



## AGENDA

Jefferson County Planning Commission  
Tuesday, December 10, 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.

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

1. Approval of Meeting Minutes: November 12, 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 Rahil Nawaz, II. (File #: 19-17-PCW). Applicant is requesting a Waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08. Applicant is requesting to change the existing ROW Entrance to this property due to the location of the septic reserve. The property is designated as Tax District: Middleway (07); Tax Map: 10; Parcel: 15.4; Zoned: Rural; Size: 3.78 acres.
5. **Public Hearing:** Request by Townhomes Rental, LLC. (File #: 19-18-PCW). Applicant is requesting a waiver from Section 24.113B.10 that requires a Phase I Archaeological Study. The property is designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.1 & 1.2; Zoned: Residential/ Light Industrial/Commercial; Size: 7 and 16.62 acres.

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

6. **Discussion and Possible Action:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.
7. **Discussion and Possible Action:** Review pending Zoning Ordinance text amendment file #ZTA14-02 pertaining to Mass Event Regulations.
8. **Discussion and Possible Action:** 2020 Meeting Dates and Deadlines review
9. Reports from Legal Counsel
10. Planner's Memo
11. President's Report
12. Actionable Correspondence
13. Non-Actionable Correspondence



Meeting Minutes  
Jefferson County Planning Commission  
November 12, 2019

The Jefferson County Planning Commission met on November 12, 2019 with the following Commission members present: Steve Stolipher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; J Ware, Jack Hefestay and Ron Thomas. Staff members present included: Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alex Beaulieu, Zoning Administrator and Rachael Burke, Planning Clerk.

Mike Shepp and Ray Bruning were absent with prior notification.

Donnie Fisher, President was absent without prior notification.

Mr. Stolipher ran the meeting in Mr. Fisher's absence. He called the meeting to order at 7:00pm.

1. Approval of the October 15, 2019 meeting minutes: The meeting minutes were approved with no objections.
2. Citizen Communications. None.
3. Request for postponement. None.

4. **Discussion and Recommendation:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Murall Limited Partnership for a property located near the Jefferson and Berkeley County lines, on the corner of Coast Guard Drive and Charles Town Road, is consistent with the *2035 Comprehensive Plan*. This property is currently zoned Rural and the applicant is requesting General Commercial zoning. The property is designated as Tax District: Middleway (07); Tax Map: 2; Parcel: 1.3; Size: 5.68 acres

Ms. Brockman provided an overview and explained the options for the submittal of Zoning Map Amendment petitions (rezonings). The item on the Planning Commission agenda today is for Planning Commission input only and is not a Public Hearing; the County Commission will hold the required Public Hearing.

Mr. Paul Raco, a local land use consultant representing the applicant, explained that he will make his full presentation of the Zoning Map Amendment petition at the County Commission Meeting. The petition is before the Planning Commission for a determination as to whether the petition is in conformance with the *Envision Jefferson 2035 Comprehensive Plan*. The properties involved in this petition are located in the Route 9 Preferred Growth Area (PGA) as identified in the *Comprehensive Plan* and are located in between two primary routes (WV9 and WV115). Mr. Raco indicated the surrounding parcels zoning categories and explained that a mixed use Office/Commercial is the future land use recommended by the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Raco explained that the Office-Commercial Zoning District requires a combination 25% commercial land uses with proposed office uses and that this would not work in this area. He provided as an example, that if the Coast Guard, which is located nearby, were to desire be interested in this office space, they would also be required to provide 25% commercial uses, which is not realistic for federal offices. He also stated that the Zoning Ordinance requires a discussion on any change of transportation characteristics and neighborhood from when the original ordinance was adopted to be included in a Rezoning petition. The development of the relatively new 4-lane WV 9 is such a change to be taken into consideration.

Mr. Lorenzetti asked if the land was currently used as farmland and Mr. Raco clarified that it is an undeveloped 5-acre parcel which is not conducive to farming and would not be ideal to even build a home due to the sub-station located right behind the parcel.

Mr. Stolipher made a motion that this rezoning petition is in conformance with *Envision Jefferson 2035 Comprehensive Plan* and to move it forward to the County Commission. Mr. Thomas seconded the motion. A vote was taken and carried unanimously.

5. **Discussion and Possible Action:** ZTA19-01 Event Venue Zoning Text Amendment, sent back to Planning Commission by County Commission on 10/31/2019 to review and discuss before proceeding.

Ms. Beaulieu provided an overview of the County Commission meeting held on October 3, 2019 at which they asked this amendment to be sent back to the Planning Commission for further review. She provided an overview of the three versions of the proposed text amendment provided in the Planning Commission packet. She reminded the Planning Commission that the original purpose of this amendment was to permit Special Event Facilities to occur in new structures as well as existing farm structures in various zones. The amendment was then modified by the County Commission, based on their Public Hearing, to permit an “alternative farm enterprise” which would allow farmers to have land uses on their property that may not be purely agricultural in nature but could support the farm operation. The example provided is a commercial kitchen which does not use products grown on the farm.

Discussion ensued about how to establish changes the Planning Commission wanted to make. Ms. Beaulieu provided an overview of the Alternative Farm Enterprise provisions and Mr. Cochran explained that he worked with her to determine these definitions and amendments.

Planning Commission and Staff discussion ensued. At the end of the discussion, the Planning Commission determined that it agreed with the County Commission regarding changes to be made to this amendment and made one additional edit to remove the following sentence on page 2, “No events that involve charging admission or which are solely primarily performance events (such as music festivals and concerts) are permitted under this provision”. The Planning Commission recommend this change with the further recommendation that the County Commission revisit the Mass Event Text Amendment, for which action was delayed in 2016.

Additional edits by the Planning Commission included:

Edit to page 3, to retain County Commission removal of 10,000 square feet provision.

On page 5, in the first paragraph under Section 8.15 Alternative Farm Enterprise, to delete a portion of sentence #2 after Assessors office, “with an existing agricultural operation.” And all of sentence #3 “For the purpose of this section, existing shall mean any agricultural use which has existed on a parcel of land for a period of two years”.

Mr. Stolipher made a motion that the changes discussed on page 2 (special event definition) and the modification to the second and third sentences under Section 8.15 on page 5 be incorporated into a revised version and that these changes be sent to the County Commission and that the proposed text amendments are in compliance with the

recommendations of the *Envision Jefferson 2035 Comprehensive Plan*. He also included in his motion a request that County Commission send the Mass Gathering Ordinance back to Planning Commission for review and reconsideration. Mr. Hefestay seconded the motion. A vote was taken and the vote carried 5 in support, with 1 abstention, Mr. Lorenzetti.

6. **FY2020 1st Quarterly Report for County Commission:** Ms. Brockman did a brief overview of the new reporting process utilized to develop this quarterly report on behalf of the Planning Commission. Mr. Hefestay made a motion to forward the report to the County Commission. Mr. Louthan seconded the motion, which carried unanimously.

7. **Reports from Legal.**

8. **Planners Memo:**

Update on Greenway Timeline:

It is possible that there will be special meetings in January, February and March that the Planning Commission needs to keep on their schedules.

At the December 10, 2019 Planning Commission meeting, staff and the PC Committee will report back the results of the November 15, 2019 meeting with Greenway and the Committee.

9. **Actionable Correspondence:** None.

10. **Non-Actionable Correspondence:** None.

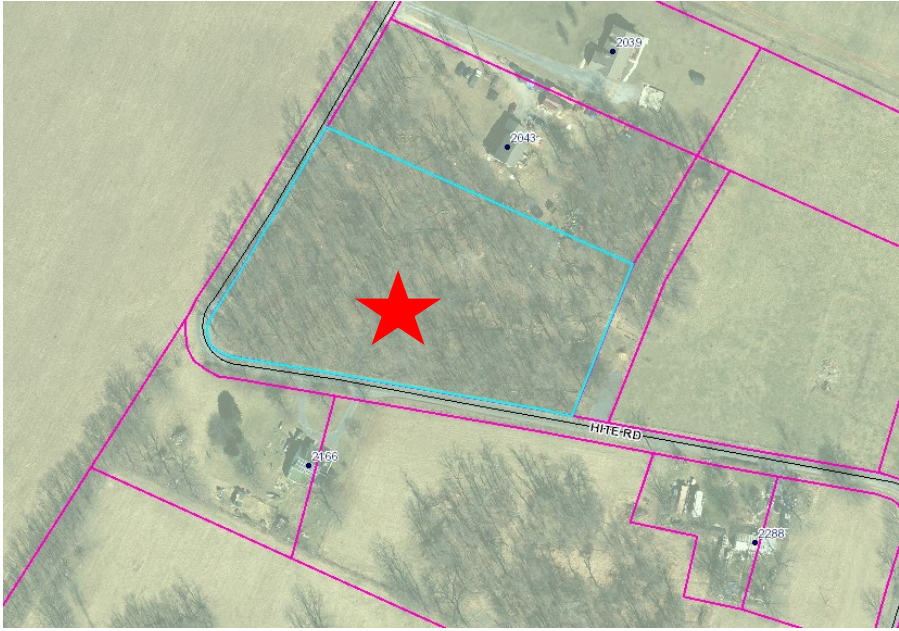
Mr. Stolipher closed the meeting at 8:05 PM.



