



Agenda

Jefferson County Planning Commission

Tuesday, December 14, 2021 at 7:00 PM

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed. This meeting will NOT be a live broadcast on our website. Instead, it will be accessible through a live ZOOM Meeting only.

If you wish to make a public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****Please use the following information to join the ZOOM Meeting****

Virtually via ZOOM (video or phone conference options available).

Join Zoom Meeting: <https://us02web.zoom.us/j/81897159256>

Dial by location: 301-715-8592 / Meeting ID: 818 9715 9256

Find your local number: <https://us02web.zoom.us/u/kbTrmvHiix>

1. Approval of Meeting Minutes: November 9, 2021 and December 7, 2021
2. Request for postponement.
3. **Public Hearing:** Request for a waiver of Section 20.201A.2, to reduce the access width from 50' to approximately 14' for the purpose of creating one additional lot on the existing Hollow Tree Drive. Applicant: Patricia Greenley. Property Owner: Laurice Berry. Property Location: 137 Hollow Tree Drive, Summit Point, WV. Parcel ID: 06019A00010001; Size: 11 acres; Zoning District: Rural. File: 21-20-PCW.
4. **Public Hearing:** Request for a waiver of Section 20.201 of the Subdivision Regulations, to process the first five (5) lots (out of the maximum of seven (7) lots) of a Cluster Subdivision as a Minor Subdivision. Property Owner/Applicant: Secatello Contracting LLC; Property Location: 4590 Bowers Road, Kearneysville, WV. Parcel ID: 07000500020000; Size: 48 ± acres; Zone: Rural. File: 21-21-PCW.
5. **Public Hearing:** Request for a waiver of Section 20.201A.2.b of the Subdivision Regulations, to allow Lot 10 to use River Bend Road as an entrance to the lot as it was permitted to do so in 1970. Property Owner/Applicant: H and G Catrow Contracting, LLC; Property Location: Vacant Parcel, Lot 10 Hidden River Farm Subdivision, River Bend Road and Wide Horizon Road, Kearneysville, WV. Parcel ID: 07001300440000; Size: 1.18 acre; Zone: Rural. File: 21-22-PCW.

There is no public comment for the following items.

6. **Discussion and Action for a Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Owner/Applicant: John Morris. Property Location: 16, 30, and 36 Old Leetown Road, Kearneysville, WV. Tax District: Middleway (07), Map: 11; Parcels: 2.1 and 2.2. Combined acreage: 1-acre. Zoning District: Village. File: 21-4-Z.
7. **Discussion and Action:** For the Planning Commission to vote to approve or deny the Milton's Landing Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. Property Owner: Lutman Land Development. Property Location: Parcel ID: 02001100300002; Size: ~65 acre; Zone: Residential Growth. File: 21-22-SD.

8. **Planning Commission Budget Discussion:** The Director of Engineering, Planning and Zoning, Roger Goodwin, has to prepare the Department's draft FY2022-2023 Budget by the end of December 2021. This is the opportunity for the Planning Commission to provide input into this budget, including the upcoming update to the Comprehensive Plan, which should be initiated in early 2023. Any budget request needs to include the item, purpose or justification, if it is an item that is needed due to state code (if so, the section of state code), and the budget amount requested.
 9. **Discussion and Possible Recommendation:** Recommendation to the County Commission regarding the proposed *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) Text Amendment regarding solar facilities in the rural and residential zoning districts. The Public Hearing was held by the Planning Commission on December 7, 2021.
 10. **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. Report by counsel regarding Comprehensive Plan Amendment and related issues.
 11. **Planner's Memo**
 12. **President's Report**
 13. **Actionable Correspondence**
 14. **Non-Actionable Correspondence**
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DRAFT
Meeting Minutes
Jefferson County Planning Commission
November 9, 2021

The Jefferson County Planning Commission met on November 9, 2021 at 7:00 pm with the following Planning Commission members present via ZOOM: Mike Shepp, President; Donnie Fisher, Vice President; Ron Thomas; Jack Hefestay, J. Ware, Shane Roper, and Matt Knott.

Wade Louthan, Secretary, and Steve Stolipher were absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held via ZOOM. ZOOM meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. Ms. Brockman conducted a roll call.

1. Approval of the following meeting minutes:

Hearing no objection, Mr. Shepp approved the October 12, 2021 and October 26, 2021 minutes as presented.

2. Request for postponement. None.

3. **Discussion and Action on the Sunnyside Investments LLC Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone a 53.2-acre portion of the Sunnyside Industrial Park from Industrial-Commercial to Residential-Light Industrial-Commercial is consistent with the *2035 Comprehensive Plan*. Owner/Applicant: Sunnyside Investments, LLC (Lots 1-5) and Thomas Management Group, Inc. (Lots 8-11). Property Location: nine vacant lots located off Kanawha Lane within Sunnyside Industrial Park, south of Wheatland Road, west of the Norfolk Southern railroad tracks. Tax District: Kabletown (06), Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, and 12.11. Combined acreage: approximately 53.2 acres. Zoning District: Industrial-Commercial. File: 21-3-Z.

Ms. Brockman provided an overview of her staff report noting, in summary, that the request was relatively consistent with the Comprehensive Plan. Mr. John Thomas, owner, explained the nature of the request arguing that due to a lack of available utilities, that industrial uses were not feasible in this location.

Mr. Hefestay made a motion to find the rezoning request consistent with the Comprehensive Plan. Mr. Knott seconded the motion, which carried unanimously.

4. **Discussion and Possible Action:** Consider County Commission's request to review the previously approved Solar Text Amendment (ZTA19-03) and its conformance with the existing *Envision Jefferson 2035 Comprehensive Plan*.

Mr. Shepp moved to table discussion of this item, as there were no documents for the Commission to review. Mr. Hefestay seconded the motion. Mr. Cochran agreed that he was not ready to proceed with a discussion of this item. Mr. Shepp called for a vote, which carried unanimously.

5. **Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.

Mr. Cochran provided the Commission a status update and requested an executive session with the Commission to discuss further action.

- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including review of Jefferson County Circuit Court Civil Action No. 2021-C-33.

Mr. Rohrbaugh noted he did not have anything to report on this item.

- c. Report by counsel regarding Comprehensive Plan Amendment and related issues.

Mr. Shepp moved to go into executive session at 7:26 pm to receive a legal advice regarding Item A, Jefferson County Circuit Court Civil Action # 2021-C-109; and, Item C, Report by counsel regarding Comprehensive Plan Amendment and related issues. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Shepp moved to come out of executive session at 8:13 pm. Mr. Hefestay seconded the motion, which carried unanimously.

6. Planner's Memo

Ms. Brockman informed the Commission that it was time to begin evaluating the FY2022-2023 budget. Ms. Brockman noted that any services related to the next Comprehensive Plan update, which should be initiated in early 2023, should be addressed in the upcoming budget. In providing some direction on this issue, Mr. Shepp requested that 'Formation of a Budget Committee' be to the December 14, 2021 meeting schedule.

- a. Discussion and Action: 2022 Planning Commission Meeting Schedule

Ms. Brockman presented the draft meeting schedule to the Commission noting that two Regular meeting dates fell on a holiday, which needed the Commission's review. Ms. Brockman added that typically the Tentative meetings (4th Tuesday) of November and December are cancelled due to the holidays.

Mr. Knott moved to accept the draft meeting schedule with the follow revisions: to schedule the May 17, 2022 and November 15, 2022 meeting dates as Regular meetings. Mr. Hefestay seconded the motion, which carried unanimously. The Commission agreed to cancel the Tentative meetings in November and December.

Ms. Brockman reminded the Commission of a Special Meeting on December 7, 2021 for the Comprehensive Plan Text Amendment Public Hearing and that their next regular meeting is December 14, 2021.

7. President's Report. None.

8. Actionable Correspondence. None.

9. Non-Actionable Correspondence. None.

Mr. Hefestay moved to adjourn the meeting at 8:21 pm. Mr. Roper seconded the motion, which carried unanimously.

These minutes were prepared by Jennilee Hartman, Zoning Clerk.

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Meeting Minutes

Jefferson County Planning Commission

December 7, 2021

The Jefferson County Planning Commission met on December 7, 2021 at 7:00 p.m. with the following Planning Commission members present via ZOOM: Mike Shepp, President; Wade Louthan, Secretary; Ron Thomas; Jack Hefestay; and J. Ware.

Steve Stolipher, Matt Knott, and Shane Roper were absent with notice. Donnie Fisher was absent without notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a virtual meeting via ZOOM. The information to participate in the ZOOM meeting was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:03 pm. Ms. Brockman conducted a roll call. A quorum was not present until 7:13 p.m. when Mr. Ware joined the meeting and Mr. Thomas resolved technical difficulties.

1. **Public Hearing:** A proposed text amendment to the Jefferson County *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts, in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes.

Ms. Brockman provided an overview of the proposed amendment.

Mr. Shepp provided an overview of the meeting format, noting that each participant would be granted three (3) minutes to speak during the public hearing. Mr. Shepp opened the public hearing. The following members of the public spoke during the public comment period:

- 1) Robert Aitcheson, Charles Town, WV, spoke in opposition to the proposed amendment.
- 2) Doug Rockwell, Charles Town, WV, provided recommendations for the Planning Commission to consider for inclusion in the amendment process.
- 3) Rodney Rice, Martinsburg, WV, spoke in support of the proposed amendment.
- 4) Delegate Wayne Clark spoke in support of the proposed amendment.
- 5) Stanley Dunn, Charles Town, WV, spoke in support of the proposed amendment.
- 6) Lucia Valentine, Shepherdstown, WV, spoke in support of the proposed amendment.
- 7) Ann Smith, Harpers Ferry, WV, spoke in support of the proposed amendment.
- 8) Rob Reckart, Cumberland, Maryland, representative for Eastern Atlantic Regional Council of Carpenters, spoke in support of the proposed amendment.
- 9) Aiman Jalil, Charles Town, WV, spoke in opposition to the proposed amendment.
- 10) Sam Gulland, Charlottesville, VA, spoke in support of the proposed amendment.
- 11) Stacy Tabb, Shepherdstown, WV, spoke in opposition to the proposed amendment and recommended that the Conditional Use Permit process be required for solar facility projects.

- 12) Mark Dyck, Integrity Federal Services, Martinsburg, WV, stated that the Planning Commission had already reviewed the proposed zoning ordinance text amendment for solar and found that it was consistent with the current Comprehensive Plan. He requested that the Planning Commission forward a recommendation to the County Commission that the current zoning text amendment related to solar is supported by the current Comprehensive Plan. He also requested that the Planning Commission recommend to the County Commission that the proposed changes to the Comprehensive Plan currently under consideration be included as an overall update to the Comprehensive Plan pursuant to state code.
- 13) Tim Sheehy, Charles Town, WV, spoke in opposition to the proposed amendment.
- 14) Ty Lawson, White Post, VA, stated he was representing a company that's looking to install solar in Jefferson County, WV. Mr. Lawson stated that the Planning Commission already found that under the existing Comprehensive Plan, solar facilities are principal permitted uses in the rural and residential zoning districts. He requested that the Planning Commission determine that solar facilities are principal permitted uses under the existing Comprehensive Plan and requested that the Planning Commission make that recommendation to the County Commission with a request to adopt the zoning text amendment again.

Ms. Beaulieu confirmed that there were no additional members of the public signed up to speak. Mr. Shepp closed the public hearing at 7:54 pm.

2. **Discussion and Possible Action:** Proposed *Envision Jefferson 2035 Comprehensive Plan* (approved 01/14/15) Text Amendment regarding solar facilities in the rural and residential zoning districts.

Mr. Shepp made a motion to continue this item until their next meeting on December 14, 2021. Mr. Hefestay seconded the motion, which carried unanimously.

Ms. Brockman inquired as to whether additional comments could be submitted until December 14, 2021. Mr. Shepp confirmed that written comments could be submitted through December 14, 2021 for the Planning Commission's consideration.

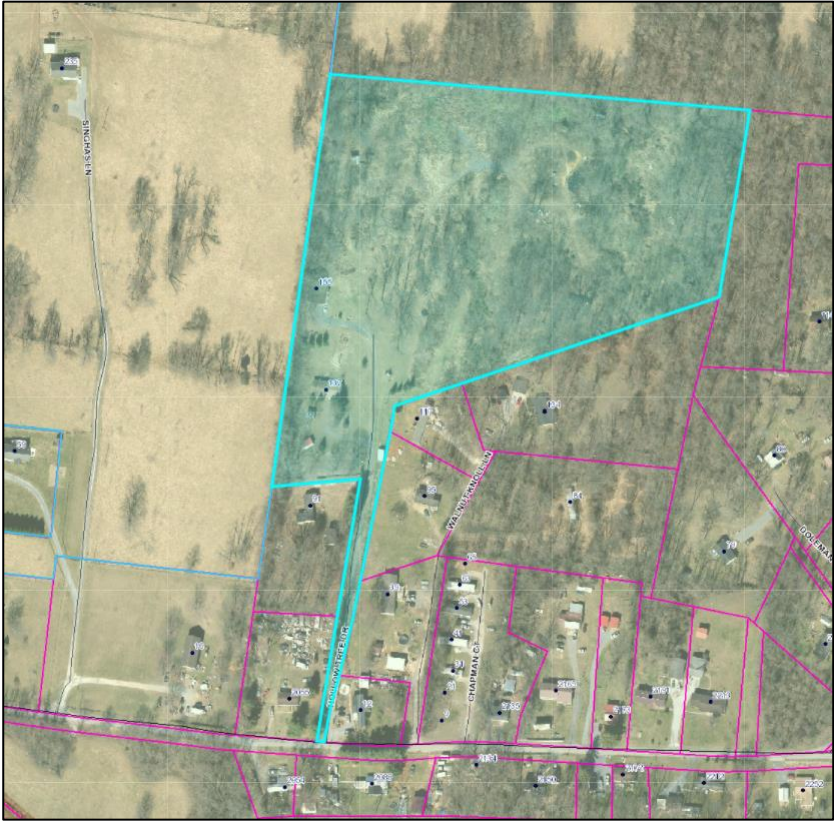
Mr. Hefestay motioned to adjourn the meeting at 7:59 p.m. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Staff Report
 Jefferson County Planning Commission Meeting
 December 14, 2021

Berry Waiver Request (File #21-20-PCW)

Item # 3: Public Hearing: Request by applicant Patricia Greenley for a waiver from Section 20.201.A.2 of the Subdivision Regulations, to reduce the access width from 50' to approximately 14' for the purpose of creating one additional lot on the existing Hollow Tree Drive.

Owner	Laurice Berry
Applicant	Patricia Greenley
Consultant	N/A
Property Location & Information	<p style="text-align: center;">137 Hollow Tree Drive, Summit Point, WV Parcel ID: 06019A00010001; Size: 11 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<i>North, South, East and West: Rural</i>
Proposed Activity	Creation of one additional lot containing an existing house with access via an existing 14' easement known as Hollow Tree Dr. instead of the required 50' access easement.
Previous Approvals	<p>07/22/77: Franklin Estates (resubdivision plat) shows the configuration of the subject parcel (see Plat Book 4, Page 56) as being 12.06 acres</p> <p>10/10/91: A 1-acre parent to child lot was divided from the subject parcel (see Deed Book 694, Page 499) leaving a balance of 11.02 acres.</p> <p>Note: this plat shows the existing and extended right-of-way to be approximately 26' wide. The access point from Lewisville Road appears to be ~14' wide.</p>

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Berry Waiver Request (File #21-20-PCW)

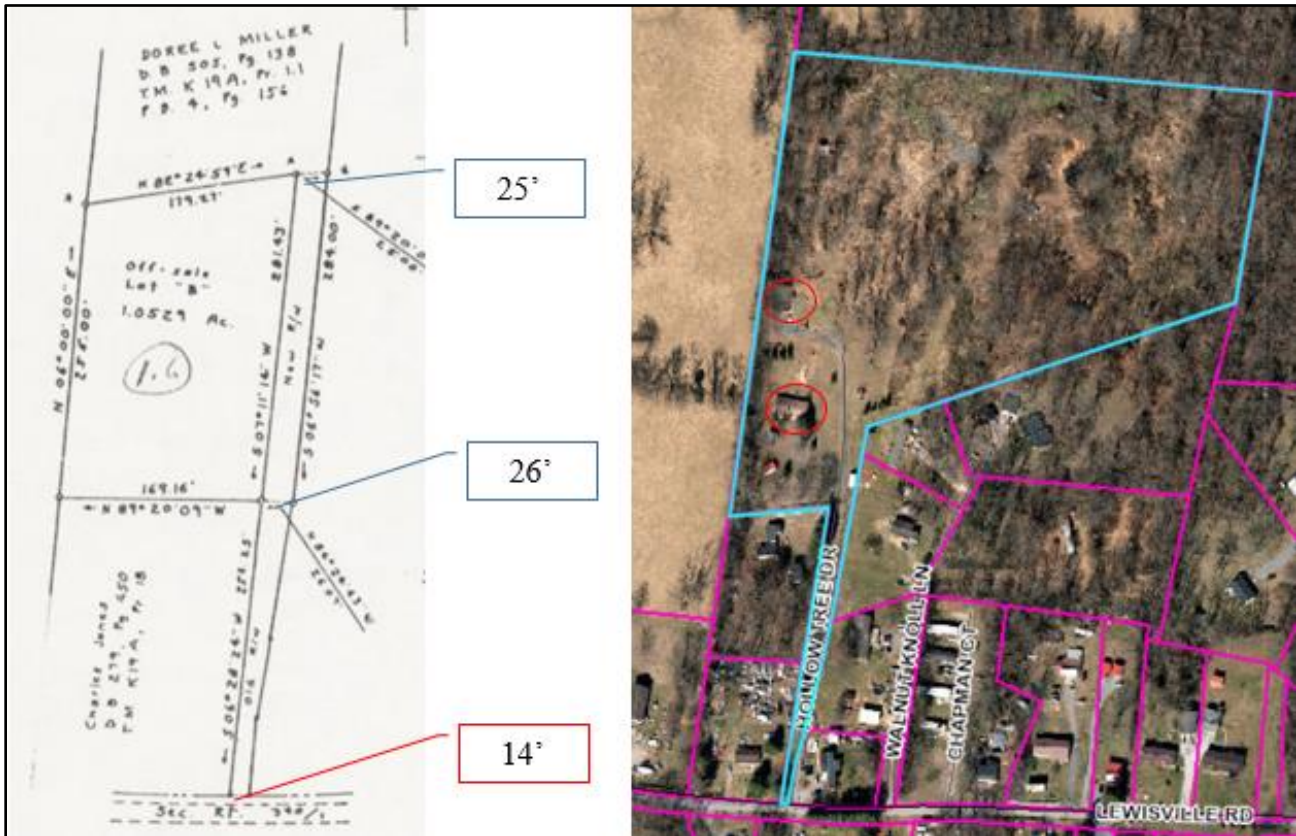
Summary of the Request:

The applicant, Patricia Greenley, is requesting a waiver from Section 20.201A.2 (see excerpt below), to waive the required 50' access easement and to allow the use of an existing access easement (Hollow Tree Drive). The existing access easement varies in width (approximately 14' to 26'). The subject parcel currently consists of two single-family dwelling units. The purpose of the division is to allow each home to be on a separate lot.

Relevant Site Information:

As previously noted, the existing Hollow Tree Drive is platted as a varying width right-of-way. The most recent survey of the property, recorded in [Deed Book 694, Page 499](#), confirms the width and location of the ROW.

The subject parcel contains two, habitable dwelling units, which are currently designated as non-conforming land uses per the Zoning Ordinance.



Staff Discussion/Recommendation:

In researching the subject parcel it was determined that it has the right to create two lots and a residue parcel (a total of three lots) in accordance with Section 5.7D.3 of the Zoning Ordinance. Note, while the property has the right to create three (3) total lots, the applicant is only requesting to divide one (1) lot and

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Berry Waiver Request (File #21-20-PCW)

the residue parcel (a total of two lots). In granting the waiver, it would allow the two existing dwellings to be located on their own parcels, thus eliminating the nonconforming use status of this property.

While the Zoning Ordinance would permit the division to occur, the Subdivision Regulations require the creation of any new lot to have access to a 50' access easement. It is not feasible to comply with this requirement due to the existing lot configurations along Hollow Tree Drive off Lewisville Road. As Hollow Tree Drive is the legal access for both of the existing dwelling units, there does not appear to be a negative impact to allow the proposed division to occur.

Sections of Subdivision Regulations under Consideration:

Sec. 20.201 Minor Subdivisions

A. Residential

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)
However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

Waiver Requirements:

The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) that the waiver, if granted, will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 21-20-PCW
 Mtg Date: 12-14-21
 Date Rec'd: 11-16-21
 Fees Paid: 100-
 Staff Int: gjt
 List of Adjoiners:

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

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Laurice Berry
 Business Name: _____
 Mailing Address: P.O. Box 73, Rippon, WV 25441
 Phone Number: _____ Email: _____

Applicant Contact Information

Applicant Name: Patricia Greenley Same as owner:
 Business Name: _____
 Mailing Address: P.O. Box 1126, Charles Town, WV 25414
 Phone Number: 304-839-9649 Email: vadv.wv365@gmail.com

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 137 Hollow Tree Drive, Summit Point, WV Vacant Lot:
 Tax District: 06-Kabletown Map No: 19A Parcel No: 0001 0001 0000
 Parcel Size: 11.02 ac Deed Book: 1135 Page No: 680
 Zoning District: _____

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

* Sec. 20.201A

Briefly Describe the Nature of Your Waiver Request:

Divide the 11-acre parcel into two lots. The division would result in the two existing homes to be on two separate lots

* Waiver to reduce the access width from 50' to ~14' for the purpose of creating one additional lot on Hollow Tree Drive. gjt

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

Since this is a request to divide two existing homes onto two separate lots, there will be no impact on County maintenance cost and no impact on parkland.

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

As this is a request to divide existing homes, there will be no adverse affects to public health, safety or welfare or the rights of adjacent property owners or residents.

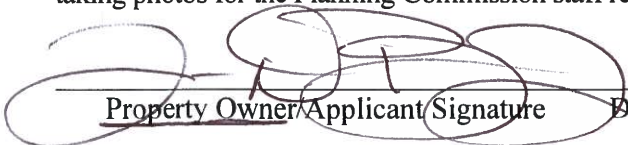
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

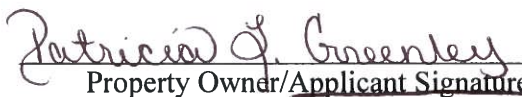
Granting this waiver will keep with the intent of maintaining a residential setting as has been in existence since the properties ~~was~~ purchase.

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

Granting the waiver will not affect any existing character of the property or community since this will be the division of two existing homes on two separate lots.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.


Property Owner/Applicant Signature 11/15/21 Date


Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

12-14-21
Public Hearing Date

11-30-21
Date Placard Posted

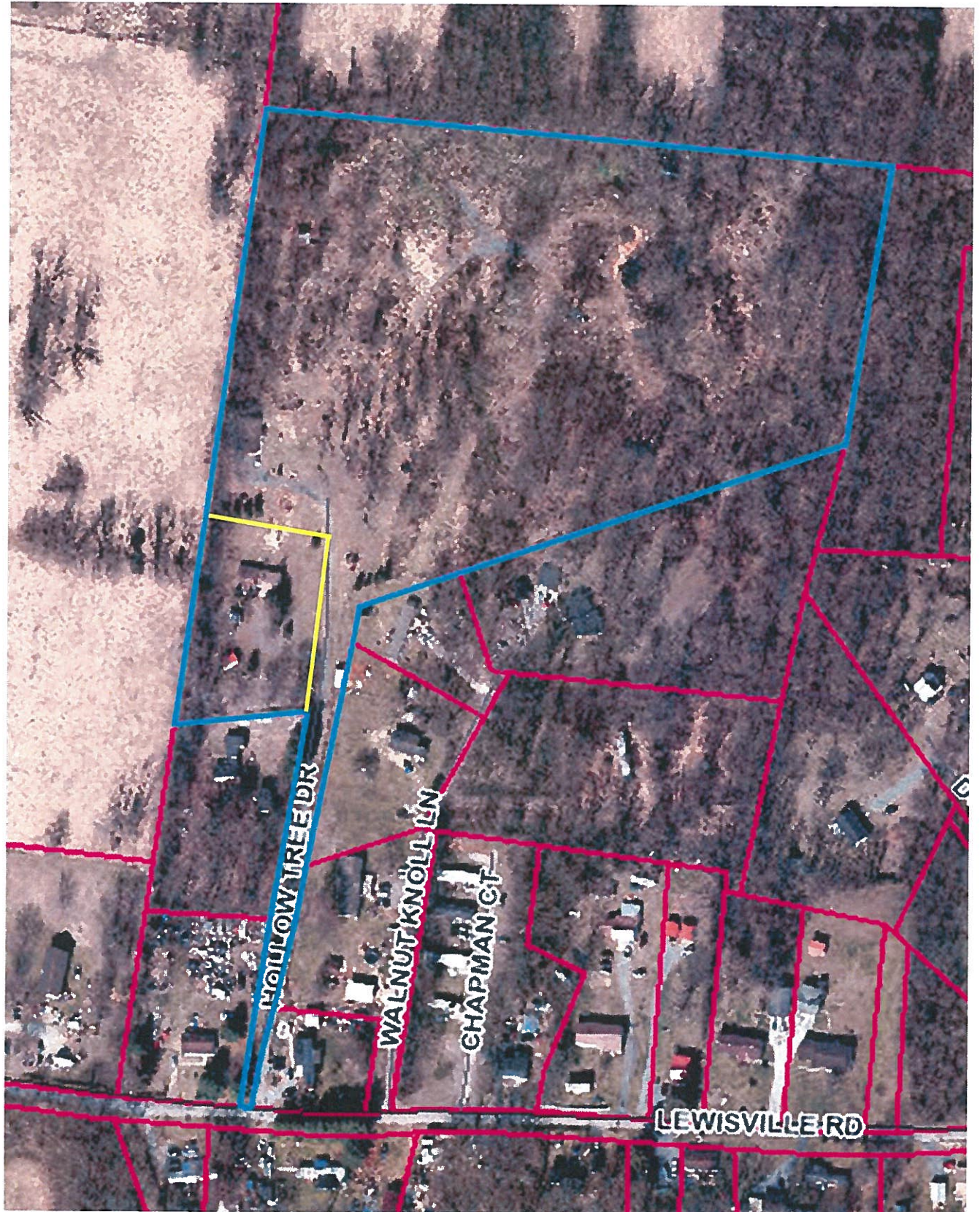
11-30-21
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

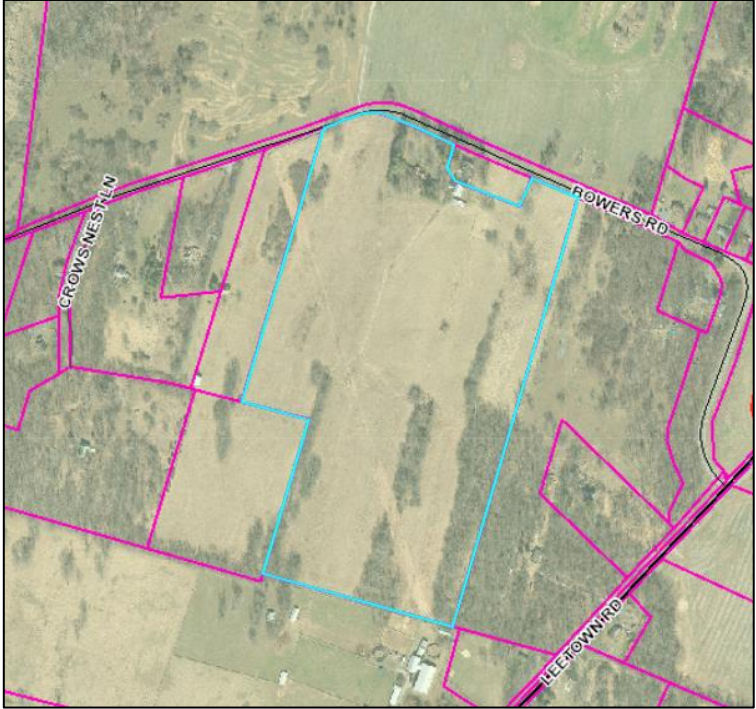


Yellow lines are approximate

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Secatello Waiver Request (File # 21-21-PCW)

Item # 4: Public Hearing: Request for a waiver from Section 20.201 of the Subdivision Regulations to process the first five (5) lots (out of the maximum of seven (7) lots) of a Cluster Subdivision as a Minor Subdivision.

Owner/Applicant	Todd Secatello
Consultant	Paul Raco, P.J. Raco Consulting, LLC
Property Location & Information	<p style="text-align: center;">4590 Bowers Rd, Kearneysville, WV Parcel ID: 07000500020000; Size: 48 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<i>North, South, East and West: Rural</i>
Proposed Activity	To create five residential lots as a minor subdivision.
Previous Approvals	07/08/98: Boundary line adjustment (DB904/PG184)

Summary of the Request:

The applicant is requesting a waiver from Section 20.201 of the Subdivision Regulations (see excerpt below) to process the first five (5) lots (out of the maximum of seven (7) lots) plus a residue of a Cluster Subdivision as a Minor Subdivision.

Relevant Site Information:

In order to calculate the density of a property, Section 20.201 of the Subdivision Regulations and Section 5.7D of the Zoning Ordinance state that the calculations must be based on the acreage of the property as of October 5, 1988 (the adoption of zoning).

As of October 5, 1988, the subject parcel was approximately 38 acres. A boundary line adjustment was recorded on July 8, 1998 that increased the size of the parcel to approximately 48.15 acres. Using the original acreage of the parcel, Section 5.7D.2 of the Zoning Ordinance would allow a total of eight lots (seven and a residue) to be divided from the property using the cluster provisions, which would require approximately 19 acres to be retained as green space. The definition of green space is as follows:

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Secatello Waiver Request (File # 21-21-PCW)

“Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein.

Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit, and an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner’s association.”

Cluster Provisions of Zoning Ordinance/Subdivision Regulations

Section 5.7D.2.b.iv(a) of the Zoning Ordinance, under *Procedures*, states that all parcels utilizing the Cluster Provision must process as a Major Subdivision, which requires a Concept Plan.

iv. Procedures²³

- (a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.^{17, 21, 23}

Section 20.201 of the Subdivision Regulations allow a total of five lots to be divided from a property using the Minor Subdivision process and requires all additional lots to process as a Major Subdivision.

Staff Discussion:

Although the Zoning Ordinance requires all Cluster developments to process as a Major Subdivision, because the Subdivision Regulations classify a subdivision with 5 or less residential lots and no off-site infrastructure as a Minor Subdivision, Cluster Subdivisions with a maximum of density of 5 lots have been permitted to process as a Minor Subdivision. Cluster Subdivisions on properties which have density rights allowing more than 5 lots are required to process the Concept Plan and then may process the first 5 lots as a Minor Subdivision. This is the situation for this property. As noted earlier, this 48-acre property, which consisted of 38 acres in 1988, could have a full build out of 7 lots plus a residue with a required 19 acres to be retained as greenspace. The applicant could proceed with a Concept Plan for the full build out and then process a Minor Subdivision for the first 5 lots.

Alternatively, if the applicant was not using the Cluster provision of the Zoning Ordinance, they could process two lots and a residue as a Minor Subdivision and do the same in five years, resulting in the 5 lots being proposed.

Instead of using either of these processes, the applicant is requesting a waiver to be permitted to process the first 5 lots of the Cluster Subdivision as a Minor Subdivision without having to process the Concept Plan at this time. The applicant has stated that if at any time they move forward with an additional lot (up to the maximum 7 lots and a residue), they will process the required Concept Plan and Major Subdivision or request an additional waiver at that time.

Staff Recommendation:

Staff finds that the request to process the first 5 lots as a Minor Subdivision is reasonable provided that the plat clearly states that this subdivision is processing as a Cluster Subdivision and clearly allocates the required 19.14 acres of greenspace and notes that further subdivision will need to occur in conformance with Section 5.7D.2 of the Zoning Ordinance.

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021
Secatello Waiver Request (File # 21-21-PCW)

Sections of Subdivision Regulations under Consideration:

Sec. 20.201 Minor Subdivisions

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and **result in the creation of five (5) residential lots or less**, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.

A. Residential

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)
However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

Waiver Requirements:

The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) that the waiver, if granted, will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 21-21-PCW
 Mtg Date: 12-14-21
 Date Rec'd: 11-23-21
 Fees Paid: \$100/chk#3153
 Staff Int: AB
 List of Adjoiners:

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

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Secatello Contracting, LLC
 Business Name: _____
 Mailing Address: 187 Old Leetown Pike, Kearneysville, WV 25430
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Applicant Name: Todd Secatello Paul J Raco Same as owner:
 Business Name: Secatello Contracting, LLC P.J. Raco Consulting, LLC
 Mailing Address: See Above and Below
 Phone Number: _____ Email: _____

Consultant Information

Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548 Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: 4590 Bower Road, Kearneysville, WV 25430 Vacant Lot:
 Tax District: Middleway Map No: 5 Parcel No: 2
 Parcel Size: 48.15 +/- Acres Deed Book: 1266 Page No: 742
 Zoning District: Rural District

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?
20.201

Briefly Describe the Nature of Your Waiver Request:

See Attached

Secatello Contracting, LLC
Bowers Road
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201
November 23, 2021

Brief Description:

The Applicant owns a 48.15+- acre parcel that is entitled to subdivide into 7 Lots utilizing the Cluster Provision, provided that 19 +- acres remain open/green/farm/forest. As indicated in the included PPC Memo, the Staff agrees that there are several ways to develop the property including the above Cluster method. Also, during the PPC Conference, it was identified that due to some cross references in the Ordinances, Cluster developments are considered Major Subdivisions. As such, the Applicant is proposing to process the 5 lots (4 lots and a residue) as a Cluster but also as a Minor Subdivision. The Ordinances define a Minor Subdivision, in part, as 5 total lots on a 50' Access Easement which is achieved with this request. Therefore, the Applicant wishes a waiver to allow the first 5 lots (out of the maximum of 7 rights) to be considered Minor and that if any additional Cluster Lots are proposed, then the Applicant will either continue as a Major or revisit the issue with the Planning Commission if the Ordinances are not modified at that point.

It is important to note that, while the Ordinances currently consider a Cluster Subdivision a Major Subdivision, the Ordinances are in contradiction of the Envision Jefferson 2035 Comprehensive Plan. Recommendation Number 4d under the Rural Land Use Planning Recommendations on Page 40 states:

“Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.”

In this case, the standards would allow the Cluster to proceed with the first 5 lots as a Minor on a 50' easement.

The Applicant understands that the Ordinances haven't been amended to reflect this recommendation. However, it is a good indication that the Waiver request meets more than just the intent of the Comprehensive Plan. Accordingly, the Applicant respectfully asks the Planning Commission to grant the Waiver to allow at least the first 5 Cluster Lots as a Minor Subdivision.

Secatello Contracting, LLC
Bowers Road
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201
November 23, 2021

Four Criteria:

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

This project will have no Public costs since the property is permitted to subdivide into 7 total lots regardless of the process. In any event, any access will be the main cost and, as all roads in West Virginia, it will be a privately built and maintained access. The Applicant and lot owners will assume that cost. The County will have no additional cost since the lots and houses will yield additional taxes and the Impact Fees for Public Safety and Parks compensates for the costs of those services.

In terms of public benefit, the Cluster provision for subdivision is the preferred method of development in the Rural District as recommended in the Envision Jefferson 2035 Comprehensive Plan. Additionally, the Comprehensive Plan states that the entire Cluster Subdivision should be processed as a Minor Subdivision.

Finally, a Cluster development is the method of subdividing that requires the greatest remaining open space in the property, since half of the land will need to be left open.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still need to comply with the requirements of the ordinance, including Division of Highways, Health Department and DEP approvals as applicable.

The waiver will not adversely affect the neighbors any more than a Major Subdivision Process. Allowing the first 5 lots to develop as a Minor may ultimately reduce the total amount of lots on the property, if the Applicant decides to stop after the first 5 lots. However, if the Applicant does continue with the additional Cluster Lots, then they will either continue as a Major Process or appear again before the Planning Commission for further action.

