



AGENDA

Jefferson County Planning Commission

Tuesday, January 12, 2021 at 7:00 PM

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed. This meeting will NOT be a live broadcast on our website. Instead, it will be accessible through a live ZOOM Meeting.

If you wish to participate in Citizen's Communication or public comment for one of the agenda items, please type your name, address, and agenda item # in the chat function at the start of the meeting.

****Please use the following information to join the ZOOM Meeting****

Join Zoom Meeting: <https://us02web.zoom.us/j/84119198771>

Meeting ID: 841 1919 8771

Dial by your location: + 301 715 8592 US (Germantown)

Find your local number: <https://us02web.zoom.us/u/keiyFa5cho>

1. Election of Planning Commission Officers.
2. Approval of Meeting Minutes: December 8, 2020
3. Citizen Communication: If you wish to comment, please sign-in to speak for issues that are no on the agenda or items that are not open for public comment. Items not open for public comment are noted below.
4. Request for postponement.
5. **Public Hearing:** Postponed from the 11/10/2020 and 12/08/2020 meetings. Request by applicant, Brickstreet Homes, LLC, for a waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two lot (one lot and residue parcel) minor subdivision. Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.
6. **Public Workshop:** Concept Plan for the Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises. The proposal consists of an Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage. Property Owner: Stanley and Barbara (deceased) Stiles. Property Location: 118 Goshen Arrabon Ln, Charles Town, WV. Tax District: Kabletown (06); Tax Map: 21; Parcel: 4 (Parcel ID: 06002100040000); Size: 17 acres; Zoning District: Rural; File: 20-9-SP.
7. **Public Hearing:** Request for a variance from Section 8.1.d from the 1979 Subdivision Ordinance to reopen and extend the date for bonding and recording of the approved Final Plat for Beallair Phase 4A from January 11, 2021 to April 12, 2021. Applicant/Property Owner: Beallair Subdivision, Route 24, Country Club Road and Beallair Manor Drive. Tax District: Harpers Ferry (04); Tax Map: 10A; Parcel: RESA (Parcel ID: 04010ARESA0000); Size 69+; Zoning District: Residential Growth; File: 20-5-PCV.

There is no public comment for the following items.

8. **Discussion and Possible Action** regarding reconsideration of the Planning Commission's previous recommendation to the County Commission that the draft amendment was consistent with the Comprehensive Plan and also regarding the draft text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03. The text amendment, in accordance with WV Code 8A and Article 12 of the Zoning Ordinance may include revisions to allow Solar Energy Facilities to process as a Principal Permitted Use and/or a Conditional Use in the following zoning districts: General Commercial, Highway Commercial, Light Industrial, Major Industrial, Rural, Residential Growth, Residential-Light Industrial-Commercial, and Industrial Commercial. The text amendment includes proposed revisions to Article 2 Definitions; Article 8 Supplemental Use Regulations (creation of Section 8.20 Solar Energy Facilities); and Appendix C Principal Permitted and Conditional Uses Table.
9. Reports from Legal Counsel
10. Planner's Memo
11. President's Report
12. Actionable Correspondence
13. Non-Actionable Correspondence
 - Email from Steve Stolipher RE: resignation from Planning Commission as a citizen representative – received 01-04-2021
 - Letter from Doug Rockwell RE: Zoning Ordinance Text Amendment File # ZTA19-03 – Solar Energy Facilities – Received 01-05-2021
 - Email from Doug Rockwell RE Zoning Ordinance Text Amendment File #ZTA19-03 – Solar Energy Facilities – Received 01-05-2021

Meeting Minutes
Jefferson County Planning Commission
December 8, 2020

The Jefferson County Planning Commission met on December 8, 2020 at 7:00 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Ralph Lorenzetti, County Commission Liaison; Steve Stolipher, Ron Thomas, Shane Roper, and Jack Hefestay. Staff members present included Jennifer Brockman, County Planner; Jonathon Saunders, County Engineer; Alexandra Beaulieu, Zoning Administrator; and, Nathan Cochran, County Attorney. J. Ware was absent without notification.

