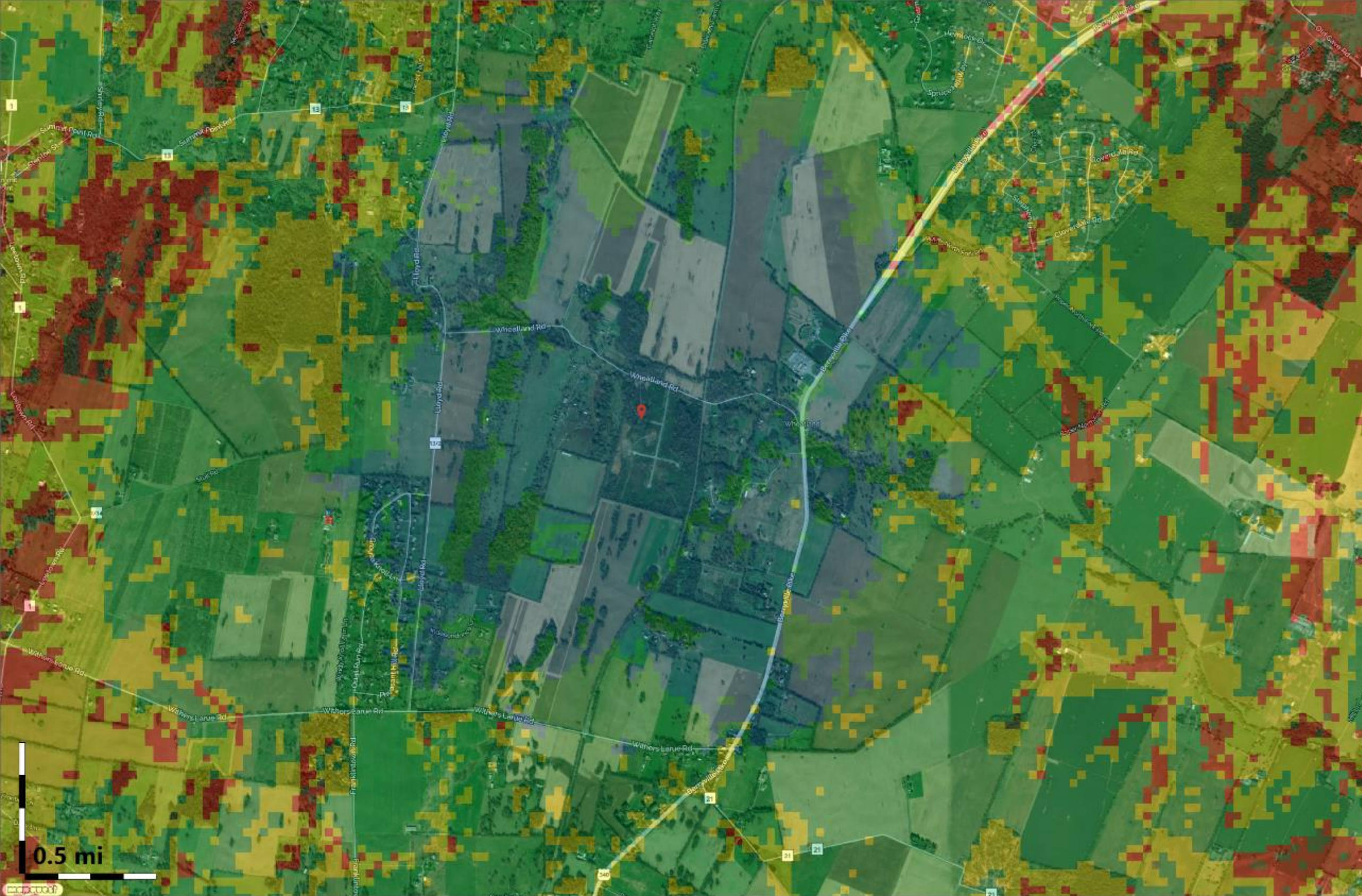
Edward L. Donohue

**Enclosures**



AT&T Coverage Map - <https://www.att.com/maps/wireless-coverage.html>

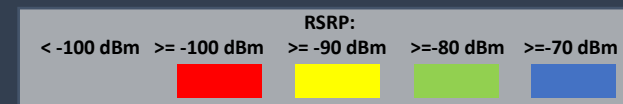




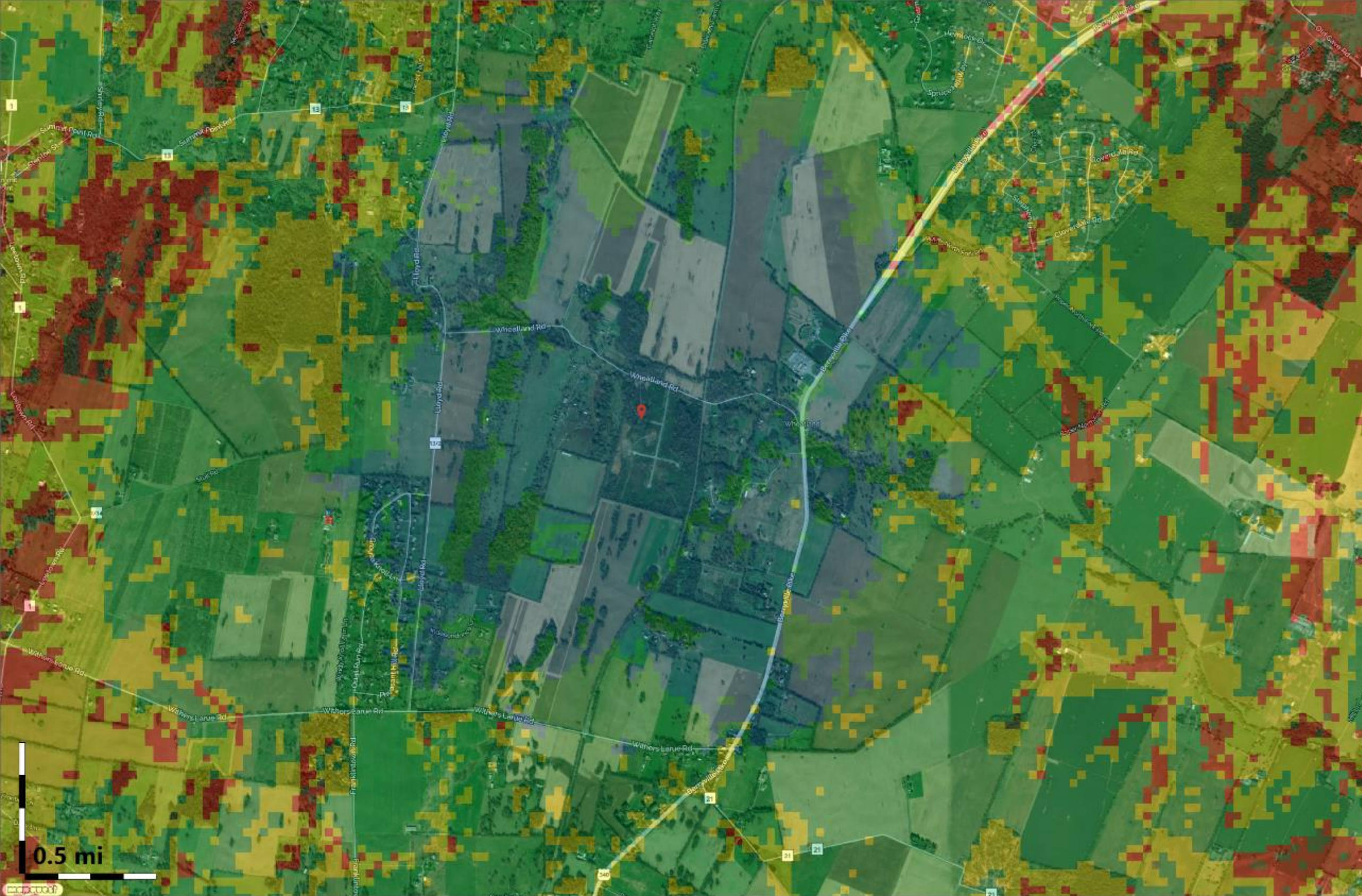
Existing Site  
700 MHz Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 2.0







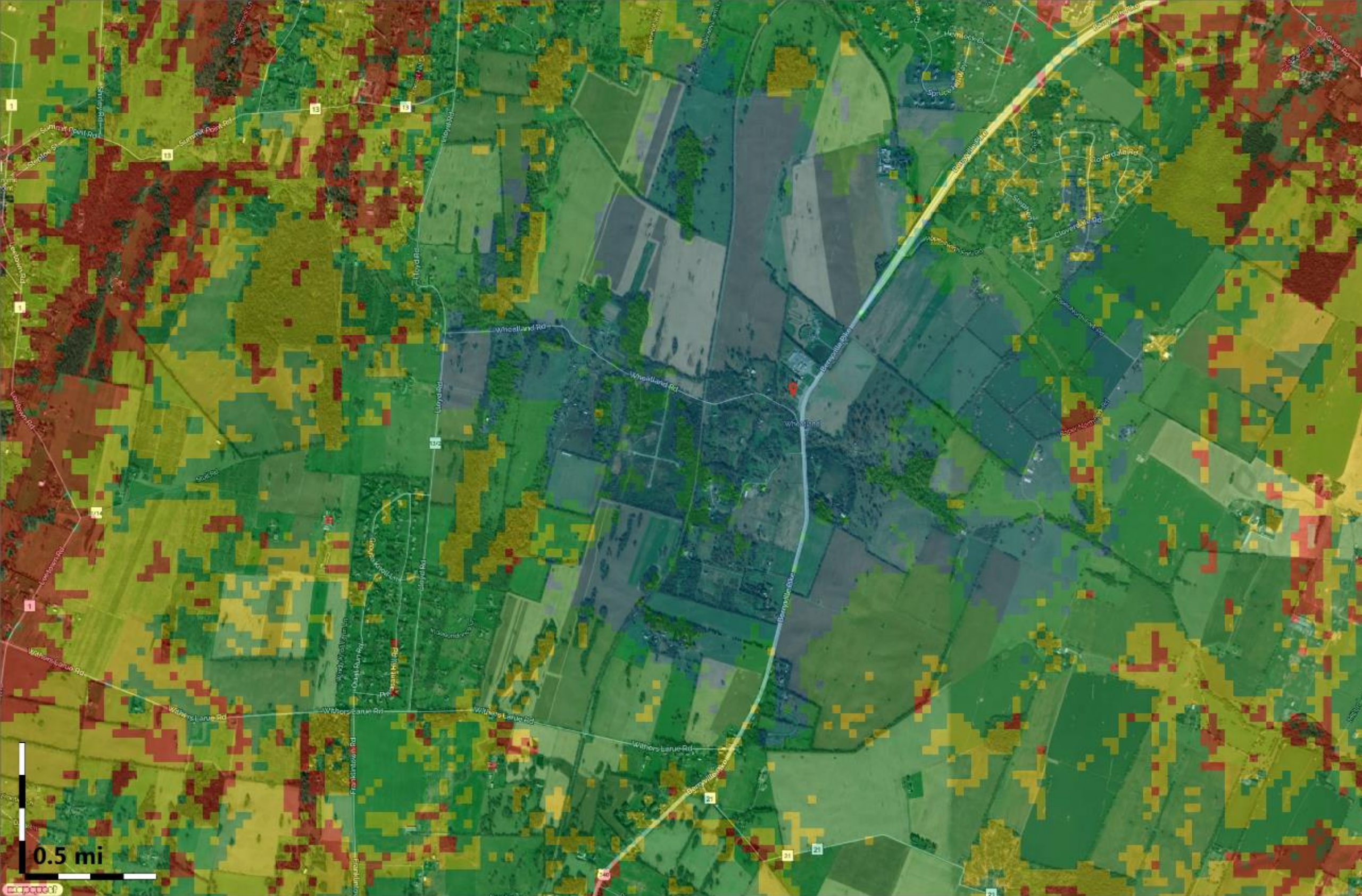
Existing Site  
FirstNet Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 2.0