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

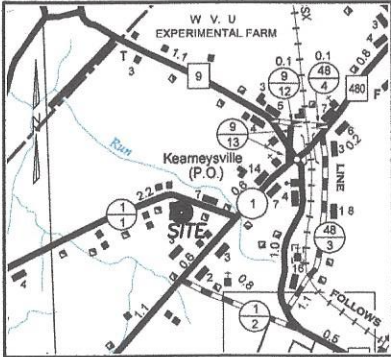
Allowing the first 5 lots (4 lots and a residue) to process as a Minor is literally permitted in the ordinance if it weren't a Cluster development. It seems odd to allow a non-clustered 5 lot development to process as a Minor; but, require the Clustered 5 lot development to process as a Major. Especially since the Clustering method is required to keep half of the land as open/farm space. It would seem that the Ordinances should be encouraging the use of the Cluster provisions. In fact, the Comprehensive Plan recommends that the Cluster Development be the preferred method and that it should process as a Minor Subdivision.

As such, the Applicant believes that the Intent and Purpose of the Ordinance supports the waiver since the Ordinances already allow 5 lots subdivisions the ability to process as a Minor and that the Comprehensive Plan endorses Cluster developments to be Minor.

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

The development will be of the same quality, because it will be the same developer utilizing the same regulations to develop and build regardless of the process. However, the character will be better since the Cluster Provision requires the retention of Open/Green/Farm/Forest Space.

Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow the first 5 lots of this project as a Minor Subdivision. Thank you.



VICINITY MAP - 1" = 3000'

SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
	NONE	

LEGEND

CRBF	CAPPED REBAR (FOUND)
CRBS	CAPPED REBAR (SET)
FP	FENCE POST
RF	REBAR (FOUND)
PT	POINT
MBR	TEST FIT
o	PERC HOLE
p	UTILITY POLE
—	OVERHEAD UTILITY LINES

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 22°42'36" W	15.00
L2	S 17°05'15" W	106.53
L3	S 36°27'58" E	75.09
L4	S 17°13'25" W	33.02

GENERAL NOTES

- SUBJECT PROPERTY IS CURRENTLY ZONED "RURAL". BUILDING SETBACK LIMITS FOR LOTS: 40' FRONT, 15 SIDE AND 50' REAR, PER J0202 STORAGE SHEEDS UNDER 150 SQUARE FEET IN SIZE SHALL HAVE A 5' SETBACK LIMIT. ATTACHMENTS TO UNITS MAY NOT PROJECT INTO THE REQUIRED YARD MORE THAN 4' WITH A MAXIMUM OVERALL LENGTH OF 10', EXCEPT AS PROVIDED FOR IN EXCEPTIONS WITHIN ARTICLE 9 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE.
- THIS MINOR SUBDIVISION (3 LOTS) IS IN ACCORDANCE WITH DENSITY RIGHTS AS DEFINED IN SECTION 5.7 OF THE JEFFERSON COUNTY ZONING ORDINANCE, ADOPTED 07-07-88 AND AMENDED THROUGH 11-21-19 AND PER THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, ADOPTED 10-09-08 AND AMENDED 02-01-16.
- NO WAIVERS HAVE BEEN APPLIED FOR OR GRANTED.
- THE PROPERTY SHOWN HEREON IS NOT LOCATED IN THE MAPPED 100 YEAR FLOOD PLAIN AS DELINEATED BY F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 54037C 0202E, EFFECTIVE DATE OF DECEMBER 18, 2009. THE PROPERTY IS LOCATED OUT OF FLOOD PLAIN.
- THE LOTS CREATED HEREON ARE TO BE SERVED BY PRIVATE, INDIVIDUAL WELL AND SEPTIC SYSTEMS. REFERENCE IS MADE TO JEFFERSON COUNTY HEALTH DEPARTMENT PERMIT NUMBER SDA-19-1921-0000.
- PRIVATELY OWNED ROADS AND COMMON LAND SHALL BE MAINTAINED BY THE PROPERTY OWNERS. THE COST AND EXPENSE OF MAINTAINING THE PRIVATE ROAD EASEMENT, INCLUDING SNOW REMOVAL, SHALL BE SHARED BY THE LOT OWNERS BENEFITING BY SAID PRIVATE ROAD AND SHALL NOT BE A PUBLIC RESPONSIBILITY OF JEFFERSON COUNTY, WV.
- THERE ARE NO RESTRICTIVE COVENANTS PROPOSED WITH THIS APPLICATION.
- THERE ARE NO LANDLOCKED PARCELS CREATED BY THIS MINOR SUBDIVISION. THERE ARE NO RESERVATIONS FOR PUBLIC LAND OR SEMI-PUBLIC USE.
- NO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
- THE SELLER OF ANY LOT WITH THIS SUBDIVISION SHALL PROVIDE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC SYSTEM CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE PROPERTY WITHOUT PENALTY.
- ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.
- THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
- VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GRADED WELL IS DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND/OR THE WEST VIRGINIA BUREAU OF HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. EXISTING AND PROPOSED EASEMENTS ARE SHOWN AND THERE ARE NO PLANNED FUTURE EASEMENTS.
- A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR POSSIBLE FUTURE CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
- ANY DRIVEWAY CULVERT WILL NEED TO BE A MINIMUM SIZE OF 15 INCHES.
- WOOD ENTRANCE PERMIT NUMBERS, 05-2021-0000.
- THE JEFFERSON COUNTY E911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACCESSED BY 3 OR MORE ADDRESSABLE STRUCTURES (NOT LOTS) SHALL BE NAMED. THE DIS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE TWO ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UN-NAMED EASEMENT OR RIGHT-OF-WAY.

SURVEYOR'S CERTIFICATION

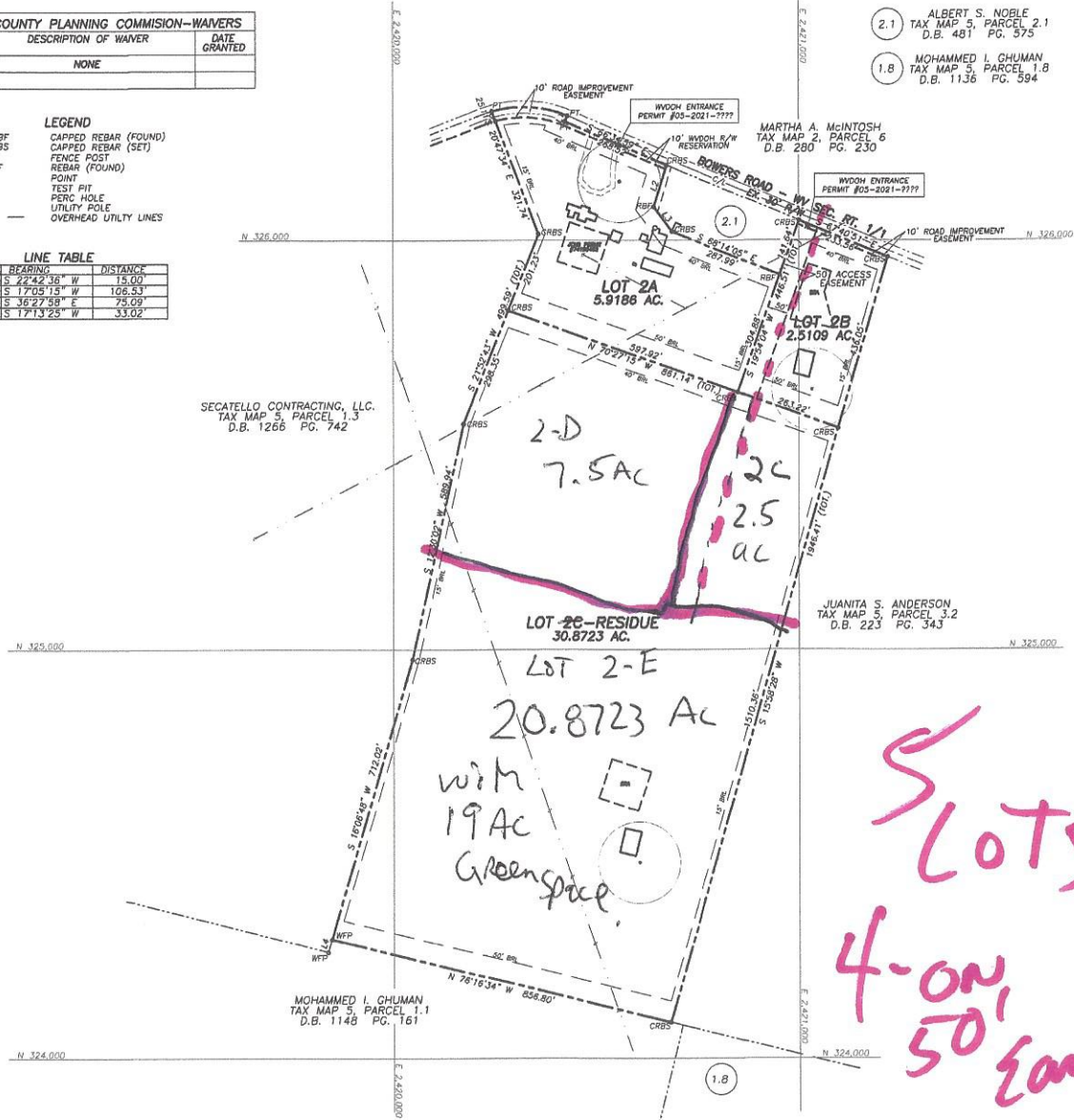
I, MICHAEL S. ROBERTS, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY TO THE BEST OF MY KNOWLEDGE AND BELIEF THAT THIS SEALED PLAN IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND OR COUNTY CODE PROVISIONS APPLICABLE ON SAID DATE; THAT THE PERIMETER AND ALL LOT BOUNDARIES SHOWN HEREON HAVE BEEN ESTABLISHED BY A NETWORK OF TRAVERSE CONTROL HAVING A RELATIVE ERROR OF CLOSURE OF 1/7,500 OR BETTER.

MICHAEL S. ROBERTS, P.S.

DATE

AREA TABULATION

PARCEL 2	39.3018 ACRES
LOT 2A	5.9188 ACRES
LOT 2B	2.5109 ACRES
LOT 2C-RESIDUE	30.8723 ACRES
TOTAL	39.3018 ACRES



- 2.1 ALBERT S. NOBLE
TAX MAP 5, PARCEL 2.1
D.B. 481 PG. 375
- 1.8 MOHAMMED I. GHUMAN
TAX MAP 5, PARCEL 1.8
D.B. 1136 PG. 594

PLAT NORTH
REF.: WV STATE GRID - NORTH ZONE

DATE: 10-14-21
DRAWN: JMR
CHECKED: MSR
SCALE: 1"=200'
DWG NO: 21-165
SHEET 1 OF 1

APPROVED
MORGAN COUNTY
PLANNING COMMISSION

OFFICE OF PLANNING

STATEMENT OF ACCEPTANCE
THE OWNER/DEVELOPER, IN SIGNING THIS PLAN, AGREES TO THE CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.
OWNER/DEVELOPER _____ DATE _____



5 Lots
4-on, 50' Easement

BOWERS ROAD MINOR SUBDIVISION
LOTS 2A, 2B, & 2C-RESIDUE
PARCEL 2
PROPERTY OF
SECATELLO CONTRACTING, LLC
187 OLD LEETOWN PIKE
KEARNEYSVILLE, WV 25430
DEED BOOK 1266 PAGE 742
TAX MAP 5, PARCEL 2
MIDDLEWAY DISTRICT ~ JEFFERSON COUNTY, WV

ROBERTS LAND SURVEYING
2068 PALMER ROAD - HEDGESVILLE, WV 25427
304.671.5406
miker002395@frontier.com

Planning Department

From: Alicia Noble <acbnoble@gmail.com>
Sent: Monday, December 6, 2021 2:41 PM
To: Planning Department
Subject: Secatello Contracting, LLC Waiver (21-21-PCW)

Date: December 6, 2012

To: Planning Commission

From: Alicia Noble

Re: Secatello Contracting LLC Waiver (21-21-PCW) Hearing

I am concerned about the possible impact to the well water supply that may be caused by drilling new wells in the proposed subdivision because of the karst geology in Jefferson County.

The well at our home on 4630 Bowers Road, Kearneysville is a shallow well. It has been in use by the current owner, Albert Noble, since 1976 and before that by the previous owner Robert Whitmore, since the mid-sixties. The well provides a very good water flow of 1.87 gal/min (measured on December 6, 2012) coming out of the kitchen faucet.

Are there any provisions in the Jefferson County Development Regulations regarding new well drilling and the impact on neighboring wells?

Respectfully submitted,

Alicia Noble

4630 Bowers Road

Kearnesysville, WV 25430


Cell Phone: 304-261-6091

Email: acbnoble@gmail.com

Staff Report
 Jefferson County Planning Commission Meeting
 December 14, 2021

Catrow Waiver Request (File # 21-22-PCW)

Item #5: Public Hearing: Request for a waiver from Section 20.201A.2.b to allow Lot 10 of the Kallenborn minor subdivision to access River Bend Road as opposed to the shared access from Wide Horizon Boulevard.

Owner	Butch Catrow, H and G Catrow Contracting
Consultant	Paul Raco, P.J. Raco Consulting, LLC
Property Location & Information	<p>Kallenborn Minor Subdivision, Lot 10 (formerly Hidden River Farm) Situated North of the intersection of Wide Horizon Blvd and River Bend Rd. Kearneysville, WV Parcel ID: 07001300440000; Size: 1.44 acres; Zoning District: Rural</p> 
Adjacent Zoning Districts	<i>North: Berkeley County; South, East and West: Rural</i>
Proposed Activity	To change the access for an existing lot created via a minor subdivision.
Previous Approvals	11/04/70: Hidden River Farm, River Bend Section, Part Three, recorded in Plat Book 1, Page 147 09/14/88: Boundary line adjustment (DB613/PG19) 08/31/20: Kallenborn MSD recorded in Plat Book 26, Page 123

Summary of the Request:

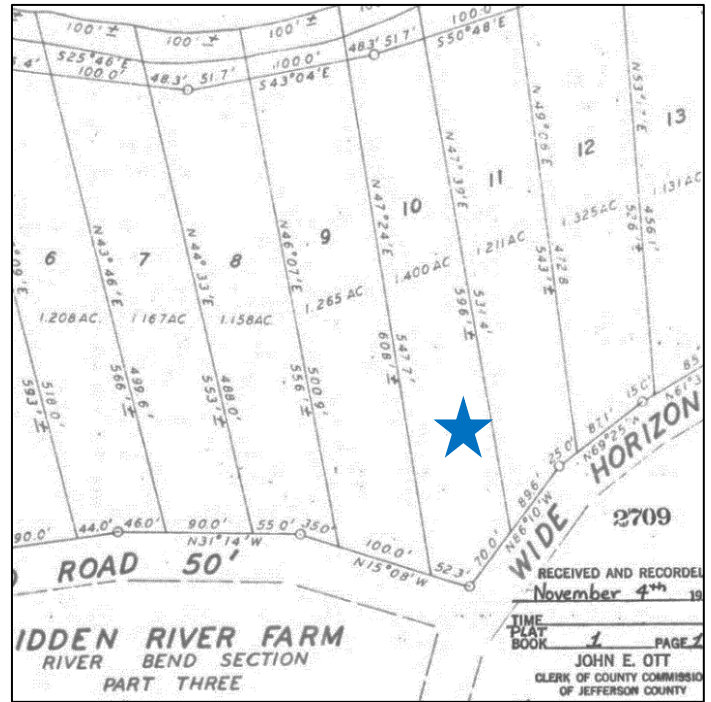
The applicant is requesting a waiver from Section 20.201A.2.b (see excerpt below) to allow Lot 10 of the Kallenborn Minor Subdivision, a resubdivision of Hidden River Farm, to access River Bend Road as opposed to the shared access from Wide Horizon Boulevard (WV 1/6).

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021
Catrow Waiver Request (File # 21-22-PCW)

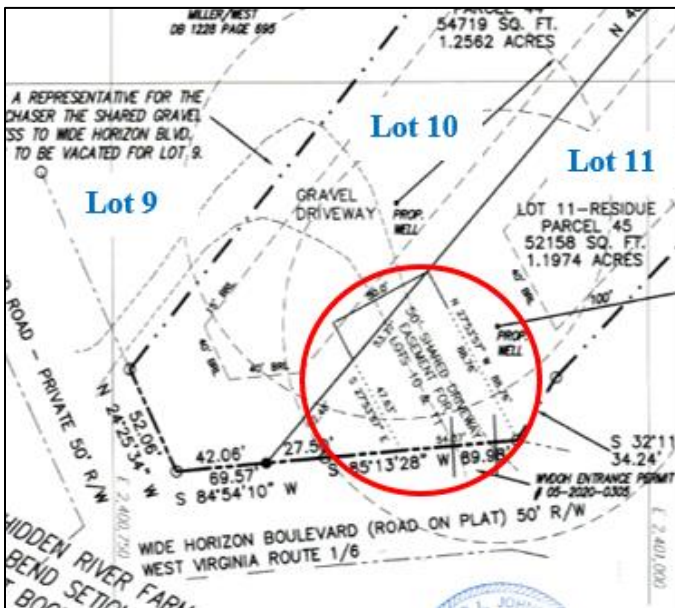
Relevant Site Information:

The subject parcel was originally platted as Lot 10 of the Hidden River Farm, River Bend Section, Part Three, which was recorded in [Plat Book 1, Page 147](#) on November 4, 1970. The recorded plat did not indicate which road (River Bend Road or Wide Horzone Blvd) Lot 10 would access. At the time this subdivision was created, the rights-of-way were not owned by the WVDOH, therefore, no permits were issued for an entrance. Additionally, this subdivision did not process through our office, so a point of access was not required to be shown on the plat.

On September 14, 1988 a boundary line adjustment deed was recorded in Deed Book 613, Page 19 that merged Lots 10 and 11 together. As this merger occurred before October 5, 1988, the merged lot had the right to resubdivide.



On August 31, 2020, the Kallenborn Minor Subdivision was recorded in Plat Book 26, Page 123 to redivide Lots 10 and 11 back to their original configuration. In accordance with Section 20.201A.2.b of the current Subdivision Regulations, these lots were required to utilize a shared access easement. It should be noted that the previous property owner, Kallenborn, owned Lots 7 - 11. During that time a single family home was situated on Lot 9, with two driveways crossing Lots 10 and 11, that accessed both River Bend Road and Wide Horizon Blvd. As part of the minor subdivision process, Lot 10 agreed to vacate its use of the existing driveway from River Bend Road. This driveway is now solely for the benefit of Lot 9, which is not owned by the applicant.



Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Catrow Waiver Request (File # 21-22-PCW)

Included in the Kallenborn minor subdivision file is a letter dated May 20, 2020, from the WV Division of Highways acknowledging that River Bend Road is not a state owned road; therefore, no entrance permit would be required. Further, the WVDOH entrance permit appears to have only been issued to Lot 11.

It should also be noted that a significant portion of these lots fall within the floodplain of Opequon Creek and that the lots are served by the Berkeley County Public Service Sewer District which has an easement along the rear of the properties.

Staff Discussion/Recommendation:

A literal interpretation of Section 20.201 would have required the Kallenborn division to process as a Major Subdivision if Lot 10 had been permitted to access River Bend Road, as this road currently serves more than five (5) lots. As noted in the applicant's narrative, rather than seeking a waiver of this standard when the Kallenborn Minor Subdivision was processing, the applicant at that time chose to provide a shared access with Lot 11.

While there does not appear to be any adverse impact in allowing Lot 10 to utilize River Bend Road, if the applicant wishes to share the existing driveway on Lot 9, staff recommends that the applicant be required to process an access easement through the office. This will ensure that future owners of the property retain a legal point of access.

If the Planning Commission is inclined to approve this, it should be clearly stated that River Bend Road is a private road and that Lot 10 will need to participate in any local road maintenance agreement including the cost and expense of maintaining the private road and easement, including snow removal.

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021
Catrow Waiver Request (File # 21-22-PCW)

Sections of Subdivision Regulations under Consideration:

Sec. 20.201 Minor Subdivisions

Minor subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major Subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.

A. Residential

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots to either:
 - a. A WV DOH road right-of-way or easement; or
 - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)
However, in the Rural District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet
3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

Waiver Requirements:

The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) that the waiver, if granted, will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 21-22-PCW
 Mtg Date: 12-14-21
 Date Rec'd: 11-23-21
 Fees Paid: \$100 /chk#8771
 Staff Int: AD
 List of Adjoiners:

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

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: H and G Catrow Contracting, Inc
 Business Name: _____
 Mailing Address: P.O. Box 1223, Shepherdstown, WV 25443
 Phone Number: c/o Paul 304/676-8256 Email: c/o pjraco.consulting@gmail.com

Applicant Contact Information

Applicant Name: Butch Catrow Paul J Raco Same as owner:
 Business Name: H and G Catrow Contracting, LLC P.J. Raco Consulting, LLC
 Mailing Address: See Above and Below
 Phone Number: _____ Email: _____

Consultant Information

Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548 Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Physical Address: River Bend Road and Wide Horizon Road, Kearneysville, WV 25430 Vacant Lot: AB
 Tax District: Middleway Map No: X 13 AB Parcel No: X 44 AB
 Parcel Size: 1.44 +/- Acres Deed Book: 1249 Page No: 344
 Zoning District: Rural District

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

20.201 A.2.b.

Briefly Describe the Nature of Your Waiver Request:

See Attached

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

See Attached

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

See Attached

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

See Attached

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

See Attached

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Hayden A. Cabell 11/22/21
Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

12-14-21
Public Hearing Date

11-30-21
Date Placard Posted

11-23-21
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ____ / ____ / ____

Catrow Contracting, LLC
River Bend and Wide Horizon Roads
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201 A.2.b
November 23, 2021

Brief Description:

The Applicant purchased Lots 10 and 11 of the Hidden River Farm Subdivision, River Bend Section, Part 3. These two lots were created with this subdivision in Plat Book 1, Page 147 in 1970. As such they were two separate lots. In 1988, the owner at the time merged the two lots together. However, in 2020, the owner subdivided the two parcels again into the same Lots 10 and 11 that were created in 1970. The thing that changed in 2020 is that the Ordinance now required shared entrances, so Lot 10 was provided an Easement over Lot 11 to access Wide Horizon Road, even though both lots had their own ability to access the same roads that they had access to in 1970. At the time, the Surveyor did not choose to seek a waiver.

The new owner would like to seek that Waiver to allow Lot 10 to use River Bend Road as an entrance to the lot as it was permitted to do since 1970. River Bend Road is a private (not State) Road, and this lot was created on River Bend Road. Accordingly, this is not an additional access point on River Bend Road and should not need a Highway Entrance Permit since this lot already had access to River Bend Road (the private subdivision road).

Catrow Contracting, LLC
River Bend and Wide Horizon Roads
Request for Waiver
Jefferson County Subdivision Ordinance
Section 20.201 A.2.b
November 23, 2021

Four Criteria:

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

This project will have no public costs since the property was already subdivided on River Bend Road in 1970 and the lot(s) had access to this road until it was resubdivided in 2020. There will be no additional lots created by this waiver. There were two lots in 1970 until 1988 and then recreated in 2020 as two lots.

The design would be much better as the access easement that was created to meet the new ordinance standard in 2020 cross over another lot that is already small with floodplain that limits the building area.

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

If the waiver is granted, it will have absolutely no adverse effect on public health, safety, or welfare since the two lots always had access to River Bend Subdivision Road. This was simply created to meet a new standard when the property was resubdivided in 2020. However, it just does not make sense that a waiver or other accommodation was not granted at the time since the two lots previously existed with the ability to have separate entrances.

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

The two lots were created in compliance with the ordinances in effect at the time in 1970. Both Lots had the ability to enter onto the subdivision roads separately. Lot 10 had access to River Bend Road and Lot 11 had access to Wide Horizon. Wide Horizon is now a State Road and River Bend is still a subdivision road to which Lot 10 had access to.

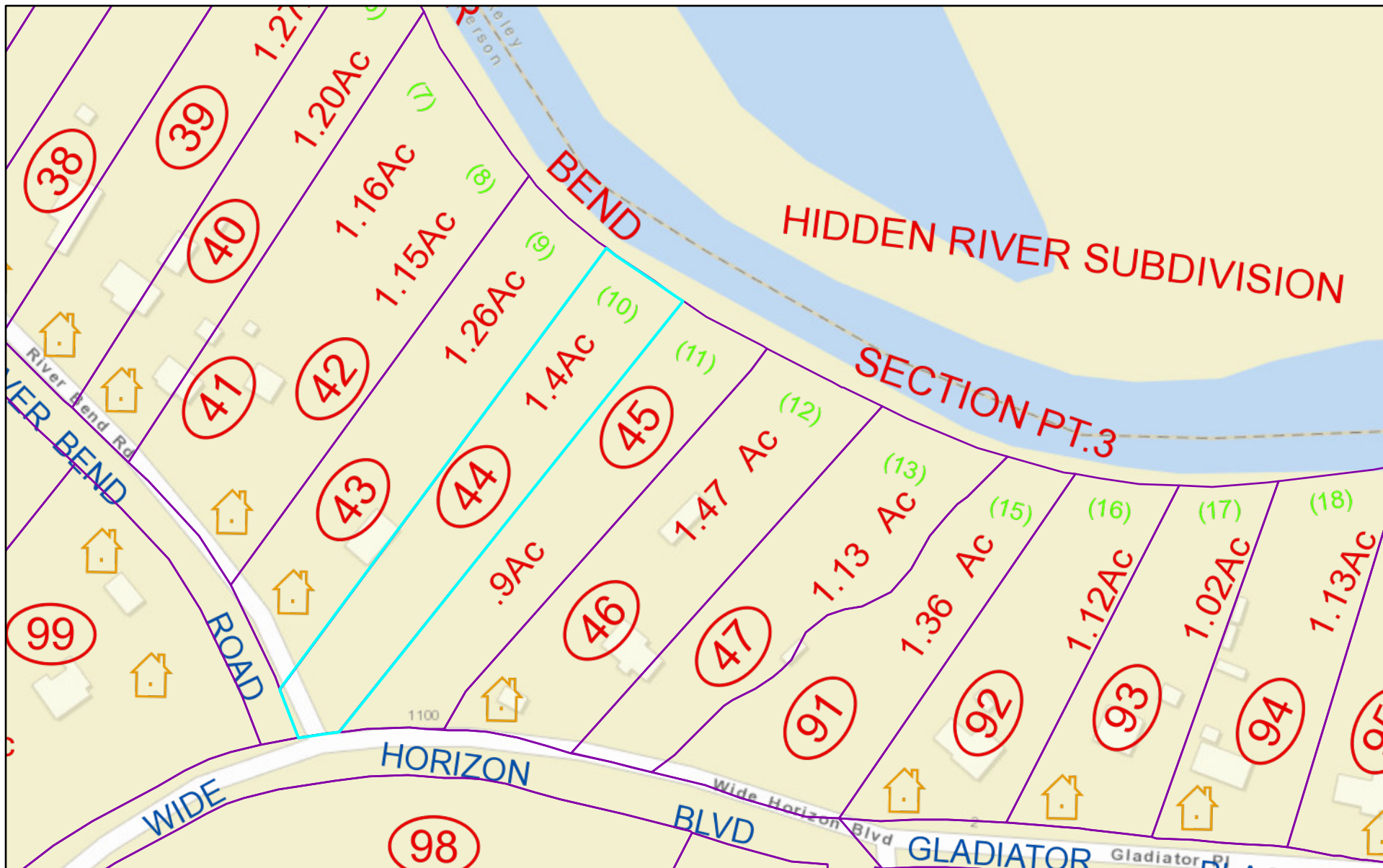
This waiver will allow the two lots to utilize the roads as they were created in 1970.

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

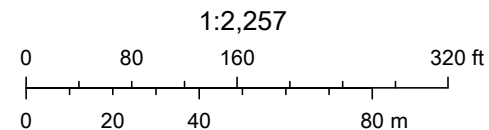
Both lot 10 and 11 are about 1.2 acres (each). About half of each lot is in the Flood Plain and cannot be utilized for building purposes. They both also are on septic and well which further limits the ability for construction. The Easement across Lot 11 for Lot 10's access takes up the front portion of the remaining buildable area of Lot 11. It constrains the ability of Lot 11 to have a similar house constructed as will be constructed on Lot 10. If the waiver is granted, this will remove the easement on Lot 11 and allow the area to be utilized for construction. Additionally, since the lots always were separate lots with the ability to have separate entrances, allowing them to continue to have separate entrances will allow them to develop like the rest of the River Bend Community as originally platted.

Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow each lot to have their own access. This would allow Lot 10 to access River Bend Road as originally intended. Thank you.

Viewer Map



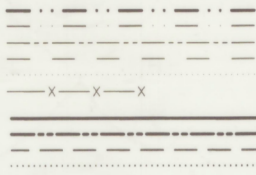
November 23, 2021



WashCo MD, VITA, Esri, HERE, Garmin, INCREMENT P, NGA, USGS

Me
Copyright 2014

DESCRIPTIVE LINES EXISTING
TRACT BOUNDARY
PROPERTY LINES OF ADJACENT TRACTS
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS
FENCE LINE
DESCRIPTIVE LINES PROPOSED:
LOT BOUNDARIES
RIGHT-OF-WAYS
RESTRICTION LINES
EASEMENTS AND OTHER RESERVED AREAS



LEGEND:
○ FOUND REBAR
⊕ FOUND CONCRETE MONUMENT
● SET 5/8" REBAR & CAP
○ SANITARY SEWER LATERAL

AREA TABULATION:
LOT 10 1.2562 AC.
LOT 11-RESIDUE 1.1974 AC.
TOTAL 2.4536 AC.

WEST VIRGINIA STATE
GRID NORTH ZONE

JEFFERSON COUNTY PLANNING COMMISSION - WAIVERS
(TABLE 1.2-2)

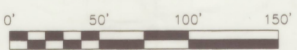
SECTION OF ORDINANCE	DESCRIPTION OF WAIVER	DATE GRANTED
	NONE	



VICINITY MAP
SCALE: 1" = 2000'

Jefferson County
Jacqueline C. Shadle, Clerk
Instrument: 2020011698
08/21/2020 @ 10:48:06 AM
PLAT (24 X 18)
Book 26 @ Page 123
Pages Recorded: 1
Recording Cost: \$ 11.00

SIDE 2381B



N 311,750

APPARENT 25' BERKELEY COUNTY
PUBLIC SERVICE DISTRICT EASEMENT
DB 931 PG 700

LOT LINES RUN TO THE
CENTERLINE OF THE OPEQUON
CREEK. PLAT 1 PAGE 147

SCALED LOCATION OF FLOOD PLAIN
FROM FIRM MAP 54037C0105E. NOT
TO BE USED FOR ANY TYPE OF
CONSTRUCTION. TRUE LOCATION CAN
ONLY BE DETERMINED BY AN
ELEVATION STUDY

- NOTES:
- PROPOSED EASEMENTS OR RIGHTS-OF-WAYS:
 - 50' SHARED DRIVEWAY EASEMENT
 - THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAYS PROPOSED
 - THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE
 - A PORTION OF THE PROPERTY LIES IN A 100-YEAR FLOOD PLAIN AND LIES IN ZONE AE & ZONE X OF FIRM COMMUNITY PANEL NUMBER 54037C0105E EFFECTIVE DECEMBER 18, 2009.
 - THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.
 - THERE ARE NO RESTRICTIVE COVENANTS PLANNED FOR THESE LOTS.
 - WAIVERS HAVE NOT BEEN APPLIED FOR OR GRANTED
 - THERE ARE NO DRAINAGE EASEMENTS
 - NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
 - ALL LOTS SHALL HAVE A DRIVEWAY CULVERT WITH A MINIMUM 15" CMP OR EQUIVALENT.
 - SEWER TO BE PROVIDED BY THE BERKELEY COUNTY PUBLIC SERVICE DISTRICT DB 931 PG 700. WATER WILL BE INDIVIDUAL WELLS.
 - EXISTING EASEMENTS - BERKELEY COUNTY PUBLIC SERVICE DISTRICT SANITARY SEWER EASEMENT
 - VERIFICATION FROM A WELL DRILLER THAT A PRESSURE GROUTED WELL IS DRILLED AND IS PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND/OR THE WEST VIRGINIA BUREAU OF HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 6 MONTHS OF THE ISSUANCE OF AN IMPROVEMENT LOCATION PERMIT.
 - THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
 - ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON A LOT.
 - THE U.S. FISH AND WILDLIFE SERVICE NATIONAL WETLANDS INVENTORY MAP INDICATES THAT THERE ARE NO WETLANDS.
 - A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
 - THE JEFFERSON COUNTY E911 ADDRESSING ORDINANCE STATES THAT ANY EASEMENT OR RIGHT-OF-WAY LEGALLY ACCESSED BY 3 OR MORE ADDRESSABLE STRUCTURES SHALL BE THE GIS/ADDRESSING OFFICE SHALL COORDINATE AND OVERSEE THE NAMING OF THE COMMON EASEMENT OR RIGHT-OF-WAY UPON CONSTRUCTION OF THE THIRD ADDRESSABLE STRUCTURE THAT ACCESSES THE PREVIOUSLY UNNAMED EASEMENT OR RIGHT-OF-WAY.
 - The road and 50' shared driveway easement is privately held and the cost and expense of maintaining the private road and easement, including snow removal, shall be shared between Lots 10 & 11, and is not a public responsibility nor the responsibility of Jefferson County, WV.

ACCORDING TO A REPRESENTATIVE FOR THE
CONTRACT PURCHASER THE SHARED GRAVEL
DRIVEWAY ACCESS TO WIDE HORIZON BLVD.
IS TO BE VACATED FOR LOT 9.

LOT 11
TM 13 P 99
HAMILTON
DB 1177 PG 666

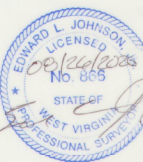
HIDDEN RIVER FARM
RIVER BEND SECTION, PART 4
PLAT BOOK 3 PAGE 7

LOT 9
TM 13 P 43
MILLER/WEST
DB 1226 PAGE 695

LOT 11-RESIDUE
PARCEL 45
52158 SQ. FT.
1.1974 ACRES

LOT 12 & PART OF LOT 11
TM 13 P 46
PALEN
DB 1157 PG 224

LOT 10
TM 13 P 98
STONE
DB 1178 PG 267



OWNER'S CERTIFICATE:
THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY
ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

JAMES P. KALLENBORN

SURVEYOR'S CERTIFICATE:
I, EDWARD L. JOHNSON JR., DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED
BY THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT
REPRESENTS A SURVEY MADE IN THE FIELD WITH A RELATIVE ERROR OF CLOSURE
EXCEEDING 1:7,500 AND THAT #5 REBAR WILL BE SET AS SHOWN.

EDWARD L. JOHNSON JR.
PROFESSIONAL SURVEYOR #866

APPLICABLE ZONING AND SUBDIVISION ORDINANCE
ZONING ORDINANCE: ADOPTED JULY 7, 1988
AMENDMENTS: NOVEMBER 21, 2019
SUBDIVISION ORDINANCE: ADOPTED OCTOBER 9, 2008
EFFECTIVE AMENDMENTS:
JANUARY 1, 2014 AND FEBRUARY 1, 2018

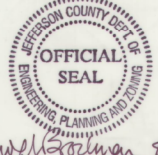
FINAL PLAT
A RESUBDIVISION OF LOTS 10 & 11, HIDDEN RIVER FARM, RIVER BEND SECTION, PART THREE
PLAT BOOK 1 PAGE 147 & DEED BOOK 613 PAGE 19
LOT 10 & 11-RESIDUE
JAMES P. KALLENBORN & MARY E. KALLENBORN
MINOR SUBDIVISION
DEED BOOK 1226 PAGE 483 TAX MAP 13 PARCELS 44 & 45
MIDDLEWAY DISTRICT JEFFERSON COUNTY WEST VIRGINIA
SCALE: 1" = 50' MARCH 19, 2020

OWNERS/DEVELOPERS
JAMES P. KALLENBORN
3519 GILBOA DRIVE
MOUNT AIRY, MD 21771
(304) 820-8576

REVISIONS:
08/14/2020 - Revised per planning
staff comments and added shared
driveway easement for Lots 10 & 11

ED JOHNSON AND ASSOCIATES, INC.
LAND SURVEYORS
674 ACORN CIRCLE
HARPERS FERRY, WEST VIRGINIA 25425
(304)725-6060

APPROVED
JEFFERSON COUNTY
PLANNING COMMISSION
per Sect. 20, 2014



OFFICE OF PLANNING & ZONING



20-11-5D

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

Office of the District Engineer/Manager

District Five

Post Office Box 99 · Burlington, West Virginia 26710-0099 · (304) 289-3521

May 20, 2020

RECEIVED

JUL 14 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

James Kallenborn
3519 Gilboa Drive
Mount Airy, MD 21771

Dear Mr. Kallenborn:

Your application for an entrance permit off River Bend Road (Lot 10 – 1.2562 acres) in Jefferson County was received in this office and a field review conducted.