By order of the President, the Planning Commission meeting was held virtually via ZOOM. Access information was made available on the agenda and packet, which were posted to the County website. Due to technical difficulties, a portion of this meeting was not recorded.

Mr. Shepp called the meeting to order at 7:03p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Ms. Hartman did a roll call of the members.

1. Approval of the Meeting Minutes: November 10, 2020. Approved as submitted.
2. Citizens Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no citizens signed up to speak.
3. Request for postponement. Ms. Brockman noted that David Leonard requested a second postponement of his request (Item #4, File #20-9-PCW) until the January 12, 2021 meeting. The Commission agreed to the postponement noting that the applicant shall repost the site with new placards citing the January meeting date.
4. Public Hearing: Waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two (2) lot minor subdivision. Applicant: Brickstreet Homes, LLC. Property Owner: Shaun Alexander. Property Location: Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville, WV. Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4 (Parcel ID: 07001400200004); Size: 4.85 acres; Zoning District: Rural; File: 20-9-PCW.

This item was postponed under Item #3 and will be heard at the January 12, 2021 meeting.

5. Public Hearing: Waiver from Section 20.201 of the Subdivision Regulations, which only allows for a total of five (5) lots to process as a minor subdivision. The applicant is proposing to create an additional three lots (two lots and a residue parcel) as a minor subdivision as opposed to a processing a major subdivision. Property Owner: David Acly. Property Location: Avon Bend Subdivision, Lot 3C: vacant lot on the southeast corner of King Lear Dr. and Stratford Ln. Tax District: Kabletown (06); Tax Map: 9; Parcel: 27 (Parcel ID: 06000900270000); Size: 5.9 acres; Zoning District: Rural; File: 20-12-PCW.

Ms. Brockman provided an overview of her staff report to the Commission. Because the "parent parcel" has already been divided into 5 total lots since 1988, it does not have the right to create additional lots under the Minor Subdivision process, but does have the right create the lots under Section 5.7D.3 of the Zoning Ordinance. The applicant is requesting approval of a waiver to process two additional lots and a residue as a Minor Subdivision because each of the lots are proposed to have direct access a West Virginia Division of Highways Right-of-Way and require no other infrastructure.

Mr. David Acly, property owner, briefly explained the nature of the request.

Mr. Shepp opened the public hearing. Ms. Bryn Harris, Ms. Shell Harper, and Denise Lindjord, neighboring property owners, spoke in opposition to the request arguing that the subject property

contained potential sinkholes, disruptive construction equipment, poor drainage, and the poor conditions of the access road to the proposed lots. Mr. Nate Smith spoke in support of the request noting that the property had access to three state roads.

Mr. Shepp closed the public hearing.

Mr. Acly provided a rebuttal, addressing some of the concerns made during public comment.

Mr. Stolipher made a motion to approve the waiver with no conditions. Mr. Roper seconded the motion, which carried seven (7) in support and one (1) in opposition (Mr. Lorenzetti).

6. Public Hearing: Waiver from Section 20.201 of the Subdivision Regulations, which only allows for a total of five (5) lots to process as a minor subdivision. The applicant is proposing to create an additional five lots (four lots and a residue parcel) as a minor subdivision as opposed to a processing a major subdivision. Applicant: Al and LeAnne Cobb. Property Owner: Margaret Link (estate). Property Location: Link Minor Subdivision, Lot 3: vacant lot located .43 miles west of Shepherdstown Pike on the south side of French Road. Tax District: Shepherdstown (09); Tax Map: 2; Parcel: 11.4 (Parcel ID: 09002000110004); Size: 44.78 acres; Zoning District: Rural; File: 20-13-PCW.

Mr. Shepp recused himself from this item. Mr. Stolipher presided.

Ms. Brockman provided an overview of her staff report to the Commission. In this case, the “parent parcel” has already been divided into 2 lots and a residue since 1988 and can therefore process two additional lots and a residue as a Minor Subdivision. Under Section 5.7D.1 of the of the Zoning Ordinance(1 lot/15 acres), the property has the right to process up to six additional lots including the residue or, under Section 5.7D.3, it has the right to process two lots and a residue every 5 years. The applicant is requesting approval of a waiver to be able to create an additional 4 lots and a residue as a Minor Subdivision because the four new lots are proposed to access a shared 50’ access easement that no other lots use and the residue will utilize the adjoining property’s access.

