

AGENDA
Jefferson County Planning Commission
Tuesday, June 11, 2019 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: 5-14-2019.
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. Request for postponement.
4. **Public Hearing:** Request by property owners, Willie & Kristi Haines for a Final Plat Amendment in accordance with Section 24.202A of the Subdivision Regulations. Applicant is requesting to have the single family restriction lifted from Lot 10 of the Fieldstone Estates Subdivision (File # 05-11). This Subdivision can be found in Plat Book 22; Page 87. The note in reference is #6. The property is designated as Tax District: Kabletown (06); Tax Map: 20; Parcel: 2.16. Zoned: Rural; Size: 10.2 acres.
5. **Public Hearing:** Request by the applicant, Roberts Land Surveying to approve the Preliminary Plat for Ancient Oaks Subdivision (File # 17-20), in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations. The property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel 8 Zoned: Rural; Size: 43.96 acres.
6. **Public Hearing:** Waiver request by Blossman Gas, Inc. (File # 19-8-PCW). Applicant is requesting a waiver from Section 22.208A and Appendix B Section 10.6 of the Subdivision and Land Development Regulations that requires sidewalks along the road Right-of-Way. Applicant is requesting to waive the required sidewalk along War Admiral Drive and to provide a 10' easement in lieu of the sidewalk. The property is designated as Tax District: Charles Town (02); Map: 1; Parcel: 65. Zoned: Light Industrial; Size: 2.31.

There is no public comment for the following items.

7. **Discussion and Possible Action:** Shepherdstown Planning Commission to discuss next steps regarding the drafting of the WV 45 Special Design Area Guidelines, originally presented outline from May of 2018.
8. **Discussion and Possible Action (Zoning Text Amendments):**
 - a. Petition by Pastor Tanie Guy, Church of the Ascension, in conformance with Section 12.4(b) of the Jefferson County Zoning Ordinance, to amend "Appendix C: Principle Permitted and Conditional Uses Table" to change the provision for Churches in the IC Zone from Not Permitted (NP) to a Conditional Use (CU). A Public Hearing may be scheduled to address this petition.
 - b. ZTA19-01 Proposed at the 4/9/19 PC meeting regarding proposed revisions to Article 2 Definitions; Section 8.14 Rural Reception/Event Facility; and Appendix C to create a process to

allow event facilities in new rural structures (draft language included). A Public Hearing may be scheduled to address this petition.

9. **Discussion and Possible Action:** League of Women Voters' Open Governmental Meetings Act questionnaire for Planning Commission response due June 18, 2019. Planning Commission member to participate in LWV interview should be selected.
10. Reports from Legal Counsel
11. Planner's Memo.
12. President's Report
13. Actionable Correspondence
14. Non-Actionable Correspondence: Letters from Vera Baumgardner and Tim Ridgeway to Planning Commission.

DRAFT
Meeting Minutes
Jefferson County Planning Commission
May 14, 2019

The Jefferson County Planning Commission met on May 14, 2019 with the following Commission members present: Donnie Fisher, President; Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Jack Hefestay, Mike Shepp and Ray Bruning. Staff members present included: Alex Beaulieu, Zoning Administrator; Jonathon Saunders, County Engineer; Nathan Cochran, Assistant Prosecuting Attorney; and Rachael Burke, Planning Clerk.

J. Ware, Ron Thomas and Jennifer Brockman were absent with prior notification.

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

1. Approval of the April 09, 2019 Meeting Minutes. The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.
4. Public Hearing: Waiver request by R & D Investments, LLC. (File # 19-7-PCW). Applicant is requesting a waiver from Sections 24.113-24.115 of the Subdivision and Land Development Regulations to waive the Preliminary Plat because no infrastructure is proposed with this project. The property is designated as Tax District: Shepherdstown (09); Tax Map: 18; Parcel: 5; Zoned: Rural; Size: 12.5 acres.

Ms. Beaulieu asked the applicant to come forward to present their request.

Mike Roberts, surveyor, explained where the property is located and verified the current acreage in question, actually 12.5 acres after subdivision. Rawhide Lane is a recorded existing non-exclusive right of way, which they intend to expand to 50' from the current 40'. The recorded right of way is on the subject property. The applicant is now proposing 4 lots instead of 6, which would take an entrance off 230 and reduce traffic on this road. The average size of lots is 3 acres.

The Planning Commission asked about road maintenance and the location of the potential cemetery, from the previous meeting, per staff recommendations. Mr. Roberts clarified that the cemetery could be near the house on the Greenspace and that no depressions have been found thus far in clean up on this parcel.

Ms. Beaulieu explained that the comment that the developer will work with the Jefferson County Historic Landmarks Commission (JCHLC) to identify and if possible, preserve the possible slave cemetery was discussed during the November 2018 Public Workshop for Pikeview Manor (File #'s: PCW 18-15 & PCW 18-16) and was a condition of approval. Staff recommends that this previous condition be included with the approval of this current waiver. Additionally, staff recommends that the developer document that the Mountain Vista HOA supports the addition of the 4 lots to access Rawhide Lane and that the developer provide a permanent conservation easement on the final plat at the lowest point on each lot in conformance with the criteria of the Stormwater Management (SWM) Ordinance cited in the staff report.

Discussion ensued regarding the road maintenance, highway entrance permit needing to be updated (depending on current waiver approval), the possible slave cemetery and Mr.

Saunders explained that if this waiver is approved, the Preliminary Plat will be waived and Stormwater Management will still be addressed. The applicant is reducing the impervious, therefore the compromise is that the conservation easement be produced by the developer. This easement will be a wooded area to help with water quality, but water quantity which would require further engineering would not be required. This would mean no mowing this area, natural conditions would be at the lowest point on each lot.

Mr. Shepp asked if the owner was okay with the 3 conditions and Mr. Roberts explained they are.

Mr. Fisher opened the floor for public comment.

The following people spoke regarding the request:

Sherry Duncan – 5104 Shepherdstown Pike; She has concerns about further subdivision due to widening of road.

John Dockman – 370 Rawhide Ln.: He stated he attended November meeting and was trying to understand the changes regarding access, amount of homes and the Traffic Impact Study (TIS). Also, HOA concerns with ownership of road, impact to existing homeowners. Ms. Beaulieu addressed the density rights and acreage questions.

Michelle Dockman (same address)

Mr. Fisher closed public comment.

Staff, Planning Commission and Applicant answered questions that came up in public comment. Ms. Beaulieu explained that 12 lots are allowed on a county grade road as proposed. Twelve lots are also permitted per the Family Transfer Provision. Mr. Saunders elaborated that more than 12 lots would require a paved road and Family Transfers would need a waiver due to the 40' road, which would be heard by the Planning Commission. The plat shows Rawhide Lane as an easement across this land. This means the new homes will own the road and have the right to use, but that the HOA upkeeps it. Mr. Saunders explained the HOA has the right to use this land/road.

Mr. Stolipher made a motion to approve the waiver with the following conditions of approval: to obtain a road maintenance agreement with Mountain Vista HOA (to be established for Rawhide Lane), a permanent conservation easement on the final plat on the lowest part of each lot, and the developer agrees to work with the JCHLC to identify and preserve possible slave cemetery. The motion carried.

- 5. Discussion and Action:** For the Planning Commission to vote to approve or deny the Ancient Oaks Preliminary Plat Application (File # 17-20) as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulations, for the purpose of scheduling a Public Hearing for this application. The Property is designated as Tax District: Middleway (07); Tax Map: 20; Parcel 8 Zoned: Rural; Size: 43.96 acres.

Ms. Beaulieu explained that the Planning Commission is required to deem this application as complete, to be able to schedule the public hearing for June, in accordance with the Subdivision Regulations.

Mr. Shepp asked if Mr. Roberts had the appropriate approvals and that we should move forward with the staff approval.

Mr. Stolipher made a motion to deem the file complete and move forward with public hearing, the motion carried.

6. Reports from Legal Counsel

The Planning Commission asked about the status of the sign ordinance update. Nathan stated that it has been discussed and if the RFQ for the ordinance amendments are going to occur, this may be included in these revisions at that time.

Mr. Stolipher announced that the RFQ has been advertise and that applications are due on 6/14/19. If funded, we will include sign provisions of the Zoning Ordinance can be updated as a part of these amendments.