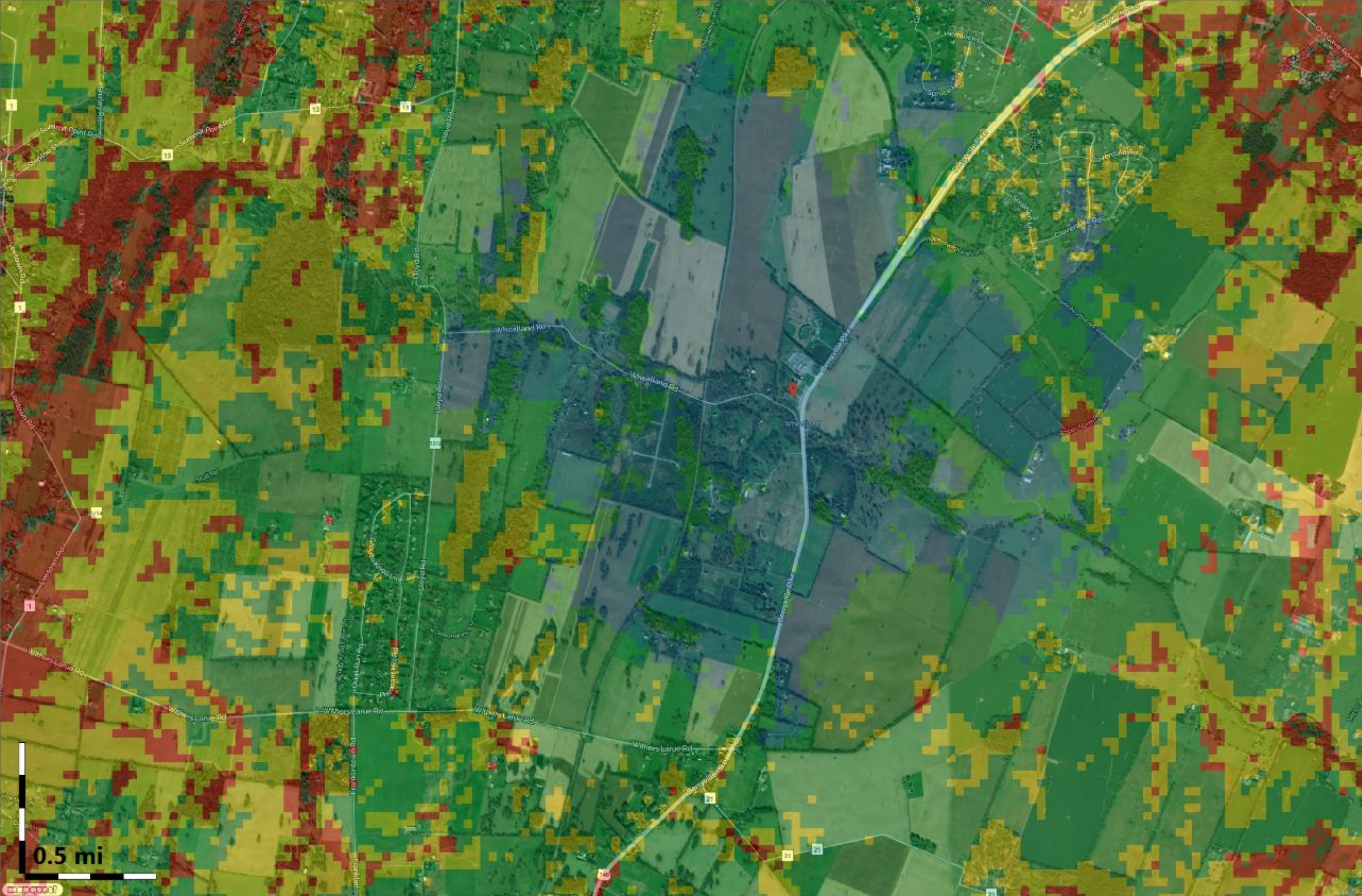
## Proposed Site 700 MHz Coverage

Site Name: Proposed  
Latitude: N39.238291  
Longitude: W77.900491

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 171  
Azimuth (Deg): 0  
ERP per RS (W): 2.0







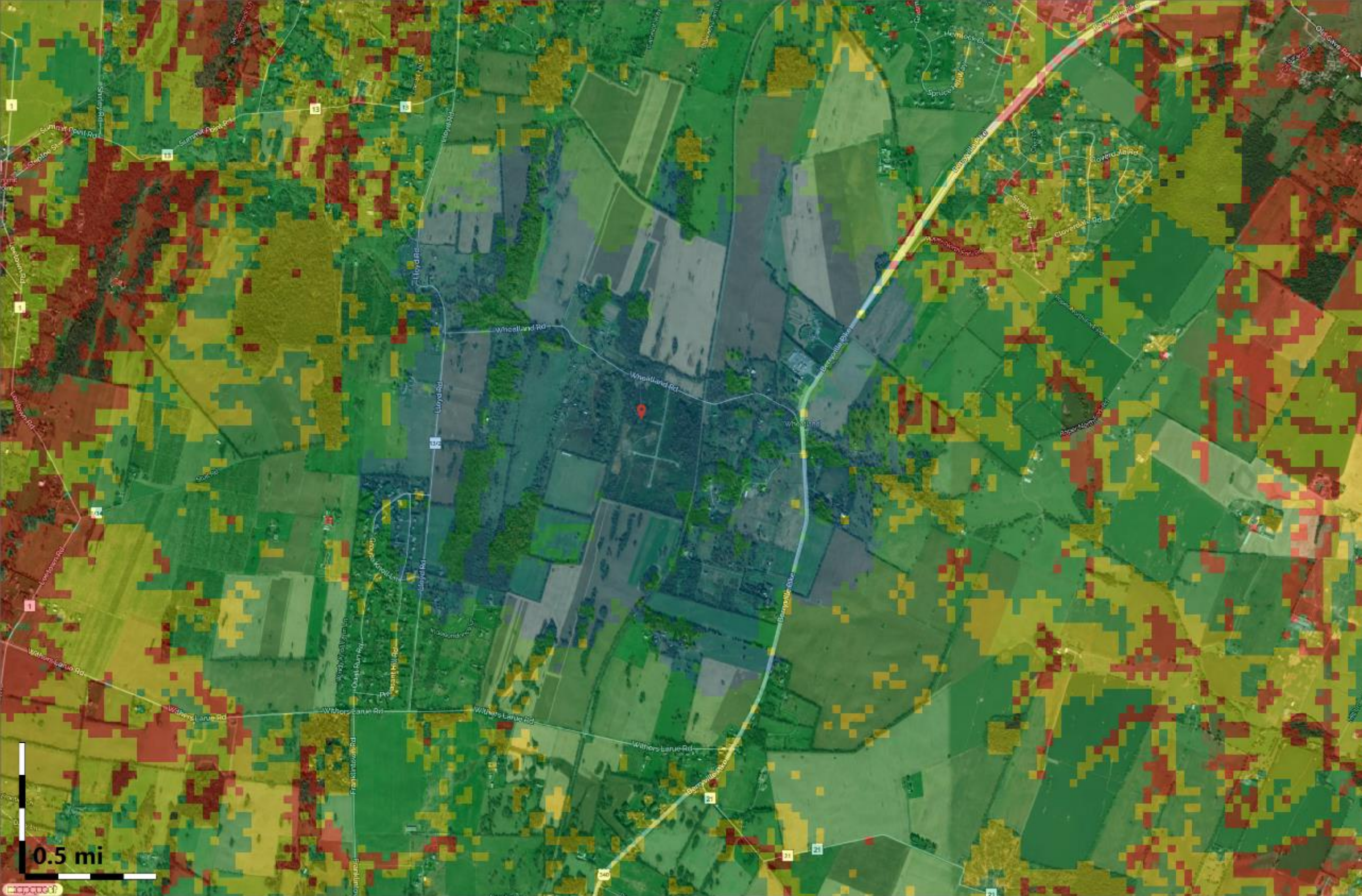
## Proposed Site FirstNet Coverage

Site Name: Proposed  
Latitude: N39.238291  
Longitude: W77.900491

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 171  
Azimuth (Deg): 0  
ERP per RS (W): 2.0



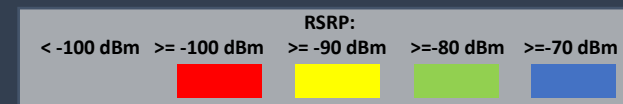




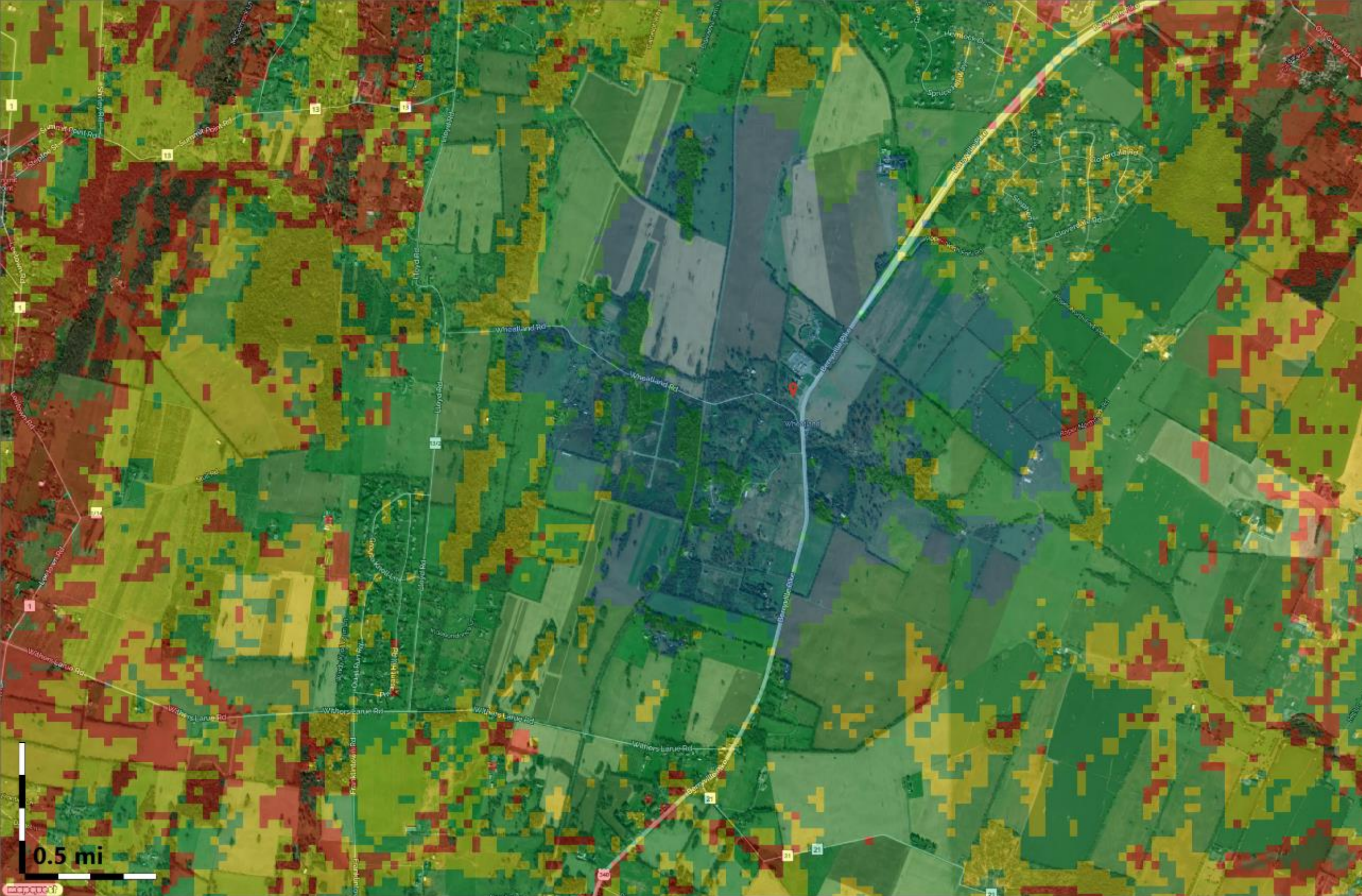
Existing Site  
850 MHz Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 2.0