Staff Report  
 Jefferson County Planning Commission Meeting  
 December 10, 2019

**Item #4**

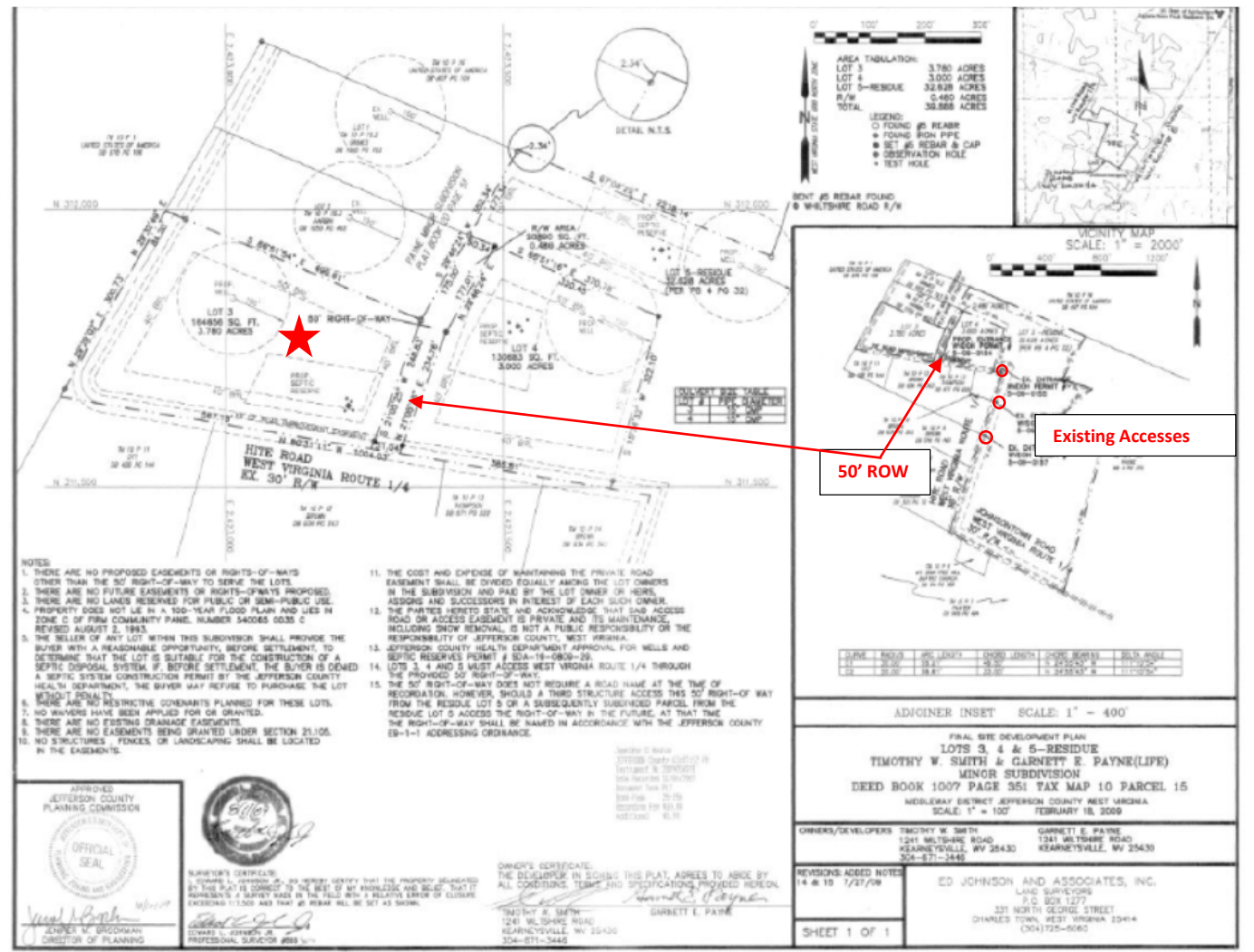
**Public Hearing:** Request by Rahil Nawaz, II. (File #: 19-17-PCW). Applicant is requesting a Waiver from Section 20.201 and 20.202(C) of the 2008 Subdivision Regulations, adopted 10/9/08, to change the existing entrance to this property from a platted 50' ROW to a direct access to Hite Road due to the location of the septic reserve.

APPLICANT:	Rahil Nawaz, II.
OWNER:	Same as Applicant
DEVELOPER:	Same as Applicant
CONSULTANT:	N/A
PROPERTY LOCATION:	Hite Road (Lot 3 Smith-Payne Minor Subdivision)
LEGAL DESCRIPTION & ZONING DISTRICT	<p>Tax District: Middleway (07); Tax Map: 10; Parcel 15.4; Zone: Rural; Size 3.78 acres</p> 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North, South, East, and West:</i> Rural
APPROVED USE:	Single Family Residential
PARCEL HISTORY:	Lot 3 Smith-Payne Minor Subdivision (PC File #09-06) recorded in Courthouse: 11/06/09. PB: 25; PG: 156

Staff Report  
 Jefferson County Planning Commission  
 December 10, 2019

**1. Background:**

The Smith-Payne Minor Subdivision, Lots 3, 4, & 5-Residue (PC File #09-06), shown below, was the resubdivision of Lot 3 of the Payne Minor Subdivision, which was approved in 2003 under the 1979 Subdivision Ordinance. The Smith-Payne Minor Subdivision, approved in 2009, is a three-lot Minor Subdivision with the required 50' access easement off of Hite Road (WV Route 1/4) which processed under the 2008 Subdivision and Land Development Regulations (adopted 10/9/08). The current Subdivision Regulations are based on these 2008 Subdivision Regulations and were amended 2/1/18. Both versions of the Regulations require that all lots in a minor subdivision, regardless of the zoning district, have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots. In 2009, this easement was required to be retained with the residue lot. On the recorded plat, the easement was referred to as a right-of-way, and Note #14 states that Lots 3, 4, and 5 are required to access Hite Road via the provided 50' right-of-way. The inset also notes that Lot 5-Residue has 3 additional existing access points to Hite Road.



Staff Report  
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**2. Summary of the Request:**

The applicant is requesting a waiver from Sections 20.201 and 20.202(C) of the 2008 Subdivision Regulations (adopted 10/9/08) which required all lots to face on an access easement having a width of 50 feet and that the easement be part of the residue or remaining property. Applicant is requesting that this Section be waived for Lot 3 of the Smith-Payne Minor Subdivision (PC File #09-06) and that Lot 3 be permitted to utilize a direct access onto Hite Road, which will also require WV DOH approval.