7. Planner's Memo:

8. Actionable Correspondence. None.

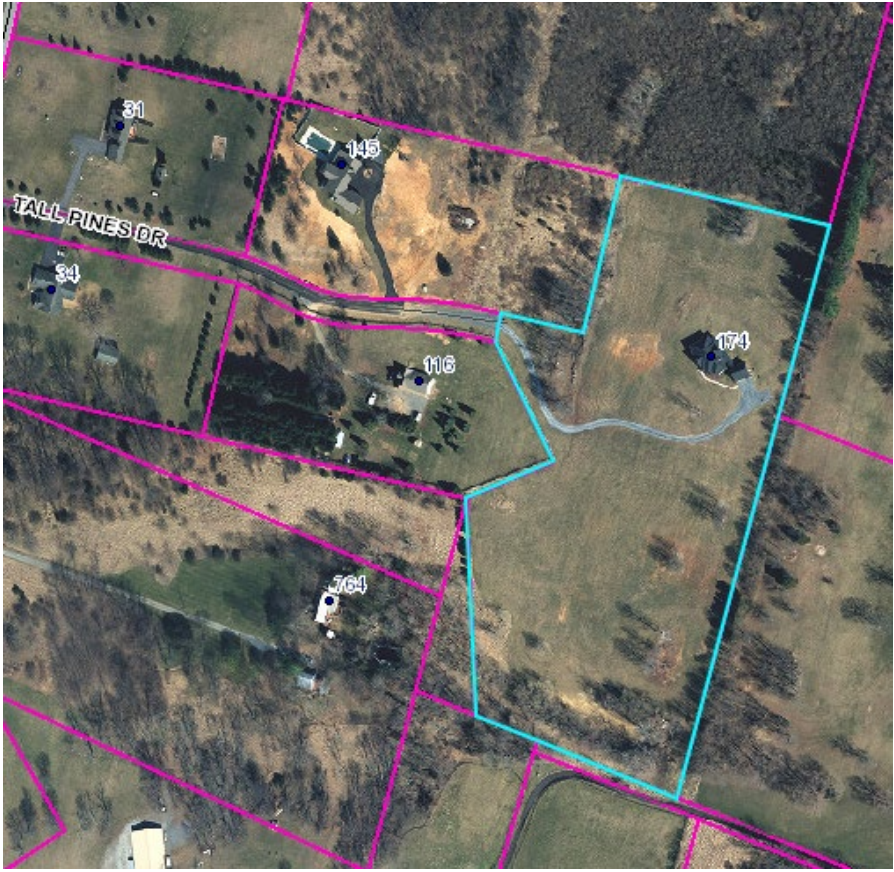
9. Non-Actionable Correspondence. None.

Mr. Fisher closed the meeting at 7:42 PM.

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Haines Property (PC File #05-11)

Public Hearing: Request by applicants Willie and Kristi Haines for a Final Plat Amendment to the Fieldstone Estates Subdivision (File # 05-11) for the purpose of lifting the Single Family restriction from Lot 10 in accordance with Section 24.202.A of the Subdivision Regulations.

APPLICANT:	Willie and Kristi Haines	
OWNER:	Same as above	
DEVELOPER:	Same as above	
SURVEYOR/ENGINEER:	N/A	
PROPERTY LOCATION:	174 Tall Pines Dr., Charles Town, WV 25414	
LEGAL DESCRIPTION & ZONING MAP DESIGNATION:	Tax District: Kabletown (06); Tax Map: 2; Parcel: 2.16; Size: 10.2 ac; Zone: Rural	
		
SURROUNDING PROPERTY ZONING:	North: Rural South: Rural	East: Rural West: Rural
APPROVED ACTIVITY:	Single Family Residence	
APPROVALS:	01/24/06: Plat received PC approval under the 1979 Subdivision Ordinance; 02/24/06: Plat recorded in PB 22/PG 87	

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Background

On February 24, 2006, a subdivision plat known as Fieldstone Estates Subdivision was recorded that created three large lots which access on Tall Pines Drive. The property in this subdivision is zoned Rural. The plat was recorded with a number of Subdivision Notes including note #6 which states “Each lot is restricted to one single family residence only”, which was a requirement of the 1979 Subdivision Regulations which this plat processed under. This note is the subject of this plat amendment request.

The applicants live on the referenced 10.2-acre property. The applicants would like to build an adjacent or attached in-law suite for their mother. Under the current Zoning Ordinance, In-law Suites are a principal permitted use in the Rural Zoning District as an Accessory Dwelling Unit on a property of at least two acres.

Zoning Ordinance Requirements

If the Planning Commission approves this minor plat amendment lifting the single family restriction for Lot 10, the applicant can process under the zoning requirements for Accessory Dwelling Units found in Section 8.15 of the Zoning Ordinance. 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 the criteria found in Section 8.15.

Plat Amendment Requirements

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, “Amendment, Modification, and the Vacating of Subdivision Plats”, states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

1. All of the property that is affected by the amendment is under the ownership of the applicant;
2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment is required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the Spirit of Jefferson newspaper.

Recommendation

Staff recommends approving the requested plat amendment to include deleting Note #6 as it relates to Lot 10 of Fieldstone Estates Subdivision found on PB 22/ PG 87, as specified in the request. Approval of this request will allow the applicant to proceed with a Building Permit for the In-Law Suite. If the applicant chooses to process a Final Plat Amendment, staff also recommends that the Planning Commission authorize the staff to review and approve the plat amendment reflecting the requested change prior to recordation.

4/15/2019

Willie & Kristi Haines
174 Tall Pines Drive
Charles Town, WV 25414

Jefferson County, WV Office of Planning & Zoning
116 East Washington Street, P.O. Box 716
Charles Town, WV 25414

To Whom it May Concern,

This letter represents a request for a Plat Amendment to have the single family restriction (Note#6 on Plat Book 22, Page 87) lifted from our plat (PC File #05-11 Fieldstone Estates). We are proposing to build an In-Law Suite adjacent/attached to our house for my elderly mother.

It is my understanding that it is required to submit this formal letter of request so a Legal Ad may be posted in the Spirit of Jefferson for 30 days. After the ad runs then a public hearing will be scheduled. I am hoping this letter has been submitted in time to have the ad run so we may be scheduled for the June 11, 2019 public hearing.

If any questions please feel free to contact me at 404-516-1955 or my husband, Willie at 304-261-7619.

Thank you!


Kristi Haines

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Ancient Oaks Subdivision Preliminary Plat (File #17-20)

Public Hearing: Request by the applicant, Roberts Land Surveying to approve the Preliminary Plat for Ancient Oaks Subdivision (File # 17-20), in accordance with the Sections 24.114 and 24.115 of the Subdivision Regulations.

APPLICANT:	Roberts Land Surveying
OWNER/DEVELOPER:	Larry. H & Donna K. Boyd
SURVEYOR/ENGINEER:	Roberts Land Surveying
PROPERTY LOCATION:	North side of Middleway Pike, West of Willingham Drive
LEGAL DESCRIPTION:	Tax Dist.: Middleway (07) Tax Map: 20; Parcel 8; Size: 43.96 acres
	
ZONING DISTRICT:	Rural
SURROUNDING PROPERTIES:	North: Rural East: Rural South: Rural West: Rural
LOT AREA:	43.96 Acres
PROPOSED ACTIVITY:	Lot Major Cluster Subdivision (Approved 2/13/18 PC Meeting)
APPROVALS:	PC Concept Plan Approval (8 Lot Cluster Subdivision): 02/13/18 Preliminary Plat Submitted: 06/06/18 Waiver for Separate Access for Greenspace: 03/12/19 Preliminary Plat Approved by Staff: 04/16/19 Preliminary Plat deemed complete by PC: 05/14/19

Introduction and Purpose

The applicant is proposing an 8-Lot Cluster Subdivision on the 43.63-acre property located on WV 51 (Middleway Pike) west of Willingham Road. The proposed cluster development includes seven (7) proposed clustered lots, 2 acres each, off a proposed cul-de-sac to be named Ancient Oaks Court, and a 28.66-acre greenspace (including 1.47 acres of stormwater management area). The property is zoned Rural and is developing under the Cluster Provisions of the Zoning Ordinance, which requires processing as a

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Major Subdivision.

A Major Subdivision, under the 2008 Subdivision Regulations, as amended, includes processing a Major Subdivision Concept Plan, a Preliminary Plat, and a Final Plat. The Concept Plan for this development was approved by the Planning Commission on February 13, 2018, which authorized the applicant to move forward with the Preliminary Plat. The applicant also requested a waiver allowing the proposed greenspace, which is occupied by an existing single family home and related farms structures, to utilize a separate access from Willingham Road, with WV DOH approval. This was approved by the Planning Commission on March 12, 2019.

Preliminary Plat Approval Process

The applicant has submitted the Preliminary Plat for Ancient Oaks for review and approval. In accordance with Section 24.113 of the Subdivision Regulations, the Planning Commission deemed the Preliminary Plat application substantially complete on May 14, 2019. In accordance with Section 24.114 of the Subdivision Regulations, the Planning Commission scheduled this Public Hearing for June 11, 2019, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations.

The Subdivision Regulations require the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WVDOH and the Jefferson County Board of Health. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at submission of the Preliminary Plat. The Department is also required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled. This staff report acts as that written opinion.

Engineering, Planning and Zoning Staff completed their review of the Preliminary Plat in accordance with these Articles and the requirements of Appendix A, Section 1.3 and provided the Planning Commission with a staff report for their May 14, 2019 meeting which stated that the Engineering, Planning and Zoning Staff had finalized the “completeness review” pending completion of a Phase 1 Archaeological Study and/or a Historic Resource impact study or a letter from SHPO stating such a study is not warranted. This is still the only outstanding comment.

