



AGENDA
Jefferson County Planning Commission
Tuesday, October 11, 2016, 7:00 PM

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

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

1. Approval of Meeting minutes:
 - September 13, 2016.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement
4. **Public Hearing:** Waiver request for The Conservation Fund, Freshwater Institute (PCW#16-09). The applicant is requesting a waiver from Section 22.504 B (2) of the Subdivision Regulations which requires a riparian buffer of 50' measured from the top of the stream bank along ephemeral streams with stream channels. The property is designated as Tax District: Shepherdstown (09); Tax Map: 3; Parcel: 3.10; Zoned: Rural (R); Size: 103 acres; Owner: The Conservation Fund

There is no public comment for the remaining items.

5. Planning Commission By-Laws. Review/Possible approval of policy regarding criteria for scheduling a fourth Tuesday meeting of the Planning Commission.
6. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
 - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session.
7. Planners Memo.
8. President's Report.
9. Actionable Correspondence.
10. Non-Actionable Correspondence.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to

review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record. Feel free to submit your comments to office of the Departments of Planning and Zoning.

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

DRAFT

Jefferson County Planning Commission
September 13, 2016

The Jefferson County Planning Commission met on September 13, 2016 with the following Commission members present: Wade Louthan, Vice President; Gary Phalen, Gene Taylor, Steve Stolipher and Staff members present included Jennie Brockman, Director of Planning and Zoning; Lydia Lehman, Assistant Prosecuting Attorney; Jonathon Saunders, County Engineer; and Rhonda Greenholtz, Planning Clerk

Dickie Childs, J. Ware and Peter Osnozko were absent with notice.

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

1. Approval of the minutes from the following Planning Commission Meetings
 - July 26, 2016The minutes were approved with no objections
2. Citizen Communications. None.
3. Request for postponement. None
4. **Public Hearing:** Waiver request for Charles Town Self-Storage Expansion (PCW#16-08). The Applicant is requesting a waiver from Section 20.102(B) which requires approval of a Site Plan prior to commencement of land development. The property is designated as Tax District: Charles Town (02); Tax Map: 9; Parcel: 8.3; Zoned: Residential-Light Industrial-Commercial (RLIC); Size: 5.4 acres; Owner: CTSS, LLC

Mr. Steve Stolipher recused himself from this portion of the meeting citing conflict of interest.

Ms. Jennifer Brockman provided an overview of the request. She provided a brief history of previous waiver requests and a status of the Site Plan currently under review.

Ms. Kristen Stolipher, Gordon, representative for the applicant spoke. The Site Plan has a few minor comments to address before final approval will be given. One major outstanding issue is receiving WVDOH (West Virginia Dept. of Highways) approval to perform work in a WVDOH drainage easement located on the eastern side of the property. An email was received by Gordon from the WVDOH stating an official approval is forthcoming. The applicant would like to start grading and utility improvements on the site outside of the WVDOH easement area before the Site Plan receives approval. Ms. Stolipher has been in contact with the Jefferson County engineering staff. Written approval from the WVDOH on their letterhead approving this request is required before issuance of final site plan approval. A bond for all work on this project has been approved and can be posted as soon as tomorrow. The applicant is fully aware of any liability placed on him for work done prior final approval.

Ms. Brockman stated early grading only outside of the WVDOH easement would be a reasonable request. Staffs concern is that without formal WVDOH approval if utilities are constructed and the WVDOH approval is subsequently not granted, the structure and utilities may have to be redesigned and moved on the site. Staff therefore recommends that the applicant submit a standalone approvable grading plan sheet and bond for early grading only; and wait for official final WVDOH approval before approving the full site plan and before any further work may commence. The Planning Commission approved a previous waiver request (PCW#16-07 to place encroachments within a WVDOH easement) contingent upon written WVDOH approval.

Mr. Jonathan Saunders, County Engineer spoke. In order to start grading before final approval of the site plan, a sediment and erosion control plan would be required. The owner must realize the risk taken and the County will not be held liable if problems arise due to this request if approved. The Engineering Department agrees with Planning Staff that grading only be approved and that a grading plan be submitted for approval and the bond be posted prior to any commencement of work performed. The County Engineer supports approval of this waiver provided the developer agrees to assume all risks for jump starting the project; to limit all work to just site grading only; obtain an NPDES permit, submit a satisfactory site grading plan for review and approval; and provide bonding for sediment/erosion control/SWM, etc.