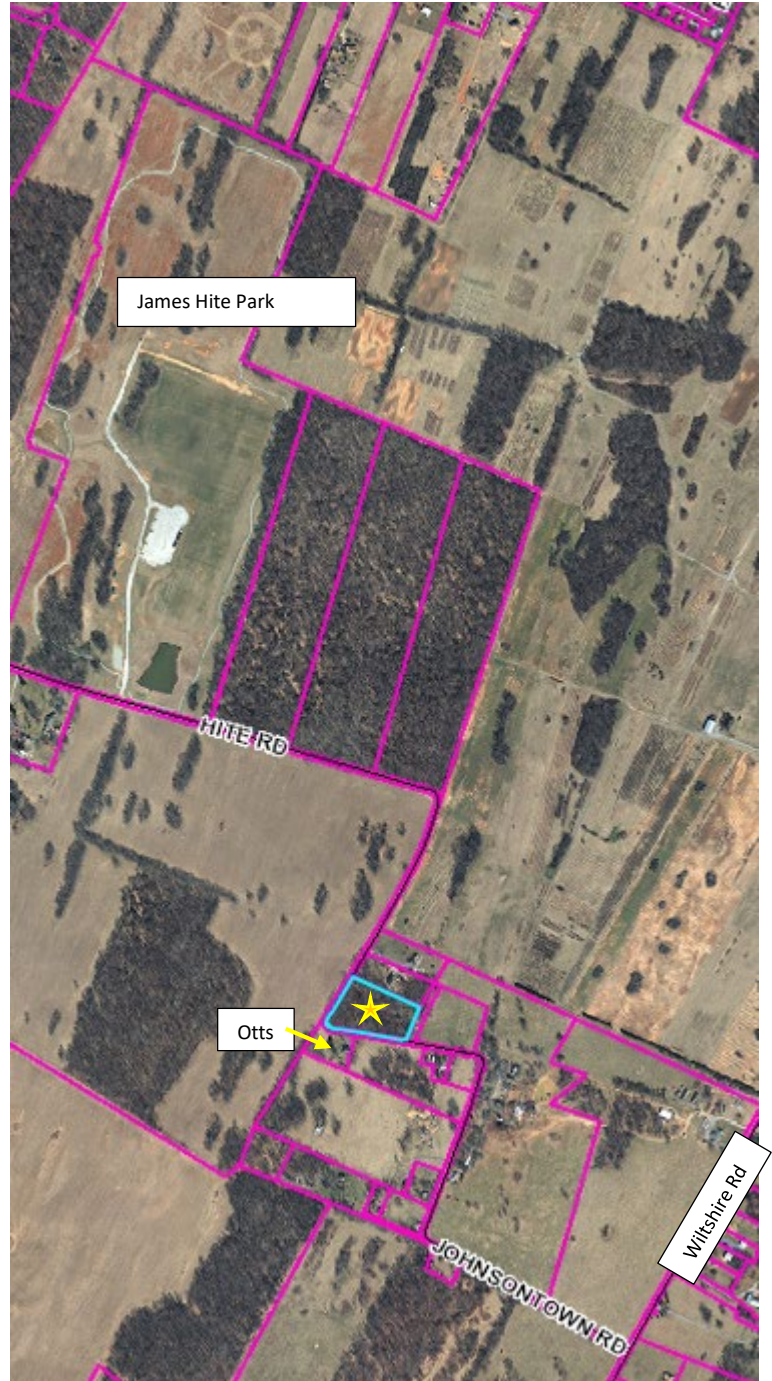
**3. Staff Comments:**

The provision that requires Minor Subdivision lots to access via a 50' access easement is intended to minimize the number of driveways intersecting state roads throughout the County. In this particular case, Hite Road is a very narrow road with a number of right angles and numerous access points. It is also a primary access to a major County Park which currently has numerous soccer and football fields and has plans for additional activities.

Staff has some concerns about additional access points on this road; however, it is a state road so we will defer to WVDOH. The applicant needs to obtain this waiver prior to asking WVDOH for an additional access point. The applicant is requesting an entrance across from an existing entrance to a house of the property owned by the Ott's. This is the least likely to have a negative impact on the road.

**4. Waiver Requirements:**

The applicant is requesting a waiver of the requirement that all lots in a Minor Subdivision face on an access easement having a width of 50 feet that is a part of the residue and that Lot 3 of the Smith-Payne Minor Subdivision (PC File #09-06) be permitted to utilize a separate driveway onto Hite Road. The applicant has provided a brief response to each of the following requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in their attached application.



Staff Report  
Jefferson County Planning Commission  
December 10, 2019

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.

**5. Staff Recommendation:**

While Staff has some concerns about additional access points to Hite Road, Staff is willing to support the waiver with the provision that WV DOH approval will be required.



**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

File Number: 19-17-PCW  
 Staff Initials: RBB  
 Sketch Received: yes  
 List of Adjoiners: \_\_\_\_\_  
 Fees Paid: 100.00

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

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

**Waiver Request**

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

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

**Property Owner Information**

Name: Rahil Nawaz II  
 Mailing Address: PO Box 219 Ranson 25438  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

Name: Rahil Nawaz II  
 Mailing Address: PO Box 219 Ranson 25438  
 Phone Number: 304 270 6467 Email: RNAWAZ2@YAHOO.COM


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

Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: Smith-Payne Subdivision lot 3  
 Tax District: Middleway 07 Map No: 10 Parcel No: Hite Rd 15.4  
 Parcel Size: 3.78 Ac Deed Book: 1200 Page No: 379

**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 Commercial (R-LI-C) <input type="checkbox"/> | Village (V) <input type="checkbox"/>           | Neighborhood Commercial (NC) <input type="checkbox"/> | General Commercial (GC) <input type="checkbox"/>                |   |
|  |   |   | 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"/> |

Place Date Stamp Here

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

20.201  
20.202 (c)

**Briefly Describe the Nature of Your Waiver Request:**

Request A WAIVER FROM USING EXISTING RIGHT OF WAY ENTRANCE TO THE PROPERTY. THIS WILL ALLOW SHORTER DRIVE WAY CUL-DE-SAC THIS WILL AVOID THE NEED TO MOVE SEPTIC RESERVE AREA DUE TO RESERVE AREA AND WELL PLACEMENT THE EXISTING RIGHT OF WAY IS NOT CONDUCTIVE TO ACCESSING A HOME ON THE LOT

**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.**

**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.**

THIS WILL NOT AFFECT NEIGHBORING PROPERTIES. THE PROPOSED ENTRANCE SITE SHOULD NOT CREATE ANY SAFETY CONCERNS FOR THE ROAD OR THE NEIGHBORING PROPERTIES.

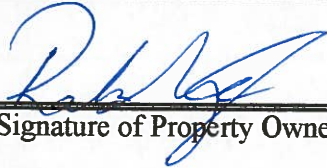
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

OWNER WOULD AGREE TO ONLY ACCESS THE PROPERTY THROUGH ONE ENTRANCE (NEW ENTRANCE) WOULD NOT HAVE MULTIPLE ENTRANCES.

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

THIS WOULD ALLOW ONE SHORT DIRECT ENTRANCE TO THE HOUSE (TO BE BUILT) FROM HITE ROAD. THIS WOULD NOT REQUIRE ADJUSTMENTS TO WELL & SEPTIC PLACEMENTS

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



10/28/19

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

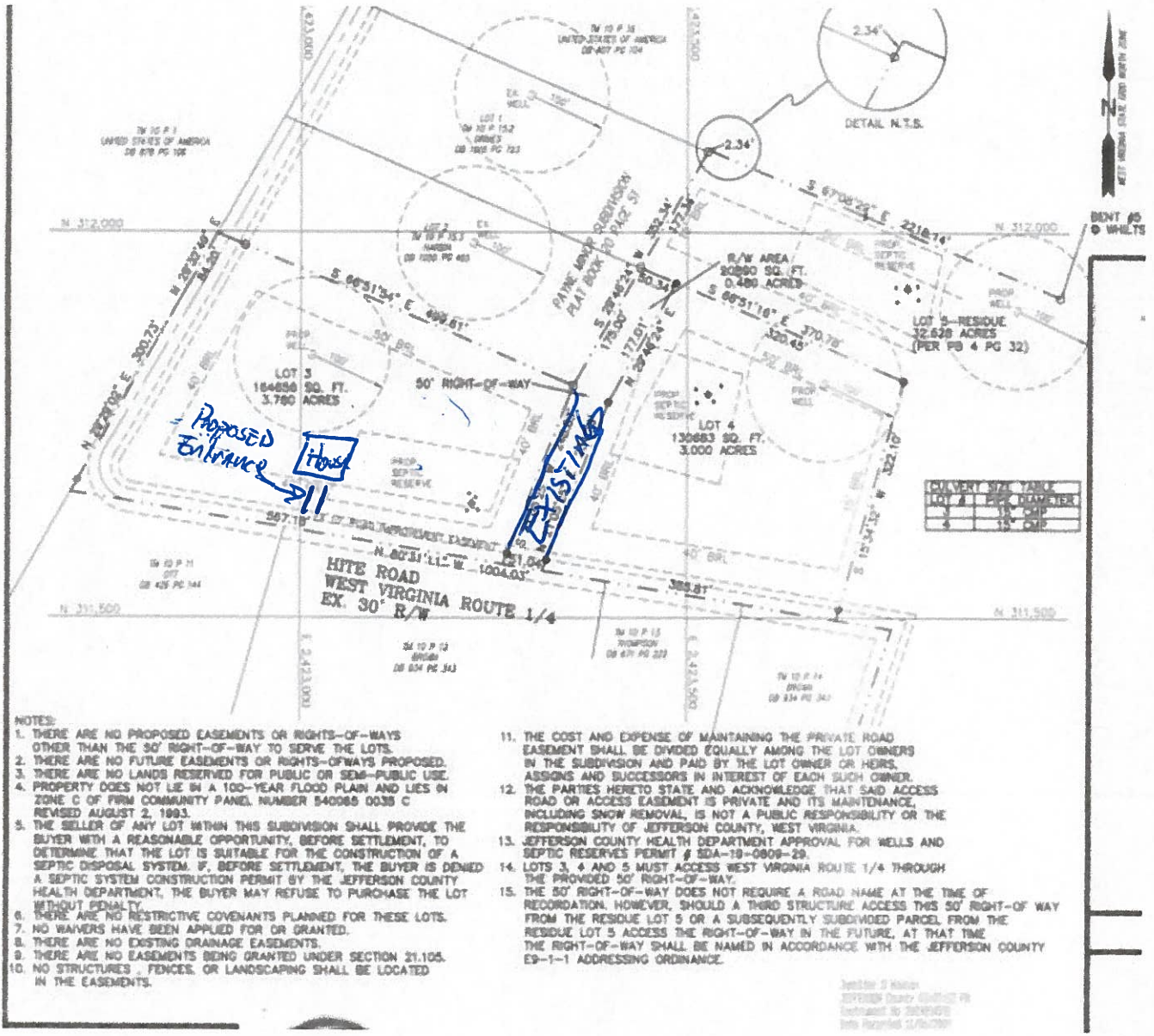
\_\_\_\_\_ Official/Administrative Body

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

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

Approved

Denied



**NOTES:**

1. THERE ARE NO PROPOSED EASEMENTS OR RIGHTS-OF-WAYS OTHER THAN THE 50' RIGHT-OF-WAY TO SERVE THE LOTS.
2. THERE ARE NO FUTURE EASEMENTS OR RIGHTS-OF-WAYS PROPOSED.
3. THERE ARE NO LANDS RESERVED FOR PUBLIC OR SEMI-PUBLIC USE.
4. PROPERTY DOES NOT LIE IN A 100-YEAR FLOOD PLAIN AND LIES IN ZONE C OF FIRM COMMUNITY PANEL NUMBER 540088 0038 C REVISED AUGUST 2, 1993.
5. THE SELLER OF ANY LOT WITHIN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT, TO DETERMINE THAT THE LOT IS SUITABLE FOR THE CONSTRUCTION OF A SEPTIC DISPOSAL SYSTEM. IF, BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC SYSTEM CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE LOT WITHOUT PENALTY.
6. THERE ARE NO RESTRICTIVE COVENANTS PLANNED FOR THESE LOTS.
7. NO WARNERS HAVE BEEN APPLIED FOR OR GRANTED.
8. THERE ARE NO EXISTING DRAINAGE EASEMENTS.
9. THERE ARE NO EASEMENTS BEING GRANTED UNDER SECTION 21.105.
10. NO STRUCTURES, FENCES, OR LANDSCAPING SHALL BE LOCATED IN THE EASEMENTS.
11. THE COST AND EXPENSE OF MAINTAINING THE PRIVATE ROAD EASEMENT SHALL BE DIVIDED EQUALLY AMONG THE LOT OWNERS IN THE SUBDIVISION AND PAID BY THE LOT OWNER OR HEIRS, ASSIGNS AND SUCCESSORS IN INTEREST OF EACH SUCH OWNER.
12. THE PARTIES HERETO STATE AND ACKNOWLEDGE THAT SAID ACCESS ROAD OR ACCESS EASEMENT IS PRIVATE AND ITS MAINTENANCE, INCLUDING SNOW REMOVAL, IS NOT A PUBLIC RESPONSIBILITY OR THE RESPONSIBILITY OF JEFFERSON COUNTY, WEST VIRGINIA.
13. JEFFERSON COUNTY HEALTH DEPARTMENT APPROVAL FOR WELLS AND SEPTIC RESERVES PERMIT # SDA-19-0809-29.
14. LOTS 3, 4 AND 5 MUST ACCESS WEST VIRGINIA ROUTE 1/4 THROUGH THE PROVIDED 50' RIGHT-OF-WAY.
15. THE 50' RIGHT-OF-WAY DOES NOT REQUIRE A ROAD NAME AT THE TIME OF RECORDATION, HOWEVER, SHOULD A THIRD STRUCTURE ACCESS THIS 50' RIGHT-OF-WAY FROM THE RESIDUE LOT 5 OR A SUBSEQUENTLY SUBDIVIDED PARCEL FROM THE RESIDUE LOT 5 ACCESS THE RIGHT-OF-WAY IN THE FUTURE, AT THAT TIME THE RIGHT-OF-WAY SHALL BE NAMED IN ACCORDANCE WITH THE JEFFERSON COUNTY E9-1-1 ADDRESSING ORDINANCE.

Jefferson S. Hester  
 JEFFERSON COUNTY HEALTH DEPT  
 Submittal to 2024/08/28  
 Date Recorded: 11/01/2024





Staff Report  
Jefferson County Planning Commission Meeting  
December 10, 2019

**1. Property Background:**

The Planning Commission held a public workshop on July 9, 2019 in reference to a proposed Concept Plan for the applicant's proposal to develop the 23.6 acres as a mixed use development consisting of 132 townhouse units with related parking, stormwater management and open space, and a mini storage facility consisting of four units 260' long with varying depths and a storage/parking area for licensed boats and RVs.

The townhouses and mini storage facility are proposed to access off Hospice Lane at three proposed access points. Hospice Lane is wholly located in Berkeley County. Berkeley County will be responsible for the review and approval of the stormwater quality and quantity facilities as the stormwater drains into Berkeley County. Public Utilities are being provided from Berkeley County. The applicant is proposing to keep an area of approximately 4 acres around the existing structures, including a historic house, as a proposed business office and maintenance shed and storage area utilizing the existing access on Charles Town Road.

The Planning Commission approved a motion to accept the Concept Plan as submitted with a recommendation that the developer proceed to Preliminary Plat; work with WVDOH to see if there is a possibility of a construction entrance; and to not provide interconnectivity with the adjacent property to the South (which will require a waiver).

The Preliminary Plat for this project was submitted to the Office of Planning and Zoning in November 2019 for its first review and will require a Public Hearing before the Planning Commission when it is deemed complete by staff.

**2. Summary of the Request:**

The applicant has submitted a request to waive the Phase I Archaeological Study which is required with the submission of a Preliminary Plat by Section 24.113 of the Subdivision Regulations. At the Concept Plan submission, applicant was required to reach out to various outside agencies, including the Jefferson County Historic Landmarks Commission (HLC). At that time, the Jefferson County HLC provided comments and requested a "living privacy fence" between the proposed townhouses and the Class II historic resource to remain on the property addressed as 4115/4119 Charles Town Road. While a Class II historic resource does not require special protection by the Jefferson County Zoning Ordinance, the applicant has provided a buffer between the mini-storage facilities and the townhouse portion of the development and the historic dwelling unit. The applicant believes this effort meets the required Historic Resources Impact Study, but is requesting a waiver from the full Phase I Archaeological Study requirement.

**3. Waiver Requirements:**

The applicant addresses the 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;

Staff Report  
Jefferson County Planning Commission Meeting  
December 10, 2019

(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.

4. **Staff Comments:**

Staff understands that a requirement for a Phase I Archaeological Study to be conducted in a County with as many historic resources as Jefferson County has the potential to identify previously unknown historic resources; however, lands which have historically been used for agricultural purposes have generally been so disturbed as to make it difficult to identify any new resources. At this point, no one is certain what the intent of this requirement was but it is generally thought to be quite expensive and beyond the scope of what the County considers a reasonable expense for a residential development, in part because there is no effect for the information obtained in such a study. The applicant has indicated that they will commit to notifying the County if, during construction any archaeological resources are discovered.

Staff believes that this is a provision of the Subdivision Regulations that may require editing and recommends that the Planning Commission collaborate with the SHPO and Jefferson County HLC to amend this requirement to create a requirement that balances the cost of development with the anticipated results.

5. **Staff Recommendation:**

Staff recommends that that this waiver may be a reasonable request because there is no Category 1 historic resource on this property and the Subdivision Regulations do not have an effect for the results of such a study that impacts the design or layout of a subdivision or site plan.





**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

File Number: 19-18-PCW  
 Staff Initials: RBB  
 Sketch Received: ✓  
 List of Adjoiners: \_\_\_\_\_  
 Fees Paid: 100.00

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

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

**Waiver Request**

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

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

**Property Owner Information**

Name: Townhomes Rental LLC  
 Mailing Address: 4115 Charles Town Road, Kearneysville, WV 25430  
 Phone Number: c/o Paul 304/676-8256 Email: \_\_\_\_\_

**Applicant Contact Information**

Name: Joshbeen Grewal Paul J Raco  
 Mailing Address: Above and Below  
 Phone Number: Paul 304/676-8256 Email: pjraco.consulting@gmail.com

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

Name: P.J. Raco Consulting, LLC: Paul J Raco Cheat Road Engineering: Trevor Lloyd, P.E.  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 5011 Mid Atlantic Drive, Morgantown, WV 26508  
 Phone Number: Paul 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: 4115 Charles Town Road, Kearneysville, WV 25430  
 Tax District: 7 Map No: 1 Parcel No: 1.1 and 1.2  
 Parcel Size: 16.62 +/- Acres and 7 +/- Acres Deed Book: 1231 1215 Page No: 398 142

**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 checked="" 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 type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**RECEIVED**

NOV 18 2019

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING  
 Place Date Stamp Here

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

Article 24, Section 24.113 B.10.

**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

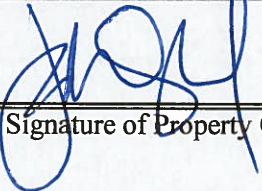
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

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.**

  
Signature of Property Owner

Nov 18 2015  
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

Rocky Ridge Preliminary Plat  
Waiver Request  
Sections: 24.113B.10  
Jefferson County Subdivision and Site Development Ordinance  
November 18, 2019

**Brief Description:**

This provision requires a Phase I Archeological Report and a Historic Resources Impact Study. During a Roundtable discussion between Staff and Consultants on the current ordinance rewrite project, this item was brought up by the Design Consultant that worked on the previous Major Subdivision. This Design Consultant asked that the provision be removed since it didn't appear to serve a purpose and that it cost a lot of money. Staff agreed that they didn't know the intent of the writers of the ordinance and thought that it may be that whoever wrote the ordinance thought that this study was more like a Phase 1 Environmental Study that basically required a walk through on the property to identify possible trouble areas. However, a full Archeological Study is reserved for major government projects and for projects that are in high probability areas for Archeological finds. This area hasn't been identified as an area of Archeological significance. The discussion with Staff also included the revelation that there was nothing that could come from a study for a nongovernmental project and that it really wasn't reviewed in detail as it related to the Ordinance Requirements for a Preliminary Plat.

Regarding the Historic Resources Impact portion of the project, the JCHLC already reviewed the project and determined that there should be protection afforded to the house on site. However, when it was brought up at the Concept Plan Workshop, it was determined that the Plan did indeed meet the Ordinance Standards for protection of this house since it was not a Category 1 structure. Therefore, the standard has been met with the identification of the Category 2 structure and the plan's compliance with the protection standards afforded a Category 2 structure. The Preliminary Plat does provide a buffer between both the Mini-Storage portion and the townhouse portion and the dwelling unit.

As an area identified by the County as a Preferred Growth Area in the most recent Comprehensive Plan, this area was already reviewed at a basic level by many experts and agencies during the drafting of this plan. After this review, it was determined that this area should be permitted to developed with Urban Level Growth.

Accordingly, the Applicant believes that they comply with the Historic Resources Impact statement. And regarding the Phase 1 Archeological Study, the Applicant is seeking a Waiver from providing a full Phase 1 Archeological Report and will ensure that they will walk the property to identify any archeological sites from the surface. The Applicant will also commit to notifying the County if during construction, any archeological resources are discovered.

Rocky Ridge Preliminary Plat  
Waiver Request  
Sections: 24.113B.10  
Jefferson County Subdivision and Site Development Ordinance  
November 18, 2019

**Four Criteria:**

1. *Explain how the design of the Project will provide public benefit in the form in the reduction of Public maintenance costs, greater open space, parkland consistent with the County Park Plans or benefits of a similar nature;*

The project is in an area that is identified as the Route 9 Preferred Growth Area. This area was established in the Envision Jefferson 2035 Comprehensive Plan. The PGAs are for the development of Urban Level Growth and full development. This property is zoned for mixed use and this project is a mixed use development of affordable housing in the form of Townhouses and mini-storage units to provide storage for these houses, as well as, the residents in the area.

The project meets the standards for open space and park land. They will be privately maintained and will have no public maintenance cost.

Granting the waiver will allow the project to move forward and will generate a great deal of taxes and impact fees for the County.

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

The granting of the waiver will have no effect on the public health safety or welfare of the neighbors or adjacent property owners. The waiver is to not require an expensive study that will have no impact on how to develop under the existing Preliminary Plat Standards in the Ordinance.

The JCHLC has already indicated the location of a Category 2 historic resource on site and the Applicant has conformed with the Standards of the Ordinance regarding the protection of that resource.

The Applicant has done his own review of the property regarding any other resource that the Subdivision Ordinance requires to be addressed. Providing an expensive study that the ordinance does not provide any recourse for, is an expense that is not necessary. If any archeological resources are found during grading or construction, the

Applicant will immediately notify the County. Although, there still isn't any provision in the Subdivision Ordinance that will address the matter.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

After discussion with the Staff, the intent of the provision is unknown. A review of the actual standards found in the Subdivision Ordinance show that there isn't any requirement found in the Standards that would address something in an Archeological Study. Therefore, it would appear to be for the benefit of the Applicant. The Applicant is satisfied with the process and standards identified in the ordinance and plan on meeting the other standards of the ordinance at this time.

The Design Consultant that worked on the last Major Subdivision participated in the Roundtable discussion on the current ordinance amendments. He reported that this provision needed to be removed since it appeared not to be tied to any requirement of the ordinance. The Staff opined that they weren't sure what the intent was of the ordinance drafters regarding this provision.

Regarding the Historic Resource Impact, the intent is for the identification of significant historic resources. In this case, the JCHLC did participate in the Concept Plan review and has identified that resource. As a result, the Applicant will buffer the house pursuant to any applicable ordinance standard.

Finally, this area is a Preferred Growth Area in the Comprehensive Plan that was developed by experts in all fields in Jefferson County. The assumption is that if there was any indication that this area should be protected or treated specially, then the County would not have identified it as a prime, major development area.

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

There is no purpose identified in the Subdivision Ordinance to provide a study, therefore, neither the County nor the Applicant knows what could be required even if a Study was defined or provided. The project will meet all the defined standards in the ordinance. It is a well designed subdivision in an area that is identified in the Comprehensive Plan as a major development area. Furthermore, it is a development that will provide affordable housing in the area of major employment (Liberty Business Park, Coast Guard, IRS, VA Medical Center, Hospice).

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver so that the process can continue in a timely and more cost-effective fashion. Thank you for your consideration.



- 6. Discussion and Possible Action:** Petition from landowner Stanley Dunn, represented by Torch Clean Energy, to request that the Planning Commission consider within its work plan a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural zoning district.



Jefferson County Planning Commission  
116 East Washington Street  
Suite 200  
Charles Town, WV 25414

I am lifelong resident of Jefferson County. I have been a dairy farmer for 36 years and have also grown corn, soybeans, and wheat on land that I own and lease.

Today I am requesting that the County amend its Zoning Ordinance to allow for solar farms in the Rural District as a Conditional Use. Solar is a safe, quiet, and passive use of the land, and would provide value to landowners and the County as a whole. It would also be consistent with the Comprehensive Plan's stated goal: the "Enhancement of the Rural Economy."

I am working with Torch Clean Energy, who will coordinate directly with the County in the development and adoption of this amendment. I hope that the Commission will allow the County's farmers—and the County itself—to benefit from the land's potential for solar farms.

Respectfully,

 11/18/19  
Stanley Durrn

RECEIVED  
Jefferson County  
Office of Planning and Zoning  
November 26, 2019



November 25, 2019

Jefferson County Department of Engineering, Planning, and Zoning  
104 E Washington Street  
Charles Town, WV 2514

**RE: Zoning Ordinance Text Amendment for Solar Energy Facilities**

Section 12.4.B of the Zoning and Land Development Ordinance allows for members of the County to propose text amendments to the Planning Commission. Torch Clean Energy is working with landowners in the County and proposes this text amendment on their behalf.

Torch is a developer, owner, and operator of renewable energy projects in the United States, with several projects under development in Virginia. Unlike the state's more mountainous regions, Jefferson County has land that is ideal for solar: clear, flat land with proximity to a robust transmission system. Solar would provide a source of clean energy and an economic benefit to landowners and the County in the form of lease payments, investment and employment, and increased property taxes. In addition, allowing for solar energy facilities in the Rural district would be consistent with the Comprehensive Plan:

- The Plan mentions the need to evaluate the use of alternative energy in general, and solar in particular.
- A central goal of the Plan was the “enhancement of the rural economy”, which include uses outside of traditional agriculture that will enhance the viability of operating rural based businesses.
- The Plan recognizes the need for farm operators to “diversify or change their operations to meet the needs of the marketplace.”
- The Plan seeks to control residential development and traffic volume in the Rural District.
- A Solar Energy Facility would not permanently remove agricultural land from the County and would enhance the surrounding agricultural land by using pollinator-friendly seed.
- A Solar Energy Facility would enhance the County's tax base without requiring any County Services.
- Allowing the development of renewable energy would help the County attract leading technology companies and create higher-paying jobs.

Torch looks forward to working with the County on this proposed amendment.

A handwritten signature in black ink, appearing to read "Samuel S. Gulland", written in a cursive style.

Sam Gulland  
Development Manager  
Torch Clean Energy

RECEIVED

Jefferson County  
Office of Planning and Zoning  
November 26, 2019

# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

RECEIVED  
Jefferson County  
Office of Planning and Zoning  
November 26, 2019

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, October 18, 2018



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## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

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

### Section 2.2 Terms Defined

Abandonment or Abandoned <sup>17,21</sup>	The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.
Accessory Agricultural Dwelling Unit <sup>26, 32</sup>	An accessory dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.
Accessory Dwelling Unit <sup>32</sup>	A secondary dwelling unit that has a separate kitchen, bathroom, and sleeping area, and may be attached to the principal dwelling unit or detached and situated on the same lot as the principal dwelling unit. An accessory dwelling unit is part of the same property as the main home and cannot be bought or sold separately unless subdivided in accordance with the Subdivision Regulations and the Zoning Ordinance. The owner of the accessory dwelling unit is the owner of the principal dwelling unit. The property owner or immediate family member must occupy either the principal dwelling unit or the accessory dwelling unit. An accessory dwelling unit shall meet the definition of an accessory agricultural dwelling unit or an in-law suite as provided in Section 8.15 of this Ordinance.
Accessory Equipment <sup>22</sup>	Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.
Accessory Use	A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.
Adaptive Reuse of Historic Structures <sup>32, 35</sup>	Adaptive reuse refers to the process of reusing a historic site or building for a purpose other than that for which it was built or designed.

theater for community events is permitted. This use does not include an adult use or a bar or nightclub.

Personal Services<sup>27</sup>

Establishments primarily engaged in providing individual services generally related to personal needs of a non-medical type, including barber shops; beauty salons; chiropractic clinics; clothing rental; dry cleaning and laundry services (as defined in this Ordinance); duplicating services; garment repair, pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

Photovoltaic Technology

Materials and devices that absorb sunlight and convert it directly into electricity.

Plat<sup>23</sup>

A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat<sup>23</sup>

A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool<sup>23</sup>

Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Preservation of a Historic Site<sup>35</sup>

The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Primary Public Safety Provider<sup>22</sup>

An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Permitted Use<sup>23, 31, 32</sup>

Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.

Sign, Inflatable <sup>36</sup>	Any display capable of being expanded by air or other gas and used on a temporary or permanent basis to advertise a product or event.
Sign, Off Premises <sup>36</sup>	A sign structure which directs attention to a business, commodity, service, or entertainment not necessarily conducted, sold, or offered upon the premises where such sign is located.
Sign, Pylon <sup>36</sup>	A sign which advertises more than one land use on the premises where the sign is located.
Sign, Vehicle	A sign or advertising device which is painted, mounted, affixed or otherwise attached to a vehicle or trailer, which is used for the purpose of providing advertisements of products and services or directing people to a business or service or other activity on or off the premises or public right-of-way where such vehicle sign is located. This does not include identification signs on vehicles which are moved regularly and used in the normal, day-to-day operation of the business.
Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
<u>Solar Energy Facility</u>	<u>A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, transformers, inverters, cabling, electrical lines, and other improvements necessary to support the generation, collection, storage, and transmission of electrical power.</u>
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.
Specified Anatomical Area <sup>15</sup>	As used herein specified anatomical areas means and includes any of the following: <ul style="list-style-type: none"> <li>A. Less than completely and opaquely covered human genitals, public region, buttocks, anus, or female breasts below a point immediately above the top of the areola; or</li> <li>B. Human male genitals in a discernibly turgid state, even if completely or opaquely covered.</li> </ul>
Specified Sexual Activities <sup>15</sup>	As herein, specific sexual activities means and includes any of the following: <ul style="list-style-type: none"> <li>A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breasts;</li> <li>B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation, or sodomy; Masturbation, actual or simulated; or</li> <li>C. Excretory functions, when such activities are a part of or in connection with any of the activities set forth in the following definitions: Adult Use; Adult Arcade; Adult Bookstore; Adult Cabaret; Adult Mini Motion Picture; Adult Sauna; Adult Theater; Massage Parlor; Sexual</li> </ul>

## **Section 8.20 Solar Energy Facilities**

Solar energy facilities shall be permitted only in the Rural (R) District as a conditional use following review and approval of the Board of Zoning Appeals as provided in this Ordinance. For purposes of this Ordinance, a solar energy facility shall be considered only an agricultural use and shall not be considered a commercial use, an industrial use, or any type of use other than an agricultural use.

Except as otherwise subject to conditions, restrictions, or modifications of the following standards imposed by the Board of Zoning Appeals upon issuance of a Conditional Use Permit for the solar energy facility, a solar energy facility shall be subject to the following standards and limitations:

### A. Application for Conditional Use Permit

In addition to other application requirements specified in this Ordinance, an application for a Conditional Use Permit for the solar energy facility shall include:

1. Project description and overview in textual form that sets forth the estimated completion date and operational lifespan of the solar energy facility, contemplated on-site components, and a description of any supplementary structures or uses; and
2. General layout plan that includes, at a minimum, location, access points, and anticipated location of solar and ancillary equipment needed to generate and distribute energy. If facility development is to be phased, a general phasing plan should also be included.

### B. Decommissioning Plan

A Decommissioning Plan for the solar energy facility shall be submitted with any site plan required by the Subdivision and Land Development Regulations. The Decommissioning Plan shall include the following:

1. Timeline for, and written description of, decommissioning procedures which shall include, but not be limited to removal of cables, fencing, debris, buildings, structures or equipment (including foundations and pads) related to the solar energy facility and the restoration of the facility land and related disturbed areas to a condition substantially similar to their condition prior to commencement of activities related to the facility; *provided that*, the Planning Commission may authorize specified items to remain on the site when intended to be utilized with respect to a permitted use to subsequently be undertaken on the site; and
2. A detailed estimate of the cost of decommissioning, which may include net salvage value of equipment, facilities, or devices, and site restoration. If decommissioning is phased, then such costs shall be so described and calculated to match the phased plan. The estimate shall be prepared by a licensed engineer with expertise in the removal of solar energy facilities and site restoration.

### C. Access to Facility

Access to the solar energy facility shall be provided to the local fire department(s) and code enforcement official(s) with cognizant jurisdiction in a manner satisfactory to the respective parties.

### D. Facility Operation and Design

1. Design, construction, and installation of the solar energy facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM), or other similar certifying organizations, and shall comply with the West Virginia State Building Code (87 CSR Series 1) and with all other applicable fire and life safety requirements.

2. Prior to commencing the transmission of electricity, the solar energy facility's operator shall provide to the Planning Commission documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or other off-taker in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of solar panels shall be biodegradable.
5. Internal wiring, excluding that which is on a solar array, shall be located underground except where necessary to mitigate impacts to environmental features.
- 6.
7. Onsite lighting shall be the minimum necessary for security and onsite maintenance and shall comply with Sec. 2.6 of the Subdivision and Land Development Regulations.
8. Solar equipment shall not be utilized to provide advertising or function as signs.
9. Except for initial construction or decommissioning activity, maintenance periods or emergency conditions which require temporary use of onsite generator, noise generated by the solar energy facility shall not exceed sixty (60) dBA as measured at property line with any adjacent property not part of facility.

#### E. Health and Safety

Operating areas of the solar energy facility shall be secured with security fencing a minimum of six (6) feet in height, and with secured gates. Notwithstanding the foregoing, the Planning Commission may approve an alternative method of security at time of site plan approval where demonstrated that such method meets or exceeds the intended security function of fencing.

#### F. Change in Responsible Party

The Planning Commission shall be notified by certified mail of any change in the ownership or operator of the solar energy facility or the party responsible for decommissioning of the facility within sixty (60) days of such change.

#### G. Decommission, Abandonment and Maintenance

1. The Planning Commission shall be notified by certified mail at least thirty (30) days prior to the intended decommissioning of the solar energy facility.
2. Damaged or unusable panels or arrays shall be removed from the site within sixty (60) days of removal from service.
3. The solar energy facility, or any portion thereof, shall be considered abandoned where not utilized for the generation and distribution of electricity for a continuous period of six months; *provided that*, the facility, and any such portion thereof, shall be deemed to be utilized for the generation and distribution of electricity, and shall not be considered to be abandoned: (i) during any period in which the facility, or any such portion thereof, is not actually operating but its owner or operator is actively arranging, negotiating, or contracting for, or conducting, the maintenance, repair, refurbishment, alteration, or upgrade of the facility, or such portion thereof, for its return to operation; or (ii) when the facility is operationally capable of generation of electricity, the temporary failure to utilize the facility for power generation is due to reasons beyond the reasonable control of the owner or operator of the facility, and the owner or operator has, in fact, not intentionally abandoned the facility.
4. Decommissioning procedures shall be completed within one (1) year of the owner or

operator's issuance of notice of decommissioning (unless such notice is withdrawn), abandonment of the solar energy facility, or receipt of written notice issued by the code enforcement official or other County official with cognizant jurisdiction that the solar energy facility or any aspect of it has been determined to be unsafe; *provided that*, if the owner or operator of the solar energy facility corrects any condition of the facility determined to be unsafe to the reasonable satisfaction of the code enforcement official or other County official, decommissioning shall not be required and the facility may continue in operation. Failure by the property owner to meet decommissioning requirements or comply with request for removal or repair may result in the County:

- a. removing and salvaging facility equipment and structures and performing related restoration. Where the proceeds of salvage are insufficient to cover the costs of removal and restoration, the County may seek to recover such costs through legal action to include legal fees, expenses and fines; or
- b. pursuing legal action to have the solar energy facility, or portion thereof as applicable, removed at the owner's expense. The County may seek to recover its costs, legal fees and legal expenses incurred to have the facility decommissioned in compliance with the Decommissioning Plan.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE 27, 32, 35**

Zoning District	Development Type <sup>o</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height	ImperVIOUS Surface Limit	Building Setbacks			Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11)					
						Building Setbacks			Parking/ Drive Aisle Setbacks			Screened / Unscreened			Adjacent Use		
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Distance Front Side Rear	Distance Front Side Rear	Commercial Use	Industrial Use	
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%									See IC District			
	Churches	2 acres	200	45	N/A	25	50	50				N/A	50(U) or 15 (S)	N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100											
Rural (R)	Hospitals	10 ac	500	45	N/A	100											
	Other Rural principal permitted uses and Solar Energy Facilities	40,000	100	45	N/A	40	50	50									
	Commercial or Industrial**																
Village (V)	Commercial*	N/A	N/A	35	N/A	25	10	40						See IC District			
	Industrial**	See IC District		35										See IC District			
Residential Growth (RG)	Commercial or Industrial**	See IC District		35										See IC District			
	Commercial	N/A	N/A	35	70%	15 min 25 max	10 £	10 <sup>o</sup>						See I-C District	25		See IC District
Neighborhood Commercial (NC)	Commercial	N/A	N/A	75	80%	20	10	25									
	Commercial	N/A	N/A	75	80%	25	25	25									
General Commercial (GC)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25									
	Commercial	N/A	N/A	75	90%	25	10	50									
Light Industrial (LI)	Commercial	N/A	N/A	75	90%	25	50	50									
	Industrial	3 ac ***	N/A	75	90%	15 min 25 max	10 £	10 <sup>o</sup>									
Major Industrial (MI)	Commercial	N/A	N/A	75	80%												
	Commercial	3 acres															
Office/Commercial Mixed Use (OC)	Commercial																
	Commercial																
Planned Neighborhood Development (PND)	Commercial																
	Commercial																

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for industrial uses does not apply if the site is located in an approved Industrial Park (Source: Sec. 5.6E)

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

⌘ Non-Residential Site Development in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

Ⓞ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

Ⓚ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

Ⓚ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

Ⓚ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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	
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
<b>Agricultural Uses*</b>													
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 <sup>37</sup>	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>Solar Energy Facility</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>CU</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>NP</u>	<u>Sec. 8.20</u>
<b>Accessory Uses</b>													
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
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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Phone: (304) 728-3228

**To:** Planning Commission

**From:** Alexandra Beaulieu, Zoning Administrator

**Date:** December 10, 2019

**RE:** ZTA14-02, Mass Event Regulations

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## **Background of ZTA14-02 to date:**

On November 21, 2019, the County Commission made additional revisions to ZTA19-01, Special Event Facilities, which included the Planning Commission's recommendation to remove the sentence prohibiting music festivals and concerts from the definition of Special Event. As part of the Planning Commission's recommendation to remove this sentence, the Planning Commission also requested that the County Commission send the Mass Event text amendment (ZTA14-02) back to them to reevaluate and take formal action.

Attached is the last version of the proposed Mass Event regulations (ZTA14-02). The County Commission last reviewed the text in February of 2016 and then delayed action when the department restructuring was taking place. No formal action has been taken since February 18, 2016.

- Late 2013, All Good Festival applied for a variance to operate a music festival.
- Early 2014, the public began reaching out to the County Commission requesting that mass event regulations be drafted.
- 03-11-14 - the Planning Commission directed Staff to schedule a workshop with stakeholders.
- 05-06-14 - Planning Commission workshop was held with stakeholders.
- 06-10-14 – ZTA14-02, first draft of proposed regulations submitted to the Planning Commission for the purpose of scheduling a public hearing. The Planning Commission made additional revisions.
- 07-08-14 – Planning Commission reviewed changes from June 10 and scheduled a public hearing for 08-12-14.
- 08-12-14 – Planning Commission held a public hearing.
- 08-21-14 – Staff held a meeting with stakeholders who spoke during the Public Hearing to address some the concerns discussed at that meeting.
- 08-28-14 - County Commission requested that the Planning Commission address the Mass Gathering Ordinance during their September 9, 2014 regular meeting and forward their recommendation to the County Commission.
- 09-09-14 – Planning Commission forwarded draft amendment to the County Commission.

- 10-01-14– County Commission held a special session for the purpose of holding a Public Hearing on the proposed text amendment ZTA14-02, Mass Gatherings/Events.
- 10-30-14 – County Commission reviewed comments received on 10-01-14
- 01-29-15 – County Commission discussed holding another public hearing.
- 04-30-15 – County Commission voted to schedule a work session on the draft Mass Gathering Ordinance during a regularly scheduled County Commission meeting.
- 05-07-15 – County Commission Work Session – voted to send back to the Planning Commission for recommended revisions based on the input received at the public hearing.
- 07-09 – 07-12, 2015 – All Good Music Festival
- 09-22-15 – Planning Commission reviewed draft text amendment and public comment received to date, as well as the JCESA after action report regarding the All Good Music Festival. PC directed Staff to create a comments matrix to review during the October meeting.
- 10-13-15 – Planning Commission postponed review of ZTA14-02.
- 10-27-15 – Planning Commission made revisions.
- 11-10-15 – Planning Commission reviewed revisions and scheduled a public hearing for December meeting.
- 12-08-15 – Planning Commission Public Hearing.
- 01-12-16 – Planning Commission made revisions based on public comments and forwarded to the County Commission.
- 02-04-16 - County Commission recommended scheduling a public hearing at a date tbd.
- 02-18-16 – County Commission delayed review of the Mass Event Ordinance until the middle of July. It appears no further action has been taken since February 18, 2016.
- 11-21-19 – at the request of the Planning Commission, the County Commission sent the Mass Event text amendment (ZTA14-02) back to the Planning Commission to reevaluate and take formal action.

Attachments:

- Minutes from February 4, 2016 County Commission meeting
- Minutes from February 18, 2016 County Commission meeting
- ZTA14-02, Mass Event Regulations (reflecting changes through 02-04-16)

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE  
RELATED TO MASS EVENTS (ZTA 14-02)**

**DELETE THE FOLLOWING SECTIONS:**

**~~Section 2.2 Terms Defined~~**

~~Seasonal Use<sup>5</sup> — A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.~~

**~~Section 9.8 Seasonal Uses<sup>5,7</sup>~~**

~~Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a Public Hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.<sup>17, 21, 23</sup>~~

**ADD THE FOLLOWING SECTIONS:**

**Section 2.2 Terms Defined**

**Mass Event** Any outdoor gathering of more than 1,000 people on any parcel, regardless of the length of time or type of activity. A Mass Event may be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial zoning districts and is prohibited on a property in the Residential Growth zoning district and in any major subdivision. A Mass Event shall not qualify as a Rural Reception/Event Facility. Any property owned by the County is exempt from the requirements of this Ordinance.

**Section 8.16 Mass Event Regulations**

A Mass Event is any outdoor gathering of more than 1,000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District, General Commercial, Highway Commercial, Residential-Light Industrial-Commercial, or Industrial Commercial Zoning Districts, provided that it processes according to the following requirements:

**A. Mass Event Application**

1. Approval of all Mass Events shall require the submission of an application at least 180 days prior to the event. Each Mass Event shall require a separate application.
2. Applications for events with less than 5,000 attendees will be processed administratively, unless the parcel where the proposed Mass Event will occur is on a shared access. If the proposed parcel is on a shared access, the application shall be considered by the Board of Zoning Appeals pursuant to a Public Hearing. The notification requirements in Section 3.4A.3.b shall apply. Applications for events with more than 5,000 attendees and any event requesting camping for attendees will require a public hearing before the Board of Zoning Appeals in accordance with 3.e below.
3. All Mass Events will be in accordance with the following criteria:
  - a. Each Mass Event must be the subject of separate application.
  - b. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.

- c. As part of the application, a sketch plan detailing the layout of the proposed event shall be submitted. A sketch plan should delineate areas for parking, performance areas (if applicable), bathrooms, food, concessions, setbacks, and any other information required by planning or engineering staff.
  - d. No Mass Event may last more than seven days, including attendee arrival and departure dates.
  - e. Each Mass Event application will be required to submit an application fee that shall be based on the projected number of attendees:
    - i. 1,000 to 5,000 attendees \$500
    - ii. Over 5,000 attendees and/or if camping by attendees is proposed \$1,000
    - iii. Non-profits and Government Agencies \$100
4. Mass Events with a projected number of attendees over 5,000 shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The notification requirements in Section 3.4A.3.b shall apply. The applicant shall notify adjacent and confronting property owners by certified mail of the date, time, and location of the Public Hearing and will include a copy of the application in the mailing. The applicant shall provide the Planning Office with a list of mailing addresses, a copy of what was included in the mailing and the certified mail receipts for the file within two weeks of the mailing.
5. All Mass Events must be insured and bonded. The insurance and bonding shall be posted 60 days in advance of an event. The County Commission shall be listed as additionally insured on any insurance policy. Documentation of liability insurance and bonding shall be submitted with the Zoning Certificate application.

The applicant for any Mass Event must post a Letter of Credit (LOC) or Cash in Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, in an amount determined by the Board of Zoning Appeals, which shall use this sliding scale as a minimum:

- |      |                              |              |
|------|------------------------------|--------------|
| i.   | 1,000 – 2,000 attendees/day  | \$2,000/day  |
| ii.  | 2,000 – 5,000 attendees/day  | \$5,000/day  |
| iii. | 5,000 – 10,000 attendees/day | \$10,000/day |
| iv.  | Over 10,000 attendees/day    | \$20,000/day |
6. If the Mass Event application is approved by the Board of Zoning Appeals, the applicant shall submit a Zoning Certificate application in accordance with the requirements found below, which shall be administratively reviewed and approved.

#### B. Zoning Certificate Application

- 1. Upon approval of the Mass Event Application, the applicant shall submit a Zoning Certificate Application and Sketch Plan for administrative review and approval at least 60 days prior to the event date. The Sketch Plan shall be in accordance with Concept Plan

guidelines as outlined in Section 24.116 and Appendix A, Section 1.2 of the Subdivision Regulations, and in accordance with the requirements found below:

- a. The Sketch Plan shall be to scale; on a 24"x36" sheet; showing appropriate areas for parking, performance areas (if applicable), bathrooms, food, concessions, public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification; setbacks; areas dedicated to camping for participants and/or attendees and related circulation patterns, if applicable; and any other information required by planning or engineering staff.
2. Staff will review the Zoning Certificate application and Sketch Plan for completeness within 10 days of receipt. All applications must meet the requirements of all applicable laws, ordinances, and regulations. Any application that fails to meet the requirements of all applicable laws, ordinances, and regulations shall be rejected. There will be a 30 day period for staff to review and approve the Sketch Plan once the application is deemed complete. The Zoning Certificate shall be approved within 60 days if all requirements are met.
3. The applicant must comply with standards in this Ordinance. Any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals shall result in the imposition of the maximum fine allowable by law in accordance with Section 3.3 of this Ordinance. In addition, the County may seek other legal and equitable relief.
4. The following supplemental site preparedness information shall be addressed and shall accompany the Zoning Certificate application. All Mass Events must contract with the following agencies:
  - a. Jefferson County Sheriff's Department
  - b. WV Licensed EMS Medical Provider
  - c. Appropriate Local Fire Department
  - d. Licensed Garbage Removal Company
  - e. Licensed Towing Company (if required by the BZA)All Mass Events must consult with the following agencies:
  - a. County Health Department (approval or permit required)
  - b. WV Division of Highways (approval or permit required)
5. A Mass Event shall meet the following site requirements and such requirements will be depicted on the Sketch Plan:
  - a. A setback of 500 feet from the property line is required for any performance area;
  - b. A setback of 250 feet from the property line is required for any area in which camping is permitted;
  - c. A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;

- d. A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250 feet from any structures on adjoining properties, unless written documentation from adjoining property owners granting permission to be closer is submitted; and
  - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concession.
  - f. Any variance from these requirements shall be referenced in the Mass Event Application and the applicant shall submit a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
  - g. Note that performers, presenters, or production crews that are a part of the event may stay on the site overnight without further approval.
6. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Sketch Plan:
- a. No outdoor amplified performances after 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday (amplified announcements are permitted).
  - b. No outdoor performance lighting after 1 a.m. or before 10 a.m. Sunday through Thursday; and not after 2 a.m. or before 10 a.m. on Friday and Saturday.
  - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
  - d. No Mass Event may last more than seven days, including attendee arrival and departure dates. A day shall be defined as a 24 hour period from midnight to midnight. Event set up and tear down may take place outside of this delineated time period and upon approval of the Zoning Certificate. Each Mass Event shall require a separate application.
  - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
  - f. The Mass Event applicant shall provide ample potable water supply and proper sanitation facilities.
  - g. All trash shall be removed daily.
  - h. Any variation from these requirements shall be included in the Mass Event Application which is presented to the Board of Zoning Appeals for their approval.
7. Proof of liability insurance, including a certificate listing Jefferson County as additionally insured, and bonding documents in the amount as determined by the Board of Zoning Appeals based on the sliding scale above shall be submitted with the Zoning Certificate Application.



## JEFFERSON COUNTY, WEST VIRGINIA

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## 2020 MEETING SCHEDULE JEFFERSON COUNTY PLANNING COMMISSION

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 at 7:00 PM.

### Regular Meetings

January 14, 2020

February 11, 2020

March 10, 2020

April 14, 2020

May 12, 2020

June 09, 2020

July 14, 2020

August 11, 2020

September 08, 2020

October 13, 2020

November 10, 2020

December 8, 2020

### Tentative Meetings\*

January 28, 2020

February 25, 2020

March 24, 2020

April 28, 2020

May 26, 2020

June 23, 2020

July 28, 2020

August 25, 2020

September 22, 2020

October 27, 2020

November 24, 2020

December 22, 2020

5/12/19: Primary Election Day – needs moved to 5<sup>th</sup> or 19<sup>th</sup>

9/8/20: Day after Labor Day

10/13/19: Day after Columbus Day

11/10/19: Day before Veterans Day

\*Tentative meetings are held if necessary to conduct Commission business or to meet required deadlines in accordance with the Planning Commission's 4<sup>th</sup> Tuesday Meeting policy (approved 11/14/17).

Such meeting can be called by the President of the Commission or by a majority vote of the Planning Commission.

Changes in the time or location of the meeting shall be noticed on the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Note: If County offices have been closed due to inclement weather, or if weather conditions make travel unsafe for the public, the Planning Commission meeting may be cancelled. Please check the County's website for possible meeting updates during this time. Thank you.





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

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## Planner's Memorandum Planning Commission Meeting December 10, 2019

### 1) Greenway Ordinance/Regulation Amendment Update

- a) Status Update from Greenway (memo to be distributed at meeting)
- b) Report from staff and Committee regarding proposed reorganization only (Task #1) – edits to occur in Task #2
- c) Reorganized draft due 1/10/20 to be discussed at January PC meeting

### 2) Status of Zoning Ordinance Text Amendments

- a) ZTA19-01 Event Venue in new structures and Alternative Farm Enterprise provisions (CC PH 9/19/19; PC considered CC proposed edits 11/12/19; CC revisited 11/21/19)
  - CC approved Event Venue text amendments (effective 11-21-19)
  - CC did not approve Alternative Farm Enterprise amendments – PC may want to revisit this

### 3) Upcoming PC meetings

- a) Next Regular Meeting: January 14, 2020