The purpose of today’s Public Hearing is to receive public comment on the proposed Preliminary Plat in accordance with the Subdivision Regulations and WV Code 8A.

Subdivision Requirements Related to Preliminary Plat Approval

The following summarizes the requirements of Section 24.115 of the Subdivision Regulations which requires the Planning Commission to review the recommendations and opinions of the reviewing agencies, the staff’s decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. It also states that, in making its decision, the Planning Commission shall apply the following excerpted rules:

1. Zoning. The Planning Commission cannot deny an application on the basis of zoning if the staff’s decision is that the application complies with the Zoning Ordinance.
2. Impact Fees. The preliminary plat application cannot be denied on the grounds of adverse impact

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on services which benefit from the County's adopted impact fees (parks and recreation, schools, law enforcement, fire protection, and emergency services).

3. Roads. The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads.
4. Sewer and Water Systems. All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the relevant Public Service District or private utility. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error. In this case, the subdivision is being served by on-site wells and septic systems under the approval of the Jefferson County Health Department.
5. Engineering and Landscaping. The plan being reviewed consists of substantial sediment and erosion control, stormwater management, sewer or water system engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.
6. Open Space. Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.

Approval of the Preliminary Plat may include conditions based on input from the Department of Engineering, Planning and Zoning and relevant agencies that must be met in the preparation of the final plat, final engineering, and final landscaping. Such conditions may include any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.

Planning Commission Action Required

Section 24.115 of the Subdivision Regulations states that, after the close of the public hearing, or at any meeting within 14 days thereafter, the Planning Commission shall do one of the following:

- (1) Approve the application;
- (2) Approve the application with conditions;
- (3) Deny the application; or
- (4) Hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold the Public Hearing. Additional legal advertisement is not required.

It further states that the Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items (emphasis added). In the event that the Preliminary Plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, Staff shall have the authority to grant final approval of the Preliminary Plat once the conditions are met. Also, if the Planning Commission conditionally approves the Preliminary Plat,

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then the applicant shall be required to submit a notarized document expressly and explicitly waiving the 45-day time requirement for the Planning Commission and/or Staff to act. If the applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the Preliminary Plat.

Sec. 24.115 of the Subdivision Regulations further states that the approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for a public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

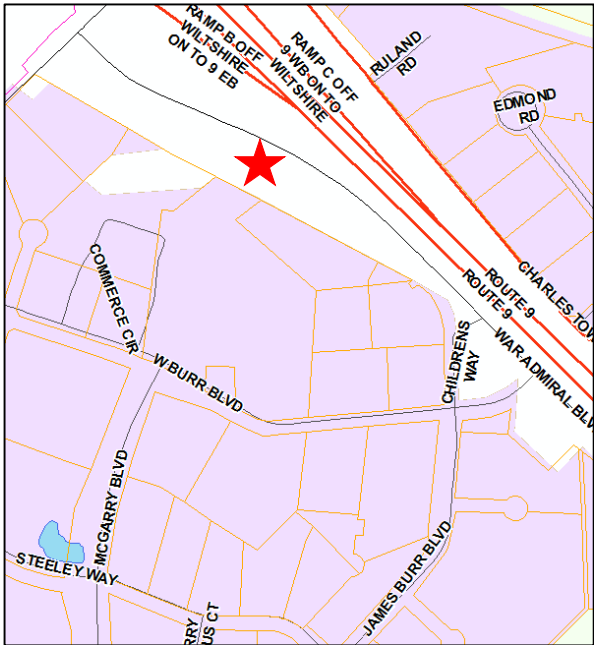
Staff Recommendation

In addition to any conditions that may arise as a result of public comment received at the Public Hearing, staff recommends approving the Preliminary Plat with the condition that the applicant adequately address the required Phase 1 Archaeological Study and/or a Historic Resource impact study or a provide a letter from SHPO stating such a study is not warranted.

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Blossman Gas Waiver Request (#19-8-PCW)

Public Hearing: Request by applicant Blossman Gas, Inc. (File # 19-8-PCW) for a waiver from Section 22.208A and Appendix B Section 10.6 of the Subdivision and Land Development Regulations that requires sidewalks along the road Right-of-Way. The applicant is requesting to waive the required sidewalk along War Admiral Drive and to provide a 10' easement in lieu of the sidewalk.

APPLICANT:	Blossman Gas, Inc.
OWNER/ DEVELOPER:	Same as Applicant
CONSULTANT:	Gordon
PROPERTY LOCATION:	Burr Industrial Park, Lot 12, fronts along War Admiral Blvd Kearneysville, WV 25430
LEGAL DESCRIPTION & ZONING DISTRICT	<p style="text-align: center;">District: Charles Town (02); Map: 1; Parcel: 65 Size: 2.31 acres; Zone: Industrial-Commercial</p> 
SURROUNDING PROPERTIES ZONING	<p style="text-align: center;">North: Industrial-Commercial South: Industrial-Commercial East: Industrial-Commercial West: Industrial-Commercial</p>
PARCEL HISTORY:	<p>3/1/91: Burr Industrial Park, Phase 1 (Lots 1-44) Industrial-Commercial (88-68) 10/26/17: BZA approved Conditional Use Permit to allow for a propane distribution facility to consist of two (2) 30,000-gallon propane storage tanks and related office and warehouse areas (#CUP17-05). 07/26/16: BZA approved a variance to reduce building setback requirements for commercial/industrial uses within the Park to 25' for all vacant JCDA lots; to reduce the landscape buffer for commercial/industrial sites adjacent to commercial/industrial uses; to allow a modified planting standard; and to reduce the parking and drive aisle setbacks for a proposed industrial use (ZV16-14).</p>

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1. Site Background:

The subject parcel is Lot 12 in the Burr Industrial Park, Phase 1 (PC File #88-68); recorded on March 1, 1991 (Plat Book: 10; Page: 10). A revised plat was subsequently recorded on May 16, 1994 (Plat Book 12; Page 21), which increased the size of the parcel to 6.50 acres. In January, 1995 the parcel's acreage was reduced to the current 2.31 acres through eminent domain by the West Virginia Department of Transportation, Division of Highways for the construction of the new WV 9. This transfer inadvertently left the parcel landlocked but physically fronting on a DOH right-of-way (War Admiral Boulevard). In conjunction with the CUP which was approved January 17, 2018 and site plan which was submitted April 9, 2019 and is currently under review, the WV DOH has approved this lot to have access off War Admiral Boulevard.

2. Summary of the Request:

The applicant is requesting a waiver from Section 22.208A and Appendix B, Section 10.6 of the Subdivision and Land Development Regulations that requires sidewalks along the road Right-of-Way to support all non-residential subdivision/site development. The applicant is requesting to not install the required sidewalk along War Admiral Drive and to provide a 10' easement in lieu of the sidewalk.

3. Recommendations of *Envision Jefferson 2035 Comprehensive Plan*:

It should be noted that the interconnectivity of businesses and neighborhoods was identified as an important objective of the *Envision Jefferson 2035 Comprehensive Plan* and, as such, the waiver of the required sidewalk, needs to be carefully considered. While the following excerpts from the Comp Plan are not requirements, they should be taken into consideration when reviewing this waiver request and may indicate the need to clarify this provision of the Subdivision Regulations in the future.

Comprehensive Plan Excerpts

Goals 12 and 13 relate to Transportation. Under Goal #13, which states "Provide a Variety of Options for Mobility and Accessibility for Jefferson County Residents and Visitors, including Public Transportation and Pedestrian/non-motorized Opportunities within the County and Between Neighboring Counties and States" (p. 202), the following objectives particularly relate to the provision of sidewalks:

Objective #4: Implement a network of sidewalks, shared roadways, and trails that are available to residents of Jefferson County and that connections along the trails/pathway are extended into adjoining neighborhoods, communities, and counties.

Objective #5: Require that sidewalks are constructed (or that at a minimum, easements are provided) within and connecting to existing and new development within the UGBs, PGAs, or Villages.

Under Subsection 2E "Transportation" there is a discussion of "Sidewalks and Trails" (p. 114) which includes the following benefits to sidewalks and trails:

"The increased availability of sidewalks and trails would encourage:

- greater transportation options;
- health, wellness and safety of residents;
- reduced transportation costs for both communities and for residents; and
- a greater sense of community."

The Transportation Recommendations (Goals 12 & 13) Section (p. 116) includes the following

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“#7 Strengthen provisions in the County’s Subdivision and Land Development Regulations to accomplish the following:

- a. Provide for the incremental construction of sidewalks and bicycle and pedestrian paths in and between new and existing neighborhoods as development occurs.
- b. Require commercial developers to enhance sidewalks, bicycle, and pedestrian paths accessibility, and visibility within their developments.
- c. Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments. (*emphasis added*).

