



AGENDA
JEFFERSON COUNTY COMMISSION
FOURTH QUARTERLY SESSION - OCTOBER - DECEMBER 2020
THURSDAY, OCTOBER 29, 2020
9:30 A.M.

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

*****This meeting will NOT be a LIVE broadcast on our website. Instead, it will be accessible live through GoToWebinar. Invites will be posted on Facebook and email alerts.***

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

- October 15, 2020 - Regular Meeting

APPROVAL OF REQUISITIONS

- October 29, 2020

APPROVAL OF ACCOUNTS PAYABLE

- October 15, 2020
- October 22, 2020
- October 29, 2020

APPROVAL OF MANUAL CHECKS

- October 16, 2020
- October 23, 2020
- October 30, 2020

APPROVAL OF PAYROLL

- October 5, 2020

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

PUBLIC COMMENT

****You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.**

PRESENTATIONS

1. 9:45 a.m. Angela Banks, Assessor
 - Exonerations - Discussion/Action

2. 10:00 a.m. Pete Dougherty, Sheriff
 - Grant Awards - Discussion/Action
 - Vehicle Donation - Discussion/Action
 - Bolivar Agreement - Discussion/Action
 - Sheriff's Office Staffing - Discussion/Action

3. 10:15 a.m. Eric Anderson, Executive Director, American Red Cross of the Greater
 Shenandoah Valley
 - Request to continue utilizing Wiltshire Road property for Red Cross disaster
 resources - Discussion/Action

4. 10:30 a.m. Chad Wallen, GORDON Associates
 - Sheetz Zoning Map Amendment: Request for a public hearing and referral
 to Planning Commission to review zoning amendment request for the 5.4
 acre property identified in Shepherdstown District (9), Map Number 8, Parcel
 13, 15.2 and portions of 10.2 and 14 - Discussion/Action

5. 10:45 a.m. Interviews/Appointments to the Jefferson County Board of Zoning Appeals
 - One BZA Alternate Position expiring January 1, 2021; January 1, 2022; or
 January 1, 2023 - Discussion/Action

6. 11:00 a.m. Jennifer Myers and David Hill, Jefferson County Parks and Recreation
 - Update on the JCPRC Financial Status due to COVID-19 - Discussion/Action

7. 11:15 a.m. Roger Goodwin and Todd Fagan, Department of Planning, Zoning &
 Engineering
 - Approval of State Records Management and Preservation Board Grant
 Application - Discussion/Action

8. 11:30 a.m. Alex Beaulieu, Zoning Administrator
 - Request total refund of zoning variance fee for Nicholas Derrick -
 Discussion/Action
 - Recommendation from the Planning Commission regarding the proposed
 text amendment to the Zoning Ordinance regarding Drive Through

Restaurants (ZTA20-02), and to request that the County Commission Schedule a public hearing. The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table - Discussion/Action

- Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries (File #ZTA20-01), and to request that the County Commission schedule a Public Hearing in accordance with WV Code 8A. The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table - Discussion/Action

9. 12:00 p.m. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues - Discussion/Action
 - Discussion of EEOC Charge #533-2017-00706 and 533-2019-01397 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69 - Discussion/Action
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282) - Discussion/Action
 - Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1) - Discussion/Action
 - Report by Counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues, and matters related thereto - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-174 - Discussion/Action
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-20 - Discussion/Action
 - Discussion of legal issues regarding proposed solar text amendment including bonding and related matters - Discussion/Action

- Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20 - Discussion/Action
- Discussion with Counsel regarding Charles Town City Council changes to Article 147 - Discussion/Action
- Review and amendment of policing agreement with Bolivar - Discussion/Action

COUNTY ADMINISTRATOR REPORTS

- Revision of Policies 204 and 217 - Discussion/Action
- Approval of Parks and Recreation Building Permits - Discussion/Action

COUNTY COMMISSION REPORTS

QUARTERLY REPORTS

- Jefferson County Historic Landmarks Commission
- Jefferson County Office of Planning and Zoning

10. ADJOURN

CORRESPONDENCE/INFORMATION

Correspondence regarding Halloween Activities During COVID-19 received from the Jefferson County Health Department.

Public Comment received from David Tabb regarding the October 15, 2020 meeting.

Minutes from September 11, 2020 received from the Harpers Ferry/Bolivar PSD.

Impact Fee Status Report for September, 2020 received.

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

Minutes

Jefferson County Commission

Thursday, October 15, 2020

A meeting of the Jefferson County Commission was held on Thursday, September 3, 2020 during the fourth quarterly session at 6:00 p.m. The meeting was held via GoToWebinar. Present were Commissioners Jane Tabb, President, Patricia Noland, Ralph Lorenzetti, Caleb Judson, and Josh Compton. Also present were Stephanie Grove, County Administrator; and Jessica Carroll, Executive Administrative Assistant (The archived meeting of the Thursday, October 15, 2020 meeting is available on the Jefferson County Commission website.)

PLEDGE OF ALLEGIANCE

Commissioner Lorenzetti led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Compton to approve the October 1, 2020 Regular Meeting Minutes with noted corrections. Motion seconded and unanimously approved.

APPROVAL OF REQUISITIONS

Motion by Ms. Noland to approve the Requisitions for October 15, 2020 in the amount of \$11,900.00 to include Requisition No. 20062. Motion seconded and unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK#	VENDOR NAME	AMOUNT
83848	10-42 TACTICAL LLC	\$ 29,575.00
83849	CAPITAL LIGHTING & SUPPLIES LLC	\$ 242.90
83850	CITY OF CHARLES TOWN	\$ 190.24
83851	EVERBRIDGE	\$ 3,713.15

83852		FIDELITY POWER SYSTEMS	\$ 1,815.00
83853		GUTTMAN OIL CO	\$ 2,434.99
83854		OLD CHARLES TOWN LIBRARY	\$ 1,500.00
83855		R.E. MICHEL CO. LLC	\$ 971.81
83856		RANSON POLICE DEPT	\$ 460.88
83857		RICE TIRES CO	\$ 543.26
83858		SHERWIN-WILLIAMS	\$ 19.99
83859		MOOREFIELD POLICE DEPARTMENT	\$ 1,060.27
83860		W B MASON CO. INC	\$ 217.95
83861		WV EMERGENCY MANAGMENT COUNCIL	\$ 125.00
83862		TYLER TECH	\$ 652.00
83863		JEFFERSON CO DAY REPORT	\$ 5,472.50
TOTAL			\$ 48,994.94

Motion by Mr. Compton to approve the Accounts Payable for October 8, 2020 in the amount of \$48,994.94. Motion seconded and unanimously approved.

MANUAL CHECKS

MANUAL CHECKS				
Check#	Fund	VENDOR		Amount
514	CS/2	EASTRIDGE HEALTH SYSTEM		\$ 2,600.00
832	AV/56	JOURNAL		\$ 1,080.00
134	IP/249	TISCHLERBISE INC.		\$ 3,300.00
141	IP/249	TISCHLERBISE INC.		\$ 2,425.00
119	IP/249	TISCHLERBISE INC.		\$ 7,840.00
110	IP/249	TISCHLERBISE INC.		\$ 2,700.00
TOTAL				\$ 19,945.00

Motion by Mr. Lorenzetti to approve the Manual Checks for October 9, 2020 in the amount of \$19,945.00. Motion seconded and unanimously approved.

PUBLIC COMMENT

Public comment was received by the following: David Tabb (via e-mail)

Please refer to the archived meetings on the jeffersoncountywv.org website to listen to public comment.

PRESENTATIONS

1. Pete Dougherty, Sheriff
 - a. Grant Application Approval
 - **Motion by Ms. Noland to approve the Records Management and Preservation Board grant application in the amount of \$15,000 and authorize the President of the Commission to affix her signature. Motion seconded and unanimously approved.**
 - b. Sheriff's Office Staffing – no action took place regarding this item.
2. Michelle Gordon, Finance Director – requested the approval of the FY20 Financial Statement
 - **Motion by Ms. Noland to approve the FY20 Financial Statement as presented by Ms. Gordon. Motion seconded and unanimously approved.**
3. Kelly Franklin, Director, Day Report Center – requested approval of a Case Management Support Request.
 - **Motion by Ms. Tabb to provide \$50,000.00 from the Coal Severance Fund to the Jefferson Day Report Center to fund an additional case manager due to increased needs as a direct result of COVID-19. Motion seconded and unanimously approved. Motion seconded but fails on a vote of 1-4 with Commissioners Compton, Hudson, Lorenzetti, and Noland opposing.**
4. Lynn Fields, Probate – requested the review of Estates and Approval of Accounts and Waivers for the fourth quarter.
 - **Motion by Ms. Noland to convene as a Fiduciary Review Board. Motion seconded and unanimously approved.**

- **Motion by Mr. Lorenzetti to approve the Accountings and Waivers that have met all requirements of probate and approve the estates opened since the last quarterly review. Motion seconded and unanimously approved.**
 - **Motion by Ms. Tabb to adjourn as a Fiduciary Review Board and reconvene as a County Commission. Motion seconded and unanimously approved.**
5. Dennis Jarvis, Director, Jefferson County Development Authority – requested approval to extend 2020 Audit completion date to December 31, 2020
- **Motion by Ms. Noland to approve the JCDA to extend the 2020 Audit completion date to December 31, 2020. Motion seconded and unanimously approved.**
6. Nathan Cochran, Assistant Prosecuting Attorney
- Discussion of renewal of County cable franchise agreement, resolution of franchise fee audit, and related issues. Discussion/Action.
 - Discussion of EEOC Charge #533-2017-00706 & #533-2019-01397. Discussion/Action.
 - Discussion of Jefferson County Circuit Court Civil Action #19-P-69. Discussion/Action.
 - Discussion of WV Supreme Court #19-0412 (from Jefferson County Circuit Court Civil Action #17-C-282). Discussion/Action.
 - Discussion of WV Supreme Court #20-0012 (from Jefferson County Circuit Court Civil Action #19-AA-1). Discussion/Action.
 - Report by counsel as previously assigned by Commission: creation of Jefferson County Fire Board, Jefferson County Emergency Ambulance Service Board, and organization of Jefferson County Emergency Services Agency; including potential structure, financial issues and matters related thereto.
 - Discussion of Jefferson County Circuit Court Civil Action #17-C-174. Discussion/Action.
 - Discussion of Jefferson County Circuit Court Civil Action #20-C-20. Discussion/Action.
 - Discussion of Legal Issues regarding proposed solar text amendment including bonding and related matters.
 - Discussion of Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20
- **Motion by Ms. Tabb to enter into Executive Session to receive legal advice regarding issues concerning the Jefferson County Emergency Services Agency Board, Jefferson County Circuit Court Civil Action #20-C-20 and a discussion of the Department of Interior inquiry of Historic Landmarks Commission activity for docket number PCRNPS-04-20. Motion seconded and unanimously approved.**

- **Motion by Mr. Compton to come out of Executive Session. Motion seconded and unanimously approved.**

NEW BUSINESS

7. Amendments/Updates to the Jefferson County Recycling Ordinance – it was the consensus of the Commission to ask staff to work with the involved parties to discuss ways to improve the current Jefferson County Recycling Ordinance.

COUNTY ADMINISTRATOR REPORTS

- Discuss Request for Funding – COVID-19 Pandemic Block Grant - \$100,000
 - **Motion by Ms. Noland to approve \$20,000 to Jefferson County Community Ministries, \$25,000 to Shepherdstown Shares, and \$3,744.80 to the Jefferson High School Band Boosters. Motion seconded and unanimously approved.**
- 8. The Commission adjourned at 8:33 p.m. on a motion by Mr. Compton. Motion was seconded and unanimously approved.

Jane M. Tabb, PRESIDENT

Respectfully submitted
Jessica Carroll
Executive Administrative Assistant

REQUISITIONS TO BE APPROVED

October 29, 2020

DEPARTMENT	P.O. NUMBER	AMOUNT	VENDOR	DESCRIPTION
OTHER BUILDINGS	21010	\$ 8,684.58	B&M Painting	Painting for Visitors Center
SHERIFF-LAW ENFORCEMENT	21012	\$6,572.00	MARKL Supply Co.	Ammunition
GRAND TOTAL		\$ 15,256.58		

B & M PAINTING INC
 92 EAST BURR BLVD
 KEARNEYSVILLE, WV 25430

Invoice

Date	Invoice #
9/24/2020	5473

Bill To
Jefferson County Maintance Dept. Bill Polk 128 Industrial Blvd Kearneysville, WV. 25430

P.O. No.	Terms	Project
		Interior Visitor Center (202...

Quantity	Description	Rate	Amount
	INTERIOR PREP AND PAINTING Scope of Work Brush and roll 1 coat of Sherwin Williams Pro Mar 200 ZERO VOC Primer on drywall surfaces to be painted. Allow proper drying time then sand with 120 sand paper and dust down. Cut and roll 2 coats of Sherwin Williams Pro Mar 200 ZERO VOC Egg Shell on walls and ceilings allowing proper drying time between coats. Apply 1 coat of Sherwin Williams Kem Kromik Universal Metal Primer on HM doors and jambs (interior side). Allow to dry then alloy 2 coats of Sherwin Williams Pro Mar 200 ZERO VOC Semi-Gloss allowing 4 hours between coats. Sand windows and doors with 320 sand paper and wipe down for a smooth starting surface. Apply 1 coat of Minwax Oil Stain (MPI 90) on doors and windows. Allow 24 hours drying time then apply 1 coats of Sherwin Williams Fast Dry Sanding Sealer. Allow 24 hours drying time then apply 1 coat of Minwax Satin Fast Dry Poly (MPI 78) . Pricing Labor Only		
		0.00	0.00
3,134	Main Level Walls	1.18	3,698.12
209	Main Level Ceiling	1.18	246.62
1,088	Upper Level Walls	1.18	1,283.84
1	HM Single Door	65.00	65.00
1	HM Double Door	85.00	85.00
8	Cased Windows	64.00	512.00
		Total	

B & M PAINTING INC
 92 EAST BURR BLVD
 KEARNEYSVILLE, WV 25430

Invoice

Date	Invoice #
9/24/2020	5473

Bill To
Jefferson County Maintance Dept Bill Polk 128 Industrial Blvd. Kearneysville, WV. 25430

P.O. No.	Terms	Project
		Interior Visitor Center (202...

Quantity	Description	Rate	Amount
13	Fixed Windows	58.00	754.00
8	Interior Doors & Jambs	105.00	840.00
1	** ADDITIONAL COAT ON TRIM AND DOORS DUE TO COLOR SELECTIONS Pricing	1,200.00	1,200.00
~~~~~ CHANGE ORDER ~~~~~ September 24, 2020 > Added 1 Commercial. (+\$1,200.00) Total change to estimate +\$1,200.00 ~~~~~			
		<b>Total</b>	<b>\$8,684.58</b>

**CHECK REGISTER  
OCTOBER 15, 2020**

CHECK#	VENDOR NAME	AMOUNT
83865	ADAM WARD	\$ 108.56
83866	AMERIFLEX	\$ 128.00
83867	AT&T	\$ 131.18
83868	BHM CPA GROUP INC	\$ 25,000.00
83869	BLUE RIDGE MOUNTAIN VOLUNTEER FIRE COMPANY	\$ 55,334.92
83870	BOLAND TRANE SERVICES INC	\$ 1,771.00
83871	BUREAU OF CHILD SUPPORT	\$ 248.31
83872	CACH LLC	\$ 276.76
83873	CITY OF CHARLES TOWN	\$ 153.57
83874	COAST TO COAST COMPUTER PRODUCTS	\$ 30.16
83875	CREAMERS WRECKER SERVICE	\$ 170.00
83876	CRYSTAL SPRING	\$ 31.78
83877	EFTPS IRS TAXES	\$ 98,660.44
83878	EMPOWER RETIREMENT	\$ 5,256.18
83879	FEDEX	\$ 136.68
83880	FIFTH THIRD BANK	\$ 120,670.32
83881	G & TRIPLE T LLC	\$ 5,670.00
83882	GUTTMAN OIL CO	\$ 4,954.68
83883	IPC TECHNOLOGIES INC.	\$ 13,676.00
83884	JEFFERSON CO EMERGENCY SERVICES AGENCY	\$ 13,079.11
83885	JEFFERSON SECURITY BANK	\$ 4,699.00
83886	JEFFREY POLCZYNSKI	\$ 25.52
83887	LAURA L KUHN	\$ 3,250.00
83888	LISA WALTERS	\$ 1,226.10
83889	MATTHEW BENDER	\$ 338.31
83890	NATIONWIDE RETIREMENT SOLUTIONS	\$ 849.00
83891	RANSON POLICE DEPT	\$ 809.19
83892	RETIREE HEALTH BENEFIT TRUST	\$ 8,392.00
83893	SHANNON BURLETT	\$ 1,378.21
83894	SHENTEL	\$ 1,832.48
83895	SOFTWARE SYSTEMS INC	\$ 1,176.00
83896	TERRY PALMER	\$ 1,024.11
83897	THE HARTFORD	\$ 3,624.88
83898	THE HARTFORD	\$ 2,406.65
83899	TOWN OF BOLIVAR	\$ 3,341.95
83900	MOOREFIELD POLICE DEPARTMENT	\$ 307.44
83901	VERIZON WIRELESS SERVICES LLC	\$ 50.00
83902	WENDY JENKINS	\$ 3,250.00
83903	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$ 15,410.77
83904	WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	\$ 47,551.18
83905	WV REGIONAL JAIL & CORRECTION FACILITY AUTH	\$ 65,427.00
83906	AVALANCHE SERVICE	\$ 1,162.50
<b>TOTAL</b>		<b>\$ 513,019.94</b>



**MANUAL CHECKS  
OCTOBER 16, 2020**

Check#	Fund	VENDOR	Amount
515	CS/2	CITY OF CHARLES TOWN	\$ 314.00
516	CS/2	JEFFERSON CO COUNCIL ON AGING	\$ 14,909.00
710	HD/8	ATTENTI	\$ 2,988.80
711	HD/8	FIFTH THIRD BANK	\$ 57.56
330	FP/57	JEFFERSON CO FARMLAND PROT.	\$ 97,955.78
833	AV/56	FIFTH THIRD BANK	\$ 1,330.53
834	AV/56	GLOBAL SCIENCE & TECH	\$ 10,944.00
835	AV/56	MATTHEW BENDER	\$ 354.20
836	AV/56	MONROE	\$ 404.50
837	AV/56	SEGRA	\$ 616.00
<b>TOTAL</b>			<b>\$ 129,874.37</b>



**CHECK REGISTER**  
**OCTOBER 22, 2020**

<b>CHECK#</b>	<b>VENDOR NAME</b>	<b>AMOUNT</b>
83907	CAPITAL LIGHTING & SUPPLIES LLC	\$ 641.22
83908	CRYSTAL SPRING	\$ 37.03
83909	WV ENHANCED 911 COUNCIL	\$ 238.50
83910	XEROX CORPORATION	\$ 1,035.35
83911	SHERIFF OF JEFFERSON CO-004	\$ 11,550.50
<b>TOTAL</b>		<b>\$ 13,502.60</b>

23-Oct-20

<b>MANUAL CHECKS</b>			
<b>Check#</b>	<b>Fund</b>	<b>VENDOR</b>	<b>Amount</b>
838	AV/56	JUSTTECH LLC	\$ 361.45
1253	IP/249	SHERIFF JEFFERSON CO -SCHOOL	\$ 86,048.45
1254	IP/249	SHERIFF JEFFERSON CO - LAW	\$ 2,466.78
1255	IP/249	SHERIFF JEFFERSON CO - PARKS	\$ 6,889.48
1256	IP/249	SHERIFF JEFFERSON CO - EMS	\$ 744.93
<b>TOTAL</b>			<b>\$ 96,511.09</b>



DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$415,686.50		\$415,686.50
6.2% Tax Payable OASDI	\$24,630.52		\$24,630.52
1.45% Tax Payable HI	\$5,760.28		\$5,760.28
Fed Withholding	\$37,878.84		\$37,878.84
WV State Withholding	\$17,297.70		\$17,297.70
PERS Retirement Deduct 4.5%	\$5,280.84		\$5,280.84
PERS Retirement Deduct 6%	\$10,386.91		\$10,386.91
Hosp. Pre-Taxed	\$15,866.00		\$15,866.00
Cancer/ICU Pre-Taxed	\$605.87		\$605.87
Cancer/ICU Not Pre-Taxed	\$939.76		\$939.76
Optional Life Not Pre Taxed	\$1,812.44		\$1,812.44
Christmas Club	\$4,699.00		\$4,699.00
Wage Attach #1	\$248.31		\$248.31
Wage Attach #2	\$276.76		\$276.76
Wage Attach #3			\$0.00
DSRS Retirement Deduct 8.5%	\$6,389.84		\$6,389.84
457 - Nationwide	\$849.00		\$849.00
457I - Empower	\$4,551.18		\$4,551.18
457R - Roth	\$705.00		\$705.00
MD State Tax	\$710.90		\$710.90
D/VF	\$1,948.02		\$1,948.02
VA State Tax	\$188.41		\$188.41
Colonial(Plus)	\$81.60		\$81.60
Uniforms			\$0.00
Total Deductions	\$141,107.18	\$0.00	\$141,107.18
Net Wages Total	\$274,579.32	\$0.00	\$274,579.32
Payroll Date	October 15, 2020		



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



Name: Angie Banks, Assessor

Department or Organization: **Assessor's Office**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **October 29, 2020**

*If a specific date is needed, please provide reason for specific date:* [Click here to enter text.](#)

Date Requested – 2nd Choice: [Click here to enter text.](#)

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

⚡ **Exonerations – Discussion/Action**

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

Is this a funding request? **Y/N** [Click here to enter text.](#)

If so, how much? **\$**[Click here to enter text.](#)

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

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

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? **Projector** **Y/N** [Click here to enter text.](#) **Internet/Wi Fi** **Y/N** [Click here to enter text.](#)

Telephone for conference call **Y/N** [Click here to enter text.](#)

Contact information:

Email address: [Click here to enter text.](#) Phone Number: [Click here to enter text.](#)

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

[Click here to enter text.](#)



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



Name: Pete Dougherty

Department or Organization: **Sheriff's Office**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice next meeting

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Grant Awards  
Vehicle Donation  
Bolivar Agreement  
Staffing

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

The Jefferson County Sheriff's Office has received the official award packet from GHSP and it requires the Commissions acceptance and President's signature.

The Court Security grant request was awarded for the full request of \$35,372.00. This amount should allow us to complete the project in full without a match. Possible Action.

Seeking approval to donate a vehicle to Bakerton Fire Department (2010 Ford Explorer last 4 of VIN 5546)

Modifying the Bolivar Intergovernmental Agreement to provide additional funding to the Jefferson County Sheriff's Office

Discussion of Sheriff's Office Staffing – possible action

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

If so, how much? \$

Provide exact financial impact/request: none

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

I move to approve the acceptance of the GHSP award and authorize the president to affix her signature.

I move to approve the acceptance of the Court Security grant award and authorize the president to affix her signature.

I move to approve the vehicle donation to Bakerton Fire Department.

I move to accept the modified intergovernmental agreement as presented and authorize the president to affix her signature.

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

If not attached, explain:

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

Contact information:

Email address: [pdougherty@jcsdvw.com](mailto:pdougherty@jcsdvw.com)

Phone Number: 304-728-3205

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

not applicable

**GRANT CONTRACT AGREEMENT**  
**BETWEEN THE**  
**WEST VIRGINIA DEPARTMENT OF TRANSPORTATION**  
**DIVISION OF MOTOR VEHICLES**  
**AND**  
**JEFFERSON COUNTY COMMISSION**  
**F21-HS-06**

This **AGREEMENT**, entered into this 30th day of September 2020, by the Commissioner of the Division of Motor Vehicles, for and on behalf of the State of West Virginia, Department of Transportation, Division of Motor Vehicles, hereinafter referred to as "DMV," and Jefferson County Commission hereinafter referred to as "Subgrantee."

**Whereas**, DMV is the recipient of a National Highway Traffic Safety Administration appropriation from the United States Department of Transportation, and

**Whereas**, the Subgrantee is an eligible applicant, who is desirous of receiving funds to continue the Jefferson County EP Traffic Safety Enforcement Program.

**Now, Therefore**, the parties hereto mutually agree as follows:

1. The Subgrantee agrees to comply with all applicable federal and state laws and rules, regulations and policies promulgated thereunder.
2. DMV agrees to assist the Subgrantee to perform such tasks and functions as set forth in the application which is attached hereto and made part hereof, hereinafter referred to as Attachment A.
3. The Subgrantee shall do, perform, and carry out in a satisfactory manner as determined by DMV all duties, tasks and functions necessary to implement the application which is hereto attached as Attachment A.
4. The Subgrantee will commence its duties under the Agreement on October 1, 2020, and to continue those services/activities until September 30, 2021. The terms of this Agreement may only be extended or modified by the mutual written agreement of the parties hereto.

5. In consideration of the services rendered by the Subgrantee, the sum of up to \$96,000 shall be obligated by DMV and said amount shall be deemed to be the maximum compensation to be received for this agreement unless a written modification is entered into between the parties amending the Agreement.
6. It is the understanding of all parties to this Agreement that DMV, by joining in the Agreement, neither pledges, nor promises to pledge, the credit of the State of West Virginia, nor does it promise payment of the compensation hereunder from monies from the "Treasury of the State of West Virginia."
7. To be eligible for any and all payments of the grant amount, the Subgrantee shall submit a Request for Reimbursement no more frequently than once a month to DMV. Upon receipt of said request, DMV shall review the same for reasonableness and appropriateness; and if approved, will cause a warrant to be requested on that sum considered reasonable and appropriate. It is expressly understood that the total compensation shall not exceed the amount set forth in Paragraph Five hereinbefore cited and said compensation will be expended only as outlined in the budget sections of Attachment A, unless written approval of modification of the budget is signed by the parties hereto. The Subgrantee shall submit both a fiscal report detailing expenditures and a narrative progress report on a monthly basis by the 20th day of the following month.
8. The Subgrantee hereby represents that it possesses the legal authority to contract for this Agreement. Furthermore that attached hereto and made a part hereof as Attachment B is a certified copy of the resolution, or motion of similar action, which the Subgrantee's governing body has clearly adopted or passed; and further, that it has directed and authorized an official representative to act in connection with this Agreement. If the Subgrantee is a State agency, the completed application signed by the agency head is sufficient.
9. The Subgrantee agrees to abide by the grant conditions, terms, assurances and certifications which are a part of Attachment A and such other special terms and conditions that DMV has set forth in Attachment C which is incorporated herein and made part hereof, if said Special Conditions are appropriate to this Agreement.
10. If, through any cause, the Subgrantee shall fail to fulfill in a necessary and proper manner his obligations under this Agreement, the DMV may withhold payments to the Subgrantee upon notice in writing, suspend, or cancel this Agreement and Attachments. The notice of withholding payments, suspension, or cancellation should set forth the DMV reasons for taking said action.
11. DMV and Subgrantee may from time to time require changes in the scope of services performed hereunder. Subgrantee agrees to submit a written request for modification prior to changing any budget line item. All such changes, including any increase or decrease in the amount of compensation here-under or work to be performed, which are mutually agreed upon between the parties shall be in writing.
12. If for any reason funds received by DMV are suspended or terminated, in whole or in part, funding for this agreement shall cease.

13. The Subgrantee shall, within the time period prescribed by grant conditions upon the termination of the Agreement, submit to DMV a final report on forms provided by DMV. Said reports shall reflect actual costs incurred during the terms of this Agreement.
14. The parties hereto agree that notice shall be given by personal service or served when mailed certified US Mail, postage prepaid, return receipt requested to the following addresses:
  - a. Governor's Highway Safety Program  
5707 MacCorkle Avenue, SE  
Post Office Box 17600  
Charleston, West Virginia 25317-0010
  - b. **Subgrantee Mailing Address:**  
**Jefferson County Commission**  
**Post Office Box 250**  
**Charles Town, West Virginia 25414**
15. The Subgrantee shall hold and save DMV and its officers, agents, and employees harmless from liability of any nature, including cost and expense, for or on account of any suits or damages of any character whatsoever resulting from injuries or damages sustained by any persons or property resulting in whole or in part from the negligent performance or omission of any employee, agent, or representative of the Subgrantee.

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

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**Ms. Jane Tabb**  
**Commission President**  
**Jefferson County Commission**

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**Everett Frazier**  
**Commissioner**  
**Division of Motor Vehicles**



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



Name: Eric Anderson, Executive Director

Department or Organization: **American Red Cross of the Greater Shenandoah Valley**

Estimation of amount of time needed for appointment: 5-10 minutes

Date Requested – 1st Choice: **Thursday, October 29th @ 9:30 a.m. meeting**  
*If a specific date is needed, please provide reason for specific date:*

Date Requested – 2nd Choice: **Thursday, November 5th @ 9:30 a.m. Meeting**

Subject (*Wording to be placed on agenda*): Eric Anderson, American Red Cross of Greater Shenandoah Valley  
- Request to continue utilizing Wiltshire Road property for Red Cross disaster resources - Discussion/Action

Please provide the County Commission with a description of your request or presentation, including any background information: Due to budgetary constraints created by the recent territory realignment of the American Red Cross, and further impacted by COVID-related office closures, the American Red Cross is closing its Kearneysville office location at 1948 Wiltshire Road. However, the American Red Cross, in conjunction with Jefferson County Homeland Security & Emergency Management, requests to keep several resources on-site at the Wiltshire Road location to continue to provide disaster support in Jefferson County, including a convex trailer, a disaster storage shed and a Red Cross response vehicle. (See attached letter for further details)

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

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

Provide exact financial impact/request: The impact of our request is less financial in nature and more about positioning of emergency response supplies for Red Cross Disaster Action Team volunteers.

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

Motion to allow American Red Cross of Greater Shenandoah Valley to maintain its emergency response presence in Jefferson County by permitting the continued Red Cross use of the Wiltshire Road exterior location, for the purpose of keeping the Red Cross convex trailer, disaster storage shed and Red Cross response vehicle on site.

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

If not attached, explain:

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

Contact information:

Email address: [eric.anderson3@redcross.org](mailto:eric.anderson3@redcross.org)

Phone Number: (301) 832-8220

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

not applicable



**American Red Cross**  
Greater Shenandoah Valley

1131 Conrad Court  
Hagerstown, MD 21740  
(301) 739-0717

October 16, 2020

Jefferson County Commission  
124 E. Washington Street  
P.O. Box 250  
Charles Town, WV 25414

Dear Jefferson County Commission,

It is with regret that the American Red Cross (supporting our local Chapter, the American Red Cross of the Greater Shenandoah Valley) elected to not retain its office located at 1948 Wiltshire Road in Kearneysville. Due to the recent territory realignment by the Red Cross early in 2020, and further impacted by the COVID pandemic, the Kearneysville office was not being utilized to the degree necessary to justify the cost.

While that process is already in motion, I recently spoke with Laura Kuhn, Interim Director of the Maintenance Dept., regarding the office closure space, and the possibility of retaining some of the Red Cross resources on-site for Emergency Management purposes. Separately, our Disaster Program Manager Jesse Hott spoke with Steve Allen, the Director of Jefferson County Homeland Security & Emergency Management, about the same possibility. Ms. Kuhn was extremely helpful in providing information and suggesting we work to get on the County Commission agenda. Mr. Allen was also very helpful in endorsing our request, and indicated he would reach out to the Commission on our behalf.

Specifically, the American Red Cross would like to request Commission approval to continue allowing us to provide disaster relief resources at the Wiltshire Road site via our:

- Convex Trailer (containing disaster supplies such as cots & blankets, for example)
- Storage shed (containing coolers and additional disaster supplies)
- Red Cross response vehicle.

These three resources are currently located in the parking lot of the Wiltshire Road site, and if approved, would remain a resource there until such time as the Commission deemed necessary to review and/or provide notice.

By retaining these resources on site, it would allow Red Cross trained disaster volunteers the ability to continue to quickly access needed disaster supplies to respond to local events in Jefferson County such as home fires, floods, tornados, etc. Without this resource, these volunteers may need to travel to Hagerstown, Md. Or Winchester, Va. to acquire necessary disaster supplies and/or a response vehicle.

We respectfully ask your careful consideration of our request, and thank you for your time. Should you have any questions, please reach out to me via email at [eric.anderson3@redcross.org](mailto:eric.anderson3@redcross.org), or via phone at (301) 832-8220.

Best regards,

A handwritten signature in blue ink that reads "Eric C. Anderson".

Eric Anderson  
Executive Director  
American Red Cross of the Greater Shenandoah Valley

Cc: Jesse Hott, Disaster Program Manager, American Red Cross of the Greater Shenandoah Valley  
Stephen S. Allen, Director, Jefferson County Homeland Security & Emergency Management  
Laura Kuhn, Interim Director of Maintenance, Jefferson County



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



Name: Chad Wallen of GORDON

Department or Organization: N/A

Estimation of amount of time needed for appointment: 10 Minutes

Date Requested – 1st Choice: **10/29/2020**

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

Date Requested – 2nd Choice: **11/5/2020**

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

Please provide the County Commission with a description of your request or presentation, including any background information:  
Sheetz Zoning Map Amendment: Request for a public hearing and referral to Planning Commission to review zoning amendment request for the 5.4 acre property identified in Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14.

Is this a funding request? No

If so, how much? N/A

Provide exact financial impact/request: N/A

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

Motion to accept the zoning map amendment request, refer to Planning Commission for review of Comprehensive Plan consistency and to schedule a public hearing before the County Commission.

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

If not attached, explain: N/A

Is equipment needed? Projector No Internet/Wi Fi No Telephone for conference call TBD

Contact information:

Email address: cwallen@gordon.us.com

Phone Number: 304-725-8456

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

not applicable





# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning and Zoning

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

File Number: _____  
Staff Initials: _____  
Application Fee: \$ _____

[www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html](http://www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html)

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

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

### Zoning Map Amendment (Rezoning)

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code. All Amendments to the Zoning Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.

#### Property owner information

Name: Van Evera James W III Et Al  
Mailing Address: 7948 Martinsburg Pike; Shepherdstown, WV 25443  
Phone Number: _____ Email: _____

#### Applicant contact information

Name: Sheetz Inc; Bob Franks  
Mailing Address: 5700 Sixth Avenue; Altoona, PA 16602  
Phone Number: 814-935-4798 Email: bfranks@sheetz.com

#### Applicant representative

Name: GORDON; Chad Wallen  
Mailing Address: 148 S. Queen St, Suite 201; Martinsburg, WV 25401  
Phone Number: 304-725-8456 Email: cwallen@gordon.us.com

#### Physical property details

Physical Address: 7948 Martinsburg Pike;  
City: Shepherdstown State: WV Zip Code: 25443  
Tax District: 9 - Shepherdstown District Map No: 8 Parcel No: 10.2, 13, 14, 15.2  
Parcel Size: 5.4+/- Acres Deed Book: 1074 Page No: 306

#### Current Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential- Light Industrial- Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" 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 (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Place Received Date Stamp Here

**Proposed Zoning District (please check one)**

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

For a Zoning Map Amendment request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

See Attached

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**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.**

See Attached

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**Discuss any change(s) of transportation characteristics (i.e., type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

See Attached

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**Do you request that the Planning and Zoning Staff present the petition to the Planning Commission for the purpose of setting the public hearing date?**

*Yes, I request that the Planning and Zoning Staff present the petition*

*No, I prefer to present the petition*

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes  No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

Linda MUE Healey, Trustee for Linda Healey Living Trust 10/9/20

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Recommended  Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Approved  Disapproved

**Final Determination/Other Comments**

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**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes  No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

*James E. ... III*      10/9/2020

Signature of Property Owner

Date

Signature of Property Owner

Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Recommended  Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Approved  Disapproved

**Final Determination/Other Comments**

_____  
_____  
_____

**Plat or Sketch Plan (provide as an attachment to this application)**

The plat or sketch must be pursuant to Zoning Ordinance, Section 7.4 (b). The sketch plan shall include the entire original parcel as it appeared on the date this ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines should be superimposed on the sketch plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes and quarries shall be delineated.

**Is Plat or Sketch Plan attached?**

Yes  No

**Original signature of all property owners is required. The information given is correct to the best of my knowledge (Please attach additional signature page if needed).**

Carol A. Van Eevera - Co-trustee - Jesse R. Van Eevera Trust - 10/10/20  
Signature of Property Owner                      Date                      Signature of Property Owner                      Date

The Planning Commission is required to set a public hearing on the proposed Zoning Map Amendment within 60 days of the date upon which a complete petition is presented to the Planning Commission at a Planning Commission Meeting. A complete petition, and related fees, shall be submitted to Departments of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for purpose of setting the public hearing date. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forwarded to the County Commission within four (4) weeks of final Planning Commission action.

**The Planning Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Recommended  Not Recommended

**The County Commission finds this request consistent/inconsistent with the Comprehensive Plan by a vote of _____ for and _____ against, this day of _____, _____, _____.**

Approved  Disapproved

**Final Determination/Other Comments**

_____  
_____  
_____



# **Zoning Map Amendment Application Addendum**

## **Sheetz Store 160 Rezoning**

October 9, 2020

### **Owner:**

Van Evera James W III Et Al  
7948 Martinsburg Pike  
Shepherdstown, WV 25443

### **Applicant:**

Sheetz Inc; Bob Franks  
5700 Sixth Avenue  
Altoona, PA 16602

### **Property Tax Identification:**

Shepherdstown District (9), Map Number 8, Parcel 13, 15.2 and portions of Parcels 10.2 & 14. A boundary line adjustment will be processed to consolidate the area of rezoning into a single parcel.

### **Deed Information:**

Deed Book 1074, Page Number 306

### **Property Characteristics:**

Location: South of the Martinsburg Pike (Rte. 45) & Maddex Square Dr. intersection.

Current Zoning: Residential Growth

Current / Historic Use: Residential

Tract Size: 23.48+/- Acres

Area of Rezoning: 5.4+/- Acres

### **Table of Exhibits**

1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions Map
4. Concept Plan

**Substantiation for Request**

- 1. Commercial use is the appropriate and best use of the property.** Surrounding properties are commercial uses and the property has frontage on Martinsburg Pike (Route 45), identified as a Minor Arterial in the Comprehensive Plan.
- 2. The current zoning designation as Residential Growth (RG) district provides limited options for by-right commercial development.** A zoning map amendment is required to allow commercial development. The property is located in an area dominated by commercial uses and residential development would not be in character with the immediate area.

- 3. The property's commercial use is consistent with surrounding commercial development.** Adjacent properties include an Erie Insurance offices, Jefferson Securities Bank, Rite Aid Pharmacy and Maddex Square commercial center (Food Lion, Dairy Queen, McDonalds and multiple in-line retail stores). There are no residential units adjacent to the area of rezoning.



- 4. The existing signalized intersection provides value to commercial development.** The property will be accessed through an existing signalized intersection on Martinsburg Pike (Rte. 45). Use of this existing asset will not result in an additional intersection, which typically occurs with development. The owner will work with WVDOH to provide any necessary upgrades to the intersection/signal.
- 5. No burden would be placed on existing public infrastructure with this rezoning.** The property is located near existing utilities and will not create additional needs on the school system or other County facilities.

**Describe your proposed use (and/or project) and describe why the Zoning Map Amendment is necessary for the proposed use (and/or project) described.**

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,000+/- sq. ft. building, car wash, five fueling islands (10 pumps), drive thru and associated infrastructure improvements.

A text amendment is currently under review to allow a drive-thru in the Residential-Light Industrial-Commercial (RLIC) zoning district. The drive thru will not be provided should the text amendment be denied.

The proposed commercial use of the property is not a permitted use in the current RG district. The preferred use as a commercial use is justified under the Substantiation for Request section of this document.

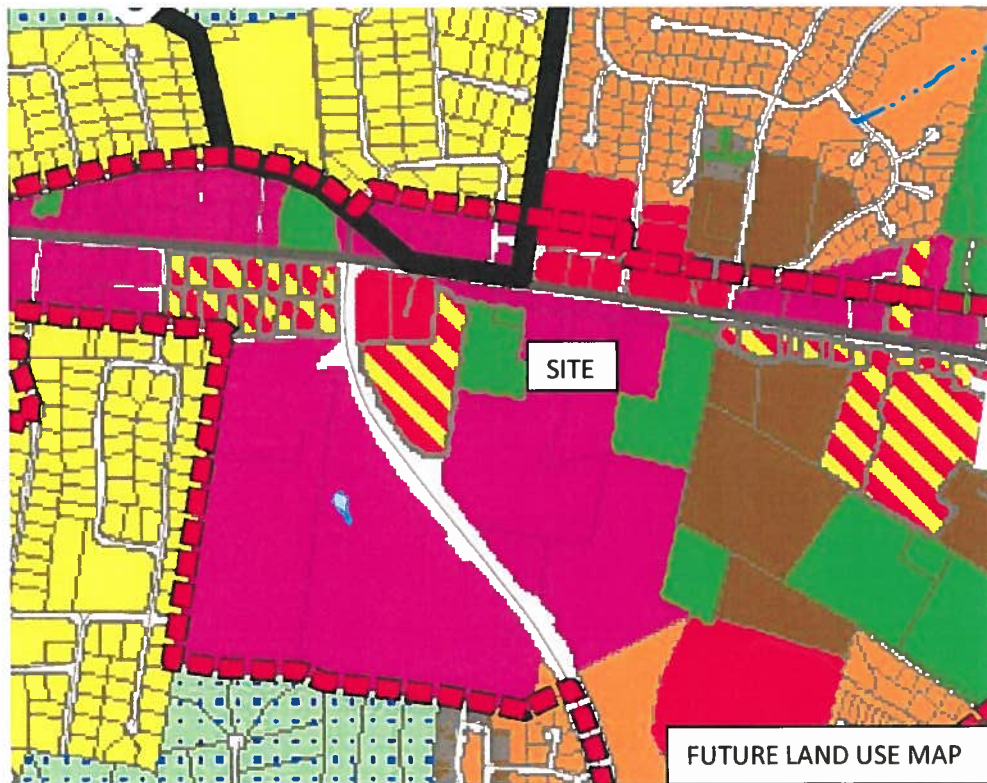


**Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).**

- **Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County**
  - The proposed commercial development will expand the County's commercial real estate tax base.
  
- **Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide**
  - The Land Use Guide recognizes the property as an area of mixed-use, but the current Zoning designation of Residential Growth does not permit commercial uses by right. Allowing commercial development adjacent to Route 45 will recognize the Land Use Guides vision for the property.
  
- **Urban Level Development Recommendations (Goal 1.13.b, Page 33): Require that an additional setback from the road right-of-way (Rte. 45) be set aside to allow for a roadway widening improvement easement, a pedestrian easement to include a hard surface trail, a landscaping strip wide enough to support large canopy trees, and the subsequent start of the development.**
  - An additional 10' setback / easement will be provided along Route 45.
  
- **Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.**
  - The property will contribute to the commercial tax base of the County.
  
- **Future Land Use Guide**
  - Provides a land use classification of Mixed Use Residential/Commercial. The portion of the property subject to this rezoning will be commercial. The balance of the property will remain in the Residential Growth district and is anticipated that future development will include residential uses. The proposed zoning will provide a mix of uses that is consistent with the Comprehensive Plans vision. The Comprehensive Plan states on page 26 that "Land Use Classifications are

intended to provide guidance to the Planning Commissions when considering owner initiated zoning map amendments”

- The property is designated as a Preferred Growth Area by the Comprehensive Plans Future Land Use Guide. This demonstrates the Comprehensive Plans development expectations for the property.



**Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original ordinance was adopted.**

- **Transportation Characteristics - The property is served by direct access from a Minor Arterial road (Martinsburg Pike / WV RTE. 45).** As with most corridors, traffic increases over time as more development occurs. The recognition of Martinsburg Pike as a Minor Arterial by the Plan recognizes this road as regional route.
- **Transportation Characteristics - As required with any property, an entrance permit from the West Virginia Department of Transportation (WVDOT) will be needed.** Obtaining an entrance permit requires the review by the WVDOT to ensure that safe and adequate access can be provided. It is anticipated that improvements to the traffic signal and intersection will be requested by WVDOT.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Substantial commercial development has occurred in the immediate area.** Maddex Square and Jefferson Securities Bank did not exist when the current Zoning Ordinance was adopted. The development of this area provided a traffic signal and turn lanes in front of the subject property. The improvements to this section of Martinsburg Pike were provided to accommodate commercial development and growing population.
- **Changes Since the Original Adoption of the Zoning Ordinance (1988) – Construction of Potomac Farms Drive.** The addition of this road provided additional connectivity in the area. It is anticipated that the proposed entrance road will extend from Martinsburg Pike to Potomac Farms Drive with future development, improving the existing road network.

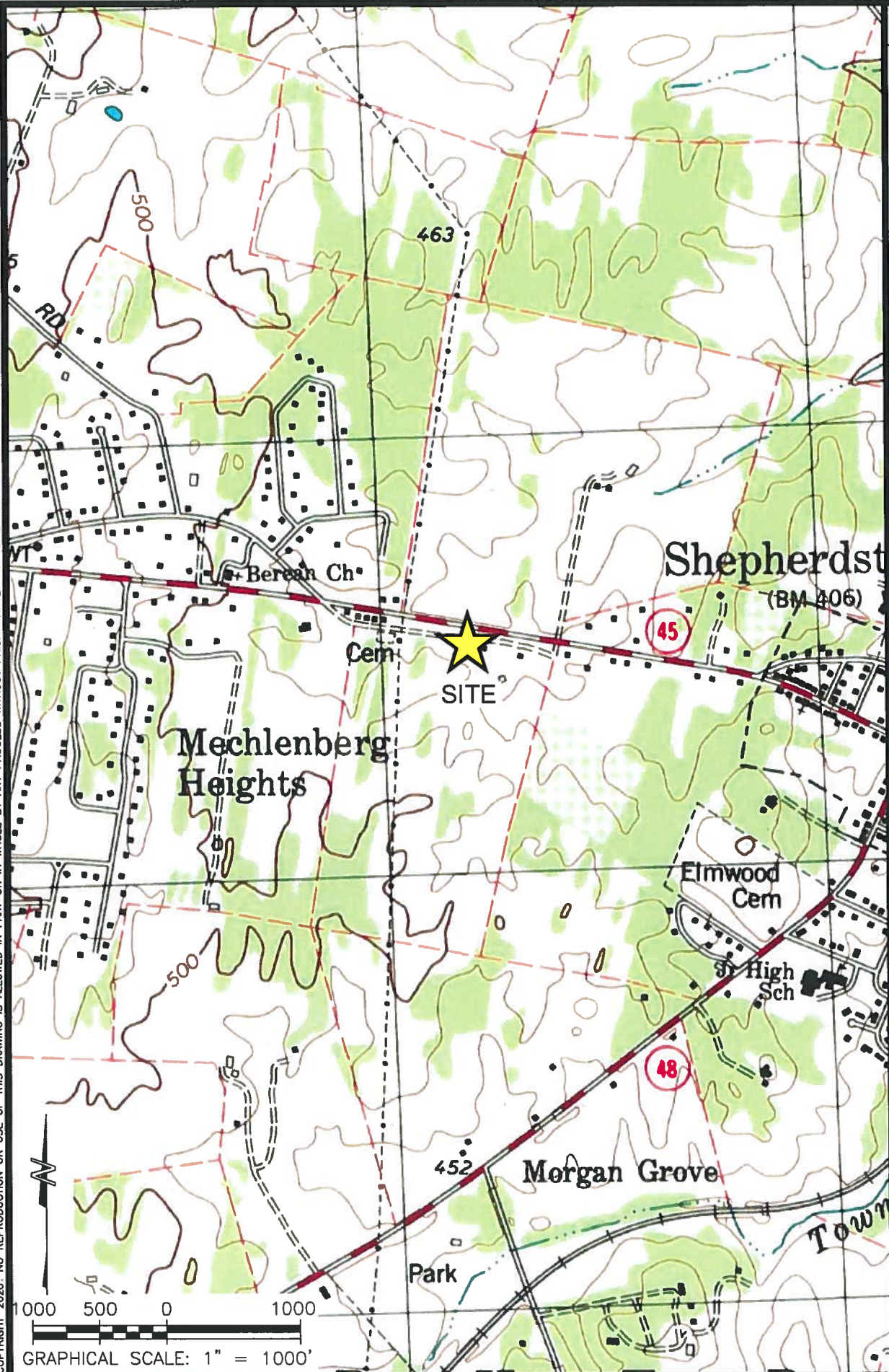


# ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

10-09-2020

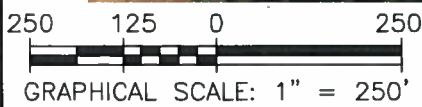
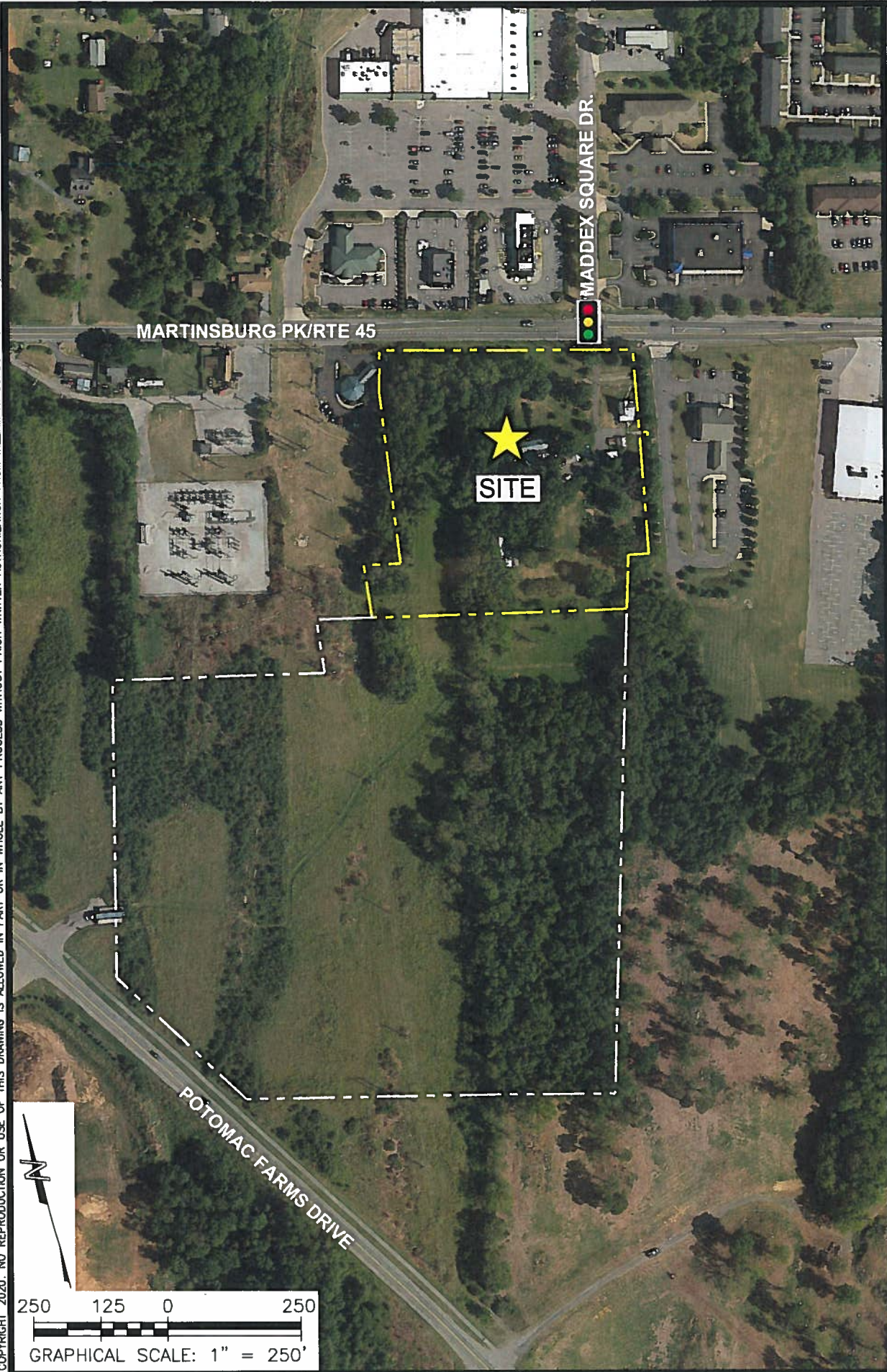
SHEETZ STORE 160  
JEFFERSON COUNTY, WV

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1000 500 0 1000  
GRAPHICAL SCALE: 1" = 1000'

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# ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

10-09-2020

**SHEETZ STORE 160**  
JEFFERSON COUNTY, WV

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



Name: Jessica Carroll

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 29, 2020**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interviews/Appointments to the Jefferson County Board of Zoning Appeals – BZA Alternate Position expiring January 1, 2021; January 1, 2022; or January 1, 2023 – Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable



September 28, 2020

Jefferson County Office of Planning and Zoning  
116 East Washington Street  
Suite 200  
Charles Town, WV 25414

Dear Sirs/Madams:

I recently attended a Board of Zoning Appeals meeting in relation to a neighboring property. During my preparation and investigation for comments, I discovered the open alternate position on the Board. I would like to apply for this position and have verified that I meet all conditions outlined in WV Code Chapter 8A-8-9.

I have been a homeowner in Jefferson County since 2013. I have seen many wonderful changes in our county during these years. I expect the growth of our area will continue at an exponential rate due to the comfort, quality and conveniences this region hosts. I am currently the president of the Marshall University Alumni Association and employed by FLIR Thermal Imaging.

I have attached my resume which details my education, work experience and achievements. I would appreciate an opportunity to serve the residents of Jefferson County on the Board of Zoning Appeals. Thank you for your time and consideration. I look forward to speaking with you.

Sincerely,



Mikala Shremshock  
761 Carter Av  
Harpers Ferry, WV 25425  
(304) 804-4511  
mshremshock@gmail.com





# MIKALA SHREMSHOCK

Technical Sales and Service Professional

mshremshock@gmail.com

+1 (304) 804-4511

## OBJECTIVE

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I am seeking an alternate position on the Jefferson County Board of Zoning Appeals. I am familiar with general board organizations and procedures and am a quick learner. I enjoy research and reviewing precedents in context. My experience as a lifelong West Virginia resident and eight years in Jefferson County make me an excellent candidate.

## EXPERIENCE

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### SALES ENGINEER • FLIR THERMAL IMAGING • 2019 - PRESENT

Account manager for Mid-Atlantic United States. Prospecting, relationship building, and instrument support for key accounts at government facilities and testing ranges. Improved territory output and customer satisfaction through greater on-site and virtual support.

### LABORATORY MANAGER • NIST CENTER FOR NEUTRON RESEARCH • 2016 - 2018

Responsible for maintaining 16 laboratories used by staff and 200+ visiting scientists per year. Labs are supplied for preparation of biological, chemical, and radiological materials. Maintained, calibrated, and repaired characterization equipment such as dynamic light scattering, infrared spectroscopy, x-ray diffractometers, and glove boxes. Managed chemical inventory and hazardous waste. Ensured all users adhered to safety and chemical hygiene regulations according to Occupational Safety and Health Administration, American Chemical Society, and Nuclear Regulatory Commission regulations by developing and implementing standard operating procedures, hands-on training, and maintaining a safety website. Coordinated laboratory maintenance and remodeling including installation of labs for handling radiological and biological materials.

### CUSTOMER CARE MANAGER • ALICONA METROLOGY USA • 2014 - 2016

Manage all aspects of operations of North America Customer Care including remote technical support, field service, installations, and sales applications. Trained internal and external users in optical metrology measurements and interpretation. Trained service team on repair of equipment, customer service best practices, and documentation.

Developed and updated technical documentation. Implemented service management metrics for tracking customer satisfaction.

Worked with sales department to demonstrate capabilities of optical metrology, identify new applications, and provide detailed reports of measurement results for potential customers. Mentor individuals and customer care team for personal and professional growth. Coordinated building maintenance, repair, and remodeling. Assisted with supply chain, international shipping, and trade show arrangements.

#### FIELD SERVICE SUPERVISOR • BRUKER NANO SURFACES • 2009 - 2014

Managed installation and training of new system purchases and upgrades in North and South America annually. Responsible for scheduling and managing 200 onsite service hours per week. Directly manage field engineers, service and applications training, customer relations, and documentation of all customer interactions. Responsible for western hemisphere revenue forecast and communication between sales, service, and customers. Achieved >95% first visit fix and install rate. Achieved >75% utilization for team.

#### TEACHING ASSISTANT • WEST VIRGINIA UNIVERSITY • 2007 - 2009

Developed and taught Introduction to Nanoscience for undergraduate students. Course work presented an overview of the applications of Nanotechnology in Materials Science, Chemistry, Biology, Medicine, and Engineering. Laboratory components included synthesizing gold nanoparticles, analyzing spectroscopic properties of quantum dots, and imaging biologic components using atomic force microscopy. Developed and led laboratory lectures and experiments. Lectures were prepared to discuss chemical and physical properties of materials as well as current research and development. Lab manuals were prepared to encourage group discussions, individual creativity, and integrate multiple learning styles.

## EDUCATION

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### MS, INORGANIC CHEMISTRY • 2009 • WEST VIRGINIA UNIVERSITY

Focus of research was solvothermal quantum dot synthesis, purification and modification, characterization by atomic force microscopy, fluorimetry, UV-Vis spectroscopy, x-ray diffraction, x-ray photoelectron spectroscopy, and dynamic light scattering, and selective targeting of cancer markers on endothelial cells by quantum dots for detection via atomic force microscopy, confocal microscopy, surface plasmon resonance, and transmission electron microscopy; biomimetic growth, modification, and characterization of inorganic semiconductor materials; development, use, and investigation of microfluidic chambers made from photolithography.

Fully responsible for maintaining safety records and adhering to all University and ACS work and safety guidelines of graduate lab and training incoming students. Managed mini-construction projects as necessary for lab work and handled ordering of supplies for research.

Association of Women in Science, ACS – WV and W. Maryland section member

### BS, ACS CHEMISTRY, BIOLOGY • 2006 • MARSHALL UNIVERSITY

Focus of research was on sensor and bioelectronics development and testing. Used atomic force, confocal, scanning electron microscopes, polymerase chain reaction, dynamic light scattering, and gel electrophoresis.

Developed protocols for DNA purification, immobilization, attachment, and verification with atomic force microscopy.

Worked with diverse team of scientists and students to plan long and short range scope of experiments and results. Presented periodic progress and goals to nontechnical and technical audiences with diverse backgrounds

Student Government – College of Science Senator, Biology Club – President, Aikido Club – President, Summer Undergraduate Research Fellowship, Sigma Xi Research Award

## VOLUNTEER AND LEADERSHIP

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### MARSHALL UNIVERSITY ALUMNI ASSOCIATION

Board of Directors, President, 2014 - present

### ASSOCIATION OF WOMEN IN SCIENCE

Washington Wire Editor, 2014 - present

### ROAD RUNNERS CLUB OF AMERICA

Coach, 2014 - present



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



Name: Jennifer Myers & David Hill

Department or Organization: Jefferson County Parks & Recreation Commission

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1st Choice: **October 29, 2020**

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

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): The Jefferson County Parks & Recreation Commission presentation to update the county commission on financial status due to COVID-19.

Please provide the County Commission with a description of your request or presentation, including any background information: The Jefferson County Parks & Recreation Commission will provide a power point presentation to show the commission the impact COVID-19 has had on the department. The powerpoint will include data from last FY, current FY, and all assistance the JCPRC has received from outside sources. The powerpoint will be emailed prior to the meeting on October 29th.

JCPRC Respectfully and Responsibly Requests ~~\$150,000~~ ^{\$150,000} to overcome the COVID impacts of 2019 and the current fiscal period of the 2020 year. We cannot predict what the Spring and Summer of 2021 will entail.

- Also requesting additional \$25,000.00 to fund additional pavilion if CARES funding will not cover the cost

Is this a funding request? Y/N Yes

If so, how much? \$

Provide exact financial impact/request: ~~\$150,000~~ ^{\$160,000}

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

Approval of a contribution of ~~\$150,000~~ ^{\$160,000} to overcome the COVID impacts of 2019 and the current fiscal period of the 2020 year.

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

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



Name: **Roger Goodwin / Todd Fagan**

Department or Organization: **Engineering, Planning and Zoning**

Estimation of amount of time needed for appointment: **10 minutes**

Date Requested – 1st Choice: **10/29/20**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Grant Application Approval**

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

The Department is seeking funding through the State Records Management and Preservation Board (RPMB) grant program to purchase two (2) variable page-size, sheet fed, desktop scanners and hire a temporary, full-time summer intern for four months. The scanners will be used by staff to expedite digitizing archival building permits and land development records accumulating since 1975. The intern will be dedicated to scanning documents, reviewing for quality assurance and entry into our online permitting system. The total estimated cost for scanners and temporary hire is \$15,500.00, of which 90% is covered by the grant and the remaining 10% is a County Commission match.

Our proposal will be submitted as a 2nd priority, behind that which has already been approved for the Jefferson County Sheriff on October 15th, 2020

Is this a funding request? **YES**

If so, how much? **Maximum of \$1,410.00 during FY22, depending on how much is approved by RMPB.**

Provide exact financial impact/request: **Grant recipients must provide at least a ten percent (10%) cash match for each dollar expended by the RMPB.**

Recommended motion: **I move to approve the RMPB grant application in the amount of \$14,090 and pass the associated Resolution of Support.**

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

If not attached, explain:

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

Contact information: **Todd Fagan**

Email address: **tfagan@jeffersoncountywv.org**

Phone Number: **304-724-6759**

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

*not applicable*



**West Virginia  
Records Management and Preservation Board  
Grant Guidelines  
For Fiscal Year 2021-22  
Due: November 1, 2020**

The Records Management and Preservation Board awards grants to county commissions to assist office holders in the management and preservation of county records. Applications may be submitted in behalf of the office of the assessor, circuit clerk, county clerk, prosecuting attorney, sheriff, and/or county commission. Grant applications must demonstrate the willingness of the applicant office and the county commission to comply with all grant reporting deadlines and budget, purchasing, and reporting requirements; and to provide internal staff support to ensure the success of the project and the improvement of the management and preservation of the records addressed in the grant. Grant recipients must provide at least a ten percent (10%) cash match for each dollar expended by the RMPB. Grant funds are awarded on a reimbursement basis, which requires submission of the official Request for Reimbursement or invoice form. Multiple projects (projects representing two or more specific county offices, such as the County Clerk and Circuit Clerk) require separate applications, with priority ranking clearly designated by the County Commission.

The application (pages 4-8) and required supporting documentation are to be typed and on letter-size paper. An ORIGINAL signed application and thirteen complete copies must be submitted. Please see Page 3 for a list of Supporting Materials necessary to complete the application.

Applications must be completed and sent via certified mail with a postmark on or before November 1, 2020, or hand delivered by this date to: RMPB, c/o Denise Ferguson, West Virginia Archives and History, 1900 Kanawha Boulevard East, Building 9, Charleston, WV 25305-0300. Faxed or other electronic submissions will NOT be accepted. All grant applications submitted by the deadline will be reviewed for completeness and applicants contacted no later than November 15, 2020, if there are any omissions or irregularities in the submitted application. The RMPB will review all qualified grant applications and may request applicants to present details of their proposed project.

The Records Management and Preservation Board may approve total, partial, or no funding. Applicants approved for partial funding or not approved for funding will be informed in writing by February 1, 2021, and may submit within fifteen (15) days a written appeal documenting why the RMPB's denial of application should be reconsidered. Successful applicants are to perform and complete project work during Fiscal Year 2021-22 (July 1, 2021, through June 30, 2022).

Applicants are encouraged to contact Denise Ferguson, county records archivist, or Joe Geiger, director of Archives and History, at (304) 558-0230, to discuss potential projects, the general requirements of the grant or review draft proposals in advance of the November 1 deadline for submission.

## **Eligible Projects:**

### **Personnel Costs (\$10,000 maximum)**

- To conduct inventory of records and remove non-records, duplicates, and accumulations of records that have reached or exceeded required retention periods.
- To scan and index records using the county's existing records management software.

Current employees may be used for hours in excess of regular work hours if devoted totally to work approved in the proposal.

### **Records Storage and Shelving (\$15,000 maximum)**

To provide for physical storage units and systems for records, such as manually operated mobile track shelving systems, roller shelving, open steel shelving, map cabinets and/or Mylar map sleeves, and standard archives records boxes (10"x12"x15").

### **Reformatting (\$10,000 maximum)**

To improve access and preservation of records through digitization or microfilming of permanent records which exist only in digital format. Counties are required to verify that all digital images are exact duplicates of the original records and are to provide copies of all images in TIFF format to the State Archives. The images provided to the State Archives will not be retained beyond the life of the storage device.

### **Equipment (\$10,000 maximum)**

To purchase computer terminals and single function printers for public access use in the records room, and/or scanners for county government employees to use for digitizing long term and/or permanent records. The scanner must be compatible with the county's existing records management software. Funding for these projects is contingent on the county's commitment to provide installation, technology support, upgrades, and maintenance necessary to network the computer(s) and scanner(s) to existing database or software programs. Eligible equipment purchases may also include micro-cut shredders for destruction of confidential records that have met their retention requirement.

### **Conservation (\$5,000 maximum)**

To restore, mend, encapsulate, rebind or recover original permanent records, record books or original maps. Counties should consider digitizing the original records during any restoration project as this sometimes provides the best opportunity to reformat the records to enhance accessibility.

## **Ineligible Projects:**

Furniture

Software programs, storage devices, or servers

Personnel costs for new permanent positions

Personnel costs to refund or supplement salaries of staff for regular work hours

Climate control projects such as dehumidifiers, heating/cooling and fire suppression systems

## **Key Information:**

- ❖ Applications are due no later than November 1, 2020
- ❖ Applications are to be sent by certified mail or hand delivered
- ❖ Applications are for Fiscal Year 2022 (July 1, 2021-June 30, 2022)
- ❖ Eligible projects are listed on page 2
- ❖ County Commission must indicate priority ranking for multiple submissions
- ❖ Include original and thirteen copies of the application (only pages 4-8)

## **Checklist of Required Supporting Materials:**

**The materials listed below must be included with the application:**

1.     ▶     Priority ranking (Page 8) as determined by the County Commission for counties submitting applications from multiple offices
2.     ▶     Resolution of support for the project, with original signature of the President of the County Commission in blue ink
3.     ▶     Letter of support with original signature of specific office holder participating in the records project
4.     ▶     Certification Form (Page 8) with original signature in blue ink of President of the County Commission agreeing to enter into a binding contract to expend all grant funds awarded in accordance with state purchasing laws and rules, and the stated application requirements. This form must also be signed in blue ink by the applicable office holder (assessor, circuit clerk, county clerk, prosecuting attorney, and/or sheriff) whose records are involved in the project.
5.     ▶     Photographs, floor plans, etc., which may demonstrate or document the need for the project
6.     ▶     Estimates, bids, proposals, job descriptions, qualifications and/or resumes, supplies, equipment, floor plans, and drawings for proposed work to be purchased or contracted services must be dated within 60 days of the application
7.          Original and thirteen copies of the application (only pages 4-8) with supporting materials
8.     N/A     Other relevant information, if applicable

**West Virginia  
Records Management and Preservation Board  
Grant Application  
2021-2022**

**Please complete and return only pages 4-8 of this application with supporting materials (see page 3) and thirteen copies. You do not need to submit pages 1-3.**

**Applicant Contact Information:**

County:	Jefferson County, WV
County Office:	County Commission
Name of Office Holder:	Jane Tabb, Commission President
Mailing Address:	124 E. Washington Street, P.O. Box 250 Charles Town, WV 25414
Telephone Number	304-728-3284
E-Mail Address:	info@jeffersoncountywv.org

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County Commission President:	Jane Tabb
Mailing Address:	124 E. Washington Street, P.O. Box 250 Charles Town, WV 25414
Telephone Number:	304-728-3284
E-Mail Address:	Vinemont.farm@gmail.com

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Grant Administrator:	Todd Fagan, GIS Manager
Telephone Number:	304-728-6679
E-Mail Address:	tfagan@jeffersoncountywv.org

## **Activity Description:**

*Provide detailed explanation of the project. Identify internal and external staff or vendor necessary to complete work on the project. Include time frame and schedule for project completion.*

Since 1975, the Office of Building Permits and Inspections, under the Jefferson County Commission, has kept paper copies of all building permits, officially known as Improvement Location Permits (ILPs). Since Subdivision Regulations were adopted in 1979 and Zoning Ordinance adopted in 1988, the Planning and Zoning Office has similarly maintained paper copies of all land development projects. As of January 2013, the Department of Engineering, Planning & Zoning (EPZ) had stored over 1.15 million documents in 145 file cabinet drawers and boxes covering nearly 1200 sq. ft. of office space. That total continued to grow until we adopted the MyGovernmentOnline (MGO) <https://www.mygovernmentonline.org/> permitting system in November 2017. Since then, we have been scanning ILP documents into this new system and maintaining a duplicate, hardcopy archive.

The Commission would like to purchase two (2) variable page-size, sheet fed, desktop scanners that are compatible with our current records management software and document scanning procedures. See Attachment 1 for specifications and cost.

While the immediate goal is to scan and index Building Permits, once that milestone is achieved, the scanners will continue to provide value as we switch to scanning our equivalent backlog of paper Planning and Zoning records.

The Commission would also like to hire a temporary, full-time, intern to dedicate time on back-scanning archival records and indexing into the records management software. The Department has had great success in the past hiring student workers for summer internships (4 month periods) and it is our intention to follow that model in this case. See Attachment 2 for position description and Project Budget Table for estimated personnel costs.

With current staff scanning with inferior multi-function printers when they can find time (1-2 days per week), we are hopeful to complete all of the permit back-scanning in 36 months (Dec 2023). Hiring a summer intern could reduce that target by 12-18 months (June 2022). All of the work is being done under guidance and supervision of an internal Project Manager.

*Identify specific record titles, date spans, and quantity (example: Will Books, 1846-1884, Volumes 1-20).*

This paper records digitization project will apply only to the Jefferson County Engineering, Planning & Zoning Department (JCEPZ) and those land development applications processed by JCEPZ staff since 1975. Land Development applications and related records include, but may not be limited to, Building Permits, Impact Fees, Use & Occupancy certificates, Conditional Use Permits, Easements, Mergers, Boundary Line Adjustments, Planning Commission Waivers, Seasonal Use Permits, Special Exception Permits, Subdivisions, Zoning Appeals, Zoning Certificates, Zoning Map Amendments, Zoning Variances, Bond Agreements, Ordinance Compliance Complaints, or Property Safety Cases.

As our sample quarterly scanning report (Attachment 3) suggests, we will scan years 2002 – 2005 first to close a gap in our archival records. Then we will work backwards chronologically, from 1996 to 1975, in order to complete the backlog scanning project for building permits.

## **Activity Description (continued):**

*Describe how this project will benefit the records management, preservation, and/or records access needs of your office(s).*

There is a large backlog of paper records that are difficult to identify and collect when doing property development history research or Freedom of Information Act (FOIA) inquiries. Digitizing and indexing these records into our records management system will reduce staff research time, increase overall process efficiency, and ultimately provide rapid access to the public via an online records portal.

There is reduced liability to the County in a centralized system with audit mechanism to track who uploaded what and when. The current paper filing system presents greater opportunity to lose documents, which may be critical for a FOIA request, for example. Less paper, less ink, and less physical storage related to paper storage means less cost to the County and taxpayers.

Scanning records to the cloud and redundant offsite servers eliminates the risk of loss of paper records that are susceptible to fire or flood.

*Provide statement about past and future activities to protect records.*

Prior to 2017, there was no comprehensive practice to digitally scan the archived documents. We are out of physical storage space in our basement and it is unrealistic to maintain paper copies in perpetuity (see Attachment 4).

The change from paper to digital record keeping is a significant paradigm shift for EPZ staff. We have thousands of individual files in boxes and cabinets in the basement. Staff started back-scanning back in 2017, to begin preparing for our records management system. We tested each desktop scanner and multi-function printer on a variety of resolutions, color v. b/w, image v. lines v. gray tone, to see the effect in graphic quality, legibility, and digital file size. We have developed a process where the permit technician scans in new documents into the records management system and other clerks are scanning older permit files from the basement to the shared server.

Staff shall scan all paper permit files, follow a QA process for image quality and completeness, and destroy all paper copies (once scanned and QA'd) older than 7 years. Any paper records newer than 7 years will be scanned, but also retained. On an annual basis, we will QA review the paper permit files from 8 years ago, scan and destroy the paper using County Maintenance shredder. No files shall be destroyed without passing QA and obtaining authorization to destroy from the West Virginia State Archives.

**Project Budget (Attach Cost Estimates):**

Eligible Project (see page 2)	Estimate of Total Cost	RMPB Request formula (total cost / 1.1)
Personnel Costs (\$10,000 maximum award)	\$10,500.00  (\$15 per hour x 700 hours)	\$9,545.00
Records Storage and Shelving (\$15,000 maximum award)		
Reformatting (\$10,000 maximum award)		
Equipment (\$10,000 maximum award)	\$5,000.00	\$4,545.00
Conservation (\$5,000 maximum award)		

**Total RMPB Request** \$ 14,090.00

**Applicants must provide a 10% cash match for all grant funds expended by the RMPB. You will be notified of your required cash match after the Board awards funds for your project. Cash Match may only be applied to board-funded portions of grant.**

Provide a detailed explanation and breakdown of the project budget. Potential vendor estimates obtained within the past 60 days that are relevant to the project and/or personnel costs estimated to complete scanning and indexing projects must be included.

# Attachments:

## 1. Scanner Specifications



### Fujitsu fi-7460 Sheetfed Scanner

Page 1 of 2 | 1/20/2015 | 10:47 AM



#### Description

Color accuracy can be managed with 24-bit depth  
 Scans at a resolution of 600 dpi  
 The Color feature enables scanning the document or photo in its original color  
 Experience reliable, high-speed scanning for complex projects  
 Scan both sides of the page at up to 120 images per minute  
 Automatic document feeder scans up to 100 pages at once  
 16.5" x 11" maximum scan size  
 Scan your documents, graphics and photos with up to 600 dpi resolution

Fujitsu fi-7460 Sheetfed Scanner - Office Depot

ENERGY STAR certified - meets federal guidelines for energy efficiency  
 ENERGY STAR certified - meets and exceeds requirements of energy-efficient products for the home. Product features:

#### Specifications

Item #	611395
Manufacturer #	545545
Energy Star	Yes
Height	6.195 in
Width	8.1564 in
Connection Type	USB 2.0
Colorable Depth	24-bit
Software included	Yes
Depth	6.318 in
Model	fi-7460
Quantity	1
Brand Name	Fujitsu
Dimensions	6.195 in x 8.1564 in x 6.318 in
Eco Label Standard	ENERGY STAR (EPEAT Silver) - Pass
Manufacturer	FUJITSU AMERICA, INC.
Product Type	Document Scanner
ADF Capacity	100
Color Depth	24-bit
Digital Scanning	Yes
ENERGY STAR	Yes
Environmental Features	Yes
Large Format	No
Maximum Color Scan Speed (ppm)	120
Maximum Color Scan Speed (ppm)	60
Maximum Mono Scan Speed (ppm)	120
Maximum Mono Scan Speed (ppm)	60
Media Size	Letter (14.1875 x 11.0) 14.1875 x 11.0 (3.51 x 2.794)
Optical Resolution	600
USB	Yes

**\$2499.99 each**

Delivery  
 Estimated delivery in 7 business days  
 10/15/2015

http://business.officedepot.com/catalog/usb/fujitsu-fi-7460-545545-america-inc-fi-7460

## 2. Temporary Intern Position Description

### Jefferson County, West Virginia Job Description

<b>Position Title:</b>	Land Development Records Archivist	<b>Grade Level:</b>	1 – Temporary (4 mos.)
<b>Department</b>	Engineering, Planning & Zoning GIS/Addressing Office	<b>Date:</b>	July 1, 2021
<b>Reports to:</b>	GIS Manager	<b>FLSA Status</b>	F/T, Non-Exempt

**Statement of Duties:** The employee performs document scanning, records maintenance, and database management, in support of the department's goals.

**Supervision Required:** Works under general supervision of the GIS Manager.

**Occupational Risk:** The work environment involves everyday discomforts typical of indoor environments such as office settings. Duties generally do not present occupational risk to the employee.

**Essential Functions:**

*The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.*

1. Staff shall scan and digitize all paper permit files according to specifications and as prescribed by the Project Manager.
2. Staff shall follow established QA process for image quality and completeness.
3. Staff may be asked to index and upload documents to the County's online permitting system.

**Recommended Minimum Qualifications:**

**Education and Experience:** 2-year college associates degree with one to three (1-3) years related work experience desirable; High school diploma with 3 years office management experience, or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job.

**Knowledge, Abilities and Skills:**

**Knowledge:** Proficiency in a range of software programs, e-mail and the Internet in support of department operations.

**Abilities:** Use good judgment and decision making abilities, to work independently with minimum supervision, and follow established office policies. Ability to communicate professionally with people of diverse backgrounds and levels of education is required.

**Skills:** Good typing, advanced computer, written and verbal communication, record keeping, and time management skills are required.

### 3. Sample Permit Scanning Quarterly Report

Permit Scanning and GIS point layer status as of September 10th, 2020							Statistics
Year	Paper	Act!	MGO	number scanned	digital size(gb)	GIS Pts created	
2020			677	673	20.60		
2019			878	878	34.10		2001-2020 total "big" permits
2018			762	762	15.50	1	17,890
2017		637	139	651	16.20	497	1975-2001 total "small" ILPs
2016		719		567	3.59	509	18,613
2015		643		513	3.57	513	2001-2020 total scanned
2014		687		604	1.61	603	11,290
2013		641		507	1.82	594	2001-2020 scan PCT complete
2012		642		610	2.06	608	63.1%
2011		682		657	3.84	653	1975-2001 total scanned
2010		710		690	3.20	691	8,678
2009		683		672	3.26	671	1975-2001 scan PCT complete
2008		849		812	2.98	811	46.6%
2007		1069		1059	5.12	605	1975-2020 overall total scanned
2006	1395			1187	5.04	873	19,968
2005	1397			296	1.92	8	overall scan PCT complete
2004	1404			9	0.18	7	54.7%
2003	1706			10	0.20	11	
2002	1359			9	0.06	9	
2001	1250	203	**	1203	0.42	1203	** missing 01-1050 thru 01-1099
2000	1200			1202	0.37	1200	
1999	1091			1092	0.34	1092	1975-2020 total current size (gb)
1998	1074			1088	0.31	1088	130.36
1997	1049			1058	0.36	124	average size per "big" file (mb)
1996	879			452	0.19		11.55
1995	996			451	0.21	1	estimated total digital size for "big" permits (gb) 2001+
1994	974			153	0.07		206.56
1993	916			150	0.76		
1992	962			364	0.20		
1991	906			49	0.20		
1990	1031			48	0.02		Total GIS points created
1989	765			100	0.02		12,458
1988	655			347	0.22		Total ILPs to be mapped (not including MGO)
1987	543			50	0.01		34,047
1986	508			300	0.68		GIS point creation PCT complete
1985	434			300	0.11		36.6%
1984	420			1	0.00		
1983	354						
1982	343						Total permits 1975-present
1981	361						36,503
1980	358						
1979	370			171	0.77		
1978	390						
1977	414			99	0.23		
1976	368						
1975	2						

4. Photos of basement file storage



**Certification Form:**

I agree that funds granted under the Records Management and Preservation Board’s grant program will be spent only in accordance with the plan of work and budgeted statement presented in this application or revised and agreed to in the Grant Agreement, and that any changes in the plan of work or budget will be submitted in writing for approval in advance.

I agree to enter into a binding contract to expend all grant funds awarded in accordance with state purchasing laws and rules, to administer the grant in compliance with standard financial management systems and general accounting standards for audit of government entities, and to participate in a grant administration workshop.

This document must be signed using blue ink by the County Commission President and all office holders who are applying for a Records Management and Preservation Board grant. Counties submitting applications from multiple offices must include a priority ranking as determined by the County Commission.

County:	Jefferson County, WV		
Name of County Commission President:	Commissioner Jane Tabb		
Signature of County Commission President:			
Date:			
<b>PRIORITY 1</b>			
Name of County Office Holder:	Sheriff Pete Dougherty		
Title of County Office Holder:	County Sheriff		
Signature of County Office Holder:			
Date:			
<b>PRIORITY 2</b>			
Name of County Office Holder:	Commissioner Jane Tabb		
Title of County Office Holder:	County Commission President		
Signature of County Office Holder:			
Date:			
<b>PRIORITY 3</b>			
Name of County Office Holder:			
Title of County Office Holder:			
Signature of County Office Holder:			
Date:			

**RESOLUTION**

The Jefferson County Commission met on the 29th day of October, 2020, with a quorum present and passed the following Resolution:

WHEREAS, the West Virginia Records Management and Preservation Board awards grants to county commissions to assist office holders in the management and preservation of county records; and,

WHEREAS, the Jefferson County Commission has applied for a grant from the WV Records Management and Preservation Board to digitize archival land development records and enter these files in an existing online permitting system; and,

WHEREAS, the Jefferson County Commission is requesting \$14,090.00 from the WV Records Management and Preservation Board in order to complete the work necessary to accomplish the goal of scanning, indexing, and streamlining its improvement location permits; and,

WHEREAS, the Jefferson County Commission will provide at least a ten percent (10%) cash match for each dollar expended by the WV Records Management and Preservation Board: and,

WHEREAS, the Jefferson County Commission will comply with all grant reporting deadlines and budget, purchasing, and reporting requirements; and to provide internal staff support to ensure the success of the project and the improvement of the management and preservation of the records addressed in the grant: and,

WHEREAS, the Jefferson County Commission approves the Commission's grant proposal and recommends their project to the WV Records Management and Preservation Board as the second priority behind that which has been submitted by the County Sheriff.

NOW, THEREFORE, BE IT RESOLVED, by the Jefferson County Commission of West Virginia, that the President is hereby authorized to affix her signature to the necessary documents on behalf of the Jefferson County Commission, and that she be empowered to sign the Certification Form provided by the WV Records Management and Preservation Board in order to obtain these funds.

Dated: _____

_____  
JANE TABB  
PRESIDENT  
JEFFERSON COUNTY COMMISSION

ATTESTED: _____

Jaqueline Shadle, County Clerk



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

**Phone:** (304) 728-3284 - **Fax:** (304) 725-7916

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

PRESIDENT

*Jane Tabb*

VICE PRESIDENT

*Ralph Lorenzetti*

COMMISSIONER

*Josh Compton*

COMMISSIONER

*Caleb Hudson*

COMMISSIONER

*Patricia Noland*

October 29th, 2020

WV Records Management and Preservation Board  
c/o Denise Ferguson, WV Archives and History  
1900 Kanawha Blvd East, Bldg 9  
Charleston, WV 25305

Dear Ms. Ferguson,

I want to express my support for the records management project being undertaken in the Department of Engineering, Planning, and Zoning to digitize and index archival land development records dating back to 1975. It is an important project that will reduce staff research time, increase overall process efficiency, and ultimately provide rapid access to the public via an online records portal.

The Commission also supports the Department's grant proposal to the Records Management and Preservation Board. Accordingly, the Commission pledges to comply with all grant reporting deadlines and budget, purchasing, and reporting requirements; and to provide internal IT support in order to ensure the success of the project as proposed in the grant.

Jefferson County appreciates the opportunity to apply for and compete for the grant funding. We believe this proposal meets the goals of both the County and the RPMB. We look forward to working with you on this project.

Sincerely,

Jane M. Tabb  
Commission President  
Jefferson County Commission

County Administrator  
*Stephanie Grove*

Deputy County Administrator  
*Sandy Slusher McDonald*

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



Name: Alexandra Beaulieu

Department or Organization: Office of Planning and Zoning

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: October 29, 2020

If a specific date is needed, please provide reason for specific date: Applicant's fee has been deposited into County's account.

Date Requested – 2nd Choice: Next available meeting.

Subject (*Wording to be placed on agenda*): Request for a total refund of the zoning variance fee for Nicholas Derrick. Applicant withdrew variance application after the fee was deposited but before any legal notices were posted.

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

Mr. Derrick submitted an application for a zoning variance along with the required \$100 fee (PC File #20-34-ZV). He later determined that he could revise his proposal to comply with the required setbacks and withdrew his application on 10/20/20. The fee had already been deposited by the Office of Planning and Zoning in accordance with the State Auditor's requirements. The application was withdrawn prior to placement of a legal ad in the Spirit of Jefferson; therefore, Staff is requesting a complete refund on behalf of Mr. Derrick.

Is this a funding request? Y / N  
If so, how much? \$100.00

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

I move to recommend a full refund of the \$100.00 Zoning Variance fee to Nicholas Derrick.

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

If not attached, explain: N/A

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

Contact information: Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

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

Click here to enter text.



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



**Name:** Alexandra Beaulieu, Zoning Administrator

**Department or Organization:** Department of Engineering, Planning and Zoning

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

**Date Requested – 1st Choice:** October 29, 2020

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

**Date Requested – 2nd Choice:**

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

Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Drive Through Restaurants (ZTA20-02), and to request that the County Commission schedule a Public Hearing. The draft amendment proposes to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial zoning district from Conditional Use (CU) to Permitted Use (P). The text amendment proposes revisions to Article 5 District Regulations; Section 5.8C.3 Residential-Light Industrial-Commercial (R-LI-C) District; and Appendix C Principal Permitted and Conditional Uses Table.

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

On October 13, 2020 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment. There was no public comment. The Planning Commission, with a vote of 4-1, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of scheduling a public hearing.

**Is this a funding request?** Y/N If so, how much? \$ **Provide exact financial impact/request:**

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

I move to schedule a public hearing on _____, 2020 at __ a.m./p.m. to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA20-02, which proposes to allow Drive-Through Restaurants to process by right in the Residential-Light Industrial-Commercial zoning district.

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

- Staff Memo dated 10-06-20 for background information
- Cover Letter from GORDON, with reference to Comprehensive Plan
- Proposed Text Amendment to various sections of the Zoning Ordinance (ZTA20-02)

**If not attached, explain:**

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

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION





# Jefferson County, West Virginia

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

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

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

---

## MEMO

**TO: Planning Commission**  
**FROM: Alexandra Beaulieu, Zoning Administrator**  
**DATE: October 6, 2020**  
**RE: ZTA20-02, Drive Through Restaurants – 10-13-20 PC Public Hearing**

---

On September 8, 2020, Chad Wallen with GORDON presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to change the classification for a Drive-Through Restaurant in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to a Permitted Use (P). In addition to amending Appendix C, the proposal also includes eliminating Section 5.8C.3, which currently states:

*“Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.”*

GORDON is representing Sheetz, who is the contract purchaser for the property located at 7948 Martinsburg Pike in Shepherdstown, WV.

### Next Steps

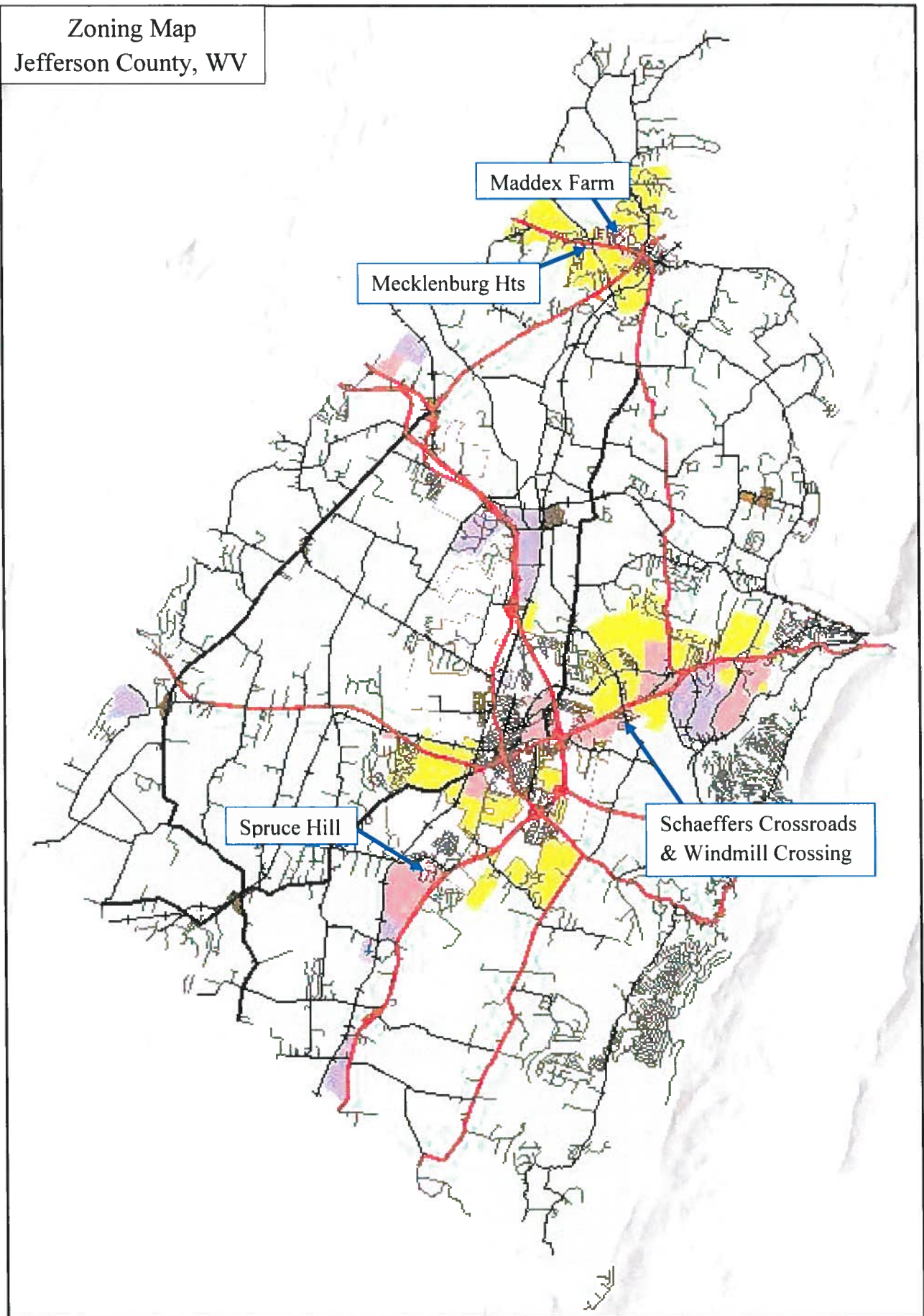
The Planning Commission is required to make a recommendation to the County Commission as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

The Planning Commission may vote on the amendment as it is presented or they may make additional revisions to the text as part of their recommendation to the County Commission.

### Attachment:

- ZTA20-02, Drive-Through Restaurants DRAFT Text Amendment as proposed by GORDON – includes cover letter with recommendations from the Comprehensive Plan.

Zoning Map  
Jefferson County, WV





August 12, 2020

Jefferson County Planning  
116 East Washington Street, 2nd Floor  
Charles Town, WV 25414

Re: Zoning Ordinance Text Amendment – Drive-Through Restaurants

GORDON is a planning and engineering firm located in the eastern panhandle that represents both developers and existing business owners in Jefferson County. Over the last several years there has been a growing trend for gas stations to provide a drive-through option for customers. This option allows for increased food sales and is invaluable to individuals with disabilities. The pandemic of 2020 has led society to evaluate how goods and services are obtained and resulted in substantial demand for drive-through services at both gas stations and restaurants. While it is hopeful that current events will not be repeated, the potential for future events must now be recognized by both business owners and citizens.

It is requested that the “Restaurant, Fast Food, Drive-Through” use be classified as a permitted use in the Residential-Light Industrial-Commercial (RLIC) District. “Restaurant, Fast Food, Drive-Through” is a Conditional Use under the current regulations. See proposed red line revisions for the Jefferson County Zoning and Land Development Ordinance included with this request.

Drive-through restaurants are permitted in all commercial districts except for the Office-Commercial Mixed Use (OC) and RLIC Districts. A review of the Zoning Map did not identify any land mapped in the OC District but includes multiple parcels within the RLIC District. The majority of land zoned RLIC is located in the Urban Growth Boundary identified in the Comprehensive Plan or adjacent to Arterial Roads. This identifies the RLIC as an appropriate zone to permit drive-through restaurants.

The proposed Zoning Ordinance Text Amendment does not conflict with and is consistent with the 2035 Envision Jefferson Comprehensive Plan (the Plan). Including:

- From WV Code as referenced in the Comprehensive Plan (Page 9): A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in that community and in **adapting to future changes of use of an economic, physical or social nature.**
- Economic Development, Employment, and Infrastructure (Goals and Supporting Plan Recommendations: Pg. 12 & 16)
- Finance and Public Safety (Goals and Supporting Plan Recommendations: Pg. 12 & 16)

Thank you in advance for your time and consideration of this request.

Sincerely,

Chad Wallen  
GORDON

[www.gordon.us.com](http://www.gordon.us.com)

PROGRAMMING AND PLANNING  
CIVIL ENGINEERING  
LANDSCAPE ARCHITECTURE  
SURVEY AND MAPPING  
SECURITY CONSULTING



Sender's Direct Telephone (814) 626-8327  
Sender's Direct Facsimile (814) 941-5105

**VIA ELECTRONIC MAIL**

August 21, 2020

Jefferson County Office of Planning and Zoning  
Attn: Alexandra Beaulieu, Zoning Administrator  
116 East Washington Street, Suite 200  
Charles Town, WV 25414  
Email: [abeaulieu@jeffersoncountywv.org](mailto:abeaulieu@jeffersoncountywv.org)

Re: Jefferson County PINs: 09 800130000000, 09 8001400000000, 09 8001500020000 and  
09 8001000020000

Dear Ms. Beaulieu:

Please be advised that Sheetz, Inc. ("Sheetz"), the contract purchaser of the above-described land in Jefferson County, West Virginia, has retained William H. Gordon Associates, Inc., d/b/a GORDON, as its consultant and agent for purposes of assisting and representing Sheetz in the pursuit of a zoning text amendment allowing for drive through facilities in the RLIC District. GORDON is authorized to file applications, correspond with County staff, and present and answer questions on behalf of Sheetz at County meetings and hearings pertinent to the requested text amendment.

Thank you, and please do not hesitate to reach out directly with any questions.

Respectfully,

Kyle R. Smith  
Sr. Associate Real Estate Counsel  
Enc.

cc: Bob Franks, Engineering/Permit Manager

- (2) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - (d) If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural cluster development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.²³
3. If the development rights under Subsections 5.7D.1 and 5.7D.2 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.³²
  4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to further subdivide except as another Family transfer.³²
  5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
  6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.³⁴

**Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District¹**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.²³

**A. Principal Permitted and Conditional Uses^{23, 27, 32}**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.^{27, 32}

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.^{27, 32}

**B. Standards²³**

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.^{23, 27}
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.²⁷

**C. Site Development Standards^{23, 27}**

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.²⁷
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.^{5, 7, 23, 27}

**TO BE  
REMOVED**

- ~~3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores shall be subject to the review and approval of the Board of Zoning Appeals as a Conditional Use in accordance with Section 6.3 of this Ordinance. This requirement shall not apply to a building located within a shopping center shown on an approved site plan.^{23, 26, 32}~~
4. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.^{7, 27}

**Section 5.9 Reserved²³**

**Section 5.10 Village (V) District^{8, 23, 32, 35}**

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.²⁷

**A. Principal Permitted Uses**

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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
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	<del>CU</del>	P	CU	

P



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



**Name:** Alexandra Beaulieu, Zoning Administrator

**Department or Organization:** Department of Engineering, Planning and Zoning

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

**Date Requested – 1st Choice:** October 29, 2020

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

**Date Requested – 2nd Choice:**

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

Recommendation from the Planning Commission regarding the proposed text amendment to the Zoning Ordinance regarding Commercial Cemeteries (File #ZTA20-01), and to request that the County Commission schedule a Public Hearing in accordance with WV Code 8A. The draft amendment proposes to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district, and a Principal Permitted Use (by right) in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts. The text amendment proposes revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.21 Commercial Cemeteries); and Appendix C Principal Permitted and Conditional Uses Table.

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

On September 8, 2020 the Planning Commission held a Public Hearing to receive public input on the proposed text amendment. The Planning Commission kept the public comment period open for two weeks, in order to provide an opportunity for the public to submit additional written comments.

On October 13, 2020 the Planning Commission, with a vote of 4-1, found that the proposed amendment was consistent with the Envision Jefferson 2035 Comprehensive Plan and recommended that the draft text amendment be forwarded to the County Commission for the purpose of scheduling a public hearing.

**Is this a funding request?** Y/N If so, how much? \$ Provide exact financial impact/request:

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

I move to schedule a public hearing on _____, 2020 at ___ a.m./p.m. to receive input on the draft text amendment to the Jefferson County Zoning Ordinance, File #ZTA20-01, which proposes to create provisions to allow Commercial Cemeteries to process in Jefferson County.

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

- Staff Memo dated 09-01-20 for background information
- Excerpts from Envision Jefferson 2035 Comprehensive Plan
- Proposed Text Amendment to various sections of the Zoning Ordinance (ZTA20-01)

**If not attached, explain:**

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

**Contact information:** Email address: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) Phone Number: 304-728-3228

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION





# Jefferson County, West Virginia

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

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

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

---

## MEMO

**TO: Planning Commission**  
**FROM: Alexandra Beaulieu, Zoning Administrator**  
**DATE: September 1, 2020**  
**RE: ZTA20-01, Commercial Cemeteries – September 8, 2020 Public Hearing**

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On June 2, 2020, Jane Dennison, with ElderBranch, LLC on behalf of property owner Hillary Banachowski, presented a request to the Jefferson County Planning Commission to consider amending the Zoning Ordinance to incorporate provisions to allow Commercial Cemeteries to process in the Rural zoning district. The request was submitted under the provisions of Section 12.4 “Procedure for Initiating a Zoning Ordinance Text Amendment”. The Planning Commission accepted the request into their work plan.

On August 11, 2020, the Planning Commission directed Staff to draft the language of the amendment in the appropriate context, and scheduled a Public Hearing on the proposed amendment for their regular September 8, 2020 Planning Commission meeting.

The proposed amendment includes revisions to Article 2, Definitions; Article 8, Supplemental Use Regulations (new Section 8.21 Commercial Cemeteries); Article 11, Off-Street Parking Standards; and Appendix C, Principal Permitted and Conditional Uses table.

### Next Steps

After receiving input from the public at the public hearing, the Planning Commission will finalize the draft text and make a recommendation regarding the potential text amendment to the County Commission, who are also required to hold a Public Hearing. The Planning Commission is also required to determine whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan* as a part of their recommendation.

### Attachment:

- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Non-Residential Uses in the Rural District
- ZTA20-01, Commercial Cemeteries DRAFT Text Amendment

With Jefferson County's close proximity to the Washington, D.C. and Baltimore, MD Metropolitan Areas, the possibility of rejuvenated local agricultural activity exists. Niche farming has expanded for both foods and materials used in the creation of goods. As value added agricultural and rural land use activities increase, they enable the retention of the agricultural and rural environment. These value added activities assist in providing farmers with additional revenue sources to maintain the farms. The growing movement toward more localized food sources has resulted in the creation of community farmers' markets, the revitalization of local farm markets, and the expansion and awareness of community supported agriculture (CSA) programs. Similarly local restaurants and schools are increasingly utilizing local grown food in their facilities.

### Rural Land Use

One of the highest priorities of the Envision Jefferson 2035 Steering Committee and the public was the desire to preserve the rural landscapes, heritage, and lifestyle that attracted many residents to Jefferson County. Comments were received that indicated Jefferson County needs to balance the demands of growth with the protection of agricultural lands. Efforts of the agricultural and artisan communities can create desirable places for tourism to thrive. In these communities, visitors can visit working farms, shop at an artisan studio, and eat at restaurants that are either located on farms or that serve food derived from local enterprises.

The form and types of development that takes place in the rural environment should be respectful of the rural culture and historic nature of the community. Many of the residential and commercial structures built in Jefferson County are similar in design and scale to types of buildings constructed in other areas of the U.S. without consideration of local architectural style.

A variety of tools and means exist to assist in the protection of lands with prime or statewide importance, soils and active farm sites. These tools range from policy, such as purchase of development rights, to land development standards that allow for flexibility of agriculture based uses and activities on the farm.

Since zoning was adopted in Jefferson County, large residential developments and non-agricultural commercial developments were permitted in the Rural District through the Land Evaluation Site Assessment (LESA) system/Conditional Use Permit (CUP) process. As a result, rural land has been converted to non-agricultural uses. For this reason, this Plan recommends that the cluster provision of the Zoning Ordinance be the preferred method of residential development in the rural zoning district. The cluster provisions should be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision. This Plan further recommends amending the Zoning Ordinance to eliminate the LESA point system and to develop procedures that would allow the use of a more traditional CUP process in the Rural District for non-residential uses. This CUP process should require a public hearing before the Board of Zoning Appeals to determine if the use is compatible in scale and

intensity with the rural environment and poses no threat to public health, safety, and welfare. Additionally, this Plan recommends that the “by right” provisions in the Rural zoning district be retained allowing one lot per 15 acres, as well as the provisions allowing the transfer of land between parent and child and the minor subdivision process² for lots of record as of October 5, 1988.

There are two types of non-residential CUPs proposed by this Plan in the Rural District which may require different types of review. One type consists of fairly intensive uses that could occur on a farm, but may not be appropriate to be a by-right use in the Rural District. The second type is for uses not on a farm or uses that are not agricultural in nature. This second type of rural CUP should only be proposed on a small portion of a rural property to help preserve farmland and open space and continue agricultural operations. This requires amending the Zoning Ordinance to eliminate the LESA system and could require modifying the CUP process.

Although members of Jefferson County’s agricultural community are active in numerous civic and community organizations, a number of farm operators stated that issues related to agriculture in Jefferson County are not understood well by the community, County staff, and community leaders. By engaging the farm community to provide greater input into the planning process, it is hoped that the needs of farm operators will be more effectively addressed by both staff and the political leadership of Jefferson County. It is anticipated that residents and staff would be in a position to learn more about the role of agriculture and the impacts of farming activities in Jefferson County. Therefore, the ability to farm in Jefferson County would be better understood. Additional information about the rural economy can be found in the Agricultural and Rural Economy section of the Economic Development, Employment and Infrastructure Element.

Other appropriate uses in the Rural District are value added agricultural operations and artisan activities, as described below.

### **Value Added Agriculture**

Farm operators and artisans who participated in the Envision Jefferson 2035 process, expressed concerns regarding regulatory requirements on existing and potential activities that could take place on farms. Some of the areas of concerns related to state and/or federal regulations to mitigate the impact of agricultural, mining, or industrial activities on the region’s air, water, and soils. Other concerns voiced related to County ordinances and “the right to farm” are discussed below.

There are opportunities to review and amend local requirements related to production and marketing of agricultural products on the farm or in a residential properties. Site plan standards should also be reviewed and amended as it relates to agricultural

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² Jefferson County Zoning and Land Development Ordinance, Section 5.7(D) states that any property that was a lot of record as of October 5, 1988 may create two lots and a residue every five years through the Minor Subdivision Process (page 72 of the current Zoning Ordinance, effective 06-01-14).

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

<b>Rural Land Use Planning Recommendations (Goal 2)</b>	
<b>1.</b>	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
<b>2.</b>	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
<b>3.</b>	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
<b>4.</b>	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.

## 2.B. Agricultural and Rural Economy

One of the more significant issues expressed by County residents involved in the Envision Jefferson 2035 process was maintaining the rural economy and small town lifestyle of Jefferson County. It is important that this discussion not be framed by the concept of preservation but of creating opportunities for farms to be economically viable. This would include identifying ways to protect and enhance the farms and open spaces that provide the rural character along with the agribusinesses that have been the historical heart of the Jefferson County economy. One goal of this Plan is to maintain productive farmland soils and the rural character and economy of the County by reducing the conversion of farmland to non-agricultural based uses.

There must be a viable rural economy to maintain the rural landscape. The rural economy is much more than traditional farming. It includes innovative agriculture, horticulture, forestry, commercial and non-commercial equine industry, other forms of animal husbandry, tourism, rural based public and commercial recreation, ancillary rural business, and compatible rural institutional uses. Many of these sectors are growing and collectively contribute significantly to Jefferson County's economy and provide several thousand jobs. The County's citizens benefit from the proximity of rural based activities and services and the rural enterprises benefit from nearby markets for goods and services. With this potential, the rural areas of Jefferson County should be seen as ripe for investment and reinvestment.

A key aspect of the County's rural economy is recognizing the changes in the regional and national marketplace that might affect agricultural activities at the local level. In some instances, farm operators have adapted to these changes by diversifying into additional farm based activities, changing the types of farming activities taking place on a site, or seeking to include direct sales and on-site marketing, and value added processing of crops or products. The ability of a farm operator to diversify or change their operations to meet the needs of the marketplace is an important consideration in providing a framework for the continuation and enhancement of farm and agricultural activities in Jefferson County.

The enhancement of the rural economy is a central focus of the rural strategy of this Plan and requires the support of the Jefferson County Development Authority and other organizations which support the agricultural economy. A broad-based rural economy can be a net-revenue generator for the County because tax revenues generally exceed expenditures for rural properties. The County recognizes its fiscal responsibility to protect the land resource for the rural economy, to provide fundamental protection for rural businesses, to ensure prudent fiscal management of limited public resources, and to provide needed protection of the public health and safety.



### Rural Economic Activities

The agricultural community in Jefferson County recommended the following priorities to strengthen the rural economy:

<b>Agricultural Community Priorities</b>
Diversify farm operations through the sale and marketing of value added products (such as the processing and marketing of products on-site);
Allow farm operators to work with nearby farm operators to market and sell each other's goods on each individual farm;
Allow a wider range of service activities to take place on agricultural properties.

The rural areas of Jefferson County include not only farms and residences, but also a variety of small artisan studios and other cottage industries. While the preservation of agriculture is essential to the protection of rural areas, it is also important to provide for the ability of appropriately scaled businesses to succeed. When permitting additional uses in the rural area, it is important that the size and scale of both the property and the business be correlated. The intensity of the activity permitted should directly relate to the size of the rural property which would enable larger rural properties to undertake more activities. By correlating scale and intensity of uses to the rural property size, it is anticipated that off-site impacts would be mitigated for the surrounding landowners. Some uses may require performance standards which should be incorporated into the local land use regulations.

By enabling farm operators to have more options and encouraging the creation of cottage industries that reflect the rural aesthetic, the viability of operating rural based businesses in the County's rural areas will be enhanced in the coming decades. While Jefferson County has modified its Zoning and Land Development Ordinance to allow for a greater variety of uses, additional steps might be needed to improve opportunities for farm operators to continue or expand their businesses, and for artisans and other individuals to operate small businesses that complement these activities. A streamlined process for uses with minimal impacts to surrounding neighbors should be developed.

The land use component of this Plan recognizes an example of a non-residential Conditional Use Permit (CUP) in the Rural area referred to as an Agricultural Based Economic Empowerment Area, defined as a commercial agricultural hub that is not located on a farm, but is located in a rural area and focuses on intensively supporting agricultural activity through the value added processing, holistic health and marketing of local goods. Other appropriate uses in the Rural district (some of which may require a CUP) include, but are not limited to, artisan activities; home based businesses; agricultural equipment sales, rental, and repair services; veterinary services; farm co-ops; product storage and seed supply; agri-tourism, bed-and-breakfast enterprises; farm markets, wayside stands, and similar types of uses, provided that these uses are designed in a manner compatible with the rural character of the area.

There are many creative people that live and work in Jefferson County, using their talents to create poetry, pottery, paintings, plays, performances, photographs, novels, fabric art, sculpture, carvings, installations, music and dance, and the fine art and culture of all forms. The County is home to numerous cultural and historical organizations as well as artist studios, galleries, museums, and theaters which host a number of activities and events throughout the year. These activities and organizations add to the cultural value in the County and provide economic resources for the artisan. This Plan supports the artisan community and its needs for developing a robust economic and cultural community.

While most of these types of Cottage Industries and Home Occupations are permitted by right in the Rural District, some more intense uses may require a CUP. This Plan recommends that the use of the CUP in the Rural District be limited to non-residential uses not permitted in the Rural District which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare. Some non-agricultural/non-residential related rural CUPs should only be proposed on a small portion of a rural property to help preserve farmland and open space, and continue agricultural operations. This requires eliminating the Land Evaluation Site Assessment (LESA) system and modifying the CUP process. For additional discussion, see Rural Land Use Planning Section (page 34).

### **Agricultural Service Facilities**

An issue expressed by members of Jefferson County's agricultural community during the planning of this document was the lack of agricultural service facilities located in Jefferson County. Farm operators currently travel to Winchester, Hagerstown, or Frederick to purchase farm machinery or to get their machinery repaired. Farmers raising livestock also need to travel out of state to sell or purchase animals at auctions. There are few large animal veterinarians in Jefferson County that can assist with maintaining the health of animals or be available in case of emergency. There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service. The lack of service facilities could have a negative impact on the maintenance or expansion of agricultural activities in Jefferson County in the coming years.

### **Distribution and Marketing of the County's Agricultural Products**

In recent years, there has been a change in the way farm products are marketed and sold in Jefferson County. In the past, a large number of farm products cultivated on Jefferson County farms were commodities, with little differentiation between the products of individual farm operators. Currently this is changing due to the increasing reliance of the local farm community on farmers' markets and direct sales to local and regional restaurants. There are several farmers' markets operating in Jefferson County on a weekly basis, during the growing season, at temporary sites. A permanent year-round farmers' market could provide opportunities for a winter market in a place that could also be used for the sales of arts and crafts, root crops, or value added products. Incorporating a farmers' market into a regional agricultural center

**Agricultural and Rural Economy Recommendations (Goal 8)**

1.	Support West Virginia’s and Jefferson County’s “Right to Farm” policies which protect the rights of existing and future farms and farmers by developing zoning standards, other legislation, and educational programs designed to reduce potential conflicts arising from the proximity of agriculture to residential development (State Code § 19-19; Section 4.5 of the County’s Zoning Ordinance).
	a. Identify and utilize a wider variety of funding sources that could serve to expand the County’s farmland protection program.
	b. Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.
2.	Enact Zoning Ordinance provisions to reduce the intensity of residential development in the Rural zone, other than by clustering, thereby protecting and increasing the investment potential and attractiveness of the agricultural lands for families, entrepreneurs, and businesses.
	a. Decrease the problems of rural traffic volume and the need for additional costly public infrastructure services in rural areas while conserving areas of the Rural zone for agricultural uses and the rural economy through support for rural cluster development vs large subdivisions of new home growth.
3.	Support the rural economy by amending the Subdivision Regulations to establish rural business site plan standards to include:
	a. performance criteria, including compatible size, scale, use, intensity, traffic capacity limits, employee limits, site design standards (i.e. buffering, siting), and standards that protect public health, safety, and welfare; and
	b. the adaptive reuse of existing historic and agricultural structures.
4.	Collaborate with the County’s agricultural community to assess the current land use regulations and determine what opportunities for agriculture might currently exist and what additional opportunities might be able to succeed in Jefferson County.
5.	Amend the Zoning and Land Development Ordinance to permit additional non-residential rurally compatible uses.
	a. Incorporate into the zoning provisions innovative agricultural uses including the creation of standards which permit flexibility in the sale of farm products and related auxiliary products.
	b. Amend local land use regulations to permit non-agriculturally related commercial uses by the Conditional Use Permit (CUP) process in the Rural zone if the use is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety, and welfare, and if the use helps to preserve farmland and open space and continue agricultural operations.

Campsite ³¹	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad ³¹	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash ²⁷	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence ^{23, 31}	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” ²²	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use ^{23,32}	Any use which is different than the previous use of a building or land.
<u>Cemetery</u>	<u>Land that is used or dedicated for a burial park for earth interments. Also includes crematoriums, mausoleums, columbariums, and necessary sales and maintenance facilities when operated in conjunction with and within the boundaries of such cemetery.</u>
<u>Cemetery, Family</u>	<u>Burial site for persons related by blood, marriage, or household. Such sites are exempt from zoning review.</u>
Church ²³	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering ^{5, 23, 32}	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location ^{10, 22}	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.

### Section 8.21 Commercial Cemeteries

Commercial Cemeteries in the Residential-Light Industrial-Commercial and Industrial Commercial zoning districts shall process in accordance with the site development standards applicable to these districts, with the exception that burial plots shall be 100' from any property line adjoining a residential property.

The following standards shall apply to the development of commercial cemeteries in the Rural zoning district:

#### A. General Standards:

1. A Conditional Use Permit is required in accordance with Article 6.
2. The minimum lot size for any cemetery shall be 10 acres.
3. The Rural Site Plan standards, found in the Jefferson County Subdivision and Land Development Regulations, may be utilized.

#### B. Setback Standards

1. The Front, Side, and Rear setbacks shall be 100 feet for all cemeteries.
2. Office and maintenance buildings may be located 25' from the front property line and 50' from the side and rear property lines.
3. Passive recreational trails may be installed 25' feet from all property lines, provided the total width of the required buffer is maintained.
4. Parking and drive aisles shall be setback 25' from all property lines, provided the total width of the required buffer is maintained.

#### C. Landscaping Standards

1. The landscaping requirements of this Ordinance apply. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.
  - a. In lieu of a planted buffer, existing, natural vegetation may be used if documentation is submitted to the Zoning Administrator verifying how the existing, natural vegetation complies with the required buffer standard.

A.D. In lieu of the standard variance process, any proposed deviation from the required parking, building setbacks, landscaping, and signage standards set forth in this Ordinance shall be included in the Conditional Use Permit application and reviewed for approval by the Board of Zoning Appeals.

**ARTICLE 11: OFF-STREET PARKING STANDARDS²³**

**Section 11.1 Non-Residential Parking Standards**

A. To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.²³

Spaces shall be required per use and are as follows:⁵

Ambulance Facility	2 spaces per ambulance
Auto Sales and Service	1 space per 300 square feet of gross floor space
Auto Service Station	2 spaces per service bay; plus, 1 space per employee
Bank, Financial Institution ²³	1 space per 200 square feet of floor space; plus, 5 queuing spaces for each drive-up teller
Bowling Lanes	5 spaces per bowling lane
<u>Cemetery</u>	<u>1 space per employee on maximum working shift; plus, 3 spaces (minimum) per acre.</u>
Church	1 space for each 5 persons for which seating is provided in the sanctuary
Commercial Retail Sales Less than 2,000 square foot floor space	1 space per 150 square feet retail floor space
Commercial Retail Low customer turn over, large indoor display, e.g. carpet, furniture or appliance sales	1 space per 500 square feet retail floor space
Community Center, Cultural Facility ²³	1 space per 400 square feet floor space
Private Club, Lodge	1 space for each 2 persons for which seating or lodging is provided
Educational (Schools)	1 space per employee; ample student and visitor parking
Fire Station	10 spaces minimum
Hospital ²³	1.5 spaces for each bed; plus, 1 space for every employee
Hotel, Resort	1 space per guest room; plus, 1 space per 5 employees
Manufacturing Plant	1 space per employee on maximum working shift

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
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	
<u>Commercial Cemetery</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>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.21</u>
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
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	





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



Name: Stephanie Grove

Department or Organization: **County Administrator, Jefferson County Commission**

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: **October 29, 2020**

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

Date Requested – 2nd Choice:

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

↓ **Revision of Policies 204 and 217 – Discussion/Action**

* **Parks & Rec. Building Permits - Discussion/Action**

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

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

If so, how much? \$

Provide exact financial impact/request:

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

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

If not attached, explain:

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

Contact information:

Email address:

Phone Number:

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

not applicable





## Quarterly Report

July 1, 2020 – September 30, 2020

### 1. Active Projects

- a. Civil War Battlefield Preservation in Jefferson County – Ongoing
  - i. Shepherdstown Battlefield properties acquisition and management – ongoing
- b. Peter Burr Farm improvements and programming - ongoing
- c. *Jefferson County Historic Preservation Fund* Campaign - ongoing
- d. WV GeoExplorer project – sponsor and coordinate - ongoing
- e. Duffields Depot –building stabilization - ongoing
- f. Concept Plan reviews in conjunction with JC Planning Department - ongoing
- g. Hosting an AmeriCorps Member – ongoing
- h. Verification of JCHLC historic sites inventory data - ongoing
- i. Text amendment to Zoning Ordinance Sub-Regulations to include - Delay of Demolition Ordinance - ongoing
- j. Designation of NR Landmark – *McMurrin Farm* - Now on review at SHPO
- k. Designation of NR Landmark – *The Rocks*- Approved at WV SHPO now on review by NPS
- l. Designation of NR Landmark Beelers Mill - Now on review at SHPO
- m. Designating the *Jefferson County Courthouse*, as a National Historic Landmark – awaiting NHL Committee review
- n. *Duffields Depot* brochure – in the research phase
- o. Rt. 340 mitigation - a contractor was hired to produce four NR nominations
- p. Antietam National Battlefield boundary expansion to include the Shepherdstown Battlefield – ongoing
- q. Design Guidelines for Middleway Historic District – on review at Middleway Conservancy

### 2. Projects Completed

- a. Designation of two barns as JC Landmarks – *Altona, Boidestone's*
- b. Hosted a fulltime AmeriCorps Member Sept. 2019 to Sept. 2020– McKenzie Hitchcock

### 3. Projects Proposed

- a. Development of historic preservation curriculum for fourth and eighth graders in conjunction with JC Schools

Submitted by  
Martin Burke  
Chair, JCHLC





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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Charles Town, WV 25414

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## 1st Quarterly Report for Planning and Zoning FY 2021 (July 1, 2020 – September 30, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within the 1st Quarter of FY2021. This data is being provided as a part of the 1st Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

### PLANNING COMMISSION ITEMS

**Planning Commission Meetings:** **3 Meetings**

**Subdivision Regulations Text Amendments** **on-going coordination with Greenway for Major updates and revisions**

**Zoning Ordinance Text Amendments** **1**

**#ZTA20-01:** Zoning Ordinance Text Amendment to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district and a Principal Permitted Use in the RLIC and IC zoning districts. *PC PH 9/8/20; still under review*

**Zoning Map Amendments/Rezoning** **none this quarter**

**Cell Tower Concept Plan Public Workshop** **9/8/20**

**#20-4-SP** Smartlink, LLC. AT&T 199 ft. monopole Cell Tower (195' monopole with a 4' lighting rod) which will include 6 antennas and a 3,600 sq. ft. fenced compound on a vacant parcel located on the corner of South Childs Road and Leetown Road.

PC accepted the Concept Plan as submitted with a recommendation to include a landscape buffer 10' wide and 6' tall along the sides that face S. Childs Road and Leetown Road and that an easement be established for the fall zone of the monopole tower.

### BOARD OF ZONING APPEALS (BZA) ITEMS

**Board of Zoning Appeals Meetings:** **3 meetings**

**Zoning Appeal of Administrative Decision** **none this quarter**

### PLANNING & ZONING STAFF ITEMS

**Pre-Proposal Conference (PPC) Meetings:** 25 Total (12 Subdivision & 13 Site Plan)

**Information Request Forms (IRFs) -- general inquiries from the public:** 34 Total

**Zoning and Land Development Fees Collected:** \$ 25,598.88



<b>Regional Transportation Planning Meetings</b>	
Martinsburg Pike Corridor (University Dr to Alt 45) Discussion	7/9/2020
Eastern Panhandle Transit Authority (EPTA) Board Meetings and EPTA Safety Committee Meetings	7/20/20; 8/4/20; 8/17/20; 9/21/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	8/19/20
WV DOH/Regional Planners Roundtable	9/23/20

<b>Regional Planning Meetings</b>	
Potomac Basin Comprehensive Water Resource Plan (Virtual Meetings)	8/14/20; 8/21/20; 9/11/20
WV APA Chapter Transition Leadership Meetings	8/25/20; 9/2/20; 9/15/20; 9/29/20
Safe Water Conservation Collaborative Meeting via ZOOM	9/1/20

A	B	C	D	E	F	G
Planning and Zoning FY 2021 1st Quarterly Report 7/1/2020 - 9/30/2020 (Generated 10/02/2020 )						
Type	Project Number	Creation Date	Owner Name	Location	Status	Description
	20-5-CUP	7/30/2020	I&K FARM LLC	5409 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Request for a Conditional Use Permit for Valley Used Cars to operate an Automobile Repair, Sales, and Service business utilizing the existing structures and parking areas
Conditional Use Permit	20-6-CUP	7/31/2020	MAIN ANDREW W & NARIMAN	Lewisville Road, Summit Point, WV 25446	Open	Request for a Conditional Use Permit for Teyta's Treats to operate as a Restaurant
	20-7-CUP	8/31/2020	Bret de Pedro - Bret de Pedro	Summit Point Road, Summit Point, WV 25446	Open	Request for a Conditional Use Permit to operate an Automotive Repair, Sales and Service
					Type Total: 3	
					Category Total: 3	
	20-7-M	7/10/2020	MILTON JAMES NEVIN	8554 SUMMIT POINT RD, CHARLES TOWN, WV 25414	Open	Boundary Line Adjustment of 16.82 acres from Parcel 30.2 to Parcel 30
	20-8-M	7/16/2020	SNYDER RODNEY J	116 WILDWOOD FARM LN, SHENANDOAH JUNCTION, WV 25442	Open	BLA between Parcels 4, 4.1, and 4.2
	20-9-M	7/20/2020	LUTMAN LAND DEVELOPMENT LLC - DAVID LUTMAN	389 HACKNEY LN, CHARLES TOWN, WV 25414	Open	04 acre BLA between Parcel 89 and 109
	20-10-M	7/23/2020	LLD LLC - Dave Lutman	Old Cave Road, Charles Town, WV 25414	Closed	BLA between Lots 1 - 5 Strider Cluster Subdivision
Merger or Boundary Line Adjustment	20-11-M	7/24/2020	CAGE LLC	171 EUCLID AVE, CHARLES TOWN, WV 25414	Open	BLA between Lots 11 and 12, Euclid Avenue
	20-12-M	7/28/2020	KNOLL CLIFFORD H & HILLARY BANACHOWSKI	1799 PERSIMMON LN, SHEPHERDSTOWN, WV 25443	Open	1799 Persimmon Lane & Lot 4 Residue
	20-13-M	8/10/2020	MCCRACKEN DORIS E - TR	1457 AVON BEND RD, CHARLES TOWN, WV 25414	Open	Lots 2005 & 2006 Section 20 Avon Bend
	20-14-M	8/31/2020	FLEMING ANDREW P & SARAH	345 SHVEDA WAY, SHEPHERDSTOWN, WV 25443	Open	BLA between Family Parcel 1 and Lot 4
	20-15-M	9/3/2020	LOCK BRYAN S & THERESA S	20449 CHARLES TOWN RD, HARPERS FERRY, WV 25425	Open	To merge 5.6172 acres from parcel 56 (Holt) to parcel 47 (Lock)
					Type Total: 9	
					Category Total: 9	
	20-5-Q	8/17/2020	Christopher & Kimberly Purvis	30 Balsam Ct, Charles Town, WV 25414	Closed	Minor Plat Change: Relocating the septic reserve
Miscellaneous Fees	20-6-Q	9/21/2020	N/A		Open	Printed Map for GIS of Subdivisions
	20-7-Q	9/30/2020	N/A		Closed	24x36 zoning map
	20-4-Q	7/30/2020	LUTMAN LAND DEV	770 S CHILDS RD, KEARNEYSVILLE, WV 25430	Closed	Laycock, Lot 2 MPC. Relocating septic reserve area
					Type Total: 4	
					Category Total: 4	
	20-4-PCW	7/16/2020	VARIETY PROPERTIES LLC - BRET HALE	25 MA AND PA PKWY, KEARNEYSVILLE, WV 25430	Open	Waiver from Section 20.201A(2) to reduce the required access easement width from 50' to 40' for a proposed two lot minor subdivision
	20-5-PCW	8/18/2020	ILA Properties, LLC - Joshbeen Grewal	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Waiver from Appendix B Sect. 2.5I driveway slope
Planning Commission	20-6-PCW	9/15/2020	SIRBAUGH TAMMY & LARRY	45 EDWARDS CASTLE CT, CHARLES TOWN, WV 25414	Open	Waiver from Section 20.201B3, that requires access via a 50' access easement (File # 20-6-PCW) to access via a state road

	A	B	C	D	E	F	G
28	Waiver	20-7-PCW	9/21/2020	Builer Family Investments, LLC	Old Country Club Rd Charles Town, WV 25414	Open	Waiver from Section 20.201A to have direct access to Old Country Club Road, without a 50' access easement to the residue property.
29		20-8-PCW	9/22/2020	Kenneth F. Lowe Revocable Trust - Kenneth Lowe, Jr.	Low Drive, Shepherdstown, WV	Open	Waiver from Section 20.201 to process as a Minor Subdivision for 6 duplexes, on 2 parcels
30						Type Total:	5
31						Category Total:	5
32		20-5-5P	7/31/2020	FEDERAL GROUP INC	233 LOWE DR, SHEPHERDSTOWN, WV 25443	Open	
33		20-6-5P	9/2/2020	Jefferson County Development Authority	Lots 13 & 14 Burr Business Park James Burr Boulevard	Open	Proposed transfer depot and trailer storage with a 2,400 SF office building.
34	Site Plan	20-7-5P	9/25/2020	RANKIN PROPERTIES LLC - Christopher Rankin	POTOMAC FARM DRIVE, SHEPHERDSTOWN, WV 25443	Open	Professional Center to consist of one 2-story building with a 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) single-story building 1,000 sf retail/office spaces and parking and signage.
35						Type Total:	3
36						Category Total:	3
37		20-10-5D	7/10/2020	FRENCH CHARLES R ET AL	6803 FLOWING SPRINGS RD, SHENANDOAH JUNCTION, WV 25442	Open	Family Transfer
38		20-11-5D	7/14/2020	James and Mary Kallenborn - James Kallenborn	Hidden River Farm River Bend Rd. & Wide Horizon Bld	Open	Minor Subdivision: Resubdivision of lots 10 and 11 in Hidden River Farm
39		20-12-5D	8/24/2020	GOODE MICHAEL C TR	487 MILL LN, CHARLES TOWN, WV 25414	Open	2 lot minor subdivision
40		20-13-5D	9/1/2020	SHENANDOAH PROPERTIES WV LLC - Vincent and Alicia Secatello	3495 OLD LEETOWN PIKE, RANSON, WV 25438	Open	2 Lots + Residue (MSD)
41	Subdivision	20-14-5D	9/4/2020	SILLS STEPHANIE N	329 BORDER RD, KEARNEYSVILLE, WV 25430	Open	Stephanie Sils MSD Lot 2-Residue and Lot 3
42		20-15-5D	9/10/2020	Magnolia WV, LLC.	Between Euclid Ave and Citizen's Way	Open	Phase 3 - Proposed 97 single family lots plus Residue
43		20-16-5D	9/10/2020	VARIETY PROPERTIES LLC - William Walls	25 MA AND PA PKWY, KEARNEYSVILLE, WV 25430	Open	2 lot MSD
44		20-17-5D	9/18/2020	RAI PROPERTIES LLC	130 E BURR BLVD, KEARNEYSVILLE, WV 25430	Open	2 lot Minor Commercial Subdivision
45		20-18-5D	9/25/2020	HY-CREST FARMS LLC - Arnold Dailey	KEITH DR, SUMMIT POINT, WV 25416	Open	Subdivision of Lot 28 in Summit View Estates into 3 new lots
46		20-19-5D	9/25/2020	BRIAN AND ANGELA WILT	JOHN BROWN FARM RD, HARPERS FERRY, WV 25425	Open	Lot 1, 2 and 3- Residue MSD
47						Type Total:	10
48						Category Total:	10
49		20-18-ZC	7/1/2020	NORTON INVESTMENTS LLC - ROBERT MALONEY	69 CLENDENING DR, KEARNEYSVILLE, WV 25430	Closed	Office Space for the Veterans Administration, Veteran Health Administration, and Office of Emergency Management for approximately 45 employees, with up to 60 during a disaster warehouse space for general storage or supplies
50		20-19-ZC	8/11/2020	JORDAN AND CHLOE BUTTS	6433 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Closed	Agricultural Special Event Facility Wedding Venue. Operating weekends Approximately 100 grass parking spaces.

	A	B	C	D	E	F	G
51		20-20-ZC	8/21/2020	RUSHIZKY GEORGE W & MARY L - Matthew Rushizky	8428 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN, WV 25443	Closed	AT&T Replace antennas on an existing tower.
52		20-22-ZC	9/2/2020	Road Runner Wrecker Service, Inc. - David Butcher	2282 Summit Point Rd, Summit Point, WV 25446	Closed	Change in Owner - nonconforming salvage and recycling yard
53	Zoning Certificate	20-21-ZC	9/3/2020	AMERICAN TOWERS INC	17340 POPPY RD, BLUEMONT, VA 20135	Closed	Proposed work on the existing 364 nonconforming tower: 1) Remove (2) existing radios. 2) Install new pipe mount. 3) Install (2) pair fiber & coax cables on existing waveguide ladder using 8 hole grommets. 4) Install (1) new radio on horizontal port on dish. 5) Install (1) new radio on vertical. Port on dish. 6) Complete closeouts.
54		20-23-ZC	9/4/2020	KROP PROPERTIES LLC	640 WAR ADMIRAL BLVD, CHARLES TOWN, WV 25414	Open	To operate Retail Sales
55		20-25-ZC	9/18/2020	ROGER LEE SHELTON AND MICHELLE KRASSOWSKI	1339 JOHN BROWN FARM RD, HARPERS FERRY, WV 25425	Open	Home Occupation, Level 2: Pet Sitting/Doggie Daycare and Internet Pet Supply Business. Including owner's dogs, pet sitting is limited to a six (6) dog total. No kennels permitted. Relocation of existing dog sitting business. (See ZC10-08).
56		20-24-ZC	9/11/2020	KYPER RONALD J	1060 OLD CAVE RD, CHARLES TOWN, WV 25414	Postponed	Accessory Dwelling Unit: Personal Use
57		20-26-ZC	9/30/2020	Cristhian Torrico-Caceres	358 JEFFERSON AVE, CHARLES TOWN, WV 25414	Open	Day Care Center, Large: A facility, (1) licensed by the state, if applicable, (2) providing care for six or more children or adults who do not reside in the facility, are present primarily during daytime hours, and do not regularly stay overnight; and (3) which may include some instruction. To operate Monday - Friday. One employee. Up to 4 parking spaces.
58						Type Total:	9
59						Category Total:	9
60		20-25-ZV	7/20/2020	LEE JOSEPH R - JOSEPH LEE	206 MEADOW BLUFF LN, KEARNEYSVILLE, WV 25430	Open	Variance from Section 9.6C and 9.7 to reduce the front setback from 40' to 20' to construct a single- family dwelling unit.
61		20-26-ZV	7/24/2020	CAGE LLC	171 EUCLID AVE, CHARLES TOWN, WV 25414	Open	Variance from Section 9.7 to reduce the side setback for proposed Lot 11A from 8' to 5.4'; to reduce the front setback for proposed Lot 12A from 20' to 8' to allow for a proposed boundary line adjustment.
62		20-27-ZV	8/4/2020	ASBURY METHODIST CHURCH TRUSTEES	4257 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Open	30x40 steel building for storage
63		20-28-ZV	8/21/2020	PAUL LANCE A & MICHELLE L	70 KILLIAN LN, CHARLES TOWN, WV 25414	Open	Variance from Section 5.4B to reduce the side setback from 12' to 8' and the rear setback from 20' to 8' for a 12' x 16' (192 sf) accessory structure.
64		20-29-ZV	8/24/2020	PURVIS CHRISTOPHER M & KIMBERLY A - Kimberly Purvis	30 BALSAM CT, CHARLES TOWN, WV 25414	Open	Variance from Section 5.4B of the Zoning Ordinance (amended 05/11/03) to reduce the side setback from 12' to 7' and the rear setback from 20' to 11' for a 12' x 20' (240 sf) accessory structure.
65	Zoning Variance	20-30-ZV	8/31/2020	NEUBAUER SHARON A	59 SWEARINGEN WAY, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 5.4B to reduce the rear setback from 20' to 11' for a 16' wide deck.

	A	B	C	D	E	F	G
66		20-31-ZV	8/31/2020	Lutman Land Development	2751 ENGLE MOILERS RD, HARBERS FERRY, WV 25425	Open	Variance from Section 5 7D 2.b.(b) to allow the required 50% green space to be allocated on four of the proposed lots within the cluster.
67		13-37-ZV	9/22/2020	RAI Group 41, LLC - Jim Ruland	130 & 150 E Burr Blvd, Kearneysville, WV 25430	Closed	Variance request from Section 4 11A for a reduction of the required parking and access drive setbacks from 10' to 0', and from Section 5 6D 5 for a reduction of the required landscape buffer between two commercial uses from 10' to 0', for the purpose of subdividing Parcel 93 (referred to as Lot 41) to create two individual commercial lots (Lots 40 and 41).
68		20-32-ZV	9/25/2020	HDW LLC	104 MADDEX SQUARE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 10-4B 3 to reduce the front setback from 25' to 15' for a 64' W x 84' H (35 sf) double-sided monument sign.
69		20-33-ZV	9/30/2020	HDW LLC	104 MADDEX SQUARE DR, SHEPHERDSTOWN, WV 25443	Open	Variance from Section 4 6B 2 to reduce the distance requirement from 75' to 65' along the rear property line for an 8' x 12' (96 sf) accessory structure.
70						Type Total:	10
71						Category Total:	10
72						<b>Grand Total:</b>	<b>53</b>



TERRENCE J. REIDY  
HEALTH OFFICER

GILLIAN R. BEACH  
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## Halloween Activities During COVID-19

Following are some guidelines that we recommend members of our community follow. Please keep in mind that pursuant to an Executive Order issued by the Governor, indoor and outdoor social gatherings are limited to no more than 25 people when our county is green or yellow on the County Alert Map. If Jefferson County is gold, orange or red on the County Alert Map, social gatherings are limited to no more than 10 people. **If you may have COVID-19 or you may have been exposed to someone with COVID-19, you should not participate in trick-or-treating and should not give out candy to trick-or-treaters.**

### Trick-Or-Treating

- Limit trick-or-treating activities to October 31st from 6:00 pm to 8:00 pm in order to limit crowd sizes (if communities host trick-or-treating at different dates or times crowds are likely to be larger because trick-or-treaters can go to more than one location)
- Wear appropriate face coverings that cover the mouth and nose to limit exposure to COVID-19 while trick-or-treating
- Create one-way trick-or-treating if possible
- Provide individually wrapped goodie bags and line them up for families to grab and go while continuing to social distance (such as at the end of a driveway or at the edge of a yard)
  - If you are preparing goodie bags, [wash your hands](#) with soap and water for at least 20 second before and after preparing the bags.
- If you choose to hand out candy, go to the end of the driveway (this prevents crowding in a smaller space such as a walkway or porch) and place a barrier between yourself and trick-or-treaters (i.e. a table) and have individually wrapped candy in a large container or lined up on a table for the parent or child to grab and go
- If you choose to hand out candy at your door instead of the end of the driveway, sit in front of the door/porch/house instead of having children knock or ring the doorbell and try to place a barrier between yourself and trick-or-treaters (i.e. table) to reduce contact and allow for social distancing
- Carry hand sanitizer with you while trick-or-treating so you can sanitize your hands before touching your face or eating candy
- If going door-to-door instead of driveway to driveway, wait at the end of the driveway for other children at the door to exit before approaching in order to allow for social distancing

For further guidance on Halloween related activities go to:

<https://www.cdc.gov/coronavirus/2019-ncov/daily-life-coping/holidays.html#halloween>

**From:** David Tabb <sssi27@yahoo.com>  
**Sent:** Wednesday, October 14, 2020 2:12 PM  
**To:** JCCInfo  
**Subject:** Public Comment JCC Meeting 10-15-2020

## Public Comment for Jefferson County Commission meeting Oct 15, 2020

I, David Tabb, a lifelong resident/taxpayer protests the Jefferson County Commission (JCC) hindering residents/taxpayers from the recorded public comment.

It is time to reopen the meetings to the public comment or stop making decisions that affect the resident/taxpayer of this county. Such as appointments, purchases, projects: new and old, permits, studies or any non-essential approvals and/or actions.

It appears the JCC and Jefferson County Administrator have yet release the FIOA of the 12 proposals/bids connected to the proposed Courthouse complex.

It appears the JCC has failed to sit properly, for the approval of minutes, since March 17, 2020. If the JCC was not sitting properly, to approve the minutes, then the Commission was not proper to hold a meeting.

The "Approval of Manual Checks" is just wrong. If you have a budget, just stick to it. How are you going to approve manual checks for October 16th, 2020 when you haven't listed what it's for?

Public comment... Between the agenda and the minutes was 2 pages insert regarding a requisition for approval for the holding cell door in the amount of \$11,900.00. Where there any other bids?

Presentation #3 – Kelly Franklin, Jefferson Day Report, Inc.

It appears that Judge Hammer has made a personal request to the county commissioners to assist the court with their requirement of evaluations to be done by the Jefferson Day Report, Inc., instead of the court doing their job. Yet, the court and the circuit clerk have ignored a certain individual submitting the required respond to an ongoing case required by law. This process is no different than the information required from the Jefferson Day Report. The only difference is the certain individual is paying tens of thousands to the county and state in taxes, and the Jefferson Day Report in consuming the tax dollars. I guess we will find out from the Judicial Investigation Commission how that works.

#### Presentation #6 Nathan Cochran, Assistant Prosecuting Attorney

Doesn't look this list has changed much. Why's that? Is it because you haven't figured out how to put sanctions on everyone else?

#### County Administrator Report –

Discuss request for funding COVID-19 Pandemic Block Grant \$100,000:

The Covid-19 Pandemic Block Grant spreadsheet request is \$66,097.69. The question is: How can you request a \$100,000. grant when you only have a \$66,000. request? Is this where you hope to get extra money for manual checks?

*“The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The government's order to “stay at home” deprived the public of notice and comments without reimbursement provisions. This is affecting every resident and business owner to be responsible for all loses, including the government.”*

It is hard to be safe, with the current County Commission, at this time.

*Have a nice day!*

## **Harpers Ferry/ Bolivar PSD**

P. O. BOX 235  
192 LAKE QUIGLEY DRIVE  
HARPERS FERRY, WEST VIRGINIA 25425  
(304)-535-2390 FAX (304)-535-2524

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THE HARPERS FERRY-BOLIVAR PUBLIC SERVICE DISTRICT CONDUCTED THE SEPTEMBER MEETING AT THE BOLIVAR TOWN HALL, LOCATED AT 60 PANAMA STREET, BOLIVAR WEST VIRGINIA. THE MEETING WAS HELD ON SEPTEMBER 11th, 2020.

The meeting was called to order at 8:07 a.m.

Those who participated in the conference call were:

David Simmons-Chairman Term 6/30/2021  
Mike Lowrey-Secretary Term 6/30/2022

Eddy Tennant-Operations Supervisor  
Joe Adams-Plant Operator  
Jimmy Williams-Consultant/HF-B-PSD

Motion by Mr. Simmons, seconded by Mr. Lowrey to approve the August minutes, approved.

Motion by Ms. Lowrey, seconded by Mr. Simmons to approve the August revenue checking account financial statement, approved.

Motion by Mr. Simmons, seconded by Mr. Lowrey to approve the August security deposits account financial statement, approved.

Motion by Mr. Simmons, seconded by Mr. Lowrey to approve the August Phase II construction account financial, approved.

Motion by Mr. Lowrey, seconded by Mr. Simmons to approve the August working capital reserve account, approved.

Ms. Dettmer was unable to attend the meeting.

Discussion on PSD Covid 19 protocols, plant staff will start back on Monday September 14, 2020 normal operations.

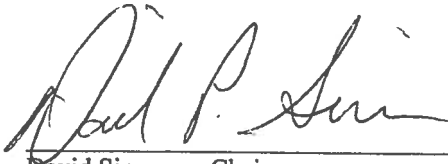
Discussion on PSD sending paperwork to PSC through our attorney for possible new tariff.

Motion by Mr. Simmons, seconded by Mr. Lowrey to modify our tariff with a rock clause for new sewer taps, approved.

Mr. Tennant informed the Board that the plant generator is having some problems with the radiator, staff will be getting process to repair or replace the radiator. Staff will look at prices on new generator.

Mr. Tennant talked to John from J.C. Kunkle about the DEP paperwork for project, and our annual report that is in the process of being completed will cover our responsibilities. Discussed the DEP loan reduction letter about our Phase II project payments.

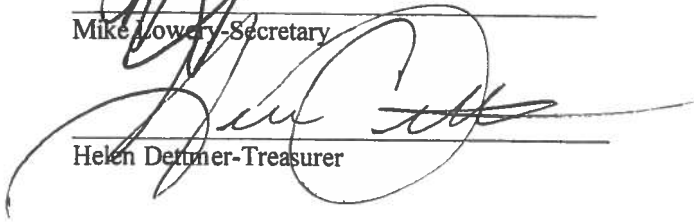
The meeting was adjourned at 8:56 a.m.



David Simmons-Chairman



Mike Lowery-Secretary



Helen Dettmer-Treasurer