As a result of our review, it was determined the proposed entrance does not front a state-maintained road; therefore, no permit is needed.

According to State Code of West Virginia, all entrances onto state-maintained highways are to have an entrance permit.

Should you have any questions regarding this information, contact Trixie Willis at 304-289-2229 or trixie.a.willis@wv.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Trixie Willis", with a long horizontal flourish extending to the left.

Trixie Willis
Permit Reviewer

TAW/t

cc: file

20-11-SD

West Virginia Department of Transportation Division of Highways Right-of-way Encroachment Permit Application

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA.

THIS PERMIT, Made this 29th day of May 2020, between the

RECEIVED

JUL 14 2020

JEFFERSON COUNTY PLANNING
ENGINEERING

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called DIVISION and

Name: KALLENBORN, JAMES

Address: 3519 GILBOA DR.

Address: MT. AIRY, MD 21771

Phone No: (304) 890-3770

Email: _____ hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with W. Va. Code §17-2E-1 *et seq.*, §17-4-8, §17-16-6, §17-16-9, §31H-1-1 *et seq.*, federal law, and the rules, policies, guidelines, manuals, and federal regulations promulgated thereunder, APPLICANT does hereby apply to enter:

Route Type & No.: SLS 1/6 DOH Project No.: _____ (if applicable);

at 0.593 mile south of Co. 1/18, west side Mile Post: 2.237

in 19 - Jefferson County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof:

To construct and maintain 1-20' residential approach (to serve Lot 11) and install a 15" C.M.P. stabilizing with a maximum size of 1 1/2" crusher run stone to a total depth of 6" compacted from the edge of pavement to right of way line per attached typical sheet. This work shall be constructed and maintained so that water and debris will not flow or be tracked onto the roadway. Should this parcel develop commercially, further subdivide, or be located within a subdivision with internal access, this permit will be invalid. Applicant shall apply for a new permit to fit altered conditions.

APPLICANT further agrees to accept the conditions hereinafter set forth:

1. APPLICANT shall deposit with DIVISION the sum of \$ _____ in the form of an official, certified or cashier's check, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.

APPROVED

JUN 25 2020

WV DOT
District 5

- A. For any inspection costs incurred under this permit.
- B. At \$ _____ per linear foot for _____ feet of water line installed under this permit.
- C. At \$ _____ per linear foot for _____ feet of sewer line installed under this permit.

3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date the work will begin. Failure to comply will be cause for cancellation of this permit.

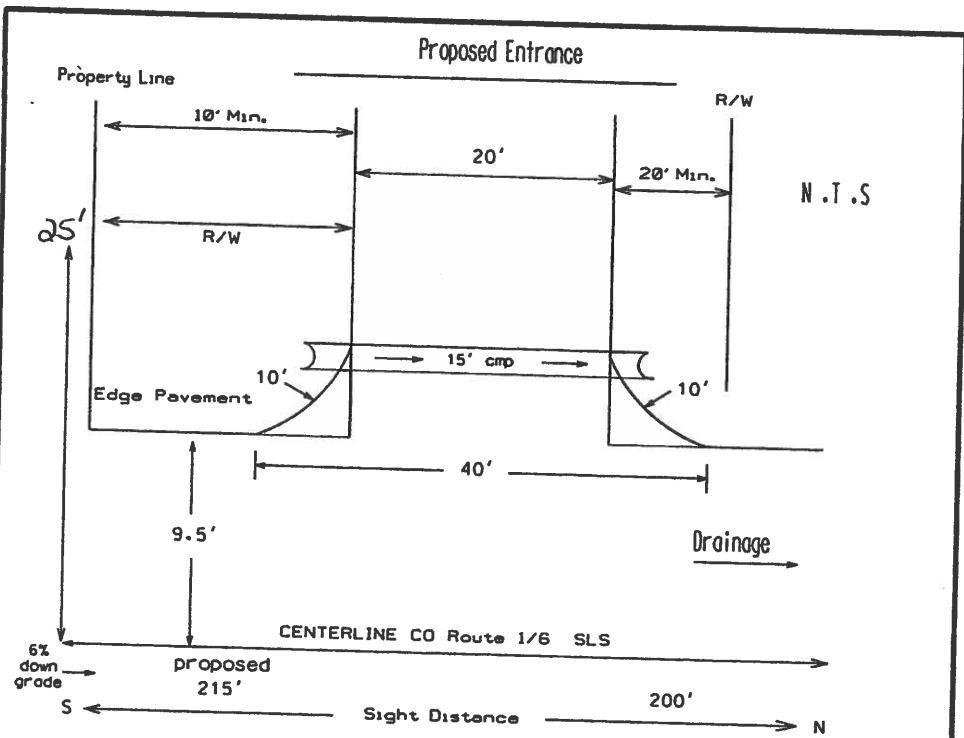
4. APPLICANT agrees to protect its employees, equipment and users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Street and Highway Construction and Maintenance Operations".

BEFORE DIGGING OR OTHERWISE DISTURBING
THE EARTH CALL: 1-800-245-4848 TO NOTIFY
MANY UNDERGROUND OWNERS* FREE SERVICE

ADDENDUM

APPLICANT'S RESPONSIBILITY

1. Construct approach in conformance to permit and attached drawings.
2. Be sure that permit is in the possession of the individual constructing approach and is followed.
3. Notify Division of Highways' County Office immediately upon completion of approach. If approach is not constructed in accordance to "Rules and Regulations for Constructing Driveways on State Highway Rights of Way", it will be the applicant's responsibility to correct.
4. The applicant shall maintain approach as follows:
 - A. If approach includes a culvert, it shall be kept clean as well as inlet and outlet end to the culvert.
 - B. If approach is on ascending (plus) grade, a depression shall be maintained over pipe to prevent water and debris from flowing into the highway.
 - C. If approach is constructed with a dressed gutter as specified on permit, it shall be maintained so as not to interfere with the purpose it was made.
 - D. Maintain the surface of the approach as specified on permit from edge of pavement to the right of way line.
 - E. Keep brush cut, tall grass cut, and trees trimmed on both sides of the driveway for an unobstructed view of the roadway.
5. If this entrance is within a previously approved subdivision with internal access, this permit may be invalid.
6. This permit is for highway use only. Applicant is responsible for any permits required from other state and federal agencies (USACE, DNR, DEP, etc.).
7. The West Virginia Department of Transportation, Division of Highways Standard Specifications for Roads and Bridge, as adopted in 2010 and its 2011 Supplemental Specifications are to be the governing authority pertaining to materials and methods of construction within Division of Highways right of way. (This is to be used for any widening or major construction within Division of Highways Right of Way.



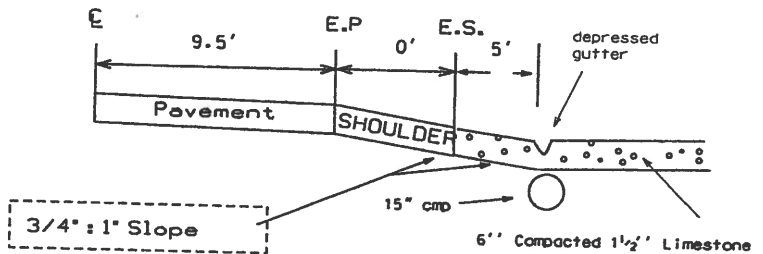
NO OBSTRUCTION PERMITTED BETWEEN PAVEMENT EDGE AND R/W LINE

REMARKS:

Maintain 10' buffer from adjacent property line.
 Clear entire property frontage back 10' from
 edge of pavement to obtain unobstructed sight distance
 To serve Lot 11 - residue (1.1974 acres)

Posted Speed Limit = 30 mph

Fill Section



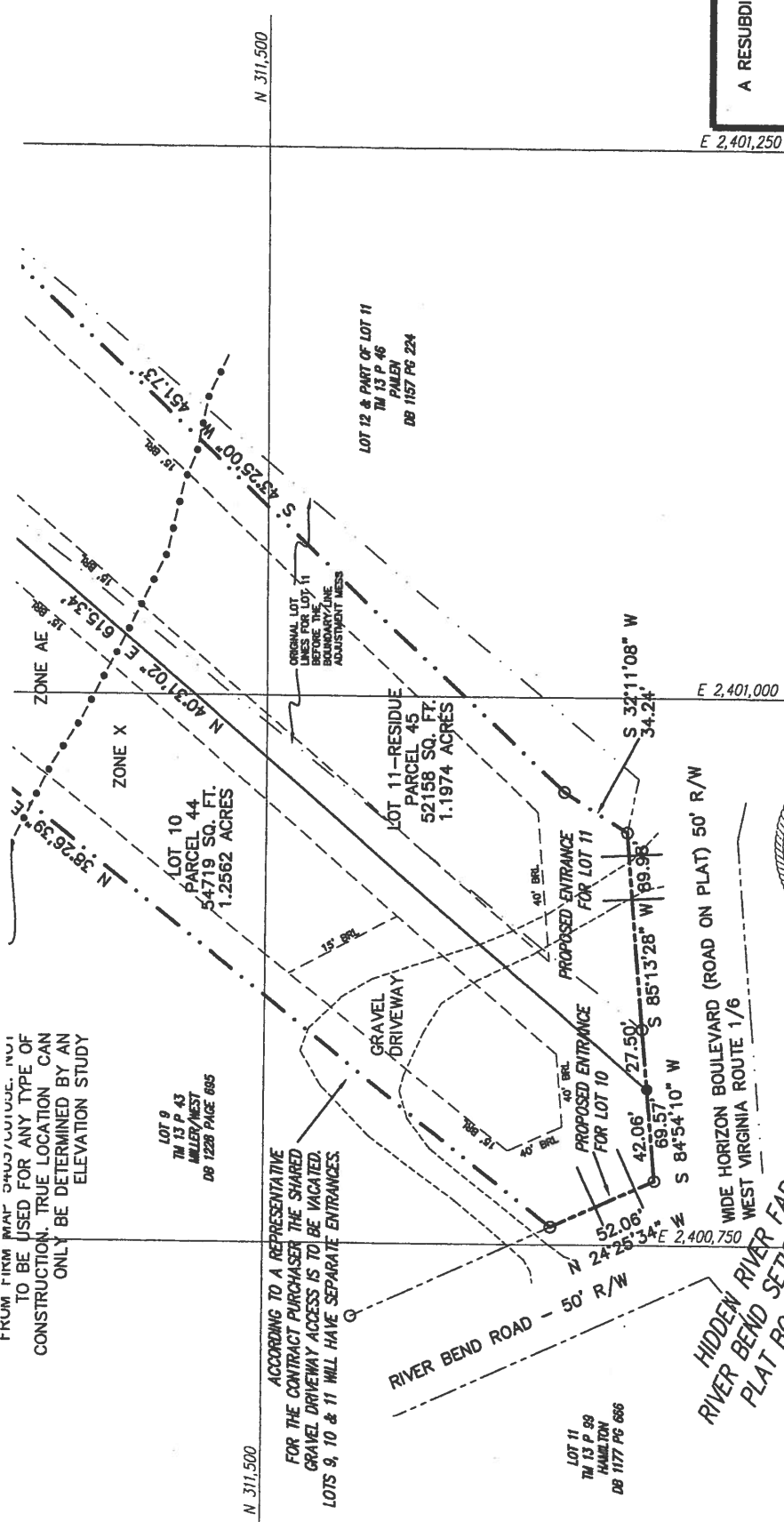
GPS
 N 39.34461°
 W 77.97088°

MP 2.237

NAME James Kallenborn 304-820-8576
 ADDRESS: 3519 Gilboa Dr., Mt. Airy, MD 21771
 LOCATION: 0.593 mi south of Co 1/18, west side

COUNTY Jefferson
 ROUTE Co 1/6
 PROJECT _____
 DATE 5/13/20

FROM FIRM MAP 54403/001000E, 1901
 TO BE USED FOR ANY TYPE OF
 CONSTRUCTION. TRUE LOCATION CAN
 ONLY BE DETERMINED BY AN
 ELEVATION STUDY



LOT 9
 TM 13 P 43
 MILLER/WEST
 DB 1228 PAGE 685

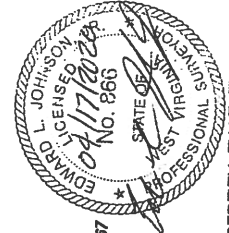
ACCORDING TO A REPRESENTATIVE
 FOR THE CONTRACT PURCHASER THE SHARED
 GRAVEL DRIVEWAY ACCESS IS TO BE VACATED.
 LOTS 9, 10 & 11 WILL HAVE SEPARATE ENTRANCES.

LOT 12 & PART OF LOT 11
 TM 13 P 46
 RALEN
 DB 1157 PG 224

LOT 11-RESIDUE
 PARCEL 45
 52158 SQ. FT.
 1.1974 ACRES

LOT 11
 TM 13 P 59
 HAMILTON
 DB 1177 PG 686

LOT 10
 TM 13 P 88
 STONE
 DB 1178 PG 287



SURVEYOR'S CERTIFICATE:
 I, EDWARD L. JOHNSON JR., DO HEREBY CERTIFY THAT THE PROPERTY DELINEATED
 BY THIS PLAT IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT IT
 REPRESENTS A SURVEY MADE IN THE FIELD WITH A RELATIVE ERROR OF CLOSURE
 EXCEEDING 1:7,500 AND THAT #5 REBAR WILL BE SET AS SHOWN.

Edward L. Johnson Jr.
 EDWARD L. JOHNSON JR.
 PROFESSIONAL SURVEYOR #866

OWNER'S CERTIFICATE:
 THE DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY
 ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

JAMES P. KALLENBORN

APPROVED
 JEFFERSON COUNTY
 PLANNING COMMISSION

A RESUBDIVISION OF LOTS 10 & 11, HIDDEN RIVER FARM
 PLAT BOOK 1 PAGE 1
 LOT 10
 JAMES P. KALLENBORN
 MINO
 DEED BOOK 1226 PAGE 4
 MIDDLEWAY DISTRICT

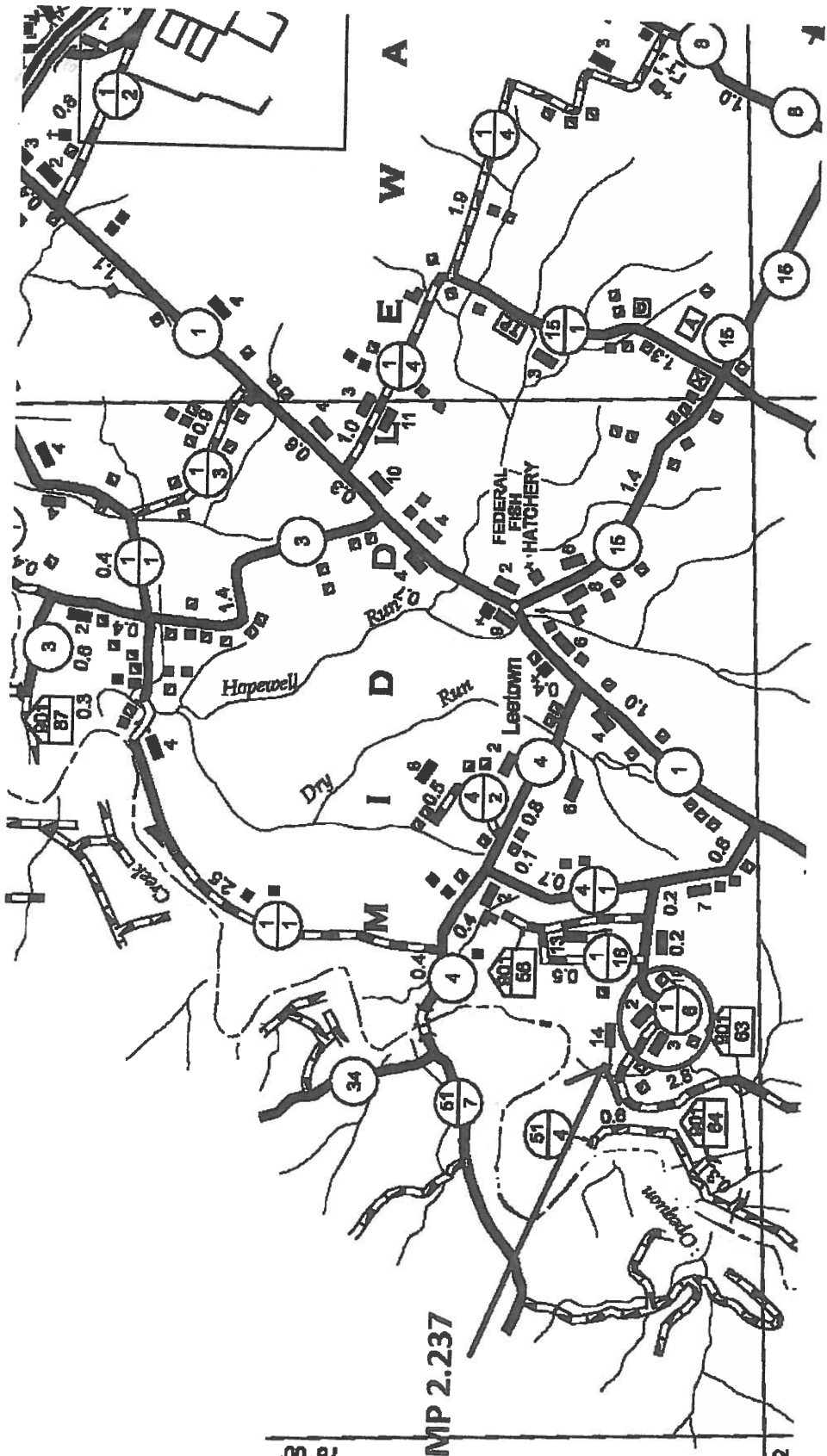
OWNERS/DEVELOPERS
 JAMES P. KALLENBORN
 JAMES F. KALLENBORN
 MOUNTAIN VIEW
 (304) 451-1111

REVISIONS:
 4/07/2020 - REMOVED COMMON
 ACCESS FOR LOTS PER PURCHASER

ED JOH
 HAI

SHEET 1 OF 1

PLANNING & ZONING



78° 00'

MP 2.237

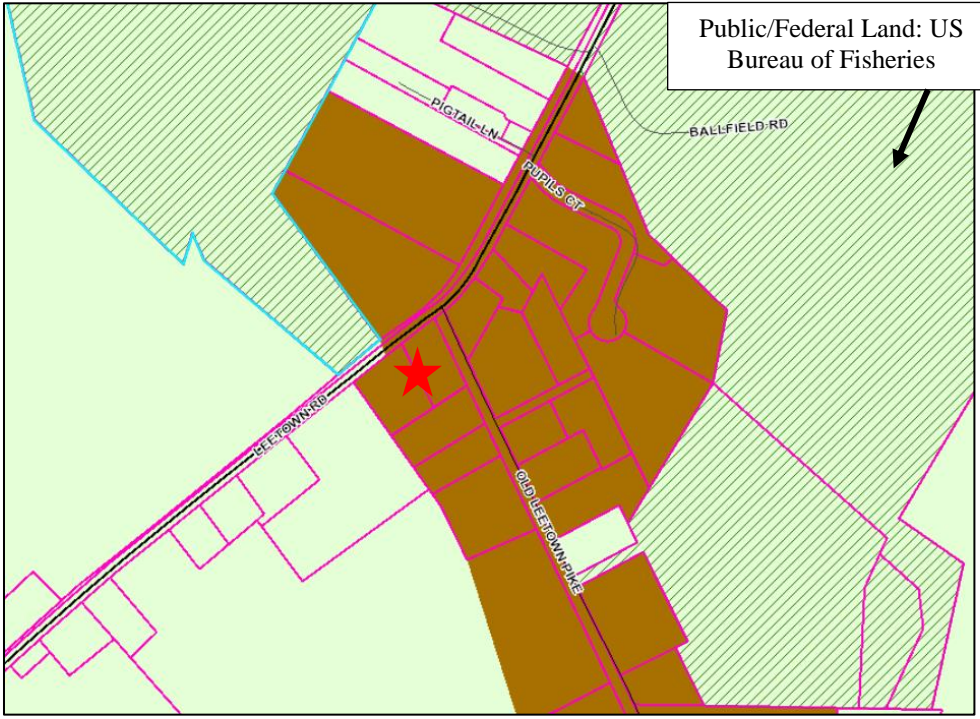
39° 20'

ITCH LINE - SEE SHEET 2

Staff Report
 Jefferson County Planning Commission Meeting
 December 14, 2021

Morris Rezoning Request (21-4-Z)

Item # 6: Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Village to General Commercial is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Owner/Applicant:	John Morris
Parcel Information:	16 Old Leetown Road, Kearneysville, WV* Tax District: Middleway (07), Map: 11; Parcels 2.1 and 2.2; Combined acreage: 1 ac; Zoning District: Village
	
	*Located on the same parcel: 30 and 36 Old Leetown, Kearneysville WV
Adjacent Zoning Districts	North, South, East: Village and Rural; West: Rural
Current Use:	Commercial / Residential (nonconforming use)
Proposed Request	To rezone from Village to General Commercial
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that the request is not consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed General Commercial zone does not allow residential uses.

Applicant’s Request

The applicant’s request is to rezone parcels 2.1 and 2.2 from Village to General Commercial. The combined acreage of the proposed rezoning is approximately one acre.

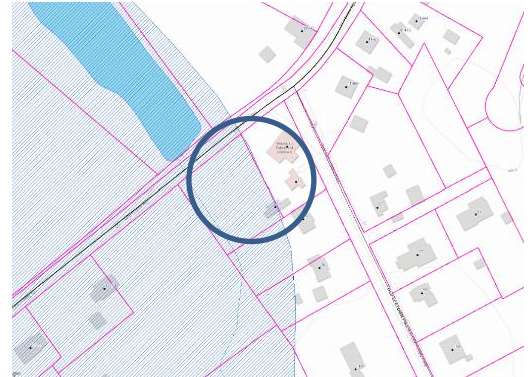
Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z)

Relevant Site Information and Neighboring Uses

The surrounding properties are primarily agricultural and residential in nature. The subject site is also within close proximity to Leetown Baptist Church, a consignment shop, and the US Bureau of Fisheries (aka US Fish and Wildlife Services), which is federally owned land.

Half of the property lies within Flood Zone A within which commercial development would not be permitted, including related parking. New construction requires 25-foot setback from the edge of the floodplain.



Scope of this Assessment

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff’s professional recommendation is that the request is **not consistent** with the *2035 Plan* because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed General Commercial zone does not allow such mixed uses.

It should be noted that Staff has no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended.” Regarding amendments by petition, State statute provides that, “Before amending the zoning ordinance, the governing body, with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan.” [See WVC 8A-7-9(c)].

Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

A. Land Use and Growth Management Element/ Future Land Use Guide

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Morris Rezoning Request (21-4-Z)

planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development. (p. 17)

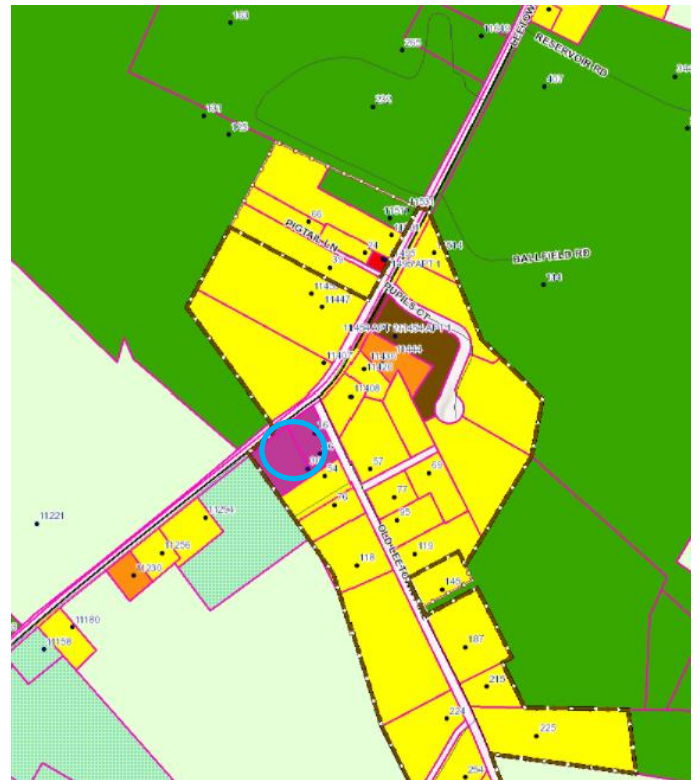
The property proposed for rezoning in this petition is located within the area of the County identified as the Village of Leetown, located at the intersection of Old Leetown Pike (WV15) and Leetown Road (WV1). (p. 41) The *2035 Plan* acknowledges the need to allow the rehabilitation and repurposing of buildings within historic districts and village areas. It further acknowledges that many villages were founded around live-work structures that allowed local business owners to live and support the village area from the same structure. One of the biggest issues related to the viability of villages and crossroads is the lack of sufficient infrastructure to serve the existing and future needs of the community. (p.43)

The *2035 Plan* also recommends that, within the village areas and the village expansion areas shown on the Future Land Use Guide, “the form, scale, and design of new development in these areas needs to complement and integrate with the existing village areas. Suburban commercial strip development is not anticipated and should not be approved in these areas. Proposed commercial structures should take into account similar architecture in the area or a type of structure that would be appropriate for the area in which it is located.” (p. 43- 44)

B. Appendix G - Land Use Map Classifications

The properties which are a part of this Zoning Map Amendment request are shown on the Future Land Use Guide as Future “Mixed Use Residential/ Commercial Development”. Appendix G of the *2035 Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide, which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts (p. 235).

Appendix G states that the “Mixed Use Residential/Commercial Development” land use category (pp. 237) was used to reflect “areas which are intended to support the mixing of residential and commercial uses. This land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. As shown on the Future Land Use Guide, any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or a new zone that permits these uses shall have a mandatory mix of these uses.” No new zoning category to address this mandatory mix has been drafted at this time.



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This section of Appendix G of the *2035 Plan* further states that the purpose of the Mixed-Use Residential/Commercial Development is to:

- “1. encourage flexibility in the development of land to promote its most appropriate use.
2. improve the design, character and quality of new developments.
3. provide and promote redevelopment and reuse opportunities.
4. encourage a harmonious and appropriate mixture of uses and/or housing types.
5. facilitate the adequate and economic provision of streets, utilities and city services.
6. preserve critical natural environmental and scenic features of the site.
7. encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses.
8. mitigate the problems which may be presented by specific site conditions.”

Proposed Zoning District – General Commercial (GC)

The purpose of the General Commercial (GC) District (Section 5.12) is to “to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.” (full description in Attachment A)

Staff Discussion and Recommendation

While the *Envision Jefferson 2035 Plan* anticipated the development of a new zoning category to require a mandatory mix of the residential and commercial uses for areas identified for Mixed Use Residential/Commercial Development, this text amendment has not occurred. The applicant’s requested zoning category of General Commercial does not appear to support the proposed future land use described in the “Mixed Use Residential/Commercial Development” recommendation, in part because the General Commercial District does not allow residential uses. The size of the property, the impact of the floodplain, and the location also make this property difficult to develop the property for the purpose identified in the General Commercial Zoning District.

The current Village zoning permits residential and a limited number of non-residential land uses which is consistent with *the Plan*. It would also be possible to reinstate the non-conforming retail use that existed on this property for many years through action by the Board of Zoning Appeals, which would allow the mixed uses on the property to continue. It should also be noted that the Antiques Shop noted in the application is one of the retail uses permitted in the existing Village Zoning District.

Staff’s professional recommendation is that the request is **not consistent** with the *2035 Plan* because it is shown as future “Mixed Use Residential/ Commercial” on the Future Land Use Guide and the proposed General Commercial zone encourages large scale retail businesses with a regional draw and does not allow residential uses.

Planning Commission Action

Article 12 of the Zoning Ordinance, in accordance with State Code, requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether

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the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation will be required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on December 2, 2021 and the required Public Hearing has been scheduled on January 20, 2022 at 6:30 pm. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachment:

- Section 5.12 General Commercial
- Appendix B Nonresidential Site Development Standards
- Appendix C Principal Permitted and Conditional Use Table

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ATTACHMENT:

Section 5.12 General Commercial (GC) District

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:
 - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
 - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
 - 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.
- D. Site Development Standards
 - 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
 - 2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D (2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.
- E. Additional Requirements
 - 1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE^{27, 32, 35}

Zoning District	Development Type [⊖]	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial [¥]	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 [£]	10 [⊖]	See I-C District		25	See IC District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac ***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 [£]	10 [⊖]	See IC District									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

* Maximum building height is subject to Sec. 9.2.

** If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

*** MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

**** Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
 GC General Commercial
 HC Highway Commercial
 LI Light Industrial
 MI Major Industrial
 PND Planned Neighborhood Development
 OC Office / Commercial Mixed-Use
 R Rural
 RG Residential Growth District
 RLIC Residential-Light Industrial-Commercial District
 IC Industrial-Commercial District
 V Village District

- P Permitted Uses
 NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.



Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor, P.O. Box 716
 Charles Town, West Virginia 25414

File #: 21-4-Z
 Date Rec'd: 11/18/21
 Fees Paid: 1050-
 Staff Int: gjt

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

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

Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a recommendation from the Planning Commission to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

Property Owner Information

Owner Name: John S. Morris
 Business Name: _____
 Mailing Address: 11070 LEETOWN RD REARBYVILLE, W.VA 25430
 Phone Number: 304-725-2407 Email: JS.MORRIS.PPE@AOL.COM

Applicant Contact Information

Applicant Name: _____ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

Name: _____
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 16 OLD LEETOWN PIC. REARBYVILLE W.VA 25430 Vacant Lot: 2:1 & 2:2
 Tax District: MIDDLEWAY 07 Map No: 11 Parcel No: 0002-007-0000
 Parcel Size: 1.0 ACRES Deed Book: 1234 gjt Page No: 324 gjt

Current Zoning District

Village

Proposed Zoning District

General Commercial

Substantiation for the Request

For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

ANTIQUARIAN STORE LIMITED HOURS
Flexibility to establish retail

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

Future Land use guide reflects commercial use

Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

The property has been commercial for 55 years
there will be no change in traffic patterns

Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?

- Yes, I request that the Planning and Zoning Staff present the petition
- No, I prefer to present the petition

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

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



Property Owner Signature*

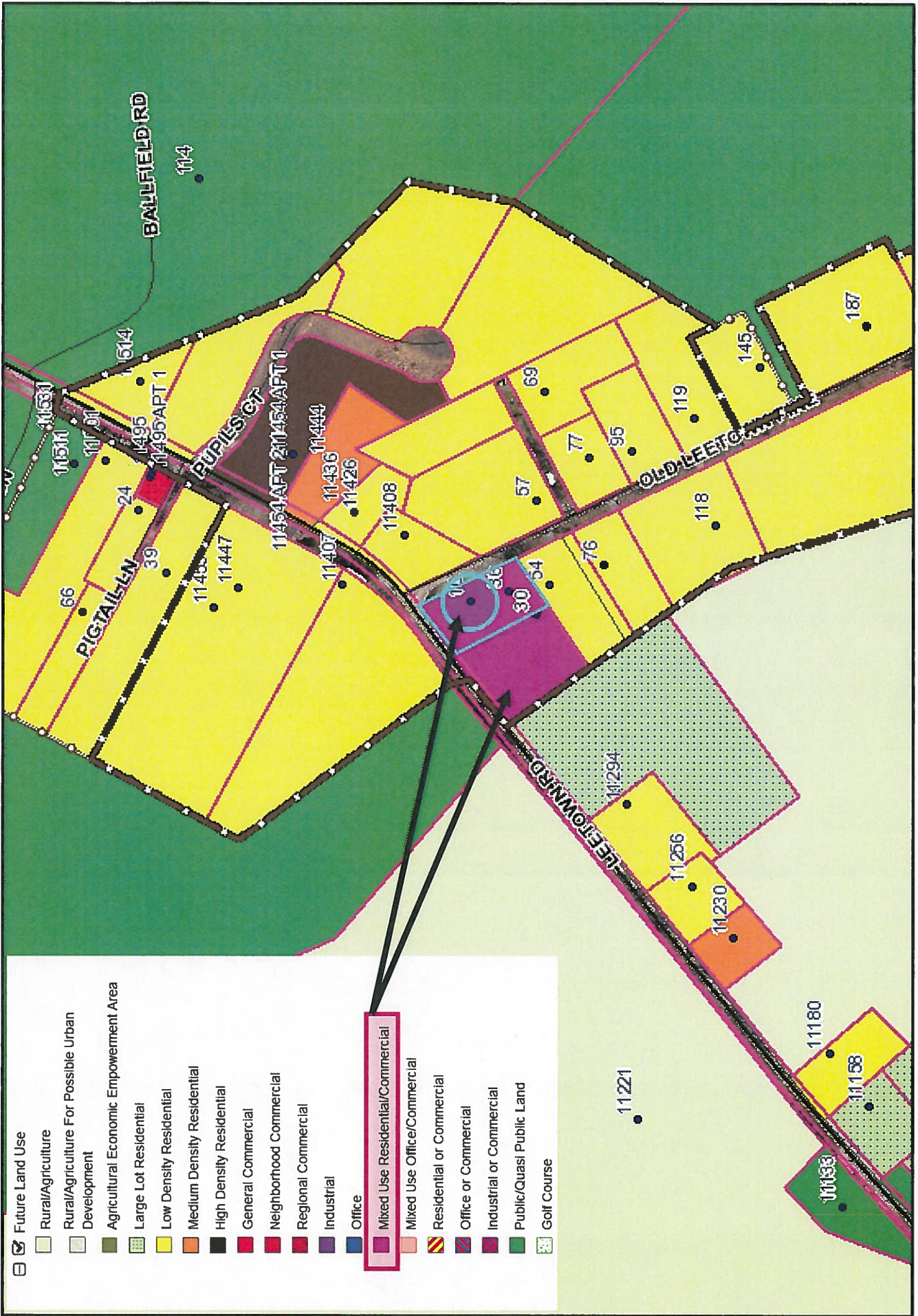
11-1-21
Date

Property Owner Signature*

Date

*The original signature of the property owner is required. A copy of the signature will not be accepted.

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.



BALLFIELD RD
114

RIGTAIL LN
66
24
39
11435
11447

PUPILS CT
11454 APT 2
11454 APT 1
11444
11436
11426
11408
11407

OLD LEE RD
69
77
95
119
145
187
118
1188
11180
11158

FIRE TOWER RD
11230
11256
11294
11221

Mixed Use Residential/Commercial

General Commercial (GC)

The purpose of this land use category is to provide for general destination business uses which provide a broad range of commercial products and services necessary for large regions. The uses in this category may be characterized by larger buildings, more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district. This category is intended to for individual structures less than 50,000 square feet and could include more than one structure.

Regional Commercial (RC)

The purpose of this land use category is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this category may be characterized by a broad range of building sizes, which may include large buildings that exceed 50,000 square feet of gross floor area for an individual building and which may have greater impact on surrounding areas as a result of significant truck traffic and other factors. This category may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.

Mixed Use Residential/Commercial Development

This land use category reflects areas which are intended to support the mixing of residential and commercial uses. This land use classification should result in the creation of a new zoning district that would permit this activity, with a mandatory mix of uses to be determined through the zoning text amendment process. As shown on the Future Land Use Guide, any rezoning to the Residential-Light Industrial-Commercial (R-LI-C) or a new zone that permits these uses shall have a mandatory mix of these uses.

For developments not fronting on a four lane road, the uses recommended within the Highway Commercial (HC) land use category are not permitted in the commercial uses permitted in the Mixed Use Residential/Commercial Development. The purpose of the mixed use residential/commercial development is to:

1. encourage flexibility in the development of land to promote its most appropriate use.
2. improve the design, character and quality of new developments.
3. provide and promote redevelopment and reuse opportunities.
4. encourage a harmonious and appropriate mixture of uses and/or housing types.
5. facilitate the adequate and economic provision of streets, utilities and city services.
6. preserve critical natural environmental and scenic features of the site.
7. encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses.
8. mitigate the problems which may be presented by specific site conditions.

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church ³⁸	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU ²	NP	NP	NP	NP	NP	CU ²	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
Industrial Manufacturing & Processing													Sec. 8.9
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through ⁴⁰	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

² Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

Staff Report
 Jefferson County Planning Commission Meeting
 December 14, 2021

Milton’s Landing Preliminary Plat Completeness Determination (File #21-22-SD)

Item # 7: Discussion and Action: For the Planning Commission to approve or deny the Milton’s Landing Preliminary Plat as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulations, for the purpose of scheduling a Public Hearing.

Applicant	David Lutman/Lutman Land Development
Consultant	Paul J. Raco/P.J. Raco Consulting, LLC
Surveyor	Integrity Federal Services (formerly Gordon)
Property Location & Information	<p>0.3 miles west of the Summit Point Rd (WV13)/Middleway Pike (WV51) intersection Charles Town (02); Map: 11; Parcel: 30.2 (after merger); Size: 65.03 acres (after merger); Zoning District: Residential Growth</p>
Adjacent Zoning Districts	<p><i>North:</i> Residential Growth (RG) / General Commercial (CT) <i>East:</i> Residential Growth (RG) /Residential-Light Industrial-Commercial (RLIC) <i>South:</i> Residential Growth (RG) /Neighborhood Residential (CT) <i>West:</i> Neighborhood Residential (CT)</p>
Proposed Activity	Milton’s Landing Major Subdivision consisting of 50 single family detached on 65 acres to be served by on-lot well and septic systems. [The existing home noted on the Concept Plan is now on a separate lot via an approved Boundary Line Adjustment.]
Previous Approvals	<ul style="list-style-type: none"> • 21-22-SD: Milton’s Landing Concept Plan (Approved 7/13/21) • 20-7-M: Boundary Line Adjustment Tax Map 11 Parcels 30/30.2 (PB26/PG180, 11/16/20) • 21-11-PCW: Waiver of Sec. 2.3.A.3 “Single Entrance Requirement” (Approved 7/13/21) • 21-12-PCW: Waiver of Sec. 22.206.B “Lots on & Length of a Cul-de-sac” (Approved 7/13/21) • 21-18-PCW: Waiver of Sec. 24.113.B.10 waive the Archaeological Study (Approved 09/14/21) • 21-28-M: Boundary Line Adjustment with Parcel 30 (PB26/PG292, 11/15/21)

Milton’s Landing Preliminary Plat Completeness Determination (File #21-22-SD)

1. Introduction:

The subject property is located west of the intersection of Summit Point Road (WV13) and Norfolk and Western Railroad, approximately 0.3 miles from the intersection with Middleway Pike (WV51) and Washington Street. Bounded partially by the City of Charles Town, the parcel is surrounded by farmland and a limited number of residential uses. After a series of boundary line adjustments, the property is now approximately 65 acres and is zoned Residential Growth. The applicant is proposing to develop the parcel into 50 single-family lots which will be served by private well/septic systems. The existing home noted on the Concept Plan is now on a separate lot via the last approved Boundary Line Adjustment.

2. Concept Plan Approval

The Planning Commission held a Public Workshop for the Concept Plan for the proposed development on July 13, 2021. Input from outside agencies related to the proposed Concept Plan was presented by staff and comments from neighbors and interested citizens were heard.

The Planning Commission approved a motion to approve the Concept Plan as submitted with the condition that an additional 10-foot sidewalk easement be platted.

3. Approved Waivers

The Planning Commission has approved the following waivers pertaining to this development:

- 21-11-PCW: Waiver of Sec. 2.3.A.3 “Single Entrance Requirement” (Approved 7/13/21)
- 21-12-PCW: Waiver of Sec. 22.206.B “Lots on & Length of a Cul-de-sac” (Approved 7/13/21)
- 21-18-PCW: Waiver of Sec. 24.113.B.10 waive the Archaeological Study (Approved 09/14/21)

These waivers were granted with no additional conditions.

4. Summary of Request

The applicant submitted the Preliminary Plat for the proposed development on September 27, 2021. The Planning Commission is required to deem the application complete and schedule a Public Hearing within 45 days in accordance with the following requirements of the Subdivision Regulations.

Sec. 24.113 of the Subdivision Regulations, a Major Subdivision Preliminary Plat requires the Office of Planning to review the submission and determine whether it is “sufficient” (at least 70% of the required elements are addressed) within ten (10) days of the 45-day sufficiency and completeness review. Staff determined that, per Sections 24.113 and 24.122, the proposed development was sufficient; however, staff had a number of comments.

Engineering, Planning and Zoning Staff have now finalized the “completeness review” with the remaining outstanding comments attached to this report. There is one significant outstanding comment related to the placement of the septic reserve areas within the areas designated as stormwater conservation areas. Staff has worked with the applicant’s engineer and consultants to attempt to resolve this issue. Included in this packet are two alternative solutions to this comment and staff has communicated that this will have to be finalized before the January 11, 2022 Meeting if the Planning Commission chooses to schedule the Public Hearing for that date. If the applicant needs more time to finalize the project, the PC can “table this item” to the next scheduled meeting

Per Section 24.113 of the Subdivision Regulations, staff has placed the Preliminary Plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Milton's Landing Preliminary Plat Completeness Determination (File #21-22-SD)

the application as complete. An 11" x 17" copy of the pages showing the lot layout is included in this packet as well as the two alternative stormwater design solutions. The complete file containing the Preliminary Plat and application is available in the Office should any members wish to review it for completeness and confirm the staff's review.

Per Sec. 24.113(I), if the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial. A motion to deem the application to be complete should include a condition that the outstanding staff comments and the approval of the WVDOH Encroachment Permit be addressed prior to the hearing.

5. Preliminary Plat Contents and Review

The Preliminary Plat submission requirements include the following (Section 24.113(B)) and the application has been deemed sufficient and complete by staff:

- Preliminary Plat
- Density Calculation and Site Resource Map
- General Location
- Preliminary Engineering Plans
- Preliminary Landscape Plans
- Transportation Impact Study (if required by WV DOH)
- Well and Septic Systems, if required
- Feasibility of Water and Sewer Systems (from relevant PSD)
- Special Engineering
 - Historic Resource Preservation (Phase I Archaeological Study)
- Proposal Description
- Stormwater Management Plan and Narrative
- Identified Concerns from Concept Plan direction or proffers

The Subdivision Regulations requires the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WV Division of Highways (WVDOH) and Jefferson County Health Department (for on-site well and septic systems). The Health Department approval has been received and is in the file. The WVDOH Encroachment Permit has not yet been received. If the WV DOH determines the entrance has to be modified, changes to this Preliminary Plat will be required.

The Department of Engineering, Planning and Zoning is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. Additionally, the Department is required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled.

Attached to the excerpt of the Preliminary Plat are two graphics depicting two alternative stormwater solutions related to removing the septic reserve areas from the conservations areas related to the stormwater management plan. These include Option 1: Conservation Area Exhibit and Option 2: Bioretention Exhibit. The applicant's engineers are working with the County Engineer to finalize the design of the stormwater plan which will need to be resolved before the Public Hearing.

Staff Report
Jefferson County Planning Commission Meeting
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Milton’s Landing Preliminary Plat Completeness Determination (File #21-22-SD)

Staff has finalized its completeness review and is not able to stamp the Preliminary Plat as approved by staff until all outstanding comments have been addressed. This staff report serves as the “written opinion” that the Preliminary Plat essentially conforms with the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations, and fulfills the Concept Plan direction, providing the outstanding comments are addressed. The outstanding staff comments are attached to this report and addressing them shall be a condition of the Planning Commission finding the Preliminary Plat “complete”.

6. Planning Commission Action Required

The Subdivision Regulations require that, after staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days of that meeting. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Section 24.113(H) further directs the Planning Commission review of Preliminary Plat and states that if the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

Upon deeming the application complete, the Planning Commission shall schedule a Public Hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat within 45 days. The Commission’s next regular meeting on January 11, 2022 will satisfy this requirement and notice has been posted to meet the 21-day notice requirement, provided the Planning Commission agrees to this date. A reduced copy of the relevant pages of the Preliminary Plat and application will be included in the Public Hearing packet.

Staff Report
Jefferson County Planning Commission Meeting
December 14, 2021

Milton's Landing Preliminary Plat Completeness Determination (File #21-22-SD)

**Outstanding Staff Comments for Review #3 (review in process now)
December 9, 2021**

Resolving the following comments should be included as a condition of a determination of completeness for the Preliminary Plat and shall be addressed prior to stamping the Preliminary Plat as approved:

1. Resolve the issues with the Conservation Area/septic reserve area overlap as discussed.
2. Correction of various notes required by the Subdivision Regulations under review on the most recent submittal (11-30-21) for conformance with the requirements.
3. Engineering will need the redesigned SWM to complete their review. Provide the SWM report in the next submission and it will be reviewed then.

CIVIL LEGEND:		
EXISTING		PROPOSED
BOUNDARY OF HIGHWAY	BOUNDARY OF HIGHWAY LINE	BOUNDARY OF HIGHWAY LINE
ADJACENT BOUNDARY LINE	ADJACENT BOUNDARY LINE	ADJACENT BOUNDARY LINE
CONCRETE MONUMENTATION PERMANENT	CONCRETE MONUMENTATION PERMANENT	CONCRETE MONUMENTATION PERMANENT
STORM EASEMENT LINE	STORM EASEMENT LINE	STORM EASEMENT LINE
ROAD CENTERLINE	ROAD CENTERLINE	ROAD CENTERLINE
HEADER CURB	HEADER CURB	HEADER CURB
CURB & GUTTER	CURB & GUTTER	CURB & GUTTER
EDGE OF PAVEMENT	EDGE OF PAVEMENT	EDGE OF PAVEMENT
EDGE OF CONCRETE	EDGE OF CONCRETE	EDGE OF CONCRETE
EDGE OF GRAVEL	EDGE OF GRAVEL	EDGE OF GRAVEL
SIDEWALK	SIDEWALK	SIDEWALK
GUARDRAIL	GUARDRAIL	GUARDRAIL
BOARD FENCE	BOARD FENCE	BOARD FENCE
CHAIN LINK FENCE	CHAIN LINK FENCE	CHAIN LINK FENCE
WIRE FENCE	WIRE FENCE	WIRE FENCE
BUILDINGS	BUILDINGS	BUILDINGS
RETAINING WALL	RETAINING WALL	RETAINING WALL
MISCELLANEOUS SIGNS	MISCELLANEOUS SIGNS	MISCELLANEOUS SIGNS
MAIL BOX	MAIL BOX	MAIL BOX
SITE LIGHT WITH POLE	SITE LIGHT WITH POLE	SITE LIGHT WITH POLE
BUILDING MOUNTED LIGHT	BUILDING MOUNTED LIGHT	BUILDING MOUNTED LIGHT
UTILITY POLE	UTILITY POLE	UTILITY POLE
UTILITY POLE GUY WIRE	UTILITY POLE GUY WIRE	UTILITY POLE GUY WIRE
OVERHEAD UTILITY LINE	OVERHEAD UTILITY LINE	OVERHEAD UTILITY LINE
UNDERGROUND UTILITY LINE	UNDERGROUND UTILITY LINE	UNDERGROUND UTILITY LINE
OVERHEAD COMMUNICATIONS LINE	OVERHEAD COMMUNICATIONS LINE	OVERHEAD COMMUNICATIONS LINE
UNDERGROUND COMMUNICATIONS LINE	UNDERGROUND COMMUNICATIONS LINE	UNDERGROUND COMMUNICATIONS LINE
UNDERGROUND GAS LINE	UNDERGROUND GAS LINE	UNDERGROUND GAS LINE
STORM SEWER LINE	STORM SEWER LINE	STORM SEWER LINE
STORM SEWER DROP INLET	STORM SEWER DROP INLET	STORM SEWER DROP INLET
STORM SEWER CURB INLET	STORM SEWER CURB INLET	STORM SEWER CURB INLET
STORM SEWER RIP-RAP	STORM SEWER RIP-RAP	STORM SEWER RIP-RAP
STORM SEWER END SECTION	STORM SEWER END SECTION	STORM SEWER END SECTION
MODEL CONTOUR LINE	MODEL CONTOUR LINE	MODEL CONTOUR LINE
INTERMEDIATE CONTOUR LINE	INTERMEDIATE CONTOUR LINE	INTERMEDIATE CONTOUR LINE
SPOT ELEVATIONS	SPOT ELEVATIONS	SPOT ELEVATIONS
TREES/BRUSH	TREES/BRUSH	TREES/BRUSH
DUP-LINE OF TREES	DUP-LINE OF TREES	DUP-LINE OF TREES
LIMITS OF CONSTRUCTION	LIMITS OF CONSTRUCTION	LIMITS OF CONSTRUCTION
SOIL BOUNDARY	SOIL BOUNDARY	SOIL BOUNDARY

HATCH LEGEND:	
	CONSERVATION AREA
	SANITARY OPEN FIELD

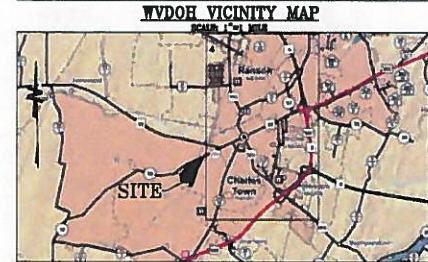
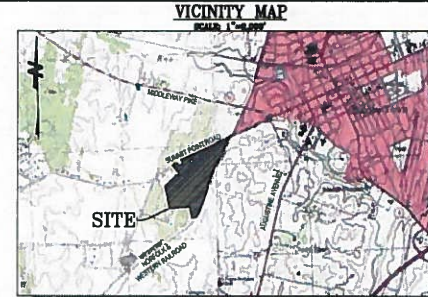
PRELIMINARY PLAT SHOWING MILTON'S LANDING

JEFFERSON COUNTY FILE NUMBER: #21-22-SD
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

DIST 2, MAP 11, PARCEL 30.2 (DB 1271/PG 136)

OWNER/APPLICANT/DEVELOPER
LUTMAN LAND DEVELOPMENT
c/o DAVID LUTMAN
412 WEST BURR BOULEVARD
KEARNEYSVILLE, WV 25430
(304)702-2500

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SHEET LIST

Sheet Title	Sheet Number
COVER SHEET	01
GENERAL NOTES	02
GENERAL DETAILS	03
EXISTING CONDITIONS AND DEMOLITION PLAN	04
PRELIMINARY PLAT KEY MAP	05
PRELIMINARY PLAT AREA 1	06
PRELIMINARY PLAT AREA 2	07
PRELIMINARY PLAT AREA 3	08
PRELIMINARY PLAT AREA 4	09
PRELIMINARY PLAT AREA 5	10
PRELIMINARY PLAT AREA 6	11
PRELIMINARY PLAT AREA 7	12
PRELIMINARY PLAT AREA 8	13
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HARLES MAY PLAN AND PROFILE	15
HARLES MAY PLAN AND PROFILE	16
FLORENCE COURT PLAN AND PROFILE	17
FLORENCE COURT PLAN AND PROFILE	18
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EROSION AND SEDIMENT CONTROL DETAILS	44

Engineering will need the redesigned SWM to complete their review. Provide the SWM report in the next submission and it will be reviewed then.

STATEMENT OF ACCEPTANCE:

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

LUTMAN LAND DEVELOPMENT
412 WEST BURR BOULEVARD
KEARNEYSVILLE, WV 25430

DATE _____

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAT APPROVAL
 SITE PLAN APPROVAL

BY _____ COUNTY ENGINEER _____ DATE _____

BY _____ COUNTY PLANNER _____ DATE _____

JEFFERSON COUNTY CONSTRUCTION NOTES
(TABLE 1.3-1)

- EROSION & SEDIMENT CONTROL MEASURES SHALL BE IN PLACE AND INSPECTED PRIOR TO PERFORMING ANY SIGNIFICANT EARTH DISTURBING ACTIVITIES AND SITE GRADING.
EARTHWORK SHALL BE COMPACTED TO THE PERCENTAGES OF MAXIMUM DRY DENSITY IN ACCORDANCE WITH ASTM D 1557, AS SHOWN BELOW:
A. ROADWAYS _____ 98%
B. PARKING LOTS FOR HEAVY TRUCKS _____ 95%
C. PARKING LOTS FOR PASSENGER VEHICLES _____ 95%
D. UTILITY LINE TRENCHES _____ 95%
E. BUILDING PADS _____ 100%
- THE ABOVE COMPACTION REQUIREMENTS SHALL BE CERTIFIED BY A PROFESSIONAL ENGINEER OR A SOILS TECHNICIAN UNDER THE DIRECTION OF A PROFESSIONAL ENGINEER, AND ACCEPTABLE TO THE COUNTY ENGINEER.
- CHANGES AND REVISIONS TO THE CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST SUBMITTED IN WRITING AND APPROVED BY THE COUNTY ENGINEER AND ANY OTHER AGENCIES, AS DEEMED APPROPRIATE.
- WORK ZONE TEMPORARY TRAFFIC CONTROL ALONG A PUBLIC ROAD SHALL BE IN ACCORDANCE WITH WEST VIRGINIA DIVISION OF HIGHWAY REQUIREMENTS AND APPROVAL.
- SEVENTY-TWO (72) HOURS PRIOR TO EXCAVATION IN PUBLIC RIGHT-OF-WAYS OR IN AREAS SERVED BY UNDERGROUND UTILITIES, CALL MISS UTILITY 1-800-246-4848.

JEFFERSON COUNTY SITE WORK MILESTONE INSPECTIONS

THE DEVELOPER SHALL REQUEST COUNTY ENGINEER INSPECTIONS A MINIMUM OF 48 HOURS IN ADVANCE (CALL 304-266-1968). INSPECTIONS SHALL BE REQUESTED ACCORDING TO THE TABLE OF MILESTONES SHOWN BELOW.

- INSTALLATION OF SEDIMENT & EROSION CONTROL DEVICES PRIOR TO BEGINNING SITE GRADING
- ROADWAY AND/OR PARKING LOT SUBGRADE PROOF ROLL PRIOR TO PLACING STONE BASE.
- ROADWAY AND/OR PARKING LOT STONE BASE DEPTH CHECK PRIOR TO PLACING ASPHALT OR CONCRETE PAVEMENT.
- WATER SYSTEM AND SANITARY SEWER SYSTEM INSPECTION AND APPROVAL BY THE PUBLIC SERVICE DISTRICT/UTILITY PRIOR TO BACKFILLING OF TRENCHES.
- FINAL INSPECTION INCLUDING BUT NOT LIMITED TO: SEEDING & MULCHING, ROADWAY & PARKING LOT PAVING, SIDEWALKS, STORM DRAINAGE AND STORMWATER MANAGEMENT SYSTEMS, TRAFFIC CONTROL SIGNS & PAVEMENT MARKINGS, LANDSCAPING, ETC.

NOTE: THE COUNTY ENGINEER MAY ACCEPT "THIRD-PARTY" INSPECTION AND CERTIFICATION REPORTS IN PLACE OF INSPECTIONS PERFORMED BY THE OFFICE OF ENGINEERING, SOON PRIOR APPROVAL. THIRD-PARTY INSPECTION REPORTS SHALL BE SUBMITTED IN THE FORMAT SPECIFIED BY THE COUNTY ENGINEER.

LIST OF APPROVALS:

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION
CHECKED BY: [Signature]
DATE: _____

JEFFERSON COUNTY (SEAL/STAMP)
APPROVED: [Signature]
DATE: 2021

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES
STATE HEALTH PROMOTION BUREAU FOR PUBLIC HEALTH:
PERMIT # _____
DATE: _____

REVISIONS:

NO.	SHEET NUMBER AND REVISION DESCRIPTION	DATE

JEFFERSON COUNTY - COMPLETE LIST OF WAIVERS/VARIANCES
(TABLE 1.2-2)

ORDINANCE	SECTION OF ORDINANCE	DESCRIPTION OF WAIVER OR VARIANCE	DATE GRANTED
SUBDIVISION	SECT 21.3.A.3	21-11-FCM APP B - ALL ONE SINGLE ENTRANCE	7/13/21
SUBDIVISION	SECT 22.20B	21-10-FCM - EXCEED MAX. LENGTH OF AND # OF LOTS ON CIL-DE-SACS	7/13/21
SUBDIVISION	SECT 24.113.B.3	21-18-FCM ARCHAEOLOGICAL STUDY REQUIREMENT	8/14/21



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REVISIONS

NO.	DESCRIPTION	DATE

MILTON'S LANDING PRELIMINARY PLAT
DIST 2, MAP 11, PARCEL 30.2 (DB 1271/PG 136)
JEFFERSON COUNTY, WEST VIRGINIA

COVER SHEET

J.C.P.C. FILE #200-XX

SCALE: HORZ: AS NOTED
VERT: 1"=40'

DATE: SEPTEMBER 2021

JOB: 2021-0121

DRAWN: [Signature] CHECK: [Signature]

CADD: CG-01/DWG

NCS: N/A

SHEET: 01 OF 44

GENERAL NOTES:

- 1. THE PROPOSED SITE IMPROVEMENTS FOR MULTIFAMILY LANDING SUBDIVISION (LOTS 1-59) INCLUDE, BUT ARE NOT LIMITED TO, THE CONSTRUCTION OF 56 SINGLE-FAMILY DETACHED HOMES, TRIM FINISHES AND SEPTIC AND WELL UTILITIES.
2. THE SUBJECT PROPERTY IS LOCATED IN THE JEFFERSON COUNTY DISTRICT, CONTAINED AS TABLE 1, PARCEL 19. THE PROPERTY OWNER IS MILTON'S LANDING LLC AS SUCCESSOR IN INTEREST TO CHARLES TOWN, INC. 10000, 15000, 16000, 17000, 18000, 19000, 20000, 21000, 22000, 23000, 24000, 25000, 26000, 27000, 28000, 29000, 30000, 31000, 32000, 33000, 34000, 35000, 36000, 37000, 38000, 39000, 40000, 41000, 42000, 43000, 44000, 45000, 46000, 47000, 48000, 49000, 50000, 51000, 52000, 53000, 54000, 55000, 56000, 57000, 58000, 59000, 60000, 61000, 62000, 63000, 64000, 65000, 66000, 67000, 68000, 69000, 70000, 71000, 72000, 73000, 74000, 75000, 76000, 77000, 78000, 79000, 80000, 81000, 82000, 83000, 84000, 85000, 86000, 87000, 88000, 89000, 90000, 91000, 92000, 93000, 94000, 95000, 96000, 97000, 98000, 99000, 100000.
3. THE TOTAL EXISTING SITE AREA FOR PARCEL 30.2 IS 43.8 ACRES. THE DISTURBED AREA FOR THE PROJECT IS 28.8 ACRES.
4. THE TOPOGRAPHIC CONTOUR INTERVAL IS ONE (1) FOOT. TOPOGRAPHIC INFORMATION HAS BEEN OBTAINED FROM A FIELD TOPOGRAPHIC SURVEY PREPARED BY FORA & ASSOCIATES, INC., DATED MARCH 2011. HORIZONTAL DATUMS REFERENCED TO THE WEST VIRGINIA COORDINATE SYSTEM OF 1983, NORTH ZONE. VERTICAL DATUMS REFERENCED TO NAVD 83.
5. PERMITS: THE TOPOGRAPHIC CONTOUR INTERVAL IS ONE (1) FOOT. TOPOGRAPHIC INFORMATION HAS BEEN OBTAINED FROM A FIELD TOPOGRAPHIC SURVEY PREPARED BY FORA & ASSOCIATES, INC., DATED MARCH 2011. IT HAS BEEN ESTABLISHED BY A NETWORK OF TRAVELING CONTROL WITH AN ALTERNATE DIRECTION OF RECORD OF 17500 ON SECTION 19.
6. THE SUBJECT PROPERTY IS LOCATED ON E.M.A. MAPS SHEET 408 AND SUPERIMPOSE, DATED DECEMBER 18, 2009. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN AREA (ZONE A). THE PROPERTY IS IN ZONE A.
7. THE CURRENT NATIONAL WETLANDS INVENTORY MAP DOES NOT SHOW WETLANDS/SENSITIVE AREAS OR THE SUBJECT PROPERTY.
8. CHANGES OR REVISIONS IN CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST APPROVED BY JEFFERSON COUNTY AND/OR OTHER APPROPRIATE AGENCIES.
9. SEE COVER SHEET, SHEET #1, FOR LISTINGS OF SYMBOLS/UNITS/LEGEND.
10. AVERAGE DAILY TRIPS AND PEAK HOUR TRIPS PROVIDED PURSUANT TO THE ITE TRIP GENERATION MANUAL, 8TH EDITION, SINGLE FAMILY TRIPS BASED ON WHITE LAND USE CODE 210 (SINGLE FAMILY HOMES).
11. CAR CALLOCATED DAILY TRIPS: 51 PER PACE TOTAL.

CONSTRUCTION NOTES:

- 1. CONTRACTOR SHALL CONTACT WEST VIRGINIA UTILITIES AT 811 OR 1-800-335-6884 A MINIMUM OF SEVENTY-TWO (72) HOURS PRIOR TO ANY EXCAVATION, DEMOLITION OR OTHER SAFTY-CRITICAL ACTIVITIES ON WITHIN AREAS SERVED BY UNDERGROUND UTILITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR FIELD VERIFYING THE PRESENCE OF ANY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE IS NO EVIDENCE OF ANY GRAVE, OBLIQUE OR STRUCTURE MARKING A PLACE OF BURIAL OR THIS PROPERTY. THERE ARE NO KNOWN CEMETERIES, ANCESTRAL SITES, NATURAL FEATURES, HISTORIC SITES LISTED, OR DETERMINED TO BE ELIGIBLE, OR WHICH THE OWNER HAS REASON TO BELIEVE MAY BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES WITHIN THE CONSTRUCTION LIMITS.
3. INTEGRITY FEDERAL SERVICES DOES NOT CERTIFY TO THE LOCATION OF OR THE EXISTENCE OF ANY EXISTING UNDERGROUND UTILITIES. THE EXISTING UNDERGROUND UTILITIES SHOWN ARE BASED ON INFORMATION PROVIDED TO US BY THE OWNER. THIS DOES NOT CONSTITUTE A GUARANTEE OF THEIR ACTUAL LOCATIONS OR THAT THEY HAVE ALL BEEN SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND FOR ANY DAMAGES WHICH OCCUR BY THEIR FAILURE TO LOCATE OR PREVENT THESE UNDERGROUND UTILITIES FROM BEING DAMAGED OR DISRUPTED. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE ENGINEER AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE FACILITY AND INSURE THE CONTINUANCE OF SERVICE. IF NECESSARY, THE SITE PLAN WILL BE REVISED TO ELABORATE THE CONTACT AT THE DEVELOPER'S EXPENSE.
4. INTEGRITY FEDERAL SERVICES DOES NOT CERTIFY TO THE SUB-SURFACE COMPOSITION OF THE SITE, THE LOCATION OF UNDERLYING ROCK, OR THE LOCATION OF POTENTIAL SINKHOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIGGING OF TEST HOLES TO VERIFY SUB-SURFACE CONDITIONS PRIOR TO BEGINNING ANY CONSTRUCTION. IF SINKHOLES ARE FOUND IN THE FIELD, REMEDIATION WILL BE REQUIRED AS SPECIFIED BY THE WOOD HOPKINS A QUALIFIED GEOTECHNICAL ENGINEERING FIRM.
5. EROSION AND SEDIMENT CONTROL DEVICES ARE TO BE IN PLACE PRIOR TO ANY CONSTRUCTION. REFER TO EROSION AND SEDIMENT CONTROL PLAN FOR PHASING AND DETAILS.
6. ALL LAND, ON OR OFF SITE, WHICH IS DISTURBED BY THIS DEVELOPMENT, AND WHICH IS NOT BUILT UPON OR SURFACED, SHALL BE ADEQUATELY STABILIZED TO CONTROL EROSION AND SEDIMENTATION.
7. DEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION AND MATERIALS SHALL BE IN CONFORMANCE TO CURRENT JEFFERSON COUNTY, CHARLES TOWN UTILITY BOARD, AND THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS STANDARDS AND SPECIFICATIONS.
8. ALL TESTS, STUDIES, ETC., REQUIRED DURING CONSTRUCTION WILL BE CARRIED OUT BY A THIRD PARTY ENGINEERING FIRM AND PAID FOR BY THE CONTRACTOR.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE ENGINEER OF ANY CHANGES OR CONDITIONS ATTEMPTED TO PERMIT RELOCATION OF CONSTRUCTION.
10. THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT OF MUD PRIOR TO ENTERING THE RIGHT-OF-WAY, AND IT IS THE CONTRACTOR'S RESPONSIBILITY TO CLEAN STREETS OF MUD AND/OR ALIEN DIRT AND TO TAKE THE NECESSARY MEASURES NECESSARY TO DISBURSE THAT THE STREETS ARE LEFT IN A CLEAN AND SAFE CONDITION AT ALL TIMES.
11. THE CONTRACTOR SHALL NOTIFY OPERATIONS WHO MAINTAIN EXISTING UNDERGROUND UTILITIES IN THE AREA OF PROPOSED EXCAVATION OR BLASTING AT LEAST TWO (2) WORKING DAYS, BUT NOT MORE THAN TEN (10) WORKING DAYS, PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION.
12. THE CLIENT, CONTRACTOR, AND/OR SURVEYOR SHALL BE RESPONSIBLE FOR NOTIFYING INTEGRITY FEDERAL SERVICES OF ANY CONDITIONS FOUND IN THE FIELD THAT MAY BE WHAT IS SHOWN ON THE APPROVED PLANS. OBSERVATIONS REGARDING APPROPRIATE CONCURRENCES IN THE PLANS SHALL BE BROUGHT TO INTEGRITY FEDERAL SERVICES' ATTENTION FOR VERIFICATION PRIOR TO STARTING.
13. THE CLIENT, CONTRACTOR, AND/OR SURVEYOR ARE RESPONSIBLE FOR REVIEWING THE PLANS PRIOR TO CONSTRUCTION AND NOTIFYING INTEGRITY FEDERAL SERVICES OF ANY CONCURRENCES FOUND IN THESE PLANS IN ORDER OF VERIFICATION SO THAT APPROPRIATE REVISIONS CAN BE MADE, IF WARRANTED.
14. ALL HAND-CAPPED FINISHING SPACES SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT (ADA, CURRENT VERSION).
15. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTAINING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH PERFORMANCE OF ITS WORK AND THE WORK OF ITS SUBCONTRACTORS. INTEGRITY FEDERAL SERVICES SHALL NOT HAVE CONTROL, OVERSIGHT, CHARGE, OR RESPONSIBILITY FOR CONSTRUCTION METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
16. THE CONTRACTOR SHALL NOT THE SITE AND FIELD VERIFY EXISTING CONDITIONS AND GRADES PRIOR TO STARTING CONSTRUCTION.
17. THE CONTRACTOR SHALL CLEAN THE SITE OF ALL APPLICABLE VEGETATION, BUSHES, FOUNDATIONS, ETC. WITHIN THE LIMITS OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR COORDINATING ANY DISCONTINUATION AND/OR ABANDONMENT OF EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND ABANDONING ALL EXISTING WELLS AND/OR SEPTIC DRAIN FIELDS AND COORDINATING THEIR ABANDONMENT WITH THE HEALTH DEPARTMENT.
18. ALL PROPOSED GRACES AS SHOWN HEREIN ARE FINISHED GRADES UNLESS OTHERWISE NOTED ON THE PLAN.
19. MAINTAIN A MINIMUM VERTICAL CLEARANCE OF ONE (1) FOOT (30) INCHES BETWEEN CROSSINGS OF ALL UTILITY LINES UNLESS OTHERWISE NOTED.
20. THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE OWNER OF COMPLYING WITH OTHER APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
21. WHERE THE ORDINANCES DIFFER BETWEEN LOCAL, STATE, AND FEDERAL REQUIREMENTS, THE MOST RESTRICTIVE SHALL APPLY.
22. CONTRACTOR TO REFERENCE GEOTECHNICAL REPORT OR PROFESSIONAL ENGINEER OR CERTIFIED TECHNICIAN FOR SUITABLE BACKFILL MATERIAL REQUIREMENTS AND COMPACTOR FOOTPRINTS. COR TESTS SHALL BE PERFORMED PRIOR TO DETERMINATION OF FINAL SUBGRADE ELEVATION FOR PAVEMENT AREAS. SOILS TESTS OF SUBGRADE MUST BE SUBMITTED FOR REQUIRED PAVEMENT SECTION THICKNESS PRIOR TO CONSTRUCTION. ALL SUBGRADE SHALL BE COMPACTED TO THE PERCENTAGES OF UNSATURATED DENSITY (AS NOTED) UNLESS OTHERWISE DIRECTED BY AN APPROVED GEOTECHNICAL REPORT. (SEE JEFFERSON COUNTY CONSTRUCTION NOTE 2, SHEET #1).
23. BUILDING FOOTPRINTS AS SHOWN ARE APPROXIMATE IN BUILDING SIZE AND DO NOT REPRESENT FINAL ARCHITECTURAL.
24. CHANGES IN THE TOP A BOTTOM OF SLOPES SHALL BE A MINIMUM OF FIVE FEET (5') FROM PROPERTY OR RIGHT-OF-WAY LINE.
25. ALL GRADING SHALL PROVIDE PROPER DRAINAGE & DISPOSAL OF STORM WATER WITHOUT FLOODING.
26. ALL FILL SHALL BE COMPACTED TO PREVENT EROSION.
27. GRADING SHALL NOT BE DONE IN SUCH A WAY TO DIVERT WATER ONTO THE PROPERTY OF ANOTHER LAND OWNER.
28. LOTS SHALL BE GRADED TO SECURE PROPER DRAINAGE AWAY FROM BUILDINGS AND TO PREVENT POOLING OR COLLECTION OF STORM WATER.
29. EXCAVATION OR FILL SHALL NOT DRAINAGE AN ADJACENT PROPERTY.
30. ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION AND DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE APPROVED PLAN.
31. FIELD VERIFY EXISTING CONDITIONS PRIOR TO CONSTRUCTION.
32. CONTRACTOR TO ENSURE POSITIVE DRAINAGE THROUGHOUT CONSTRUCTION.