#8 Coordinate with planning efforts underway by a variety of stakeholder groups to identify and build a series of multi-use trails connecting the County’s municipalities, villages, schools, and parks, as well as developing connections to adjacent counties for commuter and recreational purposes”.

The section entitled “Implementation Tools” includes numerous proposed actions for the Planning Commission including the development of opportunities for “interconnectivity for roads, sidewalks, and trails to other neighboring developments and property” to be required which, in turn, will reduce the traffic volumes on the primary roads.

4. Requirements of Subdivision and Land Development Regulations:

Toward this end, the Jefferson County Subdivision and Land Development Regulations includes a number of references and recommendations regarding the provision of sidewalks for both residential and non-residential developments, including those that follow.

Article 21 Subdivision and Development Design; Division 21.200 Site Plan Requirements

Section 21.204 Pedestrian Circulation:

“All proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. The criteria for this include:

A. Access to Adjoining Property. The access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks.

B. Crossings. Crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings. Landscaping shall not interfere with sight distances. Traffic calming measures shall be encouraged in any locations where pedestrian crossings are proposed. . . .” (*emphasis added*).

Article 22 Infrastructure and Grading; Division 22.200 Streets

Sec. 22.208 Sidewalks:

“**A. Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted

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street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.” (emphasis added).

Appendix B - Engineering Standards

Section 10.6 Curbs, Gutters, & Sidewalks⁴

- “A. Stormwater management using low impact development technology (LID) and landscaping or curb and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided to convey stormwater from impervious areas to stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter. (emphasis added).
- B. Internal site sidewalks and ramps shall be provided where necessary to convey pedestrian traffic from parking areas to buildings; and shall be in accordance with Appendix B, Section 2.2.K, Curbs, Gutters, & Sidewalks.
- C. Sidewalks shall be provided where required to continue existing public sidewalks or where required to provide pedestrian conveyance between existing developments on either side of the proposed site”.

5. Staff Comments:

While Section 10.6A of the Subdivision Regulations does provide that on a case by case basis, the Office of Planning and Zoning may consider alternatives to traditional sidewalks and that Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, Staff generally does not administratively approve the use of an easement only for a commercially or industrially zoned property or in an area with urban level density and therefore required the submittal of this waiver request. For this reason, Staff directed the applicant to apply for a waiver for consideration by the Planning Commission.

While War Admiral Drive is not currently a road along which much pedestrian traffic occurs, this stretch of the road leads into the Ranson Urban Growth Boundary and is included in an area identified as potential Urban Growth Boundary Expansion in the *Envision Jefferson 2035 Comprehensive Plan*. Residential and non-residential growth is anticipated to occur along the southwest side of WV 9 both north and south of Wiltshire Boulevard as utilities become more readily available in this area. A major school complex is proposed south of the intersection of War Admiral Drive and Curry Road which may also generate future pedestrian traffic.

While it should be noted that there is a regional bike path on the northeast side of WV 9, this path will not serve to provide pedestrian connectivity to growth on the southwest side of WV 9 and the Planning Commission should consider planning for future growth that is anticipated in this area in the *Comprehensive Plan*. This appears to be an area which requires planning for the future provision of pedestrian interconnectivity as the adjoining areas develop with commercial/industrial uses and residential developments. The recommendations of the *Comprehensive Plan* regarding providing

Staff Report
Jefferson County Planning Commission Meeting
June 11, 2019

pedestrian interconnectivity makes this recommendation for existing as well as proposed development. The question always becomes how to begin to meet this goal in an area that is already partially developed without this feature. At a minimum, the provision of an easement along the frontage of this property allows for the potential for future pedestrian interconnectivity as other properties along this road develop or redevelop.

6. Waiver Requirements:

The applicant is requesting that the requirement for providing a sidewalk along the property frontage be waived. They have addressed the following requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in their attached application:

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) that 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;
- (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- (4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

7. Staff Recommendation:

Staff prefers to see the beginning of an interconnected sidewalk for this area of the County; however, if the Planning Commission is inclined to approve this waiver, staff recommends that a 10’ easement be provided by deed or plat for the potential future development of a pedestrian walkway along War Admiral Way.



JEFFERSON COUNTY, WEST VIRGINIA
Dept. of Engineering, Planning, and Zoning
Office of Planning and Zoning
 116 East Washington Street, P.O. Box 716
 Charles Town, WV 25414
 www.jeffersoncountywv.org

19-8-PCW

File Number: 19-15
 Staff Initials: RBB
 Sketch Received: pending
 List of Adjoiners: " "
 Fees Paid: 100.00

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

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

Waiver Request

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

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

Property Owner Information

Name: Blossman Gas, Inc
 Mailing Address: 809 Washington Ave, Ocean Springs, MS 39059
 Phone Number: 228-872-8943 Email: tmreinke@blossmangas.com

Applicant Contact Information

Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

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

Name: Gordon
 Mailing Address: 148 S Queen St, Suite 201, Martinsburg, WV 25401
 Phone Number: 304-725-8456 Email: jgerhart@gordon.us.com

Physical Property Details

Physical Address Burr Industrial Park Lot 12
 Tax District: Charles Town Map No: 1 Parcel No: 65
 Parcel Size: 2.31 Deed Book: 1218 Page No: 498

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)	
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
			Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
			<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Date Stamp Here

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

Section 10.6 of Appendix B and Section 22.208

Briefly Describe the Nature of Your Waiver Request:

See attached

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.

See attached.

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.

See attached.

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

See attached

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

See attached

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

 5/22/19

Signature of Property Owner

Date

Signature of Property Owner

Date

To Be Completed By Office

_____ Date of Public Meeting/Public Hearing

_____ Date Property to be Posted By

_____ Official/Administrative Body

_____ Date Adjoiner Letters to be Mailed

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

Approved *Denied*

Burr Industrial Park Lot 12

Waiver Request Addendum (Sidewalks)

May 22, 2019

What Section of the Subdivision Regulations are you requesting to waive.

Section 22.208.A. Location of Sidewalks: Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.4

Appendix B - Section 10.6. Sidewalks: Stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10-foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided to convey stormwater from impervious areas to stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.

Briefly describe the narrative of your waiver request:

It is requested that a sidewalk not be required adjacent to War Admiral Drive (State Route 115). A ten-foot easement will be provided in-lieu of the sidewalk if requested by Jefferson County to allow for potential future trail improvements. Although the distance between the property and edge of pavement negates any benefit the 10-foot easement may provide.

There are no sidewalks located along War Admiral Drive, within Burr Business Park or along any street within a mile of the subject property (excluding Route 9 Bike Path). Potential for future development along War Admiral Drive is limited due to the existing development of the parcels to the east and west. Providing a sidewalk on this property along War Admiral Drive will provide no benefit and will create additional impervious surfaces and maintenance costs.



PROPERTY AERIAL

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

This sidewalk, constructed or not, will have no impact on open space or the County Parks Plan. The construction of the sidewalk will require unnecessary maintenance from the property owner and continued inspection from the County to ensure it is maintained.

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

This sidewalk, constructed or not, will have no impact on the public or adjacent property owners. Adjacent properties do not have sidewalks along the streets. The Burr Business Park was granted a waiver providing relief from sidewalk requirements. This waiver recognizes this area as a destination-based business location with no pedestrian traffic.







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

The intent of the Ordinance is to guide safe and logical development within the County. Section 10.6 recognizes that sidewalks may not be necessary in all locations and each development should be judged on a case by case basis. The installation of a sidewalk which leads to nowhere is not logical or beneficial to the community.

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

This waiver will provide reduced impervious surfaces, reduced stormwater runoff and eliminate the waste associated with an unused piece of infrastructure. The construction of a sidewalk in this location represents an unnecessary cost to the property owner and contributes nothing to the quality of the project.