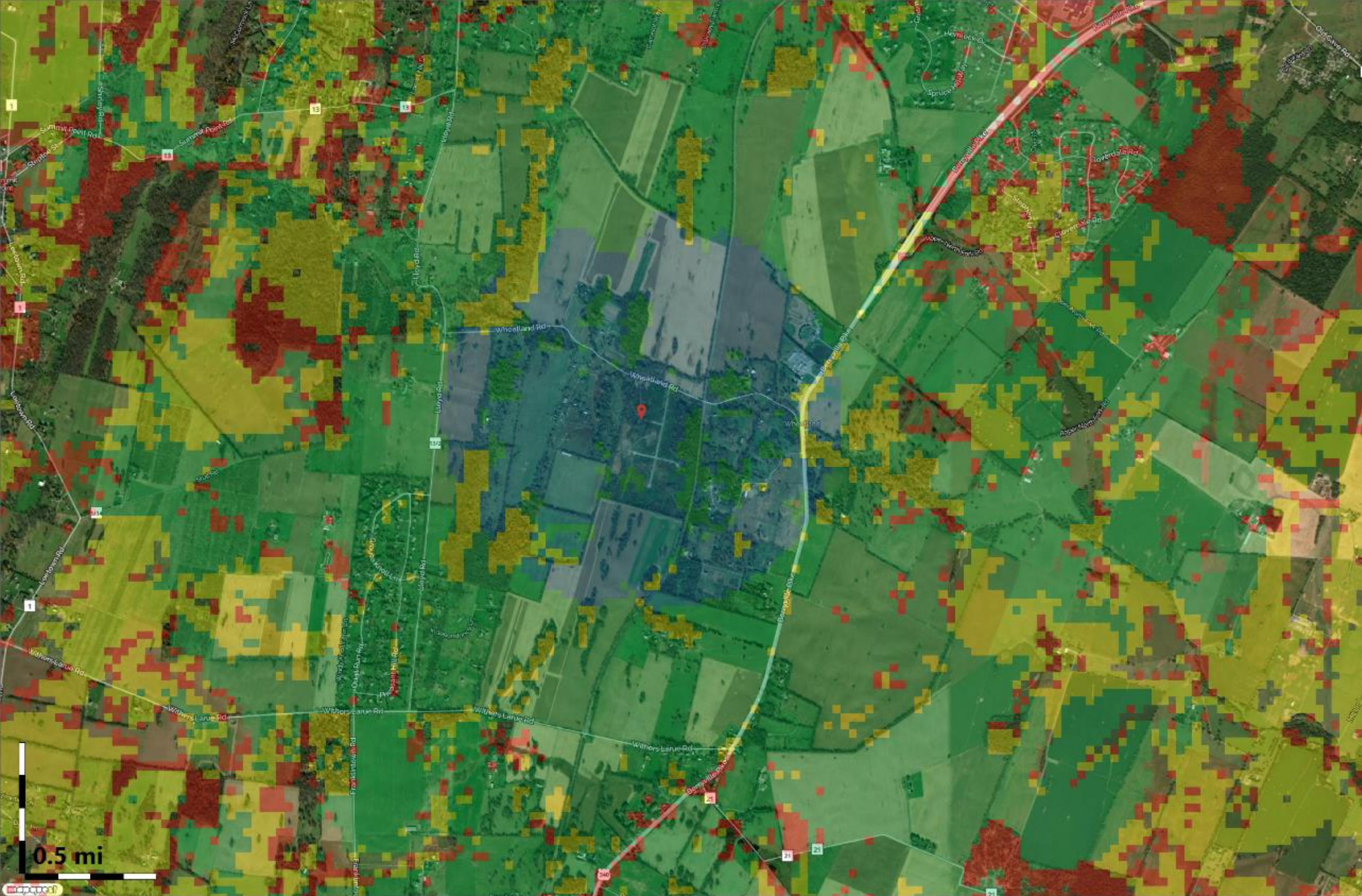
## Proposed Site 850 MHz Coverage

Site Name: Proposed  
Latitude: N39.238291  
Longitude: W77.900491

Antenna: 15.15 dBi Omni  
Alpha Rad Center (ft): 171  
Azimuth (Deg): 0  
ERP per RS (W): 2.0







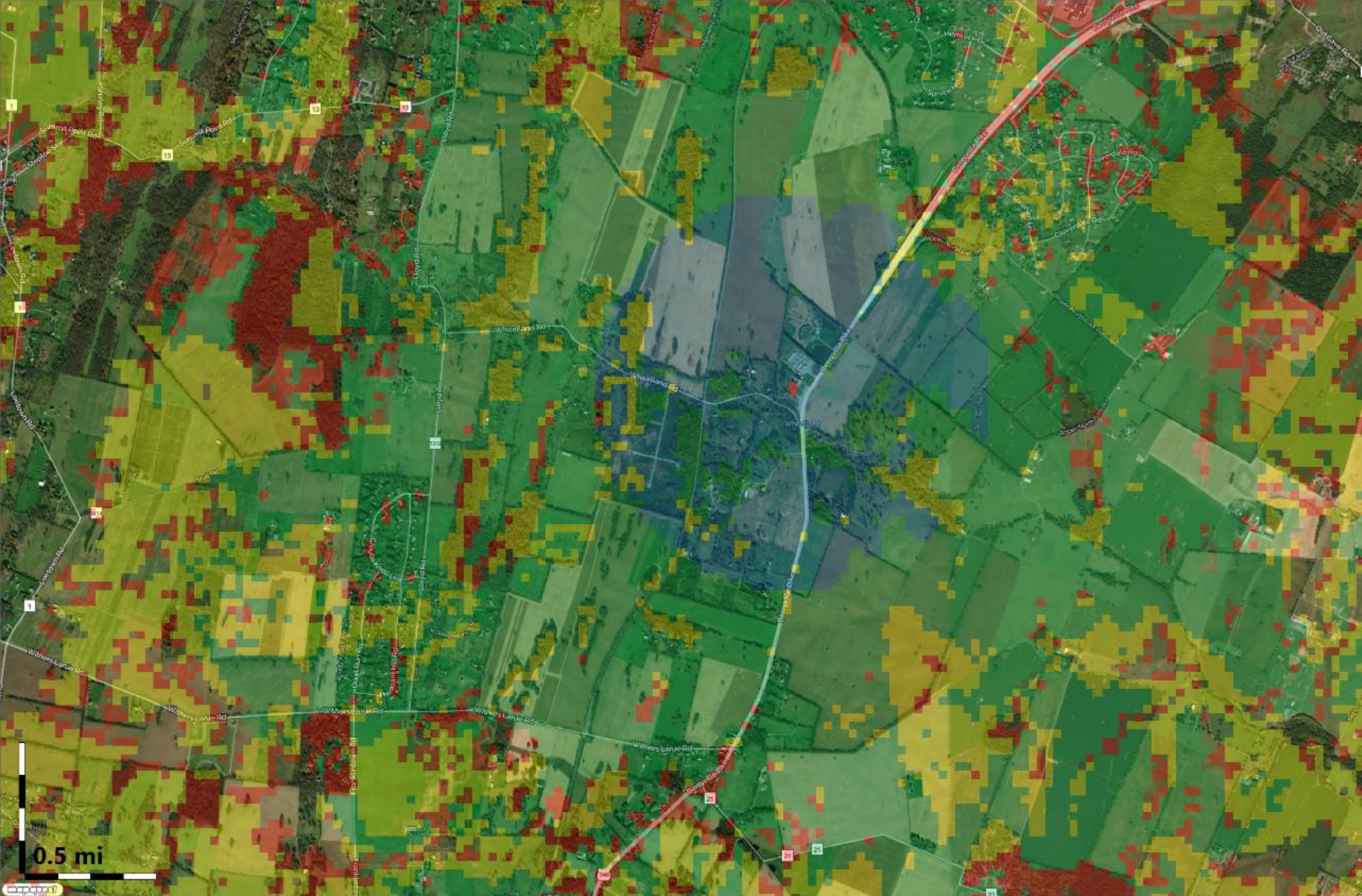
Existing Site  
1900 MHz Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 17.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 4.7







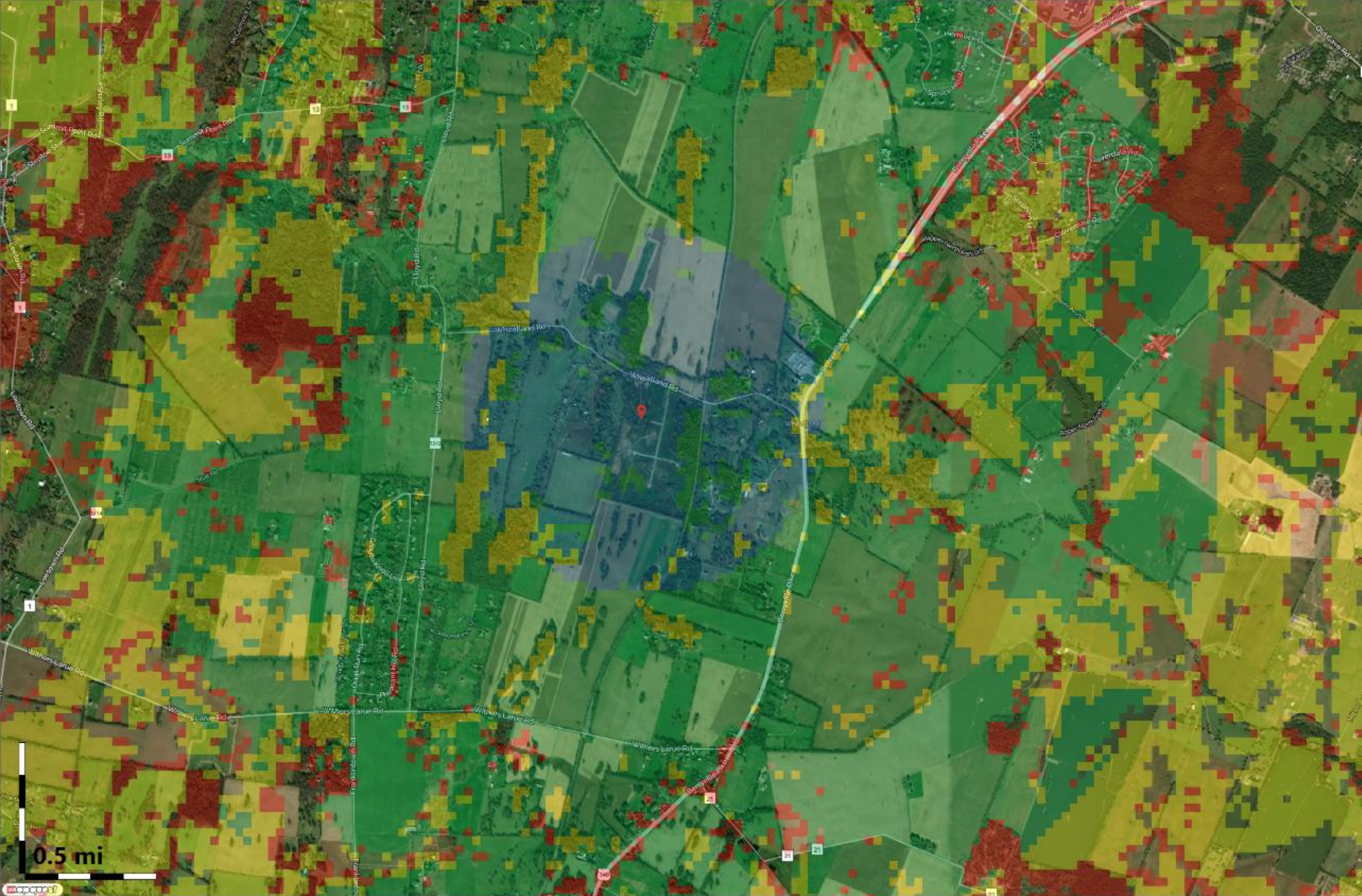
## Proposed Site 1900 MHz Coverage

Site Name: Proposed  
Latitude: N39.238291  
Longitude: W77.900491

Antenna: 17.15 dBi Omni  
Alpha Rad Center (ft): 171  
Azimuth (Deg): 0  
ERP per RS (W): 4.7







