

ANGUS VIEW

(FORMERLY TIMBER RIDGE)

COMMUNITY IMPACT STATEMENT

Developed by
Mark L. & Donna O. Butcher

A RESIDENTIAL SUBDIVISION

Middleway District
Jefferson County WV

Prepared for
The Jefferson County Planning Commission

Submitted to JCDPZ&E Staff
January 18, 2007

Submitted for Planning Commission Review
March 2, 2007

Prepared by
Dewberry
Ranson WV

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SUMMARY

Angus View (Butcher Property)

Angus View is a proposed subdivision that will conserve existing farm land while allowing the creation of a residential subdivision containing six lots and a residue lot. It is located along North Childs Road (WV 1/5), southeast of Leetown in the Middleway District. It is located in the southern portion of the existing parcel. The residue parcel containing existing farm fields is located to the north of the six lot subdivision. Seven lots, including the residue will be created.

The property is located approximately one mile east of the intersection of North Childs Road and the Leetown Road (WV 1). The six subdivision lots will all be three acres or larger in size. The residue parcel contains most of the existing farm fields.

Single-family homes will be the primary use within the six lot subdivision. All of the lots will be served by a road built to County standards. Each lot will have an individual well and sewage disposal system. The residue lot will remain in farming use for the foreseeable future.

The development is located on a parcel that contains 104.02 acres. Approximately forty-two percent of the parcel will be used to create the six lot residential subdivision entered from North Childs Road. The lots will be located in the southern portion of the existing parcel near existing road side scattered development. Fifty-eight percent of the parcel shall remain in its existing use.

Children residing in the development will attend North Jefferson Elementary School, Shepherdstown Middle School and Jefferson High School at Shenandoah Junction. The proposed development will have little impact upon existing roads due to its small size.

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In rear pocket:

Concept Plan for Residential Subdivision

General Description

1. Name, address of Owner/Developer

Owner & Developer:

Mark L. And Donna O. Butcher
9582 Leetown Road
Kearneysville W V 25430
Phone: 304 725 0182

2. Name, Address of Contact Person(s)

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9582 Leetown Road
Kearneysville W V 25430
Telephone: 304 725 0182

Annette G. van Hilst, RA, Senior Land Planner
Dewberry
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Charles Town, West Virginia 25414
Tel: 304 725 4572 FAX: 304 725 6896

3. Tract Size, Shape, Location

The site proposed for the subdivision according to the tax map contains 103.99 acres (104.02 acres by survey) and is Parcel 3.1, Middleway District, Map 17.

The entire parcel is in the shape of a long rectangle. The southern boundary is North Childs Road (WV Route 1/5). The property extends north-northeast approximately 4200 ft. from North Childs Road. The southwest corner of the property is approximately 5000 feet east from the intersection of Leetown Road and North Childs Road.

The property is in the Rural District. It is surrounded principally by farming uses. Residential uses are located to the west and south. These residences are located along North Child Road.

According to the Zoning Ordinance, the property can be developed in several ways as follows:

- Into 3 acre or larger single family residential lots with individual wells and septic tanks. One lot can be developed for every 15 acres of land area.
- Into 40,000 sq. feet to 3 acre single family residential lots with individual wells and septic tanks. One lot can be developed for every 10 acres of land area.
- A lot that was of record as of Oct. 5, 1988 may create 3 lots (including the residue) during any five year period.

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Below is a table explaining the development rights under the residential subdivision requirements of the Zoning Ordinance for the parcel:

Table Indicating Development Rights

Parcel No.	Acreage 1988 per tax map & deeds	Acreage 2006 (by survey)	Dev. Rights 1 lot /15 acres	Dev. Rights Cluster 1 lot/ 10 acres	Lots proposed
Parcel 3.1 Map 17, Kabletown District	103.99 acres	104.028 acres)	6 lots + 1 residue	10 + 1 residue	
Total	103.99 acres	104.028 acres	7	11	7 lots total

In designing the subdivision, the developer took into account the existing terrain and woodlands and determined that it would be best to develop this subdivision as a large lot subdivision that would require less site work than a cluster type subdivision. A large lot subdivision will have a lesser impact upon the existing terrain, as opposed to a cluster subdivision which though smaller in land area might require more land clearance and site work.

The intersection closest to the proposed entrance to Angus View is Leetown Road (WV Route 1) and North Childs Road (WV Route 4/1) located approximately 5000 feet to south-southwest of the proposed entrance.

See Exhibit I for Site Location at page 35

4. Project Design

Angus View consists of six residential lots located in the southern portion of the parcel. The subdivision is to be developed as single family residential lots with individual wells and septic systems. A residue lot containing the existing farm fields is located to the north of the subdivision. Access to the residue will be from the existing farm (owned by the parents of Mr. Butcher and currently being farmed by him) located to the west of the parcel and from the subdivision road (Angus Way). A variance will be sought to allow this existing farm lane entering the west side of the parcel to continue as an access for the residue lot.

A 100 feet wide vegetated buffer is proposed along North Childs Road to maintain the rural character of the road. It will be maintained in existing natural condition and will be in accordance with Section 8.2 a. 23 (b) of the Subdivision Ordinance. The buffer will assist in screening the new residential development from the road. More than half of the property located to the north is to remain in existing farming uses. Storm water management for the residential lots will be handled on a SWM easement located within the residue parcel. Where required, storm drainage easements for drainage and access will be created.

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The lots will range in size from six acres to over nine acres. The subdivision will be accessed off of North Childs Road by Angus Way (a graveled road built to County standards) ending in a cul de sac.

Access to the residue parcel will be from the cul de sac and the existing farm lane.

After creation of the subdivision, a fifty-seven + acre residue lot will be created (the remainder parcel). This lot retains one development right for a dwelling unit and may be used for a combination of farming and/or one single family dwelling.

All the new lots will face a graveled road constructed to County standards and located within a sixty foot wide right of way. Vehicular access to the residential subdivision will be from North Childs Road via the one entrance.

Approximately 1000 linear feet of graveled road (Angus Way) and the cul de sac will serve the residential subdivision. The graveled road is proposed to be in a sixty feet wide right of way. This will allow all road side ditches to be located within the right of way. Storm water management will be provided on site in a storm water management easement to be located on the residue lot with the exact location to be determined at Preliminary Plat stage.

See the Concept Plan located in the rear pocket of the folder

5. Number, Approximate Size, Location of Lots

Six residential lots and one residue lot are created.

Each of the six residential lots in the subdivision will have an area between six acres and nine plus acres. The largest lot will contain 9.7+ acres and the smallest lot will contain just over 6 acres. Average lot size is 7.3 + acres for the residential lots.

The residue lot located north of the subdivision will contain 57.4 acres.

See the Concept Plan located in the rear pocket of the folder and Exhibit 12 at the last page.

6. Topography

Most of the site is open fields with less than one eighth of the site being wooded. Currently, the fields are being used for pasture. The woodland is not being managed.

The overall parcel is divided by a large shallow swale running through it, from the southwest to the northeast. According to the Middleway Quadrangle USGS map, within this swale is an all weather stream, an unnamed stream that flows to the fish ponds at Leetown and discharges into Hopewell Run. However a visit to the site in mid November 2006 indicates no stream bed, no incised channel or change in vegetation. The owner indicates that the swale has running water in it a number of times a year after major storm events and is an intermittent stream. The swale enters the property just above the woods along its western boundary (elevation of 517+/- ft. and

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runs in a shallow valley until it exits the site along the eastern boundary (elevation of 506 +/- ft.) near the northeast corner of the site. Minor drainage ways occur on either side of the swale.

The southern boundary starts at 532 ft. elevation at the southeast corner, climbs to a high point of 538 ft. and is at 526 ft. elevation at the southwest corner. The high point (547 ft. elevation) of the site is along a divide running in a northern direction from the middle of the southern boundary along North Childs Road, approximately 600 ft. northwest of the southeast corner of the property (an existing utility pole is located near it). From the southwest corner generally slopes toward the north with four hillocks (elevations of 536 ft., 528 ft. for two and 522 ft. for the northernmost one with an elevation of 511 ft. at the northwest corner. The northern property line dips into a swale at 506 ft. elevation and the north east corner is at 522 ft. elevation. The topography along the eastern property line slopes generally to the north with a small divide at the northern end of the property.

The low point is located along the eastern property line where the swale exits the property at 506 ft. elevation, approximately 3200 ft. from North Childs Road. The high point along the eastern boundary is at 548 ft. approximately 250 ft. from the southeast corner. The site has several hills or hillocks with elevations ranging from 520+ ft. to 547 ft.

The area to be developed into the subdivision has a low point of 513 ft. located on Lot 3 as the large swale exits the lot to the north and its high point is at 547+ ft. on a hillock located on Lot 6 near North Childs Road.

Major drainage is to the north and east along the bisecting swale (an intermittent stream), heading towards Hopewell Run, approximately 12,000 feet away and then towards Opequon Creek for another approximate 9,000 feet. Minor drainageways flow from both south and north towards the larger swale.

See Exhibit 2 Topography at page 36

7. Soil and Drainage Characteristics

The soils found at the project site consist primarily of Oaklet type soils (previously identified as Chilhowie and Hagerstown type soils). These soils comprise over 83% of the site with the bottom lands being Funkstown Silt Loam (formerly Huntington silt Loam).

The following information is from the National Cooperative Soil Survey U.S.A.:

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“Oaklet Series:

The Oaklet series consists of very deep, well drained, slowly permeable soils. They formed in material weathered from limestone bedrock on gently undulating to steep upland slopes.

Range In Characteristics: Solum thickness is greater than 60 inches. Depth to hard limestone bedrock ranges from 5 to more than 14 feet.

Geographic Setting: Oaklet soils are on gently undulating to steep upland slopes in the Shenandoah Valley. Slopes range from 2 to 15 percent. Rock outcrops occur in some places. These soils formed in material weathered from limestone bedrock of Middle Ordovician Age. The bedrock commonly contains stringers of chert and shale. These limestones contain thin metabentonitic (altered volcanic ash) beds from which the soils inherit montmorillonitic clays. Mean annual temperature is about 53 degrees F and mean annual precipitation is about 35 inches near the type location.

Geographically Associated Soils: These include the competing [Carbo](#), [Endcav](#), [Frederick](#), [Hagerstown](#), [Lodi](#), [Pagebrook](#), [Poplimento](#), and [Swimley](#) series as well as the [Opequon](#) and [Timberville](#) soils. Opequon soils have bedrock at less than 20 inches. Timberville soils occur in depressions and at the heads of drainageways and they have thicker surface layers.

Drainage And Permeability: Well drained; slow to medium runoff; slow permeability.

Use And Vegetation: Most of these soils are used for pasture or cultivated crops with a minor acreage in woodland. Crops include small grain, corn, and hay. Woodland is mostly upland oaks, yellow poplar, hickory, maple, eastern red cedar, and Virginia pine.

Funkstown Series:

The Funkstown series consists of very deep, moderately well drained, moderately permeable soils. They have formed from colluvial and alluvial material washed down from surrounding uplands which covers the underlying limestone residuum. They occur on upland drainageways and head slopes. Slopes range from 0 to 3 percent.

Range In Characteristics: Solum thickness ranges from 40 to 60 inches. The A horizon ranges from 8 to 15 inches thick, but can range up to 22 inches thick in some places. Lithic contact is greater than 72 inches. Depth to underlying residuum ranges from 25 to 60 inches. Depth to the top of the argillic is above 40 inches. Rock fragments composed of chert, quartzitic sandstone, and limestone gravel range from 0 to 25 percent in the Ap horizon, and 10 to 60 percent in individual subhorizons of the Bt and Bw horizon, but averages to be less than 35 percent. The 2Bt and 2C horizon has rock fragments of predominantly limestone which range from 5 to 25 percent. The reaction ranges from moderately acid to slightly alkaline throughout the profile.

Geographic Setting: Funkstown soils occupy upland draws and head slope positions. Slopes range from 0 to 3 percent. Funkstown soils formed in colluvial and alluvial material washed from surrounding upland soils, over limestone residuum. Mean annual precipitation ranges from 38 to 50 inches, and mean annual air temperature ranges from 51 to 53 degrees F.

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Geographically Associated Soils: These are the [Dunning](#), [Huntington](#), [Lindside](#), [Melvin](#), [Timberville](#), and [Warners](#) soils. The Dunning, Huntington, Melvin, and Warners soils have a mollic epipedon. Lindside contains less than 15 percent sand in the particle size control section. Timberville soils contain more than 35 percent clay in the particle size control section.

Drainage And Permeability: Moderately well drained. Runoff is slow. Permeability is moderate.

Use And Vegetating: Most areas are in crops or pasture. In urban settings, they are in waterways or open spaces.

Remarks:

- 1. This soil was formerly included in the Huntington soil series.*
- 2. Diagnostic horizons recognized in this pedon are: orchric epipedon.*
- 3. Moderately well drainage class is based on well data collected over a 2 year period.*
- 4. moderately well drainage class is based on well data information.”*

See Exhibit 3 for soil map and additional soil information on pages 37 - 52.

8. Existing Natural or Man-Made Features

Natural Features:

The parcel contains fields and some woodland, mainly in the southwest corner and in scattered clumps as well as some fence lines. It is in farm use. Fields are in pasture and currently used for grazing cattle. The woodlands are not being harvested.

Woodlands in these soils are typically different varieties of Oak, Yellow Poplar, Black Walnuts and Black Locusts. Rocky areas are located within some of these wooded clumps and fence rows.

No sinkholes are identified as being on the property according to the Jefferson County Planning Commission sinkhole map or the NRCS map. Site inspection in mid November 2006, as well as survey information has identified a number of sink holes located in the southern third of the property. A site inspection by Dewberry staff identified a series of small sink holes that appear to follow the drainage swale through the woodlands in the southwest portion of the property and another sink hole located along the fence row separating the main field from the southernmost field (on the eastern side of the property). According to the owner, at least two sink holes are located in the grassed portion of the property.

The approximate location of field identified sink holes are shown on the Concept Plan in the rear pocket and the NRCS map is shown on Exhibit 5 at page 54.

All of the site is located in Zone C and is not in a designated flood plain as shown on FIRM Community Panel No. 540065 0042B.

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According to the Wetlands Map at Exhibit 4, there are no wetlands on the site. During the site visit in November 2006, portions of the major swale were looked at to see if any wetlands existed. None were found. However, if there are any on the site, they may be located within the Funkstown series soils located within the major drainage way.

See Exhibit 4 Wetlands Map at page 53.

Manmade Features:

Within the confines of the site, tree rows exist along farm fences. A dirt farm track coming from the farm to the west is located near the center of the western boundary of the site. An electric line located in the southeast quadrant leads to an electric pole and small hut located near the highest point on the property. It is currently disconnected and to be removed. Another electric line bisects the property from west to east in the center of the property. A hunting blind is located on a hillock and is to be removed.

According to the deed for the property, both a well and a drainage field (septic) exist on the property. They are currently abandoned. If a septic tank is located on the property, it will be filled. No other manmade features were identified.

No manmade ponds or quarries exist upon the property.

See Exhibit 11 for existing conditions at page 97

9. Existing Structures

The area to be developed contains a small hut (location of the well) near the highest point on the property. A temporary hunting blind is also located on the parcel. Both structures are to be removed.

10. Existing Easements, Right of Way

North Childs Road (WV Route 1/5) is presently contained within a 30 feet right of way along the southern boundary the property.

Two sets of electric wires and poles are located on the site. One is located within a 25 ft. wide right of way crossing the property. It currently belongs to Allegheny Power. The service line to the shed is not in use and is abandoned

No other rights of way or other presently existing easements are known.

11. Existing Covenants and Restrictions

In the Deed listed at book 922 Page 686, the following Covenants and Restrictions are noted:

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1. The real estate shall be used for agricultural and/or single family residential purposes only in compliance with the land use ordinances of Jefferson County.
2. No agricultural activity will be allowed that produces an obnoxious odor, including spreading liquid manure, beef and hog feed lot, chicken houses or hog pens.
3. Home occupations, private riding stables, markets for farm products, professional offices, horticultural nurseries and greenhouses allowed.
4. No signs, billboards or other advertising device except for sale or lease sign of the property.
5. No structure placed nearer than 100 feet from any boundary line, existing buildings are exempt (This applies to the boundary line of the existing parcel and not to newly created boundary lines.).
6. No junk, salvaged or abandoned vehicle, machinery waste etc. kept, buried placed or maintained on the property.
7. No manufactured housing, mobile home, trailer, camper or similar structure shall be placed, kept or maintained on the property. Unoccupied campers kept or stored in garages will be permitted.
8. Exterior of any building constructed on the land shall be completed including grading and landscaping, if any, within one year from the beginning of construction.

Additionally an easement that expired 5 years from the date of the Deed (January 9, 1999) allowed the owner of the parcel located to the east of the property to use an existing well, well house and septic field located on the property for a period of 5 years until January 9, 2004.

According to the owner's attorney, no other covenants or other restrictions are known.

See Exhibit 10, page 96 for letter from attorney.

12. Approximate Size, Etc., of Areas to be Dedicated

A new gravel road will be constructed within the subdivision. It will be contained within a sixty feet wide right of way. There will be one road (Angus Way) built to County standards serving the subdivision. It will end in a cul de sac.

The road and right of way serving the six lots will be approximately 1600 feet long. This right of way will include 2.8 acres. It will be dedicated to the Homeowners Association for maintenance and upkeep.

Land will be set aside in an easement for a future dedication to the West Virginia Division of Highways to allow for the eventual widening of North Childs Road from an existing thirty feet wide right of way to a fifty feet wide right of way. This easement will entail a strip ten feet wide on the northern side of North Childs Road where it adjoins the property. Total land included in this easement/future dedication will be just under one third of an acre.

A 100 feet wide buffer / easement (in accordance with Section 8.2 a. 23 (b) of the Subdivision Ordinance), located next to North Childs Road shall be dedicated to the Homeowners Association. This buffer containing 3.4+ acres is to be maintained in its natural vegetative state.

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The storm water management dry pond is to be located in the southeast corner of the residue parcel. It will be located within a SWM easement. Road side ditches located within the road right of way and swales will direct the storm water toward the dry pond. Storm water will be managed through the use of the dry pond, the roadside ditches and existing natural swales. Actual design will be determined at Preliminary Plat stage.

Storm water drainage easements will be provided to protect all storm water management areas including the dry pond, any drainage swales not on roads and areas on any lots that contain alluvial soils. Easements will be provided where necessary to access the SWM areas. These easements will be determined at preliminary plat stage.

All SWM easements will be dedicated for upkeep to the Homeowners Association.

One hundred feet wide easements (where possible) will be located at the bottoms of all the major natural swales located on the individual lots (not including the residue lot) in order to protect the natural drainage patterns on the site. These easements will prohibit grading, buildings, wells or septic fields within these areas. These easements will be dedicated to the Homeowners Association. Over 10.6+ acres will be placed in these easements.

An entry sign, a school bus shelter, centralized mail box area and vehicle pull off area for the shelter and mail boxes will be located near the entrance to the subdivision and will be dedicated to the Homeowners Association for maintenance (exact locations to be determined at preliminary plat stage).

A total of 2.8 acres containing the rights of way will be dedicated and eventually owned by the Homeowners Association. Additionally, all easements over individual lots for storm water management and natural drainage protection will be dedicated to the Homeowners Association.

An easement connecting the entrance road (Angus Way) and the existing farm lane located to the west of the property and accessing the adjoining property shall be retained by the Owner and dedicated to the benefit of the adjoining farm owner (Mr. Butcher's parents) and the present owner to allow for connectivity if the adjoining parcel should it ever be developed and to allow continued access for farming use (since Mr. Butcher currently farms the adjoining property). Additionally the owner retains the right to use Angus Way to reach his farming operations on both the residue parcel and adjoining parcels. This easement will contain .9+ acres.

See the Concept Plan located in the rear pocket of the folder for general locations.

13. Intended Improvements

Subdivision Roads:

As previously stated, an internal graveled road (Angus Way) will be constructed for the subdivision. It will consist of the entrance road ending in a cul de sac. An entrance sign will be placed at the entrance to the subdivision off of North Childs Road. The road will be constructed

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within a sixty feet wide right of way and will meet the requirements of Section 8.2.a of the Subdivision Ordinance.

Subdivision Storm Drainage:

Storm drainage is proposed to consist of roadside drainage ditches and swales designed to direct storm water towards a storm water management facility (a dry pond to be built in accordance with County requirements). All storm drainage will be designed in accordance with Section 8.2.c and Table 8.c.1 of the Subdivision Ordinance and be located within storm water management easements.

Buffers:

A 100 feet wide vegetated buffer (in accordance with Section 8.2 a. 23 (b) of the Subdivision Ordinance) is proposed along North Childs Road. It will be left in a natural state.

Other:

A school bus shelter/mail box area and a graveled pull off area will be constructed near the entrance to the development. Exact location will be determined at preliminary plat stage.

Planned Improvements by purchasers to individual lots:

Water: Individual wells will be constructed on each lot by the lot purchaser in accordance with Jefferson County Health Department requirements.

Sewer: Individual septic systems will be constructed on each lot by the lot purchaser in accordance with Jefferson County Health Department requirements.

14. Intended Land Uses

Six residential buildable lots, not including the residue lot will be produced as part of the subdivision. All these lots will be used for single-family residences. Each lot will contain a single family dwelling and any related accessory buildings to be built within the required setbacks and height limitations of Jefferson County as modified by the owner to require rear setbacks of 100 feet (as required by an existing covenant). The residue lot will continue in farming use for the foreseeable future.

15. Intended Earthwork

Earthwork for this subdivision will include grading to construct the road into the subdivision from North Childs Road, road side ditches and the storm water facility. In as much as possible the road will follow natural contours, though some cut and fill may be necessary.

Earthwork is expected to consist of cut and fill operations within the road right of way and the creation of the storm water management facility. In order to minimize construction costs,

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earthwork should be balanced. Any excess earthen material will be spread and compacted where possible without disturbing the natural lay of the land. Approximately 5 to 10% of the overall site will be graded as part of the construction and development of the subdivision. This includes all the roads and storm water management facilities.

As part of the earthwork, all appropriate measures including silt fences, check dams and sediment traps in accordance with County, State and Federal regulations will be taken.

If blasting becomes necessary in order to construct Angus Way, it will be done in accordance *NFPA495: Explosive Materials Code 2006*. as regulated by the State Fire Marshall's Office.

16. Proposed Covenants and Restrictions

Proposed Covenants are found at Exhibit 6 on pages 55 to 66

The proposed covenants take into account the existing restrictions on the land, particularly with regards to allowed uses.

17. Tentative Schedule

Once approval has been received from all governing bodies, clearing for the subdivision roads and SWM areas should start within 90 days. Rough grading and clearing of the site for road construction should occur within 180 days. The six lots may be sold over a period of three years with an anticipated schedule of two lots a year. Timing of the actual construction of individual homes will depend upon the purchasers of the lots.

18. Market, Feasibility Study

This subdivision is similar to other scattered subdivisions located in the rural portion of Jefferson County. Similar subdivisions include Summit View Estates on South Childs Road, Shirley Estates on Shirley Road and the Dalgo Minor Subdivision located to the southwest of the property across Childs Road.

A search of for sale lots on two real estate sites in Jefferson County was conducted in early December 2006. Below is a tabulation of these for sale lots.

Selection of lots (1 to 10 acres) available County wide:

No.	acreage	price	Subdivision or community	Notes
1.	1 acre +	175,000	Eastland	Existing subdivision, paved roads
2.	2.44	79,900	Hidden River	Existing subdivision on Opequon Creek.
3.	3.08 acres	179,000	Pembroke Grove	
4.	4.36 acres	309,000	Mission Ridge	On the Blue Ridge Mountain, new subdivision
5.	10 acres	400,000	Fieldstone Estates	
6.	10 acres	275,000	Smith Mountain View Estates	Community horse facility
7.	1.87 acres	25,000	Hidden River	
8.	2.09 acres	63,500	John Brown Farm	Mountain view
9.	1.01 acres	69,900	Opequon Ranch Club	Older subdivision

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No.	acreage	price	Subdivision or community	Notes
10.	1.01 acres	70,000	Shannondale	On the mountain, older subdivision
11.	3.23 acres	90,000	Shannondale	
12.	1.15 acres	125,000	Herpst Minor	Near Harpers Ferry
13.	4.38 acres	134,500	Grant Acres	Berkeley county, Kearneysville Zip code
14.	2.35	139,000	Cherry Hill	
15.	3.3	145,500	Summit View Estates	Paved roads, near Summit Point
16.	3+ acres	170,000	Shirley Estates	Near Summit Point
17.	3 acres	175,000	Woodbury	Kearneysville
18.	3 acres	179,000	Stevens Minor	Harpers Ferry area
19.	3+ acres	192,000	Shirley Estates	Near Summit Point
20	5	195,000	Wide Horizon	Kearneysville
21.	3.74 acres	195,000		Summit Point area
22.	3.5 acres	\$200,000	Cedar Meadows airpark	Middleway
23	4.86	\$229,000	Barlow-Williams	Kearneysville
24	2.86 acres	\$321,000		Kearneysville

County wide, this selection of lots ranged in price from \$25,000 for 1.87 acres to 10 acres for \$400,000. Lots in the general area on this listing, Shirley Estates and Summit View Estates ranged from \$145,500 to \$192,000. It should be noted that Summit View Estates was completed at least two years ago and Shirley Estates one year ago.

To look more closely at the area, we reviewed 52 lots (ranging in price from \$63,500 to \$321,000) between two and five acres available county wide and looked more closely at twelve lots available in the Kearneysville, Middleway and Summit Point area. Lots hi-lited in yellow appear on both lists.

No.	acreage	price	Location
1	2.4	\$79,900	Our Lane, Kearneysville
2.	2.35	\$139,900	Mason Farm Drive, Kearneysville
3.	3.3	\$145,500	Keith Drive, Summit Point
4.	3.2	\$150,000	Bunkhouse Road, Kearneysville
5.	3	\$175,900	Woodbury Drive, Kearneysville
6.	4.2	\$180,000	Bowers Road, Kearneysville
7.	3.7	\$195,000	Leetown Road, Summit Point
8.	5	\$195,000	Forest View Drive, Kearneysville
9.	3.5	\$200,000	Lindbergh Court, Summit Point
10.	3.5	\$200,000	Lindbergh Court, Middleway
11.	4.85	\$229,000	Marrs lane, Kearneysville
12.	2.86	\$321,000	Strider Rd. Kearneysville

These lots ranged in price from \$79,900 to \$321,000 with a median price of approximately \$187,500 and an average price of \$184,270.

Taking a look at the real estate market, the market has been on a downward trend since midsummer 2006. Most impacted by this trend have been new homes on developed lots. This property is a small subdivision consisting of six lots. As can be seen from the above, there were only 12 lots available in December within the general area of the proposed subdivision.

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This small subdivision with its woods and rural setting as well as the farmland surrounding most of the subdivision will make it attractive to households seeking a country setting and to persons purchasing land for construction of future dwellings.

19. Project Cost

Development costs include construction, engineering, surveying, planning, Planning Commission fees, percolation tests and Health Department fees and site development will total approximately \$200,000.

20. Funding Sources

The project will be funded privately using local lending institutions and investors.

PHYSICAL IMPACTS

1. Earthwork

Only those portions of the six lot residential subdivision where the graveled road or storm drainage facilities are to be constructed will be stripped as part of the land development. The remainder of the subdivision will be left in its natural state until house construction by lot purchasers.

It is anticipated that between 5 to 10% of the site may be stripped of surface vegetation to construct roads and the storm water management facilities.

Grading is expected to occur mainly along the route of the proposed road=(Angus Way) . It should be balanced. Since there is always the possibility that non-ripable limestone may be in the path of a cut, blasting may be required. If blasting does become necessary, it will be done in accordance with *NFPA495: Explosive Materials Code 2006*. as regulated by the State Fire Marshall's Office.

The road construction may modify slightly the natural drainage patterns on the site. Storm water will be routed through the roadside drainage swales to the storm water management facility. During construction, water runoff will be controlled by strategically placed stone check dams, sediment basins and silt fences.

2. Conversion of Farmland

This property is zoned rural. It is currently being farmed, though a portion of the land is in unmanaged woodland. The entire parcel contains 104 acres of which 46.6 acres will be converted into residential lots including the road and buffers. 3.6 acres will be in a storm water management easement on the residue lot. Once the subdivision is created, 53.8 acres will be retained in farming use or 52% of the original parcel.

The development of this subdivision will lead to the loss of 46.6 acres of land presently being used for farming (the six lots and the road serving the lots). We note that the individual lots are large enough to allow the keeping of horses and possibly some small scale agricultural use such as growing flowers, organic vegetable gardening etc. by the owners of the individual lots. Additionally 3.6 acres are in a storm water management easement. This land, though remaining open will no longer be used for cattle raising or for crops. Hay may be harvested from the SWM area. The impact of this subdivision upon agricultural land or upon open space will not be as great as it would seem due to the large size of the lots and the use of buffers (road side and the 100 ft. setback from adjoining properties) and the 100 ft. wide easements to protect the natural drainage ways.

Angus View CIS

3. Wildlife Population

Based on information currently available to the Wildlife Resources Center at the West Virginia Division of Natural Resources, there are no known endangered species within the project area. It is possible that the Madison Cave Isopod (a threatened species) might exist in sinkholes (if water is located in these sink holes). However, there is no indication that any of the sinkholes have water within them and the areas containing the sinkholes are not to be disturbed.

According to the 1973 Soils Survey of Jefferson County, soils are classified as well suited, suited, poorly suited or not suited for specific types of wildlife. Wildlife is specified as openland wildlife, woodland wildlife and wetland wildlife. According to the Survey, some of the soils found on the site are well suited for both openland and woodland wildlife. (Currently listed as Oaklet and Funkstown soils). None of these soils are suited for wetland wildlife.

“Openland wildlife refers to birds and mammals that normally live in cropland, meadow, pasture and areas overgrown with grasses, weeds and shrubs. Examples are bobwhite, quail, ring necked pheasant, mourning dove, cottontail rabbit, meadow lark, killdeer and field sparrow. Woodland wildlife refers to birds and mammals that normally live in wooded areas. Examples are ruffled grouse, white-tailed deer, squirrel, raccoon, wood thrush, warbler, and vireo.” Other animals and birds may also be found on the site including groundhogs, opossum, field mice, robins, red tailed hawks, wild turkeys, etc.

See Exhibit 7 Letters from Agencies for the letter from DNR at page 68 and information on the Madison Cave Isopod at pages 69 & 70.

A letter was sent on January 4, 2007 to the Fish and Wildlife Service. No response has been received to date.

4. Groundwater and Surface Water Resources

Surface Water:

There appears to be no surface water on the entire parcel, though an intermittent stream running in the major drainage swale (as discussed previously) is located on the property. Soils in this major swale crossing the property appear to be saturated at certain times of the year, but no open water has been identified. Drainage is generally to the north and east and flows towards Hopewell Run approximately 12,000 feet away.

If any areas are identified at the preliminary plat stage as wetlands, appropriate steps, including buffers will be provided to ensure that any identified wetlands on site are not harmed.

See Exhibit 4 Wetlands Map for surface water sensitive areas within one mile of the site at page 53.

Angus View CIS

Ground Water Resources:

Regarding ground water, the most current study is "Fracture Trace Map & Single Well Aquifer Test Results in a Carbonate Aquifer in Jefferson County WV" done by McCoy, Podwyssocki, Crider and Weary, USGS in 2005. "Geohydrology, Water Availability and Water Quality of Jefferson County, WV" by the USGS, 1991 was the main source used to date for information.

The subject property according to the map in the 2005 study is underlain by Dolomite, Dololaminite and Limestone. Figure 2 in the 1991 study indicates the area as underlain by limestone of the Beekmantown Group (the former name for this formation). Both are carbonate rock.

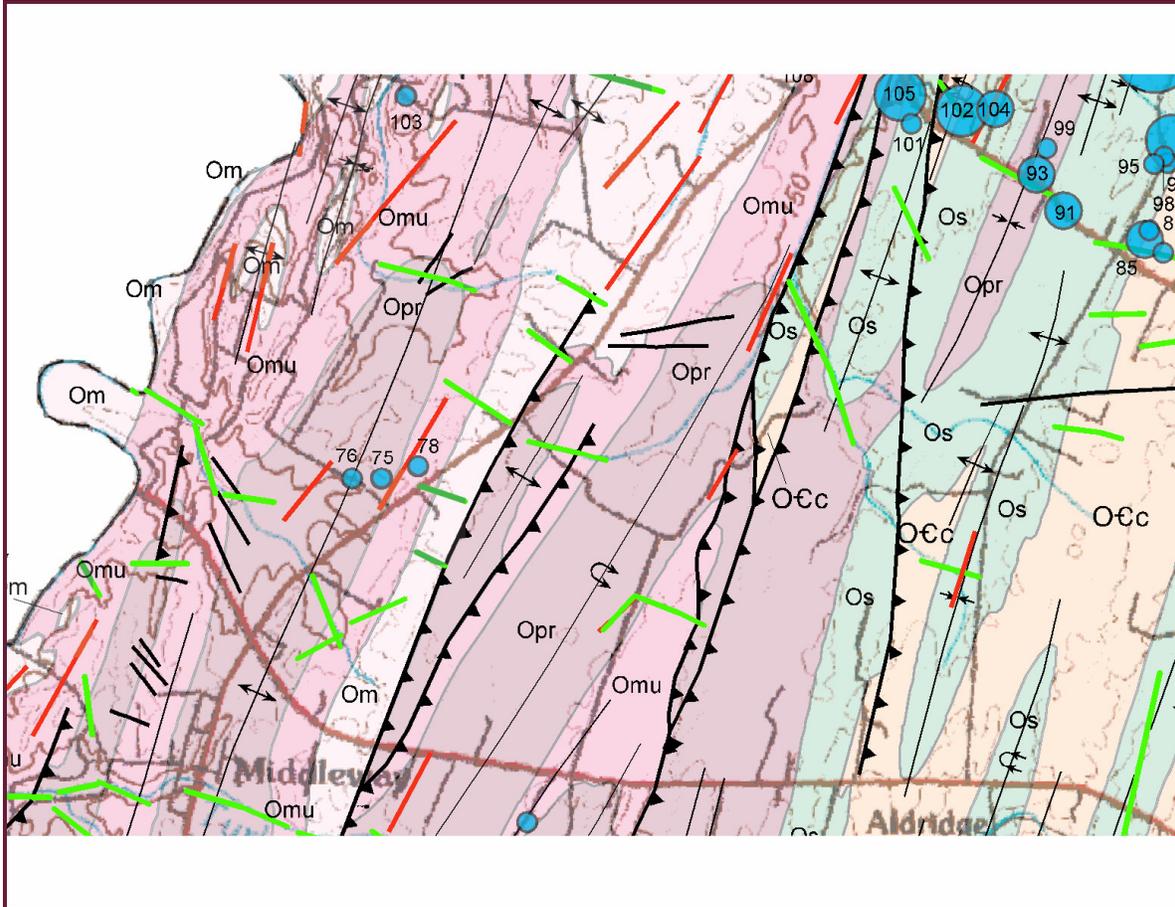
Below is the description from the 2005 study:

DESCRIPTION OF MAP UNITS

Opr	Pinesburg Station Dolomite and Rockdale Run Formation of the Beekmantown Group, undivided (Middle and Lower Ordovician) -- Dolomite, dololaminite, and limestone. Total thickness about 2200 ft
	Pinesburg Station Dolomite (Middle Ordovician) -- Dolostone and dololaminite, medium- to light-gray, buff- to light-weathering, fine-grained, medium- to thick-bedded with minor white and light-gray chert nodules. Weathered surfaces exhibit "butcher-block" (cross-hatched joints) structure. Also contains a few thin, medium-gray, fine-grained limestone beds in lower part. Paleokarst features of irregular bedding and collapse breccia common near top of formation
	Rockdale Run Formation (Middle and Lower Ordovician) -- Interbedded limestone and dolostone. Limestone, bluish-gray, medium-gray, and dark-gray, fine- to medium-grained, thin- to medium-bedded, fossiliferous. Dolostone, medium-gray, fine- to medium-grained, medium-bedded, crystalline. Limestone beds also contain intraformational conglomerates, algal bioherms, bioclastic zones, and burrow mottling. Lithologies occur as carbonate cycles. Gray chert common, occurring as nodules as much as 6 in. in diameter and as large masses as much as several feet in diameter

On the next page is the map of the area from the 2005 study:

Angus View CIS



Green lines indicate cross strike fracture traces, bold black lines with teeth indicate thrust faults (teeth indicate direction of upper plate); thin black lines indicate folds and red lines are strike-parallel fracture trace. The blue circles indicate tested wells and dot size is proportional to transmissivity values.

The portion of the parcel to be developed has no fracture traces located on it. An overturned anticline runs along the eastern ridge on the property (Confirmed by telephone with Twyla Carr of the Division of Water & Waste Management, WVDNR).

The chart below and on the next page shows information on the nearby wells shown above:

Well No.	Well Depth (ft. below surface)	Casing depth (ft.)	Well Diameter (in.)	Transmissivity (ft. ² /d.)	Specific capacity (gpm/ft.)	Static Water Level (ft. below surface)	Aquifer Unit	Pumping discharge (gpm)	Drawdown (ft.)	Pump Test duration (min.)
75	700	19	6	3	0.06	18.94	Rockdale formation & Pinesburg Station Dolomite	3.71	61.56	30
76	300	40	6	20	0.44	7.50	Rockdale formation & Pinesburg Station Dolomite	5.7	12.84	30

Angus View CIS

Well No.	Well Depth (ft. below surface)	Casing depth (ft.)	Well Diameter (in.)	Transmissivity (ft.2/d.)	Specific capacity (gpm/ft.)	Static Water Level (ft. below surface)	Aquifer Unit	Pumping discharge (gpm)	Drawdown (ft.)	Pump Test duration (min.)
78	127.0		6	10	0.05	18	Middle Ordovician Limestone	5.0	109.00	
91	60	11	6	2000	49.25	11.60	Stonehenge Limestone	3.9	.008	28
93	64	18	6	4000	30.53	18.55	Rockdale Formation & Pinesburg Station Dolomite	5.2	0.17	30
99	140	64	6	100	3.73	38.26	Rockdale Formation & Pinesburg Station Dolomite	4.4	1.18	31
101	29		30		16.26	20.90	Stonehenge Limestone	5.7	0.35	30
102	41	26	2	6000		1.96	Stonehenge Limestone	2.9	0.42	102
103	120	20	6	3	0.14	35.00	Middle Ordovician Limestone	7.5	52.99	12
104	56	46	2	2000	0.77	13.21	Stonehenge Limestone	2.2	2.84	100
105	45	19	6	8000	124.00	22.55	Rockdale Formation & Pinesburg Station Dolomite	2.5	0.02	30

The 2005 concludes that wells located adjacent to targeted geologic features are likely to produce a wide range of yields and that wells located within 100 meters of a fracture trace have a higher median value for transmissivity {the ability of the aquifer to transmit water}). The authors indicate that transmissivity values should be used for internal comparisons only and that locations of individual fractures should be field located. According to the map on the last page, two strike parallel fracture traces are partially located in the northern portion of the site and a thrust fault is located west of the property near the south west corner. The portion of the property to be developed does not contain any faults or fracture traces.

Based on the well data above (11 wells), well depths from 29 ft. to 700 ft. and gallons per minute ranged from 2.2 gpm to 7.5 gpm.

According to the 1991 study, carbonate rock “underlies the central 86% of the County. Although the soils overlying the aquifer are only moderately permeable, surface run off is negligible. The aquifer is recharged primarily from precipitation.”... “Ground water levels fluctuate in response to recharge or discharge from the aquifers....the depth to water varies with geologic and topographic setting. For example, the depth to water in eight wells in valley areas underlain by carbonates rocks ranges from 5 to 105 ft. and averages 30 ft”

According to Figure 7 of the 1991 study, the water table at the site should be below the 550 ft. contour. According to the USGS the site lies above 500 ft. in elevation.

Angus View CIS

According to data from the WV Department of Health in the 1991 study (data collected since 1984), in the Beekmantown Group 20 wells were reported, of which 10% were between 0 to 100 ft. in depth, 80% were between 101 to 399 ft. in depth, 10% were 400 to 800 ft. in depth and 30% had yields between 1 to 10 gpm, 65% had yields between 11 to 50 gpm and 5% had yields between 51 to 100 gpm.

Data from the USGS Ground Water Site Inventory Data Base (1991 study) covering 65 wells in the same formation gave the following depths: 39% were between 0 to 100 ft. in depth, 52% were between 101 to 399 ft. in depth and 9% were between 400 to 800 ft. in depth.

USGS (1991 study) reported yield for 20 wells in this group. Of these, 35% had yields between 1 to 10 gpm, 35% had yields between 11 to 50 gpm, 20% had yields between 51 to 100 gpm and 10% had yields between 101 to 600 gpm.

In reviewing the 1991 date, specific data with regards to three wells located in the vicinity of the site was also reviewed:

No.	Station name	Depth of well
116	Victor Blue	170
242	Robert Tabb	400
243	Animal Welfare society	--

It should be noted that prior to being able to obtain a building permit, the owner of each lot will have to obtain a permit from the West Virginia Health Department and the individual wells will have to meet both construction and water quality standards as promulgated by the State of West Virginia.

Storm Water Management:

Storm water will be controlled upon the property through the use of drainage swales and road side ditches located so as to channel drainage towards the dry pond. Actual design of the storm water management facilities will occur at preliminary plat stage and will meet the requirements of Section 8.2.c and Table 8.c.1 of the Subdivision Ordinance.

In addition, erosion and sediment control will include installation of stone check dams, silt traps and silt fencing to be placed at strategic locations in drainage swales and around all areas where the soil has been disturbed by construction activity.

Angus View CIS

Wells:

A request was submitted to the Jefferson County Health Department for available data relating to the existence of contaminated wells within 1000 feet of this proposed subdivision. A response has been received. One existing well needing chemical disinfection is located within 1000 feet of the property. All wells to be constructed (by individual lot owners) will meet Jefferson County Health Department Standards and where necessary water will be treated to ensure safe drinking water.

See Exhibit 7 Letters from Agencies for copy of letter from the Health Department at page 71.

5. Visual and Land Use Compatibility

The property is located in the Rural District. Surrounding uses to the east, north and west are principally agricultural with scattered large lot residential development. Located along North Childs Road, directly west of the location of the proposed subdivision is a three lot subdivision with lots ranging in size from 2 acres to almost 7.5 acres. To the south and across North Childs Road is the Dalgo Subdivision with 13 lots ranging in size from 1.6 acres to 15.8+ acres. A house sits on a two acre lot where North Childs Road turns south and a house is also located on a farm property directly to the east of the property near North Childs Road. Most of the property is surrounded by farm fields. Residential development is located near the southern portion of the property where the proposed subdivision is located. North Childs Road heading north from WV Route 51 has scattered single family housing on both sides, interspersed with undeveloped land.

The six lot subdivision will be surrounded by a house in the southeast corner, woods to the west, fields to the north, and houses and farm fields to the south.

The residue parcel of 57.4 acres will be retained in farming use for the foreseeable future and is to the north of the proposed lots.

Plans call for the development to contain six single family residential lots in a subdivision, all three or more acres in size; with a residue lot of 57.4 acres. Total lots to be created will be six residential lots, not including the residue.

Though there is scattered development in the immediate vicinity of the property, the creation of residential lots is allowed by the Zoning Ordinance in the rural zone. Located along North Childs Road are scattered single family houses and two small subdivisions as mentioned above.

The lots will be screened from North Childs Road by the 100 feet wide vegetated buffer (in accordance with Section 8.2 a. 23 (b) of the Subdivision Ordinance) and the existing trees located within this buffer. The lots are all located in the southern section of the property and only 2 lots will be located next to the road. The remaining lots will be in the interior of the property and will be screened from North Childs Road by the existing woodlands and the buffer.

Angus View CIS

The use is compatible in that it continues the use of the residue parcel in farming and the large lots (between 6 and 9 acres in size) will maintain the open character of the area. The subdivision lots are similar in size to scattered development along the existing roads in the area and will be buffered from surrounding development by a planned buffer and the existing woodlands.

6. Sensitive Natural Areas

Sinkholes:

No sinkholes are identified on the property according to both the Comprehensive Plan for the County and the NRCS. However, both survey of the property, a site inspection by this office and the owner identified areas with sink holes. Within the area to be developed are several sinkholes. These sinkholes will be protected by drainage swale easements designed to protect the natural flow of water within these areas and to protect existing sensitive areas. Several sink holes are located in the northern portion of the property in areas that will not be developed.

Care will be taken during preliminary plat engineering to protect the existing sink holes from new run off by ensuring that any storm water run off from impervious surfaces does not enter these areas. Existing sinkholes will be protected by the use of silt fences and temporary and/or permanent berms, if necessary, to divert any drainage created by construction from entering these areas. Storm water discharge from proposed improvements is proposed to be directed away from these areas. If any further sink holes are discovered during construction, appropriate measures will be taken to protect these found sink holes from new run off as stated above.

See Exhibit 5 Sink Hole Map at page 54 and Concept Plan in rear pocket.

Other Sensitive Areas:

No other sensitive natural areas appear to exist within the confines of the site. If any are discovered during construction, best management practices of sediment and erosion control will be implemented to ensure that those areas remain undisturbed.

SOCIAL IMPACTS

7. Demand for Schools

Based on information provided by the Jefferson County School Board as part of its impact fee analysis, there are 0.64 (0.55 per 2000 census) children for each single family residential unit in the County. We have further broken these numbers down, using the 2000 Census age tables for Jefferson County as follows: 0.29 elementary, 0.15 middle school, 0.05 ninth grade and 0.15 senior high for single family detached homes.

Based on the creation of six residential lots in the subdivision plus a residue lot with one development right, the maximum impact on the schools system of this property at this time would be 7 newly created lots. We have used this number in our calculations below.

Ages 5-10: $7 \times 0.29 = 2.03$ or 3 Kindergarten through Fifth Grade students would attend North Jefferson Elementary School (current enrollment of 342 children (10/06 figures), SBA capacity of 378).

According to the *State of the Schools Report 2005* prepared by JCPS, “NJES is a school with a highly diverse student population... almost 63% of students receive free or reduced lunch, while 33% received special education services...NJES has made Adequate yearly Progress...for its third year in a row and was recently named a West Virginia Distinguished Title I School.”

Currently NJES has 4 classrooms in 3 portable buildings.

Ages 11-13: $7 \times 0.15 = 1.05$ or 2 Sixth Grade through Eighth Grade students would attend Shepherdstown Middle School (current enrollment of 409 children (10/06 figures), SBA capacity of 420).

According to the *State of the Schools Report 2005* prepared by JCPS, “In 2002, SMS was named a WV School of Excellence and maintains a long list of Academic Achievement...SMS was built in 1929 and although well respected by the students and staff, the school is showing its age. This year, new art and music classroom space was added, but the need for space continues”

Currently three portable classrooms in two buildings are located at this school.

Age 14: $7 \times .05 = .35$ or 1 ninth grader will attend the 9th grade complex at Shenandoah Junction

Ages 15-17: $7 \times 0.15 = 1.05$ or 2 Tenth through Twelfth Grade students would attend Jefferson High School (current enrollment of 1646 children, SBA capacity of 1349). The total calculation for 9th through 12th grade is 1.45 students or 2 students. Total enrollment in both buildings is currently 2,374. The SBA capacity for the 9th grade building is 600 and 1349 for the 3 year high school for a total of 1949).

Angus View CIS

According to the State of the Schools Report 2005 prepared by JCPS, "JHS is the largest high school in WV...JHS operates on a departmental basis and is involved in a major renovation project at the main campus building. The auditorium has been completed with work to begin soon... to relieve crowding. With the completion of a new high school, the current JHS 9th grade complex will become a middle school, with the ninth grade being split between the renovated JHS and the new high school."

JHS currently makes use of 11 classrooms in portable buildings.

We note that for every residential unit built, no matter who resides in it, an impact fee will be paid to mitigate any impact of additional school age children on the Jefferson County School System. It is anticipated that the construction of homes on this parcel will pay a total of \$69,139 (7 x \$9,877) in impact fees based on the impact fee schedule (effective on 4/1/06), no matter who resides in the development. These funds will be used by the Board of Education to provide capital improvements to the school system to offset the impact of new development in the County.

According to our calculations the number of school children generated by this development could range from 5 to 8 children. This number of children will have a minimal impact upon the school system. Furthermore, the opening of the new high school in 2008 will allow for the redefining of school districts and the freeing up of space at both the middle school and high school level.

A letter was sent in December 2006 (using 2006 enrollment figures) to the JCBOE regarding the school impact.

See Exhibit 7, page 73 for letter to JCPS.

8. Traffic

The subdivision will generate 48 trips (6 x 8 = 48) per day. The projected peak hour traffic will be 5 (6 x 0.8 = 4.8) trips per hour. If the residue lot is ever developed it will add 8 trips per day for a total of 56 trips and 6 trips at the peak hour.

The West Virginia Department of Highways has four pertinent traffic counts on roads in the vicinity of the proposed development. A count on Leetown Road north Middleway recorded 2400 vehicles per day. A count on WV route 51 near the Berkeley County line recorded 8600 vehicles per day and two counts on Childs Road near its intersection with WV Route 51 recorded 200 vehicles per day on the northern portion and 600 vehicles per day on the southern portion. All these counts were done in 2005.

We note that North Childs Road is a local service road running from WV Route 51 to Leetown Road south of Leetown. The road is a paved road located generally within a 30 feet wide right of way.

Since peak trips were less than 150 trips per hour, the Subdivision Ordinance does not require either a traffic count or a traffic study. None were done.

Angus View CIS

Based on the definition of “key intersection” in the Subdivision Ordinance, the nearest key intersections is North Childs Road and WV Route 51, approximately 1 mile by road, south of the site

There is one problem area identified at the intersection of North Childs Road and WV Route 51 designated in the Comprehensive Plan as a roadway “problem area.” It is located at the intersection and is noted as poor sight distance. It is noted in the accompanying table T-2.

See Exhibit 9 for Highway problem areas at pages 94 & 95.

9. Demographic Impact

According to the U.S. Census Bureau, American Fact Finder Table QT-H2 tenure, household size and age of householder: Census 2000, 100% data, for Jefferson County the average household size is 2.54 persons per household, therefore this subdivision will add (6 x 2.54) 16 persons in the subdivision to the County.

10. Health and Emergency Medical Facilities

Local doctors and other medical services are located in Ranson and Charles Town, as well as in Shepherdstown (pharmacy, doctor and dentist offices). Jefferson Memorial Hospital in Ranson, approximately 10 miles from the site, has adequate facilities to provide a broad range of medical services and meet the emergency needs of the residents. EMS services are provided by the County’s Emergency Medical Services located in Ranson. There are also hospitals and physicians in Martinsburg WV.

See Exhibit 7 Letters from Agencies for letter from Jefferson Memorial Hospital at page 72.

A letter was sent to the Jefferson County Ambulance Authority and a response received.

See Exhibit 7 Letters from Agencies for the letter from the Ambulance Authority at page 78.

11. Fire

The development lies within the fire district that is served by both Citizens and Independent Fire Companies in Charles Town and Ranson Volunteer Fire Companies, both about ten miles away. Letters were sent and a response was received from Independent Fire Company.

See Exhibit 7 Letters to Agencies for copies of the letter to Citizens Fire Company and the letter from Independent Fire Company at pages 76 & 78.

Angus View CIS

12. Police

The West Virginia State Police and the Jefferson County Sheriff's Department both have jurisdiction at the development site.

See Exhibit 7 Letters from Agencies for letters from the Sheriff and from the West Virginia State Police at pages 74 & 75.

13. Trash Removal

Apple Valley Waste. will provide trash removal.

See Exhibit 7 Letters from Agencies for the letter from Apple Valley Waste at page 79.

14. Electric Service

The Allegheny Power Company will serve the site.

15. Telephone Service

Frontier Communications will provide phone service to this site.

16. Water and Sewer Service

All lots within the proposed subdivision will be served by individual wells and septic systems constructed in accordance with the requirements of the Jefferson County Health Department.

17. Relationship of Property to Comprehensive Plan

As part of the 2004 Comprehensive Plan, some general goals from the 1994 plan were adopted as part of the *Statement of Goals*.

On page 19 of the adopted 2004 plan the following goal is stated:

"Promote a diversity of housing within the County"

The large lots allow for a diversity of housing and allow the opportunity for inhabitants to live in a rural setting.

Page 41 of the adopted 2004 Plan states:

"Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields."

This development, by creating six lots on a total parcel of 103+ acres is outside of the area that can logically be served with water and sewer. The lower density and the individual water and septic systems are appropriate for this type of area.

Angus View CIS

18. Housing Supply

The latest information released by the US Census indicates that from April 1, 2000 to July 1, 2005 Jefferson County was the second fastest growing County in WV with an increase of 7,016 inhabitants. It had a 16.6% increase in population, second only to Berkeley County (one of the 100 fastest growing counties in the USA) which grew by 23 %.

When one reviews building permits, it is clear that new construction has been principally in single family residential units. Also, growth in new single family units appears to be fairly steady.

Below is a review of several data sources regarding building permit activity in Jefferson County:

- Jefferson County Department of Planning, Zoning & Engineering by number of individual units and value:

	Single Family	Total Value	Duplex	Total Value	Town homes	Total Value	Mobile homes (both new & replacement)	Total Value
2001	568	\$84,933,412			43 ¹	\$4,177,000	109	\$1,166,414
2002	503	\$ 99,241,644	18	\$2,996,000	15	\$2,073,000	46	\$1,679,080
2003	644	\$141,016,766	29	\$5,866,000	8	\$1,280,000	112	\$3,274,611
2004	345	\$87,422,702	17	\$2,835,000	8	\$1,280,000	50	\$1,277,894
2005	328	\$104,416,701	10	\$2,106,000	9	\$2,250,000	30	\$1,467,380
1 st qtr. 2006	115	\$ 30,169,928	0	\$0	15	\$1,647,640	6	\$ 225,000
April 2006	32	\$ 9,666,625	0	\$0	0	\$0	3	\$ 87,444

- U.S. Census Data ([Http://censtats.census.gov](http://censtats.census.gov)) comparing 3 years Information on single family homes only for the month of March (Covers both the County and Municipalities, imputes numbers for non reporting jurisdictions):

Single family residences	Month of March			Cumulative year to date Estimates with imputation		
	Buildings	Units	Construction cost	Buildings	Units	Construction cost
2004	66	66	12,594,292	215	215	39,674,318
2005	82	82	17,027,485	200	200	40,192,280
2006	65	65	13,036,766	229	229	49,210,840

- Additionally information kept on Impact Fees (obtained from Jefferson County Department of Impact Fees) from January 24, 2004 to March 28 2006 indicates the same trend continuing:
711 single family homes and 42 town homes

¹ Includes both apartments and townhomes

Angus View CIS

Based on a review by this office of Census data for Jefferson County, the County in 2000 contained 17,623 housing units of which 16,165 were occupied. Of the households in occupied housing units, 1737 had incomes below poverty level. Of the 1458 vacant units, 16 were boats, RVs, vans, etc, and over a third of the vacant units were constructed prior to 1960 (514 units). Additionally only 157 vacant units were available for rent at a median monthly rent of \$453 and 163 vacant units were available for sale at a median price of \$93,300. Based on this information regarding vacant units, the effective vacancy rate, based on units actually available, was under 2% as opposed to the rate derived from the Census of 8%. An effective vacancy rate of 4% or less indicates a tight housing market. Based on this information, we can see that there is a need for additional housing in the County.

Also, according to the Jefferson County Planning and Zoning Commission's annual report for 2002 (the last report publicly available) from 1972 thru 2002, 21,828 lots plus 334 apartment units were proposed at Community Impact Stage, while only 7,810 lots plus 154 apartments were actually approved or a ratio of only one lot actually recorded and available for construction for every 2.8 lots proposed at Community Impact Stage.

The same ratio holds true for 2002 when 1,434 lots were proposed and only 503 were actually approved ($1434/503=2.8$).

Appendix A (page 113 -114) of the Comprehensive Plan states that using Community Impact Statements as an indicator of growth is ill advised. Therefore it may be best to compare actual lots recorded and building permit activity to see if there is a need for additional lots

According to Appendix B of the Jefferson County Comprehensive Plan (page 120), from 1984 thru 2002; 7,149 Improvement Location Permits were actually issued:

- 6,050 for single detached dwellings, duplex units and townhouses
- 1,099 for mobile homes.

During that same period 5,001 residential lots and 434 apartment units were approved. So more buildings were built than lots approved.

According to Real Estate Information Consultants, LLC, a firm collecting information on land transfers in the region, the following transfers occurred in Jefferson County from November 2002 through September 2004 (a 23 month period):

- 2,580 transfers with homes
- 884 vacant land transfers
- 240 commercial (including rental residential properties) transfers

The above numbers include all transfers in the county, including the municipalities. These numbers can serve as an indicator of the amount of activity during the period. The monthly average was approximately 112 homes, 38+ vacant parcels, 10+ commercial parcels or a total of 160+ transfers a month. Clearly home transfers are the largest part of the sales and transfers in Jefferson County. Again, this would indicate a strong market for housing in the County.

Angus View CIS

The Comprehensive Plan at page 113 also notes the change in household size, noting that households have decreased in size from 3.21 persons per household in 1970 to 2.54 persons per household in 2000. This can be seen in that housing units increased at a faster rate than population during this period:

- in the 1970s population increased by 42.4% and housing units increased by 55.7%.
- in the 1980s population increased by 18.5% and housing units increased by 26.5%.
- in the 1990s population increased by 17.4% and housing units increased by 20.7%.

As can be seen from the latest census information and building permit information, the County continues to grow, having grown 16.6 % over the past five years. With continued population growth, there is a demand for new housing.

19. Historic Sites

The shed on the property was constructed in 1980 to house the well according to the owner. It is abandoned and to be removed.

No structures on the National Register of Historic Places are located within 500 feet of the proposed site.

No cemeteries or other historic sites are located on the property. No structures exist on the property to be developed.

Historic properties identified in the vicinity are located along Leetown Road and the Middleway Pike. None of them are visible from the site, nor can the site be seen from any of these properties.

See Exhibit 7 Material from Historic Inventory for the pertinent data concerning the structures in the vicinity identified in the Windshield Survey at pages 80 to 93.

20. Recreation

No recreational facilities are required due to the large size of the individual lots. The Subdivision Ordinance does not require land to be set aside for recreation if overall density is less than 2 units per acre of residential land. This development has a density of roughly 1 unit for every 7.3 residential acres.

The closest park is Leetown Park; a County owned park located at the intersection of Jefferson Orchard Road and the Leetown Pike, approximately 1 mile south of the site.

No state parks are located in the vicinity of the proposed development.

ECONOMIC IMPACTS

21. Property Tax Evaluation

It is estimated that the subdivision will generate at least \$27,073 in property taxes based on the following computation:

- Jefferson County Property Tax Guide, Class II Tax Rates
- Appraised value of project including houses: \$3,600,000 (6 lots)
- Assessed value (60% of \$3,600,000): \$2,160,000
- Total county tax rate: \$1.2534/\$100 of valuation
- Tax computation: \$2,160,000 divided by \$100 multiplied by \$1.2534 equals \$27,073.44.

Additional economic impacts will be created via the School and Police Impact Fees adopted by the County Commissioners and payable to the County at the time a building permit is issued. Six new single family residential parcels are being created. Based on the present school impact fees (\$9,877 per single family residence), a minimum of \$59,262 will be made available to assist with schools.

Below a table indicating impact fees both for the subdivision and also for the additional three lots:

	Impact fee	6 lots
Schools	\$9877	\$59,262
Law enforcement	\$127	\$762
Parks and Recreation	\$696	\$4176
Fire and EMS	\$566	\$3396
Total	\$11,266.00	\$67,596.00

As a result of this project, additional funds will flow to the County Commission and the Board of Education for use in providing public services to the residents of this development and will assist in mitigating any impacts upon the same public services. We note that this is the minimum amount that will be collected in Impact Fees since all the fees except for the School fee are recalculated automatically (unless the Commissioners act to not increase the fees) each year at the beginning of April.

22. Bank Deposits and Loans

The closest banks are located at Tuscawilla Hills near Charles Town and in Kearneysville. Other banks are found in Charles Town. These banks will be accessible by the residents and it is assumed that the occupants of the development will most likely utilize local banking facilities. As a result, banking activities such as deposits, investment accounts and mortgages may increase.

Angus View CIS

23. Anticipated Local Spending

It is anticipated that a local contractor will construct the roads and other improvements. Many of the contractors' employees will most likely be Jefferson County residents. Most construction materials will be purchased locally.

Residents of Angus View will most likely shop in Ranson or Charles Town for both food and sundries, and thereby contribute to the local economy. The closest stores are two small local variety stores, one in Leetown and one in Middleway. Major shopping is in Charles Town and Ranson.

24. Local Employment Implications

Since this development will be marketed locally, it is anticipated that some of the buyers of the properties will work either in Jefferson County or in surrounding communities. However, if local trends continue, some of the buyers may be either households working in the metro area, seeking housing they can afford or households who have reached or are nearing retirement age who want to live in a more rural community.

Many of these lot buyers will want to put up custom homes on their lots creating employment opportunities for local contractors and craftsmen. Other local employment opportunities may be created for existing businesses. As more housing is built, there is an increasing need for various types of business. As an example, paint and wall paper stores may find an increase in their business as homeowners personalize their home to their taste.

25. Property Values

Housing in general is a good investment and according to a Washington Post Article in March 2003, housing is a long-term investment that typically appreciates approximately 5% a year. Also, according to "the Housing Affordability Index", a compilation of house sales done on a quarterly basis by the National Homebuilders Association, for both the Hagerstown MSA and the Washington DC Metro Area, from 1995 to the present, median house prices have increased faster than household income as can be seen by the following table:

	Median house price and median income for each region						
Metro Area Washington DC-MD-VA	3 rd quarter 01	1st quarter 02	4th quarter 03	3 rd quarter 04	3 rd quarter 05	3 rd quarter 06	% change from 2001 to present
Median house price	190,000	200,000	283,000	325,000	407,000	420,000	221% or more than double increase
Median household income	85,600	91,500	84,800	85,400	86,200	88,200	3% increase
Metro Area Hagerstown-Martinsburg, MD-WV							
Median house price	125,000	129,000	150,000	175,000	235,000	237,000	190% or almost double
Median	50,500	53,500	54,400	54,400	56,250	57,700	14% increase

Angus View CIS

household income							
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A cursory study of 20 properties on April 17, 2006 (listed in the MLS) for sale in the Charles Town area, all land only ranging in size from 1 to 10 acres, indicated the following:

- the lowest asking price was \$95,000 for a 1.78 acre parcel
- the highest price was \$399,950 for 10 acres
- 9 parcels ranging in size from 1 acre to 1.11 acres had prices between \$175,000 to \$255,000
- 9 parcels ranging in size from 3 acres to 5.42 acres had prices from \$199,900 to \$320,000
- Average asking price was \$233,775

Looking at house prices in the metropolitan area, the following table with information from the National Association of Realtors shows an overall increase in median house prices over three years with a slight decrease in 2006:

Metropolitan Area	2003	2004	2005.	2005.III	2005.IV	2006.I	2006.II	2006III	%Chya
Single-family	(Not Seasonally Adjusted, 000s)								
U.S.	180.2	195.2	219.0	227.6	225.3	217.9	227.1	224.9	-1.2%
NE Hagerstown-Martinsburg, MD-WV	220.3	254.4	281.6	289.9	281.7	284.3	295.8	276.0	8.0%
Washington-Arlington- Alexandria, DC-VA-MD-WV	141.8	165.9	208.7	222.4	222.1	221.5	229.4	226.4	1.8%
	277.9	339.8	425.8	441.4	432.9	422.5	443.4	431.9	2.2%

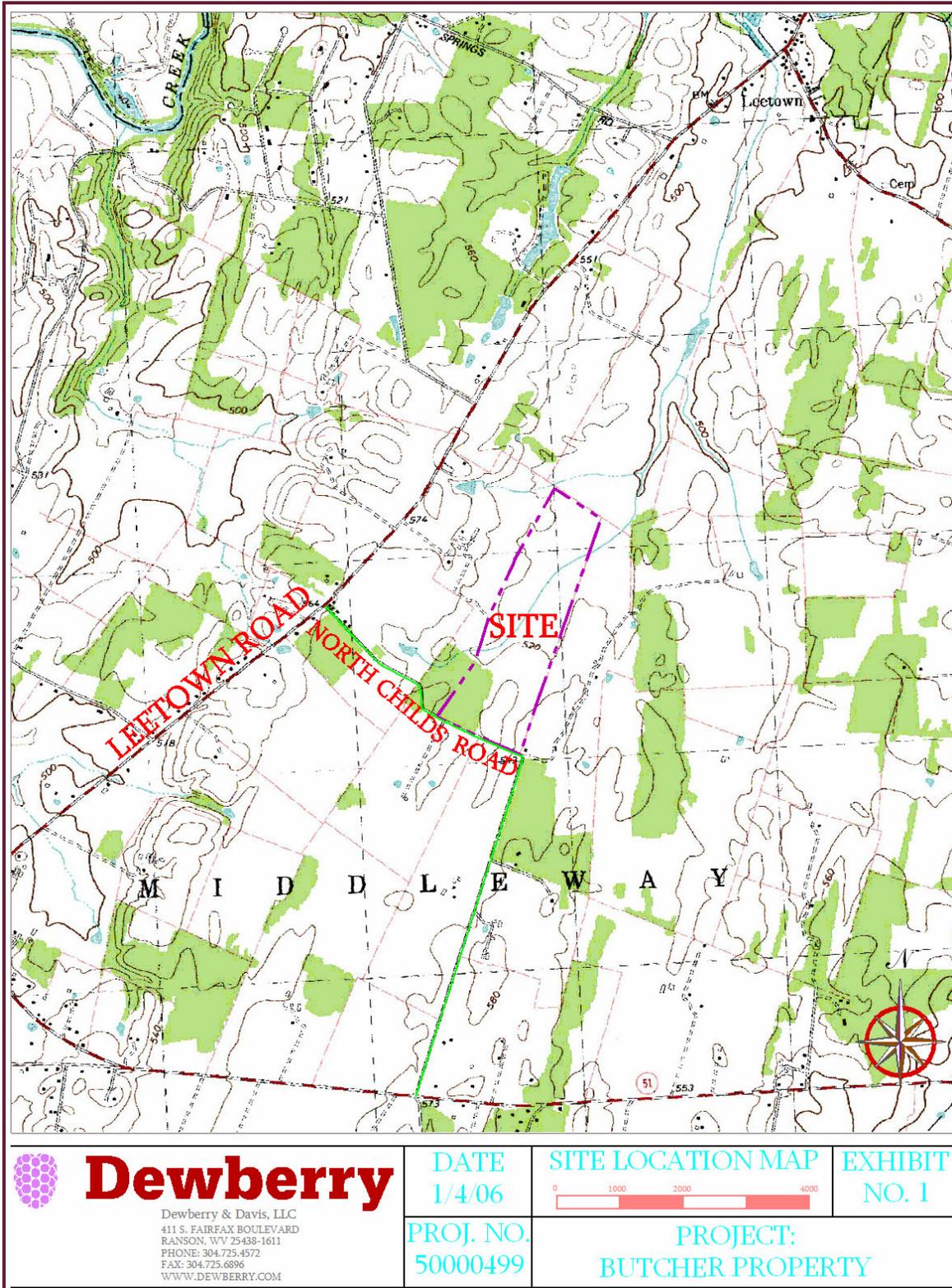
This table indicates median single family home prices for the entire United States decreasing slightly as does the price in the Washington –Arlington—WV Metropolitan Statistical Area over the year. In both the north-east region and the Hagerstown Metropolitan area which includes Berkeley County, the median price has remained stable or increased slightly. The Washington –Arlington—WV Metropolitan Statistical Area includes Jefferson County, but median house prices may be closer to Berkeley County. The 3rd quarter of 2006 indicated a median home price in the Hagerstown MSA of \$226,400 and in the Washington MSA, a median home price of \$431,900. Also, according to the Harding Report, a local real estate reporting service, the median sold price for a home sale in December for Jefferson County was \$267,500. This confirms that house sales in Jefferson County will be closer to those in the Hagerstown MSA and will track more closely these sales than those in the DC metropolitan area.

The above still indicates that housing in the long term is a good investment in that its value is definitely increasing at a faster rate than household incomes and that generally creation of new housing will over time increase the value of both housing and land in the vicinity.

New single-family homes on more than three acre lots located in Jefferson County should not only maintain their value but may also increase the value of surrounding properties for use as possible home sites. Surrounding residential parcels that have not been used for housing development may see the value of the land increase as new homes are built in the vicinity.

Angus View CIS

Exhibit 1: Site Location map



Angus View CIS

Exhibit 2: Topography

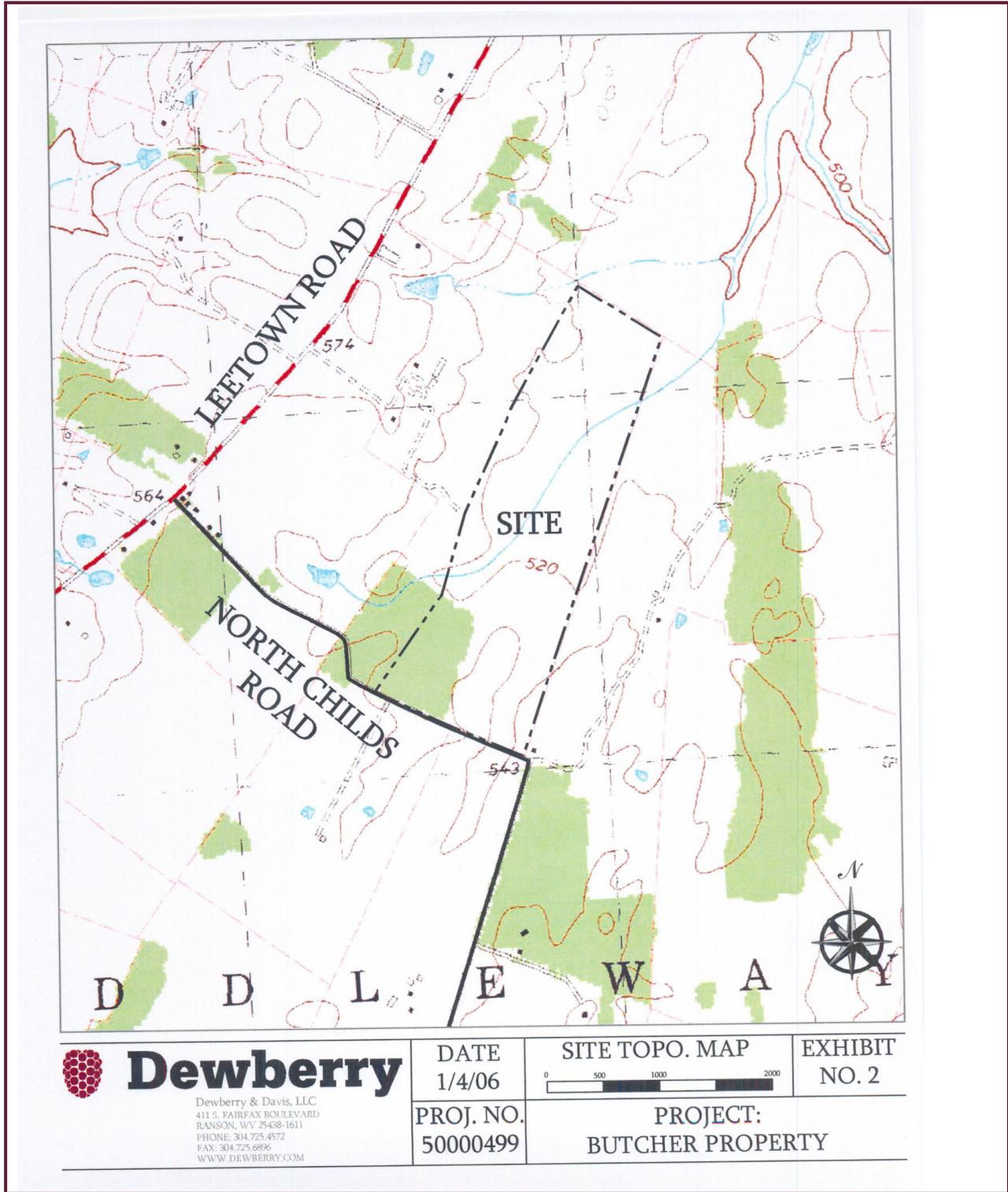
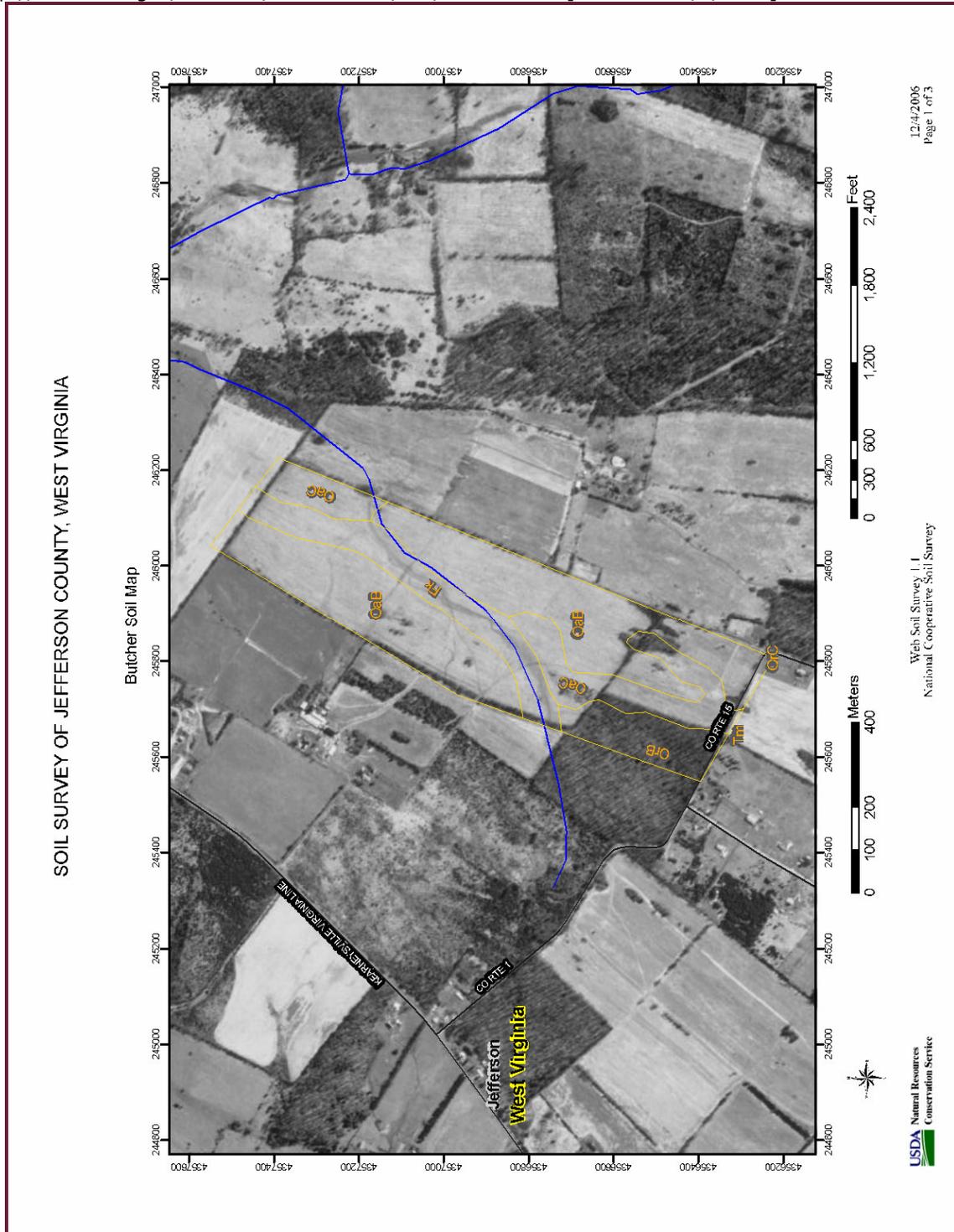


Exhibit 3: Soils map and soils description

Soil Survey Staff, Natural Resources Conservation Service, United States Department of Agriculture. Official Soil Series Descriptions [Online WWW]. Available URL: "http://soils.usda.gov/technical/classification/osd/index.html" [Accessed 12/4/2006].



SOIL SURVEY OF JEFFERSON COUNTY, WEST VIRGINIA

Butcher Soil Map

MAP LEGEND

- Soil Map Units
- Cities
- Detailed Counties
- Detailed States
- Interstate Highways
- Roads
- Rails
- Water
- Hydrography
- Oceans
- Escarpment, bedrock
- Escarpment, non-bedrock
- Gully
- Levee
- Slope
- Blowout
- Borrow Pit
- Clay Spot
- Depression, closed
- Eroded Spot
- Gravel Pit
- Gravelly Spot
- Gully
- Lava Flow
- Landfill
- Marsh or Swamp
- Miscellaneous Water
- Rock Outcrop
- Saline Spot
- Sandy Spot
- Slide or Slip
- Sinkhole
- Sodic Spot
- Spoil Area
- Stony Spot
- Very Stony Spot
- Potential Water
- Wet Spot

MAP INFORMATION

Source of Map: Natural Resources Conservation Service
 Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
 Coordinate System: UTM Zone 18
 Soil Survey Area: Jefferson County, West Virginia
 Spatial Version of Data: 2
 Soil Map Completion Scale: 1:24000

Map comprised of aerial images photographed on these dates:
 2/20/1990

The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.



Web Soil Survey 1.1
 National Cooperative Soil Survey

Map Unit Legend Summary

Jefferson County, West Virginia

Map Unit Symbol	Map Unit Name	Acres in AOI	Percent of AOI
Fk	Funkstown silt loam	16.3	15.9
OaB	Oaklet silt loam, 3 to 8 percent slopes	58.4	56.7
OaC	Oaklet silt loam, 8 to 15 percent slopes	18.2	17.7
OrB	Oaklet-Rock outcrop complex, 3 to 8 percent slopes	9.4	9.1
OrC	Oaklet-Rock outcrop complex, 8 to 15 percent slopes	0.0	0.0
Tm	Toms silt loam	0.6	0.6

Sewage Disposal

Jefferson County, West Virginia

[The information in this table indicates the dominant soil condition but does not eliminate the need for onsite investigation. The numbers in the value columns range from 0.01 to 1.00. The larger the value, the greater the potential limitation. The table shows only the top five limitations for any given soil. The soil may have additional limitations]

Map symbol and soil name	Pct. of map unit	Septic tank absorption fields		Sewage lagoons	
		Rating class and limiting features	Value	Rating class and limiting features	Value
Fk:					
Funkstown, silt loam	80	Very limited		Very limited	
		Flooding	1.00	Flooding	1.00
		Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Slow water movement	0.50	Seepage	0.50
OaB:					
Oaklet, silt loam	70	Very limited		Somewhat limited	
		Slow water movement	1.00	Slope	0.68
OaC:					
Oaklet, silt loam	70	Very limited		Very limited	
		Slow water movement	1.00	Slope	1.00
		Slope	0.37		
OrB:					
Oaklet, silt loam	65	Very limited		Somewhat limited	
		Slow water movement	1.00	Slope	0.68
Rock outcrop	15	Not rated		Not rated	
OrC:					
Oaklet, silt loam	65	Very limited		Very limited	
		Slow water movement	1.00	Slope	1.00
		Slope	0.37		
Rock outcrop	20	Not rated		Not rated	
Tm:					
Toms, silt loam	80	Very limited		Very limited	
		Depth to saturated zone	1.00	Depth to saturated zone	1.00
		Ponding	1.00	Ponding	1.00
		Slow water movement	0.68	Flooding	0.40
		Flooding	0.40	Seepage	0.32

Sewage Disposal

This table shows the degree and kind of soil limitations that affect septic tank absorption fields and sewage lagoons. The ratings are both verbal and numerical. Rating class terms indicate the extent to which the soils are limited by all of the soil features that affect these uses. "Not limited" indicates that the soil has features that are very favorable for the specified use. Good performance and very low maintenance can be expected. "Somewhat limited" indicates that the soil has features that are moderately favorable for the specified use. The limitations can be overcome or minimized by special planning, design, or installation. Fair performance and moderate maintenance can be expected. "Very limited" indicates that the soil has one or more features that are unfavorable for the specified use. The limitations generally cannot be overcome without major soil reclamation, special design, or expensive installation procedures. Poor performance and high maintenance can be expected.

Numerical ratings in the table indicate the severity of individual limitations. The ratings are shown as decimal fractions ranging from 0.01 to 1.00. They indicate gradations between the point at which a soil feature has the greatest negative impact on the use (1.00) and the point at which the soil feature is not a limitation (0.00).

"Septic tank absorption fields" are areas in which effluent from a septic tank is distributed into the soil through subsurface tiles or perforated pipe. Only that part of the soil between depths of 24 and 72 inches or between a depth of 24 inches and a restrictive layer is evaluated. The ratings are based on the soil properties that affect absorption of the effluent, construction and maintenance of the system, and public health. Saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, and flooding affect absorption of the effluent. Stones and boulders, ice, and bedrock or a cemented pan interfere with installation. Subsidence interferes with installation and maintenance. Excessive slope may cause lateral seepage and surfacing of the effluent in downslope areas.

Some soils are underlain by loose sand and gravel or fractured bedrock at a depth of less than 4 feet below the distribution lines. In these soils the absorption field may not adequately filter the effluent, particularly when the system is new. As a result, the ground water may become contaminated.

"Sewage lagoons" are shallow ponds constructed to hold sewage while aerobic bacteria decompose the solid and liquid wastes. Lagoons should have a nearly level floor surrounded by cut slopes or embankments of compacted soil. Nearly impervious soil material for the lagoon floor and sides is required to minimize seepage and contamination of ground water. Considered in the ratings are slope, saturated hydraulic conductivity (Ksat), depth to a water table, ponding, depth to bedrock or a cemented pan, flooding, large stones, and content of organic matter.

Saturated hydraulic conductivity (Ksat) is a critical property affecting the suitability for sewage lagoons. Most porous soils eventually become sealed when they are used as sites for sewage lagoons. Until sealing occurs, however, the hazard of pollution is severe. Soils that have a Ksat rate of more than 14 micrometers per second are too porous for the proper functioning of sewage lagoons. In these soils, seepage of the effluent can result in contamination of the ground water. Ground-water contamination is also a hazard if fractured bedrock is within a depth of 40 inches, if the water table is high enough to raise the level of sewage in the lagoon, or if floodwater overtops the lagoon.

A high content of organic matter is detrimental to proper functioning of the lagoon because it inhibits aerobic activity. Slope, bedrock, and cemented pans can cause construction problems, and large stones can hinder compaction of the lagoon floor. If the lagoon is to be uniformly deep throughout, the slope must be gentle enough and the soil material must be thick enough over bedrock or a cemented pan to make land smoothing practical.

Information in this table is intended for land use planning, for evaluating land use alternatives, and for planning site investigations prior to design and construction. The information, however, has limitations. For example, estimates and other data generally apply only to that part of the soil between the surface and a depth of 5 to 7 feet. Because of the map scale, small areas of different soils may be included within the mapped areas of a specific soil.

The information is not site specific and does not eliminate the need for onsite investigation of the soils or for testing and analysis by personnel experienced in the design and construction of engineering works.

Government ordinances and regulations that restrict certain land uses or impose specific design criteria were not considered in preparing the information in this table. Local ordinances and regulations should be considered in planning, in site selection, and in design.

Map Unit Description

Jefferson County, West Virginia

Fk Funkstown silt loam

Setting

Landscape: Karst, river valleys
Elevation: 270 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Funkstown, silt loam, and similar soils: 80 percent
Minor components: 20 percent

Description of Funkstown, silt loam

Setting

Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave
Parent material: Loamy alluvium derived from limestone

Properties and Qualities

Slope: 0 to 3 percent
Drainage class: Moderately well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.57 to 1.98 in/hr)
Depth to water table: About 24 to 42 inches
Frequency of flooding: Frequent
Frequency of ponding: None
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: High (about 9.6 inches)

Interpretive Groups

Land capability (non irrigated): 2w
Other vegetative classification: Moist Loams (ML2)

Typical Profile

0 to 12 inches: silt loam
12 to 29 inches: gravelly silt loam
29 to 45 inches: silty clay loam
45 to 80 inches: channery silt loam

Minor Components

Toms, silt loam soils

Percent of map unit: 15 percent
Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Linear
Across-slope shape: Concave

Holly, loam soils

Percent of map unit: 5 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Wetlands (W1)

Map Unit Description

Jefferson County, West Virginia

OaB Oaklet silt loam, 3 to 8 percent slopes

Setting

Landscape: Karst
Elevation: 300 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Oaklet, silt loam, and similar soils: 70 percent
Minor components: 30 percent

Description of Oaklet, silt loam

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Properties and Qualities

Slope: 3 to 8 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or moderately high (0.06 to 0.20 in/hr)
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.4 inches)

Interpretive Groups

Land capability (non irrigated): 2e
Other vegetative classification: Dry Uplands (DU2)

Typical Profile

0 to 8 inches: silt loam
8 to 31 inches: clay
31 to 74 inches: clay

Minor Components

Hagerstown, silt loam soils

Percent of map unit: 10 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Moist Loams (ML2)

Carbo, silty clay loam, very rocky soils

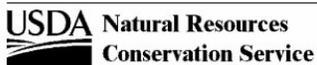
Percent of map unit: 10 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Very Rocky, Limy Soils (RL2)

Opequon, silty clay loam soils

Percent of map unit: 5 percent
Landform: Upland slopes
Landform position (two-dimensional): Backslope
Down-slope shape: Convex
Across-slope shape: Convex

Funkstown, silt loam soils

Percent of map unit: 5 percent
Landform: Drainageways



Map Unit Description

Jefferson County, West Virginia

Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave

Map Unit Description

Jefferson County, West Virginia

OaC Oaklet silt loam, 8 to 15 percent slopes

Setting

Landscape: Karst
Elevation: 300 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Oaklet, silt loam, and similar soils: 70 percent
Minor components: 30 percent

Description of Oaklet, silt loam

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Properties and Qualities

Slope: 8 to 15 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or moderately high (0.06 to 0.20 in/hr)
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.4 inches)

Interpretive Groups

Land capability (non irrigated): 3e
Other vegetative classification: Dry Uplands (DU2)

Typical Profile

0 to 8 inches: silt loam
8 to 31 inches: clay
31 to 74 inches: clay

Minor Components

Carbo, silty clay loam, very rocky soils

Percent of map unit: 10 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Very Rocky, Limy Soils (RL2)

Hagerstown, silt loam soils

Percent of map unit: 10 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Moist Loams (ML2)

Funkstown, silt loam soils

Percent of map unit: 5 percent
Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave

Opequon, silty clay loam soils

Percent of map unit: 5 percent
Landform: Upland slopes

Map Unit Description

Jefferson County, West Virginia

Landform position (two-dimensional): Backslope
Down-slope shape: Convex
Across-slope shape: Convex

Map Unit Description

Jefferson County, West Virginia

OrB Oaklet-Rock outcrop complex, 3 to 8 percent slopes

Setting

Landscape: Karst
Elevation: 300 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Oaklet, silt loam, and similar soils: 65 percent
Rock outcrop: 15 percent
Minor components: 20 percent

Description of Oaklet, silt loam

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Properties and Qualities

Slope: 3 to 8 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or moderately high (0.06 to 0.20 in/hr)
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.4 inches)

Interpretive Groups

Land capability (non irrigated): 2e
Other vegetative classification: Dry Uplands (DU2)

Typical Profile

0 to 8 inches: silt loam
8 to 31 inches: clay
31 to 74 inches: clay

Description of Rock outcrop

Properties and Qualities

Slope: 3 to 8 percent
Depth to restrictive feature: 0 to 0 inches to Lithic bedrock
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or high (0.06 to 5.95 in/hr)
Frequency of flooding: None
Gypsum maximum: 0 percent

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 60 inches: unweathered bedrock

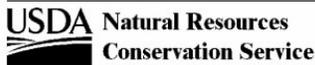
Minor Components

Hagerstown, silt loam soils

Percent of map unit: 5 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Moist Loams (ML2)

Opequon, silty clay loam soils

Percent of map unit: 5 percent



Map Unit Description

Jefferson County, West Virginia

Landform: Upland slopes
Landform position (two-dimensional): Backslope
Down-slope shape: Convex
Across-slope shape: Convex

Funkstown, silt loam soils

Percent of map unit: 5 percent
Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave

Carbo, silty clay loam, very rocky soils

Percent of map unit: 5 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Very Rocky, Limy Soils (RL2)

Map Unit Description

Jefferson County, West Virginia

OrC Oaklet-Rock outcrop complex, 8 to 15 percent slopes

Setting

Landscape: Karst
Elevation: 300 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Oaklet, silt loam, and similar soils: 65 percent
Rock outcrop: 20 percent
Minor components: 15 percent

Description of Oaklet, silt loam

Setting

Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Parent material: Clayey residuum weathered from limestone

Properties and Qualities

Slope: 8 to 15 percent
Drainage class: Well drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or moderately high (0.06 to 0.20 in/hr)
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 7.4 inches)

Interpretive Groups

Land capability (non irrigated): 3e
Other vegetative classification: Dry Uplands (DU2)

Typical Profile

0 to 8 inches: silt loam
8 to 31 inches: clay
31 to 74 inches: clay

Description of Rock outcrop

Properties and Qualities

Slope: 8 to 15 percent
Depth to restrictive feature: 0 to 0 inches to Lithic bedrock
Capacity of the most limiting layer to transmit water (Ksat): Moderately low or high (0.06 to 5.95 in/hr)
Frequency of flooding: None
Gypsum maximum: 0 percent

Interpretive Groups

Land capability (non irrigated): 8s

Typical Profile

0 to 60 inches: unweathered bedrock

Minor Components

Opequon, silty clay loam soils

Percent of map unit: 5 percent
Landform: Upland slopes
Landform position (two-dimensional): Backslope
Down-slope shape: Convex
Across-slope shape: Convex

Carbo, silty clay loam, very rocky soils

Percent of map unit: 5 percent
Landform: Hillslopes

Map Unit Description

Jefferson County, West Virginia

Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Very Rocky, Limy Soils (RL2)

Hagerstown, silt loam soils

Percent of map unit: 3 percent
Landform: Hillslopes
Landform position (two-dimensional): Backslope, summit
Down-slope shape: Convex
Across-slope shape: Convex
Other vegetative classification: Moist Loams (ML2)

Funkstown, silt loam soils

Percent of map unit: 2 percent
Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave

Map Unit Description

Jefferson County, West Virginia

Tm Toms silt loam

Setting

Landscape: Karst, river valleys
Elevation: 270 to 600 feet
Mean annual precipitation: 33 to 46 inches
Mean annual air temperature: 40 to 64 degrees F
Frost-free period: 141 to 168 days

Composition

Toms, silt loam, and similar soils: 80 percent
Minor components: 20 percent

Description of Toms, silt loam

Setting

Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Linear
Across-slope shape: Concave
Parent material: Clayey colluvium derived from limestone and siltstone

Properties and Qualities

Slope: 0 to 3 percent
Drainage class: Somewhat poorly drained
Capacity of the most limiting layer to transmit water (Ksat): Moderately high or high (0.28 to 1.98 in/hr)
Depth to water table: About 6 to 20 inches
Frequency of flooding: Rare
Frequency of ponding: Frequent
Calcium carbonate maximum: 0 percent
Gypsum maximum: 0 percent
Available water capacity: Moderate (about 8.8 inches)

Interpretive Groups

Land capability (non irrigated): 2w
Other vegetative classification: Fertile Loams (FL2)

Typical Profile

0 to 7 inches: silt loam
7 to 53 inches: clay
53 to 65 inches: silty clay loam

Minor Components

Funkstown, silt loam soils

Percent of map unit: 10 percent
Landform: Drainageways
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave

Holly, loam soils

Percent of map unit: 10 percent
Landform: Flood plains
Landform position (two-dimensional): Toeslope
Down-slope shape: Concave
Across-slope shape: Concave
Other vegetative classification: Wetlands (W1)

Map Unit Description

Detailed Soil Map Units

The map units delineated on the detailed soil maps in a soil survey represent the soils or miscellaneous areas in the survey area. The map unit descriptions in this report, along with the maps, can be used to determine the composition and properties of a unit.

A map unit delineation on a soil map represents an area dominated by one or more major kinds of soil or miscellaneous areas. A map unit is identified and named according to the taxonomic classification of the dominant soils. Within a taxonomic class there are precisely defined limits for the properties of the soils. On the landscape, however, the soils are natural phenomena, and they have the characteristic variability of all natural phenomena. Thus, the range of some observed properties may extend beyond the limits defined for a taxonomic class. Areas of soils of a single taxonomic class rarely, if ever, can be mapped without including areas of other taxonomic classes. Consequently, every map unit is made up of the soils or miscellaneous areas for which it is named and some minor components that belong to taxonomic classes other than those of the major soils.

Most minor soils have properties similar to those of the dominant soil or soils in the map unit, and thus they do not affect use and management. These are called noncontrasting, or similar, components. They may or may not be mentioned in a particular map unit description. Other minor components, however, have properties and behavioral characteristics divergent enough to affect use or to require different management. These are called contrasting, or dissimilar, components. They generally are in small areas and could not be mapped separately because of the scale used. Some small areas of strongly contrasting soils or miscellaneous areas are identified by a special symbol on the maps. The contrasting components are mentioned in the map unit descriptions. A few areas of minor components may not have been observed, and consequently they are not mentioned in the descriptions, especially where the pattern was so complex that it was impractical to make enough observations to identify all the soils and miscellaneous areas on the landscape.

The presence of minor components in a map unit in no way diminishes the usefulness or accuracy of the data. The objective of mapping is not to delineate pure taxonomic classes but rather to separate the landscape into landforms or landform segments that have similar use and management requirements. The delineation of such segments on the map provides sufficient information for the development of resource plans. If intensive use of small areas is planned, however, onsite investigation is needed to define and locate the soils and miscellaneous areas.

An identifying symbol precedes the map unit name in the map unit descriptions. Each description indicates the composition of the map unit and selected properties of the components of the unit.

Soils that have profiles that are almost alike make up a "soil series." Except for differences in texture of the surface layer, all the soils of a series have major horizons that are similar in composition, thickness, and arrangement.

Soils of one series can differ in texture of the surface layer, slope, stoniness, salinity, degree of erosion, and other characteristics that affect their use. On the basis of such differences, a soil series is divided into "soil phases." Most of the areas shown on the detailed soil maps are phases of soil series. The name of a soil phase commonly indicates a feature that affects use or management. For example, Alpha silt loam, 0 to 2 percent slopes, is a phase of the Alpha series.

Some map units are made up of two or more major soils or miscellaneous areas. These map units are complexes, associations, or undifferentiated groups.

A "complex" consists of two or more soils or miscellaneous areas in such an intricate pattern or in such small areas that they cannot be shown separately on the maps. The pattern and proportion of the soils or miscellaneous areas are somewhat similar in all areas. Alpha-Beta complex, 0 to 6 percent slopes, is an example.

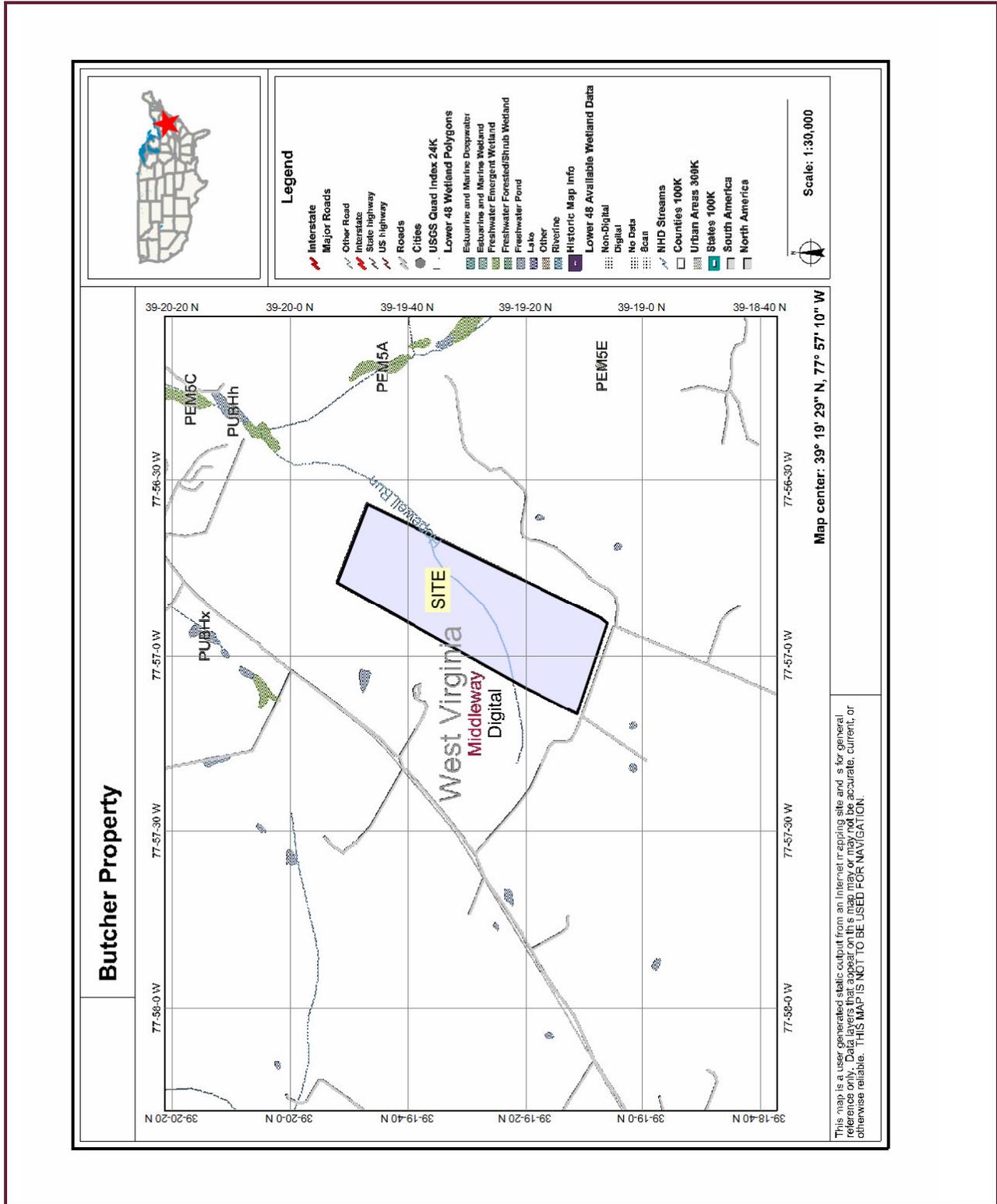
An "association" is made up of two or more geographically associated soils or miscellaneous areas that are shown as one unit on the maps. Because of present or anticipated uses of the map units in the survey area, it was not considered practical or necessary to map the soils or miscellaneous areas separately. The pattern and relative proportion of the soils or miscellaneous areas are somewhat similar. Alpha-Beta association, 0 to 2 percent slopes, is an example.

An "undifferentiated group" is made up of two or more soils or miscellaneous areas that could be mapped individually but are mapped as one unit because similar interpretations can be made for use and management. The pattern and proportion of the soils or miscellaneous areas in a mapped area are not uniform. An area can be made up of only one of the major soils or miscellaneous areas, or it can be made up of all of them. Alpha and Beta soils, 0 to 2 percent slopes, is an example.

Some surveys include "miscellaneous areas." Such areas have little or no soil material and support little or no vegetation. Rock outcrop is an example.

Additional information about the map units described in this report is available in other Soil Data Mart reports, which give properties of the soils and the limitations, capabilities, and potentials for many uses. Also, the narratives that accompany the Soil Data Mart reports define some of the properties included in the map unit descriptions.

Exhibit 4: Wetlands Map



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Exhibit 5: Sinkhole map



EXHIBIT 6 Proposed Covenants

**DECLARATION OF PROTECTIVE COVENANTS,
CONDITIONS AND RESTRICTIONS
FOR
BUTCHER DEVELOPMENT SUBDIVISION**

THIS DECLARATION, made this _____ day of _____, 2006, by Mark L. Butcher and Donna O. Butcher, developer of that certain subdivision known as Butcher Development Subdivision, hereinafter referred to as "Declarant."

WITNESSETH, THAT, Declarant is the owner of certain real estate situate in the Middleway District of Jefferson County, West Virginia, as more particularly described herein and makes this Declaration pertaining thereto:

PURPOSE

The Declarant hereby designates Butcher Development Subdivision as a limited expense liability planning community pursuant to the provisions of W.Va. Code § 36B-1-203(2) and does hereby declare that the Property hereinafter described shall be held and conveyed subject to the following terms, conditions, restrictions and covenants. Reference to specific provisions of the act is not to be construed as to make Butcher Development Subdivision subject to any other provisions of the Act or the Act itself except as provided for in W.Va. Code §36B-1-203-(2).

EFFECTIVE DATE

This Declaration of Covenants, Conditions and Restrictions shall be effective upon recordation in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.

ARTICLE I

DEFINITIONS

Section 1.1 - "Act" - The Uniform Common Interest Ownership Act, Chapter 36B of the West Virginia Code, as it may be amended from time to time.

Section 1.2 - "Association" - Butcher Development Subdivision Homeowners Association, whether incorporated or unincorporated, but organized under the laws of the State of West Virginia.

Section 1.3 - "Bylaws" - The Bylaws of the Association, as they may be amended from time to time.

Section 1.4 - "Common Interest Community" - The real property described herein as Property.

Section 1.5 - "Declarant" - Mark L. Butcher and Donna O. Butcher, or its successors or assigns.

Section 1.6 - "Declaration" - This document including any subsequent amendments hereto.

Section 1.7 - "Property" - All of that certain parcel of real estate comprised of Lots _____ (and common areas as shown on plat) situate in the Middleway District of Jefferson County, West Virginia, as the same is more particularly described in a plat of same entitled "Butcher Development Subdivision "final Plat Subdivision, _____, dated _____, made by Dewberry & Davis to be recorded prior hereto in the Office of the Clerk of the County Commission of Jefferson County.

Section 1.8 - "Unit" - A physical portion of the Property in Common Interest Community

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designed for separate ownership or occupancy and designated as Lots _____ of the Property.

Section 1.9 - "Unit Owner" - The Declarant or other person who owns a unit. A Unit Owner does not include a person having an interest in the unit solely as security for an obligation.

Section 1.10 - "Board of Directors" or "Board" - Shall mean the governing body of the Association consisting of not more than five (5) and not less than three (3) members who shall be elected for a one (1) year term at the annual meeting of the Association. Any Board member may be removed from the Board, for cause by the Board of Directors and with or without cause, by a majority of the vote of the members of the Association. In the event of death, resignation or removal of a Board member, his successor shall be selected by the remaining members of the Board and shall serve for the unexpired term of his predecessor. The Board shall nominate and elect officers to include a president, vice president, secretary-treasurer and such other positions as it deems appropriate. The Board may establish temporary or standing committees to perform some of its duties and responsibilities.

Section 1.11 - "Person" - Any individual, corporation, business, trust, partnership, association, joint venture or other legal entity.

Section 1.12 - "Common Area" - All real Property for the common use and enjoyment, as an appurtenance to the Units, including a school bus shelter, roads, easements, storm water management structure, storm water detection basin and streets, as designated on a plat of the Property.

Section 1.13 - "Improvements to the Property" - Shall mean and include without limitation:

- (a) The construction, installation, erection or expansion of any building, structure or other improvements, including utility facilities;
- (b) The demolition or destruction by voluntary action of any buildings, structures or other improvements;
- (c) The grading, excavation, filling or similar disturbance to the surface of the land, including, without limitation, change of grade, change of ground level, change of drainage pattern or change of stream bed;
- (d) Any fences, walls, signs, site paving, grading, parking, building additions and border landscaping.
- (e) Siting of any structure on any Unit with regard to location and elevation.

Section 1.14 - "Nuisances" - As used in these covenants shall be given the meaning ascribed to it at common law and shall refer to an obstruction or unreasonable interference with the reasonable and comfortable use of property.

Section 1.15 - "New structures" and "new construction" - Includes the installation and construction of equipment and material housing, dog runs, gazebos, arbors, fences, associates with landscaping, and other similar construction.

ARTICLE II

PROPERTY RIGHTS AND RESPONSIBILITIES.

Section 2.1 - Easement of Use. Every Unit Owner shall have a nonexclusive right and easement of use and enjoyment in and to the Common Area, which right and easement shall pass with and be appurtenant to every Unit, subject to the following reservations and provisions:

- (a) The Common Area may be used by the Declarant, its heirs and assigns, or the Association to provide for utilities, including but not limited to, water, sewer,

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electricity, telephone, television cable and street lighting, without a further dedication of said areas for such use.

- (b) The Declarant's rights and reservations as herein contained.
- (c) The Association shall have the right to dedicate or transfer all or any part of the Common Area to any public agency, authority or utility for such purposes subject to such conditions as may be agreed to in writing by 60% of the Unit Owners.
- (d) If the act or omission of any Unit Owner or a member of his family, a household pet, guest, occupant or visitor of such Unit Owner shall cause damage to the Common Area and maintenance, repairs or replacements shall be required which would otherwise be an expense of the Association, then such Unit Owner shall pay for such damages and such maintenance, repairs or replacements.

Section 2.2 - Duties of the Association. It shall be the affirmative duty of the Association to maintain, repair, reconstruct and replace the Common Area, including but not limited to, a school bus shelter, access easements, storm water management structures, storm water detention basin, streets and street lights. The Association shall also be responsible for snow removal on all streets within the Common Area. Such maintenance, repair, reconstruction or replacement shall be completed by the Association regardless of the cause necessitating such work, including, but not limited to, acts of God, acts of nature, normal wear and tear or vandalism. Additionally, the Association shall be responsible for any corrective action necessary due to the malfunctioning of any portion of the Common Area. The Association, Declarant, its heirs and assigns and all Unit Owners agree that Jefferson County or its designated representative shall have the right to inspect, at any time, any and all portions of the Common Area to determine whether such reconstruction, replacement or any other corrective action is necessary. The Declarant, its heirs and assigns' liability under this section is limited until the time that a deed of conveyance of the Common Area from the Declarant, its heirs and assigns to the Association is recorded of record in the aforesaid County Clerk's Office.

Section 2.3 - The Declarant's Reservation of Development Rights. The Declarant, its heirs and assigns reserves the following development rights:

- (a) The right to construct underground utility lines, pipes, wires, conduits and other utilities and other facilities across the Common Area, streets and designated easements as described on a plat of the Property; the right to abandon and grant easements and rights of way; to survey improvements, easements and rights of way anywhere in the Common Interest Community for the aforementioned purposes; and a right over, along and through all streets, and utility and storm drainage easements within the Property and the right to grade, install, construct, gravel and pave any streets or easements within the Property.
- (b) The right to amend this Declaration and any supplemental Declaration thereto without the consent of the Association or Unit Owners, subject to the limitations set forth in subparagraph (c) below.
- (c) Until all units are sold, the sole discretion and right to amend the restrictions and covenants as set forth in Article VIII of this Declaration.
- (d) Until such time as the Declarant, its heirs and assigns no longer owns a unit it shall have the right to appoint or remove any officer of the Association or any executive Board member, with or without cause.
- (e) As long as the Declarant is a Unit Owner, the Declarant and its authorized agents, representative and employees may maintain sales offices and management offices, erect signs advertising the Common Interest Community and models to promote sales of units and to conduct general sales activities on and within the Property, all without restrictions or limitation.

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- (f) The right to perform work, repairs and construction and to store materials in secure areas within the Property; the right to control all such work and repairs thereof, including the access thereto until its completion. All work and construction may be performed by the Declarant, its heirs and assigns without the consent or approval of the Board.
- (g) The right to build and construct improvements to Property without the prior consent or approval of the Board of Directors.
- (h) The right to add additional lands to the subdivision and the right to withdraw lands from the subdivision, provided that no common area shall be withdrawn from the subdivision without the written consent of all members of the Association.
- (i) *The right to utilize the subdivision roads to access residue lands owned by Declarant, and the right to subdivide said residue lands without incorporating them into the property, provided, however, that, in the event such residue lands shall not be incorporated into Butcher Development, for each tract of land that shall utilize said roads of Butcher Development, other than as a means of emergency access, there shall be paid by Declarant and/or his assigns, an annual road maintenance fee equal to that paid by other unit owners of Butcher Development.*

ARTICLE III

HOMEOWNERS ASSOCIATION

Section 3.1 - Membership. Every Unit Owner of a Unit shall be a member of the Association. Membership shall be appurtenance to and may not be separated from ownership of any Unit which is subject to assessment.

Section 3.2 - Voting Rights. When more than one person holds an interest in any Unit, all such persons shall be members, but all such Unit Owners shall be entitled to only one (1) vote for each Unit owned. When a Unit is owned by more than one (1) person, they shall exercise the vote as they, among themselves, determine but in no event shall more than one (1) vote be cast with respect to any one (1) Unit. There shall be no fractional voting.

Section 3.3 - Notice and Quorum for any Meeting. There shall be at least an annual meeting of the Association and such other special meetings as may be called by the Board of Directors. Unless otherwise provided in the Bylaws, the annual meeting shall occur within the months of September and October of each year. Written notice of any meeting, whether annual or special, including the date, time, purpose and place of the meeting, shall be sent to all Unit Owners not less than ten (10) nor more than forty-five (45) days in advance of the meeting. The Bylaws shall conform to the requirements of state law and shall govern the matters which may be discussed at any such meeting, the quorum required to be present, the ability of the Unit Owners to vote by a proxy and for such other matters as may be necessary and appropriate for the formation and operation of the Association.

ARTICLE IV

ASSESSMENTS

Section 4.1 - Creation of the Lien and Personal Obligation of Assessment. Each Unit Owner, by the acceptance of a deed for a Unit, whether or not it shall be so expressed in such deed, is deemed to covenant and agree to pay to the Association an annual assessment fee. The annual assessment, together with any interest, costs and reasonable attorney's fees incurred in the collection thereof, shall be a charge upon the Unit against which each such assessment or fee is made and shall also be a personal obligation of the Unit Owner who had title to such Unit at the time when the assessment fell due. The Declarant, its heirs and assigns shall not be required nor shall it be assessed with any annual assessment fee, user fee or pro rate share of any insurance premium. The initial

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annual assessment is established at \$200 per calendar year.

Section 4.2 - Purpose of Assessment. The annual assessment fee levied by the Association shall be used exclusively to promote the health, safety and welfare of the Unit Owners by providing for the improvement, maintenance, construction and repair of the Common Area and for carrying out the powers of the Association expressly set forth herein.

Section 4.3. - Maximum Annual Assessment. The maximum annual assessment shall be Three Hundred Dollars (\$300.00) per Unit subject to adjustment pursuant to § 1-114 of the Act (36B-1-114), and any amendments which may subsequently be made thereto, exclusive, however, of each Unit Owner's pro rate share of insurance premiums paid by the Association. The first annual assessment shall be adjusted according to the number of months remaining in the calendar year. The due date for the payment of the annual assessment shall be January 1 unless another date is established by the Board of Directors. Any assessment not paid within 30 days after the due date shall bear interest from the due date at the legal rate allowed by West Virginia Code §36B-3-115 as the same may be, from time, amended. The assessment shall be due and payable irrespective as to whether any Unit Owner makes use of the Common Area or abandons his Unit and the Association shall be entitled to bring any action at law against the Unit Owner to personally obtain payment of the same and to institute a lien against the Unit.

Section 4.4 - Subordination of the Lien. The lien of assessment and all interest and costs of collection, including attorney's fees, provided for herein shall be subordinate to the lien of any deed of trust or mortgage. Sale or transfer of any Unit shall not affect the said lien; however, the same shall not be the responsibility of any purchaser of the Unit until the notice of lien is of record in the Office of the Clerk of the County Commission of Jefferson County, West Virginia.

ARTICLE V

RESTRICTIONS, COVENANTS AND EASEMENTS

Section 5.1 - Subject to the Declarant's reservations of rights, the following restrictions, covenants and easements apply to all Units and to the Common Area:

- (a) Easements. Each Unit shall be subject to any easement or right of way shown on a plat of the Property as described in this Declaration.
- (b) Occupants Bound. All provisions of the Declaration, Bylaws and of any rules and regulations or use restrictions promulgated pursuant thereto which govern the conduct of Owners and which provide for sanctions against Owners shall also apply to all occupants, guests and invitees of any Unit. Every Owner shall cause all occupants of his or her Unit to comply with the Declaration, Bylaws and the rules and regulations adopted pursuant thereto, and shall be responsible for all violations and losses to the Common Areas caused by such occupants, notwithstanding the fact that such occupants of a Unit are fully liable and may be sanctioned for any violation of the Declaration, Bylaws, and rules and regulations adopted pursuant thereto. Accordingly, notwithstanding any lease or other agreement to the contrary, all occupants shall be jointly and severally liable for compliance with these covenants and subject to the sanctions herein.
- (c) Domestic Animals. No domestic animals or pets shall be permitted which pose a risk to human health and safety or to the safety of other pets which are properly maintained within the Butcher Development Subdivision. Dogs must be confined to the owners' premises or maintained on a leash at all times. The persistent disturbance created by pets such as the persistent barking of a dog shall not be permitted and may constitute a nuisance for purpose of this covenant and no lot shall be used for the accumulation and/or harboring of pets in a manner that constitutes or creates a nuisance. All pets shall be licensed and vaccinated in accordance with State Laws.
- (d) Noxious, Illegal or Offensive Use. There shall be no noxious emissions of dust, sweepings, cinders, gases or other substances into the atmosphere, excepting: (1) properly

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operating residential stoves and fireplaces from residential chimneys, (2) outside grill emissions, (3) properly operated motors used in the ordinary course of residential living, and (4) the lawful burning of brush. The burning of household trash is expressly prohibited.

No noxious, illegal, or offensive use of property shall be permitted on any lot, nor shall anything be done thereon that may be, or become, an annoyance or nuisance to the neighborhood. Excessive noise that intrudes upon the peaceful enjoyment of a resident's property is not permitted. The directing of spot lights or flood lights upon surrounding lots so as to cause annoyance is not permitted. The Property shall not be used for any purpose, which may endanger the health or unreasonably disturb the quiet enjoyment of any occupant of adjacent or neighboring properties.

(e) Hazardous Use; Waste. Nothing shall be done or kept on the properties which will increase the rate of insurance applicable for permitted uses for other lots or the common areas or any part thereof without prior written consent of the Declarant, its heirs and assigns, including, without limitation, any activities which are unsafe or hazardous with respect to any person or property. No person shall permit anything to be done or kept on the properties which will result in the cancellation of any insurance on any other lot, or the common areas or any part thereof or which would be in violation of any law, regulation or administrative ruling. No vehicle of any size which transports flammable or combustible or explosive charge may be kept or driven on the common areas or on any lot area at any time, except in the case of vehicles carrying flammable materials to be used in licensed and authorized construction, blasting and lawful fireworks displays, propane tanks and other like substances reasonably and customarily necessary for the full use and enjoyment of residential real estate. Each owner shall comply with all Federal State and local statutes, regulations, ordinances, or other rules intended to protect the public health and welfare as related to land, water, groundwater, air or other aspects of the natural environment (the "Environmental Laws"). Environmental Laws shall include, but are not limited to, those laws regulating the use, generation, storage or disposal of hazardous substances, toxic wastes and other environmental contaminants (Collectively, the Hazardous Materials"). No lot owner shall knowingly use, generate, manufacture, store, release, dispose of or knowingly permit to exist in, on, under or about such owner's lot and the common areas, or any portion of the properties, or transport to or from any portion of these properties any Hazardous Materials except in compliance with the Environmental Laws. No waste shall be committed on the common areas.

(f) Lot Maintenance. Each Unit Owner, his successors and assigns, shall be individually responsible for the maintenance of his home and lot and for requiring that the activity thereon shall conform to the restrictive covenants. The property shall be kept reasonably trimmed and neat at all times, including but not limited to the seeding, watering and mowing of all lawns, the pruning and cutting of all trees and shrubbery and the painting or other appropriate external care of all buildings and all improvements, all in a manner and with such frequency as is consistent with good property management. No trash, garbage, rubbish, waste, or other materials shall be deposited on the property except when deposited in covered sanitary containers and the same shall be maintained free from man-made debris and unsightly conditions. The outdoor storage of building materials except for during reasonable periods of active construction and outdoor placement of indoor furniture are examples of conditions that shall be deemed unsightly. Lots must be maintained free from conditions that create nuisances in the subdivision. The exterior of any building constructed on the land shall be completed, including grading and landscaping, if any, within one year from the beginning of such construction.

The Unit Owner shall keep the improvements upon his lot in good repair in order to prevent the existence of any unsightly condition that reasonably tends to detract from or diminish the aesthetic appearance of the commercial development. Unit Owners shall be specifically responsible for the painting (or other appropriate external care) of all buildings and structures on the lot in a manner and with such frequency as is consistent with good property management and maintenance. Improvements which have been partially or totally destroyed by fire or act of God shall not be permitted to remain in such condition for more than ninety

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(90) days from the time of such destruction or damage.

In the event that an owner fails to maintain his unit in accord with this section, the Declarant, its heirs and assigns, not less than ten (10) days after giving notice of the violation(s) and their intentions, through the U.S. Mail, return receipt requested, at the address of the subject unit, or at such other address as the lot owner shall have provided in writing to the Declarant or its successors and assigns, shall have the right to enter the lot for the purpose of performing necessary work to correct the failure, such as removing the nuisance condition and/or performing necessary clean up work or repairs, including the removal of junk, trash and rubbish, and to assess the owner for all costs so incurred. Said assessment shall constitute a lien against the lot which the Declarant, its heirs and assigns, shall have the right to perfect by recordation and to proceed to suit and judgment for said costs, plus all reasonable costs of collection including attorney fees and expenses incurred in the collection of such assessment, subject however, to the subordination of such lien as set forth in Section 4.4 of this Declaration.

(g) Subdivision of Unit, Time Sharing, Dwellings and Occupancy. No Unit shall be subdivided, split or otherwise divided for sale, resale, gift transfer or otherwise except in accordance with this Declaration. However, minor boundary adjustments, in accordance with the Subdivision Jefferson County Land Ordinances, may be permitted with the approval of the Board of Directors. This shall not in any way restrict the Declarant's development rights as set forth in the Declaration. Further, no Unit shall be used as a right of way easement for access to any other Unit or to adjoining real estate without the expressed written permission of the Declarant or its assigns.

No Unit shall be made subject to any type of timeshare or similar program whereby the right to exclusive use of the Unit rotates among members of the program on a fixed or floating time schedule over a period of years.

No more than one dwelling may be erected on any lot without the approval of the Board of Directors.

(h) Weapons. The discharge of any firearms within the Property is prohibited.

(i) Drainage. Catch basins and drainage areas are for the purpose of natural flow of water only. No obstructions or debris shall be placed in these areas. No person other than the Declarant, its heirs and assigns, may obstruct or re-channel the drainage flows after location and installation of drainage wells, storm sewers or storm drains. The Declarant hereby reserves a perpetual easement across the Property for the purpose of altering drainage and water flow.

Section 5.2 - Occupancy Restrictions. Subject to the Declarant Rights reserved under Section 2.3, the following occupancy restrictions shall apply to all Units and to the Common Area:

(a) Signs. No signs of any kind shall be erected within the Property except those signs used in any subsequent sale or lease of the Property providing that they do not exceed six square feet. The Board of Directors or Declarant, its heirs and assigns shall have the right to erect signs as they, in their discretion, deem appropriate, including the right of Declarant, Mark L. Butcher and Donna O. Butcher, to erect advertising signs of such dimension as it may deem appropriate for the marketing of the development. Notwithstanding the above, no signs, flags, banners or similar items advertising or providing directional information with respect to activities being conducted outside the Property shall be permitted within the property.

(b) Vehicles, Motorcycles, Etc. No inoperative or unlicensed motor vehicles or other motor-driven vehicles shall be left on the lot for a total of more than 60 days, except with an enclosed garage. Trail bikes, snow mobiles, all terrain vehicles, mini bikes and similar vehicles may be stored in a garage located on any Lot, but none of such vehicles shall be otherwise placed, parked, used or permitted to remain upon any Lot or road within The

Properties. No motorcycles shall be permitted in or on the Properties, except a licensed motorcycle with a muffler, may be used for ingress to and egress from a Lot in the Properties. No dump trucks, commercial road trucks, tractors, or rigs normally used for pulling of hauling trailers, box-trailers, or other similar vehicles, no matter how propelled, or any pick-up trucks, truck-type tractors, or other similar vehicles, no matter how propelled, or any pick-up trucks, van truck or similar vehicles having a carrying capacity in excess of one (1) ton, or any construction machinery, boats or boat trailers shall be placed, parked, stored, or permitted to remain upon any Lot or street in the Properties, except for temporary use during construction or repair of any residence or appurtenant structures, streets, utilities, or other common amenities or while actually being used in such construction or repair or for such temporary uses as moving or making deliveries. No motor homes, travel trailers, campers or trailers of any type shall be kept or parked on any Lot except and unless stored and parked in an enclosed garage with walls and/or doors on all four sides of said enclosed garage.

(c) Residential and Agricultural Uses. The property shall be used exclusively for a single family resident and/or related agricultural uses and shall not be further subdivided. Notwithstanding the foregoing, no agricultural activity shall be permitted which will produce an obnoxious odor. Examples of activities which would produce an obnoxious odor would include, but not be limited to, the spreading of liquid manure, the maintenance and operation of a beef or hog feed lot or the operation of chicken houses or hog pens. *Notwithstanding the foregoing, home occupations, private riding stables, markets for the sale of farm products, professional offices and horticultural nurseries and greenhouses are permitted on the property subject to the requirements of the Jefferson County Planning Commission as contained in the ordinances of Jefferson County and the conditions of plat approval for Butcher Subdivision.* No grantee or grantees, under any conveyance, nor purchasers, shall at any time conduct or permit to be conducted on any residential lot any trade or business of any description either commercial or noncommercial, religious or otherwise, including, but not limited to, day schools, nurseries, or church schools. Provided, however, that home offices which do not involve on-site physical traffic of patrons or customers shall be permitted subject to the requirements of all local zoning ordinances.

(d) Manufactured Homes Prohibited. No mobile homes, house trailers, double-wide trailer homes, mobile homes or manufactured homes as defined by W.Va. Code §17A-1-1(qq), (rr) and (ss) and 42 U.S.C. § 5401, et seq. shall be permitted within the subdivision. Modular homes and panelized homes may be permitted if expressly approved by the Developer and/or its assigns. Travel trailers and boats are permitted as long as they are operational, registered and licensed and are not permitted to become unsightly.

(e) Appurtenances. Propane and other above ground tanks, solar devices, chimney flues, hot tubs (by means of a snap cover when not in use), hot tub pumps, swimming pool pumps and filtration systems, satellite dishes, and similarly exposed mechanical equipment, shall be aesthetically concealed from view on all sides and shall be shielded in such a manner as to minimize noise and safety risks, to the extent technically feasible. Perimeter lot fencing shall not exceed four and one half (4 ½) feet in height. No above-ground pool shall be erected, constructed or installed on any Unit. Plans and location of in-ground pools must be approved by the Board of Directors. Swimming pools shall be fenced so as to discourage entry over, through or under the fence, with locked gates. Swimming pools shall be properly maintained and property covered in winter.

(f) Sight Distance at Intersection. All Property located at street intersections shall be landscaped so as to permit safe sight across the street corners. No fence, wall, hedge or shrub planting which obscures or obstructs sight lines at elevations between two and six feet above the roadway may be within the triangular area formed by street property lines and an imaginary line connecting them at points seventy-five (75) feet from the intersection of the street lot lines. No trees will be placed, maintained or permitted within this area unless the foliage line is maintained at sufficient height to prevent obstruction of such sight lines.

(g) Set Backs. All structures, including residences, garages, utility buildings, porches, stoops, patios, decks, recreation equipment and any other structures or swimming pools shall

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only be allowed within the limits set forth on the plat or as set forth on the plat of each Unit, whichever is more restrictive. No artificial lighting shall be directed at any road so as to interfere with the clear vision of operators of motor vehicles upon the roads.

(h) On-Site Fuel Storage. No on-site storage of gasoline, heating or other fuels shall be permitted on any part of the Property, except up to five gallons of fuel may be stored in each Unit for emergency purposes, operation of lawn mowers and similar tools or equipment and outdoor grills. However, this shall not prohibit the storage of heating oil or propane gas or other fuels for the heating of enclosed areas providing that the storage tanks are screened and installed as fixtures by those duly qualified to install the same.

(i) Rentals. In the event an owner leases his residence, the owner has an affirmative duty to provide a copy of all covenants and restrictions to such tenant.

ARTICLE VI

ARCHITECTURAL CONTROL

For the purpose of Article VI, "Board of directors or its duly authorized designee" shall mean "Declarant or its successor" until such time as Declarant or its successor shall transfer architectural control over to the Board of Directors.

Section 6.1 - Architectural Approval. In the event that any Unit owner shall intend to have a house or building constructed upon a lot other than by Declarant, then architectural approval shall first be obtained from Declarant or its successors and assigns. Declarant shall assign and transfer such architectural control to the Board of Directors or its duly authorized Architectural Review Committee or designee no later than such time as Declarant no longer holds title to any real estate in the property. Written plans and specifications therefor, including elevations and pertinent details of exterior construction shall be submitted by the applicant for such approval, except as prior approval may be waived to certain improvements which are adopted by Declarant or its successor. In passing upon the improvement to Property, the Board or its designee shall have the right to take into consideration the suitability of the proposed improvement and to the material of which it is to be built, the color, scheme, the site upon which it is proposed to be erected and the harmony thereof with the surroundings and the topography of the land, and if it is in accordance with all of the provisions of this Declaration.

Section 6.2 - Decision of the Board. The Decision of the Board or its designee shall be made within 30 days of such written application, including all materials required by the Board, unless such time period is extended by mutual agreement. The review of plans for structural improvements to the lot shall include consideration of the structure's architectural compatibility with the neighborhood. Structural improvements shall be deemed to include outbuildings which shall be of good quality construction. Once construction of any home or outbuilding or other appurtenance has commenced on a lot, same shall be completed within one year. The decision shall be in writing and if the decision is not to approve a proposed improvement to the Property, the reasons therefore shall be stated. If a decision is not made by the Board or its designee within 30 days after receipt of all the material required, approval shall not be unreasonably withheld and shall be deemed granted unless written reasons for denial are provided in response to such application.

Section 6.3 - Appeal of the Board's Decision. If the Board or its designee disapproves or imposes conditions upon the approval of a proposed improvement to Property, the applicant may appeal to the Unit Owners and if 51% of the Unit Owners agree with the appeal, then the disapproval or conditions imposed which were appealed shall be overturned or removed as appropriate.

Section 6.4 - Review Fees. The Board may, in its guidelines or rules, provide for the payment of a reasonable fee to accompany each request for approval of any proposed improvement. Such fees shall be uniform for similar types of any proposed improvement to Property and shall only be designed to recover the cost, excluding the time of the Board of Director members or its designee in reviewing any proposed improvement.

Section 6.5 - No Liability for Board Action. There shall be no liability imposed upon the Board of Directors or any member thereof or a member of any committee appointed by the same to review any proposed improvements to Property for any loss, damage or injury arising out of or in any way connected with the performance of the duties thereof, if such party acted in good faith and without malice. In reviewing any proposed improvement to Property, the Board or its assignee shall not be responsible for passing on safety, whether structural or otherwise, or conformance with building codes or other governmental laws or regulations nor shall its approval of any improvement to Property be deemed an approval of such matters.

Section 6.6 - Damage During Construction. During construction of any structure upon any Unit, the Unit Owner shall be responsible for all damage, loss or repairs to the roads, easements, rights of way or adjoining property caused by his building contractors or their agents or representatives. If the Unit Owner does not cause these repairs to be made, the Declarant, its heirs and assigns or Association may have the repairs performed and shall have a cause of action against

the Unit Owner for the cost of such repairs, together with such lien rights and collection rights as are set forth in paragraph 4.4 above.

ARTICLE VII

NOTICES

Section 7.1 - All lot owners shall be required to provide to the Declarant and their successors and assigns their current mailing address. Utilization of the address so supplied, or, in the absence of same, of the address to which assessments are mailed for said lot, shall constitute the legal address for the purpose of any notice required pursuant to all restrictive covenants applicable to said lot.

Section 7.2 - In the event that any lot is occupied by tenants, the owners shall be responsible for insuring that the Declarant, its heirs and assigns is provided the identity of the tenants and their mailing address. The owners of all lots shall notify any tenant occupying their premises of the joint obligations of both owner and tenant to provide the Declarant, its heirs and assigns with the identity of all tenants and their addresses, provided, however, that this requirement shall not be construed so as to require that tenants also be notified of a violation of any covenant where notice is duly provided to the owner(s) of same as herein provided.

ARTICLE VIII

AMENDMENTS TO DECLARATION

Section 8.1 - General. Until such time as it is no longer a Unit Owner, the Declarant, its heirs and assigns shall have the sole right in its absolute discretion to amend the Declaration and the plat of the Property hereinabove described, including, without limitation, the adjustment of the boundary line of any Unit which has not been sold and the expansion or restriction of any easement or right of way over the Common Area or any Unit as long as the same does not alter or change the boundary line of any Unit which has been conveyed.

Section 8.2. - Amendment by Unit Owners. Subject to Section 1.1 hereof, the Unit Owners may amend this Declaration including the plat of the Property by a vote or agreement of the Unit Owners of at least 60% of the Units.

ARTICLE IX

MISCELLANEOUS

Section 9.1 - Caption. The captions contained in this document are inserted only as a matter of convenience and for reference and in no way defines, limits or describes the scope of the document nor the intent of any provision hereof.

Section 9.2 - Gender. The use of the masculine gender refers to the feminine and neuter genders and the use of the singular includes the plural and vice versa, whenever the context of the documents so require.

Section 9.3 - Waiver. No provision contained in this document is abrogated or waived by reason of any failure to enforce the same, irrespective of the number of violations or breaches which may occur.

Section 9.4 - Severability. Invalidation of any one of these covenants, restrictions or any provision of this document does not impair or affect in any manner the validity, enforceability or effect of the remainder of the document, and in such event, all of the other provisions of the document shall continue in full force and effect and for this purpose the provisions of these covenants are hereby declared to be severable.

Section 9.5 - Enforceability. The Declarant, its heirs and assigns, Homeowners' Association and each Unit Owner shall have the right to enforce the restrictions, covenants and conditions herein.

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In the event that the Declarant or its heirs and assigns shall reasonably incur expenses, costs, and/or attorney fees in the enforcement of any one or more of these covenants against any lot owner, such costs and expenses may be assessed by the Declarant, its heirs and assigns against the owner or owners of the subject lot in violation and said assessment shall constitute a lien against the lot which the Declarant, its heirs and assigns shall have the right to perfect by recordation and shall have the right to proceed to suit and judgment for said costs, plus all reasonable costs of collection including attorney fees and expenses incurred in the collection of said assessment, provided, however, that said lien shall be subject to the subordination provisions of Section 4.4 of this Declaration.

ARTICLE X

BINDING ON SUBSEQUENT OWNERS

These covenants shall inure to the benefit of all lot owners within Butcher Development Subdivision, the Declarant and its heirs and assigns, and the rights of enforcement of these covenants shall be held by the Declarant, its heirs and assigns concurrently with the rights of enforcement by any lot owner. These covenants shall run with the land and bind the heirs, assigns and grantees of all lot owners.

These covenants shall not be construed so as to apply to or restrict the use of any lands outside of the real estate herein described regardless of whether or not said adjacent or adjoining lands are owned by Developer or its predecessor in title.

WITNESSETH the following signature of Declarant.

Mark L. Butcher

Donna O. Butcher

STATE OF WEST VIRGINIA,
COUNTY OF JEFFERSON, to-wit:

The foregoing instrument, Declaration of Protective Covenants, Conditions and Restrictions for Butcher Development Subdivision was personally acknowledged before me this ____ day of _____ 2006, by Mark L. Butcher and Donna O. Butcher as their free act and deed.

Notary Public

AFFIX NOTARIAL SEAL

My Commission expires:

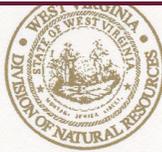
X:\Butcher\Covenants Draft.wpd

Angus View CIS

EXHIBIT 7 LETTERS FROM AGENCIES

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DNR Letter & Information on Isopod



DIVISION OF NATURAL RESOURCES
Wildlife Resources Section
Operations Center
P.O. Box 67
Elkins, West Virginia 26241-3235
Telephone (304) 637-0245
Fax (304) 637-0250
December 27, 2006

Joe Manchin III
Governor

Frank Jezioro
Director

Ms. Annette van Hilst
Dewberry and Davis, LLC
411 S. Fairfax Boulevard
Ranson, WV 25438-1611

Dear Ms. van Hilst:

We have reviewed our files for information on rare, threatened and endangered (RTE) species and sensitive habitats for the area of the proposed Butcher subdivision near Leetown, Jefferson County, WV.

We have no known records of any RTE species or sensitive habitats within the project area; however, the federally threatened Madison Cave isopod (*Antrolana lira*) may occur in the project area. In West Virginia, this species is currently known to occur in a cave and from groundwater wells in Jefferson County, including two wells near Leetown. Please contact the U.S. Fish and Wildlife Service (304-636-6586) regarding any necessary coordination. For more information on the Madison Cave isopod please see the species fact sheet on our website: www.wvdnr.gov/wildlife/RETSpecies.asp.

The Wildlife Resources Section knows of no surveys that have been conducted in the area for rare species or rare species habitat. Consequently, this response is based on information currently available and should not be considered a comprehensive survey of the area under review.

In addition, this response may fulfill your obligation for a permitting process for the presence of RTE species at the state level. This response and/or the data provided does not constitute an approval by the Division of Natural Resources (DNR) to proceed with a project without satisfying any and all additional required permits or approvals from DNR or other local, state or federal agencies.

Thank you for your inquiry, and should you have any questions please feel free to contact me at the above number, extension 2048. Enclosed please find an invoice.

Sincerely,

A handwritten signature in blue ink that reads "Barbara Sargent".

Barbara Sargent
Environmental Resources Specialist
Natural Heritage Program

enclosure
ZDT-364



Rare, Threatened And Endangered Species

To View Rare, Threatened And Endangered Species Fact Sheets In West Virginia **Select Species From List And Submit Go!**

To View The West Virginia Rare, Threatened And Endangered Species Lists [Click Here!](#)

Status of Species:

(S) = Species of Concern

(R) = Rare Species

(FT) = Federally Threatened Species

(FE) = Federally Endangered Species

Rare Species

Common Name

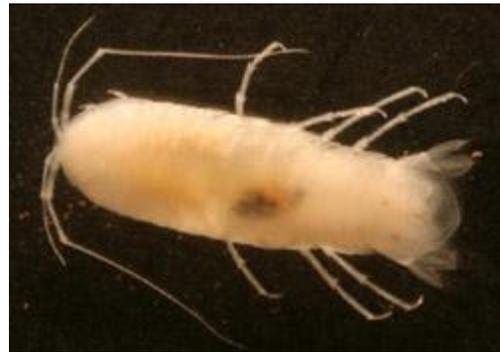
Madison Cave Isopod

Scientific Name

Antrolana lira (AN-troh-LAHN-ah LYE-rah)

Status

This species was listed as federally threatened in 1982. At that time it was known only from the Shenandoah Valley of Virginia.



(Photo by Craig Stihler)

West Virginia Status

The Madison Cave isopod is known from two sites in Jefferson County. One site is a cave that intersects the ground water, and the second is a well. This animal probably occurs in pockets of ground water that extend beyond the sites where it has been observed. All other occurrences are in Virginia.

Description

The Madison Cave isopod is rather large for an isopod (the common terrestrial "pill bug" or "sow bug" is a good example of the general form of an isopod) reaching a maximum length of 18 mm (0.7 inch). Females are slightly larger than males. Its body is dorsal-ventrally (top to bottom) flattened. It has two pairs of antennae, the first pair is short and the second is long. Like many cave-adapted species, the Madison Cave isopod is blind and unpigmented. Movement is by walking on the substrate or by swimming.

Habitat

The Madison Cave isopod inhabits underground lakes and deep karst aquifers where it lives in the groundwater. It has been observed in a few caves that descend to the groundwater table.

Threats And Prospects

Contamination of groundwater is the major threat to the Madison Cave isopod. Sources of contaminants include agricultural runoff, poultry farms, and runoff from developments.

Range

This species is restricted to the Shenandoah Valley of Virginia and West Virginia.

Life History

Little is known about the life history of this species. Biologists suspect that this species is long-lived and has a low rate of reproduction.

Diet

This species probably feeds on detritus that finds its way into the groundwater.

Additional Comments

This species was discovered in 1958 in Madison Saltpetre Cave in Augusta County, Virginia. The Madison Cave isopod belongs to a group (family Cirolanidae) that consists largely of marine species. This is the only freshwater species found north of Texas.

Angus View CIS

Help

Cavers visiting caves in the Shenandoah Valley are encouraged to report sightings of "large" (nearly 0.6 in+) white aquatic isopods. Residents of the Shenandoah Valley should work to protect groundwater quality.

**Contact Webmaster | wildlife@wvdnr.gov
© 2003 West Virginia Division of Natural Resources**

Health Department Letter

Jefferson County Health Department

ROSEMARIE CANNARELLA, M.D., M.P.H.
HEALTH OFFICER



1948 WILTSHIRE ROAD, SUITE 1
KEARNEYSVILLE, WV
25430
ENVIRONMENTAL: (304) 728-8415
FAX: (304) 728-3314
MEDICAL: (304) 728-8416
FAX: (304) 728-3319

December 21, 2006

Annette van Hilst RA
Dewberry & Davis LLC
411 S. Fairfax Boulevard
Ranson, WV 25430

Dear Ms van Hilst:

The Jefferson County Health Department has received your request for information regarding contaminated wells within 1000 feet of the Butcher property which is the site of a proposed subdivision located on Route 1/5, North Childs Road.

A review of our records indicates that there are approximately 17 wells within that area. This department has tested 3 of these wells and out of those 3, 1 required mechanical disinfection to obtain a satisfactory water sample.

If you have any questions, please contact the Jefferson County Health Department at 728-8415.

Sincerely,

Rosemarie Cannarella, MD, MPH

Rosemarie Cannarella, MD, MPH
Health Officer

Cc: Paul Raco, Jefferson County Planning, Zoning, & Engineering
Richard Wheeler, District Sanitarian, WVBPH
Arletta Lancaster, RS

Hospital letter



January 4, 2007

Dewberry
411 S. Fairfax Boulevard
Ranson, West Virginia 25438-1611
Attn: Annette van Hilst RA

RE: Butcher Residential Subdivision

Dear Ms. Van Hilst:

This is in response to your letter to me dated December 18, 2006, concerning the request for hospital coverage for a proposed Butcher Residential Subdivision.

As President & CEO of West Virginia University Hospitals-East, both Jefferson Memorial Hospital and City Hospital would be glad to provide hospital services for the proposed Development.

Sincerely,

A handwritten signature in black ink that reads 'Roger Eitelman'.

Roger M. Eitelman
President & CEO

RME:lsr

School letter



Dewberry

411 S. Fairfax Boulevard
Ranson, WV 25438-1611

304 725 4572
304 725 6896 fax
www.dewberry.com

December 18, 2006

Superintendent Steven Nichols
Jefferson County Board of Education
PO Box 987
Charles Town WV 25414

Subject: Butcher Residential Subdivision

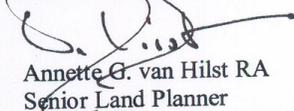
Dear Superintendent Nichols:

As part of the process of developing a Community Impact Statement for the subject project, we develop a section on the proposed impact of the development upon the Jefferson County School System. Attached, please find a summary of the proposed development and the draft of the section dealing with school impact.

Please review this material and provide this office with any comments that you would want included or presented to the Jefferson County Planning Commission.

I thank you for your cooperation.

Sincerely
Dewberry & Davis LLC



Annette G. van Hilst RA
Senior Land Planner
Land Design & Survey Division

Attachments: Project Summary
Site location Map
Excerpt, Draft CIS, "Demand for Schools" section



Sheriff letter



Everett "Ed" Boober
P.O. Box 9
Charles Town, WV 25414

SHERIFF and TREASURER of Jefferson County

Telephone: 728-3205
Tax Office: 728-3220
Fax: 728-3299

December 21, 2006

*Dewberry
Annette van Hilst
411 S Fairfax Blvd
Ranson WV 25438*

Dear Ms. Lambert:

This is in response to your request that this department furnish you with an account with respect to our ability to respond to calls for service regarding matters of law enforcement and preservation of the peace at the proposed Butcher Residential Subdivision located on North Childs Road approximately one mile east of the intersection with Leetown Road in Jefferson County, West Virginia.

The Sheriff's Department is charged with the affirmative duty of investigating criminal activity, preserving the peace, and enforcing the law. This duty extends to all corners of the county and to any community, subdivision or a business property without regard to size or location.

However, as our community continues to grow, it becomes progressively more difficult to assure timely response due to the significant increase in the numbers of calls for service with the staffing that is currently being provided to the Sheriff's Department. On occasion, calls for service must be handled on a priority basis where the most-serious, urgent type of events must receive priority in response and other, less serious calls for service, are responded to as quickly as manpower becomes available.

The foregoing should not be construed as an expression from this office that we are unable or unwilling to respond to calls for service in a timely manner. Given the resources and level of manpower with which we are obligated to work, our level of service is, and will continue to be responsive, timely, and efficient in carrying out our duties and responsibilities in the areas of law enforcement, criminal investigation and preservation of the peace in the Jefferson County community.

Sincerely,

*Everett "Ed" Boober
Sheriff and Treasurer*

State Police letter



WEST VIRGINIA STATE POLICE

Kearneysville, West Virginia
December 20, 2006

Annette van Hilst, RA
Senior Land Planner
Land Design & Survey Division
Dewberry & Davis, LLC
411 South Fairfax Boulevard
Ranson, West Virginia 25438

Dear Madam:

RE: Providing police services for a proposed subdivision

Dear Madam:

This officer has reviewed your request for comment about police services for your proposed subdivision. This agency, as a law enforcement agency, doesn't have the luxury of declining police services. The West Virginia State Police will respond to any call for service within our area of responsibility; however, with the ever growing population of Jefferson County and the decrease in our manpower, we are forced to prioritize non-emergency calls for service.

Respectfully submitted,

A handwritten signature in black ink that reads "Sgt E.D. Anderson".

Sergeant E. D. Anderson
West Virginia State Police
Charles Town Detachment

EQUAL OPPORTUNITY EMPLOYER

Citizens Fire Company letter



Dewberry

411 S. Fairfax Boulevard
Ranson, WV 25438-1611

304 725 4572
304 725 6896 fax
www.dewberry.com

December 18, 2006

Donald Dawson, Fire Chief
PO Box 927
Citizens Volunteer Fire Company
Charles Town, WV 25414

Subject: Butcher Residential Subdivision

Dear Chief Dawson:

The Jefferson County Planning Commission staff has requested that we supply them with a letter regarding the availability of fire and rescue services for the proposed development. For your information, I have attached a summary of the proposed project and a site location map.

If you have any questions please contact me. I would appreciate a quick reply.

Sincerely
Dewberry & Davis LLC

Annette van Hilst RA
Senior Land Planner
Land Design & Survey Division

Attachments: Summary: Butcher Residential Subdivision
Sketch: Site Location



Independent Fire Company Letter

Independent Fire Co. No. 1, Inc.

Mailing:
P.O. Box 925
Charles Town, WV 25414

Phone: 304-725-2514

Organized 1884

Location:
200 W. 2nd Ave.
Ranson, WV 25438

Fax: 304-728-6006

December 23, 2006

Annette Van Hilst
Senior Land Planner
Dewberry
PO Box 35
Charles Town, WV 25414

Re: Butcher Residential Subdivision

Dear Annette Van Hilst,

Our Fire Company is a Volunteer organization and is committed to providing high quality service to the residents of our response area. We are however having problems with manpower, escalating cost of operation and significant increases in responses within our area of coverage.

The proposed addition of these 6 units of single family residences will cause minimal impact on the fire service.

The response time to this subdivision will be a minimum of 12-15 minutes under the best of conditions. This extended response will result in a higher than normal fire loss compared to Charles Town, Ranson and other nearby residential area. This delay also will equate to the Ambulance service. We do have excellent mutual aid Fire and EMS Companies that will assist us in providing the services needed for this subdivision.

I can be reached at 304 725-2514 if additional information or questions arise.

Sincerely,



Edwin D. Smith
Fire Chief

Volunteers at work providing Ambulance, Fire, and Rescue Services

EMS Letter



JEFFERSON COUNTY AMBULANCE AUTHORITY

208 S. Mildred Street

Ranson, WV 25438

E-mail – jeffcoamb@citlink.net

Telephone – 304-728-3287

Fax – 304-728-6221

December 21, 2006

Annette van Hilst RA
Dewberry
411 S. Fairfax Boulevard
Ranson, WV 25438

Subject: Butcher Residential Subdivision

Dear Ms van Hilst,

I have reviewed the preliminary plans of the Butcher Residential Subdivision relating to residential growth and the effects on Emergency Medical Services.

This development will have the Independent Fire Company as the primary Ambulance provider. The Ambulance Authority supplements the Volunteers with career staffing during the day and at other times from Ranson.

Our EMS System is nearing maximum capability due to continued population growth. Low density growth such as Butcher Residential Subdivision will have a minimal impact on service with the current average of 1 incident per 10 households.

However, I must state with the overall growth in Jefferson County, *we can not assure any given response time*, but with the assistance of the other Jefferson County EMS units, we will continue to provide the Emergency Medical Services. The average time for an ambulance to respond to this proposed development will be 12-15 minutes.

A handwritten signature in black ink, appearing to read "Edwin D. Smith", with a long horizontal line extending to the right.

Edwin D. Smith
Operations Manager

Cc: Jefferson County Planning Commission

West Virginia EMS Agency of the Year – 2004

Apple Valley Letter



January 2, 2007

RE: Butcher Residential Subdivision

Annette G. van Hilst
Dewberry & Davis, LLC
P. O. Box 35
Charles Town, WV 25414

Dear Ms. van Hilst:

Apple Valley Waste Service, Inc. maintains a motor carrier certificate from the WV Public Service Commission to haul residential waste in Berkeley and Jefferson Counties. We are ready and able to provide residential refuse collection for the Butcher Residential Subdivision in Jefferson County West Virginia, and any other developments in Berkeley and Jefferson Counties located outside the corporate limits of the following municipalities – the Town of Bolivar, the City of Charles Town, the Town of Harpers Ferry, the City of Ranson, and the Town of Shepherdstown. The refuse will be disposed at LCS Landfill, Moutmainview Landfill, Old Dominion Transfer Station, Jefferson County Transfer Station (when completed) or any other permitted site capable of receiving municipal solid waste from the State of WV.

Please contact Waste Management of West Virginia to get a statement regarding the same for commercial services.

Sincerely,



James P. Phillips
General Manager
Apple Valley Waste Service, Inc.

Apple Valley Waste Service, Inc
P.O. Box 1208 • Martinsburg, WV 25402 • Office: 304-267-1280 • Fax: 304-267-1270

Material from West Virginia Historic Inventory

Explorer: The West Virginia History Database

Jefferson County Module created by
William D. Theriault, PhD.

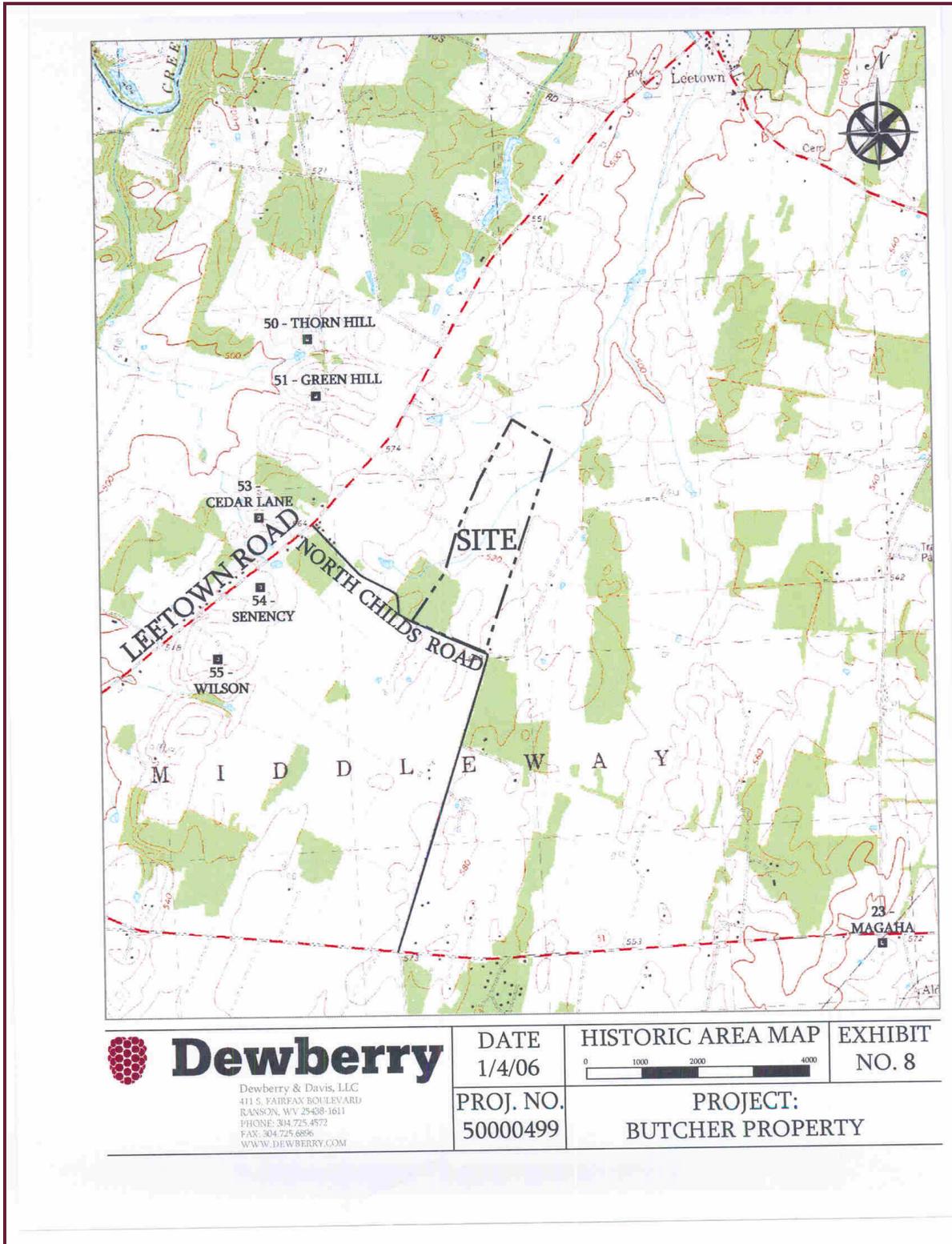
Published by

The WW Division of Culture and History
Charleston WV

s

Angus View CIS

MAP



Dewberry

Dewberry & Davis, LLC
 411 S. FAIRFAX BOULEVARD
 RANSON, WV 25438-1611
 PHONE: 304.725.4572
 FAX: 304.725.6896
 WWW.DEWBERRY.COM

DATE
1/4/06

HISTORIC AREA MAP



EXHIBIT
NO. 8

PROJ. NO.
50000499

PROJECT:
BUTCHER PROPERTY

Angus View CIS



Site 50 Thorn Hill/Pleasant View

Present Owner: Edward T. Hines
Mailing Address: 2300 Mass. Ave. NW, Wash., DC
Original Owner: Abraham Van Meter
Assessor Map #: *
Approximate Lot Size: *
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Fair; Grounds - *; Neighborhood - *; owner is not keeping up building
Common Name: Thorn Hill/Pleasant View
Address: Smithfield
Area: *
Architect/Builder: John Y. Shuall
Date of Construction: 1816; Source - On stone of house itself
Architectural Style: Georgian
Present Use: dwelling
Original Use: dwelling
Incidence in Area: *
Importance to Its Neighborhood: *
Accessible to Public: *
Architectural Significance: State
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: could be National Register if rehabilitated
Representation in Other Surveys: *
PHYSICAL DESCRIPTION
Facade Material: stone, stucco
Foundation: stone
Roof Form: tin
Porch or Veranda: 3 porches; Height: backside 2 stories
Building Height in Stories: 2
Roof Dormers: none
Chimneys: 3; Where: 2 in stone part, flue in stucco section
Facade Emphasis: stone with stucco
Window Sash: 1st: 6 panes; 2nd: 9 panes; *3rd
Entrance: Trans
INTERIOR DETAILS
Mantels: 4

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Overmantles: *
Staircase: yes
Wainscotting: no
Interior Doors of Period: old cross and bible
Door and window Frames: original in stone
Other Panelling: picture rails
Ceiling Cornices: *
Chair Rails: in stone section
Base Molds: *
Wallcoverings of Period: cow hair and sand plaster covered with whitecoat
Hardware: 3 original locks, including front door
Ceiling Medallions: none
Original Floors: yes, pine random width
Other Interior Details: *
Significant Outbuildings: old blacksmith shop, wood siding; remnants of old spring house
Landscaping: stone wall with what looks like a mounting block at lower end
Other Notes: *



Site 51 Green Hill

Present Owner: Lyle Baker, Estate of William Baker
Mailing Address: Kearneysville
Original Owner: Van Meter Family
Assessor Map #: *
Approximate Lot Size: 100 acres
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good/Fair; Grounds - Good; Neighborhood - *
Common Name: Greenhill
Address: Smithfield Road
Area: Middleway
Architect/Builder: John Y. Shaull
Date of Construction: c. 1816 - 1820; Source - cornerstone missing
Architectural Style: *
Present Use: dwelling
Original Use: dwelling
Incidence in Area: farming
Importance to Its Neighborhood: *

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Accessible to Public: *

Architectural Significance: County; would be state except for addition

Significance of Interiors: *

Significance of Landscaping: *

Historic Significance: *

Representation in Other Surveys: *

PHYSICAL DESCRIPTION

Facade Material: stone and wood extension

Foundation: stone, basement

Roof Form: *

Porch or Veranda: yes; Height: *

Building Height in Stories: two

Roof Dormers: none

Chimneys: 2; Where: kitchen, dining room

Facade Emphasis: *

Window Sash: 1st: 4 panes; 2nd: 12 panes; *3rd

Entrance: Trans; sidelights: no

INTERIOR DETAILS

Mantels: wood

Overmantles: wood

Staircase: central

Wainscotting: yes

Interior Doors of Period: wood

Door and window Frames: religious cross, original glass

Other Panelling: *

Ceiling Cornices: no

Chair Rails: yes

Base Molds: yes

Wallcoverings of Period: *

Hardware: locks, unwind handle, original. Should be drawn or photographed

Ceiling Medallions: *

Original Floors: four main rooms in whole house

Other Interior Details: *

Significant Outbuildings: smoke house

Landscaping: *

Other Notes: *

Angus View CIS



Site 53 Cedar Lane



Present Owner: Elizabeth and Austin Nicodemus
Mailing Address: Kearneysville
Original Owner: *
Assessor Map #: *
Approximate Lot Size: 60 acres
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - *
Common Name: Cedar Lane
Address: Smithfield Road
Area: Middleway
Architect/Builder: *
Date of Construction: *; Source - *
Architectural Style: *
Present Use: dwelling
Original Use: dwelling
Incidence in Area: *
Importance to Its Neighborhood: *
Accessible to Public: *
Architectural Significance: Local
Significance of Interiors: *

3/2/07

Angus View CIS

Significance of Landscaping: *

Historic Significance: *

Representation in Other Surveys: *

PHYSICAL DESCRIPTION

Facade Material: wood

Foundation: *

Roof Form: *

Porch or Veranda: yes; Height: 1 1st floor

Building Height in Stories: 2

Roof Dormers: none

Chimneys: 3; Where: 2 complete fireplaces

Facade Emphasis: *

Window Sash: 1st: 4 panes; 2nd: 12 panes; *3rd

Entrance: Fan no; Lintel *; Trans *; Sidelights no; Undecorated *

INTERIOR DETAILS: 7 rooms

Mantels: yes

Overmantles: yes

Staircase: *

Wainscotting: no

Interior Doors of Period: yes, primitive

Door and window Frames: wood

Other Panelling: *

Ceiling Cornices: *

Chair Rails: no

Base Molds: yes

Wallcoverings of Period: *

Hardware: original lock on kitchen door

Ceiling Medallions: *

Original Floors: random width, under linoleum

Other Interior Details: *

Significant Outbuildings: none

Landscaping: *

Other Notes: *

Present Owner: Elizabeth and Austin Nicodemus

Mailing Address: Kearneysville

Original Owner: *

Assessor Map #: *

Approximate Lot Size: 60 acres

Property Currently Zoned: *

Assessment: Land - *; Improvements - *; Total - *

Physical Condition: Structure - Good; Grounds - Good; Neighborhood - *

Common Name: Cedar Lane

Address: Smithfield Road

Area: Middleway

Architect/Builder: *

Date of Construction: *; Source - *

Architectural Style: *

Present Use: dwelling

Original Use: dwelling

Incidence in Area: *

Importance to Its Neighborhood: *

Accessible to Public: *

Architectural Significance: Local

Significance of Interiors: *

Significance of Landscaping: *

Historic Significance: *

Angus View CIS

Representation in Other Surveys: *

PHYSICAL DESCRIPTION

Facade Material: wood

Foundation: *

Roof Form: *

Porch or Veranda: yes; Height: 1 1st floor

Building Height in Stories: 2

Roof Dormers: none

Chimneys: 3; Where: 2 complete fireplaces

Facade Emphasis: *

Window Sash: 1st: 4 panes; 2nd: 12 panes; *3rd

Entrance: Fan no; Lintel *; Trans *; Sidelights no; Undecorated *

INTERIOR DETAILS: 7 rooms

Mantels: yes

Overmantles: yes

Staircase: *

Wainscotting: no

Interior Doors of Period: yes, primitive

Door and window Frames: wood

Other Panelling: *

Ceiling Cornices: *

Chair Rails: no

Base Molds: yes

Wallcoverings of Period: *

Hardware: original lock on kitchen door

Ceiling Medallions: *

Original Floors: random width, under linoleum

Other Interior Details: *

Significant Outbuildings: none

Landscaping: *

Other Notes: *

Angus View CIS



Site 54 Senency

Present Owner: Fred Swartz
Mailing Address: Inwood
Original Owner: Senency?
Assessor Map #: *
Approximate Lot Size: *
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - Good
Common Name: *
Address: Smithfield Road, in field behind farm house
Area: Leetown, Middleway Road
Architect/Builder: Senency. Name of original owner, check 1859 map
Date of Construction: ; Source - *
Architectural Style: *
Present Use: tenent, Ruth Weisenberg
Original Use: Farm house
Incidence in Area: *
Importance to Its Neighborhood: Minor
Accessible to Public: *
Architectural Significance: Local
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: *
Representation in Other Surveys: *
PHYSICAL DESCRIPTION: 2 story log
Facade Material: clapboard
Foundation: stone
Roof Form: single gable
Porch or Veranda: 2 stories; Height: 2
Building Height in Stories: 2
Roof Dormers: no
Chimneys: 2, interior; Where: 1 original, West added 1938
Facade Emphasis: *
Window Sash: 1st: 6/6; 2nd: 6/6; *3rd
Entrance: Trans
INTERIOR DETAILS:

Angus View CIS

Mantels: *
Overmantles: *
Staircase: 1
Wainscotting: *
Interior Doors of Period: *
Door and window Frames: 6/6
Other Panelling: *
Ceiling Cornices: *
Chair Rails: *
Base Molds: *
Wallcoverings of Period: *
Hardware: *
Ceiling Medallions: *
Original Floors: under linoleum, random width pine
Other Interior Details: *
Significant Outbuildings: *
Landscaping: *
Other Notes: *

Angus View CIS



Site 55 Wilson

Present Owner: Wilson
Mailing Address: *
Original Owner: *
Assessor Map #: *
Approximate Lot Size: *
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Fair; Grounds - Good; Neighborhood - Good
Common Name: *
Address: Smithfield Road
Area: *
Architect/Builder: *
Date of Construction: *; Source - *
Architectural Style: "Neo-Classic" Farm house
Present Use: abandoned
Original Use: dwelling
Incidence in Area: *
Importance to Its Neighborhood: *
Accessible to Public: *
Architectural Significance: Local
Significance of Interiors: *
Significance of Landscaping: *
Historic Significance: *
Representation in Other Surveys: *
PHYSICAL DESCRIPTION
Facade Material: clapboard
Foundation: stone, basement
Roof Form: 2 dormers
Porch or Veranda: yes; Height: 1 story
Building Height in Stories: 2
Roof Dormers: 2
Chimneys: 3; Where: E, W, and S. 2 stone, 1 brick
Facade Emphasis: clapboard
Window Sash: 1st: 2/2; 2nd: 3/1; *3rd
Entrance: Undecorated
INTERIOR DETAILS

Angus View CIS

Mantels: yes
Overmantles: wood, influence of Neo-Classic Greek
Staircase: Center hall
Wainscotting: *
Interior Doors of Period: *
Door and window Frames: *
Other Panelling: *
Ceiling Cornices: *
Chair Rails: *
Base Molds: yes
Wallcoverings of Period: *
Hardware: *
Ceiling Medallions: *
Original Floors: yes
Other Interior Details: *
Significant Outbuildings: *
Landscaping: *
Other Notes: *

Angus View CIS



Site 23 Magaha



Present Owner: T.L. Magaha
Mailing Address: Route 2
Original Owner: *
Assessor Map #: *
Approximate Lot Size: *
Property Currently Zoned: *
Assessment: Land - *; Improvements - *; Total - *
Physical Condition: Structure - Good; Grounds - Good; Neighborhood - Good
Common Name: none
Address: Middleway Road
Area: *
Architect/Builder: *
Date of Construction: *; Source - *
Architectural Style: *
Present Use: single family
Original Use: single family
Incidence in Area: common
Importance to Its Neighborhood: Minor
Accessible to Public: *

Angus View CIS

Architectural Significance: Local

Significance of Interiors: *

Significance of Landscaping: *

Historic Significance: *

Representation in Other Surveys: *

PHYSICAL DESCRIPTION

Facade Material: stucco

Foundation: *

Roof Form: *

Porch or Veranda: *, Height: *

Building Height in Stories: *

Roof Dormers: *

Chimneys: *, Where: *

Facade Emphasis: *

Window Sash: *1st; *2nd; *3rd

Entrance: Fan *; Lintel *; Trans *; Sidelights *; Undecorated *

INTERIOR DETAILS

Mantels: 3

Overmantles: -

Staircase: *

Wainscotting: *

Interior Doors of Period: *

Door and window Frames: *

Other Panelling: -

Ceiling Cornices: -

Chair Rails: yes

Base Molds: *

Wallcoverings of Period: -

Hardware: locks iron with brass knobs - original

Ceiling Medallions: -

Original Floors: upstairs

Other Interior Details: *

Significant Outbuildings: *

Landscaping: *

Other Notes: T.L. Magaha 1951 to Ramey.

Deed Book D, p. 105.

April 19, 1897, Deed Book 84, p. 263

Will April 15, 1913. Probated November 12, 1925. Will book F, p. 496

MW31

Not Available

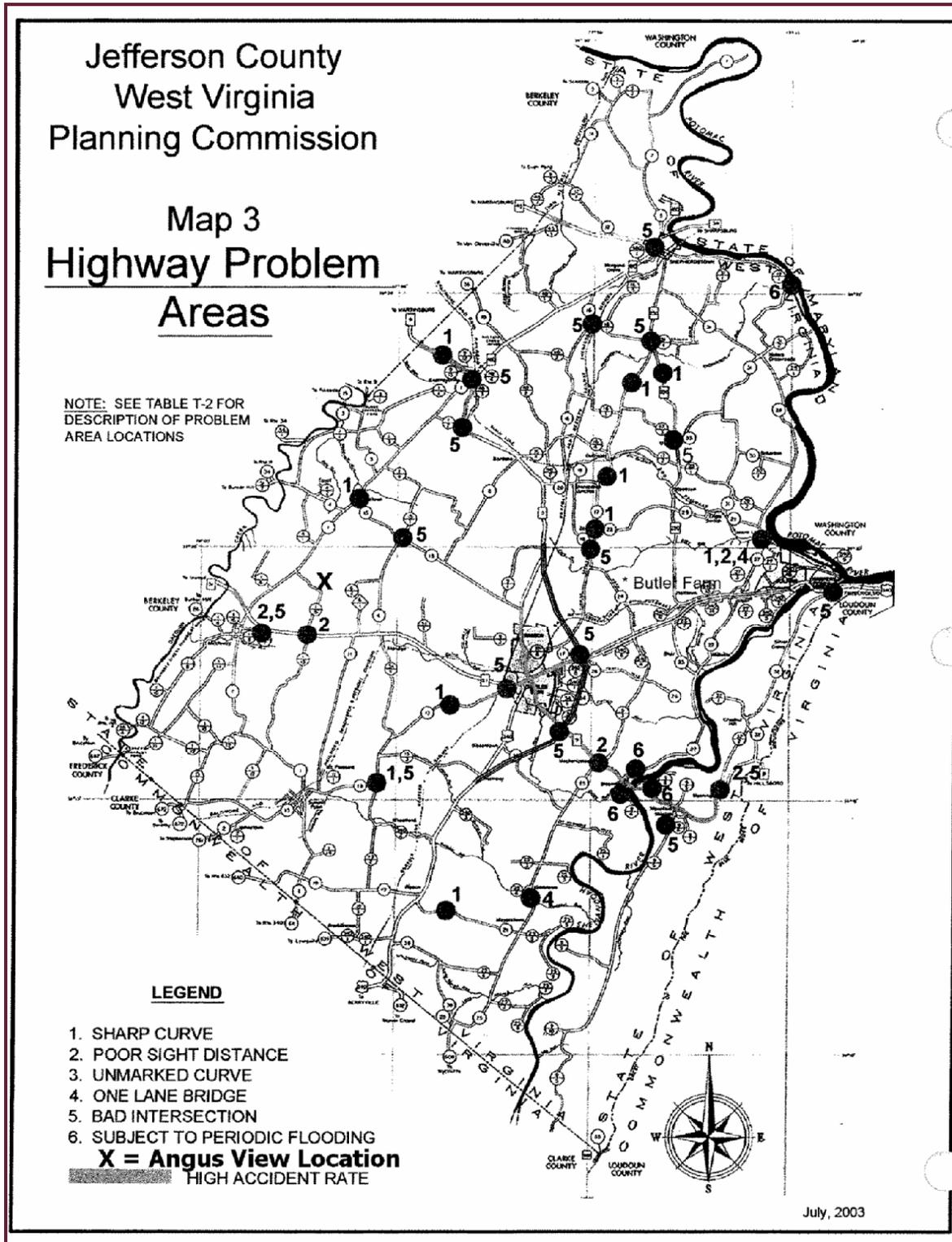


TABLE T-2
Highway Problem Areas

Route Number	Road Class	Location	Problem
340	P	Shenandoah River Bridge to VA Line	Curvy, rough shoulders, falling rocks, stone retaining wall at edge of road.
340	P	Intersection with Rt. 32	Inadequate turning area onto Rt. 32.
340	P	Intersection with Rt.9	Poor access from Rt. 340 (By-pass) east-bound off ramp onto Rt. 9 west-bound lane.
9	P	Intersection with Rt. 340	Poor access from Rt. 9 (By-pass) west-bound off ramp onto Rt. 340 west-bound lane.
9	P	Intersection with Rt. 32/2	Poor intersection angle causing poor visibility.
9	P	Intersection with Rt. 1/2 & 48/3	Numerous intersections.
9	P	Intersection with Rt. 480	Poor left turn movements onto Rt. 480 & Rt. 1
9	P	Intersection with 9/3	Poor sight distance.
51	S	Intersection with Rt. 1/5 & 1/13	Poor sight distance turning onto Rt. 1/5 & Rt. 1/13
51	S	From Opequon Creek to Charles Town	Hidden driveways.
230	S	1 mile South of Rt. 17	S-Curve
230	S	Intersection with Rt. 31/1 & 16/1	Poor visibility/sight distance.
1/7	L	Intersection with Rt. 51 (Middleway)	Poor sight distance & intersection angle.
1/17	L	Between Rt. 1 & Rt. 13	Rough one-lane dirt road.
9/3	L	Intersection with Rt. 9 (Cattail Run Rd. & Rt. 9)	Poor sight distance pulling onto Rt. 9.
9/4	L	From Rt. 9 at Bloomery to the dead-end	Within 100 year flood plain, periodic flooding.
9/5	L	From Rt. 9, South to VA Line (Mission Road)	Many curves on 2 - lane paved section with large subdivisions.
13	L	Intersection with Rt. 51 in Charles Town	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 51/1	Poor intersection angle causing poor visibility.
13	L	Intersection with Rt. 13/2	90-degree turn.
16/1	L	Intersection with Rt. 16	Poor intersection angle causing poor visibility.
17	L	1/2 Mile South of Duffields	Two 90-degree turns.
17	L	1 Mile South of Rt. 230 Intersection	S-Curves
18	L	Intersection with Rt. 17 North of Rt. 24	Poor intersection angle causing poor visibility.
21	L	1 Mile East of Rt. 340 at Rippon	Two 90-degree turns.
22	L	Intersection with Rt. 17	Poor visibility.
Rt. 32	L	Intersection with Rt. 340	Poor intersection angle causing poor visibility, steep grade of road is dangerous when icy or wet.

Road Classifications: P = Primary, S = Secondary, L = Local Service Road

Exhibit 10: Letter from Attorney

Jan-18-2007 10:11am From-

T-366 P.001 F-300

BRAUN A. HAMSTEAD (WV)

HAMSTEAD & ASSOCIATES, L.C.
ATTORNEYS AT LAW
P.O. BOX 730
CHARLES TOWN, WEST VIRGINIA 25414

MARTINSBURG, WV
(304) 262-8390

(304) 725-1468
e-mail: hamsteadandassociates.com

January 17, 2007

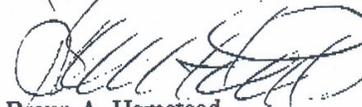
Annette Van Hilst
Dewberry & Davis
401 S. Fairfax Blvd, Suite 3
Ranson, WV 25438

Dear Annette:

This is to certify that the real estate described as the Butcher Subdivision and identified in the Community Impact Statement to which this statement is made a part, is subject to only the covenants which may be proposed with the community impact statement to which this statement is made a part and those contained on the deed hereto attached.

Very truly yours,

HAMSTEAD & ASSOCIATES, L.C.



Braun A. Hamstead

BAH/lh

X:\Butcher, Mark\affidavit bah.wpd

Angus View CIS

Exhibit 11: Existing Conditions:

