



AGENDA  
Jefferson County Planning Commission  
Tuesday, June 14, 2016, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

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**All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.**

1. Approval of the minutes from the following Planning Commission Meetings:
  - April 12, 2016
  - May 17, 2016
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. **Public Hearing:** Request by applicant Uvilla United Methodist Church (PCW#16-03) for a waiver from Appendix B, Section 2.3 (B) of the Subdivision Regulations which requires that a non- residential subdivision entrance apron be constructed of WWF reinforced 3,000 psi Portland cement concrete. The applicant is proposing to utilize the existing asphalt entrance apron and is also asking for a waiver from the entrance width limit requirement. The property is designated as Tax District: Shepherdstown (09); Tax Map: 20; Parcel: 13; Zoned: Rural (R); Owner/Developer: Uvilla United Methodist Church.
5. **Public Hearing:** Request by applicants John R. & Judy L. Shea (PCW#16-04) for a waiver from Section 20.201(A) 2 of the Subdivision Regulations which requires lots in the Rural District to access a road right-of way having a width of 50'. The property is designated as Tax District: Kabletown (06); Tax Map: 16; Parcel 16.4; Zoned: Rural (R); Owner/Developer: John R. & Judy L. Shea.

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

6. Review and Possible action on the proposed text amendment to multiple sections of the Jefferson County Zoning and Land Development Ordinance (ZTA 16-01) heard at the Public Hearing held on May 17, 2016. This text amendment proposes to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replacing it with a traditional Principal Permitted and Conditional Use process; proposes to increase the density provisions of the Rural Zoning Cluster Development Provisions in Section 5.7; and proposes related rural land use amendments throughout the Ordinance.
7. Reports from Legal Counsel and legal advice to the Planning Commission.
  - a) Active Litigation:
    - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.
    - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
8. Director's Report.

9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org). Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

Jefferson County Planning Commission  
April 12, 2016

The Jefferson County Planning Commission met on April 12, 2016 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Donnie Fisher, Secretary; Steve Stolipher, Gary Phalen, Dick Childs, Eric Bell, and new Planning Commission member J Ware. Staff members present included Jennie Brockman, Director of Planning and Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Jonathan Saunders, County Engineer; and Rhonda Greenholtz, Planning Clerk

Mr. Gene Taylor was absent without prior notification.

Mr. Mike Chapman called the meeting to order at 7:00 PM.

1. Approval of the minutes from the following Planning Commission Meetings

- March 8, 2016
- March 24, 2016

The minutes were approved with no objections

Mike Chapman took a moment to welcome new Planning Commission member J Ware.

2. Citizen Communications. None.

3. Request for postponement: None

4. **Public Workshop:** Concept Plan for Charles Town Self Storage (File: S16-01). The property is located at 257 Keyes Ferry Road in Charles Town. The proposed project is for the construction of a 37,500 square foot self-storage facility to be located to the east of an existing storage facility. The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.3; Zoned: Residential-Light Industrial-Commercial (RLIC); Owner/Developer: CTSS, LLC.

Mr. Steve Stolipher and Mr. Donnie Fisher recused themselves from the following agenda item.

Ms. Brockman gave an overview of the project and presented the staff report. Ms. Brockman stated that this project has recently received approvals of variance requests from the Board of Zoning appeals to reduce rear and side yard setbacks from 50' to 25' (ZV16-05) and a request from Appendix B to reduce the rear setback from 50' to 25' for the existing bowling alley to accommodate a proposed lot line adjustment (ZV16-06)

Ms. Brockman stated that, based on the Subdivision Regulations, the Site Plan can process as a Minor Site Plan.

Ms. Kristen Stolipher, Gordon, representative for the applicant stated the only additional information she could provide is that the travel aisles have been increased and they have received approvals from the Addressing Department and the Fire Department.

Mr. Mike Chapman opened the floor for public comment. No public comment was made. Mr. Chapman closed the floor to public comment.

Mr. Dick Childs made a motion to approve the Concept Plan. Mr. Gary Phalen seconded the motion. A vote was taken which carried unanimously.

5. **Public Hearing:** Request by applicant Jefferson County Development Authority (PCW#16-02) for a waiver from Section 21.402D of the Subdivision Regulations which requires that no permanent encroachments, structures or fences be placed within any easement area. The applicant is proposing to install shrubs and a chain link fence in the water easement and sewer easement in two separate locations

on the site. The property is designated as Tax District: Charles Town (02); Tax Map: 1; Parcels: 102 & 103; Zoned: Industrial Commercial (IC); Owner/Developer: Jefferson County Development Authority.

Mr. Fisher re-entered the meeting. Mr. Stolipher and Mr. Chapman recused themselves from this agenda item. Vice President Wade Louthan presided over this portion of the meeting.

Ms. Brockman presented the staff report stating the Staff supports the concept proposed in the original site plan in which landscaping meeting the County's requirements is proposed along the edge of the stormwater management easement and, therefore, supports the requested waiver which allows this landscaping and fencing to cross the utility easements in conformance with the provisions that the utility companies put on the easement encroachment.

Ms. Kristen Stolipher, Gordon, applicant for the representative, stated that two additional crossings would be required in addition to the ones shown on the plan provided. These crossings relate to the fencing on the northern property line adjacent to James Burr Boulevard. The Public Service District (PSD) and Jefferson Utilities (JUI) have approved these proposed crossings areas. Landscaping in these areas are to have shallow rooted shrubs and the fence posts are to be located on each side of the easement. The ownership of the property now belongs to Decker Holdings, LLC.

Mr. Louthan opened the floor to public comment. No public comment was made. The floor was closed to public comment.

Mr. Gary Phalen made a motion to approve the waiver. Mr. Louthan seconded the motion. A vote was called for and passed unanimously.

Mr. Stolipher and Mr. Chapman re-entered the meeting.  
Mr. Chapman presided over the rest of the meeting

6. Mr. Martin Burke, Historic Landmark Commission (JCHLC), gave a PowerPoint presentation to update the Planning Commission members on the status of the JCHLC's Historic Resources mapping efforts as well as the status of the Commission's proposed Zoning Ordinance amendments based on the goals and recommendations in the Envision Jefferson 2035 Comprehensive Plan.
7. Planning Commission Work Session (continued): Discussion on the Envision Jefferson 2035 Comprehensive Plan recommendations regarding modifications to the LESA/Conditional Use Permit provisions of the Jefferson County Land Development and Zoning Ordinance as well as modifications to the Cluster Subdivision provisions of the Rural zoning district (ZTA16-01).

Ms. Brockman provided an overview of the revisions to the proposed text amendment as recommended by the Planning Commission on March 24, 2016. Previous revisions from the March 24, 2016 meeting were reviewed and approved with two exceptions.

- Page 24 of 130 Definition of Green Space. The last sentence in the definition previously deleted shall remain. "*Green space may include open space as defined herein*".
- Page 74 of 130 Section 5.7 D2(C). "*Maximum lot size shall be 3 acres*". Mr. Stolipher made a motion to delete this sentence. Mr. Eric Bell seconded the motion. A vote was taken which carried unanimously.

A Public Hearing for this item will be held at the next Planning Commission meeting

8. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session. None
- Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session. None

9. Director's Report.

- Department Reorganization
- Pending Zoning Ordinance and Subdivision Regulation Amendments
- Upcoming PC meeting
  - The Planning Commission meeting scheduled for May 3, 2016 was cancelled due to lack of Agenda Items. A special called meeting will be held on May 17, 2016 for a Public Hearing relating to the proposed Text Amendments to multiple sections of the Jefferson County Zoning and Land Development Ordinance (ZTA 16-01).

10. President's Report.

11. Actionable Correspondence.

12. Non-Actionable Correspondence.

Mr. Mike Chapman motioned to adjourn the meeting at 8:45 PM.

Jefferson County Planning Commission  
May 17, 2016

The Jefferson County Planning Commission met on May 17, 2016 with the following Commission members present: Mike Chapman, President; Wade Louthan, Vice President; Donnie Fisher, Secretary; Steve Stolipher, Gary Phalen, Eric Bell, Dickie Childs, and J Ware. Staff members present included Jennie Brockman, Director of Planning and Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Alex Beaulieu, Project/Office Manager

Mr. Gene Taylor was absent with prior notification.

Mr. Mike Chapman called the meeting to order at 7:00 PM.

1. Citizen Communications. None.

Mr. Mike Chapman stated that each speaker is allotted 5 minutes due to the vast nature of the subject. Several written comments had been received by the Planning Commission prior to the start of this meeting. The record will remain open for two (2) weeks from this date to allow the submission of further written comments on this item. Comments are to be received no later than close of business on May 31, 2016. Mr. Chapman stated that this meeting is not an interactive session. The Planning Commission's role is to accept Public Comment only on Agenda Item 2.

Mr. Mike Chapman opened the floor to Public Comment. No Public comment was had. Mr. Chapman closed the floor to Public Comment.

2. **Public Hearing:** Proposed text amendment to multiple sections of the Jefferson County Zoning and Land Development Ordinance (ZTA 16-01). This text amendment, in accordance with WV Code §8A-7-13, proposes to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the Development Review System (DRS) based on the Land Evaluation and Soils Assessment (LESA) Conditional Use Permit (CUP) Process (Articles 6 and 7) and replacing it with a traditional Principal Permitted and Conditional Use process. The proposed Zoning Ordinance text amendment further propose changes to the Rural Zoning Cluster Development Provisions in Section 5.7 and proposes related rural land use amendments throughout the Ordinance. The amendment is the proposed implementation of a key concept throughout the Envision Jefferson 2035 Comprehensive Plan, adopted in February, 2015, which states "This Plan proposes a higher density cluster provision rather than allowing rural residential developments via the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process; and to allow the use of the a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare."

Ms. Jennifer Brockman gave a brief summary of the proposed text amendment. Ms. Brockman stated that this is the Public's opportunity to comment on this amendment.

Mr. Chapman opened the floor to Public Comment.

Mr. Joseph Hankins, Chair, Conservation Committee for the Potomac Valley Audubon Society (PVAS) spoke, requesting that a new rural principal permitted use and definition be added to the ordinance for environmental education facilities. Mr. Hankins comments were submitted to the Planning Commission in writing and attached to this record.

Ms. Sarah Lambert, Architect in Shepherdstown and a member of the Jefferson County Historic Landmarks Commission spoke regarding the proposed 75' height in the Rural District and regarding the proposed large gas stations in the Rural district. She also requested that the Commission consider allowing detached accessory dwelling units to allow an alternative to nursing homes for elderly family members. The Jefferson County Historic Landmark Commission also submitted written comments that were entered into this record.

Mr. Martin Burke, Chair for the Jefferson County Landmarks Commission, spoke regarding additional definitions the JCHLC is proposing be added to the Ordinance; proposed language explaining the powers and duties of the JCHLC; requesting that an incentive be provided in the Rural cluster provisions for additional units in exchange for greater acreage in preservation; and requesting a section related to adaptive reuse of structures. Written comments detailing all of the JCHLC's comments were submitted as one letter to the Planning Commission.

Mr. Mark Dyck, Gordon & Associates spoke regarding the proposed term "greenspace"; requesting more empirical standards for consideration of traditional conditional uses; requesting a change in the non-residential setback requirements; and questioning certain uses in Appendix C, "Principal Permitted and Conditional Uses Table". Written comments were submitted via an email by Mr. Dyck and made part of this record.

Ms. Jennifer Brockman read aloud the names from whom written comments were received by others not present at this meeting but were made part of this record.

Mr. Mike Chapman closed the meeting to Public Comment stating that written comments will still be accepted as stated above at the beginning of the meeting.

Mr. Stephen Stolipher made a motion to put all the written comments that will be received in the next weeks into the packet for the next regular scheduled Planning Commission meeting to be held on June 14, 2016.

Mr. Wade Louthan seconded the motion.

Ms. Jennifer Brockman stated the comments received will be put into a matrix form to be presented at the next meeting.

A vote was taken on the motion which carried unanimously.

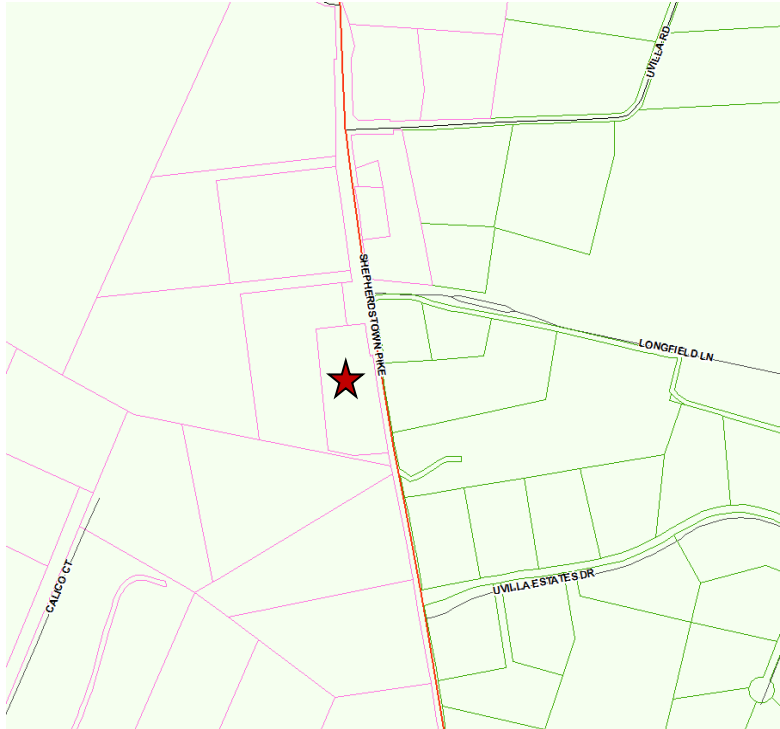
Ms. Jennifer Brockman gave an update on the status of the Draft Campground Regulations. A brief discussion ensued.

Mr. Mike Chapman motioned to adjourn the meeting at 7:36 PM.

Staff Report  
 Jefferson County Planning Commission Meeting  
 June 14, 2016

**Uvilla United Methodist Church (PCW#16-03)**

**Public Hearing:** Request by applicant Uvilla United Methodist Church (PCW#16-03) for a waiver from Appendix B, Section 2.3 (B) of the Subdivision Regulations which requires that a non- residential subdivision entrance apron be constructed of WWF reinforced 3,000 psi Portland cement concrete. The applicant is proposing to utilize the existing asphalt entrance apron and is also asking for a waiver from the entrance width limit requirement.

APPLICANT:	Ted Shiltz, Trustee, Uvilla United Methodist Church		
OWNER:	Same as above		
DEVELOPER:	Same as above		
SURVEYOR/ENGINEER:	Kimberly J. Petrucci, P.E.		
PROPERTY LOCATION:	4179 Shepherdstown Pike Shenandoah Junction, WV 25442		
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	Tax District: Shepherdstown (09); Tax Map: 20; Parcel: 13 Size: 2.023 Acres 		
ZONING DISTRICT:	Rural		
SURROUNDING PROPERTIES:	North: Rural	East: Rural	
	South: Rural	West: Rural	
APPROVED ACTIVITY	Church		
APPROVALS:			
	08-12-2014: Approved Lot Line adjustment.		
ZV15-15	06-25-2015: Elimination of the front, side and rear landscaping buffer for the addition of a Fellowship Hall.		
S15-01	03-08-2016: Received Minor Site Plan approval.		

Staff Report  
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June 14, 2016

Background

Uvilla United Methodist Church is a small church located at 4179 Shepherdstown Pike (WV 230) within the Rural (R) zoning district. In August of 2014 Parcel 13 (Parcels A, B & C) and Parcel 19.0002 were combined to create the existing 2.023 acre parcel recorded in Deed Book 1144 Page 548.

The Request

The applicant is seeking a waiver from Appendix B, Section 2.3 (B) of the Subdivision Regulations which requires that a non-residential subdivision entrance apron be constructed of WWF reinforced 3,000 psi Portland cement concrete. The applicant requests approval to utilize the existing asphalt entrance in lieu of constructing a concrete apron. WVDOH defers to the Departments of Planning and Zoning as the concrete apron is a requirement of Jefferson County. The applicant is also requesting a waiver of the minimum entrance requirement from 35' to 50'.

Waiver Requirements:

In order to grant a variance the following four criteria must be met. The comments below the criteria are the staff's comments related to the criteria:

***The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.***

The requested waivers have no relationship to this criterion and therefore it does not need to be considered in this case.

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

Provided the DOH and Jefferson County Engineering Department have no issues with the location and/or size of the proposed driveway entrance and do not believe that it creates a safety issue, Planning staff is not opposed to the proposed waivers.

***The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.***

Ultimately the purpose of the Regulations is to ensure that proposed site plans meet the standards of the Zoning Ordinance and satisfy the legal requirements of the State and County, to promote efficient and attractive development in a manner that reduces off-site impacts, and to ensure that proposed development will be, adequately supported by infrastructure. The requested waiver does not seem contrary to these purposes from a planning perspective.

***The waiver, if granted, will result in a project of better quality and/or character.***

Approval of the requested waivers allows the applicant to use a driveway entrance that is already constructed

Staff Recommendation

The Departments of Planning and Zoning defer to the Engineering Department regarding the waiver requests for the concrete apron.

# Engineering Report

## Uvilla United Methodist Church Waiver for Concrete Apron 06/14/2016

### Request:

Uvilla United Methodist Church is requesting a waiver from the requirements of the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Appendix B, Section 2.3.B.5, Site Development Access to Public Roads.

### Section 2.3.B.5

Site development access drives to subdivision streets and public roads shall have a concrete entrance apron, as follows:

Full width of the driveway x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland Cement Concrete and 4" of base stone. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.

The applicant is requesting a waiver from the concrete apron standard, and to be able to utilize the existing asphalt pavement that meets standard in section 9.5, Parking Area, Entrance and Internal Driveway Paving. In previous waiver, the concrete apron was replaced by this asphalt standard.

### Section 9.5

A. Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:

- 1 ½" Bituminous Concrete Surface Course
- 2 ½" Bituminous Concrete Base Course
- 9" Graded Aggregate Base Course (placed in 2 lifts)

Heavier pavement sections may be required by the County Engineer. The consulting engineer shall take into consideration the soil subgrade strength and load bearing capacity and the type of traffic loads anticipated in preparing the concrete or bituminous asphalt pavement section design.

**Findings:**

Around 2004, the WVDOH did a realignment project for Route 230 which had improvements to the Uvilla United Methodist Church parking area. The improvements were an asphalt entrance apron of 10' by 50' with 10' fillet radii and a parking area of 30' by 50'. The cross-section of asphalt placed was 1" of wearing course, 4" of base 1, 9" of stone, and 6" of compacted subgrade which exceeds the asphalt standard cross-section in Section 9.5.

The applicant will not be utilizing the entire existing asphalt apron. The asphalt apron would be reduced to 28' wide and 25' long with 35' fillet radii as shown on sheet 1 of the approved site plan.

The pavement appears to show no signs of failure. See attached photos from the applicant.

**Conclusion:**

The applicant is requesting that the required concrete entrance be replaced by the existing asphalt pavement with the cross-section that the WVDOH provided. Due to existing apron showing no sign of failure, Engineering recommends approval to this waiver if the access is limited to light vehicles.

However, concrete entrance aprons should remain the standard for all site development and this is an exception due to the existing entrance.

**Jefferson County CONSTRUCTION NOTES**  
(Table 1.2-1)

- Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
- Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below:
  - a. Roadways.....98%
  - b. Parking Lots for heavy trucks.....98%
  - c. Parking Lots for passenger vehicles.....95%
  - d. Utility line trenches.....98%
  - e. Building Pads.....100%

The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.

- Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
- Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
- Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

Jefferson County - Complete List of Waivers/Variations (Table 1.2-2)

Ordinance	Section of Ordinance	Description of Waiver of Variance	Date Granted
ZONING	SECTION 4.11.A APPENDIX B	To waive the front, side and rear landscaping/buffer	07/23/2015
SUBDIVISION	SECTION 9.6.A APPENDIX B	To allow 10' easement in lieu of installation of sidewalk	12/15/2015

PARKING LOT GREENSPACE(SEE DETAIL SHEET 3)

PARKING LOT & DRIVE AISLE AREA	REQUIRED	PROVIDED
GREEN SPACE 1		287.81sq.ft.
GREEN SPACE 2		189.27sq.ft.
GREEN SPACE 3		340.22sq.ft.
PARKING LOT & DRIVE AISLE AREA	718sq.ft.	817.30sq.ft.

PLANTING SCHEDULE

PLANT	QUANTITY
JAPANESE MAPLE	2
BAR HARBOR JUNIPER	3

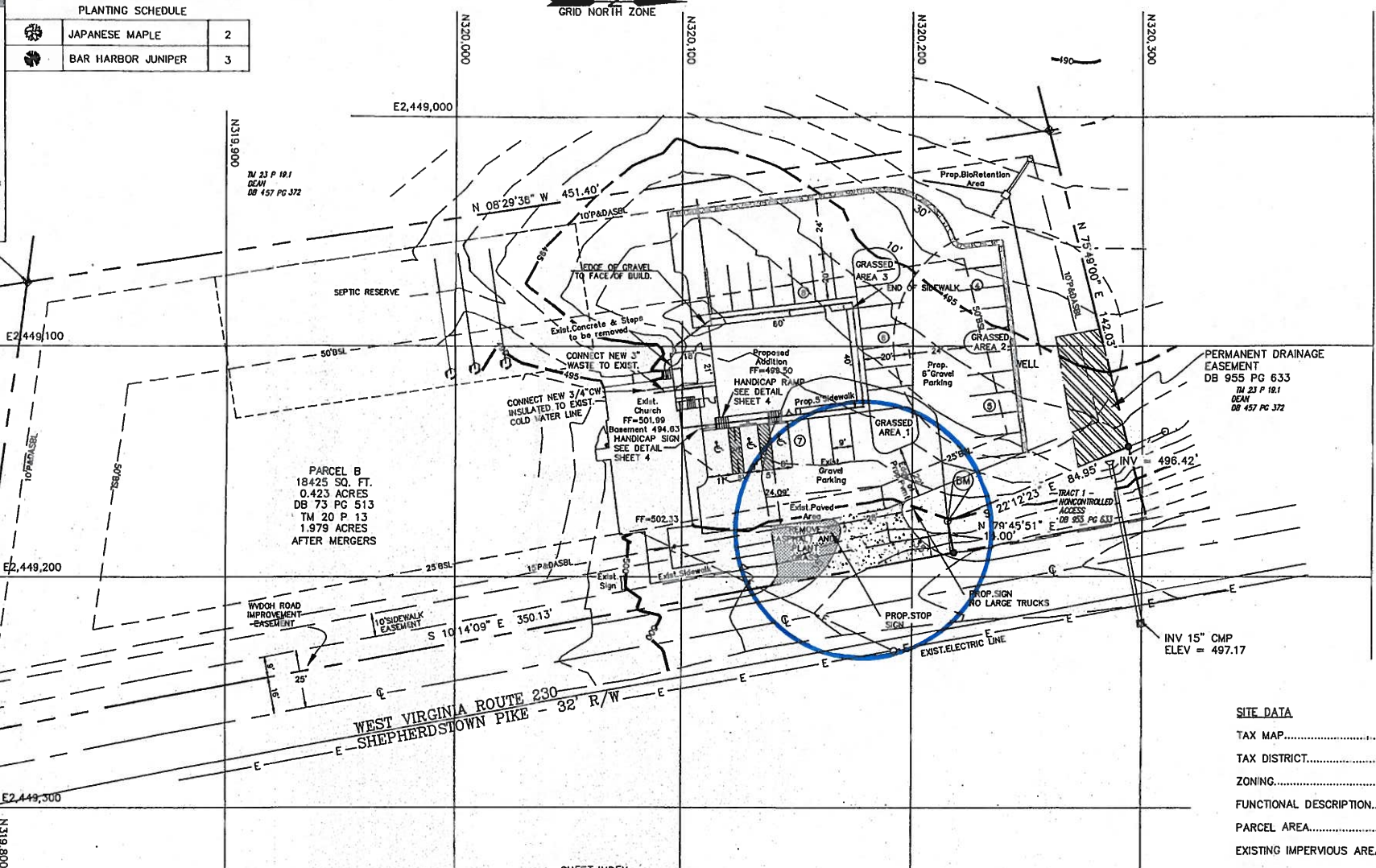
**Jefferson County SITE WORK MILESTONE INSPECTIONS**

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3257). Inspections shall be requested according to the Table of Milestones shown below:

- Installation of Sediment & Erosion Control Devices prior to beginning site grading.
- Roadway and/or parking lot subgrade proof roll prior to placing stone base.
- Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
- Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
- Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and storm water management systems, traffic control signs & pavement markings, landscaping, etc.

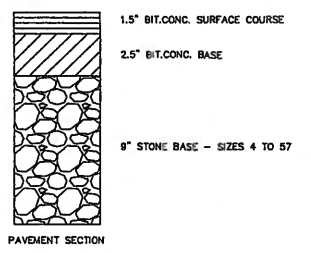
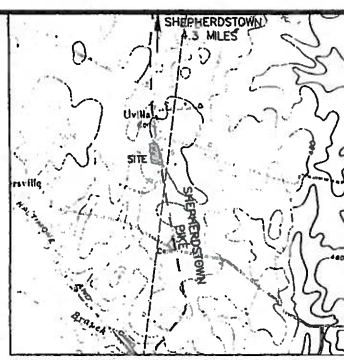
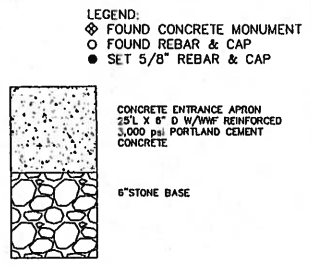
Note: the County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Jefferson County Engineering Department, upon prior approval. Third party inspection reports shall be submitted in the format specified by the County Engineer.

- NOTES:**
- BUILDING SETBACK LIMITS - MINIMUM FRONT SETBACK 25'  
MINIMUM REAR SETBACK 50'  
MINIMUM SIDE SETBACK 50'
  - PARKING & DRIVE AISLE SETBACKS - FRONT 15'  
REAR 10'  
SIDE 10'
  - THERE IS AN EXISTING DRAINAGE EASEMENT AS SHOWN.
  - ALL PROPOSED EASEMENTS & RIGHT-OF-WAYS ARE AS SHOWN.
  - THERE ARE NO FUTURE EASEMENTS & RIGHT-OF-WAYS.
  - THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE.
  - BY GRAPHIC PLOTTING ONLY, THIS PROPERTY IS LOCATED ON F.I.R.M. MAP 54037C0135E DATED DECEMBER 18, 2009. NO PORTION OF THIS PROPERTY IS IN THE 100 YEAR FLOOD PLAIN. EXACT LOCATION CAN ONLY BE DETERMINED BY AN ELEVATION CERTIFICATE.
  - THERE ARE NO RESTRICTIVE COVENANTS.
  - THE PUBLIC SERVICE DISTRICT MAY REQUIRE IN THE FUTURE EACH PROPERTY OWNER TO ABANDON EXISTING WELL AND SEPTIC SYSTEMS AND TO CONNECT TO A CENTRALIZED SYSTEM WHEN AND IF IT BECOMES AVAILABLE.
  - A BLANKET EASEMENT IS GRANTED TO THE APPROPRIATE PUBLIC SERVICE DISTRICT IN ALL ROAD RIGHT-OF-WAYS FOR CONSTRUCTION AND MAINTENANCE OF WATER AND SANITARY SEWER LINES.
  - NO STRUCTURES, FENCES OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
  - THERE ARE NO WETLANDS PRESENT ON THE SITE AS SHOWN ON THE NATIONAL WETLANDS INVENTORY MAP.
  - WV DOT HIGHWAY ENTRANCE PERMIT NO. 05-2015-0430
  - HEALTH DEPARTMENT PERMIT NO. ST19 7980-271.
  - SEWER FLOW: 70GPM.
  - WATER DEMAND: 300GPD.
  - ALL UTILITIES SHALL BE LOCATED UNDERGROUND.
  - CUT & FILL ACTIVITY SHALL NOT ENCROACH ON ADJACENT PROPERTY.
  - PROJECT IS NOT LOCATED WITHIN 500' OF A STREAM.
  - THE TOPOGRAPHICAL CONTOUR INTERVAL IS ONE (1) FOOT. MAPPING PROVIDED BY ED JOHNSON & ASSOCIATES, INC. MARCH 2014
  - ALL CURB RADII ARE 5' UNLESS OTHERWISE NOTES.
  - STORM WATER MANAGEMENT IS BEING PROVIDED USING LOW IMPACT DEVELOPMENT THEREFORE A 10' SIDEWALK EASEMENT IS BEING PROVIDED TO COMPLY WITH SECTION 9.6.
  - THERE ARE NO ELECTRIC FACILITIES LOCATED ON THE PROPERTY. SERVICE IS PROVIDED OVERHEAD FROM A POLE ACROSS WV ROUTE 230.
  - THE STRUCTURES SHOWN AS PRE-1968 STRUCTURES ON THIS PLAT ARE CONSIDERED PRE-EXISTING NONCONFORMING USES AND ARE EXEMPT IN THEIR PRESENT STATE FROM THE SETBACK LIMITS IMPOSED IN 1988 FROM ROAD IMPROVEMENT EASEMENTS AND EXISTING BOUNDARY LINES; HOWEVER, NO ADDITIONS TO THE STRUCTURE WILL BE PERMITTED WITHIN THE SETBACK LIMITS SHOWN UPON THIS PLAT AND ANY ADDITION EXPANSION OUTSIDE OF THE SETBACK LIMITS WILL BE SUBJECT TO SETBACK AND OTHER REQUIREMENTS UNDER JEFFERSON COUNTY ORDINANCE IN PLACE AT THE TIME ANY SUCH ADDITIONS IS PROPOSED.



SHEET INDEX

SITE PLAN	SHEET 1
GRADING PLAN	SHEET 2
SOIL EROSION & SEDIMENT CONTROL PLAN	SHEET 3
NOTES & DETAILS	SHEET 4
WVDOH ENTRANCE PERMIT PLAN	SHEET 5



Review Print  
Return to Jefferson County  
Office of Planning  
Zoning & Engineering

**SITE DATA**

TAX MAP.....	20
TAX DISTRICT.....	SHEPHERDSTOWN
ZONING.....	RURAL
FUNCTIONAL DESCRIPTION.....	CHURCH
PARCEL AREA.....	1.979 ACRES
EXISTING IMPERVIOUS AREA.....	8,141sq.ft.
PROPOSED IMPERVIOUS AREA.....	9,593sq.ft.
PERCENT IMPERVIOUS.....	21%
EXISTING BUILDING AREA.....	2,157sq.ft.
PROPOSED BUILDING AREA.....	2,778sq.ft.
TOTAL BUILDING COVERAGE.....	6%
BUILDING HEIGHTS.....	35'
PARKING REQUIRED.....	1 SPACE/5 SEATS IN SANCTUARY 30 SPACES
PARKING PROVIDED.....	27 w/2 HANDICAP, 1 VAN ACCESSIBLE

Approved for:  
By: *[Signature]*  
County Engineer Date: 3/8/2016

RECEIVED  
FEB 26 2016  
JEFFERSON COUNTY DEPT. OF ENGINEERING

JEFFERSON COUNTY, WEST VIRGINIA

PRELIMINARY PLAN APPROVAL  
 SITE DEVELOPMENT PLAN APPROVAL

BY: COUNTY ENGINEER DATE: \_\_\_\_\_  
BY: COUNTY PLANNER DATE: \_\_\_\_\_

I CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED ENGINEER UNDER THE LAWS OF THE STATE OF WEST VIRGINIA.

*Kimberly J. Petrucci*  
17298  
STATE OF WEST VIRGINIA  
PROFESSIONAL ENGINEER  
LICENSE NO. 011258  
EXPIRATION DATE: JUNE 30, 2016

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

EDWARD L. JOHNSON JR.  
PROFESSIONAL SURVEYOR #866  
POST OFFICE BOX 1277  
CHARLES TOWN, WEST VIRGINIA 25414  
304.725.6060

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

TRUSTEES OF THE UVILLA UNITED METHODIST CHURCH OF THE BALTIMORE ANNUAL CONFERENCE  
4179 SHEPHERDSTOWN PIKE  
SHENANDOAH JUNCTION, WV 25442

MISS UTILITY NOTE SEVENTY-TWO (72) HOURS PRIOR TO EXCAVATION IN PUBLIC RIGHTS-OF-WAY OR IN AREAS SERVED BY UNDERGROUND UTILITIES, CALL MISS UTILITY 1-800-245-4848.

DATE	REVISIONS	BY
February 2016	PER JCP&Z AND JCE	KJP
October 2015	PER JCP&Z AND JCE	KJP

SITE PLAN  
TRUSTEES OF THE UVILLA UNITED METHODIST CHURCH OF THE BALTIMORE ANNUAL CONFERENCE  
TAX MAP 20 PARCEL 13 DB 73 PAGE 513  
SHEPHERDSTOWN DISTRICT JEFFERSON COUNTY WEST VIRGINIA  
SCALE: 1" = 30' FEBRUARY 2015

KIMBERLY J. PETRUCCI, P.E.  
ENGINEERING SERVICES  
59 COLLINS DRIVE  
MARTINSBURG, WEST VIRGINIA 25403  
(240) 527-7530

SHEET 1 OF 5

5/15/11 and 2/20/10/11/12

#PCW16-03



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338  
Charles Town, WV 25414

Staff Initials: Cfc  
Sketch Received: \_\_\_\_\_  
List of Adjoiners: \_\_\_\_\_  
Fees Paid: \$100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Uvilla United Methodist Church  
Mailing Address: 4179 Shepherdstown Pike, Shenandoah Jct., WV  
Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

Applicant Contact Information

Name: Ted Schiltz  
Mailing Address: 38 River Cliff Drive, Harpers Ferry, WV 25425  
Phone Number: (304) 870-4155 Email: tschiltz1@comcast.net

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: Kimberly J. Petrucci, PE  
Mailing Address: 59 Collins Drive  
Phone Number: (240) 527-7530 Email: petrucciengr@gmail.com

Physical Property Details

Physical Address: 4179 Shepherdstown Pike, Shenandoah Jct, WV  
City: Shenandoah Jct. State: WV Zip Code: 25442  
Tax District: Shepherdstown Map No: 20 Parcel No: 13  
Parcel Size: 1.979 Acres Deed Book: 73 Page No: 513

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential-Light Industrial-Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>	
<p>RECEIVED MAY 16 2016 JEFFERSON COUNTY PLANNING &amp; ENGINEERING Place Date Stamp Here</p>			Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>

What Section of the Subdivision Regulations are you Requesting to Waive?

Appendix B, Section 2.3 (A) ~~(B)~~ SW

Briefly Describe the Nature of Your Waiver Request:

Utilize existing <sup>asphalt</sup> driveway that was installed in 2004 by the WVDOH instead of removing existing driveway and pouring a concrete driveway.

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

N/A

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

We will be utilizing the existing road driveway

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

Will satisfy the legal requirements of the state & County by promoting efficient and attractive development that reduces off-site impacts.

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

Eliminate excess construction and waste to be disposed of.

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

Y. Schitt  
Signature of Property Owner  
Trustee

4/30/2016  
Date

\_\_\_\_\_  
Signature of Property Owner      Date

To Be Completed By Office

06/14/16 Date of Public Meeting/Public Hearing

05/31/16 Date Property to be Posted By

\_\_\_\_\_  
Official/Administrative Body

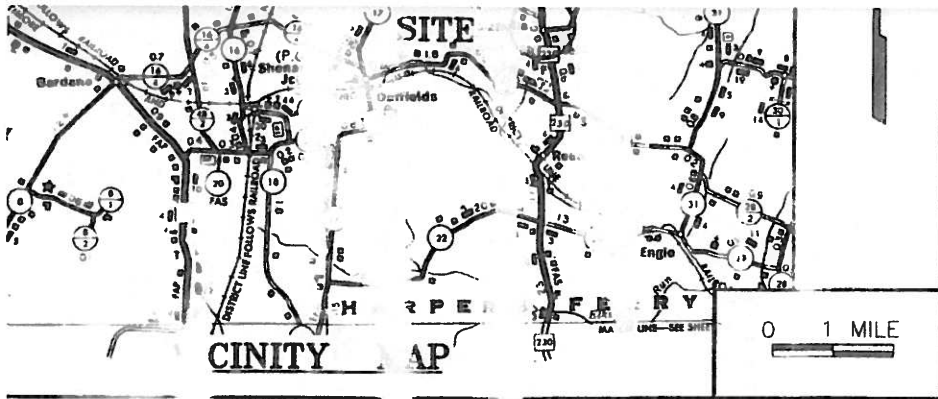
\_\_\_\_\_  
Date Adjoiner Letters to be Mailed

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

Approved       Denied







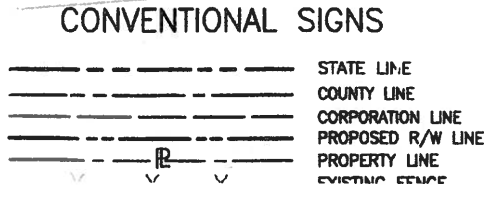
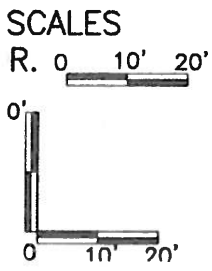
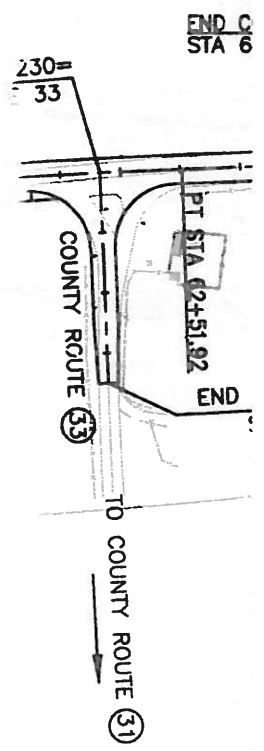
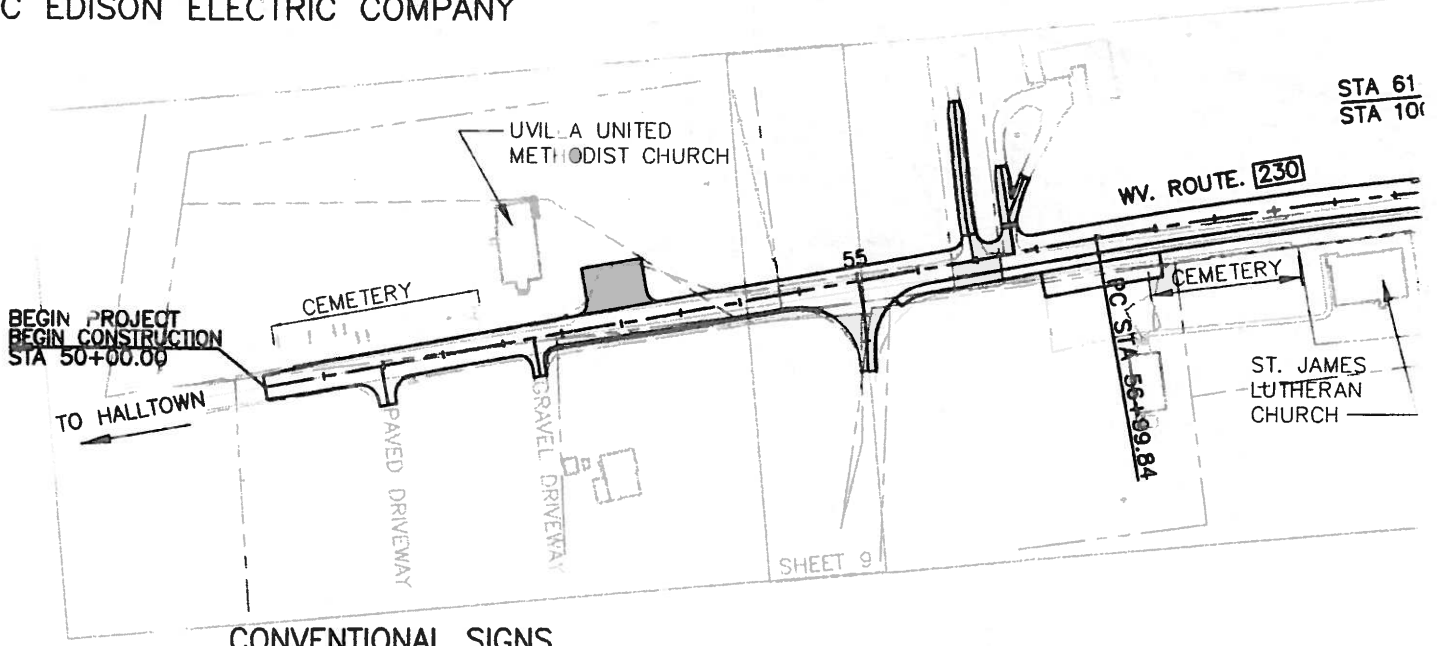
WV ROUTE 230  
 CHARLES TO  
 JEFFERSON  
 UVILLA-SHEPHERD  
 TOWN ROAD

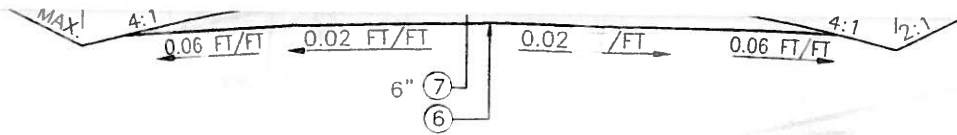
WV ROUTE 230 = STA 50+00.00 TO

STA 62+51.92 = 1975.00 FT =

UTILITIES

CITIZENS COMMUNICATIONS, INC.  
 POTOMAC EDISON ELECTRIC COMPANY

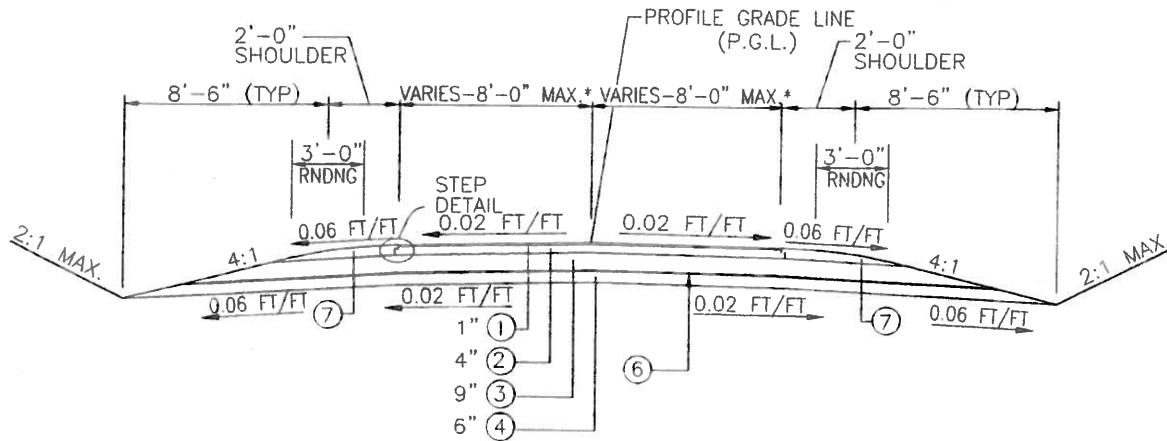




**TYPICAL SECTION GRAVEL DRIVEWAY**

- \*DRIVEWAY AT STA. 52+26.43 (5'-6")
- \*DRIVEWAY 1 (8'-0")
- \*DRIVEWAY 2 (6'-0")
- \*DRIVEWAY AT STA. 56+31.07 (6'-6")
- \*DRIVEWAY AT STA. 60+65.36 (5'-0")

**TYPICAL SECT**



WIDTH VAI

**TYPICAL SECTION G**

**TYPICAL SECTION PAVED DRIVEWAY**

- \*DRIVEWAY AT STA. 50+98.14 (7'-0")
- \*DRIVEWAY AT STA. 52+26.43 (5'-6")
- \*DRIVEWAY 1 (8'-0")
- \*DRIVEWAY 2 (6'-0")
- \*DRIVEWAY 3 (8'-0")
- \*DRIVEWAY AT STA. 56+31.07 (6'-6")
- \*DRIVEWAY AT STA. 60+65.36 (5'-0")



Staff Report  
Jefferson County Planning Commission Meeting  
June 14, 2016

- On 11/18/86, the Planning Commission (PC) approved a variance to allow use of the 30' easement (vs required 40' easement) provided a County grade road would fit in the easement, to allow for 4 lots to be created on the 10 acres which are the subject of this waiver request. They further required the construction documents for the road to be submitted to document this condition. These lots were never created.
- On 3/12/91, the PC approved a variance to allow use of the 30' easement (vs required 40' easement) provided a County grade road was constructed in the easement, to allow for two 5 acre lots to be created on the middle lot (a 50' easement is provided on these lots). On 5/11/93, the PC denied a request that the road be permitted to be 12' wide (vs the required 18' wide) but approved a variance to not require the road to meet the ditch standards in the County regulations. These two five acre lots were created and the road was constructed.
- On 2/13/96, the PC approved a variance to allow use of the 30' easement (vs required 40' easement) to allow for 3 lots to be created on the 10 acres which are the subject of this waiver request, provided a County grade road was constructed in the easement beyond the portion already constructed. The subdivision was heard by the PC on 7/9/96, but the file was closed 7/9/98 and never finalized.
- In 1999, a Child to Parent lot was approved for the rear 2.7 acre lot; which reverted to the Shea's after the death of the parent and was later transferred to a child.

The Request

The applicants are proposing to create a new, two-acre lot from their 7.28 acre parcel, to be transferred as a Parent-to-Child minor subdivision lot. All Minor Subdivisions are required to access a State Road via a 50' easement and have a maximum of five lots permitted to access an unimproved access easement. A portion of the easement containing Walking Horse Lane is only 30' in width and therefore the applicant is requesting this Planning Commission Waiver to allow the easement to continue as currently configured.

While it appears that five (5) lots currently access off of Walking Horse Lane, it has been determined that the lot at the corner of Steptoe Street and Walking Horse Lane is both addressed on and has access off Steptoe Street. Therefore, this lot does not count toward the maximum number of lots that can access Walking Horse Lane. As such, the proposed Parent-to-Child lot constitutes the fifth lot on this access easement. Any future divisions along this easement will require Walking Horse Lane to meet County Grade Road Standards and will process as a Major Subdivision.

The applicant is seeking a waiver from Section 20.201 (A) 2 of the Subdivision Regulations which requires lots within the Rural District to access a road right of way having a width of 50'. This waiver will only apply to the portion of the easement which is currently 30' wide and traverses the first lot off Steptoe Street.

Waiver Requirements:

In order to grant a variance the following four criteria must be met. The comments below the criteria are the staff's comments related to the criteria:

***The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.***

The criteria do not relate to the requested waiver.

Staff Report  
Jefferson County Planning Commission Meeting  
June 14, 2016

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

The 30' easement that is the subject of this waiver traverses the first lot at the corner with Steptoe Street. It currently is utilized by four lots that exist along this easement. If approved, one additional lot will be permitted to utilize this access easement. The easement on the lots which utilize this as access is 50' as required by the Ordinance.

***The waiver, if granted, will be in keeping with the intent and purpose of these Regulations.***

When the subdivisions above were processed, a minor subdivision which did not require road improvements was classified as a maximum of three lots (within a 40' easement) and therefore discussion of road improvements occurred each time the variance for a subdivision that would have resulted in more than three lots on this easement was requested, a county grade road was required. In 2008, the Subdivision Regulations changed to consider a minor subdivision to allow up to 5 lots on a 50' access easement with no required road improvement. A determination was made that the requested lot is the 5<sup>th</sup> lot and therefore no road improvement is required at this time; however, a 50' easement is still required. For this reason, the requested waiver to allow access via a short portion of 30' easement is required, but no road construction is required. Any further divisions on this easement will be required to process as a major subdivision with required road improvements.

***The waiver, if granted, will result in a project of better quality and/or character.***

The requested waiver, if approved, will only allow one additional lot to be processed as a minor subdivision. Any future subdivision will require processing as a major subdivision.

Staff Recommendation

The Departments of Planning and Zoning defer to the Engineering Department regarding the waiver request for the 50' road right of way width requirement.

# Engineering Report

**Shea  
Waiver for 50' Access Easement  
06/14/2016**

**Request:**

John R. and Judy L. Shea are requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Sec. 20.201.A.2 Minor Subdivisions, Residential, Access, which states:

“Access. In the Rural District, lots having a minimum road frontage of 200 feet may front on an existing road right-of-way having a width of 50 feet. Shared driveway access may be required. All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 50' access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots. Said access easement shall not be permitted along any existing property lines.”

The property owner is requesting a waiver from the requirement for 50' access easement to be reduced to 30'.

**Findings:**

An existing 50' access easement was created in 1999 crossing Parcel 19.5 (Shea Property) which was recorded in Plat Book 16 Page 44 entitled “A Parent to Child Conveyance lots 1&2 Judy Shea Property.” This easement is an extension of an existing 50' access easement across parcel 19.2 and 19.8 which was created 1991 by a plat entitled “Final Plat Showing Lots 1&2 (Residue), Gardner D Housden Subdivision.” This easement is recorded in Plat Book 11, Page 33. From there, the easement is connect into a 30' easement created in 1983 by a plat entitled “Survey Plat showing a 10-acre parcel” recorded in Deed Book 513 and Page 199. Finally, this existing 30' access easement connects to Right-of-Way of Steptoe Street.

The waiver will affect parcels 19, 19.2, 19.5, 19.8, and 19.9. Parcel 19 is addressed off of Steptoe Steet and is not counted tours the total number of lot accessing the existing easement according to Pre-Proposal Conference Memo. Parcel 19.5 wants to do a parent to child subdivision creating one lot and a one residue, a total of 2 lots. If created, a total of 5 lots would be accessing the easement which meets the maximum number of lots for a minor subdivision.

The existing gravel drive appears to have some pot hole and be around 15' in width. Please see attached pictures.

As it pertains to the width of the easement needed for a roadway, a 50' minimum width is needed for the road, shoulders, and ditch lines if you were to do a subdivision under 12 lots. However, a minor subdivision does not require any improvements.

**Conclusion:**

If the required 50' easement is waived and the existing 30' easement is utilized, this would be the fifth lot having access to the 30' easement. Therefore, it will process under the minor subdivision process and no improvements are required. If parcels 19, 19.2, 19.5, 19.8, and 19.9 have no objection, engineering would recommend approval of this waiver.

However, this will restrict all 5 lots from subdividing under the minor subdivision process. If a lot wishes to subdivide, it will need to process as a major subdivision unless a waiver is granted by the planning commission.



**FOR TAX PURPOSES ONLY**  
 PREPARED BY  
**JEFFERSON COUNTY ASSESSORS OFFICE**  
 Note: Maps are updated constantly by the mapper however, maps are printed only at the beginning of the fiscal year (July)

LEGEND	
PROPERTY LINE	UNIMPROVED LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT
ADJACENT LOT	ADJACENT LOT

**REVISIONS**  
 Revisions outgrow this space and are now maintained in a database.

KEY MAP	
7-25	15
7-26	14
17	

**COUNTY OF JEFFERSON**  
 OFFICE OF ASSESSOR  
 CHARLES TOWN, W. VA.

**KABLETOWN DISTRICT**  
 DISTRICT 6  
 MAP NUMBER 16  
 DATE, AERIAL PHOTOGRAPHY, 1982  
 PHOTO NO. 100.117.14  
 DATE, MAP APRIL 23, 1983  
 SCALE, 1"=400'



JEFFERSON COUNTY, WEST VIRGINIA
Departments of Planning and Zoning
116 East Washington Street, P.O. Box 338
Charles Town, WV 25414

Staff Initials: c/c
Sketch Received:
List of Adjoiners:
Fees Paid: \$100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: John R. + Judy L. Shea
Mailing Address: POB 302 Summit Point, WV 25446
Phone Number: 304-728-6803
Email:

Applicant Contact Information

Name: John R + Judy L. Shea
Mailing Address: POB 302 / 239 Walkinghorse Ln, Summit Pt, WV
Phone Number: 304-728-6803
Email: 25446

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: Peter Lorenzen
Mailing Address: Mt. Vernon Dr, Charles Town, WV 25414
Phone Number: 304-728-6093
Email:

Physical Property Details

Physical Address: 239 Walkinghorse Lane
City: Summit Point State: WV Zip Code: 25446
Tax District: Kabletown Map No: 16 Parcel No: 19.5
Parcel Size: 7.28 acres Deed Book: 1027 Page No: 509

Zoning District (please check one)

Grid of zoning districts with checkboxes: Residential Growth (RG), Industrial Commercial (IC), Rural (R), Residential-Light Industrial-Commercial (R-LI-C), Village (V), Neighborhood Commercial (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commercial Mixed-Use (OC). Rural (R) is checked.

RECEIVED
MAY 18 2016
JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING
Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

30' easement at the beginning of Walking Horse Lane. Section 2020A.2

Briefly Describe the Nature of Your Waiver Request:

To sub-divide, i.e. parent to child. 30' easement widens to 50'

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

~~30' easement~~ easement & right of way will be self maintained.

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

existing easements have been in place for 20+ years - horses are boarded on property to the N.E. - will not affect anybody

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

We believe it will not change any Ordinance. Ordinance allows for parent to child subdivision

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

We want to sub-divide so our son can live next door and help us in our old age

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

Judy L. Shea 5/17/16  
Signature of Property Owner Date

X John K Shea 5/17/16  
Signature of Property Owner Date

To Be Completed By Office

TUESDAY JUNE 14, 2016 Date of Public Meeting/Public Hearing

TUESDAY MAY 31, 2016 Date Property to be Posted By

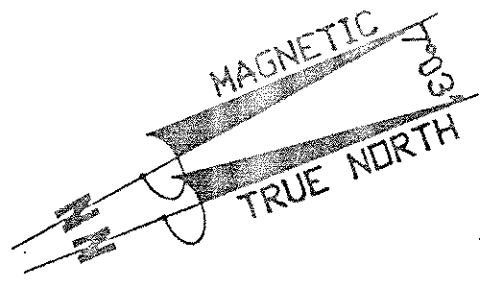
7:00PM Official/Administrative Body

Date Adjoiner Letters to be Mailed

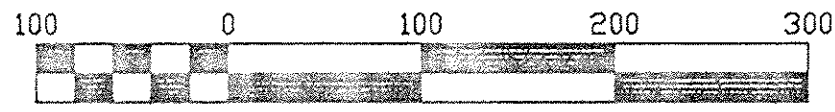
PLANNING COMMISSION

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

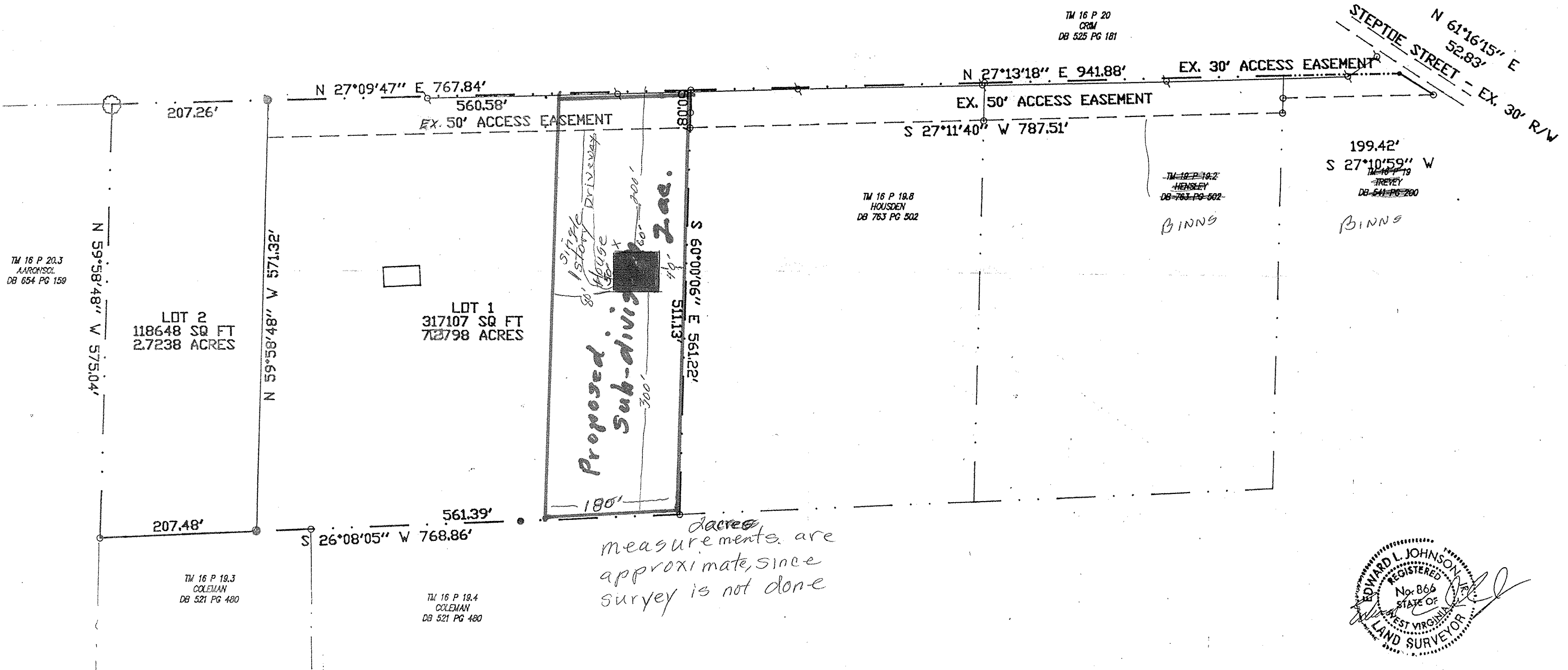
Approved  Denied



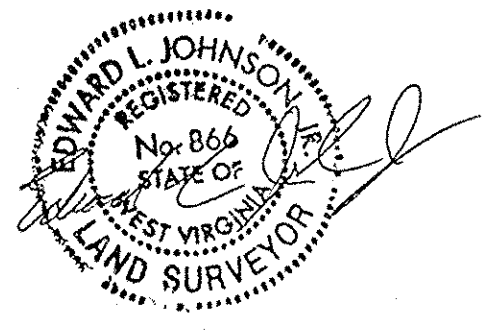
- LEGEND:
- SET #5 REBAR
  - FOUND #5 REBAR
  - IRON PIPE FOUND
  - POWER POLE
  - LOCUST STUMP



Scale 1" = 100'



*acres*  
measurements are approximate, since survey is not done



NEW LOT LINES DO NOT CREATE A SETBACK PROBLEM

PLAT SHOWING A CHILD TO PARENT CONVEYANCE  
 LOTS 1 & 2  
 JUDY SHEA (COOL SPRINGS IRREVOCABLE TRUST) PROPERTY  
 TAX MAP 16 PARCEL 19.5 DEED BOOK 841 PAGE 49  
 KABLETOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
 SCALE: 1" = 100' JANUARY 20, 1999

ED JOHNSON AND ASSOCIATES, INC.  
 LAND SURVEYORS  
 P.O. BOX 1277  
 331 NORTH GEORGE STREET  
 CHARLES TOWN, WEST VIRGINIA 25414  
 (304)725-7764



WALKING HORSE

Mr. [unreadable]



**Proposed text amendment (ZTA16-01) to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance**  
**Zoning and Land Development Ordinance**

**Public Comments Received at 05/17/16 Planning Commission Public Hearing**

The following table is intended to summarize fairly lengthy attached written comments in a manner which allows the Planning Commission to review and consider each of the comments; however, the Planning Commission should also take the time to read through all the written comments to ensure that the staff’s summary accurately reflects the intent of each commenter. The goal of this agenda item on the 6/14/16 Planning Commission meeting will be to discuss each comment and to provide the staff with direction on whether or how to include it in a future version to be recommended to the County Commission for their consideration and action.

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	PC Direction (06/14/16)
1.	Section 2.2 – Terms Defined	Add a definition for “Adaptive Reuse”. Suggested wording: “Adaptive reuse refers to the process of reusing an old site or building for a purpose other than which it was built or designed.”	Reasonable request.	
2.	Section 2.2 Terms Defined: <b>Airfield, Private: Any area designed and used for the takeoff and landing of small, private aircraft, having no more than one air strip. A Private Airfield shall be licensed by West Virginia and used primarily by the airport licensee, but may be available for use by others upon specific agreement of the licensee.”</b> Page 14 Appendix C – PPU Chart: <b>Airfield, Private/Helipad – not permitted in any zoning district; permitted conditionally in the Rural and Industrial Commercial districts.</b> Page 126	Private airstrips are not a commercial use and should not be a Conditional Use. Many farmers use these strips as part of their farming operation. Remove the proposed reference to private airstrips.	The addition of private airstrips to Appendix C was added by the Planning Commission. Staff has no comment.	
3.	Section 2.2 – Terms Defined	The word “battlefields” should be defined. Suggested wording: “There are four Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purpose of this ordinance, green space includes battlefield core and study areas.”	Reasonable request (PC needs to decide about whether green space includes study areas as well as core areas)..	
4.	Section 2.2 – Terms Defined Page 23 Farm Market: “ <b>A producer-operated market for the sale of farm products grown or produced on the producer’s land or farm on which the market is located, and products incidental to farm products.”</b> <b>Farmer’s Market: “A multi-stall market at which farmer-producers congregate to offer for sale agricultural products directly to the general public at a central or fixed location, particularly fresh fruit and vegetables (but also meat products, dairy products, and/or grains).</b>	Farmers or Farm Markets should be permitted in the Rural District regardless of where the product is grown. Places like the Veggie Wagon and Wilts on Route 340 should be allowed to operate in the Rural District without limitation. If I want to open a market to sell produce on my farm on 230, it is irrelevant if I source my product from other farms in the area, since it still would enhance the Rural Character of Jefferson County.	A Farm Market is permitted in any zoning district. A Farmer’s Market is more of a commercial enterprise attracting a wider customer base, requiring additional area for the farm stands and more parking. It is therefore a principal permitted use in the commercial zones but required to be a part of an approved Commercial Agricultural Enterprise if it is requested the Rural zoning district. This minimizes the impact on the road system and ensures that adequate parking is available.	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	PC Direction (06/14/16)
	Generally located in commercial zoning districts unless a part of an approved Commercial Agricultural Enterprise.”			
5.	Section 2.2 – Terms Defined Green Space: “Land required to be set aside under Section 5.7 Cluster Provisions, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein.” Page 23	Recommends removing the word “core” as a modifier for battlefields because it reduces recognition of the much larger battlefield study area as defined by the Civil War Sites Advisory Commission.	Staff believes that this is a reasonable request; however, the Planning Commission discussed this previously and determined at that time to leave the language as “core battlefields”. If the PC is in agreement, Staff recommends amending the proposed definition to read, “...historic structures and/or <del>core</del> battlefields, and parks.”	
6.	Section 2.2 – Terms Defined Appendix C, Principal Permitted Uses	Create a new Institutional Use, “Nature Center and Preserve”, and include as a PPU in the Rural District and further define in Article 8 – Supplemental Use Regulations as a permitted use in other compatible zones. <u>Define Nature Center and Preserve as follows:</u> “A location providing environmental and conservation education for adults and youth through non-profit ownership, operation, or stewardship. Use may include active education such as day camps, classes, and other supporting events; and such related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education, and operational space. Use may include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays, and non-motorized trails and walkways, outdoor research stations, and environmental study support.”	Staff supports this request with the following proposed revisions: Staff recommends that, in addition to Rural, this use be permitted in Village, RLIC, and PND. Staff recommends shortening the definition in Article 2, as you cannot request a variance from the definition, and recommends creating a new subsection 8.18 within Article 8: Supplemental Use Regulations, such as the following: Section 2.2 Definitions “Nature Center and Preserve: A land use providing environmental and conservation education for adults and youth.” “Woodland Preservation Buffer: An specified area delineated on an approved site plan or subdivision preliminary/final plat for the sole purpose of preserving existing vegetation and to prevent the cutting, clearing , removal of healthy, viable trees and ground cover. The removal of dead, dying and/or diseased trees and ground cover within the buffer may be permitted provided documentation of the proposed removal is approved by the Department.” Staff recommends adding the following introduction to Article 8 Supplemental Uses “Unless otherwise noted, the standards of Article 8 are intended to apply to the land uses referenced in the following sections. Should the standards found in this Article conflict with those found in this Ordinance or the Jefferson County Subdivision and Land Development Regulations the standards of this Article shall apply. The standards found in this Article are not inclusive. Additional standards may be located within the County’s other Ordinances and Regulations.”	

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			<p>New "Section 8.18 Nature Center and Preserve"</p> <p>"This land use is defined in Section 2.2. The purpose of this land use is to include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays, trails and walkways, outdoor research stations, and environmental study support. This land use may include related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education, and operational space. This land use may also include accessory uses that facilitate active education such as day camps, classes, and other supporting events as determined to be accessory by the Zoning Administrator.</p> <p>General Standards to operate a Nature Center and Preserve:</p> <p>The land use must operate on a minimum of 10 acres, which may be comprised of contiguous parcels. Single ownership is not required provided the land use is operated by a nonprofit organization, a stewardship or a local, State or Federal agency. Structures, parking and other accessory uses are permitted to cross interior property lines of said contiguous parcels.</p> <p>This land use may process utilizing the Rural Site Plan standards found in Section 20.203(D) of the Jefferson County Subdivision and Land Development Regulations, in any zoning district in which it is permitted.</p> <p>Setback Standards to operate a Nature Center and Preserve:</p> <p>Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.</p> <p>All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback 10 feet.</p> <p>All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum 10 foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.</p> <p>Landscaping Standards to operate a Nature Center and Preserve:</p> <p>In lieu of this Ordinance's landscaping standards, a 10 foot woodland preservation buffer shall be required along</p>	

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			<p>the perimeter of the land use. This 10 foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails, provided that:</p> <p>No trees, shrubs, hedges, or walls are removed.</p> <p>Not more than 20 percent of the width of the buffer is impervious surface.</p> <p>The total width of the buffer area is maintained.</p> <p>Noise Standards to operate a Nature Center and Preserve: This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.</p>	
7.	Section 2.2 – Terms Defined	The CUP process is not defined in the ordinance. How does someone apply? What do they need to submit?	Section 3.4(A)5.b and c provide the process for applying for a Conditional Use Permit under the traditional zoning ordinance. The procedure listed in this section is comparable to the detail listed for an appeal or a variance before the BZA (application form to be developed if approved).	
8.	Section 3.4 – Boards and Commissions Page 44	<p>Add the JCHLC as one of the Commissions in Section 3.4. Suggested wording:</p> <p>“(#) Historic Landmarks Commission</p> <ol style="list-style-type: none"> <li>1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8, Article 26A of the West Virginia Code.</li> <li>2. The powers and duties of the Jefferson County Historic Landmarks Commission include but are not limited to the following: <ol style="list-style-type: none"> <li>a. Review applications for major site plans, major subdivisions, and waivers from minimum standards pursuant to the Subdivision and Land Development Regulations;</li> <li>b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance.</li> <li>c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations</li> </ol> </li> </ol>	Reasonable request.	

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		<p>as they relate to protection of identified Jefferson County Historic Resources;</p> <p>d. Make an annual report to the County Commission concerning the operation of the Historic Landmarks Commission and the status of historic preservation within its jurisdiction.”</p>		
9.	<p>Section 3.4A – Board of Zoning Appeals</p> <p>(1) 5.a.ii: “The proposed use is compatible in intensity and scale with the environment and poses no threat to public health, safety, and welfare.”</p> <p>(2) 5.a.iii: “Taking into consideration the Comprehensive Plan’s Highway Road Classification Map and Highway Problem Areas, the roads serving the proposed use are adequate to serve the development.”</p> <p>(3) 5.a.v: “Neighborhood character and surrounding property values shall be safeguarded.”</p> <p>5.a.vii: “The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony with the character and appearance of the surrounding neighborhood.” (note this was incorrectly referenced in the letter)</p> <p>Page 45</p>	<p>The conditions related to the approval of a CUP by the BZA are subjective and difficult to achieve.</p> <p>(1) Recommends deleting “is compatible in intensity and scale with the environment and”</p> <p>(2) Recommends deleting “Taking into consideration the Comprehensive Plan’s Highway Road Classification Map and Highway Problem Areas”. It is time to retire the highway problem area, they are based on write in complaints by Jefferson County residents in the 1990’s. Using the highway problem areas is not a good way to vet a CUP.</p> <p>(3) The screening requirements of the ordinance should take care of this concern, the requirement could be revised to talk about screening.</p> <p>(4) Jefferson County does not regulate the architectural design of buildings, not sure how this is reviewable since no architectural plans are required in the concept plan submission.</p>	<p>Staff understands the concerns about the subjective nature of these requirements and has the following response to these comments:</p> <p>(1) The terms “intensity and scale” used in 5.a.ii are valid terms in evaluating the impact of a proposal on the surrounding uses; however the phrase “with the environment” should be changed to “with the existing and potential land uses on the adjoining and confronting properties”;</p> <p>(2) The highway problem area map and table referred to in 5.a.iii were completely reworked during the Envision 2035 Comp Plan effort with input from the DOH and HEPMPO and provides some guidance for any decision making body regarding which roads have safety and mobility issues. The recommendation is that the BZA take this data into account when considering a CUP, which still seems valid.</p> <p>(3) Staff agrees that 5.a.v is difficult to evaluate and that this reference could be changed to read “Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.”</p> <p>(4) The requirements of 5.a.vii are somewhat duplicative of the requirements in 5.a.ii and these may be able to be combined. These requirements to no imply the implementation of architectural standards but are focused on compatibility and protection of existing and future neighborhoods.</p>	
10.	<p>Section 4A.5 – Cottage Industry</p> <p>J. If a proposed cottage industry would utilize a private, shared right-of-way, driveway, or easement for vehicular access, owners of all properties with vehicular access to the right-of-way or easement shall be notified of the proposed use. A letter shall be sent by certified mail to the homeowners association (HOA) for distribution by the HOA; however, if an HOA does not exist, letters shall be mailed to individual property owners within</p>	<p>Notice should be required to only the people that share the access.</p>	<p>The comment reflects the intent of the proposed language and staff concurs that it should be reworded as follows for clarity:</p> <p>Section 4A.5 – Cottage Industry</p> <p>J. If a proposed cottage industry would utilize a private, shared right-of-way, driveway, or easement for vehicular access, owners of all properties with vehicular access to the right-of-way or easement shall be notified of the proposed use. A letter shall be sent by certified mail to</p>	

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	1,000 feet of the property line. The applicant shall provide proof of the mailing to staff.” Page 59		the homeowners association (HOA) for distribution by the HOA; however, if an HOA does not exist, letters shall be mailed to the individual property owners accessing the right-of-way or easement within 1,000 linear feet (along the right-of-way or easement) of the property line. The applicant shall provide proof of the mailing to staff.”	
11.	<p>(1) Section 1.1I: “Provide a guide for public action in the orderly and efficient provision of public facilities and services.” Pag</p> <p>(2) Article 5, Section 5.7 – Rural District “The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D.2 may choose to do so in situations where the Development Review System is utilized, it may be...” Page 73</p> <p>(3) Article 5, Section 5.10 – Village District “The purpose of this district is to allow recognized villages the ability to provide low level service within their boundaries.” Page 77</p>	<p>The Ordinance recommends limiting and discouraging services such as public water and sewer in the Rural and Village zoning districts. The Ordinance should make no statements limiting public and central water and sewer facilities anywhere in Jefferson County.</p> <p>Recommended changes:</p> <p>(1) Article 1, Section 1.1I: “Provide a guide for public action in the orderly and efficient provision of public facilities and services. This includes the extension and improvement of public and private water and sewer services throughout the County.”</p> <p>(2) Article 5, Section 5.7 – Remove the entire opening editorial paragraph or remove the portions regarding public and/or private utilities.</p> <p>(3) Article 5, Section 5.10 - Remove the entire opening editorial paragraph or add a statement endorsing public and/or private utilities to serve the area.</p>	<p>(1) Reasonable recommendation, with the following modification: “This includes the extension and improvement of public and private water and sewer services throughout the County based on sound engineering principles and where fiscally feasible.”</p> <p>(2) The current wording is not intended to restrict or limit public utilities, but rather to define what type of development is intended for the Rural district. The option for public utilities exists should a developer propose a cluster development. Staff does not propose any changes to the current text.</p> <p>(3) It seems reasonable to add a statement to the effect of, “This district is generally intended to be served with public water and sewer facilities based on proposed lot sizes.</p>	
12.	<p>Section 5.7 Rural (R) District</p> <p>C. Height Regulations:</p> <p>“No structure shall exceed <del>seventy five</del> <del>thirty five</del> (75 35) feet in height <del>except</del> as provided in Section 9.2”</p> <p>Page 74</p>	<p>There are no other jurisdictions in the U.S. that allow dwellings to construct to this height. The JCHLC believes the 75’ is out of character for the Rural zoning district and suggested the current height of 35’ be retained.</p>	<p>Staff supports this recommendation.</p>	
13.	<p>Appendices A &amp; B, Pages 122 &amp; 124</p> <p>Increase the allowable height to a maximum of 75’ in the Rural District (current 35’ maximum)</p>	<p>Recommend maintaining the current maximum height at 35’, or as a compromise, increase to 40’ to allow for pitched roofs or homes that are 2.5 stories tall. Recommends that walk out basements not be included in the overall height requirement.</p> <p>Another recommendation is that for every foot in height a structure goes above 35’, all setbacks (front, rear, and sides) increase by one foot.</p> <p>The maximum height in other districts where the <u>use</u> is to be residential, the maximum height should either be 35’ or increased to 40’ as noted above.</p>	<p>Staff supports the recommendation to maintain the 35’ standard, or at a maximum increase to a 40’ maximum height. The proposed increase to 75’ was made by the Planning Commission; therefore, staff defers to the Planning Commission for final input.</p>	
14.	<p>Section 5.7D.2 – Clustering</p> <p>Subsection b.i(b): “A minimum of fifty percent (50%) of the property shall be retained as green space and shall</p>	<p>It should be made very clear that the requirement to retain 50% of the land in open/green/farm/forest area for clustering can be waived from a residue if the ordinance</p>	<p>Staff concurs that a sentence should be added at the end of this section that states “A note to this effect shall be placed on all cluster plats.”</p>	

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	<p>contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance.”</p> <p>Page 74</p>	<p>is ever amended to allow more density. A note should be placed on each plat to the effect that the residue can be retained in open/green space until such time that the ordinance is amended. This type of requirement is how the farms that previously developed under the 1 per 10 rule can now continue under the 1 per 5 proposal.</p>		
15.	<p>Section 5.7D.2 – Clustering</p> <p>Subsection b.i(b): “A minimum of fifty percent (50%) of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance.”</p> <p>Page 74</p>	<p>The goal of cluster development is to maximize green and open space in the rural zone. JCHLC recommends consideration of an incentive system that promotes higher cluster density when higher percentages of green space, above 50%, are retained.</p>	<p>Staff concurs that it may be beneficial to incentivize larger areas to be retained as green space to further support the rural character goals and recommendations of the Envision Jefferson 2035 Plan. An additional subsection 5.7D.2b.i(c) could be added establishing a sliding scale such as “for every additional 5% preservation one additional lot can be proposed”</p> <p>**open for PC discussion – this could vary a lot based on the size of the original farm**</p>	
16.	<p>Section 5.7D.2 – Clustering</p> <p>Subsection b.i(b): “A minimum of fifty percent (50%) of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance.”</p> <p>Page 74</p>	<p>The designation of the residue parcel in a cluster development as “green space” seems to reduce the rights of the farmer retaining ownership of the residue parcel. Suggest elimination of the green space language and definition, and simply call the un-subdivided land a residue parcel.</p>	<p>The definition of Green Space clearly states “Land indicated as green space in a cluster development . . . . may be in private ownership or a homeowner’s association.”</p> <p>Green Space is intended for preservation purposes and is therefore distinguished from a residue parcel, which is the remainder of a subdivided parcel. The development rights of the property owner remain the same whether it is called a residue parcel or green space.</p>	
17.	<p>Section 5.7D.3– <del>Not in addition to</del> <b>If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized</b>, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. <b>Such application may process as a Minor Subdivision.</b> Applications which exceed this number during any five year period shall <b>process under Subsection 5.7D.1 or 5.7D.2 above</b> <del>be processed utilizing the Development Review System.</del> Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. <b>All lots that qualify under this section must meet subdivision requirements.</b></p> <p>Section 5.7D.5 – Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such. Page 76</p>	<p>It should be made clear that people utilizing the 2 lots every 5 years provision do not have a density limitation. In that method, density is governed by the amount of land that can be feasibly subdivided and not by a 1 per 10 or 1 per 15 limitation.</p>	<p>Staff recommends amending the text to read: “If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create 3 total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, <b>in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied.</b>”</p>	

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18.	Section 5.7D.4 – Subdivisions involving transfers of land between <b>family members known as “Family Transfers”</b> as defined in Article 2, <del>parent and child</del> shall not be subject to <b>the density requirements of</b> this section. All lots that qualify under this section must meet subdivision requirements. <del>Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots</del> <b>Family Transfers</b> are not entitled to further subdivide except as another <b>family transfer</b> <del>parent to child or child to parent transfer</del> . Page 76	Parent to Child (proposed Family) transfers should be exempt from the Subdivision process as it used to be until 2008. If a person wants to give a piece of property to their family member, then it shouldn't take the expense and time of processing a plat in order to do that. It worked fine the old way from 1972 through 2008. An ordinance shouldn't exist just to add expense to something the County Commission has already agreed should be exempt.	Parent to Child/Family transfers are no longer considered exempt from the subdivision process but always process as a Minor Subdivision and are not subject to the density requirements. Staff believes that a plat should be required for any division of land. Plats provide clarity and continuity in documenting the subdivision of land.	
19.	Article 8: Supplemental Use Regulations Page 97	JCHLC recommends adding an additional section in Article 8 that anticipates requests for adaptive reuse of existing structures in all zones.	Reasonable request. If the PC agrees, staff will work with the JCHLC to develop a new subsection 8.19 to address this proposal.	
20.	Appendix B – Non-Residential Site Development Standards Table Page 124	Revise the setback table to reduce side and rear yard setbacks for commercial sites greater than 1.5 acres to 25'. Maintaining 50' adjacent to residential would be fine.	Staff concurs that this requirement requires frequent BZA variances and is difficult to interpret; however, the intent of these amendments was to focus on Rural land uses, the LESA/CUP process and the Cluster provisions. Staff intends to address changes that need to occur related to commercial setbacks and landscape buffers under a separate amendment process. If the PC agrees with this comment, this can be revised as proposed.	
21.	Appendix B – Non-Residential Site Development Standards Table Page 124	Eliminate screening and buffer requirements for neighboring commercial projects. Variances from this provision are constantly being approved at the BZA. There should be no screening or buffering requirements between any commercial uses, unless the owners want to add screening. There should also be no restriction or setback between parking lots and/or internal commercial roads between commercial properties.	Again, the focus of this set of amendments was to address amendments to the Rural land uses, the LESA/CUP process and the Cluster provisions as recommended in the 2035 Comp Plan.  The landscaping provisions require a major rewrite and staff does not believe that this amendment should be delayed while that is prepared. Commercial developments benefit from landscaping requirements which not only make a development attractive and absorb, lessen, or neutralize the impacts of one land use from another, but also serve as a barrier to visibility, airborne particles, glare or noise; but our current standard details appear excessive and do not allow the retention of existing vegetation.  If the PC wants to address landscaping at this time, staff does not agree with the proposed changes but would like an opportunity to revise the proposed amendment to this section.  Staff also agrees that some language should be added to provide some administrative approval authority related to encouraging interconnectivity between adjacent commercial uses which currently requires a variance related to parking and drive aisle setbacks. Again, this is	

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			beyond the scope of this set of amendments, but language could be drafted if the PC provides such direction.	
22.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	<p>Consider the following uses as Permitted or Conditional Use in the Rural District:</p> <ul style="list-style-type: none"> <li>a. All school types – check with the school board, I think their next proposed location is in the Middleway area.</li> <li>b. Campgrounds</li> <li>c. Art Gallery or Artist Studio</li> <li>d. Antique Shop</li> </ul>	<ul style="list-style-type: none"> <li>a. Elementary and Secondary school are already a PPU in the Rural district – no change is required</li> <li>b. Campgrounds are being addressed in a separate amendment and should not be included at this time</li> <li>c. Generally the artist studios in rural Jefferson County are Home Occupations or Cottage Industries located within the artist’s residence on their residential property. This request would permit a stand-alone commercial business in the Rural District. Staff supports changing Art Gallery or Artist Studio to CU in the Rural District as special conditions may be required.</li> <li>d. Staff supports changing Antique Shop to CU in the Rural District to ensure neighboring uses are not negatively impacted.</li> </ul>	
23.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	<p>Retain the Conditional Use Permit process for commercial projects without the need to rezone. Every commercial use should be listed as a “Conditional Use (CU)” in Appendix C, Principal Permitted and Conditional Uses Table, for the Commercial and Residential Districts. If you do not allow commercial uses as CU in these large Rural and Residential Districts, you have to add many more districts like a traditional zoning ordinance contains.</p>	<p>The Planning Commission needs to remember that while the Steering Committee and the PC both recommended in the Envision Jefferson 2035 Comp Plan process that the LESA/CUP process only be eliminated for residential development, the County Commission determined that they wanted the LESA/CUP processed eliminated altogether. In consultation with the Prosecuting Atty’s office, this amendment was advertised as an amendment to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS based on the LESA/CUP Process with a traditional Principal Permitted and Conditional Use process.</p> <p>These comments appear to be unaware of this change made in the final draft of the Comp Plan by the County Commission.</p> <p>Under a traditional zoning ordinance, Conditional Uses are in essence, permitted uses that require conditions. The BZA’s role is to determine what conditions, if any, are required, not to determine if the use is permitted.</p> <p>If the PC would like to include small medical offices as a CU in Appendix C, this can be discussed.</p>	
24.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	Small gas stations and medium gas stations are proposed to be Conditional Uses in the Rural district. Concerned for lighting and traffic issues. Recommends changing back to Not Permitted.	<p>Staff supports retaining Gas Station, Limited as a Conditional Use.</p> <p>Staff supports changing Gas Station to Not Permitted.</p>	

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25.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	Allow a detached mother-in-law suite (or “granny unit”) in the Rural district.	Staff receives a number of requests for mother-in-law suites in the Rural district. Staff recommends adding to Appendix C as a Conditional Use.	
26.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	The RLIC district is grandfathered to permit all commercial, residential, and light industrial uses. Now the chart has listed CU for some commercial and other uses in the RLIC district (e.g. Mixed Use Building, Rural Reception/Event Facility, Airports, Bed and Breakfast, Large Retail Store, etc.)	The vast majority of commercial uses are listed as Principal Permitted Uses in the RLIC zone, unless otherwise prohibited (such as Gambling Facilities - see Section 4.4G); however the broad term “all commercial uses” is no longer included because when the more intense highway commercial zone was created, the goal was to direct these more intense uses to those zoning districts. Staff is still researching what happened to a similar comment during the new zoning category amendment process a number of years ago and may have more information at the meeting. Staff agrees that Mixed Use buildings should be a PPU in the RLIC district. Bed and Breakfasts are Not Permitted in the RLIC district, in both the current and the proposed ordinances; however, since it is a mixed use category and has the potential for residential uses, it seems reasonable for a B&B to be permitted. PC may choose to review each use that is NP or CU in the RLIC zone to determine if its classification should be changed.	
27.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	Airports are listed as Not Permitted in the RLIC district. This is another commercial use that should be permitted as it is now. At the very least, airports and private airfields should be allowed conditionally in the RLIC district.	Airports are listed under Institutional Uses (not Commercial Uses) and are Not Permitted in both the current Ordinance and the proposed Ordinance. Staff supports the request to change airports and private airfields from NP to CU.	
28.	Appendix C, Principal Permitted Uses Table Pages 126 - 131	Mobile Homes are listed as Not Permitted in most of the Residential districts. I believe this is a mistake unintentionally made in a past amendment, since they were always permitted in all of the Residential Districts. I think that you are required by law to permit mobile homes anywhere stick built home are permitted.	Generally modular homes that are constructed to state building code standards are permitted any place stick built homes are constructed, however, mobile homes which are built to HUD standards are often restricted to Mobile Home Parks and Rural zoning districts. It is not believed that the language of the ordinance has changed regarding this.	

Dr. James G. Gibson  
201 Needwood Farm Lane  
Harpers Ferry, WV 25425

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MAY 17 2016

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

May 17, 2016

Planning Commission of Jefferson County  
P.O. Box 338  
Charles Town, WV 25414

Dear Commissioners,

Thank you for the opportunity to comment on the proposed Zoning Amendments regarding LESA. As you are aware, I served on the Steering Committee for the Comprehensive Plan that originally recommended these changes to the Plan and future ordinances. However, I believe that there are several problems with the draft amendments that need to be fixed in order to be consistent with what the Committee was thinking when these changes were suggested. These are major changes and should be carefully vetted prior to their adoption.

The major problem is with the elimination of most Conditional Use Permits (CUP) for commercial projects in the County without the need for a rezoning. Although the Committee agreed with the elimination of LESA and Conditional Use Permits for residential projects in the Rural District (provided that the clustering density doubled), the Committee was assured that the Conditional Use Process would remain for commercial uses. Under the current Ordinance, nearly all commercial projects can go anywhere in the Residential and Rural Districts with just the issuance of a CUP. The neighborhood had an opportunity to comment on the project and then the BZA could issue a permit. However, the proposed amendments classify most commercial uses as 'Not Permitted (NP)'. This means that every time a commercial use is proposed, a rezoning or text amendment has to be proposed and approved by the County Commission after hearings and recommendations from the Planning Commission. This turns all commercial projects into political decisions. As you know, if this happens, the public will demand to know what the project is at the hearing. Plus, Staff will remind the Commission that anything 'commercial' can go in if you rezone the property to commercial. A CUP process allows a neighborhood to hear about the specific proposal and lets the neighbors input meaningful suggestions to the project.

I believe that the Commission will remember that the deal was to keep the CUP process for commercial. Accordingly, every commercial use should be listed as 'Conditional Use (CU)' in the chart for the Commercial and Residential District. This is how they are handled currently. This amendment is the first step in converting Jefferson County's Zoning Ordinance to a Traditional Zoning Ordinance. Accordingly, if you don't allow commercial uses as Conditional Uses in these large Rural and Residential Districts, you have to add many more districts like a typical traditional zoning ordinance contains.

If you do keep the CUP process for all commercial uses, the vague and overly subjective provisions for the BZA to grant CUPs (found on Page 45 of the proposal) will need to be modified. For instance, two of these proposed provisions include:

"v. Neighborhood character and surrounding property values shall be safeguarded.

vii. The character and appearance of the proposed use, buildings, structures, and/or outdoor signs should be in general harmony with the character and appearance of the surrounding neighborhood."

These provisions are very subjective and very vague and give far too much discretion to the BZA. Additionally, the ordinance should be made clear that if the neighborhood doesn't raise these issues, then the BZA should be in the position to automatically grant the CUP without discretion. If the neighbors don't have pertinent issues with a Branch Bank, a Park and Ride parking lot, a Doctor's Office, etc. then the BZA shouldn't have the discretion to deny the CUP. Under the existing ordinance, I can put a Dentist Office on my property in the Rural District by processing a CUP. However, if this amendment is adopted, I will have

to petition the County Commission for a Rezoning into a General Commercial Zone. While most people wouldn't care about my Dentist Office in the neighborhood, many would care if I am doing a general rezoning to Commercial. Accordingly, please keep a REASONABLE CUP process for all commercial in the Residential and Rural Districts, just as it is now. We were assured that we would not lose our development rights with the new Comprehensive Plan.

Another major issue is the addition of the requirement for 50% of the land needs to be retained in some form of open/green/farm/forest area if clustering. It should be made very clear that this restriction can be lifted from a residue if the ordinance is ever amended to allow more density. A note should be placed on each plat to the effect that the residue (up to the requisite 50%) can be retained in open/green/farm/forest until such time that the ordinance is amended, which at that time the residue will be subject to the new regulation. This type of requirement is how the farms that previously developed under the 1 per 10 rule can now continue under the 1 per 5 proposal.

Additionally, here are several other suggestions. In J on page 59, it appears to require that if a Cottage Industry is on a shared access, a notice has to be sent to all property owners within 1000 feet of the property. That is totally impractical if not impossible. Notice should be limited to only the people that share the access.

Also, in Section 5.7D.3. and 5.7D.5. on page 76 it should be made clear that people utilizing the 2 lots every 5 years provision do not have a density limitation. In that method, density is governed by the amount of land that can be feasibly subdivided and not by a 1 per 10 or 1 per 15 limitation. This will allow the provision to work without confusion.

I also believe that Farmers or Farm Markets should be permitted in the Rural District regardless of where the product is grown. Places like the Veggie Wagon and Wilts on Route 340 should be allowed to operate in the Rural District without limitation. Again, if I want to open a market to sell produce on my farm on 230, it is irrelevant if I source my product from other farms in the area, since it still would enhance the Rural Character of Jefferson County.

Although more of a Subdivision requirement, Parent to Child (now proposed to be Family Transfers) should be exempt from the Subdivision process as it used to be until 2008. If a person wants to give a piece of property to their family member, then it shouldn't take the expense and time of processing a plat in order to do that. It worked fine the old way from 1972 through 2008. An ordinance shouldn't exist just to add expense to something that the County Commission has already agreed should be exempt.

Finally, I have a private airstrip on my property. It is approved and regulated and has existed for many years. This is not a commercial use and I have no idea why you would make a private airstrip a Conditional Use. Many farmers use these strips as a part of their farming operation. Again, resist adding things to an ordinance just to make it more complicated and regulatory. Accordingly, please remove the new reference to private airstrips from the proposed amendments. I may have missed it, but I don't remember that being addressed in the Comprehensive Plan.

Thank you for opportunity to clarify some of my thoughts as an original Envision 2035 Comprehensive Plan Steering Committee member. Please remember that the major goal of the Comprehensive Plan was to support Rural Economic Development and Tourism opportunities. This is a perfect first opportunity to realize that goal. Please let me know if you have any questions.

Sincerely,



Jim Gibson  
304/279-2688

Cc: Patsy Noland, President, County Commission of Jefferson County



RECEIVED  
MAY 17 2016  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

May 17, 2016

**TO: Jefferson County Planning Commission**

**FROM: Jefferson County Historic Landmarks Commission(JCHLC)**

**RE: Comments on Proposed Text Amendment to multiple sections of JC Zoning Ordinance and Land Development Ordinance**

**ARTICLE 2 DEFINITIONS**

**Section 2.2 Terms Defined**

Recommend removing the word **core** as a modifier for **battlefields**, because it reduces recognition of the much larger battlefield study area as defined by the Civil War Sites Advisory Commission.

**Green Space**

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

Battlefields are repeatedly mentioned throughout Envision Jefferson 2035 as important to save. The word **battlefields** should also be defined, since it now appears in the **Green Space** definition. Suggested wording in Ordinance:

**Battlefields**

There are four Federally recognized battlefields in Jefferson County as determined by the Civil War Sites Advisory Commission. For the purposes of this ordinance green space includes battlefield core and study areas.

Another term that should be included in the Ordinance definitions is **Adaptive Reuse**. Adaptive reuse is mentioned as a Goal or Recommendation fifteen times in Envision Jefferson 2035. Adding this term anticipates changes in the ordinance to address the reuse of historic and existing structures. Suggested wording in Ordinance:

## Adaptive Reuse

Adaptive reuse refers to the process of **reusing** an old site or building for a purpose other than which it was built or designed.

### **ARTICLE 3: ADMINISTRATION AND ENFORCEMENT**

#### **3.4 Boards and Commissions**

One of the purposes of the JC Zoning Ordinance is to;”Encourage Historic Preservation”. To that end, the Jefferson County Historic Landmarks Commission(JCHLC) is mentioned throughout the current JC Zoning and Land Development Ordinance and required to review, approve, and comment on plans and development in the County as it relates to protection of historic resources. But, nowhere in the Ordinance are the powers and duties of the JCHLC described or defined as those of the Planning Commission or Board of Zoning Appeals. JCHLC is a unit of the County government and established in the WV State Code.

Recommend adding the Jefferson County Historic Landmarks Commission as one of the Commissions in Section 3.4. Suggested wording:

#### (#) Historic Landmarks Commission

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Historic Landmarks Commission and Chapter 8 Article 26A of the West Virginia Code.

2. The powers and duties of the Jefferson County Historic Landmarks Commission include but are not limited to the following:

- a. Review applications for major site plans, major subdivisions, and waivers from minimum standards, pursuant to the Subdivision and Land Development Regulations;
- b. Review requests for amendments to the County zoning map and Zoning and Land Development Ordinance;
- c. Research and recommend to the County Commission improvements to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations as they relate to protection of identified Jefferson County Historic Resources;
- d. Make recommendations to the County Commission concerning planning and zoning issues;
- e. Make an annual report to the County Commission concerning the operation of the Historic Landmarks Commission and the status of historic preservation within its jurisdiction;

### **ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS**

#### **Section 5.7 Rural (R ) District**

##### **C. Height Regulations**

No structure shall exceed **seventy-five (75)** feet in height except as provided in Section 9.2.

After extensive research, I can find no other jurisdiction in the United States that allows dwellings and single family dwellings to construct to this height. Even the height restriction in the Residential Growth Zoning District with townhouses and duplex dwellings are limited to forty feet. The JCHLC believes the seventy-five feet is totally out of character for the rural/agricultural zone and suggest that the current height of 35 feet be retained.

**D. Maximum Number of Lots Allowed**

2. Clustering

b. Requirements

i. One (1) lot may be subdivided for every **five (5) acres**

(a) Acreage shall be computed using acreage on record as of October 5, 1988 and calculating any divisions which have occurred since that time.

(b) A minimum of fifty percent (50%) of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance

The goal of cluster development is to maximize green and open space in the rural zone. JCHLC recommends consideration of an incentive system that promotes higher cluster density when higher percentages of green space, above 50%, are retained.

**ARTICLE 8: SUPPLEMENTAL USE REGULATIONS**

**WHAT IS MISSING?**

The proposed changes to development in the rural zone address the conversion of open land to low density single family residential development. Another element discussed thought the Envision Jefferson 2035 is the adaptive reuse of structures. JCHLC recommends adding an additional section in ARTICLE 8 that anticipates requests for adaptive reuse of existing structures in all zones.

MENTION OF ADAPTIVE REUSE  
ENVISION JEFFERSON 2035  
May 2015

**Page 190**

**Goal #1 Objective #8:**

Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County, paying particular attention to brownfield and greyfield sites.

**Page 193**

**Goal #5 Objective #8:**

Encourage the adaptive reuse (renovation and utilization) of existing non-residential structures for housing.

**Page 199**

**Goal #14 Objective #6**

Encourage the adaptive reuse of existing historic buildings within Jefferson County for a variety of purposes.

**Page 199**

**Goal #22 Objective #7**

Continue to encourage the adaptive reuse of school buildings for community and non-profit uses.

**Page 28**

**1.A. Urban Level Development Area**

There are numerous examples, both locally and nationally, of existing buildings that have been repurposed and retrofitted to meet modern needs. Examples range from large barns that have been repurposed for small local business or into apartment buildings to factories that have been reutilized as mixed-use facilities incorporating housing, offices and retail. More modern buildings have been repurposed as churches, schools, or public libraries with the ability for adaptive reuses presenting many applications.

**Page 28 - 29**

In some areas of Jefferson County there are buildings that may avail themselves to be converted into residential structures. While some, like the upper levels of stores in the municipalities and villages are available, other buildings, such as former warehouses and other such structures and barns, require additional creativity to recognize as potential dwellings. By providing guidance and directing potential developers to structures that might be fit for adaptive reuse for housing, it is anticipated that some of the older structures in Jefferson County could be retained and have a new life.

**Page 32**

**Recommendation 10**

Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson

County in context with their surroundings, paying particular attention to brownfield and greyfield sites.

- a. Identify specific sites and structures where **adaptive reuse** could occur that will assist with the redevelopment of brownfields and greyfield areas where the existing building(s) can be rehabilitated. (using sites from Ranson Renewed as an example)
- b. Identify and obtain funding mechanisms to remediate sites and encourage the utilization of these areas.
- c. Collaborate with the development community and interested environmental associations that can assist the County in amending its development provisions to encourage universal design, energy efficiency, and enhanced on- or off-site storm water retention.

### **Page 33**

#### **Recommendation 16**

16. Collaborate with state legislators to amend WV Code 8A to allow conditions to be imposed meeting specified requirements on proposed zoning map amendments.

- a. Encourage the state legislature to include **adaptive reuse** of historic structures in State Building Code.

### **Page 45**

#### **Village Recommendations**

1. Create village plans for the redevelopment and expansion of the County's villages through collaboration with key stakeholders.

- a. Identify opportunities for restoration, rehabilitation and **adaptive reuse** of structures within village areas.
- b. Identify funding sources for villages to restore historic structures and provide opportunities for projects that would restore the village character to these communities.

5. Encourage the state legislature to include **adaptive reuses** of historic structures in the state code.

### **Page 77**

#### **Agricultural and Rural Economy Recommendations**

3. Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:

- a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
- b. the **adaptive reuse** of existing historic and agricultural structures.

### **Page 119**

#### **Historical and Cultural Resources Recommendations**

10. Create a variety of funding mechanisms to support historic preservation, restoration, and

adaptive reuse throughout the County to include but not be limited to:

- a. Encourage a wide range of individuals, businesses, non-profit organizations, and other entities to contribute to efforts related to historic preservation through the JCHLC or other entities.
- b. Establish a revolving loan fund to foster renovations and rehabilitations of historic structures and the restoration of historic landscapes.
- c. Provide technical assistance and direct developers toward funding sources to encourage the adaptive reuse of existing historic buildings for other uses.

11. Promote the Federal Historic Preservation Tax Incentives program, which encourages private sector investment in the rehabilitation and re-use of historic buildings through a number of tax credit programs and ensure that local property owners are aware of these programs.

- a. Implementing additional local tax incentives to aid in the preservation and/or maintenance of structures or sites of historic interest.
- b. Identify and market historic buildings and structures where the adaptive reuse of the structure may be warranted.
- c. Implement local tax credits for adaptive reuse of historic structures.

# Jefferson Utilities, Inc.

May 17, 2016

Planning Commission of Jefferson County  
P.O. Box 338  
Charles Town, WV 25414

RECEIVED

MAY 17 2016

JEFFERSON COUNTY PLANNING,  
ZONING & ENGINEERING

Dear Commissioners:

Thank you for the opportunity to comment on the proposed amendments to the Jefferson County Zoning Ordinance. As you know, I participated in the entire Comprehensive Plan Process during the last several years. I attended many of the meetings across the County during that time period and testified several times regarding the problem with limiting central utilities in the Rural areas of the County.

As you are aware, Jefferson Utilities, Inc. (JUI) has provided and maintained utility services throughout Jefferson County for many years. As such, I have several concerns and comments with regard to any amendments to the Land Use Ordinances in Jefferson County. The new amendments should include statements in the general goals and several other sections that endorse the extension of water and sewer facilities in the County, especially in the Rural and Village areas of the County.

In both the Rural and Village sections of the Zoning Ordinance (Article 5, Sections 5.7 and 5.10) the Ordinance recommends limiting and discouraging services, such as public water and sewer, in these districts. In fact, these are the areas that need upgraded sewer and water facilities. It is no secret that areas in and around Middleway, Leetown and the mountain are areas that desperately need these services. Accordingly, the Ordinance should make no statements regarding limiting public and central water and sewer facilities anywhere in Jefferson County. There are many rural areas of West Virginia that are served by public or private water.

I don't believe that it is in the best interest of Jefferson County to suggest limiting the extension of public water and sewer throughout the County. There are many reasons that centralized water and sewer services should be provided in outlying regions of the County. These services are essential throughout the County. Some of these reasons include insurance, fire protection and contamination issues.

These types of negative comments in the Ordinances will limit the County Commission, Utility Companies and the Public Service District's ability to expand services in Jefferson County. Plus, these types of comments are contrary to State laws that govern extensions and expansions of utilities in West Virginia. The West Virginia Health Department and Public Service Commission regulate these extensions and expansions. Therefore, the Ordinances in Jefferson County should favor extensions when approved and/or mandated by the State.

Finally, other than in general goals and recommendations, the statements about services in the opening paragraphs of Sections 5.7 and 5.10 should be removed. These editorial comments belong in the Comprehensive Plan, not the regulations. Therefore, please make the following changes to the proposed amendments to the Jefferson County Zoning Ordinance:

Article 1, Section 1.1I. Add the portion in red:

Provide a guide for public action in the orderly and efficient provision of public facilities and services. This includes the extension and improvement of public and private water and sewer services throughout the County.

Article 5, Section 5.7

Remove the entire opening editorial paragraph; or, in the alternative remove the portions regarding public and/or private utilities.

Article 5, Section 5.10

Remove the opening editorial paragraph; or, in the alternative add a statement endorsing public and/or private utilities to serve the area.

Thank you for your consideration of these comments.

Sincerely,



Lee Snyder, President  
Jefferson Utilities, Inc.

cc: Mike Chapman, President, Jefferson County Planning Commission ✓  
Patsy Noland, President, County Commission of Jefferson County

## Rhonda Greenholtz

---

**From:** Jennifer Brockman  
**Sent:** Monday, May 23, 2016 3:17 PM  
**To:** Rhonda Greenholtz  
**Cc:** Planning Department  
**Subject:** FW: Ordinance Comments

Jennie Brockman  
Director, Planning and Zoning

---

**From:** Mark Dyck [mailto:mdyck@gordon.us.com]  
**Sent:** Friday, May 20, 2016 3:02 PM  
**To:** Jennifer Brockman  
**Cc:** Kristen Stolipher  
**Subject:** Ordinance Comments

Jennie,

My comments from Tuesday are as follows.

1. The conditions related to the approval of a CUP by the BZA are subjective and difficult to achieve, and in some cases could be used to argue against any application regardless of merit. Suggest modifying the requirements to be more empirical and achievable.
2. 5.a.ii – *The proposed use is compatible in intensity and scale with the environment and poses no threat to public health, safety and welfare.* How would you show compatibility for these factors when you are next to a farm field.
3. 5.a.iii - ~~*Taking into consideration the Comprehensive Plan's Highway Road Classification Map and Highway Problem Areas,*~~ *the roads serving the proposed use are adequate to serve the development.* It is time to retire the highway problem area, they are based on write in complaints by Jefferson County residents in the 1990's, I would suggest staff find the original comments to confirm this. There are plenty of bad spots on our County roads, but using the highway problem areas is not a good way to vet a conditional use permit.
4. 5.a.v - *Neighborhood character and surrounding property values shall be safeguarded.* The screening requirements of the ordinance should take care of this concern, the requirement could be revised to talk about screening. Again, the requirement would appear to prohibit anything in an agricultural area since this would not be in keeping with the neighborhood character.
5. 5.a.vi – Jefferson County does not regulate the architectural design of buildings, not sure how this is reviewable since no architectural plans are required in the concept plan submission.
6. The Conditional Use Permit process is not defined in the ordinance, how does someone apply, what do they need to submit.
7. The designation of the residue parcel in a cluster development as “green space” seems to reduce the rights of the farmer retaining ownership of the residue parcel. Suggest elimination of the green space language and definition and simply call the un-subdivided land a residue parcel, in the manner that it has been done in the past.
8. Revise the set back table to reduce side and rear yard setbacks for commercial sites greater than 1.5 acres to 25'. Maintaining 50' adjacent to residential would be fine.
9. Consider the following uses as Permitted or Conditional Use in the rural district

RECEIVED

MAY 17 2016

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

May 17, 2016

Dear Planning Commissioners,

After reviewing the proposed amendment to the to the Zoning Ordinance, I am would like to comment and provide a few suggestions.

Increase the allowable height to a maximum of 75-foot in the Rural District:

- Currently the maximum height is 35 foot and proposed to be increased to 75 feet.
- A height of 75 feet is nearly 2 ½ times to 3 times the height of nearly all 2 story homes.
- It begs the question, what will be built in the Rural District that needs to be 75 feet tall?
- In Section 9.2 of the Zoning Ordinance, there are already building height exemptions permitted, which would cover most any concern. Section 9.2 is provided below in italics.
- Anyone seeking additional height can request a variance.
- The current height should either remain the same or increase to 40 feet.
  - Reason for an increase:
    - Some luxury homes are being built with either 9 or 10 foot ceilings.
    - Still allows for significantly pitched roofs or homes that are 2 ½ stories tall.
    - Recommend that walk out basements not be included in the overall height requirement.
- Another option is that for every foot in height a structure goes above 35 feet, all setbacks, front, rear and sides, increase by one foot.

Height in Other Districts:

- Regarding the other districts where the use is to be residential, the maximum height should either be 35 feet or increased to 40 as noted above.

Fire Response Consideration:

- My understanding is that the change was based on the height of ladder trucks that are in the County.
- While that is a reasonable consideration, the fire response time should be a considered.
- Volunteer firefighters in Jefferson County do a great job, particularly since we don't have an adequate funding mechanism, but the stations are not always staffed, so response times do become an issue.
- It's also one thing to have a 75-foot ladder and get it to the location of the fire, it's another thing to ensure there are enough people responding adequately operate the equipment.

*Section 9.2 Building Height Limitations*

*Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.*

Respectfully,



Seth Rivard



408 Aistadts Hill Rd | Harpers Ferry, WV | 25425  
www.riverriders.com

800-326-7238

May 31, 2016

Planning Commission of Jefferson County  
P.O. Box 338  
Charles Town, WV 25414

Dear Commissioners:

This letter is being sent from me as owner of River Riders and other commercial entities and not as a member of the Board of Zoning Appeals. Accordingly, these comments are my personal opinions and not that of the Board of Zoning Appeals.

This letter is a follow up to the letter that I submitted two weeks ago, dated May 18, regarding the proposed LESA Zoning Amendments. I had a major concern that the Residential/Light Industrial/Commercial (R/LI/C) District no longer was showing 'Commercial Uses' as permitted in this mixed use district. Last week, I asked Jennie Brockman about this matter and she said that it was somehow removed several years ago, but she didn't recall how or why. I have tried to research this in the short time since the conversation since the closing day for public hearing is today. Hopefully, my information is correct.

While the Zoning Ordinance became effective in October 1988, the above reference R/LI/C District was not created until May 4, 1989. As you can see in the attached pages from the Ordinance (page 67 from the Zoning Ordinance that was recorded on July 18, 2007), all Commercial and Light Industrial Uses were permitted in this zone along with all residential uses. That was the original purpose of the zone. The ordinance appeared to be written like this until the 'Permitted Use Chart' was added around November 10, 2011 as reflected in the attached pages from the Zoning Ordinance that was recorded on June 18, 2013. In this ordinance, 'Commercial Uses' were still listed as Permitted in the R/LI/C District in the Chart. That was still the case in the attached pages of the January 2, 2014 Zoning Ordinance that was recorded on May 1, 2014.

From 2011 through June 1, 2014, the Planning Commission and County Commission contemplated additional commercial zones in the Zoning Ordinance. However, due to the fact that the Envision 2035 Comprehensive Plan effort was underway, the ordinance was not amended to add the new zones until June 1, 2014. It was in this recorded document that 'Commercial Uses' was somehow removed from the permitted uses in the Chart for the R/LI/C

District. These pages of the recorded Chart that was recorded with the Zoning Ordinance on June 10, 2016 are also attached.

I strongly believe that while this was originally the way the amendments were written, after several public hearings and several letters, including from Dr. Gibson and me, the 'Commercial Uses' were added back into the Chart and or Ordinance Amendments before being adopted. I am hoping that Staff will remember these events and will agree that the Chart not showing 'Commercial Uses' as Permitted was a mistake and should be changed to reflect what was actually approved in 2014.

If not, then I strongly recommend that the Planning and/or County Commission allow all commercial uses in the R/LI/C District as originally intended. Again, the whole premise of the Comprehensive Plan Amendment process was to keep all grandfathered land use rights and permitted uses and densities in place. Accordingly, please either correct the apparent mistake in the Permitted Use Chart, or reinsert 'Commercial Uses' as a Permitted Use in the R/LI/C District in the Chart with the present amendments.

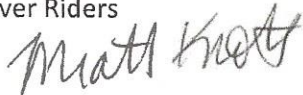
I have purchased additional properties in the R/LI/C District and lenders have lent me money on the premise that this District allowed and continues to allow all commercial, light industrial and residential uses in this zone. The County is struggling to attract proper commercial, industrial and residential development and I believe that County Ordinances should represent the current philosophies of the existing Planning and County Commissioners.

Again, the most important change is that all for profit or not for profit commercial, light industrial and residential uses should be permitted in the RLIC, just as it always has been (hence the actual name of the zone). These rights have been vested to me and my lenders have committed money to me based on those rights. In addition, it is time to allow Counter Pick-up food restaurants and convenience stores in this zone, as well.

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me.

Sincerely,

Matt Knott, President  
River Riders

A handwritten signature in black ink that reads "Matt Knott". The signature is written in a cursive, slightly slanted style.



May 18, 2016

Planning Commission of Jefferson County  
P.O. Box 338  
Charles Town, WV 25414

Dear Commissioners:

While I'm on the Board of Zoning Appeals, my comments are being given as an individual citizen and not as a member of the Board.

Thank you for this opportunity to comment on the proposed amendments to the Jefferson County Zoning Ordinance. I have several concerns with these amendments. The major one is how some of the uses in the Residential/Light Industrial/Commercial District (RLIC or Mixed Use Zone) are now listed as Conditional Use (CU). Please be advised that the RLIC district is grandfathered to permit (P) all commercial, residential and light industrial uses. This has always been the case, and I have been repeatedly assured during the Comprehensive Plan and other amendments processes that this always would be the case. Now, the chart has listed CU for some commercial and other uses in the RLIC District.

Some of these uses include the new Mixed Use Building, Rural Reception/Event Facility, airports, Bed and Breakfast, large retail store, etc. Again, I am not sure why and when it was changed, but the Zone was intended for ANY and ALL commercial uses whether or not they are for profit. There were never exclusions or conditional uses required for anything but Fast Food Restaurants and Convenience Stores in this zone in the past. If anything, the Fast Food and Convenience Store exclusion should be lifted to allow both since you can have a 10,000 sq. ft. CVS, but not a 5,000 sq. ft. Convenience Store? You can also have a Ruby Tuesdays, but not a Take-out Chinese Restaurant? Those two exclusions just don't make sense anymore. Accordingly, please list all commercial, residential and light industrial uses as P on the chart. All of these uses should continue to be permitted in RLIC without a Conditional Use. These are normal commercial activities that are broadly supported and don't require additional procedures to limit their growth. Those of us in the RLIC District were promised that our original and existing rights would not be adversely affected by any amendments to the ordinances.

Regarding Appendix B on Page 124, NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE, please eliminate screening and buffer requirements for neighboring commercial projects.

Variances from this provision are constantly being approved at the BZA. There was an attempt to fix it in the past and that has failed. There should be no screening or buffering requirements between any commercial uses, unless the owners want to add screening. There should also be no restriction or setback between parking lots and/or internal commercial roads between commercial properties. These are also always granted by the BZA. The County should support interconnectivity of projects, so why make owners request variances in order to do it. Currently, you cannot connect two commercial projects because of 'internal road setbacks'. That just does not make sense.

Finally, in the Use Table in Appendix C, Airports are now listed as Prohibited Uses in the RLIC District. As previously stated, this is just another commercial use that should be permitted as it is now. There has been much conversation lately about the importance of Airport Access to Jefferson County for future business growth. At the very least, Airports and Private airfields should be allowed Conditionally in the RLIC district. There are no airports in Jefferson County; so, why limit the possibilities in areas meant for commercial development. They are proposed to be conditional in industrial and rural so it makes sense that they should also be in RLIC District.

Also, in the Use Table in Appendix C, Mobile Homes are listed as Not Permitted (NP) in most of the Residential Districts. I believe this is just a mistake unintentionally made in a past amendment, since they were always permitted in all of the Residential Districts. Plus, I think that you are required by law to permit mobile homes anywhere stick built homes are permitted. I don't believe that you can distinguish between types of single family detached dwellings in the State of West Virginia.

Again, the most important change is that all for profit or not for profit commercial, light industrial and residential uses should be permitted in the RLIC, just as it always has been (hence the actual name of the zone). These rights have been vested to me and my lenders have committed money to me based on those rights. In addition, it is time to allow Counter Pick-up food restaurants and convenience stores in this zone, as well.

Thank you for your consideration of these comments. If you have any questions, please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Matt Knott". The signature is written in a cursive, flowing style.

Matt Knott, President/CEO  
River Riders, Inc  
Clarion Inn Conference Center  
Family Adventure Resort, LLC

May 1989 - 2007

# Jefferson County Zoning and Land Development Ordinance

## Jefferson County, West Virginia

Prepared By The  
Jefferson County Planning Commission

Adopted  
July 7, 1988  
AS AMENDED

County Clerk  
JUL 11 11:58  
CLEAR

1989 - 2007

child shall not be subject to this section. All lots that qualify under this section must meet subdivision requirements. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. Parent to child or child to parent lots are not entitled to further subdivide except as another parent to child or child to parent transfer.

- 4. Once the maximum number of lots are created under 5.7(d), the property cannot be further subdivided unless the Ordinance is amended to allow such.

**Section 5.8 Residential/Light Industrial/Commercial District**

[AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 4, 1989]

The purpose of this district is to guide the high intensity growth into the perceived growth area.

**(a) Principal Permitted Uses**

- 1. Uses of light industrial
- 2. Commercial uses
- 3. Single family detached dwelling units
- 4. Duplexes
- 5. Townhouses
- 6. Multi-family dwelling units
- 7. Mobile home parks
- 8. Private or public elementary, middle or secondary schools, colleges, hospitals and educational facilities for adults  
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]
- 9. Churches and other places of worship
- 10. Child care centers
- 11. Public utility buildings
- 12. Public buildings and public service buildings
- 13. Accessory Uses
- 14. Group Residential Facility
- 15. Nursing or retirement home
- 16. Model home/sales office (pursuant to Section 4.18)  
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]
- 17. Non/not for profit commercial uses  
[AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]

Nov 2011

# Jefferson County Zoning and Land Development Ordinance

## Jefferson County, West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, November 10, 2011

NOV 10 2011

Principal Permitted Uses Table (continued)<sup>23, 24</sup>

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
<b>Industrial Manufacturing &amp; Processing</b>							
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or processing	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	PC	NP		Sec. 8.11
<b>Adult Uses</b>							
Adult Uses	NP	NP	NP	P	NP		Sec. 8.1
<b>Recreational Uses</b>							
Hunting, Shooting, Archery and Fishing Clubs, public or private	P	NP	NP	NP	NP		Sec. 8.8
<b>Commercial Uses</b>							
Antique Shop	NP	NP	P	P	PC		
ATM	NP	NP	P	P	PC		
Branch Bank	NP	NP	P	P	PC		
Barber/Beauty Shop, Limited	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	PC		Sec. 8.3
Commercial Uses	*	**	P	P	*		Sec. 8.9
Country Inn	NP	NP	P	P	PC		
Kennel	P	NP	P	P	NP		Sec. 8.4
Dry Cleaners	NP	NP	P	P	PC		
Florist	NP	NP	P	P	PC		
Medical/Dental/Optical Office, Small	NP	NP	P	P	P		
Non/Not for Profit Commercial Uses	NP	NP	P	P	NP		
Non-Profit Community Centers	P	NP	P	P	NP		
Restaurant, Fast Food, Limited	NP	NP	P	P	PC		
Restaurant, Limited	NP	NP	P	P	PC		
Retail Food Store, Limited	NP	NP	P	P	PC		
Veterinary Services	P	NP	P	P	NP		Sec. 8.x
Video Rental Stores	NP	NP	P	P	PC		
Wireless telecommunications facilities	P	PC	PC	P	PC	4B	

Jan 2, 2014

# Jefferson County Zoning and Land Development Ordinance

## Jefferson County, West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, January 2, 2014

Jan 2, 2014

Principal Permitted Uses Table (continued)<sup>23, 24</sup>

Land Use	R	RG	R-LI-C	I-C	V	General Standards	Additional Standards
<b>Industrial Manufacturing &amp; Processing</b>							
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	PC	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	PC	NP		
Cement or Lime Manufacture	NP	NP	NP	PC	NP		
Commercial Sawmills	NP	NP	NP	PC	NP		
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	PC	NP		
Explosive manufacture or storage	NP	NP	NP	PC	NP		
Foundries and/or casting facilities	NP	NP	NP	PC	NP		
Garbage or dead animal reduction or processing	NP	NP	NP	PC	NP		
Jails and Prisons	NP	NP	NP	PC	NP		Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	PC	NP		
Petroleum products refining or storage	NP	NP	NP	PC	NP		Sec. 8.11
<b>Adult Uses</b>							
Adult Uses	NP	NP	NP	P	NP		Sec. 8.1
<b>Recreational Uses</b>							
Hunting, Shooting, Archery and Fishing Clubs, public or private	P	NP	NP	NP	NP		Sec. 8.8
<b>Commercial Uses</b>							
Antique Shop	NP	NP	P	P	PC		
ATM	NP	NP	P	P	PC		
Branch Bank	NP	NP	P	P	PC		
Barber/Beauty Shop, Limited	NP	NP	P	P	PC		
Bed and Breakfast	P	NP	NP	NP	PC		Sec. 8.3
Commercial Uses	*	**	P	P	*		Sec. 8.9
Country Inn	NP	NP	P	P	PC		
Kennel	P	NP	P	P	NP		Sec. 8.4
Dry Cleaners	NP	NP	P	P	PC		
Florist	NP	NP	P	P	PC		
Medical/Dental/Optical Office, Small	NP	NP	P	P	P		
Non/Not for Profit Commercial Uses	NP	NP	P	P	NP		
Non-Profit Community Centers	P	NP	P	P	NP		
Restaurant, Fast Food, Limited	NP	NP	P	P	PC		
Restaurant, Limited	NP	NP	P	P	PC		
Retail Food Store, Limited	NP	NP	P	P	PC		
Veterinary Services	P	NP	P	P	NP		Sec. 8.x
Video Rental Stores	NP	NP	P	P	PC		
Wireless telecommunications facilities	P	PC	PC	P	PC	Sec. 4B	

June 1, 2014

# Jefferson County Zoning and Land Development Ordinance

## Jefferson County, West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, June 1, 2014

June 1, 2014

APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23,27</sup>

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

NO Commercial Uses



# Potomac Valley Audubon Society

www.PotomacAudubon.org | P.O. Box 578, Shepherdstown, WV 25443 | 304-676-3397

May 11, 2016

Mike Chapman, President  
Planning Commission  
c/o Department of Planning and Zoning  
County of Jefferson, West Virginia  
116 East Washington Street  
Charles Town, WV 25414

RE: Creation of Nature Center and Preserve as permitted use in the Rural (Agriculture) District

Mr. Chapman:

The Board of the Potomac Valley Audubon Society (PVAS), a local environmental non-profit based in Shepherdstown, respectfully requests consideration of an amendment to the Jefferson County Zoning and Land Development Ordinance.

PVAS currently owns or manages several conserved preserves in the Eastern Panhandle. Yankauer Nature Preserve and Stauffer's Marsh Preserve (both in Berkeley Co.) and Eidolon Nature Preserve (in Morgan Co.) for adult and student environmental education, wildlife habitat and public benefit. PVAS is considering opportunities for similar services in Jefferson County and would like to assure that such land uses are positively recognized, defined and permitted in Jefferson County planning and zoning code.

We propose an amendment to the Code to create a new **Institutional Use** as follows:

Nature Center and Preserve- A location providing environmental and conservation education for adults and youth through non-profit ownership, operation or stewardship. Use may include active education such as day camps, classes and other supporting events; and such related improvements or structures for visitor and student education, outdoor and nature training; and associated office, education and operational space. Use may include conserved and protected habitat, wildlife sanctuaries, and may also include passive outdoor recreational features such as wildlife observation platforms and feeding stations or plots, interpretative displays and non-motorized trails and walkways, outdoor research stations and environmental study support.

We propose that the new Nature Center and Preserve land use is codified as a Principal Permitted Use in the Rural (Agriculture) District and is also further defined in Article 8. -Supplemental Use Regulations as a permitted use in other compatible zones.

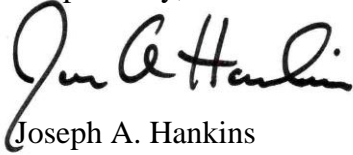
*A proud partner of the United Way of the Eastern Panhandle  
and the Combined Federal Campaign (#29061).*



Page 2

We appreciate your thoughtful consideration of this request. Our nature preserves and environmental education activities at our currently managed properties are highly valued elements of our programs for PVAS members and the general public. The Board of PVAS would readily engage in further discussion with County planning staff and members of the Planning Commission to refine and improve this amendment proposal.

Respectfully,



Joseph A. Hankins  
Chair, Conservation Committee  
Board Member, PVAS

Cc: Kristen Alexander, Executive Director, PVAS



# Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

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

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

Fax: (304) 728-8126

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## Director's Report Planning Commission Meeting June 14, 2016

- 1) **Department Reorganization**
- 2) **Pending Zoning Ordinance and Subdivision Regulation Amendments**
  - a) **Campgrounds:**
    - i. County Commission follow up to work session (6/16/16 tentative)
  - b) **Mass Events Ordinance (#ZTA 14-02):**
    - i. County Commission Public Hearing postponed until Summer 2016
  - d) **Pending amendments:**
    - i. Historic Resource Demolition and Adaptive Reuse
    - ii. Parking Standards
    - iii. Landscape Standards
    - iv. Signage
- 2) **Upcoming PC meeting**
  - a) Next Regular Meeting: July 12, 2016