SUBDIVISION ORDINANCE SUMMARY:

- 1. PROPERTY CORNERS ARE TO BE SET WITH 3/4" x 3/4" REBAR WITH 1" CAPS UNLESS OTHERWISE NOTED.
2. THE DEVELOPMENT IS SUBJECT TO SPECIAL REGULATIONS, INCLUDING THE JEFFERSON COUNTY PLANNING COMMISSION AND THE FORM OF A SUBDIVISION MAP/DEED WITH EXISTING ADJACENT FRONT ROAD - C-1, 13.
3. SITE GRADING, FILL SLOPES SHALL NOT EXCEED (1) 1% HORIZONTAL TO 1 VERTICAL, FILL SECTIONS NEED NOT HAVE DITCHES UNLESS THE FILL SLOPE EXCEEDS 30 FEET IN HEIGHT OR CUT SLOPES SHALL NOT EXCEED (1) 2 VERTICAL TO 1 HORIZONTAL.
4. ALL UTILITY TRANSMISSION LINES (E.G. ELECTRIC, PHONE, CABLE, WATER, SEWER, ETC.) AND SERVICE LINES WITHIN THE SUBDIVISION OR SITE DEVELOPMENT AREA SHALL BE UNDERGROUND.
5. MINIMUM COVER OVER UTILITIES IS: UNLESS OTHERWISE SPECIFIED:
A. AT THIS TIME NO OFF-SITE SERVICES ARE ANTICIPATED FOR THIS PROJECT.
6. CONTACT JEFFERSON COUNTY 911 COORDINATOR FOR INSTALLATION OF STREET SIGNS. ALL SIGNS SHALL COMPLY WITH COUNTY ADDRESSING REQUIREMENTS.
7. A BUILDING PERMIT SHALL BE OBTAINED FOR SIGNAGE AND SHALL BE IN CONFORMANCE WITH ALL EXISTING ORDINANCES IN JEFFERSON COUNTY AND/OR STATE AND FEDERAL LAW.
8. THERE ARE NO PROPOSED EASEMENTS AND RIGHTS-OF-WAY PROPOSED WITH THIS SITE PLAN. SEE SHEET 05 THROUGH 14.
9. THERE ARE NO KNOWN EASEMENTS ON THE PROPERTY.
10. THERE ARE NO FUTURE EASEMENTS PLANNED FOR THE PROPERTY.
11. PROPOSED DEVELOPMENT WILL NOT WITHIN 50' OF A STREAM, NO GRADING, EXCAVATING, REMOVAL OR DESTRUCTION OF TOPSOIL, TREES OR OTHER VEGETATIVE COVER, OR CONSTRUCTION ACTIVITY SHALL TAKE PLACE OR NON-POINT POLLUTION OF SUPERFICIAL WATERBODIES THAT TURBIDITY STANDARDS APPLIED OUT IN THE WATER RESOURCES BOARD'S LOCALITY RULES ARE VIOLATED. SMOG STANDARDS STATE THAT TURBIDITY SHALL NOT EXCEED 10 NTU OVER BACKGROUND TURBIDITY WHEN THE BACKGROUND IS 50 NTU OR LESS, OR HAVE MORE THAN A 10% INCREMENTAL INCREASE IN TURBIDITY (PLUS 10 NTU MINIMUM) WHEN THE BACKGROUND TURBIDITY IS MORE THAN 50 NTU.
12. THERE ARE NO KNOWN CABLE, SEWER OR WATER UTILITIES EXISTING ON SITE OTHER THAN THOSE IDENTIFIED ON EXISTING CONDITIONS AND SITE PLAN.
13. ALL SERVICE LATERALS ARE TO BE INSTALLED PRIOR TO FINISH.
14. ALL FIRE HYDRANT THREADS AND SPECIFICATIONS SHALL BE ACCEPTABLE TO THE WV STATE FIRE MARSHAL AND JEFFERSON COUNTY VOLUNTEER FIREMANS ASSOCIATION.
15. EXISTING TREES ARE TO REMAIN IN THEIR NATURAL CONDITION THROUGHOUT THE PROJECT UNLESS PRACTICAL.
16. LANDSCAPING BUFFER SHALL CONSIST OF VEGETATION, NO OPENICE SKEWERING IS PROPOSED. ANY FENCING WITHIN THE BUI OR OTHER BUFFERS CANNOT EXCEED 3' IN HEIGHT.
17. THERE ARE NO KNOWN RESERVATIONS OF LAND FOR PUBLIC/STATE PUBLIC USE PROPOSED ON THE SUBJECT PROPERTY.
18. A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY OWNED LAND, INCLUDING BUT NOT LIMITED TO THE PRIVATE ROAD AND STORMWATER MANAGEMENT WITHIN THE SUBDIVISION. THIS COMMON INTEREST OWNERSHIP AGREEMENT MUST BE DEVELOPED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.
19. THERE ARE NO KNOWN OFF-SITE MAINTENANCE STRUCTURES LOCATED WITHIN 200' DOWNSIDE/UP OF ANY DRAINAGE PIPE OR STORMWATER MANAGEMENT FACILITY OUTFALL. THEREFORE, NO OFF-SITE STRUCTURES AND ASSOCIATED TOPOGRAPHY HAS BEEN SHOWN.
20. ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION OF THE LOT.
21. A HOMEOWNERS ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF PROPERTIES ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL PROPERTY OWNERS WITHIN THE SUBDIVISION. THE DEVELOPERS SHALL DEDICATE ALL COMMON LANE/DRIVEWAYS, ROADS, RIGHT-OF-WAYS, ETC. TO THE ASSOCIATION.
22. RETAINING WALLS FOUR (4) FEET OR GREATER IN HEIGHT REQUIRE A BUILDING PERMIT UNDER THE JEFFERSON COUNTY BUILDING CODE ENFORCEMENT ORDINANCE THAT MUST BE OBTAINED BY THE OWNERS/DEVELOPER. THESE WALLS MUST BE DESIGNED AND CERTIFIED BY A LICENSED WEST VIRGINIA ENGINEER.
23. NO PERMANENT STRUCTURES SHALL BE PERMITTED WITHIN EXISTING OR PROPOSED EASEMENTS WITHOUT PRIOR APPROVAL FROM THE JEFFERSON COUNTY PLANNING COMMISSION.
24. VENTILATION FROM A WELL DRILLER THAT A PRESSURE GROUPED WELL IS DRILLED AND/OR PRODUCING WATER AT A QUANTITY APPROVED BY THE JEFFERSON COUNTY HEALTH DEPARTMENT AND FOR THE WEST VIRGINIA BUREAU OF HEALTH SHALL BE SUBMITTED TO THE PLANNING COMMISSION PRIOR TO THE ISSUANCE OF AN APPROVED LOCATION PERMIT. CERTIFICATION THAT THE WATER IS POTABLE MUST BE SUBMITTED TO THE PLANNING COMMISSION OFFICE WITHIN 30 DAYS OF THE ISSUANCE OF AN APPROVED LOCATION PERMIT.
25. THE PUBLIC SERVICE DEPARTMENT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF BECOMES AVAILABLE.
26. A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
27. SEPTIC LIGHTS ARE NOT REQUIRED IN BLDG LOTS ARE MORE THAN 10,000 SQUARE FEET.
28. SIGNAGE HAS BEEN APPROVED FOR SUITABILITY BY THE WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES PERMIT NUMBER IS SDA-19-212-001.
29. STANDARD W.V.D.O.H. NOTES:
1. ALL UTILITIES INCLUDING ALL POLES ARE TO BE RELOCATED AS NECESSARY AT EITHER THE DEVELOPER OR UTILITY OWNER'S EXPENSE PRIOR TO CONSTRUCTION.
2. THE DEVELOPER IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING ROADS AND UTILITIES WHICH OCCUR AS A RESULT OF PROJECT CONSTRUCTION WITHIN OR CONTIGUOUS TO EXISTING RIGHT-OF-WAY.
3. OPEN CUTTING OF PAVED OR SURFACE TREATED START ROADS IS NOT PERMITTED UNLESS APPROVED BY THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION.
4. THE DEVELOPER IS RESPONSIBLE FOR ALL TRAFFIC CONTROL.
5. IF APPLICABLE, A SMOOTH GRADE SHALL BE MAINTAINED FROM THE CENTRIFUGAL OF THE EXISTING ROAD TO THE PROPOSED EDGE OF PAVEMENT TO PRECLUDE THE FORMING OF FALSE OVERTHS AND/OR THE PONDING OF ANY WATER IN THE ROADWAY.
6. OVERLAY OF EXISTING PAVEMENT SHALL BE A MINIMUM OF 1" IF ANY CURBS ASSOCIATED WITH PAVEMENT OVERLAY, OR THE MILLING OF EXISTING PAVEMENT TO OBTAIN REQUIRED DEPTH, SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
7. STORMWATER DITCHES SHALL BE SEEDING AND MULCHED TO ACHIEVE STABILIZATION. ADDITIONAL DITCH LININGS SHALL BE PROVIDED IF WARRANTED TO ACHIEVE STABILIZATION.
8. ALL TRAFFIC CONTROL SIGNS AND THE MAINTENANCE OF TRAFFIC SHALL COMPLY WITH THE STANDARDS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION.
9. IF APPLICABLE, ALL OVERHEADS SHALL BE IN ACCORDANCE WITH WOOD STANDARD DETAILS BOOK VOLUME 1. THE GUARDRAIL POST SHALL BE PRESSURE-TREATED.
10. CONTRACTOR SHALL CONTACT WOOD AT LEAST 48 HOURS PRIOR TO COMMENCING ANY WORK WITH WOOD RIGHT-OF-WAY.

STANDARD W.V.D.O.H. NOTES:

- 1. ALL UTILITIES INCLUDING ALL POLES ARE TO BE RELOCATED AS NECESSARY AT EITHER THE DEVELOPER OR UTILITY OWNER'S EXPENSE PRIOR TO CONSTRUCTION.
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10. CONTRACTOR SHALL CONTACT WOOD AT LEAST 48 HOURS PRIOR TO COMMENCING ANY WORK WITH WOOD RIGHT-OF-WAY.

GOV'T. AGENCIES/UTILITIES:

Table listing agencies and utilities such as Jefferson County Engineering, Jefferson County Planning, Water & Sewer, and various utility companies like Potomac Edison Company and West Virginia Department of Highways.

NOTES: THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION

GENERAL C.T.U.B. UTILITY NOTES:

- 1. REFER TO THE CHARLES TOWN UTILITY BOARD (CTUB) WATER SYSTEM SPECIFICATIONS DATED APRIL 2015, SANITARY SEWER SYSTEM SPECIFICATIONS DATED MAY 2016, AND THE LATEST REVISIONS OR REVISIONS THERETO, FOR WATER MAIN AND SANITARY SEWER CONSTRUCTION METHODS, MATERIALS, BUILD QUALITY CONTROL, AND FOR ALL DETAILS AND SPECIFICATIONS FOR ALL WATER LINES AND SANITARY SEWER LINES TO BE SERVED BY THE CHARLES TOWN UTILITY BOARD.
2. SEPARATION OF WATER MAINS/SANITARY SEWERS: ALL NEW WATER MAINS SHALL CONFORM TO THE WEST VIRGINIA BUREAU FOR PUBLIC HEALTH, OFFICE OF ENVIRONMENTAL HEALTH SERVICES, ENVIRONMENTAL ENGINEERING DIVISION, PUBLIC WATER SYSTEM DESIGN STANDARDS (ASCP) 12: SEPARATION OF WATER MAINS, SANITARY SEWERS AND STORM DRAINAGE INCLUDING:
A. PARALLEL INSTALLATION: WATER MAINS SHALL LEAD AT LEAST 12" HORIZONTAL FROM ANY EXISTING OR PROPOSED SEWER. THE DISTANCE SHALL BE MEASURED EDGE TO EDGE.
B. CROSSED: WATER MAINS SHALL CROSS ABOVE SEWERS AND SHALL BE LEAD TO PROVIDE A MINIMUM VERTICAL DISTANCE OF 18 INCHES BETWEEN THE BOTTOM OF THE WATER MAIN AND TOP OF THE SEWER. AT CROSSINGS, ONE SHALL LENGTHEN TO FIT OVER THE OTHER. THE WATER MAIN SHALL BE LOCATED SO BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE. SPECIAL STRUCTURAL SUPPORT FOR THE WATER AND SEWER LINES MAY BE REQUIRED.
C. HORIZONTAL SEPARATION: A MINIMUM OF 18" FEET SEPARATION BETWEEN SEWER LINES AND WATER LINES MUST BE MAINTAINED IN CASES WHERE THE 18" FEET MINIMUM CANNOT BE MAINTAINED, THE SEWER PIPE SHALL BE LOWER THAN THE WATER LINE AND CONSTRUCTED OF A PRESSURE TYPE PIPE. WHEN LINES ARE PLACED WITHIN 18" FEET OF EACH OTHER, PERMANENT IDENTIFICATION THAT MUST BE PLACED DIRECTLY ABOVE THE LINES IDENTIFYING SEWER LINES ON POTABLE WATER LINES.
D. VERTICAL SEPARATION: A MINIMUM OF 1' OF SEPARATION BETWEEN THE TOP OF THE SEWER LINES AND THE BOTTOM OF WATER LINES MUST BE MAINTAINED. IN CASES WHERE THE 1' CANNOT BE MAINTAINED, THE SEWER LINE SHALL CROSS AT AN ANGLE OF 45 DEGREES OR MORE FROM THE BOTTOM OF THE WATER LINE AND BE CONSTRUCTED OF PRESSURE TYPE PIPE. A SEWER LINE SHALL NOT BE CONSTRUCTED OVER TOP OF A WATER LINE. IF THE STANDARD VERTICAL SEPARATION REQUIREMENTS CANNOT BE MAINTAINED, THE SEWER LINE SHALL BE ENCASED SO THAT THE CASING EXTENDS AT LEAST 15 FEET EACH SIDE OF THE CROSSING WITH A MINIMUM OF 18" VERTICAL SEPARATION.
3. THERE SHALL BE NO PHYSICAL CONNECTION BETWEEN THE WATER DISTRIBUTION SYSTEM AND A SANITARY SEWER SYSTEM, ANY PIPES, PUMPS, HYDRANTS OR TANKS WHEREBY UNSAFE WATER OR OTHER CONTAMINATING MATERIALS MAY BE DISCHARGED OR DRAIN INTO THE SYSTEM.
4. PIPE BEDDING: NO 6" OR NO. 10 UNLESS OTHERWISE APPROVED BY CTUB. ALL WATER MAIN, SANITARY SEWER MAIN AND SANITARY LATERALS SHALL BE INSTALLED WITH MINIMUM # BEDDING BELOW PIPE AND 12" OVER PIPE.
5. REFER TO THE CTUB WATER SYSTEM & SEWER SYSTEM SPECIFICATIONS, AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR:
A. LIST OF MATERIALS REPRESENTING THE MINIMUM REQUIREMENTS ACCEPTABLE FOR USE BY CTUB.
B. ALL PIPE, FITTINGS, AND OTHER RELATED MATERIALS USED IN THE CONSTRUCTION OF LINES
C. ALL PIPE, FITTINGS, AND OTHER RELATED MATERIALS USED IN THE CONSTRUCTION OF LINES
D. ALL PIPE, FITTINGS, AND OTHER RELATED MATERIALS USED IN THE CONSTRUCTION OF LINES
E. ALL PIPE, FITTINGS, AND OTHER RELATED MATERIALS USED IN THE CONSTRUCTION OF LINES
6. CONNECTING NEW AND REPAIRED WATER MAINS: ALL NEW WATER MAINS SHALL BE DISINFECTED BEFORE THEY ARE PLACED IN SERVICE. ALL WATER MAINS TAKEN OUT OF SERVICE FOR REPAIRS, REPAIRS, OR OTHER ACTIVITY THAT MAY LEAD TO CONTAMINATION OF WATER SHALL BE DISINFECTED BEFORE THEY ARE RETURNED TO SERVICE.
7. GRAVITY SEWER CONSTRUCTION METHODS & PIPELINE TESTING
8. MANHOLES SUBMITTALS, DELIVERY, STORAGE & HANDLING, INSPECTION, PREPARATION, CONSTRUCTION METHODS, AND VACUUM TESTING
9. CAST IN PLACE CONCRETE SPECIFICATIONS AND REQUIREMENTS.
10. WATER:
A. INSTALLATION OF MAINS
B. BEFORE ANY PIPE IS INSTALLED IN TRENCHES IT SHALL BE INSPECTED FOR DAMAGE AND THE INSIDE OF THE PIPE SHALL BE SWABBED TO REMOVE LOOSE DIRT AND FOREIGN OBJECTS AND DAMAGED AREAS WILL BE REPAIRED TO BE INSTALLED.
C. BEFORE CONTINUING AND LAMPING BEDDING SHALL BE PROVIDED IN THE TRENCH FOR ALL BURIED PIPE. BACKFILL MATERIAL SHALL BE TAMPED IN LAYERS AROUND THE PIPE AND TO A SURFACING HEIGHT ABOVE THE PIPE TO ADEQUATELY SUPPORT AND PROTECT THE PIPE. STONES FOUND IN THE TRENCH SHALL BE REMOVED FOR A DEPTH OF AT LEAST 6 FEET BELOW THE BOTTOM OF THE PIPE. SEE TYPICAL WATER LINE TRENCH DETAIL.
D. COVER: ALL WATER MAINS SHALL BE COVERED WITH A MINIMUM OF 48" OF EARTH COVERING TO PREVENT FREEZING. ALL MAINS LESS THAN 8" IN DIAMETER AND WITH 5' FEET OF A MINIMUM TRAVELLED HIGHWAY SHALL HAVE A MINIMUM OF 18" OF COVERING.
E. ALL TEES, BENDS, PLUGS AND HYDRANTS SHALL BE PROVIDED WITH THE ROADS OR JOINTS DEDICATED TO PREVENT MOVEMENT.
F. PRESURE AND LEAKAGE TESTING: ALL TYPES OF INSTALLED PIPE SHALL BE PRESSURE TESTED AND LEAK TESTED IN ACCORDANCE WITH AWWA STANDARD C900. DEVELOPER SHALL SUBMIT PLAN OF PROPOSED TESTING.
G. DISINFECTION: ALL NEW, CLEANED OR REPAIRED WATER MAINS SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA STANDARD C901. THE SPECIFICATIONS SHALL INCLUDE MICROBIOLOGICAL TESTING OF ALL WATER MAINS.
H. NON-FERROUS LINES SHALL BE PROVIDED WITH TRACER WIRE OR METALLIC TAPE, AS DIRECTED BY CTUB.
11. WATER SERVICE LINES SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE BASED ON BUILDING ARCHITECTURAL DRAWINGS AND UTILITY CONNECTION LOCATIONS.
12. SANITARY SEWER:
A. ALL SANITARY SEWER LINES SHALL BE COVERED WITH A MINIMUM OF 48" OF EARTH COVERING OVER THE TOP OF PIPE.
B. SEWER LINES SHALL BE LAIN IN STRAIGHT LINES WITH UNIFORM SLOPES BETWEEN MANHOLES. SEWERS ON 2% SLOPE OR GREATER SHALL BE ANCHORED SECURELY WITH CONCRETE ANCHORS OR APPROVED EQUAL. USE CTUB SEWER SYSTEM SPECIFICATIONS FOR SPACING REQUIREMENTS.
C. MANHOLES: SHALL BE PRE-CAST CONCRETE MEETING REQUIREMENTS OF AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM). THE MINIMUM BORE DIAMETER SHALL BE 48" (MINIMUM 48" DIA.) THE INSIDE GAUGE OF THE MANHOLE SHALL BE FILLED WITH CONCRETE TO FORM A BENCH TOPPING TOWARD THE FLOW CHANNEL. WATERPROOF MANHOLE COVERS ARE TO BE USED UNLESS OTHERWISE SPECIFIED. MANHOLE COVERS MAY BE FLOODED STRAIGHT OR HIGH INWARD. PIPE CONNECTIONS TO MANHOLES OR TO MANHOLES SHALL BE WATERPROOF. CONCRETE MANHOLES SHALL BE WATERPROOF ON THE EXTERIOR WHERE GROUNDWATER CONDITIONS ARE UNFAVORABLE.
D. GRAVITY SEWER LINES SHALL BE PVC PIPE, SCHEDULE 40 OR 40A. ALL PIPES AND FITTINGS SHALL MEET OR EXCEED ALL REQUIREMENTS OF ASTM SPECIFICATIONS TO 3038 AND/OR OTHER REQUIREMENTS OF USE. ALL MANHOLE JOINTS SHALL BE OTHER OTHER TYPE OF MECHANICAL SEAL. JOINT MEETING MATERIAL REQUIREMENTS OF ASTM 1194 AND JOINT REQUIREMENTS OF ASTM 1312. NO SOLVENT CEMENT JOINTS WILL BE PERMITTED IN FIELD CONSTRUCTION, EXCEPT AS SPECIALLY AUTHORIZED BY CTUB.
E. LATERAL PIPING AND FITTINGS IN SIZES 4" THROUGH 8" SHALL BE PVC PIPE, SCHEDULE 40.
F. THE DEVELOPER SHALL FURNISH AND INSTALL THE WYE BRANCHES, RISER PIPE, SERVICE LATERALS, TRANSITION FITTINGS, AND HOODINGS WHERE SHOWN ON THE PLAN OR WHERE DIRECTED BY THE CTUB.
G. HOME OWNER INSTALLED SERVICE LATERALS: PIPE SHALL BE 4" MINIMUM SIZE OR SCHEDULE 40 INSTALLED AT 2" MINIMUM SLOPE. LATERALS SHOULD BE PLACED WITH 1 FEET MINIMUM COVER UNLESS OTHERWISE APPROVED BY CTUB. CONNECTION OF HOME OWNER LATERAL TO EXISTING LATERAL SHALL BE BY FITTING OF SAME TYPE OF PIPE. BEDDING SHALL BE NO. 10 OR NO. 11 UNLESS OTHERWISE OTHERWISE APPROVED BY CTUB. LATERAL AND CONNECTION SHALL BE INSPECTED AND APPROVED BY A REPRESENTATIVE OF CTUB PRIOR TO COVERING WITH BEDDING.

ZONING ORDINANCE SUMMARY:

- 1. ZONING REQUIREMENTS: CURRENT ZONE: RESIDENTIAL GROWTH (R) PROPOSED USE: SINGLE-FAMILY DETACHED DWELLINGS (S4 LOTS)
2. ENVIRONMENTAL STANDARDS CONTAINED IN SECTIONS 8 A 1 THROUGH 8 A 8 OF THE JEFFERSON COUNTY ZONING AND LAND DEVELOPMENT ORDINANCE WILL APPLY.
3. SITE LIGHTING: STREET LIGHTING IS NOT REQUIRED WHEN LOTS ARE MORE THAN 15,000 SQUARE FEET.
4. USE REQUIREMENTS:
LOT WIDTH: N/A
BUILDING HEIGHT: 40' (MAX.)
BUILDING SETBACK: FRONT: 25' (MIN.) SIDE: 12' (MIN.) STREET SIDE: 15' (MIN.) REAR: 20' (MIN.)
AREA PER DWELLING UNIT: N/A
MINIMUM LOT AREA: 40,000 SF
PARALLEL DRIVE ASLE: SETBACK: N/A
5. PROVIDED AREAS: LOT AREA: 54.38 ACRES ROW AREA: 1.23 ACRES STORMWATER AREAS: 1.62 ACRES
6. MOOD HOMES WITH A STAFFED SALES OFFICE EXCLUSIVELY WITHIN THE RESIDENTIAL SUBDIVISION THAT ARE LOCATED ARE PERMITTED PROVIDED THAT THERE ARE CONTAINED ON THE FIRST LOT ON EITHER OR BOTH SIDES OF ANY ROADWAY, OR THAT THAT DETERS THE SUBDIVISION RESPONSIBILITY FOR THE PROPOSED DEVELOPMENT.
7. Model Home with Staffed Sales Office permitted on Lots 1, 50, 8, & 30.
8. I apologize if my comment on the 2nd review was not clear. I wanted to clarify that only the model home lots with a staffed sales office needed to be noted as an unstaffed model home is permitted anywhere within the subdivision. Please revise the note to include the revisions noted below.

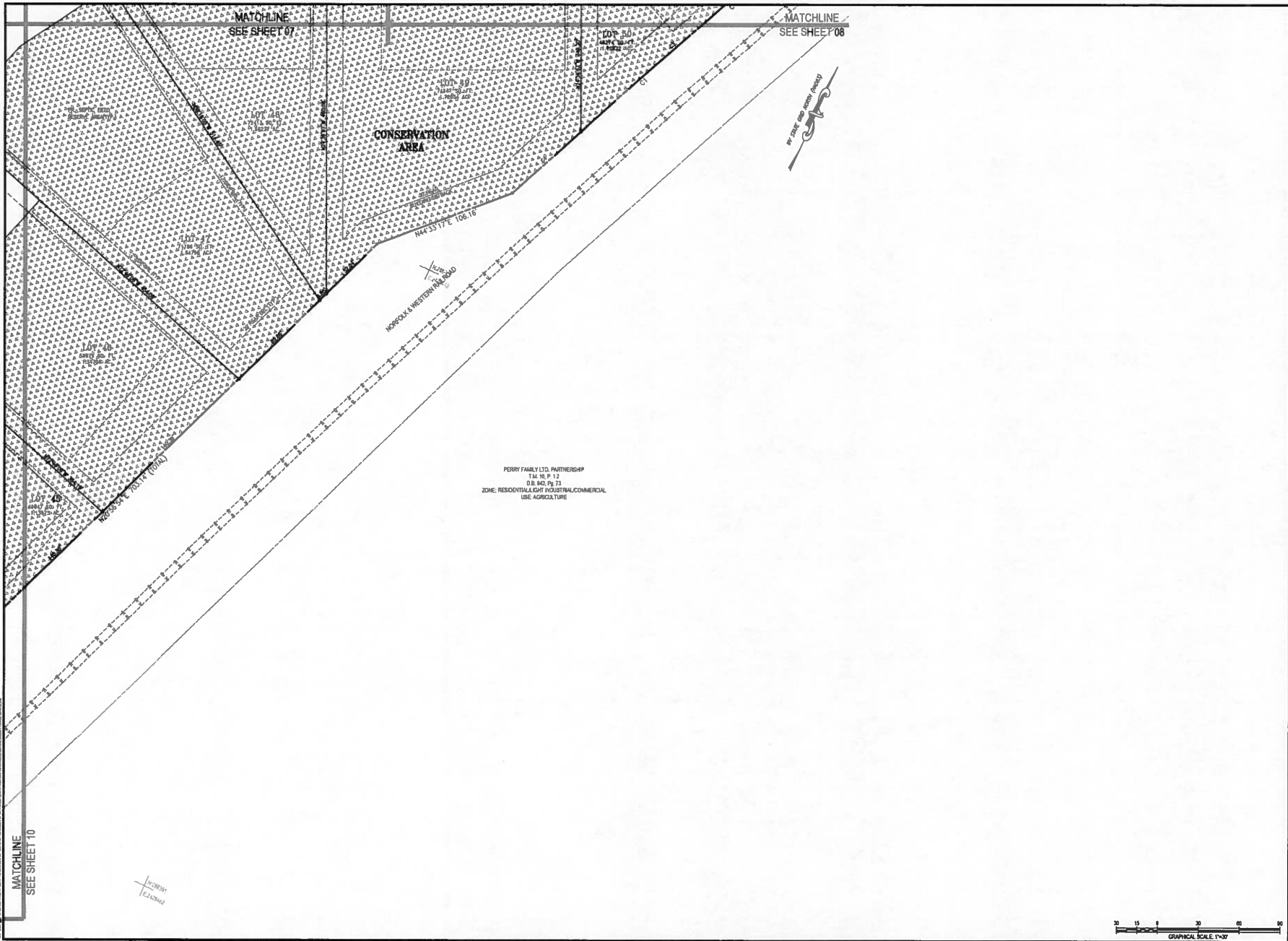
INTEGRITY FEDERAL SERVICES CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING 148 S. Queen Street, Suite 201 • Phone: 204-792-4548 Martinsburg, WV 26021 • Email: info@integrityfs.com



Table with columns for REVISIONS and a grid for tracking changes.

MILTON'S LANDING PRELIMINARY PLAN DIST. PLAN # 19-00001-0001 (S4 LOTS) JEFFERSON COUNTY, WEST VIRGINIA T.C.P. FILE #2017-00

Table with fields: SCALE, HORIZ. N/A, VERT. 1"=40', DATE: SEPTEMBER 2021, JOB: 3029-0101, DRAWN: CHECK, CADD: C-03-02-DWG, INS: N/A, SHEET



PERRY FAMILY LTD. PARTNERSHIP
 TAX 10 P 12
 O.B. 840, Pg 73
 ZONE: RESIDENTIAL LIGHT INDUSTRIAL/COMMERCIAL
 USE: AGRICULTURE

INTEGRITY
FEDERAL SERVICES

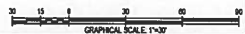
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NO.	REVISIONS

PRELIMINARY PLAT AREA 6
MILTON'S LANDING
PRELIMINARY PLAT
 DIST 2, MAP 11, PARCEL 302 (DB 1271 PG 136)
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ. 1" = 30'
	VERT. 1" = 10'
DATE:	SEPTEMBER 2021
JOB:	3125-0101
DRAWN:	CHECK:
CADD:	C-CS-101.DWG
INCHES:	N/A
SHEET:	





SEAL

LEGEND:

- BIORETENTION FACILITY
- KARST PRESERVATION EASEMENT

NO.	REVISIONS

BIORETENTION EXHIBIT (OPTION 2)
MILTON'S LANDING
PRELIMINARY PLAN
 DWG. 2 MAP 11 PARCELS 30.2 (B, C) (PLG. 130)
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.:
	VERT.:
DATE:	DECEMBER 2021
JOB:	3029-0101
DRAWN:	CHECK:
CAED:	
INS.:	NANA
SHEET:	

Agenda Item #8

Planning Commission Budget Discussion: The Director of Engineering, Planning and Zoning, Roger Goodwin, has to prepare the department's draft FY2022-2023 Budget by the end of December 2021. This is the opportunity for the Planning Commission to provide input into this budget, including the upcoming update to the Comprehensive Plan, which should be initiated in early 2023. Any budget request needs to include the item, purpose or justification, if it is an item that is needed due to state code (if so, the section of state code), and the budget amount requested.



Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
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P.O. Box 716
Charles Town, West Virginia 25414

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MEMO

TO: Planning Commission
FROM: Jennifer Brockman, County Planner
DATE: December 7, 2021
**RE: *Envision Jefferson 2035 Comprehensive Plan* Amendment for
12-7-21 Planning Commission Public Hearing**

Tonight's Public Hearing is to take comment on the proposed amendment to the *Envision Jefferson 2035 Comprehensive Plan*. The Planning Commission's role is to recommend the amendment to the County Commission, which is required to hold its own Public Hearing and take action on the amendment within 90 days of receipt of the Amendment. Per WV Code §8A-3-1, the general purpose of a Comprehensive Plan is to provide guidance to the County Commission to "accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources." After approval of the Plan Amendment, a Zoning Ordinance text amendment is anticipated to be drafted which will address the process and development details and will require additional Public Hearings at that time.

The history of the drafting of the *Envision Jefferson 2035 Comprehensive Plan* text amendment is as follows:

- A. September 2, 2021:
 - The Jefferson County Commission requested that the Planning Commission draft an amendment to the *Envision Jefferson 2035 Comprehensive Plan* in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts.
- B. September 14, 2021:
 - The Planning Commission reviewed and discussed the County Commission's directive from 09/02/21 regarding an amendment to the Comprehensive Plan to identify and secure the role of solar facilities throughout the rural and residential zoning districts in Jefferson County, including consideration of an amendment to the Jefferson County Comprehensive Plan in accordance with WV Code 8A-3-11, 8A-3-6, and related statutes to clarify and/or state that solar facilities are principal permitted uses in the rural and residential zoning districts.
 - At this meeting, the Planning Commission also discussed the required public input process and established the following time frames:
 - September 28, 2021: a workshop to receive public input for writing the draft amendment and to provide staff direction to draft the amendment.
 - October 5, 2021: for Staff to review and discuss the proposed amendment with the Planning Commission.
 - November 16, 2021: a Public Hearing on the proposed draft amendment. (later changed to December 7, 2021)

C. September 28, 2021:

- After discussion, the Planning Commission directed staff to prepare a draft revision of the *Envision Jefferson 2035 Comprehensive Plan* to permit large scale solar facilities in the rural and residential growth districts and to have the draft by the October 5, 2021 meeting for review and consideration.
- The Planning Commission confirmed that the public could continue to submit written comments and information for the Planning Commission's consideration through the public hearing.

D. October 5, 2021:

- After review and discussion of both the Staff's recommended draft and a draft submitted by the Hough's, the Planning Commission provided feedback to staff on how to incorporate the recommendations into a single draft for consideration at a Public Hearing.
- At this time, the Planning Commission moved to change the scheduled Public Hearing to December 7, 2021 in order to allow sufficient time for the staff to incorporate the changes as discussed and the Planning Commission to review their final edits prior to the hearing and meet the legal notice requirements.

E. October 21, 2021:

- After discussion of the final draft amendment, the Planning Commission voted to accept the edits as presented by staff and to move forward public hearing scheduled for December 7, 2021.

Notes for 12/7/21 PC Public Hearing re: Comp Plan Amendment

The following summarizes the sections proposed to be changed by this Amendment:

Draft Comprehensive Plan Amendment Language	
Page	
12	Goals and Objectives Intro
14	Added reference to flexible uses on ag properties
24	Rural/Agricultural Areas
	Added reference to solar facilities in rural areas
30	Urban Level Development Recommendations
31	Expand utilities referenced in Objective 7 and add 7.d. to enable location of alternative energy facilities in Rural and RG zones
34	Rural Land Use Planning
34	Added info about expanding uses in Rural areas including solar with land restoration and panel removal
37	Recommends alternative energy facilities in Rural and Residential Districts with reclamation requirements
39	Rural Land Use Planning Recommendations
40	Recommended new 4.g. regarding amendments the Zoning Ordinance to allow small and large scale solar energy development as a PPU in the Rural and Residential Districts with provisions for removal in future.
64	Economic Development, Employment, and Infrastructure Element
64	Added “infrastructure, utilities, energy production” to intro to Econ Development Element
66	Add info re: renewable energy under Target Industries
69	Added sentence about alternative energy facilities as a PPU in Rural and Residential Districts
71	Economic Development and Employment Recommendations
73	New recommendation 12 re: recognizing importance of alternative energy
74	2.B. Agricultural and Rural Economy
74/75	Added discussion of alternative uses of rural land including alternative energy production and how it may allow land to be return to ag uses in future. Referred to need for CC and PC support
76	New paragraph under Rural Economic Activities to permit solar facilities near existing electrical infrastructure with reclamation requirements
79-80	New subsection “Utilities in the Rural Environment” which included paragraph about reclamation allowing the land to return to ag uses in future
81	Agricultural and Rural Economy Recommendations (Goal 8)
82	New Recommendation 5.c. to include a text amendment re: alternative energy as a PPU and incorporated reference to security and reclamation requirements
93	Alternative Energy subsection
93	Added sentence about repeal of renewable energy standard in WV
94	New paragraph about the need for large scale alternative energy projects
96	Infrastructure and Technology Recommendations (Goals 10 & 11)
97	Modified Recommendation 8 and 8.a. to include reference to commercial energy providers

GOALS AND OBJECTIVES

A key element of any land use planning document is the development of a statement of realistic Goals and Objectives which lay the groundwork for the recommendations and implementation strategies of the vision. As the planning process progressed, the Steering Committee grouped goals and recommendations into the following five broad elements which provide the framework for the Plan.

Land Use and Growth Management (includes Housing & Intergovernmental Coordination)
Economic Development, Employment, and Infrastructure (includes Transportation & Tourism)
Cultural, Historic, and Natural Resources, and Recreation
Education and Libraries
Finance and Public Safety (includes Impact Fees)

The Goals and Objectives of the *Envision Jefferson 2035 Comprehensive Plan* can be found in Appendix D. The Goals and Objectives were developed after the existing conditions (data and trends analysis) and issues analysis were completed and were agreed upon by the County Commission to provide direction to the Steering Committee as they continued the public input process for the purpose of developing the Recommendations of this Plan. As the Recommendations were developed, occasionally a strategy identified in the Goals and Objectives may have been determined by the County Commission to require a modification and the Recommendations may appear in conflict with the Goals and Objectives. If such conflict exists, the Recommendations are the final product of the Plan and are to be relied upon to provide guidance to the Planning Commission and County Commission in their land use and development decision making process. As such, the Goals and Objectives are a resource that reflects the evolution of the thought processes throughout the development of this Plan, but the Recommendations specify the end goal.

The five elements incorporate the components that are required and/or recommended by WV Code 8A. The components are:

Required: Land Use, Housing, Transportation, Infrastructure, Public Services, Rural, Recreation, Economic Development, Community Design, Preferred Development Areas, Renewal and/or Redevelopment, Financing, and Historic Preservation.

Recommended: History, Environmental, Tourism, Conservation, Safety, and Natural Resource(s).

A comprehensive planning document generally covers a twenty year planning horizon and is intended to reach beyond current physical, political, and institutional

constraints. The process of developing goals begins with an examination of existing conditions related to each of the categories listed above and the analysis of issues and opportunities throughout the County. The most important sources for the draft Goals and Objectives were public input from four public meetings conducted in 2013, results of an online survey available countywide, and discussion and submitted comments from the Steering Committee. For additional information related to the Existing Conditions and Public Involvement and Outreach, see Appendices B and C.

The previous four Comprehensive Plans for Jefferson County were policy based planning efforts. The *Envision Jefferson 2035 Comprehensive Plan* includes the creation of recommendations and related maps, including land use maps, which are the fundamental elements and are based on future needs and projected actions. The Future Land Use Guide will need to be viewed in conjunction with the recommendations found in the Plan when reviewing a variety of land use decisions. Foldout versions of all the maps are found in Appendix F.