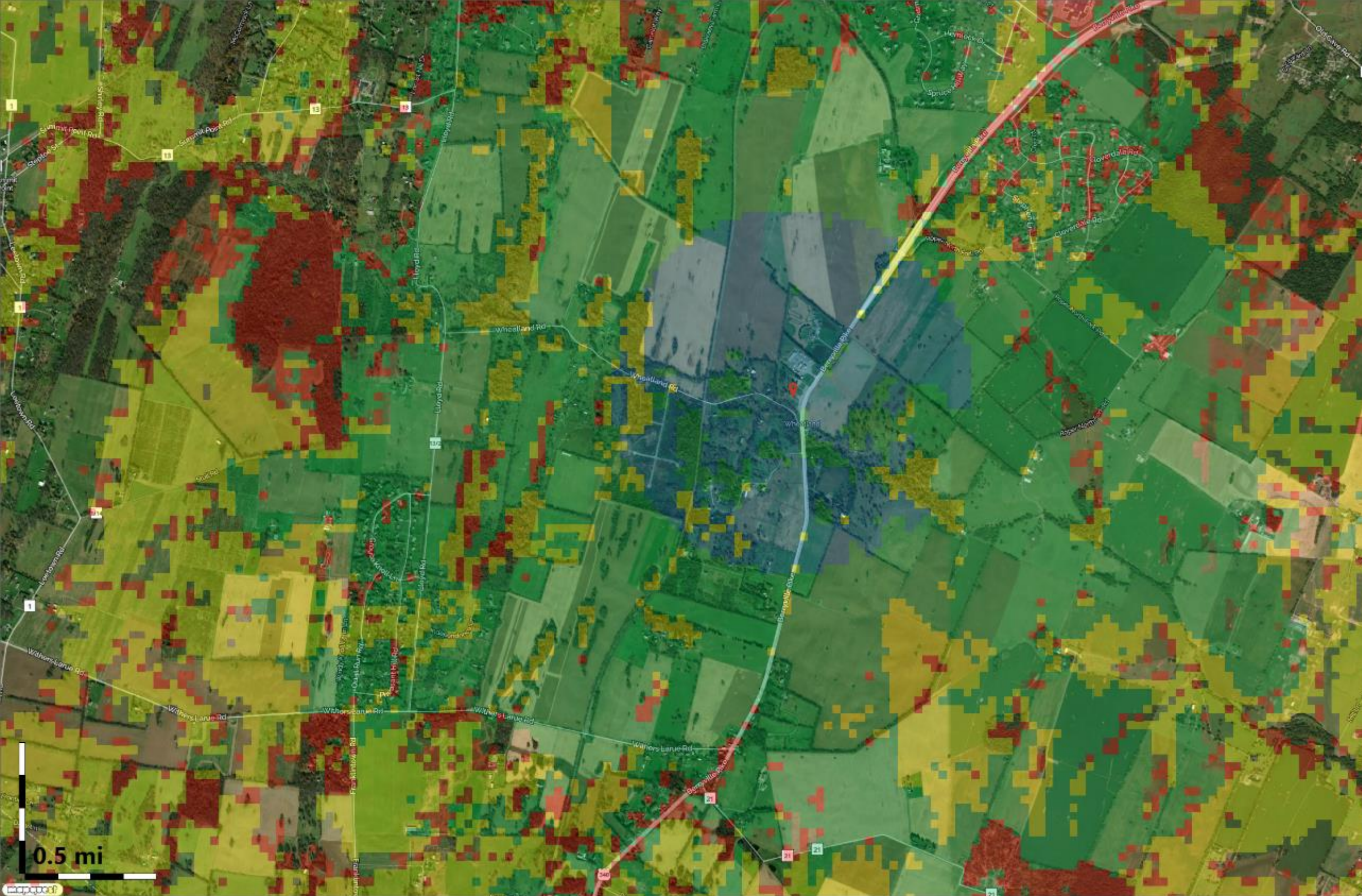
Existing Site  
2100 MHz Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 17.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 4.7



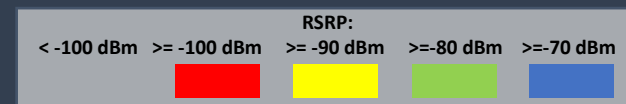




**Proposed Site**  
**2100 MHz Coverage**

Site Name: Proposed  
Latitude: N39.238291  
Longitude: W77.900491

Antenna: 17.15 dBi Omni  
Alpha Rad Center (ft): 171  
Azimuth (Deg): 0  
ERP per RS (W): 4.7





TO: SBA

Subject: RF Coverage Plot Analysis: Jefferson County, WV

Date: March 19, 2022

1. **METHODOLOGY.** The attached plots depict broadcast radio frequency (RF) coverage from the existing site to Jefferson County, WV and a proposed site approximately 0.59 miles to the East. At each location, cellular industry typical LTE operating parameters were considered for omnidirectional antennas mounted at 166 feet above ground level at the existing site, and at 171 feet above ground level for the proposed site. Ground elevations are 536 and 507 feet above mean sea level, respectively.

Plots for both locations were generated for 700, FirstNet, 850, 1900 and 2100 MHz operations. The signal levels depicted are associated with LTE service reliability where the strong coverage levels in green and blue occur near the towers and decrease with distance from the sites and intervening terrain obstructions. Signal levels greater than -70 dBm shown as blue are associated with feasible coverage within buildings. Marginal coverage is provided in the regions depicted in yellow between -90 dBm and -80 dBm and signal levels between -100 dBm and -90 dBm shown as red represent poor coverage associated with call failures.

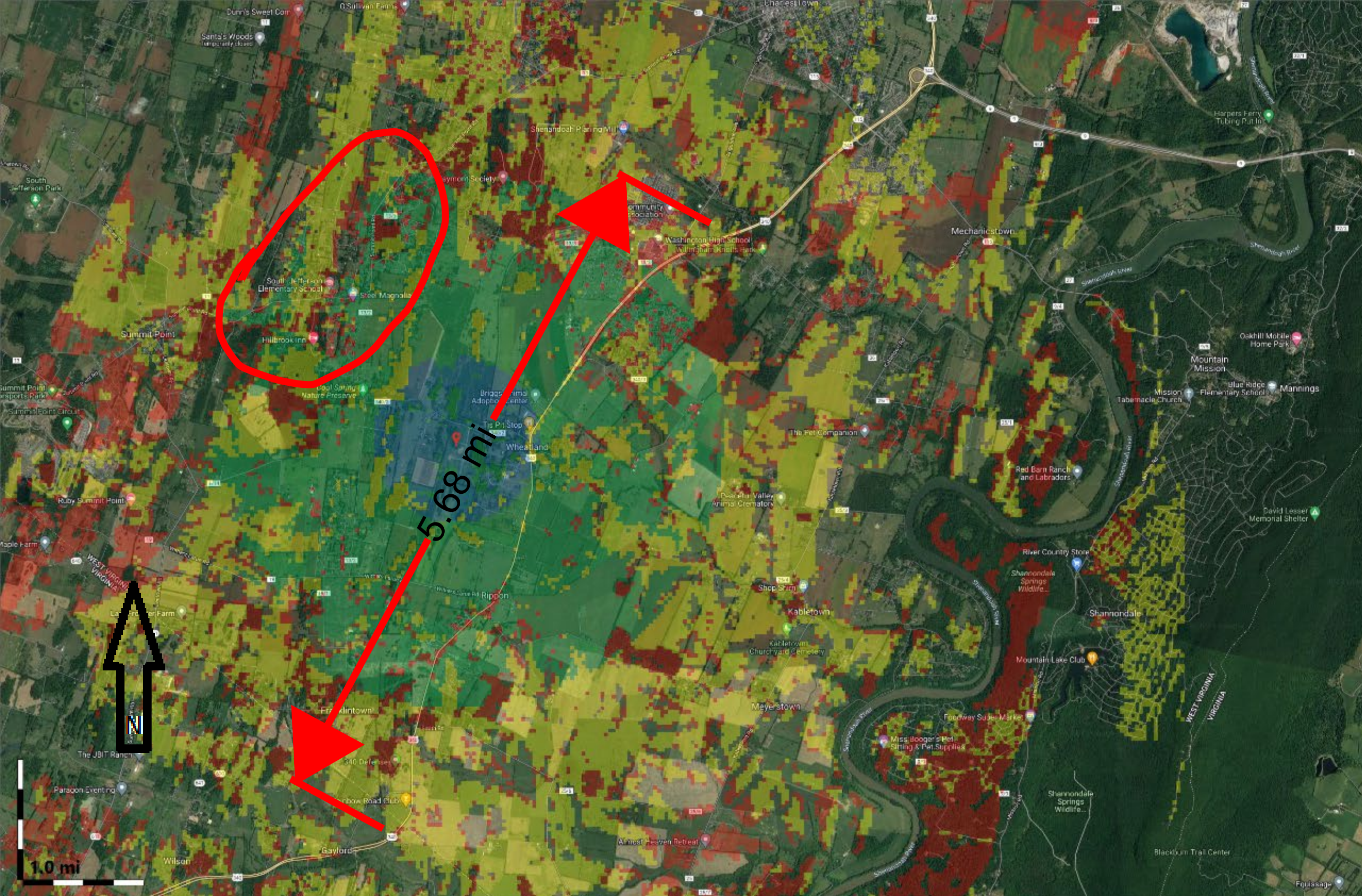
A comparison of coverage performance for each site is based on low band (700, FirstNet and 850 MHz) and high band (1900 and 2100 MHz) prediction results. Radiowave propagation conditions between these bands differ because of terrain and ground clutter (e.g. vegetation) effects at different frequencies. Generally, low band operations provide greater area coverage. Therefore, high band operations provide additional customer traffic capacity closer to the cellular site.

2. **COMPARISON.** The sites considered in these coverage plots provide service to the depicted locations and roads leading to Jefferson County, WV. For low band operations, the existing site provides strong coverage approximately 0.45 miles in all directions and to non-contiguous areas to 0.6 miles from the site. This includes 1.7 miles of Berryville Pike. The proposed site provides strong coverage approximately 0.45 miles in all directions and to non-contiguous areas to 0.6 miles from the site. This includes 1.7 miles of Berryville Pike.

For high band operations, both sites provide strong coverage to non-contiguous areas 0.3 miles in all directions.