LEGEND:

-  ENTRANCE ASPHALT PAVEMENT
-  STANDARD ASPHALT PAVEMENT
-  CONCRETE SIDEWALK/CURB
-  GRAVEL DRIVE

WAR ADMIRAL BOULEVARD-W.V. 115
(MINIMUM 10' FEET-OF-WAY)



TOP ELEV. = 548.95
INVERT IN WEST = 531.18
INVERT IN EAST = 534.14
INVERT OUT NORTH = 533.96

TOP ELEV. = 551.51
INVERT OUT = 546.51
INVERT IN = 546.71

TOP ELEV. = 560.11
INVERT OUT WEST = 548.21
INVERT IN EAST = 548.90

AUTOMATED MERCHANDISING SYSTEMS INC.
TM. I. PARCEL 72
D.B. 948, PG. 450
(LOTS 19 & 20 BURR INDUSTRIAL PARK)
ZONED: INDUSTRIAL-COMMERCIAL
USE: COMMERCIAL

BLOOMMAN GAS, INC.
TM. I. PARCEL 65
D.B. 1818, PG. 488
(LOT 18 BURR INDUSTRIAL PARK)
ZONED: INDUSTRIAL-COMMERCIAL

AUTOMATED MERCHANDISING SYSTEMS INC.
TM. I. PARCEL 78
D.B. 948, PG. 450
(LOTS 19 & 20 BURR INDUSTRIAL PARK)
ZONED: INDUSTRIAL-COMMERCIAL
USE: COMMERCIAL

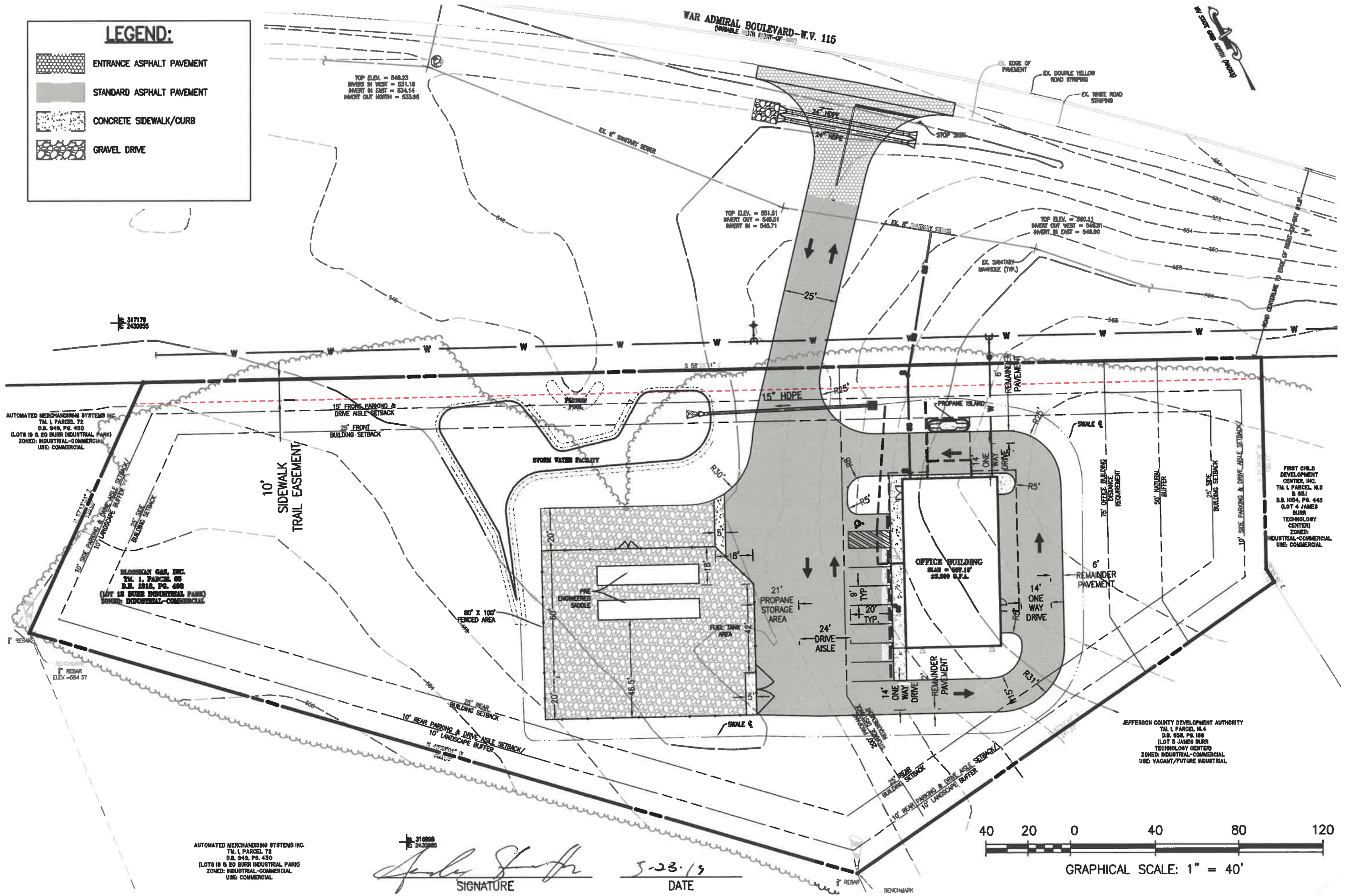
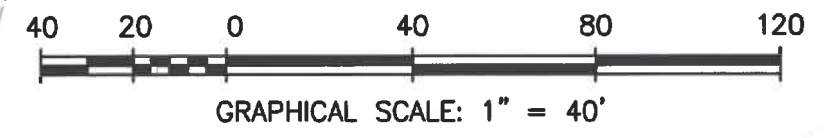
FIRST CHILD DEVELOPMENT CENTER, INC.
TM. I. PARCEL 16.5
& 65.1
D.B. 1054, PG. 445
(LOT 4 JAMES BURR TECHNOLOGY CENTER)
ZONED: INDUSTRIAL-COMMERCIAL
USE: COMMERCIAL

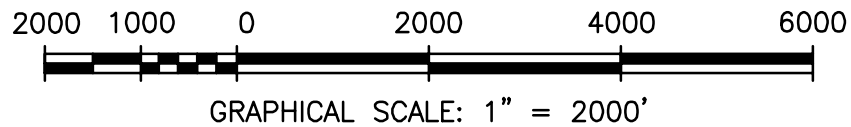
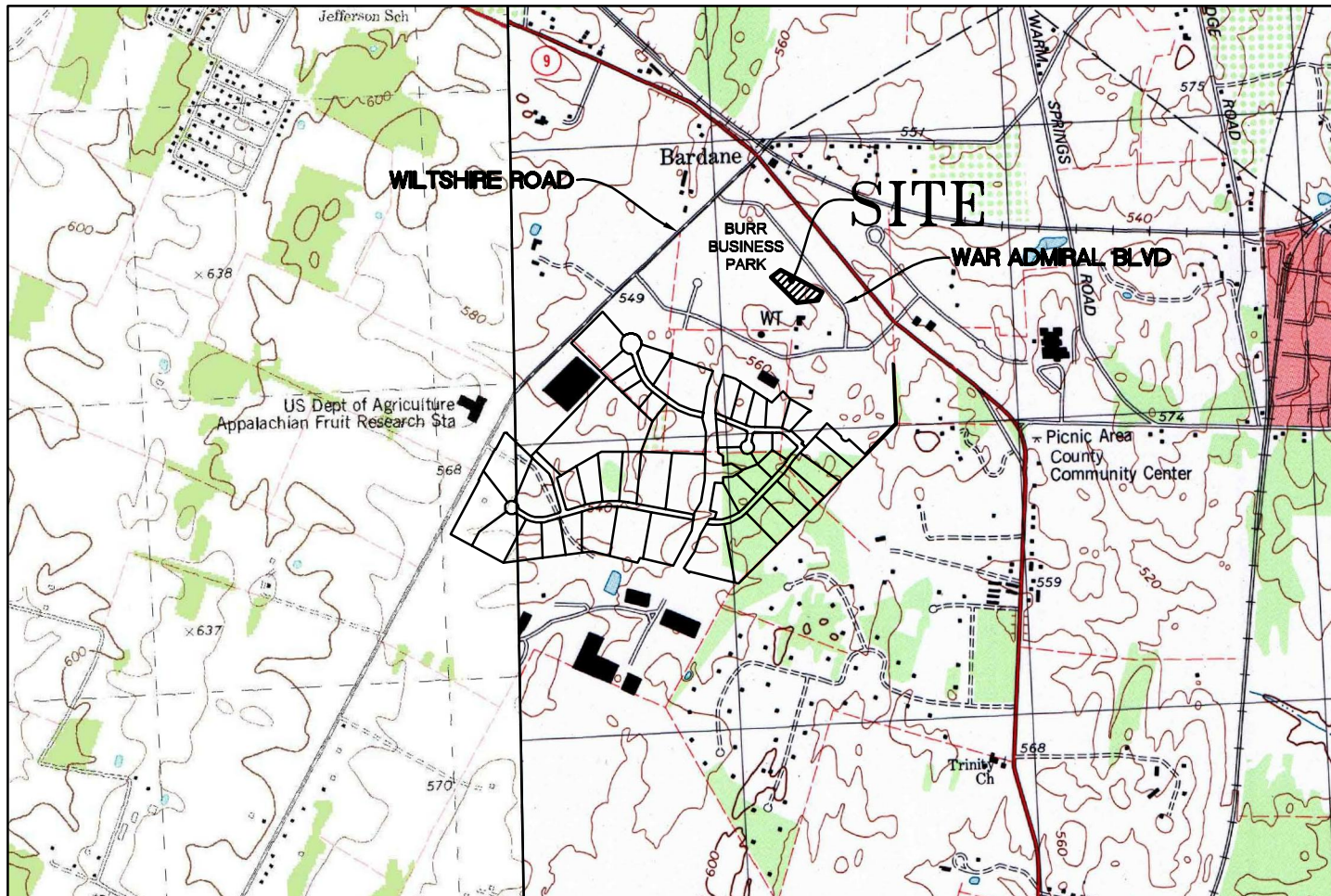
JEFFERSON COUNTY DEVELOPMENT AUTHORITY
TM. I. PARCEL 16.4
D.B. 858, PG. 189
(LOT 3 JAMES BURR TECHNOLOGY CENTER)
ZONED: INDUSTRIAL-COMMERCIAL
USE: VACANT/FUTURE INDUSTRIAL