One of the key concepts that a Comprehensive Plan addresses through its Future Land Use Map or Guide is the location of new development within the County. As the cost of maintaining and providing services and utilities increases, there is a need to target infrastructure and community service investments in these areas that will support new growth. The Future Land Development Map (as shown on page 15) provides a broad overview of these concepts. In Jefferson County, there are four broad types of land use activity which are identified and discussed in this Plan:

- Urban Growth Boundaries (UGBs), Charles Town and Ranson, which are locations within Jefferson County where urban scale development is anticipated over the planning horizon of Envision Jefferson 2035. Shepherdstown's adopted Growth Management Boundary (GMB) is not anticipated to have urban scale development if it remains in the unincorporated area. Therefore, the use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only.
- Six identified Preferred Growth Areas (PGAs) which are also locations within Jefferson County where urban scale development is to be targeted over the planning horizon of this Plan and a seventh PGA identified for Residential Areas identified for low and medium density residential detached housing.
- Rural/Agricultural Areas, where the Plan recommends that non-urban scale development occur and where the rural/agricultural economy is to be enhanced and promoted.
- Eight Village communities that can host increased growth, planned commercial services, and infrastructure development.

A larger version of the Future Land Development Map is available in Appendix F – Maps.

Jefferson County's percentage of arable agricultural land is 54.7%, more than any other county in West Virginia. That affords the County a rich mix of urban, suburban, and agricultural environments. With that consideration in mind, the Plan strengthens proposals related to its historic farming community's economic growth. It recommends potential amendments to the Zoning Ordinance and Subdivision Regulations, which will support a more robust, profitable agricultural and artisan economy through a diversity of uses. This Plan proposes a higher density cluster provision rather than allowing rural residential developments via the Land Evaluation Site Assessment (LESA) system / Conditional Use Permit (CUP) process; ~~and~~ to allow the use of the a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare; and to allow more flexibility in multiple uses on agricultural properties to allow diversification of their businesses.

What are Goals, Objectives, and Recommendations?

Goals are general guidelines that broadly describe what the community wishes to achieve over the period of the Comprehensive Plan. Goals are generally bigger in scope than objectives.

Objectives are the types of actions or activities that are recommended in order to attain the goals.

Recommendations are implementation strategies that are specific steps that would be undertaken to achieve the goals and objectives. They can involve regulatory processes or actions that provide a means for the goals and objectives to be achieved.

Goals and Objectives are what a community wishes to achieve. Recommendations are implementation strategies of how a community looks to achieve them.

Rural/Agricultural Areas

Rural/Agricultural properties outside the UGBs and PGAs are allowed to develop using the “by right” standard of one lot per 15 acres and a cluster development of one lot per ten acres. Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation, including the development of small or large scale solar energy facilities in the Rural areas of the County. It should be noted that regardless of location, whether in an UGB, GMB, or PGA, all Rural zoned properties shall be permitted to undertake the activities noted above. Additionally, this Plan proposes that the Zoning Ordinance be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.

***Land Evaluation Site Assessment (LESA)
also known as the
Conditional Use Permit (CUP) process
outside the UBG or PGA***

Currently, any land use not listed as a Principal Permitted Use in the Zoning Ordinance may be proposed on any property utilizing the LESA/CUP process. This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.

It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan.

Retention of Existing Zoning Map Classifications

As part of the Envision Jefferson 2035 process, there are no zoning map amendments (rezoning requests) or reductions in existing zoning rights proposed by the County. The existing zoning on any property in the County will not be affected by this process. This Plan, including the Future Land Use Guide, does not propose to reduce the rights of any property owner. The Plan and the Future Land Use Guide propose to retain vested property rights which are reflected by the Future Land Use designations. The Future Land Use Guide includes a depiction of the Growth Area Boundary that was included on the Study Area Map of the *2004 Comprehensive Plan*.

Urban Level Development Recommendations (Goal 1)	
1.	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	a. No property’s zoning status will be changed as part of this Plan.
2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.
3.	Identify opportunities for small area plans and involve key stakeholders.
4.	In coordination with the Jefferson County Development Authority, utility providers, and other agencies, extend natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions to provide access to alternatives for heating and cooking uses.
5.	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
	b. Reduce application fees for urban level development located within the areas desired for urban future growth.
	c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.
	d. Consider the utilization of alternatives to use-separated (Euclidean) zoning within the UGB and PGA, such as the SmartCode adopted by the City of Ranson or performance based zoning to achieve the desired land used goals.
	e. Update the County’s zoning regulations in a way that balances flexibility of use for property owners and developers while preserving the quality of life for residents.

	<p>f. Streamline development review and permitting policies by establishing a two tiered system that would allow greater power for staff review for projects of a certain size or smaller scale, etc.</p>
6.	<p>Require new urban level development to provide opportunities for multi-modal accessibility and to occur in a manner that enables connectivity to existing street and infrastructure networks or for future connectivity as development is extended to municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.</p>
	<p>b. Require viable integration of multi-modal accessibility to facilities as part of new development plans.</p>
	<p>c. In coordination with the West Virginia Division of Highways, identify key corridors where publicly owned roadways might be beneficial to the overall development of the County.</p>
	<p>d. Coordinate with existing property owners/HOA's to extend existing roadway corridors when possible to connect into adjoining neighborhoods or new development. At a minimum, this may include pedestrian, non-motorized vehicle, and/or emergency access ways.</p>
7.	<p>Encourage the location of new infrastructure (water, sewer, <u>electrical, broadband, and other</u> utilities) within municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available.</p>
	<p>b. In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, while considering the ability of current and future customer base to assume the debt for the infrastructure.</p>
	<p>c. Encourage that new investment by public entities be focused toward the municipal areas, including the UGBs and the PGAs.</p>
	<p><u>d. Enable to location of alternative energy facilities such as solar, wind and hydropower facilities within the Rural and Residential Growth Zoning Districts throughout the county where most of the existing electrical transmission infrastructure is located.</u></p>
8.	<p>Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.</p>
	<p>a. Encourage the clustering of development so that the developer retains their density while dedicating community facilities.</p>
	<p>b. Locate and integrate new neighborhoods so that existing community centers, schools, parks, or libraries serve the needs of the new</p>

	development.
	c. Whenever possible, construct community facilities in areas served by public water and/or sewer.
9.	Develop incentives for the protection of historic, cultural and/or natural resources during site development.
	a. Allow the applicant the ability to achieve permitted density and/or intensity on a site while allowing for the protection of the desired resource.
	b. Allow opportunities for development to take place at a higher density/intensity than might be otherwise be possible to offset the cost associated with protection of these resources.
10.	Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County in context with their surroundings, paying particular attention to brownfield and greyfield sites.
	a. Identify specific sites and structures where adaptive reuse could occur that will assist with the redevelopment of brownfields and greyfield areas where the existing building(s) can be rehabilitated. (using sites from <i>Ranson Renewed</i> as an example)
	b. Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.
	c. Collaborate with the development community and interested environmental associations that can assist the County in amending its development provisions to encourage universal design, energy efficiency, and enhanced on- or off-site storm water retention.
11.	Reduce stormwater runoff, nutrients, sediment, and waste materials that reach the Potomac and Shenandoah Rivers, as well as other water bodies through development oversight provisions.
	a. Amend the parking requirements to support walkable and/or transit oriented communities per the land development standards based on site design and site amenities.
	b. Allow developers the option to provide fewer than the minimum required parking spaces if it can be determined that sufficient mitigation measures are in place.
12.	Development on US 340 South should limit any land uses of a higher intensity than current zoning allows to the area between the existing US 340 right-of-way and the proposed preferred alignment right-of-way.
	a. The area to the east of the preferred alignment is to remain zoned Rural, except the intersection of Myerstown Road and the proposed preferred alignment.
	b. Once a Record of Decision is published by the West Virginia Division of Highways, within 18 months, the Departments of Planning and Zoning

	should begin an updated land use plan for this area to reflect the commitment on the part of the state to construct the new four lane road.
	c. Require that confirmation from public service providers be submitted, as a part of the application, stating that public water and sewer infrastructure can be provided to the proposed property to be rezoned (including cost), before any zoning map amendments occur in this area.
13.	Develop design criteria and access management standards for the WV 45 corridor west of the Shepherdstown Preferred Growth Area and within the Shepherdstown Growth Management Boundary to the Jefferson/Berkeley County line.
	a. Ensure that any new development or redevelopment along this corridor occur in a manner that recognizes and enhances the gateway aspect of this corridor.
	b. Require that an additional setback from the road right-of-way be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development. This commitment of land shall not affect the overall permitted density and may require adjustments elsewhere in the development plan. This easement area shall be required whether or not the land is conveyed to a public agency.
	c. Require that developments be configured to eliminate lots having individual access onto WV 45. Lots shall use common access easements or rights-of-way to gain access to the state right-of-way.
14.	Require all commercial/industrial zoning map amendment requests to utilize new zoning categories adopted on June 1, 2014 (or later) and discourage the use of the existing Residential-Light Industrial-Commercial (R-LI-C) District as a zoning category for zoning map amendment requests.
	a. Encourage any development in a zone that permits mixed use to be developed according to the Mixed Residential/Commercial or Mixed Office/Commercial ratios found in the land use category recommended by this Plan, unless otherwise provided in the Zoning Ordinance.
15.	Develop new non-rural residential zoning categories in line with the residential land use categories recommended by this Plan and require that all non-rural residential zoning map amendment requests utilize the new categories, after the creation of such new residential zoning districts.
16.	Collaborate with state legislators to amend WV Code 8A to allow conditions to be imposed meeting specified requirements on proposed zoning map amendments.
	a. Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.

1.B. Rural Land Use Planning

Between 1974 and 2007, nearly 14,000 acres of land were removed from agricultural production in the County. Approximately 78% of these acres were lands with prime soils or soils of statewide importance. It is important that viable existing farmlands are protected. By encouraging cluster residential development, a large portion of the property will be maintained for farming activities, which would allow Jefferson County's agricultural and rural character to be maintained. Additionally, developing provisions which allow for a greater scope and variety of agriculture related activities, including the development of small or large scale solar energy facilities, with land restoration and panel removal requirements, in the Rural areas of the County would also allow the County's agricultural and rural character to be maintained. Existing farmers who want to stay on their farms, but who cannot rely on traditional farming activities to do so, have expressed an interest in leasing portions of their land for solar energy facilities rather than selling the land for permanent conversion from agriculture. By requiring that solar energy production facilities be removed after their productive lives, the land is preserved for future agricultural uses.

Below is a soils map of Jefferson County and a larger version can be found in Appendix F – Maps.

With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

Rural Land Use

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and

intensity with the rural environment and poses no threat to public health, safety, and welfare. Additionally, this Plan recommends that the “by right” provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process² for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County’s agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. To this end, this Plan recommends that alternative energy facilities, including solar, wind, and hydropower energy production, should be authorized as a Principal Permitted Use in the Rural and Residential Districts, including provisions that require the energy companies to return the land to a condition capable of being used for agriculture after the solar panels or wind facilities are removed. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

Value Added Agriculture

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or

² Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14).

residential subdivisions coexist within the County’s rural agricultural areas. Home sites in these subdivisions typically have larger lot sizes than in subdivisions in the existing Residential Growth (RG) Zoning District or subdivisions served by water and sewer, but are of a smaller scale than the farms that surround them. Homes in the large lot developments and rural residential subdivisions are typically served by private well and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

Rural Land Use Planning Recommendations (Goal 2)	
1.	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2.	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County’s zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
3.	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
4.	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.

	<p>c. Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize a higher density such as one unit per five acres, with provisions for a maximum lot size and a mandatory retention of a set percentage of the original tract in agricultural uses, open space, and/or forest/woods, instead of allowing for rural residential development to occur using the LESA/CUP system.</p>
	<p>d. Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.</p>
	<p>e. Encourage the creation of subdivisions that incorporate working farmland or community gardens in Development Supported Agriculture programs.</p>
	<p>f. Consider amending the provision in the Jefferson County Zoning and Land Development Ordinance related to the transfer of land between parent and child to include other family members, such as sibling to sibling.</p>
	<p>g. <u>Amend the Zoning and Land Development Ordinances to allow small and large scale wholesale or commercial solar energy development as a Principal Permitted Use in the Rural and Residential Districts and provide for the removal of facilities after they have exhausted their useful lives, so that the land may be returned to agricultural use.</u></p>
5.	<p>Encourage a variety of mechanisms to protect existing farmlands, key farm buildings, and scenic corridors within Jefferson County.</p>
	<p>a. Identify funding sources for farmland protection which could come from local, state and federal sources in addition to fundraising opportunities.</p>
6.	<p>Involve members of the agricultural community in planning and land use decisions related to rural lands within Jefferson County.</p>
	<p>a. Establish collaborative and interactive mechanisms for the Planning and Zoning staff and economic development officials to coordinate with the agriculture community that will enable the farming community’s input in the planning and zoning process.</p>
7.	<p>Explore policies in concert with the Public Service District (PSD) and municipalities regarding rural water and sewer infrastructure.</p>
	<p>a. Explore legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).</p>

2. Economic Development, Employment, and Infrastructure Element

Economic growth and development is closely tied to the availability of natural resources, technological innovation, infrastructure, utilities, energy production and human capital as well as its geographic proximity to major population centers, adequate roads, and infrastructure. Jefferson County is ideally situated to have a vital economy. The general health of an economy can be determined by examining two components: stability and balance. Stability is an indication of the ability of a local economy to withstand the fluctuations in the regional and national economy. Balance refers to the level of diversification of a local economy. The more diversified the local economic and employment base, the more difficult it is to disrupt the local economy. Any economy that is overly reliant on a single employer or employment sector is more highly impacted by economic shifts.

The major sectors of Jefferson County's economy include traditional economic development activity, including education and high tech training; agriculture and the rural economy; and recreational, historic and heritage tourism. This section of the Plan discusses each of these sectors in detail and provides recommendations for them. Additionally, because of the critical nexus of economic development with the adequacy and extent of the infrastructure and transportation system networks, these components are included in this element as well.

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2.A. Economic Development and Employment

According to the Jefferson County Development Authority, Jefferson County's strategic Mid-Atlantic location close to Washington, D.C. and Baltimore, MD Metropolitan Areas coupled with ready access to major transportation routes makes the County ideally situated for business, manufacturing, and industry. Jefferson County is located in one of the fastest growing areas in the United States. The County is a major economic driver in a state that boasts the nation's fourth lowest cost of doing business, low utility rates, and a highly skilled and hard-working workforce. While facilitating relocations and start-up businesses, the Jefferson County Development Authority supports and promotes existing businesses.

While there has been a significant amount of commercial development in Jefferson County since the 2004 Comprehensive Plan, it has slowed considerably in recent years. During this same time period, residential growth occurred at a more rapid rate, particularly in the early 2000's. Additionally, Jefferson County's economic

These improvements will enhance the ability of Jefferson County to compete on an economic development basis with other communities in the region.

Target Industries

Jefferson County will encourage a diversity of business types to locate within its borders. As part of these efforts, the Jefferson County Development Authority (JCDA) has identified several industries and other sectors of employment towards which incentives and programming should be targeted (in no particular order):

Jefferson County Development Authority Identified Industry Sectors	
Agriculture Development	Manufacturing
Government	Small Business
Information Technology	Tourism

Each of these target industries are currently located in Jefferson County and will benefit from retention, expansion, and attraction to strengthen each cluster. Building on these assets will give the County a strong identification of its core business strengths. While not identified by the JCDA, there are several large non-profit organizations which are a significant part of Jefferson County’s economy. This provides additional economic and employment opportunities. In addition, more regional employers are looking to acquire renewably generated electricity to meet the demands of shareholders and expected future regulatory requirements. Starting around 2020, this demand has created interest in sourcing alternative energy production such as solar energy production facilities in Jefferson and surrounding counties. These facilities will place little stress on existing infrastructure and will add substantially to the tax base.

Additionally, small businesses, which can range from restaurants and artisan cottage industries to small technology and service firms, are an integral part of the local economy and have opportunities to grow stronger.

Federal Government

One of Jefferson County’s target industries is correlated with the presence of state and federal government facilities. Since the federal government has found success with their existing local facilities, the potential for additional federal employment opportunities to locate here is greatly enhanced. The following Table lists federal facilities, many of which have had a long term presence in the County.

Federal Facilities in Jefferson County
U.S. Coast Guard Administrative Support Facility
U.S. Customs and Border Protection Advanced Training Facility
Department of State Diplomatic Security Training Center
U.S. Fish and Wildlife, National Conservation Training Center
Harpers Ferry National Historical Park

for commercial, office, and/or industrial uses that may serve to bolster Jefferson County's employment base while balancing the environmental and quality of life concerns that may arise from larger scale businesses.

Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses. Within the unincorporated area, the County's industrial park and properties zoned industrial are also important to the economic growth and vitality of the County. The exception to this general philosophy is to allow alternative energy facilities, such as solar energy development, as a Principal Permitted Use in the County's Rural and Residential Districts as well.

In recent years, public, and private reinvestment in the urban core of the five municipalities has occurred and is continuing to grow, as the following examples illustrate:

- The Town of Ranson received numerous grants that focus on the Brownfield Commerce Corridor that is shared with Charles Town, and includes the redevelopment of vacant industrial buildings, street and streetscape improvements, and the expansion of a key transportation corridor through Ranson.
- Shepherdstown and Bolivar/Harpers Ferry have vital core commercial areas that support the local and tourist population in the County and serve as gateways into the County from neighboring states.
- Shepherdstown and Bolivar/Harpers Ferry are a part of the Canal Towns Partnership, comprised of several communities along the C&O Canal, which is an economic development initiative with the goal of cooperatively marketing and making improvements to attract visitors to the canal's gateway communities.
- The American Public University System made substantial investment in Charles Town and Ranson, including the redevelopment of existing structures and construction of administrative buildings and parking facilities.
- Hollywood Casino at Charles Town Races has been a strong component of economic activity in the County and continues to respond to a changing market by advancing alternative entertainment and horse racing options.

These examples of collaboration between local government entities and private entities bolster local economic development opportunities and this collaboration should continue.

The County's downtown areas are concentrations of local and regional government agencies, small offices, and a limited number of small shops, restaurants, and services which serve to attract visitors and residents to the downtown areas. The

Economic Development and Employment Recommendations (Goals 6 & 7)	
1.	Expand and strengthen the existing marketing and branding of Jefferson County’s qualities, facilities, and resources to potential businesses, residents, and visitors.
2.	Collaborate with HEPMPO and other transportation agencies to identify ways to improve transportation (commuter, air, rail, and bus services) connectivity and roadways between Jefferson County and nearby states.
	a. Establish a working relationship with Washington Metropolitan Council of Governments and Loudoun County’s Transportation and Safety Commission to address highway transportation problem areas identified in both counties.
3.	Work with key stakeholders to effectively streamline Jefferson County’s permitting and development review processes in a manner that balances the protection of the public health, safety, and welfare of the community with economic development priorities.
4.	Encourage the Jefferson County Development Authority (JCDA) to identify incentives for the specified target industries on an annual or semi-annual basis.
5.	Create a business friendly environment in Jefferson County.
	a. Streamline the State licensing of various business enterprises by providing regional or satellite offices in Jefferson County.
	b. Coordinate with local and state economic development agencies to identify potential funding sources for economic development efforts.
	c. Identify opportunities for public/private partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities and infrastructure in Jefferson County.
	d. Develop a land bank program that would enable potential economic development projects such as a large federal facility or other regionally significant employment facility.
6.	Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.
	a. Plan with stakeholders’ co-work facilities or business incubators that provide space for start-up companies along with a small network of entrepreneurs to collaborate.
	b. Expand awareness of entrepreneurs’ forums, employer open houses, and job fairs taking place in Jefferson County and the Eastern Panhandle.
	c. Encourage local municipalities and residents of the County’s villages to research and create Business Improvement Districts (BID) to implement improvements and provide services to businesses located in the district.
7.	Encourage local employers and the JCDA to improve online and offline outreach to potential employees, including County residents and individuals outside the region.

8.	Coordinate with local businesses and the JCDA to identify and utilize methods to market Jefferson County’s products within the Mid-Atlantic region, the nation, and the world.
9.	Collaborate with various state and federal agencies to attract departments or agencies that would benefit from Jefferson County’s workforce and location.
	a. Encourage state and federal agencies to consider the location of new facilities in Jefferson County within the growth areas identified in this Plan.
	b. Encourage state and federal agencies planning to build new facilities in Jefferson County to adhere to local land use regulations as part of the site design process.
	c. Encourage the utilization of existing structures or the utilization of greyfield or brownfield sites for the development of new state and federal facilities.
	d. Coordinate with state and federal facilities locating in Jefferson County so that the following land use considerations are addressed and mitigated:
	i. Existing and potential impacts caused by land uses adjacent to proposed state and federal facilities are known in advance of first construction.
	ii. Existing and potential impacts of new or repurposed facility use on adjacent lands provide adequate buffers and setbacks to surrounding uses.
10.	Implement strong and vibrant relationships between Jefferson County businesses and business related organizations and all educational resources in the County, Eastern Panhandle, West Virginia, and the Mid-Atlantic region that will promote graduating students with job opportunities in Jefferson County.
	a. Expand partnerships with all local and regional institutes of higher education that focus on programs which would further educational opportunities in the core economic sectors identified by the JCDA.
	b. Maintain and expand relationships with local businesses and local/regional education institutions to increase availability of co-op and mentoring programs between students and businesses in Jefferson County and the Eastern Panhandle.
	c. Collaborate with key business and economic stakeholders to identify and create programs that would encourage the retention of highly skilled young graduates from the County’s institutions of higher learning.
	d. Coordinate with key business stakeholders to improve employer outreach and collaboration with regional and state university/college career centers to promote Jefferson County employment and internship opportunities to students on all academic levels.
	e. Coordinate with appropriate agencies to publicize available scholarship programs for students interested in the target industries to strengthen workforce development in Jefferson County.
11	Collaborate with Shepherd University, American Public University System (APUS), and other higher education entities to identify opportunities for Jefferson County based research programs that would combine classroom learning with virtual resources.

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Recognize that modern and innovative energy sources including solar, wind and hydropwer energy facilities provide for clean economic development in the County and are vital to the emerging local, State and National trend/need for clean electrical energy.

2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses. Alternatively, providing other opportunities for farmers to use their land for a interim use, and then return it to farming in the future, would help maintain the County's rural economy. One option noted in this Plan maintains that allowing solar facilities to be located within the Rural zoning district is a way to preserve farms for a generation and then return the land to agricultural uses. This protects large acreage from permanent residential development, while allowing other portions of the properties to continue to farm

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, ~~and~~ compatible rural institutional uses, and other profitable uses such as alternative energy production (solar, wind, hydropower). Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County. Consideration of an amendment to the Zoning and Land Development Ordinance to permit alternative energy production facilities to be located on large tracts of land in the Rural and Residential zoning districts should be considered as an option that may in the long run protect farms from other development.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the County Commission, Planning Commission and the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.

Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

Agricultural Community Priorities
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other’s goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County’s rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

As discussed above (see Land Use and Growth Management: Rural/Agricultural Components), significant new opportunities exist for farms located near existing electrical infrastructure to lease their land for the production of solar power. These opportunities will provide those farmers, some of whom have indicated they cannot maintain their farms without additional sources of revenue, to access new income sources and to maintain the rest of their farms in agricultural uses. By permitting the provision of alternative energy facilities as a Principal Permitted Use in the Rural and Residential zones, while requiring these facilities to provide reclamation and facility removal standards, the impacts to the rural landscape will be minimized, while allowing farming and other agricultural uses to return once the land is reclaimed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

Agricultural Service Facilities

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

Distribution and Marketing of the County's Agricultural Products

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center complex could serve as another means of selling the County's farm products and could include dining and/or commercial kitchen facilities.

While the farmers' markets have helped individual farm operators differentiate between their products, there is still a limited local or regional identity when it comes to agriculture in the Eastern Panhandle. In some cases, individual farms have addressed this concern through the creation of an identity for the farm and/or for the product being produced. It would be beneficial to the Jefferson County rural economy if a more unified effort occurred through a shared marketing mechanism, regional branding, or the creation of common distribution and marketing facilities.

An increasing movement toward smaller farming operations of less than 40 acres in size in the County should not be discounted, even though a number of farms in Jefferson County are located on large tracts of land. According to the 2012 U.S. Agricultural Census, over half of all farms in Jefferson County provide a limited income to farm operators; however, there are opportunities for expansion of smaller farming operations. The majority of the farms in Jefferson County have the opportunity to provide a viable range of income generating agricultural activities to an individual farm operator.

Enhance Farmland Protection Activities

In 2000, Jefferson County formed a Farmland Preservation Program that is funded by a portion of the transfer tax collected when a house or land is sold. To date, this program has purchased the development rights of 3,900 acres. As mentioned in the Land Use element, the funding that is available to support the County's farmland protection program is much less than the demand from farm operators to participate in it. Since the County's farmland protection program is funded by a portion of the transfer tax, the viability of the program is subject to a widely fluctuating real estate marketplace. In times when there is a great deal of real estate activity, revenue generated for the program is strong, enhancing the ability to purchase development rights and protect farmlands. Conversely, in times when the real estate market is slow, the amount of money available for protection efforts is limited. Therefore, it is important to establish reliable funding sources to support farmland protection

activities. One option to protect farmland is to coordinate with the American Battlefield Protection program to make the most efficient use of funding resources.

To reduce the conversion of farmland, the Plan recommends that clustering should be the preferred method of any rural residential development. This would allow land owners to group lots in a traditional rural community pattern, while retaining a majority of the land for agricultural and rural economic uses. Even when the development of a residential cluster results in the loss of some farm land, the goal of the regulations related to cluster developments is to retain as much farmland as possible by adjusting the number and size of the lots in the cluster and requiring the balance of the farm (the residue) to be retained as a permanent agricultural use. Cluster developments on a property should minimize the use of high quality soils and maximize the use of less

productive agricultural land. In order to retain the maximum amount of land in farm use and rural economic activity, the open space requirement for residential cluster development shall be met by the residue which will retain no development rights.

Transportation in the Rural Environment

The County's rural road network originally evolved serving the needs of the farming community and is not intended to serve the needs associated with the higher traffic volumes and speeds required for large residential subdivisions. At certain seasons of the year conflict can be created between residential traffic and large pieces of slow moving farm equipment. The LESA/CUP system has not effectively protected the rural road network from this type of development pressure. As such, this Plan recommends utilizing cluster developments as the preferred form of residential development within the rural areas. Limiting suburban development in the rural area helps protect agricultural land use activities.

Most of the roads in the County's rural area are paved, but tend to have narrow widths, excessive horizontal and vertical curvatures, bridge and drainage problems, and poor intersection alignments. These conditions contribute to the safety concerns associated with increasing motor vehicle traffic on the rural roads. The increased residential densities that have occurred in the rural area in the past are producing additional traffic volume and requiring more maintenance of the rural road network of predominantly narrow, two-lane paved roads with existing design issues.

Utilities in the Rural Environment

The availability of electricity is an important resource to support all residential, commercial and agricultural operations in Jefferson County. The federal government is working to encourage states to develop policies that encourage an increase in the amount of power generated by alternative renewable energy sources such as solar, wind and hydropower. The location of transmission lines and substations in Jefferson County are a local resource which could provide opportunities for future renewable energy resources to connect to the power grid in an efficient manner.

Utility scale alternative renewable energy systems are large-scale installations that provide clean energy to a regional energy provider. One example is utility scale solar facilities which are commonly mounted on the ground and span across fields of land to generate electricity to assist in meeting renewable energy and sustainable energy production goals. Proximity to transmission lines and substations, elevation/slope, flood zones, wetlands, and soils all affect a site's buildability for any large scale alternative renewable energy facility.

Solar facilities are compatible with rural lands and agricultural uses as they have minimal negative off-site impacts. A primary impact of utility-scale solar facilities is the removal of rural and agricultural land from active use; however, this use can preserve the land for future agricultural use, and applicants typically state that the land will be restored to its previous condition. Generally, large scale solar facility system owners choose to lease instead of purchasing property, allowing local farmers to retain ownership of the land. Some farmers also retain portions of their land for on-going agricultural uses compatible with the solar facilities. Solar energy systems have a typical lifespan of 25-30 years; so the system owner would be paying the lease for decades, ensuring an economic contribution to the property owner for the duration of the system's life and allowing to property to revert to agricultural uses in the future if the landowner desires.

Solar energy facilities which are required to be removed upon expiration of their usable lives can provide farmers with the income necessary to retain their farms while having minimal impact on the rural aesthetic or the permanent conversion of land to non-agricultural use. Permitting these facilities as Principal Permitted Uses will also generate construction jobs and tax revenues while placing almost no strain on existing infrastructure and will thereby promote the economic well-being of the County and the Rural and Residential Districts. Additionally, the land will be reclaimed for the ability to farm the land or provide for other permitted agricultural uses in the future.

Agriculture Tourism

The rural areas of the County contribute to the local tourism economy in a variety of ways. Not least of these is the maintenance of attractive viewsheds to enhance the experience of visitors to battlefields, historic sites and villages. Tourism is addressed later in this Element on page 81.

The following recommendations provide action steps to foster and expand the diverse rural economy through a variety of policy, regulatory, incentive-based, and programmatic approaches that will protect the rural land, structures, and character necessary to advance the rural economy.

Agricultural and Rural Economy Recommendations (Goal 8)	
1.	Support West Virginia’s and Jefferson County’s “Right to Farm” policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County’s Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County’s farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County’s agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

	<p><u>c. Amend the local land use regulations to permit utilities which generate electricity by alternative renewable energy sources (such as solar, wind and hydropower) to be permitted as a principal permitted use throughout the County; provided also that developers or owners provide security guarabteeing the removal of the renewable energy facilities at the expiration of their usable life so that land may be returned to farming or other agricultural uses.</u></p>
	<p><u>e-d.</u> Require that new non-rural commercial uses that are not compatible with the dominant agricultural land use pattern locate only in the Urban Growth Boundaries (UGBs) and Preferred Growth Areas (PGAs) as identified by the future land use recommendations of this Plan.</p>
6.	<p>Coordinate with local businesses and the Jefferson County Development Authority (JCDA) to brand and market Jefferson County farms and products by identifying and linking potential partnerships and matching suppliers with potential local and regional markets.</p>
	<p>a. Conduct market research on high-value agricultural products, ancillary farm businesses, and other rural economic uses such as farm agri-tourism, retreats, and country inns;</p>
	<p>b. Develop and expand, in conjunction with the Jefferson County Convention and Visitors Bureau, brand identification of Jefferson County farm products;</p>
	<p>c. Provide more alternatives to promote rural tourism and rural land uses.</p>
7.	<p>Work with Jefferson County’s agricultural community to effectively distribute local agricultural products and encourage the growth of the market for local products.</p>
	<p>a. Facilitate the establishment of year round marketing outlets to support the farm community, such as farmers’ markets or a product distribution center;</p>
	<p>b. Encourage the expansion of off-site farmers’ markets to provide marketplaces for farmers and artisans to sell their goods within a variety of Jefferson County commercial venues;</p>
	<p>c. Promote products to Jefferson County based businesses.</p>
8.	<p>Coordinate with key agricultural and rural stakeholders to identify ways to expand marketing and value added production activities for farmers and artisans on their properties in rural areas of Jefferson County.</p>
	<p>a. Amend existing regulations in order to identify and facilitate ways to allow the sale of items grown, processed, crafted, or manufactured in Jefferson County on farms other than the farm where the product originated.</p>
	<p>b. Develop a streamlined process for such uses when there are minimal impacts to surrounding neighbors.</p>
	<p>c. Expand and improve high speed Information Technology (IT) connections in rural areas of Jefferson County with local internet or advanced technologies providers to enable residents to run businesses from home or to telecommute.</p>

9.	Collaborate with the local artisan community and Jefferson Arts Council to review and amend the local land use regulations to promote and enhance the viability and livelihood of artisans in the rural areas of Jefferson County.
	a. Encourage local non-profit organizations and local and regional economic development agencies to create a regular forum where all County artisans, businesses, and members of the non-profit and arts communities can meet to network and collaborate.
	b. Work to improve connections between County businesses and artisans that may have products and services that can be sold in local stores or other businesses.
	c. Ensure that training and educational opportunities are available that would enable the success of such businesses.
	d. Establish and support an endowment for arts funding for rural crafted arts.
10.	Strengthen the Agricultural Committee of the JCDA by creating a public/private Rural Economic Development Council comprised of rural industry sector leaders. This organization will:
	a. link governmental, non-governmental, and regional organizations;
	b. link state and federal farm assistance programs to local farmers;
	c. receive and make grants;
	d. act as an advocacy group for rural issues; and
	e. promote activities that nurture the rural economy.
11.	Create a county or regional agricultural industrial park that could include sites for service providers such as farm equipment repair facilities, tractor and implement sales, meat processing facilities, and veterinarian services; as well as:
	a. A local or regional food hub that could be tied into Community Supported Agriculture (CSA) packaging and distribution, a regional food bank, and to serve as a marketing site for farms and farmers;
	b. A neighborhood based CSA or Development Supported Agriculture;
	c. A permanent, year-round farmers' market site;
	d. Sites for Industrial Agriculture such as Vertical Farming, Hydroponic Greenhouses, and Aquaponic Farming;
	e. Agriculture based training, research, and continuing education facilities created in conjunction with institutes of higher learning and research;
	f. Commercial aquaculture activities;
	g. A livestock auction facility;
	h. A Community Cold Storage/Meat Locker Facility that would allow county residents to rent space to purchase and store sides of meat; and/or
	i. Alternative Energy Production facilities, ranging from ethanol refining to algae production for biofuels.
12.	Promote and expand the commercial and recreational equine industry as a fundamental component of the rural economy by amending County ordinances to reflect the current practices and needs of the industry.

13	Collaborate with the County’s culinary, artisan, and farm communities and JCDA to study the feasibility of establishing a Culinary Center that would provide exposure to and for marketing the goods that are produced in Jefferson County and the Eastern Panhandle.
	<ul style="list-style-type: none"> a. Collaborate with the West Virginia Extension Service, West Virginia Department of Agriculture, and local stakeholders to establish a regional commercial kitchen and packing facility in the Eastern Panhandle that could be used by farm operators in the manufacture of value added products.
14.	Expand vocational programs, either through the existing Future Farmers of America program in the County’s high schools or through programs that combine classroom exercise with a co-op program exposing students to a variety of agricultural formats and opportunities.
	<ul style="list-style-type: none"> a. Advocate for Jefferson County Schools to partner with Berkeley and Morgan County schools to create a regional Agriculture Magnet School whose curriculum would be focused on agriculture and agribusiness fields.
	<ul style="list-style-type: none"> b. Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.
15.	Coordinate with Jefferson County Schools to encourage the following agricultural activities:
	<ul style="list-style-type: none"> a. Preserve and expand the Future Farmers of America programs that are in place at the County’s middle and high schools.
	<ul style="list-style-type: none"> b. Coordinate with local artisans to improve accessibility and awareness of arts education and programming.
	<ul style="list-style-type: none"> c. In conjunction with local gardening organizations and Jefferson County Agricultural Development Office, expand school garden programs that could serve as a source of fresh foods for cafeterias.
	<ul style="list-style-type: none"> d. Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSA programs.
16.	Encourage the West Virginia University Extension Office to consider the creation of Mentoring/Training Programs similar to FarmLink programs that are in place in other states such as Maryland and Virginia.
17.	Support the County’s rural economic strategy by working with the State Legislature to review the State Code and consider the following amendments:
	<ul style="list-style-type: none"> a. Tax credits on farm-related capital improvements;
	<ul style="list-style-type: none"> b. Tax abatement or deferral when a farmer makes an investment in high-value crops that do not turn a profit for several years (orchards, Christmas trees, vineyards, etc.);
	<ul style="list-style-type: none"> c. Assessment of farm worker housing on farms below residential market value;
	<ul style="list-style-type: none"> d. Additional reduction in the real estate tax rate on rurally zoned property that is under permanent conservation easement.

may not meet current standards, to be upgraded or maintained. Recently, the County adopted a new stand-alone Stormwater Management Ordinance that includes additional standards related to water quality and includes provisions for low impact design stormwater provisions such as rain gardens, bio-swales, permeable pavers, and permeable asphalt. These new standards help to minimize the impact of sediment and certain identified nutrients as required by the Chesapeake Bay Program.