3. **CONCLUSION.** Based on the coverage comparison presented above, the proposed site provides comparable coverage to Jefferson County, WV due to its close proximity to the existing site. For wireless operators with antennas mounted on the existing site, the installation of additional antennas on the proposed site would be considered to be an “overbuild” or impractical given the coverage overlap.





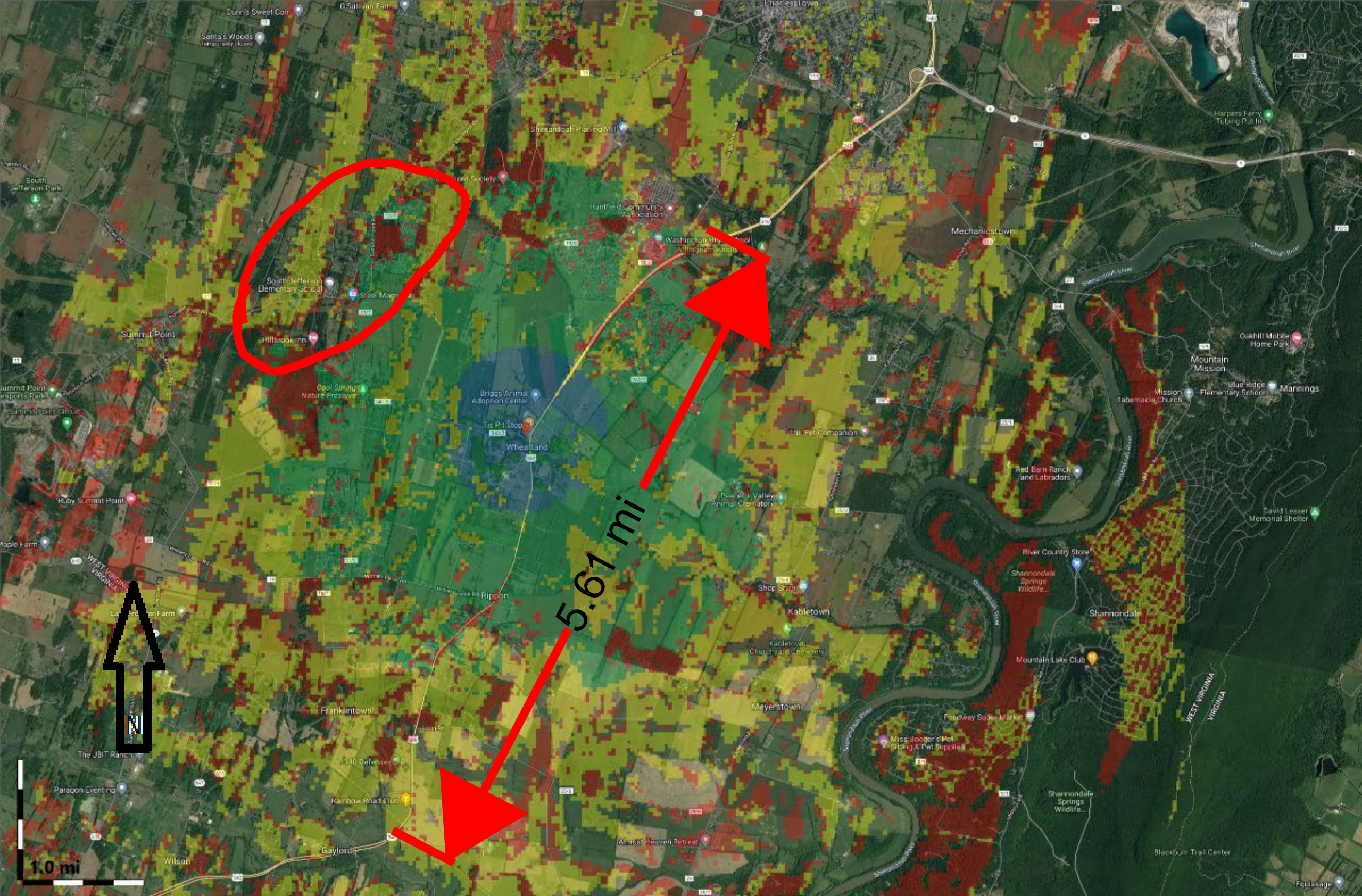
Existing Site  
2100 MHz Coverage

Site Name WV1352-A Rippon  
Latitude: N39.237119  
Longitude: W77.911247

Antenna: 17.15 dBi Omni  
Alpha Rad Center (ft): 166  
Azimuth (Deg): 0  
ERP per RS (W): 4.7







Proposed Site  
2100 MHz Coverage

Site Name  
Latitude: N39.238291  
Longitude: W77.900491

Proposed

N39.238291

W77.900491

Antenna:

17.15 dBi Omni

Alpha Rad Center (ft):

171

Azimuth (Deg):

0

ERP per RS (W):

4.7

| RSRP:      |             |            |            |            |
|------------|-------------|------------|------------|------------|
| < -100 dBm | >= -100 dBm | >= -90 dBm | >= -80 dBm | >= -70 dBm |
|            |             |            |            |            |







# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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Charles Town, WV 25414

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Phone: (304) 728-3228

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Fax: (304) 728-8126

## 2<sup>nd</sup> Quarterly Report for Planning and Zoning FY 2023 (October 1, 2022 – December 31, 2022)

Attached is an electronically generated report of all applications submitted and reviewed within the 2<sup>nd</sup> Quarter of FY2023. This data is being provided as a part of the 2<sup>nd</sup> Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

|  |                          |
|--|--------------------------|
| <b>Planning Commission Meetings:</b>                                     | <b>3 Meetings</b>        |
| <b>Subdivision Regulations Text Amendments</b>                           | <b>none this quarter</b> |
| <b>Zoning Ordinance Text Amendments</b>                                  | <b>none this quarter</b> |
| <b><i>Envision Jefferson 2035 Comprehensive Plan Text Amendments</i></b> | <b>none this quarter</b> |
| <b>Zoning Map Amendments/Rezoning</b>                                    | <b>0</b>                 |
| <b>Concept Plan Public Workshops</b>                                     | <b>3</b>                 |

#22-15-SP Concept Plan for the Rippon Solar Energy Facility. The applicant, Torch Clean Energy (Attn: Sam Gulland), is proposing a 99 MWac solar electric generating facility on approximately 878-acres. The project will consist of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities. The project site has existing high voltage power lines running through the property; PC File #22-15-SP.

#### **Property Owners/Location/ID/Size/Zoning District**

- Stiles Family Partnership LLC; Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV; Parcel ID 06001100060001; Lot Size: 25.14 ac; Zone: Rural
- Stiles Family Partnership LLC; Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV; Parcel ID 06001100060000; Lot Size: 115.8 ac; Zone: Rural
- Bullskin LLC, Property Owner; 673 Old Shennandale Rd, Charles Town WV; Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; Zone: Rural
- Clarence E Hough Et Al; Vacant parcel located west of 957 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac/Project Size: 99.84 ac; Zone: Rural
- View Mountain Farm LLC; 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; Vacant parcel located east of 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zone: Rural

- Stanley W Jr & Katherine B Dunn; Vacant parcel located east of 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; 1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 ac; Zone: Rural

*Public Workshop 11/9/22; PC accepted the Concept Plan.*

- #22-27-SD Concept Plan for Sunnyside Major Residential Subdivision consisting resubdividing nine (9) existing commercial lots into 29 Single Family; Vacant Lots off Kanawha Lane.
- Applicant/Property Owner: Sunnyside Investment LLC; Sunnyside Industrial Park, Lots 1-5, Vacant parcels located on Kanawha Lane, Charles Town, WV; Tax District: Kabletown (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5; Lots size: 33 (combined acreage); and
  - Applicant/Property Owner: Thomas Management Group Inc.; Sunnyside Industrial Park, Lots 8-11, Vacant parcels located on Kanawha Lane, Charles Town, WV; Tax District: Kabletown (06); Map: 12; Parcels: 12.8, 12.9, 12.10, 12.11; Lot size: ~20 (combined acreage); Zone: Residential-Light Industrial-Commercial. PC File # 22-27-SD.

*Public Workshop 11/15/22; PC accepted the Concept Plan.*

- #22-12-SP Concept Plan for Verizon-Franklinton Telecommunications Tower consisting of a 199' Monopole Telecommunication Tower including 6 Antennas and a 2,500 square foot fenced compound area, screened by an 8' tall board fence. Applicant: Verizon Wireless; Property Owner: Douglas and Laura Gansler; Property Location: Berryville Pike at Clarke County VA line; Parcel ID: 0600290003000; Size: 15.4 ac; Zoning District: Industrial-Commercial

*Public Workshop 12/13/22; PC accepted the Concept Plan.*

## **BOARD OF ZONING APPEALS (BZA) ITEMS**

|   |                          |
|---|--------------------------|
| <b>Board of Zoning Appeals Meetings:</b>        | <b>3 meetings</b>        |
| <b>Zoning Appeal of Administrative Decision</b> | <b>none this quarter</b> |

## **PLANNING & ZONING STAFF ITEMS**

|   |  |
|---|--|
| <b>Pre-Proposal Conference (PPC) Meetings:</b>                                | 26 Total (16 Subdivision & 10 Site Plan) |
| <b>Information Request Forms (IRFs) -- general inquiries from the public:</b> | 36 Total                                 |
| <b>Zoning and Land Development Fees Collected:</b>                            | \$ 80,945.70                             |

|  |                                |
|--|--------------------------------|
| <b>Regional Transportation Planning Meetings (all remote)</b>  |                                |
| Eastern Panhandle Transit Authority (EPTA) Board Meetings  | 10/17/22;<br>11/21/22;12/19/22 |
| Eastern Panhandle Transit Authority (EPTA) Safety Committee Meetings   | 12/14/22                       |
| Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings | 10/19/22                       |
| HEPMPO Regional Freight Plan   | 11/2/22                        |
| HEPMPO Regional Bike/Pedestrian Plan Stakeholders Meeting  | 11/16/22                       |

|   |                                |
|---|--------------------------------|
| <b>Local and Regional Planning Meetings (all remote)</b>            |                                |
| WV APA Chapter Executive Committee Meetings (ZOOM);                 | 10/25/22;<br>11/22/22;12/19/22 |
| WV APA Membership Committee (ZOOM)                                  | 10/20/22;11/17/22;<br>12/15/22 |
| WV APA Annual Chapter-Wide Meeting                                  | 12/1/22                        |
| APA Chapter Presidents Council/Leadership                           | 10/20/22; 11/1/22;<br>11/7/22  |
| Elks Run Project Planning Meeting (WV Rivers)                       | 10/7/22; 12/16/22              |
| Mid-Atlantic Planning Collaborative on-line training for CM credits | 11/1/22; 12/8/22               |

