



## AGENDA

### Jefferson County Planning Commission

Tuesday, June 8, 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\*\***

**Join Zoom Meeting**

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**Meeting ID: 858 0383 2307**

**Dial by your location**

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**Find your local number: <https://us02web.zoom.us/j/kfJMdU3z5>**

1. Approval of Meeting Minutes: May 11, 2021
2. Request for postponement.
3. **Wild Hill Solar Energy Facility Concept Plan Public Workshop:** Construction of a 92.5-megawatt alternating current solar energy facility with a substation connecting to the existing overhead electrical transmission line. The project will be developed across six contiguous parcels comprised of approximately 841 acres owned by five separate property owners (listed below). Developer: Wild Hill Solar, LLC an indirect subsidiary of EDF Renewables, Inc.. (File: 21-3-SP.)

Property Owner:	Physical Address	Parcel Information:	Parcel Size:	Project Area:
1. Zigler, Inc.	1079 Roper North Fork Rd., Charles Town	District: 06, Map: 4, Parcel: 9, Zone: Rural	350.95 ac	350.95 ac
2. Clarence & Donna S. Hough	Vacant Parcel - east of the property located at 1343 Roper North Fork Rd Charles Town	District: 06, Map: 11, Parcel: 7.1, Zone: Rural	107.38 ac	107.38 ac
3. Charles L. & Marie S. Hough-LIFE	620 Old Shennandale Rd Charles Town	District: 06, Map: 11, Parcel: 8, Zone: Rural	118.05 ac	32.11 ac
4. T. Todd & Susan B. Hough, Trustees	340 Old Shennandale Rd Charles Town	District: 06, Map: 5, Parcel: 1, Zone: Rural	206.84 ac	181.70 ac
5. John Samuel & Alice J. Rissler Estate	616 Uinta Farm Ln., Charles Town	District: 02, Map: 16, Parcel: 18, Zone: Rural	293.33 ac	120.56 ac
6. Clarence & Donna S. Hough	Vacant Parcel – north of the property located at 340 Old Shennandale Rd. Charles Town	District: 06, Map: 5, Parcel: 6, Zone: Rural	49.04 ac	49.04 ac

4. **Charles Town Sheetz (Augustine Avenue) Concept Plan Public Workshop:** Concept Plan for the Charles Town Sheetz Store (a Major nonresidential Site Development). The proposal consists of Gas Station, Large, including a 5,437 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities.

Owner/Applicant: Guy Chicchirichi; Developer: Bob Franks, Sheetz Inc. Property Location: Northeast corner of US 340 and Augustine Avenue intersection, Charles Town. Tax District: Charles Town (02); Tax Map: 16; Parcels: 1. Total Project Size: 2.5 acres; Zoning District: Highway Commercial (HC). (File: 21-4-SP.)

There is no public comment for the following items.

5. Requests for the Planning Commission to consider incorporating within their work plan two possible text amendments to the Zoning and Land Development Ordinance (Discussion / Possible Action):
  - A. Consider developing provisions for short term rentals.
    - i. Request from Amy Bowman, landowner
    - ii. Request from Chris Rife, landowner
  - B. Consider reducing the setback requirements for lots in the Residential Growth zoning district.
    - i. Request from the Board of Zoning Appeals
6. Reports from Legal Counsel
7. Planner's Memo
8. President's Report
9. Actionable Correspondence
10. Non-Actionable Correspondence

## DRAFT MINUTES

### Meeting Minutes

#### Jefferson County Planning Commission

May 11, 2021

The Jefferson County Planning Commission met on May 11, 2021 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Jack Hefestay, Ron Thomas (via ZOOM), Steve Stolipher, and Matt Knott. Shane Roper and J Ware were absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Jonathan Saunders, County Engineer (via ZOOM); Nathan Cochran, County Attorney, Alice Johns, Planning Clerk.

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

Jennifer Brockman conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:01 PM.

1. Approval of Meeting Minutes: April 11, 2021. The minutes were approved as submitted.
2. Request for postponement. None.
3. **Public Workshop:** Concept Plan for the Road Runner Wrecker Service Inc. The proposal for the Road Runner Wrecker Service (salvage yard) consists of the following: Sidewalks, curbs, scale house, car crusher, decommissioning rack, 2 AST's, 54 (9' x 40') storage containers, 181 proposed paving. Owner/Applicant: DLGA, LLC; David & Lisa Butcher. Property Location: 2282 Summit Point Road, Summit Point; Tax District: Kabletown (06); Map: 16; Parcel 10; Total Project Size: 25 acres; Zoning District: Rural. File: 21-1-SP.

Jennifer Brockman presented an overview of her staff report to the Commission. This property has historically been a salvage yard. DLGA is the new owner of this property.

Ms. Alexis "Brooke" Walburn, with Greenway Engineering, as the consultant for this project, spoke and explained that this is re-development of an existing non-confirming use. At the April Board of Zoning Appeals (BZA) meeting, the BZA approved a variance request to reduce the required side setback from 50' to 25' for 54 storage units/sea containers, as an accessory use. These sea containers will be stored along the east property line, next to existing storm water management parcel. These sea containers will be relocated off site, filled, then those materials scrapped. The new owner has worked out a plan of corrective action with Department of Environmental Protection (DEP) for previous environmental issues. Ms. Walburn stated that the goal is to bring the facility up to standards and make it much better facility for Jefferson County.

Mike Shepp asked what was there previously. Ms. Walburn explained it was the same facility but changed ownership.

Ms. Brockman referenced a WV DOH email submitted today. WV DOH has no objections but has various requirements that must be met prior to the issuance of an entrance permit. Jefferson County Historic Landmarks Commission also had no objections, as there are no historic structures in that area.

Mr. Shepp opened the item for public comment. There was no public comment. Mr. Shepp closed the item for public comment.

Mr. Steve Stolipher made a motion to approve the Concept Plan, which was seconded by Jack Hefestay and carried unanimously.

Mr. Shepp recused himself from the following agenda item (King's Crossing Major Residential Subdivision; File#21-8-SD).

4. **Public Workshop:** Concept Plan for King's Crossing Major Subdivision. King's Crossing is a Major Residential Subdivision consisting of 404 lots: 175 Single Family Detached, 229 Single Family Attached (Townhouses), 7.43 acres open space, 4.96 acres stormwater management and associated infrastructure. Owner/Applicant: DR Acquisitions LLC. Tax District: Charles Town (02); Tax Map: 17; Parcel: 11. Zoned Residential Growth. Total Project Size: 86 acres. File: 21-8-SD

Ms. Brockman detailed the location of Kings Crossing. Ms. Brockman reminded the Planning Commission of the previously approved waivers which allows 12 lots on one side of a street (21-6-PCW) and reduced required lot frontage to 60'(21-7-PCW). A requested side setback variance was denied by the Board of Zoning Appeals (21-12-ZV).

Mr. Jason Gerhart with Gordon provided an overview of the project. He explained that the project will be completed in phases. The phases will be market driven but expected to be between 50 and 100 lots at a time, starting at the entrance at Charles Town Road (WV 115) and working towards the west with an ultimate connection into Norborne Glebe subdivision. Mr. Gerhart noted that the developer is working with WVDOH who has required a Traffic Impact Study (TIS) to be completed for the subdivision. The developer is proposing one entrance to be roughly across from existing water treatment plant and the second entrance from WV 115) to be closer to the eastern property line where it is flatter and has adequate sight distance in both directions. Expectation is once approvals are obtained, Dan Ryan would like to start construction this fall.

Ms. Brockman explained that the Charles Town Utility Board could service this location. Access to utilities was an issue when this subdivision was proposed in 2005 and 2008. WVDOH may require some highway improvements based on the TIS. The Jefferson County Historic Landmarks Commission indicated that they had no objections to this Concept Plan.

Staff noted key Subdivision Regulation requirements related to access to adjoining land and having two access points. The proposed subdivision is meeting these requirements.

Mr. Donnie Fisher opened the Public Hearing.

Ms. Ashlee Hawse had questions on phasing and start date which were addressed in Mr. Gerhart's presentation.

Ms. Carrie Jenkins questioned what other improvements are being made to local infrastructure. She expressed concern about several fatal accidents in the vicinity. She questioned whether the County's water infrastructure is overwhelmed and what community activities are planning on being added (such as A Movie theatre) and what the time frame is.

Ms. Roxanne Ashbaugh questioned how water and sewer would be affected by these developments. She commented that people who have lived here for years will not be able to afford it.



Mr. Donnie Fisher closed the hearing for public comment.

Mr. Jason Gerhart provided additional information about the project and explained that a Traffic Impact Study is being conducted as required by the WVDOH. The TIS will look at numerous intersections that are areas of concern. This is an on-going process to get WVDOH approval and mitigate the impact of this development. WVDOH approval must occur before the County can approve the project. Charles Town Utility Board is the water and sewer provider. Mr. Jason Gerhart explained that they are coordinating with the Charles Town Utility Board (CTUB) for water and sewer and as far as he knows, CTUB does not have any capacity issues. Finally, Mr. Gerhart explained that Jefferson County requires an impact fee for all new development. Every home that is constructed pays a fee that lessens the burden of tax impact of additional residents to the region.

Ms. Brockman clarified the steps involved in reviewing a Major Residential Subdivision Process. Ms. Brockman explained that today's public workshop would provide direction and/or approval, but could not lower the density or deny the project because of concerns outside of the scope of the Zoning Ordinance or Subdivision Regulations, unless proffered by the applicant. The approval, if granted, would be valid for two years. She clarified that a Major Residential Subdivision also requires the review and approval of the Preliminary Plat at a Public Hearing. The Final Plat is administratively approved.

Mr. Steve Stolipher made a motion to approve the Concept Plan, which was seconded by Jack Hefestay and carried passed 6 to 0, with Mr. Mike Shepp recusing himself.

Mr. Shepp was admitted back into the meeting.

5. **Public Hearing:** Waiver of Section 20.201B.3 of the Subdivision Regulations which requires all lots in Minor Family Transfer Subdivisions to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement known as Round Rock Lane instead of the required 50' access easement for the creation of a family transfer parcel.  
Owner/Applicant: Margaret Hoffman /David Costello, Jr. (Alpha Associates, Inc.). Property Location: across from 309 Round Rock Lane, Charles Town, WV. Tax District: Kabletown (06); Map 22; Parcel 7. Total Project Size: 23.42 acres. Zoning District: Rural. File: 21-9-PCW.

Ms. Brockman provided an overview of the request. The applicant has had two Family Transfers previously approved and are proposing an additional Family Transfer lot. There is a 30 ft access easement that serves lot labeled as Snelson (now owned by Dieffenbacher). The Hoffman's request is to utilize the existing 30' easement, known as Round Rock Lane, instead of the required 50' access easement for the creation of the family transfer parcel.

Mr. David Costello, Jr. with Alpha Associates Inc. and Mr. Colin Hoffman, grandson of Margaret Hoffman, were present. Mr. Colin Hoffman will be receiving the property. Mr. Costello, Jr. explained that Gary Hoffman, who owns Lot B, will not allow the widening of the 30 ft. easement. Additionally, Mr. Costello, Jr. stated that all the lots along Round Rock Lane have the legal access to use the 30 ft. right of way and that the state road it ties into is only 30 ft. wide. Mr. Costello, Jr. stated that the suggestion to widen the alternate exiting 40' access easement to 50 ft. would require the construction of an additional 850 to 900 ft. of additional driveway in that location vs, the use of an existing driveway within the 30' access easement. He further explained that the applicant would share in any future maintenance costs on Round Rock Lane.

Mr. Shepp asked if there was an existing driveway on the existing 30' access easement and if any new construction would be required. Mr. Costello, Jr. replied that yes there was an existing driveway and indicated that no new construction would be required.

Ms. Brockman clarified other portions of the request and explained that there are written public comments that were included as part of the packet.

Mr. Shepp opened the item for public comment.

Mr. Ryan Dieffenbacher explained that earlier he was not in support of this request for two reasons. First, the future liability of the request and it was explained that was not the case. Second, he had some concerns about the 30 ft. easement having an impact on the property value. He further stated that he is willing to work with proposed owners with shared maintenance.

Mr. Mike Shepp clarified that this variance is only for this one individual, and that any additional people who wanted a variance would have to come back to this commission to request it.

Mr. Mike Shepp closed the public hearing.

Mr. Matt Knott asked if both have the right to use the 30' access anyway, couldn't they provide the 50' access in one location and use the 30 ft. access easement? This concept was discussed by the Planning Commission and Mr. Costello, Jr.

Mr. Mike Shepp re-opened the public hearing.

Mr. Gary Hoffman spoke and expressed concerns about the road not supporting construction traffic and stated he was against the waiver. Ms. Kathy Hoffman also expressed concern about the amount of traffic that the 30' easement can handle. Mr. Gary Hoffman questioned whether future lots would be allowed to use the 30' easement as well.

Mr. Mike Shepp closed the public hearing again.

Ms. Brockman clarified that even if this group/body approved this request, they might not get a DOH permit.

Mr. Jack Hefestay made a motion to approve and Mr. Donnie Fisher seconded. The motion passed unanimously.

6. **Miller/ Jefferson Orchard Zoning Map Amendment:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject 238.9-acre (based on a survey) property from Rural to Light Industrial (43.7 acres) and Residential Growth (195.2 acres) is consistent with the 2035 *Comprehensive Plan*. Owner/Applicant: Mark Ralston, Jefferson Orchards Inc. Property Location: two vacant parcels located east of Route 480 (Kearneysville Pike) and one mile north of the Route 9 interchange. Tax District: Middleway (07); Map: 3; Parcels: 29 and 35. Combined acreage: approximately 238.9 acres (based on survey). Zoning District: Rural. File: 21-2-Z.

This agenda item was not open for public comment.

Ms. Brockman provided an overview of this request. Ms. Brockman explained the finding that the request is not consistent with the *Envision Jefferson 2035 Comprehensive Plan* because it is

designated as Future Rural/Agricultural and is outside any Preferred Growth Area (PGA) or Urban Growth Boundary.

Mr. Mark Dyck, with Gordon provided comments on the application. He stated that this proposal was not for expansion of Rockwool. He further explained that the demand in Jefferson County is for traditional suburban residential development which was not permitted in Ranson or Charles Town. Mr. Mark Dyck, stated that in this area the roads have changed and that WVDOH will be extending Northport Avenue to WV 480 which will provide secondary access point. The divided two-lane portion of Northport Avenue ends at the properties in question. Mr. Mark Dyck then explained that in 2014, when the Comprehensive Plan was drafted, the nearest access for water was 1.8 miles away. Ranson has now extended water and sanitary sewer within 100 ft. of this property. Natural gas will also be available to new development in this area.

Mr. Mark Dyck also stated that Jefferson County schools enrollment has dropped from 9,066 to 8,419 and that Jefferson County has lost 573 enrolled students. He further stated that in 2012 Kindergarten enrollment was 728, but has dropped to 514 in the current year. Mr. Mark Dyck expressed concern that Jefferson County needs to encourage growth. He stated that the developer of these properties is interested in a mix of single family and townhouse development with a lower density than the Medium Density residential growth recommended for Kearneysville. He also stated that the Light Industrial zone is intended to be for distribution employment and not manufacturing.

Mr. Wade Louthan made the motion to go into Executive Session, which was seconded by Mr. Jack Hefestay at 8:05 pm.

Mr. Wade Louthan made the motion to come out of Executive Session which was seconded by Mr. Jack Hefestay at 8:25 pm.

Mr. Mike Shepp made the motion to find that the application is not in accordance with the Comprehensive Plan; however, there have been many changes of economic, fiscal or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted and these changes have substantially altered the basic characteristics of the area. Among those changes are roads, sewer, water, gas, Zoning in Ranson and Rockwool. This was seconded by Donnie Fisher, and the motion passed unanimously.

#### 7. Reports from Legal Counsel

- a. Burke, et al. v. The Jefferson County Planning Commission, et al. (Jefferson County Circuit Court Civil Action #s 33-37)
- b. Burke, et al. v. County Commission of Jefferson County, WV, et al. (Jefferson County Civil Action #s 46-50)

#### 8. Planners Memo:

- a. Revised Second Meeting policy.
- b. The County Commission approved the Solar Text amendment, effective April 13. We have had an application submitted.
- c. For June meeting, there will be two Concept Plans one for Solar and one for Charles Town Sheetz/Augustine Ave.

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9. Presidents Report

10. Actionable Correspondence: None

11. Non-Actionable Correspondence: None

Mr. Jack Hefestay motioned to adjourn the meeting at 8:34 pm which was seconded by Matt Knott, and passed unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

**Staff Report**  
Jefferson County Planning Commission  
June 8, 2021

**Wild Hill Solar Energy Facility**

**Item #3: Public Workshop:** A Concept Plan for Construction of a 92.5-megawatt alternating current solar energy facility with a substation connecting to the existing overhead electrical transmission line. The project will be developed across six contiguous parcels comprised of approximately 841 acres owned by five separate property owners (File: 21-3-SP).