Ms. Kristen Stolipher read from an email to Gordon from Mr. Dave Cramer, WVDOH, “ *If the project is to advance and features are to be installed within our PDE (Permanent drainage easement) as currently is the case, DOH will draft an agreement with the owner/others regarding proposed features to be installed within the PDE*”. The owners are willing to take on the responsibility of early grading and early installation of utilities outside of the PDE. This would include the posting of a full bond. As built plans will be submitted at the completion of the project so the owner will want to ensure that everything is done correctly. The owner would like to start construction before the weather gets bad and is willing to assume all liability if this waiver is granted.

Mr. Chapman opened the floor to public comment.

No public comment was had.

Mr. Chapman closed the floor to public comment.

Mr. Donnie Fisher asked if there is a financial benefit to starting the utilities coinciding with the grading.

Ms. Stolipher responded that a substantial amount of fill is needed on the site and if everything is brought up to final grade without installing the utilities, it will need to be re-excavated to install the storm water management pipe.

A discussion ensued regarding the risk of liability if the WVDOH does not grant approval of the work proposed to be within the WVDOH PDE. Ms. Stolipher assured the Planning Commission that the owner is fully aware of the risk and assumes full financial responsibility.

Mr. Fisher made a comment that he personally contacted WVDOH on a separate issue and was told that the waiting period is approximately six weeks so he can sympathize. He asked Ms. Brockman if an approval is close and what the harm may be by allowing this request. She responded that her concern is that the email received from the WVDOH also stated that “*the plan sheet previously provided to us indicates the suggested revisions are acceptable to us, conceptually, and we can move forward with the detailed plan review (entire plan set) when those plans are presented to us*”.

Mr. Chapman asked if there were any real risk to the County if the client needs to dig the pipe back up and reposition it. Ms. Brockman responded that if the bond is in place and something happens the bond can be called and the County will fix it. Mr. Saunders also responded that if that happens, the site would be returned to grass.

Ms. Stolipher responded that initially, the storm sewer system outside of the DOH PDE would be installed, and that the water and sewer lines are all designed to be located out of the WVDOH PDE.

She reiterated that the owner accepts full and all responsibility of all work performed within the PDE.

Mr. Gene Taylor made a motion for approval of early grading only which died for lack of a second.

Mr. Donnie Fisher made a motion to approve the request for early grading and for the construction of utilities outside of the WVDOH PDE provided the applicant is fully aware that they assume all financial responsibility and the bond must be in place for all construction prior to commencement of work. Mr. Chapman seconded the motion which carried unanimously.

Mr. Steven Stolipher re-entered the meeting.

5. Planning Commission By-Laws. Discussion/possible drafting of policy regarding criteria for scheduling a fourth Tuesday meeting of the Planning Commission.

Ms. Jennifer Brockman spoke that an Amendment to the Bylaws must be approved by the County Commission. Alternatively, the Planning Commission may adopt a Policy regarding the provision in the Bylaws for holding the fourth Tuesday meeting. Ms. Brockman proceeded to explain the necessity of holding these meetings previously were due to full agendas or for Planning Commission initiated items such as Amendments, the Comprehensive Plan, the LESA, etc. Additionally, previous Regulations dictated time frames for certain items to be heard which may still warrant the scheduling of a fourth Tuesday meeting. As development became slower in the County and amendments had been completed, it became clear two meetings a month were not necessary. Ms. Brockman quoted the requirements for the holding of a fourth Tuesday meeting as currently explained in the Bylaws Article IV - Meetings, Section 4.1 – Regular Meetings. A policy should be adopted that defines the criteria for which this meeting may be set.

Mr. Chapman researched this subject in a few other jurisdictions. Policies tend to differ from area to area. Mr. Chapman cited a few examples. The holding of the second meeting should be determined by workload or if there is a meeting that may be pre-determined to be larger or of a more controversial nature.

Mr. Stolipher stated that the Planning Commissions role is to serve the Public. He believes the applicant should only be able request the second meeting if the agenda is full. The question would then be how and who would determine if the first Tuesday is full.

Ms. Brockman believes staff would be able to determine approximately how long an agenda item may take. The second meeting typically has been scheduled as a follow up on Planning Commission initiated actionable items from the previous meeting.

Mr. Stolipher believes the only time an applicant should be able to request the fourth Tuesday meeting is if the first meeting agenda is full. This request would still have to go through Staff and the Planning Commission President.