| <div> <div>Planning and Zoning Quarterly Report</div> <div>10/01/2022 - 12/31/2022 (Generated 12/30/2022)</div> </div> |                |               |  |  |                 |  |
|--|----------------|---------------|--|--|-----------------|--|
| Type   | Project Number | Creation Date | Owner Name                                       | Location   | Status          | Description  |
| Minor Plat Change  | 22-13-MPC      | 10/19/2022    | Julio Alejandro Saenz                            | Broadview Court, Charles Town, WV 25414                                    | Closed          | Minor Plat Change: septic reserve relocation   |
|  | 22-14-MPC      | 11/9/2022     | Lutman Land Development - David Lutman           | 0.3 miles west of Summit Pt Rd & Washington Street, Charles Town, WV       | Open            | Milton's Landing Subdivision Minor Plat Change to add a school bus area and mailbox area; Revise Lot 17 from a stormwater mgt area to residential lot; revised septic reserve areas on lots 22 & 40.   |
|  |                |               |  |  | Category Total: | 2  |
| Conditional Use Permit   | 22-9-CUP       | 10/3/2022     | BULLSKIN LLC                                     | 673 OLD SHENNANDALE RD, CHARLES TOWN, WV 25414                             | Closed          | Request for a Conditional Use Permit to operate a Solar Energy Facility for approximately 737 acres of the 878-acre Rippon Energy Facility, a 99 MWac solar electric generating facility.  |
|  |                |               |  |  | Category Total: | 1  |
| Easements  | 22-6-E         | 10/26/2022    | LOTZE CONRAD D & KRISTINA A MACIUNAS             | 2237 OLD LEETOWN PIKE, KEARNEYSVILLE, WV 25430                             | Open            | Conservation Easement  |
|  | 22-7-E         | 11/14/2022    | BARKUS A NEAL & ALICE T                          | 1328 RIVER RD, SHEPHERDSTOWN, WV 25443                                     | Open            | Barkus (Conservation Easement)   |
|  |                |               |  |  | Category Total: | 2  |
| Merger or Boundary Line Adjustment   | 22-34-M        | 10/31/2022    | BANACHOWSKI HILLARY                              | 1799 PERSIMMON LN, SHEPHERDSTOWN, WV 25443                                 | Open            | BLA #1: 1.815 acres from parcel 1.1 to parcel 1.4; and, BLA #2: .825 acres from parcel 1.4 to parcel 1.9   |
|  | 22-35-M        | 11/9/2022     | MCCAULLEY JOHN & LISA - John McCaulley           | 3481 KABLETOWN RD, CHARLES TOWN, WV 25414                                  | Open            | BLA of 1.786 from Parcel 4.3 to Parcel 5   |
|  | 22-36-M        | 12/12/2022    | Edward J. Putz Trust                             | 2073 BOWERS RD, KEARNEYSVILLE, WV 25430                                    | Open            | BLA of 2.8 acres from parcel 2.3 to parcel 5.24  |
|  | 22-37-M        | 12/19/2022    | HORUS WEST VIRGINIA 1, LLC                       | KABLETOWN RD, CHARLES TOWN, WV 25414                                       | Open            | Consolidation of the previously recorded Thorn Hill Subdivision, Lots 1-179, including all easements and SWM facilities (PB 24, PG 14).  |
|  | 22-38-M        | 12/19/2022    | LUTMAN LAND DEVELOPMENT                          | LEWISVILLE RD, CHARLES TOWN, WV 25414                                      | Open            | BLA of 5.16 acres from Parcel 2 to Parcel 6  |
|  | 22-39-M        | 12/20/2022    | LAURENCE M & SUZIN E M WRIGHT                    | 947 HOSTLER RD, HARPERS FERRY, WV 25425                                    | Open            | BLA Parcel 19.0 and 19.1   |
|  | 22-33-M        | 10/13/2022    | SUMMIT POINT AUTOMOTIVE RESEARCH CENTER LLC      | MOTORSPORTS PARK CIRCLE, SUMMIT POINT, WV 25446                            | Open            | SUMMIT POINT AUTOMOTIVE RESEARCH CENTER, LLC BLA   |
|  |                |               |  |  | Category Total: | 7  |
| Planning Commission Waiver   | 22-25-PCW      | 10/21/2022    | B.C. Partners - Dan Snyder, P.E.                 | NE Corner of Route 340 and Route 24 (Country Club Road), Harpers Ferry, WV | Closed          | Waiver from Appendix B, Table 2.2-1, "Roadway Design Standards" of the Subdivision Regulations, which requires a 35' Minimum Turning Flare Radius at pavement edge.  |
|  | 22-26-PCW      | 10/24/2022    | PERFORMANCE AUTO WORKS LLC - Billy Ring          | 8063 LEETOWN RD, KEARNEYSVILLE, WV 25430                                   | Open            | Waiver of both full and limited site plan requirements for the construction of a 2,400 sq. ft. storage building, and the addition of 3,700 sq. ft. of gravel in the future, for a total of 6,100 sq. ft. of additional disturbed spacedisturbed space. |
|  | 22-24-PCW      | 10/12/2022    | PRESTON GILLMORE & Julie Evans                   | 774 Bunkhouse RD, Kearneysville, WV 25430                                  | Closed          | Waiver from Section 21.402.D and 21.401 of the Subdivision Regulations to move the electric line into the easement.  |
|  |                |               |  |  | Category Total: | 3  |
| Final Plat Amendment   | 22-6-FPA       | 10/3/2022     | MILLER TAMMY                                     | 1335 GARDNERS LN, SHEPHERDSTOWN, WV 25443                                  | Open            | Lift single family restriction for detached ADU for agricultural caretakers residence  |
|  | 22-7-FPA       | 10/11/2022    | REYNES JULIA E                                   | 384 POTOMAC RIDGE LN, SHEPHERDSTOWN, WV 25443                              | Open            | Request for a Final Plat Amendment to lift the single family restriction (Note #9 on Final Plat PB 25/PG85A) to allow for the construction of a detached accessory dwelling unit (in-law suite) for a family member.                                   |
|  | 22-8-FPA       | 10/13/2022    | GODDARD LAURA                                    | Falcon Ridge, Charles Town, WV 25414                                       | Open            | Falcon Ridge Final Plat Amendment to the natural preservation areas.   |
|  |                |               |  |  | Category Total: | 3  |
| Site Plan  | 22-11-RR       | 10/11/2022    | JEFFERSON ACADEMY LLC - Sayeed Ahmed             | 449 ROSE HILL DR, KEARNEYSVILLE, WV 25430                                  | Closed          | Redline Revision to the existing parking lot.  |
|  | 22-4-NSP       | 11/15/2022    | SUSQUEHANNA PROPERTIES LLC - Doug Porter         | 14956 CHARLES TOWN RD, CHARLES TOWN, WV 25414                              | Closed          | No Site Plan: A 1,274 square foot 2-story apartment structure, a 145' +/- gravel driveway, and a 10-space parking area.  |
|  | 22-5-NSP       | 12/7/2022     | CHAPMAN ALICE                                    | 15943 CHARLES TOWN RD, CHARLES TOWN, WV 25414                              | Closed          | No Site Plan: Day Care Center, Large, to convert an existing residence into a day care center to provide care for up to 32 children; including a fenced play area & onsite parking.  |
|  |                |               |  |  | Category Total: | 3  |
| Subdivision  | 22-12-RR       | 12/1/2022     | BEALLAIR HOMES LLC - Ed Wormald                  | Beallair Manor Dr., Charles Town, WV 25414                                 | Open            | Preliminary Plat Redline Revision to modify the setbacks for Lots 214, 215, and 217 along the cul-de-sac.  |
|  | 22-28-SD       | 10/11/2022    | GAHR MARY L - Mary Gahr                          | 120 SOUTHERLY LN, CHARLES TOWN, WV 25414                                   | Closed          | Lot 1 and 2 Residue  |
|  | 22-29-SD       | 10/11/2022    | Flowing Springs Road LLC - WILLIAM REILLY        | Vacant Lot Flowing Springs RD, Charles Town, WV                            | Open            | Minor Subdivision: Lots 1 and 2-Residue  |
|  | 22-30-SD       | 10/28/2022    | Wilbert & Sharon Kidwiler                        | 1044 KIDWILER RD, HARPERS FERRY  | Open            | MSD  |
|  | 22-31-SD       | 12/21/2022    | ASHBAUGH PAUL L & DONNA                          | Ashbaugh Dr, Harpers Ferry, WV 25425                                       | Open            | Minor Subdivision, Lots 3 & 4-Residue  |
|  |                |               |  |  | Category Total: | 5  |
| Zoning Certificate   | 22-58-ZC       | 10/3/2022     | MILLER TAMMY                                     | 1335 GARDNERS LN, SHEPHERDSTOWN, WV 25443                                  | Open            | Accessory Dwelling Unit: Agricultural/Caretaker  |
|  | 22-59-ZC       | 10/5/2022     | SUNNYSIDE LIMITED PARTNERSHIP                    | 844 WHEATLAND RD, CHARLES TOWN, WV 25414                                   | Closed          | Wireless Tower/Site Modifications removing existing equipment and replacing with new antenna and cables, new enclosure and Structural Modifications.   |
|  | 22-60-ZC       | 10/5/2022     | MILLER TAMMY                                     | 1335 GARDNERS LN, SHEPHERDSTOWN, WV 25443                                  | Open            | Accessory Dwelling Unit: In Law Suite  |
|  | 22-62-ZC       | 10/7/2022     | OWENS MICHAEL K ET AL                            | 11945 LEETOWN RD, KEARNEYSVILLE, WV 25430                                  | Closed          | Increasing height of existing wireless telecommunication tower (designed as a silo) from 120' to 130' to allow additional antennas; installation of a 12' x 16' concrete pad and 30 KW diesel generator.   |
|  | 22-63-ZC       | 10/11/2022    | TRUSTEES OF COVENANT BAPTIST CHURCH - David Lyle | 7485 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV 25443                           | Closed          | Accessory Use - Expansion of Ministry Services<br>*No new buildings or additions to existing buildings proposed at this time.  |
|  | 22-64-ZC       | 10/11/2022    | KOSKO EMIL M JR                                  | 5071 MIDDLEWAY PIKE, KEARNEYSVILLE, WV 25430                               | Open            | Farm Winery: Wine Down Winery  |
|  | 22-65-ZC       | 10/21/2022    | 7-Eleven Inc. formerly The Southland Corp        | 868 E WASHINGTON ST, CHARLES TOWN, WV 25414                                | Closed          | 7-Eleven Convenience Store: change in ownership  |



|                 |          |            |                                   |  |                 |   |
|-----------------|----------|------------|-----------------------------------|--|-----------------|---|
|                 | 22-66-ZC | 10/27/2022 | Heaven on Earth LLC - Ryan Gauvin | 878 WILT RD, CHARLES TOWN, WV 25414              | Closed          | Short Term Rental   |
|                 | 22-67-ZC | 11/29/2022 | KITA LLC                          | 43 RULAND RD STE I, KEARNEYSVILLE, WV 25430      | Closed          | Small animal clinic; 3 full time & 3 part-time employees.   |
|                 | 22-68-ZC | 12/8/2022  | CHAPMAN ALICE                     | 15943 CHARLES TOWN RD, CHARLES TOWN, WV 25414    | Closed          | Day Care Center, Large, to convert an existing residence into a day care center to provide care for up to 12 children; including a fenced play area, onsite parking, and a business sign.                                     |
|                 | 22-69-ZC | 12/13/2022 | MILJOUR DAVID V & DORE A          | 2129 RIVER RD, SHEPHERDSTOWN, WV 25443           | Closed          | Cottage Industry: a nonprofit medical office.   |
|                 | 22-70-ZC | 12/19/2022 | REYNES JULIA E                    | 384 POTOMAC RIDGE LN, SHEPHERDSTOWN, WV 25443    | Open            | Accessory Dwelling Unit as a detached in-law suite for a family member.   |
|                 |          |            |                                   |  | Category Total: | 12  |
| Zoning Variance | 22-39-ZV | 11/4/2022  | HOFFMAN RICKI V & DAWN M          | 1871 OLD COUNTRY CLUB RD, CHARLES TOWN, WV 25414 | Open            | Variance from Section 9.7 to reduce the rear setback from 50' to 13' for an existing 24' x 24' accessory structure (storage shed).  |
|                 | 22-40-ZV | 11/14/2022 | SAB REAL ESTATE 2 LLC             | 8310 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443   | Open            | Variance from Section 4.11 and Appendix B to allow the use of existing vegetation in lieu of a planted landscape buffer along the eastern and southern boundary lines for the existing ROCS convenience store (File #S18-06). |
|                 | 23-1-ZV  | 11/18/2022 | SUMMIT POINT LIBRARY COMMISSION   | 49 CHURCH ST, SUMMIT POINT, WV 25446             | Open            | Variance from Appendix B to reduce the rear setback from 40' to 25' for the expansion of an existing library.   |
|                 | 23-2-ZV  | 12/14/2022 | SWALDO BARRY A & JODY M           | 449 JENKINS HILL RD, CHARLES TOWN, WV 25414      | Open            | Variance from Section...  |
|                 |          |            |                                   |  | Category Total: | 4   |
|                 |          |            |                                   |  | Grand Total:    | 42  |
|                 |          |            |                                   |  |                 |   |
|                 |          |            |                                   |  |                 |   |