31688
243095

John Smith
SIGNATURE

5-23-19
DATE





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148 S. Queen Street, Suite 201
Martinsburg, WV 25401
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PROGRAMMING AND PLANNING
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LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING

BURR INDUSTRIAL LOT 12 / BLOSSMAN GAS

VICINITY MAP
SCALE: 1" = 2,000
MAY 23, 2019

From: [Andy Beall](#)
To: [Jennifer Brockman](#); [Alexandra Beaulieu](#); [Rachael Burke](#)
Cc: ["Steve Ayraud"](#); [Chris Cafiero](#); [Deb Tucker](#); [Jim Auxer, Mayor](#); [Lori Robertson](#); [Mark Everhart](#); [Terry Fulton](#)
Subject: June 11 JCPC Agenda (WV 45 Design Guidelines) & Shepherdstown Representation
Date: Tuesday, May 21, 2019 12:18:43 PM
Attachments: [9-106 Advisory Member.pdf](#)

Hi Jennie-

Could you please put the Shepherdstown Planning Commission on the agenda for the June 11, 2019 JCPC meeting? Representatives will be present and would like to briefly discuss "next steps" regarding the drafting of the WV 45 Special Design Area Guidelines, originally presented in outline form in May, 2018.

Also, §9-106 of the Shepherdstown Title 9 Planning & Zoning Ordinance (attached) provides for the designation of one member of the Shepherdstown Planning Commission to attend JCPC meetings as an "Advisory Member". At its regular meeting on May 20, 2019, the Shepherdstown Planning Commission approved Commissioner Christopher Cafiero as an "Advisory Member" to the Jefferson County Planning Commission. Please include Mr. Cafiero on JCPC correspondence and meeting agendas. His e-mail is Chris.Cafiero@gmail.com.

Thank you,

Andy

Andy Beall
Planning & Zoning Administrator
Corporation of Shepherdstown
104 N. King Street, Shepherdstown, WV 25443
(P.O. Box 248)
E-Mail: abeall@shepherdstown.us
Phone: (304) 876-6858
Fax: (304) 876-1473

ASCENSION

73 Edmond Rd., Suite 2
Kearneysville, WV. 25425

RECEIVED

JUN 03 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

June 3, 2019

Dear Planning Commission,

We are a tenant at 73 Edmond Rd, which is in a complex of business offices. The zoning for this complex is Industrial Commercial (IC) which does not permit a church to operate. We are requesting a text amendment to Appendix C: Principle Permitted and Conditional Uses Table to change the Land Use for a Church in the IC zoning from Not Permitted (NP) to Conditional Use (CU).

Thank you for your consideration.



Pastor Tanie Guy
Church Administrator
304 930 1161 (O)
304 886 5409 (C)

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
Home Uses													
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
Institutional Uses													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church	P	P	P	P	CU	P	P	P	P	P	NP	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
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	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
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	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: 06-11-19

RE: ZTA19-01, Special Event Facilities

On April 9, 2019, the Planning Commission made a motion to accept into their workplan Quintina Reddinton's request to create a text amendment to allow an event facility (see email dated March 26, 2019).

Staff has received a number of inquiries to establish event venues, typically for weddings and similar types of receptions/celebrations. Since the adoption of Section 8.14 in 2014, which allows for a Rural Event Facility in an existing structure, it has been brought to our attention that utilizing existing barns is challenging due to the requirements set forth in Building Code. When property owners request to construct a new building to establish the land use, Staff realized there was no provision to process such request.

The draft amendment before you today proposes two types of event facilities. An Agricultural Special Event Facility, which mimics the intent of the existing provisions but includes additional provisions for clarity.

The second type of facility is a Special Event Facility, which requires a Conditional Use Permit in the Rural, Residential Growth, and Village zoning districts. It seems reasonable to allow this type of use to process as a Conditional Use Permit to provide public notice in residential areas and is consistent with the County Commission's revision to Appendix C which allows most Commercial Uses to process as a Conditional Use in these zoning districts

This text amendment reflects revisions to Section 2.2, Terms Defined; Section 8.14, Rural Reception/Event Facility [Proposed Special Event Facility]; and Appendix C, Principal Permitted and Conditional Uses Table.

Attachments:

- Quintina Reddinton Email, dated 03-26-19 (originally included in the 04-09-19 Packet)
- ZTA19-01, Special Event Facilities

From: [Reddington, Quintina](#)
To: [Planning Department](#)
Subject: Reddington Farm Barn Language
Date: Tuesday, March 26, 2019 3:51:33 PM
Attachments: [Proposed Event Barn Content.docx](#)

Hi Alex,

Below is the language for the event barn we discussed on Monday. Please let me know if this is what you had in mind.

Thank you,

Tina

Proposed Event Barn Content

We are proposing to build a new barn or barn like structure that will house a distillery and will be a multi- purpose facility to allow rental of the space for meetings or events.

- The structure will hold approximately 100-300 people inside depending on the space configuration ie. Tables and chairs vs standing room only.
- The structure will contain restrooms that meet the International Plumbing Code.
- Food will be prepared and served from a permanent or mobile facility that has been approved by the health department.
- If alcohol is served on site, separate from the distillery, all State liquor licensing laws will be.
- Events may include but are not limited to weddings, graduation festivities, corporate retreats/meetings.

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Section 2.2 Terms Defined

<u>Rural Reception/Event Facility</u> ²⁶	<u>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.</u>
<u>Rural Reception/Event Facility, Small</u> ²⁶	<u>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.</u>
<u>Special Event</u>	<u>A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. No events that involve charging admission or are solely performance events are permitted under this provision. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the homeowner are not defined as a special event.</u>
<u>Special Event Facility</u>	<u>A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.</u>
<u>Special Event Facility, Agricultural</u>	<u>A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".</u>

Section 8.14 ~~Rural Reception/Event Facility~~²⁶ Special Event Facilities

The purpose of this section is to create a process by which a property owner in a Rural, Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

- A. Special Event Facility, Agricultural is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence. The minimum acreage required is five acres.
 1. A Special Event Facility, Agricultural may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
 2. A Special Event Facility, Agricultural shall not exceed attendance of 250 people, excluding event staff and vendors.
 3. A Special Event Facility, Agricultural shall not occur more frequently than once a week and shall be limited to one day, not including set-up and take down. Overnight accommodations may be processed in accordance with Appendix C.

4. All aspects of the land use, excluding parking, but including any permanent structures and any outdoor components such as event tents, portable restrooms, etc. shall be setback 75' feet from all property lines. Parking shall be setback 25' from all property lines.
5. Parking shall be provided at a ratio of one parking space for each two guests allowed on-site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the if the applicant can demonstrate that the parking will occur on usable ground and identifies how handicapped accessibility (if applicable) will be addressed.
6. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.
7. If the facility utilizes a private, shared right-of-way, driveway, or easement for vehicular access, the use shall be subject to a public hearing before the Board of Zoning Appeals and process as a Special Exception in accordance with Article 6 shall address the criteria listed in subsection i below.
8. If a site plan is not required pursuant to the Subdivision Regulations, the following documentation shall be submitted as part of the Zoning Certificate application:
 - i. A sketch reflecting the layout of the proposed event shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the parking area, the event tent(s), location of portable restrooms, and the location of any vendors.
 - ii. A traffic control plan shall be submitted and address the criteria listed in subsection i below.
9. If the frequency of the Special Event Facility, Agricultural exceeds one event per week, or attendance exceeds 250 people, the use shall be subject to a public hearing before the Board of Zoning Appeals and process a Conditional Use Permit in accordance with Article 6 and subsection B below.

If the subject parcel associated with an approved Special Event Facility, Agricultural loses the associated "farm use" classification through the Assessor's Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.
 - i. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.
 - ii. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.
 - iii. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:
 1. Proposed frequency;
 2. Number of attendees (maximum building capacity);

3. Signage;
4. Adequacy of parking area. The Board should consider the number of parking spaces as well as the location of the proposed parking area;
5. Adequacy of vehicular access to the property. The applicant shall provide a traffic control plan to address traffic flow and ingress and egress to the property to ensure that traffic will not hinder shared access (if applicable) or create a back-up onto public or private roads; and
6. Impact on adjacent properties.

Parks and Recreation events and facilities are exempt from Section 8.14.