In addition to land development activities, the following point and non-point source activities impact the water quality in waterways due to stormwater run-off:

Point and non-point source pollution
Over-fertilization and the use of chemicals to maintain lawns by homeowners
Use of salt and chemicals on roads in winter weather by the State Division of Highways
The fertilizers used to grow crops
Industrial emissions
Waste products (rubber, gasoline, and various other fluids) associated with auto use
Animal husbandry activities

The effect of stormwater run-off on the local waterways, particularly the Shenandoah and Potomac Rivers, has a significant impact on our local and regional recreational and heritage tourism, as well as drinking water quality. There are a number of watershed protection groups in the County that are actively seeking to improve the quality of the surface and groundwater within particular watersheds. These groups have made efforts to clean-up the waters and restore aquatic life to Jefferson County waterways. Such efforts have included, river clean ups, water monitoring, septic tank pumping and repair reimbursement programs, fencing of livestock to keep them out of streams, tree plantings, and outreach to residents and businesses to educate them about how to combat pollution. These efforts will ensure that high quality of water in Jefferson County continues.

Alternative Energy

It is widely recognized that many of the resources that we rely on to heat, cool, and light homes, power electronics, provide transportation fuel, and other daily needs are finite. Consequently, there has been an increasing need to assess the viability of alternative and renewable energy sources that may assist in maintaining the quality of life of Jefferson County’s residents and businesses. In 2009, West Virginia adopted an Alternative and Renewable Energy Portfolio Standard that requires investor-owned electric utilities (such as Potomac Edison) with more than 30,000 residential customers to supply 25% of retail sales from eligible alternative and renewable energy resources by 2025. This standard was subsequently repealed by the state legislature in 2015; however many private utility providers and other large companies have set their own renewable energy or clean energy goals and are pursuing these alternatives without state or federal mandates.

Alternative and renewable energy sources are available, ranging from hydro (water), solar, and wind power to the use of various biofuels (algae, biomass, wood pulp, and other waste products), and plant crops (corn and switchgrass) that might be used to complement or replace existing power sources. Another alternative energy source that may be applicable for the heating and cooling of buildings is the use of geothermal systems (drawing up groundwater and circulating it through pipes embedded in a building's walls).

There are efforts underway at the local and state level to encourage the conservation of energy and the utilization of alternative energy sources. The most notable of these are the projects that have been incorporated into the expansion of the American Public University System (APUS) in Charles Town and Ranson. These projects include the use of solar collectors that also serve as cover for parked cars, the installation of several electric car charging stations, and the utilization of building improvements and materials that limit the use of energy needed for heating, cooling, and lighting. The improvements undertaken by APUS can serve as a role model to new development in Jefferson County and to the redevelopment of existing structures and sites.

Several large-scale alternative and renewable energy projects have taken place in the County. Concern has been expressed that legislation prohibiting Cooperatives or Communities to create a solar panel system that would feed multiple houses is impacting the expansion and viability of implementing other solar projects in the County. As the cost of improvements decreases and the efficiency of various renewable energy materials improves, the reliance on current energy sources will be reduced as more families and businesses adopt these improvements.

Emergent local, regional and national trends indicate that large scale alternative and renewable energy projects, such as solar, wind, and hydropower energy facilities, have become essential and will continue to be needed to provide clean energy throughout the region and into the power grid. In recent years, Jefferson County has been identified as an area that could accommodate these renewable energy facilities due to its proximity to the grid network, the gentler topography than many areas of West Virginia, and large open areas throughout the County. Opportunities to develop these alternative energy resources should be pursued in the County.

Natural Gas Services

Jefferson County regional economic development officials and businesses identified the need for natural gas services to homes and businesses. At present the only area of the County served by natural gas lines is the former Kodak/3M plant in Middleway; however, the potential exists for the expansion of service capacity in the Eastern Panhandle and the extension of natural gas lines from the Berkeley/Jefferson County line along WV Route 9 to various parts of the County. The extension of natural gas into Jefferson County would aid County economic development efforts while providing an alternative to electricity for residential and commercial purposes.

Infrastructure and Technology Recommendations (Goals 10 & 11)

1.	Require key stakeholders to coordinate planning and investment for both local and countywide infrastructure improvements.
	a. Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs, while considering the impact on the individual consumer rates.
	b. Provide and encourage mechanisms to have consolidated water and sewer providers in the County.
2.	Bring natural gas into Jefferson County to grow the economy and increase the quality of life for the residents.
	a. Identify partners and funding sources for the expansion of natural gas services.
	b. Ensure that one or more compressed or liquid natural gas fueling stations is built to serve Jefferson County residents, businesses, and visitors.
	c. In coordination with Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO), Jefferson County Schools, and Eastern Panhandle Transit Authority (EPTA), advocate for the wider utilization of natural gas as a fuel source for school buses and for EPTA.
3.	Create opportunities for the County’s water and sewer providers to share resources and better coordinate their systems and administration.
	a. Amend Subdivision and Land Development Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses.
	b. Provide opportunities for applicable homeowners associations and/or developers to enter into maintenance agreements for privately owned public water and/or sewer utilities with the applicable public utility providers in which the public utility providers will maintain new facilities.
	c. Coordinate with the County’s utility providers to identify methods that would limit the expansion of water and sewer trunk lines to areas within the Urban Growth Boundary and/or Preferred Growth Areas.
	d. Encourage the PSDs to promote cooperation with the local development community to work toward cost sharing on infrastructure projects.
4.	Collaborate with Village residents, businesses and utility providers to identify ways to provide water and sewer utilities within Village and village expansion areas.
5.	Enact and enforce requirements for maintenance and inspection of individual, on-site septic systems on a regular basis.
	a. Initiate a dynamic education and informational program for County residents concerning well and septic maintenance and use practices.
	b. Pursue an amendment to the state code to allow residents who are required to connect to an extended water or sewer network to continue to utilize existing individual well and septic systems for the lifetime of the home system if there are no public health issues.

	<p>c. Collaborate with local public utility providers to identify and provide incentives that would encourage property owners to transition from well and septic to a centralized system where and when needed to address public health issues.</p>
	<p>d. Find funding mechanisms to defray the costs of providing public utilities in areas where the provision of these utilities is necessary based on declining public health or environmental concerns.</p>
6.	<p>Coordinate with Region 9 and the County’s public service providers to identify and seek additional funding sources that would aid in the construction of needed capital facilities and for the upgrading of existing facilities to meet newer federal standards.</p>
	<p>a. Continue to monitor and participate in planning efforts related to the implementation of the Chesapeake Bay Watershed Improvement Plan.</p>
	<p>b. Assess and evaluate the County’s stormwater planning documents as best management practices in the field evolve.</p>
7.	<p>Identify ways that utility services can be regularly upgraded to meet the highest level of service and technology through coordination with local water, sewer, electric, gas, and telecommunications utility and service providers.</p>
	<p>a. Require all local electric, cable, and other utility providers to bury existing and new lines (serving new development) as a part of the regular maintenance and upgrading of their facilities.</p>
8.	<p>Encourage public <u>and private</u> entities to utilize alternative and renewable energy sources for a variety of energy needs.</p>
	<p>a. Enable the construction of renewable energy generation <u>and production</u> facilities by residents, and businesses, <u>and commercial alternative renewable energy providers</u>.</p>
	<p>b. Encourage County businesses and service stations to provide electric vehicle recharging stations within Jefferson County as soon as possible and use distinctive signage to guide residents and visitors to the charging stations.</p>
	<p>c. Develop regulations to enable cooperatives or communities to create a solar panel system that would feed multiple houses in the County.</p>
9.	<p>Collaborate with local economic development agencies and Information Technology (IT) providers to ensure that the current and future needs of small businesses within Jefferson County are met.</p>
	<p>a. Ensure that all areas of Jefferson County are served by high speed wireline and/or wireless services and other advanced technologies.</p>
	<p>b. Encourage private sector investment to improve wireless internet service availability in Jefferson County and the Eastern Panhandle.</p>
	<p>c. Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore, MD Metropolitan Areas.</p>

<p>10.</p>	<p>Partner with IT providers, the Shepherd University Research Corporation (SURC), and the existing federal and state agencies located in Jefferson County to establish the feasibility and creation of an open access telecommunications network that could serve as a trunk line for regional services across the Eastern Panhandle.</p>
	<p>a. Market the availability of the established trunk line services across the Eastern Panhandle to potential businesses and organizations that are heavily reliant on a bandwidth intensive service and researching Jefferson County as a possible relocation site.</p>
<p>11.</p>	<p>Explore the creation of a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, not solely dependent on revenue from rate payers but also the development community.</p>
<p>12.</p>	<p>Explore policies in concert with the State legislature, Public Service District (PSD), and the municipalities to study and amend regulations related to water and sewer infrastructure development, including legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).</p>

**December 7, 2021 Planning Commission Public Hearing
Comprehensive Plan Text Amendment**

The following members of the public submitted public comment:

1. Tim Ferguson, Potesta & Associates – emailed 11/30/21
2. Christine Marshall – emailed 11/30/21
3. Doug Rockwell – hand delivered 11/30/21
4. Susan Hough – emailed 12/01/21
5. Francis Daniel – emailed 12/02/21
6. Kim Gutierrez – emailed 12/02/21
7. Dr. Keith Berkeley – emailed 12/03/21
8. A.R. (Bob) Hoxton – mailed 12/03/21

Planning Department

From: Tim R. Ferguson <TRFerguson@potesta.com>
Sent: Tuesday, November 30, 2021 3:08 PM
To: Planning Department; Zoning
Cc: Chris Sternhagen; Ronald R. Potesta; Paul Raco; Joe Knechtel; Rhonda L. Henson; McLusky, Robert G.; Callas, Christopher L.
Subject: Agenda Packet Submittal: "Solar Study for Jefferson County"
Attachments: Jefferson County Zoning - Att A.pdf; Solar Study for Jefferson County (0101-19-0344-001) 11-30-21.docx

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Important, Planning Commission

Dear Ms. Beaulieu,

Attached is information that has been compiled and is being submitted on behalf of EDF's Wild Hill Solar Project to be included in the Planning Commission's agenda packet for the solar amendment.

Please feel free to contact me if you have any questions or comments. Thank you.

(Rhonda- please file to 0101-19-0344-001)

Timothy Ferguson, M.S. | *Senior Scientist*

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SOLAR POWER: Review of Existing Conditions and Services and Probable Future Changes in Jefferson and Surrounding Counties

I. Introduction: Changing Regulatory and Market Environment

Since Jefferson County issued its Comprehensive Plan in 2015, the politics and economics of renewable energy generation and consumption have changed significantly.¹ Currently, there are no utility-scale solar energy production facilities operating in Jefferson County and, at most, a handful anywhere in the State. In recent years, however, clean energy advocates have lobbied for access to more renewable sources of energy and pushed publicly-traded companies to source their power from renewable sources.² This has led to increased demand for renewable sources of energy in the mid-Atlantic region and for a reduction in the use of fossil fuels.

In West Virginia, during the 2020 Legislative Session, Michael Graney, the Executive Director of the West Virginia Development Office, testified to the State Senate that the inability of employers to fuel their facilities with solar energy in the State was retarding the Development Office's efforts to attract new employers.³ In response, the Legislature and the State Public Service Commission ("PSC") have recently streamlined the process for obtaining authorization to site and

¹ See "6 Graphics Show How U.S. Utilities are Turning Corporate Demand into Renewables Growth," World Resources Institute (May 17, 2017) (available at <https://www.wri.org/insights/6-graphics-show-how-us-utilities-are-turning-corporate-demand-renewables-growth>) (noting that wind and solar production has become cost competitive and that growing number of public companies have committed to using 100 percent renewable power). See also, "The Dam Has Broken and West Virginia Has Awoken to Solar Power," (*Forbes* May 16, 2021).

² See, for example, "Companies Continue to Drive Demand for Clean Energy," (*Forbes* Sept. 9, 2019) (quoting Graney as saying: "Not having, frankly the solar box checked is a problem, and we've heard that from a lot of companies."); "Solar Development in West Virginia: A pathway to a brighter economic future." (Downstream Strategies, Nature Conservancy and WVU Law Center for Energy & Sustainable Development (available at <https://www.nature.org/content/dam/tnc/nature/en/documents/solar-in-WV.pdf>)

³ See "Solar energy bill advances in Senate, with pro-coal provision added," (*Charleston Gazette-Mail*, Feb. 13, 2020).

construct new renewable sources of wholesale electric generation.⁴ Likewise, industrial power customers in West Virginia, which historically have had few choices but to purchase electricity from state-regulated power producers, are increasingly demanding access to alternative sources of commercial generation.⁵ In neighboring Virginia, there has likewise been a surge in demand for wholesale renewable power.⁶

With increased demand and streamlined state approval processes, solar developers have obtained options or leases for property and sought certificates of need from the State PSC. In Jefferson County, one developer already has a PSC siting certificate and another has a pending application.⁷ In addition, at least five projects have submitted proposed plans to the Jefferson County Planning and Zoning office.⁸ Plans have also been announced for construction of a \$100

⁴ During the 2020 West Virginia Legislative Session, the State Legislature passed Senate Bills 578 and 583. Bill 578 adjusted the taxable generating capacity of utility scale solar for purposes of calculating business and occupation taxes, normalizing the tax rate to reflect the actual generating capacity of solar facilities. Bill 583 established two programs for development of utility scale solar. One allowed existing regulated utilities to develop up to 50 megawatt projects on existing industrial sites and the other encouraged the development of utility scale solar by exempt wholesale generators. Unlike regulated utilities, these wholesale generators have no captive customers. Instead, they sell electricity at wholesale to electric utilities or regional transmission organizations at prices set either in power purchase agreements or by the spot market.

⁵ For example, see Statement of WV Manufacturers Association, “Utility Monopoly Hurts Ratepayers” (9/21/21) (claiming that West Virginian manufacturers stand to benefit from “increased competition of power generation choices” rather than having to purchase their power from state-regulated generators) (available at <https://www.wvma.com/press/wvma-news/4336-rebecca-mcphail-utility-monopoly-hurts-ratepayers-opinion.html>). In 2021, the West Virginia Legislature passed H. B. 3310, which specifies that, subject to caps on generation, solar energy facilities located on and designed to meet only the electrical needs of the premises of a retail electrical customer do not constitute a public service.

⁶ See “Dominion Energy Virginia Quadruples Renewable Energy and Energy Storage in Long-Term Integrated Resource Plan,” (5/1/20). Available at: <https://news.dominionenergy.com/2020-05-01-Dominion-Energy-Virginia-Quadruples-Renewable-Energy-and-Energy-Storage-in-Long-Term-Integrated-Resource-Plan>.

⁷ *Wild Hill Solar, LLC*, Case No. 20-0845-E-SCS-PW (Final Order dated February 11, 2021); *Horus West Virginia I, LLC*, Case No. 21-0664-E-SCS-PW (Application filed August 30, 2021).

⁸ See Pre-Proposal Conference Applications or Concept Plans by OPD Energy; Franklinton Farm LLC (Dakota Energy); Flowing Springs Farm LLC (Dakota); Torch Clean Energy (Rippon Project) and Wild Hill Solar, LLC.

million solar facility in neighboring Berkeley County.⁹ To date, however, those projects have been stymied by project opponents and by a judicial ruling that an amendment to the County's zoning ordinance to allow solar production as a principal permitted use in the rural zoning district was inconsistent with the existing Comprehensive Plan, in part because it determined that the amendment could facilitate the wholesale conversion of farms in the rural district to a non-agricultural commercial (power production) use at odds with a goal of the plan to maintain the rural aesthetic and to keep farmers on their land. *Christopher David Burke v. Jefferson County Planning Commission*, CC-19-2021-C-33, Order Regarding Validity of File ZTA 19-03 Regarding the Solar Text Amendment (Aug. 16, 2021) (Jeff. Co. Cir. Ct.).

II. The New Market: Opportunities, Effects, Benefits and Controls

The economic benefits of similarly-sized facilities planned for Jefferson County have been studied for the PSC. For example, the proposed 92.5-megawatt Wild Hill Solar, LLC project is expected to produce \$134.5 million in total economic output and \$12.6 million in total employee compensation during its construction phase.¹⁰ Additionally, the project is expected to result in 14 new jobs, produce \$9.2 million in overall economic output, and generate a substantial county property tax benefit. Thus, the tax benefits they are capable of generating is substantial, but the County will face competition from surrounding counties and from neighboring states as the host of such facilities unless it develops plans to accommodate them. Likewise, ensuring that

⁹ See "Plans for Berkeley County solar facility keeps WV's solar energy momentum going," (*Charleston Gazette-Mail*, Jan. 11, 2021).

¹⁰ "The Economic Impact of Wild Hill Solar Project on the West Virginia Economy" (Dr. Tom S. Witt, November 3, 2020) (included as Appendix F of Exhibit 1 to Wild Hill Solar, LLC WVPSC Application in Case No. 20-0845-E-SCS-PW and available at <http://www.psc.state.wv.us/scripts/WebDocket/ViewDocument.cfm? CaseActivityID=555626&NotType=%27WebDocket%27>).

renewable power sources are available to new commercial enterprises that require it will be critical to attracting new employers to the region in the future.

A utility scale solar project typically requires between 5 and 10 acres per megawatt of generating capacity. Therefore, a project generating 100 megawatts would typically require about 500-1,000 acres.¹¹ Some citizens have opposed the expansion of solar into areas zoned for rural development in order to preserve farmland and the rural character of the area. They express concern that an unregulated proliferation of solar farms will displace the agricultural community with “industrial” energy production facilities. There are, however, both market and regulatory programs in place and practical constraints to moderate such impacts.

Approximately 48 percent of Jefferson County, or nearly 67,000 acres, is farmland.¹² The economics of solar energy projects typically require that they be located adjacent to or very near existing transmission infrastructure.¹³ In Jefferson County, those transmission areas and the zoning districts are shown on Attachment A. Most of the foreseeable development would straddle the narrow corridors marked on that Attachment. That substantially reduces the acreage generally eligible for development and limits it to areas already under or adjacent to zoning-exempted essential utility infrastructure. Second, the slope of land is a limiting factor in siting solar facilities, and not all the land located adjacent to transmission infrastructure is considered desirable for solar

¹¹ See Solar Energy Industries Association “Siting, Permitting and Land Use for Utility-Scale Solar (2021). Available at: <https://www.seia.org/initiatives/siting-permitting-land-use-utility-scale-solar>.

¹² See Jefferson County Development Authority, “Agribusiness.” Available at <https://jcda.net/for-site-selectors/key-industries/agribusiness/?ap=t>.

¹³ See U.S. Environmental Protection Agency – RE-Powering America’s Land Initiative Discussion Paper. “The Value of Existing Infrastructure for Renewable Energy Development” (April 2020). Available at: https://www.epa.gov/sites/default/files/2020-04/documents/re-powering_existing_infrastructure_508_041420.pdf.

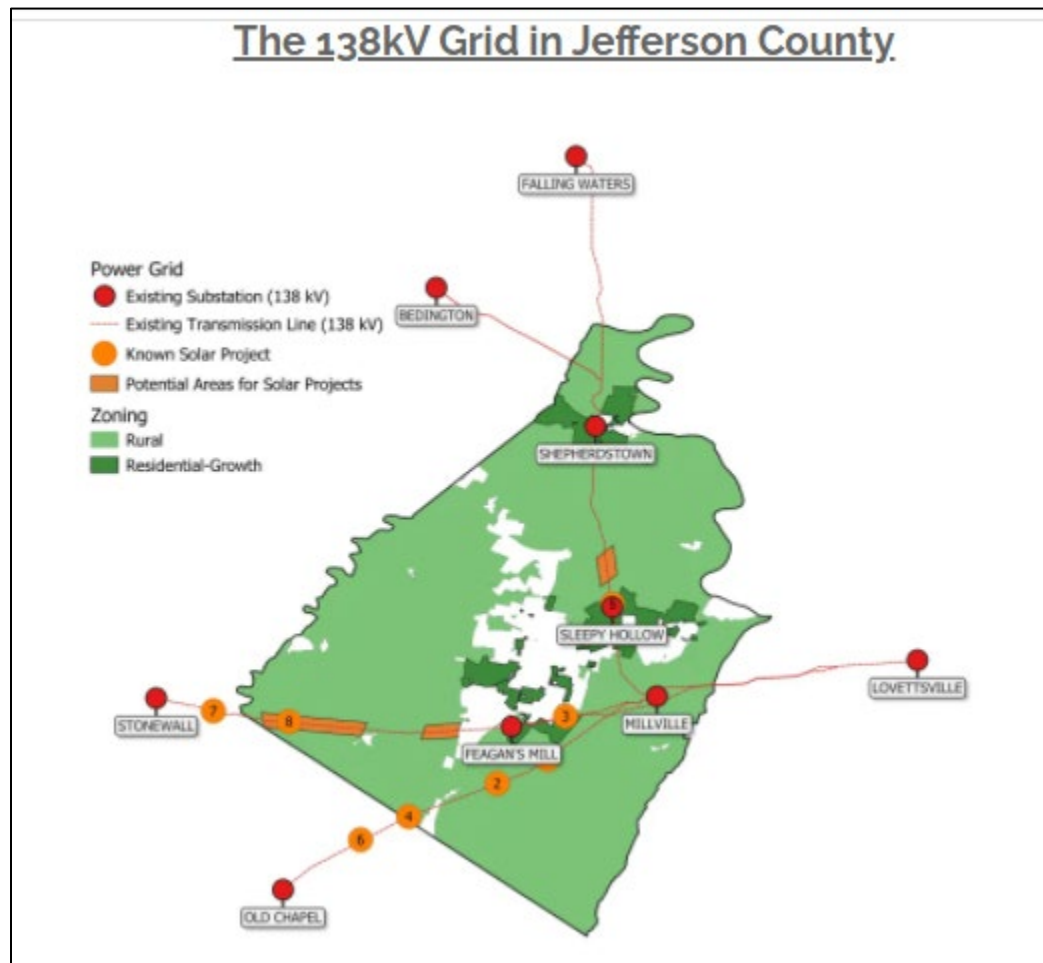
development. Typically, developers seek to avoid slopes exceeding 15 percent, which would exclude portions of the County. Third, the existing transmission infrastructure cannot accommodate unlimited new solar generation - there are capacity limitations which restrict the new load that the infrastructure can carry. Without significant upgrades to the existing 138 kV lines, the existing infrastructure will not likely support substantially more than the five (5) solar projects currently identified in the PJM queue. This further limits the rural lands available for solar development.

These observations were confirmed by experts in a workshop convened by the Planning Commission in August, 2020¹⁴ and, more recently, by an investigation by local journalists. They observed that: “the ideal project location is flat land without trees or rock, with a clear southern exposure” which is “close to transmission lines with a new substation and/or upgrades to existing substations.”¹⁵ They observed also that new facilities would connect to one of the 138kV lines in the County, but that the regional electrical grid operator, PJM Interconnection (PJM), was unlikely to allow more than 300 megawatts of new generation to connect to a single segment of the line, a constraint that would “limit the number of projects to 3 or fewer” on each line segment.” *See*

¹⁴ “Jefferson County Commissioners hear from experts at solar workshop,” *The Journal* (Aug. 20,2020) (available at https://www.journal-news.net/journal-news/jefferson-county-commissioners-hear-from-experts-at-solar-workshop/article_68a371bb-0fa9-57bc-a015-c87a596b22bf.html). *See also* Jefferson County Planning Commission, 8/20/20 Public Workshop #2 (links to developers’ presentations available at <http://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/office-of-planning-and-zoning/solar-facilities>) and “EXPERTS: Few Jefferson County sites can accommodate solar farms,” *Spirit of Jefferson* (Aug. 2020) (available at http://www.spiritofjefferson.com/news/article_ebbbec-e71a-11ea-a0bf-cbc866ea69b0.html).

¹⁵ “Connecting Solar in Jefferson County,” *Independent Observer* (Feb. 2021, map upgraded as of 2021 to show location of proposed solar projects and adjacent to Jefferson County) (available at <https://wearetheobserver.com/connecting-solar-to-the-grid/>) (“Connecting Solar”). *See also* Jefferson County Planning Commission, 8/20/20 Public Workshop #2 (report of Emily Dalager, pp. 4-5) (available at <http://www.jeffersoncountywv.org/county-government/departments/engineering-planning-and-zoning/office-of-planning-and-zoning/solar-facilities>).

“Connecting Solar.” Using information from the Department of Homeland Security, PJM, the Jefferson County Commission and the Jefferson County Farmland Protection Board, the authors of that investigation identified the lands in proximity to electrical infrastructure that were not protected farmland, not encumbered with wetlands or heavy forests and not residentially developed. With that information, they mapped the area with the greatest potential for solar projects as follows:



See fn. 15.

A separate analysis using ArcView Global Information Systems was performed to study the amount of land that could feasibly be available for solar energy production. Using publicly-

available data sources including protected land areas, U.S. Census Bureau and Microsoft Building Footprints layer for buildings, primary roads, railroads and transmission lines, all with an assumed 100 feet offset radius, was loaded onto a base map of the County. In addition, environmental datasets for wetlands, waterbodies, streams and floodplains with an assumed 50 feet offset radius were excluded from the study area. A slope analysis was performed using publicly-available topographic and elevation data and any areas with slope over 15 percent were excluded from the study area. Finally, Jefferson County zoning layers were added to the analysis. Rural and residential growth zones were included in the study area and the remaining zones were excluded from the study area. Site-specific locations were chosen based on contiguous areas of land over 500 acres in size with limited buildings or forested areas. Based on these assumptions and parameters, with the assumed setbacks, it is unlikely that more than 6,000 acres of land are feasibly available for solar energy production with the current transmission infrastructure present in the County. This represents approximately 4.5 percent of the total land mass of Jefferson County. This analysis could likely be further refined to limit the feasible acreage for solar development because site-specific surveys or analyses have not been completed and this analysis assumes full participating landowner compliance.

The only substantial intrusion by solar facilities is the number of acres they can occupy but, as noted above, even that factor is substantially mitigated by practical constraints. Beyond that, solar facilities do not stress local infrastructure - they do not create significant traffic once constructed and do not require significant new water or sewer infrastructure. Likewise, they are quiet and typically have limited potential for visual impacts - they generally do not extend more than about 13 feet vertically above the surface and are relatively easy to screen from public view with modest setbacks or screening requirements. In addition, the West Virginia Legislature passed

the West Virginia Wind and Solar Energy Facility Reclamation Act in its 2021 session to further mitigate the imposition of renewable facilities on the landscape.

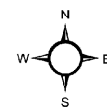
The new Bill requires the West Virginia Department of Environmental Protection to approve decommissioning plans for solar facilities once they have reached the end of their useful lives. They also require a financial instrument to ensure the costs of decommissioning are borne by the owner or developer.¹⁶ That program ensures that agricultural lands are restored to a condition capable of supporting agricultural use when solar facilities are no longer needed. These features of the Bill will prevent farms from permanent conversion to non-agricultural uses as has happened with the proliferation of housing developments throughout the region.

In addition, it is unlikely that new solar development in rural areas will have significant adverse impacts on property values. The American Society of Farm Managers & Rural Appraisers recently published a compilation of studies and reviews on the effect of commercial scale solar development on the value of rural properties. They reported that where modest setback and screening requirements were in place there was no consistent negative impact on property values from solar farms.¹⁷

¹⁶ See W.Va. Code §§ 22-32-1 to -8 (2021).

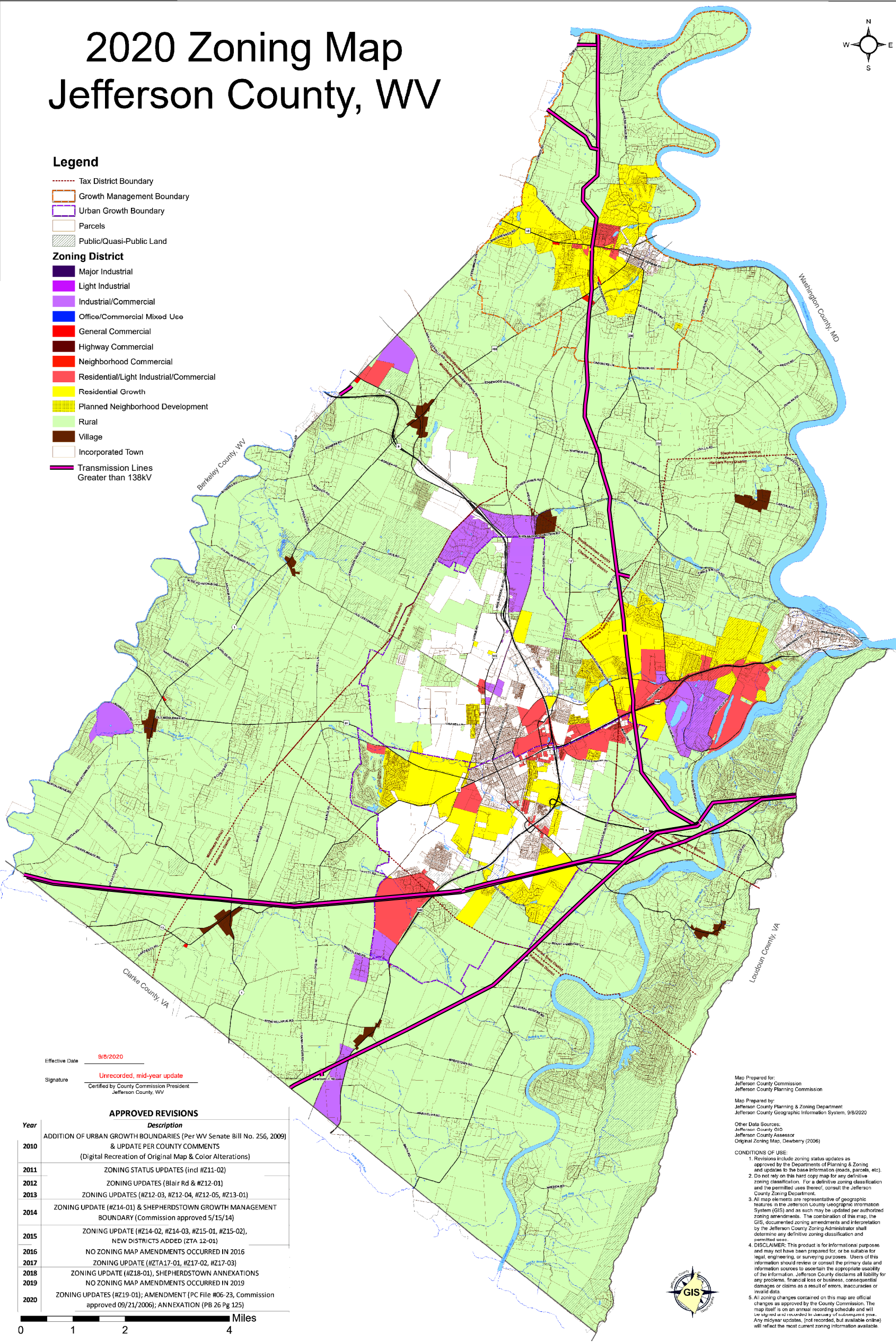
¹⁷ See “Solar’s Impact on Rural Property Values,” American Soc. Of Farm Managers & Rural Appraisers (posted 2/15/21). Available at <https://www.asfmra.org/blogs/asfmra-press/2021/02/16/solars-impact-on-land-values>.

2020 Zoning Map Jefferson County, WV



Legend

- - - - - Tax District Boundary
 - Growth Management Boundary
 - Urban Growth Boundary
 - Parcels
 - Public/Quasi-Public Land
- ### Zoning District
- Major Industrial
 - Light Industrial
 - Industrial/Commercial
 - Office/Commercial Mixed Use
 - General Commercial
 - Highway Commercial
 - Neighborhood Commercial
 - Residential/Light Industrial/Commercial
 - Residential Growth
 - Planned Neighborhood Development
 - Rural
 - Village
 - Incorporated Town
 - Transmission Lines Greater than 138kV

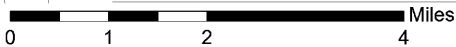


Effective Date 9/8/2020

Signature Unrecorded, mid-year update
Certified by County Commission President
Jefferson County, WV

APPROVED REVISIONS

Year	Description
2010	ADDITION OF URBAN GROWTH BOUNDARIES (Per WV Senate Bill No. 256, 2009) & UPDATE PER COUNTY COMMENTS (Digital Recreation of Original Map & Color Alterations)
2011	ZONING STATUS UPDATES (ind #Z11-02)
2012	ZONING UPDATES (Blair Rd & #Z12-01)
2013	ZONING UPDATES (#Z12-03, #Z12-04, #Z12-05, #Z13-01)
2014	ZONING UPDATE (#Z14-01) & SHEPHERDSTOWN GROWTH MANAGEMENT BOUNDARY (Commission approved 5/15/14)
2015	ZONING UPDATE (#Z14-02, #Z14-03, #Z15-01, #Z15-02), NEW DISTRICTS ADDED (ZTA 12-01)
2016	NO ZONING MAP AMENDMENTS OCCURRED IN 2016
2017	ZONING UPDATE (#Z17-01, #Z17-02, #Z17-03)
2018	ZONING UPDATE (#Z18-01), SHEPHERDSTOWN ANNEXATIONS
2019	NO ZONING MAP AMENDMENTS OCCURRED IN 2019
2020	ZONING UPDATES (#Z19-01); AMENDMENT (PC File #06-23, Commission approved 09/21/2006); ANNEXATION (PB 26 Pg 125)



Map Prepared for:
Jefferson County Commission
Jefferson County Planning Commission

Map Prepared by:
Jefferson County Planning & Zoning Department
Jefferson County Geographic Information System, 9/8/2020

Other Data Sources:
Jefferson County GIS
Jefferson County Assessor
Original Zoning Map; Dewberry (2006)

- #### CONDITIONS OF USE:
1. Revisions include zoning status updates as approved by the Departments of Planning & Zoning and updates to the base information (roads, parcels, etc).
 2. Do not rely on this hard copy map for any definitive zoning classification. For a definitive zoning classification and the permitted uses thereof, consult the Jefferson County Zoning Department.
 3. All map elements are representative of geographic features in the Jefferson County Geographic Information System (GIS) and as such may be updated per authorized zoning amendments. The combination of this map, the GIS, documented zoning amendments and interpretation by the Jefferson County Zoning Administrator shall determine any definitive zoning classification and permitted uses.
 4. **DISCLAIMER:** This product is for informational purposes and may not have been prepared for, or be suitable for, legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the appropriate usability of the information. Jefferson County disclaims all liability for any problems, financial loss or business, consequential damages or claims as a result of errors, inaccuracies or invalid data.
 5. All zoning changes contained on this map are official changes as approved by the County Commission. The map itself is on an annual recording schedule and will be updated as it is recorded in calendar years. Any mid-year updates, (not recorded, but available online) will reflect the most current zoning information available.



Planning Department

From: Christine Marshall <balmertmarshall@icloud.com>
Sent: Tuesday, November 30, 2021 5:45 PM
To: Planning Department
Subject: 12/7/2021 Public Comment - JC Comprehensive Plan Amendments
Attachments: 1272021 Public Comment - JC Comprehensive Plan Amendments .pdf

December 7, 2021

Jefferson County Comprehensive Plan - Envision 2035 - Proposed Amendments -
 Public Comments

1 - Changes to the Comprehensive Plan should go through a rigorous and complete process that includes citizen working groups that are representative of all citizens and other stakeholders.

The process of changing the Comprehensive Plan should give residents of Jefferson County the opportunity to be part of all aspects of the process.

Whose goals and objectives are siting utility scale electric generation facilities (solar, wind, hydropower) in Jefferson County when the residents, that is, the community cannot participate fully in the process?

2 - p. 14/3 - "...and to allow more flexibility in multiple uses on agricultural properties to allow diversification of their businesses."

Merriam Webster definition of agriculture: the science, art, or practice of cultivating the soil, producing crops, and raising livestock and in varying degrees the preparation and marketing of the resulting products.

Please define "agricultural properties". If a former farm that is growing crops or in animal production converts all of the land to electric generation, will this land still be defined as an "agricultural property"? At what point does an agricultural property cease to be?

3 - p. 24/5 - Rural/Agricultural Area - "This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation, including the development of small or large scale solar energy facilities in the Rural areas of the County."