Five Property Owners (six Properties):	Zigler, Inc.; Clarence & Donna S. Hough; Charles L. & Marie S. Hough-LIFE; T. Todd & Susan B. Hough, Trustees; & John Samuel & Alice J. Rissler Estate			
Applicant:	Wild Hill Solar, LLC (Chris Sternhagen)			
Surveyor/Engineer:	Potesta and Associates, Inc.			
Property Location:	6 properties located approximately 2.5 miles south of the city of Charles Town, generally east of Cloverdale Subdivision, south of Uinta Farm Lane, west of Kabletown Rd, and north of Old Shennandale Road, Bullskin Run, and Roper North Fork Rd			
Legal Description:	6 properties, Total acres: 841 acres; Zoned: Rural; Tax District, Tax Map, Parcel and acreage below (graphic following)			
Property Owner:	Physical Address	Parcel Information:	Parcel Size:	Project Area:
1. Zigler, Inc.	1079 Roper North Fork Rd.	District: 06, Map: 4, Parcel: 9	350.95 ac	350.95 ac
2. Clarence & Donna S. Hough	Vacant Parcel - east of the property located at 1343 Roper North Fork Rd	District: 06, Map: 11, Parcel: 7.1	107.38 ac	107.38 ac
3. Charles L. & Marie S. Hough-LIFE	620 Old Shennandale Rd	District: 06, Map: 11, Parcel: 8	118.05 ac	32.11 ac
4. T. Todd & Susan B. Hough, Trustees	340 Old Shennandale Rd	District: 06, Map: 5, Parcel: 1	206.84 ac	181.70 ac
5. John Samuel & Alice J. Rissler Estate	616 Uinta Farm Ln.	District: 02, Map: 16, Parcel: 18	293.33 ac	120.56 ac
6. Clarence & Donna S. Hough	Vacant Parcel – north of the property located at 340 Old Shennandale Rd.	District: 06, Map: 5, Parcel: 6	49.04 ac	49.04 ac
Proposed Activity:	Construction of a 92.5-megawatt alternating current solar energy facility with a substation connecting to the existing 138K overhead electrical transmission line.			
Concept Plan Status:	Submitted: 04/23/2021 Sufficiency Letter, with conditions: 05/03/2021 Resubmitted for Completeness: 05/20/2021 Deemed Complete: 06/01/2021			

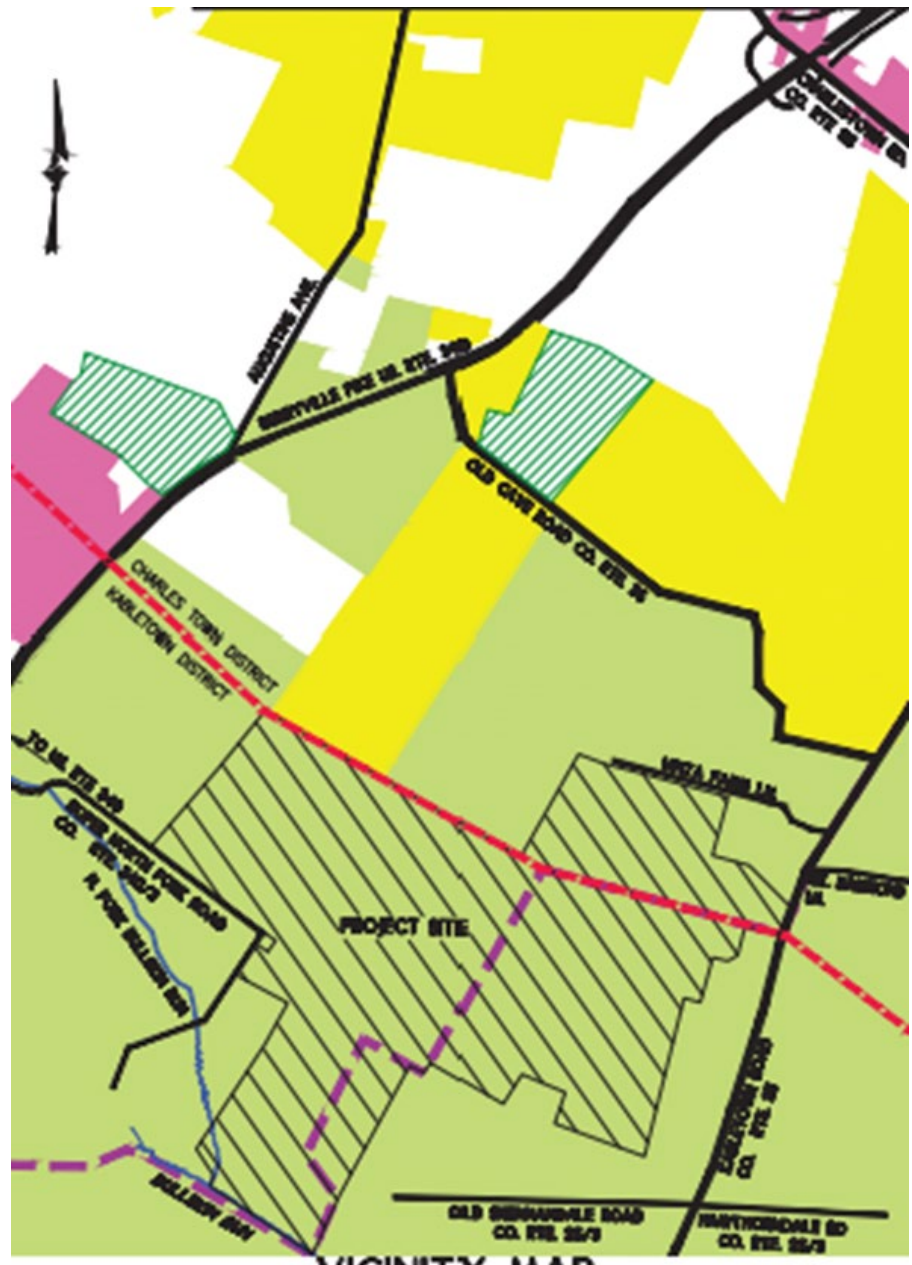


**Staff Report**  
Jefferson County Planning Commission  
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**Wild Hill Solar Energy Facility**

**Introduction and Summary of Request**

The applicant is proposing to construct a 92.5-megawatt alternating current solar energy facility with a substation connecting to the existing 138K overhead electrical transmission line. The proposed use is identified as a Solar Energy Facility, which is a Principal Permitted Use in the Rural zoning district. The provisions for large scale solar energy facilities are found in Section 8.20 of the Zoning Ordinance.

Wild Hill Solar, LLC proposes to lease the 841 acres for a period of 30+/- years. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. The project will have a substation connected to the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the project area. The substation will be situated on a proposed 4.61-acre subdivided parcel which will have a 50-foot access easement off of Shennandale Road. The project will include internal access roads, commercial entrance(s), will be surrounded by security fencing and required zoning buffer, and stormwater management.



An 8' fence is proposed around the perimeter of the full solar facility. A 20' landscape buffer screening in conformance with the Zoning Ordinance is proposed along the western edge of the solar facility.

The primary entrance to the solar facility is proposed to be off Kabletown Road south of Uinta Farm Lane.

**Site Plan Category**

Section 8.20 of the Zoning Ordinance requires that a Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision Regulations, is required for all large scale solar energy facilities. After the Concept Plan Public Workshop is held and Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permits, including

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**Wild Hill Solar Energy Facility**

submission of a report in conformance with the Jefferson County Stormwater Management Ordinance and a final Decommissioning Plan.

In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Zoning Ordinance requires the Concept Plan for a solar energy facility to include all the property locations; access points; anticipated locations of all proposed components of the Solar Energy Facility; and landscaping, buffering, ground cover plan, and fencing. A general outline of the decommissioning of the Solar Energy Facility is also required to be included with the Concept Plan. This outline is required to include a general discussion on the timeline of the lease or operating plan and a general plan for removal of the Solar Energy Facility. All of these Zoning Ordinance requirements have been addressed in the Concept Plan submitted.

The Concept Plan Public Workshop is the only opportunity for public input. The balance of the approval is administrative.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review**

In accordance with the current Subdivision Regulations, the Minor Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant's Concept Plan, Staff found the submitted plan "sufficient" (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

	Description	Status
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on Concept Plan and Narrative
<b>5. Traffic Impact Data</b>	a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided in Narrative:: <u>ADT</u> US340 near Wheatland: 14,003; Kabletown Rd.: 1,630; Huyett Rd: 2,703 <u>Trip Generation</u> : after construction, ADT will be minimal (2-4 ADT)



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**Wild Hill Solar Energy Facility**

<b>6. Traffic Study</b>	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	WV DOH is not anticipated to require a TIS.
<b>7. Agency Reviews</b>	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. No responses were received to the agency letters.
<b>D. Department</b>	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development <u>requiring a Concept Plan only.</u>
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	WV DOH is not anticipated to require a TIS.
<b>G. Public Service</b>	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	No water or wastewater services will be required for this project..
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

**Concept Plan Review**

1. External Agency Reviews

The applicant submitted the required agency letters to the appropriate agencies. No responses were received at the time this report was prepared.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on

**Staff Report**  
Jefferson County Planning Commission  
June 8, 2021

**Wild Hill Solar Energy Facility**

the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Wild Hill Solar Energy Facility, to be located generally east of Cloverdale Subdivision, south of Uinta Farm Lane, west of Kabletown Rd, and north of Old Shennandale Road, Bullsken Run, and Roper North Fork Rd, to be “complete” based on the information provided related to the criteria above and to meet the standards detailed in the Zoning Ordinance. No Site Plan is required in conformance with Section 8.20 of the Zoning Ordinance.

**3. Planning Commission Direction**

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before the Zoning Certificate and building Permit are obtained. The Subdivision and Land Development Regulations outline the procedure:

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

Following the applicant’s presentation, staff’s explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

While Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review as it relates to the preparation of a Site Plan, Section 8.20 of the Zoning Ordinance details the next steps after the Concept Plan Workshop for all large scale solar facilities are as follows:

- a. Documentation regarding conformance with the Jefferson County Stormwater Management Ordinance; unless the Solar Energy Facilities meet the exemption criteria found in Article I.D.2.h of the Stormwater Management.
- b. A full Solar Decommissioning Plan that will provide that all parts of the solar facility be removed from the premises and the land be restored to a condition reasonably similar to its original condition prior to the installation of the solar facility is required with the submission of the Zoning Certificate application for the Facility and requires approval of the County Engineering staff.
- c. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities;
- d. Application for required Building Permits based on an approved Concept Plan, approved Stormwater Plan, if required, and approved Decommissioning Plan is required prior to initiating any use regarding Solar Energy Facilities

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years.





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

Plat # \_\_\_\_\_  
Fees Paid: \_\_\_\_\_  
Staff Int.: \_\_\_\_\_

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Subdivision or Site Development Application**

**Application Type**

- ☒ Concept Plan ☐ Final Plat (major/minor)  
☐ Preliminary Plat ☐ Site Plan

Project Name: Wild Hill Solar Project  
Description: Construct solar farm on approx. 841 acres of leased land on six parcels in the Kabletown and Charles Town Tax Districts and connect to the existing 138k overhead elec transmission line.  
Primary Contact Phone Number (must be a direct line number) 540-450-0180

**Property Owner Information**

Owner Name: Multiple Owners (See attached)  
Business Name: \_\_\_\_\_  
Mailing Address: \_\_\_\_\_  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Information**

Same as Owner: ☐

Applicant Name: Chris Sternhagen (See attached for consultant)  
Business Name: Wild Hill Solar, LLC  
Mailing Address: 10 Second Street, NE, Suite 400 Minneapolis, Minnesota 55413  
Phone Number: (612)486-4513 Email: Christopher.Sternhagen@edf-re.com

**Registered WV Engineer or Surveyor Information**

Consultant Name: Joe Knechtel, P.E.  
Business Name: Potesta & Associates, inc.  
Mailing Address: 15 South Braddock Street, Winchester VA 22602  
Phone Number: 540-450-0180 Email: [kjknechtel@potesta.com](mailto:kjknechtel@potesta.com)

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 1343 Roper North Fork Rd., Charles Town, WV 25414  
Tax District: 6 Map No: 4 Parcel No: 9  
Parcel Size: 350.95 Deed Book: 307 Page No: 345  
Zoning District: Rural

**Additional Parcels (if any)**

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 620 Old Shennandale Rd., Charles Town, WV 25414  
Tax District: 6 Map No: 11 Parcel No: 7.1  
Parcel Size: 107.38 Deed Book: 1209 Page No: 172  
Zoning District: Rural

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 620 Old Shennandale Rd., Charles Town, WV 25414  
Tax District: 6 Map No: 11 Parcel No: 8  
Parcel Size: 118.05 Deed Book: 1209 Page No: 172  
Zoning District: Rural



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

Fees Paid: \_\_\_\_\_

Staff Int.: \_\_\_\_\_

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Subdivision or Site Development Application**

**Application Type**

- ☒ Concept Plan ☐ Final Plat (major/minor)  
☐ Preliminary Plat ☐ Site Plan

Project Name: Wild Hill Solar Project

Description: \_\_\_\_\_

Primary Contact Phone Number (must be a direct line number) \_\_\_\_\_

**Property Owner Information**

Owner Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Information**

Same as Owner: ☐

Applicant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Registered WV Engineer or Surveyor Information**

Consultant Name: \_\_\_\_\_

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

4

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 219 Ann Lewis Rd., Charles Town, WV 25414

Tax District: 6 Map No: 5 Parcel No: 1

Parcel Size: 206.84 Deed Book: 1125 Page No: 476

Zoning District: Rural

**Additional Parcels (if any)**

5

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 616 Uinta Farm Ln., Charles Town, WV 25414

Tax District: 2 Map No: 16 Parcel No: 18

Parcel Size: 293.33 Deed Book: 617 Page No: 540

Zoning District: Rural

6

**Physical Property Details**

Vacant Lot: ☐

Physical Address: 620 Old Shennandale Rd., Charles Town, WV 25414

Tax District: 6 Map No: 5 Parcel No: 6

Parcel Size: 49.04 Deed Book: 1212 Page No: 57

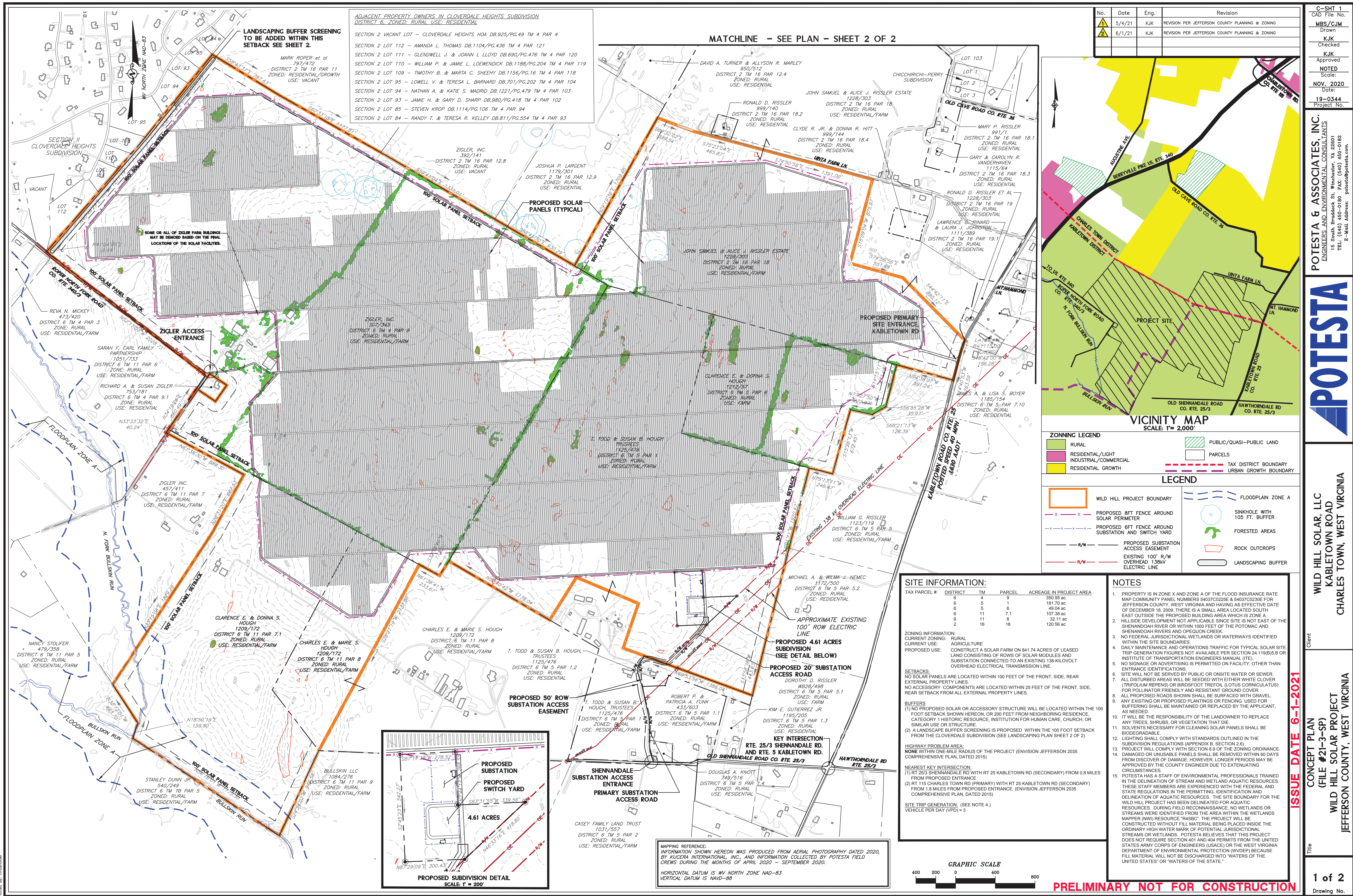
Zoning District: Rural

**Concept Plan Application - Attachment**

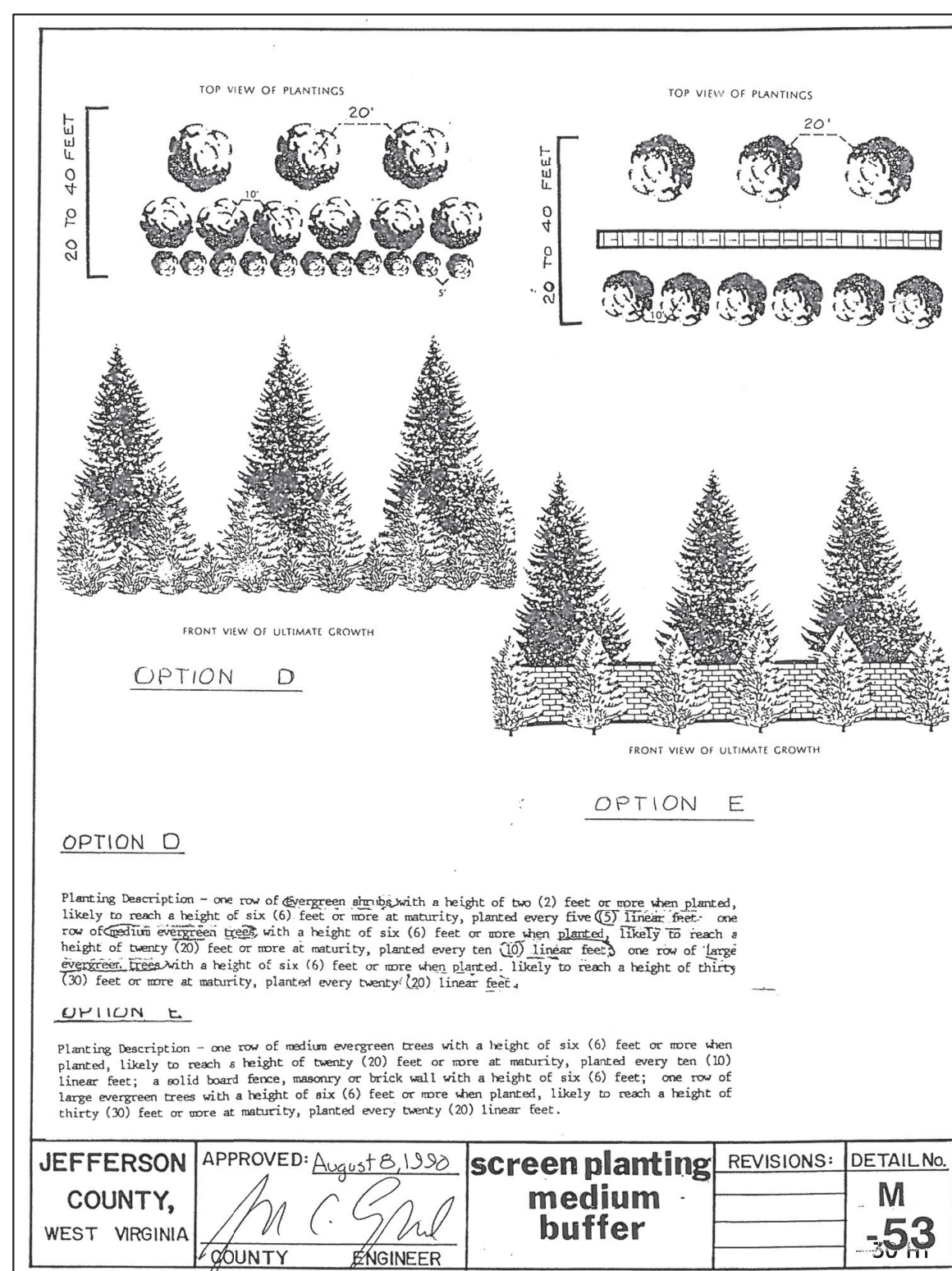
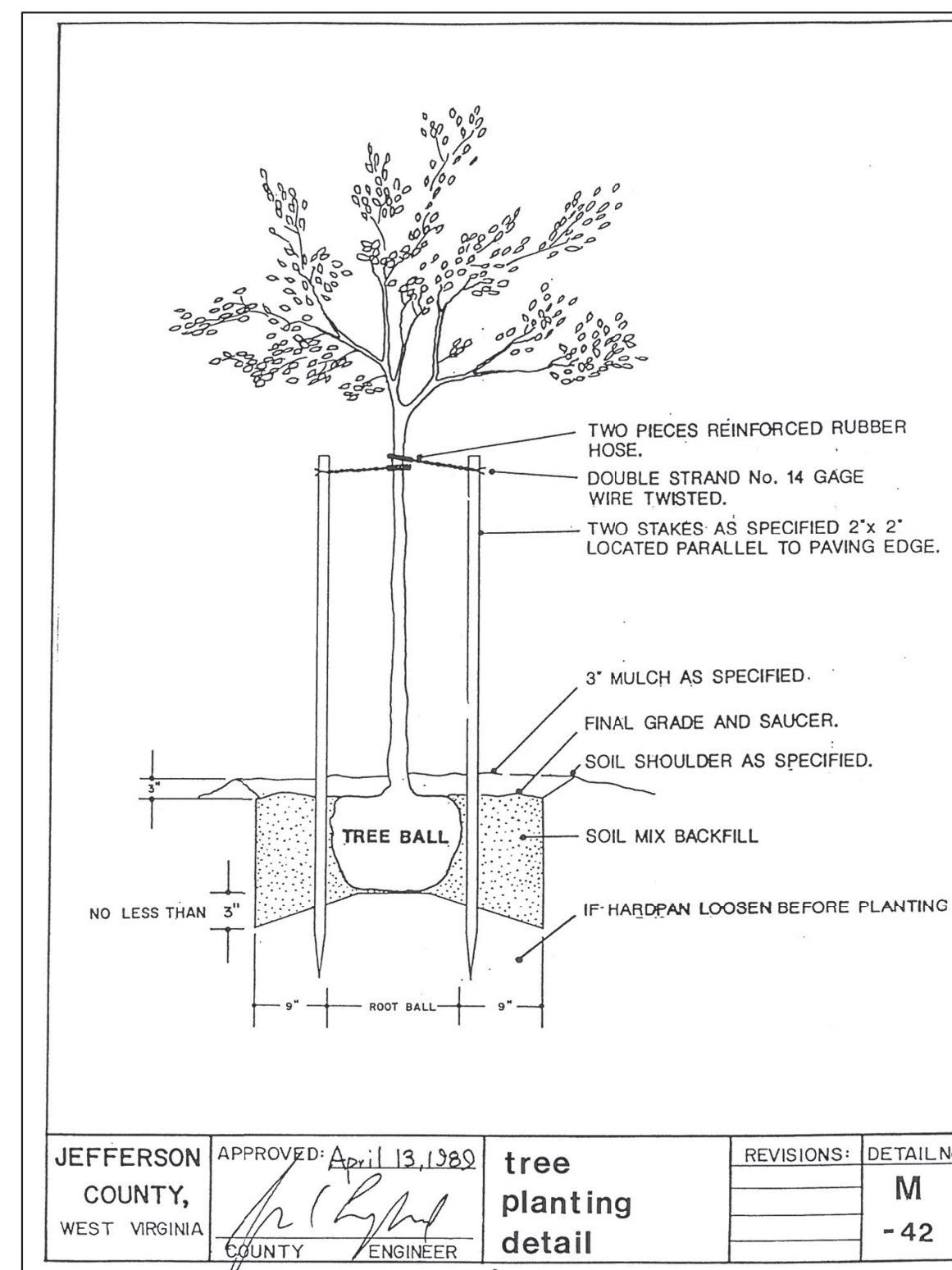
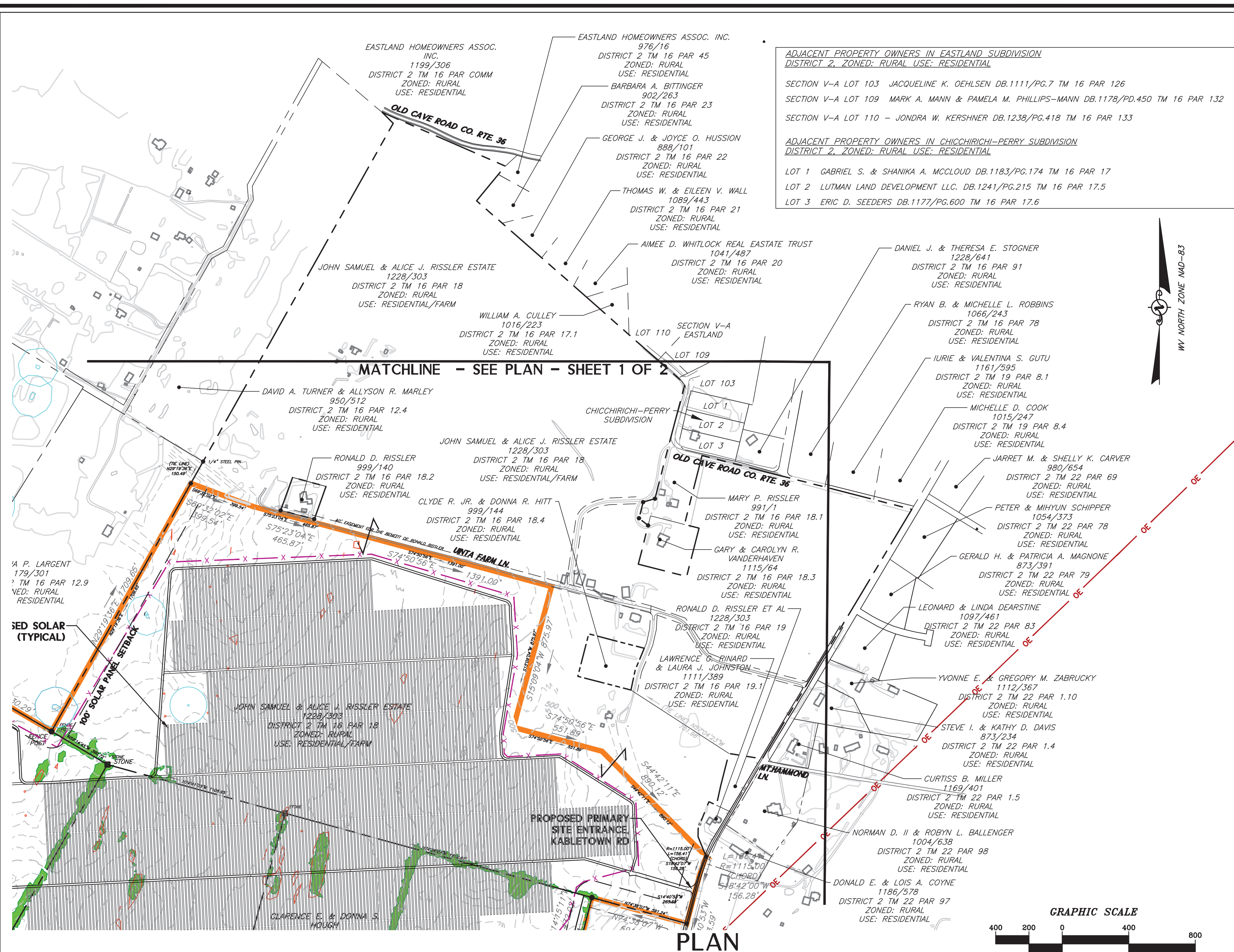
**Physical Property Details:**




<b>Property Owner:</b>	Zigler, Inc.	Clarence & Donna S. Hough	Charles E. & Marie S. Hough - LIFE	T. Todd & Susan B. Hough, Trustees	John Samuel & Alice J. Rissler Estate	Clarence & Donna S. Hough
<b>Physical Address:</b>	1343 Roper North Fork Rd., Charles Town, WV 25414	620 Old Shennandale Rd., Charles Town, WV 25414	620 Old Shennandale Rd., Charles Town, WV 25414	219 Ann Lewis Rd., Charles Town, WV 25414	616 Uinta Farm Ln., Charles Town, WV 25414	620 Old Shennandale Rd. Charles Town, WV 25414
<b>Deed Book:</b>	307	1209	1209	1125	617	1212
<b>Page:</b>	345	172	172	476	540	57
<b>Parcel ID:</b>	District 6, TM#4, parcel 9	District 6, TM#11, Parcel 7.1	District 6, TM#11, Parcel 8	District 6, TM#5, Parcel 1	District 2, TM#16, Parcel 18	District 6, TM#5 Parcel 6
<b>Zoning District:</b>	Rural	Rural	Rural	Rural	Rural	Rural
<b>Total Parcel Size:</b>	350.95 acres	107.38 acres	118.05 acres	206.84 acres	293.33 acres	49.04 acres
<b>Project Area</b>	350.95 acres	107.38 acres	32.11 acres	181.70 acres	120.56 acres	49.04 acres

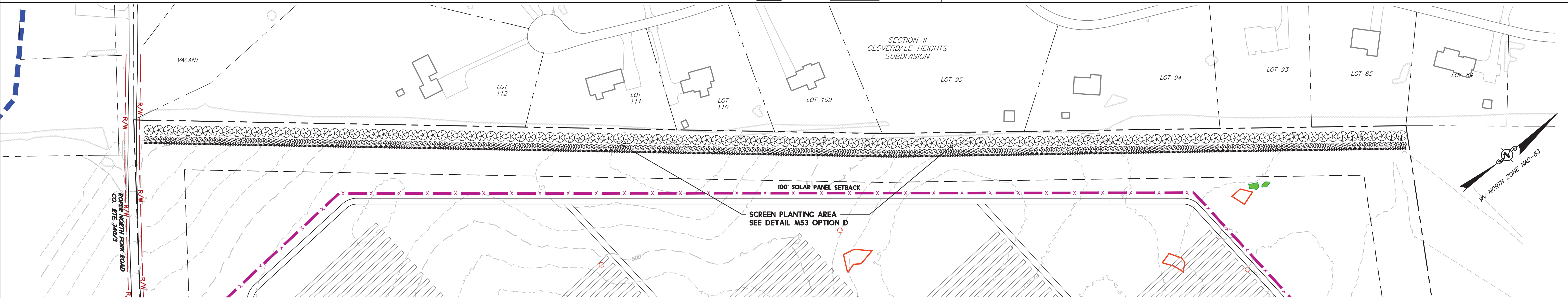








LANDSCAPING LEGEND			2" HT
SYM	TYPE	PLANTING SEPARATION	MATURE HEIGHT
	LARGE EVERGREEN TREE	20 FEET	
	MEDIUM EVERGREEN TREE	10 FEET	
	EVERGREEN SHRUB	5 FEET	



- NOTES:**
1. IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES, SHRUBS, OR VEGETATION THAT DIE.
  2. ALL DISTURBED AREAS WILL BE SEEDED WITH EITHER WHITE CLOVER (TRIFOLIUM REPENS) OR BIRDSFOOT TREFOIL (LOTUS CORNICULATUS) FOR POLLINATOR FRIENDLY AND RESISTANT GROUND COVER. THE PERMANENT SOLAR FACILITY'S ENTIRE PROPOSED BOUNDARY AREA WILL BE SEEDED WITH THESE POLLINATOR FRIENDLY AND RESISTANT GROUND COVER ALSO EXTEND UNDER EACH PHOTO VOLTAIC (PV) MODULE. THE PV MODULES WILL BE MANAGED TO ALLOW THIS GROWTH OF VEGETATION BENEATH AND BETWEEN THE ROWS OF PV MODULES. VEGETAL COVER SHALL HAVE A MINIMUM OF 90% OR BETTER UNIFORM COVERAGE AND SHALL NOT BE SUBJECT TO CHEMICAL FERTILIZATION AND HERBICIDES/PESTICIDES. EXISTING VEGETATION AND TREES WILL BE RETAINED TO THE EXTENT POSSIBLE AT ALL OUTSIDE PROPERTY BOUNDARIES AND BUFFER AREAS TO ASSIST IN NATURAL SCREENING.
  3. ALL PROPOSED ROADS SHOWN SHALL BE SURFACED WITH GRAVEL.
  4. ANY EXISTING OR PROPOSED PLANTINGS OR FENCING USED FOR BUFFERING SHALL BE MAINTAINED OR REPLACED BY THE APPLICANT, AS NEEDED.

## LANDSCAPING BUFFER SCREENING



MAPPING REFERENCE:  
INFORMATION SHOWN HEREON WAS PRODUCED FROM AERIAL PHOTOGRAPHY DATED 2020,  
BY KUCERA INTERNATIONAL, INC., AND INFORMATION COLLECTED BY POTESTA FIELD  
CREWS DURING THE MONTHS OF APRIL 2020 - SEPTEMBER 2020.

HORIZONTAL DATUM IS WV NORTH ZONE NAD-83  
VERTICAL DATUM IS NAVD-88

**PRELIMINARY NOT FOR CONSTRUCTION**



# **REVISED CONCEPT PLAN SUBMITTAL MATERIALS**

## ***Wild Hill Solar Project (File 21-3-SP) Kabletown, West Virginia***

*Prepared for:*

**Wild Hill Solar, LLC an Indirect Subsidiary of  
EDF Renewables, Inc.**

10 Second Street, NE, Suite 400  
Minneapolis, Minnesota 55413

*Prepared by:*

**Potesta & Associates, Inc.**

7012 MacCorkle Avenue, SE  
Charleston, West Virginia 25304  
Phone: (304) 342-1400 Fax: (304) 343-9031  
Email: [potesta@potesta.com](mailto:potesta@potesta.com)

Project No. 0101-19-0344-001

Revised June 1, 2021



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## REVISED CONCEPT PLAN SUBMITTAL MATERIALS

### *Wild Hill Solar Project Kabletown, West Virginia*

#### 1.0 PROJECT DESCRIPTION

Wild Hill Solar, LLC (Wild Hill) an indirect subsidiary of EDF Renewables, Inc (EDF), is proposing to construct a 92.5-megawatt alternating current solar energy generating facility, known as Wild Hill Solar (the Project), on approximately 841 acres on six contiguous parcels owned by five separate property owners. The project is located approximately 2.5 miles south of the city of Charles Town situated between U.S. Highway 340 (to the west) and Route 25, Kabletown Road, (to the east) and is surrounded by agricultural and residential land uses. Wild Hill proposes to lease these parcels for a period of 30 or more years. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. The project will have a substation connected to the existing 138-kilovolt overhead electrical transmission line passing through the southeast corner of the project area. This substation will be situated on a proposed 4.61-acre subdivided parcel which will have a 50-foot access easement through Mr. Todd Hough's property off of Shennandale Road. The project will include internal access roads, commercial entrance(s), will be surrounded by security fencing and required zoning buffer, and stormwater management.

#### 2.0 PROJECT AND ADJOINING PROPERTIES

##### Parcels to be Leased (within Solar Project)

Property Owner	Zigler, Inc.	Clarence & Donna S. Hough	Charles E. & Marie S. Hough – LIFE	T. Todd & Susan H. Hough, Trustees	John Samuel & Alice J. Rissler Estate	Clarence & Donna S. Hough
Physical Address	1079 Roper North Fork Rd., Charles Town, WV 25414	Vacant Parcel east of the property located at 1343 Roper North Fork Rd. Charles Town	620 Old Shennandale Rd., Charles Town, WV 25414	340 Old Shennandale Rd., Charles Town, WV 25414	616 Uinta Farm Ln., Charles Town, WV 25414	Vacant Parcel – north of the property located at 340 Old Shennandale Rd. Charles Town
Deed Book	307	1209	1209	1125	1228	1212
Page	345	172	172	476	303	57
Parcel ID	District 6, TM#4, Parcel 9	District 6, TM#11, Parcel 7.1	District 6, TM#11, Parcel 8	District 6, TM#5, Parcel 1	District 2, TM#16, Parcel 18	District 6, TM#5, Parcel 6
Zoning District	Rural	Rural	Rural	Rural	Rural	Rural
Total Parcel Size	350.95 Acres	107.38 Acres	118.05 Acres	206.84 Acres	293.33 Acres	49.04 Acres
Project Area	350.95 Acres	107.38 Acres	32.11 Acres	181.70 Acres	120.56 Acres	49.04 Acres

### Adjoining Property Information

1. Vacant TM 4 PAR 4  
Owner: Cloverdale Heights  
Homeowners Association Inc.  
Address: 209 Cloverdale Rd.  
Charles Town, WV 25414  
Zoned: Rural
2. Lot 112 TM 4 PAR 121  
Owner: Amanda L. Thomas  
Address: 153 Heath Ct.  
Charles Town, WV 25414  
Zoned: Rural
3. Lot 111 TM 4 PAR 120  
Owner: Glendwell J. & Joann L. Lloyd  
Address: 133 Heath Ct.  
Charles Town, WV 25414  
Zoned: Rural
4. Lot 110 TM 4 PAR 119  
Owner: William P. & Jamie L. Loewendick  
Address: 111 Heath Ct.  
Charles Town, WV 25414  
Zoned: Rural
5. Lot 109 TM 4 PAR 118  
Owner: Timothy B. & Marta C. Sheehy  
Address: 71 Heath Ct.  
Charles Town, WV 25414  
Zoned: Rural
6. Lot 95 TM 4 PAR 104  
Owner: Lowell V. & Teresa L. Barnard  
Address: 362 Cloverdale Rd.  
Charles Town, WV 25414  
Zoned: Rural
7. Lot 94 TM 4 PAR 103  
Owner: Nathan A. & Katie S. Madrid  
Address: 434 Cloverdale Rd.  
Charles Town, WV 25414  
Zoned: Rural
8. Lot 93 TM 4 PAR 102  
Owner: Jamie H. & Gary D. Sharp  
Address: 46 Brighton Pl.  
Charles Town, WV 25414  
Zoned: Rural
9. Lot 85 TM 4 PAR 94  
Owner: Steven Krop  
Address: 544 Cloverdale Rd.  
Charles Town, WV 25414  
Zoned: Rural
10. Lot 84 TM 4 PAR 93  
Owner: Randy T. & Teresa R. Kelley  
Address: 582 Cloverdale Rd.  
Charles Town, WV 25414  
Zoned: Rural
11. TM 16 PAR 11  
Owner: Mark E. Roper, et al.  
Address: 418 S. Samuel St.  
Charles Town, WV 25414  
Zoned: Residential/Growth
12. TM 16 PAR 12.8  
Owner: Zigler Inc.  
Address: 1343 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
13. TM 16 PAR 12.9  
Owner: Joshua P. Largent  
Address: 469 Sanctuary Ln.  
Charles Town, WV 25414  
Zoned: Rural
14. TM 16 PAR 18  
Owner: John Samuel & Alice J. Rissler  
Estate  
Address: 616 Uinta Farm Ln.  
Charles Town, WV 25414  
Zoned: Rural

15. TM 16 PAR 18.2  
Owner: Ronald D. & Tracey H. Rissler  
Address: 616 Uinta Farm Ln.  
Charles Town, WV 25414  
Zoned: Rural
16. TM 16 PAR 19.1  
Owner: Lawrence G. Rinard & Laura J. Johnston  
Address: 5731 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
17. TM 5 PAR 5  
Owner: William G. & Barbara W. Rissler  
Address: 3432 Macintyre Dr.  
Murrysville, PA 15668  
Zoned: Rural
18. TM 5 PAR 5.2  
Owner: Michael A. & Wilma J. Nemec  
Address: 5203 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
19. TM 5 PAR 5.1  
Owner: Dorothy D. Rissler  
Address: 4052 Cypress St.  
Zachary, LA 70791  
Zoned: Rural
20. TM 5 PAR 1.2  
Owner: Todd T. & Susan B. Hough,  
Trustees  
Address: 219 Ann Lewis Rd.  
Charles Town, WV 25414  
Zoned: Rural
21. TM 5 PAR 1  
Owner: Todd T. & Susan B. Hough,  
Trustees  
Address: 219 Ann Lewis Rd.  
Charles Town, WV 25414  
Zoned: Rural
23. TM 11 PAR 9  
Owner: Bullskin LLC  
Address: 3250 Highland Pl.  
Washington, DC 20008  
Zoned: Rural
24. TM 10 PAR 5  
Owner: Stanley W. Jr. & Katherine B. Dunn  
Address: 1371 Meyerstown Rd.  
Charles Town, WV 25414  
Zoned: Rural
25. TM 11 PAR 5  
Owner: Nancy C. Stolipher  
Address: 1599 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
26. TM 11 PAR 7  
Owner: Zigler Inc.  
Address: 1083 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
27. TM 11 PAR 6  
Owner: Sarah F. Carl Family  
Partnership  
Address: 14707 Essington Rd.  
Rockville, MD 20853  
Zoned: Rural
28. TM 4 PAR 9.1  
Owner: Richard A. & Susan Zigler  
Address: 1083 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural
29. TM 4 PAR 3.1  
Owner: Reva N. Mickey  
Address: 377 Roper North Fork Rd.  
Charles Town, WV 25414  
Zoned: Rural

30. TM 5 PAR 1.4  
Owner: Douglas A. Knott  
Address: 336 Old Shennandale Rd.  
Charles Town, WV 25414  
Zoned: Rural
31. TM 5 PAR 1.3  
Owner: Kim E. Gutierrez Jr.  
Address: 182 Old Shennandale Rd.  
Charles Town, WV 25414  
Zoned: Rural
32. TM 5 PAR 1.1  
Owner: Robert P. & Patricia A. Funk  
Address: 252 Old Shennandale Rd.  
Charles Town, WV 25414  
Zoned: Rural
33. TM 22 PAR 97  
Owner: Donald E. & Lois A. Coyne.  
Address: 5712 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
34. TM 5 PAR 7.10  
Owner: James A. & Lisa S. Boyer  
Address: 5404 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
35. TM 19 PAR 8.4  
Owner: Michelle D. Cook  
Address: 6171 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
36. TM 19 PAR 8.1  
Owner: Iurie & Valentina S. Gutu  
Address: 80 Old Cave Rd.  
Charles Town, WV 25414  
Zoned: Rural
37. TM 16 PAR 78  
Owner: Ryan B. & Michelle L. Robbins  
Address: 18 Devonshire Dr.  
Charles Town, WV 25414  
Zoned: Rural
38. TM 16 PAR 91  
Owner: Daniel J. & Theresa E. Stogner  
Address: 27 Devonshire Dr.  
Charles Town, WV 25414  
Zoned: Rural
39. TM 16 PAR 17.6  
Owner: Eric D. Seeders  
Address: 300 Old Cave Rd.  
Charles Town, WV 25414  
Zoned: Rural
40. TM 16 PAR 18.1  
Owner: Mary P. Rissler  
Address: 279 Old Cave Rd.  
Charles Town, WV 25414  
Zoned: Rural
41. TM 16 PAR 18.3  
Owner: Gary & Carolyn R. Vanderhaven  
Address: 283 Old Cave Rd.  
Charles Town, WV 25414  
Zoned: Rural
42. TM 16 PAR 18.4  
Owner: Clyde R. Jr. & Donna R. Hitt  
Address: 97 Water Side Street  
Ridgely, WV 26753-7336  
Zoned: Rural
43. TM 16 PAR 17.5  
Owner: Lutman Land Development LLC  
Address: 412 W. Burr Blvd.  
Kearneysville, WV 25430  
Zoned: Rural



44. TM 16 PAR 17  
Owner: Gabriel S. & Shanika A. McCloud  
Address: 53 Monte Carlo Way  
Charles Town, WV 25414  
Zoned: Rural
45. TM 16 PAR 126  
Owner: Jacqueline K. Oehlsen  
Address: 32 Abbington Ct.  
Charles Town, WV 25414  
Zoned: Rural
46. TM 16 PAR 132  
Owner: Mark A. Mann & Pamela M. Phillips-Mann  
Address: 41 Abbington Ct.  
Charles Town, WV 25414  
Zoned: Rural
47. TM 16 PAR 133  
Owner: Jondra W. Kershner  
Address: 26 Sheffield Ct.  
Charles Town, WV 25414  
Zoned: Rural
48. TM 16 PAR 17.1  
Owner: William A. Culley  
Address: PO Box 217  
Summit Point, WV 25446  
Zoned: Rural
49. TM 16 PAR 20  
Owner: Aimee D. Whitlock Real Estate Trust  
Address: 39 Terrace View  
Charles Town, WV 25414  
Zoned: Rural
50. TM 16 PAR 21  
Owner: Thomas W. & Eileen V. Wall  
Address: 75 Terrace View  
Charles Town, WV 25414  
Zoned: Rural
51. TM 16 PAR 22  
Owner: George J. & Joyce O. Hussion  
Address: 95 Terrace View  
Charles Town, WV 25414  
Zoned: Rural
52. TM 16 PAR 23  
Owner: Barbara A. Bittinger  
Address: 123 Terrace View  
Charles Town, WV 25414  
Zoned: Rural
53. TM 16 PAR 45  
Owner: Eastland Homeowners Assoc. Inc.  
Address: PO Box 21  
Rippon, WV 25441  
Zoned: Rural
54. TM 16 PAR 12.4  
Owner: David A. Turner & Allyson R. Marley  
Address: PO Box 1072  
Harpers Ferry, WV 25425  
Zoned: Rural
55. TM 22 PAR 78  
Owner: Peter & Mihyun Schipper  
Address: 30 Green Valley Dr.  
Charles Town, WV 25414  
Zoned: Rural
56. TM 22 PAR 79  
Owner: Gerald H. & Patricia A. Magnone  
Address: PO Box 1311  
Charles Town, WV 25414  
Zoned: Rural
57. TM 22 PAR 83  
Owner: Leonard & Linda Dearstine  
Address: 40 Windsor Dr.  
Charles Town, WV 25414  
Zoned: Rural

58. TM 22 PAR 1.10  
Owner: Yvonne E. & Gregory M. Zabrucky  
Address: 5952 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
59. TM 22 PAR 1.4  
Owner: Steve I. & Kathy D. Davis  
Address: 5908 Kabletown Rd.  
Charles Town, WV 25414  
Zoned: Rural
60. TM 22 PAR 1.5  
Owner: Curtiss B. Miller  
Address: 19 Mt. Hammond Ln.  
Charles Town, WV 25414  
Zoned: Rural
61. TM 22 PAR 98  
Owner: Norman D. II & Robyn L. Ballenger  
Address: 20 Mount Hammond Ln.  
Charles Town, WV 25414  
Zoned: Rural
62. TM 16 PAR 19  
Owner: Ronald D. Rissler Et al.  
Address: 616 Uinta Farm Ln.  
Charles Town, WV 25414  
Zoned: Rural
65. TM 5 PAR 2  
Owner: Casey Family Land Trust  
Address: 118 Country Club Cir  
Winchester, VA 22602  
Zoned: Rural
66. TM 22 PAR 69  
Owner: Jarret M. & Shelly K. Carver  
Address: 20 Green Valley Dr.  
Charles Town, WV 25414
67. TM 16 PAR COMM  
Owner: Owner: Eastland Homeowners Assoc. Inc.  
Address: P.O. Box 21  
Rippon, WV 25441

### 3.0 TRAFFIC IMPACT DATA

**The Average Daily Traffic (ADT) of Adjoining Road (at proposed entrance)** - Berryville Pike (US Route 344) carries approximately 14,003 ADT near Wheatland and Roper North Road Intersection. The roadway transitions from two lanes to four lanes near this intersection and has a posted speed of 55 mph. Kabletown Road (CR 25) carries around 1,630 ADT (West Virginia Division of Transportation Data Viewer). The roadway is one lane in each direction with a posted speed limit of 40 mph. The pavement width is approximately 20 feet with two 10-foot travel lanes, with variable width shoulders from 0 feet to 1.5 feet. The minimum right-of-way width is 30 feet (15 feet from centerline). The road surface appears to be in good condition. Peak period traffic volumes do not exceed 180 vehicles for both directions. Peak traffic periods are 7 to 8 am and 4 to 5 pm.

Potesta & Associates, Inc. (POTESTA) contacted the West Virginia Division of Highways' (WVDOH) District 5 office and requested that they review this location to determine if this would be a viable entrance location. A stake was placed at the proposed entrance and WVDOH verified, by viewing this stake in the field, that this location should be viable and relayed this information

to POTESta on June 3, 2020. POTESta also conducted a sight distance profile and determined that this entrance meets the WVDOT sight distance requirements.

**Trip Generation** – “Solar Facility” is not listed on table 24-119.B.5.b, nor is it included in the International Transportation Manual; therefore, trip generation data developed for a previous EDF Solar facility project will be presented for this project.

Per “EDF Morris Ridge Solar Farm – Effect on Transportation Report, April 2020”

#### Maintenance and Operations Traffic Trip Generation

Due to the limited personnel, the operations and maintenance of the Project will result in minimal vehicular traffic generation. Two to three utility type maintenance vehicles would be anticipated to support the site operations. These vehicles would be anticipated to generate an average of two trips per day with a maximum of four trips per day. The maintenance and operations work efforts would generally require vehicular trips to the site outside of the AM and PM peak traffic periods. Occasional water delivery trucks (one per week) would be anticipated to the Project but the need would be sporadic, and their delivery times would vary during the day and would generally be outside of the AM and PM peak traffic periods. Typical operation and maintenance procedures for the facility would include:

- Inspection of each of the solar panel sites on a frequency of at least once per week.
- Informal site inspections and corrective maintenance for the facility occurring on an as-needed basis.
- Conducting ground maintenance of the facility during growing season months; a couple times per year if mechanically mowing, or multiple times per week if managing alternate strategies such as sheep grazing.

Due to the minimal trips generated by the maintenance and operations of the facility, the existing low volume of traffic along the site access roadways, and the rural nature of the site (not an urbanized congested location), the traffic impacts on the roadway operating level of service will be negligible.

#### **Trip Generation for Wild Hill**

- Vehicles per Day = 2-3 vpd
- Maximum and Average Trips Per Day = Max-4 vpd / Ave-2 vpd

### **Highway Problem Area**

None within a 1-mile radius of the project (Envision Jefferson 2035 Comprehensive Plan, dated 2015)

### **Nearest Key Intersections**

- (1) Route 25/3 Shennandale Road with Route 25 Kabletown Road (secondary) from 0.8 mile from proposed entrance.
- (2) Route 115 Shennandale Road (Primary) with Route 25 Kabletown Road (secondary) from 1.8 miles from proposed entrance. (Envision Jefferson 2035 Comprehensive Plan, dated 2015)

## **4.0 STORMWATER NARRATIVE**

Stormwater Management for this solar project will follow the amended Jefferson County Stormwater Management Ordinance, Article I D.2.h for Solar Energy Facilities. A stormwater Management report with documentations and drawings will be submitted to Jefferson County for review and approval.

The solar project will also develop the required Erosion and Sediment Control Plan Stormwater Pollution Prevention Plan, and Groundwater Protection Plan to make application to register for the West Virginia Department of Environmental Protection National Pollution Discharge Elimination System (NPDES) permit for this construction.

The solar facility will be constructed on agricultural land, normally planted in row crops, hay/straw and used for grazing. The solar facility will be seeded with pollinator friendly and resistant ground cover such white clover or equivalent and will not be used for grazing.

## **5.0 LANDSCAPING AND GROUND COVER PLAN**

Disturbed areas will be seeded with either white clover (*trifolium Repens*) or Birdsfoot Trefoil (*Lotus Corniculatus*) for pollinator friendly and resistant ground cover. The permanent solar facility's entire project boundary area will be seeded with these pollinator friendly and resistant ground cover to also extend under each Photo Voltaic (PV) module. The PV modules will be arranged to allow this growth of vegetation beneath and between the rows of PV modules. Vegetal cover shall have a minimum of 90 percent or better uniform coverage and shall not be subject to chemical fertilization and herbicides/pesticides. Existing vegetations and trees will be retained to the extent possible at outside property boundaries and buffer areas to assist in natural screening.

## 6.0 DECOMMISSIONING PLAN OUTLINE\*

### DECOMMISSIONING

#### DECOMMISSIONING DURING CONSTRUCTION, ABANDONMENT, OR COMPLETION OF PROJECT

- Completed useful life of the project (30 years life expected) or if the project is deenergized for greater than six months, decommissioning plan will go into effect.
- Or unlikely event that construction cannot be completed.

#### DECOMMISSIONING AFTER CEASING OPERATION

- Operational lifespan of 30 or more years. Proper maintenance, component replacement and repowering can extend life.

#### GENERAL ENVIRONMENTAL PROTECTION DURING DECOMMISSIONING

- General environmental protection and mitigation measures would be implemented. (similar to construction phase).

#### PRE-DISMANTLING ACTIVITIES

- De-energized and isolated from all external electrical lines.
- Staging areas would be delineated at appropriate locations.
- Temporary erosion and sedimentation control measures will be implemented.

#### EQUIPMENT DISMANTLING AND REMOVAL

##### Solar Panels

- Each panel will be disconnected and unfastened from the mounting rack and removed.
- Fixed racks be disassembled and removed from the site.
- The pilings will be removed.
- The metal racking components may be reused or recycled for future use.

##### Electrical Equipment and Collector System Inverters

- Will be removed and shipped off-site for eventual reuse or disposal.
- The piles and associated foundations will be removed from the site.
- Decommission up to the point of interconnection.

##### Substation

- All aboveground structure and electrical equipment will be removed.
- Land to be restored to original grade.
- Concrete foundations removed to at least 3 feet below original grade.
- All granular and geotextile materials would be removed.

#### Access Roads

- All access roads will be removed.
- All granular and geotextile materials would be removed from the site by dump truck.

#### Storage Infrastructure and Perimeter Fence

- Storage and operation infrastructure (e.g., temporary construction trailer) will be removed from the site by truck.
- Foundations associated with these facilities would be removed to a depth of at least 3 feet below original grade.
- Perimeter fencing would be removed and recycled or reused unless landowner(s) prefers to retain portions of fence.

SITE REHABILITATION/RESTORATION - Rehabilitation Plan will develop at the time of decommissioning. To include:

- Agricultural areas will be restored to their original condition, as appropriate.
- Access roads and other compacted areas to be de-compacted, and returned to pre-construction condition, or natural grade as appropriate.
- Disturbed areas will be immediately returned to agricultural uses.
- Erosion and sediment control left in place until ground cover is fully established.

#### Water Quality

- Jefferson County to be consulted for any decommissioning work near streams/waterbodies.

#### Agricultural Lands

- Any agricultural lands that have become compacted would be de-compacted and returned to pre-construction condition, or natural grade as appropriate.

#### Spills

- Strict spill prevention and spill response procedures will be in place

### MANAGING EXCESS MATERIALS AND WASTE

#### Typical waste materials and modes of disposal:

- Concrete foundations - Crush and recycle as granular material.
- Solar Panels - Reuse or recycle.
- Steel and aluminum racks and mounts - Salvage for reuse or recycle for scrap.
- Cabling – Recycle.
- Inverter step-up transformers, inverters, and circuit breakers - Salvage for reuse or recycle for scrap.
- Granular material - Reuse or dispose in landfill.
- Oils/lubricants – Recycle.
- Hazardous materials - Dispose through licensed hauler.

- Geotextile material - Dispose in landfill.
- Miscellaneous non-recyclable materials - Dispose in landfill.

#### EMERGENCY RESPONSE AND COMMUNICATIONS PLANS

- Environmental Procedures.
- Occupational Health and Safety Procedures.
- Health and Safety Plan considering both public and occupational health and safety issues.

*\*Decommissioning plan will adhere to any plan approved by the Jefferson County Commission.*



# Public Comments Received

6/1/21

members of Jefferson County  
Planning and Zoning,

We are opposed to the Wild  
Hill Solar Facility project.

We will probably have  
the best view of this  
monstrosity as anyone in  
this county.

It will impact our  
property value, ruin  
the aesthetics dramatically,  
and we won't get cheaper  
electric. This project  
only has value to the  
property owners involved.

We have zoning for a reason  
so protect my property  
rights! Don't make our  
property worthless.

Patricia A. Furb, Robert P. Furb

## Planning Department

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**From:** Michael Nemec <manemec@frontier.com>  
**Sent:** Sunday, May 23, 2021 10:21 PM  
**To:** Planning Department  
**Subject:** Wild Hill Solar Energy Facility

Comments on the proposed Wild Hill Solar Energy Facility:

My wife, Wilma, and I live at 5203 Kabletown Road, Lot B (27 AC) Rissler, that abuts Parcel 4 of the Wild Hill project. Our primary concern has been the proposed access road with an entrance on Kabletown Road that would follow the property line of William Rissler and our property. The proposed access road, with its four turns, not counting the entrance, would be difficult to traverse by a large truck and would be difficult to maintain in the winter. The proposed route would traverse an area that drains the property and is subject to significant erosion. A significant increase in water flow could adversely impact the William Rissler property adjacent to Parcel 6. We have brought our concerns to the attention of project officials and have been told that the access road will not be built. We will be pleased to see that the proposed access road is deleted from the final approved plans and that it is not constructed.

Michael Nemec

May 31, 2021

Jefferson County Office of Planning & Zoning  
Jefferson County Planning Commission

I feel that it is exceedingly important to comment on the proposed Wild Hill Solar Energy Facility. I have followed the public hearing on April 12<sup>th</sup>, the Jefferson County Commissioners Meetings, and the WV Public Service Commission comments in both support and protest against this project, as well as the PSC's final decision.

I have been both annoyed and astonished by all of the fake, mythical, and unreasonable information that has repeatedly been put out to the public by individuals in protest. I have read several letters naming farms that are not even involved in the project. I have heard continuously how solar projects can potentially engulf thousands of acres in Jefferson County, even though the local electric company's representatives stated that it would not be financially feasible to build solar facilities that are not located close to transmission lines. I have continuously seen the previous Jefferson County Commission approve housing developments, one after another, sometimes with no regard to the health of the people who will be purchasing said houses, built on orchards and land with years of pesticide use, not to mention farmland. I do not understand how it could be deemed acceptable to put up one hundred houses on farmland but not allow a solar facility on farmland, when the argument provided is to preserve farmland. I do not understand how someone can make the statement that a solar facility should only be allowed to produce energy for use within Jefferson County. When farmers sell their milk, beef, grain, hay, and straw, while some of it may remain local, most of it is outsourced and sent elsewhere. When industries within Jefferson County produce products, they do not sell them just to Jefferson County residents. I do not understand why some people may think it's acceptable to put up housing developments next to a farm but oppose when a farmer wants to change the use of his/her acreage. I can not think of a single farmer who enjoys looking out and seeing house after house next to them. I know first hand the concerns of housing developments being built adjacent to a farm: the family

members who think it's appropriate to trespass in order to cross the meadow to go see the cows and calves, but are ignorant of the fact that within those cows stands a bull, ready to take on anyone; the homeowner who has decided that he/she has the right to cut down the established buffer so they can set up a tree stand for deer hunting, the deer that graze in the meadows of the neighbor's farm, the same meadows where the cattle also graze; I know first hand of the housing development occupants who complain of the stench when farmers spread manure, ignorant of the fact that the federal government regulates and dictates this process. Housing developments are not farmer friendly, they are a liability.

Based on the US Energy Information Administration, (<https://www.eia.gov/state/analysis.php?sid=WV>) "coal fired power plants account for almost all of West Virginia's electricity generation, ... .8 of the 10 largest power plants in the state by capacity and generation are coal-fired...West Virginia is among the nation's top five states in electricity use per capita." West Virginia overlies one of the largest natural gas-producing areas in the nation. West Virginia supplies millions of gallons of crude oil for energy production. West Virginia is building production in hydropower and wind energy. The state of West Virginia is reaching out for new resources of energy. I see the state of West Virginia as expanding its resources for production of energy as the realization that while nonrenewable and highly pollutant current sources may be the backbone of the state's economics, it is also outsourcing resources that it will never be able to recover.

What I hear coming not from the majority of citizens in Jefferson County but rather the most vocal, and in turn often intimidating, is the attitude, "I support solar, just not in my backyard. I have built my nice house, my little oasis, and own my piece of land but I like yours too and thus I should have the right to control what is done with it."

I would encourage the Jefferson County Office of Planning & Zoning to think ahead to the future of Jefferson County and the positive impact that solar facilities can have in benefitting the county. The project does not tax the infrastructure of the county, it does

not require more schools, road upgrades, use of electricity, water and sewer/septic. It does not bring pollution and crime. I would ask that the Planning & Zoning members consider the size of the proposed Wild Hill Facility and the parcels to be included. Considering these are only pieces of farms, the designated parcels are not large in size, and thus implementing large buffers would tremendously impact individual farmers. I appreciated the recent and past Commissioner Compton when he suggested a fifty foot buffer. That may not sound like much space for a buffer, especially when compared to the two hundred feet recommended by some, but when measured off, fifty feet is a large area. Fifty feet of trees, shrubs, and other vegetation is a large space, especially when you consider that it will engulf the perimeter of the entire project. I also believe that the buffer should be around the entire perimeter, not between individual farms if there are multiple parcels that are all a part of the same project. And finally, I would like to suggest that the Committee take a look at the regulations currently put into effect by the state and use them as guidance, as opposed to trying to attempt to draft rules and regulations, based on what is thought to be a good policy. The state of West Virginia is not loosely putting guidelines, regulations, and laws into practice, it is with research, study, and data that their decisions have been made.

Respectfully,

Patricia Wachter

Property owner for over 50 years in Jefferson County

Supporter of solar energy, a renewable green source of energy

**From:** [Richard Zigler](#)  
**To:** [Planning Department](#)  
**Subject:** Wild Hill Solar  
**Date:** Friday, May 28, 2021 10:59:03 PM  
**Attachments:** [Document 65.docx](#)

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My name is Richard Zigler. I am in favor of Solar Energy facilities being Permitted Use in Rural areas of the county. Besides being passive income for the county, in that it requires no public infrastructure, emergency services, water and sewer issues, or extra stress on our school system, Wild Hill Solar will be an environmental benefit. It will control runoff of stormwater, provide habitat for wildlife, and improve water in the aquifers of the area.

Please see the attachment.



Jefferson County department of Engineering, Planning and Zoning.

As I understand the purpose of this workshop, it is to decide if the proposed Solar Energy Facility, Wild Hill Solar Energy Facility, with substation, can be located in the Rural District in the South end of the county. Also, to determine if it can be a Permitted Use.

The South end of the county has been neglected for any development in the past, except residential housing. The problems that arise are that the housing developments are expensive to the county. They require Emergency Services, infrastructure for water and sewer, add to the congestion on our already crowded Highways, and add students to our overcrowded and financially burdened school system. The proposed Solar Facility will add none of these burdens while adding much needed revenues to the county.

Secondly, the facility has to be put within close proximity to the electrical transmission lines located in the southern end of the county out of practicality and economical feasibility. There are times when the need for more parking for downtown Charles Town, Shepherdstown, or Harpers Ferry would be greatly appreciated. You wouldn't build parking lots for those places in Summit Point or Kabletown. Likewise, you have to put the facility in the logical place. Even though a Solar Facility could be put elsewhere, in 85% of the county, only about 5% makes sense. Part of the facility may lie within the "PROPOSED" Urban Growth Boundary of Charles Town. The key word is "Proposed", and does not exclude anything.

When the WV PSC granted Site Certification, the Commissioners said that no other alternative energy facility, in the state, has had to require special zoning or changes to current zoning regulations, and that they saw no reason that there should be any in this case.

The facility will not encompass the entirety of any of the parcels it will be part of. The remainder of those parcels will still be able to continue, to some degree, with agriculture should the owner(s) wish to operate as a farm entity. The facility will be a Lease of the land, and putting some of the antagonists' requested restrictions would be like letting someone rent a house, but not allowing the occupant use the kitchen or bedrooms by applying undo regulations and requests for setbacks and screening.

The idea of Solar Facilities being an "Essential Utility" can be decided by turning off all your appliances, including stoves and refrigerators for two days. Yes, the need for electricity is essential, and having a source close by will add to The Grid. Now you cannot expect the same electricity generated here to be used here exclusively, just like not expecting the grain grown in the county to be in the cereal boxes exclusively on local store shelves. But generating electricity closer to the end user helps regulate or temper the price in the area served.

Farms that Wild Hill plans to build on currently capture and sell solar energy. Agriculture is the art, and technology, of collecting solar energy through plants, coupling it with other resources such as water and minerals, and producing food and fiber for society. Solar facilities harvest the Sun's energy in another form, electricity.

Therefore, there is no reason to not allow this project to continue as requested.

**From:** [Harsha Hatti](#)  
**To:** [Planning Department](#)  
**Subject:** question on solar farm on Kable town  
**Date:** Tuesday, May 25, 2021 4:04:57 PM

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The new solar array farm will be across the street from our neighborhood in Eastland. We will all attend the meeting but at a high level will the electricity generated by this solar farm be used by WV residents. I have been told that all the power is intended to be used by the data centers in Ashburn and Leesburg.

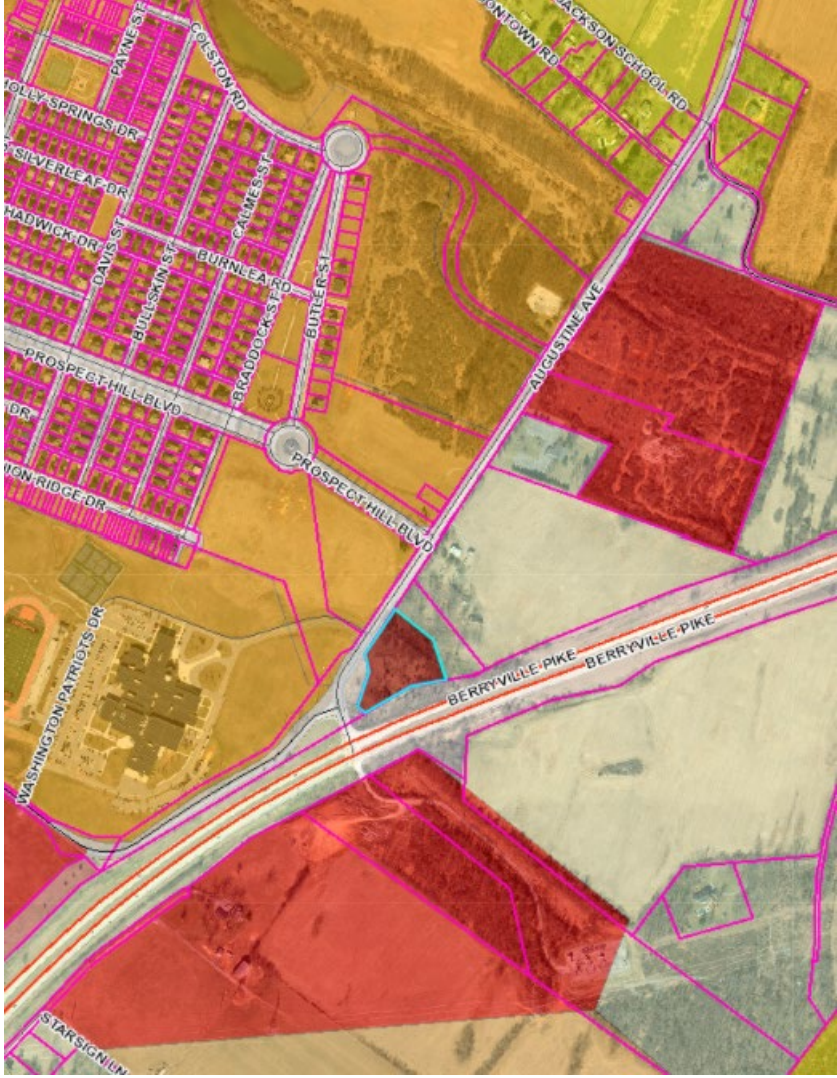
Thank you



**Staff Report**  
Jefferson County Planning Commission  
June 8, 2021

**Charles Town Sheetz Store**

**Item # 4: Public Workshop:** A Concept Plan for a Charles Town Sheetz Store (a Major Nonresidential Site Development). The proposal consists Gas Station, Large, including a 5,437 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities. (File: 21-4-SP).

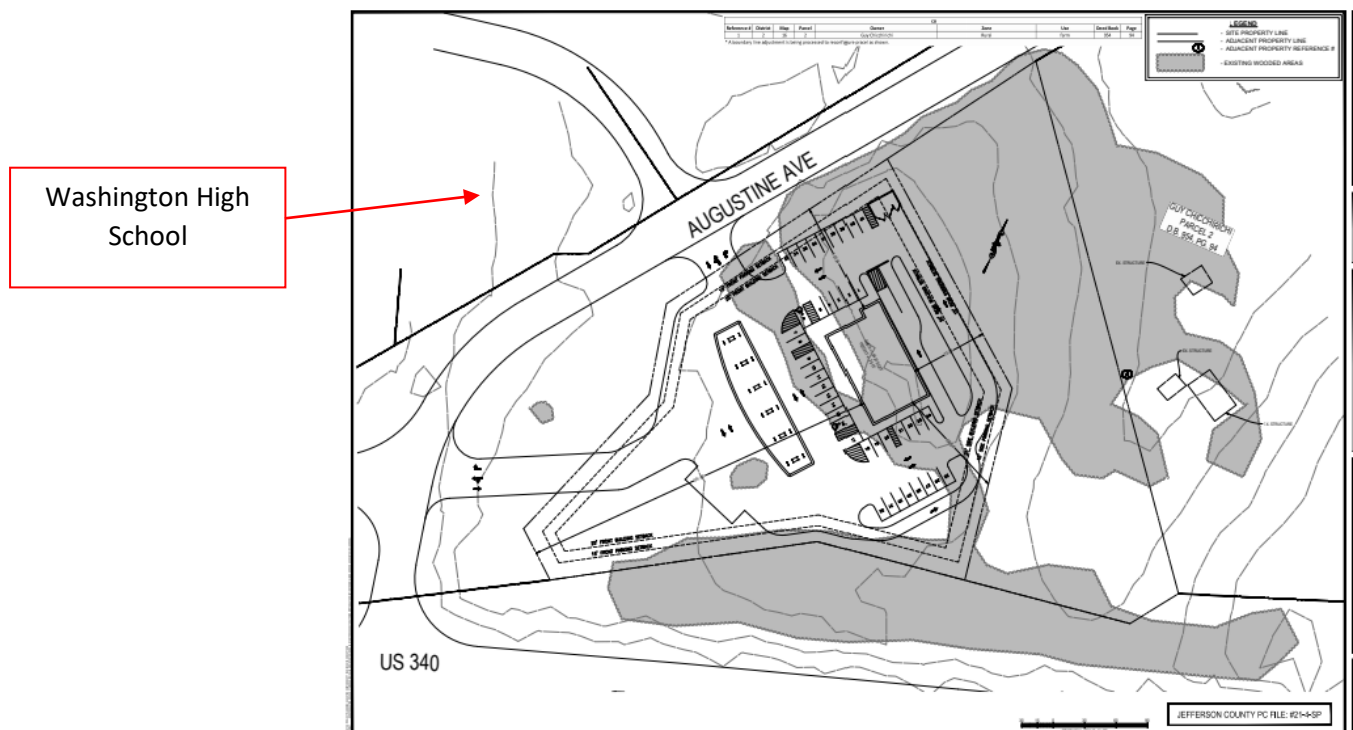
Owner:	Guy Chicchirichi
Applicant:	Bob Franks, Sheetz, Inc.
Surveyor/Engineer:	Gordon
Property Location:	NE corner of Augustine Ave. & US340 intersection south of Charles Town
Legal Description:	<p>Tax District: Charles Town (02); Tax Map: 16; Parcel: 1; DB1227/PG447; Total Project Size: 2.5 acres (of a 4.42 acre site); Zoned: Highway Commercial</p> 
Surrounding Properties:	<p><i>Northeast:</i> Rural      <i>Northwest:</i> Neighborhood Residential (Charles Town)  <i>Southeast:</i> Rural      <i>Southwest:</i> General Commercial (Charles Town)</p>
Proposed Activity:	Gas Station, Large to consist of a 5,437 sq. ft. convenience store with drive-thru, 5 fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities.

Concept Plan Status:	Submitted:	04/23/2021
	Sufficiency Letter, with conditions:	05/03/2021
	Resubmitted for Completeness:	05/11/2021
	Deemed Complete:	05/12/2021
Previous Approvals:	21-22-ZV: Variance to eliminate the required 60' easement and landscape buffer requirement along a limited access highway (BZA approved 5/27/21) 21-1-Z: Zoning Map Amendment (rezoning) from Rural (R) to Highway Commercial (CC approved 3/18/21)	

## Introduction and Summary of Request

The applicant is proposing the construction of the Charles Town/Augustine Avenue Sheetz Store (a Major Non-Residential Site Development). The proposal consists of a 5,437 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, new roadway, open space, stormwater management areas and the construction of associated utilities. The proposed uses fall under “Gas Station, Large” as defined in Article 2 of the Zoning Ordinance. Per Appendix C, a Gas Station, Large is a Principal Permitted Use in the Highway Commercial zoning district.

The property is located across Augustine Avenue from Huyett Road (WV13/3) and the Washington High School entrance (Washington Patriots Drive), immediately north of the intersection with US 340, south of Charles Town. The Sheetz Store is proposed to have a primary access point across from Washington Patriots Drive. The WV DOH required a Traffic Impact Study (TIS) to be completed for the Sheetz in conjunction with the Washington Landing Apartment Complex nearby. The TIS recommends a traffic signal at this location. A final decision regarding this recommendation will be made by the WV DOH. An additional entrance is proposed across from Huyett Road. The TIS recommends that this be a right in only access and also requires WV DOH approval. The Concept Plan does not reflect this recommendation.



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The Charles Town Utility Board has indicated that they have the capacity to serve the property with water and wastewater services. Final engineering will occur with the Full Site Plan.

**Site Plan Category**

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.204 requires developments that “require the development of new infrastructure or the extension of off-tract infrastructure” process as a Major Site Development and further states that all Major Site Development shall adhere to Full Site Plan requirements. It has been determined that this development shall process as a Major Site Development. A Concept Plan is the first step in a Major Site Development.

**Staff Determination of Application Sufficiency and Concept Plan Completeness Review**

In accordance with the current Subdivision Regulations, the Major Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.119 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

	Description	Status
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on Concept Plan cover sheet
<b>5. Traffic Impact Data</b>	a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided on Concept Plan and in TIS: ADT US340: 16,155; Augustine Ave: 2,951; Huyett Rd: 2,703 Trip Generation: AM weekday peak: 570 PM Weekday Peak: 421 Typical weekday: 5,090



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<b>6. Traffic Study</b>	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	A Traffic Impact Study has been completed and submitted to the WV DOH and is in the project file. The TIS is not yet approved.
<b>7. Agency Reviews</b>	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. Responses received are below.
<b>D. Department</b>	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Site Development.
<b>E./F. WVDOH</b>	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	A Traffic Impact Study has been completed and submitted to the WVDOH for their review and approval. The TIS is not yet approved.
<b>G. Public Service</b>	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	This project is proposed to be served by the Charles Town Utility Board. Final design will occur with the Site Plan.
<b>H. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

**Concept Plan Review**

1. External Agency Reviews (attached)

Comments have been received from the following agencies (see attached):

- The Jefferson County Historic Landmarks Commission (JCHLC) sent a letter (5/27/21) stating that it has no objections to the proposed Charles Town Sheetz on Augustine Avenue.
- The Charles Town Utility Board (CTUB) has indicated that they have the capacity to serve the site with both water and sewer services. Final design of the best route for the utilities will be determined with the Site Plan. CTUB will have the final design approval for these services.



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- Jefferson County Schools Director of Transportation submitted a letter indicating their concern about the amount of traffic and congestion that will occur from across from the school during arrival and dismissal times. They recommended continuing to work with the WV DOH to address this issue.
- A Traffic Impact Study (TIS) for the proposed Sheetz and Washington Landing Developments prepared by David E. Wooster and Associates, Inc. has been submitted to the WV DOH and the County for the file. The WV DOH has not yet approved the TIS and will have final approval of any improvements recommended along Augustine Avenue and at key intersections. One key recommendation that may impact the final design relates to the southern entrance which is proposed to be a right-in only on the TIS.

As of this date, no other agency review comments have been received.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Charles Town (Augustine Avenue) Sheetz Store, to be located at the northeast corner of Augustine Ave. & US340, to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. The 2.5 acres of the 4.42 acre Parcel (0200160001) which was rezoned to Highway Commercial needs to be subdivided from the full parcel prior to approval of the Site Plan.
- b. Based on the Subdivision Regulations, as noted above, the site plan will process as a Major Site Development. As a part of a Major Site Plan, the following design requirements shall be addressed on the site plan:
  - i. Sidewalks/Bike paths

Section 22.208 of the Subdivision Regulations requires a sidewalk/bike path along at least one side of the streets in a non-residential site plan.

Sec. 21.204 of the Subdivision Regulations requires all proposed site plans to provide a safe, efficient, and attractive pedestrian environment including access to adjoining properties, providing for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks. This Section further requires crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings with traffic calming measures encouraged in any locations where pedestrian crossings are proposed.

Therefore, in this case, it is recommended that a sidewalk be provided along the full width of the property along Augustine Avenue with clearly delineated pedestrian crossing from the High School at Washington Patriots Drive. It would be advisable to coordinate this sidewalk with the

**Staff Report**  
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City of Charles Town's proposed Augustine – Evitts Run Trail to determine if interconnectivity is possible.

ii. Interconnectivity with adjoining properties

Sec. 21.201 of the Subdivision Regulations states that it is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. It further requires that the Department of Engineering, Planning, & Zoning review site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Sec. 21.102 states that access shall be to properties on all sides, even if vacant. Augustine Avenue is identified as a Minor Arterial in the *Envision Jefferson 2035 Comprehensive Plan*. Because the Board of Zoning appeals approved a waiver of a required frontage road along US340, interconnectivity between adjoining lots along the east side on Augustine Avenue will support this critical requirement of the Subdivision Regulations.

Sec. 21.202 states that all site plans shall be reviewed for efficient internal circulation and safety to ensure that it provides for smooth transit across the site for interconnecting traffic, for both automobiles and pedestrians. It also states that connectivity from non-residential areas to adjoining residential areas shall be provided wherever there are stubs in existing development or where logical pedestrian development could be provided to vacant residential property.

- c. WV DOH approval for both entrances and all TIS recommended improvements will be required in conjunction with the Site Plan.
- d. Water and sanitary sewer utility permits from the Charles Town Utility Board (CTUB) will be required in conjunction with the Site Plan.

3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

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

Following the applicant's presentation, staff's explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

Section 24.121 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Major Site Plan Concept Plan review:

"The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the

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staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

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

**ATTACHMENTS:**

- Jefferson County Historic Landmarks Commission (JCHLC) letter (5-27-21)
- Charles Town Utility Board (CTUB) letter (6-2-21)
- Jefferson County School Director of Transportation e-mail (5-25-21)
- WVDOH e-mail regarding the TIS (6-3-21)



May 27, 2021

Mr. Ben Svedlow  
Gordon  
148 South Queen Street, Suite 201  
Martinsburg, West Virginia 25401

Re: Charles Town Sheetz on Augustine Ave

Dear Mr. Svedlow,

I reviewed the Charles Town Sheetz on Augustine Ave. Concept Plan, dated May 5, 2021, and submitted to the JCHLC May 10, 2021, by Gordon of Martinsburg, West Virginia. The submittal document shows the parcel and the placement of the building, gasoline fueling stations, and parking for approximately 40 cars on the parcel.

There is one inventoried Category III Historic Resource, *Augustine Ave. Resource I*, from the 2007 survey located just Northeast of the development parcel. A Category III structure is of moderate importance, but the farmhouse is within the City of Charles Town boundary but on the Landmarks Commission's inventory. There is a National Register Category I Historic Resource, *Little Elmington and its stone barn*, approximately ½ mile due East of the development parcel at 1865 Old Cave Rd. The vegetation surrounding *Little Elmington* will obscure a view of the proposed Sheetz gas station.

The JCHLC has no objections to the proposed Charles Town Sheetz on Augustine Ave. Concept Plan since there are no JC County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

Martin Burke  
Chair, JCHLC

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)  
Ben Svedlow, Gordon (via email)



# Charles Town Utility Board

PC Agenda Packet  
Page 51 of 87

661 S. George Street, P.O. Box 359, Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-4313 ♦ Web: [www.ctubwv.com](http://www.ctubwv.com)

---

June 2, 2021

Re: Sheetz - Augustine Avenue

**UTILITY  
BOARD**

Jason Gerhart, P.E.  
Gordon

CHAIRMAN  
*Daryl  
Hennesy*

148 S. Queen Street, Suite 201  
Martinsburg, WV 25401

Dear Mr. Gerhart,

VICE  
CHAIRMAN  
*Pete  
Kubic*

We have reviewed the Concept Plan for the above referenced site. The Charles Town Utility Board can provide water and sewer to this location for the intended use. We offer the following comments:

TREASURER  
*Thomas  
Stocks*

- 1) A 12" waterline located at the entrance to the Huntfield subdivision can provide adequate water service for the proposed use.
- 2) Gravity sewer exists approximately 2,150 linear feet to the northeast of this location near the Huntfield Pump Station. This connection can provide adequate service for the proposed use. There are several alternative alignments that can be utilized to serve this location however, CTUB is currently working with an adjacent Developer to facilitate a gravity connection for this proposed use to more efficiently serve this area.

City of Ranson  
Mayor  
*Duke  
Pierson*

If you have any questions, please contact me at (304) 725-2316.

Sincerely,

Kristen Stolipher  
Utility General Manager

UTILITY  
MANAGER  
*Kristen  
Stolipher*

**From:** [JR Hollen](#)  
**To:** [Planning Department](#)  
**Subject:** Sheetz at Augustine  
**Date:** Tuesday, May 25, 2021 5:00:01 PM  
**Attachments:** [Outlook-1fturwhy.png](#)

---

To whom it may concern,

JCS Transportation's concern is the amount of traffic and congestion that will occur across from the school during arrival and dismissal times. This is already a congested area the addition of Sheetz will obviously cause much more traffic in this area. I am aware the Sheetz and the developers have been working with our state department of highways. I would encourage for that relationship to hold through the duration of the project.

Thank you for your time and consideration.

Respectfully,

JR

JR Hollen  
Jefferson County Schools  
Director of Transportation  
635 McGarry Blvd  
Kearneysville, WV 25430  
304-725-7664



#### Statement of Confidentiality

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**From:** [Jennifer Brockman](#)  
**To:** ["Cramer, David E"](#)  
**Cc:** [Willis, Trixie A](#); [Clohan, Kenneth L](#); [Meadows, Donald R](#); [Planning Department](#)  
**Subject:** RE: Charles Town (Augustine Ave) Sheetz  
**Date:** Thursday, June 3, 2021 9:37:22 AM

---

Dave

Thank you for getting this updated information to us.

I will point out the Planning Commission that the southern access (Drive A) may be restricted to right in only once the TIS is approved.

Jennie

Jennifer M. Brockman, AICP  
County Planner  
Jefferson County Office of Planning and Zoning  
116 E. Washington St  
Charles Town, WV 25414  
304-728-3228  
[planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

---

**From:** Cramer, David E <[David.E.Cramer@wv.gov](mailto:David.E.Cramer@wv.gov)>  
**Sent:** Thursday, June 3, 2021 9:17 AM  
**To:** Jennifer Brockman <[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>  
**Cc:** Willis, Trixie A <[Trixie.A.Willis@wv.gov](mailto:Trixie.A.Willis@wv.gov)>; Clohan, Kenneth L <[Kenneth.L.Clohan@wv.gov](mailto:Kenneth.L.Clohan@wv.gov)>; Meadows, Donald R <[Donald.R.Meadows@wv.gov](mailto:Donald.R.Meadows@wv.gov)>  
**Subject:** Charles Town (Augustine Ave) Sheetz

The DOH required the Developer to submit to the County, to the City of Charles Town, and to the HEP MPO copies of any TIS and any Plans submitted to the DOH and to address pertinent comments that might be timely received from any of those entities. The December 2020 TIS submission was reviewed by the DOH and we provided to the consultant in late January 2021 the results of our review. One of our comments concerned the Sheetz Site Drive A being shown in the study as Right-In/Right-Out, which differs from the scoping proposal DOH for the TIS, for which DOH concurred, that identified this access to be Right-In Only. To date, we have not approved a TIS and I don't have a record we've received for review a revised TIS addressing our previous comments. The accesses shown in the study, with exception of the restricted access noted, appear to correspond to the scoping proposal. Once the DOH approves a TIS, those recommendations, which based on the initial TIS would be expected to include signalization at the intersection noted and modifications along Augustine Avenue and possibly other roadways, would be incorporated into the Developer's Plans. However, since a TIS hasn't yet been approved by the DOH, the full scope of modifications along the State Highway System to be recommended isn't available. If additional information is needed, let us know.

David E. Cramer, PE  
West Virginia Department of Transportation  
Commissioner's Office of Economic Development  
1900 Kanawha Blvd., E  
Building 5, Room 148  
Charleston, WV 25305  
304-414-6697  
[David.E.Cramer@wv.gov](mailto:David.E.Cramer@wv.gov)

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**From:** Jennifer Brockman <[jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org)>  
**Sent:** Tuesday, June 1, 2021 5:19 PM  
**To:** Willis, Trixie A <[Trixie.A.Willis@wv.gov](mailto:Trixie.A.Willis@wv.gov)>  
**Cc:** Planning Department <[PlanningDepartment@jeffersoncountywv.org](mailto:PlanningDepartment@jeffersoncountywv.org)>  
**Subject:** [External] Charles Town (Augustine Ave) Sheetz

Trixie

I know you are not the right person to contact, but I'm not sure who is.

In December 2020, we received a copy of a Traffic Impact Study for the Proposed Sheetz and Washington Landing Developments and I am now trying to finalize a staff report that needs to go in the mail on Thursday and am wondering how I determine if this is a final approved TIS or if there is still work being done on it. I have attached the Concept Plan for your information.

It appears that the TIS is recommending a right in only across from Huyett Road, but the Concept Plan is showing a right in/right out and straight/left turn lane.

It also appears that the TIS is recommending a traffic signal at the intersection with Washington Patriots Drive, which will be the main access to the Sheetz, as well as a left turn lane into the Sheetz and modifications to the northbound left turn into the school.

Can someone confirm that the intersections as shown on the Concept Plan are correct or that the southern one will need to be modified to be a right in only?

Who is the best person to contact? I assume there has been on-going communication between the DOH and the applicant that we have not been a party to.

Think!

Jennie

Jennifer M. Brockman, AICP  
County Planner  
Jefferson County Office of Planning and Zoning





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

PC Agenda Packet

Page 55 of 87

File Number: \_\_\_\_\_

Staff Initials: \_\_\_\_\_

Total Fee(s): \_\_\_\_\_

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Fax: (304) 728-8126

### Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules, and regulations.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

#### Property Owner Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Registered Engineer(s), Surveyor(s), or Consultant(s) Information

Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

#### Physical Property Details

Physical Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Tax District: \_\_\_\_\_ Map No: \_\_\_\_\_ Parcel No: \_\_\_\_\_

Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

#### Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input type="checkbox"/>	Residential- Light Industrial- Commercial (RLIC) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
Place Received Date Stamp Here			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/ Commercial Mixed-Use (O/C) <input type="checkbox"/>

Signature of Property Owner

Date

Signature of Property Owner

Date

## Checklist to be Completed by Department Staff

Sub-Section	<i>Regulation Requirements:</i>	Engineer /Surveyor	1st Review	2nd Review	3rd Review	4th Review	Review Key	
							✓	Ok
							O	Incomplete
							N/A	Not Applicable
							X	Unacceptable
Sub-Section	SUBDIVISION REGULATIONS Section 24.119 Major Site Plan Concept Plan							
B.1	General Location Map showing an area of 500' around the property. Zoning boundaries shall be located on this document.	X						
B.2	Concept Plan - Appendix A, Section 1.2. Should be on 24 x 36 sheet, white paper. Show or note if features are addressed.	X						
	Proposed layout, as applicable: Layout of lots, parking areas, recreation areas, roads, building areas, and other features to depict the proposed project in relation to each other and the tract boundary.	X						
B.3	Zoning Information:	X						
	a. Determination of zoning district for proposed project.	X						
	b. Density calculations	N/A						
	c. Site resource map showing or noting: (see definition of site resource map)	X						
	Contours per USGS Topographical Quadrangle	X						
	Detail all natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes, and quarries.	X						
	Slope delineations per Section 22.504, use Table 22.504	X						
	Floodplain delineation per Jefferson Co. Floodplain Ordinance.	X						
	d. Use designations for all adjoining and confronting parcels.	X						
B.4	Proposal Description shall be a written description of the proposal with general identification of the number of dwelling units or floor area (square footage) proposed, commentary, zoning, and development option selected if the development is multifamily residential.	X						
B.5	Traffic Impact Data	X						
	a. ADT figures for the adjoining or accessible State road.	X						
	b. Trip generation based on table found in Section 24.119(B)5.b	X						
	c. Nearest key intersection that will serve the proposed project. A "key intersection" is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.	X						
	d. "Highway Problem Areas" according to current Comprehensive Plan that falls within a one-mile radius of the project.	X						

	<b>Regulation Requirements:</b>	<b>Engineer /Surveyor</b>	<b>1st Review</b>	<b>2nd Review</b>	<b>3rd Review</b>	<b>4th Review</b>	<b>Review Key</b>	
							✓	Ok
							O	Incomplete
							N/A	Not Applicable
							X	Unacceptable
B.7	Agency Reviews: applicant shall provide a copy of the letter sent to outside agencies to Department within seven days of the submission. Agency comments shall be received by the department fourteen days prior to public workshop. If any review agency does not respond, they shall be deemed to have approved the plan.	X						
	<b>Reviewing Agencies (Sec. 23.203 and 23.204):</b>	X						
	Jefferson County Health Department	X						
	West Virginia Department of Health	X						
	Jefferson County Public Service District	X						
	West Virginia Department of Environmental Protection	X						
	Jefferson County Historical Landmarks Commission	X						
	Jefferson County Addressing/GIS Office	X						
	West Virginia Department of Division of Highways	X						
	Jefferson County Schools	X						
	Emergency Services	X						
B.8	Additional data that may assist in describing project(s).	N/A						
B.10	Adjoining Property: applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. Adjoiners and HOAs shall be notified by staff the date of workshop.	X						
E.	WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are none.	N/A						
F.	Traffic Impact review shall indicate whether a traffic impact study will be required based on analysis required in 24.119.B.5.e	X						
G	Public Services: indicate existing water and sewer systems (or other system) in place for development.	X						

	1st Review	2nd Review	3rd Review	4th Review
Submittal Date				
County Engineer				
Zoning Administrator				
County Planner				
Return Date				

**County Engineer Approval Stamp**

*Approved/Denied by a vote of \_\_\_\_\_ for and \_\_\_\_\_ against, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.*

**Approved**

**Denied**

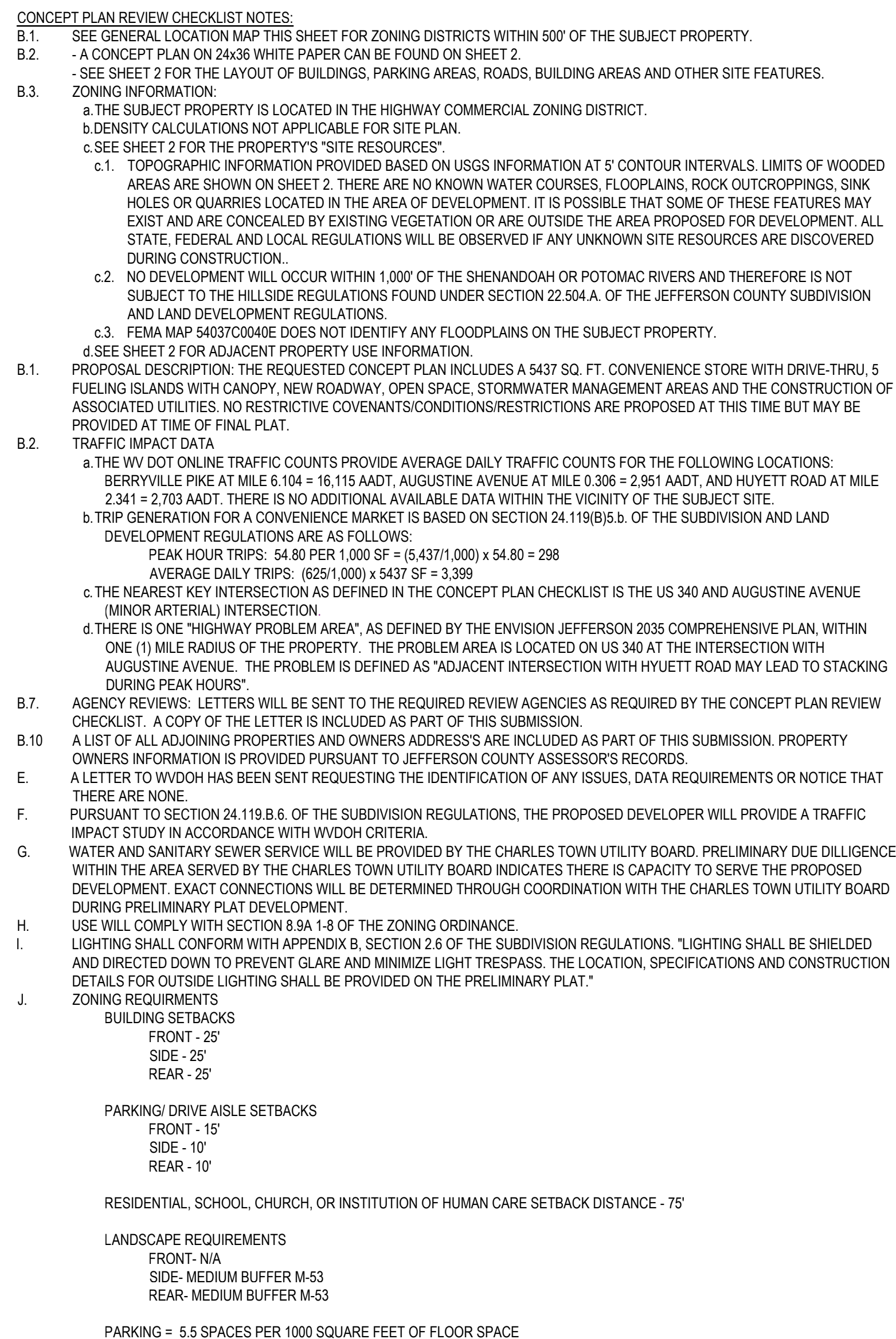
### *Direction Given/Planning Commission Comments*

[illegible]



JEFFERSON COUNTY, WEST VIRGINIA  
CHARLES TOWN (02) TAX DISTRICT  
TAX MAP 16, PARCEL 1, D.B. 1227, PG. 447

**APPLICANT/DEVELOPER**  
**SHEETZ, INC.**  
**c/o BOB FRANKS**  
**5700 SIXTH AVENUE**  
**ALTOONA, PA 16602**



JEFFERSON COUNTY PC FILE: #21-4-SP

[illegible]

COVER SHEET

**SHEETZ STORE**  
TAX MAP 16, PARCEL 1; D.B. 1227, PG. 447  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.: AS NOTED VERT.: N/A
DATE: APRIL 2021	
JOB: 3605-0102	
DRAWN: KC	CHECK: BS
CADD: 3506-0102_CONCEPT.DWG	
NCS: N/A	
SHEET:	



SEAL:

[illegible]

## CONCEPT

**SHEETZ STORE**

TAX MAP 16, PARCEL 1; D.B. 1227, PG. 447  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

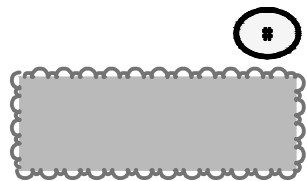
SCALE:	HORIZ.: 1"=30'		
	VERT.: N/A		
DATE: APRIL 2021			
JOB: 3605-0102			
DRAWN: KC		CHECK: BS	
CADD: 3506-0102_CONCEPT.DWG			
NCS: N/A			
SHEET:			

co								
Reference #	District	Map	Parcel	Owner	Zone	Use	Deed Book	Page
1	2	16	2	Guy Chicchirichi	Rural	farm	954	94

\* A boundary line adjustment is being processed to reconfigure parcel as shown

## LEGEND

- SITE PROPERTY LINE
- ADJACENT PROPERTY LINE
- ADJACENT PROPERTY REFERENCE #
- EXISTING WOODED AREAS



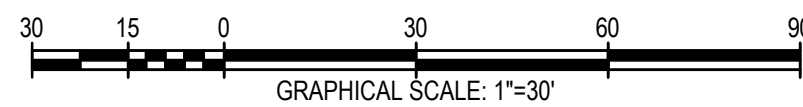
GUY CHICCHIRICHI  
PARCEL 2  
D.B. 954, PG. 94

### EX. STRUCTURE

- EX. STRUCTURE

### EX. STRUCTURE

US 340



JEFFERSON COUNTY PC FILE: #21-4-SP

# Public Comments Received



**From:** [Richard Zigler](#)  
**To:** [Planning Department](#)  
**Subject:** Sheetz store workshop  
**Date:** Friday, May 28, 2021 11:06:54 PM

---

My name is Richard Zigler. I reside at 1083 Roper North Fork Road, Charles Town, WV. It has been far too long since any commercial entity has provided gasoline services to the South end of our county. The last store to provide gas was in Rippon, and closed in the 1970's. We have a couple of small family restaurants, and a part time Post Office, but no other services in our community. I support the introduction of the Sheetz store at Augustine Avenue.

**Agenda Item #5**

Requests for the Planning Commission to consider incorporating within their work plan two possible text amendments to the Zoning and Land Development Ordinance (Discussion / Possible Action):

- A. Consider developing provisions for short term rentals.
  - i. Request from Amy Bowman, landowner
  - ii. Request from Chris Rife, landowner
- B. Consider reducing the setback requirements for lots in the Residential Growth zoning district.
  - i. Request from the Board of Zoning Appeals



## Zoning

---

**From:** Amy Bowman <amywrites@yahoo.com>  
**Sent:** Monday, May 17, 2021 2:59 PM  
**To:** Zoning  
**Subject:** Request for Text Amendment to Zoning and Land Development Ordinances

Alex:

I am writing to request a text amendment of definitions found on pages 23-23 of the Jefferson County Zoning and Land Development Ordinances that would allow more than one guest stay per week in a short-term rental and to increase the occupancy to include more than six unrelated persons..

**Dwelling Unit** One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a **daily**, weekly, monthly, or longer basis, occupied by no more than one family **except in the case of a short-term rental**, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.

To add a **daily** as a rental option and add "**except in the case of a short-term rental**" to accommodate unrelated tourists traveling together.

**Dwelling, Single Family** Detached building containing not more than one dwelling unit and not occupied by more than one family **except in the case of a short-term rental**. A Single Family Dwelling shall include modular, manufactured and mobile homes as defined herein.

Add "**except in the case of a short-term rental**" to accommodate unrelated tourists traveling together.

**Family** Any of the following cases constitutes a family: A. An individual; or B. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or C. A group of not more than six (6) unrelated persons living together and sharing living areas in a dwelling unit **except in the case of a short-term rental**; or D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Add "**except in the case of a short-term rental**" to accommodate more than six (6) unrelated tourists traveling together.

Thank you for your assistance today. I will be in touch tomorrow morning to follow-up.

Amy Bowman  
202-271-1688

### **Short-term Rental Text Amendment Statement of Consistency with Comprehensive Plan**

Historic and heritage tourism is a significant element of Jefferson County's economy. In the county's Envision Jefferson 2035 Comprehensive Plan and in its Vision Statement, tourism is an essential part the area's economic viability. From the Comprehensive Plan: "There is a well-diversified economic base of manufacturing, services, government, tourism, and agriculture that is not reliant on any single business type."

The proposed text amendment will clarify the county's ordinances to take full advantage of the short-term rental (STR) market by defining the ability of hosts to rent to tourists on a daily basis and to increase the number of unrelated guests allowed to vacation together.

**Leveraging rural landscapes to the county's economic advantage:** According to the Comprehensive Plan, "There must be a viable rural economy to maintain the rural landscape." Many of the county's STR's are located in unincorporated areas or areas zoned rural. A diversified rural economy includes more than traditional farming and agriculture. Tourism and short-term rentals play an important role in maintaining the economies of rural communities.

Travelers from around the world recognize Jefferson County as a hidden vacation destination. Accessible, affordable, beautiful, historical—it checks all the right boxes for modern travelers.

**Regional economic stimulus:** Tourists have proved a welcome source of economic stimulus for communities across the state. In 2018 roughly 900 home-sharing hosts in West Virginia brought in a combined \$10 million in supplemental income. Those numbers have increased steadily year-by-year. In 2019, for example, the annual market growth rate for STR's was 6.9 percent. Post-Covid trends see an increased interest in rural tourism--59 percent of families are more likely to drive instead of fly on their next trip, industry specialists project a return to a roughly 7.0 percent annual industry growth rate. Cabins have increased in popularity by 80 percent. By accepting the proposed text amendment, Jefferson County will be positioned to take advantage of these favorable trends.

**A guaranteed source of revenue for local communities:** Homes used as whole-house STR's are not eligible for the Homestead Exemption and are taxed at a higher rate, bringing in additional real estate tax to the county.

Guests who stay in STR's shop and eat in the county generating much needed revenue for small businesses and tax receipts for the county.

All STR's are required to pay Jefferson County's Hotel Occupancy Tax and remit a 6 percent monthly tax on all stays. In the future, tax collection on the local level will be administered by STR platforms, such as AirBnB and VRBO, taking away uncertainty in collections. West Virginia lawmakers have passed Senate Bill 163, aimed at enforcing the collection of lodging tax from

short-term rental units, such as those offered through the Airbnb online platform.

Officials have projected that the proposed law change contained in Bill 163 would generate thousands of dollars in additional lodging-tax revenue for Eastern Panhandle tourism promotion, parks and recreation, and cultural initiatives.

West Virginia is close to final action on S.B. 163 or similar legislation, which would bring rental marketplaces into the states's marketplace facilitator law with respect to local occupancy taxes.

**Keeping good-paying jobs local:** Lodging dedicated to STR employs local repairmen, painters, gardeners, housekeepers, property managers, and other service providers.

**How STR fits with the county's goals and objectives:**

Goal #6: Encourage the Growth of Jefferson County's Economy and Enable the Creation of High Quality Jobs within the County.

Objective #1: In coordination with the Jefferson County Development Authority (JCDA) and other agencies, work to build and expand existing local businesses and to enable the start-up of new businesses within Jefferson County.

*STR's are small businesses. Many Jefferson County residents are full-time hosts, others supplement retirement income, or use funds for property improvements.*

Objective #5: Provide opportunities to engage local employers with the existing local workforce to enable county residents to work locally.

*STR hosts are employers. We hire local handymen, housekeepers, gardeners, and other service providers.*

Goal #9: Preserve, Promote and Enhance Components of Jefferson County's Natural, Cultural, Built, Historic, Recreational, and Rural Environments that Encourage Tourism.

Objective #1: Collaborate with the Jefferson Arts Council (JAC), Historic Landmarks Commission (HLC), Jefferson County Convention and Visitors Bureau (JCCVB), and other organizations in the creation of a long-range cultural tourism and management plan.

*STR's are an important part of any long-term tourism plan because they can uniquely meet the increasing demand for more and larger tourist accommodations.*

Objective #3: Protect and enhance the viability of natural, cultural, and built environments within Jefferson County while allowing recreational and tourism opportunities.

*Many STR hosts have completed renovations, small and large, of existing structures to provide a welcoming visitor experience.*

STR's are the golden goose, especially in these uncertain, upside-down financial times.

Throttling the goose is not only an economic loser. but a shortsighted cause with untold ripple effects.

Submitted by Amy Bowman  
Resident of Shepherdstown, WV  
Phone: 202-271-1688  
Email: amywrites@yahoo.com  
Address: P.O. Box 835, Shepherdstown, WV 25443



## Proposed New Text for Jefferson County Planning and Zoning Ordinances June 1, 2021

### Proposed Additional Ordinance/Definitions:

#### A: Proposed Addition: Short-Term Residential Rental (STR)

- a) A Short-Term Residential Rental (STR) means the commercial use, or the making available for commercial use, of a residential dwelling unit for dwelling, lodging, or sleeping purposes, wherein any individual guest rents or occupies the entire dwelling unit or one or more individual rooms within the unit for a period of less than thirty-one (31) consecutive calendar days.
- b) A separation requirement of one thousand (1,000) feet between an STR and any other STR or bed and breakfast (B&B) in rurally zoned areas
- c) STRs need to comply with the same ADA accommodations that are required for B&Bs.

#### Rationale for Short-Term Residential Rental inclusion and how it is consistent with the 2035

**Comprehensive Plan:** The Envision Jefferson 2035 Comprehensive Plan focuses on the following areas: affordable housing, growth in urban and preferred growth areas, preservation of rural land use.

- 1) Without regulations and clarity on short-term residential rentals (STRs) the rise of STRs could limit available long-term housing with the county like what was seen in Lancaster County Pennsylvania.
  - a) "While the cost of housing in Jefferson County may be lower than much of the Washington, D.C. and Baltimore, MD Metropolitan Areas, other counties in the Eastern Panhandle are more affordable. However, when considering the cost associated with commuting, including lost time and automotive expenses, home buyers relocating to Jefferson County have been willing to pay slightly more to be closer to their place of employment. A factor that can be difficult to quantify is what prospective buyers are willing to pay to have the quality of life that can be found within Jefferson County. While these factors are subjective, those who have decided to buy in Jefferson County rather than other Eastern Panhandle communities have cited the quality of life found in Jefferson County. Reasons cited tend to be a perception that Jefferson County is less congested, has an attractive rural and historical character and that local land use regulations assure homeowners that one of their greatest financial investments, their home, is protected." Page 54 of Envision Jefferson 2035 Comprehensive Plan
- 2) The rise of STRs will also further the decline of affording housing within Jefferson County.
  - a) "A review of housing prices in Jefferson County indicates that a variety of owner-occupied housing options are available to families making between 80% to 120% of the median household income for the County (\$62,418/year); however, options are greatly reduced when compared to the median wages for individuals employed in Jefferson County (\$35,620/year). Additionally, rental options for those making a 100% or a 120% of the median wages are limited to studio, one bedroom and two-bedroom rental units in the County. The affordability of rental or owner-occupied housing in Jefferson County for three or more-bedroom homes is difficult for someone making as much as 120% of the County's median wages for individuals, based on HUD standards. On the other hand, there are some options for affordable rental housing available to low to moderate income residents if they qualify for subsidized rents." Page 56 of Envision Jefferson 2035 Comprehensive Plan
- 3) By limited the number of STRs within rural areas, it preserves the quality of life and rural lifestyle for current and future property owners.
  - a) "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.” Page 34 of the Envision Jefferson 2035 Comprehensive Plan

- b) “Existing Neighborhoods in the Rural Environment While most of the land outside of the Urban Growth Boundaries and/or Preferred Growth Area is zoned as Rural, several pockets of large lot development and rural 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.” Pages 38-39 Envision Jefferson 2035 Comprehensive Plan
- 4) Too many STRs located in rural and/or residential areas would put undue pressure on local and privately maintained roads discouraging settlement or commerce within those locations. The rural road network was also never designed to handle the additional pressure of non-agricultural or low-density rural area traffic.
  - a) “There is a direct relationship between land use activity and the transportation network. As the level of commercial and/or residential activity that occurs along an existing roadway increases, so does the demand for the roadway to handle an increase in traffic volume. In other cases, roadways are built to meet future anticipated land use activity and related traffic volumes. A corridor that develops too quickly without adequate roadway improvements may be the desired location for the housing and commerce needs of the community, but can frustrate and discourage residents and customers due to traffic congestion.” Page 96 of Envision Jefferson 2035 Comprehensive Plan
  - b) “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.” Page 76 of Envision Jefferson 2035 Comprehensive Plan

- c) "Local Road: Low speed, low volume roadways that provide localized access within a neighborhood or subdivision. While there are some state maintained local roadways, most local roads in Jefferson County are privately maintained by homeowners' associations." Page 245 of Envision Jefferson 2035 Comprehensive Plan
- 5) Other states and countries have updated zoning ordinances to ensure clarity around this emerging trend and how zoning should be handled to minimize adverse events from STRs.
  - a) "The adverse effects of short-term rentals (STRs) are generally directed at four entities: surrounding individuals, STR users, lodging businesses, and municipal governments. First, in regard to the effects on surrounding residents, an influx of transient visitors into otherwise residential neighborhoods is bound to create problems. Common issues arise from noise disturbances, congestion, parking concerns, and trash disposal.<sup>21</sup> Additionally, STRs contribute to the breakdown of once-residential neighborhoods composed of long-term residents.<sup>22</sup> On a larger scale, the cumulative effect of converting long-term residences into short-term housing is the decrease in housing supply, which inevitably increases housing costs and rental prices.<sup>23</sup>" Page 344-345 in *The Short-Term Rental Economy in Rural Maine Communities* (21. See Janine Pineo, *Short-term Rentals Becoming More Common in Vacationland, ME. TOWNSMAN, June 2017, at 11, 14; Peter McGuire, Maine Towns Pressured To Rein in Short-Term Rentals of Homes as Popularity Grows, PORTLAND PRESS HERALD (Aug. 8, 2016), <https://www.pressherald.com/2016/08/08/maine-towns-pressured-to-rein-in-short-term-rentals-of-homes-as-popularity-grows/> [<https://perma.cc/P8DP-BRPP>]. 22. See Zale, *supra* note 1, at 983-85. 23. See Miller, *supra* note 13, at 169."*
- 6) Clarifies the difference between B&Bs and short-term residential rentals.

**B: Proposed Addition: TRANSIENT OCCUPANCY.**

- 1) Use, occupancy, and/or possession of a dwelling unit or portion thereof for a period of thirty (30) consecutive calendar days or less.

**Rationale for Addition of Transient Occupancy:**

- a) Clarifies the occupancy of a dwelling between residential (31 or more consecutive days) or transient (less than 31 consecutive days)
- b) Ensures that the county taxes all types of transient occupancy locations (hotels/motels, B&Bs, short-term residential rentals) appropriately
- c) Lancaster County (PA) Planning Commission enacted this definition in January 2019 for Elizabethtown Borough Zoning to clarify that occupancy of any dwelling under 31 consecutive days constitutes a non-resident status.
  - i) Lancaster County Pennsylvania is a rural, artisan, and historic area similar to Jefferson County

## Proposed Updates to Existing Ordinances/Definitions:

### A: Proposed Dwelling Unit text update

One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a **monthly, or longer basis**, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing. **A dwelling shall not include transient occupancy unless otherwise permitted as a bed and breakfast establishment.**

#### Rationale for Dwelling Unit text update:

- 1) Clarifies the occupancy of a dwelling between residential (31 or more consecutive days) or short-term/transient (less than 31 consecutive days) uses
- 2) Clarifies the difference between a short-term residential rental (STR) and a dwelling rental. Which helps to ensure there is no further decline in affordable housing within the county.
  - a) "A review of housing prices in Jefferson County indicates that a variety of owner-occupied housing options are available to families making between 80% to 120% of the median household income for the County (\$62,418/year); however, options are greatly reduced when compared to the median wages for individuals employed in Jefferson County (\$35,620/year). Additionally, rental options for those making a 100% or a 120% of the median wages are limited to studio, one bedroom and two-bedroom rental units in the County. The affordability of rental or owner-occupied housing in Jefferson County for three or more-bedroom homes is difficult for someone making as much as 120% of the County's median wages for individuals, based on HUD standards. On the other hand, there are some options for affordable rental housing available to low to moderate income residents if they qualify for subsidized rents." Page 56 of Envision Jefferson 2035 Comprehensive Plan
- 3) It will help to ensure new and existing residents have available long-term housing options.
  - a) "The adverse effects of short-term rentals (STRs) are generally directed at four entities: surrounding individuals, STR users, lodging businesses, and municipal governments. First, in regard to the effects on surrounding residents, an influx of transient visitors into otherwise residential neighborhoods is bound to create problems. Common issues arise from noise disturbances, congestion, parking concerns, and trash disposal.<sup>21</sup> Additionally, STRs contribute to the breakdown of once-residential neighborhoods composed of long-term residents.<sup>22</sup> On a larger scale, the cumulative effect of converting long-term residences into short-term housing is the decrease in housing supply, which inevitably increases housing costs and rental prices.<sup>23</sup>" Page 344-345 in *The Short-Term Rental Economy in Rural Maine Communities* (21. See Janine Pineo, *Short-term Rentals Becoming More Common in Vacationland, ME. TOWNSMAN*, June 2017, at 11, 14; Peter McGuire, *Maine Towns Pressured To Rein in Short-Term Rentals of Homes as Popularity Grows*, *PORTLAND PRESS HERALD* (Aug. 8, 2016), <https://www.pressherald.com/2016/08/08/maine-towns-pressured-to-rein-in-short-term-rentals-of-homes-as-popularity-grows/> [https://perma.cc/P8DP-BRPP]. 22. See Zale, *supra* note 1, at 983-85. 23. See Miller, *supra* note 13, at 169.")
  - b) "While the cost of housing in Jefferson County may be lower than much of the Washington, D.C. and Baltimore, MD Metropolitan Areas, other counties in the Eastern Panhandle are more affordable. However, when considering the cost associated with commuting, including lost time and automotive expenses, home buyers relocating to Jefferson County have been willing to pay slightly more to be closer to their place of employment. A factor that can be difficult to quantify

is what prospective buyers are willing to pay to have the quality of life that can be found within Jefferson County. While these factors are subjective, those who have decided to buy in Jefferson County rather than other Eastern Panhandle communities have cited the quality of life found in Jefferson County. Reasons cited tend to be a perception that Jefferson County is less congested, has an attractive rural and historical character and that local land use regulations assure homeowners that one of their greatest financial investments, their home, is protected.” Page 54 of Envision Jefferson 2035 Comprehensive Plan

- c) Lancaster County (PA) Planning Commission enacted this definition in January 2019 for Elizabethtown Borough Zoning to clarify that occupancy of any dwelling under 31 consecutive days constitutes a non-resident status.
  - i) Lancaster County Pennsylvania is a rural, artisan, and historic area like Jefferson County

#### **B: Proposed Residential text update**

Any detached or attached structure that is used for permanent living quarters (31 or more consecutive days) and has kitchen facilities.

##### **Rationale for Residential text update:**

- 1) The updated text provides clarity on what constitutes a permanent residence verses a transient/temporary place to stay. When people stay in a place more than 30 days, they are usually looking for permanency.
  - a) “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.” Page 24 of Envision Jefferson 2035 Comprehensive Plan
- 2) It further clarifies what is classified as residential for the propose of growth and zoning.
  - a) “Residential Preferred Growth Area - Based on comments received during the Envision Jefferson 2035 public input process, it was determined that it is important to denote the areas where a concentration of existing or approved residential development currently exists but may be not be fully developed and is outside of the Urban Growth Boundary (UGB). One such residential area exists that consists of properties currently zoned for Residential Growth (RG) or which have a vested development right to develop at a low density or medium density residential rate. This core residential area, bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, Shepherdstown Pike (WV 230) to the railroad tracks, is depicted by a Preferred Growth Area boundary, but is compromised only of future large lot, low density, and medium density residential uses. It is anticipated that this will be a primarily detached single family suburban housing area.” Page 23 of Envision Jefferson 2035 Comprehensive Plan

#### **C: Proposed Section 4A.1 Home Occupation and Cottage Industry, General Standards Text Updated**

The following land uses cannot be established as a Home Occupation or Cottage Industry: 1. Boarding or rooming homes. 2. Bed and breakfast establishments or short-term residential rentals (STRs).

##### **Rational for Text Update to Section 4A.1**

- 1) A home occupation or cottage industry is meant to be to support the growth of locate artisans and home businesses not short-term residential rentals (STRs)
  - a) “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).” Page 74 of Envision Jefferson 2035 Comprehensive Plan

- b) “Cottage Industry An occupation conducted at a residential premise, as described in Article 4A.5 of the Jefferson County Zoning and Land Development Ordinance. While this designation can encompass a wide range of businesses, it is often used in reference to artisan workshops.” Page 248 of Envision Jefferson 2035 Comprehensive Plan





## JEFFERSON COUNTY, WEST VIRGINIA

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### MEMO

**TO: Planning Commission**

**FROM: Alexandra Beaulieu, Zoning Administrator**

**DATE: 06-02-21 for 06-08-21 Planning Commission Meeting**

**RE: Request from Board of Zoning Appeals to amend the Zoning Ordinance**

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On May 27, 2021, the Board of Zoning Appeals directed Staff to submit a letter to the Planning Commission requesting that they consider accepting into their work plan a text amendment to revise setbacks in the Residential Growth zoning district. The motion passed with a vote of 4-1.

The Board's request was in response to a recent application for a variance to reduce the side setbacks for lots in a proposed subdivision, which have not yet been platted, in the Residential Growth zoning district.

The current setbacks for single family lots in the Residential Growth zoning district are as follows:

- 25' Front
- 12' Side
- 15' Street Side
- 20' Rear

The minimum lot size for lots in the Residential Growth zoning district varies from 6,000 square feet to 40,000 square feet, depending upon whether water and/or sewer is available.

Additionally, in the Residential Growth zoning district, there is a Small Lot Single Family Detached Dwelling provision which may be utilized when water **and** sewer is available. This provision allows for a minimum lot area of 3,200 square feet with reduced setbacks of 20' Front; 5' Side; 10' Street Side; and 20' Rear.

The purpose of side and rear setback requirements is to reduce the impact that a land use might have on an adjacent property; to allow adequate space between a structure and a property line so that maintenance of the structure is feasible; to maintain adequate separation between structures for fire prevention purposes; and to allow room for utility easements.

The Comprehensive Plan does not explicitly address lot size or setbacks; however, there are a number of goals and recommendations which support urban level development within the County's Urban Growth Boundaries and Preferred Growth Areas, and which recognize the need to "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” (page 30, [Page 76 of 87](#) Recommendation 5.e).

Page 149 of the Plan includes discussion on Design Standards and Guidelines, stating “Design guidelines can be a useful tool to achieve a more consistent development by conveying preferences to the applicant for parking, building sites, and design, scale, and massing of structures.... Design standards and guidelines are needed to ensure that there is a degree of continuity and compatibility between and among new and existing uses. The regulations should be structured to allow for design flexibility, yet within acceptable limits to meet the objectives of creating quality developments, protecting existing neighborhoods, natural and historic resources, while promoting the County as an entrance to the Eastern Panhandle and West Virginia.”

As the Commission is aware, an amendment to the Zoning Ordinance would impact all lots located within the Residential Growth zoning district. Options to consider include reducing or revising the required setbacks; creating exceptions for major subdivisions which propose greater community space/amenity options (i.e. playgrounds, trails, etc.) in exchange for reduced setbacks; or other alternative concepts to alleviate future variance requests.

Attached to this memo are excerpts from the Envision Jefferson 2035 Comprehensive Plan for the Planning Commission’s consideration of the Board of Zoning Appeal’s request to consider revising the required setbacks in the Residential Growth zoning district.

<b>Urban Level Development Recommendations (Goal 1)</b>	
<b>1.</b>	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	<b>a.</b> No property's zoning status will be changed as part of this Plan.
<b>2.</b>	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:
	<b>a.</b> Economic Well-Being of the County; or
	<b>b.</b> Error or Under Scrutinized Property on the Future Land Use Guide; or
	<b>c.</b> Change in Neighborhood; or
	<b>d.</b> Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	<b>e.</b> Environmental impacts are considered.
<b>3.</b>	Identify opportunities for small area plans and involve key stakeholders.
<b>4.</b>	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.
<b>5.</b>	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	<b>a.</b> 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>b.</b> Reduce application fees for urban level development located within the areas desired for urban future growth.
	<b>c.</b> 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.
	<b>d.</b> 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.
	<b>e.</b> 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.

	<b>f.</b> 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.
<b>6.</b>	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.
	<b>a.</b> Create and implement the results of small area studies that would address the potential provision of infrastructure, accessibility, place making, and community facilities.
	<b>b.</b> Require viable integration of multi-modal accessibility to facilities as part of new development plans.
	<b>c.</b> 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.
	<b>d.</b> 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.
<b>7.</b>	Encourage the location of new infrastructure (water, sewer, utilities) within municipalities, UGBs, PGAs, or Villages.
	<b>a.</b> 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.
	<b>b.</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.
	<b>c.</b> Encourage that new investment by public entities be focused toward the municipal areas, including the UGBs and the PGAs.
<b>8.</b>	Encourage the location of new community public facilities (such as schools, libraries, parks) within Municipalities, UGBs, PGAs, or Villages.
	<b>a.</b> Encourage the clustering of development so that the developer retains their density while dedicating community facilities.
	<b>b.</b> Locate and integrate new neighborhoods so that existing community centers, schools, parks, or libraries serve the needs of the new development.
	<b>c.</b> Whenever possible, construct community facilities in areas served by public water and/or sewer.

<b>9.</b>	Develop incentives for the protection of historic, cultural and/or natural resources during site development.
	<b>a.</b> 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>b.</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.
<b>10.</b>	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.
	<b>a.</b> 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>b.</b> Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.
	<b>c.</b> 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.
<b>11.</b>	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.
	<b>a.</b> 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>b.</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.
<b>12.</b>	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.
	<b>a.</b> 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>b.</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.
<b>13.</b>	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.
<b>14.</b>	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.
<b>15.</b>	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.
<b>16.</b>	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.

building sites as part of the development process. Developers should be encouraged to provide a product that would meet national sustainable standards, whether through LEED or other organizations.

<b>Community Design Recommendations (Goal 4)</b>	
<b>1.</b>	Implement regulations that require development within approved Urban Growth Boundaries that will visibly and structurally integrate with development in the adjacent municipality and that reflects the historic and rural vernacular architecture in the County.
<b>2.</b>	Encourage developers to build or redevelop structures that meet standards set by regional or national sustainable building organizations using emerging technologies and materials that will lower operating costs.
	<b>a.</b> Establish incentives for the development or redevelopment of “green” buildings within Jefferson County by streamlining the planning, approval, certification or tax incentives and application processes.
<b>3.</b>	Encourage the development of new neighborhoods that include green infrastructure standards and best management design principles.
	<b>a.</b> Incorporate low impact development principles in neighborhood design and site layout in local land use regulations.
	<b>b.</b> Support the use of low impact development principles through the use of density bonuses or by streamlining the planning or approval process.
<b>4.</b>	Create and implement corridor management requirements to enhance accessibility and the appearance of development along designated Arterial and Collector roadways located within Jefferson County.
	<b>a.</b> Collaborate with the WVDOH in the creation of corridor management plans for roadways in Jefferson County as improvements are considered.
	<b>b.</b> Ensure that the design of roadways enhance the gateways and scenic, natural, cultural and historic resources within the corridors.
	<b>c.</b> Encourage the use of nonstandard design materials that have the appearance of natural materials in future roadway designs (stacked stones, brick or other materials). Such design standards are often associated with “parkways.”
	<b>d.</b> Adopt an Access Management Ordinance for arterial roads in Jefferson County.
<b>5.</b>	Create design guidelines for new commercial development and the redevelopment and revitalization of non-residential properties throughout the County.
	<b>a.</b> Create and utilize design guidelines that would be applicable in identified corridors or node areas of Jefferson County which includes site layout, building design, landscaping, lighting, and ways to integrate a single site into an overall community aesthetic. This could be accomplished with a corridor overlay.

	<b>b.</b> Develop design guidelines which address the physical form of development, building size, scale, and shape (massing), how the buildings are located and oriented in relationship to one another, and the context of the setting or neighborhood in which the buildings are located.
	<b>c.</b> Create and encourage the utilization of design guidelines for non-residential development that are reflective of the rural nature and existing historic structures present in Jefferson County.
<b>6.</b>	Create and utilize design guidelines for mixed use development which includes site layout, building design, landscaping, lighting, and ways to integrate a single site into an overall community aesthetic.
	<b>a.</b> Provide incentives for high quality mixed use developments within Jefferson County that utilize concepts included in the approved design guidelines as part of their projects.
<b>7.</b>	Assess the applicability of overlay districts for areas with special land use needs (e.g.: Quarry Redevelopment Areas or Road Corridors).
<b>8.</b>	Amend the existing sign regulations to reflect community character and design concerns.
<b>9.</b>	Encourage the state legislature to include provisions for adaptive reuses of historic structures in the state building code.

## Home Maintenance

Homes that are not regularly maintained or upgraded can lower property values for the neighborhood as a whole. Homeowners need the ability to maintain their homes to ensure the safety of its residents. While some private entities (such as homeowners associations) play a key role in establishing basic maintenance requirements for homeowners, in other areas of the County, this is not the case. This is especially true for areas where households are headed by lower income, disabled, and/or elderly residents who may not have either the financial resources or the physical ability to perform maintenance and upkeep on their homes.

There may be opportunities for shared tool banks or volunteer organizations to assist those in need of routine maintenance or a training program that would provide building maintenance for elderly or disabled residents so that they can continue to live in a safe environment and property values may be preserved.

<b>Housing Recommendations (Goal 5)</b>	
<b>1.</b>	Actively support and enable the development of a wide range of affordable, workforce, senior and disabled housing units.
	<b>a.</b> Consider the creation of a regional community land trust that would act as a steward of newly constructed affordable housing while retaining a partial ownership stake in the underlying lands.
	<b>b.</b> Collaborate with the development community to identify properties where existing services are in place that might be appropriate to development for age-in-place housing.
	<b>c.</b> Require developers to consider the incorporation of universal design features and/or ADA compliance in new single and multifamily home construction.
	<b>d.</b> Encourage the location of such housing within the Urban Growth Boundaries (UGBs), Preferred Growth Areas (PGAs), and Villages
<b>2.</b>	Create incentives (ex: density bonuses) and set a minimum amount of affordable housing requirements for developments to include in their communities.
<b>3.</b>	Create an advisory committee to review national aging-in-place reports and make recommendations for a coordinated Jefferson County aging-in-place initiative.
<b>4.</b>	Consider alternatives to addressing affordable housing needs in Jefferson County.
	<b>a.</b> Evaluate mechanisms to permit an amount of affordable units to be constructed at a reduced impact fee rate, such as scaling residential impact fees on a square footage basis or for apartments and/or manufactured housing.
	<b>b.</b> Develop additional funding sources to mitigate the impact fees, which could serve to encourage affordable housing to be constructed in other areas.
	<b>c.</b> Collaborate with state legislature to provide methods to allow for affordable housing options while not undermining the impact fee system.

<b>5.</b>	Allow for greater flexibility in the creation of accessory dwelling units and Tiny Houses.
	<b>a.</b> Allow detached accessory dwelling units based on lot size or density.
	<b>b.</b> Promote accessory dwellings in the UGB, PGA, or Village.
	<b>c.</b> Research and consider the development of appropriate regulations to encourage the Tiny House concept in Jefferson County.
<b>6.</b>	Coordinate with members of the agricultural community to identify ways to implement recently adopted provisions related to Accessory Agriculture Dwelling Units.
<b>7.</b>	Encourage the local affordable housing agencies and local banks to continue to identify and create programs that match potential homeowners with bank services and loan products that best match their needs and qualifications.
<b>8.</b>	Encourage a periodic 'housing market needs assessment' to identify both the construction/housing market's needs, the range of unmet housing types, and the supportive programs that should be established in Jefferson County and the Eastern Panhandle.
	<b>a.</b> Identify funding sources that would allow for the retrofitting of lower income and public housing facilities to incorporate universal design features.
	<b>b.</b> Identify and utilize funding sources that that would assist in maintaining and providing energy efficient upgrades to homes occupied by elderly or disabled low-income residents.
	<b>c.</b> Identify and encourage the involvement of volunteer initiatives to assist elderly and disabled low income residents with routine maintenance
<b>9.</b>	Encourage local vocational institutions and educational or training entities to continue to train and educate builders, contractors, and construction workers in universal design techniques, energy efficiency, and "green" housing techniques.
<b>10.</b>	Consider the adoption of a Property Maintenance Code in Jefferson County.
<b>11.</b>	Work with state legislators to address housing, building codes, and aging related issues.
	<b>a.</b> Review and amend as necessary the assisted living and nursing homes West Virginia permitting process which may impact the feasibility of age-in-place or transitional housing communities in Jefferson County.
	<b>b.</b> Actively negotiate with the WV State legislature to adopt the full 2012 International Building Code, including regulations related to energy efficiency.



passive open space standards should be reviewed to ensure proper amount of open space is being created. The Subdivision Regulations should encourage development layout patterns that preserve key features, both natural and built, without losing any development rights. Key to the development of the rural economic activity areas, the Rural Site Plan standards should be reviewed and amended as appropriate.

### **Design Standards and Guidelines**

Design guidelines can be a useful tool to achieve a more consistent development by conveying preferences to the applicant for parking, building sites, and design, scale and massing of structures. Design guidelines can help to provide a sense of place. The guidelines would result in development patterns that are appropriate for development within the County.

Design standards and guidelines are needed to ensure that there is a degree of continuity and compatibility between and among new and existing uses. The regulations should be structured to allow for design flexibility, yet within acceptable limits to meet the objectives of creating quality developments, protecting existing neighborhoods, natural and historic resources, while promoting the County as an entrance to the Eastern Panhandle and West Virginia.

### **Transportation**

Coordinating and working with the West Virginia Division of Highways (WVDOH) and Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) will be key to addressing the transportation needs and recommendations noted in this Plan. In order to implement the transportation recommendations, including roadway improvements, public transit, bicycle, and pedestrian connections, it is important to partner with the WVDOH and HEPMPPO to identify funding of projects. If an effort to create a parkway-like setting and associated improvements for a corridor is to be implemented, the WVDOH assistance is needed to permit such activity.

Once an alignment is chosen for a new road, purchasing transportation rights-of-way is the most cost efficient method to protect land for public needs. Maintaining a balance between public and private sector responsibility for transportation improvements will be important. During development review, an applicant may grant an area or build around future transportation improvements, but this is not required. If state law were changed to allow reservations for future improvement areas, such reservations should not result in a loss of development rights to the applicant. Such development rights could be exercised elsewhere on the property. Interconnectivity for roads, sidewalks, and trails to other neighboring developments and property should be required and will reduce the traffic volumes on the primary roads.

### **Jefferson County Development Authority**

The Jefferson County Development Authority is a partner in implementing the *Envision Jefferson 2035 Comprehensive Plan*. If the Plan is a “how to grow” tool, the development community provides the ability to carry out the plan. The Future Land





# Jefferson County, West Virginia

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## Planner's Memorandum Planning Commission Meeting June 8, 2021

### 1) Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic

In accordance with Direction from the Office of the Governor, the Department of Engineering, Planning and Zoning Mason Building is open to the public. Masks must be worn at all times, unless you are fully vaccinated, and social distancing will be observed.

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

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

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

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

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

### 2) New County Commission Member:

Clare Ath was appointed by the County Commission on 05/20/21

### 3) Subdivision Regulation/Zoning Ordinance Amendment Update

a) On hold at this time

### 4) Upcoming PC meetings

a) Next Regular meeting: **July 13, 2021**

- Hunter Hills Concept Plan (21-21-SD) Public Workshop
- Milton's Landing Concept Plan (21-22-SD) Public Workshop