BUDGET REQUEST

Fiscal Year: 2023-2024

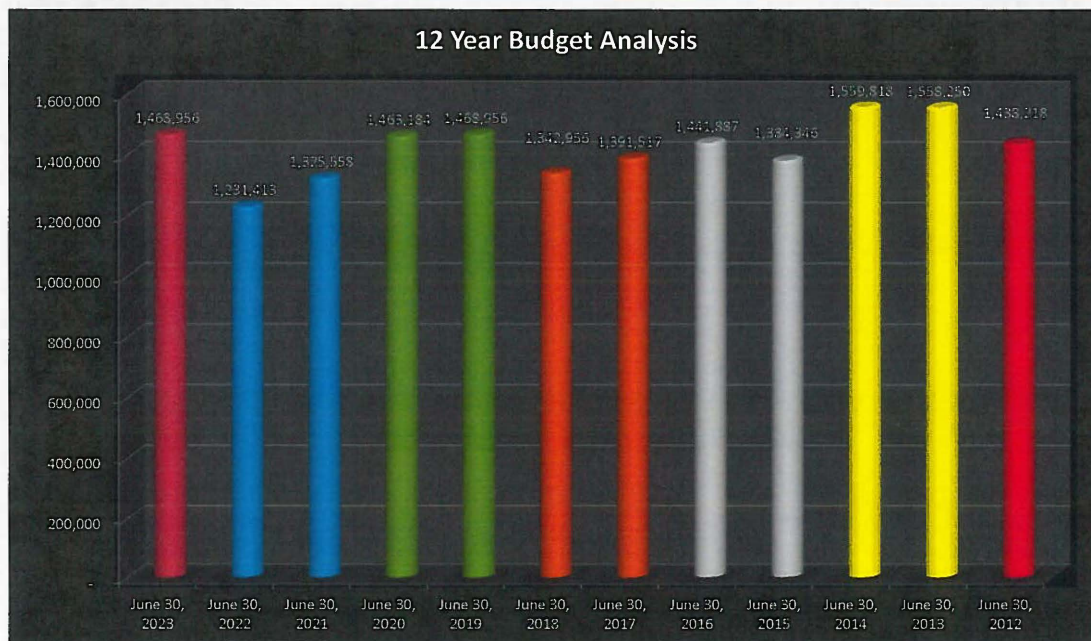
Department: Engineering, Planning & Zoning

DRAFT 12/29/2022

Account Number: 440

Notes:

|   | FY 2022<br>Budget Actual | FY 2023<br>Revised Budget | FY 2023 YTD<br>12/16/22 Actual | FY 2023<br>% Spent YTD | FY 2024<br>Budget<br>Request | FY 2024<br>Approved<br>Budget |
|---|--------------------------|---------------------------|--------------------------------|------------------------|------------------------------|-------------------------------|
| <b>Personnel Services</b>                     |                          |                           |                                |                        |                              |                               |
| 103 Salary & Wages of Employees               | \$ 875,595               | \$ 1,051,435              | \$ 417,643                     | 39.72%                 | \$ 1,252,533                 | \$ 1,252,533                  |
| 104 FICA Tax - Social Security                | \$ 52,528                | \$ 63,017                 | \$ 25,026                      | 39.71%                 | \$ 77,193                    | \$ 77,193                     |
| 104 Medicare                                  | \$ 12,285                | \$ 14,746                 | \$ 5,853                       | 39.69%                 | \$ 18,060                    | \$ 18,060                     |
| 105 Group Insurance Expense                   | \$ 175,644               | \$ 218,391                | \$ 95,038                      | 43.52%                 | \$ 211,308                   | \$ 211,308                    |
| 106 Retirement Expense                        | \$ 87,962                | \$ 95,088                 | \$ 38,200                      | 40.17%                 | \$ 123,301                   | \$ 123,301                    |
| 108 Overtime                                  | \$ 6,863                 | \$ 5,000                  | \$ 6,803                       | 136.06%                | \$ 10,000                    | \$ 10,000                     |
| 108 Extra Help                                | \$ -                     | \$ -                      | \$ -                           |                        | \$ 12,000                    | \$ 12,000                     |
| <b>Total Personnel Services</b>               | <b>\$ 1,210,877</b>      | <b>\$ 1,447,677</b>       | <b>\$ 588,563</b>              | <b>40.66%</b>          | <b>\$ 1,704,395</b>          | <b>\$ 1,704,395</b>           |
| <b>Contractual Services</b>                   |                          |                           |                                |                        |                              |                               |
| 211 Telephone                                 | \$ 2,616                 | \$ 2,595                  | \$ 895                         | 34.49%                 | \$ 2,895                     | \$ 2,895                      |
| 212 Printing                                  | \$ -                     | \$ 500                    | \$ -                           | 0.00%                  | \$ 500                       | \$ 500                        |
| 214 Travel                                    | \$ 1,274                 | \$ 3,400                  | \$ 1,716                       | 50.47%                 | \$ 3,400                     | \$ 3,400                      |
| 216 M&R- Equipment                            | \$ -                     | \$ -                      | \$ -                           |                        | \$ -                         | \$ -                          |
| 220 Advertising & Legal Publications          | \$ 2,980                 | \$ 3,700                  | \$ 2,656                       | 71.78%                 | \$ 3,700                     | \$ 3,700                      |
| 221 Training & Education                      | \$ 2,143                 | \$ 4,900                  | \$ 558                         | 11.39%                 | \$ 4,900                     | \$ 4,900                      |
| 222 Dues & Subscription                       | \$ 1,197                 | \$ 3,075                  | \$ 827                         | 26.89%                 | \$ 4,050                     | \$ 4,050                      |
| 223 Professional Services                     | \$ -                     | \$ -                      | \$ -                           |                        | \$ -                         | \$ -                          |
| 230 Contracted Services-Eng                   | \$ 2,446                 | \$ 5,000                  | \$ 815                         | 16.30%                 | \$ 5,000                     | \$ 5,000                      |
| 230-001 Contracted Services-GIS               | \$ -                     | \$ -                      | \$ -                           |                        | \$ -                         | \$ -                          |
| 230-002 Contracted Services-PLN               | \$ 4,212                 | \$ 6,300                  | \$ 2,108                       | 33.46%                 | \$ 8,000                     | \$ 8,000                      |
| 236 Refunding Erroneous Payments              | \$ -                     | \$ -                      | \$ -                           |                        | \$ -                         | \$ -                          |
| <b>Total Contractual Services</b>             | <b>\$ 16,868</b>         | <b>\$ 29,470</b>          | <b>\$ 9,575</b>                | <b>32.49%</b>          | <b>\$ 32,445</b>             | <b>\$ 32,445</b>              |
| <b>Commodities</b>                            |                          |                           |                                |                        |                              |                               |
| 341 Departmental Supplies & Materials         | \$ 2,783                 | \$ 3,100                  | \$ 1,399                       | 45.13%                 | \$ 3,100                     | \$ 3,100                      |
| 341-001 Departmental Supplies & Materials-GIS | \$ -                     | \$ -                      | \$ -                           |                        | \$ -                         | \$ -                          |
| 341-002 Departmental Supplies & Materials-PLN | \$ 884                   | \$ 1,000                  | \$ 103                         | 10.30%                 | \$ 18,000                    | \$ 18,000                     |
| <b>Total Commodities</b>                      | <b>\$ 3,667</b>          | <b>\$ 4,100</b>           | <b>\$ 1,502</b>                | <b>36.63%</b>          | <b>\$ 21,100</b>             | <b>\$ 21,100</b>              |
| <b>Department Grand Total</b>                 | <b>\$ 1,231,412</b>      | <b>\$ 1,481,247</b>       | <b>\$ 599,640</b>              | <b>40.48%</b>          | <b>\$ 1,757,940</b>          | <b>\$ 1,757,940</b>           |







# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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Charles Town, WV 25414

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## Planner's Memorandum Planning Commission Meeting January 10, 2023

### 1) Status of Engineering, Planning and Zoning County Offices Contact Information

The Department of Engineering, Planning and Zoning Mason Building is open to the public.

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org), [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

### 2) November 15, 2022 PC Minutes (revised)

- See correction attached \*\*

### 3) Upcoming PC meeting

Next Regular meeting date: **February 14, 2023**

4. **Public Hearing (Postponed from 9/13/22 & 10/11/22):** Country Club Commons Preliminary Plat to create four (4) non-residential lots and a public street for future commercial pad-users. Property Owner: B.C. Partners, Inc. Property Location: Located at the NE corner of Route 340 and Route 24 (Country Club Road), Harpers Ferry, WV. Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential-Light Industrial-Commercial; PC File #19-17-SD.

Ms. Brockman provided an overview of the staff report and presented staff's recommendations.

Mr. Dan Snyder, property owner; and Mr. Paul Raco, consultant, explained the nature of the project to the Commission. Mr. Raco noted that utilities had been approved and that the Division of Highways approval was still pending. Mr. Raco noted that DOH approval off of US 340 necessitated both state and federal review.

Mr. Shepp asked if the National Geodetic Survey (NGS) monument on the property corner would be preserved.

Mr. Snyder confirmed that the monument would be preserved.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Fisher motioned to approve the Preliminary Plat\* conditioned upon DOH approval and stormwater management approval. Mr. Hefestay seconded the motion, which carried unanimously.

\*Corrected from the December 13, 2022 Planning Commission approval.

5. **Public Hearing (Continued from 10/11/22):** Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721 / PG 310) to allow for the construction of a detached accessory dwelling unit for a family member. Property Owner: Bobby and Nancy Jones. Property Location: 208 Turn One Drive, Summit Point, WV; Parcel ID: 06001700060006; Size: 16.26 ac; Zone: Rural; PC File #22-5-FPA.

Ms. Brockman provided an overview of the staff report. Ms. Brockman noted that the applicant was not present in person but was online.

Ms. Beaulieu confirmed that Ms. Nancy Jones, property owner, was present via ZOOM and requested that Ms. Jones unmute her microphone. Ms. Jones was unable to participate in the meeting due to technical difficulties on her end.

Mr. Shepp made a motion to grant special dispensation due to technical difficulties and the nature of the request being relatively straight forward.

Mr. Shepp opened the public hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Fisher motioned to approve the Final Plat Amendment as presented. Mr. Knott seconded the motion, which carried unanimously.

6. **Public Workshop:** Concept Plan for the Rippon Solar Energy Facility. The applicant, Torch Clean Energy, is proposing a 99 MWac solar electric generating facility on approximately 878-acres. The project will consist of solar modules, a new substation to connect the solar facility



## **SUMMARIZED 2024 COMPREHENSIVE PLAN UPDATE TIME FRAME**

*AMENDED JANUARY 10, 2023*

| <b>Time Frame</b>                 | <b>Phases of Plan Development</b>  | <b>Responsibility</b> |
|-----------------------------------|--|-----------------------|
| <b>November 2022 – April 2023</b> | <u>Phase 1:</u> 2024 Plan Start Up/Organization<br>*PC Meeting 12/13/23<br>*PC Meeting 1/10/23<br>*Joint PC/CC Meeting 2/2/23  | <b>CC/PC/Staff</b>    |
| <b>November 2022 – April 2023</b> | <u>Phase 2:</u> Existing Conditions Data Collection, Mapping and Trends Analysis   | <b>Staff</b>          |
| <b>May 2023 – June 2023</b>       | <u>Phase 3:</u> Strength, Weakness, Opportunity, Threat (SWOT) Analysis/Visioning<br>*1 <sup>st</sup> Public Input Meeting: week of June 5, 2023   | <b>PC/Staff</b>       |
| <b>July 2023 – September 2023</b> | <u>Phase 4:</u> Goals and Objectives<br>*Goals and Objectives Public Survey<br>*County Fair Mapping Activity & Goals and Objectives: Week of August 21, 2023<br>*2 <sup>nd</sup> Public Input Meeting: week of August 28, 2023<br>*Joint PC/CC Meeting 9/21/23 | <b>CC/PC/Staff</b>    |
| <b>October 2023 – May 2024</b>    | <u>Phase 5:</u> Plan Recommendations and Implementation Strategies<br>*Land Use Public Survey<br>*3 <sup>rd</sup> Public Input Meeting: 3 <sup>rd</sup> /4 <sup>th</sup> week of January 2024<br>*4 <sup>th</sup> Public Input Meeting: late April 2024        | <b>PC/Staff</b>       |
| <b>June 2024 – December 2024</b>  | <u>Phase 6:</u> Plan Adoption<br>*PC Public Hearing: tentative 7/23/24<br>*CC Public Hearing: tentative 10/17/24<br>Tentative Approval: 12/5/24  | <b>CC/PC/Staff</b>    |

PC - Planning Commission

CC – County Commission

Highlighted in Purple – Planning or County Commission Regular Meeting

Highlighted in Green – Public Input Meeting

Highlighted in Orange – Public Survey

| <b>Tentative Dates</b>              | <b>Tasks</b>  | <b>Responsibility</b> |
|-------------------------------------|---|-----------------------|
| <b>November 2022 – April 2023</b>   | <b>Phase 1: 2024 Plan Start Up/Organization</b>   |                       |
| <b>November 2022 - January 2023</b> | Research Comp Plan methodologies and scope of work  | Staff                 |
| <b>December 2022</b>                | Staff Organizing <ul style="list-style-type: none"> <li>Draft potential Timeline, Budget, PC Scope of work, Strategy</li> </ul>   | Staff                 |
| <b>12/13/22</b>                     | <b>Planning Commission Meeting</b> <ul style="list-style-type: none"> <li>Discuss tasks for PC</li> <li>Review proposed scope, timeline, committees</li> <li>Request PC Strength, Weakness, Opportunity, Threat (SWOT) exercise for January 10, 2023</li> <li>Request Joint PC/CC Meeting for February 26, 2023</li> </ul>  | PC/Staff              |
| <b>1/10/2023</b>                    | <b>Planning Commission Meeting</b><br>SWOT Exercise for PC to start initial guidance  | PC/Staff              |
| <b>2/2/23 (tentative)</b>           | <b>Joint PC/CC Meeting:</b> <ul style="list-style-type: none"> <li>Introduce Comp Plan Process and Requirements (WV 8A)</li> <li>Propose 2024 Comprehensive Plan Timeline, Scope of Work, and Strategy</li> <li>Discussion of PC additional meeting commitment and plan elements</li> <li>SWOT Exercise for CC&amp;PC to start initial guidance</li> </ul>  | CC/PC/Staff           |
| <b>February 2023 - April 2023</b>   | PC Work Sessions: <ul style="list-style-type: none"> <li>Review existing plan recommendations and status of implementation</li> <li>Review Staff findings from Phase 2 Existing Conditions, Data Collection, Mapping, and Trend Analysis</li> <li>Establish Public Outreach Strategy including establishing/confirming format, locations, outreach effort for required public input meetings</li> </ul> | PC/Staff              |

| November 2022 – April 2023 | Phase 2: Existing Conditions Data Collection, Mapping and Trends Analysis  |       |
|----------------------------|--|-------|
| November 2022 – April 2023 | <p>Compiling and evaluating existing conditions/background data such as: demographic, economic, community facilities. Analyze existing land use map/data gathering (coordinating with Office of GIS on available data)</p> <ul style="list-style-type: none"> <li>• Demographic Data – (Data Inventory and Analysis)</li> <li>• Existing Land Use map/data Gathering</li> <li>• Natural and Cultural Resources</li> <li>• Growth and Livability <ul style="list-style-type: none"> <li>○ Housing Stock, Transportation, Infrastructure</li> <li>○ Schools, Parks</li> </ul> </li> <li>• Resiliency <ul style="list-style-type: none"> <li>○ Stormwater management, EMS and Safety Services, Green Building</li> </ul> </li> <li>• Economic Development <ul style="list-style-type: none"> <li>○ Employment and Commuting data, Tourism</li> <li>○ Alternative Energy</li> <li>○ Rural Economy and Agriculture</li> </ul> </li> </ul> | Staff |
| January – April 2023       | <p><b>Carry out Data Collection Meetings</b></p> <ul style="list-style-type: none"> <li>• Incorporated Cities, Higher Education Institutions</li> <li>• Transportation, Utilities, School Board</li> <li>• Emergency Services and Economic Development</li> <li>• Parks, Historic, Cultural, Natural Resource groups</li> </ul>  | Staff |

|  |  |          |
|--|--|----------|
| <b>May 2023 – June 2023</b>              | <b>Phase 3: SWOT Analysis/Visioning</b>  |          |
| <b>May 23, 2023</b>                      | PC Work Session: <ul style="list-style-type: none"> <li>• Review of Existing Conditions Data, Mapping and Trend Analysis developed by staff to date</li> <li>• Preparation for 1<sup>st</sup> Public Input Meeting</li> </ul>                  | PC/Staff |
| <b>Week of June 5<sup>th</sup>, 2023</b> | <b>Kick-Off Meetings: 1<sup>st</sup> Public Input Meeting</b> <ul style="list-style-type: none"> <li>• Review of Existing Conditions and Data</li> <li>• SWOT Analysis -- identification and analysis</li> <li>• Visioning exercise</li> </ul> | PC/Staff |
| <b>June 27, 2023</b>                     | PC Work Session: <ul style="list-style-type: none"> <li>• Visioning Activity</li> <li>• Review and synthesize SWOT analysis, visioning input</li> <li>• Initiate development of draft goals and objectives</li> </ul>                          | PC/Staff |



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| <b>July 2023 – September 2023</b>           | <b>Phase 4: Goals and Objectives</b>   |                      |
| <b>Mid-June to Mid-July 2023</b>            | <ul style="list-style-type: none"> <li>• Release Goals and Objectives Online Survey</li> <li>• Begin public outreach for survey completion</li> </ul>  | Staff                |
| <b>July 2023 -August 2023</b>               | PC Work Sessions: <ul style="list-style-type: none"> <li>• Synthesize results of the SWOT analysis and data; potential topics below <ul style="list-style-type: none"> <li>○ Growth and Livability, Housing and Infrastructure</li> <li>○ Transportation, Resiliency</li> <li>○ Economic Development and Employment</li> </ul> </li> <li>• Develop draft Goals and Objectives/Action Items</li> <li>• Preparation for County Fair and 2<sup>nd</sup> Public Input Meeting</li> </ul> | PC/Staff             |
| <b>Week of August 21<sup>st</sup>, 2023</b> | <b>COUNTY FAIR WEEK</b> <ul style="list-style-type: none"> <li>• Land Use Exercise</li> <li>• Goals and Objectives Survey</li> </ul>   | PC/Staff             |
| <b>Week of August 28<sup>th</sup>, 2023</b> | <b>2<sup>nd</sup> Public Input Meeting</b> <ul style="list-style-type: none"> <li>• “What We Heard” (in June)</li> <li>• Draft Goals and Objectives presentation and feedback</li> <li>• Initial Future Land Use visioning exercise and related infrastructure</li> </ul>  | PC/Staff             |
| <b>September 26, 2023</b>                   | PC Work Session: <ul style="list-style-type: none"> <li>• Preparation for Joint PC/CC Meeting on Goals and Objectives</li> </ul>   | PC/Staff             |
| <b>End of September 2023</b>                | <b>Joint meeting of PC/CC</b> to request endorsement of Goals and Objectives – need legal input  | CC/PC<br>Staff/Legal |

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| <b>October 2023 - May 2024</b>               | <b>Phase 5: Plan Recommendations and Implementation Strategies</b>  |             |
| <b>October 2023 – January 2024</b>           | PC Work Sessions: <ul style="list-style-type: none"> <li>• Drafting text and future maps for plan elements based on approved Goals and Objectives, Draft of SWOT Action Items</li> <li>• Preparation for 3<sup>rd</sup> Public Input Meeting</li> </ul>                                   | PC/Staff    |
| <b>October 2023</b>                          | <ul style="list-style-type: none"> <li>• Release Land Use Online Survey</li> <li>• Begin public outreach for survey completion</li> </ul>   | Staff       |
| <b>Week of January 22<sup>nd</sup>, 2024</b> | <b>3<sup>rd</sup> Public Input Meeting</b> <ul style="list-style-type: none"> <li>• Review approved Goals and Objectives</li> <li>• “What We Heard” (in October)</li> <li>• Review draft recommendations, strategies, and action items</li> <li>• Finalize future land use map</li> </ul> | PC/Staff    |
| <b>February 2024 – April 2024</b>            | PC Work Sessions: <ul style="list-style-type: none"> <li>• Finalize text and map recommendations available for public review</li> <li>• Preparation for 4<sup>th</sup> Public Input Meeting</li> </ul>  | PC/Staff    |
| <b>Week of April 22<sup>nd</sup>, 2024</b>   | <b>4<sup>th</sup> Public Input Meeting</b><br>**Invite CC to this meeting   | CC/PC/Staff |

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| <b>June 2024 – December 2024</b>                               | <b>Phase 6: 2024 Plan Adoption</b>  |             |
| <b>6/11/24</b>   | <b>PC Vote to Schedule PH</b> – 30 days’ notice in local paper required                                 | PC/Staff    |
| <b>6/25/24<br/>(PC 4<sup>th</sup> Tuesday Regular meeting)</b> | <b>PC Workshop</b> – consensus to release version for public review                                     | PC/Staff    |
| <b>7/1/2024</b>  | Release Version for Public Review   | Staff       |
| <b>7/23/24<br/>(PC 4<sup>th</sup> Tuesday Regular Meeting)</b> | <b>PC Public Hearing</b><br>Public Comments open for 2 weeks (8/6/24)                                   | PC/Staff    |
| <b>8/13/24</b>   | PC review of comments received  | PC/Staff    |
| <b>8/27/24<br/>(PC 4<sup>th</sup> Tuesday Regular Meeting)</b> | <b>PC Vote/Recommendation</b>   | PC/Staff    |
| <b>9/5/24</b>  | Recommendation forwarded to CC for scheduling of Workshop and Public Hearing (requires 15 days’ notice) | CC/Staff    |
| <b>9/19/24</b>   | <b>County Commission Workshop</b>   | CC/PC/Staff |
| <b>10/17/24</b>  | <b>County Commission Public Hearing</b><br>Public Comments open for 2 weeks (10/31/24)                  | CC/Staff    |
| <b>11/7/24</b>   | County Commission review of public comments received and final input and revisions                      | CC/Staff    |
| <b>12/5/24</b>   | <b>County Commission Vote on 2024 Comprehensive Plan</b>  | CC          |

All of these dates are subject to change\*