Ms. Brockman suggested drafting a few sentences to be sent to Mr. Chapman and to then be discussed at the next Planning Commission meeting. Once acceptable, a Policy will be made and attached to the Bylaws. Suggested language could be that a fourth Tuesday meeting may be called if an Agenda is full or if a timing issue is caused by the County, or if it is Planning Commission initiated.

6. Review and approval of the Planning Commission's Annual Report to the County Commission per WV Code §8A-2-11. The Planning Commission is required to make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction.

Ms. Brockman provided an overview of the Annual Report. She asked the members if there were any items the Planning Commission would like to add to the report in the future. The Planning Commission needs to take action on this item and then forward to the County Commissioners.

Mr. Chapman asked if a summary of items could be shown in graph form to track trends.

Ms. Brockman stated that should not be a problem and will provide it at an upcoming meeting for the Planning Commission's information.

Mr. Fisher made a motion to approve the Annual Report and to forward it to the County Commission as presented. Mr. Phalen seconded the motion which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session. No new report.
 - Shiloh Citizens Association: Report on legal action in Supreme Court, Docket #15-1031 Possible Executive Session. No new report.
8. Planners Memo.
9. President's Report. None
10. Actionable Correspondence. None
11. Non-Actionable Correspondence. None

Mr. Chapman motioned to adjourn the meeting at 8:03 PM.

STAFF REPORT

Jefferson County Planning Commission

October 11, 2016

Background

The 103 acre Conservative Fund parcel where this hoop structure replacement is planned is contextually rural and has a 200 years+ history of Agricultural Use. Prior to The Conservation Fund's acquisition, the parcel was an operating dairy farm. The current use by The Conservation Fund is agricultural/fisheries research and office space for conservation program staff. The developed/improved portion of the property is confined to less than eight acres and is associated with a large karst spring water resource flowing up to 2,300 gpm. The remainder of the property is hay-field and old-field cedar shrub. The property and improvements are managed to preserve the agricultural look and feel including a sensitive restoration of the 1890's farmhouse as office space and continued use of the historic barn.

Review of the Request

The applicants are proposing to replace an existing 3068 Sq. ft. hoop structure with a new 5451 Sq. ft. aquaculture tank structure. The existing structure and related gravel surfaces are already located within the required riparian buffer. The larger structure will increase the amount of the structure within the required buffer; however, the applicants are also addressing stormwater quantity and quality issues by installing a new bioretention facility.

The Subdivision Regulations state that the required riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. Such a buffer is measured from the top of the bank of the stream, or the wetland boundary. Section 22.504.B.2 of the Regulations requires a 50' riparian buffer, measured from the top of the stream bank, along ephemeral streams with stream channels such as the stream found on this property. An ephemeral stream is defined as a stream that flows only briefly during and following a period of rainfall in the immediate locality.

Currently, there is no stormwater facility on this property. The proposed bioretention facility will capture flows that currently run directly into the ephemeral stream, which will improve the water quality, reduce the rate of flow into the stream, and provide a similar function that the required buffer would provide.

Waiver Requirements:

The Subdivision Regulations require that in order to grant a waiver the following four criteria must be met; however, since the applicant is not requesting a waiver from any requirements and will follow all standards and requirements, the four criteria are less relevant to this request. The criteria are listed below for your review.

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

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

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

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

Staff Recommendation

Because of the proposed bioretention facility, staff supports the requested waiver provided that the impact on the required buffer is limited to the area depicted on the graphic attached to the application.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

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

Staff Initials: AB

Sketch Received:

List of Adjoiners:

Fees Paid: \$100.00

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Waiver Request

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

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

Property Owner Information

Name: The Conservation Fund

Mailing Address: 1098 Turner Road, Shepherdstown, WV 25443-4228

Phone Number: 304-876-2815 Email: j.hankins@freshwaterinstitute.org

Applicant Contact Information

Name: SAME AS PROPERTY OWNER

Mailing Address: _____

Phone Number: _____ Email: _____

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

Name: Alpha Associates, Inc.

Mailing Address: 535 West King Street, Martinsburg, WV ~~25443~~ 25401 ^{AG}

Phone Number: 304-264-0051 Email: ryan.perks@thinkalphafirst.com

Physical Property Details

Physical Address 1098 Turner Road

City: Shepherdstown State: WV Zip Code: 25443

Tax District: Shepherdstown Map No: 03 Parcel No: 03.10

Parcel Size: 103 acres Deed Book: 909 Page No: 164

Zoning District (please check one)

Residential Growth (RG) <input type="checkbox"/>	Industrial Commercial (IC) <input type="checkbox"/>	Rural (R) <input checked="" type="checkbox"/>	Residential- Light Industrial- Commercial (R-LI-C) <input type="checkbox"/>	Village (V) <input type="checkbox"/>	Neighborhood Commercial (NC) <input type="checkbox"/>	General Commercial (GC) <input type="checkbox"/>
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Highway Commercial (HC) <input type="checkbox"/>	Light Industrial (LI) <input type="checkbox"/>	Major Industrial (MI) <input type="checkbox"/>	Planned Neighborhood Development (PND) <input type="checkbox"/>	Office/Commercial Mixed-Use (OC) <input type="checkbox"/>
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RECEIVED
 SEP 20 2016
 JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING
 Place Date Stamp Here

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

Subdivision Regulation Section 22.504.B.2
Stormwater Management Ordinance Section J.2.b

Briefly Describe the Nature of Your Waiver Request:

Applicant requests waiver of requirement for a riparian buffer of 50' from the channel edge of an ephemeral stream in order to construct an aquaculture tank facility to replace a smaller existing tank facility. Total area of encroachment into 50' buffer is +/- 1,130 SF. Area of replacement building encroaching buffer that is outside the footprint of the existing structure is less than 500 SF.

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

The proposed area of encroachment into the riparian buffer is currently occupied by an existing aquaculture structure or a gravel paved area, both of which flow into the adjacent stream without stormwater control. The entire area of the proposed structure will be routed to a bioretention facility for both stormwater quantity and quality control. This is a public benefit as areas that previously were uncontrolled will now be provided with stormwater management.

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

The area in question has been developed for aquaculture purposes for 10+ years. This will be a continuation of the current use with the addition of stormwater management to the area, which will produce no adverse affects to public health, safety or welfare or rights of adjacent property owners or residents

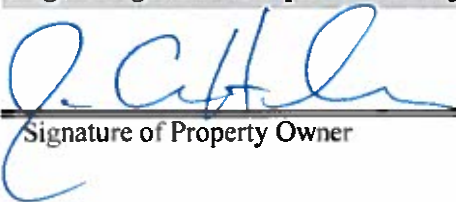
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The intent of riparian buffers per the Ordinance is "to protect the aquatic environment from pollution and sedimentation". The proposed facility will direct flows that previously ran unchecked into the adjacent stream to a new bioretention facility that will control water quality and quantity. This is in keeping with the intent of the buffer and the Ordinance.

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

If the waiver is not granted, the facility would have to be relocated. This would result in the loss of ability to re-use of the existing aquaculture tank facilities from the existing structure as well as significant time and costs in the design of the current facility. A relocated facility would require further disturbance and development of currently undeveloped areas rather than redevelopment of existing areas. Granting the waiver will result in a better project.

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

 16 SEP 2016
Signature of Property Owner Date

Signature of Property Owner Date

To Be Completed By Office

10-11-16 Date of Public Meeting/Public Hearing
PC Official/Administrative Body

09-27-16 Date Property to be Posted By
09-27-16 Date Adjoiner Letters to be Mailed

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

Approved Denied

Engineering Report

The Conservation Fund Waiver for Riparian Buffer 10/11/2016

Request:

The Conservation Fund is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATION (2008), Sec. 22.504 Protection of Resources, B. Riparian Buffer. Also, the Jefferson County Stormwater Management Ordinance is concurrent with the subdivision regulation under section J. Riparian Buffers, 2 Riparian Buffer Requirements. which states:

A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. The buffer width is as follows:

2. Ephemeral Streams with stream channels - 50 feet

The applicant is requesting a waiver to allow construction within this 50' buffer.

Findings:

A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation when keep in a natural state. The natural area acts like a filter that removes pollution and sedimentation.

The existing building and gravel driveways appear to be located within this buffer. See attached aerial photo.

The proposed building appears to be located within this buffer area. See attached aerial photo.