~~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 approved by the Board of Zoning Appeals following a public hearing. Such public hearing shall be conducted according to the requirements of Section 6.1C; may be continued according to the requirements of Section 6.1D; and is subject to the notification requirements of Section 6.1B.³²~~

~~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.³²~~

~~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.³²~~

~~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 as adjacent lots in the Rural District.~~

~~Note that any vendors and/or production staff are not counted in the trip generation for this Section.³²~~

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses													Sec. 8.9
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	CU	NP	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground ³¹	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet ³⁷	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
Restaurant, Fast Food, Drive-Through	NP	P	P	P	CU	CU	P	CU	CU	CU	P	CU	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Special Event Facility</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>CU</u>	<u>P</u>	<u>P</u>	<u>CU</u>	<u>Sec. 8.14</u>
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, 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	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	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	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
<u>Special Event Facility, Agricultural</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. 8.14</u>
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
 GC General Commercial
 HC Highway Commercial
 LI Light Industrial
 MI Major Industrial
 PND Planned Neighborhood Development
 P Permitted Uses
 NP Not Permitted Uses
 CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- OC Office / Commercial Mixed-Use
 R Rural
 RG Residential Growth District
 RLIC Residential-Light Industrial-Commercial District
 IC Industrial-Commercial District
 V Village District
- ¹ Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
² Approval process is per the Salvage Yard Ordinance.



June 4, 2019

Donnie Fisher, President
Jennifer Brockman, Planning Director
Jefferson County Planning Commission
104 E. Washington St.
Charles Town, WV 25414

Dear Mr. Fisher and Ms. Brockman:

The League of Women Voters of Jefferson County is studying how local governmental boards and commissions are implementing the West Virginia Open Governmental Meetings Act. The first step in the process was training by the West Virginia Ethics Commission staff on the provisions of the Act. Derek Knopp, staff attorney with the Ethics Commission, conducted the training on April 9.

The next step in our study process is to interview members of local governmental boards and commission regarding compliance with the Open Meetings Governmental Act. Attached is a yes/no questionnaire to fill out in the next two weeks. A member of the LWV will contact you to go over your responses in person.

The follow up interview will explore whether and how governmental bodies are going beyond the Open Meetings Act to engage the public. Topics will include use of social media; outreach and education on issues; interaction with the public and executive sessions.

The interview will conclude with your thoughts and suggestions as to how the Open Meetings Act might be amended to better promote public participation.

When a LWV member arrives to conduct an interview, it would be very helpful to have a staff person and a member of the appointed board or commission attend. If it would be better to address this issue as part of your regular agenda, we would be happy to do that as well.

Thank you for your cooperation and we look forward to meeting with you.

If you have any questions, please call Lyn Widmyer, Chair, LWV Open Meetings Study Committee, at 304-279-3201 or by email: lynwidmyer@gmail.com.

Sincerely,

A handwritten signature in blue ink that reads "Effie Kallas". The signature is written in a cursive, flowing style.

Effie Kallas, President

Open Meetings Act Survey



Name of Board/Council: _____

Name/Title of Person(s) Completing Survey:

Contact Info for follow-up interview: _____

<u>Check One</u>		
Yes	No	
<input type="checkbox"/>	<input type="checkbox"/>	Has the governing body established rules for issuing notice of the date, time, place, and agenda of all regular meetings; and the date, time, place, and purpose of all special meetings?
<input type="checkbox"/>	<input type="checkbox"/>	Are notices of all meetings posted in a public place, such as the agency's office, the County Courthouse and/or the local Post Office in advance of the meeting?
<input type="checkbox"/>	<input type="checkbox"/>	In calculating the notice period, are the date of the meeting, legal holidays, Saturdays and Sundays excluded?
<input type="checkbox"/>	<input type="checkbox"/>	Do meeting agendas reasonably describe all matters requiring official action by the governing body that will be dealt with at the meeting or at a later meeting?
<input type="checkbox"/>	<input type="checkbox"/>	Are meeting agendas posted in either a public place at the governing body's central office or are copies made available to be picked up at the same location during regular working hours?
<input type="checkbox"/>	<input type="checkbox"/>	Before holding an executive session, is the matter included on the agenda?
<input type="checkbox"/>	<input type="checkbox"/>	Do agenda items indicate that the matter may require an executive session?
<input type="checkbox"/>	<input type="checkbox"/>	Does the governing body determined, by a majority vote, to hold an executive session to consider one of the actions permitted under the Open Meetings Act?
<input type="checkbox"/>	<input type="checkbox"/>	Has the governing body identified to the public and to the governing body the authorization in the Act which permits such executive session?

West Virginia Open Meetings Law Summary

W.Va. Code § 6-9A-1 et seq.

Ashley Pack
Dinsmore & Shohl LLP
P.O. Box 11887
Charleston, WV 25339
(304) 357-9937 telephone
(304) 357-0919 facsimile
ashley.pack@dinslaw.com

§6-9A-1. Declaration of legislative policy

- It is in the best interests of the citizens of the State of WV for the proceedings of public agencies to be conducted openly.
- Open government allows the public to educate itself about government decision making through attendance and participation at governmental functions, distribution of government information by the press and public debate on issues deliberated within the government.
- Public access to meetings also promotes more thorough preparations and discussion of issues by participating officials.
- There must be a balance between allowing the government to function and the public to participate in a meaningful manner in public agency decision making.

§6-9A-2. Definitions

- "Executive session" means any meeting or part of a meeting of a governing body which is closed to the public.
- "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. (There are exceptions not mentioned here).
- "Public agency" means any administrative or legislative unit of state, county or municipal government, including any department, division, bureau, office, commission, authority, board, public corporation, section, committee, subcommittee or any other agency or subunit of the foregoing, authorized by law to exercise some portion of executive or legislative power.

§6-9A-3. Proceedings to be open; public notice of meetings

- All meetings of governing bodies must be open to the public.
- The agency can create reasonable rules for attendance and presentation at meetings.

- Members of the public who disrupt the meeting can be removed by the agency.
- The agency cannot require individuals who wish to speak to register to do so more than 15 minutes prior to the meeting.
- NOTICE OF MEETINGS
 - For regularly scheduled meetings, except in the event of an emergency, every agency must promulgate rules to provide for advance notice to the public and news media of the meeting's:
 - date
 - time
 - place and
 - agenda
 - For special meetings, except in the event of an emergency, every agency must promulgate rules to provide for advance notice to the public and news media of the meeting's:
 - date
 - time
 - place and
 - purpose
 - For meetings of a governing body of the executive branch of the state, notice must be filed with the secretary of state for publication in the state register in a manner that allows the notice to be published at least 5 days prior to the meetings. The notice must contain:
 - date
 - time
 - place and
 - purpose
 - For emergency meetings of a governing body of the executive branch an emergency meeting notice may be filed anytime prior to the meeting containing:
 - date
 - time
 - place
 - purpose and
 - facts and circumstances of the emergency
- Any action taken at a meeting for which there was not a proper notice can be invalidated by a Court.

§6-9A-4. Exceptions.

- An executive session can be called during any properly held meeting.
- An executive session is a closed session during which the public is excluded from the meeting, no decisions can be made during an executive session.
- In order to call an executive session a majority vote of the members present is required.
- An executive session can only be held for the following reasons:
 - to consider acts of war

- to consider specific employment issues such as promotions, complaints, transfers, discharge, etc., unless the employee requests an open meeting
- to decide student discipline issues, unless the student requests an open meeting
- to consider the physical or mental health of any person, unless the person requests an open meeting
- to discuss material the release of which would be considered an invasion of privacy, such as personal records
- to plan or consider an official investigation or matter relating to crime prevention or law enforcement
- to develop security personnel or devices
- to consider matters involving commercial competition which if made public would adversely affect the state, such as: purchasing or leasing property, and the investment of public funds
- to avoid the premature disclosure of an honorary degree, scholarship, prize or similar award
- to discuss any matter which is rendered confidential by federal or state law

§6-9A-5. Minutes.

- Minutes of all meetings must be kept except for executive sessions.
- Minutes must be made available to the public.
- Minutes must include:
 - The date, time and place of the meeting
 - The name of each member of the governing body present and absent
 - All motions, proposals, resolutions, orders, ordinances and measures proposed, the name of the person proposing the same and their disposition
 - The results of all votes and, upon the request of a member, pursuant to the rules, policies or procedures of the governing board for recording roll call votes, the vote of each member, by name

§6-9A-6. Enforcement by injunctions; actions in violation of article voidable; voidability of bond issues.

- Any citizen of the State of West Virginia can bring a civil action in the circuit court of the county where a public agency regularly meets in order to enforce the Open Governmental Proceedings Act.
- No bond is required for civil actions seeking an injunction, unless it is clear that the plaintiff's case has no merit.
- The court can annul any decisions made in violation of the Act.
- The court can compel compliance or enjoin noncompliance with the Act.

§6-9A-7. Violation of article; criminal penalties; attorney fees and expenses in civil actions.

- Willful and knowing violations of the Act are a misdemeanor.
- The governing body may be liable to the plaintiff for attorney's fees and other expenses if it is found to have held a meeting in violation of the Act, unless the court finds that the public body's position was substantially justified.
- The plaintiff can be liable for attorney's fees and costs if the court finds that the action was filed in order to harass or delay the meetings of the governing body.

