

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

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

2009 Annual Report

TO: Jefferson County Commission
FROM: Jefferson County Planning Commission
DATE: March 9, 2010
RE: Annual Report and Budget Statement

Executive Summary

Chapter 8A of the West Virginia Code, Article 2, Section 11, requires that a locally created and appointed Planning Commission make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction. It also requires that the Planning Commission prepare and submit an annual budget to the County Commission. Pursuant to these requirements, the Planning Commission conferred with the Departments of Planning and Zoning regarding both the 2009 planning efforts, and the planning requirements for calendar year 2010. The following is submitted the County Commission's perusal.

The Jefferson County Planning Commission is pleased to report that, in spite of a declining budget, by early 2010, the Departments of Planning and Zoning will be fully staffed for the first time in eighteen months. Although this staffing will provide the capacity to manage the daily operations which comprises four of the five major categories of the Department's tasks and responsibilities, the Departments do have limited ability to address the comprehensive planning needs of the county. Even during the current economic downturn, the need for a more robust planning function continues to be a matter of great concern to the Planning Commission since there are a number of county-wide planning issues that need to be addressed in the very near future.

A. Year 2009 Performance

On the positive side, the Planning Commission finds that over the course of the 2009 calendar year, the filling of the vacant staff positions has resulted in a competent and friendly staff with a high priority on customer service and a desire to implement the planning and zoning regulations in a fair and equitable manner. The ability to fill all budgeted positions (including the Office Manager in January 2010) has set the stage for an effective and efficient office that will reengineer processes and implement regulations that promote more effective daily customer service and planning functions.

In 2009, the following employees formed the staff of the Departments of Planning and Zoning:

Department Member	Title	Hire Date
Jennifer M. Brockman	Director	May 2009
Jennifer J. Snyder	Zoning Administrator	2007-Promoted September 2009
Seth Rivard	Development Review Planner	September 2009
Jennilee Hartman	Planning Clerk	October 2003
Christine Chalmers	Zoning Clerk	October 2006
Amy Puetz	Receptionist/Office Assistant	September 2009

The Commission would like to commend the staff that “manned the ship” during an exceptionally difficult transition between the previous Planning Director and the current Planning Director. With new regulations in place, and with the Planning Director position vacant, the staff managed to keep the daily operations functioning at a reasonable level. The stay placed upon the recently adopted Zoning Ordinance, and the conflict between the previous ordinance and the newly adopted Subdivision Regulations, not only increased the interpretation and implementation workload but added pressure to ensure compliance with the existing rules and regulations. The staff is commended for both their response to this difficult situation and their ability to accomplish tasks in polite, diligent, and customer oriented manner that are reflective of a county government that is responsive to the demands of its citizens.

Efforts to educate the public on the differences between the existing Zoning Ordinance and the stayed Zoning Ordinance (which was on the referendum ballot), were well received. We believe that the public appreciated the opportunity to become more informed about both versions, even while the failure of the stayed Zoning Ordinance was a disappointment for those who had spent years drafting the regulations. Both the Planning Commission and the public greatly appreciate the efforts to quickly conform these two sets of currently in place regulations.

In analyzing the staff function of the Departments of Planning and Zoning, the staff appears to be five major categories of tasks. The following summarizes the efforts under each of these categories for the calendar year 2009.

1. Customer Service

Walk-In Customers: In 2009, there was no effort to track the number and types of general customers or the variety informational requests. Generally, the walk-in requests required multiple staff members to respond. For 2010, a tracking mechanism has been developed and implemented that will provide data on the magnitude of this daily customer contact and is organized into a small number of categories to allow for future analysis.

Phone calls/Voice mail: In 2009, there was no tracking of the numbers and types of phone calls or messages received by Department staff. Again, in 2010, a tracking mechanism is being developed so that the magnitude and scope of this type of customer contact can be monitored. The Departments already have a standing policy that requires staff to respond to phone messages and voice mail within 72 hours.

email: The Planning and Zoning Department email address is posted on the web-site and on staff business cards. Correspondence received by the general Planning and Zoning Department mailboxes totaled 1,049 emails. Email is monitored by the administrative staff and appropriately forwarded to the relevant staff members. Although individual staff members email correspondence is usually not tracked, if there is a specific request for information then it is recorded on Information Request Forms (IRF). The Department's policy is that email responses must be within 7-10 business days unless the requests complexity requires additional research or analysis in order to formulate an appropriate response.

Responses to Information Request Forms (IRFs): The Departments have an internal policy that if a walk-in or email request will take more than 15 minutes for the professional staff to respond, an Information Request Form is completed and a response is prepared or maintained in writing. Often these requests require some background research and a follow up meeting that is generally scheduled within 72 hours of the request. The number of IRFs in 2009 totaled 122, 87 of which required background research and an email response from the Zoning Administrator.

2. **Planning Commission Support**

The Planning Commission (PC) is a nine member appointed volunteer board created under the provision of the WV Code Chapter 8A with specific duties and responsibilities.

Commission members in 2009 include the following:

Commission Member	Title	Effective Date
Arnie Dailey	President	May 2009
Bob Reynolds	President/Vice President	January-May 2009/May 2009
Lynne Deming	Secretary	
Ellen May		
John Maxey		
Tom Trumble		Appointed July 2009
John Sidor		
Ed Dunleavy		Through November 2009
Jim Surkamp	County Commission Representative	

The Departments of Planning and Zoning support the Planning Commission meetings with professional and administrative support staff. Generally, four Department staff members are present; the Director, the Zoning Administrator, the County Planner and an administrative staff member. Additionally, the Legal and Engineering departments send representatives as necessary. The Planning Commission held 18 regularly scheduled meetings in 2009, plus two special meetings and two workshops (including a joint meeting with the County Commission), for a total of 22 meetings. Planning Commission meetings consist of regular business regarding PC staff interaction with the public, as well as specific development requests. Certain development requests require a formal public hearing, as a part of the Planning Commission meeting. The following types of Public Hearings were held within the 22 times that the PC met.

• Final Plat Public Hearings	12
• CIS Public Hearings	3
• Variance Hearings	19
• Site Plan Hearings	1
• Minor Plat Change Hearing	1
Total # of Public Hearings within the meetings	36

An additional eight (8) meetings were held for the purposes of discussing the Zoning Referendum or Amendments to the Zoning Ordinance or Subdivision Regulations, including public outreach meetings and open houses.

In order for a Planning Commission to be effective, it is important that the members have opportunities for training and orientation. The Planning Commission commends the staff's efforts to make the Commission aware of training opportunities within Jefferson County (webinars hosted by

Ranson) and encourages that additional opportunities be made available for all members, as well as staff.

3. Board of Zoning Appeals support

The Board of Zoning Appeals (BZA) is a five member appointed volunteer board, with one alternate, created under the provision of the WV Code Chapter 8A with specific duties and responsibilities.

The BZA members in 2009 include the following:

BZA Member	Title	Effective Date
Jeff Bresee	Chairman	
Christy Huddle	Vice Chairman	
Tiffany Hine		
Jon Brusco		
Edwin T. Kelly, II		
Tom Trumble		through June 2009
Tyler Quynn		alternate appointed July 2009

The Departments of Planning and Zoning also support the Board of Zoning Appeals (BZA) meetings with professional and administrative support staff. Generally three Department staff members attend these meetings; the Director, the Zoning Administrator and an administrative staff member. Additionally, legal sends a staff representative as necessary. The BZA held 11 regularly scheduled meetings in 2009. BZA meetings consist of regular business primarily focused on conditional use permits and variances as defined in the locally adopted Zoning Ordinance and the state law Chapter 8A, as well as appeals of the Zoning Administrator's decision. Changes in the locally adopted Zoning Ordinance, due to the conclusion of a law suit, have resulted in a changing role of the BZA throughout the year and careful monitoring on the part of staff to ensure the agenda items were being heard by the correct body.

The following types of Public Hearings were held within the 11 meetings of the BZA in 2009:

- Variance Requests 19
- Conditional Use Permit Activity 3
- Seasonal Use Permits 1
- Appeals of Zoning Administrator's decisions 1

Again, in order for the BZA to be effective, it is important that the members have opportunities for training and orientation. The Planning Commission encourages the staff to continue to pursue training opportunities that would benefit both the new Zoning Administrator, the BZA members, and the citizens of Jefferson County.

4. Pre-Proposal Conferences and Development Review

A significant part of the Departments' staff time is spent on development related items. Even during the current economic slowdown, the Departments receive numerous requests for information on processing minor site plans and subdivisions. Inconsistencies between the Subdivision Regulations adopted in October 2008 and the Zoning Ordinance in effect since 1988, has required staff to interact with applicants to resolve complexities between the two regulations and ensure that the correct process and type of application is being utilized. There are generally two types of activities related to development: the first is referred to as a Pre-Proposal Conference (PPC) and is described below, and the second is the actual review of an application, its plans and/or plats.

The staff offers the opportunity for any applicant to meet with the planning, zoning and engineering staff to review their proposed projects prior to any significant investment in engineering services. In part, these meetings help determine what the submittal requirements are, and whether an applicant needs to follow a major or minor process for their proposed site plan or subdivision. These types of meetings also occur when a property is found to have a violation of the Zoning Ordinance and the property owner wants to work with staff to determine the corrective action necessary to resolve the violation. This process is referred to as a Pre-Proposal Conference (PPC). Staff attendance at a PPC varies depending on the type of request and complexity of the request. Generally the Zoning Administrator, County Planner and County Engineer are present.

The following data relates to the PPCs held in 2009:

- Site Plans 21 plus 6 violation follow up meetings
- Subdivision Plats 43 plus 6 parent-to-child discussions

The transition to the Subdivision Regulations adopted in October 2008 has resulted in a change in the review and processing of the various development items. If an item was submitted under the previous Subdivision Regulations, it continues to be processed under those rules (as long as it is an active application). As a result, staff, due to the date of submittal, has reviewed a number of major preliminary and final subdivision plats under the old regulations. Generally, because they have a much shorter review time, all of the 2009 minor plats have been reviewed under the 2008 Subdivision Regulations. The following project reviews occurred in 2009:

- Minor Plats 42
- Merger Deeds 30
- Major Preliminary Plat
- Major Final Plats 8 (require public hearings)
- Minor Site Plans 5
- Major Site Plans 0
- Zoning Certificates 11

5. Comprehensive Planning Function

a. Planning and Analysis Projects

The County is taking advantage of the lull in the economy to concentrate on some limited long range planning efforts. In September 2009, the County was awarded a National Fish and Wildlife Foundation grant in order to draft a Blue Ridge Mountain Communities Area Watershed Plan. The grant request was drafted by a Planning Commission committee and promotes the County's desire to develop a citizen's based issues analysis and vision for the Mountain area. Decisions made in the development of this Communities Area Watershed Plan should also provide recommendations which benefit the Chesapeake Bay watershed concerns. Staffing for this grant falls to the County Development Review Planner and Planning Director. The grant provides for the hiring of a facilitator to assist with outreach efforts intended to develop a stakeholders consensus regarding critical issues impacting the mountain; an analysis of relevant available data; a recommendation regarding best management practices on steep slopes within the Chesapeake Bay watershed and a recommendation regarding the next steps in this planning process. The grant also calls for engineering input and a webmaster, which will enable the public to interact with the planning process utilizing the web. Since this planning effort is a high priority for the Planning Commission (and may lay the groundwork for future grants and planning efforts), it is critical that the project stay on task and meet the required time lines. The Planning Commission strongly supports this type of long term planning that includes citizen input, and would like to see more of these opportunities in the future.

b. Regional and Cross Jurisdictional Outreach Efforts

In an effort to increase awareness, provide feedback, and participate in projects that may impact future long range planning efforts, the Planning staff attends numerous regional meetings.

These meetings include the following:

• Chesapeake Bay Initiative	5
• Joint Utility Working Group	4
• School Board Comprehensive Educational Facilities Plan Working Group	2
• Water Advisory Committee	2
• Economic Development Authority Board Meetings	3
• Blue Ridge Mountain grant/slope related meetings	7
• Miscellaneous	10
• Public Service District Board meetings (attended by PC members)	10

Additionally, the Planning Commission supports the efforts of the new Director of Planning and Zoning to reach out to other Departments, jurisdictions, and regional entities to ensure that there is an open and free flow of communication between these entities and both the Planning and County Commissions. These efforts also ensure that the County is aware of projects that may have overlapping interests. When the Director was hired, one of key tasks identified was to bridge the lines of communication by acting as a liaison between the Planning Commission and County Commission, as well as pursuing opportunities for multi-jurisdictional planning efforts. Toward this end, the Planning Commission appreciates the County Commission's sponsoring of the Director in Leadership Jefferson, which began in Fall 2009. This year's Leadership Jefferson class also includes the planners from the cities of Ranson and Charles Town, as well as the Director of Region 9 and the County's Economic Development Director. This program provides an opportunity to meet key individuals throughout the County and become familiar with issues that might not otherwise come to the forefront. While time consuming, the Planning Commission believes that these outreach efforts and reports on other entities' efforts, are integral for planning and evaluating projects that will be undertaken within Jefferson County in the near future.

B. Planning Commission Concerns

1. *Comprehensive Planning Function*

Although the Planning Commission recognizes that there have been only fledgling comprehensive planning efforts to address localized areas of concern (such as the grant received for the Blue Ridge Mountain Communities Area Plan), there has been no progress on infrastructure issues with an overwhelming impact on the future growth strategies for the County. In particular, the lack of a coordinated county-wide water and sanitary sewer plan, and the lack of a county-wide stormwater plan is both disheartening and frustrating for the Planning Commissioners; without these plans, federal legislation related to the Chesapeake Bay environmental initiatives could potentially result in severe and costly penalties for Jefferson County. The Planning Commission strongly supports staff's role in the relatively new County wide Utility Working Group, and also encourages a cooperative effort to develop a county wide planning document to address these issues. The County needs to work towards creating a common vision for the County, pursuing means for implementing Chesapeake Bay standards and examining new strategies for implementing these programs.

For over seven years, the need for a dedicated Comprehensive Planner has been consistently identified by the Planning Commission. The Commission renews its recommendation that this additional staff position be created to address the Comprehensive Planning needs of the

County. Without a planner dedicated to long range issues and initiatives, the planning function of the Department has to be considered "bare bones". The Planning Commission sees the need for the County to undertake some significant long range planning activities over the next three to four years. The capacity of the staff to manage long range projects while still providing stellar customer service and meeting the demands of on-going development review activities is of great concern.

The Planning Commission also would like to take this opportunity to alert the County Commission as to the significance of the changing rules related to the federal Chesapeake Bay Initiative. Lax watershed and stormwater management that may have been tolerable in the past is not going to be acceptable under new forthcoming federal rules. Significant penalties for noncompliance are expected. For this reason, there is also a need for the County to appoint a lead person on the Chesapeake Bay Initiative, allowing a single point of contact to attend the wide variety of meetings that are occurring and to advise the County Commission on action items that need to be undertaken. The Planning and Engineering Departments are not staffed to undertake this role at this time and the Planning Commission highly recommends that the County Commission consider working with the municipalities to jointly fund such a position to ensure that the County is not exposed to the severe penalties that may be forthcoming related to the Chesapeake Bay standards. The Planning Commission and its staff will continue to pursue funding alternatives for this effort and will keep the County Commission informed.

2. Staff Development

The Departments of Planning and Zoning have a very dedicated staff with a commitment and interest in their departments and professions that need to be "grown" from within. As a single Planner is currently managing both the long range and current planning functions and the Zoning Administrator is managing day to day operations and ordinance rewrites, there is a need to develop internally a Planning Technician that can support these professional staff positions in a way that an administrative staff person cannot. The Commission recommends providing training opportunities for staff within the Departments to develop in a way that would allow the creation of such a position, without adding additional staff. A job description and training requirements should be developed to lay the ground work for the creation of a future Planning Technician position, which could support both the Planning and Zoning Administrators. As noted in previous years, the formation of a Human Resources Department would provide support not only to the Departments of Planning and Zoning, but all county employees and would simplify these types of efforts.

Additionally, the Planning Commission supports the need for on-going staff training for all and encourages the staff to continue to take advantage of planning conferences that occur regionally, such as the recent "Growing Communities on Karst" conference. Opportunities to attend training conferences not only broadens staff's knowledge base and meets on-going training requirements of the planning profession, but also provides opportunities to network with others experiencing the same issues. Training of support staff can also allow for the development of ways to streamline processes and work more effectively and efficiently. Training and development opportunities need to continue to be a part of the Departments' budgets.

3. Administrative Issues

Another on-going area of concern is the lack of adequate legal counsel that can regularly support staff, the Planning Commission, and Board of Zoning Appeals. The Planning Commission believes that the Commission, BZA, and staff all need access to a competent attorney with land use experience and a commitment to the land use process and regulations. The Planning Commission and staff need access to an attorney experienced in local land use law and its changes. The Planning Commission recommends a line item in the budget that would allow for retaining an attorney with land use experience and would be available to staff

and the Planning Commission to address both long range and current planning needs and issues.

4. Technical Support

Technical support is integral to an efficient and effective Planning Department, hence the Planning Commission commends the staff for their efforts to coordinate with the County's Geographic Information Services/Addressing (GIS) and Information Technology (IT) offices. However, the Planning Commission respectfully requests that the County Commission investigate ways to fund and manage these types of activities on a county-wide basis. The County needs an intranet system that will allow efficient communication between county departments. The County Commission should support the creation of web-based GIS technology, so that mapping products that are being created can be utilized in the analysis of various proposals and in developing planning documents. The County Commission needs to expand the capacity of the IT staff to allow for a logical and timely analysis of the capacity, age and life cycle schedule of computers, copiers, and other automation equipment. This would also allow the Departments to have confidence in the ability of their equipment to meet their daily and growing needs. Issues with Planning and Zoning Departments computers and copiers impact the ability of the departments to manage their daily work load.

C. Proposed FY 2011 Work Plan

The annual budget process provides the County Commission with an opportunity to not only review the performance of the Departments, but also to make policy decisions for the forthcoming year, determine priorities, and establish metrics that will gage the Department's performance. It is this policy direction that provides context for subsequent consideration of department staffing and expenditure decisions.

The on-going needs of the four current planning related tasks (Customer Service, PC support, BZA support and PPC and Development Review) will continue to consume a large portion of all of the Planning and Zoning Departments' staff time and efforts. While opportunities for long range planning initiatives are limited by the demand for current planning efforts, there are a number of initiatives listed below that the Planning Commission would like to endorse and support; the Planning Commissioners request that the County Commission enable the staff to complete these in a reasonable time frame.

Upcoming planning initiatives:

- Completion of the Blue Ridge Mountain Communities Area Plan grant study – public outreach effort May 2010 – August 2010; draft recommendations to PC and CC Fall 2010; final report due to grantor March 2011
- Update of Development Review Fees – current fees have been in place for over 10 years and do not account for staff time required to process applications; staff is evaluating the fees to estimate what would be necessary to recover these costs
- Urban Growth boundary – in July 2009 a new state law allowed the adoption of urban growth boundaries (UGB) around municipalities in counties that had adopted county-wide zoning; efforts to have the proposed UGBs endorsed by the municipalities are underway; revisions to the County Zoning Ordinance and Zoning Map will be required to implement this provision of state law
- Zoning Map Update – the current zoning map is inaccurate in a number of places and exists on a very old base map; although an effort is underway to update the base map, correct the errors, and include the UGBs discussed above, a proposed policy on the regular updating of the zoning map should be drafted

- Zoning Ordinance Update/Revisions – once the subdivision regulation amendments are adopted, the existing zoning ordinance needs a thorough review to ensure that inconsistencies and conflicts are corrected, and that County policies are correctly represented in the provisions of the Ordinance
- 340 Gateway/Commercial Corridor Enhancement Study – kick off early 2011; 12-15 month process; needs collaborative process to build consensus on a vision that maximizes economic growth while protecting view sheds and sensitive resources
- 2014 Comprehensive Plan Update (mandated by state law) – kick off late Fall 2011 pending Census release; 24 month process
- County-wide Water and Sewer Study – The PC staff should head a cooperative effort that addresses this critical public health issue and the land use implications; land use planning and zoning needs to guide where development occurs and where services are provided
- Chesapeake Bay compliance requirements – federal requirements and penalties are expected to be released soon; county-wide coordination regarding the variety of compliance techniques being implemented is required; this may include the need for the creation of a county-wide storm water utility and related regulations
- Ongoing Coordination with Other Departments:
 - PSD/Health Dept/Municipal Utilities -- assist in planning efforts and developing a digital database for use in long range planning
 - Economic Development Authority – coordinate the efforts to attract jobs and develop streamlined approval processes that support the County's economic development efforts
 - School Board – coordinate on facilities planning efforts

Conclusion

In conclusion, the Planning Commission is very pleased with the progress made in fully staffing the Departments of Planning and Zoning and the diligent efforts of the staff in maintaining the day to day operations. The Planning Commission encourages the County Commission to continue to support these departments and realize efficiency of incorporating the more fully developed comprehensive planning function. Long range planning designed to achieve a common community vision lays the groundwork for the wise investment of financial resources and the County's future growth.

This Annual Report and Budget Statement was adopted by the Planning Commission during its regular meeting on March 9, 2010, 6 in favor, 0 opposed.

Respectfully submitted,



John Maxey President
Jefferson County Planning Commission