Conclusion

As shown on the aerial photo, the majority of the proposed building is in the buffer area but is being placed on existing gravel drive or other already disturbed area. The already existing disturbed/impervious area is considered "grandfather"; and the proposed project will not increase the impact on the buffer area. In addition, the applicant is proposing to divert all roof water to a bio retention facility. Therefore, the existing untreated rain water will be treated by a water quality feature before it enters the stream. Because of this improvement to the water quality, engineering recommends approval of this waiver.

As for the SWM Ordinance, the Chief County Engineer has approved the wavier based on the proposed project will not increase the impervious area and water quality will not be adversely impacted.



Riparian Buffer

Proposed Building

Area of concern

Stream



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, WV 25414

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

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

MEMO

TO: Jefferson County Planning Commission
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: October 11, 2016
RE: 4th Tuesday Meeting Policy

The following is a Planning Commission initiated policy clarifying the provision of Section 4.1 of the Planning Commission By-laws which state "An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda."

Policy Regarding Planning Commission Meetings on Fourth Tuesdays:

In accordance with Section 4.1 of the Planning Commission Bylaws, an additional regular meeting of the Planning Commission may be called by the President or by two or more members of the Planning Commission, for the fourth Tuesday of the month, under the following circumstances:

- 1) If the regular 2nd Tuesday meeting agenda is full, as determined by staff, in consultation with the Planning Commission President; or
- 2) If there is a timing issue caused by action of the Office of Planning and Zoning staff or the Planning Commission; or
- 3) If action is required within a set time frame by locally adopted ordinances, regulations or state law; or
- 4) For Planning Commission initiated items such as text amendment or long range planning projects.

Approved by action of the Planning Commission

_____ For _____ Against

President

Date



Jefferson County, West Virginia

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting October 11, 2016

1) Ongoing Zoning Ordinance and Subdivision Regulation Amendments

a) Campgrounds (STA15-04 & ZTA 15-02):

- County Commission approved as amended 9/29/16 (attached)

b) LESA/Cluster Amendment (ZTA16-01)

- Amendment to replace the current nontraditional Zoning Ordinance with a traditional Zoning Ordinance – Public Hearing set for December 1, 2016 7 pm. Open House format with staff 6:30-7:00 to answer questions from public.

c) Mass Events Ordinance (ZTA 14-02):

- CC Public Hearing postponed until Summer 2016 – no action to date

2) Graphic Comparison of Annual Report Data FY 15/FY16 (attached)

3) Upcoming Zoning Ordinance and Subdivision Regulation Amendments

a) Historic Resource Demolition and Adaptive Reuse

- JCHLC drafting proposed language

b) Landscape Standards

- Stakeholder meeting with staff held 9/23/16 – draft amendment tentatively set for to PC January 2017

c) Signage

- US Supreme Court ruling in 2015 may impact changes; focus on animated vs digital signs to be addressed; sign industry may need early input

d) Parking Standards

e) Subdivision Regulations Amendments

- Staff initiating amendments related to sections requiring frequent interpretations and issues, including but not limited to processing mergers/lot line adjustments; contents of minor subdivisions, etc. Stakeholder input may be required early in process

4) Upcoming PC meeting

- a) ***Next Regular Meeting: November 1, 2016*** ***Note change in date due to election.

**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. All campgrounds shall process as a Minor Site Plan. Campgrounds proposing more than 10 sites shall also process a Concept Plan. 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

Comment [JB1]: It appears the process for proposing a campground was inadvertently deleted from the previous version

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 ~~1,500~~ 1,200 square feet not to include road rights-of- way or road easements.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road ~~easement right of way~~ unless such sites are only accessible by foot.
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. This requirement does not apply to cabins or camping cabins.
7. No more than one camping unit shall be placed on or above a campsite.

~~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.~~

~~C.~~E. Road and Access Requirements

1. Campground roads that serve have less than ~~300 vehicle trips per day~~ 100 campsites 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~~ 100 campsites shall meet the following standards
 - 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 feet 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 feet 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 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.

**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

<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 ²⁷	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 for</u> seasonal accommodations for transient occupancy or use by <u>customers</u> tourists occupying camping units <u>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>Campground Amenities</u>	<u>Uses or features which are clearly incidental to the use of the property as a campground and may include shelters, pavilions, gathering halls, bathhouses, pools, recreation areas, trails, fire</u>

pits, retail stores, laundry facilities, food service, amphitheaters, ponds, lakes and other uses related to the needs of the campers.

<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>
<u>Campsite</u>	<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>
<u>Campsite Pad</u>	<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>
<u>Caretaker Residence</u>	<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>
<u>RV Park</u>	<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>

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

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.
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 unless otherwise authorized by the campground management.

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. If the facility and parking for such event was included on the

Site Plan and previously included in the Zoning Certificate, such separate Zoning Certificate shall not be required.

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.

Comment [JB1]: Staff proposed language to clarify issue discussed on 9/13

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.~~

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.

5. All camp sites shall be located a minimum setback of 50 from existing property lines.

6. 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.

~~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

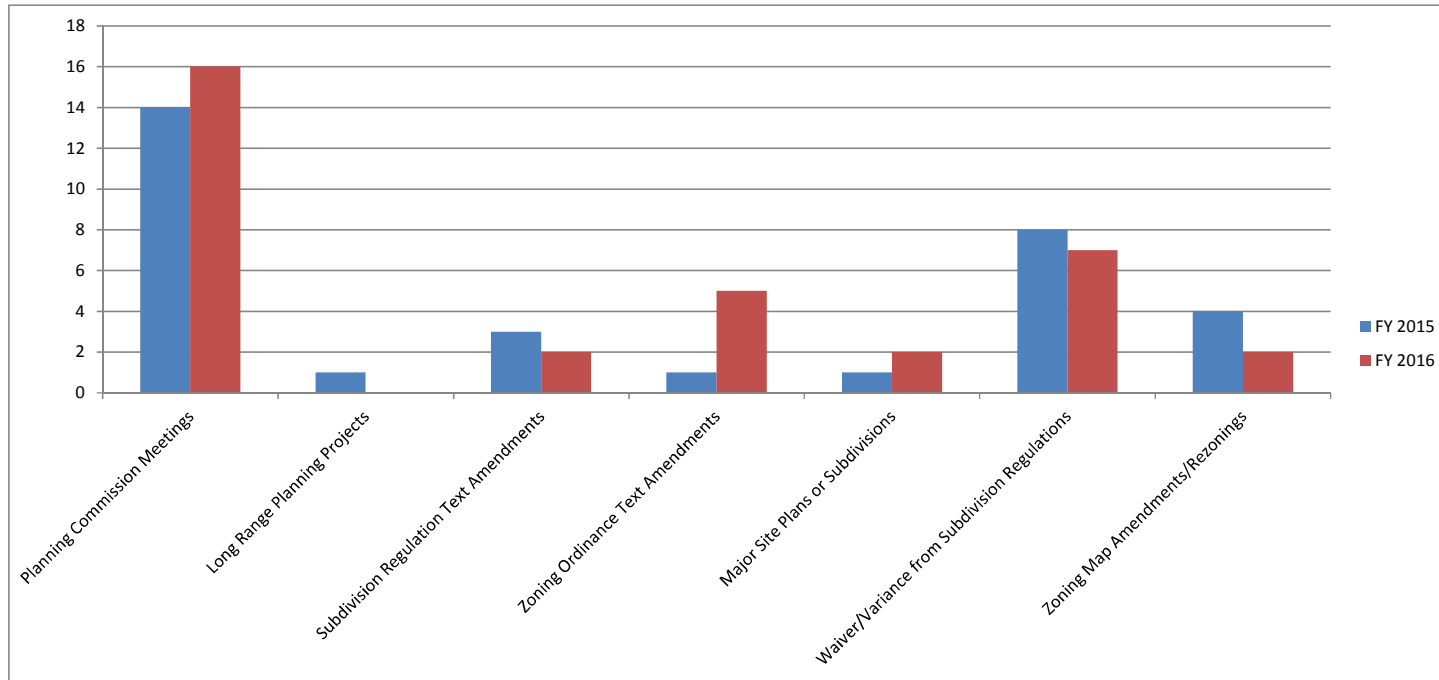
1. Campgrounds uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing.

2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.

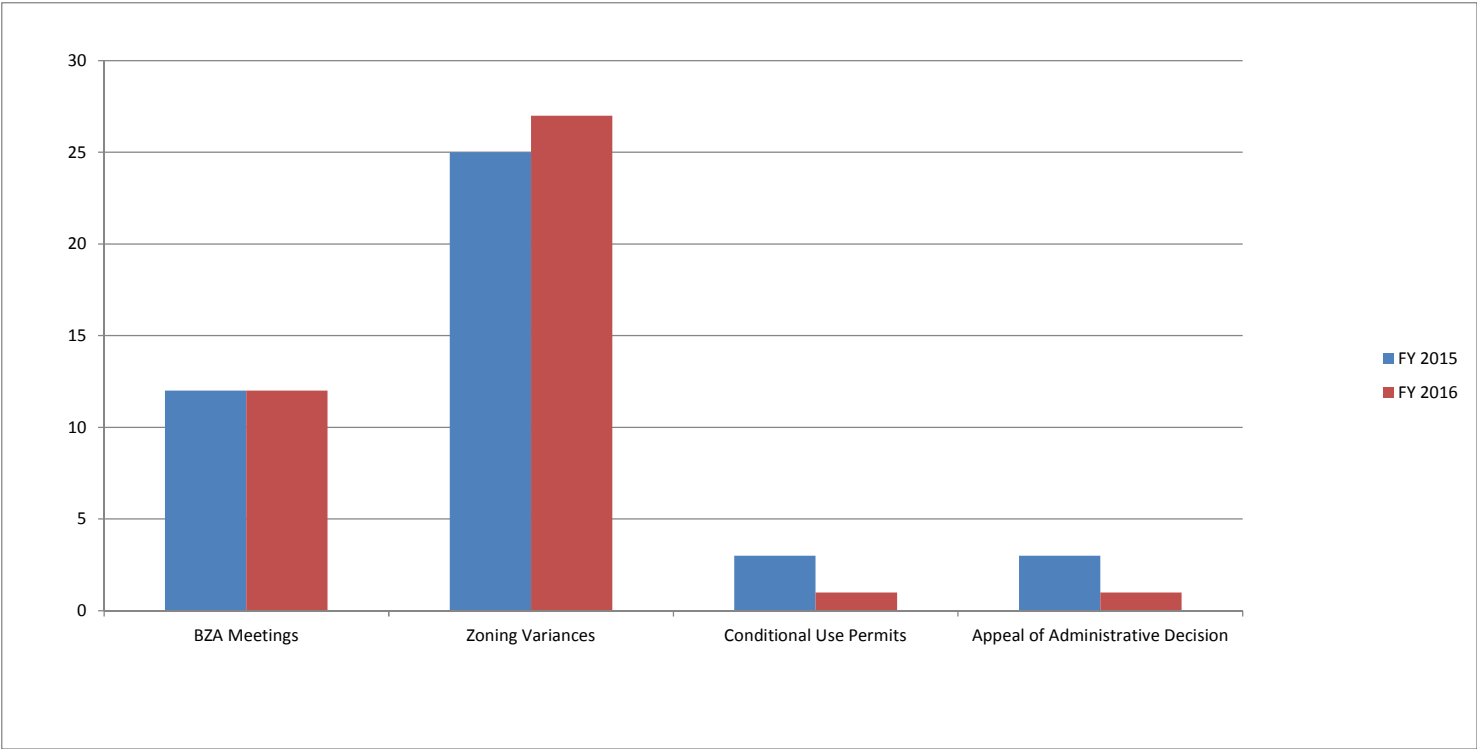
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

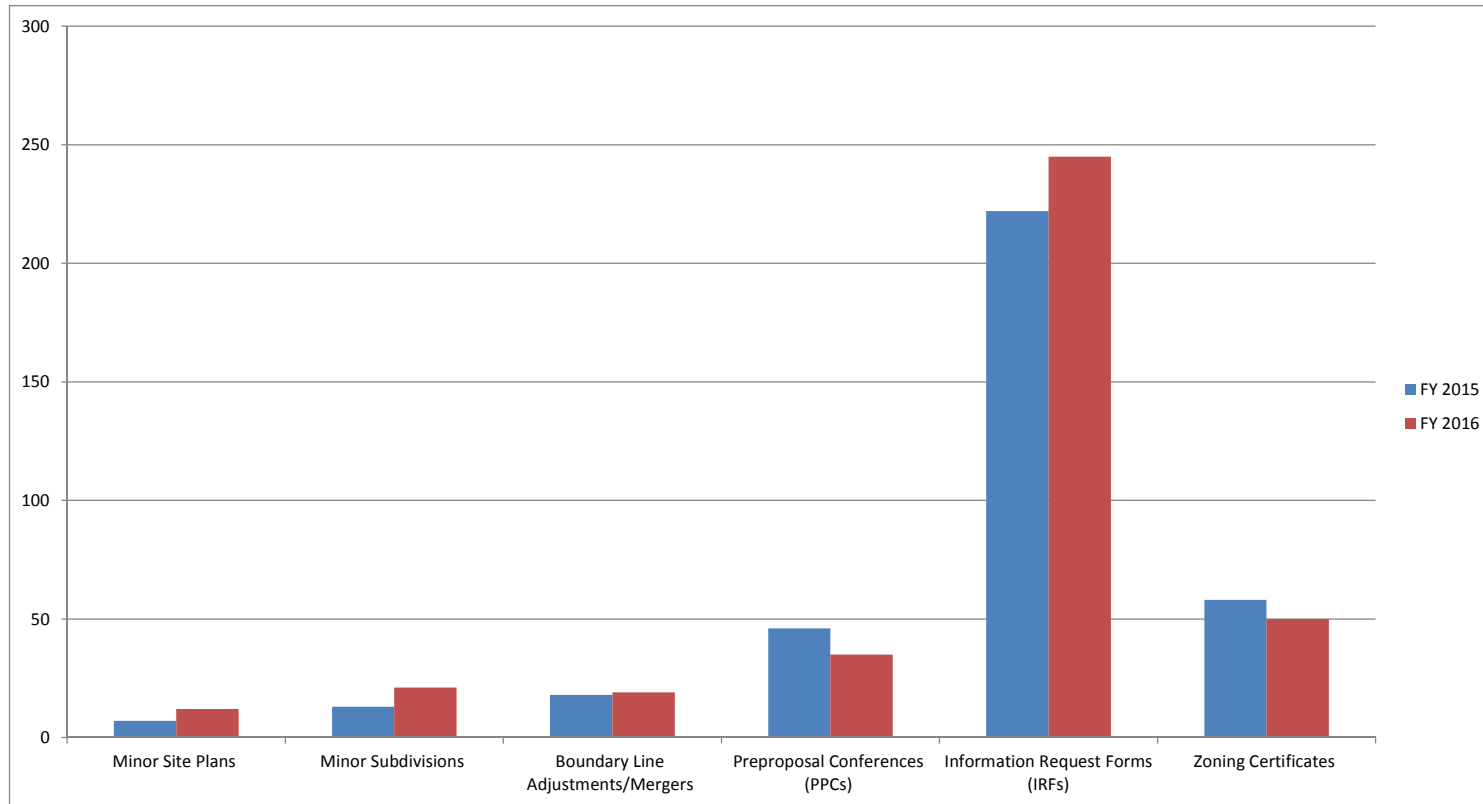
Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty 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 PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.17
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Convenience Store	PC	P	P	P	PC	P	NP	NP	NP	PC	P	NP	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Custom Manufacturing	P	P	P	P	P	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Exterminating Services	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Florist	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Food Preparation	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Hotel/Motel	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Gambling Facilities	NP	NP	NP	NP	PC	NP	NP	NP	NP	NP	PC	NP	Sec. 4.4G
Gas Station, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Gas Station, Large	NP	PC	P	P	PC	PC	PC	NP	NP	P	P	NP	
Golf Course	NP	P	P	P	NP	P	P	NP	NP	P	P	NP	
Grocery Store	P	P	P	P	PC	P	NP	NP	NP	P	P	NP	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	NP	NP	P	P	NP	
Kennel	NP	P	P	P	PC	P	P	P	NP	P	P	NP	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	PC	P	P	NP	NP	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	



	FY 2015	FY 2016
Planning Commission Meetings	14	16
Long Range Planning Projects	1	0
Subdivision Regulation Text Amendments	3	2
Zoning Ordinance Text Amendments	1	5
Major Site Plans or Subdivisions	1	2
Waiver/Variance from Subdivision Regulations	8	7
Zoning Map Amendments/Rezoning	4	2



	FY 2015	FY 2016
BZA Meetings	12	12
Zoning Variances	25	27
Conditional Use Permits	3	1
Appeal of Administrative Decision	3	1



Staff	FY 2015	FY 2016
Minor Site Plans	7	12
Minor Subdivisions	13	21
Boundary Line Adjustments/Mergers	18	19
Preproposal Conferences (PPCs)	46	35
Information Request Forms (IRFs)	222	245
Zoning Certificates	58	50
Fees Collected	\$48,190.07	\$20,298.61