If a farm had a small or large solar energy installation to serve in the production of agricultural products on the farm it is an agricultural related activity. If a farmer leases his/her land to a separate company and that company installs solar energy generation equipment to the sell the energy to the wholesale market place this is not an agricultural related product, but a commercial real estate activity; please describe activities accurately.

4 - p. 31/8 - Urban Level Development Recommendations Goal 1 - "d. Enable to location of alternative energy facilities such as solar, wind and hydropower facilities within the Rural and Residential Growth Zoning Districts throughout the county where most of the existing electrical transmission infrastructure is located."

Please add a goal that prohibits additional new electrical transmission infrastructure lines. Please strike "wind and hydropower".

5 - p. 34/11 - Rural Land Use Planning 1B - "Additionally, developing provisions which allow for a greater scope and variety of agriculture related activities, including the development of small or large scale solar energy facilities, with land restoration and panel removal requirements, in the Rural areas of the County would also allow the County's agricultural and rural character to be maintained. Existing farmers who want to stay on their farms, but who cannot rely on traditional farming activities to do so, have expressed an interest in leasing portions of their land for solar energy facilities rather than selling the land for permanent conversion from agriculture. By requiring that solar energy production facilities be removed after their productive lives, the land is preserved for future agricultural uses."

Again, utility scale solar is not an agriculture related activity. Please consider using a term that accurately describes the activity, such as commercial or utility energy generation and then create accurately named zones located adjacent to existing electrical transmission facilities.

6 - p. 37/14 - "To this end, this Plan recommends that alternative energy facilities, including solar, wind, and hydropower energy production, should be authorized as a Principal Permitted Use in the Rural and Residential Districts, including provisions that require the energy companies to return the land to a condition capable of being used for agriculture after the solar panels or wind facilities are removed."

Are there wind and hydropower facilities currently being proposed? Are there dams and reservoirs in the planning or discussion phase now? Please strike "wind and hydropower" until intent is clarified.

7 - p. 40/16 - Rural Land Use Planning Recommendations (Goal 2)

"4 g. Amend the Zoning and Land Development Ordinances to allow small and large scale wholesale or commercial solar energy development as a Principal Permitted Use in the Rural and Residential Districts and provide for the removal of facilities after they have exhausted their useful lives, so that the land may be returned to agricultural use"

While it is a worthy goal to remove the solar panels after their useful lives, it should also be a goal that requires either the utility infrastructure owner or the land owner be required to pay for the removal and not the citizens/taxpayer of Jefferson County. Further, should it be a goal to restore Residential Districts to agricultural use?

Also, would it be worthwhile to create new “zones” along already existing electricity transmission lines for the express purpose of siting utility scale solar energy generating facilities? The goal being the ability to limit the total number of acres dedicated to transmission lines and solar panels in a thoughtful manner.

Please strike “Principal Permitted Use”.

8 - p. 69/21 - “The exception to this general philosophy is to allow alternative energy facilities, such as solar energy development, as a Principal Permitted Use in the County’s Rural and Residential Districts as well”.

Without specific zones or restrictions placed on utility scale solar energy generating facilities, communities cannot develop in a logical and predictable manner, therefore either utility scale energy generating facilities should proceed under a Conditional Use Permit or develop under clear rules that outline where these facilities can locate and how many total acres the county wants to dedicate to this form of energy generation.

9 - p. 74/27 - “Alternatively, providing other opportunities for farmers to use their land for a interim use, and then return it to farming in the future, would help maintain the County’s rural economy. One option noted in this Plan maintains that allowing solar facilities to be located within the Rural zoning district is a way to preserve farms for a generation and then return the land to agricultural uses. This protects large acreage from permanent residential development, while allowing other portions of the properties to continue to farm”

Is it realistic to believe that an individual farmer can remove all of its land from agricultural production, lease it to a utility or energy generation company and then a descendant a generation or two later would return that land to agricultural production? Why not rezone to something more appropriate?

However, if the goal is to allow farmers to lease a portion of their farm for energy production and a portion to remain in farming, why not set a percentage for each?

10 - p.82/35 - 5.c. “c. Amend the local land use regulations to permit utilities which generate electricity by alternative renewable energy sources (such as solar, wind and hydropower) to be permitted as a principal permitted use throughout the County; provided also that developers or owners provide security guarabteeing the removal of the renewable energy facilities at the expiration of their usable life so that land may be returned to farming or other agricultural uses.”

Please strike “principal permitted use” and “ wind and hydropower”.

11 - p. 94/40 - “Emergent local, regional and national trends indicate that large scale alternative and renewable energy projects, such as solar, wind, and hydropower energy facilities, have become essential and will continue to be needed to provide clean energy throughout the region and into the power grid. In recent years, Jefferson County has been identified as an area that could accommodate these renewable energy facilities due to its proximity to the grid network, the gentler topography than many areas of West Virginia, and large open areas throughout the County. Opportunities to develop these alternative energy resources should be pursued in the County”.

Please strike wind and hydropower. Please add to the end of the paragraph: opportunities to use alternative energy resources in Jefferson County should be pursued.

With 576.5 MW currently in the PJM New Service Request Queue for utility scale solar energy generation facilities, which amounts to between 3,459 to 5,765 acres of land in Jefferson County, let’s get this plan right! Please create a plan for Jefferson County that promotes the use of renewable energy, while at the same time preserves a place where people still want to live. Let’s not loose what is good about Jefferson County for one use.

Thank you,

Christine Marshall
Jefferson County, WV

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NOV 30 2021

11-30-2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Jefferson County Planning Commission

I enclose three pages entitled "Coal #28
Alternative Energy Facilities - Selsa"
for your consideration.

Respectfully



Doug Rachwell

Box 727

Charles Town, WV

25414

GOAL #28: ALTERNATIVE ENERGY FACILITIES - SOLAR.

Jefferson County seeks to ensure that any utility scale renewable energy generation facility is consistent with and furthers the goals as found in the most current Comprehensive Plan. Furthermore, Jefferson desires to balance this land use with the various and valuable existing planned land uses and resources throughout the County and to that end these objectives are established:

- Objective #1:** Jefferson County desires to protect the County's historic properties and resources by balancing those interests with the interests of the solar generation facilities.
- i. Setbacks and buffering shall be required adjacent to such resource.
 - ii. Certain property, because of its historic value, should be discouraged from this land use entirely.
- Objective #2:** No facility shall be located on a property within a historic battlefield boundary or on recognized historically significant properties. Screening of those properties and the viewshed for those properties is required. The County shall require screening of any use, or portion thereof, upon determination that the use would have a direct negative visual impact.
- Objective #3:** Jefferson County desires to protect and enhance its agricultural and rural heritage and resources.
- i. Among other things size and scale of a renewable energy generation facility should be limited in order to maintain the County's rural viewshed and character.
 - ii. Siting of a facility on prime agricultural soils is discouraged. Non-agricultural producing lands or land which is of lower agricultural value should be explored first.
- Objective #4:** A. The Envision Jefferson 2035 Comprehensive Plan emphasizes the County's commitment to the preservation of agriculture as its primary industry. The limit on all utility scale solar development, in the aggregate, in the County is one percent (1%) of the total land mass of Jefferson County.
- B. Based upon the population projections of the Comprehensive Plan, the residential consumption of electricity by 2035 would be approximately 152 MW. It is recognized that electricity produced in Jefferson County by solar development will not necessarily be consumed in the County, nevertheless the County's own energy needs are a reasonable basis for the limitation of 153 MW, in the aggregate, of electricity produced by all solar facilities.
- Objective #5:** The scope or scale of utility scale solar projects have a direct correlation to numerous factors of concern. These include potential land disturbance, the ability to effectively screen and landscape a project, the traffic and other impacts during the construction process, the ease of decommissioning and other factors. In light of this, any single utility scale solar facility should be limited to no more than 300 acres of actual panel installation.
- Objective #6:** In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to fifty (50) acres at a time.

- Objective #7:** During decommissioning it will be difficult to return the site of a utility scale solar facility to its original condition. Accordingly, no solar panels shall be located on parcels of land with an average gradient higher than 10% before grading or excavation thus preventing cut and fill.
- Objective #8:** In support of Objectives 1 and 3 above utility scale solar facilities shall only be located on parcels of land in existence as of July 1, 2021 which are within 500 feet of an existing electric transmission line or substation.
- Objective #9:** To prevent solar facility sprawl each utility scale solar facility shall be a minimum of two (2) miles from another solar facility.
- Objective #10:** To preserve farmland and open spaces and continued agricultural operations, a utility scale solar facility in the Rural District outside of the Urban Growth Boundary shall only be located on a parcel of land which existed before July 1, 2021 and shall occupy no more than 50% of said parcel notwithstanding the size of said parcel. Transfer or assignment of these development rights between parcels of land which existed before July 1, 2021 are permitted if the parcels are contiguous and owned by the same individual or entity.
- Objective #11:** Before issuance of a zoning certificate, adequate bonding and insurance shall be required for all phases of all projects, including but not limited to: an Erosion and Sediment Control Bond, Infrastructure Bond, Stormwater Management Bond, Construction and Performance Bond, Landscaping Bond, Decommissioning Bond, and Liability Insurance.
- Objective #12:** A decommissioning plan, updated every three years, is required to insure (i) that the real property will be returned to its original condition upon closure of any facility, or at the end of its useful life, and (ii) that decommissioned equipment and panels are disposed of appropriately and in an environmentally sound manner. In any event, decommissioning shall be guaranteed by cash, commercial surety, letter of credit, performance bond, etc. subject to the approval of the County and in accordance with any adopted County policy. Moreover, final inspection by the County, at the conclusion of decommissioning, will be required before any guarantee is released. Decommissioning surety shall be in place and adequate for the complete decommissioning of the project from its onset until it is decommissioned.
- Objective #13:** The zoning certificate or permit for a utility scale solar facility shall terminate upon decommissioning, abandonment or 25 years from issuance which ever first occurs. At which time lands in the present Rural District on which said solar facilities are located shall revert to farming or other allowed agricultural uses.
- Objective #14:** Before issuance of a zoning certificate or permit a solar panel specification disclosure, including composition, toxicological information and physical and chemical properties, shall be provided.
- Objective #15:** No solar cell or module containing an element or compound considered carcinogen by OSHA or the EPA is permitted in any solar energy generating facility.
- Objective #16:** Concentrated solar and solar thermal facilities are prohibited; solar towers are

prohibited.

Objective #17: Noise abatement is required during construction, operations and decommissioning of all solar facilities.

Objective #18: Limits shall be placed on the height of installed solar panels.

Objective #19: Minimum distance shall be established between solar panel arrays measured from solar panel to solar panel.

Objective #20: Areas of Jefferson County contain karst topography. On parcels of land with limestone outcrop, the installation and construction of utility scale solar facilities shall be limited or restricted.

Objective #21: Screening and buffers shall be required along all primary and secondary roadways.

Objective #22: Wildlife corridors shall be provided by utility scale solar facilities occupying more than 300 acres.

Planning Department

From: Susan Hough <farmwife90@aol.com>
Sent: Wednesday, December 1, 2021 2:29 PM
To: Planning Department
Subject: Solar support

Follow Up Flag: Follow up
Flag Status: Completed

Categories: Planning Commission

Dear Planning Commission Members,

My name is Susan Hough and I am writing to support the proposed changes to the Comprehensive Plan to allow solar farming in Jefferson County.

I am a lifelong resident of Jefferson County and a member of a family that has farmed here for generations. Farmers need diversification in order to keep farmland as farmland and not give into the temptation of selling for development.

There are so many false statements and fear tactics being circulated in this county about solar that need to be addressed. Residents need to realize that not every piece of farmland is suitable for solar panels. There are very specific requirements that have to be met in order to put solar panels on a piece of land.

Residents also need to understand that a document that was prepared in 2015 might not address the changing concerns of farmers and the agricultural community in 2021. I keep hearing how the rural views are so important to this county, and while I agree with that, it is not up to farmers to provide a "view" at their expense. Those who want "views" should buy a farm and look out their own windows.

Thank you,

Susan Hough
Charles Town

December 1, 2021

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Wayne Hudson, Commissioner
Jane Tabb, Commissioner
Jefferson County Commission
116 East Washington Street
Charles Town, WV 25414

Mike Shepp, President
Donnie Fisher, Vice President
Wade Louthan, Secretary
Ron Thomas, Member
Matt Knott, Member
J. Ware, Member
Shane Roper, Member
Jack Hefestay, Member
Jefferson County Planning Commission
116 East Washington Street
Charles Town, WV 25414

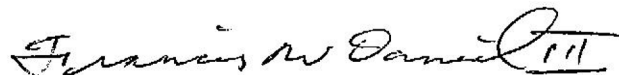
Dear Members of the Jefferson County Commission and Planning Commission:

I am a county resident, farmer and large animal veterinarian serving as Equine Medical Director for the WV Racing Commission. My family has maintained our family farm in Jefferson County for over 250 years. As such, my interests are very much tied to the continuation of agricultural pursuits in Jefferson County. I am highly in favor of allowing solar fields to be installed in the agricultural zone. I firmly believe it is an additional option and opportunity for the owners of agricultural land that provides for a lease and generates income from the property. That lease and those funds will be used to preserve agricultural lands currently and in the future. The only other option and opportunity available to farmers, unfortunately, is to sell their property, and the logical buyers of such properties are primarily housing developers. While I do not object to the construction of housing, I think everyone would agree that once the sale to a housing developer has occurred, the agricultural land will be lost and changed forever.

I enjoy being a resident of Jefferson County and breeding and raising livestock. I firmly believe that allowing solar in the agricultural zones will allow me and other landowners the opportunity to continue with our agricultural activities well into the future.

I look forward to learning, therefore, of the approval of the solar ordinance.

Sincerely,



Francis W. Daniel, III, DVM

December 1, 2021

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Wayne Hudson, Commissioner
Jane Tabb, Commissioner
Jefferson County Commission
116 East Washington Street
Charles Town, WV 25414

Mike Shepp, President
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Ron Thomas, Member
Matt Knott, Member
J. Ware, Member
Shane Roper, Member
Jack Hefestay, Member
Jefferson County Planning Commission
116 East Washington Street
Charles Town, WV 25414

Dear Members of the Jefferson County Commission and Planning Commission:

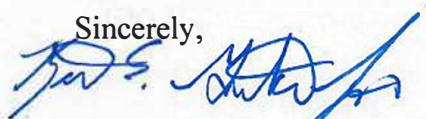
I am writing regarding the proposed solar ordinance which would allow for the installation of solar panels in the agricultural zone. I live in Jefferson County and my property adjoins property that is being proposed for the installation of solar panels. As a result, I have spent time analyzing the proposed plans for this solar panel installation, and given that I will be a next door neighbor to it, I have given it close and careful evaluation. The result is that I do not have any objection to my neighbor or anyone in Jefferson County having the ability to install solar panels on their property. As I see it, I do not believe that the installation of these panels will be a major detraction to the surrounding properties. I understand that these panels will be installed in close proximity to the ground and that the ordinance provides that the panels either be set back a specific distance from the property line and/or that there will be screening of vegetation and plantings along the property line.

I am a proponent of individuals having strong property rights and the ability to do what they want to do on their property. As I see it, installing these panels is similar to the planting of crops, and my neighbor should have the right to choose what he wants to do on his own property.

In addition to this correspondence, I have previously spoken in favor of this ordinance. I believe Jefferson County needs to step forward and become more business friendly by upgrading its Ordinances to allow for innovations such as the installation of solar panels as an option for the residents of Jefferson County.

Thank you for your anticipated approval of this solar ordinance.

Sincerely,



Kim Gutierrez

December 1, 2021

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Wayne Hudson, Commissioner
Jane Tabb, Commissioner
Jefferson County Commission
116 East Washington Street
Charles Town, WV 25414

Mike Shepp, President
Donnie Fisher, Vice President
Wade Louthan, Secretary
Ron Thomas, Member
Matt Knott, Member
J. Ware, Member
Shane Roper, Member
Jack Hefestay, Member
Jefferson County Planning Commission
116 East Washington Street
Charles Town, WV 25414

Dear Members of the Jefferson County Commission and Planning Commission:

I am a resident of Jefferson County and a large animal veterinarian. Several years ago I served on the Jefferson County Agricultural Task Force which was charged with reviewing the Comprehensive Plan and Jefferson County Ordinances in order to try to come up with alternative uses for farmers living and working in the agricultural zone to allow for a farmer to diversify and continue to work as a farmer. As part of that agricultural action plan we recommended several new uses to include farm markets and pick your own vegetables and fruits. I am pleased to note that those have become common place in our County and are very well received.

I view solar in the agricultural zone in a similar light and as a new innovation it would fit very well in the agriculturally zoned areas of our County. It is a very low impact and low demand on County services and infrastructure. Further it provides much needed income for farmers and large property owners and allows them to preserve farm land. It is for these reasons that I whole heartedly support allowing solar fields to be installed in agriculturally zoned areas of our County.

I thank the Jefferson County Commission and its Planning Commission for their consideration and approval of this Ordinance.

Sincerely,



Dr. Keith Berkeley

A. R. (Rob) Hoxton, IV
Post Office Box 448
Shepherdstown WV 25443

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DEC 03 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

November 30, 2021

Steve Stolipher, President
Tricia Jackson, Vice President
Clare Ath, Commissioner
Caleb Wayne Hudson, Commissioner
Jane Tabb, Commissioner
Jefferson County Commission
116 East Washington Street
Charles Town, WV 25414

Mike Shepp, President
Donnie Fisher, Vice President
Wade Louthan, Secretary
Ron Thomas, Member
Matt Knott, Member
J. Ware, Member
Shane Roper, Member
Jack Hefestay, Member
Jefferson County Planning Commission
116 East Washington Street
Charles Town, WV 25414

Dear Members of the Jefferson County Commission and Planning Commission:

My name is Rob Hoxton and I am a resident of Shepherdstown living on a 201 year old family farm. Personally, I am not actively involved in agriculture, but as a landowner and resident I am interested in taking steps to preserve and keep farm land as farm land. As I see it, leasing of agricultural land for solar panels does exactly that and by providing an opportunity for the preservation of the land allows for the generation of revenue which can be used to preserve the land. Also, I am very interested in making sure that our locality and, in particular, Jefferson County plays a role in generating local electricity for Jefferson County consumption. By allowing solar in our County we are able to sustain ourselves with locally produced electricity as opposed to having to be supplied by large power generation facilities many states away.

Finally, by allowing solar panels on our Jefferson County farms we are allowing for a use that is without the impacts of sight, smell, sound, and which allows us to keep an agrarian field and lifestyle in our County. It is for these reasons that my family and I strongly support allowing solar to be installed in the agricultural zoned properties, and we ask the Jefferson County Planning Commission and County Commission to approve this ordinance.

Sincerely,



A.R.(Rob) Hoxton, IV

Public Comments Received and Distributed on 12/07/21 Public Hearing

*Not included in the 12/07/21 agenda packet

1. Doug Rockwell, hand delivered on 12/07/21
2. Tim Sheehy, emailed on 12/07/21

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DEC 07 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Studies:

Leaching Potential of Chemical Species from Real Eervskite and Silicon Solar Cells

By G. Panthi, et al., May 2021

Third Generation of Photovoltaic Panels, A Life Cycle Assessment

Renewable Energy 2021

Environmental Impacts of Solar Energy Systems: A Review

By M. Rabaia, et al., 2021

Potential Environmental Risk of Solar Cells: Current Knowledge and Future Challenges

By J. Kwak, et al.,
Journal of Hazardous Materials, 2020

Organic Solar Cells - the Path to Commercial Success

By M. Riede, et al., 2020

Issues to Overcome

By S. Rahman
Renewable Energy, 2020

Life Span and Decomposition Effects of First and Third Generation Silicon Solar Cell with Respect to Environment and Health

By S. Faryal, et al., 2019

Journal of Renewable Energy
Journal of Hazardous Materials
Journal of Advanced Energy Materials

*Hand delivered by Doug Rockwell

A New Design of Dual-Axis Tracking System with LDR Sensors by
Using Wheatstone Bridge Circuit

IEEE Sensors Journal, July 1, 2021

A Low Cost Dual-Axis Solar Tracking System Based on Digital
Logic Design: Design and Implementation

Sustainable Energy Technologies and Assessments

Feb. 2020

Speaks of Rotating Around the Primary (north-south) Axis and the
Secondary (east-west) Axis

Proposed site of 200,000 Solar Panels



Myerstown, Jefferson County

**You don't know
what you've got
till it's gone...**

Planning Department

From: Tim Sheehy <tbswv@outlook.com>
Sent: Tuesday, December 7, 2021 5:54 PM
To: Planning Department
Subject: Feedback Proposed Wild Hill Solar Project
Attachments: Solar Project_Jeff Country Commision_Dec 7 Meeting.docx

Submitting a document of Concerns and Questions regarding the proposed Wild Hill Solar Project
Thank You

Sent from [Mail](#) for Windows

My name is Tim Sheehy and I own property at 71 Heath Ct Charles Town, WV. My property borders along Mr. Ziegler's land to be used for the proposed Wild Hill Solar Project. I am submitting my concerns and would kindly ask that this document be submitted for the record.

I strongly oppose this project - not because I am against renewable energy - but due to the close proximity to the Cloverdale Heights residential community. I believe re-zoning agricultural and residential areas for commercial-use projects is not good policy, and sets bad precedent.

I have reservations about this project due to the following concerns and questions:

Residents are not on city sewer, but have private wells and septic. What prevents heavy metals from leaching into the ground water, and subsequently wells?

Real depreciation of property value due to commercial land development bordering on property.

Has an Environmental Impact Study been done on the Bull Skin Run watershed which will be affected by development? How will wildlife be affected?

Will a natural barrier be planted so as to hide the solar farm in the winter months (November-March) from resident's view?

Does Jefferson County benefit in any way in terms of increased revenue from this project?

Will the citizens of Jefferson County reap the benefits of this project, or will the "harvested" energy be sold outside the county?

Who is responsible for land reclamation, and who certifies the land can be put back into agricultural use?

Unless these questions and concerns can be addressed with a comprehensive plan, studies and reports provided to the public, and legal challenges resolved, I cannot support this proposed project.

Respectfully,

Tim Sheehy

Public Comments Received after 12/07/21 Public Hearing

*PC voted to accept written comments through 12/14/21

1. Jean Zigler, emailed on 12/08/21
2. Richard Zigler, hand delivered on 12/09/21
3. Doug Rockwell, emailed on 12/09/21

Planning Department

From: JEAN ZIGLER <zigboys@aol.com>
Sent: Wednesday, December 8, 2021 12:40 PM
To: Planning Department
Subject: Solar
Attachments: Dear Jefferson County Planning and Zoning Commissioners.docx; ATT00001.htm

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Madame or Sir,

Please provide the following document to the members of the Planning and Zoning Commissioners.

Thank you for your help regarding this matter.

Jean Zigler Kotch

Dear Jefferson County Planning and Zoning Commissioners,

A solar array is hard to visualize because of the newness, of these projects.

I have investigated the lawsuit and claims against the Spotsylvania solar array. The so-called violations were made during construction. The headstones from the local cemetery were not harmed. The traffic was during construction and the buffer could not be put in place during construction. These are the elements being used out of context, by opposing parties.

In my opinion, the lawsuits are scare tactics because West Virginia does not have a SLAP law. The opposing parties file suits against the County, hoping citizens will complain about the cost to defend the county and as a delay tactic. They also sue the individual landowners, hoping to scare us into submission.

Historical and Archaeological research/testing were completed in the beginning stages, once again, a delay tactic.

In West Virginia everyone, including Farmers, have the Civil Right to pursue income. Therefore, the citizens of Jefferson County cannot tell Farmers how much money we can make or what enterprise we can build. A survey of the citizens is a waste of taxpayer money.

I entreat you to look at the solar farm in Walkersville, Md., and to truly investigate the Spotsylvania Solar plant. The opposition groups are gone. This is per Sean Fogerty, once one of the leaders of an opposing group, in the Fawn Lake area. He made his statement in the Fredericksburg Free Lance Star. He also stated it was hard to visualize the solar plant.

The USDA, Rural Development has one of the largest solar farms in Springfield, South Carolina. The solar array benefits approximately 9,400 homes.

I am very fortunate to divide my time to between South Florida (SOFL) and beautiful West Virginia. In SOFL, Florida Power and Light (FPL) has embraced solar farming. While driving south on I-95, to the west side of the road, solar farms are there but blend into the countryside and go un-noticed by motorist. The panels reflect the sky and clouds, without projecting a glare.

Please reach out to FPL and view how the power company has embraced solar. In an email communication, FPL stated:

Since March 2020, more than 2.7 million megawatt-hours of solar energy has been generated — that's the equivalent of planting more than 16 million trees and avoiding more than 1.1 million tons of carbon dioxide (CO₂) — helping lower our carbon footprint. Your participation in FPL SolarTogether™ is helping keep Florida beautiful and creating a cleaner energy future everyone can enjoy.

West Virginia is strong and large enough to maintain multiple energy sources. Let Jefferson County lead the state for implementing an additional power source.

Imagine the impact of savings if the Jefferson County Fairgrounds used solar power. Before the fairgrounds, bus stations, train stations, rest areas or playgrounds can have solar power, the first solar farm must be built.

The Comprehensive Plan is a living and working document that adapts to a changing environment. If this were not true, the plan would have to be reviewed yearly.

Thank you for your time and let's move Jefferson County forward

Sincerely,

Jean Zigler Kotch

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DEC 09 2021

Jefferson County Planning and Zoning

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

My name is Richard A. Zigler. I reside at 1083 Roper North Fork Road, Charles Town, West Virginia. I support Commercial Solar Arrays. Any and all amendments to the Envision 2035 Comprehensive Plan, that help improve and increase the resources of this county, including ALL renewable energy sources, should be passed. "Plans" are set as "guidelines". That is why exemptions can be made, and decisions can be appealed, to fit new ideas and otherwise unanticipated ideas and concepts that arise.

During the December 7, 2021 meeting, there were complaints and arguments against installing Commercial Solar Arrays in Jefferson County. Questions of Historical Properties was raised, Pollution and other health hazards and requesting a countywide survey as to allowing Solar Arrays as Conditional, or Permitted Use designation. Also, Property Values, and the real purpose of having a "Comprehensive Plan", were discussed.

First of all, let me remind you that during the approval of the Site Permitting Certification process by the WVPSC, on May 4, 2021, Chairwoman Charlotte Lane stated that there is no reason that any new amendments to the Jefferson County Comprehensive Plan, "Envision 2035", need be drafted, nor enacted, to allow Commercial Solar Facilities, such as Wild Hill Solar, LLC., to be granted "Permitted Use" status.

This is in stark contrast to the Politically Appointed judge that oversaw the court case involving the Jefferson County Commission this past spring. She actually requested both Plaintives, and Defendants, to write decisions for her so that she could summarize and make a decision from them, while on vacation; clearly a miscarriage of judicial process. She also displayed her contempt of the case by making vacation time a priority, twice, when she was supposed to be at Court. That "decision" has no bearing on granting "Permitted" or "Conditional" use status. That case was about "Procedure" during regular county commission meetings.

Back during the 1990's there was heated discussion of permitting a residential housing development. After all the law suits and unending delays and hearings that included people from Shepherdstown to Summit Point and as far away as Sharpsburg and Berryville, a ruling was requested from the governor's office. The answer was simple. Paraphrased, the answer was, "If you are not of the property in question, the property contiguous to the property in question, nor contiguous to a property contiguous to the property in question, you have no standing in the matter. That it is a Property Rights issue. Therefore, people, not of immediately proximity, have no dog in the fight." This applies here as well.

Item Two, pertaining to Historical properties is an outright farce. Magnolia Springs development, that includes land once owned by one current antagonist, obscures the truly historical site of the Belvedere Farm, a former Washington home. Nobody, to my knowledge, has protested that. This is "Selective" and feigned outrage. Extensive and exhaustive research has been done to verify that no Historical sites are involved.

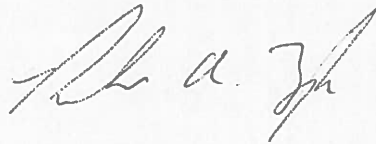
Pollution is not an issue. The idiotic idea that five (5) 8,000-acre solar sites will be allowed to be built and that there will be gross mismanagement and negligence, resulting in leakage of chemicals into the soil, and despoiling ground water and aquifers, is baseless and inflammatory and possibly, liable suit

worthy. First off, location of Solar Arrays is limited to locations of close proximity to High Voltage Transmission lines. Aggressive surveys, including searching for Indigenous Peoples Cultural Studies archaeological digging, hours of poring over historical documents researching Deeds at the Courthouses of the area, wildlife surveys, and environmental studies for documentation, have been done. Extensive geological and meteoritical studies and documentation has been done during the three-year period building up to this point. And, as one anti-growth person said, there is only one Solar Project on record to be built, at this time, Wild Hill Solar, LLC. There are not five 8,000-acre sites.

Land Value issues that were brought up are not consistent with the neighbors that I have spoken with. Realtors and homeowners have said that Solar Arrays would be a better fit for their communities than yet another noisy and expensive housing development. In this respect, it is believed to have a tendency to raise property values because there will not be more houses added to those communities. Land management, with over ninety percent (90%) being in continuous groundcover for thirty years, providing water filtration, ground nesting bird habitat, and wildlife refuge, is preferable to asphalt and concrete.

The mere idea that any product, manufactured, created, or grown in this county, will be used or consumed exclusively in this county, is as ludicrous as me growing corn and all of it appearing exclusively on local store shelves as cornflakes.

In summary, there is no reason to not accept Amendments to the Vision 2035 Comprehensive Plan to grant "Permitted Use" status for Commercial Solar Arrays. Studies of historical sites, environmental impact, socio-economic impact, geological impact, and meteorological impact, have been exhaustively researched and show no detrimental effect on our County, nor the local community, and that the goals, outlined in the Comprehensive Plan, will be met.



12/9/21

Zoning

From: Carol Rockwell <cdrockwell@hotmail.com>
Sent: Thursday, December 9, 2021 3:49 PM
To: Zoning; Kathy Santa Barbara
Subject: Fw: GOAL Draft8
Attachments: Goal28(Rockwell).Draft8.pdf

Follow Up Flag: Follow up
Flag Status: Completed

Alex, the enclosed PDF is a rewrite to my Goal #28 which I wish included in the packet for the Dec.14th meeting of the Planning Commission. Thanks Doug

From: Rebecca Smith <yaya217smith@gmail.com>
Sent: Thursday, December 9, 2021 3:39 PM
To: Carol Rockwell <cdrockwell@hotmail.com>
Subject: GOAL Draft8

See attached.

Becky
12/9/2021

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DEC 09 2021

GOAL #28: ALTERNATIVE ENERGY FACILITIES - SOLAR.

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Jefferson County seeks to ensure that any utility scale renewable energy generation facility is consistent with and furthers the goals as found in the most current Comprehensive Plan. Furthermore, Jefferson desires to balance this land use with the various and valuable existing planned land uses and resources throughout the County and to that end these objectives are established:

- Objective #1:** Jefferson County desires to protect the County's historic properties and resources by balancing those interests with the interests of the solar generation facilities.
- i. Setbacks and buffering shall be required adjacent to such resource.
 - ii. Certain property, because of its historic value, should be discouraged from this land use entirely.
- Objective #2:** No facility shall be located on a property within a historic battlefield boundary or on recognized historically significant properties. Screening of those properties and the viewshed for those properties is required. The County shall require screening of any use, or portion thereof, upon determination that the use would have a direct negative visual impact.
- Objective #3:** A. The Envision Jefferson 2035 Comprehensive Plan emphasizes the County's commitment to the preservation of agriculture as its primary industry. The limit on all utility scale solar development, in the aggregate, in the County is one percent (1%) of the total land mass of Jefferson County.
- B. Based upon the population projections of the Comprehensive Plan, the residential consumption of electricity by 2035 would be approximately 152 MW. It is recognized that electricity produced in Jefferson County by solar development will not necessarily be consumed in the County, nevertheless the County's own energy needs are a reasonable basis for the limitation of 153 MW, in the aggregate, of electricity produced by all solar facilities.
- Objective #4:** The scope or scale of utility scale solar projects have a direct correlation to numerous factors of concern. These include potential land disturbance, the ability to effectively screen and landscape a project, the traffic and other impacts during the construction process, the ease of decommissioning and other factors. In light of this, any single utility scale solar facility should be limited to no more than 300 acres of actual panel installation.
- Objective #5:** During decommissioning it will be difficult to return the site of a utility scale solar facility to its original condition. Accordingly, no solar panels shall be located on parcels of land with an average gradient higher than 15% before grading or excavation thus preventing cut and fill.
- Objective #6:** Before issuance of a zoning certificate, adequate bonding and insurance shall be required for all phases of all projects, including but not limited to: an Erosion and Sediment Control Bond, Infrastructure Bond, Stormwater Management Bond, Construction and Performance Bond, Landscaping Bond, Decommissioning Bond, and Liability Insurance.

- Objective #7:** A decommissioning plan, updated every three years, is required to insure (i) that the real property will be returned to its original condition upon closure of any facility, or at the end of its useful life, and (ii) that decommissioned equipment and panels are disposed of appropriately and in an environmentally sound manner. In any event, decommissioning shall be guaranteed by cash, commercial surety, letter of credit, performance bond, etc. subject to the approval of the County and in accordance with any adopted County policy. Moreover, final inspection by the County, at the conclusion of decommissioning, will be required before any guarantee is released. Decommissioning surety shall be in place and adequate for the complete decommissioning of the project from its onset until it is decommissioned.
- Objective #8:** The zoning certificate or permit for a utility scale solar facility shall terminate upon decommissioning, abandonment or 25 years from issuance which ever first occurs. At which time lands in the present Rural District on which said solar facilities are located shall revert to farming or other allowed agricultural uses.
- Objective #9:** Before issuance of a zoning certificate or permit a solar panel specification disclosure, including composition, toxicological information and physical and chemical properties, shall be provided.
- Objective #10:** No solar cell or module containing an element or compound considered carcinogen by OSHA or the EPA is permitted in any solar energy generating facility.
- Objective #11:** Concentrated solar and solar thermal facilities are prohibited; solar towers are prohibited.
- Objective #12:** Noise abatement is required during construction, operations and decommissioning of all solar facilities.
- Objective #13:** Limits shall be placed on the height of installed solar panels.
- Objective #14:** Minimum distance shall be established between solar panel arrays measured from solar panel to solar panel.
- Objective #15:** Areas of Jefferson County contain karst topography. On parcels of land with limestone outcrop, the installation and construction of utility scale solar facilities shall be limited or restricted.
- Objective #16:** Screening and buffers shall be required along all primary and secondary roadways.

IN ADDITION TO THE ABOVE OBJECTIVES, IN THE RURAL DISTRICT OUTSIDE OF THE URBAN GROWTH BOUNDARY AND THE PREFERRED GROWTH AREA THE FOLLOWING OBJECTIVES SHALL APPLY:

- Objective #17:** Jefferson County desires to protect and enhance its agricultural and rural heritage and resources.
- i. Among other things size and scale of a renewable energy generation facility should be limited in order to maintain the County's rural viewshed and character.
 - ii. Siting of a facility on prime agricultural soils is discouraged. Non-

agricultural producing lands or land which is of lower agricultural value should be explored first.

- Objective #18:** In order to protect the integrity of agricultural soils, mass grading of sites shall be limited to fifty (50) acres at a time.
- Objective #19:** In support of Objectives 1 and 17 above utility scale solar facilities shall only be located on parcels of land in existence as of July 1, 2021 which are within 500 feet of an existing electric transmission line or substation.
- Objective #20:** To prevent solar facility sprawl each utility scale solar facility shall be a minimum of two (2) miles from another solar facility.
- Objective #21:** To preserve farmland and open spaces and continued agricultural operations, a utility scale solar facility in the Rural District outside of the Urban Growth Boundary shall only be located on a parcel of land which existed before July 1, 2021 and shall occupy no more than 50% of said parcel notwithstanding the size of said parcel. Transfer or assignment of these development rights between parcels of land which existed before July 1, 2021 are permitted if the parcels are contiguous and owned by the same individual or entity.
- Objective #22:** Wildlife corridors shall be provided by utility scale solar facilities occupying more than 300 acres.

On Page 82 change paragraph c as follows:

- c. Amend the local land use regulations to permit utilities which generate electricity by solar energy be permitted as a principal use throughout the County in accordance with the Objectives of Goal 28.