§6-9A-8. Acting by reference; written ballots.

- No voting by secret ballot
- The manner of voting must be such that the public can easily understand who voted for what.

§6-9A-9. Broadcasting or recording meetings.

- Any radio or television station is entitled to broadcast all or any part of a meeting required to be open, unless:
 - the governing body, in good faith, believes that there is not enough space in the meeting room to accommodate the broadcasting equipment and the members of the public wishing to attend the meeting, and no other room is available.

§6-9A-10. Open governmental meetings committee.

- The West Virginia Ethics Commission has the power to issue advisory opinions interpreting the Act.

§6-9A-11. Request for advisory opinion; maintaining confidentiality.

- If a governing body requests an advisory opinion from the Ethics Commission, the opinion is binding upon the governing body.
- If the governing body, in good faith, relies upon the advisory opinion it has an absolute defense to any civil or criminal action brought against it due to that reliance; so long as the governing body properly disclosed all of the facts and circumstances to the Ethics Commission.
- The Ethics Commission may take action to protect from disclosure information which is properly shielded under section 4 of the Act.

§6-9A-12. Duty of attorney general, secretary of state, clerks of the county commissions and city clerks or recorders.

- The Attorney General is required to compile statutory and case law pertaining to the Act and to prepare summaries and interpretations for the purpose of informing all public officials subject to the Act of its requirements.
- The Secretary of State is required to provide a copy of the material to all elected public officials.

- **The clerks or recorders must make it available to appointed public officials and to newly appointed or elected persons within thirty days of their taking the oath of office.**



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting June 11, 2019

1) RFQ for Consultant to Assist with Ordinance Updates

RFQ applications due 6/14/19

Establish a PC Committee to review and rank applications?

2) Zoning Ordinance Text Amendments

- a) Revise Article 10 "Provisions for Signs" to incorporate procedures for various signs
- b) WV45 Gateway Design Standards (ZTA17-02) requested by Corp of Shepherdstown
- c) Revise Section 5.7D.2 "Clustering" to address issues with current requirements
- d) Revise and coordinate Section 4.11 "Landscaping, Screening and Buffer Yard Requirements" and Appendices A and B which are in conflict in some areas
- e) Revise Article 11 "Off-Street Parking Standards" to address more diverse land uses

3) Subdivision Regulation Text Amendments

- a) Incorporation of Improvement Location Permit Ordinance into Subdivision and Land Development Regulations
- b) Subdivision and Land Development Regulations Amendments (STA18-01) – reorganization and update to current processes

4) Upcoming PC meetings

- a) Next Regular Meeting: **July 9, 2019**

116 E Washington ST
Suite 200
PO Box 716
To: Jefferson County W.Va
Planning Commission

Vera Baumgardner
116 ~~507~~ Euclid Avenue
Charles Town W 25414
304 725 2210
5/7/19

I have resided at ~~507~~¹¹⁶ Euclid Avenue for many years. The property next to me, 142 Euclid, was purchased in February 2018. The existing house was remodeled and resold in March 2019.

A new house is under construction directly behind 142 Euclid, on part of the original property, and another parcel has been staked off.

It is my understanding that we are in the County - not Charles Town - and subject to the oversight of the Jefferson County Planning Authority. It is also my understanding, that new construction must conform and comply with the existing rules and regulations that you are entrusted to enforce.

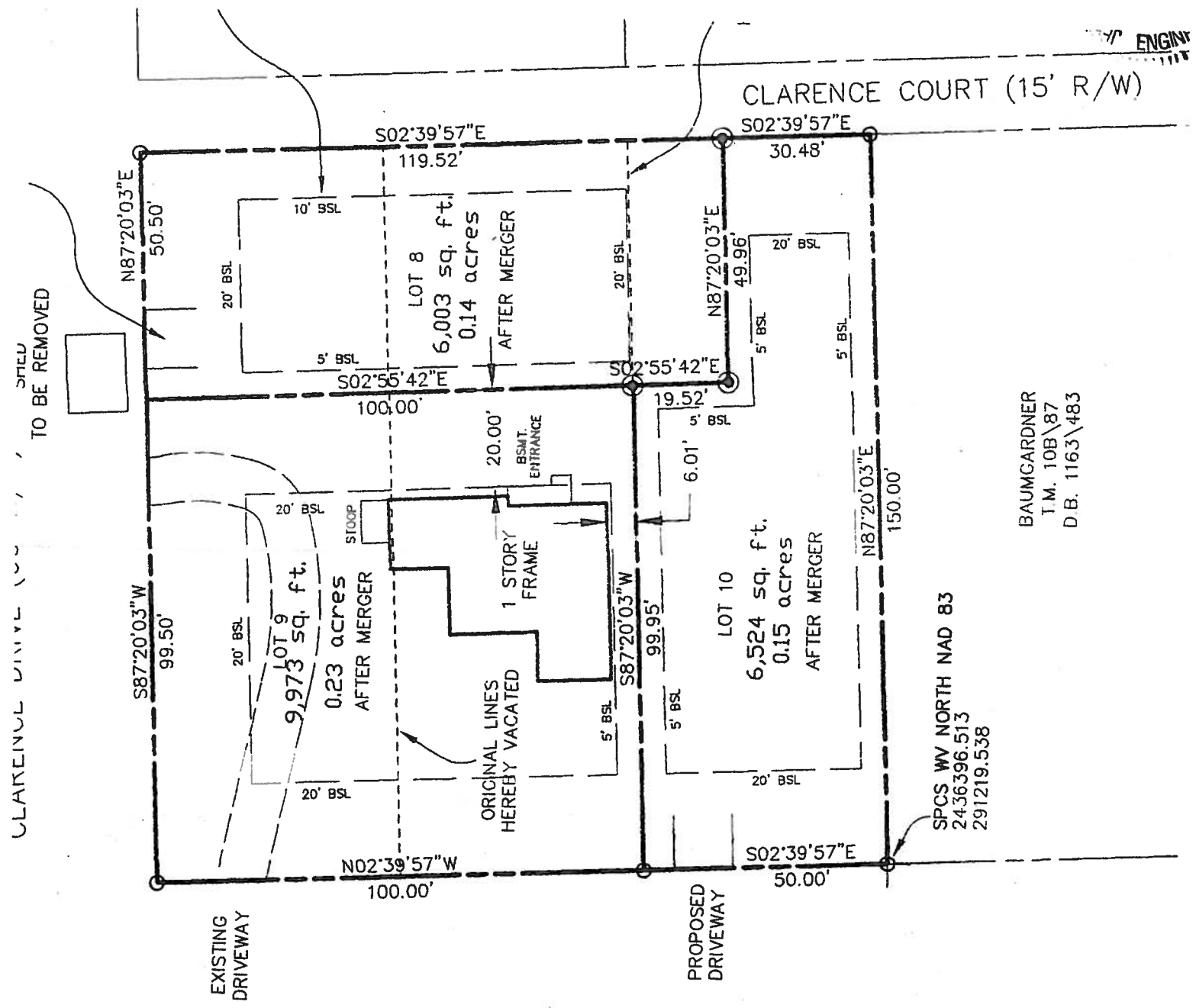
Please inspect and review the situation at 142 Euclid Avenue.

Your prompt attention and response to this matter will be greatly appreciated.

RECEIVED
MAY 13 2019

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Vera M. Baumgardner
304-725-2210



BAUMGARDNER
T.M. 10B\87
D.B. 1163\483

SPCS WV NORTH NAD 83
2436396.513
291219.538

EUCLID AVE RT. # 340\7 (100' R/W)

LOT 10
7500 S.F.
- 976 sq. ft.
6,524 sq. ft.

The Baumgardners built their home more than sixty years ago. Long before county planning, they added an addition, and attempted to buy a parcel from their neighbor as a buffer. He was willing, but unable to sell, due to his mortgage arrangement.

Years passed, Mr. Baumgardner died, and the neighbor, Chipper Edwards, also passed away. The single family residence was sold and subdivided into three small parcels. The existing house has been renovated and sold.

I was surprised to learn that no site inspection was required when this property was subdivided. The State Code stipulates that it may be done. The drawings, that are required, show angles and distances, but no real picture.

A simple site inspection would have revealed a residential neighborhood with many older homes, and that Mrs. Baumgardner's house is very close to the property line.

Construction of a smaller house would allow for a safer setback on each side, and be more in keeping with other homes nearby. The minimum setback of only five feet affords very little viable greenspace.

Risk of fire, water runoff, soil erosion and wind tunneling also need to be considered, and may pose concern for the health and safety of current and future occupants.

Conforming to the minimum setback distances, in this situation, would appear to circumvent the spirit of the ordinance.

I hope that you will agree that Mrs. Baumgardners request for a site inspection and review of these parcels is both reasonable and proper.

Thank you for your concern and consideration.

Very truly yours,



Timothy Ridgeway

Friend of Mrs. Baumgardner

RECEIVED

MAY 28 2019

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING