

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, JULY 21, 2016
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- June 30, 2016 - Regular Meeting
- July 7, 2016 - Regular Meeting

APPROVAL OF ACCOUNTS PAYABLE/MANUAL CHECKS

- July 14, 2016
- July 21, 2016

PUBLIC COMMENT

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable
- Nathan Cochran, Assistant Prosecuting Attorney - discuss and resolve interview and selection issues re: appointment of new Commissioner - Discussion/Action - Possible Executive Session

PRESENTATIONS

1. County Commissioner Interviews

9:45 a.m.	Peter Onoszko
10:15 a.m.	Daniel Zappe
10:45 a.m.	Ann Smith
11:15 a.m.	Gary Dungan

**2. 11:45 a.m. Annette Gavin, Jefferson County Convention & Visitors Bureau
- Presentation of Annual Report**

**3. 12:00 p.m. Lynn Fields, Probate Office
Quarterly Review for Accounts and Waivers - Discussion/Action**

4. 12:15 p.m. Ronda Eddy, Jefferson County Day Report Center
- Approval of Grant Resolution and Contract - Discussion/Action

NEW BUSINESS

5. County Commission candidate decision or scheduling of Special Session to make decision on County Commission candidate - Discussion/Action
6. Oath of Office for County Commissioner

~~~~~ AFTERNOON SESSION ~~~~~

7. 1:30 p.m. Pete Dougherty, Sheriff
- Promotion of Matthew Armel to the rank of Corporal- Discussion/Action
- Approval of Deputy Reserve - Michael Mahoney - Discussion/Action
8. 1:45 p.m. Nathan Cochran, Assistant Prosecuting Attorney
- Intergovernmental Agreement between the Jefferson County Sheriff's Department, the Corporation of Bolivar and the Jefferson County Commission
- Discussion/Action
- Briel Building Lease - Possible Executive Session - Discussion/Action
9. 2:00 p.m. Interview and appointment to the Jefferson County Emergency Services Agency Board - One 3-year term for Citizen Representative ending June 30, 2019 - Discussion/Action
10. 2:15 p.m. Bill Polk, Maintenance Department
- Approval of Donation of Dogwood Tree from the West Virginia Division of Forestry - Discussion/Action
- Approval of Plans for the renovation of the 3rd floor of the St. Margaret's Judicial Center - Discussion/Action
11. 2:30 p.m. Jennifer Brockman, Planning and Zoning
- Recommendation from the Planning Commission to the County Commission to amend various sections of the Zoning and Land Development Ordinance to replace the current nontraditional zoning ordinance with the traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposed amending various sections related to rural land use throughout the Ordinance. The purpose of this request is to provide an overview of the recommended amendment and possibly to schedule a public hearing to be held by the County Commission.

(File #ZTA16-01) - Discussion/Action12. 2:45 p.m. Work Session
- Campground Ordinance - Envision Jefferson 2035 Comp Plan review
related to Campgrounds - resubmitted from 05-05-16 - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Greenbrier County WV Flood - Expenses for Barbara Miller, Director of WVOHSEM - Discussion/Action

COUNTY COMMISSION REPORTS

13. ADJOURN

~~~~~ **EVENING** ~~~~~

14. 7:00 p.m. Meet and Greet County Commissioners  
- Friendship Fire Company  
1050 Washington Street, Harpers Ferry, WV

## **DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS**

- Quarterly Report for the Historic Landmarks Commission

## **CORRESPONDENCE/INFORMATION**

Press Release re: Meet Your Commissioners - July 21, 2016.

List of Applicants for the Position of County Commissioner.

Letter from the WV Office of the Attorney General re: Appointment of County Commissioner for Jefferson County.

Letter from the Jefferson County Republican Executive Committee re: Appointment of County Commissioner for Jefferson County.

E-mails from citizens regarding their selection for the County Commission vacancy.

Impact Fee Status Report for June 2016.

Memorandum from the Jefferson County Dept. Of Engineering - Office of Impact Fees re: Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Acct.

Memorandum from the Jefferson County Dept. Of Engineering - Office of Impact Fees re: Transfer

of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Acct.

Memorandum from the Jefferson County Dept. Of Engineering - Office of Impact Fees re: Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks and Recreation Impact Fee Acct.

Memorandum from the Jefferson County Dept. Of Engineering - Office of Impact Fees re: Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Acct.

Memorandum from the Jefferson County Dept. Of Engineering - Office of Impact Fees re: Transfer of Funds from Office of Impact Fees General Account to Sheriff's EMS Impact Fee Acct.

Letter from the National Parks Service re: the Allstadt Property.

Letter from the Civil War Trust re: the Allstadt Property.

Notice of Public Hearing from the Loudoun Co., VA Department of Planning and Zoning.

Minutes from the JCPSD June 6, 2016 Regular Meeting and June 13, 2016 Special Meeting.

Letter from the Department of the Interior re: PILT.

WV Lottery Weekly Settlement for Charles Town - week ending July 2, 2016.

WV Lottery Weekly Settlement for Charles Town - week ending July 9, 2016.

*At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.*

## Minutes

### Jefferson County Commission

Thursday, June 30, 2016

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A meeting of the Jefferson County Commission was held on Thursday, June 30, 2016 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patricia Noland, Walter Pellish, and Jane Tabb. Also present were Sandy McDonald, Deputy County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, June 30, 2016 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Tabb led the Pledge of Allegiance.

#### APPROVAL OF MINUTES

Motion by Mr. Pellish to approve the June 16, 2016 Regular Meeting Minutes with noted correction. Motion seconded and unanimously approved.

#### APPROVAL OF PURCHASE ORDERS

Motion by Mr. Manuel to approve the Purchase Orders in the amount of \$15,685.75 to include purchase order numbers 52483 and 52484. Motion seconded and unanimously approved.

#### APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT    | VENDOR                 | PONUM | POAMT | NOAMT       | CHECK AMOUNT |
|--------|---------|------------------------|-------|-------|-------------|--------------|
| 076634 | PAYROLL | EDITH COOPER           |       | \$ -  | \$ 71.08    | \$ 71.08     |
| 076635 | 425     | FIDELITY POWER SYSTEMS |       | \$ -  | \$ 1,211.11 | \$ 1,211.11  |
| 076636 | 425     | JEFFERSON COUNTY SOLID |       | \$ -  | \$ 14.22    | \$ 14.22     |

|              |         |                          |  |      |                    |                    |
|--------------|---------|--------------------------|--|------|--------------------|--------------------|
| 076637       | 424     | MILLER'S SUPPLIES AT WOR |  | \$ - | \$ 668.00          | \$ 668.00          |
| 076638       | 433     | OFFICEMAX                |  | \$ - | \$ 140.04          | \$ 140.04          |
| 076639       | 425     | POTOMAC EDISON/OH        |  | \$ - | \$ 35.70           | \$ 35.70           |
| 076640       | 402     | RECORD MANAGEMENT SOLUTN |  | \$ - | \$ 35.00           | \$ 35.00           |
| 076641       | 428     | SOFTWARE SYSTEMS, INC    |  | \$ - | \$ 1,374.79        | \$ 1,374.79        |
| 076642       | PAYROLL | JOSEPH WINDLE            |  | \$ - | \$ 2,250.00        | \$ 2,250.00        |
| <b>TOTAL</b> |         |                          |  |      | <b>\$ 5,799.94</b> | <b>\$ 5,799.94</b> |

**Motion by Ms. Tabb to approve the Accounts Payable for June 23, 2016 in the amount of \$5,799.94. Motion seconded and unanimously approved.**

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT        | NOAMT        | CHECK AMOUNT |
|--------|---------|--------------------------|-------|--------------|--------------|--------------|
| 076646 | PAYROLL | AMERICAN FAMILY LIFE ICU |       | \$ -         | \$ 5,565.78  | \$ 5,565.78  |
| 076647 | 712     | AT&T/GA                  |       | \$ -         | \$ 58.58     | \$ 58.58     |
| 076648 | ALLOC   | AHA/ART&HUMANITIES ALLNC |       | \$ -         | \$ 1,443.65  | \$ 1,443.65  |
| 076649 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -         | \$ 49.85     | \$ 49.85     |
| 076650 | PAYROLL | BUREAU F/CHILD SPRT ENF  |       | \$ -         | \$ 212.31    | \$ 212.31    |
| 076651 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -         | \$ 461.54    | \$ 461.54    |
| 076652 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -         | \$ 119.54    | \$ 119.54    |
| 076653 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -         | \$ 392.31    | \$ 392.31    |
| 076654 | 413     | CASTO & HARRIS INC       | 52481 | \$ 79,600.88 | \$ -         | \$ 79,600.88 |
| 076655 | 425     | CITY OF CHARLES TOWN     |       | \$ -         | \$ 6,600.00  | \$ 6,600.00  |
| 076656 | 405     | MARCIA LYNN CHANDLER     |       | \$ -         | \$ 357.00    | \$ 357.00    |
| 076657 | 428     | CDW-GOVERNMENT LLC       | 52821 | \$ 26,446.50 | \$ -         | \$ 26,446.50 |
| 076658 | PAYROLL | COLONIAL LIFE            |       | \$ -         | \$ 578.13    | \$ 578.13    |
| 076659 | 433     | D & S CONSTRUCTION       |       | \$ -         | \$ 1,791.25  | \$ 1,791.25  |
| 076660 | 405     | FEDEX                    |       | \$ -         | \$ 36.47     | \$ 36.47     |
| 076661 | 405     | STEPHEN V GROH           |       | \$ -         | \$ 140.40    | \$ 140.40    |
| 076662 | 717     | GUTTMAN OIL CO           |       | \$ -         | \$ 5,790.97  | \$ 5,790.97  |
| 076663 | 405     | CHARLES B HOWARD         |       | \$ -         | \$ 140.40    | \$ 140.40    |
| 076664 | ALLOC   | INDEPENDENT FIRE COMPANY |       | \$ -         | \$ 50,000.00 | \$ 50,000.00 |
| 076665 | 403     | JEFFERSON CENTER         |       | \$ -         | \$ 100.00    | \$ 100.00    |
| 076666 | ALLOC   | JEFFERSON COUNTY HISTORI |       | \$ -         | \$ 2,137.68  | \$ 2,137.68  |
| 076667 | 401     | THE SPIRIT OF JEFFERSON  |       | \$ -         | \$ 45.22     | \$ 45.22     |
| 076668 | ALLOC   | JEFFERSON DAY REPORT CNT |       | \$ -         | \$ 25,000.00 | \$ 25,000.00 |
| 076668 | GRANT   | JEFFERSON DAY REPORT CNT |       | \$ -         | \$ 1,472.60  | \$ 1,472.60  |
| 076669 | 712     | ROBERT E. JONES III      |       | \$ -         | \$ 1,000.00  | \$ 1,000.00  |
| 076670 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -         | \$ 5,460.00  | \$ 5,460.00  |
| 076671 | 711     | J.H. CONSULTING LLC      | 52436 | \$ 8,500.00  | \$ -         | \$ 8,500.00  |
| 076672 | 717     | J & K PRECISION AUTO CAR |       | \$ -         | \$ 59.95     | \$ 59.95     |

|        |         |                          |  |      |              |              |
|--------|---------|--------------------------|--|------|--------------|--------------|
| 076673 | 405     | RALPH A LORENZETTI JR    |  | \$ - | \$ 140.40    | \$ 140.40    |
| 076674 | 712     | LANGUAGE LINE SERVICES   |  | \$ - | \$ 120.02    | \$ 120.02    |
| 076675 | PAYROLL | DENISE LAMBIOTTE         |  | \$ - | \$ 160.53    | \$ 160.53    |
| 076676 | 405     | LYNDSEY W. MATSCHAT      |  | \$ - | \$ 211.14    | \$ 211.14    |
| 076677 | 403     | MATTHEW BENDER & CO      |  | \$ - | \$ 970.36    | \$ 970.36    |
| 076677 | 406     | MATTHEW BENDER & CO      |  | \$ - | \$ 172.16    | \$ 172.16    |
| 076678 | 405     | GAIL MCMILLION           |  | \$ - | \$ 140.40    | \$ 140.40    |
| 076679 | 412     | SHAY MCNEIL              |  | \$ - | \$ 206.64    | \$ 206.64    |
| 076680 | PAYROLL | HELEN M. MORRIS, TRUSTEE |  | \$ - | \$ 150.00    | \$ 150.00    |
| 076681 | 405     | MILLER'S SUPPLIES AT WOR |  | \$ - | \$ 173.29    | \$ 173.29    |
| 076681 | 425     | MILLER'S SUPPLIES AT WOR |  | \$ - | \$ 2,791.29  | \$ 2,791.29  |
| 076682 | PAYROLL | NATIONWIDE RETIREMENT    |  | \$ - | \$ 749.00    | \$ 749.00    |
| 076683 | 428     | OFFICEMAX                |  | \$ - | \$ 1,894.88  | \$ 1,894.88  |
| 076684 | ALLOC   | JEFF CO PARKS &          |  | \$ - | \$ 32,509.86 | \$ 32,509.86 |
| 076685 | 402     | PIFER OFFICE SUPPLY, INC |  | \$ - | \$ 39.60     | \$ 39.60     |
| 076686 | 401     | RICOH USA, INC./GA       |  | \$ - | \$ 252.73    | \$ 252.73    |
| 076686 | 403     | RICOH USA, INC./GA       |  | \$ - | \$ 287.58    | \$ 287.58    |
| 076686 | 404     | RICOH USA, INC./GA       |  | \$ - | \$ 123.90    | \$ 123.90    |
| 076686 | 405     | RICOH USA, INC./GA       |  | \$ - | \$ 423.90    | \$ 423.90    |
| 076686 | 406     | RICOH USA, INC./GA       |  | \$ - | \$ 123.90    | \$ 123.90    |
| 076686 | 425     | RICOH USA, INC./GA       |  | \$ - | \$ 48.10     | \$ 48.10     |
| 076686 | 433     | RICOH USA, INC./GA       |  | \$ - | \$ 197.41    | \$ 197.41    |
| 076686 | 440     | RICOH USA, INC./GA       |  | \$ - | \$ 197.41    | \$ 197.41    |
| 076686 | 700     | RICOH USA, INC./GA       |  | \$ - | \$ 295.90    | \$ 295.90    |
| 076686 | 712     | RICOH USA, INC./GA       |  | \$ - | \$ 267.08    | \$ 267.08    |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 1.06      | \$ 1.06      |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 44,508.94 | \$ 44,508.94 |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 10,409.26 | \$ 10,409.26 |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 4.54      | \$ 4.54      |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 42,445.29 | \$ 42,445.29 |
| 076687 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 3.15      | \$ 3.15      |
| 076688 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 1.68      | \$ 1.68      |
| 076688 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 46,391.55 | \$ 46,391.55 |
| 076688 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 638.83    | \$ 638.83    |
| 076688 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 1,397.20  | \$ 1,397.20  |
| 076689 | PAYROLL | WV DEPUTY SHRF RETIREMEN |  | \$ - | \$ 21,925.51 | \$ 21,925.51 |
| 076689 | PAYROLL | WV DEPUTY SHRF RETIREMEN |  | \$ - | \$ 15,530.50 | \$ 15,530.50 |
| 076690 | PAYROLL | WILLIAM SCHWEITZER       |  | \$ - | \$ 211.81    | \$ 211.81    |
| 076691 | PAYROLL | SHERIFF OF JEFFERSON CO  |  | \$ - | \$ 2,985.00  | \$ 2,985.00  |
| 076692 | ALLOC   | JEFFERSON CO CONVENTION  |  | \$ - | \$ 36,091.19 | \$ 36,091.19 |

|              |         |                       |  |                      |                      |                      |
|--------------|---------|-----------------------|--|----------------------|----------------------|----------------------|
| 076693       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 105,939.87        | \$ 105,939.87        |
| 076693       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 1.65              | \$ 1.65              |
| 076693       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 4.94              | \$ 4.94              |
| 076693       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 35,313.28         | \$ 35,313.28         |
| 076694       | 415     | WV STATE AUDITOR**    |  | \$ -                 | \$ 22,100.00         | \$ 22,100.00         |
| 076695       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 7,587.75          | \$ 7,587.75          |
| 076695       | PAYROLL | WV PUB EMP RETIRE SYS |  | \$ -                 | \$ 3,372.29          | \$ 3,372.29          |
| 076696       | 405     | DEBRA A. YOUNG        |  | \$ -                 | \$ 140.40            | \$ 140.40            |
| 076697       | 405     | NEIL ZAHRADNIK        |  | \$ -                 | \$ 140.40            | \$ 140.40            |
|              |         |                       |  |                      |                      |                      |
| <b>TOTAL</b> |         |                       |  |                      |                      | <b>\$ 663,354.58</b> |
| <b>TOTAL</b> |         |                       |  | <b>\$ 114,547.38</b> | <b>\$ 548,807.20</b> | <b>\$ 663,354.58</b> |

**Motion by Ms. Noland to approve the Accounts Payable for June 30, 2016 in the amount of \$663,354.58. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

David Tabb, resident – made comments about his efforts to help the victims of severe flooding in southern West Virginia. Mr. Tabb also stated he believed the selection of Commissioner Bell’s replacement should be voted on by the taxpayers.

Eleanor Finn, resident and member of the League of Women Voters – requested the Commission try to keep the proceedings regarding the selection of a replacement Commissioner for Mr. Bell’s position be kept public and out of Executive Session.

Joy Lewis, resident and representative for Governor Tomblin’s Office – thanked the Commission on behalf of the governor for Jefferson County’s involvement in flood relief efforts.

**PRESENTATIONS**

1. Nathan Cochran, Assistant Prosecuting Attorney
  - a. County Commission Appointment Procedures/Requirements – Mr. Cochran stated the Commission had thirty days from the date of the acceptance of Mr. Bell’s resignation to appoint a replacement Commissioner. Mr. Cochran also stated the replacement must be a registered Republican and resident of Jefferson County; however, applicants are not required to live within the Harpers Ferry magisterial district to be considered.

- **Motion by Mr. Manuel to open the application process for the appointment of Commissioner for ten days, ending at the close of business on July 11, 2016. Recruitment announcement will state the interested applicant must be a registered Republican and resident of Jefferson County and interviews will be conducted in a public setting, with the appointment to occur no later than thirty days from the date of Mr. Bell's resignation. Motion seconded and unanimously approved.**

b. Personnel Matter – Issues regarding the resignation and/or appointment of County Commission

- **Motion by Mr. Pellish to enter into Executive Session to discuss a personnel matter. Motion seconded and unanimously approved.**
- **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to accept Eric Bell's resignation from the Jefferson County Commission, effective immediately. Motion seconded and unanimously approved.**

2. Angie Banks, Assessor

a. Request to remove non-existing parcels from the land books.

- **Motion by Mr. Manuel to approve the removal of RC TDDA/800.39; RC TDNL/5; RCTDD/0800; HFD TDDA/800.31; and HFC TDNL/4 from the land books. Motion seconded and unanimously approved.**

b. Exonerations

| NAME                | TYPE | DISTRICT | TICKET #   | AMOUNT   |
|---------------------|------|----------|------------|----------|
| Jonathan D'Autrechy | PP   | CTD      | 20000-1578 | \$117.56 |

- **Motion by Ms. Tabb to approve the exoneration for ticket #20000-1578 as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                | TYPE | DISTRICT | TICKET # | AMOUNT   |
|---------------------|------|----------|----------|----------|
| Jonathan D'Autrechy | PP   | CTD      | 315022   | \$108.36 |

- **Motion by Ms. Tabb to approve the exoneration for ticket #315022 as presented by the Assessor. Motion seconded and unanimously approved.**

3. Pete Dougherty, Sheriff

a. Auction Review

- b. Discussion of Inter-Government Agreement between Commission, Sheriff's Office, and the Corporation of Bolivar.

c. Approval of Vehicle Transfer

- **Motion by Mr. Manuel to approve the donation of a 1995 Jeep from the Jefferson County Sheriff's Office to the Blue Ridge Fire Department. Motion seconded and unanimously approved**

4. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.

5. Gail Magaha, Chief Deputy, County Clerk's Office – request for approval of depository bonds for FY2016-2017.

- **Motion by Ms. Tabb to approve the depository bonds for FY2016-2017 &T), United Bank, and Bank of Charles Town. Motion seconded and unanimously approved.**

6. Interviews and Appointments to the Harpers Ferry/Bolivar Public Service District – one 6-year term ending June 30, 2022.

- **Motion by Mr. Manuel to appoint Mike Lowery to the Harpers Ferry/Bolivar Public Service District for one six-year term ending June 30, 2016. Motion seconded and unanimously approved.**

Interviews and Appointments to the South Jefferson Library Committee – one five-year term ending June 30, 2021.

- **Motion by Ms. Noland to appoint Curt Mason to the South Jefferson Library Commission for one five-year term ending June 30, 2021. Motion seconded and unanimously approved.**

Interviews and Appointments to the Jefferson County Parks and Recreation Commission – four 3-year terms ending June 30, 2019.

- **Motion by Ms. Noland to reappoint Heather Morgan, Jimmy Pierson, and Gene Taylor and appoint Elaine Pasternak to the Jefferson County Parks and Recreation Commission each for a three year term ending June 30, 2019. Motion seconded and unanimously approved.**

Interviews and Appointments to the Jefferson County Emergency Services Agency

- It was the consensus of the Commission to invite Dr. Jason Turner, Citizen Representative applicant, to the next regularly scheduled County Commission meeting for an interview regarding his interest in serving as a member of the Jefferson County Emergency Services Agency Board.
- **Motion by Ms. Noland to appoint Aaron Watson as the Fire Representative on the JCESA Board for a 3 year term ending June 30, 2019. Motion seconded and unanimously approved.**
- **Motion by Ms. Tabb to appoint Andrew Arnold as the EMS Representative on the JCESA Board for a 3 year term ending June 30, 2019. Motion seconded and unanimously approved.**

## NEW BUSINESS

7. Memorandum of Understanding between the Department of Homeland Security Federal Management Agency Mount Weather Emergency Operations Center Emergency Services Division and Rescue and Jefferson County
  - **Motion by Mr. Manuel to postpone action on this item until counsel had the opportunity to fully review the memorandum of understanding. Motion seconded and unanimously approved.**
8. Decision on amendments to the Hotel Occupancy Tax Ordinance
  - **Motion by Ms. Tabb to approve the amendments to the Hotel Occupancy Tax Ordinance as presented. Motion seconded and unanimously approved.**
9. Approval of DHS Grant for \$3,400 for Emergency Preparedness Educational materials.

- **Motion by Ms. Tabb to approve the DHS Grant in the amount of \$3,400 for Emergency Preparedness Educational materials and authorize the President of the Commission to affix her signature on the appropriate documents. Motion seconded and unanimously approved.**
10. The Commission recessed for lunch at 12:00 pm.  
The Commission reconvened at 1:30 pm.
11. Kathy Santa Barbara, Attorney – provided the Commission with an update on the Briel Building Foreclosure.
- **Motion by Mr. Manuel to enter into Executive Session to discuss property negotiations. Motion seconded and unanimously approved.**
12. Roger Goodwin, Chief County Engineer
- a. Smith Mountain View Estates – JCPC File #02-06 – Lot Corners Certification – Surveyor’s Invoice Payment
    - **Motion by Mr. Manuel to pay invoice No. 927, dated June 15, 2016, from Edward L. Johnson, Jr., Professional Surveyor, in the amount of \$2,000.00 from the bond escrow account for Smith Mountain View Estates Subdivision. Motion seconded and unanimously approved.**
  - b. Vasuvat Subdivision (JCPC File No. 08-01) – Contractor’s Site Work Proposal
    - **Motion by Ms. Tabb to accept the proposal of Kable Excavating, LLC. in the amount of \$4,990.00, as presented and approve allowing staff to proceed with completing the site work; and authorize the invoicing of charges for staff’s time against the Vasuvat Subdivision project and the acceptance of partial reimbursement and then close the bank escrow. Motion seconded and unanimously approved.**
  - c. Adoption of the 2016 Building Code Enforcement Ordinance
    - **Motion by Ms. Noland to adopt the Resolution and the Building Code Enforcement Ordinance as presented to be effected August 1, 2016. Motion seconded and unanimously approved.**
13. Debra Lee Hovatter, Esq. – Spilman, Thomas & Battle, PLLC, on behalf of Primax Properties, LLC. – request for certificate of occupancy on or before July 18, 2016 in order for Advanced Auto Parts to complete “fixturing” and make the planned opening date of August 11, 2016.

- It was the consensus of the Commission to allow the Department of Engineering to issue a temporary use and occupancy certificate to Primax Properties, LLC. until ownership of land in question has been established.

14. Nathan Cochran, Assistant Prosecuting Attorney

a. Memorandum of Understanding with APUS

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

b. Memorandum of Understanding with the Jefferson County Board of Education re: 1863 commemorative rock.

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

c. Comcast Cable Franchise Agreement

- **Motion by Mr. Pellish to enter into Executive Session to discuss contract negotiations. Motion seconded and unanimously approved.**

d. Vision Internet Website Contract Renewal

- It was the consensus of the Commission to delay action on this item until the next regularly scheduled County Commission meeting.

**COUNTY ADMINISTRATOR REPORTS**

Meet Your Commissioners – Ms. McDonald informed the Commission the Harpers Ferry train station was unavailable for the July 21, 2016 Meet Your Commissioners event. Ms. McDonald stated she would contact the Harpers Ferry Friendship Fire Department and the Bolivar Community Center to see if either would be available for use on the 21<sup>st</sup>.

Upcoming Agenda Appointments – Ms. McDonald stated Jennie Brockman, Director of Planning and Zoning, would be on the July 21, 2016 agenda for another campground ordinance work session and a presentation regarding the LESA conditional use permits.

**COUNTY COMMISSION REPORTS**

Patricia Noland

- Enjoyed vacation in Denver, Colorado.

Walt Pellish

- Attended a Development Authority meeting.

Jane Tabb

- Participated in Farm Day on June 18.
- Attended a Farmland Easement tour.
- Attended an Extension Service Committee meeting.
- Attended the grand opening of Dura Trac at the Burr Industrial Park.
- Reported that Barbara Miller, Director of Jefferson County Homeland Security and Emergency Management, was deployed to Greenbrier County, WV for two weeks to assist with flood recovery efforts.

Dale Manuel

- Attended WV Fest in downtown Charles Town.
- Attend the Juneteenth event for the NAACP at Evitt's Run Park.
- Participated in the Day of Service at the Day Report Center.
- Attended the Eastern Panhandle Care Clinic Community Appreciation Open House.
- Attended the Shepherdstown Street Fest.
- Provided donations to the flood relief drop-off location at the Sheriff's Office.
- Attended the Maryland Science Center's program, "What's the Matter," sponsored by the Shepherdstown Library.

15. The Commission meeting was adjourned at 2:50 pm on a motion by Mr. Manuel. Motion was seconded and unanimously approved.

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PATRICIA A. NOLAND,  
PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant

## Minutes

### Jefferson County Commission

Thursday, July 7, 2016

A meeting of the Jefferson County Commission was held on Thursday, July 7, 2016 in the County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patricia Noland, Walter Pellish, and Jane Tabb. Also present were Sandy McDonald, Deputy County Administrator, Jessica Carroll, Executive Administrative Assistant and Jim Eddy, Bailiff. (An audio tape of the Thursday, July 7, 2016 meeting is available through the Jefferson County Commission Office.)

#### PLEDGE OF ALLEGIANCE

Commissioner Pellish led the Pledge of Allegiance.

#### APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT        | NOAMT        | CHECK AMOUNT |
|--------|---------|--------------------------|-------|--------------|--------------|--------------|
| 076699 | ALLOC   | BOLIVAR/HARPERS FERRY    |       | \$ -         | \$ 20,625.00 | \$ 20,625.00 |
| 076700 | 401     | 201 N. GEORGE ST LLC     |       | \$ -         | \$ 9,638.92  | \$ 9,638.92  |
| 076701 | 425     | OLD CHARLES TOWN LIBRARY |       | \$ -         | \$ 1,500.00  | \$ 1,500.00  |
| 076701 | ALLOC   | OLD CHARLES TOWN LIBRARY |       | \$ -         | \$ 20,625.00 | \$ 20,625.00 |
| 076702 | PAYROLL | DELTA DENTAL OF WV       |       | \$ -         | \$ 6,431.70  | \$ 6,431.70  |
| 076703 | ALLOC   | EASTERN PANHANDLE TRANSI |       | \$ -         | \$ 5,000.00  | \$ 5,000.00  |
| 076704 | 413     | ESS ELECTION SYSTEMS &   | 52483 | \$ 10,085.75 | \$ -         | \$ 10,085.75 |
| 076704 | 413     | ESS ELECTION SYSTEMS &   | 52484 | \$ 5,600.00  | \$ -         | \$ 5,600.00  |
| 076705 | PAYROLL | ALEXANDRA BEAULIEU       |       | \$ -         | \$ 2,290.83  | \$ 2,290.83  |
| 076706 | PAYROLL | THE HARTFORD             |       | \$ -         | \$ 4,518.66  | \$ 4,518.66  |
| 076706 | PAYROLL | THE HARTFORD             |       | \$ -         | \$ 2,266.95  | \$ 2,266.95  |
| 076707 | 405     | WILLIAM HENDERSON        |       | \$ -         | \$ 18.87     | \$ 18.87     |
| 076708 | 401     | RICOH USA, INC           |       | \$ -         | \$ 29.06     | \$ 29.06     |
| 076708 | 403     | RICOH USA, INC           |       | \$ -         | \$ 58.14     | \$ 58.14     |
| 076708 | 404     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 076708 | 405     | RICOH USA, INC           |       | \$ -         | \$ 87.21     | \$ 87.21     |



**Motion by Ms. Noland to approve the Accounts Payable for July 7, 2016 in the amount of \$1,061,718.88. Motion seconded and unanimously approved.**

**APPROVAL OF PAYROLL**

**Motion by Ms. Tabb to approve the Payroll for June 30, 2016 in the amount of \$242,793.96. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

David Tabb, resident – shared with the Commission his efforts to assist those who are suffering from the flooding in southern West Virginia.

Eleanor Finn, resident and member of the League of Women Voters – urged the Commission to carefully consider items discussed in Executive Session. Ms. Finn also commented on the results of a space needs study in relation to the Briel Building.

**PRESENTATIONS**

1. Lynn Fields, Deputy Probate Clerk – approval to appoint Sheriff Dougherty as Administrator of the Estate of Tillman Carmichael, Deceased
  - **Motion by Mr. Manuel to approve the appointment of Sheriff Dougherty as Administrator of the Estate of Tillman Carmichael, Deceased. Motion seconded and unanimously approved.**
2. Michelle Gordon, Finance Director – Review and Approval of Internal Budget Revisions #10-22.
  - **Motion by Ms. Noland to approve Internal Budget Revisions #10-20, excluding #18, as presented by Ms. Gordon. Motion seconded and unanimously approved.**
  - **Motion by Mr. Noland to approve Internal Budget Revision #22 as presented by Ms. Gordon. Motion seconded and unanimously approved.**
  - **Motion by Ms. Noland to approve Internal Budget Revision #21 as presented by Ms. Gordon. Motion seconded and unanimously approved.**

3. Nathan Cochran, Assistant Prosecuting Attorney – continuation of discussion regarding the appointment of new Commissioner – Mr. Pellish recused himself from the discussion of this topic as he was considered a candidate at the time. Mr. Cochran stated he had yet to receive any correspondence from the Attorney General regarding the appointment of a Commissioner to replace Mr. Bell. Mr. Cochran stated his letter to the Attorney General asked for opinions regarding political party affiliation, magisterial district requirements, and the length of the appointment.
4. Robert Rodecker, Attorney for Kay, Casto, and Chaney – Cable Franchise Agreement Conference Call
  - It was the consensus of the Commission to reschedule this item for a future meeting to allow Mr. Rodecker additional time to prepare the agreement.
5. The Commission recessed for break at 10:45 am.  
The Commission reconvened at 11:00 am.
6. Nathan Cochran, Assistant Prosecuting Attorney
  - a. Review/discuss Inter-Government Agreement between the Commission, the Sheriff's Department, and the Corporation of Bolivar
    - It was the consensus of the Commission to reschedule this item for a future meeting after the Corporation of Bolivar had time to discuss the inter-government agreement.
  - b. Memorandum of Understanding between the Department of Homeland Security Federal Management Agency Mount Weather Emergency Operations Center Emergency Services Division and Rescue and Jefferson County.
    - It was the consensus of the Commission to reschedule this item for a future meeting.
  - c. Update on Briel Building Foreclosure
    - **Motion by Mr. Manuel to enter into Executive Session to discuss property negotiations. Motion seconded and unanimously approved.**
    - **Motion by Ms. Noland to come out of Executive Session. Motion seconded and unanimously approved.**
  - d. Memorandum of Understanding with APUS

- **Motion by Mr. Manuel to approve of the memorandum of understanding with APUS as presented by Mr. Cochran and authorize the president of the Commission to sign the appropriate documents. Motion seconded and unanimously approved.**

e. Vision Internet Website Contract Renewal

- It was the consensus of the Commission to reschedule this item for a future meeting.

7. Interview and Appointment to the Jefferson County Emergency Services Agency – one 3-year term as Citizen Representative ending June 30, 2019.

- It was the consensus of the Commission to reschedule this item for a future meeting when Dr. Jason Turner, Citizen Representative applicant, would be available for an interview.

**COUNTY ADMINISTRATOR REPORTS**

- Meet the Commissioners – Ms. McDonald reminded the Commission of their “Meet Your Commissioners” event on Thursday, July 21, 2016 at 7pm at Friendship Fire Company.

**COUNTY COMMISSION REPORTS**

Patricia Noland

- Fielded multiple phone calls regarding noise from fireworks.

Jane Tabb

- Viewed the Sam Michaels Park fireworks from Jefferson High School.
- Took part in the July 4<sup>th</sup> parade in Shepherdstown.
- Attended a Public Service District meeting.
- Attended a Farmland Protection Board Easement Committee meeting.

Dale Manuel

- Attended the fireworks display at Sam Michaels Park.
- Took part in the July 4<sup>th</sup> parade in Shepherdstown.
- Attended the July 4<sup>th</sup> banquet at Morgan’s Grove Park.

8. The Commission meeting was adjourned at 10:25 am on a motion by Ms. Tabb. Motion was seconded and unanimously approved.

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PATRICIA A. NOLAND,  
PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Administrative Assistant



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name:

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*):

-  **County Commission Interviews**
-  9:45 a.m. Peter Onoszko
-  10:15 a.m. Daniel Zappe
-  10:45 a.m. Ann Smith
-  11:15 a.m. Gary Dungan

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**

Click here to enter text.



**Peter Onoszko**

13 Aubrey Court  
Charles Town, WV 25414  
304.725.6021  
ponoszko@aol.com

**July 5, 2016**

**Commissioner Patsy Noland**

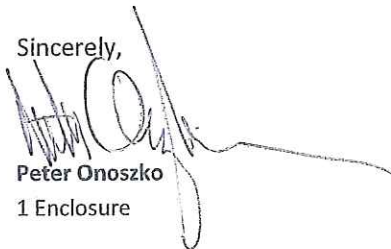
President, Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

**Dear Commissioner Noland:**

I am applying for appointment as Commissioner from the Harpers Ferry Magisterial District. Attached is my resume detailing my professional experience and educational background.

I have been a resident of the Harpers Ferry District since December 2005 and a registered Republican in West Virginia since September 2006. Since then, I have taken the time to become very familiar with Jefferson County Government operations, particularly with the Jefferson County Commission, its duties and responsibilities. During the 2014 primary election, I stood for the Republican nomination for the position I now seek and was narrowly defeated by a margin of 1.54% of the vote.

Sincerely,



**Peter Onoszko**

1 Enclosure

# Peter Onoszko

13 Aubrey Court, Charles Town, WV 25414  
ponoszko@aol.com  
304.725.6021

## Objectives

To represent the people of Jefferson County and particularly the people of the Harpers Ferry Magisterial District as a member of the Jefferson County Commission.

## Experience

I am a retired US Lieutenant Colonel. During my 25 year career, I have held Command and Staff positions from the small unit level to positions of the highest trust on the US Army Staff at the Pentagon. My quarter century of military experience taught me to be able to deal with people, formulate goals, participate in budget preparation and monitoring, and accomplish the missions of the various activities to which I had been assigned.

## Education

B.A. *The Citadel*, Charleston, South Carolina

M.A. *The American University*, Washington, DC

US Army Senior Service College Fellow, *The Fletcher School of Law and Diplomacy – Tufts University*, Medford, Massachusetts

## Daniel J. Zappe

1195 Chestnut Hill Dr, Harper's Ferry, WV 25425  
(302)670-2777·zappedan@reagan.com

### PURPOSE:

Seeking the position of County Commissioner, Jefferson County, WV

### SUMMARY:

A well-rounded individual with a diverse set of skills and work history with over 18 years of military service. I have a strong devotion to family, country, and the constitution and a strong desire to serve my community.

The majority of my experience is with the military. I've served as both an enlisted airman and as a commissioned officer. The first few years I was Special Tactics Operator. I then commissioned as an officer and currently serve as an instructor pilot in the Martinsburg Air National Guard. Throughout my career as an officer I was an Executive Officer, led several organizations, and headed various projects. Recognized throughout military aviation career for excellent performance and instructor abilities.

In the private sector I'm a pilot for United Airlines. My United schedule affords me the opportunity to explore additional work options.

### ADDITIONAL QUALIFICATIONS:

Top Secret Clearance. Fluent in Spanish.

### EDUCATION:

2003-Bachelor's of Science degree in Professional Aeronautics, Embry-Riddle Aeronautical University, Daytona Beach, FL. GPA 3.9 Minor in Aviation Safety  
2012-Master's Degree in Military Operational Art and Science, Air University, Maxwell AFB, AL GPA 3.9

### MILITARY ASSIGNMENTS:

1. May 1998-July 2002, Special Tactics Operator, JTAC qualified/provided close-air support. Directed and controlled the delivery and battlefield application of lethal and non-lethal airpower. Established long-range command and control communication and intel nets. Honor graduate Combat Controller apprentice course.

2. October 2004-current, Commissioned Officer and Pilot-USAF, Experienced and award winning pilot. Extensive experience in overseas/oceanic flight to include complex combat missions. Proven ability as a military special certified aircraft commander assigned the highest priority and most challenging/complex missions. Recognized throughout military aviation career for excellent performance and instructor abilities.

Throughout this period I also served as:

Wing Airlift Director- Liaison in multi-tiered organization between TACC (command and control) and 4 operational squadrons. Fostered working relationships with representatives at all levels to facilitate scheduling and management of complex mobility air operations. Developed electronic media to

reduce workload and increase productivity. Allocated resources and personnel to fit mission needs.

Executive Officer: Commander's administrative representative. Key player in the transition of performance report process to electronic format. Advocated improved procedures which increased on-time reporting by 50%. Key player in the overhaul of squadron programs and policies to ensure compliance with directives. Lead organizer for commander chain of command ceremony.

Crew Scheduler: Scheduled aircrews by matching resources to requirements. Key advocate and implementer of ReserveNet scheduling software. Saw the change as an opportunity for learning and growth. Became an expert in the software, then created training program to train 120-person squadron. Focused on the beneficial aspects of the software.

Deputy Chief of Wing Plans: Executive officer for Joint Base Charleston crisis action team. Drafted, finalized and disseminated command level directives to base-wide audience. Crafted 1st-ever JB Charleston hurricane training brief; consolidated 10 Navy and Air Force functional area management efforts by promoting cooperation and effort.

Readiness Flight Commander: Led and directed 12-member flight responsible for ensuring deployment readiness of 144-member squadron. Authored policy to ensure reporting mechanisms met requirements. Developed Phase program that consolidated, organized and simplified deployment checklists/requirements into a streamlined process. Reduced processing time ½.

#### CIVILIAN POSITIONS:

1. 1996-1997 Truck driver for Allied Van Lines. Responsible for estimating shipping weights and was an over-the-road driver delivering household goods. CDL-A license.
2. July 2013-Nov 2014 International Boeing Aircraft Simulator Instructor. Taught both new and experience pilots in the UAE. DATA SME for software development. Overhauled courseware with updates and readability for the international market.
3. Nov 2014- Current: First Officer, United Airlines. Responsible for the safe delivery of passengers to their destinations. Professionally plans, preflights, and operates aircraft in rapidly changing environments.

#### OTHER ACHIEVEMENTS:

1994-1995 Missionary in Buenos Aires, Argentina.  
Magna cum laude·Embry-Riddle Aeronautical University  
Nominated for 2 research awards for Master's Thesis  
Honor Graduate·Air University (Master's Degree)  
Aircrew of the Year·2009  
Instructor Pilot of the Quarter·Jan-Mar 2012

**Ann Maddy Smith**

**230 Chessie Lane, Harpers Ferry, WV 25425**

**[annmaddysmith@hotmail.com](mailto:annmaddysmith@hotmail.com)**

**304-725-8117**

## **SUMMARY**

**Lifelong resident of WV, widow of Danny E. Smith, mother of two children: A. Renee' Smith and J.B. Smith, deceased.**

**Active member of Rotary Club of Charles Town, past president and former chairman of J.B. Smith Memorial Golf Tournament, 2000 – 2015.**

**Vice-President Engle Crossing Home Owner's Assoc.**

**Secretary-Treasurer Sleepy Hollow Property Owner's Assoc.**

**Licensed real estate agent, member Harpers Ferry Merchant's Assoc., Jefferson Co. Chamber of Commerce and WISH Foundation, Shepherd University.**

## **WORK HISTORY**

**The Anvil Restaurant: owner and operator since December 1985**

**Henry B. Davenport, III – Altona Farm: Administrator since May 1978**

## **EDUCATION**

**Shepherd University BA**

**Marshall University**

**Hinton High School**

Henry B. Davenport III  
Altona Farm  
P.O. Box 27  
356 Old Altona Lane  
Charles Town, WV 25414  
304/725-3041 / OFFICE  
304/725-2181 / HOME  
304/728-4691 / FAX

**July 8, 2016**

**Jefferson County Commission**

**P.O. Box 250**

**Charles Town, WV 25414**

**Dear Commissioners,**

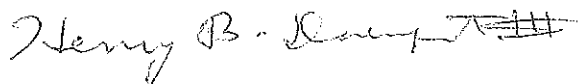
**I have known Ann Maddy Smith for nearly 40 years and she has helped me in my office for nearly all of that time.**

**I have always been impressed by her ability to do anything and do it well. Her energy in attacking a project is amazing. She seems to thrive on a difficult task.**

**Ann has demonstrated many times that she can consider all sides of a problem and come up with a reasonable answer.**

**I think that she would be a very good asset to the county commission.**

**Yours truly,**

A handwritten signature in cursive script that reads "Henry B. Davenport III". The signature is written in black ink and includes a stylized flourish at the end.

**Henry B. Davenport, III**



# BAVARIAN INN

July 6, 2016

EUROPEAN ELEGANCE ON THE POTOMAC

To Whom It May Concern,

I am writing this letter on behalf of Ann Maddy Smith as a recommendation for Jefferson County Commission. My family have been fellow restauranteurs in our fine County over the past 30 years. We have always held the Anvil restaurant in high regard, and would certainly recommend it to any of our guests visiting Harper's Ferry. My father & brother have also had a solid relationship with Ann via great charitable organizations such as Rotary.

The restaurant business is one that is thrilling, exciting, rewarding, yet very difficult. Running a business in our area is certainly a challenge. And to maintain one for such a long duration is a testament of hard work, dedication, loyalty, and understanding the growing and changing needs of our scrupulous clientele. Not only surviving, but maintaining such a solid reputation, also shows an understanding of our local community, and the grave importance of increased combined marketing efforts to bring tourism to our County.

I believe Ann Maddy Smith will be a valued addition to the County Commission and wish her much success.

Sincerely,

David A. Asam

Bavarian Inn, VP

July 7, 2016

Peggy A. Smith  
550 S. Seminary Street t  
Charles Town, WV 25414

Jefferson Co. Commissioners  
P.O. Box 250  
Charles Town, WV 25414

Dear Commissioners;

I'd like to express my support for Ann Smith as commissioner. I've known Ann for approximately thirty years. She is an excellent business woman and she's involved in the community.

Ann will treat everyone fair but she will also stand strong on her beliefs for what's good for the county. A valuable trait needed for a person serving in this office.

I believe Ann Smith will be an asset to the commission.

Yours truly,  
Peggy A. Smith

To Whom It May Concern:

It is my pleasure to recommend Ann Smith for the Jefferson County Commission. I have known Ann for over 35 years, as a friend and a business owner.

She is honest, dependable and hardworking lady, beyond that she is a great problem solver, who is able to address complex issues. Her knowledge of businesses and issue of Jefferson County will make her a great asset to the commission.

Without a doubt, I confidently recommend Ann to join your team at the Jefferson County Commission.

Please feel free to contact me at 304-724-4235 should you like to discuss Ann's qualifications.

Respectfully yours,

A handwritten signature in cursive script that reads "Dickie Moore". The signature is written in black ink and includes a long horizontal line extending to the right.

Dickie Moore

General Manager of Racing Operations

7/6/16

Doug Bowling

Race Track Superintendent

120 Sheriden Drive

Charles Town, WV 25414

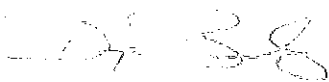
To Whom It May Concern:

I'm writing in reference to Ann Smith and her application to fill the County Commission position. I have known Ann Smith for 45 Years as a co-worker and friend. She is a proven business professional/leader in Jefferson County. I found her to be self-motivated, punctual, fair and above all ethical in business practices. She has fulfilled numerous volunteer positions during this time for the people of Jefferson County.

I would recommend Ann Smith for the position because of her commitment to the people of Jefferson County.

If you require any other additional information please feel free to contact me at (304/283-6017) or [Dougb@pngaming.com](mailto:Dougb@pngaming.com)

Yours Truly,

A handwritten signature in black ink, appearing to read 'Doug Bowling', with a stylized flourish at the end.

Doug Bowling

**ELMWOOD FARM**  
**336 ROSEMONT WAY**  
**CHARLES TOWN, W V 25414**

Jefferson County Commission

PO Box 250

Charles Town, WV 25414

July 7, 2016

Re: Appointment of Ann Smith to County Commission

To Commission Members:

We would like to go on record as endorsing Ann Smith of Harpers Ferry District for the vacant seat of the County Commission. As a resident of the County for more than 40 years and an upstanding citizen, we believe she would make a good candidate.

She brings very good credentials, being a graduate of Marshall University and has continued to learn and involve herself in many areas of financial and business endeavors. She and her husband have owned and operated the Anvil Restaurant and owns rental properties throughout the County. Ann is administrative assistant and advisor to Davenport Enterprises. She is a member of Charles Town Rotary and has Chaired the Fundraising Event of J.B. Smith Memorial Golf Tournament raising more than \$400,000 for the Community. We have known and worked with Ann for most of the time that she has been in the County, as a member of Rotary and as a friend. She is a selfless volunteer, honest, dedicated, intelligent, and we feel qualified to serve on the Commission.

Respectfully submitted,

Harry "Marty" Kable

Carol F. Kable

Kelly A. Davenport  
53 Pebble Beach Drive  
Charles Town, WV 25414

July 7, 2016

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

Dear Members of the County Commission,

I am writing on behalf of Ann Smith's application for a seat on the Jefferson County Commission. I have known Ann for the past 17 years. She was one of the first people I met when I moved to Jefferson County in 1999. She has been a dear friend and a mentor to me since day one.

I met Ann through my husband Braxton and his family. She has worked for my father-in-law, Henry Davenport at Altona Farm for nearly 40 years, while at the same time running her own very successful restaurant in Harpers Ferry for the past 30 years. She oversees the daily business, accounting, tax preparation at Altona and is quick to offer a logical working solution to what can sometimes be impossible problems. She is an instrumental and an extremely valuable asset to our family. Ann is far more than her job at the farm; she is family.

Ann never ceases to amaze me with her devotion, tireless work ethic and dedication to serve our community in Jefferson County in many different and charitable ways. She has immense knowledge of the laws and regulations that govern our county. She is unbiased, fair, and weighs each decision she makes with much thought and consideration.

Ann Smith will be the best possible candidate for the seat on the County Commission. I sincerely hope that you will consider her for this position. I am a better person for knowing her, and I believe that Jefferson County will be better with her on the Commission.

Sincerely,



Kelly A. Davenport

July 10, 2016

Ms. Patsy Noland, President  
Jefferson County Commission

Re: Appointment of a Replacement Commissioner

Dear President Noland:

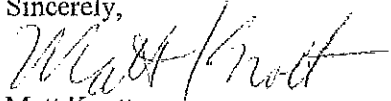
I am writing to support Ann Smith in filling the seat on the Jefferson County Commission resulting from the resignation of Mr. Eric Bell.

I have known Ann for about 25 years. She and her family have been a staple in the business community in Harpers Ferry for many years through the operation of the Anvil Restaurant.

In addition, she has also run the JB Smith Memorial Golf Tournament in memory of her son that benefitted many Jefferson County charities. She has also been an active member of the Rotary Club.

Over the years I have come to know Ann as intelligent, with a good business and financial sense. She uses good judgment and will make decisions that benefit the citizens of Jefferson County over herself.

Sincerely,



Matt Knott

cc: Commissioner Jane Tabb

Commissioner Walt Pellish

Commissioner Dale Manuel

July 11, 2016

Jefferson County Commission  
PO Box 250  
Jefferson County 25425

Subject: Recommendation of Ann M Smith for County Commission Seat-Harpers Ferry District

To Whom It May Concern,

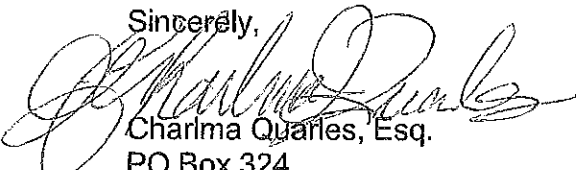
It is with great pleasure that I recommend Ms. Ann Maddy Smith to fill the vacant seat on the Jefferson County Commission. She has the background, experience and personal qualities required to make an outstanding commissioner representing the Harpers Ferry District.

Although I have only lived in Harpers Ferry since 2011, that has been a sufficient amount of time to become acquainted with Ms. Smith and recognize her standing in the Harpers Ferry/Boliver Communities. As a successful business owner who has greatly contributed to the economic health of her community, she is available to render advice to newer business owners through involvement in the local merchant organization as she is concerned about the success of the community at large. Soon after meeting Ann Smith, she was enthusiastic about helping the community through her involvement with the Rotary Club International, Charles Town club. She has been an active member for years and has served in leadership capacities. I personally experienced her genuine concern and compassion for her community when she helped various individuals and business owners who lost their residences and businesses as a result of the fire in the Lower Town of Harpers Ferry in July of 2015. She continues to assist today, without any fanfare or desire for recognition.

Ann Maddy Smith is a woman of integrity and intelligence who would be careful to weigh all facts when making decisions or contributions as a member of the Jefferson County Commission. She is sincerely concerned about our county and could continue making a positive impact if seated on the Commission. It is critical to me, as a resident of Harpers Ferry, that the representative for Harpers Ferry actually live, have experience and be vested in the Harpers Ferry District.

In sum, I highly recommend Ann Smith and believe she is the best person to fill the vacancy on the Commission.

Sincerely,



Charima Quarles, Esq.

PO Box 324

Harpers Ferry, WV 25425

KAREN BAILEY-CHAPMAN

PO BOX 184

RIPPON, WV 25441

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July 8, 2016

Commissioner Patsy Noland  
President  
Jefferson County Commission  
124 E Washington Street  
PO Box 250  
Charles Town, WV 25414

Dear Commissioner Noland,

I write today in support of Ann Smith's application to fill the vacant county commission seat.

I first met Ann eight years ago when I first came to work in Jefferson County. Over the years, I've had the opportunity to get to know Ann, work with Ann and become friends with her. I've always had a great respect for Ann in her commitment to community and her dedication as a business person in our county.

As a leader in the Charles Town Rotary Club, Ann is an unfailing supporter of the various Rotary programs and projects. From years of running and hosting the annual golf tournament to the annual holiday fundraisers to every event in between... Ann is there. Ann and her crab cakes are a staple at the Mountain Heritage Arts & Crafts Festival. She is an ardent supporter of Relay for Life, serving as host to a number of fundraisers over the years.

Our commission representatives should be reflective of our community – those who have given tirelessly to the betterment of our community through community service and those who understand the impact of policies on our local citizens and businesses, equally. Her accounting education and professional background gives me confidence that she knows the ins and outs of a budget - a professional credential so important in today's tough budgetary times. She knows the implications of policy on families – she raised hers here in Jefferson County and knows the value of a good education. She feels the impact of county policy-making on businesses – she's been a businessperson in this county for over 30 years. She generates empathy – she is the friend you know will be there in the toughest of times.

I think the ultimate decision before you is about choosing the individual who is the right choice for Jefferson County. Someone who has a demonstrated commitment to our community through years and years of service, has invested in our community as an employer and

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV. 25414  
July 6, 2016

Jim and Mary Staley  
16 Juniper Circle  
Shepherdstown, WV 25443

Jefferson County Commission Members,

The purpose of this letter is to express our sincerest support for Ann Smith as a potential member of the commission.

We have known and worked with Ann for over 40 years. Our connections are numerous beginning with community activities such as 4-H, the Harpers Ferry Arts and Crafts Festival, Rotary, Shepherd University, and the Women Investing In Shepherd organization. (WISH). Socially, we have shared many celebratory activities with Ann and her family. Jefferson County Cottillion, kayaking, and Rotary Christmas Galas are a few examples. We feel we know Ann very well.

Ann's character is one of inclusive decision making, hard work, honesty, perseverance, and financial responsibility. In all of the many community activities we have shared, she consistently is a team player, a financial wizard, and a true friend to those in need. Ann loves her home, Jefferson County, and West Virginia. She exemplifies a citizen of character and pride in her community.

Without reservation, we feel the citizens of Jefferson County would be well served and respected by Ann, if she were to be a member of the commission. Ann cares.

Thank you.

Sincerely,  
*Mary Staley*  
*Jim Staley*

*Lee R. Moore, Jr. OD*

*311 Prospect Avenue PO Box 116*

*Charles Town, West Virginia 25414*

Phone 304.725.1411

---

July 5, 2016

Jefferson County Commission

PO Box 250

Charles Town, WV 25414

RE: Ann Smith

Dear Sirs:

I'm writing this letter to suggest that Ann Smith be considered to fill the vacant seat on the County Commission. I've known Ann and her late husband for thirty years. As all of you are aware she and Danny have been great citizens and have been very involved in the community through hard work and philanthropy.

Ann has a great deal of business and financial knowledge that could be an enormous benefit to the county. Please consider Mrs. Smith and good luck with making your decision.

Best Wishes,



Lee R. Moore, Jr. OD

LRM/blm



Herald Bennett, CFP, CLF  
Regional Director

Office: (304) 725-6090  
118 N. Charles Street  
Charles Town, WV 25414  
Fax: (304) 728-6645  
Herald.Bennett@Farm-Family.com

July 5, 2016

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

RE: Ann Maddy Smith

Dear County Commissioners:

I write to support the nomination of Ann Maddy Smith for the vacant commissioner's seat.

Ann is well qualified to serve Jefferson County for many reasons.

She has demonstrated her fiscal aptitude for decades as a successful business owner. Her enterprise has also taught her both patron and employee relationship skills.

Ann has shown her love for civic responsibility for many years by being the driving force behind the J.B. Smith Memorial Golf Tournament. This annual event has raised substantial dollars; all of which has been given to local charities.

And finally, Ann has demonstrated her strength, resolve and resilience by continuing her business, civic and family life despite the loss of her son, J.B and husband, Danny.

Ann Smith is a great choice for the Jefferson County Commission.

Kind regards,

Herald Bennett

PO Box 3614  
Shepherdstown, WV 25443  
July 5, 2016

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

**Re: Application of Ann Smith for County Commission**

Dear Commissioners:

I am writing to add my support for Ann Smith's application for appointment to the County Commission of Jefferson County, West Virginia.


I have had the pleasure of knowing Ann Smith and her family since I moved back to the County 14 years ago. I consider Ann Smith a friend, but that is not the only reason I support her application. Ann is one of the most intelligent people I know. She is dogged in her determination to handle every situation in which she finds herself with complete competence and an understanding of all aspects and ramifications of any outcome in which she participates.

As you all know, Ann has strong ties to the community which have been developed through her 40 plus years living here raising a family with her husband Danny, 30 plus years running a successful restaurant in Harpers Ferry with her family and the various community and philanthropic organizations in which she has participated. She is a devoted West Virginian and is dedicated to making her community and this state a better place.

Although I am sure you will be faced with a choice among many county residents who have a similar desire as Ann Smith to be appointed to the Commission, and although I do not know of any of these candidates, I am certain that you can find no finer or capable person than Ann Smith to appoint to serve with you on the Jefferson County Commission.

Thank you for your indulgence in considering my views on the appointment of Ann Smith to the Jefferson County Commission. I hope that this process is one that can concluded with good results to put the current controversy behind the County and make the Commission one in which the citizens of the County can have confidence.

Sincerely yours



Alice Anne Chakmakian

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

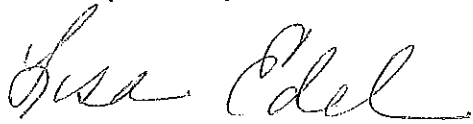
July 6, 2016

I would like to endorse Ann Maddy Smith for Jefferson County Commission. Ann and I met in 1990. She and Danny were our competitors in the restaurant business, but instead of being adversaries, we became friends. My husband and I were new to the area and Danny & Ann took us under their wing.

Thirty years ago, they opened and ran the Anvil Restaurant in Bolivar, WV where Ann still works and manages, in addition to a small accounting business. She is a current, very involved member and past president of Charles Town Rotary, she began & managed the JB Smith Memorial Golf Tournament which over 15 years raised \$420,000 for Jefferson County and she has been involved in many other charitable organizations and fundraisers. Ann readily gives her time and expertise to most any Philanthropic group as well as any individual who may need assistance.

I consider Ann one of my closest friends, one I can count on as being fair and generous and I believe she would be a valuable asset to the Commission.

Thank you for your consideration,

A handwritten signature in cursive script that reads "Lisa Edel".

Lisa Edel, owner,  
Country Café & General Store

Lee Snyder, President  
Snyder Environmental Services, Inc  
270 Industrial Blvd Kearneysville, WV 25430  
304-725-9140  
Fax- 304-728-7326

July 6, 2020

Ms. Patsy Noland, President  
JEFFERSON COUNTY COMMISSION

Re: Appointment of a Replacement Commissioner

Dear President Noland,

I am writing to support the appointment of Ann Maddy Smith to fill the seat on the Jefferson County Commission resulting from the resignation of Mr. Eric Bell.

I have known and been friends with Ann and her late husband Danny for over 40 years. During these years I have come to respect and admire Ann for her intellect, kindness, tenacity, sound judgment, business acumen and fiscal responsibility.

Ann was born in Summers County and graduated from Marshall University. After moving to Jefferson County, she earned an accounting degree from Shepherd University. Ann and Danny moved here in 1970 when Danny took a job teaching school and coaching sports at Charles Town Jr. High.

In 1985, Ann and Danny opened the Anvil restaurant in Harpers Ferry. Many restaurants fail but the Anvil has prospered for over 30 years. This success I would suggest has had more to do with good management than good fortune. Sadly, Danny passed fourteen months ago. However, the Anvil has continued to prosper under Ann's and her daughter, Kenee's management.

As many people in the county know, Ann and Danny lost their son, JB, in a tragic auto accident in 1998. However, Danny and Ann turned this tragedy into a project to benefit Jefferson County. With Ann's capable leadership, the JB Smith Memorial Golf Tournament raised over \$410,000 to benefit Jefferson County charities. Those who are fortunate to be able to call Ann their friend, know her generosity and hospitality at the Anvil, as well as at her home.

For many years, Ann has also worked with Henry Davenport assisting in management and accounting for Henry's farming and varied enterprises. Ann has also for many years managed a successful residential rental business of property she owns. This enterprises also requires significant management expertise.

July 7, 2016

Guy G. Chicchirichi  
115 Blakeley Place  
Charles Town, WV 25414

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Ladies and Gentlemen:

Please use this as a reference for the vacant spot for the Jefferson County Commission.

I would like to recommend Ms. Ann Maddy Smith for the vacancy created by Mr. Eric Bell's resignation.

Ms. Smith has several years (30 years) of business experience as the owner of the Anvil Restaurant and has the capacity of looking ahead for our county future. We need people like Ann who knows about our great county. Ann has dealt with the people who live here and would be a great asset for Jefferson County.

Ann has compassion for Jefferson County and West Virginia. I have known her and her late husband Danny since before 1972. Ann has served as the President of the Charles Town Rotary Club and still is very active in the club. She has worked very hard to support Jefferson residents and their needs. In fact I know that she is responsible for support of many charities in the Eastern Panhandle.

I know she would be a great County Commissioner. Please consider her for Jefferson County Commissioner.

Respectably yours,

Guy G. Chicchirichi  
304.279.0556

7 July 2016  
Jefferson County Commission  
Charles Town, WV

To whom it may concern:

I would like to support Ann Smith's application for the Jefferson County Commission. I have known Ann since moving to Charles Town one year ago. In the spring of 2015, I was searching for Charles Town apartments from Seattle, in preparation for my cross-country move. I had a very difficult time finding someone who was open-minded and flexible enough to help me line up housing from such a long distance. Ann not only worked with me to secure housing, but she has been a very responsive lessor in the year since I moved in. She is always concerned with my safety and comfort as a tenant, and our business relationship has been very satisfactory.

Outside of our landlord-tenant relationship, I know that Ann is an admirable and respected member of this community. Not only is she devoted full-time to running her restaurant, The Anvil, in Harpers Ferry; she also manages several rental properties, is an active member of the local Rotary Club, and has lifelong connections in the area. I spoke at a Rotary Club luncheon last fall at Ann's invitation, and was impressed with her devotion to service and her relationships with various other community members.

Please consider Ann Smith for the County Commission seat. She is a responsible, dedicated member of the community and is, in all ways, imminently qualified.

Sincerely,



Faithe McCreery  
Curator and Public Engagement Specialist,  
Jefferson County Museum

*Nancy E. Payne-Maddy*  
164 Misty Oak Place  
Gahanna, Ohio 43230  
614-288-3508

July 7, 2016

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

To whom it may concern:

I am writing to recommend Ann Maddy-Smith, whom I have know for most of her life, as a candidate for the Jefferson County Commission seat.

Ann, and her family, have owned and successfully operated the Anvil Restaurant in Harpers Ferry West Virginia for almost 30 years. Ann is also very knowledgeable and competent in the real estate field as well as having participated in many community activities and charitable events in Jefferson County.

I have no doubt Ann would be a valuable asset to Jefferson County Commission seat and I give my highest recommendation. If I can provide any further assistance, do not hesitate to contact me at 614-288-3508 or [nanna0518@aol.com](mailto:nanna0518@aol.com).

Sincerely,



Nancy Payne-Maddy

TO: The Jefferson County Commission

July 7 2016

PO Box 250

Charlestown W.V. 25414

To All It May Concern

I would like to recommend Ann Smith for consideration to serve on the Jefferson County Commission.

Ann has an excellent back ground in Business, Finance, Public Service, Community Affairs and Fundraising. Ann is open minded, ethical and dedicated to doing the right thing in both the private and public sectors.

Ann will be an ideal candidate to serve Jefferson County.

A handwritten signature in black ink, appearing to read 'W Bishop', written in a cursive style.

Sincerely

Wayne Bishop PO box, 597 east Ridge Street Harpers Ferry W.V. 25425

July 6, 2016

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear County Commission,

Please accept this letter of recommendation for Ann Maddy Smith to fill the vacant seat on the Jefferson County Commission. I have known Ann for over twenty years and I am confident she will be a great Commissioner.

As President of the Jefferson Memorial Park Board of Directors I have had the pleasure of working directly with Ann on many projects throughout the park. Contributions from the JB Smith Memorial Foundation and the Rotary Club of Charles Town made it possible to keep the park open for the public for many years before it was sold to the City of Charles Town. Ann played key roles in overseeing these contributions and projects. As an example, the construction of the walking trail in the park is a legacy accomplished by Ann and her family's involvement in the foundation and the Rotary Club.

Ann is very responsible, intelligent, dedicated, and energetic. Her love for the community and passion to sustain Jefferson County make her an excellent candidate to join the County Commission.

Please contact me if you have any questions or need additional information. My email address is [chrisott@frontiernet.net](mailto:chrisott@frontiernet.net) and my telephone number is (304) 725-0533.

Cordially,



Chris Ott

President  
Jefferson County Memorial Park

*Mr. and Mrs. Clint Johnson*

*891 Augustine Ave*

*Charles Town, West Virginia 25414*

Phone 304.725.1411

---

July 6, 2016

Jefferson County Commission

PO Box 250

Charles Town, WV 25414

RE: Ann Smith

Dear Sirs:

We are writing this letter to suggest that Ann Smith be considered to fill the vacant seat on the County Commission. We have known Ann Smith personally and professionally for over twenty years. She is one of the most honest and trustworthy people we have ever known. She has always been very involved in our community through her hard work and her generosity. I have known Ann and her family to be great citizens, she is an asset to our county.

Ann's enormous business knowledge and financial knowledge would be great assets to the commission. Please consider Ann Smith while making your decision.

Sincerely,

*Tiersa Johnson*

Clint and Tiersa Johnson

# Lee & Susan Muir

115 Stone Bear Lane  
Harpers Ferry, WV 25425-4622

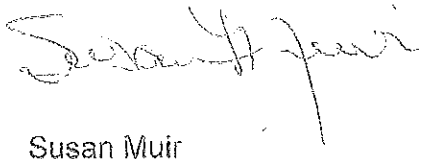
July 6, 2016

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

To Whom It May Concern:

I have known Ann Smith for over 15 years, we met through a mutual acquaintance, and I have helped her out at the Anvil Restaurant several times. Ann, is always very personable and professional, I am sure she would be a great asset to the county commission! Please consider her for the vacancy.

Yours,




Susan Muir


County Commissioner :

We have known Ann Smith for 8 years, on a personal level and a business level.

We first met through the golf charity the Smith's have done, The J. B. Smith Memorial Golf Tournament. And how we rent her house for about 4 years.

We feel with her involvement with the community and her generosity, she would be a true asset in the county in helping it achieve its many goals for the future.

Sincerely -  
Patricia   
Patricia Hulse

  
Bryan Mooney

[Print](#)[Close](#)**(No Subject)**

From: **brdunn1@aol.com**  
Sent: Fri 7/08/16 1:23 PM  
To: **annmaddysmith@hotmail.com**

TO: Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

FROM: Dr. Billy Ray and Cindi Dunn

RE: Commission Vacancy

DATE: July 7, 2016

We strongly urge you to consider Ann Maddy Smith for the vacancy on the County Commission.

As business owners in Harpers Ferry for the past 13 years, we have come to realize the knowledge and compassion she has for Jefferson County.

Due to her place of residency and that of her business, she is has first hand knowledge of Jefferson County but especially of Harpers Ferry-Bolivar and the surrounding area.

Her contribution to Jefferson County through her work in the Rotary Club is well documented.

In our opinion, her filling the vacancy on the Commission would be extremely well received by the citizens of this county.

TO: The Jefferson County Commission

July 8 2016

PO Box 250

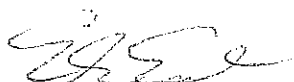
Charlestown W.V. 25414

To All It May Concern

I would like to recommend Ann Smith for consideration to serve on the Jefferson County Commission.

Ann is a native West Virginian and long term Jefferson County Resident, a leader in the business community and a key volunteer in County wide associations and programs that benefit all of Jefferson County and its residents.

Ann will be an ideal candidate to serve Jefferson County.

A handwritten signature in black ink, appearing to read 'E. Edel', written in a cursive style.

Sincerely

Elayne Edel PO box, 597 east Ridge Street Harpers Ferry W.V. 25425



---

167 Eagle School Road  
Martinsburg, WV 25404

Phone: (304)262-6666  
Fax: (304)262-3766  
Email: dave@choicewv.com

July 6, 2016

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25404

Re: Ann Smith

I would like to suggest that Ann Smith be considered to fill the vacant seat on the Jefferson County Commission. Her strong business and financial background, plus her personal integrity will allow her to serve the residents of Jefferson County in a manner they deserve. Add to that her knowledge of Jefferson's County history and the county's citizens qualifies her to be a splendid candidate for a seat on the Jefferson County Commission.

Thank you for your time and consideration of Ann Smith for this vacancy, I am confident that she will serve the Commission and the citizens of Jefferson County in a manner they expect and deserve.

Thank you

A handwritten signature in cursive script that reads 'David R. Wiley'.

David R. Wiley  
President

**From:** Nancy Chapman  
**Sent:** Wednesday, July 6, 2016 8:14 AM  
**To:** Ann Smith  
**Subject:** Letter recommendation

To whom it may concern:

I am writing this letter to inform you about my recommendation of Ann Smith for county commissioner. Ann and her recently deceased husband Danny have lived in Jefferson county for many years raising two children. She also has a business that has operated many years in Harper Ferry. She cares about what happens here in not only Harpers Ferry and Jefferson County but also the eastern panhandle. She has hosted many meet and greet for other political candidates that she believes in and is currant in what is happening in our area.

She would be a great asset to our government and plan to support her if and when she runs.

Thank you

Nancy Chapman

July 6, 2016

Jefferson County Commission  
P. O. Box 250  
Charles Town, WV 25414

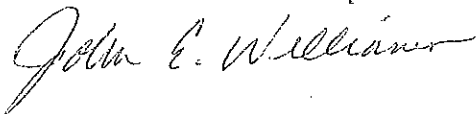
To Whom It May Concern,

I am writing this letter to support the appointment of Ann Maddy Smith to the vacant seat of the Jefferson County Commission. I have know Ann since 2005 and believe she is extremely qualified to perform the duties of a commissioner. I have worked with Ann on many projects through the Charles Town Rotary and have always found her to be enthusiastic and caring for the residents of the county.

Also, her business experience from owning and operating the Anvil Restaurant gives her a great foundation for the business aspect of Jefferson County finances.

I do not believe there is a better candidate for this open position.

Regards,

A handwritten signature in cursive script that reads "John E. Williams".

John E. Williams  
P. O. Box 1081  
Shepherdstown, WV 25443  
304-279-2882

July 6, 2016

Jefferson County Commission  
P. O. Box 250  
Charles Town, WV 25414

Dear Commissioners,

I urge you to appoint Ann Smith to fill the vacancy on the commission. I believe Ann is uniquely qualified to fill that position. She is a longtime resident of Jefferson County with a passion for Jefferson County. She and her late husband Danny have owned and operated the Anvil Restaurant for over 30 years. She is a longtime owner and operator of rental properties throughout the county. She is a longtime employee of Altoona Farms managing their office and other business activities. This kind of experience gives her the much needed ability to help the commission govern the county.

Ann has a passion for Jefferson County. I have known Ann for over 20 years through our membership in the Charles Town Rotary. I have seen firsthand Ann initiating the JB Smith Memorial Golf tournament, in memory of her deceased son, through Rotary and be the driving force behind its success. Through her guidance the Rotary Club raised over the years more than \$425,000 that was then given back to the county through various nonprofit groups. She was one of the starting forces in the Charles Town Rotary's on going yearly "Christmas for Charities" where over \$100,000 has been raised and given back to 15-20 non-profit organizations at Christmas time during the last 5 years.

Over the years Ann and I have become good friends. I have learned much about her businesses as we both would talk and share stories about the happenings and challenges of running a business in today's world. I believe Ann to be a very savvy entrepreneur. She is one of those people who can get it done. She is still going strong today even with the passing of her husband Danny. She and daughter Renee continue to operate the Anvil Restaurant along with the numerous property rentals and still has time to perform her duties at Altoona Farm. Jefferson County would indeed be fortunate to have someone as qualified as Ann Smith to serve on the county commission.

Sincerely,



Ronald Slonaker  
4150 Charles Town RD.  
Kearneysville, WV 25430

4150 Charles Town Rd  
Kearneysville, WV 25430  
July 6, 2016

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25430

Dear County Commissioners,

I recommend the appointment of Ann Maddy Smith to fill the vacant position on the Commission. She would represent Harper Ferry district to the best of her ability with knowledge, common sense, and understanding. She is honest, level headed, morally fit, and sincere in her concern for Jefferson County. Ann has given so much to the citizens of Jefferson County through her efforts to support local charities and organizations. Besides being a dedicated resident of Jefferson County, Ann has made valuable contributions by tirelessly working to start the J.B. Smith Memorial Golf Tournament for fifteen years with the Charles Town Rotary Club which supports a perpetual fund that continues to assist many local charities.

Ann has made valuable contributions as an effective citizen supporting the schools and local organizations. Her impact to Jefferson County cannot be matched as an individual. Her true value to Jefferson County has been her love of the area and her personal impact on each person she meets. She truly would be an outstanding addition to the County Commission, and I recommend her enthusiastically.

Sincerely,



Jean K. Slonaker



ReMax 1<sup>st</sup> Realty  
219 W. Washington Street  
Charles Town, WV 25414  
304-725-1001

To: The Jefferson County Commission

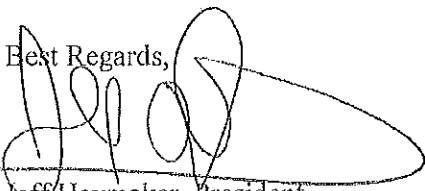
Re: Vacant County Commissioner Seat

Dear Commissioners,

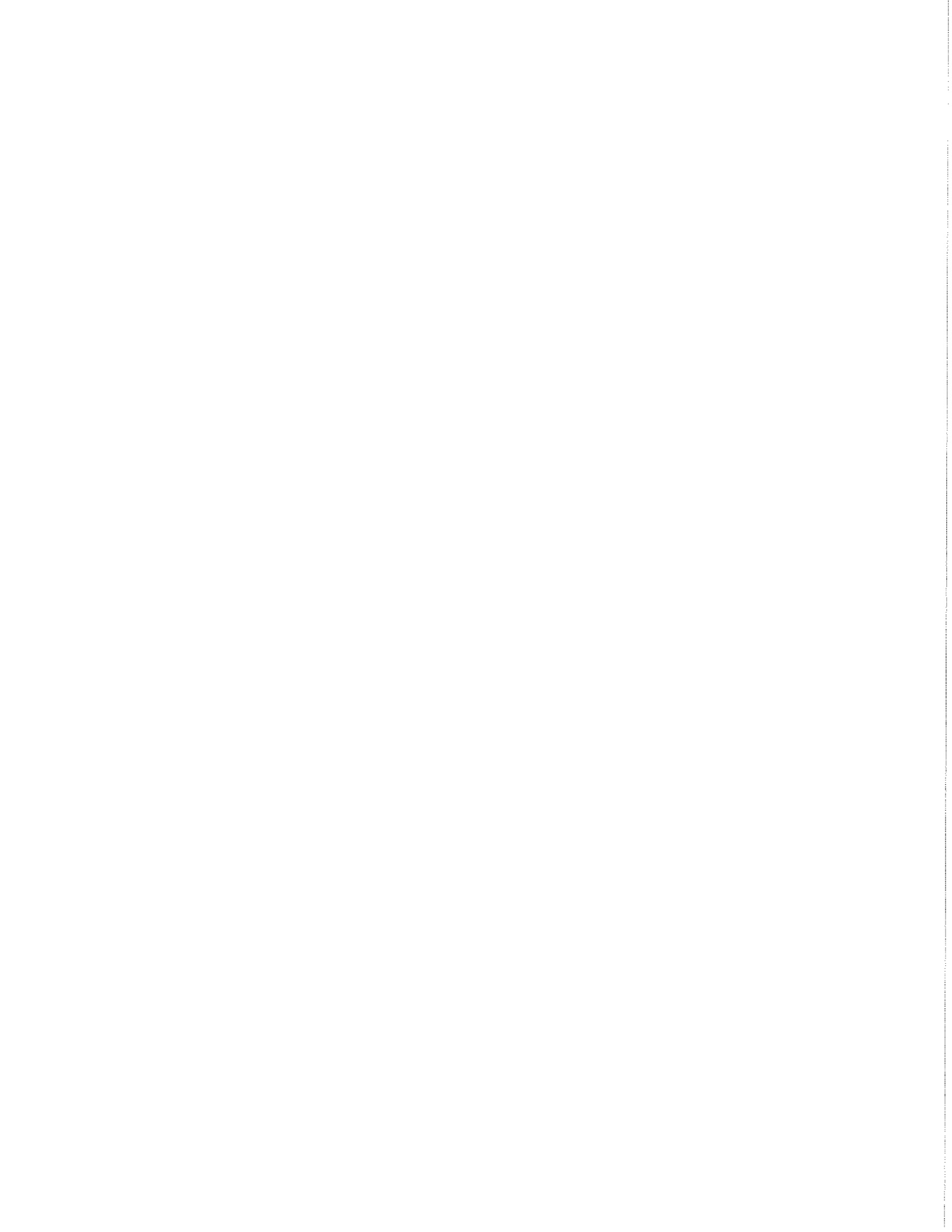
I am writing this letter of recommendation for Ann Smith to fill the vacant County Commissioner Seat. Ann has been a successful business person in this county for over 30 years. She has displayed great leadership in the community, as well as a deep, caring, and understanding for those in need. Through her many fundraising activities and charitable donations she has touched the lives of countless individuals whose lives have been made better through her efforts.

Ann has shown that while even dealing with her own personal tragedies, she can still display strength and leadership as an employer, parent, and citizen. It is for all of these reasons that I respectfully recommend Ann Smith for the vacant seat on the County Commission.

Best Regards,



Jeff Haymaker, President  
1<sup>st</sup> Realty of Charles Town Inc.



Gary L. Dungan  
228 Prospect Avenue  
Harpers Ferry, WV 25425  
535-6914

July 4, 2016

Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Commissioners:

I would like to apply to complete the term on the County Commission of Commissioner Eric Bell (R, Harpers Ferry). I am a native of Virginia, but my wife is a native of Jefferson County, so I am very familiar with the area. The following is a brief résumé, including a brief summary of my qualifications for this position.

I was raised on a farm in Southwestern Virginia (Seven Mile Ford). When I was eleven, we moved to Alexandria, Virginia. After serving as a Military Policeman in the U.S. Army, I graduated fifth in my class from the University of Virginia with a degree in Commerce in 1973. I scored in the top two per cent of college seniors on the Graduate Record Exam, but did not pursue an advanced degree. I did take some graduate business classes at Virginia Tech and George Mason.

I worked in Roanoke, Virginia as a CPA for KPMG (then Peat Marwick, one of the "Big Eight" CPA firms) for four years and as Regional Audit Manager for First Virginia Bank (a top 100 Bank Holding Company) for three. After six more years with First Virginia in Falls Church, including the last four at the Senior Vice President level, I took a position as a Senior Vice President of First Commerce Corporation (another top 100) in New Orleans and then four years with the Federal Government's Resolution Trust Corporation managing failed savings and loans in Louisiana, New York, and New Jersey. I was Managing Agent at the 12<sup>th</sup> largest savings and loan in the country, Empire Federal of Buffalo, New York.

My wife, Anne, and I moved back to her native Harpers Ferry from New Orleans in 1998 because of the health of her mother (June Newcomer). Since coming back, I have been involved with many community, church, and political organizations. I served three terms on the Board of the Jefferson County Development Authority and on its Agricultural Task Force, briefly as interim Treasurer at the request of Harpers Ferry Main Street, as Newsletter Editor and Color Guard member of Harpers Ferry/Bolivar District Veterans, and other activities.

I currently serve on the Board of Trustees of the community's collection of Garnet Jex paintings, the Board of Trustees of Harper Cemetery (Treasurer), and the Executive Committee of Jefferson County Community Ministries (Vice President). I am a member of

July 4, 2016

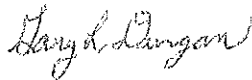
the Jefferson County Historical Society, the Eastern Panhandle Business Association (former President), the Knights of Columbus (4<sup>th</sup> Degree, as is Sen. Joe Manchin) and other community minded and political organizations (currently an elected member of the West Virginia State Republican Executive Committee).

During my high school and college years, I worked for the Alexandria Sanitation Authority (sewerage treatment and water quality), two private civil engineering firms in Northern Virginia (including Dewberry), and the Virginia Highway Department. I studied civil engineering for two years before switching to business. I was one of two student members of the Long-Range Planning Committee of the McIntire School of Commerce at the University of Virginia. While in New Orleans, I served two one-year terms as a CPA on the Business Task Force's six member (two CEO's, two CPA's, two parents) advisory committee to the Orleans Parish School System (250 million dollar budget in 1990). The School Administration asked me to serve the second term, and a third which I declined.

During my entire career, I have worked constantly with senior corporate and government officers and boards of directors. At First Virginia alone, I worked with about 20 banks and other subsidiaries and was responsible for evaluating 15 more banks that we acquired. At First Commerce and First Virginia, both large bank holding companies, we worked with large companies and local development authorities to attract businesses into our banking communities. At the Northeast savings and loans, I worked with huge potential buyers such as Chase, Chrysler, Paine Webber, Ford and General Electric. I believe this is valuable experience that could be beneficial for the County Commission.

I believe that I could continue to offer to the Commission a solid foundation in business and economic growth coupled with a good ability to work with people at all levels of business and government. Thank you for your consideration.

Sincerely,



Gary L. Dungan

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

Name: Gary L. Dungan

Home Telephone Number: 304-535-6914

Work Address: N/A - Retired

Work Phone Number: N/A

Mobile Phone Number: 304-582-8252

E-mail Address: garydungan@hotmail.com

Party Affiliation: (Building Commission and Health Department applicants)  
Republican

Occupation: Retired CPA/Banker

Education: High School Francis C. Hammond, Alexandria, VA

College University of Virginia

Trade/Business School N/A

Are you a United States citizen? Yes  No

Are you a West Virginia resident? Yes  No

Are you a resident of Jefferson County? Yes  No

Are you able to produce verification of residency? Yes  No

(Proof of paying personal property tax, voter registration, etc.)

Address: 228 Prospect Avenue  
Harpers Ferry, WV 25425

Magisterial District: Harpers Ferry

List Qualifications for this Position and/or include a resume and cover letter that expresses your interest in serving:

See attached Letter

Organization Memberships and Positions Held: See attached Letter

Have you even been convicted of any felonies? If yes, please list. No

| Date: | Offense: |
|-------|----------|
|       |          |
|       |          |
|       |          |

Statement: \_\_\_\_\_

I hereby certify that the facts set forth in the above are true and complete to the best of my knowledge and authorize the Jefferson County Commission to verify their accuracy and to obtain reference information. I hereby release Jefferson County Commission from any/all liability of whatever kind and nature which, at any time, could result from obtaining and having an appointment decision based on such information.

I understand that falsified statements of any kind or omissions of facts called for on this application shall be considered sufficient basis for removal.

I understand that I will fully adhere to the policies, rules and regulations of this appointment, including reading, adhering and signing the County's Ethics Statement and adhering to Robert's Rules as provided in a packet to me when obtaining my Oath of Office or on the County's website. I understand I may also attend a free annual Board Training and Ethics Training meeting established by the Jefferson County Commission.

Signature: Amy L. Dungan Date: 7/4/2016

This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.

AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Annette Gavin**

Department or Organization: **Jefferson County Convention & Visitors Bureau**

Estimation of amount of time needed for appointment: **20 minutes**

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

If a specific date is needed, please provide reason for specific date: **Our Marketing agency is in town**

Date Requested – 2<sup>nd</sup> Choice:

Subject (Wording to be placed on agenda): **Presentation of Annual Report**

Please provide the County Commission with a description of your request or presentation, including any background information:  
**The JCCVB will present an overview of our work in 2015 and some marketing highlights of 2016.**

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

**OR TV monitors (will bring flash drive)**

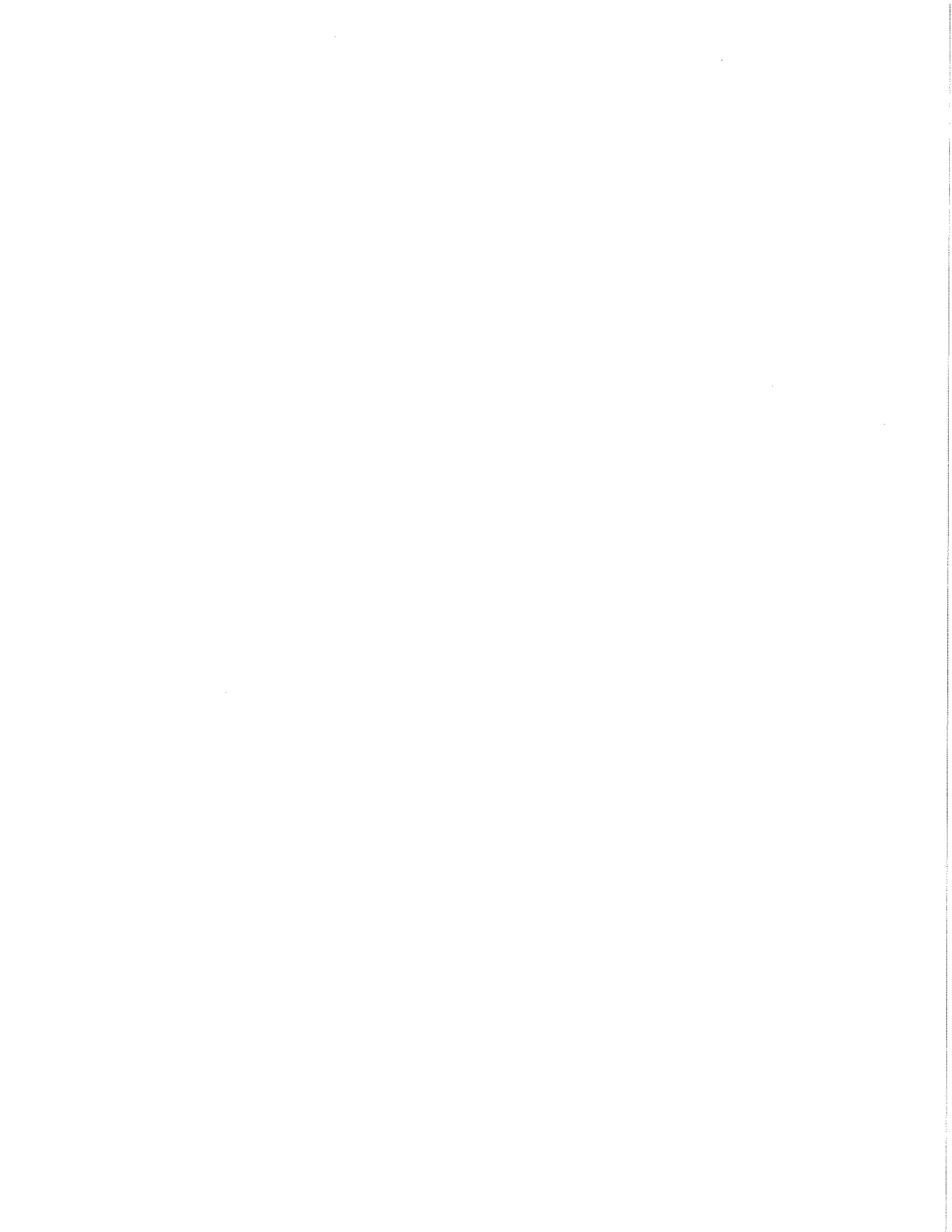
Contact information: **Annette Gavin**

Email address: **Annette.gavin@jccvb.com**

Phone Number: **304-279-3637**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



AGENDA REQUEST FORM

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

**NAME:** Lynn Fields

**DEPARTMENT OR ORGANIZATION:** Probate Office

**ESTIMATION OF TIME NEEDED FOR APPT.:** 10 – 15 minutes

**DATE REQUESTED: 1<sup>ST</sup> CHOICE** July 21<sup>st</sup>, 2016

**IF A SPECIFIC DATE IS NEEDED, PLEASE PROVIDE REASON FOR SPECIFIC DATE:**

**SUBJECT:** Quarterly Review for Accounts and Waivers

**PLEASE PROVIDE THE CO. COMM. WITH A DESCRIPTION OF YOUR REQUEST OR PRESENTATION, INCLUDING ANY BACKGROUND INFORMATION:**

Quarterly Review for Accounts and Waivers

**RECOMMENDED MOTION:** Approve estates for closure that have met all requirements for probate, and approve the opening of new estates since last quarterly review.

**ARE DOCUMENTS ATTACHED:** To follow

**IS A PROJECTOR NEEDED?:** NO

[lfields@jeffersoncountywv.org](mailto:lfields@jeffersoncountywv.org) (304) 728-3210

Regular Term

JULY 2016

State of West Virginia, County of Jefferson, to-wit:

At a Regular Term of the County Commission of said County and State,  
begun and held at the Old Charles Town Library thereof, on Thursday, July  
21<sup>st</sup>, 2016 beginning at 11:05 a.m.

PRESENT: Patricia A. Noland, President  
Jane Tabb  
Walt Pelish, and Dale Manuel, Commissioners

*A list of Wills Probated, Executors qualified, Guardians, Administrators,*

*&c appointed since the last Regular Term of this Commission, to-wit: The July*

*2016 Term, thereof was this day presented to the Commission by the Clerk*

*thereof, examined by it, and ordered filed:*

Estate of Harry Edmund Blackford, deceased, First and Final Accounting,  
Edmund Allen Blackford, Executor

Estate of Janice C. Breeden, deceased, First and Final Accounting, Jennifer  
Lynn Reed, Executrix

Estate of Mary E. Brooks, deceased, First and Final Accounting, Lynn L.  
Myers, Executrix

Estate of Douglas C. Fargo, deceased, First and Final Accounting, Douglas A.  
Fargo, Executor

Estate of Robert Eugene Gibson, deceased, First and Final Accounting, Laurie  
Varney Wilson, Executrix

Estate of John H. Goode, Jr., deceased, First and Final Accounting, Cheryl G.  
Wilt, Administratrix

Estate of Joseph Eric Gorman, deceased, First and Final Accounting, William Morgan, Administrator

Estate of Hilda A. Longerbeam, deceased, Fifth Accounting, Faye C. D'Angelo, Administratrix

Estate of Dorothy Belle Nichols, deceased, First and Final Accounting, James B. Crawford, III, Administrator

Estate of Sherman David Oxendine, deceased, First and Final Accounting, Lee Oxendine, Executor

Estate of Thomas J. Sickles, deceased, First and Final Accounting, Henry W. Morrow, Jr., Administrator cta

Estate of Thomas Weldon Sterling, Jr., deceased, First and Final Accounting, Phyllis Vienne, Executrix

The following Waivers of Final Settlement were this day examined by

the Commission and there being no exceptions thereto, and none appearing on

the face thereof, same are ordered approved and recorded as follows:

Estate of Charles F. Adams, Sr., deceased, Waiver of Final Settlement, Charles F. Adams, Jr., Executor

Estate of Christopher Edward Branch, deceased, Waiver of Final Settlement, Marsha A. Branch, Administratrix

Estate of Kevin D. Brown, deceased, Waiver of Final Settlement, Cynthia Brown, Administratrix

Estate of Marian Buckner, deceased, Waiver of Final Settlement, Suzanne K. Andrews and Julie L. Morrison, Co-Executors

Estate of Milton Avey Carson, deceased, Waiver of Final Settlement, Mary Alice Carson, Administratrix

Estate of George William Colbert, deceased, Waiver of Final Settlement, Kelly Lee Colbert, Executor

Estate of Charles D'Angelo, deceased, Waiver of Final Settlement, Stanley W. D'Angelo, Executor

Estate of Shirley Georgene Dunn, deceased, Waiver of Final Settlement, Frank E. Dunn, Executor

Estate of Marino Marcial Espinoza, deceased, Waiver of Final Settlement, Mercedes Lucia Cuellar-Deespinoza, Administratrix

Estate of Robert D. Fraley, deceased, Waiver of Final Settlement, Tina Marie Palmer, Executrix

Estate of Charles E. Hough, deceased, Waiver of Final Settlement, Clarence E. Hough, Executor

Estate of Arbutus R. Kearns, deceased, Waiver of Final Settlement, George R. Welsh, Jr., Executor

Estate of Catherine Kolodziej Spence, deceased, Waiver of Final Settlement, Michael J.K. Spence, Administrator

Estate of Robert James Mott, deceased, Waiver of Final Settlement, Virginia M. Mott, Executrix

Estate of Gregory Allen Painter, Sr., deceased, Waiver of Final Settlement, Holly G. Painter, Administrator

Estate of Brent Stephen Reeley, deceased, Waiver of Final Settlement, Joseph Q. Reeley, Administrator

Estate of Glenn D. Smith, deceased, Waiver of Final Settlement, Price P. Smith, Executor

Estate of Pamela Lee Stanfield, deceased, Waiver of Final Settlement, Edwin G. Stanfield, Administrator

Estate of Rosebud P. Turner, deceased, Waiver of Final Settlement, Melvin T. Turner, Executor

Estate of Edna L. Walls, deceased, Waiver of Final Settlement, James A. Walls, Executor

Accountings and Waivers of Final Settlement submitted from the Fiduciary

Commissioners: June K. Jovanelly, S. Andrew Arnold, Frank D. Hill, III and

David A. Dejarnett:

Estate of Hazel M. Hendricks, deceased, Seventh Accounting, Denver L. Hipp  
and Dennis L. Barron, Co-Executors

Estate of Charles A. Rocheleau, deceased, Second Accounting, Charles A.  
Belisle, Executor

Estate of Edna Mason Snyder, Second and Final Accounting, Annis Virginia  
Moran, Executrix

Estate of John J. Warfield, Eighth Accounting, Bank of Charles Town,  
Administrator cta dbn

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President



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Ronda Eddy, Director

Department or Organization: **Jefferson County Day Report Center**

Estimation of amount of time needed for appointment: Click here to enter text.

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): **Approval of Resolution and contract – 17-CC-07– Discussion/Action**

Please provide the County Commission with a description of your request or presentation, including any background information:  
Click here to enter text.

Is this a funding request? Y/N  
If so, how much? **\$ 0 (Pass through Grant)**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):  
**Motion to approval of Resolution, contract, and grant documents – 17-CC-07 in the amount of \$140,000.00 and to authorize the President of the Commission to affix her signature to the appropriate documents - Discussion/Action**

Attach supporting documents for request, or request may be denied.  
If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.  
Telephone for conference call Y/N Click here to enter text.

Contact information:  
Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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Department of Military Affairs & Public Safety

June 30, 2016

The Honorable Patricia Noland  
President  
Jefferson County Commission  
Post Office Box 250  
Charles Town, West Virginia 25414

Received  
JUL 08 2016  
Jefferson County Commission

**RE: Grant Number: 17-CC-07  
Amount: \$140,000.00**

Dear Commissioner Noland:

Congratulations on your recently awarded West Virginia Community Corrections grant. To formalize your acceptance of this grant, the attached documents must be signed by the authorized official and the originals returned to my office by **Wednesday, July 20, 2016**.

Documents required for signature include:

1. Contract Agreement
2. Standard and Special Terms and Conditions
3. Resolution (signed by County Clerk)
4. Certification Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; And Drug-Free Workplace Requirements
5. EEOP Certification – Two (2) forms – one completed form to be mailed to the Office for Civil Rights at the address listed on the form and one completed form returned to the Division of Justice and Community Services

**Please be advised you will be required to revise your grant budget (pages 3 through 5) to reflect your new grant award amount and appropriate matching contribution and resubmit those revised budget pages with your signed grant contract agreement via email to [Kyle.M.McGee@wv.gov](mailto:Kyle.M.McGee@wv.gov) Please note, your revised budget **MUST** be typed, and list each individual line item in each category. Furthermore, all positions funded in the Personnel/Contractual Category must list the employee's name (if it is a currently funded position), their individual salary, and a breakdown of all benefits for each funded position. No lump sums in any category will be accepted. Additionally, please note that contract agreements will not be processed at DJCS without the revised budget pages.**

Programs should also be advised the Governor's Community Corrections Subcommittee has agreed the West Virginia Community Corrections grant program will not fund six (6) specific types of positions. **Therefore, if you have requested in your original application one of the following staff positions, please remove those positions from your revised grant budget pages you are resubmitting to DJCS:**

The Honorable Patricia Noland  
June 30, 2016  
Page 2 of 2

1. Community Service Officer/Supervisor
2. Sex Offender Supervision (or related position)
3. Home Confinement Officer/Supervisor
4. Lab Technician (or related position)
5. Drug Screeners
6. Security Officers

Additionally, be advised that building renovations and improvements are not a priority of funding for the Community Corrections Subcommittee. Therefore, please consider this condition when making revisions to your budget.

Additional information regarding the administrative procedures that govern this grant program will be sent directly to your designated grant Project Director in the near future. In the interim, if you have any questions concerning the contract or other enclosures, please contact me at (304)558-8814, extension 53318 or [Kyle.M.McGee@wv.gov](mailto:Kyle.M.McGee@wv.gov). I look forward to working with you on this project and feel confident that our efforts will prove tremendously beneficial to the State of West Virginia.

Sincerely,



Kyle M. McGee  
Justice Programs Specialist

KMM/lbm

cc: Ronda Eddy  
Grant File

Enclosures

**GRANT CONTRACT AGREEMENT**

**BETWEEN THE**

**DIVISION OF JUSTICE AND COMMUNITY SERVICES**

**AND**

**Jefferson County Commission**

**17-CC-07**

This **AGREEMENT**, entered into this **29th day of June, 2016** by the Director of the Division of Justice and Community Services, hereinafter referred to as "DJCS", for and on behalf of the State of West Virginia, and **Jefferson County Commission**, hereinafter referred to as "Grantee."

**WHEREAS**, DJCS is the recipient of Community Corrections Funds from the State of West Virginia, and

**WHEREAS**, the Grantee is an eligible applicant who is desirous of receiving funds for: **These funds will be utilized for the continued operation of a community corrections program in Jefferson, Berkeley, and Morgan Counties.**

**NOW, THEREFORE**, the parties hereto mutually agree as follows:

1. The Grantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DJCS agrees to assist the Grantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Grantee shall do, perform, and carry out in a satisfactory and proper manner as determined by DJCS all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.

4. The Grantee will commence its duties under the Agreement on July 1, 2016 and shall continue those services/activities until June 30, 2017. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.
5. In consideration of the services rendered by the Grantee, the sum of up to \$140,000.00 shall be obligated by DJCS and said amount shall be deemed to be the maximum compensation to be received for this Agreement unless a written modification is entered into between the parties amending this Agreement.
6. It is the understanding of all parties to this Agreement that DJCS by joining in the Agreement does not pledge, or promise to pledge, the credit of the State of West Virginia, nor does it promise to pay all of the compensation hereunder from monies of the Treasury of the State of West Virginia.
7. To be eligible for any and all payments of the grant amount, the Grantee shall submit a Request for Funds no more frequently than once a month to DJCS. Upon receipt of said request, DJCS shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. Grantee shall submit a fiscal report detailing expenditures to DJCS by the twentieth (20th) day of each month.
8. Grantee hereby represents that it possesses the legal authority to contract for this Agreement and that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, motion or similar action which was clearly adopted or passed by the Grantee's governing body; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Grantee is a State agency, the completed application signed by the agency head is sufficient.
9. Grantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DJCS has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Grantee shall fail to fulfill in a necessary and proper manner his obligations under this Agreement, the DJCS may withhold payments to the Grantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DJCS reasons for taking said action.
11. DJCS and Grantee may from time to time require changes in the scope of services performed hereunder. Grantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation here-under or work to be performed, which are mutually agreed upon between the parties shall be in writing.

12. If for any reason funds received by DJCS are suspended or terminated, in whole or in part, funding for this Agreement shall cease.
13. Grantee shall within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DJCS a final report on forms provided by DJCS. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties agree that "notice" described in this document may be by personal service, or by certified mail, return receipt requested, and evidence of such certified mail shall be postage prepaid, return receipt requested. Notice shall be given at the following addresses:
  - a. Division of Justice and Community Services  
1204 Kanawha Boulevard East  
Charleston, West Virginia 25301
  - b. **Grantee Mailing Address:**  
**Jefferson County Commission**  
**Post Office Box 250**  
**Charles Town, West Virginia 25414**
15. The Grantee shall hold and save DJCS and its officers, agents and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent or representative of the Grantee.

**IN WITNESS WHEREOF**, the parties hereto attach their signatures representing that each is acting with full authority.

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**Patricia Noland, President**  
**Jefferson County Commission**

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**W. Richard Staton, Director**  
**Division of Justice and Community Services**

**RESOLUTION**

The **Commission** of **Jefferson County** met on \_\_\_\_\_ (date) with a quorum present and passed the following resolution.

Be it resolved that the County Commission hereby authorizes **The Honorable Patricia Noland, President** of the **Jefferson County Commission**, to act on its behalf to enter into a contractual agreement with the Division of Justice and Community Services to receive and administer grant funds pursuant to provisions of the Community Corrections Program.

Signed: \_\_\_\_\_  
County Clerk

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

All correspondence to DJCS, which is required and/or occurs as a result or action of any of the following Special Conditions and Assurances, or as a result of the administration of any DJCS grant program, should be mailed to the following address:

West Virginia Division of Justice & Community Services  
1204 Kanawha Boulevard, East  
Charleston, West Virginia 25301

**1. LAWS OF WEST VIRGINIA:**

This grant application/contract shall be governed in all respects by the laws of the State of West Virginia. State procedures and practices will apply to all funds disbursed by DJCS, regardless of the original funding source. This grant is on a "REIMBURSEMENT ONLY" mechanism.

**2. LEGAL AUTHORITY:**

The applicant hereby certifies it has the legal authority to apply for the grant; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directly authorizes the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.

**3. RELATIONSHIP:**

The relationship of the grantee to DJCS shall be that of an independent contractor, not that of a joint enterprise. The grantee shall have no authority to bind DJCS for any obligation or expense without the express prior written approval from DJCS.

**4. COMMENCEMENT WITHIN 60 DAYS:**

This project must be operational within 60 days of the project starting date, as specified in the grant contract agreement. If the project is not operational within 60 days of the specified project starting date, the grantee must report by letter to DJCS, the steps taken to initiate the project, the reasons for delay, and the expected starting date.

**5. OPERATIONAL WITHIN 90 DAYS:**

If the project is not operational within 90 days of the specified project starting date, the grantee must submit a second statement to DJCS explaining the delay in implementation. Upon receipt of the 90-day letter, DJCS may cancel the project and redistribute the funds to other project areas and/or eligible applicants.

**6. WRITTEN APPROVAL OF CHANGES:**

The grantee must obtain prior written approval from DJCS for all project changes (programmatic, fiscal or otherwise).

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**7. CIVIL RIGHTS COMPLIANCE:**

Grantee will comply with any applicable federal nondiscrimination requirements, which may include the Omnibus Crime Control and Safe Streets Act of 1968 (42 U.S.C. § 3789d); the Victims of Crime Act (42 U.S.C. § 10604(e)); the Juvenile Justice and Delinquency Prevention Act of 2002 (42 U.S.C. § 5672(b)); the Civil Rights Act of 1964 (42 U.S.C. § 2000d); the Rehabilitation Act of 1973 (29 U.S.C. § 794); the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131-34); the Education Amendments of 1972 (20 U.S.C. § 1681, 1683, 1685-86); the Age Discrimination Act of 1975 (42 U.S.C. § 6101-07); 28 C.F.R. pt. 31 (U.S. Department of Justice Regulations-OJJDP Grant Programs); 28 C.F.R. pt. 42 (U.S. Department of Justice Regulations-Nondiscrimination; Equal Employment Opportunity; Policies and Procedures); Exec. Order No. 13279 (equal protection of the laws for faith-based and community organizations); Exec. Order No. 13559 (fundamental principles and policymaking criteria for partnerships with faith-based and neighborhood organizations); and 28 C.F.R. pt.38 (U.S. Department of Justice Regulations-Equal Treatment for Faith-Based Organizations).

In the event a Federal or State court or Federal or State administrative agency makes a finding of discrimination after a due process hearing on the grounds of race, color, religion, national origin, or sex against a recipient of funds, the grantee will forward a copy of the finding to the Office for Civil Rights, Office of Justice Programs and the West Virginia Division of Justice and Community Services.

**8. PRESS RELEASE:**

Pursuant to the Stevens Amendment, any release of information pertaining to this grant must include the following information:

1. grant amount;
2. State involvement (name of state entity responsible for administering the grant); and,
3. Federal involvement if applicable (name of federal entity responsible for administering the grant).

**9. LOBBYING:**

Grantee will comply with any and all lobbying provisions and/or restrictions as outlined in OMB circular A-122, and/or relevant State laws.

**10. ACCESS TO RECORDS:**

DJCS, through any authorized representative, shall have access to and the right to examine all records, books, papers, or documents related to the grant and to relevant books and records of contractors.

**11. CONFLICT OF INTEREST:**

No public official or employee of the grantee agency, who performs any duties under the project, may participate in an administrative decision with respect to the project if such a decision can reasonably be expected to result in any benefit or remuneration to that individual or that individual's immediate family.

**12. POLITICAL ACTIVITY:**

The Hatch Act restricts the political activity of executive branch employees of the federal government, District of Columbia government and some state and local employees who work in connection with federally funded programs. In 1993, Congress passed legislation that significantly amended the Hatch Act as it applies to federal and D.C. employees (5 U.S.C. §§ 7321-7326). (These amendments did not change the provisions that apply to state and local employees. 5 U.S.C. §§ 1501- 1508.)

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**13. RELEASE OF INFORMATION:**

All records, papers and other documents kept by recipients of grant funds are required to be made available to DJCS. These records and other documents submitted to DJCS and its grantees, including plans and application for funds, reports, etc., may be subsequently required to be made available to entities under Federal Freedom of Information Act, 5. U.S.C. §552, or Chapter 29B, Article 1 (West Virginia Freedom of Information) of the West Virginia Code.

DJCS recognizes that some information submitted in the course of applying for funding under this program, or provided in the course of its grant management activities, may be considered law enforcement, personnel or juvenile sensitive or otherwise important to national or state security interests. This may include threat, risk, and needs assessment information, and discussions of demographics, transportation, public works, and industrial and public health infrastructures. While this information under state control is subject to requests made pursuant to the Chapter 29B, Article 1 of the West Virginia Code, all determinations concerning the release of information of this nature are made on a case-by-case basis by DJCS, and may fall within one or more of the available exemptions under the Act.

Grantees must consult applicable state and local laws and regulations regarding the release or transmittal of information to any entity which may be considered sensitive in nature. Applicants may also consult DJCS regarding concerns or questions about the release of potentially sensitive information under state and local laws.

**14. NATIONAL AND STATE EVALUATION EFFORTS:**

The grantee agrees to cooperate with any national and/or state evaluation efforts directly or indirectly related to this program as requested.

**15. OBLIGATION OF PROJECT FUNDS:**

Funds may not, without prior written approval from DJCS, be obligated prior to the effective start date or subsequent to the termination date of the project period. Obligations outstanding as of the project termination date shall be liquidated within thirty (30) days.

**16. USE OF FUNDS:**

Funds awarded through DJCS may be expended **ONLY** for the purposes and activities specifically covered by the grantee's approved project description and budget. By attaching their signature, the grantee recognizes that **any** deviations from the original grant budget are unallowable.

**17. ALLOWABLE AND UNALLOWABLE COSTS:**

Allowable and unallowable costs incurred under this grant shall be determined in accordance with General Accounting Office principles and standards.

**18. PEER REVIEW SUB GRANTEE EVALUATION PROCESS:**

The applicant agrees to discharge if necessary - at the request of DJCS - knowledgeable, competent personnel (preferably a Project Director) to participate in a contemplated "peer review" process/advisory council. The purpose of this process would be to assist DJCS in making grant funding recommendations and furthered policy development regarding individual grant programs throughout the State. This would be no more than 2-3 days per annum.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**19. NON-SUPLANTING:**

Grant funds must be used to supplement existing funds for program activities and may not replace (supplant) funds that have been appropriated for the same purpose. Potential supplanting will be the subject of monitoring and audit. Violations can result in a range of penalties, including suspension of future funds under this program, suspension or debarment from state grants, recoupment of monies provided under this grant, and civil and/or criminal penalties. The grantee hereby certifies that funds made available under this grant will not be used to supplant other funding sources.

**20. MATCHING CONTRIBUTION:**

The grantee will have available, and will expend as needed, adequate resources to defray that portion of the total costs as set forth in this application as "match" and as approved by the West Virginia Division of Justice & Community Services. The applicant assures that the matching funds required to pay the grant portion of the cost of each program and project, for which funds are made available, shall be in addition to funds that would otherwise be made available for the proposed project by the recipients of grant funds and shall be provided on a project-by-project basis. Matching contributions are subject to the same expenditure guidelines established by the West Virginia Division of Justice & Community Services for this program. All grantees must maintain records that clearly show the source, the amount and the timing of all matching contributions. Please be reminded that if match is not "required" by the grant program for which you are making application, but committed and indicated on the budget pages of this application, then this special condition shall be affected.

**21. PROJECT INCOME:**

All income earned by the grantee as a result of the conduct of this project, must be accounted for and included in the total budget. Project income is subject to the same expenditure guidelines established by DJCS as are established for granted funds. All grantees must maintain records that clearly show the source, the amount and the timing of all project income. There is no waiver provision for the project income requirement.

**22. CONSULTANT FEES:**

Approval of this grant does not indicate an approval of consultant rates in excess of \$450 per day. Specific and detailed justification must be submitted to, and approved by DJCS prior to obligation or expenditure of such funds.

**23. SUSPENSION OF FUNDING:**

DJCS may suspend, in whole or in part, terminate, or impose other sanctions on any grantee funds for the following reasons:

- Failure to adhere to the requirements, standard conditions, or special conditions and assurances of this program;
- Failure to submit reports;
- Filing a false certification in this application or in another report or document; or,
- Other cause shown.

**24. SANCTIONS FOR NONCOMPLIANCE:**

In the event of the grantee's noncompliance with the terms, conditions, covenants, rules, or regulations of this grant, DJCS shall impose such contract sanctions, as it may deem appropriate, including but not limited to:

- Withholding of payments to the grantee until the grantee complies;
- Cancellation, termination or suspension of the contract, in whole or in part; or,
- Refrain from extending any further assistance to the grantee until satisfactory assurance of future compliance has been received.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**25. SUBMISSION/RELEASE OF PUBLICATIONS/PRESS RELEASES**

The grantee shall submit one copy of all reports and proposed publications resulting from this agreement to DJCS twenty (20) days prior to public release. Any publications (written, visual, sound, or otherwise), whether published at the grantee's or government's expense, shall contain the following statements:

"This document [product] was prepared under a grant from the West Virginia Division of Justice & Community Services (or simply "DJCS"). Points of view or opinions expressed in this document [product] are those of the authors and do not necessarily represent the official position or policies of the State of West Virginia or the Division of Justice & Community Services."

~~"This project supported by Grant No. \_\_\_\_\_ awarded by the West Virginia Division of Justice & Community Services and the U.S. Bureau of Justice Assistance. The Bureau of Justice Assistance is a component of the Office of Justice Programs, which also included the Bureau of Justice Statistics, the National Institute of Justice, the Office of Juvenile Justice and Delinquency Prevention, and the Office for Victims of Crime. Points of view or opinions in this document are those of the author and do not represent the official position or policies of the United State Department of Justice."~~

**26. PROPERTY ACCOUNTABILITY:**

The grantee shall establish and administer a system to control, protect, preserve, use, maintain, and properly dispose of any property or equipment furnished it, or made available through a grant by DJCS. This obligation continues as long as the property is retained by the grantee, notwithstanding the expiration of this agreement. Prior to sale, trade in or disposal of property, disposition instructions will be obtained from DJCS. Grantee assures inventory checks will be performed annually or pursuant to guidance promulgated in the Administrative Manual for this program (if applicable), with copies provided to DJCS. Property must be used for the intended grant purposes, if not being used in accordance with terms of the grant property will revert back to DJCS.

**27. CRIMINAL PENALTIES:**

Whoever embezzles or endeavors to embezzle, willfully misapplies, steals or obtains by fraud any funds, assets, or property which are the subject of grant or contractor or other form of assistance pursuant to this title, whether received directly or indirectly from the administration; or whether receives, conceals, or retains such funds, assets, or property to his use or gain, knowing such funds, assets, or property to have been embezzled, willfully misapplied, stolen, or obtained by fraud, shall be fined not more than \$10,000 or imprisoned not more than five years, or both.

Whoever knowingly and willfully falsifies, conceals, or covers up by trick, scheme, or device, any material fact in any application for assistance submitted pursuant to the Act shall be subject to prosecution under the provisions of Section 1011 of Title 18, United States Code. Any law enforcement and criminal justice program or project underwritten, in whole or in part, by any grant, or contract or other form of assistance pursuant to the Act, whether received directly or indirectly from the administration, shall be subject to the provisions of Section 871 of Title 18, United States Code.

**28. REPORTS:**

Each grantee shall submit such reports as DJCS shall deem reasonably necessary to the execution of monitoring, stewardship and evaluation of programmatic and fiscal responsibilities.

**29. PURCHASING:**

When making purchases relevant to the grant, the grantee will abide by applicable State and local laws, which address purchasing procedures by a state or local unit of government or other agency.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**30. COLLABORATION W/OTHER FED. AND STATE GRANTS:**

Where warranted, this initiative/grantee shall make every effort to support or assist other federally funded or State grant programs in any manner, including but not limited to, providing personnel, supplies, equipment and any other resources deemed necessary by DJCS.

**31. INFORMATION SYSTEMS:**

With respect to programs related to criminal justice information systems, the grantee agrees to comply with the provisions of 28 CFR, Part 20 governing the protection of the individual privacy and the insurance of integrity and accuracy of data collection. The grantee further agrees:

- a. That all computer programs (software produced under this grant) will be made available to DJCS for transfer to authorized users in the criminal justice community without cost other than that directly associated with the transfer. The software will be documented in sufficient detail to enable potential users to adapt the system, or portions thereof, to usage on a computer of similar size and configuration.
- b. To provide a complete copy of the computer programs and documentation, upon requests, to DJCS. The documentation will include, but not be limited to, system description, operating instruction, program maintenance instructions, input forms, file descriptions, report formats, program listings, and flow charts for the system and programs.
- c. That whenever possible all application programs will be written in standardized programming languages (i.e. Cobol, Fortran, C, C++, XML, etc.) or will adhere to Open Database Connectivity format for use on general operating systems that can be utilized on at least three different manufacturers of computer hardware with similar size and configuration capabilities.
- d. To avail itself, to the maximum extent possible, of computer software already produced and available without charge. The Criminal Justice Systems Clearinghouse (916/392-2550) should be contacted to determine availability of software prior to any development effort.

**32. INCIDENT BASED REPORTING COMPLIANCY:**

~~Grant applicants (cities & county commissions) will not be considered for funding if the applicant is not current with submitting Incident Based Reporting (IBR) information to the West Virginia State Police (if applicable). Grantees must remain current with submitting IBR information to the West Virginia State Police or grant funding will be withheld until such time as that grantee becomes IBR compliant.~~

**33. TIME EXTENSIONS:**

In general, time extensions for this program will not be granted. Unexpended grant funds remaining at the close of the grant period shall be deobligated.

**34. USE OF GRANT FUNDS TO ENACT LAWS, POLICIES, ETC.:**

Grantee understands and agrees that it cannot use any grant funds, either directly or indirectly in support of the enactment, repeal, modification or adoption of any law, regulation or policy, at any level of government.

**35. LIMITED ENGLISH PROFICIENCY:**

Grantee must take reasonable steps to provide meaningful access to their programs and activities for persons with limited English proficiency. For more information on the civil rights responsibilities that grantees have in providing language services to limited English proficiency individuals, please see the website [www.lep.gov](http://www.lep.gov).

**WEST VIRGINIA  
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**STANDARD CONDITIONS AND ASSURANCES**

**36. COMPUTER EQUIPMENT:**

Grantees purchasing computer equipment (hardware, software, or peripherals) with grant funds are required to adhere to the established bidding procedures for their respective units of government or agency. To ensure reputable vendors are obtained, grantees may consider utilizing the current applicable State computer contract. The following are **minimum** hardware requirements, as well as software requirements, established by DJCS for this grant program, which must be recognized when purchasing computer equipment, in whole or in part, utilizing grant funds:

**Minimum Hardware Requirements:**

- Intel Pentium III 733 MHz Processor; 133MHz front side bus
- 512K L2 Cache
- 128 MB SDRAM 100 MHz expandable to at least 384 MB
- 10 Gig. EIDE Ultra ATA 7200RPM Hard Drive
- 3.5" 1.44 MB Floppy Diskette Drive
- 48X Max Internal CD-ROM drive or 8X DVD-ROM drive
- 3 PCI, 1 16-bit ISA slot, 1 PCI/ISA (shared), 1 AGP slot
- ATI 8 MB AGP 2X Rage Pro Video Card
- 1 Parallel, 2 Serial, 2 USB
- 101/104-Key Keyboard (PS/2)
- PS/2 Port Compatible Mouse

**Recommended Hardware Components:**

- Mid-tower case
- 16-Bit 3D Sound Blaster Compatible w/ 64 voice wavetable and speakers (may be integrated)
- 3Com 10/100 PCI Ethernet Network Card
- APC UPS Backup power protection (adequate size to handle power load)
- Iomega Internal Zip Disk Drive

**Software Requirements:**

Whenever possible, software should operate within open industry standards. For example, Windows 2000 Operating System, Microsoft Office 2000 Professional, etc.

**Warranty Requirements:**

3 Year on-site warranty

**37. PUBLIC SAFETY AND JUSTICE INFORMATION SHARING:**

Grantees must support public safety and justice information sharing. The grantee is required to use the Global Justice Data Model specifications and guidelines for this particular grant. Grantee shall publish and make available without restriction all schemas (extensions, constraint, proxy) generated as a result of this grant to the component registry as specified in the guidelines. This information is available at [www.it.ojp.gov/gjxdm](http://www.it.ojp.gov/gjxdm).

**WEST VIRGINIA  
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SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**38. PROGRAM ACCOUNTABILITY – FEDERAL AUDIT REQUIREMENTS:**

- I.) Federal Office of Management and Budget (OMB) Circular A-133 sets forth standards for obtaining consistency and uniformity for the audit of states, local government, and non-profit organizations expending Federal awards. If applicable, this grant shall adhere to the audit requirements set forth in OMB Circular A-133 at the time of award.

As of 10/1/04, the requirements set forth by OMB Circular A-133 are as follows: Non-Federal entities that expend \$500,000 or more in a year in Federal awards shall have a single or program-specific audit conducted for that year. Non-Federal entities that expend less than \$500,000 a year in Federal awards are exempt from Federal audit requirements for that year, but records must be available for review or audit by appropriate officials of the Federal agency, pass-through entity, and General Accounting Office.

- II.) OMB Circular A-110 sets forth standards for obtaining consistency and uniformity for the audit of institutions of higher education, hospitals, and other non-profit organizations expending Federal awards. This grant shall adhere to the audit requirements set forth in OMB Circular A-110.

As if 10/1/04, the requirements set forth by OMB Circular A-110 are as follows: Recipients and sub recipients that are institutions of higher education or other non-profit organizations (including hospitals) shall be subject to the audit requirements contained in the Single Audit Act Amendments of 1996 (31 USC 7501-7507) and revised OMB Circular A-133.

- III.) If an audit must be conducted pursuant to OMB Circular A-133 and A-110, a copy of the audit shall be submitted to DJCS as well as to the Federal clearinghouse.

As of 10/1/04, the Federal clearing house is as follows:

Federal Audit Clearinghouse  
Bureau of the Census  
1201 E. 10<sup>th</sup> Street  
Jeffersonville, IN 47132

**39. PROGRAM ACCOUNTABILITY – STATE AUDIT REQUIREMENTS:**

- I.) Sub grantee assures that it has read, understands, and is in full compliance with all requirements as set forth in §12-4-14., Code of West Virginia, or as amended, and is not currently debarred from receiving state grant funds as a result of non-compliance with §12-4-14. Sub grantee further understands that if it is currently debarred or is not in compliance with §12-4-14., it is ineligible to receive funding from the West Virginia Division of Justice Community Services.

**40. CONFIDENTIALITY OF RESEARCH INFORMATION:**

Pursuant to Section 229 of the Act, research information identifiable to an individual, which was obtained through a project funded wholly or in part with United States Department of Justice program funds, shall remain confidential and copies of such information shall be immune from legal process, and shall not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action, suit, or other judicial or administrative proceeding (28 CFR Part 22).

**41. LEASE AGREEMENTS:**

Grantee agrees to provide DJCS with a description of proposals to use grant funds to enter into lease arrangements with private entities for the purpose of fulfilling the goals and objectives of this project.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**42. EQUAL EMPLOYMENT OPPORTUNITY PLAN:**

The grantee will provide an Equal Employment Opportunity Plan (EEO) to the Office for Civil Rights, Office of Justice Programs (OCR) and the West Virginia Division of Justice and Community Services, if it has received a single award of \$500,000 or more. If the grantee receives \$25,000 or more and has 50 or more employees, it will maintain a current EEO on file and submit an EEO Certification Form to the OCR, certifying that its EEO is on file. For public grantee agencies receiving less than \$25,000, or public grantee agencies with fewer than 50 employees, regardless of the amount of the award, the grantee will provide an EEO Certification Form to the OCR certifying it is not required to submit or maintain an EEO. EEO Certification Forms are available at: <http://www.ojp.usdoj.gov/about/ocr/pdfs/cert.pdf>.

**43. VETERANS PREFERENCE:**

This program includes a provision that grantees utilizing funds to hire additional personnel, to the extent possible, give suitable preference in employment to military veterans. DJCS defines "suitable preference" as the requirement that a grantee agency have in place a mechanism ensuring that veterans are given consideration in the hiring process.

**44. IMMIGRATION AND NATURALIZATION VERIFICATION:**

The grantee agrees to complete and keep on file, as appropriate, applicable Immigration and Naturalization Service Employment Eligibility Verification Forms. These forms are to be used by recipients of state funds to verify that employees are eligible to work in the United States.

**45. PURCHASE OF AMERICAN-MADE EQUIPMENT/PRODUCTS:**

It is the sense of DJCS that to the greatest extent practicable, all equipment and products purchased with state funds made available under this grant should be American-made.

**46. PERSONNEL TRAINING:**

For projects involving payment of personnel or overtime pay, DJCS reserves the right to require training as a condition of the grant before or at any time during the project period.

**47. ACCOUNTING REQUIREMENTS:**

Grantee agrees to record all project funds and costs following generally accepted accounting procedures. A unique account number or cost recording must separate all project costs from the grantee's other or general expenditures. Adequate documentation for all project costs and income must be maintained. Adequate documentation of financial and supporting material, must be retained and be available for audit purposes.

**48. OFFICE OF JUSTICE PROGRAMS (OJP) FINANCIAL GUIDE:**

Grantee agrees to comply with the financial and administrative requirements as set forth in the current edition of the OJP Financial Guide.

**49. TRANSFER OF FUNDS PROHIBITION:**

The grantee is expressly prohibited from transferring funds between any DJCS programs.

**50. MARKING OF EQUIPMENT:**

Grantee will ensure that, when practicable, any equipment purchased with grant funding shall be prominently marked as follows: "Purchased with funds provided by the West Virginia Division of Justice & Community Services."

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**51. PATENTS AND/OR COPYRIGHTS AND RIGHTS IN DATA:**

Grantee acknowledges that DJCS reserves a royalty-free, non-exclusive, and irrevocable license to reproduce, publish, or otherwise use, and authorize others to use, for State or Federal government purposes: (1) the copyright in any work developed under an award or sub award; and, (2) any rights of copyright to which a recipient or sub recipient purchases ownership, in whole or in part, with State or Federal support.

Grantee agrees to consult with DJCS re the allocation of any patent rights that arise from, or are purchased with, this funding.

**52. CENTRAL CONTRACTOR REGISTRATION:**

Grantee agrees to register with the Central Contractor Registration (CCR), [www.ccr.gov](http://www.ccr.gov) and provide documentation to DJCS within 30 days of award notification that they have done so.

**53. DATA UNIVERSAL NUMBERING SYSTEM:**

Grantee agrees to acquire a Data Universal Numbering System (DUNS) number, [www.dnb.com](http://www.dnb.com) and provide documentation to DJCS within 30 days of award notification that they have done so.

**54. JUVENILE JUSTICE & DELINQUENCY PREVENTION ACT:**

~~Grantee agrees to comply with the four core protections under the Juvenile Justice & Delinquency Prevention (JJDP) Act of 1974, reauthorized 2002:~~

- ~~• Deinstitutionalization of status offenders (DSO).~~
- ~~• Separation of juveniles from adults in institutions (separation).~~
- ~~• Removal of juveniles from adult jails and lockups (jail removal).~~
- ~~• Reduction of disproportionate minority contact (DMC), where it exists.~~

~~This includes, but is not limited to, completing the annual the WV Certification of Non-Secure Facilities and submitting to DJCS, if applicable, and submitting a monthly Secure Holding Log, if applicable.~~

**55. BIDDING PROCEDURES:**

Funds for renovation, expansion or construction awarded to grantees or subgrantees, which require the letting of any single contract amounting to \$100,000 or more to a private company or individual shall require: a bid guarantee equivalent to 5% (five percent) of the bid price; the bid guarantee must consist of a firm commitment such as a bid bond, certified check, or negotiable instrument accompanying a bid as assurance that the bidder will, upon acceptance of the bid, execute such contractual documents as may be required within the time specified after forms are presented to the successful bidder; a performance bond on the part of the 100% (one hundred percent) of the contract price ("Performance bond" means a bond executed in connection with a contract to ensure payments required by all persons supplying labor and materials in the execution of the work provided for in the contract.); a payment bond on the part of the contractor for 100% (one hundred percent) of the contract price. ("Payment bond" is one executed in connection with a contract to ensure payment as required by law, of all persons supplying labor or materials in the execution of the work provided for in the contract.) Recipient/subgrantee is expected to follow the competitive bid process in the award of contracts involving Federal grant funds.

**WEST VIRGINIA  
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SERVICES**

**STANDARD CONDITIONS AND ASSURANCES**

**56. COMPLIANCE WITH FEDERAL PROCEDURES:**

The applicant assures that it will comply with the provisions of 28 Code of Federal Regulation (CFR) applicable to grants and cooperative agreements, including:

- a. Part 11, Applicability of Office of Management and Budget Circulars.
- b. Part 18, Administrative Review Procedures.
- c. Part 20, Criminal Justice Information Systems.
- d. Part 22, Confidentiality of Identifiable Research and Statistical Information.
- e. Part 23, Criminal Intelligence Systems Operating Policies.
- f. Part 30, Intergovernmental Review of Department of Justice Programs and Activities
- g. Part 42, Nondiscrimination Equal Employment Opportunity Policies and Procedures

**57. ADDITIONAL REGULATIONS AND PROCEDURES:**

In addition, all grantees must comply with the following applicable federal regulations and/or the United States Department of Justice, Office of Justice Programs - M 7100.1D manual, OMB Circulars No. A-21, A-110, A-122, A-128, A-87, E.O. 12372, Uniform Administrative Requirements for Grants and Cooperative Agreements 28 CFR, Part 66, Common Rule, and all other applicable Federal regulations, policies, acts and guidelines.

- a. National Environmental Policy Act of 1969 (NEPA).
- b. National Historic Preservation Act of 1966.
- c. Flood Disaster Protection Act of 1973.
- d. Clean Air Act and Federal Water Pollution Control Act Amendments of 1972.
- e. Control Act Amendments of 1972.
- f. Safe Drinking Water Act.
- g. Endangered Species Act of 1973.
- h. Wild and Scenic Rivers Act.
- i. Fish and Wildlife Coordination Act.
- j. Historical and Archaeological Data Preservation.
- k. Coastal Zone Management Act of 1979.
- l. Animal Welfare Act of 1970.
- m. Impoundment Control Act of 1974.
- n. Uniform Relation Assistance and Real Property Acquisitions Policies Act of 1970.
- o. Title I of the Omnibus Crime Control and Safe Streets Act of 1968, as amended
- p. Death in Custody Act of 2000.

**58. RELIGIOUS ACTIVITIES**

Grantees must ensure that services are offered without regard to religious affiliation and that receipt of services is not contingent upon participation in a religious activity or event. Furthermore, all religious activities must be separate in time or place from the funded project. Participation in such activities by individuals receiving services must be voluntary.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**West Virginia Community Corrections Grant  
Program**

**SPECIAL CONDITIONS AND ASSURANCES**

**59. Public Availability of information:**

The sub grantee agrees to comply with the terms and condition of pertinent federal and state freedom of information acts, and to require its contractors to comply with these requirements

**60. CONSULTANTS / CONTRACTS:**

No contract or agreement may be entered into by the sub grantee for the execution of project activities or provision of service that is not incorporated in the approved grant, and without prior written approval of DJCS. Grant approval by DJCS does not constitute consultant/contract approval.

**61. REPORTING OF IRREGULARITIES:**

Sub grantees are responsible for reporting promptly to DJCS the nature and circumstances surrounding any fiscal irregularities discovered. Failure to report known irregularities may result in suspension of the grant or other remedial action.

**62. VEHICLE PROCUREMENT:**

Applicants purchasing vehicles with West Virginia Community Corrections funds are required to adhere to the established bidding procedures for their respective units of government. To ensure reputable vendors are obtained, applicants may consider utilizing the current applicable state contract.

**63. COMMUNICATION EQUIPMENT:**

All portable communication equipment purchased utilizing West Virginia Community Corrections funds must be compatible with programmable hand-held units, available through purchase via state contract.

**64. ADDITIONAL SPECIAL CONDITIONS AND ASSURANCES:**

The Community Corrections Subcommittee may add additional special conditions and assurances after a submitted proposal application has been reviewed by the Subcommittee. Program approval and funding approval may be contingent on the applicant agreeing to comply with the additional special conditions and assurances.

**65. COMMUNITY CORRECTIONS INFORMATION SYSTEM (CCIS)  
and the WVSCA OFFENDER CASE MANAGEMENT SYSTEM  
(OCMS):**

The applicant shall agree to utilize the Division of Justice and Community Services CCIS database to input all parole, non-criminal justice (DHHR referred, etc.) and Treatment Supervision cases, maintain records and report case and summary information to DJCS upon request. The applicant shall agree to utilize the WVSCA OCMS for all magistrate, circuit and/or probation referred or sentenced cases.

**66. LEVEL OF SERVICE/CASE MANAGEMENT INVENTORY AND  
MOTIVATIONAL INTERVIEWING**

The applicant agrees to utilize the online LS/CMI assessment instrument as required by the WV Community Corrections Subcommittee for all LS/CMI's conducted on cases that are not entered into the WVSCA OCMS.

All DRC staff who conduct LS/CMI assessments and/or work directly with offenders will be required to complete Motivational Interviewing trainings in accordance with all DCJS Office of Research and Strategic Planning (ORSP) requirements.

**WEST VIRGINIA  
DIVISION OF JUSTICE & COMMUNITY  
SERVICES**

**West Virginia Community Corrections Grant  
Program**

**SPECIAL CONDITIONS AND ASSURANCES**

**67. QUALITY ASSURANCE:**

All DRC staff certified on the LS/CMI will participate in the Quality Assurance for Treatment Intervention Programs and Supervision (QA-TIPS) program through the WV DJCS, ORSP.

All DRC directors and staff will register with the Online Learning Management System (OLMS) and utilize the system for course registration and certification tracking as instructed by the DCJS, ORSP.

**68. JUSTICE REINVESTMENT INITIATIVE TRAINING AGENDA:**

All DRCs will be required to have appropriate staff certified in the Cognitive Behavioral Intervention for Substance Abuse (CBI-SA), Thinking for Change (T4C), and Effective Practices in Community Supervision (EPICS) curricula at the earliest opportunity and as seats are available. Appropriate staff for each training will be listed on training announcements. It is the expectation that once certified, DRCs will begin implementing the above referenced programs and/or practices. For information on the trainings offered please contact the WVDJCS ORSP.

**69. QUARTERLY MEETINGS:**

The applicant shall agree to have in attendance the Project Director and/or Program Director at quarterly meetings. These meetings will be located throughout the State. Each Community Corrections program will host a quarterly meeting; with a listing of the host sites being published by DJCS with each new funding cycle. When hosting a meeting it is the responsibility of the Program Director to make all necessary contacts, set the agenda, and facilitate the meetings.

**I certify that I have read all the standard and special conditions and assurances of this grant program and agree to comply with these requirements.**

**X**

Authorized Official Signature (Original)



U.S. Department of Justice  
Office of Justice Programs  
Office of the Comptroller

**CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND  
OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS**

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 28 CFR Part 69, "New Restrictions on Lobbying" and 28 CFR Part 67, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Justice determines to award the covered transaction, grant, or cooperative agreement.

**I. LOBBYING**

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 28 CFR Part 69, for persons entering into a grant or cooperative agreement over \$100,000, as defined at 28 CFR Part 69, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure of Lobbying Activities," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

**2. DEBARMENT, SUSPENSION, AND OTHER  
RESPONSIBILITY MATTERS  
(DIRECT RECIPIENT)**

As required by Executive Order 12549, Debarment and Suspension, and implemented at 28 CFR Part 67, for prospective participants in primary covered transactions, as defined at 28 CFR Part 67, Section 67.510--

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, sentenced to a denial of Federal benefits by a State or Federal court, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connec-

tion with a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transactions (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

**3. DRUG-FREE WORKPLACE  
(GRANTEES OTHER THAN INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67 Sections 67.615 and 67.620--

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about--

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant,

- (1) Abide by the terms of the statement; and
- (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Department of Justice, Office of Justice Programs, ATTN: Control Desk, 810 7<sup>th</sup> Street, N.W., Washington, D.C. 20531. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted--

- (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
- (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:  
 Place of Performance (Street address, city, county, state, zip code)

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

Check  if there are workplaces on file that are not identified here.

Section 67, 630 of the regulations provides that a grantee that is a State may elect to make one certification in each Federal fiscal year. A copy of which should be included with each application for Department of Justice funding. States and State agencies may elect to use OJP Form 4061/7.

Check  if the State has elected to complete OJP Form 4061/7.

**DRUG-FREE WORKPLACE  
 (GRANTEES WHO ARE INDIVIDUALS)**

As required by the Drug-Free Workplace Act of 1988, and implemented at 28 CFR Part 67, Subpart F, for grantees, as defined at 28 CFR Part 67; Sections 67.615 and 67.620--

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Department of Justice, Office of Justice

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

1. Grantee Name and Address: Jefferson County Commission PO Box 250 Charles Town WV 25414

17-CC-07 WV Community Corrections Grant 55-6000333

2. Application Number and/or Project Name

3. Grantee IRS/Vendor Number

Patricia A. Noland, President

4. Typed Name and Title of Authorized Representative

July 21, 2016

5. Signature

6. Date

# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

|                                                          |                                        |                            |
|----------------------------------------------------------|----------------------------------------|----------------------------|
| Recipient's Name: Jefferson County Commission            |                                        | DUNS Number: 07-741-4548   |
| Address: 124 E. Washington Street Charles Town, WV 25414 |                                        |                            |
| Grant Title: WV Community Corrections Grant              | Grant Number: 17-CC-07                 | Award Amount: \$150,000.00 |
| Name and Title of Contact Person: Ronda Eddy, Director   |                                        |                            |
| Telephone Number: 304-728-3527                           | E-Mail Address: REddy@JeffersonDRC.com |                            |

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.     Recipient is an Indian tribe.     Recipient is a medical institution.  
 Recipient is a nonprofit organization.     Recipient is an educational institution.     Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.  
I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Patricia A. Noland, President \_\_\_\_\_ [responsible official],  
certify that Jefferson County Commission \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than  
\$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last  
twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable  
federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for  
Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:  
Jefferson County Commission \_\_\_\_\_ [organization],  
P.O. Box 250, Charles Town, WV 25414 \_\_\_\_\_ [address].

Patricia A. Noland, President \_\_\_\_\_ July 21, 2016  
Print or Type Name and Title \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in  
accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the  
Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

# CERTIFICATION FORM

## Compliance with the Equal Employment Opportunity Plan (EEOP) Requirements

Please read carefully the Instructions (see below) and then complete Section A or Section B or Section C, not all three.

|                                                          |                                        |                            |
|----------------------------------------------------------|----------------------------------------|----------------------------|
| Recipient's Name: Jefferson County Commission            |                                        | DUNS Number: 07-741-4548   |
| Address: 124 E. Washington Street Charles Town, WV 25414 |                                        |                            |
| Grant Title: WV Community Corrections Grant              | Grant Number: 17-CC-07                 | Award Amount: \$150,000.00 |
| Name and Title of Contact Person: Ronda Eddy, Director   |                                        |                            |
| Telephone Number: 304-728-3527                           | E-Mail Address: REddy@JeffersonDRC.com |                            |

### Section A—Declaration Claiming Complete Exemption from the EEOP Requirement

Please check all the following boxes that apply:

- Recipient has less than fifty employees.     Recipient is an Indian tribe.     Recipient is a medical institution.  
 Recipient is a nonprofit organization.     Recipient is an educational institution.     Recipient is receiving an award less than \$25,000.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient] is  
not required to prepare an EEOP for the reason(s) checked above, pursuant to 28 C.F.R § 42.302.  
I further certify that \_\_\_\_\_ [recipient]  
will comply with applicable federal civil rights laws that prohibit discrimination in employment and in the delivery of  
services.

Print or Type Name and Title

Signature

Date

### Section B—Declaration Claiming Exemption from the EEOP Submission Requirement and Certifying That an EEOP Is on File for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$25,000 or more, but less than \$500,000, then the recipient agency does not have to submit an EEOP to the OCR for review as long as it certifies the following (42 C.F.R. § 42.305):

I, Patricia A. Noland, President \_\_\_\_\_ [responsible official],  
certify that Jefferson County Commission \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award or subaward for \$25,000 or more, but less than \$500,000, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E. I further certify that within the last twenty-four months, the proper authority has formulated and signed into effect the EEOP and, as required by applicable federal law, it is available for review by the public, employees, the appropriate state planning agency, and the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice. The EEOP is on file at the following office:  
Jefferson County Commission \_\_\_\_\_ [organization],  
P.O. Box 250, Charles Town, WV 25414 \_\_\_\_\_ [address].

Patricia A. Noland, President

July 21, 2016

Print or Type Name and Title

Signature

Date

### Section C—Declaration Stating that an EEOP Utilization Report Has Been Submitted to the Office for Civil Rights for Review

If a recipient agency has fifty or more employees and is receiving a single award or subaward of \$500,000 or more, then the recipient agency must send an EEOP Utilization Report to the OCR for review.

I, \_\_\_\_\_ [responsible official],  
certify that \_\_\_\_\_ [recipient],  
which has fifty or more employees and is receiving a single award of \$500,000 or more, has formulated an EEOP in accordance with 28 CFR pt. 42, subpt. E, and sent it for review on \_\_\_\_\_ [date] to the Office for Civil Rights, Office of Justice Programs, U.S. Department of Justice.

Print or Type Name and Title

Signature

Date

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Peter Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice:

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): Promotion  
Reserve Deputy

Please provide the County Commission with a description of your request or presentation, including any background information:  
**Promotion - The Sheriff's Office has an available Corporal position available. As a result of this vacancy, I requested the Civil Service Commission to conduct promotional testing. After calculating the test score, years of service, and evaluation scores together, it was determined that Matthew Armel should be promoted to the rank of Corporal. If approved this promotion will go into effect on August 7<sup>th</sup>, 2016.**

**Reserve Deputy - Michael Mahony has applied to be a Reserve Deputy. He has passed a background and has been deemed eligible by the Reserve's Executive Board.**

Is this a funding request? Y/N  
If so, how much? \$

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): I move to approve the promotion of Matthew Armel to Corporal.

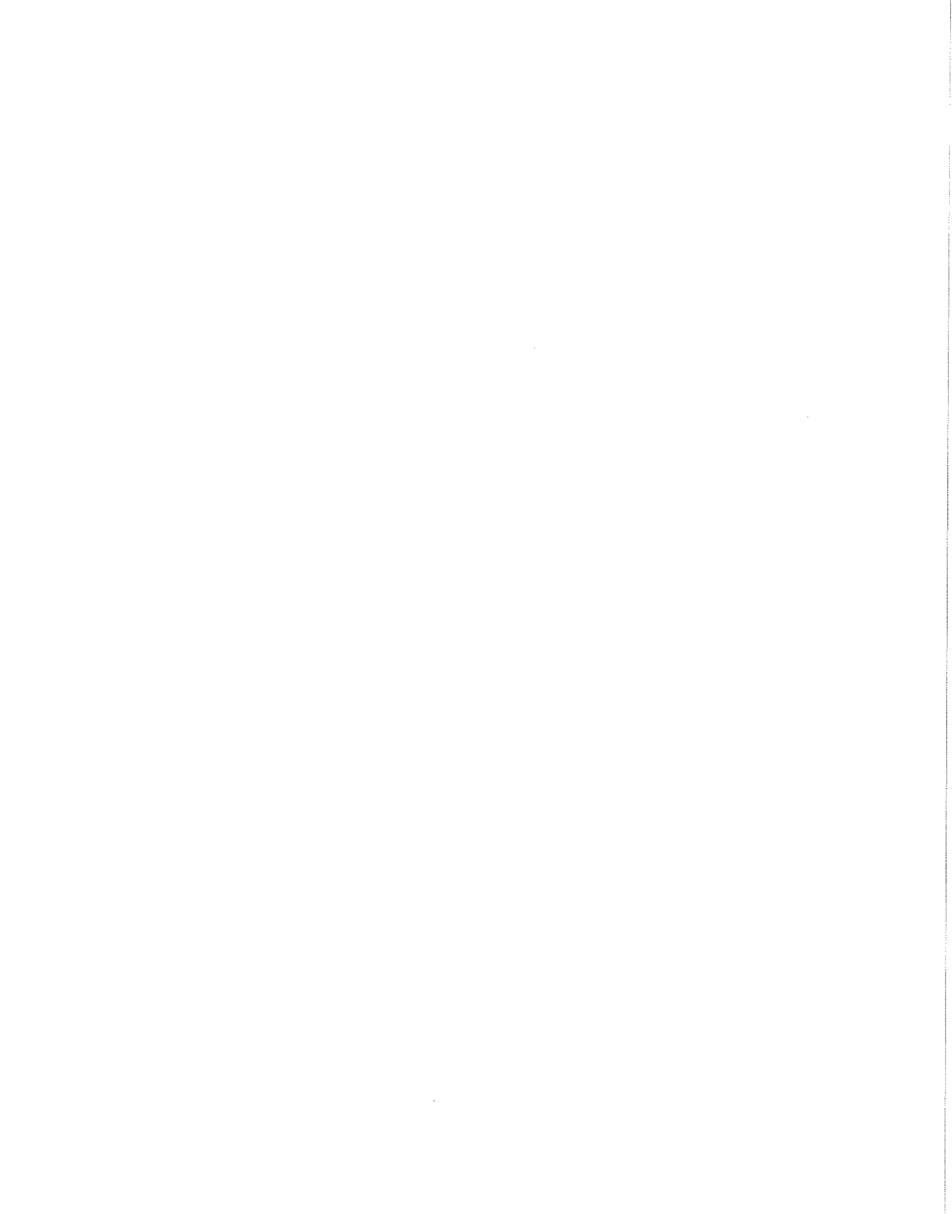
I move to approve the appointment of Michael Mahony as a Reserve Deputy.

Attach supporting documents for request, or request may be denied.  
If not attached, explain:

Is equipment needed? Projector Y/N Internet/WI FI Y/N Telephone for conference call Y/N

Contact Information:  
Email address: pdougherty@jcsdww.com Phone Number: 304-728-3205

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS**



AGENDA REQUEST FORM  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Nathan Cochran

Department or Organization: Assistant Prosecuting Attorney

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: July 21, 2016

If a specific date is needed, please provide reason for specific date:

Date Requested – 2<sup>nd</sup> Choice:

Subject (Wording to be placed on agenda): Intergovernmental Agreement between the Jefferson County Sheriff's Department, the Corporation of Bolivar, and the Jefferson County Commission.

- Brief Building Lease - Possible Executive Session - Discussion/Action  
Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**INTERGOVERNMENTAL AGREEMENT BETWEEN THE JEFFERSON COUNTY  
COMMISSION, THE JEFFERSON COUNTY SHERIFF'S DEPARTMENT AND THE  
CORPORATION OF BOLIVAR FOR PUBLIC SAFETY SERVICES**

This AGREEMENT is made effective July 1, 2016 between the Jefferson County Commission, [hereinafter the "Commission"], the Jefferson County Sheriff's Department [hereinafter the "Sheriff"] and the Corporation of Bolivar [hereinafter "Bolivar"] and collectively known as the "parties".

WHEREAS, Bolivar is entirely within Jefferson County, West Virginia; and

WHEREAS, pursuant to Article 14, Chapter 8 of the West Virginia Code, Bolivar has the plenary power and authority to protect persons and property within Bolivar and to preserve law and order therein; and

WHEREAS, the Commission, through the Jefferson County Sheriff's Department, pursuant to the Sheriff's Constitutional duties as the chief law enforcement officer within Jefferson County, provides law enforcement services to the entirety of Jefferson County; and

WHEREAS, the Intergovernmental Relations – Contracting and Joint Enterprises Act, W. Va. Code §8-23-1 *et seq.* authorizes the parties to contract for the provision of policing services in Bolivar and for the Commission to receive payments for the same. *See* W. Va. Code § 8-23-7; and

WHEREAS Bolivar desires to enter into a contract with the Commission to provide policing in Bolivar by the Sheriff at such times and locations and for such periods of time as determined by the Sheriff in his professional judgment in consultation with Bolivar officials.

WHEREAS Bolivar and the Sheriff mutually desire to enhance dedicated law enforcement activity within Bolivar to improve police services for events, and directed patrols. The parties hereto understand that in order to do that additional resources are needed by the Sheriff.

WHEREAS the Sheriff, by and through the Commission, agrees to render such services upon the terms and conditions hereinafter set forth; and

NOW, THEREFORE, it is agreed between the parties as follows:

1. **POLICE SERVICES.** The Commission agrees to provide police services to Bolivar at the direction and discretion of the Sheriff of Jefferson County to the extent and in the manner set forth below:
  - a. Police services provided under this contract shall encompass those police duties and functions which are of the same level, degree and

type typically performed by the Sheriff in the surrounding unincorporated areas of Jefferson County;

The Sheriff shall assign the appropriate number of personnel as is deemed appropriate and necessary as determined in the Sheriff's discretion. Such services, depending on workload at any given time, may include:

- ✦ i. Routine patrols of Bolivar, including foot and vehicular patrols and other general law enforcement duties;
  - ii. Community policing services such as vacation checks of homes, courtesy safety inspections, agency referrals, attendance at school events, checking security of businesses, and personal contacts as are customary in a small town; iii. Such services WILL NOT include civil ordinance enforcement.
- b. The Sheriff has the exclusive right to determine staffing assigned or detailed within Bolivar based on the Sheriff's assessment of the needs and available manpower in order to effectively provide for public safety. The Sheriff will strive for, but cannot guarantee in all circumstances, a response from the time of dispatch that is similar to other areas of the County;
  - c. The Sheriff shall constitute the first response for the enforcement of state law. Patrol services shall include reactive patrol to respond to calls for service from residences and businesses, proactive patrol to prevent and deter criminal activity, and traffic patrol to enforce applicable state traffic codes and enhance public safety. Deputies will, when assigned to Bolivar, provide patrol services to Bolivar during their scheduled work shifts;
  - d. All matters incident to the performance of such service or control of personnel employed to render such service shall be and remain under the control of the Sheriff;
  - e. In the event a dispute arises between the parties concerning the type of service to be rendered, or the manner in which such service is provided, the Sheriff and Bolivar will mutually confer regarding said dispute; the final decision after conferring between the parties shall be made by the Sheriff.

2. CRIMINAL JUSTICE SUPPLEMENTAL SERVICES. The Commission will provide for all costs and services related to the prosecution, defense and punishment of those accused of crimes and traffic infractions within Bolivar,

in the same manner and to the same extent as it does for those accused of crimes and traffic infractions in the unincorporated areas of Jefferson County.

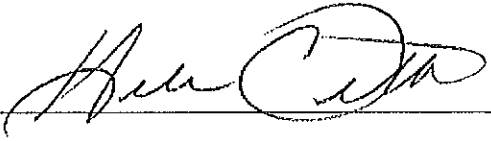
3. COOPERATION AMONG PARTIES. It is hereby agreed that the parties and all of their officials, personnel, agents and employees shall render reasonable cooperation and assistance to each other to facilitate the provision of the services selected herein. Toward that end, liaison will be provided through a specifically identified Deputy. That Deputy will handle the day-to-day operational concerns identified by Bolivar's Mayor and residents. In addition, the designated Deputy will be available to Bolivar during mutually agreed upon days and hours, for activities such as meetings of the Town Council and appropriate community meetings. The designated Deputy will be available to consult and to coordinate with Bolivar's Mayor and other department heads.
4. REPORTING. The Sheriff will maintain accurate data collection on criminal and traffic activity and on dispatched calls for service within Bolivar's boundaries.
  - a. The Mayor will be promptly notified in the event of a significant criminal occurrence or other major event within Bolivar;
  - b. The Sheriff will provide monthly reports on criminal activity, traffic activity and on law enforcement services provided. Services provided shall be grouped by the categories of criminal occurrence, traffic activity and dispatched calls;
  - c. Media releases concerning a major criminal occurrence being investigated by the Sheriff will be prepared by the Sheriff or the Sheriff's designee and will be timely provided to the Mayor. Bolivar shall not issue any media releases regarding criminal investigations conducted by the Sheriff pursuant to this Agreement without prior approval of the Sheriff's Office.
5. PERSONNEL AND EQUIPMENT.
  - a. Neither the Commission nor the Sheriff is acting as an agent of Bolivar, but rather the Sheriff is acting as an independent contractor such that the control of personnel, standards of performance, discipline and all other aspects of performance shall be governed entirely by the Sheriff.
  - b. All persons rendering services on behalf of the Sheriff shall be for all purposes employees of the Sheriff. Bolivar does not assume liability for the payment of any salaries, benefits, or other compensation or training and vehicle costs related to personnel employed by the Sheriff to perform services. It is agreed that all personnel shall be employees

of the Sheriff and the Sheriff shall be responsible for providing salary, worker's compensation insurance and all other benefits to which such personnel are entitled by reason of their employment with the Sheriff.

- c. All equipment paid for by Bolivar remains the property of Bolivar; all equipment paid for by the Commission/Sheriff remains the property of the Commission/Sheriff.
  
6. MUTUAL INDEMNIFICATION. Each party shall be liable for its own acts to the extent provided by law and hereby agrees to indemnify, hold harmless and defend the other, its personnel and employees against any and all liability loss, costs, damages, expenses, claims or actions, including attorney's fees arising from its own acts which the other party, its personnel and employees may hereafter sustain or be required to pay, arising out of or by reason for any act or omission of the party, its agents, servants or employees, in the execution, performance, or failure to adequately perform its obligations pursuant to this Agreement.
  
7. INSURANCE. The Sheriff agrees that all insurance required to adequately cover liability, vehicles, personnel, and equipment used by the Sheriff in the provision of services pursuant to this Agreement will be provided by the Sheriff.
  
8. RATE. The Corporation of Bolivar shall pay an amount equal to \$80,000 per annum, payable in four installments in the amount of \$20,000.
  
9. PAYMENT. Payments will be made to the Sheriff of Jefferson County on the 1<sup>st</sup> day of July, October, January and April. These payments are to be made in advance of each 3 month service period.
  
10. TERM OF AGREEMENT. This Agreement is an annual contract in effect for twelve [12] consecutive months. Future agreements are to be agreed to and signed before April 1<sup>st</sup> in future years. The Sheriff or the Sheriff's designee shall meet with the Bolivar Town Council in March and September of each year, or sooner if required, to discuss performance under this Agreement. The Sheriff will provide summaries of activity and budget updates at these meetings. Bolivar shall have an opportunity to comment on its satisfaction with the service delivered and request adjustments or modifications. If either party wishes to discontinue this agreement, either party may terminate this agreement with at least three [3] months written notice.
  
11. ENTIRE AGREEMENT. This Agreement sets forth the entire agreement and understanding between the Parties relating to the subject matter herein and

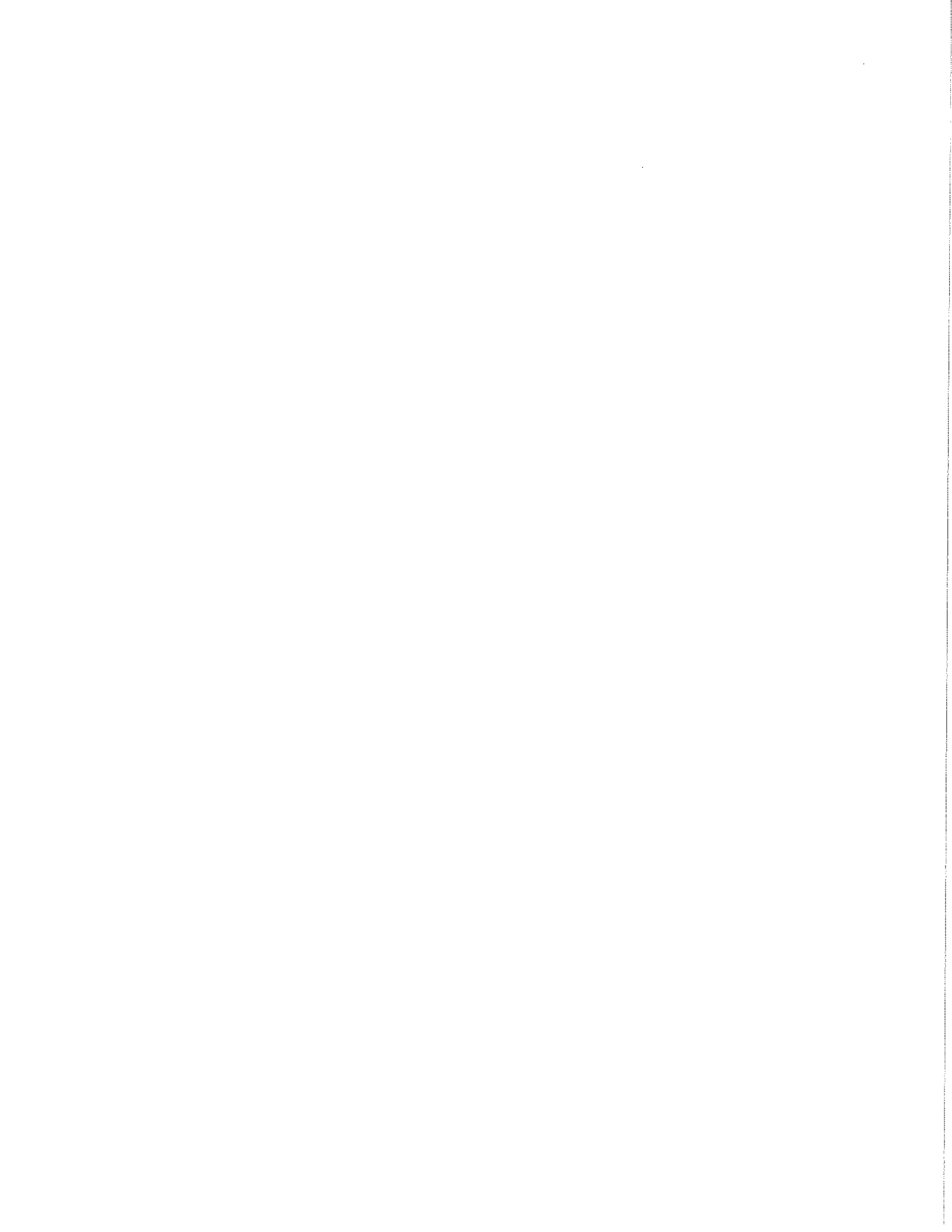


**CORPORATION OF BOLIVAR:**

By:  \_\_\_\_\_

7-12-2016  
Date

Corporation of Bolívar



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): Interview/Appointment to the Jefferson County Emergency Services Agency Board – one three-year term for Citizen Representative ending June 30, 2019

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

June 30

Jason Turner  
115 N Marvin Chapel Drive  
Shepherdstown, WV 25443  
[Jasonturnermd@gmail.com](mailto:Jasonturnermd@gmail.com)  
304-777-6306

Received

MAY 24 2016

Jefferson County Commission

May 18, 2016

Jefferson County Commission  
PO Box 250  
Charles Town, WV 25414

RE: Jefferson County Emergency Services Agency Board- Citizen Representative

To Whom It May Concern:

Please accept my application to the Jefferson County Emergency Services Agency Board to serve as a citizen representative for the next 3-year term. I have enclosed my curriculum vitae for review.

In brief, I grew up in Western Maryland and started as an Emergency Medical Technician at the age of 16. I served as an EMT at Frostburg Ambulance Service and then trained as a Maryland EMT-Paramedic. This training prompted my interest in medicine after which I decided to attend medical school. I attended West Virginia University for undergraduate, medical school and then subsequently, Surgical residency. I am now practicing as a general surgeon at Berkeley Medical center in Martinsburg. My family and I live in Shepherdstown, WV off of Winebrenner Road. I miss the opportunity to participate in pre-hospital EMS care, however, because of my malpractice coverage, there is a conflict of interest when providing direct patient care in the pre-hospital setting. (i.e. if I provide an advanced surgical procedure while in the field, who would cover the care provided- the ambulance insurance or my employer's insurance). This position would give me the chance to give back to the community in a capacity that I am interested in and have some background with.

If you have any questions or need any further information, please feel free to contact me by email at [jasonturnermd@gmail.com](mailto:jasonturnermd@gmail.com) or by cell phone at 304-777-6306

Sincerely,



Jason Turner, MD

# JASON L. TURNER, MD

115 North Marvin Chapel Drive  
Shepherdstown, WV 25443  
304.777.6306 (c)  
304.260.9622 (p)  
jasonturnermd@gmail.com

## EDUCATION

- Surgical Internship, West Virginia University, 2009-2010
- Surgical Residency, West Virginia University, 2010-2014
- ATOM International Hyperbaric Medicine Course- September 2014
- SAGES Advanced Laparoscopy Course- August 2012
- Residents as Leaders and Educators Course, American College of Surgeons- April 2011
- Advanced Trauma Life Support, Instructor, American College of Surgeons- 2009
- Doctor of Medicine, West Virginia University, 2005-2009
- BA Chemistry, West Virginia University, 2002-2005
- BS Biology Candidate, Frostburg State University, 2001-2002

## Honors and awards

- General Surgery Gold Star Award- 2014
- Outstanding Resident Teacher Award- 2014
- Emergency Department Professionalism and Congeniality Award- 2013/2014
- The Bruce Freeman Memorial Award- 2014
- Chairman's Scholarship- American Collage of Surgeons Resident Educator Course- April 2011
- WVU Intern of the Year- 2009/10
- WVU Surgical Resident Research Award- 2009/10
- Kenneth Mattox Trauma and Surgical Critical Care Award 2009/10
- Frank Schiebel Surgical Critical Care Award 2010/1011
- WVU Zimmerman Surgical Resident Research Award, 1<sup>st</sup> place- 2010
- WVU GME Clinical Science Research Award, 1<sup>st</sup> Place- 2011
- WVU GME Clinical Science Research Award, 2<sup>nd</sup> Place- 2014
- WVU Zimmerman Surgical Resident Research Award, 2<sup>nd</sup> place- 2011
- 2011 WVU JMMTC Trauma Cornerstone of Recovery Award- September, 2009
- American College of Surgeons, WV Chapter, Clinical Science Research Award, 1<sup>st</sup> Place- 2011
- American College of Surgeons, WV Chapter, Trauma Research Award, 1st Place- 2013
- Michael L Friedland, MD Award- 2008
- ACOG District IV Gibbons Travel Award- 2008
- Presidential Award for Excellence in Scholarship- 2004, 2005
- United States Presidential Community Service Award- 2005
- Hitachi Award for Exemplary Service to the Community- 2001

## PROFESSIONAL/HONORARY MEMBERSHIPS

- Alpha Omega Alpha (AOA)- 2008-present
- American College of Surgeons, Resident Member- 2009-present
- Society of American Gastrointestinal and Endoscopic Surgeons- 2009-present
- Phi Beta Kappa- 2005-present
- American Medical Association- 2005-present
- American Medical Student Association- 2005-2009
- West Virginia State Medical Association- 2005-present
- WVU Honors Program 2002-2005

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## Licensing Exams

- USMLE Step 1- Score 236 (99)
- USMLE Step 2 CK- Score 248 (99)
- USMLE Step 2 CS- Pass
- USMLE Step 3- Score 235 (99)
- West Virginia Board of Medicine License #24539
- American Board of Surgery Qualifying Exam- Passed 8/14/2014. 77<sup>th</sup> Percentile
- American Board of Surgery Certifying Exam- Passed March 2016

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## Leadership

- Eastern Division Surgery Clerkship Director
- WVU Department of Surgery 2013-2014 Administrative/Academic Chief Resident
- WVU Department of Surgery Academic Committee Resident Representative
- WVU Hospitals Medical Executive Committee- Elected, Voting Member
- WVU Hospitals Committee of Surgical Chairs- Elected Resident Representative
- WVU Hospitals Operating Room Efficiency Quality Improvement Task Force
- WVU ACGME Duty Hour Task force Resident Representative
- WVUH Cancer Committee
- Surgical Laparoscopic Skills and Simulation Center Curriculum Development Committee
- Class President, WVU School of Medicine 2008, 2009
- Academic Council, WVU school of Medicine 2005, 2006

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## Pending Publication

- Bardes, J., **Turner, J.**, Holden, A., Warden, G., Wilson, A., "Case Report of Bilateral Internal mammary Artery Transection from Blunt Chest Trauma"

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## Poster Presentations

- **Turner, J.**, Schaefer, G., "The Heavy Burden of Obesity on Trauma Care in West Virginia" American College of Surgeons Surgical Forum, Chicago IL.

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## Book Chapters

- **Turner, J.**, Bonasso, P., Graves, C. : "Hernias" *Step-up to Surgery Textbook*, Lippincott Williams & Wilkins, 2013.

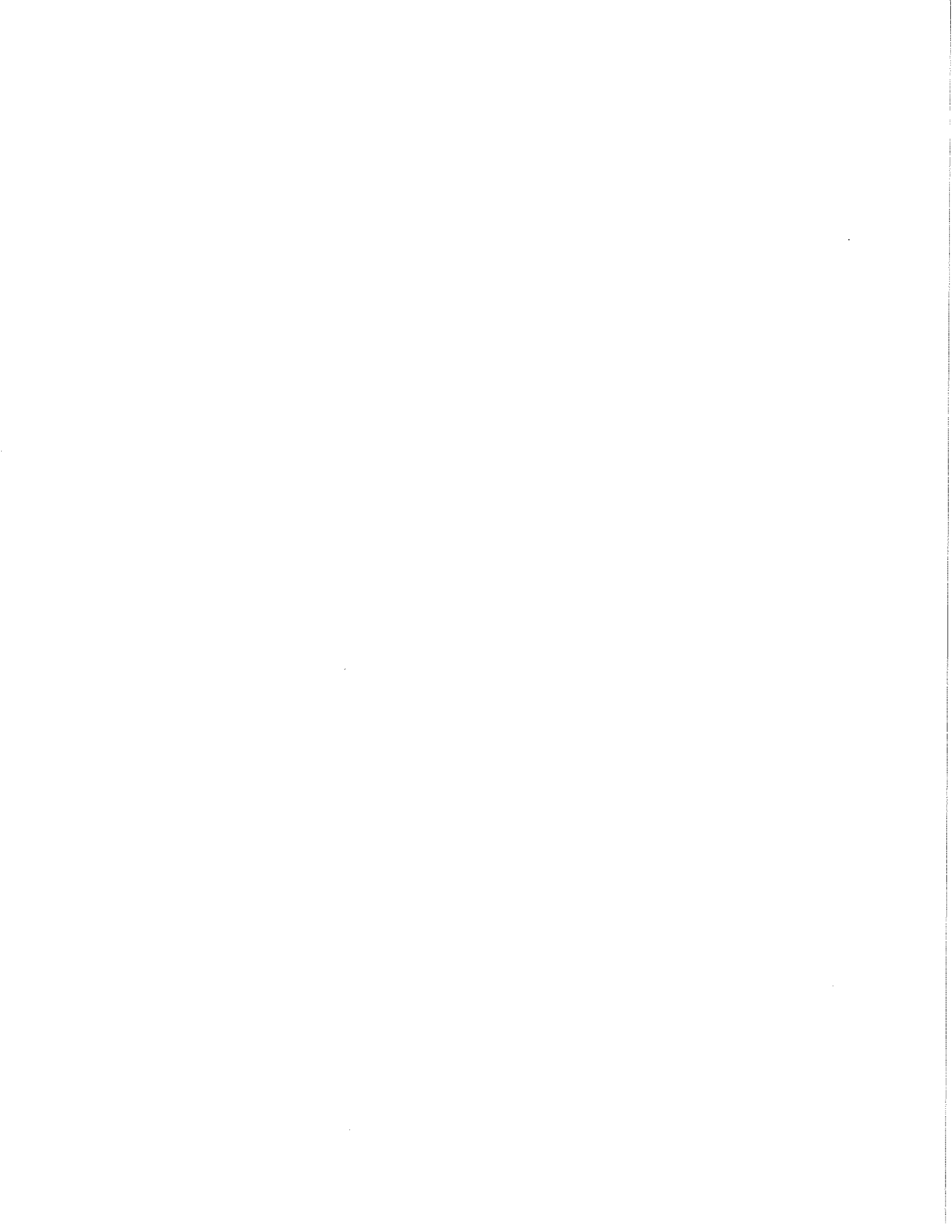
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## Journal Publications

- Oduntan, O., **Turner, J.** "Empyema Thoracis Due to Intrapleural Migration of Retained Vascular Catheter" *Ann Thorac Surg* 2013;95:123-125
- Bonasso, **Turner J.**, Nakayama DK, Vaughan R., Cystic Fibrosis diagnosed via presentation of intussusception in childhood. *Journal of Pediatric Surgery Case Reports* 3 (2015), 91-92
- Bardes J, **Turner J**, Wilson A "Deliniation of Criteria for Admission to Step Down in the Mild Traumatic Brain Injury Patient" *American Surgeon* 2016; 82: 36-40

## Presentations

- **Turner, J.,** "The Heavy Burden of Obesity on Trauma Care in West Virginia" WV State American College of Surgeons Meeting, 2011, First Place Award
- **Turner, J.,** "The Heavy Burden of Obesity on Trauma Care in West Virginia" ACS Region 3 COT Meeting- Richmond, Virginia
- **Turner, J.,** "Efficacy of ICU Admission and Routinely Scheduled Interval Brain CT scans in Patients With Mild Traumatic Brain Injury" WV State American College of Surgeons Meeting, 2013, First Place Award
- **Turner, J.,** "Efficacy of ICU Admission and Routinely Scheduled Interval Brain CT scans in Patients With Mild Traumatic Brain Injury" American College of Surgeons Region 3 Committee on Trauma Meeting, 2013, Third Place Award. Philadelphia Pennsylvania
- **Turner, J.,** "The Effect of Obesity on Disease Free Survival and Mortality in Breast Cancer Patients". WVU Department of Surgery Zimmerman Research Competition, 2010, 1st Place Award
- **Turner, J.,** "The Heavy Burden of Obesity on Trauma Care in West Virginia" WVU Department of Surgery Zimmerman Research Competition 2011, 2nd Place Award
- **Turner, J.,** "The Heavy Burden of Obesity on Trauma Care in West Virginia" WVU GME week 2011, First Place Award
- **Turner, J.,** "Breast Cancer- A review"- WVU Surgery Grand Rounds, June 2014
- **Turner, J.,** Cardinal, J., "Pancreatic Neuroendocrine Tumors" Guest John Hanks, MD. Thomas Covey Lectureship
- **Turner, J.,** Wilson, A., "Blunt Thoracoabdominal Trauma" Guest David Feliciano, MD. WVU Peter Mucha Lecture
- **Turner, J.,** Wilson, A., "Efficacy of ICU Admission and Routinely Scheduled Interval Brain CT scans in Patients With Mild Traumatic Brain Injury". Guest Amy Halverson, MD. WVU Zimmerman Symposium 2014
- **Turner, J.** Colon Cancer- A current review. WVU Mini-Medical School. 2015



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Bill Polk

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **7/21/16**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): Approval of Donation of Dogwood Tree from the West Virginia Division of Forestry

Please provide the County Commission with a description of your request or presentation, including any background information:

The West Virginia Division of Forestry has a dogwood tree that they would like to donate to Jefferson County.

Is this a funding request? No

If so, how much?

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to approve the donation of a dogwood tree from the West Virginia Division of Forestry.

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? NO

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Bill Polk

Department or Organization: **Maintenance Department**

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: **7/21/16**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): Approval of Plans for the Renovation of the 3<sup>rd</sup> Floor of the St Margaret's Judicial Center.

Please provide the County Commission with a description of your request or presentation, including any background information:

After meeting with ZMM Architects, Judges, Judicial Personnel, etc., this is the latest floor plan that has been presented. This floor plan includes the changes that were discussed during these meetings.

Is this a funding request?      No

If so, how much?

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): Move to approve the plan for the renovation of the 3<sup>rd</sup> floor of the St. Margaret's Judicial Center as presented by ZMM Architects & Engineers.

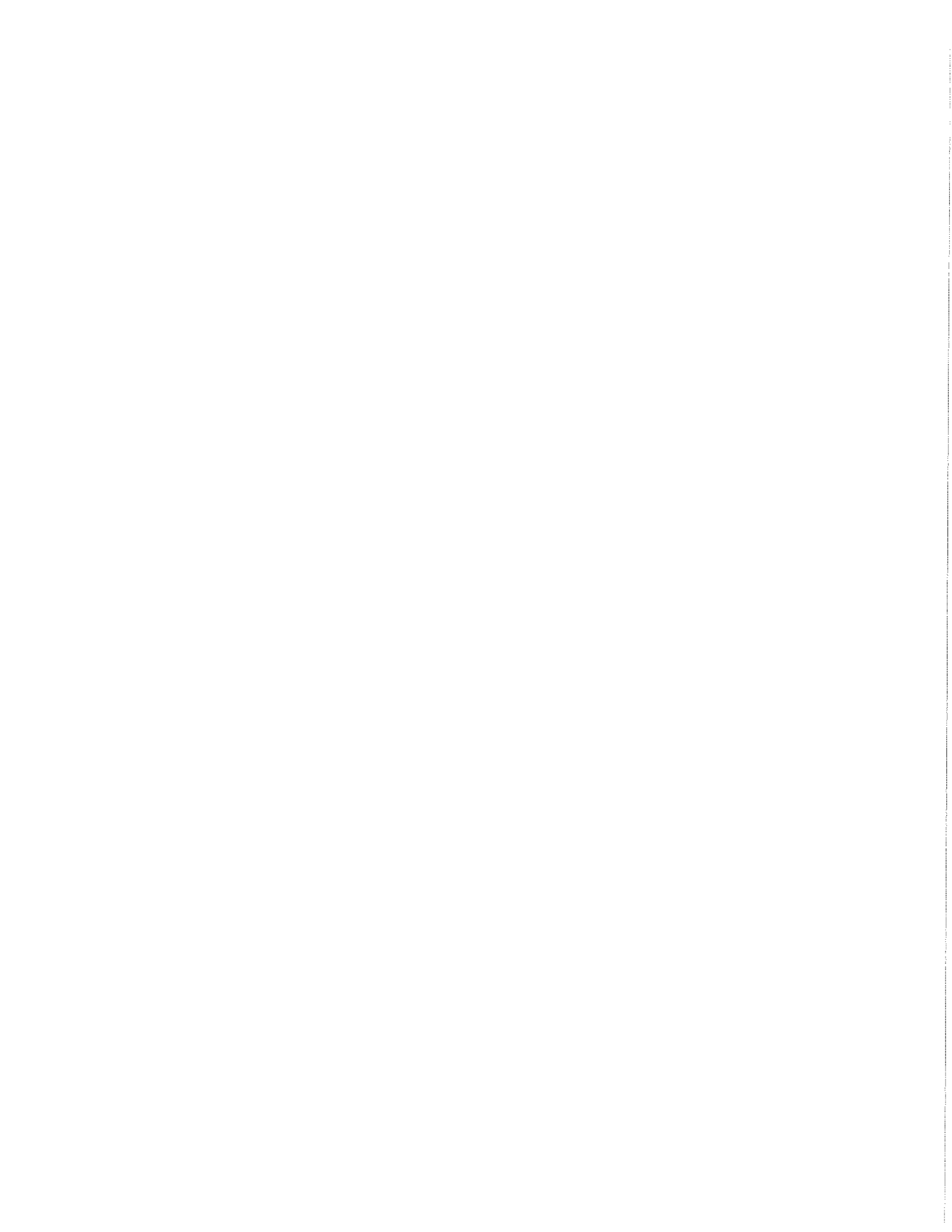
Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? NO

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: **Jennifer Brockman, Director**

Department or Organization: **Planning and Zoning**

Estimation of amount of time needed for appointment: **15-30 Minutes**

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*):

Recommendation from the Planning Commission to the County Commission to amend various sections of the Zoning and Land Development Ordinance to replace the current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposes amending various sections related to rural land use throughout the Ordinance. The purpose of this request is to provide an overview of the recommended amendment and possibly to schedule a public hearing to be held by the County Commission. (File #ZTA16-01)

Please provide the County Commission with a description of your request or presentation, including any background information:

Zoning Text Amendment #ZTA16-01 was initiated by the Planning Commission, at the direction of the County Commission, as 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." The Planning Commission held work sessions on March, 8, March 24, and April 12, 2016 to review and discuss the proposed draft amendment to the Zoning Ordinance as drafted by Staff. On May 17, 2016 the Planning Commission held a public hearing to receive input on the proposed text amendment. On June 14, 2016 the Planning Commission made their final edits based on public comments received and recommended that the draft amendment be forwarded to the County Commission for consideration and final action.

This text amendment, in accordance with WV Code §8A-7-13, proposes to replace the current nontraditional zoning ordinance with a traditional zoning ordinance. In accordance with this section of the code, the governing body which has adopted or enacted a nontraditional zoning ordinance may replace the nontraditional zoning ordinance with a zoning ordinance by action of the governing body.

Is this a funding request? **Y/N**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

I move to (schedule) a public hearing on \_\_\_\_\_, 2016 at \_\_\_ a.m./p.m. to receive input on the proposed redline edits to the Jefferson County Zoning Ordinance (File #ZTA16-01) to amend various sections of the Zoning and Land Development Ordinance to replace the

current nontraditional zoning ordinance with a traditional zoning ordinance by eliminating the DRS/LESA CUP Process (Articles 6 and 7) and replace it with a traditional Principal Permitted and Conditional Use process. The proposed text amendment also includes a recommendation to increase the density provisions of the Rural Zoning Cluster Development in Section 5.7; and proposes amending various sections related to rural land use throughout the Ordinance.

Attach supporting documents for request, or request may be denied.

- Proposed draft amendment to the Zoning Ordinance (ZTA16-01) recommended for approval to the County Commission by the Planning Commission on June 14, 2016.

If not attached, explain:

Is equipment needed?      Projector    Y/N      Internet/Wi Fi    Y/N.      Telephone for conference call    Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

# 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, October 1, 2015

DRAFT

## Office Consolidation

This document contains additions and amendments approved by the Jefferson County Commission on the following dates.

- (1) Amended by act of the County Commission, Effective May 4, 1989
- (2) Amended by act of the County Commission, Effective August 31, 1989
- (3) Amended by act of the County Commission, October 12, 1989
- (4) Amended by act of the County Commission, November 30, 1989
- (5) Amended by act of the County Commission, September 13, 1990
- (6) Amended by act of the County Commission, October 4, 1990
- (7) Amended by act of the County Commission, July 15, 1993
- (8) Amended by act of the County Commission, Effective May 18, 1996
- (9) Amended by act of the County Commission, Effective February 11, 1998
- (10) Amended by act of the County Commission, Effective July 1, 1998
- (11) Amended by act of the County Commission, Effective August 13, 1998
- (12) Amended by act of the County Commission, Effective October 14, 1999
- (13) Amended by act of the County Commission, Effective January 10, 2002
- (14) Amended by act of the County Commission, August 8, 2002
- (15) Amended by act of the County Commission, Effective November 7, 2002
- (16) Amended by act of the County Commission, Effective May 1, 2003
- (17) Amended by act of the County Commission, April 8, 2005 at 5:00 p.m.,  
Invalidated and removed by Court Order February 26, 2008
- (18) Amended by act of the County Commission, Effective October 3, 2005
- (19) Amended by act of the County Commission, September 1, 2006
- (20) Amended by act of the County Commission, Effective September 28, 2006
- (21) Previously invalidated April 8, 2005 amendments that were reinstated by  
Court Order on December 3, 2009
- (22) Added by act of the County Commission on March 10, 2011
- (23) Amended by act of the County Commission on July 7, 2011
- (24) Amended by act of the County Commission on November 3, 2011
- (25) Amended by act of the County Commission on November 10, 2011
- (26) Amended by act of the County Commission on January 2, 2014
- (27) Amended by act of the County Commission, Effective May 1, 2014
- (28) Amended by act of the County Commission, Effective June 1, 2014
- (29) Amended by act of the County Commission, Effective October 1, 2015
- (30) Amended by act of the County Commission, Effective

Note: On November 1, 2008, an ordinance was enacted to amend the ordinance adopted July 7, 1988, with all previous amendments, to replace non-traditional zoning with traditional zoning. On January 8, 2009, there was a stay of the November 1, 2008 Amended Ordinance due to a petition to place the ordinance on a future ballot for referendum and a return to the ordinance which was effective prior to November 1, 2008. The referendum did not result in the approval of the new ordinance.

- (\*) Unidentified amendment approved by the County Commission September 14, 1989
- (\*) Unidentified amendment approved by the County Commission January 1, 1997
- (\*) Unidentified amendment approved by the County Commission June 12, 1997
- (\*) Unidentified amendment approved by the County Commission December 10, 1998

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**ARTICLE 1: PURPOSE, JURISDICTION, APPLICATION, INTERPRETATION AND SEVERABILITY**

**Section 1.0 Effective Date**

This Ordinance shall become effective ninety (90) days after the date on which the County Commission acts to adopt it.

**Section 1.1 Purpose**

The purpose of this Ordinance is to:

- A. Protect and encourage the health, safety, and general welfare of the present and future population of Jefferson County.
- B. Help guide the future growth and development of Jefferson County in accordance with the adopted Comprehensive Plan.
- C. Encourage growth and development in areas where sewer, water, schools, and other public facilities are or will soon be available in order to provide services in the most cost effective manner.
- D. Insure that growth and development are both economically and environmentally sound.
- E. Encourage the maintenance of an agricultural base in the County at a level sufficient to insure the continued viability of farming.
- F. Encourage and support commercial, industrial, and agricultural activities while maintaining land use, order and compatibility.
- G. Encourage an improved appearance of Jefferson County with relationship to the use and development of land and structures.
- H. Encourage the conservation of natural resources.
- I. 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 based on sound engineering principles and where fiscally feasible.
- J. Provide a guide for private enterprise in developing and building a strong economic community.
- K. Encourage Historic Preservation.

**Section 1.2 Jurisdiction**

These regulations shall apply to all properties within Jefferson County, West Virginia; but shall not include the incorporated areas.<sup>23</sup>

### Section 1.3 Application and Interpretation

- A. The terms of this Ordinance shall be applied to promote the intent in Section 1.1 and the Comprehensive Plan.
- B. Where this Ordinance imposes a greater restriction than is imposed or required by other provisions of law, or by other rules, regulations or ordinance, or by private restrictions, covenants or declarations, the provisions of this Ordinance shall control, except where stated specifically herein.
- C. Where a provision of this Ordinance is in conflict with another provision of this Ordinance the stricter regulation shall apply.
- D. If a proposed use is not one in the list of ~~these~~ principal permitted or conditional uses in each zoning district, it shall be prohibited as though it was included in the list of prohibitions. Applicants desiring inclusion of a use not specifically permitted in this Ordinance may apply for a text amendment, following the provisions outlined in Article 12 of this Ordinance. ~~However, the use may be approved if the Development Review System demonstrates that the use is compatible and appropriate with the neighborhood and the use can be approved by the Board of Zoning Appeals as a conditional use.~~<sup>2, 17, 21, 30</sup>
- E. All uses listed as principal permitted or conditional uses within a zoning district shall comply with the standards contained in this Ordinance and be developed subject to the Jefferson County Subdivision and Land Development Regulations.<sup>30</sup>
- ~~D.F.~~ Any amendment proposed to a previously approved Conditional Use Permit which processed under the Development Review System which utilized the Land Evaluation and Site Assessment and Compatibility Assessment process, shall process in accordance with the Ordinance in place at the time they originally processed; provided, however, that they shall not expand land area upon which the CUP was approved.<sup>30</sup>
- G. Amendments to this Ordinance shall not adversely affect specific decisions made by the Board of Zoning Appeals or conditions on a Conditional Use Permit dated prior to the adoption of such amendment. Determination of adverse affect shall be made by the Zoning Administrator.<sup>8, 17, 21</sup>

### Section 1.4 Severability

Should any article, section, subsection or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the Zoning and Land Development Ordinance as a whole or any part thereof other than the part so declared to be invalid or unconstitutional.<sup>23</sup>

### Section 1.5 Use of Technical Information

Should any technical study, authorized by the Jefferson County Commission, become available after the adoption of this Ordinance, the County Commission shall authorize the Planning Commission to review such study to determine the extent that this Ordinance may need to be amended. Such studies may include, but, are not limited to, information on recreation, groundwater, hazardous wastes, and historic structures.<sup>23</sup>

Changes that arise from this provision may include additions and/or deletions of sections in this Ordinance which would further encourage the proper management and preservation of our Natural and Cultural Resources. All such recommended changes are subject to Section 12.1.

## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for”, “designed for”, “intended for”, “maintained for”, “constructed for”, or “occupied for”. The word “person” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water.

### Section 2.2 Terms Defined

Abandonment or  
Abandoned<sup>17, 21</sup>

The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

Accessory Agricultural  
Dwelling Unit<sup>26, 30</sup>

An **accessory** dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

Accessory Dwelling Unit<sup>30</sup>

A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.

Accessory Equipment<sup>22</sup>

Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Use

A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is

considered part of the main building and must meet those setbacks.

Adaptive Reuse<sup>30</sup>

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

Addition, Major

A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation shall be considered “major additions”.

Adjacent/Confronting  
Affected Property Owner<sup>7</sup>

The owner of property adjacent to or confronting a proposed development (including the properties across any road, right of way or easement) which will be impacted either positively or negatively by that proposed development. Names and addresses of affected property owners will be taken from current tax records in the Jefferson County Court House.

Adult Arcade<sup>15</sup>

An establishment where, for any form of consideration, one or more motion picture projectors, slide projectors, or similar machines for viewing by five or fewer persons each are used to show films, motion pictures, video cassettes, slides, or other photographic reproductions that are characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore<sup>15</sup>

An establishment that has as a substantial portion of its stock-in-trade and offers for sale, for any form of consideration, any one or more of the following (1) books, magazines, periodicals, or other printed matter, or photographs, films, motion pictures, video cassettes, slides, or other visual representations that are characterized by emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; or (2) instruments, devices, or paraphernalia that are designed for use in connection with specifies sexual activities.

Adult Cabaret<sup>15</sup>

A nightclub, bar, restaurant, facility, or similar establishment that regularly features live performances that are characterized by the exposure of specified anatomical areas or by specified sexual activities, or films, motion pictures, video cassettes, slides or other photographic reproductions of material that is characterized by any emphasis upon the depiction of specified sexual activities or specifies anatomical areas.

Adult Mini Motion  
Picture Theatre<sup>15</sup>

An enclosed building with a capacity for fewer than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to specified sexual activities or specified anatomical areas as herein defined, for observation by patrons therein. The phrase "used for" in this definition shall mean a regular and substantial course of conduct and not a one-time presentation of such material.

- Adult Sauna<sup>15</sup> A sauna which excludes minors by reason of age, or which provides a steam bath or heat bathing room used for the purpose of bathing, relaxation, or reducing, using steam or hot air as a cleaning, relaxing or reducing agent, if the service provided by the sauna is distinguished or characterized by an emphasis on specified sexual activities or specified anatomical areas as defined herein.
- Adult Theater<sup>15</sup> A theater, concert hall, auditorium, or similar establishment characterized by activities featuring the exposure of specified anatomical areas or by specified sexual activities.
- Adult Use<sup>7</sup> Uses that are commonly associated with adults only, including but not limited to: bars, lounges, dance clubs, stripping establishments, adult book stores, clubs, adult arcades, adult cabarets, adult motion picture theaters, massage parlors, sexual encounter establishments or other similar businesses.
- Affordable Housing<sup>17, 21</sup> Housing units where the occupant is paying no more than 30 percent of Jefferson County median gross income for housing costs, including taxed and utilities.
- Aggrieved or Aggrieved Person<sup>17, 21</sup> A person who is denied by the Planning Commission or the Board of Zoning Appeals, in whole or in part, the relief sought in any application or appeals, or has demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer.

Agricultural Use<sup>17, 21, 23</sup>

The use of land for a bona-fide farming operation. This includes:

1. Commercial Agricultural Enterprise;
2. Agriculture, Ranching;
3. Aquaculture;
4. Apiculture;
5. Horticulture;
6. Viticulture;
7. Fish, meat, poultry and game birds processing, provided that fifty percent (50%) of the meat processed must be raised on the site farm of the processing facility for minimum periods of three (3) months for beef and pork and two (2) months for lamb and poultry;
8. Animal Husbandry; including, but not limited to, the care and raising of livestock, equine, and fur-bearing animals;
9. Poultry husbandry and the production of poultry, game birds and poultry products;
10. Dairy production and processing of dairy products;
11. Equestrian uses;
12. The production of field crops including but not limited to tobacco, fruits, vegetables, nursery stock, ornamental shrubs, ornamental trees, flowers, sod, mushrooms, timber, pasturage, Christmas trees, maple sap, woody biomass, compost;
13. Pick your own farm products;
14. Agricultural tourism;
15. Farm vacation enterprise;
16. Farm brewery and winery subject to the requirements for such a use in Article 8;
17. Rental of garden plots;
18. Community supported agriculture;
19. The warehousing; processing, value added, drying, storage, distribution and marketing of agricultural products when those activities are conducted in conjunction with, but are secondary to, husbandry or production;
20. Forestry

Agricultural Tourism<sup>30</sup>

Agricultural Tourism or “Agritourism” describes the act of visiting a working farm or any agricultural, horticultural or agribusiness operation designed to encourage such visitation for the purpose of enjoyment, to be educated or to be involved in activities on the land.

Airfield, Private<sup>30</sup>

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.

Airport<sup>27</sup>

Any area of land or water designated, set aside, used, or intended for use, for the landing and take-off of aircraft, including runways, aircraft storage buildings, helicopter pads, air traffic control facilities, informational facilities, and devices, terminal buildings, and airport auxiliary facilities, including fences, lighting and antennae systems, on-premise signs, driveways, and access roads. This term includes aircraft maintenance

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|                                                          | facilities, aviation instruction facilities, and heliports when part of a larger airport facility.                                                                                                                                                                                                                                                                                   |
| Alternative Structure <sup>22</sup>                      | For antenna-mounting purposes, a structure which is not primarily constructed for the purpose of holding antennas but on which one or more antennas may be mounted. The term Alternative Structure includes, but is not limited to, buildings, silos, water tanks, pole signs, lighting standards, steeples and electric distribution, electric transmission or other utility poles. |
| Amenities                                                | <del>Utilities, roadways, and public services which make a particular site more attractive for development. Section 6.4 governs the assessment of amenities as it relates to the Development Review System.</del>                                                                                                                                                                    |
| Antenna Array <sup>22</sup>                              | Two or more antennas that operate as components of a complete antenna suite for a single Wireless Telecommunication Facility.                                                                                                                                                                                                                                                        |
| Antenna, Concealed <sup>22</sup>                         | An antenna that is designed and/or erected on or in a building or alternative structure in such a way that it blends in with the existing façade and/or is located in such a way that it is not readily visible or discernible to the average individual at the adjacent street level.                                                                                               |
| Antenna <sup>22</sup>                                    | Any structure or device used to collect or radiate electromagnetic waves for the provision of cellular, paging, Personal Communications Services (PCS) and microwave communications. Such structures and devices include, but are not limited to, directional antennas, such as panels, microwave dishes and satellite dishes, and omni-directional antennas, such as whip antennas. |
| Appalachian Trail Overlay District <sup>22</sup>         | For purposes of the Wireless Telecommunication Facilities Ordinance, the area within one mile of the centerline of the Appalachian Trail.                                                                                                                                                                                                                                            |
| Appliance Sales <sup>27</sup>                            | Use of a site for indoor sale of nonportable equipment used for domestic functions, including but not limited to washers, dryers, refrigerators, freezers, and stoves.                                                                                                                                                                                                               |
| Applicant <sup>23,30</sup>                               | Any person seeking to develop land, initiate a land use, obtain approval pursuant to the <u>requirements of this Development Review System</u> Ordinance, or request an appeal from or variance to this Ordinance.                                                                                                                                                                   |
| Area, Land                                               | Land area refers to new land area, exclusive of streets and other public space.                                                                                                                                                                                                                                                                                                      |
| Art Gallery or Artist Studio <sup>27</sup>               | The use of a site for (a) an establishment engaged in the sale or exhibit of art works including but not limited to paintings, sculpture, knitted goods, or pottery; and/or (b) work space for one or more artists, artisans, or craftspersons, who may offer instruction in the creation of art works.                                                                              |
| Automobile parts, supplies and tire stores <sup>27</sup> | Stores that sell new automobile parts, tires, and accessories. This use includes installation of new tires.                                                                                                                                                                                                                                                                          |
| Automobile Repair, Sales                                 | The use of a site for the repair and maintenance of automobiles, motorcycles, trucks, trailers, or similar vehicles including but not limited                                                                                                                                                                                                                                        |

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| and Service <sup>27</sup>                                                | to body, fender, muffler, or upholstery work, oil change and lubrication, painting, and tire service, but excluding dismantling or salvage.                                                                                                                                                                           |
| Automobile, light truck and light trailer rentals, Indoor <sup>27</sup>  | Rental of automobiles, light trucks, light trailers, and vans, including a rental office but not including parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas. This use is conducted indoors with no outdoor storage of vehicles to be rented. |
| Automobile, light truck and light trailer rentals, Outdoor <sup>27</sup> | Rental of automobiles, light trucks, light trailers, and vans, including a rental office and incidental parking and servicing of vehicles for rent or lease. Typical uses include auto rental agencies and taxicab dispatch areas.                                                                                    |
| Bail Bond Services <sup>27</sup>                                         | An establishment which provides sureties to procure the release of persons under arrest by becoming financially responsible for their appearance at the time and place designated.                                                                                                                                    |
| Bank <sup>27</sup>                                                       | A financial institution that is open to the public and engaged in deposit banking, and that performs closely related functions such as making loans, investments, and fiduciary activities. A bank does not include the Pawn Shop Services land use.                                                                  |
| Bank with Drive-Through Facility <sup>27</sup>                           | A bank that includes provisions for the conduct of banking services directly to the occupants of motor vehicles.                                                                                                                                                                                                      |
| Bar <sup>27</sup>                                                        | An area primarily devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages                                                                                                                                                              |
| Barber/Beauty Shop, Limited <sup>23</sup>                                | A barber or beauty shop limited to no more than two chairs.                                                                                                                                                                                                                                                           |
| <u>Battlefield<sup>30</sup></u>                                          | <u>There are 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 areas.</u>                                                                                                      |
| Bed and Breakfast <sup>23</sup>                                          | A single-family dwelling where lodging is offered for compensation, having no more than seven (7) bedrooms for this purpose, and meeting the requirements for such a use in Article 8 of this Ordinance.                                                                                                              |
| Bicycle Parking Space <sup>27</sup>                                      | A volume of space that can accommodate locked storage of one (1) bicycle at a bicycle rack, i.e. a fixture to which one or more bicycles can be securely locked.                                                                                                                                                      |
| Billboard                                                                | A structure on which is portrayed information which directs attention to a business commodity, service or entertainment not necessarily related to the other uses permitted on the premises upon which the structure is located. (See Sign, Outdoor Advertising)                                                      |
| Blue Ridge Line <sup>11</sup>                                            | The common surveyed boundary between Jefferson County, West Virginia and Loudoun County, Virginia.                                                                                                                                                                                                                    |

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| Board <sup>17, 21</sup>                            | The Jefferson County Board of Zoning Appeals.                                                                                                                                                                                                                                                                                                                                                                                         |
| Boarding or Rooming House <sup>24</sup>            | A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.                                                                                         |
| Broadcast Tower <sup>22</sup>                      | A structure situated on a lot that is intended for transmitting television or AM/FM radio signals.                                                                                                                                                                                                                                                                                                                                    |
| Buffer <sup>5</sup>                                | An area on a property defined by a distance from the property line or other specifically designed line such as flood plain, wetland limit or stream bank. Said area is intended to absorb, lessen or neutralize the impacts of one land use from another. The nature of the buffer will depend on the impact(s) being neutralized.                                                                                                    |
| Building                                           | Any structure which is permanently affixed to the land and has one or more floors and a roof. The term building shall include manufactured homes.                                                                                                                                                                                                                                                                                     |
| Building Line                                      | The line established by law beyond which a building shall not extend as determined by front, side and rear yards, herein.                                                                                                                                                                                                                                                                                                             |
| Building Maintenance Services <sup>27</sup>        | An establishment primarily engaged in the provision of maintenance and custodial services to firms rather than individuals. Typical uses include janitorial, landscape maintenance, or window cleaning services.                                                                                                                                                                                                                      |
| Building Materials and Supplies <sup>27</sup>      | An establishment which sells goods relating to construction which require a large floor area such as lumber, appliances, electrical supplies and plumbing supplies.                                                                                                                                                                                                                                                                   |
| Building, Height of                                | The vertical distance measured from the level of approved street grade opposite the middle of the front of the building to the highest point of the coping of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and ridge of a gable, hip or gambrel roof.                                                                                                                                  |
| Business Equipment Sales and Service <sup>27</sup> | An establishment primarily engaged in the sale, rental or repair of equipment and supplies used by office, professional and service establishments to the firms themselves rather than to individuals, but excluding automotive, construction and farm equipment. Typical uses include office equipment and supply firms, small business machine repair shops or hotel equipment and supply firms.                                    |
| Campground <sup>27</sup>                           | An area or premises operated as a commercial enterprise, generally providing space for seasonal accommodations for transient occupancy or use by tourists occupying camping trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). |
| Car Wash <sup>27</sup>                             | A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain                                                                                                                                                                                                                              |

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|                                                      | conveyor, blower, steam-cleaning or similar mechanical device.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Caretaker Residence <sup>23</sup>                    | An accessory residential structure for the use of a caretaker or security guard                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Cell on Wheels<br>“COW” <sup>22</sup>                | A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.                                                                                                                                                                                                                                                                                                                                                 |
| Change of Use <sup>23, 30</sup>                      | Any use which is different than the previous use of a building or land, <del>or any change in the North American Industry Classification System (NAICS) code in utilizing the Development Review System.</del>                                                                                                                                                                                                                                                                                                                                                                                              |
| Church <sup>23</sup>                                 | A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.                                                                                                                                                                                                                                  |
| Clustering <sup>5, 23, 30</sup>                      | Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel <u>does not change unless otherwise provided for in this Ordinance remains within acceptable limits.</u> See Section 5.7 for minimum area per dwelling unit and minimum lot area.                                                                                                                                                                                  |
| Co-location <sup>10, 22</sup>                        | For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility. |
| Commercial Agricultural Enterprise <sup>17, 21</sup> | Farm operations which will:<br>A. Contribute in a substantial way to the area’s existing agricultural economy; and<br>B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.                                                                                                                                                                                                                                         |
| Commercial Blood Plasma Center <sup>27</sup>         | The use of a site as a facility for the donation or sale by individual donors of blood plasma and other blood products, with the exception of whole blood. This land use does not include a blood bank.                                                                                                                                                                                                                                                                                                                                                                                                     |
| Commercial Wireless Service Provider <sup>22</sup>   | Persons or entities who operate radio systems requiring an FCC license and who employ those facilities to provide point- to-point microwave                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |

links for wireline communication services (or connectivity between adjacent antenna sites), fixed wireless (including microwave), or mobile wireless communication services to third parties for compensation. Commercial Wireless Service Providers include, but are not limited to Cellular, Personal Communication Services (PCS), Specialized Mobile Radio (SMR), Enhanced Specialized Mobile Radio (ESMR), paging, Competitive Local Exchange Carriers (CLEC) utilizing point-to-point microwave, and other point-to-point microwave links for wireline communication service.

- Commercial<sup>1</sup> Any wholesale, retail or service business activity established to carry on trade whether or not for profit.
- Commission<sup>17, 21</sup> The Jefferson County Planning Commission.
- Community<sup>30</sup> A location that primarily consists of a group of people who share common interests in the area of which they live. A Community includes, but is not limited to, a subdivision.
- Comprehensive Plan A composite of mapped and written text, the purpose of which is to guide the systematic physical development of the County and is adopted by the County Commission.
- Conditional Use Permit<sup>30</sup> A permit issued for a Conditional Use upon approval of the Board of Zoning Appeals which may be subject to conditions or additional requirements ~~completion of the Development Review System which that~~ would allows for the proper integration of a compatible uses ~~into the a~~ community.
- Conditional Use<sup>17, 21, 23, 30</sup> A use included on the Principal Permitted and Conditional Uses Table (Appendix C) which ~~because of special requirements or characteristics,~~ may be permitted in a particular zoning district only after review by the Board of Zoning Appeals and upon issuance of a conditional use permit, and subject to the limitations and conditions specified in the Zoning and Land Development Ordinance.
- Condominium<sup>5</sup> A common interest community in which portions of the real estate are designated for separate fee simple ownership of cubic air interior spaces and the remainder of the real estate is designated for common ownership solely by the owners of those portions. Said common interest community may be residential, commercial or industrial depending on other provisions of this Ordinance. All such projects are subject to the West Virginia Uniform Common Interest Ownership Act. In the event that a specific requirement within the Uniform Common Interest Ownership Act is inconsistent with a commercial or industrial project, that specific requirement shall not apply.
- Contiguous<sup>17, 21</sup> Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous.

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| Contractor with No Outdoor Storage <sup>27</sup> | Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage, but which does not use any exterior storage area other than incidental storage.                                                  |
| Contractor with Outdoor Storage <sup>27</sup>    | Use of a site for the business office of a general contractor or builder engaged in the construction of buildings, either residences or commercial structures. The premises may include an enclosed space used for the housing and/or operating of machinery, the provision of services, the fabrication of building-related products, and interior storage. This use may include outdoor storage of building materials and heavy equipment such as road graders, dump trucks, cement mixers. |
| Convenience Store <sup>27</sup>                  | An establishment, not exceeding 10,000 square feet of gross floor area, engaged in the retail sale, from the premises, of food, beverages and other frequently or recurrently needed items for household use. This land use does not include a gas station.                                                                                                                                                                                                                                   |
| Convenience Store, Limited <sup>27</sup>         | A convenience store not exceeding 1,500 square feet of retail floor, with hours of operation limited to the period between 6:00 A.M. and 11:00 P.M.                                                                                                                                                                                                                                                                                                                                           |
| Convention Center <sup>27</sup>                  | A facility designed to accommodate 500 or more persons and used for conventions, conferences, seminars, product displays, recreation activities, and entertainment functions, along with accessory functions including temporary outdoor displays, and food and beverage preparation and service for on-premise consumption.                                                                                                                                                                  |
| Cottage Industry <sup>8, 24</sup>                | An occupation conducted at a residential premises, as described in Article 4A of this Ordinance.                                                                                                                                                                                                                                                                                                                                                                                              |
| Country Inn <sup>23</sup>                        | A private residence at least 50 years old that offers sleeping accommodations to lodgers in 30 or fewer rooms for rent. For the purpose of this definition, a lodger means a person who rents a room in a country inn establishment for fewer than 30 consecutive days. The land use may include a restaurant open to the general public as well as to guests.                                                                                                                                |
| Cultural Facility <sup>23</sup>                  | A library, museum, or similar public or quasi-public use displaying, preserving, and exhibiting objects of community and cultural interest.                                                                                                                                                                                                                                                                                                                                                   |
| Custom Manufacturing <sup>27</sup>               | Use of a site for the manufacturing of products that are usually handmade and/or are made in small-scale enclosed workshops, involving the use of hand tools, the use of domestic mechanical equipment, or a kiln. This category also includes incidental direct sale to customers of those goods produced on the site. Examples include clay products, glass blowing, jewelry, leatherworking, custom bookbinding, metalworking, and woodworking.                                            |
| Day Care Center, Large <sup>23</sup>             | A facility: (1) licensed by the state, if applicable; (2) providing care for six or more children or adults who do not reside in the facility, are present                                                                                                                                                                                                                                                                                                                                    |

primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction.

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| Day Care Center, Small <sup>23</sup>            | A facility: (1) in a dwelling unit; (2) licensed by the state, if applicable; (3) providing care for five or fewer children or adults who (except for family members) do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight. Family members who receive care in the facility are not included in the total; and (4) which may include some instruction. |
| Department <sup>22</sup>                        | The Jefferson County Planning and Zoning Department.                                                                                                                                                                                                                                                                                                                                                             |
| Development                                     | The subdivision of land; construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure, installation of a sign; and any mining, landfill or land disturbance, such as grading, paving and excavation.                                                                                                                                                             |
| Development Review System                       | <del>A numerical rating system designed to assess a particular site's development potential based on soils and amenity criteria cited within this Ordinance.</del>                                                                                                                                                                                                                                               |
| Discernible <sup>22</sup>                       | Capable of being distinguished with the eye or mind from its surroundings as a telecommunications tower.                                                                                                                                                                                                                                                                                                         |
| Dormitory <sup>13, 23</sup>                     | A building used for sleeping accommodations where such building is used accessory to a permitted use of land.                                                                                                                                                                                                                                                                                                    |
| Dry Cleaning and Laundry Facility <sup>27</sup> | A facility at which clothing and other fabrics are dry-cleaned or laundered for customers, utilizing processes which are in compliance with applicable state and federal laws.                                                                                                                                                                                                                                   |
| Dry Cleaning and Laundry Services <sup>27</sup> | The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.                                                                                                                                                                                                |
| Dwelling Unit <sup>7, 23</sup>                  | One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.                                                                  |
| Dwelling, Detached                              | A building containing only dwelling units surrounded by yards or other open area on the same zoning lot.                                                                                                                                                                                                                                                                                                         |
| Dwelling, Duplex <sup>23</sup>                  | A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.                                                                                                                                                                                                                       |
| Dwelling, Multi-Family <sup>23</sup>            | A building containing three or more dwelling units, which may include rental or condominium residential units.                                                                                                                                                                                                                                                                                                   |
| Dwelling, Single Family,                        | A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot (as required by this                                                                                                                                                                                                                                                                           |

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| Small Lot <sup>27</sup>                                  | Ordinance).                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Dwelling, Single Family <sup>23</sup>                    | A detached building containing not more than one dwelling unit and not occupied by more than one family.                                                                                                                                                                                                                                                                                                                                                                                         |
| Dwelling, Townhouse                                      | One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.                                                                                                                                                                                                                                                                                                                             |
| Dwelling, Two-Family                                     | A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.                                                                                                                                                                                                                                                                                                                      |
| Easement                                                 | A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.                                                                                                                                                                                                                                                                                                        |
| Electric Vehicle Charging Station <sup>27,30</sup>       | A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. <u>Electric Vehicle Charging Stations at single family residences for use by the residents is permitted wherever single family residences are permitted.</u>                                                                       |
| Electric Distribution Poles <sup>22</sup>                | Metal, wooden or concrete towers and poles used to suspend wires transporting electricity between substations at the terminus of transmission lines and individual customer premises.                                                                                                                                                                                                                                                                                                            |
| Electric Transmission Towers <sup>22</sup>               | Metal, wooden or concrete towers and poles used to suspend wires transmitting electricity between generating plants and substations supplying electricity to distribution and feeder lines.                                                                                                                                                                                                                                                                                                      |
| Engineer                                                 | A person registered by the State of West Virginia through the Board of Registration of Professional Engineers.                                                                                                                                                                                                                                                                                                                                                                                   |
| Equestrian Uses <sup>23</sup>                            | Use of a site for horse riding, training, breeding, stables, or boarding.                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Equipment Enclosure <sup>22</sup>                        | Facilities, equipment enclosure means a building, cabinet or shelter used to house transmitters, receivers and other electronic equipment and accessories.                                                                                                                                                                                                                                                                                                                                       |
| Equipment Rental, Sales, or Service <sup>27</sup>        | The use of a site for the sale or rental of trucks of one ton or greater capacity, tractors, construction equipment, agricultural implements, mobile homes, or similar heavy equipment, including incidental storage, maintenance, and servicing. This use includes truck dealerships and construction equipment dealerships.                                                                                                                                                                    |
| Essential Utilities or Equipment <sup>8, 9, 17, 21</sup> | Underground or overhead electrical, gas, communications not regulated by the federal communications commission, water and sewage systems, including pole structures, towers, wires, lines, mains, drains, sewers, conduits, cable, fire alarm boxes, traffic signals, hydrants, regulating and measuring devices and the structures in which they are housed, and other similar equipment accessories in connection therewith.<br>Essential utility equipment is recognized in three categories: |

- A. Local serving;
- B. Nonlocal or transmission through county or municipality; and
- C. Water and sewer systems, the activities of which are regulate, in whole or in part, by one or more of the following state agencies:
  - 1. Public Service Commission;
  - 2. Department of Environmental protection; or
  - 3. Department of Health and Human Resources.

Expanded Use

The further development of a developed site.

Exterminating Services<sup>27</sup>

The use of a site for the eradication or control of rodents, insects, or other pes with incidental storage on sites other than where the service is rendered.

FAA<sup>22</sup>

Federal Aviation Administration.

Family<sup>23</sup>

Any of the following cases constitutes a family:

- A. An individual; or
- B. Two (2) or more persons related by blood, marriage or adoption, or under approved foster care; or
- C. A group of not more than six (6) unrelated persons living together and sharing living areas in a dwelling unit; or
- D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

Family Transfer<sup>30</sup>

For the purpose of Family Transfers as permitted in Section 5.7 of this Ordinance and in Section 20.201 of the Subdivision and Land Development Regulations , family members shall be defined as persons related by birth, adoption or marriage and shall be limited to parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the Family Transfer provisions of this Ordinance. Such transfers shall process in accordance with the minor subdivision provision of the Subdivision and Land Development Regulations.

Farm Brewery<sup>26</sup>

An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Distillery<sup>26</sup>

An agricultural use licensed as a “Mini-distillery” pursuant to the West Virginia Code, and meeting the requirements for a “Mini-distillery” in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.

Farm Market<sup>23,30</sup>

A producer-operated Mmarket for the sale of farm products the majority of which are grown or produced on the producer’s land or farm-on which the market is located, and products incidental to farm products.

Farm Vacation Enterprise<sup>23</sup>

A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging

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|                                                | units.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
| Farm Winery <sup>26</sup>                      | An agricultural use licensed as a “Farm winery” pursuant to the West Virginia Code, and meeting the requirements for a “Farm winery” in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.                                                                                                                                                                                                                   |
| <u>Farmer’s Market<sup>30</sup></u>            | <u>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). Generally located in commercial zoning districts unless a part of an approved Commercial Agricultural Enterprise.</u>                                                                                                         |
| FCC <sup>22</sup>                              | Federal Communications Commission.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Flood-prone Area                               | Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.                                                                                                                                                                                                                                               |
| Flood-prone Soils                              | Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.                                                                                                                                                                                                                                                                                                                               |
| Food Preparation <sup>27</sup>                 | An establishment in which the principal use is the preparation of food and meals on the premises, and where such food and meals are delivered to another location for consumption. This use includes food preparation for catering.                                                                                                                                                                                                                                                                |
| Frontage, Street                               | All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.                                                                                                                                                                                                                                                                  |
| Functionally Equivalent Services <sup>22</sup> | FCC licensed providers of Commercial Mobile Radio Services (CMRS) classified as Cellular, Personal Communication Services (PCS), Paging, Specialized Mobile Radio (SMR) and Enhanced Specialized Mobile Radio (ESMR).                                                                                                                                                                                                                                                                              |
| Gambling Facilities <sup>27</sup>              | The operation or conducting of any games played with cards, roulette wheels, dice, craps, slot machines, video lottery terminals, mechanical, electro-mechanical, or electronic amusement devices or machine for the return of money, cash, or prizes, or anything that could be redeemed for money, cash, or prizes. This definition does not apply to games of chance operated by charitable organizations licensed under West Virginia state law.                                               |
| Gas Station <sup>27</sup>                      | Buildings and premises for the supply and retail dispensing of motor fuels. Accessory uses may include minor servicing and repair of automobiles; and sale of lubricants, batteries, tires, motor vehicle accessories, beverages, food, tobacco products and other retail merchandise; a car wash; and up to fifty (50) square feet of accessory outdoor storage and display area for goods offered for sale. A gas station shall be classified as a “Gas Station, Large” if it exceeds any of the |

following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.

Gas Station, Large<sup>27</sup>

A gas station (as defined in this Ordinance) exceeding any of the following criteria: four fuel pump islands, a total of eight fuel pumps, and/or a gas station combined with a convenience store of 3,000 square feet gross floor area.

Gas Station, Limited<sup>27</sup>

A gas station (as defined in this Ordinance) limited to two fuel pump islands and a total of two fuel pumps. A Gas Station, Limited land use may include as an accessory use a convenience store with a gross floor area not to exceed 1,000 square feet.

Glare

The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.

Golf Course<sup>27</sup>

A facility for the playing of golf. A golf course may include a clubhouse with rest rooms and locker rooms, may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.

Governmental User<sup>22</sup>

Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.

Green Space<sup>30</sup>

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

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

Grocery Store<sup>27</sup>

An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.

Grooming Services,  
Animal<sup>30</sup>

Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. Such use may be considered accessory to a Kennel or Veterinary Clinic, and may be included in a Shopping Center.

- Gross Floor Area<sup>27</sup> The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
- Group Residential Facility<sup>23</sup> A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
- Group Residential Home<sup>23</sup> A building owned or leased by developmentally disabled or behaviorally disabled persons for purposes of establishing a personal residence, and complying with all applicable requirements of the state of West Virginia. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.
- Harpers Ferry Overlay District<sup>22</sup> For purposes of regulating Wireless Telecommunication Facilities, an area bounded on the north by a line running west from the Potomac River shore to and along Engle Switch Road to its intersection with Route 230; thence south along Route 230 to its intersection with the CSX Railroad Valley Line; thence south along said railroad to Milepost 4 on the railroad at its intersection with Millville Road; thence east from that point to and across the Shenandoah River to a point 1000 feet distant on the eastern shore of the said Shenandoah River; then following a line 1000 feet inland from that opposite shore of the Shenandoah River to its confluence with the Potomac River; then along a line 1000 feet inland from the Potomac river shore running east to the Virginia state line; thence north to the Potomac River shore; thence west along the shore of the Potomac River to the point of origin. This district excludes the area within the jurisdictional boundaries of the town of Harpers Ferry and the town of Bolivar.
- Heavy Industrial Use<sup>27</sup> Manufacturing or other enterprises with significant external effects including but not limited to noise, dust, glare, odors or vibrations, or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. This use also includes those land uses characterized by heavy trucking activity or extensive warehousing.
- Helipad<sup>27</sup> A facility without the logistical support provided by a heliport where helicopters take off and land. Helipads do not include facilities for maintenance, repair, fueling, or storage of helicopters.

|                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
|-------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Heliport <sup>27</sup>                                                        | An area designed to be used for the landing or takeoff of helicopters including operations facilities, such as maintenance, loading and unloading, storage, fueling, or terminal facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <u>Historic Landmarks Commission</u> <sup>30</sup>                            | <u>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.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Historic Resource <sup>22</sup>                                               | A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Historic Site/ Property                                                       | Any lot, parcel, historic structure, or designated area which has been listed on the West Virginia or the National Register of Historic Places.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Home Occupation, Level 1 <sup>8,24</sup>                                      | An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Home Occupation, Level 2 <sup>8,24</sup>                                      | An occupation conducted in a residential premises, as described in Article 4A of this Ordinance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Horse Racing Facility <sup>27</sup>                                           | A facility licensed by the State of West Virginia to offer, for public viewing and amusement, on-site horse racing events with on-site related wagering thereupon. This use can also include the conduct of other occasional special events. In addition to the race course and spectator areas, this use also includes accessory uses (including but not limited to eateries, off-street parking structures, public, community or private utilities, exhibits, and shops). This use may also include the provision of resident employee and guest lodging services for both humans and animals incidental to the visit or stay on the site. This use may also include veterinary care for animals kept or visiting the site. |
| Hotel/Motel <sup>27</sup>                                                     | A building in which lodging is provided and offered to the public for compensation, and which is open to transient guests and is not a Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn (as defined in this Ordinance). A hotel/motel may include a restaurant, bar, personal and retail services, and entertainment as accessory uses.                                                                                                                                                                                                                                                                                                                           |
| Hunting, Shooting, Archery and Fishing Clubs, Public or Private <sup>23</sup> | Land owned by an organized group of persons formed as a club that is used for hunting, fishing, shooting, archery and similar types of passive recreation.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
| Impervious Surface                                                            | Any structure, material, or surface which reduces and prevents absorption of storm water into the earth.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
| Improvements                                                                  | Modifications to land which increase its value or utility. Improvements include, but are not limited to, buildings and structures, road grading, road surfacing, landscaping, curbs, gutters, storm sewers and drains, sidewalks, street signs, modifications to watercourses, water supply facilities, sewage                                                                                                                                                                                                                                                                                                                                                                                                                |

disposal facilities, and park and recreation equipment.

In-Law Suite<sup>30</sup>

An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit for the purpose of housing a relative of the property owner.

Institutional Use<sup>17, 21, 23</sup>

A non-profit, public or quasi-public use, such as a religious facility, library, public or private school, hospital, or government owned, operated, or supported facility or land use for public purpose.

Kennel<sup>23,27</sup>

The boarding, breeding, raising, ~~grooming~~, or training of more than six dogs, cats, or other household pets of any age not owned by the owner or occupant of the premises, and/or for commercial gain or as part of the operations of a not-for-profit organization.

Land Surveyor

A person registered by the State of West Virginia through the Board of Examiners of Land Surveyors.

Lattice Tower<sup>9,22</sup>

A support structure constructed of vertical metal struts and cross braces forming a triangular or square structure which often tapers from the foundation to the top.

Light Industrial<sup>1,23</sup>

Any industry that does not use a significant amount of water except for domestic purposes. Industrial uses that do not create noise, odors, smoke and objectionable nuisances or hazards. Any uses listed in Section 5.6B (as amended) are not considered light industrial.

Lot

A tract of land area meeting local development standards which is intended for building development whether immediate or future.

Lot Area

The total horizontal area included within the rear, side and front lot or proposed street lines of the lot.

Lot Line, Front<sup>5,23</sup>

The side or sides of an interior or through lot which abut a street. Front lot lines shall be measured from the Road Improvement Easement where one exists. For a property with a rear yard adjacent to a right-of-way designated as an alley, a rear yard setback shall apply.

Lot Line, Side<sup>5,23</sup>

Any lot line other than a front lot line or rear lot line.

Lot of Record

A written or graphic description of a lot that is on record in the office of the Clerk of the County Commission of Jefferson County at the adoption of this Ordinance.

Lot, Corner<sup>23</sup>

A lot abutting on two intersecting streets. Both sides abutting the streets forming the corner shall be considered front lot lines unless otherwise specified in this Ordinance, with the exception of corner lots that front on a private or public road on one edge and an access easement serving 5 lots or fewer on one edge. For such lots, a front yard setback for the principal structure applies to the edge of the lot that fronts on a private or public road and a side yard setback for a principal structure applies to the edge of the lot that fronts on the access easement. A corner lot must have at least

one rear lot line.

- Manufactured Housing<sup>23</sup> A factory-built, single-family structure, which is manufactured or constructed under authority of 42 U.S.C. Sec. 5403, Federal Manufactured Home Construction and Safety Standards, and is to be used as a place for human habitation, but which is not constructed with a permanent hitch or other device allowing it to be moved other than for the purpose of moving to a permanent site and which does not have permanently attached to its body or frame any wheels or axles. For the purpose of this title, a manufactured home shall be considered the same as any site-built, single-family detached dwelling.
- Manufacturing, Heavy<sup>27</sup> An establishment engaged in manufacturing, assembly, fabrication, packaging or other industrial processing of products primarily from extracted or raw materials or the bulk storage and handling of such products and materials, or an industrial establishment having potential to produce noise, dust, glare, odors or vibrations beyond its property line. A land use that generates significant noise, odor, vibration, illumination, or particulate matter that has the potential to adversely affect adjacent land uses, or requires a significant amount of on-site hazardous chemical storage, shall be classified under this land use.
- Manufacturing, Limited<sup>27</sup> The manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment and packaging of such products, and incidental storage, sales, and distribution of such products, but excluding basic industrial processing and custom manufacturing. This category includes welding services.
- Massage Parlor<sup>7</sup> An establishment where, for any form of consideration, massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body is administered, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist, certified massage therapist, or similar professional person licensed by the State. This definition does not include an athletic club, health club, school, gymnasium, reducing salon, spa, or similar establishment where massage or similar manipulation of the human body is offered as an incidental or accessory service.
- Medical/Dental/  
Optical Office, Small<sup>23</sup> A medical, dental, or optical office limited to two practitioners.
- Medical/Dental/  
Optical Office<sup>27</sup> A facility other than a hospital where medical, dental, optical, mental health, surgical, and/or other personal health care services are provided on an outpatient basis, and that accommodates licensed primary practitioners (for example, chiropractors, dentists, medical doctors, optometrists, prescription opticians, psychologists, etc.) within a single office suite.

Mixed Use Building<sup>30</sup>

A mixed use unit consisting of a commercial or office use and a residential use. The commercial or office use must be located on the first floor.

Mobile Home Park

A lot, site, or parcel of land used or intended to accommodate two (2) or more mobile homes for residential purposes with adequate public or community water and sewerage service meeting Health Department standards. A mobile home park does not include mobile home sales lots, which unoccupied mobile homes are parked for inspection and sale. This term includes all buildings, structures, vehicles, accessories and appurtenances used or intended as equipment in such a park.

Mobile Home, Boat and Trailer Sales<sup>27</sup>

Use of a site for the sale, rental or servicing of mobile homes, boats and trailers. This use includes outdoor display of items for sale or rent, and accessory retail sale of merchandise related to mobile homes, boats and trailers. This use does not include a gas station.

Mobile Home<sup>23</sup>

A detached structure with the following characteristics: It is designed for long-term occupancy and containing sleeping accommodations, a flush toilet, a tub or shower bath, and kitchen facilities with plumbing and electrical connections provided for attachment to outside systems, and it is designed for transportation after fabrication on streets or highways on its own wheels, or on flatbeds or other trailers, or detachable wheels, and it arrives at the site where it is to be occupied complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location on jacks or other temporary or permanent foundations, connections to utilities and the like. A mobile home is distinct from a manufactured home.

Model Home/  
Sales Office<sup>23</sup>

A dwelling unit temporarily used for display purposes as an example of dwelling units available for sale in a residential development approved by Jefferson County. Model homes may include sales offices for dwellings within the development.

Modular Unit

A factory-fabricated transportable building unit designed to be used by itself or to be incorporated with similar units at a building site into a modular structure for residential, commercial, educational, or industrial uses.

Monopole<sup>9,22</sup>

A support structure constructed of a self-supporting hollow metal tube securely anchored to a foundation.

Motor Vehicle<sup>17,21</sup>

Any self-propelled vehicle designed primarily for transportation of persons or goods along public streets or other public ways.

Movie Theater<sup>27</sup>

A building containing audience seating and one or more screens and auditoriums intended for the viewing of films. A movie theater may contain a lobby and refreshment stand, and may include service of food and beverages to seated patrons. Incidental use of a movie theater for community events and live performances is permitted. This use does not include an adult use or a bar/nightclub.

Multi-Residential Use A deeded lot or parcel on which two or more dwelling units is located.

Natural Undisturbed Conditions<sup>5</sup> This exists where the terrain has not been altered in form by human activities such as cutting, filling, blasting or leveling and where natural vegetation exists.

Natural Vegetation<sup>5</sup> This occurs when a property is allowed to revert to a wild condition with native plants. No cutting, trimming or cultivation takes place in areas of natural vegetation.

Nature Center and Preserve<sup>30</sup> A land use providing environmental and conservation education for adults and youth.

Neighborhood<sup>17,21</sup> An area generally confined to a one-mile radius from the perimeter of a proposed development.

Nightclub<sup>27</sup> A commercial establishment where the primary activity is dancing and musical entertainment and in which alcoholic beverages are dispensed for consumption on the premises. This use may include live entertainment (other than an adult use) that complies with Jefferson County noise restrictions.

Nonconforming Lot<sup>30</sup> A lot or parcel that lawfully existed at the time this Ordinance became effective and which does not conform with the dimensional requirements of the district in which it is located. This includes the dimensions, acreage, and/or access, etc. Any new lines of division within a subdivision of a parcel that is a nonconforming lot shall meet the regulations of this Ordinance.

Nonconforming Use<sup>30</sup> A land use of a building or of land that lawfully existed eding at the time this Ordinance became ameomes effective and which does not conform with the use regulations of the district in which it is located. Any new lines of division within a subdivision of a parcel that is a noneonforming use shall meet the regulations of this Ordinance.

Nonconforming Structure<sup>30</sup> A building that lawfully existed at the time this Ordinance became effective and which does not conform with the site coverage, setback, height, open space, or other regulations describing the physical development standards of the district in which it is located. Any new lines of division within a subdivision of a parcel that contains a nonconforming structure shall not create a further nonconformity and shall meet the regulations of this Ordinance.

Non-Residential<sup>17,21</sup> A commercial, industrial, or institutional use.

~~North American Industry Classification System (NAICS)<sup>23</sup>~~ ~~A system to classify business establishments according to type of economic activity.~~

Nursing or Retirement Home This term includes rest homes, nursing homes, convalescent homes for children and homes providing chronic and convalescent care.

Open Space<sup>30</sup>

~~Land within a proposed development site excluding areas devoted to buildings, structures, roadways and parking.~~

Land area to be left undeveloped as part of a natural resource preservation, recreation, bufferyards, or other open space provision of the Subdivision Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.

Parking, Commercial  
Offsite Accessory<sup>27</sup>

Use of a site for the storage of motor vehicles, which is not accessory to any other use on the same or any other lot, and which contains parking space rented to the general public or reserved for individuals by the hour, day, week, or month.

Pawn Shop Services<sup>27</sup>

An establishment that engages, in whole or in part, in the business of loaning money on the security of pledges of personal property, or deposits or conditional sales of personal property, or the purchase or sale of personal property. This use does not include a Bank.

PCS<sup>22</sup>

Personal Communication Services.

Performing Arts Theater<sup>27</sup>

An establishment for the performing arts with seating for audiences. Such establishments may include related services such as food and beverage sales and other concessions. Incidental use of a performing arts theater for community events is permitted. This use does not include an adult use or a bar or nightclub.

Personal Services<sup>27</sup>

Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Plat<sup>23</sup>

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

- Preliminary Plat<sup>23</sup> A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.
- Preschool<sup>23</sup> Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.
- Primary Public Safety Provider<sup>22</sup> An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).
- Principal Permitted Use<sup>23, 30</sup> Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Departments of Planning and Zoning without requirement of ~~Development Review System review~~ or approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.
- Principal Use<sup>23</sup> The primary or predominant use of any site.
- Printing and Publishing<sup>27</sup> A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing, lithography, web offset, flexographic, and screen process printing. This use may include the production of books, magazines, newspapers and other printed matter.
- Private Business User<sup>22</sup> Persons or entities which operate radio facilities (including microwave) requiring an FCC license solely for intra-company communications and who do not employ those facilities to offer fixed or mobile wireless communication services, or point-to-point microwave links for commercial wireline communication services, to third parties for compensation.
- Professional Office<sup>27</sup> A building used primarily for offices for administrative, executive, professional, research, or similar organizations; and for real estate, advertising, and insurance agencies and similar firms. No merchandise is sold on the premises. An office building may include ancillary services for employees, such as a restaurant or coffee shop. This land use does not include a Medical/Dental/Optical Office.

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|-----------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Prohibited Use                          | A use that is not permitted.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Public Highway                          | Any highway or road in Jefferson County which is part of the Federal or West Virginia public highway system and which is so identified by and numbered on the most recent General Highway Map published by the West Virginia Department of Highways.                                                                                                                                                                                                                                                                                                                      |
| Public Safety Facility <sup>23</sup>    | Facilities that provide health and safety services to the general public including, but not limited to fire stations, police stations, and emergency medicine or ambulance stations or facilities.                                                                                                                                                                                                                                                                                                                                                                        |
| Publicly Owned Facility <sup>23</sup>   | Use of a site for government operations or activities, and not otherwise defined as a public safety facility; school, elementary or secondary; school, university or college; school, vocational or professional; hospital; cultural facility; or essential utility equipment.                                                                                                                                                                                                                                                                                            |
| Recycling Drop-Off Center <sup>27</sup> | A building or site used for a drop-off location for temporary storage of recyclable, recoverable or <del>reuseable</del> reusable materials such as paper, cardboard, glass, metal, plastic, batteries and motor oil. Processing of materials is limited to separation. This land use is intended for household or consumer use rather than commercial or industrial use.                                                                                                                                                                                                 |
| Research and Development <sup>13</sup>  | Research, development and testing laboratories that do not involve the mass manufacture, fabrication, processing or sale of products.                                                                                                                                                                                                                                                                                                                                                                                                                                     |
| Residential Care Home <sup>23</sup>     | The use of a site for the provision of a family-based facility in a single-family dwelling unit providing 24 hour care in a protected living arrangement with not more than two supervisory personnel and not more than six residents who are suffering from mobility, orthopedic, visual, speech, or hearing impairments, Alzheimer's disease, pre-senile dementia, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, cognitive disability, autism, emotional illness, or similar conditions.                           |
| Residential <sup>1</sup>                | Any detached or attached structure that is used for permanent living quarters and has kitchen facilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Restaurant <sup>27</sup>                | A commercial establishment where food and beverages are prepared, served, and consumed primarily within the principal building. A restaurant may include the incidental sale of alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.                                                                                                                                                                                                             |
| Restaurant, Fast Food <sup>27</sup>     | Any establishment whose principal business is the sale of foods and/or beverages in ready-to-consume individual servings, for consumption either inside or outside the restaurant building or for carry-out. Customer orders and/or service may be by means of a window or walk-up counter. A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles is classified as a Restaurant, Fast Food, Drive-Through. This use may include the incidental sale of |

alcohol for on-premises consumption; however, sale of food and non-alcoholic beverages is the principal use of the site. This use does not include the uses Bar or Nightclub.

Restaurant, Fast Food,  
Drive Through<sup>27</sup>

A fast food restaurant whose design or method of operation includes a drive-up window or drive-through service or includes service to customers in parked motor vehicles.

Restaurant, Fast Food,  
Limited<sup>23</sup>

Takeout pizza/sandwich shops not exceeding 600 square feet.

Restaurant, Limited<sup>23</sup>

A food service establishment not exceeding 2,000 square feet and where the primary mode of food distribution is by server.

Retail Food Store,  
Limited<sup>23</sup>

A retail food store not exceeding 1,500 square feet of retail floor space.

Retail Sales and  
Services, General<sup>27</sup>

A commercial facility engaged in the indoor sale or rental, with incidental service, of goods or merchandise to the general public for personal or household consumption, or providing retail services or entertainment to the general public. Typical retail sales uses include department stores, apparel stores, discount retail stores, furniture stores, or establishments providing the following products or services: household cleaning and maintenance products; food, pharmaceutical products, cards, books, tobacco products, cosmetics, and specialty items; flowers, plants, pets and pet supplies, hobby materials, toys, and handcrafted items; apparel, jewelry, fabrics and similar items; cameras, photography services, household electronic equipment, video and music products, sporting equipment, home furnishings and appliances, art supplies and framing, arts and antiques, paint and wallpaper, hardware, carpeting and floor covering; interior decorating services; office supplies; mail order or catalog sales; bicycles; and automotive parts and accessories (excluding service and installation). Typical service-related uses include eating and drinking establishments; finance, real estate and insurance; amusement and recreational services or establishments such as bowling alleys and miniature golf courses; health, educational and social services. This use does not include Retail Store, Large, and does not include any other use specifically classified in another definition herein.

Retail Sales, Limited<sup>27</sup>

Establishments of up to 10,000 square feet of gross floor area engaged in the sale or rental of goods for consumer or household use; excluding, however, animal sales or service; building materials and/or supplies, sales, or rental. Typical uses include sale of consumer goods or art or craft objects, flower shops, gift shops, boutiques, and book stores. This use does not include Convenience Store, and does not include any other use specifically classified in another definition herein.

Retail Store, Large<sup>27</sup>

A retail sales establishment with any commercial retail uses or a combination of such commercial retail uses comprised of greater than 100,000 square feet of gross floor area. In calculating gross floor area, ancillary outdoor storage or merchandise display areas are included. For

the purpose of determining the applicability of the 100,000 square feet of floor area, the aggregate square footage is included for all adjacent buildings operated by one company. A Retail Store, Large that sells to members only or that also offers merchandise at wholesale is included in this definition. Stores which would not otherwise be classified as a Retail Store, Large that are connected by common walls as part of a shopping center with shared parking facilities are not included in this definition. If a shopping center includes a store which meets the definition of Retail Store, Large, the entire shopping center shall be treated as a Retail Store, Large for the purposes of applicable ordinances.

|                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |
|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Right-of-Way                                           | A right which grants passage across or through a property. A right-of-way is also the (usually dimensioned) path along which the right of passage is granted.                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Road                                                   | A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Rural Reception/<br>Event Facility <sup>26</sup>       | A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exception). Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision.                                 |
| Rural Reception/Event<br>Facility, Small <sup>26</sup> | A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings with attendance not to exceed 75 cars at a frequency of no more than one event per month.                                                                                                                                                                                                                                                                                                                                                                                                                 |
| School, University or<br>College <sup>23</sup>         | An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots. The land use category "School, Vocational or Professional" is not included within this definition. |
| School, Vocational or<br>Professional <sup>27</sup>    | A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. This use includes a community college that primarily provides daytime services to commuter students.                                                                                                                                                                                                                                                                                                                                                      |
| Seasonal Use <sup>5</sup>                              | A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| Sensitive Natural Area <sup>5</sup>                    | An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental                                                                                                                                                                                                                                                                                                               |

purposes by State or Federal statute.

- Setback Line<sup>23</sup> That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.
- Sexual Paraphernalia Store<sup>15</sup> Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.
- Shipping and Mailing Services<sup>27</sup> Retail sales or business service establishment to facilitate the transmittal and receipt of letter, bulk and packaging mail. This use does not include major processing of mail or packages or bulk mailing distribution centers, and does not include facilities owned or operated by governmental agencies such as the United States Postal Service.
- Shooting Range, Indoor<sup>27</sup> A facility designed or used for shooting at targets with rifles, pistols, or shotguns, and which is completely enclosed within a building or structure. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards.
- Shooting Range, Outdoor<sup>27</sup> The use of land for the safe discharge and use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any similar firearm for the purpose of target practice, sport shooting, military/law enforcement training, mock war games, or temporary competitions. The operations and design and design of an outdoor shooting range meet all applicable National Rifle Association standards, and the range must shall the setback and minimum acreage standards for Hunting, Shooting, and Fishing Clubs as established in this Ordinance. This land use does not include Hunting, Shooting, Archery and Fishing Clubs and general hunting.
- Shopping Center<sup>27,30</sup> A group of retail and/or other commercial establishments that is planned, constructed and managed as a total entity on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.
- Shopping Center<sup>7</sup> ~~A commercial facility on a single lot with common parking facilities that uses or leases separate areas of space to retail or service oriented businesses.~~
- Shrub, Evergreen A low growing, usually several stemmed, woody plant which has foliage that remains green and functional through more than one growing season.
- Sign Any object, device display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct, or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures,

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|-------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                           | designs, symbols, fixtures, colors, illumination or projected images.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| Sign, Animated                            | A sign with action or motion, flashing lights, or color change requiring electrical energy, electronic, or manufactured sources of supply, but not including wind actuated elements such as flags, banners, or pennants.                                                                                                                                                                                                                                                                                                                            |
| Sign, Business                            | A sign which directs attention to a business or profession or to a commodity, service, or entertainment sold or offered upon the premises where the sign is located.                                                                                                                                                                                                                                                                                                                                                                                |
| Sign, Freestanding                        | A sign supported by a permanent structure, other than a building, that is affixed to the earth and placed on the same parcel of land on which the business or service advertised by the sign is located.                                                                                                                                                                                                                                                                                                                                            |
| Sign, Vehicle <sup>23</sup>               | A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.                                                   |
| Sign, Outdoor Advertising                 | A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located. This term shall include billboards.                                                                                                                                                                                                                                                                                                                          |
| Soil Value                                | A relative numeric value assigned to soil groups based on the group's potential for agricultural production.                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| Species, Rare or Endangered               | Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.                                                                                                                                                                                                                                                                                                                                                      |
| Specified Anatomical Area <sup>15</sup>   | As used herein specified anatomical areas means and includes any of the following:<br>A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or<br>B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.                                                                                                                                                                                      |
| Specified Sexual Activities <sup>15</sup> | As herein, specific sexual activities means and includes any of the following:<br>A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;<br>B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; or<br>C. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult |

Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual Encounter Establishment; and, Sexual Paraphernalia Store.

- Staff<sup>17, 21, 23</sup> Personnel employed in the Departments of Planning, Zoning, and Engineering.
- Standard Details<sup>7, 23</sup> Minimum acceptable details approved by the County Engineer for use in preliminary plats, site plans, and related improvement plans. Said approval does not relieve the subdivider, the design consultant, or the builder of the responsibility for structural adequacy and sound construction.
- Storage, Commercial<sup>27</sup> An enclosed storage facility of a commercial nature containing independent, fully enclosed bays which are leased to persons exclusively for storage of their household goods or personal property.
- Street<sup>23</sup> (See Road)
- Support Structure<sup>22</sup> A structure designed to support Wireless Telecommunication Facilities including, but not limited to, monopoles, lattice towers, utility poles and other freestanding self-supporting structures.
- Telecommunication<sup>9</sup> The technology which enables information to be exchanged through the transmission of voice, video, or data signals by means electrical or electromagnetic systems.
- Tower Base<sup>22</sup> The foundation, usually concrete, on which a telecommunication tower is situated. For measurement calculations, the tower base is the actual or geometric center of the tower. For structures lacking a foundation the tower base is the ground elevation of the structure.
- Tower Height<sup>22</sup> The vertical distance measured from the tower base to the highest point on a telecommunication tower, including any antennas or other equipment affixed thereto, but excluding any lightning protection rods extending above the tower and attached equipment.
- Tower Site<sup>22</sup> The land area (including any associated easement areas) that contains, or will contain, any proposed telecommunication tower, related equipment enclosures and other improvements; together with any tower fall zone.
- Urban Growth Boundary<sup>23</sup> A site-specific line, delineated on the Jefferson County Zoning Map or a written description in the Jefferson County Zoning and Land Development Ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.

|                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|--------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Use <sup>7</sup>                                             | An activity that constitutes a legal employment of a land parcel or lot exclusive of ancillary parking and drives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| Utility Poles <sup>22</sup>                                  | Metal, wooden or concrete poles used to suspend wires or cables for electric, telephone or television cable services.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| Variance <sup>17, 21, 23</sup>                               | A variance is a deviation from the minimum standards of the Zoning and Land Development Ordinance and shall not involve permitting land uses that are otherwise prohibited in the zoning district nor shall it involve changing the zoning classification of a parcel of land.                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Vehicle Storage <sup>27</sup>                                | The use of a site for long term storage for vehicles. This use includes storage of vehicles towed from private parking areas and impound yards, but excludes dismantling or salvage.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| Vehicle <sup>17, 21</sup>                                    | A means of carrying or transporting something.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
| Vehicular Miles <sup>17, 21</sup>                            | Distance by motor vehicle between two points utilizing public highways.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Visible <sup>22</sup>                                        | Capable of being seen by the unaided eye in the daylight.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Vocational and/or Training Facility for Adults <sup>23</sup> | A specialized or accredited instructional establishment that provides on-site training or education in business, commercial, and/or trade skills. The land use is conducted in a campus setting, and may include classroom buildings, dormitories, cafeterias, gymnasiums (whose use is limited to the students, participants and instructors at said school or training facility), and administrative buildings. Incidental instructional services in conjunction with another primary use shall not be considered a Vocational and/or Training Facility for Adults. This use does not include School, University or College. In the Rural District, the use must be conducted in a campus setting. |
| Warehousing and Distribution, General <sup>27</sup>          | Use of a site for the storage of goods, sale of goods to other firms for resale, as well as activities involving significant movement and storage of products or equipment. This use includes major distribution centers, frozen food lockers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities. Facilities may be characterized by extensive warehousing, frequent heavy trucking activity, open storage of material, or nuisances such as dust, noise, and odors.                                                                                                                                                                                |
| Warehousing and Distribution, Limited <sup>27</sup>          | Use of a site for the small scale storage of goods, and sale of goods to other businesses for resale. Wholesale and warehouse areas are no more than 50,000 square feet in area and operate during conventional business hours. Outdoor storage is limited to an area of 1,000 square feet. This use does not include major distribution centers, motor freight terminals, moving or storage firms and similar high volume, high turnover facilities, or a use described as a Storage, Commercial facility.                                                                                                                                                                                          |
| Wetland <sup>5</sup>                                         | An area that is inundated or saturated by surface water or ground-water at a frequency and duration sufficient to support, and that, under normal circumstances, does support, a prevalence of vegetation typically adapted                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

for life in saturated soil conditions, commonly known as hydrophytic vegetation. The substrata is predominantly hydric soil.

Wireless  
Telecommunication  
Facility, Co-Located<sup>22</sup>

(See Co-location.)

Wireless  
Telecommunication  
Facility, Temporary<sup>22</sup>

A vehicle-mounted or portable wireless telecommunication facility including portable towers, antennas, equipment enclosures, generators and associated electronics, cabling, wiring and hardware. Such a facility may include, but is not limited to, "cell on wheels" mobile equipment.

Wireless  
Telecommunication  
Tower, Speculative<sup>22</sup>

A Wireless Telecommunications Tower developed without binding commitments from one or more FCC licensees to utilize the tower within six (6) months of issuance of a certificate of occupancy for the Tower.

Wireless  
Telecommunication  
Tower<sup>9</sup>

A structure intended to support equipment used to transmit and/or receive telecommunications signals including monopoles, guyed and lattice construction steel structures.

Wireless  
Telecommunication  
Antenna<sup>9</sup>

The physical device through which electromagnetic, wireless telecommunications signals authorized by the Federal Communications Commission are transmitted or received. Antennas used by amateur radio operators are excluded from this definition.

Wireless  
Telecommunication  
Equipment Shelter<sup>9</sup>

The structure in which the electronic receiving and relay equipment for a wireless telecommunications facility is housed.

Wireless  
Telecommunication  
Facility, Concealed<sup>22</sup>

A wireless telecommunication facility with all antennas camouflaged to match or complement the color and architectural treatment of the surface of an existing structure upon which they are mounted; or which have all facility components concealed behind a façade or parapet wall, or inside a radome on a monopole that does not exceed the diameter of the monopole, or interlaced within or atop an electric distribution tower.

Wireless  
Telecommunication  
Facility<sup>9, 22</sup>

A facility consisting of the equipment and structures involved in transmitting or receiving telecommunications or radio signals to or from a mobile radio communications source and transmitting those signals to a central switching computer which connects the mobile unit with the land-based telephone lines.

Woodland Preservation  
Buffer<sup>30</sup>

A 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, and 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.

Zoning Ordinance,  
Map Amendment<sup>25</sup>

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another

existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.

Zoning Ordinance,  
Text Amendment<sup>25,30</sup>

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted or conditional uses in a district.

DRAFT

## ARTICLE 3: ADMINISTRATION AND ENFORCEMENT

### Section 3.1 Administration

- A. The provisions of this Ordinance will be governed by the County Commission or the Zoning Administrator and Staff in accordance with §8A-1-1 et seq of the West Virginia State Code, as amended. With enactment of the Ordinance, the County Commission shall designate a Zoning Administrator for the day to day administration of the ordinance.<sup>5,17,21</sup>
- B. An appeal to this Ordinance, however, may be made to the Jefferson County Board of Zoning Appeals subject to the provisions of §8A-1-1 et seq of the West Virginia Code, as amended.<sup>17, 21</sup>
- C. The Jefferson County Board of Zoning Appeals shall evaluate all Development Review conditional use applications and approve or deny issuance of a conditional use permit.<sup>2, 17, 21, 30</sup>
- D. All departments, officials, and public employees of Jefferson County which are vested with the duty or authority to issue permits or licenses shall issue no permit or license for any use, building, or purpose if the same would be in conflict with the provisions of this Ordinance.

### Section 3.2 Zoning Administrator

- A. The Zoning Administrator shall administer and enforce the Zoning and Land Development Ordinance. This includes but is not limited to the following:<sup>23</sup>
  - 1. Make determinations that all applications required by the Ordinance are complete and that all fees are paid.
  - 2. Interpret the provisions of the Ordinance as required by law.
  - 3. Issue Zoning Certificates as permitted by the Ordinance.
  - 4. Determine sufficiency and completeness of applications for a Conditional Use Permit.<sup>30</sup> ~~Calculate the LESA point scores and determine the adequacy of the Support Data for all applications for a Conditional Use Permit.~~
  - 5. Issue all permits and Certificates as permitted by the Ordinance.
  - 6. Prepare and submit reports as required by the Ordinance or the Board of Zoning Appeals or Planning Commission.
  - 7. Conduct meetings and conferences pursuant to the Zoning and Land Development Ordinance.<sup>17, 21, 23</sup>
- B. Any decision or action by the Zoning Administrator based on Section 3.2A above is subject to appeal to the Board of Zoning Appeals.<sup>17, 21</sup>
- C. It shall be unlawful to develop, construct, alter, or reconstruct any structure or to change the use of any structure or property without first obtaining a zoning certificate from the Zoning Administrator. This provision may not apply to the general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance.<sup>17, 21, 23</sup>
- D. Each application for a zoning certificate shall be accompanied by a copy of an approved site plan, if applicable, or by a legible drawing either drawn to scale or accurately indicating dimensions which show property boundaries and existing and proposed structures and other proposed changes or land development. The plans shall be retained in the office of the Departments of Planning and Zoning.<sup>17, 21, 23</sup>
- E. Use of any property, developmental arrangement, or construction on any property other than that authorized in the zoning certificate is a violation of this Ordinance. All provisions of this Ordinance and amendments shall be maintained perpetually.

- F. The Zoning Administrator shall approve or disapprove issuance of a zoning certificate within sixty (60) days of the initial filing date providing the application is complete and fees are paid when filed and the request is in compliance of the provisions of this Ordinance.<sup>17, 21</sup>
- G. A zoning certificate and/or conditional use permit shall become void eighteen (18) months after the date of issuance if the construction or use for which the permit was issued has not commenced. A one-time extension of this time frame may be granted by the Board of Zoning Appeals after evaluation of the hardship involved with noncompliance of this regulation. The length of time extended shall be at the discretion of the Board of Zoning Appeals and shall not exceed eighteen (18) months. Pursuant to Chapter 8A of the West Virginia Code as amended, a Zoning Certificate or Conditional Use Permit associated with a subdivision or land development plan - whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010 - shall remain valid until July 1, 2012, provided that the land development plan or plat received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.<sup>17, 21, 23</sup>
- H. A filing fee, in accordance with the County fee structure, shall be charged for all zoning certification.

### **Section 3.3 Enforcement**

- A. The Zoning Administrator or Staff shall promptly investigate any written complaint alleging a violation of this Ordinance and determine if a violation has occurred.<sup>17, 21</sup>
- B. As provided in §8A-1-1 et seq of the West Virginia Code, as amended, any person who violates any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction, shall be fined not less than fifty (\$50.00) or more than five hundred dollars (\$500.00) per day. Each day during which any violation of this Ordinance continues shall constitute a separate offense.<sup>5, 17, 21</sup>
- C. When it appears to the Board of Zoning Appeals or the Zoning Administrator or Staff that a violation of this Ordinance has occurred, the County shall notify the responsible person by means of a written Violation Notice. The Violation Notice shall specify the nature of the violation and shall request that the violation be terminated within 15 days from the date appearing on the Notice. Failure to terminate the violation within the requested time shall be cause for the Board of Zoning Appeals or the Zoning Administrator or Staff pursuant to §8A-10-1, 2 and 3 of the West Virginia Code, as amended, to:<sup>17, 21, 23</sup>
  - 1. Seek an injunction in the Circuit Court of Jefferson County to restrain the responsible person from continuing the violation cited or seek an injunction requiring the removal of structures or land uses from the property involved; or,
  - 2. Issue a warrant for the arrest of the person responsible for the violation and seek a conviction in the Circuit Court of Jefferson County.

## Section 3.4 Boards and Commissions<sup>23</sup>

### A. Board of Zoning Appeals

1. The Board of Zoning Appeals will consist of five members to be appointed by the County Commission. Their terms of office, succession, removal, filing of vacancies, and their powers and duties shall be provided in Chapter 8A of the West Virginia Code, as amended.
2. Meetings of the Board of Zoning Appeals shall be conducted according to the Rules of Procedure adopted by the Board of Zoning Appeals. In the event of a conflict between this Ordinance and the Rules of Procedure, the Rules of Procedure shall prevail.<sup>2</sup>
3. The Board of Zoning Appeals shall hear and decide appeals from and review any order, requirement, decision or determination made by an administrative official in regard to the enforcement of this Ordinance or of any ordinance adopted thereto.
  - a. Filing an Appeal
    - i. An appeal to the Board may be taken by any person, board, associate, corporation or official allegedly aggrieved by any administrative decision based or claimed to be based, in whole or in part, upon the provisions of this Ordinance. The property owner of the subject appeal shall sign the application or an affidavit allowing an agent for the property owner to file the application which shall be submitted.
    - ii. Such appeal shall be filed with the Board within thirty (30) days from the decision appealed.
  - b. Notification
    - i. Notice of a public hearing for an appeal shall be advertised in a newspaper having general circulation in the County at least 15 days before the hearing.<sup>5, 17, 21</sup>
    - ii. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days before the hearing. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant. The Board, in its discretion, may otherwise visit the specific property prior to or after the hearing.
  - c. Public Hearing
    - i. The Board shall hold a hearing within forty-five (45) days of the date the appeal is received in the Departments of Planning and Zoning. At the hearing, any party may appear and be heard in person or by agent or attorney.<sup>5, 8, 17, 21</sup>
    - ii. The Board shall render its determination on the application no more than thirty (30) days following the public hearing by registered mail.
  - d. Continuance of Hearing
    - i. The Board may continue a hearing at another time and/or date once such hearing has been started; however, the Board shall announce the date and hour of continuance of such hearing while in session. Any hearing continued shall be held within thirty (30) days from the initial hearing.
4. The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>
  - a. The Board shall approve a variance request if the Board finds that a variance:
    - i. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

- ii. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
  - iii. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
  - iv. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
- b. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board at offices of the Departments of Planning and Zoning.
  - c. Notification for a variance must be conducted according to the requirements of Section 3.4A.3.b.
  - d. A public hearing must be conducted according to the requirements of Section 3.4A.3.c and such hearing may be continued according to the requirements of Section 3.4A.3.d.
5. The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit. ~~The Board of Zoning Appeals review process for a conditional use permit application is established in Article 7 of this Ordinance.~~<sup>2, 30</sup>
- a. The Board shall consider and approve a Conditional Use Permit request with conditions or special requirements which allows for the proper integration of the proposed uses into the community subject to such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit, if it finds that the following general standards have been met:
    - i. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
    - ii. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
    - iii. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
    - iv. 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.
    - v. Operations in connection with the use shall be in conformance with Section 8.9 of this Ordinance.
  - b. The owner or authorized representative of the owner of the property for which the Conditional Use Permit is being requested shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The Conditional Use Permit request shall be filed with the Board at offices of the Departments of Planning and Zoning.
  - c. Notification for a Conditional Use Permit must be conducted according to the requirements of Section 3.4A.3.b.
  - d. A public hearing must be conducted according to the requirements of Section 3.4A.3.c and such hearing may be continued according to the requirements of Section 3.4A.3.d.
- ~~5.6.~~ In exercising its power and authority, the Board of Zoning Appeals may reverse or affirm, in whole or in part, or may modify the order, requirement, decision or determination

appealed from, and make such order, requirement, decision or determination as the Board deems appropriate.<sup>17, 21</sup>

~~6.7.~~ Any party may appeal any decision of the Board of Zoning Appeals to the Circuit Court of Jefferson County within thirty (30) days of the Board's decision, pursuant to Chapter 8A of the West Virginia Code, as amended.<sup>2, 17, 21</sup>

~~7.8.~~ Nothing in this Section shall be construed as permitting the Board of Zoning Appeals to exercise any power or refrain from the performance of any duty not authorized or directed by the provisions of Chapter 8A of the West Virginia Code, as amended, which provisions of the Code are hereby incorporated herein by reference.<sup>14, 17</sup>

## 2. Planning Commission<sup>23</sup>

1. Membership, terms of office, jurisdiction, and rules of procedure are established in the Bylaws of the Jefferson County Planning Commission and Chapter 8A of the West Virginia Code, as amended.
2. The powers and duties of the Jefferson County Planning 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;
  - 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 Planning Commission and the status of planning within its jurisdiction;
  - f. Prepare the Jefferson County Comprehensive Plan and recommend to the County Commission for adoption or amendment.

## 3. County Commission<sup>23</sup>

1. General. The County Commission shall have all powers conferred upon it by the Constitution, the laws of the State of West Virginia, and the County Charter. With respect to development approval and amendments to this Ordinance and the County's Comprehensive Plan, the powers that the County Commission retains and shall exercise include but are not limited to the powers set out in this Section.
2. Approvals. Following a public hearing and the submittal of recommendations by the Planning and Zoning Department and the Planning Commission, the County Commission may take action on the proposed adoption of, or amendments to, the following, including text, maps, and other elements:
  - a. Comprehensive Plan
  - b. Zoning and Land Development Ordinance
  - c. Subdivision and Land Development Regulations
  - d. The Jefferson County Zoning Map
  - e. An Urban Growth Boundary in accordance with Chapter 8 of the West Virginia Code, as amended:
    - i. A boundary shall be established by the County Commission in agreement with each individual municipality regarding that municipality's boundary.

- ii. If the County Commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court.
  - iii. Once the county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality.
  - iv. The County Commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.
3. Hiring. The County Commission shall hire staff of the Departments of Planning and Zoning.
4. Appointments. The County Commission shall appoint the members of the Planning Commission and the Board of Zoning Appeals.
5. Fees. The County Commission shall adopt a fee schedule for processing applications pursuant to this Ordinance. The fee schedule may be amended from time to time as determined appropriate by the County Commission.

## ARTICLE 4: GENERAL PROVISIONS

### Section 4.1 Ordinance Deemed Minimum Regulations; Uniformity

The regulations set forth by this Ordinance within each zoning district shall be minimum regulations and shall apply uniformly to each kind of structure or land except as hereinafter provided.

For each zoning district, a ~~limited number~~ list of principal permitted uses and conditional uses are ~~listed~~ delineated in Appendix C., ~~as well as~~ Additionally, several uses prohibited for all districts areas listed in Section 4.4. ~~All other uses, except prohibited uses, may receive a conditional use permit upon completion of the Conditional Use Permit process as described in this Ordinance, including a demonstration that the land use in a specific location will comply with the standards of the Development Review System and any other applicable requirements of this Ordinance.~~ <sup>23</sup> Conditional uses shall require processing before the Board of Zoning Appeals. All non-residential permitted and approved conditional uses shall require a Zoning Certificate and may require processing a Site Plan in conformance with the requirements of the Jefferson County Subdivision and Land Development Regulations. <sup>30</sup>

### Section 4.2 Compliance with Ordinance

Except as hereinafter specified, no land, building, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, converted or altered except in conformity with the regulations herein specified for the district in which it is located ~~and the Development Review System~~. This provision shall not apply to general maintenance or repair or any addition deemed not a major addition as defined in Section 2.2 of this Ordinance. <sup>30</sup>

### Section 4.3 Nonconforming Uses

Any building, structure or premises lawfully existing at the time of the adoption of this Ordinance, or lawfully existing at the time that this ordinance is subsequently amended, may continue to be used even though such building, structure, or premises does not conform to use, setbacks or dimensional regulations of the zoning district in which it is located ~~or the regulations of the Development Review System~~; subject, however, to the following provisions: <sup>7, 30</sup>

- A. Nonconforming uses structures may be upgraded or repaired, or alterations made to the use's facilities. <sup>7, 23, 30</sup> ~~However, expansion of any nonconforming use shall be limited to the lot that existed at the time of adoption of this Ordinance.~~ <sup>7, 23</sup>
- B. Repair includes the following: replacement of same size (+/- 35%) porches, awnings, decks roofs, overhangs, patios, or any other similar construction as approved by the Zoning Administrator. However, expansion of any nonconforming structure or use shall be limited to the lot that existed at the time of adoption of this Ordinance. <sup>7, 23</sup> Additional acreage shall not be added to enlarge any nonconforming use unless approved a variance by the Board of Zoning Appeals after review and a public hearing in accordance with Section 3.4A.4. via the Development Review System. <sup>7, 23, 30</sup>
- C. Whenever a nonconforming use has been abandoned for a period of twelve (12) months, such use shall not be reestablished and any future use shall be in conformance with the provisions of this Ordinance. <sup>5, 17, 21</sup>
- D. A nonconforming use may not be substituted for any other nonconforming use without the Board of Zoning Appeals review and public hearing, provided, however, to the following: upon notice to the Zoning Administrator with an application for and approval

of a Zoning Certificate a nonconforming retail, service, or wholesale operation may be substituted with another retail, service or wholesale operation without such public hearing; provided again, however, the intended use does not include an adult use.<sup>7, 17, 21</sup>

- E. Effective October 14, 1999, whenever a nonconforming structure or use expands over 35% of the existing square footage of its operation said use shall meet all the applicable requirements of this Ordinance unless otherwise allowed by the Board of Zoning Appeals. Any nonconforming structure or use that expanded between October 5, 1988 and October 14, 1999 may expand under this provision as if they have never utilized this provision in the past.<sup>7, 8, 12, 17, 21, 23, 30</sup>
1. When a nonconforming use can be computed by units such as apartment units, motel/hotel units, mobile home parks, and similar uses, the 35% expansion shall be limited to 35% of the number of existing units.<sup>8</sup>
- F. A nonconforming shopping center (including spaces that were not leased in the existing building at the time of the adoption of this Ordinance) may substitute uses according to Section 4.3C.<sup>7</sup>
- G. Section 4.3 is subject to Chapter 8A of the West Virginia Code, as Amended.<sup>17, 21, 23</sup>
- H. This Section (4.3) does not apply to industrial uses that existed at the adoption of the ordinance. Such industries may expand provided that they meet the site plan standards of this Ordinance, in addition to those of the Jefferson County Subdivision and Land Development Regulations.<sup>8, 23</sup>
- I. A nonconforming structure or use destroyed by a natural or unnatural calamity cannot be rebuilt without approval of the Board of Zoning Appeals upon application by the owner and pursuant to the variance and appeal procedures outlined in Article 3.<sup>12, 17, 21, 23</sup> This provision will not apply to existing residential dwelling units.<sup>30</sup>
- J. The nonconforming use automobile racing facility located on property specifically described as Tax Map 17, Parcels 2, 2.1 and 5 in the Kabletown District is permitted to expand as herein described:
1. The commercial/competitive racing circuit as measured on January 10, 2002, 5,344 linear feet may add an additional 8,870 feet of commercial/competitive raceway surface, in accordance with (and not in addition to) the provisions of Section 4.3 of this Ordinance. The surface shall conform to a required 200 foot setback from all property lines.
  2. May add dormitory lodging with food service facilities that do not contain internally lit signs.
  3. May add automobile related research and development facilities.
  4. May add other automobile related facilities only for vehicles that are used on-site, including, but not limited to warehousing, parts, supplies and service.<sup>13</sup>

#### Section 4.4 Prohibited Uses

- A. Any existing or proposed use which is determined to be in conflict with any existing ordinance or laws of Jefferson County or law or regulation of the State of West Virginia or other governmental agency shall be prohibited even though such use may be allowed under the terms of this Ordinance.
- B. No land use shall be conducted that creates any injurious, noxious, or otherwise objectionable fire, explosive heat, or other hazard; noise, or vibration; smoke, dust, odor, gases, or other form of air pollution; or emit dangerous radioactivity in such a manner that if permitted would adversely affect the uses of an adjacent property or contaminate the ground water or surface waterways of the County. All land uses generating such conditions shall comply with the appropriate State and Federal Codes. Such compliance with applicable State and Federal laws shall be deemed as compliance with this Ordinance.

- C. Any development which would destroy the historical character of a property listed on the West Virginia or National Register of Historic Places shall not be permitted.
- D. No materials or waste should be stored on a property in a form that could be transported to adjacent property by wind or water or other natural causes or forces.
- E. All methods of industrial waste or sewage treatment and disposal shall be in accordance with County, State and Federal Codes.
- F. Jails, prisons and/or penal institutions shall be prohibited in all zoning districts except the Industrial-Commercial District and the Major Industrial District. Approval of a Conditional Use~~The Development Review System does shall~~ not supersede this prohibition.<sup>5, 27, 30</sup>
- G. No gambling or casino type game of chance (video or mechanical) that provides any type of payoff or remuneration shall be permitted anywhere in Jefferson County unless expressly and explicitly permitted and authorized by the West Virginia Code as amended. Provided, however, that such use shall only be permitted in the Industrial-Commercial District and the Major Industrial District and shall be processed as a conditional use after processing through the Board of Zoning Appeals process~~through the Development Review System (Article 6 and 7).~~<sup>6, 23, 27, 30</sup>  
This prohibition does not apply to betting on horses or pari-mutuel betting on horses. Furthermore, this prohibition does not apply to such uses that existed at the time of the adoption of this ordinance. Approval of a Conditional Use~~The Development Review System~~ shall not supersede this prohibition in any zoning district other than the Industrial-Commercial District or the Major Industrial District.<sup>23, 27, 30</sup>
- H. For parcels located east of the Shenandoah River or which are in a natural, undisturbed condition within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek, no use shall be permitted without adherence to the requirements for retention of land in a natural, undisturbed area as spelled out in Section 22.504 of the Jefferson County Subdivision and Land Development Regulations.<sup>5, 23</sup>
- I. No sales of fireworks are permitted outside of the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts, and are subject to the requirements of for such use in Article 8.<sup>8, 23, 27</sup>
- J. Vehicle signs left parked or standing on a public right-of-way, public property or private property.<sup>12</sup>
- K. Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District.<sup>23, 27</sup>  
No conditional use permit shall be approved for any of these adult uses in any zoning district. This provision does not apply to any specific existing use that legally qualifies as a nonconforming use.<sup>15, 16, 27</sup>
- L. Salvage yards unless established in accordance with the Jefferson County Salvage Yard Ordinance.<sup>23</sup>
- M. Heavy industrial uses listed as Conditional Uses (CU) in Section 5.6B and Appendix C , Principal Permitted and Conditional Uses Table of this Ordinance are permitted only in the Industrial-Commercial District and the Major Industrial District and require approval of the Board of Zoning Appeals~~via the Development Review System.~~<sup>23, 27, 30</sup>
- N. No above ground chemical storage tanks shall be permitted within an area defined by one (1) mile upstream of any public water intake and within one-quarter (1/4) mile of any waterway serving the public water intake; provided, however, that agricultural tanks that are regulated by WV Code Chapter 19 are exempt from this provision.<sup>27</sup>

## Section 4.5 Agricultural Uses Permitted Generally

Except for compliance with distance requirements for a building set forth in Section 4.6, nothing in this Ordinance shall prohibit the use of land for agricultural purposes or the construction or use of building or structures incidental to the use for agricultural purposes.

## Section 4.6 Distance Requirements

- A. Industrial uses are subject to this subsection, unless otherwise specified in this Ordinance. Any uses (not including parking) or buildings subject to compliance with this Section shall be located at least 200 feet from:<sup>27</sup>
1. Any lot in the Residential Growth District;<sup>27</sup>
  2. A dwelling, school, church or institution for human care not located on the same lot as the said use or buildings;<sup>1</sup>
  3. Any lot which is part of a recorded subdivision; and
  4. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.
- B. Commercial uses are subject to this subsection, unless otherwise specified in this Ordinance. Adjacent uses (not including parking) or buildings subject to compliance with this Section shall be located at least 75 feet from:<sup>7, 27</sup>
1. Any lot in the Residential Growth District;
  2. Any lot with a dwelling, school, church, or institution for human care not located on the same lot as said use or building;
  3. Any parcel, historic structure, or designated historic district which has been listed on the West Virginia or National Register of Historic Places.<sup>23</sup>
- C. A commercial use (not including parking) located in the Neighborhood Commercial District or the Office/Commercial Mixed Use shall be located at least 25 feet from a land use identified in Section 4.6B.1-3.<sup>27</sup>
- D. Housing for farm animals ~~Barns~~ and feeding pens shall ~~must~~ be set back a minimum of 50' from all property lines; excluding chicken coops which may be set back 25' from all property lines if no roosters are housed there.<sup>30</sup> -75' from a residential district, a lot with a residential use, a church, a school, or an institution for human care.
- E. Structure used to store manure shall comply with distance requirements specified in 4.6A.
- ~~C.F. All portions of a kennel land use must be buffered pursuant to Article 4 and set back at least 300' 500' from any other property that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B.<sup>30</sup> Kennels cannot be located within a Planning Commission approved major residential subdivision.~~

## Section 4.7 Essential Utility Equipment

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.<sup>27</sup>

- A. Commercial Development<sup>27</sup>
  1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
  2. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>
- B. Industrial Development<sup>27</sup>
  1. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have an unscreened buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard.
  2. All industrial development adjacent to any use other than an industrial use shall have screened front yard buffers of no less than one-half (½) the front yard building setback, which may be included within the 200-foot buffer required in this subsection.<sup>5, 7</sup>

3. All industrial development adjacent to any use shall have 20’ screened side and rear landscape buffers.
- C. Multi-family Development<sup>27</sup>
  1. All multi-family adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have, along common property lines, screened green space buffers as follows:
    - a. Front and rear: a minimum of 15’
    - b. Side: a minimum of 12’
- D. In all buffer yards, the exterior width beyond the vegetative screen shall be planted with grass, seed, sod, or ground cover.
- E. All buffer yards shall include a fence or a dense screen planting of trees, shrubs, or other plant materials or both, to the full length of the lot line to serve as a barrier to visibility, air borne particles, glare or noise. Such screen planting shall meet the following requirements.
  1. Vegetative screening shall comply with Standard Details M52, M53 or M54, or other applicable Standard Details, depending on the buffer width. At the time of the planting the vegetation shall be at least six (6) feet in height.<sup>7, 23, 27, 28</sup>  
 However, any development where a 10 foot side and/or rear yard vegetative landscaping buffer is required adjacent to proposed commercial uses and where no outdoor storage is being proposed or provided, the following standards shall be met:<sup>27, 28</sup>
    - a. One (1) deciduous or evergreen tree with a height of six (6) feet or more when planted, likely to reach a height of twenty (20) feet or more at maturity, planted every fifty (50) linear feet; at least every other tree shall be an evergreen;
    - b. One (1) ornamental tree with a height of four (4) feet or more when planted, likely to reach a height of six (6) feet or more at maturity, planted every fifty (50) linear feet; and
    - c. Three (3) shrubs per each twenty five (25) feet along the property line, round upward.
    - d. These requirements shall be required on both sides of a property line for adjoining properties.
    - e. A 10 foot landscape area on the property unless shared parking is proposed. In the event shared parking is proposed, the required property line planting would be in addition to other plantings.<sup>7, 23, 26</sup>
  2. It will be the responsibility of the landowner to replace any trees that die and shall be so noted on the site plan.
  3. Screen planting shall be a minimum of ten (10) feet wide but shall be placed so that it is no closer than four (4) feet at maturity from a property line or from any street.
  4. No structure, fence, planting, or other obstruction shall be permitted which would interfere with traffic visibility.
- F. In any Commercial, Industrial, Institutional, or Residential development, all dumpsters shall be screened from any residences or from view of a public highway.<sup>23</sup>
- G. All buffer yards shall be maintained by the property owner.
- H. All development adjacent to a Sensitive Natural Area shall have a buffer of natural vegetation. Environmental standards contained in Section 8.9A, 1 through 7, will apply. The buffer shall meet the current Federal standard except as required in Table 4.11 -1 below:<sup>23</sup>

**Table 4.11 -1 Wetland Size in Acres<sup>5, 8, 23</sup>**

| Greater Than | Less Than | Buffer Width in Feet |
|--------------|-----------|----------------------|
| 0.05         | 0.10      | 30                   |
| 0.10         | 0.16      | 35                   |

|      |      |     |
|------|------|-----|
| 0.15 | 0.21 | 40  |
| 0.20 | 0.26 | 50  |
| 0.25 | 0.31 | 55  |
| 0.30 | 0.36 | 60  |
| 0.35 | 0.41 | 65  |
| 0.40 | 0.46 | 70  |
| 0.45 | 0.51 | 75  |
| 0.50 | 0.66 | 80  |
| 0.65 | 0.81 | 85  |
| 0.80 | 0.96 | 90  |
| 0.95 | 1.21 | 95  |
| 1.20 | --   | 100 |

- I. All required landscape plans shall contain the following elements:<sup>7</sup>
  - 1. Deciduous street trees for shade and aesthetics, planted at the following average spacing:<sup>23</sup>
    - a. Site with street frontage of up to 200 feet: 1 tree per 50 feet.
    - b. Site with street frontage exceeding 200 feet: The greater of 4 trees or 1 tree per 100 feet.
  - 2. Evergreen buffer planting, as required, for full screening.
  - 3. Parking lot and internal drive plantings (mix of evergreen and deciduous) for partial screening and limited shade.
  - 4. Structure plants for aesthetics and limited shade.
  - 5. Schedule of plants including common name, scientific name, minimum size (height, caliper, etc.) quantity and specific limitation notes.
- J. Required landscape buffers for a non-residential use are indicated in Appendix B.<sup>27</sup>

**Section 4.12 Design Standards for Multi-Family Developments<sup>23</sup>**

- A. Common open space shall be oriented to the interior of the development and shall consist of land suitable for passive and active recreational use. No more than 50 percent of land dedicated to recreational use shall be within the 100 year Floodplain.
- B. Impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed fifty (50) percent of the gross land area.
- C. Tot lot or play areas shall be centrally located in areas convenient to residential buildings and at least twenty-five (25) feet from any street right-of-way.

**Section 4.13 Development Adjacent to the Potomac and Shenandoah Rivers<sup>23</sup>**

- A. Any development, other than residential development, that takes place after the adoption of this Ordinance must maintain a five hundred (500) foot buffer strip from the existing banks of the Potomac and Shenandoah Rivers.

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**ARTICLE 4A: HOME OCCUPATIONS AND COTTAGE INDUSTRIES<sup>8,24</sup>**

**Section 4A.1 Home Occupation and Cottage Industry, General Standards**

- A. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- B. A Home Occupation or Cottage Industry shall be clearly incidental and subordinate to the use of the dwelling unit as a residence.
- C. There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of the Home Occupation or Cottage Industry, other than as provided in this Article.
- D. No equipment or process shall be used in a Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, at any lot line.
- E. The following land uses cannot be established as a Home Occupation or Cottage Industry:
  - 1. Boarding or rooming homes.
  - 2. Bed and breakfast establishments.
  - 3. Adult uses.
  - 4. Any business which involves the storage of weapons such as firearms (other than residents' hunting, protection and leisure weapons).<sup>12</sup>
- F. Any need for parking generated by the Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- G. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.
- H. The business owner is responsible for ensuring compliance with all local, state, and federal taxing requirements.
- I. All applicable County, State, and Federal requirements must be met.

**Section 4A.2 Exempt Activities**

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- A. Telecommuting.
- B. A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.
- C. The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour.

### **Section 4A.3 Home Occupation, Level 1**

An occupation conducted in a dwelling unit for gain provided that:

- A. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of the floor area of the dwelling unit.
- C. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- D. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day no more than ten (10) visits per week at the premises.

### **Section 4A.4 Home Occupation, Level 2**

An occupation conducted in a dwelling unit for gain, provided that:

- A. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- B. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- C. One sign, not exceeding two (2) square feet in area, non-illuminated, is permitted.
- D. There shall be no sales, other than items crafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than three (3) business-related vehicle visits per day and no more than fifteen (15) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.
- G. For a Home Occupation located in an existing residential subdivision established after July 17, 1979, the minimum lot size is 20,000 square feet.

## **Section 4A.5 Cottage Industry**

An occupation conducted at a residential premises for gain, provided that:

- A. The occupation must be owned and operated by a full-time resident of the property. Up to four (4) nonresident employees may be permitted to work on the premises.
- B. The use may be conducted at least in part within the dwelling unit. Said use area within the dwelling unit shall not exceed one half (1/2) of the floor area of the dwelling unit. Two subordinate structures shall be permitted in accordance with the requirements of this Article.
- C. There shall be no change in the outside appearance of the residential structure. One sign, not exceeding four (4) square feet in area, non-illuminated may be permitted.
- D. Sales on the premises shall be permitted with the limitation that no less than seventy-five (75) percent of the items for sale shall be products produced on the premises and that items not produced on premises shall be items similar or related to the items produced on the premises. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- E. No more than fifteen (15) business-related vehicle visits per day and no more than sixty (60) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted.
- F. Submittal of a sketch plan is required for all Cottage Industry applications. The plan need not be prepared by a licensed engineer or surveyor. Use of a sketch plan does not preclude compliance with applicable County, State, and Federal regulations. The plan submittal shall include the following elements:
  1. Accurate locations and dimensions of all existing and proposed:
    - a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)
    - b. Septic areas
    - c. Access points to roads, driveways, and easements
    - d. Property boundaries
  2. Most recent deed for the property
- G. Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required if the combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in (1) – (4) below, to be used as a Cottage Industry, exceeds 1,500 square feet but is less than 3,000 square feet:
  1. New accessory structures, or
  2. An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;
  3. Existing accessory structures that are to be converted to be used as a part of the Cottage Industry, if constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry;
  4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection J.1 – 4, to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance. Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:

1. For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
2. For an accessory structure lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.
- I. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- 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 accessing the right-of-way or easement within 1,000 feet (along the right-of-way or easement) of the property line. The applicant shall provide proof of the mailing to Staff.<sup>30</sup> ~~a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:~~
  1. ~~The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.~~
  2. ~~Owners of all properties with vehicular access to the right of way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.~~
  3. ~~During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right of way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.~~
  4. ~~No Board of Zoning Appeals approval of the application is required.~~
- K. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

#### Section 4A.6 Private Covenants Running with the Land

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All such restrictions shall be enforced by the parties to the restriction. It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to research any private agreements relating to the subject property, contact the Homeowners' Association, or seek the advice of a surveyor, engineer or attorney.<sup>17, 21, 24</sup>

## **ARTICLE 4B: WIRELESS TELECOMMUNICATION FACILITIES<sup>10, 22</sup>**

### **Section 4B.1 Purpose and Legislative Intent**

The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community's desire to preserve the County's rural, historic and agricultural character and the quality of its residential neighborhoods.

To accomplish these objectives and to ensure that the placement, construction or modification of wireless telecommunication facilities complies with the provisions of the Telecommunications Act of 1996 and other Federal laws, and is consistent with Jefferson County's land use policies and Comprehensive Plan, this Article is intended to regulate the construction, placement and operation of wireless telecommunication facilities within Jefferson County. When any provision of this article is in conflict with any provision of the Jefferson County Zoning Ordinance or the Jefferson County Subdivision and Land Development Regulations, the stricter regulation shall apply.

This Article establishes parameters for the siting of Wireless Telecommunication Facilities. It is Jefferson County's intent to:

- A. Ensure access to reliable and robust wireless communications services throughout Jefferson County consistent with the aforementioned objectives;
- B. Encourage the use of existing structures such as buildings, water towers, silos, church steeples, monopoles, lattice towers, utility poles, electric distribution and transmission structures and other existing structures for the co-location of Wireless Telecommunication Facilities;
- C. Encourage the location of new Wireless Telecommunication towers in non-residential areas, with taller towers limited to the Industrial-Commercial zoning district;
- D. Minimize the number of new Wireless Telecommunication Towers that would otherwise need to be constructed by providing incentives for the use of existing structures;
- E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and by encouraging the use of camouflage or concealment to create structures such as silos, faux trees and flagpoles that mimic elements that typically are found on Jefferson County's agricultural landscape and that appear in scale and context with their surroundings;
- F. Minimize or mitigate the potential adverse visual effects associated with the construction of Wireless Telecommunication Towers through the implementation of reasonable design, landscaping and construction practices;
- G. Ensure public health, safety, welfare, and convenience; and
- H. Conform to Federal and State laws that allow certain antennas to be exempt from local regulations.

### **Section 4B.2 Classification of Wireless Telecommunication Facilities<sup>30</sup> and Development Review Process**

For purposes of administering this Article, Wireless Telecommunication Facilities (hereafter "Facilities" or "Facility") shall be classified as follows:

- A. Exempt Facilities as specified in Section 4B.3
- B. Concealed Wireless Telecommunication Facilities
- C. Co-located Wireless Telecommunication Facilities
- D. Temporary Wireless Telecommunication Facilities

#### E. Wireless Telecommunication Towers

Exempt Facilities are allowed by right. Prior to the issuance of a Zoning Certificate, all other types of new Wireless Telecommunications Facilities listed above require approval of a Minor Site Plan as described in the Jefferson County Subdivision and Land Development Regulations and also meeting the submittal and design requirements of this Article. Additionally, Wireless Telecommunication Towers shall require submittal of a Concept Plan and a public hearing to allow for an analysis of demonstration of need, neighborhood compatibility, impact on cultural and historic resources, and visual mitigation.

Within ten (10) days of receiving a Concept Plan application for a Facility the Department shall notify the applicant in writing (1) that the application is sufficient or (2) the particular information needed as required by the provisions of this Article and the Jefferson County Subdivision and Land Development Regulations, to constitute a sufficient application. Once the additional information is received and the application is found to be sufficient, the Department shall notify the applicant of that finding.

#### **Section 4B.3 Exempt Facilities Allowed by Right**

This section covers antennas other than those associated with commercial wireless telecommunication facilities, such as facilities associated with governmental users, television and radio broadcast facilities, and private business users requiring an antenna support structure of twelve feet or less. Antennas allowed by right subject to special requirements of this section include:

- A. Amateur radio facilities mounted on supporting structures less than 100 feet in height provided however, that commercial wireless providers and private business users may not co-locate antennas on an amateur radio tower irrespective of its height.
- B. Residential antennas for receiving television or AM or FM radio broadcast signals.
- C. Residential or business customer premise antennas for receiving microwave, satellite or broadcast television signals, provided such antennas are less than one meter (39.4 inches) in diameter and are mounted on a support structure less than twelve (12) feet in height.

#### **Section 4B.4 Concealed Wireless Telecommunication Facilities**

Concealed Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Concealed Facility consistent with the following terms and conditions:

- A. Concealed Facilities are permitted on buildings and alternative structures (other than telecommunication towers).
- B. For purposes of this section antennas mounted on electric transmission towers shall qualify as Concealed Facilities provided that antennas associated with such facilities do not extend more than twenty (20) feet above the top of the supporting structure. Equipment enclosures associated with such facilities may be mounted on the structure, placed underground or on the ground. If placed on the ground, equipment enclosures shall be placed on a concrete pad, metal skid or platform, or other foundation and screened so as to make them unobtrusive.
- C. For purposes of this section antennas mounted on an electric distribution pole, utility or street lighting pole or traffic light pole shall qualify as a Concealed Facility provided antennas associated with such facilities shall not extend more than twenty (20) feet above the top of the existing support structure.
- D. Utility poles may be extended up to twenty (20) feet in height to accommodate antennas for a Concealed Facility.

- E. For any utility pole height increases in the Harpers Ferry Overlay District, the Department shall refer the application to the Jefferson County Historic Landmarks Commission for review and comment before issuing a Zoning Certificate.
- F. Applications for such utility pole height extensions in the Appalachian Trail Overlay District shall be referred by the Department to the Appalachian Trail Conservancy and the National Park Service for review and comment prior to issuance of a Zoning Certificate.
- G. Antennas associated with Concealed Facilities, if flush-mounted on the side of a building or alternative structure, shall be camouflaged to match or complement the color and architectural texture of the surface.
- H. Antennas associated with a Concealed Facility shall not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Equipment enclosures associated with Concealed Facilities may be placed inside a building or, if placed on a rooftop, all equipment enclosures shall be mounted behind a parapet wall or façade which is camouflaged to match or complement the color and architectural treatment of the building. If antennas are placed on a structure other than a building, equipment enclosures associated with the facility may be mounted on the structure or placed underground or at ground level on a concrete pad, metal skid or platform, or other foundation. If placed at ground level, such equipment enclosures shall be screened so as to make them unobtrusive.
- J. All cabling and wiring connecting antennas, equipment enclosures, and other components of Concealed Facilities shall be colored or concealed in a manner that renders them unobtrusive.
- K. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between 8:00 a.m. and 7:00 p.m.
- L. Equipment associated with a Concealed Facility not located in a public right-of-way must meet the setback requirements for the zoning district in which it is located.

#### **Section 4B.5 Co-located Wireless Telecommunication Facilities**

Co-located Wireless Telecommunications Facilities are permitted within all zoning districts. Co-location includes the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure or Concealed Telecommunication Support Structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. The Department may issue a Zoning Certificate for a Co-located Facility consistent with the following terms and conditions:

- A. Antennas associated with a Co-located Facility shall not be co-located on a support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- B. Co-located Facilities shall meet the following design standards:
  - 1. Antennas associated with a Co-located Facility located on a monopole shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - a. Antennas within a cylindrical radome matching the diameter of a monopole;
    - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the tower.
    - c. Antennas mounted as an array arranged around a platform extending from the monopole.

2. All equipment enclosures and other improvements accessory to a co-located Facility shall be architecturally designed to blend in with the surrounding environment and shall be maintained in good appearance and repair. No equipment enclosure may exceed twelve (12) feet in height.
3. Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.
4. Equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Department may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die. The landscaping requirements of this section do not apply to an application for co-location on a site with an approved site plan. The Department may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.
5. Signage at any ground-based portion of a Co-located Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
6. Before an application for a Co-located Facility can be processed, a copy of the applicant's FCC license must accompany its application. If FCC licenses for the applicant have been provided to the Jefferson County Department of Planning & Zoning in conjunction with previous wireless facility applications, the applicant may certify that such licenses remain in full force and effect.

#### **Section 4B.6 Temporary Wireless Telecommunication Facilities**

Temporary Facilities are permitted in all zoning districts. The Department may issue a Zoning Certificate for a Temporary Facility consistent with the following terms and conditions:

- A. Temporary Facilities, including but not limited to Cell on Wheels (COW), may be placed at or near the location of an existing, proposed or approved Facilities for periods up to seventy-two (72) hours for equipment or signal propagation testing purposes or, where an existing facility is temporarily unavailable due to scheduled or unscheduled maintenance, without any requirement for a permit. Where scheduled or unscheduled maintenance will extend beyond seventy-two (72) hours, the wireless provider must obtain a Zoning Certificate. The Department may issue such a certificate for up to thirty (30) days upon a showing of good cause by the applicant. Such certificate may be extended for an additional thirty (30) day period if the applicant can demonstrate that extenuating circumstances necessitate an extension.
- B. In the event of a natural disaster, catastrophic event or public emergency that either renders an existing Facility unusable, or creates an urgent need for supplemental capacity to manage the emergency, temporary facilities may be placed in any area as necessary to provide coverage or capacity for longer periods upon the authority of the Director of the Office of Homeland Security and Emergency Management, with notification to the Director of the Planning and Zoning Department.

- C. Permits may be issued by the Department for up to one week for temporary facilities needed in conjunction with scheduled special events at specific locales that are likely to generate a need for additional capacity at the event which is expected to exceed existing installed capacity.
- D. Fees for permits for Temporary Facilities shall be in accordance with the Department of Planning and Zoning schedule of fees and charges.

#### **Section 4B.7 Wireless Telecommunication Towers**

Wireless Telecommunication Towers (hereafter “Tower” or “Towers”) are permitted in all zoning districts subject to the provisions of this section. The provisions of this section apply to an application for a new Tower, as well as for a major modification to an existing Facility or Support Structure that results in a substantial change to the facility or structure, including but not limited to a height extension of more than twenty (20) feet or ten percent (10%) of the current height of a facility or structure, whichever is greater, and/or replacement of the structure.

This section is not applicable to co-location of a new antenna array on an existing structure.

##### **A. Site Plan Required**

A minor site plan shall be required for all new Towers, as well as for Major Modifications to an existing Facility or Support Structure resulting in a substantial change to the Facility or Structure. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.

##### **B. Concept Plan Submittal and Public Hearing Required**

In addition to the requirements for a minor site plan, a proposed Tower shall require the submittal of a Concept Plan, subject to the following requirements:

1. Required elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.
2. The following additional elements must be submitted:
  - a. Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.
  - b. Height of the proposed tower measured from ground level at the center of the proposed structure, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site’s background and foreground landscape.
  - c. Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.
  - d. Number, size and location of proposed and existing antennas; number of co-locations possible.
  - e. Method of camouflage (if any).
  - f. Locations of known historic structures.
  - g. A description of the anticipated construction and installation schedule.
  - h. Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.
  - i. Narrative addressing the design criteria of this section.
  - j. Dates, address list, and notice for Balloon Test.
  - k. Balloon Test exhibits as required in Subsection G of this Section.
  - l. Propagation maps as required in Subsection F of this Section.

- m. Any other relevant information.
  - n. Additional application requirements of Subsection H of this Section.
3. Submittal and review of a Concept Plan shall follow the review process and timeline established in Section 24.119 – 24.122 of the Subdivision and Land Development Regulations, with the following exceptions:
- a. The application shall be exempt from Section 24.120A, Agency Reviews, and Section 24.120D, WVDOH, except as otherwise provided in this Subsection.
  - b. Following the Department’s determination of the sufficiency of a Concept Plan application:
    - i. The Department shall notify the Jefferson County Historic Landmarks Commission of an application filing.
    - ii. The Applicant shall provide a copy of the completed Concept Plan application to the Appalachian Trail Conservancy and the National Park Service, if required by the Cultural and Historic Resources Review standards of this Section.
  - c. The Concept Plan shall be reviewed at a public hearing conducted at a scheduled Planning Commission meeting. The scope of this public hearing shall include a demonstration of need as required under this Article, neighborhood compatibility, impact on cultural and historic resources, visual mitigation, the submittal and design criteria of this Article, and the compatibility of the facility proposal with the Comprehensive Plan, as well as any relevant information presented by any person that addresses the purpose and intent of this Article. The Planning Commission shall review the proposed Tower for compliance with the standards in this Article and, if applicable, provide conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in the Department’s approval of the site plan.
  - d. Before the Department may approve a site plan for a Tower, the Planning Commission must find, by a majority vote, that the Concept Plan application complies with this Article, and that the application is consistent with the Comprehensive Plan.
- C. Retention of Consultants
- The Department may elect to retain outside consultants or professional services to review a Concept Plan or site plan application for a Tower and to make recommendations on relevant issues including, but not limited to, verification of the applicant’s compliance with the provisions of this Article, analysis of alternatives, conditions of approval, and compliance with State and Federal rules and regulations at the applicant’s expense. Fees charged to the applicant shall not exceed the actual cost of services rendered.
- D. Applicant’s Burden of Proof
- The applicant for a site plan for any Tower bears the burden of demonstrating by substantial evidence in a written record that a *bona fide* need exists for the proposed structure at its proposed height and location-as required in Subsection F, “Demonstration of Need”, and that it has met all submittal and design criteria in this Article.
- E. Proof of Eligibility
- Speculative Towers are prohibited. Before an application for a Tower can be processed, a copy of the applicant’s FCC license must accompany its application. If the applicant is not an FCC licensee, the applicant must demonstrate that it has binding commitments from one or more FCC licensees to utilize the Tower within six (6) months of issuance of a certificate of occupancy for the Tower. Such demonstration shall include submittal of an affidavit by the FCC licensee(s), and a copy of each wireless provider’s FCC license. If such FCC licenses have been provided to the

Department in conjunction with previous tower applications, the applicant may certify that such licenses remain in full force and effect.

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F. Demonstration of Need

As part of its application submission for a Concept Plan and for a site plan the applicant shall be required to submit propagation maps demonstrating a technical need for its proposed Tower and justifying the height of its antennas on the structure. One propagation map shall depict existing coverage without the proposed site and another depicting coverage with the proposed site. Such maps shall identify all adjacent sites whether existing, approved or proposed, and each map shall be accompanied by an engineer's affidavit attesting to the parameters or variables used to create the map. Such propagation studies shall be submitted in both hard copy and in electronic format to facilitate information sharing, inclusion on the county's web site and to otherwise maximize public awareness.

G. Balloon Test

1. An applicant shall conduct a balloon or crane test to simulate the maximum height of the proposed Tower. Following the test, the applicant shall submit color photo simulations showing the proposed structure as it would appear viewed from the closest residential property or properties and from adjacent roadways. Photographs should be taken from appropriate locations on abutting properties, along each publicly used road from which the balloon is visible, and from up to five significant structures or locations identified by the Department. A map shall be supplied identifying the location of each photo. Before and after photo exhibits will be presented.
2. Notice of the dates and times of such tests shall be mailed to all property owners within a one-quarter mile (1320 feet radius) from the proposed location, in addition to the Historic Landmarks Commission at least ten (10) days prior to such tests. The applicant shall utilize address and owner information on file at the Jefferson County Assessor's Office. Such notices shall designate a primary date and an alternate date in case of inclement weather. Notices shall state that there is an application to the Planning Commission for a Wireless Telecommunication Tower on the property and provide the file number. The Department shall review and approve the sufficiency of the notice and the list of addresses prior to mailing. An affidavit of mailing accompanied by a list of recipients and addresses shall be included in the application file.
3. Such notice shall also be published in the legal advertisements section of a newspaper of general circulation in Jefferson County at least ten (10) days prior to such tests. Such notices shall designate a primary date and an alternate date in case of inclement weather. The newspaper's affidavit of publication shall be submitted as part of the application file.
4. In the event the applicant seeks to increase the height of the proposed Tower, or move its location more than one hundred (100) feet laterally, from that stated in its original notices, additional notice shall be required to be given consistent with the above requirements.

H. Preferred Structures and Locations Policy

1. Co-location Encouraged. Prior to the approval of the construction of a new Tower, it is the policy of Jefferson County to encourage co-location of wireless facilities in the following locations:
  - a. Co-location of antennas on existing electric transmission towers.
  - b. Co-location and the use of existing or approved towers, buildings or alternative structures such as buildings, water towers, silos, church steeples, and utility poles more than fifty (50) feet in height within a one-quarter mile radius of a proposed Tower, where appropriate.
2. Preferred Support Structures. In light of Jefferson County's agricultural, and increasingly residential character, it is the policy of Jefferson County that for Facilities located outside the Industrial-Commercial zoning district, support structures for antennas are desired in the following descending order of preference:
  - a. Silos
  - b. Other Alternative Structures
  - c. Monopoles
  - d. Lattice Towers

3. Preferred Locations. For new Towers, it is the policy of Jefferson County to encourage use of the following facilities or locations, in descending order of priority:
  - a. The Industrial - Commercial District
  - b. Non-residential areas screened by existing vegetation and located outside of the Industrial-Commercial District
4. Application Requirements. In furtherance of the Preferred Structures and Locations Policy in this Article, the following provisions shall apply to an application for a site plan for a Tower:
  - a. The application must demonstrate that the proposed Tower is designed structurally, electrically, mechanically and in all other respects to accommodate additional wireless users unless the applicant demonstrates that structure height, topography, or other factors render this requirement unfeasible. An application must include an affidavit from the tower owner affirming that, subject to exceptions for structure height, topography, or other factors which make co-location unfeasible, the Tower is available for co-location.
  - b. A site plan for a Tower shall not be approved if an electric transmission tower with capacity of 230 kV or less is located above, or within twenty-five (25) feet below, the ground elevation of, and within a one quarter mile radius laterally, of a proposed Tower, unless the applicant can demonstrate that:
    - i. Sufficient easements or other interests in real property cannot be obtained to accommodate the Facility on the electric transmission tower;
    - ii. The electric utility owning the electric transmission tower is unwilling to allow its use for wireless facilities;
    - iii. Reasonable terms, rates, or conditions cannot be negotiated with the electric utility;
    - iv. The location of the Tower will not allow the applicant to meet coverage or capacity requirements; or
    - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers.
  - c. Where suitable electric transmission towers are not available for co-location of antennas, a site plan for a Tower located outside the Industrial-Commercial zoning district shall not be approved unless the applicant demonstrates that the equipment planned for the proposed Tower cannot be accommodated on existing or approved towers, buildings, silos or other alternative structures more than fifty (50) feet in height within a one-quarter mile radius of the proposed Tower due to one or more of the following reasons:
    - i. The planned equipment would exceed the structural capacity of the existing or approved tower, building or alternative structures, as documented by a qualified and licensed professional engineer, and the existing or approved tower, building or structure cannot be reinforced modified or replaced to accommodate planned or functionally equivalent equipment at a reasonable cost;
    - ii. Existing and approved towers, buildings or other structures within the search radius, or combinations thereof, cannot accommodate the planned equipment at a height necessary to function reasonably, as documented by a qualified and licensed professional engineer;
    - iii. Reasonable terms, rates, or conditions cannot be negotiated with the owner of the structure and/or property;
    - iv. The location of the structure will not allow the applicant to meet coverage or capacity requirements; or
    - v. Other unforeseen reasons make it infeasible to locate the planned telecommunications equipment upon existing or approved towers, buildings or alternative structures.

- d. Antennas associated with an application for a Facility may not be co-located on a tower or other support structure developed as an Exempt Facility pursuant to this Article for the use of an amateur radio operator.
- I. Cultural and Historic Resources Review
1. In addition to the notification requirements of this Section, an application for a Tower shall comply with the following:
    - a. An application for a proposed Tower within the Harpers Ferry Overlay District shall be provided, by the applicant, to the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.
    - b. An application for a proposed Tower located within one mile of the Appalachian Trail shall be provided, by the applicant, to the Appalachian Trail Conservancy and the National Park Service for review and comment, and the applicant will provide the Department an affidavit certifying delivery.
- J. Design Criteria
- Wireless Telecommunication Towers shall comply with the following design criteria:
1. Antenna Mounting Preferences  
Antennas associated with a Tower shall, where practical, be mounted so as to present the smallest possible silhouette, profile or cross-section. Preferred antenna mounting scenarios are, in order of descending preference:
    - a. Antennas within a cylindrical radome matching the diameter of a monopole.
    - b. Antennas mounted at the end of straight or curved davit arms or brackets extending from the sides of the Tower.
    - c. Antennas mounted as an array arranged around a platform extending from the monopole.
  2. Height Restrictions
    - a. Towers in the Industrial-Commercial zoning district shall not exceed 199 feet. Towers in all other zoning districts shall not exceed 100 feet. If a silo is used for a support structure for antennas, the height of the silo shall not exceed 120 feet.
    - b. Antennas may extend up to twenty (20) feet above the height of existing electric transmission towers if such height extensions are preferable to placement of a new Tower.
  3. Fall Zone
    - a. With the exception of silos, Towers shall be set back from all property lines a distance equal to 110% of tower height measured from the base of the structure to its highest point. Additional easements may be acquired on adjacent properties to meet the fall zone requirement.
    - b. No residential dwellings may be located in the fall zone on either the primary parcel or in any easement area on adjacent parcels.
  4. Signage  
Signage at any ground-based portion of a Facility site shall conform to FCC and FAA standards. No commercial signage is permitted.
  5. Lighting & Marking  
Towers shall not be lighted or marked unless required by the FCC or by the FAA.
  6. Electrical Supply  
Generators may not be used as a primary electrical power source. Backup generators shall only be operated during power outages or for testing and maintenance purposes. Testing and maintenance of a generator shall only take place on weekdays between the hours of 8:00 a.m. and 7:00 p.m.

7. Fencing

Towers, equipment enclosures and other improvements shall be enclosed within a security fence consisting of chain link fencing at least eight (8) feet in height. The Planning Commission may require as a condition of approval that the fencing be screened by a landscaped buffer of at least 10 feet in width planted along the entire exterior perimeter of the fence. Such a buffer must contain at least one row of native vegetation and form a continuous screen at least 6 feet in height at planting. All buffer yards shall be maintained by the property owner. It will be the responsibility of the property owner to maintain the buffer yard and to replace any trees or shrubs that die.

The Planning Commission may waive or modify the fencing requirement upon a determination that doing so will enhance the overall appearance of the facility without any compromise in safety or security.

8. Tower Color

Towers shall have a flat gray or galvanized finish unless the Planning Commission determines that another color scheme would be a preferable alternative to address visual mitigation and such scheme is consistent with FCC and FAA standards for antenna structure marking.

**Section 4B.8 Maintenance & Removal Bonds**

Prior to issuance of a Zoning Certificate, each applicant for a Facility shall be required to execute a standard Maintenance / Removal agreement binding the applicant and its successors and assigns to properly maintain the exterior appearance of, and to ultimately remove such facilities, upon abandonment or cessation of operations. The applicant shall be required to post a bond for this purpose in accordance with the Department of Planning & Zoning schedule of fees and charges. The applicant shall be required to continue such bond or other security until such time as the facility has been removed and all other requirements of the Maintenance/Removal agreement have been satisfied. Private business users operating a single Facility at their principal place of business and Governmental Users are exempt from this bond requirement.

**Section 4B.9 Abandonment & Removal**

- A. Any Facility or Support Structure that is not operated for a period of twelve (12) consecutive months may be referred to the Property Safety Enforcement Agency Board for a determination of the structural soundness of the Facility or Structure.
- B. If a structure is determined to be unsound, it will be considered abandoned.
- C. The owner or operator of any Facility or Support Structure shall remove the Facility pursuant to the requirements of the Jefferson County Property Safety Ordinance.

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

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

|        |                                                  |
|--------|--------------------------------------------------|
| RG     | Residential Growth District                      |
| I-C    | Industrial-Commercial District                   |
| R      | Rural (Agricultural) District                    |
| R-LI-C | Residential-Light Industrial-Commercial District |
| V      | Village District <sup>23</sup>                   |
| NC     | Neighborhood Commercial <sup>27</sup>            |
| GC     | General Commercial <sup>27</sup>                 |
| HC     | Highway Commercial <sup>27</sup>                 |
| LI     | Light Industrial <sup>27</sup>                   |
| MI     | Major Industrial <sup>27</sup>                   |
| PND    | Planned Neighborhood Development <sup>27</sup>   |
| OC     | Office / Commercial Mixed-Use <sup>27</sup>      |

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

## Section 5.4 Residential Growth (RG) District<sup>30</sup>

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.<sup>30</sup> ~~provided that such growth is deemed to be appropriate and compatible by the Development Review System.~~

The following regulations govern development within the Residential Growth District.

- A. Principal Permitted and Conditional Uses<sup>23,27</sup>
  1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. ~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>27,30</sup>
- B. Minimum Lot Area, Height, and Yard Requirements
  1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23,27</sup>
  2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23,27</sup>
  3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.<sup>27</sup>
- C. Commercial Services in Residential Developments<sup>23</sup>
  1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
  2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
  3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
  4. These uses shall be located within the interior of the project.
  5. Commercial uses shall be subject to the Conditional Use Permit approval Compatibility Assessment Meeting process as outlined in Article 7 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process. ~~be subject to the entire Development Review Process.~~<sup>5</sup>
- D. Standards for Commercial ~~or Light Industrial~~ Uses<sup>23,30</sup>
  1. Commercial ~~or Light Industrial~~ uses are subject to the following access requirements:
    - a. Such uses will not use adjacent residential roads for through traffic; and<sup>30</sup>

- b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

**Section 5.5 Reserved<sup>23</sup>**

**Section 5.6 Industrial - Commercial (IC) District<sup>23,30</sup>**

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

- A. Principal Permitted and Conditional Uses<sup>23,30</sup>
  1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table and this section.<sup>27,30</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject the requirements of this section and to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance. the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>27,30</sup>
- B. The following heavy industrial uses shall be require review and approval of the Board of Zoning Appeals under the Conditional Use Permit process ~~evaluated by the Development Review System~~ and shall not be located less than 1000 feet from any Residential property line or property listed on the National and State Historic Register/Survey.<sup>30</sup>
  1. Bituminous concrete mixing and recycling plants
  2. Concrete and ceramic products manufacture, including ready mixed concrete plants
  3. Petroleum products refining or storage (subject to the requirements for such standards in Article 8)<sup>23</sup>
  4. Commercial sawmills
  5. Salvage Yards (subject to the Jefferson County Salvage Yard Ordinance)
  6. Garbage or dead animal reduction or processing
  7. Slaughterhouses, Stockyards
  8. Acid or heavy chemical manufacturer, processing or storage
  9. Cement or lime manufacture
  10. Explosive manufacture or storage
  11. Foundries and/or casting facilities
  12. Mineral extraction, mineral processing
  13. Jails and Prisons (subject to requirements for this use in Article 8)<sup>23</sup>
- C. Height Regulations  
No structure shall exceed seventy-five (75) feet in height except as provided in Section 9.2.
- D. Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>5, 23, 27</sup>
2. Compliance with Section 4.11 and Section 8.9A(1-9)<sup>7, 23</sup>
3. Distance Requirements
  - a. Commercial shall comply with Section 4.6B
  - b. Industrial shall comply with Section 4.6A<sup>7, 23</sup>

E. Lot Area

A minimum lot size of three acres shall be required for any industrial use unless the site is located in an approved Industrial Park.<sup>23</sup>

F. Additional Commercial and Industrial Design Standards<sup>27</sup>

1. Commercial Design Standards<sup>23, 27</sup>
  - a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 80% of the gross area of the site.
  - b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.<sup>27</sup>
  - c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
  - d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.
2. Industrial Design Standards
  - a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
  - b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.<sup>27</sup>
  - c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

**Section 5.7 Rural (R) District<sup>23, 30</sup>**

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. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The Envision Jefferson 2035 Comprehensive Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the Rural zoning district. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.<sup>8, 23, 30</sup>

A. Principal Permitted and Conditional Uses<sup>23, 27, 30</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 30</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning

Appeals per the requirements of this Ordinance, the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>27,30</sup>

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>27</sup>
2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>23</sup>
3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.<sup>23</sup>

C. Height Regulations

No structure shall exceed ~~forty five~~thirty five (4535) feet in height except as provided in Section 9.2.<sup>30</sup>

D. Maximum Number of Lots Allowed

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below. A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density.<sup>8</sup> The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:<sup>30</sup>

1. A property owner may create one (1) lot for every fifteen (15) acres with a minimum lot size of three (3) acres.<sup>17,21</sup>
  - a. Acreage shall be computed using ~~existing~~ acreage on record as of October 5, 1988 and calculating any divisions which have occurred since that time.<sup>30</sup> ~~at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.~~
  - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17,21</sup>
2. Clustering
  - a. Purpose and Intent
    - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space.<sup>30</sup>
    - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
  - b. Requirements
    - i. One (1) lot may be subdivided for every ~~ten (10)~~five (5) acres.<sup>17, 21, 23, 30</sup>
      - (a) Acreage shall be computed using ~~existing~~ acreage on record as of October 5, 1988 and calculating any divisions which have occurred since that time.<sup>30</sup> ~~at the time application is submitted. Total acreage does not include acreage which was subdivided off of present parent parcel between October 5, 1988 and time of application.~~

(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. A note to this effect shall be placed on all cluster subdivision plats.<sup>30</sup>

(c) For every additional 5% preservation, the following scale may be utilized:<sup>30</sup>

|                        |                            |
|------------------------|----------------------------|
| <u>50% green space</u> | <u>1 lot per 5 acres</u>   |
| <u>55% green space</u> | <u>1 lot per 4.5 acres</u> |
| <u>60% green space</u> | <u>1 lot per 4 acres</u>   |
| <u>65% green space</u> | <u>1 lot per 3.5 acres</u> |
| <u>70% green space</u> | <u>1 lot per 3 acres</u>   |
| <u>75% green space</u> | <u>1 lot per 2.5 acres</u> |

ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment in 2016, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.<sup>30</sup>

ii.iii. Minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.<sup>17, 21</sup>

(a) Setbacks shall be 25' front, 12' sides and 20' rear.

(b) All clusters of three (3) or more lots shall be served by an internal road.<sup>23</sup>

(c) Clusters of three (3) or more lots shall not be along an existing public road.

(d) A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>

(e) ~~Maximum lot size shall be 3 acres.~~<sup>17, 21</sup>

iii.iv. Procedures<sup>23</sup>

(a) Concept Plan. For the subdivision of tracts eligible for cluster lots, a Concept Plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations. All cluster developments must be processed as a Major Subdivision.<sup>17, 21, 23</sup>

(a)(b) The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.<sup>30</sup>

(b)(c) The Staff ~~will have final approval~~ shall review and make a recommendation to the Planning Commission regarding ~~over the location the proposed design and~~ layout of the ~~proposed clustering of lots~~ proposed Cluster Development. The Staff shall consider the following when reviewing the Cluster Concept Plan:<sup>30</sup>

- (1) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.

(e)(d) If the Concept Plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved Concept Plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.<sup>23</sup>

3. ~~Not in addition to~~ 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, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. ~~be processed utilizing the Development Review System.~~ Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>30</sup>
- 3.4. Subdivisions involving transfers of land between family members known as “Family Transfers” as defined in Article 2, ~~parent and child~~ shall not be subject to the density requirements of 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~~ Family Transfers are not entitled to further subdivide except as another family transfer ~~parent to child or child to parent transfer.~~<sup>30</sup>
- 4.5. 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.

## Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1,30</sup>

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

### A. Principal Permitted and Conditional Uses<sup>23, 27, 30</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 30</sup>

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>27,30</sup>
- B. Standards<sup>23</sup>
  1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
  2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23,27</sup>
  3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>
- C. Site Development Standards<sup>23,27</sup>
  1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
  2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5,7,23,27</sup>
  3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (~~food stores not in excess of 10,000 square feet gross floor area~~) shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use per the requirements of this Ordinance~~Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~ This requirement shall not apply to a building located within a shopping center shown on an approved site plan.<sup>23,26,30</sup>
  4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7,27</sup>

#### Section 5.9 Reserved<sup>23</sup>

#### Section 5.10 Village (V) District<sup>8,23,30</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

- A. Principal Permitted and Conditional Uses<sup>23,30</sup>
  1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27,30</sup>
- ~~B. Conditional Uses<sup>23,27</sup>~~
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>27,30</sup>

B. Setbacks<sup>27</sup>

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. Setbacks may be reduced if approved as a Variance by the Board of Zoning Appeals as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood.<sup>23,30</sup>

2. Existing Structures<sup>27</sup>

a. The side and rear yard setbacks are 6' for an existing structure to be used for a land use as provided in this Article.

C. Commercial uses shall not cause any odor, dust, smoke, vibration, noise, or electromagnetic interference, which can be detected at or beyond the property line.

D. Proposed uses in a recognized historic district shall obtain approval from the Historic Landmarks Commission and/or other appropriate state or federal agency prior to processing.<sup>23</sup>

E. There will be no outdoor storage of equipment, materials or other stock.

F. Parking requirements may be modified as a result of consideration of a variance of the Parking Standards by the Board of Zoning Appeals a compatibility meeting.<sup>23,30</sup>

G. Other Requirements<sup>23</sup>

1. With the exception of setback requirements as specified in this section, Commercial and Light Industrial uses are subject to the requirements of Section 5.6E and the requirements for such standards in Article 8.

**Section 5.11 Neighborhood Commercial (NC) District<sup>27,30</sup>**

A. Purpose. The purpose of this district is to permit the development of small scale commercial uses in locations where a commercial use of the intensity permitted in the GC District (and not otherwise permitted in the NC District) is not appropriate. Developments in the NC district should be appropriate in scale, designed, landscaped and buffered so as to be compatible with neighboring land uses.

B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
3. In locations with safe vehicular access on roads that function as collector roads.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.<sup>30</sup> ~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~
3. A non-residential land use in this district may include residential uses on building levels located above the ground floor.

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. For a non-residential use abutting a commercial or industrial use at a side lot line:
    - a. No side yard building setback is required, unless required by Building Code or other law or regulation.
    - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
  3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
    - a. A rear yard building setback may be reduced to 10 feet
    - b. Section 4.11A-B does not apply to the rear property line
  4. Section 4.11A-C does not apply to the front lot property line.
  5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
  6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.
- E. Additional Requirements
1. Any off-street parking shall be located in the rear or on the side of a building and may not be located between a street and the front facade of a building.
  2. Each building shall be limited to a maximum building footprint of 3,500 square feet.
  3. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. The landscaped buffer yard may consist of shrubs, ornamental plants, and vegetative ground cover, and need not screen the view of buildings from the adjacent street(s). The landscaping requirements in this subsection are in addition to any other applicable landscaping requirements of this ordinance. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail meeting any applicable county requirements may be installed.
  4. One bicycle parking space shall be provided for each ten vehicular parking spaces.
  5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
  6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

## **Section 5.12 General Commercial (GC) District<sup>27,30</sup>**

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.

C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.<sup>30</sup> ~~to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~

D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.

E. Additional Requirements

1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

**Section 5.13 Highway Commercial (HC) District<sup>27, 30</sup>**

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject review and approval by the Board of Zoning Appeals per the requirements of this Ordinance.<sup>30</sup> ~~to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~
- D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

#### Section 5.14 Light Industrial (LI) District<sup>27, 30</sup>

- A. Purpose. The purpose of this district is to provide locations for lighter manufacturing processes which are not as extensive as those provided in the Major Industrial District and can be served with adequate public or community water and sewerage service. In this district, most manufacturing is composed of processing or assembly of previously processed materials.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>30</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

#### Section 5.15 Major Industrial (MI) District<sup>27, 30</sup>

- A. Purpose. This district is intended to provide sufficient space in appropriate locations for a wide variety of industrial activities. The uses in this district can be served with adequate public or community water and sewerage service, and may be characterized by extensive warehousing, frequent heavy trucking activity, and broader manufacturing activity than would be permitted in the Light Industrial District.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>30</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
1. Heavy industrial land uses shall not be located less than 1,000 feet from an adjacent property with a dwelling, school, church or institution for human care or a residential zoning district.
  2. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### Section 5.16 Planned Neighborhood Development (PND) District<sup>27, 30</sup>

- A. Purpose. The purpose of the PND District is to:
1. Encourage flexibility in the development of land in order to promote its most appropriate use;
  2. Improve the design, character and quality of new developments;
  3. Provide and promote redevelopment and reuse opportunities;
  4. Encourage a harmonious and appropriate mixture of uses and/or housing types;
  5. Facilitate the adequate and economic provision of streets, utilities and services;
  6. Promote safe and convenient travel for pedestrians, bicyclists, transit users, and motorists;
  7. Promote connections to adjacent properties, developments, and transportation routes;
  8. Preserve critical natural environmental features of the site (including but not limited to wetlands, steep slopes, floodplains, woodlands, watercourses, and karst topography) and scenic features of the site (including but not limited to historic resources, mature trees, open spaces, and agricultural landscapes);
  9. Encourage and provide a mechanism for arranging improvements and sites so as to preserve desirable features and to provide transitions between land uses; and
  10. Mitigate the problems which may be presented by specific site conditions.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
  2. The Planning Commission may restrict land uses shown as permitted or conditional uses in Appendix C, Principal Permitted and Conditional Uses Table, as part of the approval of a Preliminary PND Plan.<sup>30</sup>
  3. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning

Appeals per the requirements of this Ordinance the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>30</sup>

#### D. Site Development Standards

1. If not otherwise addressed in the Preliminary PND Plan, setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this ordinance. However, setbacks and other site development standards may be modified as part of the approval of a PND zoning map amendment request, as described in this article.
2. Modification of Development Standards Allowed
  - a. The Planning Commission may approve modifications of the development standards of this Ordinance and the Jefferson County Subdivision and Land Development Regulations as part of the approval of a Preliminary PND Plan.
  - b. Modification of these standards pertains only to developments associated with the Preliminary PND Plan for which the modifications are approved.

#### E. Additional Requirements

1. A PND development shall include the following mix of uses, measured as follows, after the Open Space requirement is met:
  - a. 10-30% of the land area shall be commercial
  - b. 10-30% of the residential units shall be multifamily (7+ dwelling units per acre)
  - c. 20-40% of the residential units shall be attached/detached (4-6 dwelling units per acre)
  - d. 0-60% of the residential units shall be detached (1-3 dwelling units per acre)
2. Open Space Requirements
  - a. A minimum of 20% of the total tract area of a PND development shall be composed of common and open space. Up to one-half of the common and open space may be used for active recreation. Acreage within the 100-year floodplain, as designated by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) or acreage of critical natural environmental features (as defined in this article), may constitute up to 50% of the required common and open space area.
  - b. At least 20% of the total of the site's existing tree canopy area shall remain undisturbed and shall be so noted on any site plan or subdivision approval associated with the development.
3. Connectivity Requirements. The development shall provide pedestrian and vehicular connections to each adjacent undeveloped property and/or property containing a non-residential or multi-family use, or to one or more streets in an adjacent residential subdivision. If a connection to an adjacent property cannot be made at the time that the Preliminary PND Plan for the development is submitted, the plan shall include a cross-access easement in a logical location to allow for future connection when the conditions on the adjacent property will allow for connection. Such pedestrian easements shall be permanent.
4. Street Network. An interconnecting network of internal streets shall be designed to accommodate the various uses found within a PND development. Where possible, all access to sites shall be from these internal streets.
5. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.
6. For a PND development proposed to be located on a lot where a trail is shown on a plan adopted by Jefferson County, establishment of a permanent trail easement shall be required prior to site plan approval.

#### F. Review and Approval Process

The review and approval of a development in the PND district includes the following steps:

1. Pre-Application Conference. Prior to filing a formal application for a Zoning Map Amendment for a PND district, the applicant shall schedule and attend a Pre-Application Conference with staff of the Planning, Zoning, and Engineering Departments. The purpose of the conference is for the applicant to present a general concept for the development, and for staff to inform the applicant of relevant policies, requirements, adopted plans, planning principles, and recommendations. This conference is informal and has no binding effect.
2. Preliminary PND Plan. Submittal of a Preliminary PND Plan is required prior to submittal of a petition for a map amendment to change the zoning designation of a property to the Planned Neighborhood Development district.
  - a. The format and content requirements for a Preliminary PND Plan shall be the same as the Submission and Completeness Review requirements for a Major Site Plan Concept Plan as described in the Jefferson County Subdivision and Land Development Regulations, with the exception of the public workshop and advertising requirements. Additionally, a Preliminary PND Plan shall include the following:
    - i. Graphic illustration of locations of proposed land uses; landscaping areas; pedestrian amenities; interconnectivity of roads, trails, sidewalks, and adjacent parcels; open space areas and areas of undisturbed tree canopy; passive or active recreational areas; setbacks for buildings, parking, drive aisles, and other features associated with the proposed development.
    - ii. Proposed square footages of development by type and proposed residential densities.
    - iii. Proposed building heights.
    - iv. Any requested modifications to the standards of the Zoning Ordinance or the Subdivision and Land Development Regulations.
  - b. Following a staff determination that the Preliminary PND Plan is sufficient, the applicant may present a petition for a zoning map amendment to the Planning Commission. The Preliminary PND Plan is a required component of the petition submission.
3. Zoning Map Amendment. The procedure for processing a map amendment petition shall be in accordance with the requirements of Article 12 and this Article.
  - a. Presentation of petition for map amendment. The applicant shall present the petition for map amendment to the Planning Commission. As part of the petition, the applicant shall provide a Preliminary PND Plan to the Planning Commission, as described in this article.
  - b. Planning Commission review and public hearing. The Planning Commission shall conduct a public hearing on the proposed zoning map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements. The Preliminary PND Plan shall be considered during the public hearing. In addition to the review criteria for a Concept Plan as required by the Subdivision and Land Development Regulations, the Planning Commission shall utilize the following criteria in its consideration of a Preliminary PND Plan and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations:
    - i. Consistency with the purpose of the PND district as described in this Article;
    - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards;
    - iii. Consistency with the Comprehensive Plan.
  - c. As part of its recommendation to the County Commission regarding approval or disapproval of a zoning map amendment as described in Article 12, the Planning

- Commission shall make a recommendation to the County Commission regarding the Preliminary PND Plan, including any changes proposed by the Planning Commission.
- d. County Commission review and public hearing. The County Commission shall conduct a public hearing on the proposed map amendment in accordance with Article 12 and this Article. In addition to the notification requirements of Article 12, public notice for a PND shall include any requested modifications of development requirements.
  - e. In its deliberation of a proposed map amendment to change a zoning designation to a PND district and any requested modifications to the Zoning Ordinance and/or the Subdivision and Land Development Regulations, the County Commission shall consider:
    - i. Consistency with the purpose of the PND district as described in this Article
    - ii. General conformance with the Zoning Ordinance, with the exception of requested modifications of development standards
    - iii. Consistency with the Comprehensive Plan
  - f. The County Commission shall approve, amend, or deny the Preliminary PND Plan and the zoning map amendment request; and may apply conditions to the approval of a zoning map amendment to a PND district.
  - g. County Commission approval of a zoning map amendment to change the zoning designation of a property to a PND district shall have the following effect:
    - i. Approval of the change in zoning designation;
    - ii. Approval of the Preliminary PND Plan;
    - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
    - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
  - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
  - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Planning and Zoning Department determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by the Planning and Zoning Department shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
- a. A change in total square footage of the development by  $\pm 10\%$
  - b. A change in the area of any land use by  $\pm 10\%$
  - c. A change in the residential density by  $\pm 5\%$

Section 5.17 Office / Commercial (OC) Mixed-Use District<sup>27,30</sup>

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>30</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals per the requirements of this Ordinance~~the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.~~<sup>30</sup>
- D. Site Development Standards
1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. For a non-residential use abutting a commercial or industrial use at a side lot line:
    - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
    - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
  3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
    - a. A rear yard building setback may be reduced to 10 feet.
    - b. Section 4.11.A-B does not apply to the rear property line.
  4. Section 4.11.A-C does not apply to the front lot property line.
  5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
  6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.
- E. Additional Requirements
1. Of the gross floor area of land uses in a development in this district, at least 75% shall be non-residential uses, and at least 50% shall be office uses.
  2. Buildings fronting a principal street must be at least 2 stories in height.
  3. A minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space
  4. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.

5. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
6. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies less than 10% of the length of the required buffer, or may be located at the side or rear of the building.
7. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
8. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

ARTICLE 6: RESERVED<sup>30</sup> DEVELOPMENT REVIEW SYSTEM

**Section 6.1 — Development Review System (DRS)**

The purpose of the Development Review System (also referred to as DRS) is to assess a particular site's development potential based on criteria which determine the agricultural longevity of the parcel in combination with the presence of and compatibility with public services adjacent to and in close proximity to the site. The DRS is a numerical rating system designed to function within the framework of the traditional zoning districts referenced in this ordinance. All commercial uses and those uses which are not permitted in zoning districts shall be governed by the procedures set forth in Article 7 and all sections that reference requirements to obtain a conditional use permit. It shall be unlawful to commence construction of any commercial uses or uses which are not permitted uses in a zoning district without obtaining conditional use permit approval.

**Section 6.2 — Issuance of a Conditional Use Permit**

Application for a conditional use permit shall be made before construction of any uses not listed as permitted uses within the appropriate zoning district. Upon receipt of an application, the site will be evaluated by the Departments of Planning and Zoning Staff using the Development Review System. The two major components of the System, the Soils Assessment and the Amenities Assessment, consist of criterion which each possess a numerical value that is weighted relative to its importance as an indicator of a parcel's agricultural significance or its development potential. The total numerical value of the combined criteria is 100 points: the Soil Assessment contributes 25 points and the Amenities Assessment contributes 75 points. The highest total numerical value of the combined criteria indicates that a parcel is more suitable for agriculture, whereas, the lowest numerical value indicates that development is more appropriate for the site. A score of 60 points or less advances the application to the Compatibility Assessment as provided in Section 7.6.<sup>14, 17, 21, 23</sup>

**Section 6.3 — The Soils Assessment**

- A. The Soils Assessment evaluates a particular parcel for development based on the soil types it possesses. The following soils types will be combined into soil groups.
- B. The Soils Assessment of a proposed development is not applicable when one or more of the following circumstances applies:<sup>27</sup>
  - 1. The development proposal is located within the Residential Growth District or the Industrial-Commercial District; or<sup>27</sup>
  - 2. The proposed land use will be completely contained:<sup>27</sup>
    - a. In an existing building, and/or
    - b. On an existing paved area installed prior to the effective date of this Ordinance, and/or
    - c. On an existing paved area installed at any time, for a non-residential purpose, in compliance with County regulations in existence at the time of the installation; or
  - 3. A land use that complies with Sec. 6.3B.2 with the exception of a one-time expansion of an existing paved area that meets the criteria described in Section 6.3B.2 and/or a one-time expansion of an existing building footprint by the lesser of either:<sup>27</sup>
    - a. Up to 1,000 square feet total, or
    - b. Up to 50% of the building footprint of an existing building and/or an existing paved area that meets the criteria described in Sec. 6.3B.2
    - c. The following soils types will be combined into soil groups:

Soils Type Data

| Map Symbol |    | Agricultural Value Group |
|------------|----|--------------------------|
| AmB        | Ai | 3                        |
| AxC        | Ai | 4                        |
| BaC        | Ba | 4                        |
| BaD        | Ba | 6                        |
| BgE        | Ba | 6                        |
| BnF        | Ba | 2                        |
| BoF        | Ba | 4                        |
| Bp         | Bi | 3                        |
| CaB        | Ca | 4                        |
| CaC        | Ca | 5                        |
| CbC        | Ca | 6                        |
| CbD        | Ca | 10                       |
| CdD        | Ca | 9                        |
| CmB        | Cl | 4                        |
| CrB        | Cl | 4                        |
| Cs         | Co | 5                        |
| DsB        | Do | 1                        |
| DsC        | Do | 9                        |
| DsD        | Do | 9                        |
| DsE        | Do | 9                        |
| DyB        | Du | 4                        |
| DyC        | Du | 5                        |
| DyD        | Du | 3                        |
| DyE        | Du | 7                        |
| EgB        | Ec | 7                        |
| EgC        | Ec | 10                       |
| EgD        | Ec | 10                       |
| Fa         | Fa | 10                       |
| Fk         | Fu | 10                       |
| HbB        | Ha | 2                        |
| HbC        | Ha | 4                        |
| HcC        | Ha | 3                        |
| HeB        | Ha | 4                        |
| HeC        | Ha | 4                        |
| HgE        | Ha | 6                        |
| HrB        | Ha | 6                        |
| HrC        | Ha | 6                        |
| Hy         | Ho | 10                       |
| La         | La | 6                        |
| Ln         | Li | 6                        |
| MhA        | M  | 9                        |
| MoB        | M  | 7                        |
| MxC        | M  | 8                        |
| MxD        | M  | 4                        |
| OaB        | O  | 4                        |
| OaC        | O  | 3                        |
|            |    | 4                        |

**X**

The points for the soils assessment are computed as follows:<sup>5</sup>

- A. Determine the area of each soil type on the property according to the map symbols.
- B. Multiply the soil type areas times the Relative Value for the soil type taken from the List of Soil Groups and Relative Values.
- C. Sum the products of the multiplication of Area times Relative Value to obtain a total for the property.
- D. Divide the total of the multiplication products by the Total Area of the property to obtain the Weighted Relative Value.
- E. Multiply the Weighted Relative Value times the 25 Soil Assessment Points. Then divide the product by 100 to obtain the allowable number of Soil Assessment Points.

Soil groups take into account a rating of best and worst individual soil types. The following 10 soil groups have been developed from the Jefferson County Soil Survey and have been assigned relative values based on their agricultural productivity (see note).<sup>5</sup>

**Table 6.3—2 List of Soil Groups and Relative Values<sup>23</sup>**

| <u>Agricultural Group</u> | <u>Relative Value</u> |
|---------------------------|-----------------------|
| 1                         | 100                   |
| 2                         | 87                    |
| 3                         | 78                    |
| 4                         | 76                    |
| 5                         | 65                    |
| 6                         | 53                    |
| 7                         | 0                     |
| 8                         | 0                     |
| 9                         | 0                     |
| 10                        | 0                     |

The soil groups and their corresponding values will be incorporated into a work sheet to be used to evaluate the potential agricultural value of each site.

If 50% to 65% of the total soils are rated severe for home construction or street construction, by the Jefferson County Soil Survey, add 5 points to the Land Evaluation value of the work sheet.

If over 65%, add 10 points to the Land Evaluation value of the work sheet.

The soils assessment shall not exceed 25 points.

NOTE: The development of soil groups have been determined by the USDA Natural Resources Conservation Service using corn as the indicator crop.<sup>1, 17, 21, 23</sup>

## Section 6.4—Amenities Assessment<sup>17, 21</sup>

The amenities assessment of the Development Review System provides indicators of a site's agricultural viability or its development potential. The following criterion are weighted with a high numerical value assigned if the site is more agriculturally viable and a low numerical value assigned if development would be more appropriate for the parcel. The procedure for the compatibility assessment is contained in Article 7.

For nonresidential projects, there is no impact on Proximity to Schools or Parks and Recreation. Therefore, these points have been added to Size of Site, Highway Problem Areas, and Roadway Adequacy as shown.

### A. Size of Site<sup>4</sup>

This criterion reflects the importance of preserving large blocks of land as a primary goal of agricultural preservation; therefore, acreage shall be contiguous. For nonresidential projects, the points on the right will be applied.

| <u>Aeres</u>   | <u>Residential Project Points</u> | <u>Nonresidential Project Points</u> |
|----------------|-----------------------------------|--------------------------------------|
| 0 to 40 acres  | 0 points                          | 0 points                             |
| 40 to 80 acres | 3 points                          | 5 points                             |
| Over 80 acres  | 6 points                          | 10 points                            |

### B. Adjacent Development<sup>7</sup>

This criterion assesses percentage of adjacent land that which is developed or under development. Development and development pressure includes: a subdivision of more than 5 lots, lots of less than 5 acres and all commercial or industrial uses. This measurement shall be by a computation of linear feet around the boundary of the property in question. Agricultural related industry or uses shall be considered "no development pressure." Adjacent property includes land separated by roads, rights-of-way, railroads, and other easements. After the percentage of land under development pressure is calculated the remaining percentage of adjacent property may be considered as property where there is no development pressure. The points shall be assessed as follows:

For the property not under development pressure or not developed:

| <u>Percent</u>    | <u>Points</u> |
|-------------------|---------------|
| 0 to 40 percent   | 0 points      |
| 40 to 65 percent  | 5 points      |
| 65 to 100 percent | 10 points     |

### C. Distance to Growth Corridor

The distance to the growth corridor relates to the distance of the subject parcel to the boundaries of the Residential Growth District or the Residential Light Industrial Commercial District adopted within this Ordinance. Measuring shall be by the closest linear distance from the property to the closest point of either of the aforementioned growth districts.

| <u>Distance</u>      | <u>Points</u> |
|----------------------|---------------|
| Less than .25 mile   | 0 points      |
| .25 mile to .75 mile | 6 points      |
| Over .75 mile        | 12 points     |

### D. Comprehensive Plan Compatibility

This criterion shall determine whether site development is supportive of or has a negative impact on the following elements of the Comprehensive Plan: Highway Problem Areas, Compatibility of site development with designated parks or proposed parks and recreational areas and percentage of proposed affordable housing.

**Highway Problem Areas**

| <u>Number of Areas</u> | <u>Residential Project Points</u> | <u>Nonresidential Project Points</u> |
|------------------------|-----------------------------------|--------------------------------------|
| 0 problem areas        | 0 points                          | 0 points                             |
| 1 problem area         | 3 points                          | 6 points                             |
| 2 problem areas        | 6 points                          | 12 points                            |

Highway Problem Area Points will be assessed as follows:

If the site is accessible to the closest ‘in county’ incorporated area (using the most direct vehicular route) and an ‘out of county’ market area (Frederick, MD; Winchester, VA; Inwood, WV; Martinsburg, WV) (using the most direct vehicular route) without traveling through a Highway Problem Area as shown on the Comprehensive Plan Highway Problem Area Map the project would score a 0 for this criterion.<sup>23</sup>

If the site is accessible to either one or the other without traveling through a Highway Problem Area the project would score a 3 for this criterion.<sup>23</sup>

If a Highway Problem Area intersects the most direct vehicular route to the closest in county incorporated area and the closest out of county market area, the project would score a 6 for this criterion.<sup>23</sup>

**Affordable Housing**

| <u>Percent</u>                     | <u>Points</u> |
|------------------------------------|---------------|
| 25% affordable housing is proposed | 0 points      |
| 10% affordable housing is proposed | 3 points      |
| No affordable housing is proposed  | 6 points      |

**Park/Recreational**

| <u>Proposal</u>                                                                                                                                                              | <u>Points</u> |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------|
| Proposing a 5 acre park or 10% of gross acreage (whichever is greater) with amenities and land dedicated to and accepted by Jefferson County Parks and Recreation Commission | 0 points      |
| Located within 2 miles from an area marked on the Comprehensive Plan Parks and Recreation Map                                                                                | 3 points      |
| Located farther than 2 miles from an area marked on the Comprehensive Plan Parks and Recreation Map                                                                          | 6 points      |

Distances for Parks and Recreation will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest park or recreation area as shown on the Comprehensive Plan map of Parks and Recreation Areas.

For nonresidential projects, parks and recreation points will be reassigned to Highway Problem Areas: 0, 6, and 12.

**E. Proximity to Schools<sup>4</sup>**

| <u>Distance</u>   | <u>Residential Project Points</u> | <u>Nonresidential Project Points</u>                                                    |
|-------------------|-----------------------------------|-----------------------------------------------------------------------------------------|
| Less than 2 miles | 0 points                          | For Nonresidential projects points are reassigned to Roadway Adequacy and Size of Site. |
| 2 to 4 miles      | 4 points                          |                                                                                         |
| Over 4 miles      | 8 points                          |                                                                                         |

The purpose of assessing the proximity of schools to new development is to avoid excessive busing of students. Distances for schools will be measured by vehicular miles from a subdivision entrance by the most direct route to the entrance of the appropriate school.

For nonresidential projects the proximity to schools points will be reassigned to roadway adequacy: 0, 10, and 16 and size of site: 0, 5, and 10.

F. Roadway Adequacy<sup>4</sup>

| <u>Road Type</u>          | <u>Residential Project Points</u> | <u>Nonresidential Project Points</u> |
|---------------------------|-----------------------------------|--------------------------------------|
| Primary or Four Lane Road | 0 points                          | 0 points                             |
| Secondary                 | 6 points                          | 10 points                            |
| Local Service             | 12 points                         | 16 points                            |

Point values for this criterion are assigned based on the designation of the Comprehensive Plan Highway Classification map. Section 6.5D evaluates the operational proximity of the site to designated highway problem areas.

G. Emergency Service Availability

The purpose of this criterion is to assess the distance of potential site development to emergency services: fire department (4.5 points) and ambulance service (4.5 points).

Distance to Emergency Services

| <u>Distance to Fire</u> | <u>Points</u> | <u>Distance to Ambulance</u> | <u>Points</u> |
|-------------------------|---------------|------------------------------|---------------|
| Less than 2 miles       | 0 points      | Less than 2 miles            | 0 points      |
| 2 to 5 miles            | 2.5 points    | 2 to 5 miles                 | 2.5 points    |
| Over 5 miles            | 4.5 points    | Over 5 miles                 | 4.5 points    |

Distances for Fire and Ambulance will be measured by vehicular miles from a subdivision entrance by the most direct route to the closest entrance of the appropriate fire or ambulance station.

Section 6.5 — Computation of Soils/Amenities Assessment<sup>27</sup>

- A. At the completion of evaluation of a site with the Soils and Amenities Assessment Criteria, there should be a total number of points awarded to each Assessment. Since the Soils Assessment utilized was based on a 100 points relative point value in itself, a minor conversion must be made to the total relative value. The Development Review System allots a maximum of 25 points to the Soils Assessment therefore the conversion to be made is expressed as follows:  $100 \times .25 = 25$  pts. (For example, if a parcel receives the maximum point value of 100 points, in actuality only 25 points will be awarded for the Soils Component of the Development Review System.)
- B. The Amenities Assessment has a 75 point maximum point value.
- C. The combined maximum total for both Assessments is 100 points. The most agriculturally significant parcel would rate 100; the most developable parcel would rate 0. A total of 60 points or less advances the application to the Compatibility Assessment Meeting.<sup>14, 17, 21</sup>
- D. Any land in the Rural District that is located on a primary or secondary road, as defined in the Comprehensive Plan, shall not have to process through the LESA points process for a commercial or industrial project and shall be advanced directly to the Compatibility Assessment Meeting.<sup>17, 21</sup>

ARTICLE 7: **RESERVED<sup>30</sup> PROCEDURAL REQUIREMENTS FOR REVIEW**

**Section 7.1 — Purpose**

The Procedural Requirements section of the Ordinance details the procedures to review development utilizing the zoning district regulations and/or the Development Review System. All plans and development approved shall comply with the standards contained in this Article.<sup>23</sup>

**Section 7.2 — Zoning District Principal Permitted Uses**

All uses listed as principal permitted uses within a zoning district shall be developed subject to the Jefferson County Subdivision and Land Development Regulations.<sup>23</sup>

**Section 7.3 — General Development Review System Requirements**

- A. If a proposed use is not listed as a principal permitted use in a zoning district, the applicant must submit a Development Review System application subject to the requirements of Section 7.4.<sup>23</sup>
- B. Filing an application with the Planning and Zoning Staff is the first of several stages within the Development Review System. Those stages are listed below.
  - 1. Filing the application
  - 2. Departments of Planning and Zoning Staff Evaluation of the Development Review System<sup>23</sup>
  - 3. Compatibility Assessment Meeting
  - 4. Public hearings
  - 5. Board of Zoning Appeals decision on the issuance or denial of the Conditional Use Permit<sup>2,23</sup>

**Section 7.4 — Filing the Application**

- A. The owner or the owner's agent proposing to develop land that is not a principal permitted use in the district where it is located shall consult with the Departments of Planning and Zoning. Fifteen (15) copies of a sketch plan detailing the project shall be submitted with an application and fifteen (15) copies of the support data that will enable the project to be evaluated by the Development Review System, at least ten (10) days prior to the scheduling of a Compatibility Assessment Meeting. This meeting will occur within thirty (30) days from the date that the meeting is scheduled by the staff. Copies of the application, sketch plan, and development review data shall be available for public review in the Planning Office at such time as the proposed development is advertised in the newspaper.<sup>1, 2, 7, 17, 21, 23</sup>
- B. The sketch plan shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Departments of Planning, Zoning, and Engineering, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.<sup>23</sup>

~~C. The sketch plan should be accompanied by a tract location map; a soils report indicating the soil types on the parcel and a map delineating the boundaries of each soil type; and the necessary support data, to evaluate the site by the Development Review System, listed below.~~

~~D. Support Data~~

- ~~1. Name and address of owner/developer.~~
  - ~~2. Name and address of contact person.~~
  - ~~3. Type of development proposed.~~
  - ~~4. Acreage of original tract and property to be developed.~~
  - ~~5. General description of surface conditions (topography).~~
  - ~~6. Soil and drainage characteristics.~~
  - ~~7. General location and description of existing structure.~~
  - ~~8. General location and description of existing easements or rights-of-way.~~
  - ~~9. Existing covenants and restrictions on the land.~~
  - ~~10. Intended improvements and proposed building locations including locations of signs.~~
  - ~~11. Intended land uses.~~
  - ~~12. Earth work that would alter topography.~~
  - ~~13. Tentative development schedule.~~
  - ~~14. Extent of the conversion of farm land to urban uses.~~
  - ~~15. Affected wildlife populations.~~
  - ~~16. Ground water and surface water and sewer lines within 1320 feet.~~
  - ~~17. Distance to fire and emergency services that would serve the site.~~
  - ~~18. Distance to the appropriate elementary, middle, and high school.~~
  - ~~19. Traffic characteristics – type and frequency of traffic; adequacy of existing transportation routes.~~
  - ~~20. Demand for school services created by this development.~~
  - ~~21. Proximity and relationship to historic structures or properties within two hundred (200) feet.~~
  - ~~22. Proximity to recreational facilities.~~
  - ~~23. Relationship of the project to the Comprehensive Plan.~~
- ~~E. The developer shall submit a list of all property owners, and their addresses, adjacent to and confronting the property which is to be developed.~~
- ~~F. Payment of fees – Within one week of the submittal of a Development Review System application, all required fees must be paid.<sup>23</sup>~~
- ~~G. The Zoning Administrator shall determine if the sketch plan and support data are adequate.<sup>8, 17, 21, 23</sup>~~

### **Section 7.5 — Planning and Zoning Staff Evaluation of the Development Review System**

- ~~A. The staff will evaluate all applications for the proposed land use in conjunction with Article 6 and all other applicable sections of the Zoning and Land Development Ordinance and other pertinent ordinances governing development in the County.<sup>23</sup>~~
- ~~B. Staff will notify the adjacent and confronting property owners of the date, time, and place of the Compatibility Assessment Meeting by registered mail. Notification requirements of Section 3.4A.3(b) shall apply.<sup>1,23</sup>~~
- ~~C. A North American Industrial Classification System (NAICS) code will be assigned to the proposed project. Once the classification is agreed upon, the NAICS code shall be binding. Any change of use shall require submittal of a new application in accordance with Article 7.<sup>23</sup>~~

### **Section 7.6 — Compatibility Assessment Meeting**

- ~~A. The Compatibility Assessment Meeting allows the adjacent and confronting property owners and all other interested parties the opportunity to hear the Applicant's presentation and proposal. The presentation will address the compatibility of the project to the existing areas adjacent to the site. Following the Applicant's presentation, attendees may ask questions or provide comments. Any discussion shall be limited to the proposal's compatibility as presented rather than whether the site should be developed by any other use. At the end of the discussion, the staff shall summarize the positions presented by those in attendance. If the majority of those in attendance are in agreement that the staff record is accurate, the meeting will end. If there is need for clarification of a particular issue the staff will allow additional time for clarification before ending the meeting.<sup>23</sup>~~
- ~~B. During the Compatibility Assessment Meeting, those who participate should address, but are not limited to, the following criteria to determine compatibility of the proposed project:
  - ~~1. Adopted Federal, State and local regulations;~~
  - ~~2. Similarity of proposed development type (residential, commercial, industrial, agricultural, etc.) to existing development types;~~
  - ~~3. In a residential project, similarity of the density of the proposed development to existing density in the neighborhood;~~
  - ~~4. Adequacy of roads and highways to accommodate traffic to be generated by the development, with particular attention to dangerous intersections designated by the State Roads Commission or the State Police;~~
  - ~~5. Present and future transportation patterns in the area;~~
  - ~~6. Consistency with land use plans and regulations of incorporated municipalities immediately adjacent to the proposed development;~~
  - ~~7. Any variance which is known to be required at the time of submittal;~~
  - ~~8. The relationship of the proposed change to the adopted Comprehensive Plan; and~~
  - ~~9. All items submitted with the application.<sup>17,21</sup>~~~~
- ~~C. Staff shall monitor and record the meeting. A time limit, as referred to in Section 7.7C may be imposed if there are a large number of speakers. Staff may comment on the proposed development's conformance to applicable State, Federal and Local codes.<sup>17,21,23</sup>~~

- ~~D. If not all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, a public hearing of the Board of Zoning Appeals will be required. Staff shall prepare a report summarizing the developer's proposal, the agreed upon conditions, and any other pertinent data and will advertise for the public hearing. A public hearing in conformance with this article will be conducted no fewer than 30 days but no more than 60 days from the date of the Compatibility Assessment Meeting. At the public hearing, the Board shall take action as described in Section 7.6F.<sup>1, 17, 21, 23</sup>~~
- ~~E. If all issues raised at the Compatibility Assessment Meeting were resolved at that meeting, no public hearing shall be required. At the next Board of Zoning Appeals meeting, the Board shall take action as described in Section 7.6F.<sup>2, 17, 21, 23</sup>~~
- ~~F. The Board of Zoning Appeals shall issue, issue with conditions, or deny the conditional use permit. The standards governing the issuance of the Conditional Use Permits shall be: successful LESA Point application, Board of Zoning Appeals resolution of unresolved issues; and, evidence offered by testimony and findings by the Board of Zoning Appeals that the proposed development is compatible with the neighborhood where it is proposed.<sup>2, 17, 21, 23</sup>~~
- ~~G. A Conditional Use Permit shall be valid for the time period identified in Section 3.2G of this Ordinance.<sup>23</sup>~~

#### **Section 7.7 — Public Hearings for Development Review System<sup>23</sup>**

- ~~A. Unless otherwise superseded by the Board of Zoning Appeals Rules of Procedure, a public hearing for a Development Review System application shall be conducted in accordance with this section.~~
- ~~B. The public hearing will be conducted by the Board of Zoning Appeals. The purpose of the meeting is to hear the staff's report of the issues and concerns raised at the Compatibility Meeting. Any comments relative to the validity of the staff's report should be presented at this meeting. Concerns that have been addressed and agreed upon as accurate by the majority of those present at the Compatibility Assessment Meeting should not be addressed at this hearing. Speakers shall be limited to resolution of issues which could not be resolved at the Compatibility Assessment Meeting and the compatibility of the project within the neighborhood.<sup>1, 17, 21</sup>~~
- ~~C. All public hearings shall have time limits allotted to those who speak, as follows: the applicant or agent shall have 30 minutes for a presentation, each group who speaks may have 15 minutes, each individual who speaks is allotted 5 minutes, the applicant or agent is allowed 15 minutes for rebuttal. The time limit provision within this section may be modified by the Board of Zoning Appeals Chairperson in the event that there are a large number of persons to speak at a particular hearing. The Board shall announce any change to this section at the beginning of the hearing.<sup>17, 21</sup>~~
- ~~D. Notification requirements of Section 3.4A.3(b) apply.~~
- ~~E. The Board of Zoning Appeals shall render a decision no more than 60 days after the public hearing.<sup>17, 21</sup>~~

## ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>

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.<sup>30</sup>

### Section 8.1 Adult Use Requirements<sup>16, 23</sup>

Adult arcades, adult bookstores, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors and any sign advertising the operation thereof, shall only be permitted in the Industrial-Commercial District under the following conditions:

- A. All elements of the use, including parking areas, shall be located at least 1,500 feet from any zoning district other than Industrial-Commercial not separated from the subject property by a public road or railroad right-of-way.<sup>27</sup>
- B. A proposed adult arcade, adult bookstore, adult cabarets, adult mini motion picture theaters, adult saunas, adult theaters, sexual encounter establishments, sexual paraphernalia stores, massage parlors or any sign advertising the operation thereof, shall not be permitted within 2,500 feet of a lot with an existing adult use or a lot with a sign advertising an adult use.
- C. All elements of any use described in this section, including parking areas, shall be located at least 1,500 feet from any lot, regardless of its zoning classification, that contains a dwelling unit, a school, a church or house of worship or an institution for human care, regardless it is separated by a public road or railroad right-of-way.

This provision does not apply to any specific existing use that legally qualifies as a nonconforming use; provided, however, that an existing nonconforming use cannot add any of the uses described in this section to their operations as existing on May 1, 2003.

### Section 8.2 ~~Barns~~ Animal Housing and Feeding Pens<sup>23, 30</sup>

~~Barns~~ Housing for farm animals and feeding pens ~~shall~~must be set back a minimum of 50' ~~from all property lines; excluding chicken coops which may be set back 25' from all property lines if no roosters are housed there.~~ 75' ~~from a residential district, a lot with a residential use, a church, a school, or an institution for human care.~~

Structures used to store manure shall comply with distance requirements specified in 4.6A.<sup>30</sup>

### Section 8.3 Bed and Breakfast<sup>23</sup>

A bed and breakfast may contain up to 7 bedrooms, and may conduct up to 4 receptions per year, with 1 tent per reception. Breakfast is the only meal served, and is served only to overnight tenants and their guests. An owner or designated caretaker must reside on the premises while the bed and breakfast is occupied. Up to 2 bedrooms may be located in an accessory dwelling unit, provided that the total number of bedrooms associated with the land use does not exceed 7.

#### Section 8.4 Kennels<sup>23</sup>

All portions of a Kennel land use must be buffered pursuant to Article 4 and set back at least ~~300~~<sup>500</sup> feet from any other property that contains a residence. If the adjacent use is a commercial use, setbacks shall conform with commercial setbacks in Appendix B. Kennels cannot be located within a Planning Commission approved major residential subdivision.<sup>15, 30</sup>

#### Section 8.5 Farm Brewery, Farm Winery, or Farm Distillery<sup>23, 26</sup>

- A. All structures associated with the operation of a farm brewery, farm winery, or farm distillery may not exceed 20,000 square feet.<sup>26</sup>
- B. No sale of alcohol for onsite consumption is permitted unless licensed as a private club by the state of West Virginia or unless otherwise permitted by state law.<sup>26, 30</sup>
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises<sup>26</sup>
- D. Permitted accessory uses include the following:<sup>26</sup>
  1. Incidental tastings of products produced on-premises.
  2. Incidental food sales associated with tastings, not including a restaurant; provided, however, that a restaurant may be permitted through the conditional use permit process.<sup>30</sup>
  3. Sales of packaged products produced on-premises.
  4. Sales of novelty and gift items associated with products produced on-premises.
- E. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery. No more than twenty-five percent of any produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia.<sup>26</sup>
- F. Production limits are as follows:<sup>26</sup>
  1. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons).
  2. A farm winery may produce annually up to 50,000 gallons of wine and similar products.
  3. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor.
- G. Buildings located on the premises may exceed the square footage limit of Section 8.5A provided that the total building area dedicated to the use does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.<sup>26</sup>

#### Section 8.6 Farm and Farmers' Markets<sup>23, 30</sup>

- A. A Farm Market shall be located on the land or farm on which the farm products being sold are produced. The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of ~~fifty~~<sup>twenty five</sup> feet (~~50~~<sup>25</sup>' ) from the street right-of-way must be maintained, and off street parking must be provided.<sup>30</sup>
- A.B. A Farmers' Market is a multi-stall market at which multiple farmer-producers offer agricultural products for sale to the public. Such uses are permitted in commercial zones in accordance with Appendix C and in the Rural Zoning District as a part of a Commercial Agricultural Enterprise.<sup>30</sup>

## **Section 8.7 Jails and Prisons<sup>23</sup>**

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use as provided for in this Ordinance ~~Development Review System as outlined in Article 6 of this Ordinance.~~<sup>5,30</sup>

Design Standards for Jails, Prisons and/or Penal Institutions are as follows:<sup>5</sup>

- A. All jails shall have direct access to a primary road as defined by the Jefferson County Comprehensive Plan. Such road shall have a level of service no worse than Level C.
- B. No residential subdivisions, schools, churches or institution for human care shall be within 2000' of the subject property. However, this does not prevent such use from locating within 2000' of a jail, prison or penal institution.
- C. Setbacks:
  1. Front 1,000 Feet
  2. Sides 1,500 Feet
  3. Rear 1,500 Feet

## **Section 8.8 Hunting, Shooting and Fishing Clubs<sup>23</sup>**

- A. Hunting, Shooting and Fishing Clubs may include the following accessory uses:
  1. Private restaurant that seats no more than 80 patrons that are members and guests of members.
  2. Conference and banquet facilities to serve no more than 250 people in which a member rents the facility. Events which are accessory uses other than hunting, shooting, archery and fishing, cannot exceed more than 16 per year.
  3. Private lodge facilities of up to 50 units that serve members and guests.<sup>20</sup>
  4. Shooting ranges for use of members and guests of members.
- B. Standards for Hunting, Shooting and Fishing Clubs<sup>20</sup>
  1. 75 foot setback for all structures and parking.
  2. 150 yard setback for all shooting facilities.
  3. Height
    - a. As is for conversion or reconstruction that does not exceed 135 percent of the original footprint of existing structures
    - b. 35 feet for new structures
  4. Landscaping requirements of this Ordinance apply, with the following exception:
    - a. Perimeter landscaping shall be as approved by staff in order to preserve existing vegetation.
  5. Minimum of 150 acres under common ownership.
- C. Special Exceptions for Hunting, Shooting and Fishing Clubs<sup>20</sup>
  1. Limits exceeding requirements outlined above can be increased with Board of Zoning Appeals approval provided that the Board of Zoning Appeals find that the increase is compatible with the neighborhood after taking into consideration neighborhood character, traffic, and buffering. Such decision shall be rendered after a public hearing as outlined in the Board of Zoning Appeals Rules of Procedure.

**Section 8.9 Industrial and Commercial Uses<sup>23</sup>**

A. Industrial and commercial uses in all districts shall comply with the following standards:

1. Noise

All noise shall be muffled so as not to be objectionable due to intermitting, beat frequency, or shrillness. Noise levels shall not exceed the following sound levels dB(A). The sound-pressure level shall be measured at the property line with a sound level meter.

| <u>Sound Measured In</u>                              | <u>DAY</u>         | <u>NIGHT</u>       |
|-------------------------------------------------------|--------------------|--------------------|
|                                                       | <u>7 AM - 6 PM</u> | <u>6 PM - 7 AM</u> |
| Adjoining Agricultural or Residential Growth District | 60 dB(A)           | 50 dB(A)           |
| Residential Uses in R-LI-C District                   | 65 dB(A)           | 55 dB(A)           |
| Commercial Uses                                       | 70 dB(A)           | 60 dB(A)           |
| Light Industrial Uses adjacent to noise source        | 85 dB(A)           | 80 dB(A)           |

The following sources of noise are exempt:

- a. Transportation vehicles not under the control of the industrial use.
- b. Occasionally used safety signals, warning devices and emergency pressure relief valves.
- c. Temporary construction activity between 7:00 a.m. and 7:00 p.m.

2. Odor

No operation shall result in the creation of odors of such intensity and character as to be detrimental to the health and welfare or the public or which interferes with the comfort of the public. Odor thresholds shall be in accordance with ASTM d139-57 “Standard Method for Measurement of Odor in Atmospheres (Dilution Method)” or its equivalent. Odorous material released from any operation or activity shall not exceed the odor threshold concentration beyond the state line, measured either at ground level or habitable elevation.

3. Smoke

No smoke, dust, fumes, or particulate matter shall be perceptible at any lot line. Further, the regulations and standards governing the control of air pollution shall be the same as those adopted by the State of West Virginia.

For the purpose of grading the density or equivalent capacity of smoke, the Ringelmann Chart as published by the United States Bureau of Mines shall be used.

The emission of smoke darker than Ringelmann No. 1 from any chimney, stack, vent, opening, or combustion process is prohibited.

The total emission rate of dust and particulate matter from all vents, stacks, chimneys, flues or other opening or any process, operation, or activity except solid waste incinerators within the boundaries of any lot, will not exceed the levels set forth below.

Particulate matter emission from materials or products subject to becoming wind borne will be kept to a minimum by paving, sodding, oiling, wetting, covering or other means, such as to render the surface wind resistant. Such sources include vacant lots, unpaved roads, yards and storage piles or bulk material such as coal, sand, cinders, slag, sulfur, etc.

4. Ambient Air Quality Standard

Particulate Matter

Suspended

|                             |     |
|-----------------------------|-----|
| Annual Arithmetic Mean ug/m | 65  |
| 24-hour Maximum b, ug/m     | 140 |

Settleable

Annual Arithmetic Average, mg/cm/ /month 0.35  
Monthly Maximum 0.7

5. Vibration

No vibration shall be produced which is transmitted through the ground and is discernible without the aid of instruments at any point beyond the lot line nor shall any vibration produced exceed 0.002g peak measured at or beyond the lot line using either seismic or electronic vibration-measuring equipment.

6. Glare and Heat

No direct or sky-reflected glare, whether from floodlights or from high temperature processes, such as combustion or welding or otherwise, so as to be visible at the lot line, shall be permitted. There shall be no emission or transmission of heat or heated air so as to be discernable at the lot line.

7. Toxic Matter

The ambient air quality standards for the State of West Virginia shall be the guide to the release of airborne toxic materials across lot lines. Where toxic materials are not listed in the ambient air quality standards of the State, the release of such materials shall be in accordance with the fractional quantities permitted below, of those toxic materials currently listed in the threshold limit values adopted by the American Conference of Governmental Industrial Hygienists.

Unless otherwise stated, the measurement of toxic matter shall be at ground level or habitable elevation, and shall be the average of any twenty-four (24) hours sampling period.

The release of airborne toxic matter will not exceed one-thirteenth of the threshold limit value across lot lines.

Such materials shall include but are not limited to: all primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, PETN, and picric acid; propellants and components thereof, such as dry derivatives; pyrotechnics and fireworks such as acetylates, tetrazoles, and ozonides; unstable oxidizing agents such as perchloric acid, perchlorates, and hydrogen peroxide in concentration greater than thirty-five (35) per cent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

The storage, utilization or manufacture of materials or products which decompose by detonation is prohibited.

8. Fire Hazards

The storage, utilization or manufacture of solid materials which are active to intense burning shall be conducted within spaces having fire resistive construction of no less than two (2) hours and protected with an automatic fire extinguishing system.

The total capacity of flammable liquids and gasses shall not exceed those quantities permitted in the following Table for each of the industrial districts:

| <u>CAPACITY</u> | <u>STORAGE</u> |
|-----------------|----------------|
| Liquids         | 60,000 gallons |
| Gasses          |                |
| - Above ground  | 150,000 SCF    |
| - Below ground  | 300,000 SCF    |

SCF - Standard Cubic Feet at sixty (60) degrees Fahrenheit and 29.92 inches Mercury.<sup>1</sup>

The following setback requirements will apply to the location of any container which holds flammable liquids or gasses:

Container Setback from Lot Lines

| Water Capacity<br>per Container<br>(Gallons) | Containers            |                                   | Between<br>Above Ground<br>Containers (Feet)     |
|----------------------------------------------|-----------------------|-----------------------------------|--------------------------------------------------|
|                                              | Underground<br>(Feet) | Above Ground<br>Containers (Feet) |                                                  |
| 0 to 2,000                                   | 25                    | 25                                | 3                                                |
| 2,000 to 30,000                              | 50                    | 50                                | 5                                                |
| 30,000 to 60,000                             | 50                    | 75                                |                                                  |
| In excess of 60,000                          | 75                    | 100                               | ¼ the sum of diameters<br>of adjacent containers |

9. Frontage Road

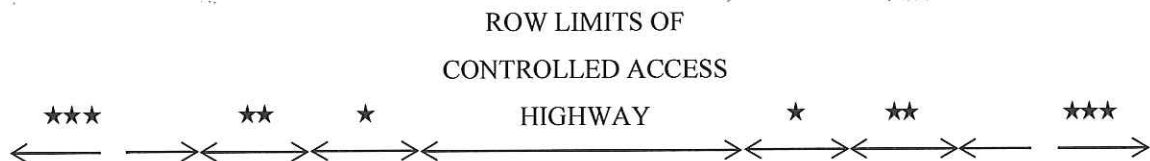
Easements or fee simple dedications will be provided along all limited access highways at the site plan or subdivision phases. Said easement/dedication shall not exceed 60 feet in width. The width may vary but must be adequate for extension, continuation or establishment of a minimum 20' wide paved frontage road.

10. Landscape Buffer

All commercial and industrial developments shall comply with Section 4.11 unless otherwise specified in this Ordinance.<sup>27</sup>

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



★ Maximum 60' easement or dedication for frontage road

★★ 50' landscaped buffer strip

★★★ Setbacks

This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.<sup>5</sup>

**Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.<sup>17, 21</sup>

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

### Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

### Section 8.12 West Virginia Legal Fireworks<sup>23</sup>

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8, 27</sup>

### Section 8.13 Dormitory<sup>23</sup>

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

### Section 8.14 Rural Reception/Event Facility<sup>26</sup>

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events proposed in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts are allowed by Special Exception in accordance with Section 10.5B of this Ordinance, approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 3.4A.3(c); may be continued according to the requirements of Section 3.4A.3(d); and is subject to the notification requirements of Section 3.4A.3(b).<sup>30</sup>

Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.<sup>30</sup>

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings with attendance not to exceed 75 cars, at a frequency of no more than one event per month. Such events are permitted administratively provided that if the facility would utilize a private, shared right-of-way, driveway or easement for vehicular access, a public hearing before the BZA is required.<sup>30</sup> ~~in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance; provided, however, that the maximum square footage for a Cottage Industry shall not apply to a proposed Rural Reception/Event Facility, Small. If these requirements are not complied with, the Cottage Industry permit can be revoked.~~

Approvals of all Rural Reception/Event Facility and Rural Reception/Event Facility, Small shall include a provision that noise at the property line shall conform with Section 8.9A.1 of this Ordinance

and shall apply the Residential Growth District Standard to all adjacent lots containing a residence as well adjacent lots in the Rural District.

Note that any suppliers and/or production staff are not counted in the trip generation for this Section.<sup>30</sup>

### Section 8.15 ~~Accessory Agricultural Dwelling Unit~~<sup>26,30</sup>

An Accessory Dwelling Unit is defined as a secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the principal dwelling unit and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. Such accessory dwelling unit is permitted only if it meets one of the following criteria:<sup>30</sup>

A. An “In-Law Suite” is an accessory dwelling unit for the purpose of housing a relative of the property owner and must be clearly subordinate to the principal dwelling unit and meet all of the following criteria:<sup>30</sup>

- (a) Secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area;<sup>30</sup>
- (b) For a detached accessory dwelling unit, must be located on a property of at least 2 acres;<sup>30</sup>
- (c) Limited to use by a relative\*;<sup>30</sup>
- (d) Sufficient parking available; and<sup>30</sup>
- (e) Approved by the Health Department.<sup>30</sup>

\*Related by blood, marriage, or adoption. Should relative no longer require the use of the ADU, the property owner may apply for a Special Exception before the Board of Zoning Appeals to allow for rental to non-relatives. The principal dwelling unit or accessory dwelling unit must be occupied by the property owner or immediate family member.<sup>30</sup>

B. An “Accessory Agricultural Dwelling Unit” for agricultural purposes is defined as a dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and meets all of the following criteria:<sup>30</sup>

- (a) is secondary in size to the principal dwelling unit, limited in size to a maximum of 1,700 heated square feet, gross floor area;<sup>30</sup>
- (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance;
- (c) is located on a property of at least 10 acres in area; and
- (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property; and-
- (e) is approved by the Health Department.<sup>30</sup>

One of each type of Accessory Dwelling Unit as defined in this section may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exception, which may be approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 3.4A.3(c); may be continued according to the requirements of Section 3.4A.3(d); and is subject to the notification requirements of Section 3.4A.3(b). These

additional units designed for occupancy by relatives or by farmworkers or caretakers may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.<sup>30</sup>

RVs are prohibited as Accessory Dwelling Units.<sup>30</sup>

**Section 8.16 Reserved**<sup>30</sup>

**Section 8.17 Reserved**<sup>30</sup>

**Section 8.18 Nature Center and Preserve**<sup>30</sup>

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.

A. General Standards to operate a Nature Center and Preserve:

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.

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.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

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.

All non-motorized trails and non-applied 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.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance’s landscaping standards, a 10 foot woodland preservation buffer shall be required along 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:

- (a) No trees, shrubs, hedges, or walls are removed.
- (b) Not more than 20 percent of the width of the buffer is impervious surface.
- (c) The total width of the buffer area is maintained.

D. 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.

**Section 8.19 Adaptive Reuse of Existing Structures<sup>30</sup>**

[PLACE HOLDER]

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**ARTICLE 9: EXCEPTIONS**

**Section 9.1 General**

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

**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.<sup>7, 10, 22</sup>

**Section 9.3 Lot Area Modification**

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and<sup>23</sup>
- B. Health Department regulations can be met.

**Section 9.4 Setback Modifications**

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within two hundred (200) feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within two hundred (200) feet of the proposed building. However, in no case shall the setback line be less than thirty-five (35) feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.<sup>5, 23</sup>
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.<sup>12, 23</sup>

### Section 9.5 Projections Into Yards<sup>8</sup>

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.<sup>23</sup>
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>
- C. In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

### Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

### Section 9.7 Other Exceptions<sup>3</sup>

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

#### Residential Growth District<sup>23</sup>

##### Single Family Residences

|                                    |            |          |     |          |
|------------------------------------|------------|----------|-----|----------|
| Over 40,000 square feet --         | 25' front, | 12' side | and | 12' rear |
| 30,000 sq. ft. to 40,000 sq. ft.-- | 20' front, | 10' side | and | 12' rear |
| Under 30,000 square feet --        | 20' front, | 8' side  | and | 12' rear |

Rural Agricultural and Industrial Commercial

Single Family Residences

|                                     |                                  |
|-------------------------------------|----------------------------------|
| Over 2 acres --                     | 40' front, 15' side and 50' rear |
| 40,000 sq. ft. to 2 acres --        | 25' front, 12' side and 12' rear |
| 30,000 sq. ft. to 39,999 sq. ft. -- | 20' front, 10' side and 12' rear |
| under 30,000 sq. ft. --             | 20' front, 8' side and 12' rear  |

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

**Section 9.8 Seasonal Uses<sup>5,7</sup>**

Seasonal uses must be approved by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>

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## **ARTICLE 10: PROVISIONS FOR SIGNS**

### **Section 10.1 Purpose of Sign Provisions**

The purpose of this section is to regulate all exterior signs and interior signs placed for exterior observance so as to protect property values and the character of the County. Any sign placed on land or on a building for the purposes of identification or for advertising a use conducted therein or thereon shall be deemed to be accessory and incidental to such land, building or use.

It is intended that the placement of a particular sign will be appropriate to the land, building, or use to which they are appurtenant and be adequate, but not excessive, for the intended purpose of identification or advertisement. It is also intended that in areas proposed for new development, that signs placed will be harmonious in color, form and proportions to its surroundings.

### **Section 10.2 General Provisions**

- A. No sign shall be erected, hung, or placed in any district except as provided in this Ordinance. No sign erected before the enactment of this Ordinance shall be structurally altered or moved except in accordance with this Ordinance.
- B. No zoning permit shall be required for the repainting or repairing of a sign.
- C. No signs, other than subdivision signs approved by the Planning Commission, shall be located in the right-of-way of any road or on any slope or drainage easement for such road.<sup>2, 17, 21, 23</sup>
- D. No sign shall be permitted which is an imitation of or which resembles an official traffic control device, railroad sign or signal, or which hides from view or interferes with the effectiveness of an official traffic control device or any railroad sign, signal, or traffic sight lines. Illuminated signs shall be so constructed as to avoid glare or reflection of any portion of an adjacent highway or residential building.
- E. No sign which implies the need or requirement of stopping or this existence of danger shall be displayed.
- F. No sign shall be placed on rocks, trees, or on poles maintained by public utilities.
- G. No sign shall be permitted which becomes unsafe or endangers the safety of the building, premises, or persons and unless maintained in a good general condition.
- H. No sign shall be permitted which contains statements, words or pictures of an obscene, indecent, or immoral character.
- I. No animated signs, as defined by Section 2.2 are allowed.

### **Section 10.3 Permitted Signs Without Zoning Permit**

- A. Signs posted upon property relating to private parking or warning the public against trespassing or against dangers of animals.
- B. Municipal, County, State and Federal signs, including necessary traffic signs.
- C. Historical markers, monuments, or signs erected by a public authority.
- D. Plates on residential structures or premises giving the name or address of the occupant, mailboxes, papertubes, and similar uses customarily associated with residential uses.
- E. A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding the maximum size for such a sign as permitted in Article 4A of this Ordinance.

- F. A sign not exceeding twenty-five (25) square feet on a farm, advertising farm products primarily grown on the premises.
- G. Directional or informational signs of a public or quasi-public nature, such as those containing the meeting date of a community or civic club, or the advertising of a public event.
- H. A temporary real estate sign designating the zoning classification of the parcel, not exceeding twenty (20) square feet and being located on the subject property for sale or lease.
- I. Building contractors', subdivision and/or professional person' temporary signs on buildings or land under construction but not to exceed one hundred (100) square feet.
- J. Election signs, provided that unsuccessful candidate shall remove signs within 15 days after a primary or special election. All signs shall be removed within 15 days after the general election. Signs shall not interfere with traffic visibility.
- K. All temporary signs shall be removed thirty (30) days after the event, unless otherwise specified in Article 10.

#### Section 10.4 Signs Requiring a Zoning Permit

- A. Business and outdoor advertising signs in all zoning districts shall require a Zoning Certificate before placement on any property or building.<sup>2</sup>
- B. Any exterior sign or signs pertaining to the use conducted on the premises, and which is either integral with or attached to the principal building, shall have a sum total area of no more than two square feet for each foot in length of the frontage of the building. No sign shall be attached to the side of the building that faces an adjoining residence. All signs placed on a property whose use is permitted through the approval of a Conditional Use Permit governed by the Development Review System ~~is~~ are subject to Section 10.4E.<sup>30</sup>
- C. Individual business or industrial establishments may erect a freestanding business sign, provided the lot frontage is at least forty (40) feet. The freestanding sign shall be located in such a manner that no part of the supporting structure is less than twenty-five (25) feet from the street right-of-way, and that no part of the sign is closer than five (5) feet to the right-of-way. The total area for any sign or signs on one supporting structure shall not exceed 300 square feet and the total height of the sign structure shall not exceed thirty-five (35) feet. Businesses or industries having a frontage on more than one street may have an additional freestanding sign for each street frontage, provided that the total area for all freestanding signs does not exceed 600 square feet. Where the lot adjoins a residence and a freestanding sign is on the side of the business lot adjoining the residential lot, the sign shall not face the adjoining residence. Signs whose use is permitted through the approval of a Conditional Use Permit governed by the Development Review System are subject to Section 10.4E. Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.<sup>8,30</sup>
- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4E.
- E. All signs accessory to land use that must be permitted through the approval of a Conditional Use Permit ~~evaluated by the Development Review System (DRS)~~ shall be proposed within the Conditional Use Permit ~~DRS~~ application and assessed by the Board of Zoning Appeals at the required Public Hearing ~~Compatibility Assessment Meeting~~. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or

Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. Any variance from this standard shall require consideration and approval of a variance by the Board of Zoning Appeals. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.<sup>2, 17, 21, 23, 30</sup>

- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4H, shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
  - 1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
  - 2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
  - 3. There shall be a minimum of one thousand (1000) feet between billboards.
  - 4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

## Section 10.5 Special Exception Uses<sup>26, 30</sup>

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
  - 1. The public hearing shall be conducted according to the requirements of Section 3.4A.3(c).
  - 2. Such hearing may be continued according to the requirements of Section 3.4A.3(d).
  - 3. The public hearing is subject to the notification requirements of Section 3.4A.3(b).
- B. The following uses may be approved as a Special Exception:
  - 1. Outdoor advertising signs including billboards. The Board of Zoning Appeals shall determine if such a sign conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>
  - 2. ~~Detached “Accessory Agricultural Dwelling Units” for agricultural purposes, such as units for occupancy by farmworkers or caretakers, may be approved based on the Board’s evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. One unit meeting the definition of “Accessory Agricultural Dwelling Unit” may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.~~
  - 3. ~~Use of existing structures and outdoor areas as “Rural Reception/Event Facilities” for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board’s evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.~~

**Section 10.6 Zoning Certificate<sup>2</sup>**

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.<sup>17, 21, 23</sup>

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**ARTICLE 11: OFF-STREET PARKING STANDARDS<sup>23</sup>**

**Section 11.1 Non-Residential Parking Standards**

- A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per use and are as follows:<sup>5</sup>

|                                                                                                                    |                                                                                                |
|--------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------|
| Ambulance Facility                                                                                                 | 2 spaces per ambulance                                                                         |
| Auto Sales and Service                                                                                             | 1 space per 300 square feet of gross floor space                                               |
| Auto Service Station                                                                                               | 2 spaces per service bay; plus,<br>1 space per employee                                        |
| Bank, Financial Institution <sup>23</sup>                                                                          | 1 space per 200 square feet of floor space; plus,<br>5 queuing spaces for each drive-up teller |
| Bowling Lanes                                                                                                      | 5 spaces per bowling lane                                                                      |
| Church                                                                                                             | 1 space for each 5 persons for which seating is<br>provided in the sanctuary                   |
| Commercial Retail Sales<br>Less than 2,000 square foot floor space                                                 | 1 space per 150 square feet retail floor space                                                 |
| Commercial Retail<br>Low customer turn over,<br>large indoor display, e.g. carpet,<br>furniture or appliance sales | 1 space per 500 square feet retail floor space                                                 |
| Community Center, Cultural Facility <sup>23</sup>                                                                  | 1 space per 400 square feet floor space                                                        |
| Private Club, Lodge                                                                                                | 1 space for each 2 persons for which seating<br>or lodging is provided                         |
| Educational (Schools)                                                                                              | 1 space per employee;<br>ample student and visitor parking                                     |
| Fire Station                                                                                                       | 10 spaces minimum                                                                              |
| Hospital <sup>23</sup>                                                                                             | 1.5 spaces for each bed; plus,<br>1 space for every employee                                   |
| Hotel, Resort                                                                                                      | 1 space per guest room; plus,<br>1 space per 5 employees                                       |

|                                                                                                      |                                                                                                                                                                          |
|------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Manufacturing Plant                                                                                  | 1 space per employee on maximum working shift                                                                                                                            |
| Medical or Dental Offices/Clinic                                                                     | 5 spaces per 1000 square feet of gross floor space                                                                                                                       |
| Mortuary or Funeral Parlor <sup>23</sup>                                                             | 1 space per 150 square feet of floor area devoted to viewing and 1 space per vehicle used in activity; plus, 1 space per each two employees; with a minimum of 20 spaces |
| Motel, Tourist Home                                                                                  | 1 space per guest room or suite                                                                                                                                          |
| Nursing Home                                                                                         | 1 space per 400 square feet floor space                                                                                                                                  |
| Office Building                                                                                      | 1 space per 300 square feet floor space                                                                                                                                  |
| Professional Building<br>Other than Medical                                                          | 2 spaces per 300 square feet floor space                                                                                                                                 |
| Recreational Establishment <sup>23</sup><br>Other than theaters, swimming pools<br>and bowling lanes | 1 space per 80 square feet of floor space and/or as determined by extent of outdoor use                                                                                  |
| Restaurant, Tavern,<br>Lounge, Nightclub                                                             | 1 space per 50 square feet customer floor space                                                                                                                          |
| Shopping Center <sup>23</sup><br>Retail greater than<br>2,000 square feet of floor space             | 5.5 spaces per 1,000 square feet floor space                                                                                                                             |
| Swimming Pool                                                                                        | 1 space for every 7 persons permitted at any one time                                                                                                                    |
| Theater, Auditorium, Stadium                                                                         | 1 space per every 2 seats                                                                                                                                                |
| Transportation Terminal                                                                              | 1 space per main shift employee                                                                                                                                          |
| Warehouse or<br>Wholesale Establishment                                                              | 1 space per main shift employee; plus,<br>2 spaces per wholesale establishment                                                                                           |

- B. Parking requirements for uses not listed in 11.1A may be either approved or established by the Departments of Planning and Zoning on a case-by-case basis. Justification for said requirements must be documented.<sup>8, 17, 21, 23</sup>
- C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis, and require less than 30 spaces. The applicant must provide an exhibit that demonstrates that the parking will occur on usable ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.<sup>26</sup>

## Section 11.2 Residential Parking Standards<sup>2</sup>

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per residential uses as follows:

| <u>Type of Residences</u>                        | <u>Parking Requirements</u>                                                                                      |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Single Family Detached                           | Driveway Only                                                                                                    |
| Single Family Attached<br>(Duplex or Two-Family) | Driveway Only <sup>23</sup>                                                                                      |
| Single Family Attached<br>(Townhouse)            | See the Jefferson County Subdivision and<br>Land Development Regulations, Appendix B, Division 5.0 <sup>23</sup> |
| Multi-Family                                     | See the Jefferson County Subdivision and<br>Land Development Regulations, Appendix B, Division 6.0 <sup>23</sup> |

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## ARTICLE 12: MAP AND TEXT AMENDMENTS

### Section 12.1 Purpose

- A. These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- B. The County Commission shall refer any amendment or alteration of this Ordinance to the Planning Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.<sup>17, 21, 23, 25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1,25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17, 21</sup>
- B. Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.<sup>17, 21, 25</sup>
- C. All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
  - 1. Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
    - a. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
    - b. Any property affected by the proposed zoning map amendment shall be posted not less than 20 and not more than 28 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and<sup>26</sup>
    - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.<sup>26</sup>
  - 2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- D. All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.

1. Public Notice of the Public Hearing for a Zoning Text Amendment before the Planning Commission requires the following:
  - a. A legal advertisement describing the Sections of the Ordinance proposed to be revised, with a summary of the revision(s), and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
2. Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

### **Section 12.3 Procedure for Map Amendment by Petition<sup>25</sup>**

#### **A. Map Amendments by Landowners**

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property to which the petition relates shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.<sup>27</sup>

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21, 27</sup>
7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this Ordinance.<sup>27</sup>

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

B. Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended. Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. On such petitions a map amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
  - a. Comprehensive Plan compatibility of the proposed change.
  - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.<sup>17, 21</sup>

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of the meeting at which the petition is presented to the County Commission. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a “Request for Action” rather than as a “Petition.”

**Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment<sup>25</sup>**

A. Text Amendments by Those Other Than County or Planning Commission

As WV Code §8A allows only the Planning Commission to file a formal petition for a Zoning Ordinance text amendment, the procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The Planning Commission may hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

B. Text Amendments by Those Other Than County or Planning Commission (Alternate Process)

Any person or any board, commission or bureau of Jefferson County may submit a proposed Zoning Ordinance text amendment to the Planning Commission for consideration within its work plan at a regular Planning Commission meeting. Such a request must be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to under-take such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

C. Text Amendments by the Planning Commission

If the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2D, and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan. With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

D. Text Amendments by the Planning Commission by Petition

The Planning Commission may alternatively submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions for a text amendment shall be clearly labeled as “§8A-7-9 Petition” in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27,30</sup>

| Zoning District                               | Land use                                                                              | Land Use Subtype                                                                                                                                                                                    | Min Lot Area (MLA) sq. ft.*** | Area per Dwelling Unit (ADU) sq. ft. | Min Lot Width | Max Building Height* | Setbacks |      |             |      | Parking/ Drive Aisle Setbacks  | Screened Buffers Sec. 4.11     |
|-----------------------------------------------|---------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------|--------------------------------------|---------------|----------------------|----------|------|-------------|------|--------------------------------|--------------------------------|
|                                               |                                                                                       |                                                                                                                                                                                                     |                               |                                      |               |                      | Front    | Side | Street Side | Rear |                                |                                |
| Residential Growth                            | Single Family Detached Dwelling                                                       | Public/Central water and sewer                                                                                                                                                                      | 6,000                         | 10,000                               | N/A           | 40                   | 25       | 12   | 15          | 20   | N/A                            | N/A                            |
|                                               |                                                                                       | Public/Central water or sewer                                                                                                                                                                       | 20,000                        | N/A                                  | N/A           | "                    | "        | "    | "           | "    |                                |                                |
|                                               |                                                                                       | No Public/Central water or sewer                                                                                                                                                                    | 40,000                        | N/A                                  | N/A           | "                    | "        | "    | "           | "    |                                |                                |
|                                               | Small Lot Single-Family Detached Dwelling                                             | Public/Central water and sewer                                                                                                                                                                      | 3,200                         | 7,500                                | 35            | 40                   | 20****   | 5    | 10          | 20   | 12 side<br>15 front<br>15 rear | 12 side<br>15 front<br>15 rear |
|                                               |                                                                                       | Public/Central water and sewer                                                                                                                                                                      | 3,200                         | 7,500                                | N/A           | 40                   | 25       | 15** | 15          | 20   |                                |                                |
|                                               | Duplex Dwelling Unit                                                                  | Public/Central water and sewer                                                                                                                                                                      | N/A                           | 10,000                               | N/A           | N/A                  | "        | "    | "           | "    | N/A                            | N/A                            |
|                                               |                                                                                       | Public/Central water or sewer                                                                                                                                                                       | 1,400                         | 3,500                                | N/A           | 40                   | 25       | 12** | 15          | 20   |                                |                                |
|                                               | Townhouse Dwelling                                                                    | Public/Central water and sewer                                                                                                                                                                      | 20,000                        | 2,000                                | N/A           | 40                   | 25       | 12** | 15          | 30   | N/A                            | N/A                            |
| Multi-Family Dwelling (See also Section 4.12) | Over 40,000 sq. ft.                                                                   | N/A                                                                                                                                                                                                 | N/A                           | N/A                                  | 40            | 25                   | 12       | †    | 12          |      |                                |                                |
|                                               | 30,000 sq. ft. to 40,000 sq. ft.                                                      | N/A                                                                                                                                                                                                 | N/A                           | N/A                                  | 40            | 20                   | 10       | †    | 12          |      |                                |                                |
|                                               | Under 30,000 sq. ft.                                                                  | N/A                                                                                                                                                                                                 | N/A                           | N/A                                  | 40            | 20                   | 8        | †    | 12          |      |                                |                                |
| Rural (See also Sec. 5.7)                     | Single-Family Dwelling with setbacks not previously stipulated by Planning Commission | Over 2 acres                                                                                                                                                                                        | N/A                           | N/A                                  | N/A           | 3545                 | 40       | 15   | †           | 50   | N/A                            | N/A                            |
|                                               |                                                                                       | 40,000 sq. ft. to 2 acres                                                                                                                                                                           | N/A                           | N/A                                  | N/A           | 3545                 | 25       | 12   | †           | 12   |                                |                                |
|                                               |                                                                                       | 30,000 sq. ft. to 39,999 sq. ft.                                                                                                                                                                    | N/A                           | N/A                                  | N/A           | 3545                 | 20       | 10   | †           | 12   |                                |                                |
|                                               |                                                                                       | Under 30,000 sq. ft.                                                                                                                                                                                | N/A                           | N/A                                  | N/A           | 3545                 | 20       | 8    | †           | 12   |                                |                                |
|                                               | Dwellings                                                                             | 40,000                                                                                                                                                                                              | N/A                           | 100                                  | 3545          | 40                   | 15       | †    | 50          | N/A  | N/A                            |                                |
| Cluster Subdivision                           | See Residential Growth                                                                |                                                                                                                                                                                                     |                               |                                      |               |                      |          |      |             |      |                                |                                |
|                                               | Residential use that complies with the Development Review System                      | See Residential Growth                                                                                                                                                                              |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Village                                       | Residential uses                                                                      | See Residential Growth                                                                                                                                                                              |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Residential-Light Industrial-Commercial       | Residential uses                                                                      | See Residential Growth <sup>†</sup>                                                                                                                                                                 |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Industrial-Commercial                         | Residential uses                                                                      | See Rural setbacks for lots not previously stipulated by the Planning Commission.                                                                                                                   |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Neighborhood Commercial                       | Residential uses                                                                      | See Residential Growth                                                                                                                                                                              |                               |                                      |               |                      |          |      |             |      |                                |                                |
| General Commercial                            | Residential uses                                                                      | See Residential Growth                                                                                                                                                                              |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Highway Commercial                            | Residential uses                                                                      | N/A                                                                                                                                                                                                 |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Light Industrial                              | Residential uses                                                                      | N/A                                                                                                                                                                                                 |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Major Industrial                              | Residential uses                                                                      | N/A                                                                                                                                                                                                 |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Office / Commercial Mixed Use                 | Residential uses                                                                      | See Residential Growth                                                                                                                                                                              |                               |                                      |               |                      |          |      |             |      |                                |                                |
| Planned Neighborhood Development              | Residential uses                                                                      | See Residential Growth. Note: the Planning Commission may amend site development standards for a land use in the Planned Neighborhood Development district pursuant to Article 5 of this Ordinance. |                               |                                      |               |                      |          |      |             |      |                                |                                |

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the Ordinance for site development standards for certain land uses. In the event of a conflict with the text of this Ordinance this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'. NOTE: All detached accessory structures under 144 square feet in size - 6' setback. (Res Growth District)

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

† In the Residential - Light Industrial - Commercial District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

\* Maximum height subject to Section 9.2

\*\* Exterior side only.

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

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APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27,30</sup>

| Zoning District                  | Development Type <sup>0</sup>           | Min Lot Area (MLA)                                                       | Min Lot Width                                                                                                   | Max Building Height <sup>1</sup> | ImperVIOUS Surface Limit | Building Setbacks                        |                                             |                 | Parking/Drive Aisle Setbacks <sup>9</sup>                                                                                                          |      |      | Distance If Sec. 4.6 applies | Buffers (Sec. 4.11) (Screened / Unscreened)                                            |                                                                                                 |      |       |                |       |       |                |       |
|----------------------------------|-----------------------------------------|--------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------|----------------------------------|--------------------------|------------------------------------------|---------------------------------------------|-----------------|----------------------------------------------------------------------------------------------------------------------------------------------------|------|------|------------------------------|----------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------|------|-------|----------------|-------|-------|----------------|-------|
|                                  |                                         |                                                                          |                                                                                                                 |                                  |                          | Front                                    | Side                                        | Rear            | Front                                                                                                                                              | Side | Rear |                              | Front, Side, Rear                                                                      | Residential district, or any lot with a residence, school, church, or institution of human care |      |       | Commercial Use |       |       | Industrial Use |       |
|                                  |                                         |                                                                          |                                                                                                                 |                                  |                          |                                          |                                             |                 |                                                                                                                                                    |      |      | Front                        |                                                                                        | Side                                                                                            | Rear | Front | Side           | Rear  | Front | Side           | Rear  |
| Industrial - Commercial**        | Commercial sites 1.5 acres and smaller  | N/A                                                                      | N/A                                                                                                             | 75                               | 80%                      | 25                                       |                                             |                 | 15                                                                                                                                                 | 4    | 4    | 75                           | Narrow Buffer Detail No. M-54                                                          |                                                                                                 |      | N/A   | 10(S)          | 10(S) | N/A   | 10(S)          | 10(S) |
|                                  | Commercial sites greater than 1.5 acres | N/A                                                                      | N/A                                                                                                             | 75                               | 80%                      | 25                                       | 25,50 (or 25 if adjacent to industrial use) |                 | 15                                                                                                                                                 | 10   | 10   | 75                           | Medium Buffer Detail No. M-53                                                          |                                                                                                 |      | N/A   | 10(S)          | 10(S) | N/A   | 10(S)          | 10(S) |
|                                  | Industrial                              | 3 acres***                                                               | N/A                                                                                                             | 75                               | 90%                      | 50 (or 25 if adjacent to industrial use) |                                             |                 | 25 (or 20 if adjacent to industrial use)                                                                                                           |      |      | 200                          | Wide Buffer Detail No. M-52                                                            |                                                                                                 |      | 25(S) | 20(S)          | 20(S) | N/A   | 20(S)          | 20(S) |
| Residential-Light Commercial     | Commercial or Industrial                | N/A                                                                      | N/A                                                                                                             | 60<br>75                         | 80%                      | See Industrial - Commercial District     |                                             |                 |                                                                                                                                                    |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Rural                            | Churches                                | 2 acres                                                                  | 200                                                                                                             | 35<br>45                         | N/A                      | 25                                       | 50                                          | 50              | See Parking / Drive Aisle Setbacks for commercial sites (greater or less than 1.5 acres, based on lot size) in the Industrial-Commercial District. |      |      | N/A                          | 50(U) or 15(S)                                                                         |                                                                                                 |      | N/A   | 10(S)          | 10(S) | N/A   | 10(S)          | 10(S) |
|                                  | Schools, Grades K-12                    | Grades K-4: 10 acres+<br>Grades 5-8: 20 acres+<br>Grades 9-12: 30 acres+ | 500                                                                                                             | 35<br>45                         | N/A                      | 100                                      |                                             |                 |                                                                                                                                                    |      |      | N/A                          | N/A                                                                                    |                                                                                                 |      | N/A   | N/A            | N/A   | N/A   | N/A            | N/A   |
|                                  | Hospitals                               | 10 acres                                                                 | 500                                                                                                             | 35<br>45                         | N/A                      | 100                                      |                                             |                 |                                                                                                                                                    |      |      | N/A                          | N/A                                                                                    |                                                                                                 |      | N/A   | N/A            | N/A   | N/A   | N/A            | N/A   |
|                                  | Other Rural principal permitted uses    | 40,000 sq. ft.                                                           | 100                                                                                                             | 35<br>45                         | N/A                      | 40                                       | 50                                          | 50              |                                                                                                                                                    |      |      | N/A                          | If a commercial or industrial use, see Industrial - Commercial District; otherwise N/A |                                                                                                 |      |       |                |       |       |                |       |
|                                  | Commercial or Industrial**              | See Industrial - Commercial District                                     |                                                                                                                 |                                  |                          |                                          |                                             |                 |                                                                                                                                                    |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Village District                 | Commercial*                             | N/A                                                                      | N/A                                                                                                             | 35                               | N/A                      | 25                                       | 10                                          | 40              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
|                                  | Industrial**                            | See Industrial - Commercial District                                     |                                                                                                                 |                                  |                          |                                          |                                             |                 |                                                                                                                                                    |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Residential Growth               | Commercial or Industrial**              | See Industrial - Commercial District                                     |                                                                                                                 |                                  |                          |                                          |                                             |                 |                                                                                                                                                    |      |      |                              |                                                                                        | Except Max. Building Height shall be 35'                                                        |      |       |                |       |       |                |       |
| Neighborhood Commercial          | Commercial                              | N/A                                                                      | N/A                                                                                                             | 35                               | 70%                      | 15 min<br>25 max                         | 10 <sup>f</sup>                             | 10 <sup>g</sup> | See Industrial - Commercial District                                                                                                               |      |      | 25                           | See Industrial - Commercial District                                                   |                                                                                                 |      |       |                |       |       |                |       |
| General Commercial               | Commercial                              | N/A                                                                      | N/A                                                                                                             | 60<br>75                         | 80%                      | 20                                       | 10                                          | 25              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Highway Commercial               | Commercial                              | N/A                                                                      | N/A                                                                                                             | 60<br>75                         | 80%                      | 25                                       | 25                                          | 25              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Light Industrial                 | Commercial or Industrial                | N/A                                                                      | N/A                                                                                                             | 60<br>75                         | 80%                      | 25                                       | 25                                          | 25              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Major Industrial                 | Commercial                              | N/A                                                                      | N/A                                                                                                             | 75                               | 90%                      | 25                                       | 10                                          | 50              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
|                                  | Industrial                              | 3 acres***                                                               | N/A                                                                                                             | 75                               | 90%                      | 25                                       | 50                                          | 50              | See Industrial - Commercial District                                                                                                               |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Office / Commercial Mixed Use    | Commercial                              | N/A                                                                      | N/A                                                                                                             | 60<br>75                         | 80%                      | 15 min<br>25 max                         | 10 <sup>f</sup>                             | 10 <sup>g</sup> | See General Commercial District.                                                                                                                   |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |
| Planned Neighborhood Development | Commercial                              | 3 acres                                                                  | Note: Planning Commission may amend development standards for developments in the PND District (see Article 5). |                                  |                          |                                          |                                             |                 |                                                                                                                                                    |      |      |                              |                                                                                        |                                                                                                 |      |       |                |       |       |                |       |

The requirements in this table are in addition to any other applicable requirements in the text of the Zoning and Land Development Ordinance. See also Article 8 of the Ordinance for site development standards for certain land uses. In the event of a conflict with the text of this Ordinance this table shall prevail. All dimensions are in feet unless otherwise indicated.

- \* Maximum building height is subject to Sec. 9.2.
- \*\* If land use(s) approved via ~~Neighborhood Compatibility Meeting process or Development Review System~~ the Conditional Use process in accordance with this Ordinance.
- \*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]
- \*\*\*\* For schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly. [Source: 5.7B]
- ∞ Village Commercial setbacks may be reduced by a variance approved by the BZA as a result of a Compatibility Assessment Meeting based on other structures existing in the neighborhood. Side and rear yard setbacks - 6' for an existing structure to be used for a land use as provided in Sec. 5.10.
- ‡ Setback may be reduced if adjacent to industrial use.
- ϕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
- ◊ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line
- ⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.
- £ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23,30</sup>**

| Land Use                                    | NC                    | GC                     | HC                     | LI                     | MI                     | PND <sup>1</sup>       | OC                     | R                      | RG        | RLIC                   | IC                     | V                      | Additional Standards |
|---------------------------------------------|-----------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|-----------|------------------------|------------------------|------------------------|----------------------|
| <b>Residential Uses</b>                     |                       |                        |                        |                        |                        |                        |                        |                        |           |                        |                        |                        |                      |
| <u>Accessory Agricultural Dwelling Unit</u> | <u>P</u>              | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>P</u>  | <u>P</u>               | <u>P</u>               | <u>P</u>               | <u>Sec. 8.15</u>     |
| Dwelling, Single Family                     | <u>P</u><br><u>NP</u> | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | P                      | P         | P                      | NP                     | P                      |                      |
| Dwelling, Single Family, Small Lot          | <u>P</u><br><u>NP</u> | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | NP                     | P         | P                      | NP                     | NP                     |                      |
| Dwelling, Two Family                        | NP                    | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | P                      | P         | P                      | NP                     | P                      |                      |
| Dwelling, Duplex                            | NP                    | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | NP                     | P         | P                      | NP                     | P                      |                      |
| Dwelling, Townhouse                         | NP                    | NP                     | NP                     | NP                     | NP                     | P                      | P                      | NP                     | P         | P                      | NP                     | NP                     |                      |
| Dwelling, Multi-Family                      | NP                    | NP                     | NP                     | NP                     | NP                     | P                      | P                      | NP                     | P         | P                      | NP                     | NP                     |                      |
| Day Care Center, Small                      | P                     | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | P                      | P         | P                      | P                      | P                      |                      |
| <u>In-Law Suite</u>                         | <u>NP</u>             | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>P</u>               | <u>NP</u>              | <u>P</u>               | <u>P</u>  | <u>P</u>               | <u>NP</u>              | <u>P</u>               | <u>Sec. 8.15</u>     |
| <u>Mixed Use Building</u>                   | <u>P</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>P</u>               | <u>P</u>               | <u>NP</u>              | <u>CU</u> | <u>P</u>               | <u>NP</u>              | <u>P</u>               |                      |
| Mobile Home                                 | NP                    | NP                     | NP                     | NP                     | NP                     | NP                     | NP                     | P                      | NP        | NP                     | NP                     | NP                     |                      |
| Mobile Home Park                            | NP                    | NP                     | NP                     | NP                     | NP                     | NP                     | NP                     | NP                     | P         | P                      | NP                     | NP                     |                      |
| Model Homes/Sales Office                    | P                     | <u>CU</u><br><u>PC</u> | NP                     | NP                     | NP                     | P                      | NP                     | P                      | P         | P                      | NP                     | NP                     | Sec. 8.10            |
| <b>Home Uses</b>                            |                       |                        |                        |                        |                        |                        |                        |                        |           |                        |                        |                        |                      |
| Home Occupation, Level 1                    | P                     | NP                     | NP                     | NP                     | NP                     | P                      | P                      | P                      | P         | P                      | P                      | P                      | Art. 4A              |
| Home Occupation, Level 2                    | P                     | NP                     | NP                     | NP                     | NP                     | P                      | P                      | P                      | P         | P                      | P                      | P                      | Art. 4A              |
| Cottage Industry                            | P                     | NP                     | NP                     | NP                     | NP                     | P                      | NP                     | P                      | P         | P                      | P                      | P                      | Art. 4A              |
| <b>Institutional Uses</b>                   |                       |                        |                        |                        |                        |                        |                        |                        |           |                        |                        |                        |                      |
| Airport                                     | NP                    | NP                     | NP                     | P                      | P                      | NP                     | NP                     | <u>CU</u><br><u>NP</u> | NP        | <u>CU</u><br><u>NP</u> | <u>CU</u><br><u>PC</u> | NP                     |                      |
| <u>Airfield, Private/Helipad,</u>           | <u>NP</u>             | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>CU</u>              | <u>NP</u> | <u>CU</u>              | <u>CU</u>              | <u>NP</u>              |                      |
| Church                                      | P                     | P                      | P                      | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | P         | P                      | NP                     | P                      |                      |
| Convention Center                           | NP                    | P                      | P                      | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP        | P                      | <u>CU</u><br><u>PC</u> | NP                     |                      |
| Cultural Facility <sup>29</sup>             | P                     | P                      | P                      | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | P         | P                      | P                      | P                      |                      |
| Day Care Center, Large                      | P                     | P                      | P                      | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | P         | P                      | P                      | <u>CU</u><br><u>PC</u> |                      |
| Electric Vehicle Charging Station           | P                     | P                      | P                      | P                      | P                      | P                      | P                      | NP                     | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                      |
| Elementary or Secondary School              | P                     | P                      | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     | P                      | P                      | P                      | P         | P                      | NP                     | <u>CU</u><br><u>NP</u> |                      |
| Essential Utility Equipment                 | P                     | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P         | P                      | P                      | P                      | Sec. 4.7             |
| Group Residential Facility                  | P                     | P                      | P                      | NP                     | NP                     | P                      | <u>CU</u><br><u>PC</u> | P                      | P         | P                      | NP                     | P                      |                      |
| Group Residential Home                      | P                     | P                      | P                      | NP                     | NP                     | P                      | <u>CU</u><br><u>PC</u> | P                      | P         | P                      | NP                     | P                      |                      |
| Heliport                                    | NP                    | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     | NP        | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     |                      |
| Hospital                                    | NP                    | P                      | P                      | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | P         | P                      | NP                     | NP                     |                      |
| <u>Nature Center and Preserve</u>           | <u>NP</u>             | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>P</u>               | <u>NP</u>              | <u>P</u>               | <u>NP</u> | <u>P</u>               | <u>NP</u>              | <u>P</u>               |                      |

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| Land Use                                                   | NC                     | GC                     | HC                     | LI                     | MI                                  | PND <sup>1</sup>       | OC                     | R                      | RG                         | RLIC                   | IC                                  | V                      | Additional Standards |
|------------------------------------------------------------|------------------------|------------------------|------------------------|------------------------|-------------------------------------|------------------------|------------------------|------------------------|----------------------------|------------------------|-------------------------------------|------------------------|----------------------|
| <b>Institutional Uses Continued</b>                        |                        |                        |                        |                        |                                     |                        |                        |                        |                            |                        |                                     |                        |                      |
| Nursing or Retirement Home                                 | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | NP                                  | P                      | P                      | <u>CU</u><br><u>NP</u> | P                          | P                      | NP                                  | <u>CU</u><br><u>NP</u> |                      |
| Park                                                       | P                      | P                      | P                      | P                      | NP                                  | P                      | P                      | P                      | P                          | P                      | NP                                  | P                      |                      |
| Performing Arts Theater                                    | P                      | P                      | P                      | P                      | P                                   | P                      | P                      | NP                     | NP                         | P                      | P                                   | <u>CU</u><br><u>PC</u> |                      |
| Preschool                                                  | P                      | P                      | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u>              | P                      | P                      | P                      | P                          | P                      | NP                                  | <u>CU</u><br><u>NP</u> |                      |
| Public Safety Facility                                     | P                      | P                      | P                      | P                      | P                                   | P                      | P                      | P                      | P                          | P                      | P                                   | P                      |                      |
| Publicly Owned Facility                                    | P                      | P                      | P                      | P                      | P                                   | P                      | P                      | P                      | P                          | P                      | P                                   | <u>CU</u><br><u>PC</u> |                      |
| Recycling Drop-Off Center                                  | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | P                                   | P                      | P                      | NP                     | NP                         | P                      | P                                   | NP                     |                      |
| Residential Care Home                                      | P                      | P                      | P                      | NP                     | NP                                  | P                      | <u>CU</u><br><u>PC</u> | P                      | P                          | P                      | NP                                  | P                      |                      |
| School, College or University                              | NP                     | P                      | P                      | P                      | NP                                  | P                      | P                      | NP                     | NP                         | P                      | NP                                  | NP                     |                      |
| School, Vocational or Professional                         | NP                     | P                      | P                      | P                      | NP                                  | P                      | P                      | NP                     | NP                         | P                      | P                                   | NP                     |                      |
| Vocational and Training Facility for Adults                | P                      | P                      | P                      | P                      | P                                   | P                      | P                      | P                      | P                          | P                      | NP                                  | NP                     |                      |
| <b>Industrial</b>                                          |                        |                        |                        |                        |                                     |                        |                        |                        |                            |                        |                                     |                        | <b>Sec. 8.9</b>      |
| Heavy Equipment Repair                                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | P                                   | NP                     | NP                     | NP                     | NP                         | NP                     | P                                   | NP                     |                      |
| Heavy Industrial Uses                                      | NP                     | NP                     | NP                     | NP                     | P                                   | NP                     | NP                     | NP                     | NP                         | NP                     | P                                   | NP                     | Sec. 8.9             |
| Light Industrial Uses                                      | NP                     | NP                     | NP                     | P                      | P                                   | NP                     | NP                     | NP                     | <del>NP</del><br><b>**</b> | P                      | P                                   | NP                     | Sec. 8.9             |
| Manufacturing, Heavy                                       | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | P                                   | NP                     | NP                     | NP                     | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |
| Manufacturing, Limited                                     | NP                     | P                      | P                      | P                      | P                                   | <u>CU</u><br><u>PC</u> | NP                     | NP                     | NP                         | P                      | P                                   | NP                     |                      |
| Printing and Publishing                                    | NP                     | P                      | P                      | P                      | P                                   | P                      | P                      | NP                     | NP                         | P                      | P                                   | NP                     |                      |
| Salvage Yards                                              | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> <sup>2</sup> | NP                     | NP                     | NP                     | NP                         | NP                     | <u>CU</u><br><u>PC</u> <sup>2</sup> | NP                     | Sec. 4.4L            |
| Shooting Range, Indoor                                     | NP                     | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | P                      | P                                   | NP                     | NP                     | <u>CU</u><br><u>NP</u> | NP                         | <u>CU</u><br><u>PC</u> | P                                   | NP                     |                      |
| Shooting Range, Outdoor                                    | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u>              | NP                     | NP                     | <u>CU</u><br><u>NP</u> | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |
| Slaughterhouses, Stockyards                                | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>P</u>               | NP                     | NP                     | <u>CU</u><br><u>NP</u> | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |
| Transportation Terminal                                    | NP                     | P                      | P                      | P                      | P                                   | P                      | P                      | NP                     | NP                         | <u>CU</u><br><u>PC</u> | P                                   | NP                     |                      |
| Vehicle Storage                                            | NP                     | NP                     | NP                     | P                      | P                                   | NP                     | NP                     | NP                     | NP                         | NP                     | P                                   | NP                     |                      |
| Warehousing and Distribution, General                      | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | P                                   | NP                     | NP                     | NP                     | NP                         | <u>CU</u><br><u>PC</u> | P                                   | NP                     |                      |
| Warehousing and Distribution, Limited                      | NP                     | P                      | P                      | P                      | P                                   | <u>CU</u><br><u>PC</u> | P                      | NP                     | NP                         | P                      | P                                   | NP                     |                      |
| <b>Industrial Manufacturing &amp; Processing</b>           |                        |                        |                        |                        |                                     |                        |                        |                        |                            |                        |                                     |                        | <b>Sec. 8.9</b>      |
| Acid or heavy chemical manufacturer, processing or storage | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u>              | NP                     | NP                     | NP                     | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |
| Bituminous concrete mixing and recycling plants            | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u>              | NP                     | NP                     | NP                     | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |
| Cement or Lime Manufacture                                 | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u>              | NP                     | NP                     | NP                     | NP                         | NP                     | <u>CU</u><br><u>PC</u>              | NP                     |                      |

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| Land Use                                                                         | NC                     | GC        | HC        | LI                     | MI                     | PND <sup>1</sup>       | OC        | R                      | RG        | RLIC                   | IC                     | V                      | Additional Standards        |
|----------------------------------------------------------------------------------|------------------------|-----------|-----------|------------------------|------------------------|------------------------|-----------|------------------------|-----------|------------------------|------------------------|------------------------|-----------------------------|
| <b>Industrial Manufacturing &amp; Processing Continued</b>                       |                        |           |           |                        |                        |                        |           |                        |           |                        |                        |                        | Sec. 8.9                    |
| Commercial Sawmills                                                              | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     |                             |
| Concrete and ceramic products manufacture, including ready mixed concrete plants | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     |                             |
| <b>Land Use</b>                                                                  | <b>NC</b>              | <b>GC</b> | <b>HC</b> | <b>LI</b>              | <b>MI</b>              | <b>PND<sup>1</sup></b> | <b>OC</b> | <b>R</b>               | <b>RG</b> | <b>RLIC</b>            | <b>IC</b>              | <b>V</b>               | <b>Additional Standards</b> |
| Explosive manufacture or storage                                                 | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     |                             |
| Foundries and/or casting facilities                                              | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     |                             |
| Jails and Prisons                                                                | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | Sec. 8.7                    |
| Mineral extraction, mineral processing                                           | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     |                             |
| Petroleum products refining or storage                                           | NP                     | NP        | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | NP                     | <u>CU</u><br><u>PC</u> | NP                     | Sec. 8.11                   |
| <b>Adult Uses</b>                                                                |                        |           |           |                        |                        |                        |           |                        |           |                        |                        |                        |                             |
| Adult Uses                                                                       | NP                     | NP        | NP        | NP                     | NP                     | NP                     | NP        | NP                     | NP        | NP                     | P                      | NP                     | Sec. 4.4K,<br>Sec. 8.1      |
| <b>Recreational Uses</b>                                                         |                        |           |           |                        |                        |                        |           |                        |           |                        |                        |                        |                             |
| Hunting, Shooting, Archery and Fishing Clubs, public or private                  | NP                     | NP        | NP        | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     | NP        | P                      | NP        | NP                     | NP                     | NP                     | Sec. 8.8                    |
| <b>Commercial Uses**</b>                                                         |                        |           |           |                        |                        |                        |           |                        |           |                        |                        |                        | <b>Sec. 8.9</b>             |
| Antique Shop                                                                     | P                      | P         | P         | P                      | NP                     | P                      | NP        | <u>CU</u><br><u>NP</u> | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                             |
| Appliance Sales                                                                  | NP                     | P         | P         | P                      | <u>CU</u><br><u>PC</u> | P                      | NP        | NP                     | NP        | P                      | P                      | NP                     |                             |
| Art Gallery or Artist Studio                                                     | P                      | P         | P         | P                      | NP                     | P                      | P         | <u>CU</u><br><u>NP</u> | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                             |
| ATM                                                                              | P                      | P         | P         | P                      | NP                     | P                      | P         | NP                     | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                             |
| Automobile repair, sales and service                                             | NP                     | P         | P         | P                      | P                      | P                      | NP        | NP                     | NP        | P                      | P                      | NP                     |                             |
| Automobile parts, supplies and tire stores                                       | NP                     | P         | P         | P                      | P                      | P                      | NP        | NP                     | NP        | P                      | P                      | NP                     |                             |
| Automobile, light truck and light trailer rentals, indoor                        | P                      | P         | P         | P                      | P                      | P                      | NP        | NP                     | NP        | P                      | P                      | NP                     |                             |
| Automobile, light truck and light trailer rentals, outdoor                       | NP                     | P         | P         | P                      | P                      | P                      | NP        | NP                     | NP        | P                      | P                      | NP                     |                             |
| Bail Bond Services                                                               | NP                     | P         | P         | P                      | <u>CU</u><br><u>PC</u> | NP                     | NP        | NP                     | NP        | <u>CU</u><br><u>PC</u> | P                      | NP                     |                             |
| Bank                                                                             | P                      | P         | P         | P                      | <u>CU</u><br><u>PC</u> | P                      | P         | NP                     | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                             |
| Bank with Drive-Through Facility                                                 | <u>CU</u><br><u>PC</u> | P         | P         | P                      | <u>CU</u><br><u>PC</u> | 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         | <u>CU</u><br><u>NP</u> | NP        | P                      | P                      | <u>CU</u><br><u>PC</u> |                             |
| Bed and Breakfast                                                                | P                      | NP        | NP        | NP                     | NP                     | NP                     | NP        | P                      | NP        | <u>P</u> <u>NP</u>     | NP                     | <u>CU</u><br><u>PC</u> | Sec. 8.3                    |
| Business Equipment Sales and Service                                             | <u>CU</u><br><u>PC</u> | P         | P         | P                      | <u>CU</u><br><u>PC</u> | P                      | P         | NP                     | NP        | P                      | P                      | NP                     |                             |

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| Land Use                                                                                        | NC                     | GC                     | HC        | LI        | MI                     | PND <sup>1</sup>       | OC                     | R                      | RG                     | RLIC                   | IC                     | V                      | Additional Standards     |
|-------------------------------------------------------------------------------------------------|------------------------|------------------------|-----------|-----------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|------------------------|--------------------------|
| <b>Commercial Uses Continued**</b>                                                              |                        |                        |           |           |                        |                        |                        |                        |                        |                        |                        |                        | <a href="#">Sec. 8.9</a> |
| Building Maintenance Services                                                                   | <u>CU</u><br><u>PC</u> | 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                     |                          |
| Land Use                                                                                        | NC                     | GC                     | HC        | LI        | MI                     | PND <sup>1</sup>       | OC                     | R                      | RG                     | RLIC                   | IC                     | V                      | Additional Standards     |
| Campground                                                                                      | <u>CU</u><br><u>PC</u> | P                      | NP        | NP        | NP                     | P                      | NP                     | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Car Wash                                                                                        | NP                     | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Commercial Blood Plasma Center                                                                  | NP                     | P                      | P         | P         | NP                     | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     | NP                     | <u>CU</u><br><u>PC</u> | P                      | NP                     |                          |
| <i>Commercial Uses [use unintentionally excluded from table during editing process in 2014]</i> | <u>NP</u>              | <u>NP</u>              | <u>NP</u> | <u>NP</u> | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>NP</u>              | <u>**</u>              | <u>P</u>               | <u>P</u>               | <u>NP</u>              | <a href="#">Sec. 8.9</a> |
| 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         | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Convenience Store                                                                               | <u>PC</u><br><u>CU</u> | P                      | P         | P         | <u>PC</u><br><u>CU</u> | P                      | NP                     | <u>CU</u><br><u>NP</u> | NP                     | <u>CU</u><br><u>PC</u> | P                      | <u>CU</u><br><u>NP</u> | Sec. 5.8C (RLIC only)    |
| Country Inn                                                                                     | P                      | P                      | P         | P         | NP                     | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Custom Manufacturing                                                                            | P                      | P                      | P         | P         | P                      | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Dry cleaning and Laundry Services                                                               | P                      | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| 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         | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Food Preparation                                                                                | P                      | P                      | P         | P         | <u>CU</u><br><u>PC</u> | 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        | <u>CU</u><br><u>PC</u> | NP                     | NP                     | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | NP                     | Sec. 4.4G                |
| Gas Station, Limited                                                                            | P                      | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | NP                     |                          |
| Gas Station                                                                                     | NP                     | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | NP                     |                          |
| Gas Station, Large                                                                              | NP                     | <u>CU</u><br><u>PC</u> | P         | P         | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | <u>CU</u><br><u>PC</u> | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Golf Course                                                                                     | NP                     | P                      | P         | P         | NP                     | P                      | P                      | <u>CU</u><br><u>NP</u> | <u>CU</u><br><u>NP</u> | P                      | P                      | NP                     |                          |
| Grocery Store                                                                                   | P                      | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | NP                     | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Horse Racing Facility                                                                           | NP                     | NP                     | NP        | P         | NP                     | NP                     | NP                     | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | NP                     |                          |
| Kennel                                                                                          | NP                     | P                      | P         | P         | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | NP                     | P                      | P                      | NP                     | Sec. 8.4                 |

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For CC Meeting 07-21-16*

| 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>          |
| Medical/Dental/Optical Office, Small         | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | P                      |                          |
| Medical/Dental/Optical Office                | NP                     | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Mobile Home, Boat and Trailer Sales          | NP                     | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | NP                     | NP                     | NP                     | <u>CU</u><br><u>PC</u> | 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                      | <u>CU</u><br><u>PC</u> | P                      | <u>CU</u><br><u>NP</u> | P                      | <u>CU</u><br><u>NP</u> | P                      | P                      | <u>CU</u><br><u>NP</u> |                          |
| Parking,<br>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                     |                          |
| Personal Services                            | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Professional Office                          | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Restaurant, Fast Food, Limited               | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>PC</u><br><u>CU</u> |                          |
| Restaurant, Fast Food                        | <u>CU</u><br><u>PC</u> | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | NP                     | NP                     | <u>CU</u> <u>PC</u>    | P                      | NP                     | Sec. 5.8C<br>(RLIC only) |
| Restaurant, Fast Food,<br>Drive-Through      | NP                     | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | <u>PC</u><br><u>CU</u> | P                      | NP                     | NP                     | <u>PC</u> <u>CU</u>    | P                      | NP                     | Sec. 5.8C<br>(RLIC only) |
| Restaurant, Limited                          | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | <u>CU</u><br><u>PC</u> |                          |
| Restaurant                                   | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | NP                     |                          |
| Retail Sales Limited                         | P                      | P                      | P        | P                      | NP                     | P                      | P                      | <u>CU</u><br><u>NP</u> | NP                     | P                      | P                      | NP                     |                          |
| Retail Sales and Services, General           | NP                     | P                      | P        | P                      | NP                     | P                      | NP                     | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Retail Store, Large                          | NP                     | <u>CU</u><br><u>PC</u> | P        | <u>CU</u><br><u>PC</u> | NP                     | <u>PC</u><br><u>CU</u> | NP                     | NP                     | NP                     | <u>PC</u> <u>CU</u>    | <u>PC</u><br><u>CU</u> | NP                     |                          |
| Shipping and Mailing Services                | P                      | P                      | P        | P                      | <u>PC</u><br><u>CU</u> | P                      | P                      | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Storage, Commercial                          | NP                     | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | NP                     | NP                     | NP                     | P                      | P                      | NP                     |                          |
| Veterinary Services                          | P                      | P                      | P        | P                      | <u>CU</u><br><u>PC</u> | P                      | P                      | P                      | NP                     | P                      | P                      | NP                     |                          |
| Wireless Telecommunications<br>Facilities    | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | Art. 4B                  |
| <b>Agricultural Uses*</b>                    |                        |                        |          |                        |                        |                        |                        |                        |                        |                        |                        |                        |                          |
| Agricultural Uses<br>as defined in Article 2 | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      |                          |
| Agricultural Repair Center                   | NP                     | P                      | P        | P                      | P                      | P                      | P                      | P                      | NP                     | P                      | P                      | NP                     |                          |
| Agricultural Tourism                         | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      |                          |
| Farm Brewery or Winery                       | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | Sec. 8.5                 |
| Farm Market                                  | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | Sec. 8.6                 |
| Farm Vacation Enterprise                     | P                      | P                      | P        | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      | P                      |                          |
| <b>Farmer's Market</b>                       | <u>P</u>               | <u>P</u>               | <u>P</u> | <u>NP</u>              | <u>NP</u>              | <u>P</u>               | <u>NP</u>              | <u>P</u>               | <u>NP</u>              | <u>P</u>               | <u>NP</u>              | <u>CU</u>              | <b>Sec. 8.6</b>          |

| Land Use                                                                                           | NC                     | GC | HC | LI | MI | PND <sup>1</sup> | OC | R | RG | RLIC | IC | V  | Additional Standards |
|----------------------------------------------------------------------------------------------------|------------------------|----|----|----|----|------------------|----|---|----|------|----|----|----------------------|
| <b>Agricultural Uses Continued*</b>                                                                |                        |    |    |    |    |                  |    |   |    |      |    |    |                      |
| Feed and/or Farm Supply Center                                                                     | <u>CU</u><br><u>PC</u> | P  | P  | P  | P  | P                | P  | P | NP | P    | P  | NP |                      |
| Horticultural Nurseries and Commercial Greenhouses                                                 | P                      | P  | P  | P  | P  | P                | P  | P | NP | P    | P  | NP |                      |
| Landscaping Business                                                                               | P                      | P  | P  | P  | P  | P                | P  | P | NP | P    | P  | NP |                      |
| Rental of Existing Farm Building for Commercial Storage<br>Structure must have existed for 5 years | NP                     | P  | P  | P  | P  | P                | P  | P | NP | P    | P  | NP |                      |
| <b>Accessory Uses</b>                                                                              |                        |    |    |    |    |                  |    |   |    |      |    |    |                      |
| Accessory Uses                                                                                     | P                      | P  | P  | P  | P  | P                | P  | P | P  | P    | P  | P  |                      |

- |                                      |                                                       |
|--------------------------------------|-------------------------------------------------------|
| NC Neighborhood Commercial           | OC Office / Commercial Mixed-Use                      |
| GC General Commercial                | R Rural                                               |
| HC Highway Commercial                | RG Residential Growth District                        |
| LI Light Industrial                  | RLIC Residential-Light Industrial-Commercial District |
| MI Major Industrial                  | IC Industrial-Commercial District                     |
| PND Planned Neighborhood Development | V Village District                                    |
| P Permitted Use                      |                                                       |
| NP Not Permitted Use                 |                                                       |

CU **Conditional** Uses PC ~~Permitted~~ **Conditionally** (subject to requirements of district and/or other requirements of this Ordinance)

\* ~~Limited Permitted or Conditional Permitted Uses listed in Permitted Uses Table~~

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

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5 of this Ordinance

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Jennifer Brockman

Department or Organization: **Jefferson County Planning and Zoning**

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2<sup>nd</sup> Choice:

Subject (*Wording to be placed on agenda*): **Campground Ordinance Workshop**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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Charles Town, WV 25414

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### MEMO

**To:** County Commission of Jefferson County

**From:** Jennifer Brockman, AICP, Director, Planning and Zoning

**Date:** July 21, 2016

**RE:** Envision Jefferson 2035 Comp Plan review related to Campgrounds – resubmitted from 05-05-16

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West Virginia Code §8A-7-8 contains the requirements for all map and text amendments to the zoning ordinance by the governing body. It states that “before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. . . .”

The following are excerpts from the Envision Jefferson 2035 Comprehensive Plan which relate to the provision of campgrounds in the rural areas of the county (*emphasis added*):

Under the “**Land Use and Growth Management Element**”:

“**Rural/Agricultural Areas** (Pg 24 of 256)

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

Under the “**Economic Development, Employment, and Infrastructure Element**”:

“**2.B. Agricultural and Rural Economy** (Pg 72 of 256)

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the

concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

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

**"Recreational Tourism (Pg 83 of 256):**

... Outdoor recreation complements the County's natural, cultural, and built environments. It is anticipated that recreational tourism opportunities in Jefferson County will continue to expand in the coming years. This is particularly true in areas near the Potomac and Shenandoah Rivers, where the numerous outfitters and private outdoor recreation providers in the region are expanding their offerings to visitors and residents. The type and scale of new recreational development should be appropriate to the rural nature of Jefferson County."

**Tourism Recommendations (Goal 9) (Pg 84 of 256)**

|    |                                                                                                                                                                                                                                                                                                                                                                                                                 |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 8. | Coordinate with riverside property owners and river tourism service providers to identify and implement methods that would enhance recreation options along the County's waterways, including public river access.                                                                                                                                                                                              |
|    | <ul style="list-style-type: none"> <li>a. When considering additional river recreation activities, rural landowners' property rights and the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.</li> <li>b. Encourage all river recreation activities to occur in a manner which supports the Chesapeake Bay Initiative.</li> </ul> |
| 9. | Support and promote rural and recreational tourism to help achieve the County's economic goals.                                                                                                                                                                                                                                                                                                                 |

Under the **"Cultural, Historic, Natural Resources and Recreation Element":**

**Parks and Recreation Recommendations (Goals 19, 20, & 21) (Pg 131 of 256)**

|    |                                                                                                                                                                                                                                      |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 9. | Work with the Jefferson County Development Authority to explore how an effective park and recreation system and trail network can entice businesses and new residents to relocate to or expand their operations in Jefferson County. |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

|     |                                                                                                                                                                                                                |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 10. | Collaborate with the Jefferson County Convention and Visitors Bureau and private commercial entities to provide a wider variety of recreation needs for Jefferson County residents and tourists to the County. |
|-----|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Under **Appendix D Goals and Objectives:**

**Goal #9:** **Preserve, Promote and Enhance Components of Jefferson County's Natural, Cultural, Built, Historic, Recreational, and Rural Environments which Encourage Tourism.** (Pg 195 of 256)

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

**Goal # 19** **Develop and Expand Well-Programmed Publicly and Privately Owned Local, Regional and Federal Recreation, Park, and Trail Facilities and Opportunities Distributed throughout the County.** (Pg 201 of 256)

**Objective # 6:** Coordinate with public and private sector recreation providers located within Jefferson County to ensure that their facilities reflect the character of the communities or areas where they are located.

**Goal #21:** **Balance the Use of Jefferson County's Natural Resources for Recreational and Tourism Purposes with Conservation Practices that Ensure the Resources will be Available for Future Generations.**

**Objective #1:** Ensure that public and privately owned parks and recreation facilities within Jefferson County are designed in a way that respects the natural features of the properties where the facilities are located.

**Objective #3:** *Encourage the provision of a variety of public and private camping facilities located in appropriate areas of Jefferson County.*

**Objective #4:** Provide improved public access to the Potomac and Shenandoah Rivers for residents and tourists in a manner that is compatible with existing neighborhoods and rural areas, for all water sports and related activities.

**Attachments (in order):**

- A. ZTA15-02, Proposed Campground Amendments based on 05-05-16 CC input for 07-21-16 Work Session (Zoning Ord)
- B. Proposed Definitions for ZTA15-02 for 07-21-16 Work Session (Zoning Ordinance)
- C. STA15-04, Proposed Campground Amendments based on 05-05-16 CC input for 07-21-16 Work Session (Sub Regs)
- D. Corrected Power Point presentation for 07-21-16 CC Work Session

**Proposed Amendments (ZTA 15-02) to  
Jefferson County Zoning and Land Development Ordinance  
Amendments adopted by the County Commission, June 1, 2014**

**ARTICLE 2: DEFINITIONS**

**Section 2.2 Terms Defined**

Campground<sup>27</sup> An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers tourists occupying camping units such as trailers, self-propelled campers, tents, cabins, and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.

**\*\* See attached for additional definitions recommended to be included in either the Zoning Ordinance or Sub Regs by staff.**

**ARTICLE 8: SUPPLEMENTAL USE REGULATIONS<sup>23</sup>**

**Section 8.17 Campgrounds**

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be temporary, limited to a 180 days per calendar year. Campground residency shall be limited to 14 overnight stays in any 60-day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses-amenities related to the campground.
5. Such campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers. River access shall be restricted to use by the campers and their guests.

Any campground wishing to host an event or activity open to the public at the campground shall process a Zoning Certificate application prior to commencement.

6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.

2. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.

**Comment [JB1]:** This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

3. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.

4. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Appeals.

**Comment [JB2]:** This statement is not required as all standards in the zoning ordinance may be varied by the BZA.

5. All camp sites shall be located a minimum setback of 50 200' from existing residential dwellings property lines.

6. All camp sites shall be visually screened from existing residential dwellings within 500'. All campsites and amenities shall be screened by a 10 foot vegetative buffer utilizing the Narrow Standard Detail; provided that if the campground abuts the river or has a mountain view, no vegetative screen is required in this area. A 10 foot buffer of natural vegetation (evergreen or hardwood) may be administratively approved in place of a planted buffer.

**Comment [JB3]:** Reflects CC input 5/5/16 -- please confirm buffer is what was agreed to

7. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.

8. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.

9. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.

10. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

1. Campgrounds users must submit a Concept Plan and be approved by the Board of Zoning Appeals-Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

3. All state regulations pertaining to the operation and licensing of a campground must be followed.

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>         |          |    |    |    |    |                  |    |         |    |      |    |    | Sec. 8.9                 |
| 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                               | NP<br>PC | P  | NP | NP | NP | NP<br>P          | NP | P<br>NP | NP | P    | P  | NP | Sec. 8.16                |
| 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<br>(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,<br>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 |                          |

**Comment [JB4]:** Staff comment: Note that the Ordinance currently permits campgrounds in NC (conditionally), GC, PND, RLIC and IC. The Committee was not specific to what zones they recommend that campgrounds should be permitted in but did state verbally that they would like for campgrounds to occur in the Rural zone. Staff has added it as "P" in Rural and changed it to "NP" in NC and PND. It is still listed as "P" in GC, RLIC, and IC.

**ARTICLE 2: DEFINITIONS**

**Section 2.2 Terms Defined**

|                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|--------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <u>Cabin</u>             | <u>A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services and may provide an indoor kitchen/cooking area. Structures shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel.</u> |
| <u>Camping Cabin</u>     | <u>A temporary or permanent structure for the purposes expressly permitted in Article 8 of the Zoning Ordinance and Division 8 of the Subdivision Regulations. A cabin which provides a sleeping area only, requires separate outdoor meal preparation and the use of a common bathhouse. Such cabin may include heating and/or air conditioning. Structures shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
| Campground <sup>27</sup> | An area or premises <u>located on a single lot</u> operated as a commercial enterprise, generally providing space <u>in the form of campsite pads</u> for seasonal accommodations for transient occupancy or use by <u>customers</u> <del>tourists</del> occupying camping <u>units such as trailers, self-propelled campers, tents, cabins and/or lodges</u> . A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). <u>All campgrounds shall comply with the defined uses and regulations in Section 8.17 of this Ordinance and relevant sections of the Subdivision Regulations.</u>                                                                                                                                                                                                                                                                            |
| <u>Camping Units</u>     | <u>Individual units designed for temporary occupancy within an approved campground such trailers, self-propelled campers, recreational vehicles, tents, cabins, camping cabins, fifth wheels, pop-up campers, and/or lodges</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |

|                     |                                                                                                                                                                              |
|---------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Campsite            | <u>Generally means an area where an individual, family or group can pitch or place a camping unit; a campground may contain many campsites</u>                               |
| Campsite Pad        | <u>An area within a camp site intended for the exclusive occupancy by a camping unit or units under the control of a camper.</u>                                             |
| Caretaker Residence | <u>A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.</u>        |
| RV Park             | <u>A recreational vehicle park (RV park) is a campground where privately owned recreational vehicles can stay overnight, or longer, in allotted spaces known as "sites".</u> |

**Proposed Amendment (STA15-04) to  
Subdivision and Land Development Regulations  
(Effective January 1, 2014)**

C

**Campground.**

An area or premises located on a single lot operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by customers occupying camping units. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Sections 2.2 and 8.17 of the Zoning Ordinance and relevant sections of these Subdivision Regulations.

**Division 7.0 Mobile/Manufactured Home Parks & Campgrounds**

---

**Section 7.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

**Section 7.3 Campground Requirements**

- ~~A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.~~

**Division 8.0 Campgrounds**

**Section 8.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

**Section 8.2 Campground Requirements**

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.  
Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.17 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~4,500~~ 1,200 square feet not to include road rights-of-way or road easement.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road easement right-of-way.
4. No more than 15 campsites per acre are permitted.
5. All campsite pads shall be a minimum of 20' apart.
6. Each campsite shall provide an adequate stand-pad for the placement of a camping unit. A campsite pad stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction.
7. No more than one camping unit shall be placed on or above a campsite.

**Comment [JB1]:** Staff comment: Campgrounds are typically processed as site plans held in single ownership. In such case roads would be in an easement located on the site and not created as a separate dedicated right-of-way. Staff recommends changing this to platted road easement.

~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

**Comment [JB2]:** Moved and modified to E2 below

~~C.E.~~ Road and Access Requirements

1. Campground roads that serve have less than 300 vehicle trips per day shall meet the following standards:

  - a. Existing roads may be used to access campsites without meeting road standards.
  - b. May have asphalt or gravel surface.
  - c. 12 foot width with 3 foot pull off areas that allow larger vehicles to pass.
  - d. Maximum slope 15%
  - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
  - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

2. Campground roads that serve more than 300 vehicle trips per day:

  - a. May have asphalt or gravel surface
  - b. 15 foot minimum width.
  - c. Maximum slope 15%
  - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.

e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads as determined by the County Engineer within a campground, shall be minimum 22-foot wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, Residential Subdivision with more than 12 lots.~~

~~F. Roads within a campground that are not main entrance or primary looping roads as determined by the County Engineer shall be a minimum of 20-foot wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, Residential Subdivision with a maximum of 12 lots.~~

D.G. Parking Requirements

1. Campsites accessed by vehicles shall provide one a level parking area at each site.
2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.

~~Convenient off-street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. Each parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.~~

E.H. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500' of all campsites.
3. Each campsite shall be provided with a sanitary, covered garbage can.
4. I. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
5. J. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate the tent area (if any), plus capacity to accommodate any public buildings an allowance for a sewerage dump station and a water refill station.

F.K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

~~L. Road rights of way in a campground shall be a minimum of 50 feet in width.~~

~~M. One-way roads shall be at least 12 feet in width with 3-foot wide gravel shoulders. Drainage ditch lines 1 1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.~~

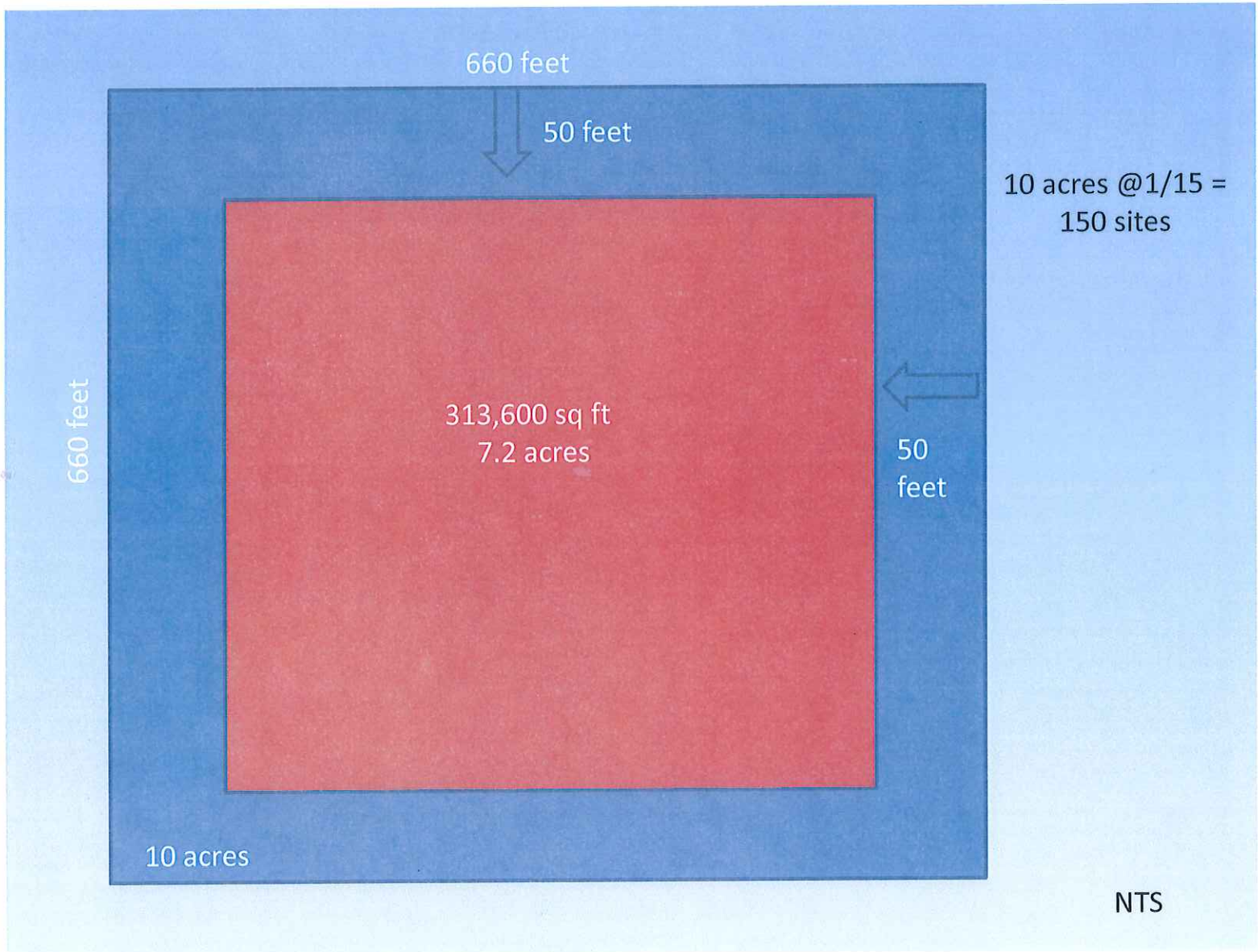
G. Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit

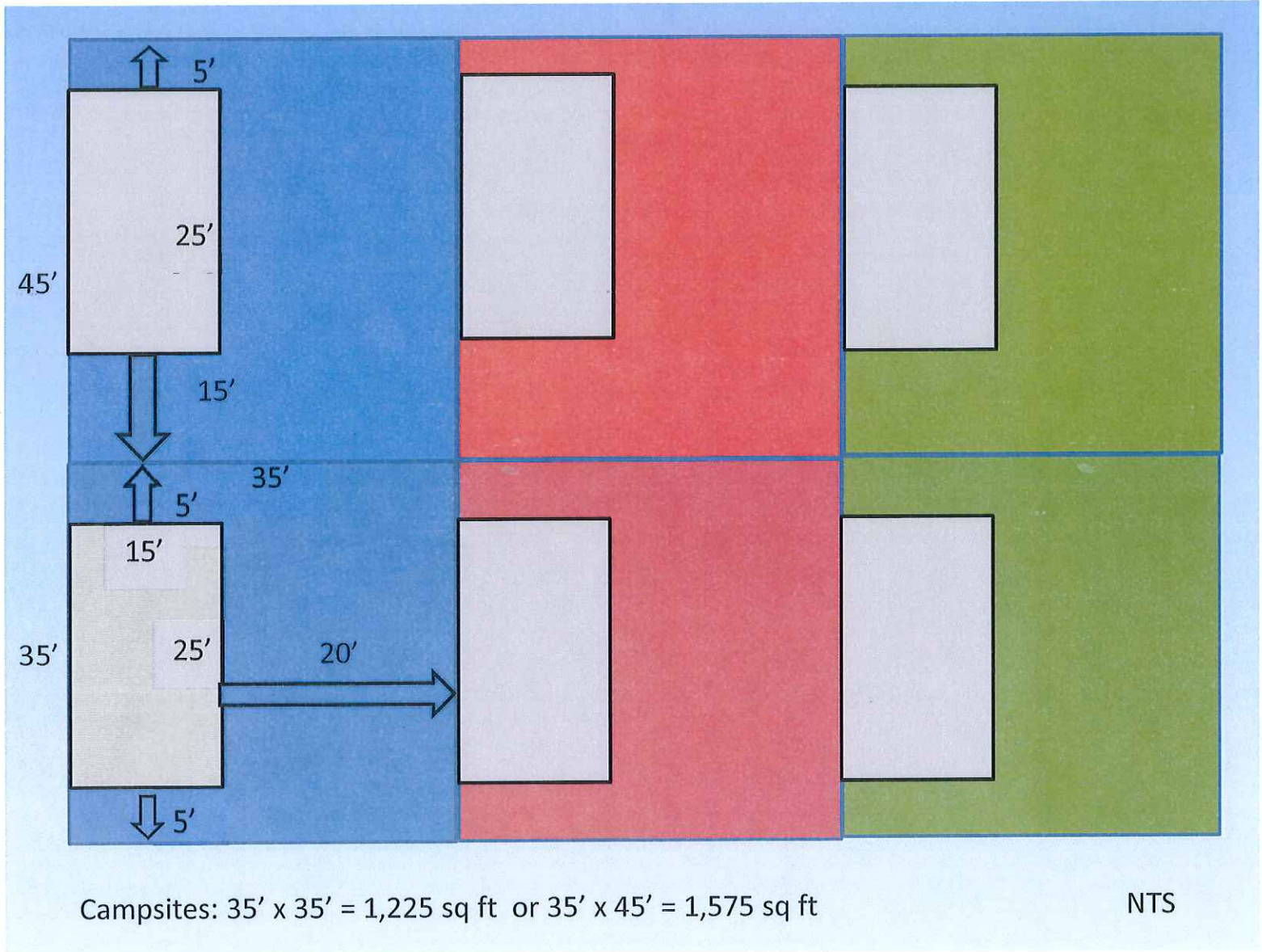
must also be provided.

H. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

**Campground Text Amendment  
(STA15-04/ZTA15-02)  
Review and possible action**

**7/21/16 County Commission Work Session**





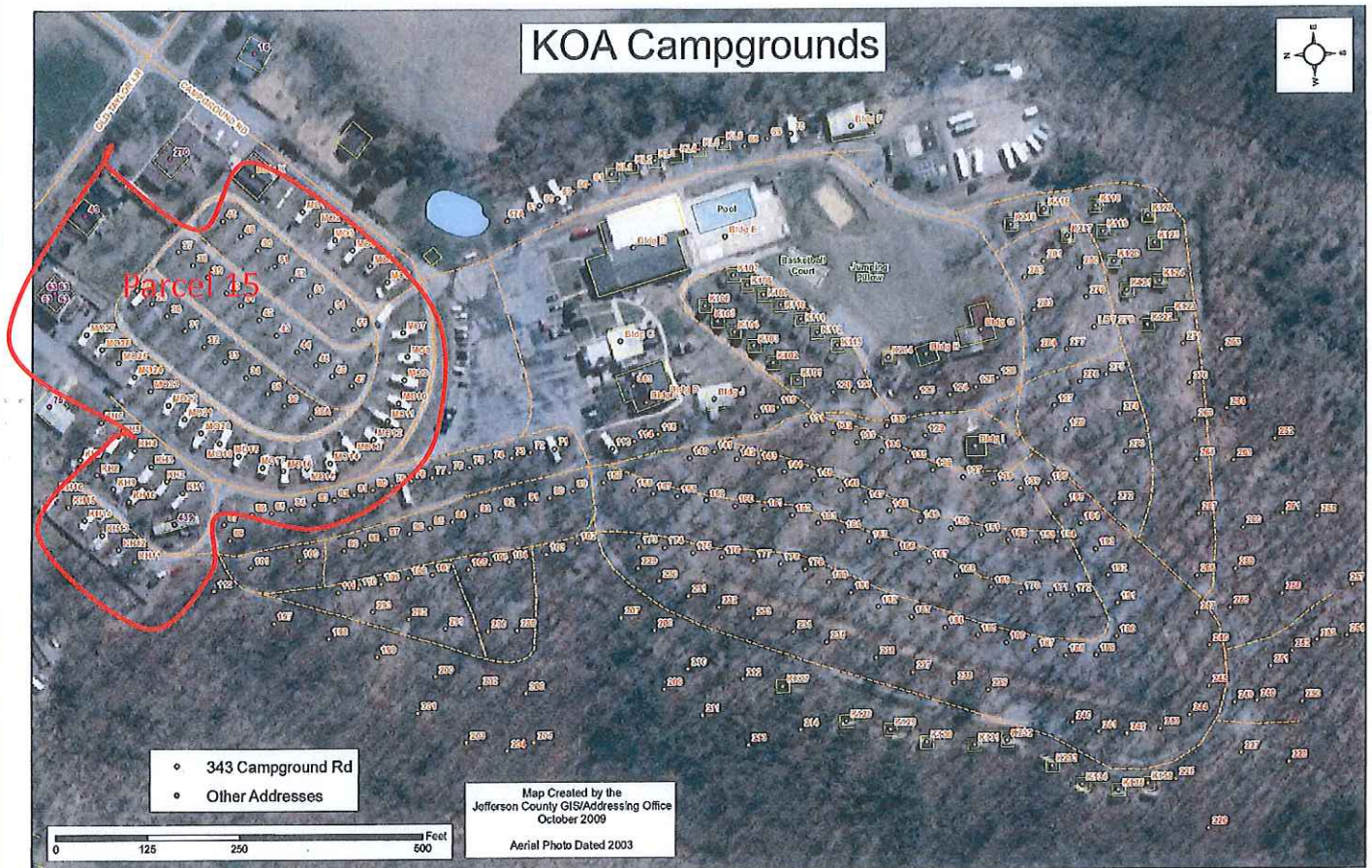


fe Number:

Map Legend

- Room
  - abin
  - abin
  - abin
  - xtage
  - in
  - in
  - 0 AMP
  - 1
  - 2
  - 3
  - 4
  - 5
- Room
  - Parking
  - Dump Station
  - Phone
  - Laundry
  - Recycle Bin
  - Men's Room
  - Ladies' Room
  - Showers
  - Restrooms
  - Horseshoes
  - Volleyball
  - No Swimming
  - Water
  - Propane
  - Handicapped
  - Fun Finder
  - Playground
  - Cell Phone Charging

TENT SITES ARE LOCATED TO RIGHT OF NUMBERS



Parcel 15 acreage: 4.38 acres  
 Total campsites: 71 sites  
 Average density : 16 sites/acre  
 Average site size: 2,688 sq. ft.

Total acreage: 42.6 acres  
 Total campsites: 309 sites  
 Average density: 7.25 sites/acre  
 Average site size (not incl P15): 5,000 sq.ft.

# Moulton Park



Acreage: 1.3 acres  
Average density: 7.7 sites/ acre

Total Campsites: 10 sites  
Average site size: 5,640 sq ft





**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

Name: **Sandy McDonald, Deputy County Administrator**

Department or Organization: **County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1<sup>st</sup> Choice: **July 21, 2016**

*If a specific date is needed, please provide reason for specific date:* Click here to enter text.

Date Requested – 2<sup>nd</sup> Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*):

 **Greenbrier County WV Flood - Barbara Miller, Director of WVOHSEM – expenses**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N Click here to enter text.

If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain: Click here to enter text.

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

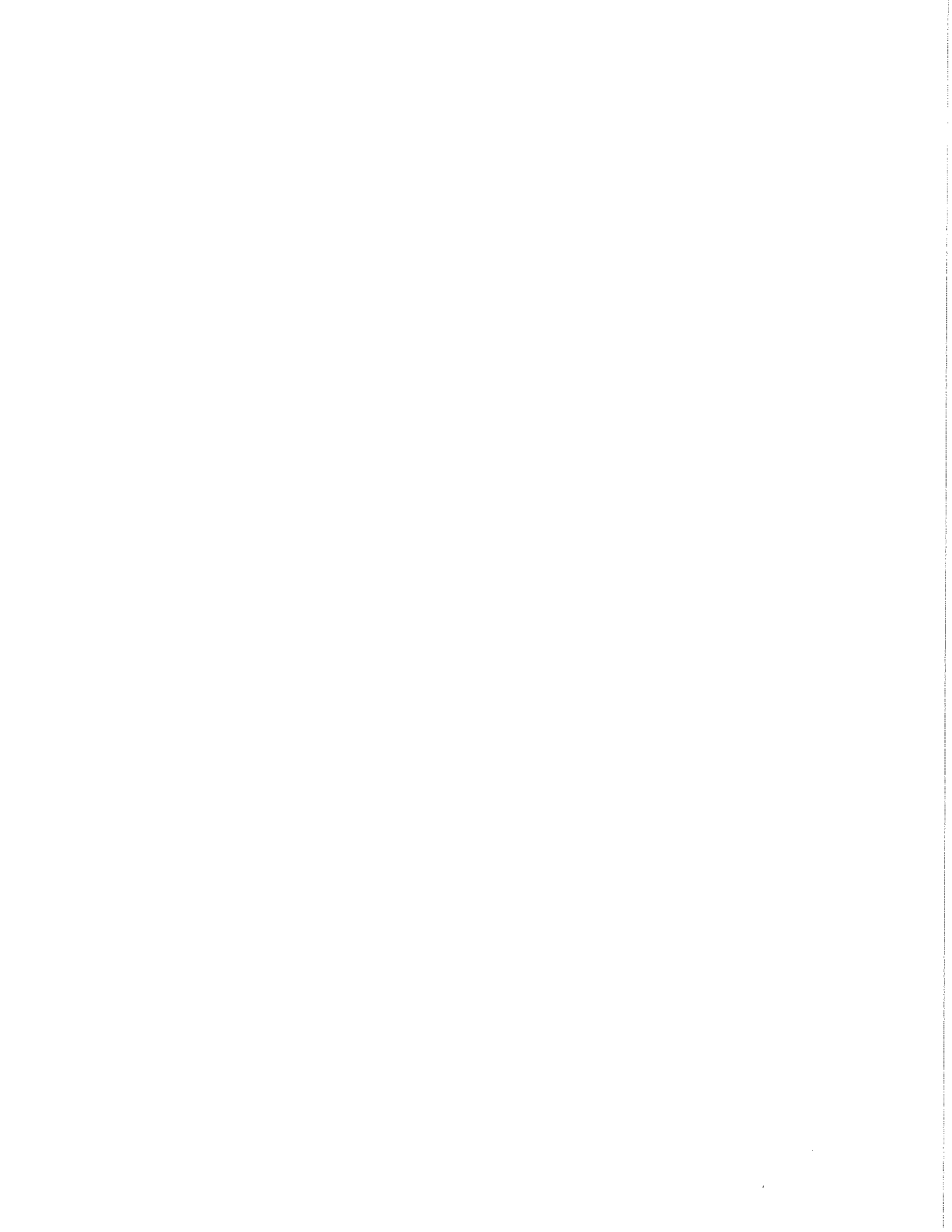
Telephone for conference call Y/N Click here to enter text.

Contact information:

Email address: Click here to enter text. Phone Number: Click here to enter text.

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.





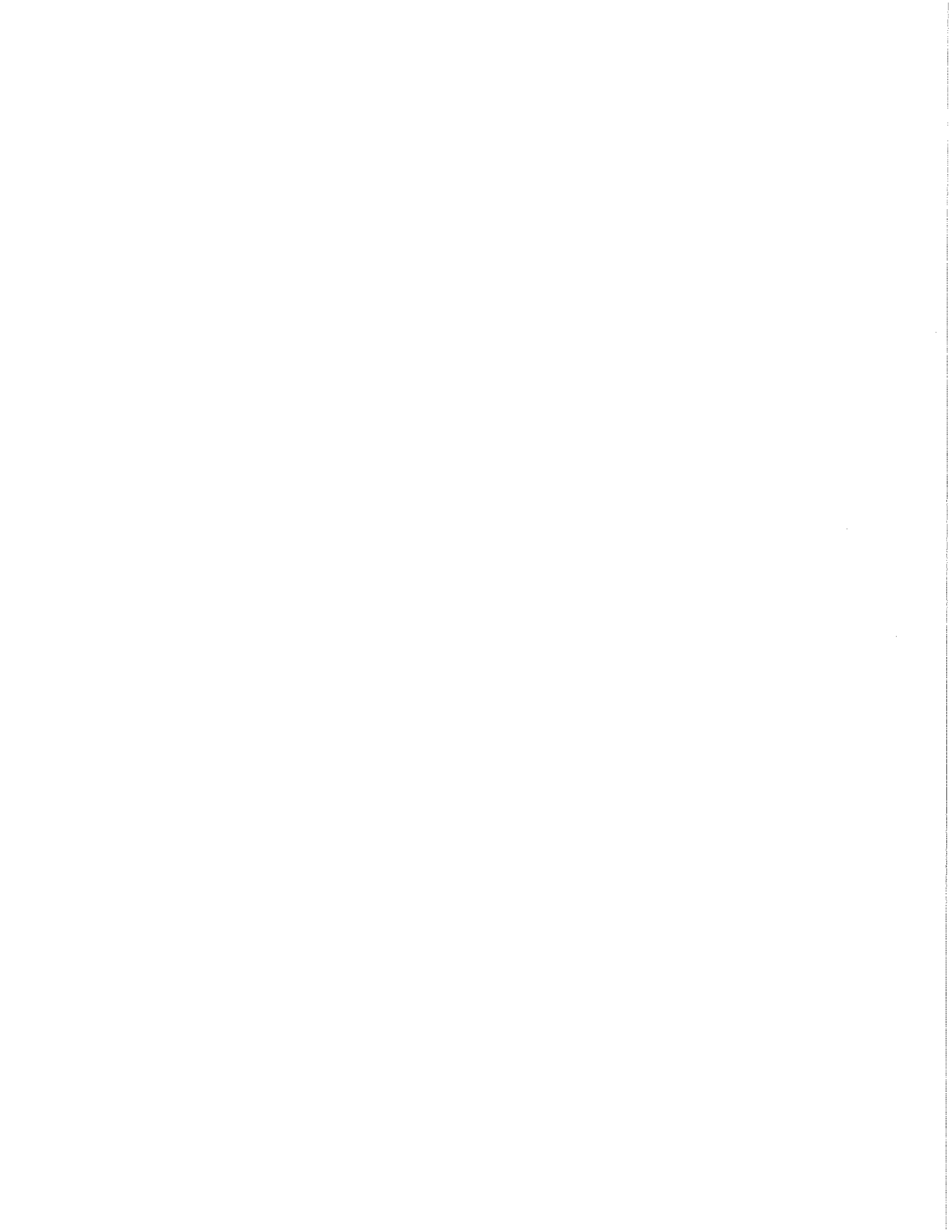
# Meet and Converse with your Jefferson County Commissioners

Where: Friendship Fire Company  
1050 Washington Street  
Harpers Ferry, WV 25425

When: Thursday, July 21st, 2016

Time: 7:00 p.m.

*Questions regarding the event should be directed to  
the Jefferson County Commission: 304-728-3284*



**Quarterly Report**  
Jefferson County Historic Landmarks Commission  
April 1, 2016 through June 30, 2016  
July 2016

**1. Projects Undertaken**

- a. Shepherdstown Battlefield properties acquisition and transfer to NPS – ongoing
  - i. ABPP land acquisition grant submitted for Eyler Tract in partnership with Civil War Trust – June 6, 2016 – notification by September 2016
- b. Peter Burr Farm improvements and programing - ongoing
- c. Snow Hill/Poor House Improvements – ongoing
- d. WV GeoExplorer project – sponsor and coordinate - ongoing
- e. Site reviews in conjunction with JC Planning Department - ongoing
- f. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools - ongoing
- g. Verification of JCHLC inventory data - ongoing
- h. Hosting an AmeriCorps Member – Rob Aitcheson began year internship January 18, 2016
- i. Hosting two Shepherd University Historic Preservation academic summer interns – 400 hours per student.
  - i. Lauren Kelly – JC Landmark documentation
  - ii. Brittany Williams – Coyle Cemetery preservation
- j. Farmland preservation on Civil War battlefields project in conjunction with JC Farmland Protection Board and Land Trust for the Eastern Panhandle - ongoing
- k. Designation of NR Landmark – Feagan’s Mill – nomination accepted by WV SHPO
- l. Graphic redesign of JCHLC logo and interpretive materials
- m. Morgan’s Grove Historic District – branding and installation of signage
- n. Grant Submission to WV SHPO – Real Estate Workshop – approved - scheduled for October 27, 2016
- o. Demolition of Stum House on Shepherdstown Battlefield
- p. FY-17 Fairs and Festivals Grant from

**2. Projects Completed**

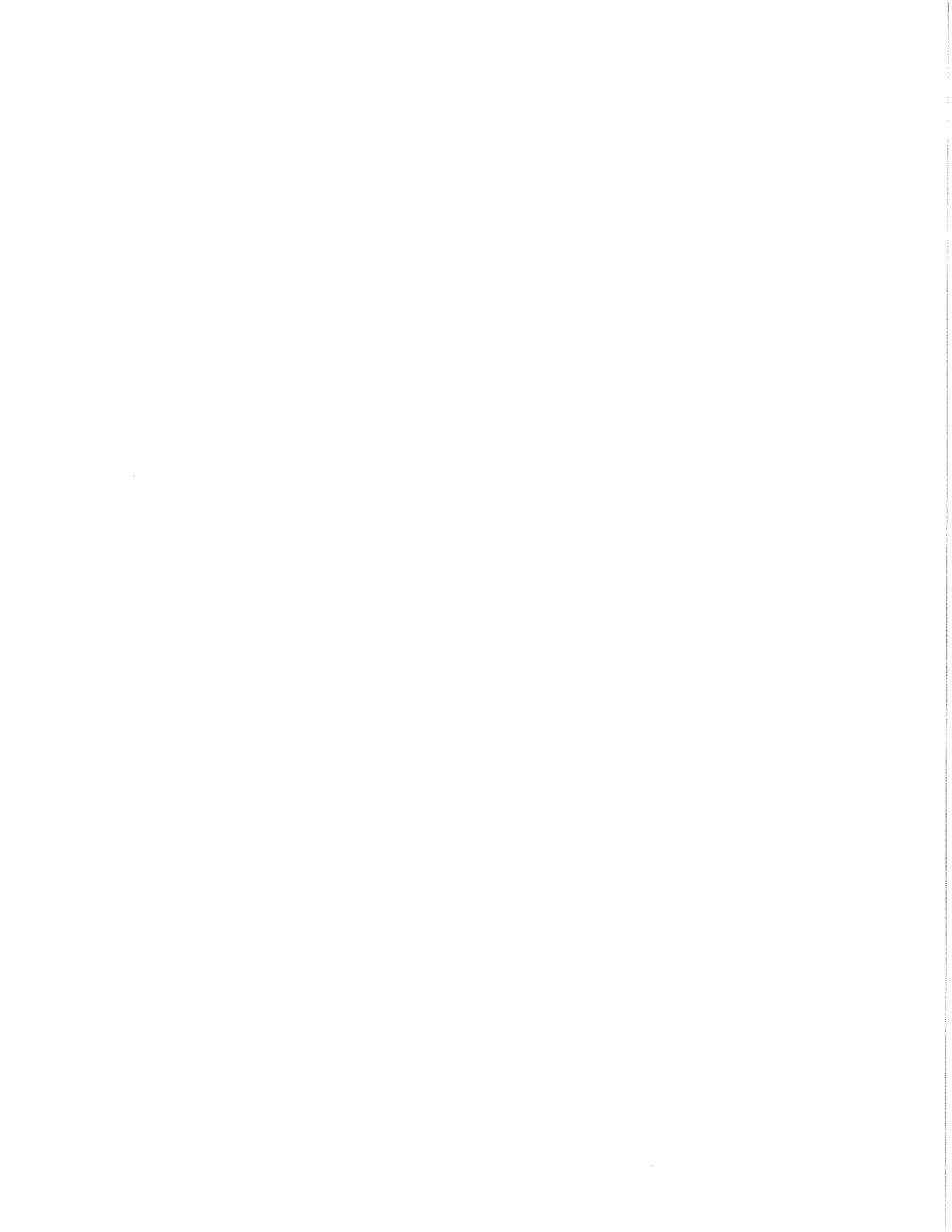
- a. Successful grant application to EWVCF - \$2,500 – Coyle cemetery restoration
- b. 61<sup>st</sup> House and Garden Tour to include Peter Burr Farm – April 23-24, 2016 – 520 visitors
- c. Park Day at Shepherdstown Battlefield - April 2, 2016 – 30 volunteers – approximately 100 hours of labor
- d. Redesign and launch of new website
- e. Celebration of Historic Preservation Month – May 2016 – article in local newspaper
- f. Renewal of Shannondale agreement with WV DNR – June 2016

**3. Projects Proposed**

- a. Documentation of significant barns and farmsteads
- b. Design standards for Middleway Historic District

**4. Items Requiring Jefferson County Commission Attention**

- a. None at this time



## **PRESS RELEASE**

**For Immediate Release**

**Contact: Jessica Carroll, Executive Administrative Assistant - 304-728-3284**

### **Jefferson County Commission to hold Meet and Greet**

**On Thursday, July 21, 2016, the Jefferson County Commission will meet and converse with their constituents at the Friendship Fire company located at 1050 Washington Street, Harpers Ferry, WV at 7:00 p.m.**

**This event will feature an informal setting for citizens to interact with their elected officials. The goal of the evening is to provide the citizens the opportunity to speak one-on-one with County Commissioners.**

**During this event, the Commissioners would like residents to share their views on important issues and topics concerning the County.**

**You can visit [jeffersoncountywv.org](http://jeffersoncountywv.org) and subscribe to the email alerts system to stay informed of upcoming events and public hearings.**

**The public is encouraged to attend.**

**For further information contact: Sandy Slusher McDonald, Deputy County Administrator, Jefferson County Commission - 304-728-3284**

**# #**

# County Commissioner Applications

As of July 11, 2016

| Name                                | Street                 | City                | State | Zip Code | District      | Party Affiliation |            |
|-------------------------------------|------------------------|---------------------|-------|----------|---------------|-------------------|------------|
|                                     |                        |                     |       |          |               | Party Affiliation | Date as of |
| Deirdre J. Catterton                | 159 Eastland Drive     | Charles Town        | WV    | 25414    | Kabletown     | Republican        | 4/26/2003  |
| Greg Lance                          | 90 Falcon Ridge Dr     | Charles Town        | WV    | 25414    | Harpers Ferry | Republican        | 6/22/2016  |
| Peter Onoszko                       | 13 Aubrey Court        | Charles Town        | WV    | 25414    | Harpers Ferry | Republican        | 9/14/2006  |
| Jared Esselman                      | 121 Trotting Way       | Charles Town        | WV    | 25414    | Charles Town  | Republican        | 6/24/2015  |
| Robert Edwards                      | 235 Elk Branch Drive   | Shenandoah Junction | WV    | 25442    | Shepherdstown | Republican        | 7/15/2016  |
| Gary L. Dungan                      | 228 Prospect Avenue    | Harpers Ferry       | WV    | 25425    | Harpers Ferry | Republican        | 5/5/1998   |
| John S. Bresland                    | 79 Tamarac Dr          | Shepherdstown       | WV    | 25443    | Shepherdstown | Republican        | 2/15/2008  |
| Gary W. Cogle, Jr.                  | 235 Darke Lane         | Kearneysville       | WV    | 25430    | Middleway     | Republican        | 7/6/2016   |
| Richard L. Friends, II              | 182 Posting Way        | Charles Town        | WV    | 25414    | Charles Town  | Republican        | 2/19/2016  |
| Jay Longerbeam                      | 293 Brookline Drive    | Charles Town        | WV    | 25414    | Kabletown     | Republican        | 4/20/2012  |
| Gary Phalen                         | P.O. Box 862           | Shepherdstown       | WV    | 25443    | Shepherdstown | Republican        | 10/15/2012 |
| REMOVED 7-13-16 Thomas H. Hansen, J | 2584 S. Childs Road    | Kearneysville       | WV    | 25430    | Middleway     | Republican        | 5/29/2013  |
| Raymond Joseph Joe Funkhouser III   | 1501 Earle Road        | Charles Town        | WV    | 25414    | Middleway     | Republican        | 9/30/2015  |
| Krista Steiding                     | 72 Serenade Lane       | Harpers Ferry       | WV    | 25425    | Shepherdstown | Republican        | 10/7/1996  |
| Daniel J. Zappe                     | 1195 Chestnut Hill Dr. | Harpers Ferry       | WV    | 25425    | Harpers Ferry | Republican        | 11/2/2015  |
| Elliott Adam Kletter                | 237 Equestrian Circle  | Shenandoah Junction | WV    | 25442    | Charles Town  | Republican        | 4/12/2010  |
| Ann Maddy Smith                     | 230 Chessie Lane       | Harpers Ferry       | WV    | 25425    | Harpers Ferry | Republican        | 6/21/2016  |
| David Tabb                          | 107 Tabb Lane          | Harpers Ferry       | WV    | 25425    | Charles Town  | Democrat          | 3/5/1976   |
| Heidi Parker                        | 32 Buckskin Court      | Charles Town        | WV    | 25414    | Charles Town  | Republican        | 2007       |



State of West Virginia  
Office of the Attorney General

Patrick Morrisey  
Attorney General

July 12, 2016

(304) 558-2021  
Fax (304) 558-0140

The Honorable Ralph A. Lorenzetti Jr.  
Prosecuting Attorney  
Jefferson County  
P.O. Box 729  
Charles Town, WV 25414

Dear Prosecutor Lorenzetti:

You have asked for an Opinion of the Attorney General about several requirements and procedures pertinent to the appointment of a new county commissioner after one has resigned. This Opinion is being issued pursuant to West Virginia Code § 5-3-2, which provides that the Attorney General "may consult with and advise the several prosecuting attorneys in matters relating to the official duties of their office." To the extent this Opinion relies on facts, it is based solely on the factual assertions set forth in your correspondence with the Office of Attorney General. The questions you asked in the letter have been narrowed by further discussions with your office.

In your letter, you explain that a member of the five-member Jefferson County Commission has resigned. The resignation was tendered late in the day on June 29, 2016, and was accepted by the remaining four Commissioners at a regular meeting of the Commission on June 30, 2016. The Commissioner who resigned was a Republican, and his seat was up for re-election in 2020.

Your letter raises a number of legal issues, which are addressed in turn below:

*(1) Is there a legal prohibition against someone switching parties in order to be considered for appointment to the vacated seat on the Commission? If there is no such prohibition, is there a cutoff date after which a person may not switch parties for the purposes of the appointment?*

*(2) When is the effective date of the resigning Commissioner's resignation for purposes of starting the thirty-day clock for appointments by the Commission?*

(3) *Must the newly appointed Commissioner be from the same magisterial district as the resigning Commissioner?*

(4) *When will the newly appointed Commissioner's term end?*

***Question One: Is there a legal prohibition against someone switching parties in order to be considered for appointment to the vacated seat on the Commission? If there is no such prohibition, is there a cutoff date after which a person may not switch parties for the purposes of the appointment?***

The West Virginia Legislature has specifically addressed the issue of individuals switching political parties in order to be eligible for *election* to a seat on a county commission. West Virginia Code § 3-5-7 requires candidates running for election to submit a form, affirming information about their candidacy, to the clerk of the county commission. Information required on this form includes a statement that the candidate has not recently switched political parties:

For partisan elections, the name of the candidate's political party and a statement that the candidate: (A) Is a member of and affiliated with that political party as evidenced by the candidate's current registration as a voter affiliated with that party; and (B) has not been registered as a voter affiliated with any other political party for a period of sixty days before the date of filing the announcement.

W. Va. Code § 3-5-7. The West Virginia Supreme Court of Appeals has upheld this statute, finding that it was "necessary to accomplish the compelling governmental interest in preserving the integrity of the political process, promoting party stability, and avoiding voter confusion." Syl. Pt. 4, *State ex rel Billing v. City of Point Pleasant*, 194 W. Va. 301, 460 S.E. 2d 436 (1995).

The Legislature has not, however, adopted a similar statute applicable to the *appointments* process. For "[a]ny vacancy in the office of county commissioner," West Virginia Code § 3-10-7(a) provides that "[p]ersons appointed shall be of the same political party as the officeholder vacating the office." Unlike in West Virginia Code § 3-5-7, there is no further requirement or statement regarding the appointed person's political party registration. Accordingly, we believe the best answer is that there is no legal prohibition on switching parties for purposes of *appointment* to a county commission. It is a long-standing canon of statutory construction that "[t]he Legislature is presumed to know existing laws relating to the same subject, and to understand the situation with which it undertakes to deal." *Harbert v. Harrison Cnty. Court*, 129 W. Va. 54, 75, 39 S.E.2d 177, 191 (1946). Sections 3-10-7 and 3-5-7 are contained within the same chapter of the West Virginia Code. We must give meaning to the fact that the Legislature included a prohibition against party-switching for purposes of *election* but not for purposes of *appointment*. See *State ex rel. Riffle v. Ranson*, 195 W. Va. 121, 128, 464 S.E.2d 763, 770 (1995) ("If the Legislature explicitly limits application of a doctrine or rule to one specific factual situation and omits to apply the doctrine to any other situation, courts should assume the omission was intentional"). This is consistent with a previous Opinion of this Office,

in which we found that a candidate could switch his party affiliation in order to be considered for a county sheriff position in Jefferson County. W. Va. Op. Att’y Gen., 2013 WL 1287949 (Mar. 4, 2013).

We also do not find in the law a cutoff date for a person switching parties for the purpose of appointment. The statute is silent on this point, and no case law speaks directly to this issue. Because the Legislature has not prescribed a cutoff date for individuals to switch parties to be considered for appointment, we see no basis for imposing one other than the practical limit that an individual must have switched parties before he or she is selected by the County Commission to fill the vacancy. Of course, as you note, the Commission is required by statute to fill the vacancy within thirty days. W. Va. Code § 3-10-7(a).

***Question Two: When is the effective date of the resigning Commissioner’s resignation for purposes of starting the thirty-day clock for appointments by the Commission?***

To answer this question, we begin with the relevant statutory text. West Virginia Code § 3-10-7(a) provides that “[a]ny vacancy in the office of the county commissioner . . . shall be filled by the county commission of the county . . . within thirty days of the date the vacancy first occurred.” We are aware of no cases of the West Virginia Supreme Court of Appeals or opinions of this Office that have interpreted this provision with respect to the question you ask.

Our initial task thus is to “determine whether the language at issue is ambiguous.” *Bd. of Trustees of Firemen’s Pension & Relief Fund of City of Fairmont v. City of Fairmont*, 215 W. Va. 366, 370, 599 S.E.2d 789, 793 (2004); *see also State ex rel. Hall v. Schlaegel*, 202 W. Va. 93, 96, 502 S.E.2d 190, 193 (1998) (“As with all issues of statutory construction, we must first determine whether the language at issue presents any ambiguity.”). That is true where a statutory provision “is susceptible of two *reasonable* constructions.” *Firemen’s Pension & Relief Fund*, 215 W. Va. at 370, 599 S.E.2d at 793 (emphasis added); *Lawson v. Cnty. Comm’n of Mercer Cnty.*, 199 W. Va. 77, 81, 483 S.E.2d 77, 81 (1996) (finding ambiguity where a “statute can be read by reasonable persons to have different meanings”). Thus, “[m]ere informality in phraseology or clumsiness of expression does not make it ambiguous, if the language imports one meaning or intention with reasonable certainty.” *Jessee v. Aycoth*, 202 W. Va. 215, 218, 503 S.E.2d 528, 531 (1998) (quoting Syl. Pt. 13, *State v. Harden*, 62 W. Va. 313, 58 S.E. 715 (1907)); *see also State v. Chapman*, No. 13-0111, 2013 WL 5676630, at \*4 (W. Va. Oct. 18, 2013) (“[a] statute is not ambiguous simply because different interpretations are conceivable” (internal quotations omitted)).

As to the effective date for starting the thirty-day clock, we believe “the language imports one meaning or intention with reasonable certainty.” *Jessee*, 202 W. Va. at 218, 503 S.E.2d at 531. Based on the ordinary understanding of the word “vacancy” and the Legislature’s use of the phrase “first occurred,” we believe that the thirty days should begin to run from the date the Commissioner tendered his resignation.

Under the ordinary meaning of the word “vacancy,” we believe a vacancy occurs as soon as an individual formally submits his or her resignation from the office. According to Black’s Law Dictionary, a vacancy is “[a]n unoccupied office. . . . [that] does not occur until the officer is officially removed.” *Vacancy*, Black’s Law Dictionary (10th ed. 2014). Because a Commissioner is elected to office by the voters—and not put in office by an individual, board, or commission that arguably could refuse his resignation—we believe that a Commissioner can “officially remove[.]” him or herself from the office simply by tendering his or her resignation. In this case, therefore, the vacancy occurred for purposes of the thirty-day period as soon as the Commissioner submitted his letter. *Cf. State ex rel. Biafore v. Tamlin*, 236 W. Va. 528, 782 S.E.2d 223, 226 (2016) (noting that Senator’s decision to resign effective January 3, 2016, “created the vacancy”). The Commission’s decision to accept his resignation formally acknowledged his departure, but we do not believe it had any legal effect because we find no law that suggests the Commission could have refused his resignation.

This understanding is bolstered by the statute’s use of the phrase “first occurred.” The provision requires not simply that the vacancy be filled within thirty days, but that it be filled “within thirty days of the date the vacancy *first occurred*.” W. Va. Code § 3-10-7(a) (emphasis added). The inclusion of the word “first” compels the conclusion that if there were any doubt as to which of several events created the vacancy, the first of those should be considered to have created the vacancy and triggered the thirty day clock. Thus, while it is reasonable to suggest that the vacancy did not begin until a Commission accepts a resignation letter, we believe the statute makes clear that the vacancy began when the Commissioner submitted his resignation letter, as that is the date on which the vacancy “first occurred.”

***Question Three: Must the newly appointed Commissioner be from the same magisterial district as the resigning commissioner?***

As you note, we have previously issued an Opinion stating that appointed county commissioners need not be from the same magisterial district as the resigning commissioner. W. Va. Att’y Gen. Op., 2013 WL 3790635 (May 20, 2013). In that Opinion, we explained that while *elected* county commissioners must come from different magisterial districts, *appointed* commissioners need not. Citing longstanding principles of statutory construction, we explained that “the conspicuous absence of any residency requirement for an appointed—rather than elected—county commissioner must be interpreted as an intentional omission” by the Legislature. *Id.* at \*3. As there have been no major shifts in the law since the issuance of that letter, we affirm that opinion here.

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\* In contrast, until an amendment this year by the Legislature, a declared candidate for public office could not always unilaterally remove him or herself from the ballot. Prior to this year’s amendment, if a successful primary election candidate wished to be removed from the general election ballot for “extenuating personal circumstances,” he or she needed to apply in writing to the State Election Commission for permission to be removed from the ballot. *See State ex rel. McDavid v. Tenant*, No. 14-0939, 2014 WL 4922641 at \*2 (Oct. 1, 2014). This year’s amendment by the Legislature specifically removed that requirement, making it possible for a successful primary candidate to remove him or herself from the general election ballot without seeking permission. W. Va. Code § 3-5-19(a)(6).

***Question Four: When will the newly appointed Commissioner's term end?***

The Legislature has provided specific rules for determining the term of office for an appointed county commissioner. West Virginia Code § 3-10-1(b) provides generally that “[t]he term that [an] appointee holds [an] office shall depend on when the vacancy occurs,” and sets forth certain principles. In turn, West Virginia Code § 3-10-7(d) provides the following exception for vacancies in the office of county commissioner:

Section one of this article shall be followed with respect to any election needed to fill a vacancy, except that if the vacancy occurs after the primary cutoff date but not later than the general cutoff date, candidates to fill the vacancy shall be nominated by the county executive committee in the manner provided in section nineteen, article five of this chapter, as in the case of filling vacancies in nominations, and the names of the persons, so nominated and certified to the clerk of the county commission of the county, shall be placed upon the ballot to be voted at the next general election.

W. Va. Code § 3-10-7(d).

Whether to follow the provisions in West Virginia Code § 3-10-1 or West Virginia Code § 3-10-7(d) turns on the meaning of the terms “primary cutoff date” and “general cutoff date.” The Code defines “general cutoff date” as “the eighty-fourth day before the general election that immediately precedes the general election where the office would be on the ballot for selection if there were not a vacancy.” W. Va. Code § 3-10-1(a)(1). The “primary cutoff date” is defined as “the eighty-fourth day before the primary election that immediately precedes the general cutoff date.”

Based on the facts you have provided, the provisions of West Virginia Code § 3-10-1 govern this circumstance. In your letter, you state that the now-vacant seat was originally filled in 2014 and, before its vacation, would have been up for re-election in 2020. Both the primary and general cutoff dates are thus in 2020, which means that the vacancy has occurred *before* the primary cutoff date and does not trigger the exception in West Virginia Code § 3-10-7(d).

Under West Virginia Code § 3-10-1, the appointed Commissioner must be replaced by an official selected through the primary and general elections in 2018. The statute provides that “[i]f the vacancy occurs on or before the primary cutoff date, then the office shall be filled at the following regular primary and subsequent general election pursuant to this article and the appointee shall hold the office until a qualified replacement is elected and certified at that general election.” W. Va. Code § 3-10-1(b)(2). The next primary and general election will not occur until 2018. By statute, “the Governor, or other person granted authority by this article,

The Honorable Ralph A. Lorenzetti Jr.

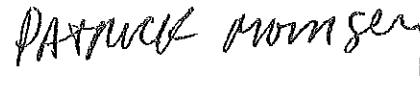
July 12, 2016

Page 6

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shall issue a proclamation stating that the office will appear on" the ballot for those elections. *Id.* § 3-10-1(c)(3). After the election is held, "[t]he elected replacement shall hold the office until the end of the original term of office" in January 2021. *Id.* § 3-10-1(b)(2).

Sincerely,

A handwritten signature in black ink that reads "PATRICK MORRISEY". The signature is written in a cursive style with some capital letters.

Patrick Morrisey  
Attorney General

Elbert Lin  
Solicitor General



July 11, 2016

From: The Jefferson County Republican Executive Committee

To: The Jefferson County Commission President

Subject: The Harpers Ferry Commissioner Replacement

Dear Madam President

With regard to replacing the Harpers Ferry Commissioner's seat, there are several issues swirling about the county. We, the Jefferson County Republican Executive Committee, would like to weigh in on these issues:

1. The replacement must be a bona fide Republican. We define a bona fide Republican as one who was a registered Republican as of the April 19, 2016 Primary registration deadline. All recent "converts" to Republican are a registration of convenience and therefore ineligible for consideration.
2. Although there is no requirement for an *appointed* Commissioner to be from the affected magisterial district, Jefferson County has a large population with any number of qualified individuals from Harpers Ferry. We respectfully submit the following highly qualified individuals from Harpers Ferry for your due diligence and consideration:

- Peter Onoszko
- Gary Dungan

The replacement of any duly elected official is of great importance to the citizens

of Jefferson County. We urge you to appoint a replacement that best represents the people of the Harpers Ferry Magisterial District as well as the citizens of Jefferson County.

For the Committee

A handwritten signature in black ink, appearing to read "Michael Ashley". The signature is written in a cursive style with a long horizontal stroke extending to the right.

Michael Ashley  
Chairman

## Sandra McDonald

---

**From:** Barbara Yano <Barbarayano@msn.com>  
**Sent:** Saturday, July 16, 2016 9:54 AM  
**To:** Sandra McDonald  
**Subject:** Gary Dungan

Dear Commissioner: I writing to strongly recommend Gary Dungan, a republican, as the representative from the Harpers Ferry District to ensure that the citizens of the harpers Ferry Magisterial District have representation to the County Commission. Thank you for your consideration. Barbara Yano

## Sandra McDonald

---

**From:** davis8700@aol.com  
**Sent:** Friday, July 15, 2016 6:02 PM  
**To:** Sandra McDonald  
**Subject:** County Commissioner replacemnt

Hello,

I would like to go on record requesting that the Commissioners only allow a true republican for the replacement of Eric Bell and also they be from my Harpers Ferry district.

The people of my district originally voted for someone from our district and I think it would be the ethical, moral and common sense thing to appoint someone from the same district.

I beg you to honor my request.

I appreciate your time and consideration.

Sincerely,

Randy Davis

## Sandra McDonald

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**From:** Sharon Phenneger <sphenneger@msn.com>  
**Sent:** Friday, July 15, 2016 9:49 PM  
**To:** Sandra McDonald  
**Subject:** Replacement Harper's Ferry Commissioner's Seat

Dear Sandy,

Thank you for accepting this email regarding our concerns on the replacement of the Jefferson County Commissioner's seat representing Harper's Ferry.

In regard to the replacement of the Harper's Ferry Commissioner's seat, we feel that it is very important that the seat be replaced by someone from the Harper's Ferry District rather than someone from another magisterial district. There are issues that are unique to Harper's Ferry that may not be fully appreciated by someone outside of the district, leaving the commissioner's influence to be in conflict with best interest of Harper's Ferry. It is also important that the seat be held by someone who has firm Republican values.

We would like to request that the Jefferson County Commission give serious consideration to the appointment of Gary Dungan to the Commissioner's seat. He has been very active in the Harper's Ferry Republican issues and has a strong understanding of the needs of Jefferson County.

Thank you for your consideration.

Sincerely,

Sharon and Milton Phenneger

## Sandra McDonald

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**From:** Stephanie Boylan <angeldreamer@comcast.net>  
**Sent:** Friday, July 15, 2016 10:56 PM  
**To:** Sandra McDonald  
**Subject:** The Harpers Ferry Commissioner Replacement

Dear Madam President

With regard to replacing the Harpers Ferry Commissioner's seat, there are several issues within the county:

1. The replacement must be a bona fide Republican. We define a bona fide Republican as one who was a registered Republican as of the April 19, 2016 Primary registration deadline. All recent "converts" to Republican are a registration of convenience and therefore ineligible for consideration.
2. Although there is no requirement for an appointed Commissioner to be from the affected magisterial district, Jefferson County has a large population with any number of qualified individuals from Harpers Ferry. We respectfully submit the following highly qualified individuals from Harpers Ferry for your due diligence and consideration:
  - Peter Onoszko
  - Gary Dungan

The replacement of any duly elected official is of great importance to the citizens of Jefferson County. We urge you to appoint a replacement that best represents the people of the Harpers Ferry Magisterial District as well as the citizens of Jefferson County.

I make a recommendation to appoint **Gary Dungan**.

Sincerely,

Stephanie C. Boylan

## Sandra McDonald

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**From:** zeplord88 . <galderton8893@gmail.com>  
**Sent:** Sunday, July 17, 2016 2:03 PM  
**To:** Sandra McDonald  
**Subject:** County Commission Seat

Dear Mrs. McDonald,

I am writing with the hope that the commission appoints someone to the empty seat who has been a Republican for some duration and is from the Harper's Ferry District. I highly recommend Gary Dungan to the seat. Thank you for your consideration.

Yours truly,

James Alderton

## Sandra McDonald

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**From:** Anh Alderton <anhalderton1@gmail.com>  
**Sent:** Sunday, July 17, 2016 2:04 PM  
**To:** Sandra McDonald  
**Subject:** County Commission Seat,

Dear Mrs. McDonald,

I am writing with the hope that the commission appoints someone to the empty seat who has been a Republican for some duration and is from the Harper's Ferry District. I highly recommend Gary Dungan to the seat. Thank you for your consideration.

Yours truly,

Anh Nguyen.  
(703)297-5068

# Impact Fee Status Report

## June 2016

### Office of Impact Fees

#### Summary

Date Range: Wednesday 1 through Friday 30 June 2016

Report Date: 1 July 2016

Process Number Range: 1600084-1600104

Total Applications: 21

Total Non-Exempt: 20

*Of which:*

Commercial: 1

Residential: 19

*Of which:*

County: 18

Municipal: 2

Total Exempt: 1

*Of which:*

Commercial: 0

Residential: 1

*Of which:*

County: 1

Municipal: 0

Tables 1 through 7 summarize impact fee processing for June 2016. Table 8 represents account totals, pending the transfer of fees collected as shown in Table 1, including General Impact Fee Account (3111776) interest which is listed in Table 2.

**Table 1. Form 100 Tallies**

|                        | Exempt | Commercial | Residential  | Total        |
|------------------------|--------|------------|--------------|--------------|
| 1 – 30 June 2016       | 1      | 1          | 15           | 16           |
| Fees collected         |        | \$23.00    | \$123,312.00 | \$123,335.00 |
| <i>Of which</i>        |        |            |              |              |
| School Impact Fee      |        |            | \$111,180.00 | \$111,180.00 |
| Law Enforcement Fee    |        | \$0.00     | \$2,898.00   | \$2,898.00   |
| Parks & Recreation Fee |        |            | \$8,322.00   | \$8,322.00   |
| EMS Fee                |        | \$23.00    | \$912.00     | \$935.00     |

**Table 2. Financial Data – Office of Impact Fees General Account (3111776)**

| Description                                                           | Amount              |
|-----------------------------------------------------------------------|---------------------|
| Opening Statement Balance (1 June 2016)                               | \$134,704.99        |
| June Deposits (1 – 30 June 2016)                                      | \$123,389.37        |
| School May Transactions (withdraws via transfer on 17 June 2016)      | (\$121,607.12)      |
| Law May Transactions (withdraws via transfer on 17 June 2016)         | (\$3,151.85)        |
| Parks & Rec May Transactions (withdraws via transfer on 17 June 2016) | (\$9,012.97)        |
| EMS May Transactions (withdraws via transfer on 17 June 2016)         | (\$987.42)          |
| Interest Earned (30 June 2016)                                        | \$50.07             |
| <b>Ending Statement Balance (30 June 2016)</b>                        | <b>\$123,385.07</b> |
| <i>Outstanding Credits (deposits through 1 June 2016)</i>             | <i>\$0.00</i>       |

**Table 3. Financial Data – School Impact Fee Account (3107582)**

| Description                                              | Amount                |
|----------------------------------------------------------|-----------------------|
| Opening Balance (1 June 2016)                            | \$2,177,720.36        |
| May Transactions (deposits via transfer on 17 June 2016) | \$121,661.49          |
| Interest Earned (30 June 2016)                           | \$918.29              |
| <b>Ending Balance (30 June 2016)</b>                     | <b>\$2,300,300.14</b> |

**Table 4. Financial Data – Law Enforcement Impact Fee Account (3120120)**

| Description                                              | Amount             |
|----------------------------------------------------------|--------------------|
| Opening Balance (1 June 2016)                            | \$68,547.80        |
| May Transactions (deposits via transfer on 17 June 2016) | \$3,151.85         |
| Interest Earned (30 June 2016)                           | \$28.77            |
| <b>Ending Balance (30 June 2016)</b>                     | <b>\$71,728.42</b> |

**Table 5. Financial Data – Parks & Recreation Impact Fee Account (3122808)**

| Description                                              | Amount             |
|----------------------------------------------------------|--------------------|
| Opening Balance (1 June 2016)                            | \$50,330.89        |
| May Transactions (deposits via transfer on 17 June 2016) | \$9,012.97         |
| Interest Earned (30 June 2016)                           | \$22.41            |
| <b>Ending Balance (30 June 2016)</b>                     | <b>\$59,366.27</b> |

**Table 6. Financial Data –EMS Impact Fee Account (3122816)**

| Description                                              | Amount             |
|----------------------------------------------------------|--------------------|
| Opening Balance (1 June 2016)                            | \$89,923.01        |
| May Transactions (deposits via transfer on 17 June 2016) | \$987.42           |
| Interest Earned (30 June 2016)                           | \$37.15            |
| <b>Ending Balance (30 June 2016)</b>                     | <b>\$90,947.58</b> |

**Table 7. Total Impact Fees as of 1 July 2016/1**

| Description                           | Amount                |
|---------------------------------------|-----------------------|
| Office of Impact Fees General Account | \$123,385.07          |
| School Impact Fee Account             | \$2,300,300.14        |
| Law Enforcement Fee Account           | \$71,728.42           |
| Parks & Recreation Impact Fee Account | \$59,366.27           |
| EMS Impact Fee Account                | \$90,947.58           |
| <b>Total Impact Fees</b>              | <b>\$2,645,727.48</b> |

/1 These values represent both impact fees collected and interest earned. The general account includes the outstanding credits listed in table 2 and outstanding debits, if any, listed in tables 3-6.

**Table 8. Pending July 2016 Fee Transfers /1**

| Account                               | 30 June 2016<br>Account Totals | Pending Impact<br>Fee Transfers | Account Totals        |
|---------------------------------------|--------------------------------|---------------------------------|-----------------------|
| School Impact Fee Account             | \$2,300,300.14                 | \$111,225.07                    | \$2,411,525.21        |
| Law Enforcement Fee Account           | \$71,728.42                    | \$2,899.00                      | \$74,627.42           |
| Parks & Recreation Impact Fee Account | \$59,366.27                    | \$8,325.50                      | \$67,691.77           |
| EMS Impact Fee Account                | \$90,947.58                    | \$935.50                        | \$91,883.08           |
| <b>Total Impact Fees</b>              | <b>\$2,522,342.41</b>          | <b>\$123,385.07</b>             | <b>\$2,645,727.48</b> |

/1 This table represents each of the impact fee category account totals as of 30 June 2016 listed in tables 3 – 6. Pending fee transfer amounts, excluding interest and any outstanding credits, collected in June 2016 are listed in table 1 of the General Account (3111776); these transactions will be processed in July 2016. Any outstanding credits, as listed in table 2, will be added to the next month's Impact Fee transfer amounts.

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**Form 100 Transaction Summary**  
**Jefferson County Government – Office of Impact Fees**

*Impact Fee Applications Processed between dates Wednesday 1 through Friday 30 June 2016*

| Process Number                 | Date       | Last Name        | First Name       | Tax District          | Deed Book | Deed Page | Tax Map | Parcel        | Impact Fees Collected | Date       | Exemption Category |
|--------------------------------|------------|------------------|------------------|-----------------------|-----------|-----------|---------|---------------|-----------------------|------------|--------------------|
| <b>Exempt Applications</b>     |            |                  |                  |                       |           |           |         |               |                       |            |                    |
| 1600084                        | 06/02/2016 | Farrell          | Karen            | 02 Charles Town       | 1090      | 650       | 4D      | 8             | \$0.00                | 06/02/2016 | Form 200           |
| <b>Category Count: 1</b>       |            |                  |                  | <b>Category Total</b> |           |           |         | <b>\$0.00</b> |                       |            |                    |
| <b>Non-Exempt Applications</b> |            |                  |                  |                       |           |           |         |               |                       |            |                    |
| 1600085                        | 06/03/2016 | DR Acquisitions, |                  | 04 Harpers Ferry      | 1129      | 541       | 9B      | 122           | \$6,347.00            | 06/03/2016 | N/A                |
| 1600086                        | 06/03/2016 | DR Acquisitions, |                  | 04 Harpers Ferry      | 1129      | 541       | 9B      | 31            | \$6,347.00            | 06/03/2016 | N/A                |
| 1600087                        | 06/03/2016 | Dan Ryan         |                  | 02 Charles Town       | 1172      | 738       | 2B      | 57            | \$6,347.00            | 06/03/2016 | N/A                |
| 1600088                        | 06/03/2016 | Mwaura           | Francis and Nora | 09 Shepherdstown      | 340       | 557       | 4       | 6.89          | \$6,347.00            | 06/03/2016 | N/A                |
| 1600089                        | 06/06/2016 | Sirbaugh         | Tammy            | 06 Kabletown          | 1167      | 418       | 20A     | 5             | \$6,347.00            | 06/06/2016 | N/A                |
| 1600090                        | 06/08/2016 | McCoy            | Joshua           | 09 Shepherdstown      | 1007      | 233       | 7D      | 23            | \$6,347.00            | 06/08/2016 | N/A                |
| 1600091                        | 06/09/2016 | Cronin           | Daniel           | 09 Shepherdstown      | 1130      | 13        | 3       | 16            | \$6,347.00            | 06/09/2016 | N/A                |
| 1600092                        | 06/13/2016 | Wormald, Jr.     | Robert           | 04 Harpers Ferry      | 975       | 635       | 10A     | 103           | \$6,347.00            | 06/13/2016 | N/A                |
| 1600093                        | 06/15/2016 | Dingus           | Kevin            | 06 Kabletown          | 1055      | 282       | 20A     | 4             | \$6,347.00            | 06/15/2016 | N/A                |
| 1600094                        | 06/21/2016 | Keene            | William and      | 02 Charles Town       | 1160      | 521       | 19      | 18.13         | \$6,347.00            | 06/21/2016 | N/A                |
| 1600095                        | 06/21/2016 | Robinson         | Maria            | 06 Kabletown          | 1164      | 438       | 22      | 14.28         | \$6,347.00            | 06/21/2016 | N/A                |
| 1600096                        | 06/21/2016 | Collier          | Michael          | 08 Ranson Corp        |           |           | 8       | 24.12         | \$23.00               | 06/21/2016 | N/A                |
| 1600097                        | 06/23/2016 | Arcadia          |                  | 03 Charles Town       | 23        | 67        | 12A     | 187           | \$6,186.00            | 06/23/2016 | N/A                |
| 1600098                        | 06/24/2016 | Capizzi          | Philip and Jody  | 06 Kabletown          | 1172      | 650       | 6H      | 226           | \$6,347.00            | 06/24/2016 | N/A                |
| 1600099                        | 06/27/2016 | DR Acquisitions, |                  | 04 Harpers Ferry      | 1129      | 541       | 9D      | 24            | \$6,347.00            | 06/27/2016 | N/A                |
| 1600100                        | 06/29/2016 | Kubic            | Pete             | 02 Charles Town       | 962       | 349       | 13A     | 553           | \$7,067.00            | 06/29/2016 | N/A                |
| 1600101                        | 06/29/2016 | Kubic            | Pete             | 02 Charles Town       | 962       | 349       | 13A     | 553           | \$7,067.00            | 06/29/2016 | N/A                |
| 1600102                        | 06/29/2016 | Kubic            | Pete             | 02 Charles Town       | 962       | 349       | 13A     | 553           | \$7,067.00            | 06/29/2016 | N/A                |
| 1600103                        | 06/29/2016 | Kubic            | Pete             | 02 Charles Town       | 962       | 349       | 13A     | 553           | \$7,067.00            | 06/29/2016 | N/A                |
| 1600104                        | 06/29/2016 | G & G            |                  | 02 Charles Town       | 1174      | 536       | 23      | 97            | \$6,347.00            | 06/29/2016 | N/A                |

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|                        |                |              |
|------------------------|----------------|--------------|
| Category Count: 20     | Category Total | \$123,335.00 |
| TOTAL APPLICATIONS: 21 | Grand Total    | \$123,335.00 |

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JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *DM*  
DATE: Friday, 1 July 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Schools Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Schools Impact Fee Account (Bank of Charles Town account 3107582)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of June 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600084** through **1600104**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$111,180.00**.
- Interest earned by the Office of Impact Fees General Account in June 2016 amounts to **\$50.07**, of which **\$45.07** is attributed to fees collected for Schools.

**As per the attached invoice, the total amount of this transfer is \$111,225.07.**

**Check # 1048**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 16025  
Date: 7/1/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of June 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County School Impact Fees Bank Account (3107582).

\$111,180.00

Interest earned by the Office of Impact Fees General Account June 2016.

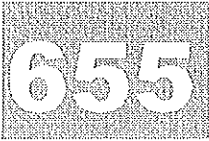
\$45.07

Impact Fee Process Numbers 1600084 through 1600104, inclusive. Within this range, there were 19 non-exempt impact fee payments.

**Total: \$111,225.07**

**Notes/Comments** Transfer of funds into School Impact Fee Account (3107582).

**Check Number:** 1048



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Schools

Check Number 1048

Trace 20160701:46175.57

Date 7/1/2016

Series 1

Recipient Sheriff of Jefferson County

Account 3107582

Amount \$111,180.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for School Impact Fees Collected in June 2016.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount     |
|--------------|----------------|-----------|------------|------------|
| 6/6/2016     | 1600085        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/6/2016     | 1600086        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/6/2016     | 1600087        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/6/2016     | 1600088        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/7/2016     | 1600089        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/9/2016     | 1600090        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/10/2016    | 1600091        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/14/2016    | 1600092        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/16/2016    | 1600093        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/22/2016    | 1600094        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/22/2016    | 1600095        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/22/2016    | 1600096        | 2003-3    | 11/24/2005 | \$0.00     |
| 6/24/2016    | 1600097        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/27/2016    | 1600098        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/28/2016    | 1600099        | 2003-3    | 11/24/2005 | \$5,700.00 |
| 6/30/2016    | 1600100        | 2003-3    | 11/24/2005 | \$6,420.00 |
| 6/30/2016    | 1600101        | 2003-3    | 11/24/2005 | \$6,420.00 |
| 6/30/2016    | 1600102        | 2003-3    | 11/24/2005 | \$6,420.00 |
| 6/30/2016    | 1600103        | 2003-3    | 11/24/2005 | \$6,420.00 |
| 6/30/2016    | 1600104        | 2003-3    | 11/24/2005 | \$5,700.00 |

**Total amount for this withdraw \$111,180.00**

**Total amount for this account \$111,180.00**

**Total amount all accounts \$111,180.00**

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *MM*  
DATE: Friday, 1 July 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Law Enforcement Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Law Enforcement Impact Fee Account (Bank of Charles Town account 3120120)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of June 2016.

This transfer consists of two components:

- Impact Fee Process Numbers 1600084 through 1600104, inclusive. Within this range there were 18 non-exempt impact fee payments. This amounts to **\$2,898.00**.
- Interest earned by the Office of Impact Fees General Account in June 2016 amounts to **\$50.07**, of which **\$1.00** is attributed to fees collected for Law Enforcement.

**As per the attached invoice, the total amount of this transfer is \$2,899.00.**

Check # 1049

**Jefferson County Commission**

P.O. Box 250  
 Charles Town, WV 25414

**Invoice**

Number: 16026  
 Date: 7/1/2016

**Bill To:**

Office of Impact Fees  
 116 East Washington Street  
 Suite 100  
 Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
 P.O. Box 9  
 Charles Town, WV 25414

**P.O. Number****Vendor Number****Description****Amount**

Impact Fee payments collected for month of June 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Law Enforcement Impact Fees Bank Account (3120120).

\$2,898.00

Interest earned by the Office of Impact Fees General Account June 2016.

\$1.00

Impact Fee Process Numbers 1600084 through 1600104, inclusive. Within this range, there were 18 non-exempt impact fee payments.

**Total: \$2,899.00**

Notes/Comments Transfer of funds into Law Enforcement Impact Fee Account (3120120).

Check Number: 1049



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Law Enforcement

Check Number 1049

Trace 20160701:46265.87

Date 7/1/2016 Series 2

Recipient Sheriff of Jefferson County

Account 3120120

Amount \$2,898.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Law Enforcement Impact Fees Collected in June 2016.

| Deposit Date | Process Number | Ordinance | Enact Date | Amount   |
|--------------|----------------|-----------|------------|----------|
| 6/6/2016     | 1600085        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/6/2016     | 1600086        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/6/2016     | 1600087        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/6/2016     | 1600088        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/7/2016     | 1600089        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/9/2016     | 1600090        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/10/2016    | 1600091        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/14/2016    | 1600092        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/16/2016    | 1600093        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/22/2016    | 1600094        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/22/2016    | 1600095        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/22/2016    | 1600096        | 2005-1    | 3/22/2005  | \$0.00   |
| 6/24/2016    | 1600097        | 2005-1    | 3/22/2005  | \$0.00   |
| 6/27/2016    | 1600098        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/28/2016    | 1600099        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/30/2016    | 1600100        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/30/2016    | 1600101        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/30/2016    | 1600102        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/30/2016    | 1600103        | 2005-1    | 3/22/2005  | \$161.00 |
| 6/30/2016    | 1600104        | 2005-1    | 3/22/2005  | \$161.00 |

**Total amount for this withdraw** \$2,898.00

**Total amount for this account** \$2,898.00

**Total amount all accounts** \$2,898.00

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *MM*  
DATE: Friday, 1 July 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's Parks & Recreation Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County Parks & Recreation Impact Fee Account (Bank of Charles Town account 3122808)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of June 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600084** through **1600104**, inclusive. Within this range there were 19 non-exempt impact fee payments. This amounts to **\$8,322.00**.
- Interest earned by the Office of Impact Fees General Account in June 2016 amounts to **\$50.07**, of which **\$3.50** is attributed to fees collected for Parks & Recreation.

As per the attached invoice, the total amount of this transfer is **\$8,325.50**.

Check # 1050

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

**Number:** 16027

**Date:** 7/1/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of June 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County Parks & Recreation Impact Fees Bank Account (3122808). \$8,322.00

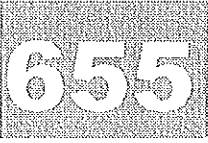
Interest earned by the Office of Impact Fees General Account June 2016. \$3.50

Impact Fee Process Numbers 1600084 through 1600104, inclusive. Within this range, there were 19 non-exempt impact fee payments.

**Total:** \$8,325.50

**Notes/Comments** Transfer of funds into Parks & Recreation Impact Fee Account (3122808).

**Check Number:** 1050



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Parks & Rec

Check Number 1050

Trace 20160701:46305.5

Date 7/1/2016 Series 3

Recipient Sheriff of Jefferson County

Account 3122808

Amount \$8,322.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for Parks and Rec Impact Fees Collected in June 2016.

| Deposit Date                          | Process Number | Ordinance | Enact Date | Amount            |
|---------------------------------------|----------------|-----------|------------|-------------------|
| 6/6/2016                              | 1600085        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/6/2016                              | 1600086        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/6/2016                              | 1600087        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/6/2016                              | 1600088        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/7/2016                              | 1600089        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/9/2016                              | 1600090        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/10/2016                             | 1600091        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/14/2016                             | 1600092        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/16/2016                             | 1600093        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/22/2016                             | 1600094        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/22/2016                             | 1600095        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/22/2016                             | 1600096        | 2005-2    | 5/12/2005  | \$0.00            |
| 6/24/2016                             | 1600097        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/27/2016                             | 1600098        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/28/2016                             | 1600099        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/30/2016                             | 1600100        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/30/2016                             | 1600101        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/30/2016                             | 1600102        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/30/2016                             | 1600103        | 2005-2    | 5/12/2005  | \$438.00          |
| 6/30/2016                             | 1600104        | 2005-2    | 5/12/2005  | \$438.00          |
| <b>Total amount for this withdraw</b> |                |           |            | <b>\$8,322.00</b> |
| <b>Total amount for this account</b>  |                |           |            | <b>\$8,322.00</b> |
| <b>Total amount all accounts</b>      |                |           |            | <b>\$8,322.00</b> |

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
Office of Impact Fees  
116 East Washington Street, P.O. Box 716  
Charles Town, WV 25414

Michelle Mason  
Impact Fee Program Specialist

Phone: (304) 728-3331  
Fax: (304) 728-3953  
mmason@jeffersoncountywv.org

MEMORANDUM

TO: Stephanie Grove, Vivian Fields, and Teresa Hendricks  
FROM: Michelle Mason *QILM*  
DATE: Friday, 1 July 2016  
SUBJECT: **Transfer of Funds from Office of Impact Fees General Account to Sheriff's EMS Impact Fee Account.**

Attached please find Office of Impact Fees Form 655 which documents the transfer of impact fee funds from the Office of Impact Fees General Account (Bank of Charles Town account 3111776) to the **Sheriff of Jefferson County EMS Impact Fee Account (Bank of Charles Town account 3122816)** and an invoice to serve as the bill head for the transfer. This transfer is for Impact Fees collected by the Office of Impact Fees for the month of June 2016.

This transfer consists of two components:

- Impact Fee Process Numbers **1600084** through **1600104**, inclusive. Within this range there were 20 non-exempt impact fee payments. This amounts to **\$935.00**.
- Interest earned by the Office of Impact Fees General Account in June 2016 amounts to **\$50.07**, of which **\$0.50** is attributed to fees collected for EMS.

**As per the attached invoice, the total amount of this transfer is \$935.50.**

**Check # 1051**

**Jefferson County Commission**

P.O. Box 250  
Charles Town, WV 25414

**Invoice**

Number: 16028

Date: 7/1/2016

**Bill To:**

Office of Impact Fees  
116 East Washington Street  
Suite 100  
Charles Town, WV 25414

**Pay To:**

Sheriff of Jefferson County  
P.O. Box 9  
Charles Town, WV 25414

**P.O. Number**

**Vendor Number**

**Description**

**Amount**

Impact Fee payments collected for month of June 2016 into the Office of Impact Fees General Account (3111776) to be paid to the Sheriff of Jefferson County EMS Impact Fees Bank Account (3122816). \$935.00

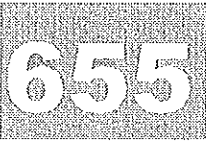
Interest earned by the Office of Impact Fees General Account June 2016. \$0.50

Impact Fee Process Numbers 1600084 through 1600104, inclusive. Within this range, there were 20 non-exempt impact fee payments.

**Total: \$935.50**

**Notes/Comments** Transfer of funds into EMS Impact Fee Account (3122816).

**Check Number:** 1051



**Account Withdraws**  
Office of Impact Fees - Jefferson County Government

Account 3111776

Fire & EMS

Check Number 1051

Trace 20160701:46342.82

Date 7/1/2016

Series 4

Recipient Sheriff of Jefferson County

Account 3122816

Amount \$935.00

Signature 1 Patsy Noland

Signature 2 Sheriff Peter Dougherty

Signature 3 Jennifer Maghan

Notes: Transfer of Impact Fees From General Account for EMS Impact Fees Collected in June 2016.

| Deposit Date                          | Process Number | Ordinance | Enact Date | Amount   |
|---------------------------------------|----------------|-----------|------------|----------|
| 6/6/2016                              | 1600085        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/6/2016                              | 1600086        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/6/2016                              | 1600087        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/6/2016                              | 1600088        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/7/2016                              | 1600089        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/9/2016                              | 1600090        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/10/2016                             | 1600091        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/14/2016                             | 1600092        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/16/2016                             | 1600093        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/22/2016                             | 1600094        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/22/2016                             | 1600095        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/22/2016                             | 1600096        | 2005-3    | 5/12/2005  | \$23.00  |
| 6/24/2016                             | 1600097        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/27/2016                             | 1600098        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/28/2016                             | 1600099        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/30/2016                             | 1600100        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/30/2016                             | 1600101        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/30/2016                             | 1600102        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/30/2016                             | 1600103        | 2005-3    | 5/12/2005  | \$48.00  |
| 6/30/2016                             | 1600104        | 2005-3    | 5/12/2005  | \$48.00  |
| <b>Total amount for this withdraw</b> |                |           |            | \$935.00 |
| <b>Total amount for this account</b>  |                |           |            | \$935.00 |
| <b>Total amount all accounts</b>      |                |           |            | \$935.00 |



# United States Department of the Interior

NATIONAL PARK SERVICE

HARPERS FERRY NATIONAL HISTORICAL PARK

P. O. BOX 65

HARPERS FERRY, WEST VIRGINIA 25425

IN REPLY REFER TO:

I.A.1. (HAFE-L1417)

June 30, 2016

Ms. Patsy Noland, President  
Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414



Jefferson County Commission

Dear Ms. Noland:

In 2014, the Civil War Trust (CWT) purchased land tract 108-07 in Jefferson County, WV, commonly referred to as the Allstadt Property. This 12.97 acre tract is of national significance because of its direct connection to the events of the John Brown Raid of 1859. Here a detachment of Brown's raiders seized Jacob Allstadt, his son, and several slaves, before holding them hostage in Harpers Ferry. The raid is arguably the single most important event in the Town's rich history.

This property has additional significance because of its proximity to the 1862 School House Ridge Battlefield. Its Civil War significance is reflected in its designation by the American Battlefield Protection Program as "core" battlefield, defined as areas of confrontational deployment, heaviest fighting, and/or most severe casualties.

Because of this historical significance, the Civil War Trust purchased this property with the intent of donating it to the National Park Service (NPS) at Harpers Ferry National Historical Park. In order for the NPS to accept this donation from the Civil War Trust, the park must undertake an administrative minor boundary revision. One requirement of this revision is to consult with local governing officials. Enclosed are a map of the proposed revision and a copy of the Civil War Trust's letter in support of the minor boundary revision.

If the Jefferson County Commission has any questions, comments or concerns about this minor boundary revision, please contact me at (304) 535-6224. Tom Gilmore of the Civil War Trust and I will be happy to meet with you to discuss further.

Sincerely,

Rebecca L. Harriett  
Superintendent

Enclosures

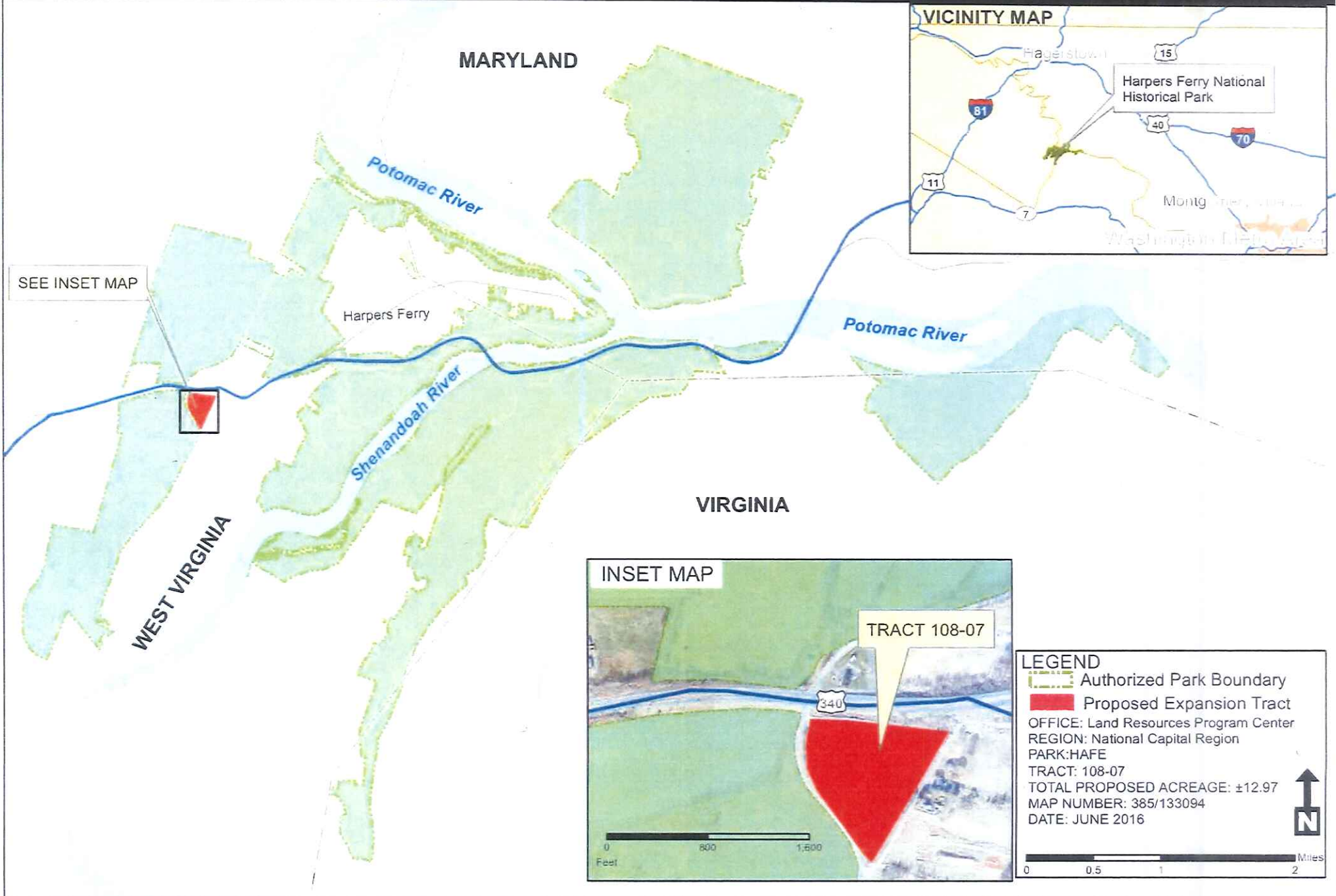
cc:

Commissioner Walt Pellish, V.P.  
Commissioner Eric Bell  
Commissioner Dale Manuel  
Commissioner Jane Tabb

# HARPERS FERRY NATIONAL HISTORICAL PARK

## PROPOSED MINOR BOUNDARY REVISION

National Park Service  
U.S. Department of Interior



# CIVIL WAR TRUST

*Saving America's Civil War Battlefields*

Kirk J. Bradley  
*Chairman*

James Lighthizer  
*President*

June 7, 2016

VIA EMAIL:

Melissa.Mooza@nps.gov

Ms. Melissa Mooza  
Chief of Lands, National Capital Region  
National Park Service  
1100 Ohio Drive SW  
Washington D.C. 20242

RE: Allstadt's Corner/Gibson Tract at Harpers Ferry, WV

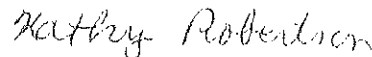
Dear Ms. Mooza:

The Civil War Preservation Trust (the "Trust") is pleased to work with the National Park Service on the preservation of the above referenced 12.97 ± acre Gibson Tract.

The Gibson Tract, located on the south side of US Route 340 in Harpers Ferry, WV, is identified as tax map 9 parcel 0039-0001 with the Jefferson County tax assessor. The Trust hereby consents to the proposed boundary change for the Harpers Ferry National Historic Park (the "Park"), which boundary change would include the Gibson Tract within the authorized boundary for the Park.

Please let me know if you have any questions or concerns regarding this matter. Many thanks.

Very truly yours,



Kathleen Robertson  
Deputy Director of Real Estate

#### WASHINGTON OFFICE

1156 15th Street NW • Suite 900 • Washington, DC 20005  
Phone: (202) 367-1861 or (800) 298-7878 • Fax: (202) 367-1865

#### HAGERSTOWN OFFICE

1140 Professional Court • Hagerstown, MD 21740  
Phone: (301) 665-1400 or (888) 606-1400 • Fax: (301) 665-1416



## Loudoun County, Virginia

www.loudoun.gov

### Department of Planning and Zoning

1 Harrison Street, S.E., 3<sup>rd</sup> Floor, P.O. Box 7000, Leesburg, VA 20177-7000  
703/777-0246 • Fax 703/777-0441

June 29, 2016

Received

JUL 05 2016

Stephanie Grove  
County Administrator  
PO Box 250  
Charles Town, WV 25414-0250

Jefferson County Commission

RE: CPAM 2016-0001, Comprehensive Plan Amendment Telecommunication Facilities.

Dear Ms. Grove:

As part of the legal notice requirements contained in Section 15.2-2204 (amended) of the Code of Virginia, the following regulations must be addressed relating to notification of adjacent localities:

“When a proposed comprehensive plan or amendment thereto; a proposed change in zoning map classification; or an application for special exception for a change in use ..., involves any parcel of land located within one-half mile of a boundary of an adjoining locality of the Commonwealth, then, in addition to the advertising and written notification as above required, written notice shall also be given by the local commission, or its representative, at least 10 days before the hearing to the chief administrative officer, or his designee, of such adjoining locality.”

In accordance with these regulations, this is to inform you that on **July 13, 2016** the Loudoun County Board of Supervisors will hold a public hearing on a Comprehensive Plan Amendment (CPAM) regarding the Strategic Land Use Plan for Telecommunication Facilities.

The proposed CPAM 2016-0001, Comprehensive Plan Amendment Telecommunication Facilities revises and amends the locational policies of the Strategic Land Use Plan for Telecommunication Facilities (adopted November 6, 1996) (Telecommunication Plan). The Telecommunication Plan is a strategic plan that is a component of the Loudoun County Comprehensive Plan and is referenced in the County's Revised General Plan (revised July, 23, 2001, as amended), also a component of the Loudoun County Comprehensive Plan, that provides general guidance for the location, siting, design, visual impact and compatibility of a telecommunication facilities throughout the County. The proposed amendments include without limitation the following: 1) identify certain types of telecommunication facilities as features deemed to be already shown on the Comprehensive Plan that do not require Planning Commission approval; 2) revise existing policies to encourage the collocation of antennas on existing tall structures to minimize the need for new facilities; 3) allow height extensions to existing approved monopoles and towers if performance standards are met; 4) allow monopoles and antennas to collocate within overhead utility transmission line right of ways if performance standards are met; and 5) allow antennas that provide normal service extensions to the wireless

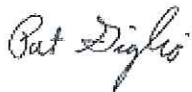
communication network on buildings and structures sixty (60) feet or less Countywide as a by-right use. This CPAM is intended to revise the existing policies of the Telecommunication Plan to better encourage improvements in telecommunications services while mitigating impacts on residents, nearby land uses, the built and natural environment, and the rural landscape.

This public hearing will take place in the Board of Supervisors Meeting Room, County Government Center, 1 Harrison Street, S.E., Leesburg, VA on **Wednesday July 13, 2016**, at **6:00 p.m.** Written comments can be provided to the Loudoun County Board of Supervisors, c/o Loudoun County Department of Planning and Zoning, 1 Harrison St., S.E., 3<sup>rd</sup> Floor, MSC #62, Leesburg, Virginia, 20177-7000 (attention: Pat Giglio) or via e-mail at [dpz@loudoun.gov](mailto:dpz@loudoun.gov).

A copy of the staff report is available on the Board of Supervisors website at <http://www.loudoun.gov/bos> and hard copy is available in the Loudoun County Department of Planning and Zoning on July 1, 2016.

Should you have any questions, please call 703-777-0246.

Sincerely,

A handwritten signature in cursive script that reads "Pat Giglio".

Pat Giglio,  
Project Manager  
CPAM 2016-0001, Comprehensive Plan Amendment Telecommunication Facilities

cc: Public File

# Jefferson County Public Service District

Received

JUL 13 2016

## Jefferson County Public Service District Regular Board Meeting June 6, 2016

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, June 6, 2016 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Peter Appignani; Treasurer, Bill Strider; Secretary, Richard Weese; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; Operations Manager, Joe Freeze; from Thrasher Engineering, Wayne Morgan; and liaison for the County Commission, Commissioner Jane Tabb. Attorney, Tyler Mayhew from Bowles Rice filled in for Mr. Kelsh.

### CALL TO ORDER

Chairman Peter Appignani called the meeting to order at 7:00PM.

### Approval of agenda

There were no changes made to the agenda.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to accept the agenda as presented. Unanimously approved.

### OLD BUSINESS

#### Review Minutes of May 2 regular board meeting

The minutes of the May 2, 2016 regular board meeting were approved as presented.

**Action:** Motion made by Mr. Strider and seconded by Mr. Weese to accept the May 2, 2016 regular board meeting minutes as presented. Unanimously approved.

#### Discuss sewer collection and transmission project

Mr. Appignani recused himself from the discussions relating to this item per the Advisory Opinion 2015-08 by the West Virginian Ethics Commission. Staff filed the Certificate of Convenience and Need with the Public Service Commission late last month. Ms. Lawton also requested the Board approve resolution number five to pay Thrasher \$11,147.76 out of the \$660,000 loan for engineering services for the project. Mr. Strider read resolution #5 as follows:

RESOLUTION OF THE PUBLIC SERVICE BOARD OF THE JEFFERSON COUNTY PUBLIC SERVICE DISTRICT APPROVING INVOICES RELATING TO ENGINEERING AND OTHER SERVICES FOR THE SEWER TRANSMISSION IMPROVEMENTS PROJECT AND AUTHORIZING PAYMENT THEREOF IN THE AMOUNT OF \$11,147.76.

**Action:** Motion by Mr. Strider and seconded by Mr. Weese to adopt the resolution as read totaling \$11,147.76. Approved 2-0. Mr. Appignani recused himself.

#### Consider filing comments on Breckenridge East NPDES permit

Ms. Lawton received a letter back from DEP informing the District that the filing by Breckenridge East was a required update on the 2007 permit. The letter states that they have until June 2019 to build their plant or the permit will be revoked.

**Action:** No action.

Discuss the District's financial status (status of paying bills)

The District will need to collect an estimated \$21,000 in payments to cover the disbursements for sewer and \$18,000 for water.

**Action: No action required by the Board.**

**NEW BUSINESS**

Consider Capital Improvement Fee agreement with Uniwest for new hotel in Jefferson Crossing

Ms. Lawton explained that in 2010 the District entered into a Capital Improvement Fee (CIF) agreement with Uniwest for the Hampton Inn which allowed them to make payments on the CIF but was paid in full before the certificate of occupancy was obtained. Ms. Lawton would like to offer the new hotel a similar CIF agreement, but is waiting to get the EDU count from Charles Town Utility Board which is being discussed at their June 8<sup>th</sup> meeting.

**Action: Motion made by Mr. Strider and seconded by Mr. Appignani to approve a similar CIF agreement with the new hotel as previously used with prior hotels with appropriate allocations of the CIF pending a decision from Charles Town.**

Mr. Appignani questioned if Charles Town would be deciding on how many EDU's would be charged per room for the hotel. Ms. Lawton stated the new hotel would be using the Hampton Inn's usage to calculate an EDU number per room for 91 rooms and Charles Town would be deciding the number of EDU's per room at their next meeting. Mr. Strider agreed with the idea of using .42 per EDU since it worked well in the past for prior hotels. Mr. Weese questioned the EDU chart and who calculated the numbers for it. He stated that if the chart uses .8 per EDU then the District should follow that calculation and should be the same for everyone. Mr. Strider stated that the EDU chart in the District's tariff may need to be revised to be more up-to-date.

**Motion was approved 2-1. Mr. Weese voted against the motion.**

Discuss East Jefferson Sewer Service, LLC

Ms. Lawton informed the Board that the civil case #14-C-51 has been reopened and the PSC case # 13-1175-S-C will likely be reopened within the next couple of months by Mr. Lee Snyder. The Board will discuss this item with counsel, Bob Rodecker, by conference call during executive session.

**Action: No action required by the Board.**

Review options for Hydrogen Sulfide control

This item was discussed with the item below.

Consider revised contract with Evoqua for Bioxide

Mr. John Macpherson from Evoqua was in the audience to answer questions from the Board on options for Hydrogen Sulfide control.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to discuss options for odor control and approve the new bioxide contract.**

Mr. Macpherson explained the benefits of bioxide and the details of the revised bioxide contract with Evoqua. The new contract offers a better delivery system at a better price.

**The Board approved the continued use of bioxide and the new bioxide contract with Evoqua. Unanimously approved.**

Consider request for conflict waiver for Bowles Rice to prepare contract with Secatello Contracting, LLC for snow removal

Mr. Mayhew stated the District has negotiated terms with Secatello Contracting, LLC and requested Bowles Rice to development a contract and since the firm currently represents both parties the District will need to execute a waiver of conflict and dual representation.

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve the waiver of conflict with Secatello Contracting, LLC.**

Mr. Appignani questioned if this has gone out to bid for other quotes. Ms. Lawton stated that she contacted 3 other companies and they did not reply with quotes. She stated that Secatello Contracting fit the need of the District since they had performed snow removal at varies pump stations during the 2015

winter storm. The Board would like staff to put this out to bid and bring back next month for consideration.

**The motion did not come to a vote.**

Update on Status of Current Public Service Commission Cases

2015 sewer rate case, 15-1338-PSD-42R-PC –The initial briefs are due by June 10<sup>th</sup> and the reply briefs are due by June 27<sup>th</sup>.

2016 sewer rate case, 16-0411-PSD-30B – Bowles Rice has filed a Tariff Rule 30-B sewer rate increase to pass on the \$.40 per 1000 gallon increase adopted by Charles Town. The initial PSC Staff memo has recommended a rate increase of \$.38 per 1000 gallons.

Certificate of Convenience and Necessity case, 16-0616-PSD-PC-CN – The notice for the case was advertised in the paper with a number of protests filed with the PSC along with 3 intervenors so far.

Water Rate Increase case, 16-0701-PWD-19A – A Tariff Rule 19-A application was filed with the PSC.

**Action: No action required by the Board.**

Discussion of any Expenses over Budget

None.

**Action: No action required by the Board.**

Disbursements

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for Public Service District water expenses in the amount of \$10,403.59. Unanimously approved.**

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to approve disbursements for the Public Service District sewer expenses in the amount of \$216,968.06. Unanimously approved.**

Approve transfer of \$3,301.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 4-4

Approve transfer of \$6,870.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 4-7

Approve transfer of \$9,996.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 1-12

Approve transfer of \$4,512.09 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds

Approve transfer of \$182.61 from the Water Security Deposit account to the Water Operating account for security deposit refunds

**Action: Motion made by Mr. Strider and seconded by Mr. Weese to Approve transfer of \$3,301.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 4-4, approve transfer of \$6,870.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 4-7, approve transfer of \$9,996.00 from the Renewal & Replacement account to the Sewer Operating account for a new pump at pump station 1-12, approve transfer of \$4,512.09 from the Sewer Security Deposit account to the Sewer Operating account for security deposit refunds, approve transfer of \$182.61 from the Water Security Deposit account to the Water Operating account for security deposit refunds. Unanimously approved.**

General Manager's Report

Ms. Lawton mentioned that staff is working on inflow and infiltration at pump station 4-4. She also has been working with the purchaser of the Locust Knoll to get the property sewer service.

**Action: No action required by the Board.**

Other staff reports

None discussed.

**Action:** No action required by the Board.

Correspondence

None discussed.

**Action:** No action required by the Board.

Public Comment

Jacquelyn Milliron, District customer, was discouraged to hear of the proposed hotel getting a reduced number for an EDU and thinks that a CIF should be paid all at once not in payments for large users. She questioned what municipality the new hotel will be in and requested staff email her. Ms. Milliron also stated that bioxide is the most expensive way to control odor and septicity so doesn't know why the District is spending so much when there are cheaper ways.

**Action:** Motion made by Mr. Weese and seconded by Mr. Strider to convene in executive session for the purpose of discussing litigation regarding East Jefferson Sewer Service. Unanimously approved.

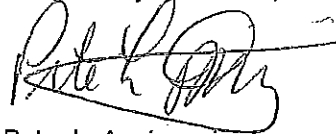
**Action:** Motion made by Mr. Strider and seconded by Mr. Appignani to return to public session. Unanimously approved.

**Action:** Motion made by Mr. Weese and seconded by Mr. Strider to adjourn. Unanimously approved.

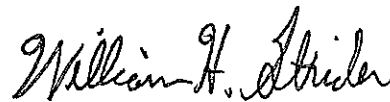
There being no further business at this time, the meeting was adjourned at 8:25PM.

The next regular meeting is scheduled for Tuesday, July 5, 2016 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



Peter L. Appignani  
Chairman



William H. Strider  
Treasurer

*Jefferson County*  
*Public Service District*

Received

JUL 13 2016

Jefferson County Public Service District  
Special Board Meeting  
June 13, 2016

Jefferson County Commission

The special meeting of the Jefferson County Public Service District was held at 10:00AM on Monday, June 13, 2016 at the District's office in Kearneysville. Those in attendance included: Chairman, Peter Appignani (speakerphone); Secretary, Richard Weese (speakerphone); Treasurer, Bill Strider; PSD General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; District Legal Counsel, Jim Kelsh (speakerphone); and liaison for the County Commission, Commissioner Jane Tabb.

Treasurer Bill Strider called the meeting to order at 10:00AM.

Consider Capital Improvement Fee agreement with Uniwest for new hotel in Jefferson Crossing

Ms. Lawton explained to the Board in the past the District entered into Capital Improvement Fee (CIF) agreements with Uniwest for the Hampton Inn and Holiday Inn using .44 per Equivalent Dwelling Unit (EDU) and now the Board must decide on the amount of the EDU to charge the proposed Home 2 Suites hotel. Ms. Lawton informed the Board that the Charles Town Utility Board discussed this issue at their June 8<sup>th</sup> meeting and agreed to offer the new hotel the same EDU basis for the 91 room structure.

**Action: Motion made by Mr. Appignani and seconded by Mr. Strider to approve the CIF agreement with Uniwest as presented using the .44 per EDU per room.**

Mr. Appignani questioned that the CIF may not get final approval from the Public Service Commission (PSC) in the sewer rate case, but the agreement doesn't clarify refunds of the Districts portion of the CIF. Mr. Kelsh is going to add a contingency to the agreement clarifying this.

**Action: Mr. Appignani amended his original motion and Mr. Strider seconded to approve the CIF agreement with Uniwest with a caveat that Mr. Kelsh amend the CIF agreement with Uniwest to protect the District to not have to be on the hook for paying the CIF portion to Charles Town if the CIF is denied by the PSC. Approved 2-1. Mr. Weese voted against the motion.**

The Board would like to discuss possible revisions to the EDU chart that is included in the District tariff at the next regular Board meeting.

**Action: Motion made by Mr. Appignani and seconded by Mr. Weese to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 10:17AM.

The next regular meeting is scheduled for July 5, 2016 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

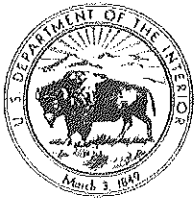
Respectfully Submitted,



Peter L. Appignani  
Chairman



William H. Strider  
Treasurer



THE ASSOCIATE DEPUTY SECRETARY OF THE INTERIOR

WASHINGTON

June 22, 2016

Jefferson, County Of  
Jefferson County Commission  
100 E Washington St  
Charles Town, WV 25414-1072

Dear County Official:

I am pleased to notify you that on June 22, 2016, the Department of the Interior issued payments to eligible local governments under the Payments in Lieu of Taxes (PILT) program. The PILT program compensates local jurisdictions for Federal lands administered by agencies within the Department and on behalf of the U.S. Forest Service and the U.S. Army Corps of Engineers. Local governments may use the PILT payments for any governmental purpose, including important community services such as emergency response, public schools, and roads. Since counties and other local jurisdictions cannot tax Federal lands, annual PILT payments help to defray costs associated with maintaining services that support these lands within their boundaries.

The Payments in Lieu of Taxes Act, 31 U.S.C. 6901-6907, as amended, authorized the program. The PILT Act prescribes the formula used to compute the annual payments based on per acre and population variables, which are annually adjusted for inflation and census data. Prior year Federal payments under certain revenue sharing programs are deducted in formulating the payment amounts. States report these amounts through an annual reporting process. A provision in the PILT Act provides that temporary payments be made to compensate for recent additions to the National Park System and National Forest Wilderness areas.

The President signed the Consolidated Appropriations Act, 2016 (P.L.114-113) on December 18, 2015, providing funding for the 2016 PILT program. Approximately 1,900 local jurisdictions received a total of \$451.6 million in PILT payments this year.

For 2016, your county is receiving a PILT payment of \$6,692.00. If you provided current bank routing and account numbers for your county to our Interior Business Center office or to SAM (System of Awards Management), an electronic funds transfer was posted to your account on or about June 22, 2016. If this information was not available, a check was mailed to your county's address of record from the U.S. Treasury. Should you require further information, points of contact are provided in the list of Frequently Asked Questions at [www.doi.gov/pilt](http://www.doi.gov/pilt). The website also includes information on how to register in SAM to expedite receipt of future PILT payments. Please contact the PILT Program Manager, Dionna Kiernan, at (202) 513-7783, if you have any questions.

Sincerely,

Kristen J. Sarri  
Principal Deputy Assistant Secretary  
Policy, Management and Budget

**WEST VIRGINIA LOTTERY  
WEEKLY SETTLEMENT FOR CHARLES TOWN**

| Week Ending Date                                 | FY16<br>June 26-30, 2016      | FY17<br>July 1-2, 2016        | FY17<br>July 2, 2016          |
|--------------------------------------------------|-------------------------------|-------------------------------|-------------------------------|
| To be Deposited on:                              |                               |                               | July 11, 2016                 |
| Amount Played                                    | \$ 33,010,713.19              | \$ 27,384,480.58              | \$ 60,395,193.77              |
| Amount Won                                       | 29,641,081.27                 | 24,547,035.85                 | 54,188,117.12                 |
| Amount Promo                                     | 177,039.00                    | 156,333.00                    | 333,372.00                    |
| MWAP Contribution                                | <u>-</u>                      | <u>-</u>                      | <u>-</u>                      |
| <b>Adjusted Gross Terminal Revenue</b>           | <u><b>3,192,592.92</b></u>    | <u><b>2,681,111.73</b></u>    | <u><b>5,873,704.65</b></u>    |
| Administrative Costs @ 4%                        | -                             | 107,244.47                    | 107,244.47                    |
| Excess Lottery Fund @ 4%                         | <u>127,703.72</u>             | <u>-</u>                      | <u>127,703.72</u>             |
| <b>Net Terminal Revenue</b>                      | <u><b>3,064,889.20</b></u>    | <u><b>2,573,867.26</b></u>    | <u><b>5,638,756.46</b></u>    |
| Surcharge @ 10%                                  | 306,488.92                    | -                             | 306,488.92                    |
| State Share Excess @ 58% & 10% of 42%            | 190,636.11                    | -                             | 190,636.11                    |
| Track Share of Capital Reinvestment @ 90% of 42% | <u>115,852.81</u>             | <u>-</u>                      | <u>115,852.81</u>             |
| <i>Track Share of Capital Reinvestment @ 96%</i> | 111,218.70                    | -                             | 111,218.70                    |
| <i>Track Share of Capital Reinvestment @ 4%</i>  | 4,634.11                      | -                             | 4,634.11                      |
| <b>Adjusted Net Terminal Revenue</b>             | <u><b>2,758,400.28</b></u>    | <u><b>2,573,867.26</b></u>    | <u><b>5,332,267.54</b></u>    |
| Racetrack @ 46.50% / 42%                         | 1,158,528.12                  | 1,196,848.28                  | 2,355,376.40                  |
| Lottery Fund @ 30% / 0%                          | -                             | 772,160.14                    | 772,160.14                    |
| Excess Lottery Fund @ 0% / 41%                   | 1,130,944.14                  | -                             | 1,130,944.14                  |
| Excess Lottery Fund @ 12.85% / 9.55%             | 263,427.21                    | 330,741.96                    | 594,169.17                    |
| Race Track Purses @ 90% of 7% / 4%               | 99,302.41                     | 162,153.64                    | 261,466.05                    |
| Employee Pension Fund @ 1% / .5%                 | 13,792.00                     | 25,738.68                     | 39,530.68                     |
| Greyhound Development @ 90% of .75%              | 18,619.20                     | 17,373.60                     | 35,992.80                     |
| Thoroughbred Development @ 90% of .75%           | 18,619.20                     | 17,373.60                     | 35,992.80                     |
| County/Municipality @ 2%                         | <u>55,168.00</u>              | <u>51,477.36</u>              | <u>106,645.36</u>             |
|                                                  | <u><b>\$ 2,758,400.28</b></u> | <u><b>\$ 2,573,867.26</b></u> | <u><b>\$ 5,332,267.54</b></u> |

WEST VIRGINIA LOTTERY

First Benchmark  
Charles Town  
County / City Split  
Fiscal Year 2016

Charles Town  
1999 Net Terminal Revenue \$ 45,603,174  
Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 4 days ending:<br>07/04/15 | \$ 89,446.56                 | \$ 89,446.56              | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:               |                              |                           |                      |                  |                           |                           |                  |                             |
| 07/11/15                   | \$ 119,132.68                | \$ 119,132.68             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/18/15                   | \$ 112,706.24                | \$ 112,706.24             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 07/25/15                   | \$ 109,356.88                | \$ 109,356.88             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/01/15                   | \$ 119,089.60                | \$ 119,089.60             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/08/15                   | \$ 115,689.52                | \$ 115,689.52             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/15/15                   | \$ 108,726.48                | \$ 108,726.48             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/22/15                   | \$ 108,922.12                | \$ 108,922.12             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/29/15                   | \$ 117,576.80                | \$ 73,285.10              | \$ 44,291.70         | \$ 3,512.33      | \$ 17,872.39              | \$ 961.13                 | \$ 14,917.44     | \$ 7,228.41                 |
| 09/05/15                   | \$ 111,781.52                | \$ 55,890.76              | \$ 55,890.76         | \$ 4,432.14      | \$ 22,300.41              | \$ 1,212.83               | \$ 18,824.01     | \$ 9,121.37                 |
| 09/12/15                   | \$ 126,546.60                | \$ 63,273.30              | \$ 63,273.30         | \$ 5,017.57      | \$ 25,246.05              | \$ 1,373.03               | \$ 21,310.45     | \$ 10,326.20                |
| 09/19/15                   | \$ 108,466.12                | \$ 54,233.06              | \$ 54,233.06         | \$ 4,300.68      | \$ 21,638.99              | \$ 1,176.86               | \$ 18,265.69     | \$ 8,850.84                 |
| 09/26/15                   | \$ 104,879.20                | \$ 52,439.60              | \$ 52,439.60         | \$ 4,158.46      | \$ 20,923.40              | \$ 1,137.94               | \$ 17,661.66     | \$ 8,558.14                 |
| 10/03/15                   | \$ 106,209.88                | \$ 53,104.94              | \$ 53,104.94         | \$ 4,211.22      | \$ 21,188.87              | \$ 1,152.38               | \$ 17,885.74     | \$ 8,666.73                 |
| 10/10/15                   | \$ 100,582.52                | \$ 50,291.26              | \$ 50,291.26         | \$ 3,988.10      | \$ 20,066.21              | \$ 1,091.32               | \$ 16,938.10     | \$ 8,207.53                 |
| 10/17/15                   | \$ 106,097.60                | \$ 53,048.80              | \$ 53,048.80         | \$ 4,206.77      | \$ 21,168.47              | \$ 1,151.16               | \$ 17,866.84     | \$ 8,657.56                 |
| 10/24/15                   | \$ 110,837.44                | \$ 55,418.72              | \$ 55,418.72         | \$ 4,394.70      | \$ 22,112.07              | \$ 1,202.59               | \$ 18,665.02     | \$ 9,044.34                 |
| 10/31/15                   | \$ 114,047.28                | \$ 57,023.64              | \$ 57,023.64         | \$ 4,521.98      | \$ 22,752.43              | \$ 1,237.41               | \$ 19,205.56     | \$ 9,306.26                 |
| 11/07/15                   | \$ 111,664.16                | \$ 55,832.08              | \$ 55,832.08         | \$ 4,427.48      | \$ 22,277.00              | \$ 1,211.56               | \$ 18,804.24     | \$ 9,111.80                 |
| 11/14/15                   | \$ 112,025.72                | \$ 56,012.86              | \$ 56,012.86         | \$ 4,441.82      | \$ 22,349.13              | \$ 1,215.48               | \$ 18,865.13     | \$ 9,141.30                 |
| 11/21/15                   | \$ 100,387.52                | \$ 50,193.76              | \$ 50,193.76         | \$ 3,980.37      | \$ 20,027.31              | \$ 1,089.20               | \$ 16,905.26     | \$ 8,191.62                 |
| 11/28/15                   | \$ 120,021.96                | \$ 60,010.98              | \$ 60,010.98         | \$ 4,758.87      | \$ 23,944.38              | \$ 1,302.24               | \$ 20,211.70     | \$ 9,793.79                 |
| 12/05/15                   | \$ 95,535.72                 | \$ 47,767.86              | \$ 47,767.86         | \$ 3,787.99      | \$ 19,059.38              | \$ 1,036.56               | \$ 16,088.22     | \$ 7,795.71                 |
| 12/12/15                   | \$ 85,877.12                 | \$ 42,938.56              | \$ 42,938.56         | \$ 3,405.03      | \$ 17,132.48              | \$ 931.77                 | \$ 14,461.71     | \$ 7,007.57                 |
| 12/19/15                   | \$ 86,174.32                 | \$ 43,087.16              | \$ 43,087.16         | \$ 3,416.81      | \$ 17,191.78              | \$ 934.99                 | \$ 14,511.76     | \$ 7,031.82                 |
| 12/26/15                   | \$ 105,670.96                | \$ 52,835.48              | \$ 52,835.48         | \$ 4,189.85      | \$ 21,081.36              | \$ 1,146.53               | \$ 17,794.99     | \$ 8,622.75                 |
| 01/02/16                   | \$ 149,926.28                | \$ 74,963.14              | \$ 74,963.14         | \$ 5,944.58      | \$ 29,910.29              | \$ 1,626.70               | \$ 25,247.59     | \$ 12,233.98                |
| 01/09/16                   | \$ 82,948.48                 | \$ 41,474.24              | \$ 41,474.24         | \$ 3,288.91      | \$ 16,548.22              | \$ 899.99                 | \$ 13,968.52     | \$ 6,768.60                 |
| 01/16/16                   | \$ 86,911.16                 | \$ 43,455.58              | \$ 43,455.58         | \$ 3,446.03      | \$ 17,338.78              | \$ 942.98                 | \$ 14,635.84     | \$ 7,091.95                 |
| 01/23/16                   | \$ 50,050.80                 | \$ 25,025.40              | \$ 25,025.40         | \$ 1,984.51      | \$ 9,985.13               | \$ 543.05                 | \$ 8,428.56      | \$ 4,084.15                 |
| 01/30/16                   | \$ 73,610.52                 | \$ 36,805.26              | \$ 36,805.26         | \$ 2,918.66      | \$ 14,685.30              | \$ 798.67                 | \$ 12,396.01     | \$ 6,006.62                 |
| 02/06/16                   | \$ 103,391.48                | \$ 51,695.74              | \$ 51,695.74         | \$ 4,099.47      | \$ 20,626.60              | \$ 1,121.80               | \$ 17,411.13     | \$ 8,436.74                 |
| 02/13/16                   | \$ 89,883.56                 | \$ 44,941.78              | \$ 44,941.78         | \$ 3,563.88      | \$ 17,931.77              | \$ 975.24                 | \$ 15,136.39     | \$ 7,334.50                 |
| 02/20/16                   | \$ 101,010.80                | \$ 50,505.40              | \$ 50,505.40         | \$ 4,005.08      | \$ 20,151.65              | \$ 1,095.97               | \$ 17,010.22     | \$ 8,242.48                 |
| 02/27/16                   | \$ 104,853.72                | \$ 52,426.86              | \$ 52,426.86         | \$ 4,157.45      | \$ 20,918.32              | \$ 1,137.66               | \$ 17,657.37     | \$ 8,556.06                 |
| 03/05/16                   | \$ 106,949.32                | \$ 53,474.66              | \$ 53,474.66         | \$ 4,240.54      | \$ 21,336.39              | \$ 1,160.40               | \$ 18,010.27     | \$ 8,727.06                 |
| 03/12/16                   | \$ 102,894.04                | \$ 51,447.02              | \$ 51,447.02         | \$ 4,079.75      | \$ 20,527.36              | \$ 1,116.40               | \$ 17,327.36     | \$ 8,396.15                 |
| 03/19/16                   | \$ 100,713.60                | \$ 50,356.80              | \$ 50,356.80         | \$ 3,993.30      | \$ 20,092.36              | \$ 1,092.74               | \$ 16,960.17     | \$ 8,218.23                 |
| 03/26/16                   | \$ 104,434.92                | \$ 52,217.46              | \$ 52,217.46         | \$ 4,140.84      | \$ 20,834.77              | \$ 1,133.12               | \$ 17,586.84     | \$ 8,521.89                 |
| 04/02/16                   | \$ 108,371.76                | \$ 54,185.88              | \$ 54,185.88         | \$ 4,296.94      | \$ 21,620.17              | \$ 1,175.83               | \$ 18,249.80     | \$ 8,843.14                 |
| 04/09/16                   | \$ 99,380.08                 | \$ 49,690.04              | \$ 49,690.04         | \$ 3,940.42      | \$ 19,826.33              | \$ 1,078.27               | \$ 16,735.61     | \$ 8,109.41                 |
| 04/16/16                   | \$ 98,143.64                 | \$ 49,071.82              | \$ 49,071.82         | \$ 3,891.39      | \$ 19,579.66              | \$ 1,064.86               | \$ 16,527.39     | \$ 8,008.52                 |
| 04/23/16                   | \$ 98,971.56                 | \$ 49,485.78              | \$ 49,485.78         | \$ 3,924.22      | \$ 19,744.83              | \$ 1,073.84               | \$ 16,666.81     | \$ 8,076.08                 |
| 04/30/16                   | \$ 101,744.92                | \$ 50,872.46              | \$ 50,872.46         | \$ 4,034.19      | \$ 20,298.11              | \$ 1,103.93               | \$ 17,133.84     | \$ 8,302.39                 |
| 05/07/16                   | \$ 104,270.44                | \$ 52,135.22              | \$ 52,135.22         | \$ 4,134.32      | \$ 20,801.95              | \$ 1,131.34               | \$ 17,559.14     | \$ 8,508.47                 |
| 05/14/16                   | \$ 102,883.68                | \$ 51,441.84              | \$ 51,441.84         | \$ 4,079.34      | \$ 20,525.29              | \$ 1,116.29               | \$ 17,325.61     | \$ 8,395.31                 |
| 05/21/16                   | \$ 96,784.96                 | \$ 48,392.48              | \$ 48,392.48         | \$ 3,837.52      | \$ 19,308.60              | \$ 1,050.12               | \$ 16,298.59     | \$ 7,897.65                 |
| 05/28/16                   | \$ 98,761.68                 | \$ 49,380.84              | \$ 49,380.84         | \$ 3,915.90      | \$ 19,702.96              | \$ 1,071.56               | \$ 16,631.47     | \$ 8,058.95                 |
| 06/04/16                   | \$ 116,457.00                | \$ 58,228.50              | \$ 58,228.50         | \$ 4,617.52      | \$ 23,233.17              | \$ 1,263.56               | \$ 19,611.36     | \$ 9,502.89                 |
| 06/11/16                   | \$ 90,106.84                 | \$ 45,053.42              | \$ 45,053.42         | \$ 3,572.74      | \$ 17,976.31              | \$ 977.66                 | \$ 15,173.99     | \$ 7,352.72                 |
| 06/18/16                   | \$ 92,358.36                 | \$ 46,179.18              | \$ 46,179.18         | \$ 3,662.01      | \$ 18,425.49              | \$ 1,002.09               | \$ 15,553.15     | \$ 7,536.44                 |
| 06/25/16                   | \$ 94,460.00                 | \$ 47,230.00              | \$ 47,230.00         | \$ 3,745.34      | \$ 18,844.77              | \$ 1,024.89               | \$ 15,907.06     | \$ 7,707.94                 |
| 06/30/16                   | \$ 55,168.00                 | \$ 27,584.00              | \$ 27,584.00         | \$ 2,187.41      | \$ 11,006.02              | \$ 598.57                 | \$ 9,290.29      | \$ 4,501.71                 |
| Subtotal                   | \$ 5,422,894.12              | \$ 3,167,478.80           | \$ 2,255,415.32      | \$ 178,854.43    | \$ 899,910.71             | \$ 48,942.51              | \$ 759,623.90    | \$ 368,083.77               |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ -

WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2017

Charles Town  
 1999 Net Terminal Revenue     \$    45,603,174  
 Benchmark Goal @ 2%         \$    912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>07/02/16 | \$    51,477.36              | \$    51,477.36           | \$            -      | \$            -  | \$            -           | \$            -           | \$            -  | \$            -             |
| Week ending:<br>07/09/16   |                              | -                         | -                    | -                | -                         | -                         | -                | -                           |
| Subtotal                   | \$    51,477.36              | \$    51,477.36           | \$            -      | \$            -  | \$            -           | \$            -           | \$            -  | \$            -             |

Benchmark Goal @ 2%         \$    912,063.48

Remainder until 1% / 1% Split     \$    860,586.12

**VIDEO LOTTERY REPORT**

| FY 2012    |            | FY 2013    |            | FY 2014    |            | FY 2015    |            | FY 2016    |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 7/1-2/2011 | 69,824.12  | 7/7/2012   | 161,637.92 | 7/6/2013   | 123,196.88 | 7/5/2014   | 106,819.12 | 7/4/2015   | 89,446.56  |
| 7/9/2011   | 171,717.28 | 7/14/2012  | 129,458.04 | 7/13/2013  | 128,060.40 | 7/12/2014  | 111,792.16 | 7/11/2015  | 119,132.68 |
| 7/16/2011  | 143,019.52 | 7/21/2012  | 130,037.00 | 7/20/2013  | 115,128.84 | 7/19/2014  | 116,320.32 | 7/18/2015  | 112,706.24 |
| 7/23/2011  | 146,508.00 | 7/28/2012  | 137,164.44 | 7/27/2013  | 123,049.56 | 7/26/2014  | 112,502.48 | 7/25/2015  | 109,356.88 |
| 7/30/2011  | 144,510.28 | 8/4/2012   | 132,931.16 | 8/3/2013   | 116,180.80 | 8/2/2014   | 117,145.12 | 8/1/2015   | 119,089.60 |
| 8/6/2011   | 151,495.28 | 8/11/2012  | 134,212.88 | 8/10/2013  | 120,078.64 | 8/9/2014   | 114,374.60 | 8/8/2015   | 115,689.52 |
| 8/13/2011  | 117,350.38 | 8/18/2012  | 110,241.90 | 8/17/2013  | 124,888.56 | 8/16/2014  | 114,105.32 | 8/15/2015  | 108,726.48 |
| 8/20/2011  | 71,614.12  | 8/25/2012  | 66,209.90  | 8/24/2013  | 89,882.12  | 8/23/2014  | 116,097.04 | 8/22/2015  | 108,922.12 |
| 8/27/2011  | 63,432.14  | 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  | 8/30/2014  | 60,280.02  | 8/29/2015  | 73,285.10  |
| 9/3/2011   | 80,837.76  | 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  | 9/6/2014   | 61,420.28  | 9/5/2015   | 55,890.76  |
| 9/10/2011  | 84,845.80  | 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  | 9/13/2014  | 51,364.96  | 9/12/2015  | 63,273.30  |
| 9/17/2011  | 66,748.62  | 9/22/2012  | 56,996.90  | 9/21/2013  | 54,277.94  | 9/20/2014  | 50,664.54  | 9/19/2015  | 54,233.06  |
| 9/24/2011  | 68,929.80  | 9/29/2012  | 61,611.40  | 9/28/2013  | 54,881.50  | 9/27/2014  | 50,127.22  | 9/26/2015  | 52,439.60  |
| 10/1/2011  | 68,871.64  | 10/6/2012  | 62,715.20  | 10/5/2013  | 55,950.74  | 10/4/2014  | 53,531.28  | 10/3/2015  | 53,104.94  |
| 10/8/2011  | 70,866.90  | 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  | 10/11/2014 | 51,127.00  | 10/10/2015 | 50,291.26  |
| 10/15/2011 | 75,262.66  | 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  | 10/18/2014 | 56,414.64  | 10/17/2015 | 53,048.80  |
| 10/22/2011 | 68,757.72  | 10/27/2012 | 58,073.54  | 10/26/2013 | 52,854.06  | 10/25/2014 | 49,890.20  | 10/24/2015 | 55,418.72  |
| 10/29/2011 | 60,507.98  | 11/3/2012  | 56,545.30  | 11/2/2013  | 57,543.54  | 11/1/2014  | 52,242.34  | 10/31/2015 | 57,023.64  |
| 11/5/2011  | 70,673.88  | 11/10/2012 | 56,110.96  | 11/9/2013  | 54,666.76  | 11/8/2014  | 52,819.26  | 11/7/2015  | 55,832.08  |
| 11/12/2011 | 67,627.10  | 11/17/2012 | 57,432.36  | 11/16/2013 | 56,495.96  | 11/15/2014 | 51,810.32  | 11/14/2015 | 56,012.86  |
| 11/19/2011 | 60,690.60  | 11/24/2012 | 65,888.86  | 11/23/2013 | 48,628.62  | 11/22/2014 | 46,228.62  | 11/21/2015 | 50,193.76  |
| 11/26/2011 | 74,140.54  | 12/1/2012  | 50,243.34  | 11/30/2013 | 59,645.66  | 11/29/2014 | 55,593.44  | 11/28/2015 | 60,010.98  |
| 12/3/2011  | 59,429.94  | 12/8/2012  | 50,770.96  | 12/7/2013  | 47,306.24  | 12/6/2014  | 46,792.50  | 12/5/2015  | 47,767.86  |
| 12/10/2011 | 51,395.44  | 12/15/2012 | 47,022.38  | 12/14/2013 | 29,229.02  | 12/13/2014 | 40,904.98  | 12/12/2015 | 42,938.56  |
| 12/17/2011 | 55,981.32  | 12/22/2012 | 46,838.96  | 12/21/2013 | 44,581.02  | 12/20/2014 | 41,600.84  | 12/19/2015 | 43,087.16  |
| 12/24/2011 | 54,248.62  | 12/29/2012 | 59,697.22  | 12/28/2013 | 62,117.14  | 12/27/2014 | 58,114.68  | 12/26/2015 | 52,835.48  |
| 12/31/2011 | 94,661.00  | 1/5/2013   | 71,673.52  | 1/4/2014   | 62,963.88  | 1/3/2015   | 68,277.28  | 1/2/2016   | 74,963.14  |
| 1/7/2012   | 74,863.40  | 1/12/2013  | 50,416.30  | 1/11/2014  | 37,935.94  | 1/10/2015  | 37,099.34  | 1/9/2016   | 41,474.24  |
| 1/14/2012  | 58,901.92  | 1/19/2013  | 51,211.88  | 1/18/2014  | 49,418.64  | 1/17/2015  | 43,217.36  | 1/16/2016  | 43,455.58  |
| 1/21/2012  | 61,819.92  | 1/26/2013  | 46,966.26  | 1/25/2014  | 42,720.80  | 1/24/2015  | 41,212.80  | 1/23/2016  | 25,025.40  |
| 1/28/2012  | 62,898.78  | 2/2/2013   | 52,067.92  | 2/1/2014   | 47,681.60  | 1/31/2015  | 42,783.32  | 1/30/2016  | 36,805.26  |
| 2/4/2012   | 72,154.66  | 2/9/2013   | 52,222.20  | 2/8/2014   | 45,434.52  | 2/7/2015   | 47,859.18  | 2/4/2016   | 51,695.74  |
| 2/11/2012  | 66,429.04  | 2/16/2013  | 64,243.52  | 2/15/2014  | 41,076.08  | 2/14/2015  | 48,131.08  | 2/13/2016  | 44,941.78  |
| 2/18/2012  | 77,455.88  | 2/23/2013  | 64,115.70  | 2/22/2014  | 61,523.98  | 2/21/2015  | 37,610.66  | 2/20/2016  | 50,505.40  |
| 2/25/2012  | 77,611.78  | 3/2/2013   | 62,602.74  | 3/1/2014   | 57,744.78  | 2/28/2015  | 56,982.14  | 2/27/2016  | 52,426.86  |
| 3/3/2012   | 75,963.86  | 3/9/2013   | 59,213.26  | 3/8/2014   | 50,439.94  | 3/7/2015   | 43,750.42  | 3/5/2016   | 53,474.66  |
| 3/10/2012  | 76,808.62  | 3/16/2013  | 62,366.36  | 3/15/2014  | 54,414.66  | 3/14/2015  | 55,096.66  | 3/12/2016  | 51,447.02  |
| 3/17/2012  | 76,883.92  | 3/23/2013  | 59,841.02  | 3/22/2014  | 50,734.62  | 3/21/2015  | 53,081.08  | 3/19/2016  | 50,356.80  |
| 3/24/2012  | 72,108.36  | 3/30/2013  | 57,567.98  | 3/29/2014  | 51,174.60  | 3/28/2015  | 50,548.88  | 3/26/2016  | 52,217.46  |
| 3/31/2012  | 74,244.22  | 4/6/2013   | 63,108.84  | 4/5/2014   | 55,229.90  | 4/4/2015   | 51,713.78  | 4/2/2016   | 54,185.88  |
| 4/7/2012   | 75,382.98  | 4/13/2013  | 56,849.30  | 4/12/2014  | 48,653.18  | 4/11/2015  | 51,024.54  | 4/9/2016   | 49,690.04  |
| 4/14/2012  | 71,065.34  | 4/20/2013  | 55,432.12  | 4/19/2014  | 54,469.22  | 4/18/2015  | 49,338.10  | 4/16/2016  | 49,071.82  |
| 4/21/2012  | 68,055.08  | 4/27/2013  | 58,612.74  | 4/26/2014  | 51,637.18  | 4/25/2015  | 49,656.62  | 4/23/2016  | 49,485.78  |

|                           |           |                           |           |                           |           |                           |           |                           |           |
|---------------------------|-----------|---------------------------|-----------|---------------------------|-----------|---------------------------|-----------|---------------------------|-----------|
| 4/28/2012                 | 72,880.66 | 5/4/2013                  | 61,102.92 | 5/3/2014                  | 54,757.72 | 5/2/2015                  | 54,079.66 | 4/30/2016                 | 50,872.46 |
| 5/5/2012                  | 71,582.30 | 5/11/2013                 | 57,428.70 | 5/10/2014                 | 51,011.76 | 5/9/2015                  | 50,062.82 | 5/7/2016                  | 52,135.22 |
| 5/12/2012                 | 63,357.92 | 5/18/2013                 | 61,172.80 | 5/17/2014                 | 51,148.34 | 5/16/2015                 | 48,308.08 | 5/14/2016                 | 51,441.84 |
| 5/19/2012                 | 78,984.36 | 5/25/2013                 | 57,131.24 | 5/24/2014                 | 53,082.60 | 5/23/2015                 | 47,705.92 | 5/21/2016                 | 48,392.48 |
| 5/26/2012                 | 67,396.24 | 6/1/2013                  | 65,920.66 | 5/31/2014                 | 62,642.98 | 5/30/2015                 | 58,258.10 | 5/28/2016                 | 49,380.84 |
| 6/2/2012                  | 76,959.44 | 6/8/2013                  | 55,233.74 | 6/7/2014                  | 49,517.18 | 6/6/2015                  | 53,927.82 | 6/4/2016                  | 58,228.50 |
| 6/9/2012                  | 63,584.86 | 6/15/2013                 | 54,067.52 | 6/14/2014                 | 50,266.50 | 6/13/2015                 | 50,110.84 | 6/11/2016                 | 45,053.42 |
| 6/16/2012                 | 59,436.12 | 6/22/2013                 | 54,690.28 | 6/21/2014                 | 48,768.14 | 6/20/2015                 | 47,109.22 | 6/18/2016                 | 46,179.18 |
| 6/23/2012                 | 55,921.30 | 6/29/2013                 | 55,991.38 | 6/28/2014                 | 49,250.32 | 6/27/2015                 | 55,325.14 | 6/25/2016                 | 47,230.00 |
| 6/30/2012                 | 58,207.40 | 6/30/2013                 | 11,509.54 | 6/30/2014                 | 12,010.70 | 6/30/2015                 | 16,018.68 | 6/30/2016                 | 27,584.00 |
| <hr/> <b>4,124,906.80</b> |           | <hr/> <b>3,580,645.18</b> |           | <hr/> <b>3,261,565.02</b> |           | <hr/> <b>3,148,372.80</b> |           | <hr/> <b>3,167,478.80</b> |           |

**VIDEO LOTTERY REPORT**

| FY 2013    |            | FY 2014    |            | FY 2015    |            | FY 2016    |            | FY 2017    |           |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|-----------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount    |
| 7/7/2012   | 161,637.92 | 7/6/2013   | 123,196.88 | 7/5/2014   | 106,819.12 | 7/4/2015   | 89,446.56  | 7/1-2/2016 | 51,477.36 |
| 7/14/2012  | 129,458.04 | 7/13/2013  | 128,060.40 | 7/12/2014  | 111,792.16 | 7/11/2015  | 119,132.68 |            |           |
| 7/21/2012  | 130,037.00 | 7/20/2013  | 115,128.84 | 7/19/2014  | 116,320.32 | 7/18/2015  | 112,706.24 |            |           |
| 7/28/2012  | 137,164.44 | 7/27/2013  | 123,049.56 | 7/26/2014  | 112,502.48 | 7/25/2015  | 109,356.88 |            |           |
| 8/4/2012   | 132,931.16 | 8/3/2013   | 116,180.80 | 8/2/2014   | 117,145.12 | 8/1/2015   | 119,089.60 |            |           |
| 8/11/2012  | 134,212.88 | 8/10/2013  | 120,078.64 | 8/9/2014   | 114,374.60 | 8/8/2015   | 115,689.52 |            |           |
| 8/18/2012  | 110,241.90 | 8/17/2013  | 124,888.56 | 8/16/2014  | 114,105.32 | 8/15/2015  | 108,726.48 |            |           |
| 8/25/2012  | 66,209.90  | 8/24/2013  | 89,882.12  | 8/23/2014  | 116,097.04 | 8/22/2015  | 108,922.12 |            |           |
| 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  | 8/30/2014  | 60,280.02  | 8/29/2015  | 73,285.10  |            |           |
| 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  | 9/6/2014   | 61,420.28  | 9/5/2015   | 55,890.76  |            |           |
| 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  | 9/13/2014  | 51,364.96  | 9/12/2015  | 63,273.30  |            |           |
| 9/22/2012  | 56,996.90  | 9/21/2013  | 54,277.94  | 9/20/2014  | 50,664.54  | 9/19/2015  | 54,233.06  |            |           |
| 9/29/2012  | 61,611.40  | 9/28/2013  | 54,881.50  | 9/27/2014  | 50,127.22  | 9/26/2015  | 52,439.60  |            |           |
| 10/6/2012  | 62,715.20  | 10/5/2013  | 55,950.74  | 10/4/2014  | 53,531.28  | 10/3/2015  | 53,104.94  |            |           |
| 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  | 10/11/2014 | 51,127.00  | 10/10/2015 | 50,291.26  |            |           |
| 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  | 10/18/2014 | 56,414.64  | 10/17/2015 | 53,048.80  |            |           |
| 10/27/2012 | 58,073.54  | 10/26/2013 | 52,854.06  | 10/25/2014 | 49,890.20  | 10/24/2015 | 55,418.72  |            |           |
| 11/3/2012  | 56,545.30  | 11/2/2013  | 57,543.54  | 11/1/2014  | 52,242.34  | 10/31/2015 | 57,023.64  |            |           |
| 11/10/2012 | 56,110.96  | 11/9/2013  | 54,666.76  | 11/8/2014  | 52,819.26  | 11/7/2015  | 55,832.08  |            |           |
| 11/17/2012 | 57,432.36  | 11/16/2013 | 56,495.96  | 11/15/2014 | 51,810.32  | 11/14/2015 | 56,012.86  |            |           |
| 11/24/2012 | 65,888.86  | 11/23/2013 | 48,628.62  | 11/22/2014 | 46,228.62  | 11/21/2015 | 50,193.76  |            |           |
| 12/1/2012  | 50,243.34  | 11/30/2013 | 59,645.66  | 11/29/2014 | 55,593.44  | 11/28/2015 | 60,010.98  |            |           |
| 12/8/2012  | 50,770.96  | 12/7/2013  | 47,306.24  | 12/6/2014  | 46,792.50  | 12/5/2015  | 47,767.86  |            |           |
| 12/15/2012 | 47,022.38  | 12/14/2013 | 29,229.02  | 12/13/2014 | 40,904.98  | 12/12/2015 | 42,938.56  |            |           |
| 12/22/2012 | 46,838.96  | 12/21/2013 | 44,581.02  | 12/20/2014 | 41,600.84  | 12/19/2015 | 43,087.16  |            |           |
| 12/29/2012 | 59,697.22  | 12/28/2013 | 62,117.14  | 12/27/2014 | 58,114.68  | 12/26/2015 | 52,835.48  |            |           |
| 1/5/2013   | 71,673.52  | 1/4/2014   | 62,963.88  | 1/3/2015   | 68,277.28  | 1/2/2016   | 74,963.14  |            |           |
| 1/12/2013  | 50,416.30  | 1/11/2014  | 37,935.94  | 1/10/2015  | 37,099.34  | 1/9/2016   | 41,474.24  |            |           |
| 1/19/2013  | 51,211.88  | 1/18/2014  | 49,418.64  | 1/17/2015  | 43,217.36  | 1/16/2016  | 43,455.58  |            |           |
| 1/26/2013  | 46,966.26  | 1/25/2014  | 42,720.80  | 1/24/2015  | 41,212.80  | 1/23/2016  | 25,025.40  |            |           |
| 2/2/2013   | 52,067.92  | 2/1/2014   | 47,681.60  | 1/31/2015  | 42,783.32  | 1/30/2016  | 36,805.26  |            |           |
| 2/9/2013   | 52,222.20  | 2/8/2014   | 45,434.52  | 2/7/2015   | 47,859.18  | 2/4/2016   | 51,695.74  |            |           |
| 2/16/2013  | 64,243.52  | 2/15/2014  | 41,076.08  | 2/14/2015  | 48,131.08  | 2/13/2016  | 44,941.78  |            |           |
| 2/23/2013  | 64,115.70  | 2/22/2014  | 61,523.98  | 2/21/2015  | 37,610.66  | 2/20/2016  | 50,505.40  |            |           |
| 3/2/2013   | 62,602.74  | 3/1/2014   | 57,744.78  | 2/28/2015  | 56,982.14  | 2/27/2016  | 52,426.86  |            |           |
| 3/9/2013   | 59,213.26  | 3/8/2014   | 50,439.94  | 3/7/2015   | 43,750.42  | 3/5/2016   | 53,474.66  |            |           |
| 3/16/2013  | 62,366.36  | 3/15/2014  | 54,414.66  | 3/14/2015  | 55,096.66  | 3/12/2016  | 51,447.02  |            |           |
| 3/23/2013  | 59,841.02  | 3/22/2014  | 50,734.62  | 3/21/2015  | 53,081.08  | 3/19/2016  | 50,356.80  |            |           |
| 3/30/2013  | 57,567.98  | 3/29/2014  | 51,174.60  | 3/28/2015  | 50,548.88  | 3/26/2016  | 52,217.46  |            |           |
| 4/6/2013   | 63,108.84  | 4/5/2014   | 55,229.90  | 4/4/2015   | 51,713.78  | 4/2/2016   | 54,185.88  |            |           |
| 4/13/2013  | 56,849.30  | 4/12/2014  | 48,653.18  | 4/11/2015  | 51,024.54  | 4/9/2016   | 49,690.04  |            |           |
| 4/20/2013  | 55,432.12  | 4/19/2014  | 54,469.22  | 4/18/2015  | 49,338.10  | 4/16/2016  | 49,071.82  |            |           |
| 4/27/2013  | 58,612.74  | 4/26/2014  | 51,637.18  | 4/25/2015  | 49,656.62  | 4/23/2016  | 49,485.78  |            |           |

|           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 5/4/2013  | 61,102.92 | 5/3/2014  | 54,757.72 | 5/2/2015  | 54,079.66 | 4/30/2016 | 50,872.46 |
| 5/11/2013 | 57,428.70 | 5/10/2014 | 51,011.76 | 5/9/2015  | 50,062.82 | 5/7/2016  | 52,135.22 |
| 5/18/2013 | 61,172.80 | 5/17/2014 | 51,148.34 | 5/16/2015 | 48,308.08 | 5/14/2016 | 51,441.84 |
| 5/25/2013 | 57,131.24 | 5/24/2014 | 53,082.60 | 5/23/2015 | 47,705.92 | 5/21/2016 | 48,392.48 |
| 6/1/2013  | 65,920.66 | 5/31/2014 | 62,642.98 | 5/30/2015 | 58,258.10 | 5/28/2016 | 49,380.84 |
| 6/8/2013  | 55,233.74 | 6/7/2014  | 49,517.18 | 6/6/2015  | 53,927.82 | 6/4/2016  | 58,228.50 |
| 6/15/2013 | 54,067.52 | 6/14/2014 | 50,266.50 | 6/13/2015 | 50,110.84 | 6/11/2016 | 45,053.42 |
| 6/22/2013 | 54,690.28 | 6/21/2014 | 48,768.14 | 6/20/2015 | 47,109.22 | 6/18/2016 | 46,179.18 |
| 6/29/2013 | 55,991.38 | 6/28/2014 | 49,250.32 | 6/27/2015 | 55,325.14 | 6/25/2016 | 47,230.00 |
| 6/30/2013 | 11,509.54 | 6/30/2014 | 12,010.70 | 6/30/2015 | 16,018.68 | 6/30/2016 | 27,584.00 |

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**3,580,645.18**

**3,261,565.02**

**3,148,372.80**

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**3,167,478.80**

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**51,477.36**



WEST VIRGINIA LOTTERY  
 First Benchmark  
 Charles Town  
 County / City Split  
 Fiscal Year 2017

Charles Town  
 1999 Net Terminal Revenue \$ 45,603,174  
 Benchmark Goal @ 2% \$ 912,063.48

| DATE                       | 2% OF<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>7.93% | CHARLES<br>TOWN<br>39.90% | HARPERS<br>FERRY<br>2.17% | RANSON<br>33.68% | SHEPHERDS<br>TOWN<br>16.32% |
|----------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>07/02/16 | \$ 51,477.36                 | \$ 51,477.36              | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| Week ending:<br>07/09/16   | 125,605.24                   | 125,605.24                | -                    | -                | -                         | -                         | -                | -                           |
| Subtotal                   | \$ 177,082.60                | \$ 177,082.60             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |

Benchmark Goal @ 2% \$ 912,063.48  
 Remainder until 1% / 1% Split \$ 734,980.88

**VIDEO LOTTERY REPORT**

| FY 2013    |            | FY 2014    |            | FY 2015    |            | FY 2016    |            | FY 2017    |            |
|------------|------------|------------|------------|------------|------------|------------|------------|------------|------------|
| Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     | Date       | Amount     |
| 7/7/2012   | 161,637.92 | 7/6/2013   | 123,196.88 | 7/5/2014   | 106,819.12 | 7/4/2015   | 89,446.56  | 7/1-2/2016 | 51,477.36  |
| 7/14/2012  | 129,458.04 | 7/13/2013  | 128,060.40 | 7/12/2014  | 111,792.16 | 7/11/2015  | 119,132.68 | 7/9/2016   | 125,605.24 |
| 7/21/2012  | 130,037.00 | 7/20/2013  | 115,128.84 | 7/19/2014  | 116,320.32 | 7/18/2015  | 112,706.24 |            |            |
| 7/28/2012  | 137,164.44 | 7/27/2013  | 123,049.56 | 7/26/2014  | 112,502.48 | 7/25/2015  | 109,356.88 |            |            |
| 8/4/2012   | 132,931.16 | 8/3/2013   | 116,180.80 | 8/2/2014   | 117,145.12 | 8/1/2015   | 119,089.60 |            |            |
| 8/11/2012  | 134,212.88 | 8/10/2013  | 120,078.64 | 8/9/2014   | 114,374.60 | 8/8/2015   | 115,689.52 |            |            |
| 8/18/2012  | 110,241.90 | 8/17/2013  | 124,888.56 | 8/16/2014  | 114,105.32 | 8/15/2015  | 108,726.48 |            |            |
| 8/25/2012  | 66,209.90  | 8/24/2013  | 89,882.12  | 8/23/2014  | 116,097.04 | 8/22/2015  | 108,922.12 |            |            |
| 9/1/2012   | 67,133.42  | 8/31/2013  | 58,913.18  | 8/30/2014  | 60,280.02  | 8/29/2015  | 73,285.10  |            |            |
| 9/8/2012   | 74,029.40  | 9/7/2013   | 67,758.74  | 9/6/2014   | 61,420.28  | 9/5/2015   | 55,890.76  |            |            |
| 9/15/2012  | 61,838.04  | 9/14/2013  | 53,374.22  | 9/13/2014  | 51,364.96  | 9/12/2015  | 63,273.30  |            |            |
| 9/22/2012  | 56,996.90  | 9/21/2013  | 54,277.94  | 9/20/2014  | 50,664.54  | 9/19/2015  | 54,233.06  |            |            |
| 9/29/2012  | 61,611.40  | 9/28/2013  | 54,881.50  | 9/27/2014  | 50,127.22  | 9/26/2015  | 52,439.60  |            |            |
| 10/6/2012  | 62,715.20  | 10/5/2013  | 55,950.74  | 10/4/2014  | 53,531.28  | 10/3/2015  | 53,104.94  |            |            |
| 10/13/2012 | 60,710.18  | 10/12/2013 | 55,837.92  | 10/11/2014 | 51,127.00  | 10/10/2015 | 50,291.26  |            |            |
| 10/20/2012 | 62,333.08  | 10/19/2013 | 61,327.20  | 10/18/2014 | 56,414.64  | 10/17/2015 | 53,048.80  |            |            |
| 10/27/2012 | 58,073.54  | 10/26/2013 | 52,854.06  | 10/25/2014 | 49,890.20  | 10/24/2015 | 55,418.72  |            |            |
| 11/3/2012  | 56,545.30  | 11/2/2013  | 57,543.54  | 11/1/2014  | 52,242.34  | 10/31/2015 | 57,023.64  |            |            |
| 11/10/2012 | 56,110.96  | 11/9/2013  | 54,666.76  | 11/8/2014  | 52,819.26  | 11/7/2015  | 55,832.08  |            |            |
| 11/17/2012 | 57,432.36  | 11/16/2013 | 56,495.96  | 11/15/2014 | 51,810.32  | 11/14/2015 | 56,012.86  |            |            |
| 11/24/2012 | 65,888.86  | 11/23/2013 | 48,628.62  | 11/22/2014 | 46,228.62  | 11/21/2015 | 50,193.76  |            |            |
| 12/1/2012  | 50,243.34  | 11/30/2013 | 59,645.66  | 11/29/2014 | 55,593.44  | 11/28/2015 | 60,010.98  |            |            |
| 12/8/2012  | 50,770.96  | 12/7/2013  | 47,306.24  | 12/6/2014  | 46,792.50  | 12/5/2015  | 47,767.86  |            |            |
| 12/15/2012 | 47,022.38  | 12/14/2013 | 29,229.02  | 12/13/2014 | 40,904.98  | 12/12/2015 | 42,938.56  |            |            |
| 12/22/2012 | 46,838.96  | 12/21/2013 | 44,581.02  | 12/20/2014 | 41,600.84  | 12/19/2015 | 43,087.16  |            |            |
| 12/29/2012 | 59,697.22  | 12/28/2013 | 62,117.14  | 12/27/2014 | 58,114.68  | 12/26/2015 | 52,835.48  |            |            |
| 1/5/2013   | 71,673.52  | 1/4/2014   | 62,963.88  | 1/3/2015   | 68,277.28  | 1/2/2016   | 74,963.14  |            |            |
| 1/12/2013  | 50,416.30  | 1/11/2014  | 37,935.94  | 1/10/2015  | 37,099.34  | 1/9/2016   | 41,474.24  |            |            |
| 1/19/2013  | 51,211.88  | 1/18/2014  | 49,418.64  | 1/17/2015  | 43,217.36  | 1/16/2016  | 43,455.58  |            |            |
| 1/26/2013  | 46,966.26  | 1/25/2014  | 42,720.80  | 1/24/2015  | 41,212.80  | 1/23/2016  | 25,025.40  |            |            |
| 2/2/2013   | 52,067.92  | 2/1/2014   | 47,681.60  | 1/31/2015  | 42,783.32  | 1/30/2016  | 36,805.26  |            |            |
| 2/9/2013   | 52,222.20  | 2/8/2014   | 45,434.52  | 2/7/2015   | 47,859.18  | 2/4/2016   | 51,695.74  |            |            |
| 2/16/2013  | 64,243.52  | 2/15/2014  | 41,076.08  | 2/14/2015  | 48,131.08  | 2/13/2016  | 44,941.78  |            |            |
| 2/23/2013  | 64,115.70  | 2/22/2014  | 61,523.98  | 2/21/2015  | 37,610.66  | 2/20/2016  | 50,505.40  |            |            |
| 3/2/2013   | 62,602.74  | 3/1/2014   | 57,744.78  | 2/28/2015  | 56,982.14  | 2/27/2016  | 52,426.86  |            |            |
| 3/9/2013   | 59,213.26  | 3/8/2014   | 50,439.94  | 3/7/2015   | 43,750.42  | 3/5/2016   | 53,474.66  |            |            |
| 3/16/2013  | 62,366.36  | 3/15/2014  | 54,414.66  | 3/14/2015  | 55,096.66  | 3/12/2016  | 51,447.02  |            |            |
| 3/23/2013  | 59,841.02  | 3/22/2014  | 50,734.62  | 3/21/2015  | 53,081.08  | 3/19/2016  | 50,356.80  |            |            |
| 3/30/2013  | 57,567.98  | 3/29/2014  | 51,174.60  | 3/28/2015  | 50,548.88  | 3/26/2016  | 52,217.46  |            |            |
| 4/6/2013   | 63,108.84  | 4/5/2014   | 55,229.90  | 4/4/2015   | 51,713.78  | 4/2/2016   | 54,185.88  |            |            |
| 4/13/2013  | 56,849.30  | 4/12/2014  | 48,653.18  | 4/11/2015  | 51,024.54  | 4/9/2016   | 49,690.04  |            |            |
| 4/20/2013  | 55,432.12  | 4/19/2014  | 54,469.22  | 4/18/2015  | 49,338.10  | 4/16/2016  | 49,071.82  |            |            |
| 4/27/2013  | 58,612.74  | 4/26/2014  | 51,637.18  | 4/25/2015  | 49,656.62  | 4/23/2016  | 49,485.78  |            |            |

|           |           |           |           |           |           |           |           |
|-----------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| 5/4/2013  | 61,102.92 | 5/3/2014  | 54,757.72 | 5/2/2015  | 54,079.66 | 4/30/2016 | 50,872.46 |
| 5/11/2013 | 57,428.70 | 5/10/2014 | 51,011.76 | 5/9/2015  | 50,062.82 | 5/7/2016  | 52,135.22 |
| 5/18/2013 | 61,172.80 | 5/17/2014 | 51,148.34 | 5/16/2015 | 48,308.08 | 5/14/2016 | 51,441.84 |
| 5/25/2013 | 57,131.24 | 5/24/2014 | 53,082.60 | 5/23/2015 | 47,705.92 | 5/21/2016 | 48,392.48 |
| 6/1/2013  | 65,920.66 | 5/31/2014 | 62,642.98 | 5/30/2015 | 58,258.10 | 5/28/2016 | 49,380.84 |
| 6/8/2013  | 55,233.74 | 6/7/2014  | 49,517.18 | 6/6/2015  | 53,927.82 | 6/4/2016  | 58,228.50 |
| 6/15/2013 | 54,067.52 | 6/14/2014 | 50,266.50 | 6/13/2015 | 50,110.84 | 6/11/2016 | 45,053.42 |
| 6/22/2013 | 54,690.28 | 6/21/2014 | 48,768.14 | 6/20/2015 | 47,109.22 | 6/18/2016 | 46,179.18 |
| 6/29/2013 | 55,991.38 | 6/28/2014 | 49,250.32 | 6/27/2015 | 55,325.14 | 6/25/2016 | 47,230.00 |
| 6/30/2013 | 11,509.54 | 6/30/2014 | 12,010.70 | 6/30/2015 | 16,018.68 | 6/30/2016 | 27,584.00 |

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**3,580,645.18**

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**3,261,565.02**

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**3,148,372.80**

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**3,167,478.80**

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**177,082.60**



*West Virginia State  
Treasurer's Office*

John D. Perdue  
State Treasurer

| <u>Political Subdivision</u>  | <u>Amount</u> |
|-------------------------------|---------------|
| Huntington                    | 1,032.04      |
| Hurricane                     | 1,032.04      |
| Huttonsville                  | 1,032.04      |
| laeger                        | 1,032.04      |
| Jackson County                | 4,107.92      |
| Jane Lew                      | 1,032.04      |
| Jefferson County              | 62,572.11     |
| Jefferson County School Board | 187,716.33    |
| Junior                        | 1,032.04      |
| Kanawha County                | 30,444.02     |
| Kenova                        | 1,032.04      |
| Kermit                        | 1,032.04      |
| Keyser                        | 1,032.04      |
| Keystone                      | 1,032.04      |
| Kimball                       | 1,032.04      |
| Kingwood                      | 1,032.04      |
| Leon                          | 1,032.04      |
| Lester                        | 1,032.04      |
| Lewis County                  | 4,107.92      |

**Table Game Revenue**

| <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>     |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|-------------------|
| July/August, 2010      | 154,185.68          | July, 2011             | 141,718.01          | July, 2012             | 138,663.64          | July, 2013             | 99,274.36         |
| September, 2010        | 94,247.84           | August, 2011           | 137,473.92          | August, 2012           | 133,245.83          | August, 2013           | 111,427.75        |
| October, 2010          | 105,903.60          | September, 2011        | 110,375.25          | September, 2012        | 127,532.40          | September, 2013        | 80,857.74         |
| November, 2010         | 108,717.67          | October, 2011          | 124,273.94          | October, 2012          | 126,482.02          | October, 2013          | 81,066.09         |
| December, 2010         | 118,721.11          | November, 2011         | 121,118.87          | November, 2012         | 134,443.93          | November, 2013         | 79,853.94         |
| January, 2011          | 106,189.21          | December, 2011         | 140,509.93          | December, 2012         | 146,677.92          | December, 2013         | 79,617.31         |
| February, 2011         | 105,776.45          | January, 2012          | 137,812.68          | January, 2013          | 132,650.35          | January, 2014          | 75,093.81         |
| March, 2011            | 120,927.10          | February, 2012         | 142,770.01          | February, 2013         | 121,636.62          | February, 2014         | 75,170.90         |
| April, 2011            | 130,654.61          | March, 2012            | 151,845.46          | March, 2013            | 149,033.62          | March, 2014            | 78,201.51         |
| May, 2011              | 130,492.02          | April, 2012            | 127,862.26          | April, 2013            | 105,545.23          | April, 2014            | 72,380.72         |
| June, 2011             | 121,576.41          | May, 2012              | 137,905.13          | May, 2013              | 109,747.38          | May, 2014              | 93,191.89         |
|                        |                     | June, 2012             | 129,235.38          | June, 2013             | 104,803.37          | June, 2014             | 72,350.70         |
| <b>Total 2010-2011</b> | <b>1,297,391.70</b> | <b>Total 2011-2012</b> | <b>1,602,900.84</b> | <b>Total 2012-2013</b> | <b>1,530,462.31</b> | <b>Total 2013-2014</b> | <b>998,486.72</b> |

| <u>Date</u>            | <u>Amount</u>     | <u>Date</u>            | <u>Amount</u>     |
|------------------------|-------------------|------------------------|-------------------|
| July, 2014             | 78,639.07         | July, 2015             | 75,674.79         |
| August, 2014           | 84,726.51         | August, 2015           | 70,064.73         |
| September, 2014        | 71,967.51         | September, 2015        | 64,845.44         |
| October, 2014          | 66,257.02         | October, 2015          | 68,440.97         |
| November, 2014         | 71,046.66         | November, 2015         | 67,488.54         |
| December, 2014         | 76,797.24         | December, 2015         | 73,055.05         |
| January, 2015          | 73,346.66         | January, 2016          | 67,545.11         |
| February, 2015         | 66,262.78         | February, 2016         | 65,518.59         |
| March, 2015            | 73,747.70         | March, 2016            | 72,986.23         |
| April, 2015            | 76,343.68         | April, 2016            | 68,149.38         |
| May, 2015              | 78,424.23         | May, 2016              | 76,415.84         |
| June, 2015             | 81,569.83         | June, 2016             | 62,572.11         |
| <b>Total 2014-2015</b> | <b>899,128.89</b> | <b>Total 2015-2016</b> | <b>832,756.78</b> |

**Table Game Revenue Distribution - Jefferson County School Board**

| <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       | <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|------------------------|---------------------|
| July, 2011             | 425,154.03          | July, 2012             | 415,990.92          | July, 2013             | 297,823.08          | July, 2014             | 235,917.21          |
| August, 2011           | 412,421.76          | August, 2012           | 399,737.49          | August, 2013           | 334,283.25          | August, 2014           | 254,179.53          |
| September, 2011        | 331,125.75          | September, 2012        | 382,597.20          | September, 2013        | 242,573.22          | September, 2014        | 215,902.53          |
| October, 2011          | 372,821.82          | October, 2012          | 379,446.06          | October, 2013          | 243,198.27          | October, 2014          | 198,771.06          |
| November, 2011         | 363,356.61          | November, 2012         | 403,331.79          | November, 2013         | 239,561.82          | November, 2014         | 213,139.98          |
| December, 2011         | 421,529.79          | December, 2012         | 440,033.75          | December, 2013         | 238,851.93          | December, 2014         | 230,391.72          |
| January, 2012          | 413,438.04          | January, 2013          | 397,951.05          | January, 2014          | 225,281.43          | January, 2015          | 220,039.98          |
| February, 2012         | 428,310.03          | February, 2013         | 381,857.07          | February, 2014         | 225,512.70          | February, 2015         | 198,788.34          |
| March, 2012            | 455,536.38          | March, 2013            | 447,100.86          | March, 2014            | 234,604.53          | March, 2015            | 221,243.10          |
| April, 2012            | 383,586.78          | April, 2013            | 316,635.69          | April, 2014            | 217,142.18          | April, 2015            | 229,031.04          |
| May, 2012              | 413,715.39          | May, 2013              | 329,242.14          | May, 2014              | 279,575.67          | May, 2015              | 235,272.69          |
| June, 2012             | 387,706.12          | June, 2013             | 314,410.11          | June, 2014             | 217,052.10          | June, 2015             | 244,709.49          |
| <b>Total 2011-2012</b> | <b>4,808,702.50</b> | <b>Total 2012-2013</b> | <b>4,608,334.13</b> | <b>Total 2013-2014</b> | <b>2,995,460.18</b> | <b>Total 2014-2015</b> | <b>2,697,386.67</b> |

| <u>Date</u>            | <u>Amount</u>       |
|------------------------|---------------------|
| July, 2015             | 227,024.37          |
| August, 2015           | 210,194.19          |
| September, 2015        | 194,536.32          |
| October, 2015          | 205,322.91          |
| November, 2015         | 202,465.62          |
| December, 2015         | 219,165.15          |
| January, 2016          | 202,635.33          |
| February, 2016         | 196,555.77          |
| March, 2016            | 218,958.69          |
| April, 2016            | 204,448.14          |
| May, 2016              | 229,247.52          |
| June, 2016             | 187,716.33          |
| <b>Total 2015-2016</b> | <b>2,498,270.34</b> |