Mr. Paul Raco with PJ Raco Consulting, LLC, explained the nature of the request. Mr. Raco clarified that the 25-acre residue would be merged into the adjacent Cobb parcel.

Mr. Stolipher opened the public hearing. Ms. Carly Mriscin, Mr. David Gray, Mr. Jeff Christy, and Ms. Jacquie Ras, neighboring property owners, spoke in opposition to the request stating concerns regarding diminishing farmland, existing water runoff issues, and a lack of stormwater management.

Mr. Stolipher closed the public hearing.

Mr. Raco provided a rebuttal, addressing some of the concerns made during public comment.

Mr. Thomas made a motion to approve the waiver with no conditions. Mr. Louthan seconded the motion, which carried seven (7) in support and one (1) in opposition (Mr. Lorenzetti).

Mr. Shepp resumed his position as President.

7. Reports from Legal Counsel

- a) Discussion of Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137.
Discussion /Action.

Mr. Cochran advised the Commission that they go into deliberative session to discuss the above referenced litigation.

The Commission agreed to hear the rest of the agenda items prior to going into deliberative session.

8. Planner's Memo

Ms. Brockman provided a status update of the Greenway Zoning Ordinance and Subdivision Regulation revisions; noted that the office is advertising for the Planning Clerk position; and informed the Commission that the office was temporarily working by appointment only.

9. President's Report. Mr. Shepp thanked Mr. Lorenzetti and Mr. Stolipher for their service on the Commission.

10. Actionable Correspondence. None.

11. Non-Actionable Correspondence. None.

Continuation of the Legal Counsel Update:

Mr. Stolipher motioned to go into deliberative session at 8:00 pm. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Lorenzetti motioned to come out of deliberative session at 8:37 pm. Mr. Hefestay seconded the motion, which carried unanimously.

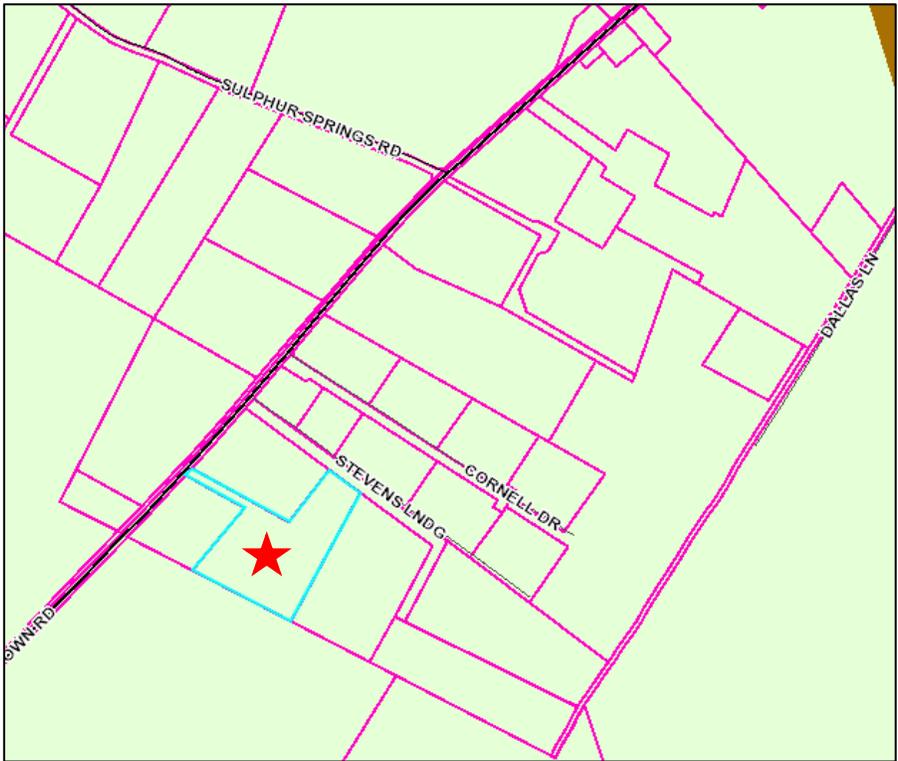
No further action was taken on this item.

Mr. Stolipher made a motion to adjourn the meeting at 8:39 p.m., which carried unanimously.

Staff Report
 Jefferson County Planning Commission Meeting
Postponed from November 10, 2020 and December 8, 2020
 January 12, 2021

Brickstreet Homes, LLC Waiver (20-9-PCW)

Item #5: Public Hearing: Request by applicant, Brickstreet Homes, LLC, for a waiver from Section 20.201A.2 to reduce the required 50' wide access easement to 40' for a proposed two (2) lot minor subdivision.

Applicant	Brickstreet Homes, LLC	
Owner/Developer	Shaun Alexander	
Property Location	Sites Farm, Lot 1B, 10668 Leetown Rd., Kearneysville, WV	
Legal Description & Zoning District	Tax District: Middleway (07); Tax Map: 14; Parcel: 20.4; Zone: Rural 	
Adjacent Zoning Districts	North: Rural South: Rural	East: Rural West: Rural
Proposed Activity	Subdividing Parcel 20.4 into 2 lots (1.09 acres and 3.76 acres)	
Approvals	Phillip and Pamela Stevens Minor Subdivision, Lots 1-A and 1-B (Recorded on 01-19-1984 in Deed Book 520, Page 628)	

Summary of the Request:

The applicant is requesting a waiver from Section 20.201.A(2) of the 2008 Subdivision Regulations, as amended, which requires lots in all Minor Residential Subdivisions to have motor vehicle access via a 50' access easement, provided that the access easement serves no more than 5 lots or 12 Family Transfer lots. The request is to allow one additional lot (1.09 acres) to access the existing 40' wide access easement created in 1984 located off Leetown Road.

Staff Report

Jefferson County Planning Commission Meeting

Postponed from November 10, 2020 and December 8, 2020

January 12, 2021

Brickstreet Homes, LLC Waiver (20-9-PCW)

Under the provisions of Section 5.7D3 of the Zoning Ordinance, the subject parcel has the right to process another lot and a residue (for a total of 2 lots); however, because the access easement is only 40' wide, a waiver from the required 50' width is necessary. Currently Lot 1-A has a nonexclusive access easement to Leetown Rd over the 40' pipestem of Lot 1-B. This request would allow the proposed 1.09-acre lot to use this access as well.

Relevant Site Information:

When Lot 1-A and Lot 1-B were created under the 1979 Subdivision Regulations, it would have been permissible to create another lot on the required 40' access easement under the Minor Subdivision process in effect at that time. In 2008, the access easement requirement was changed to 50'; therefore, this waiver is required. Steven's Landing Road to the north of this property does not provide access to this property and is a private road accessing nearby lots.

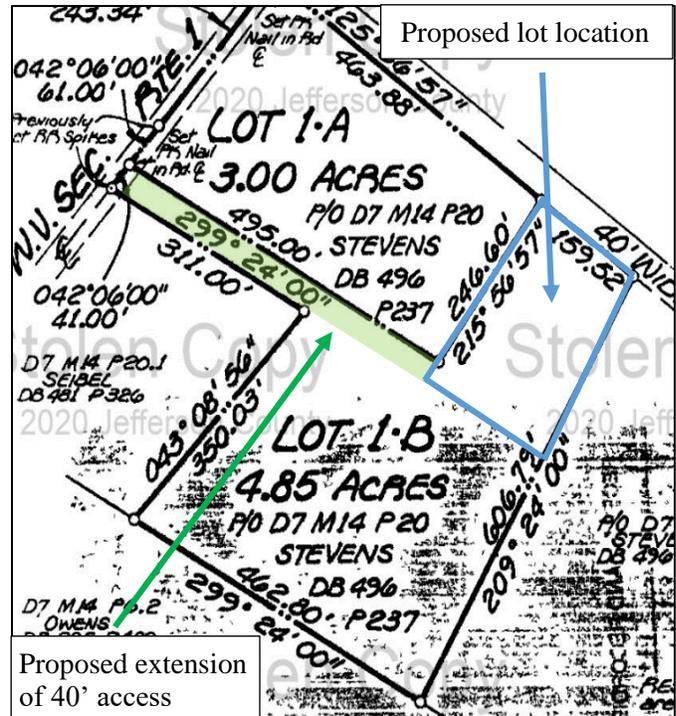
Waiver Requirements:

The applicant provided a response to the requirements found in "Division 24.300 Waivers" of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) that the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

Staff Recommendation:

Staff acknowledges that the applicant is unable to widen the existing pipestem and/or easement serving Lots 1-A and Lot 1-B without acquiring property from the adjoining property owners along the access easement. When these lots were created in 1984, 3 lots would have been permitted on the 40' access easement. If the Planning Commission is inclined to approve this waiver request, staff recommends that the applicant be limited to one additional lot, for a maximum of 3 lots on the existing 40-foot access easement.





Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor
 P.O. Box 716
 Charles Town, West Virginia 25414

File #: 20-9-PCW
 Mtg Date: 11-10-20
 Date Rec'd: 10/5/20
 Fees Paid: 100.00
 Staff Int: jth
 List of Adjoiners:

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

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

Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

Property Owner Information

Owner Name: Shawn Alexander
 Business Name: IDLE 68 Leetown LLC
 Mailing Address: 140 B Purcellville Gateway Dr Ste 881 Purcellville, VA
 Phone Number: 202 423 1348 Email: shawnent@gmail.com 20132

Applicant Contact Information

Applicant Name: David Leonard Same as owner:
 Business Name: BrickStreet Homes LLC
 Mailing Address: 36 Bakerton Rd. Harpers Ferry, WV 25425
 Phone Number: 304 671-4085 Email: david.brickstreet@gmail.com

Consultant Information

Name: David Leonard
 Business Name: same as above
 Mailing Address: _____
 Phone Number: 304 671 4085 Email: _____

Physical Property Details

Physical Address: 10668 Leetown Rd. Kearneysville, WV 25430 Vacant Lot:
 Tax District: 7-Middleway District Map No: 0014 Parcel No: 0020.4
 Parcel Size: 4.85 acres Deed Book: 1042 Page No: 534
 Zoning District: _____

On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.

Included Not applicable (include a vicinity map if a sketch is not applicable)

What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?

20.201 A 2

Briefly Describe the Nature of Your Waiver Request:

would like to use existing 40' access
 for subdividing one lot.

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

We would be willing to pay road maintenance fee.

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

We will have low traffic. Keep the new house near to wooded area to reduce visibility.

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

due to low traffic, 50' access would not be needed.

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

We will construct a new house on the property tastefully. We will use new construction materials and build something of nice quality. This will be a custom build.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Quinn Powell 10/5/2020
Property Owner/Applicant Signature Date

Property Owner/Applicant Signature Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

11-10-2020
Public Hearing Date

10-27-2020
Date Placard Posted

10-27-2020
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



PROPOSED
1.09 ACRE LOT

EXISTING LOT,
3.76 ACRES REMAINING

STEVENS LANDING

LEETOWN ROAD

NORTH

159.22'
PROPERTY LINE

300.00'
PROPERTY LINE

246.80'
PROPERTY LINE

200.21 ±'
PROPOSED PROPERTY LINE

PARCEL ID: 19-07-0014-0020-0004



User Notes:

Legend

- Districts
- WVParcels

Map created on September 28, 2020

Owner(s):

BURKETT ERNEST L & APRIL A

Address:

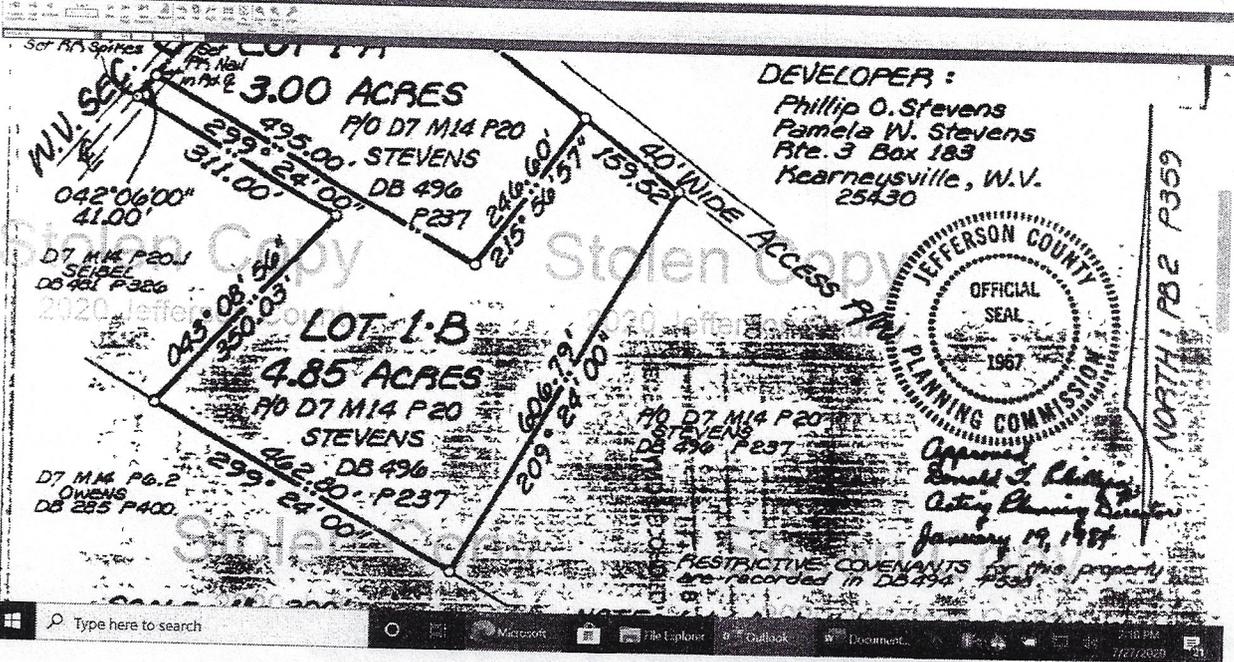
10668 LEETOWN RD

Class Type:

Residential

Legal Description:

LT 1B (4.85 AC.) SITES FARM



20-9-PCW

October 29, 2020

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

To Jefferson County Planning Department:

This is to reply to the letter I received in the mail regarding a waiver for Section 10201A.2 for Brickstreet Homes LLC (20-9-PCW).

My concern about extending the pipeline (driveway) to make another driveway to access the lot to be subdivided for a new home for Sites Farm, lot 1B, is the water runoff from the proposed driveway. I already deal with water runoff from the driveway to Steven's Landing from the opposite side of our property. We have had a dry summer so at first look it doesn't seem like much of a problem, but when we have a regular spring or summer season with rain, areas of that side of my property can stay wet for weeks, not allowing me to mow, and the rock ledge that runs along the back of our property forms a hill and washes gravel from their road into my yard and the same will happen with this proposed driveway. This rock ledge runs from Lot 1A through Lot 1B. The runoff I deal with that runs along Steven's Landing is along the far side of my property. This new driveway would be 55' from my house and my well is between the house and the proposed driveway. We have a depression in this area and I am concerned that water will collect there. I know from past experience of living here for almost 32 years and maintaining the current driveway and mowing this area for the Coffman's and Burkett's, the ground is soft there. So, to put a driveway in, let alone running heavy equipment that will be needed to clear the wooded lot and build a home, that area will have to be built up to support the traffic and the weight of the trucks and equipment. Thus, creating the same water runoff problem, only this time it is near my house.

I am retired and live on a fixed income and I don't have the extra money to hire an engineer and relandscape to counteract the runoff problems this will cause.

I humbly thank you for listening to my concerns.

Sincerely,

David Crosby
Sites Farm, Lot 1A, Kearneysville
Mailing address:
10670 Leetown Rd
Kearneysville, WV 25430
304-728-4077

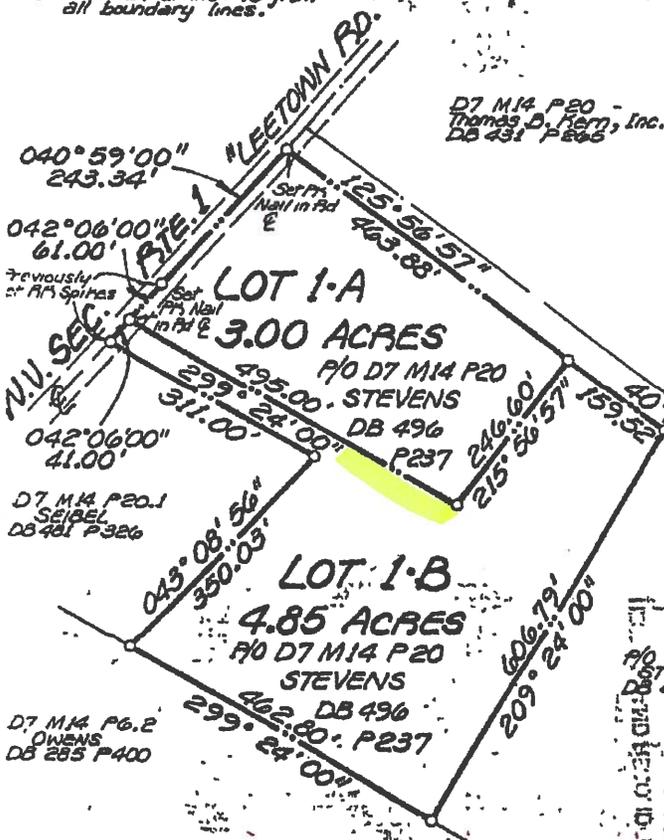
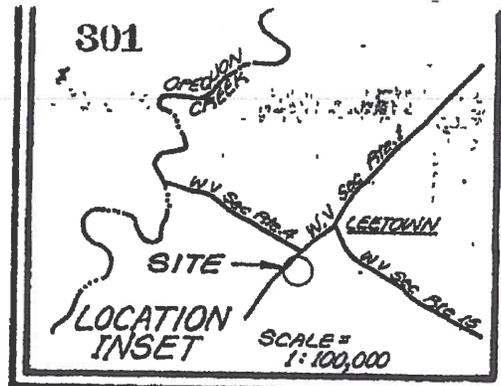
RECEIVED

OCT 29 2020

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

* included in PC Packet 11/10/20 - JTT

1. Unless otherwise labeled, all corners are Set 5/8" Rebars.
2. This plat meets or exceeds surveying standards as set forth in Chap. 30 of the W.V. Code.
3. Setback Limits: 75' from all boundary lines.



DEVELOPER:
 Phillip O. Stevens
 Pamela W. Stevens
 Rte. 3 Box 183
 Kearneysville, W.V.
 25430

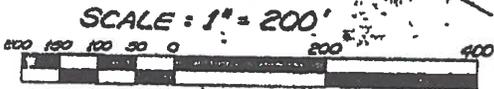


Approved
 Donald J. Riddick
 Acting Planning Director
 January 19, 1984

D7 M14 P20
 STEVENS
 DB 496 P 237

RESTRICTIVE COVENANTS for this property are recorded in DB 494 P 336.

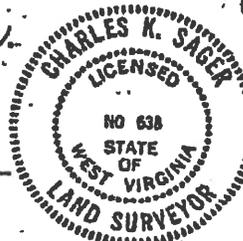
NOTE: Lot 1-A shall have a nonexclusive access easement to Rte. 1 over the 40' pipestem of Lot 1-B. Any other access to Rte. 1 for Lot 1-A shall be prohibited.



SURVEY PLAT showing
 LOT'S 1-A & 1-B
 from the property of
 Phillip O. & Pamela W.
 Stevens

MIDDLEWAY DISTRICT
 JEFFERSON COUNTY, W.V.
 NOVEMBER, 1983

Charles K. Sager
 Charles K. Sager, LLS



Phillip O. Stevens
 Phillip O. Stevens
Pamela W. Stevens
 Pamela W. Stevens

APPALACHIAN SURVEYS, INC. P.O. Box 35 CHARLES TOWN, W.V.

State of West Virginia, County of Jefferson, Sct.
 IN THE CLERK'S OFFICE OF COUNTY COMMISSION:

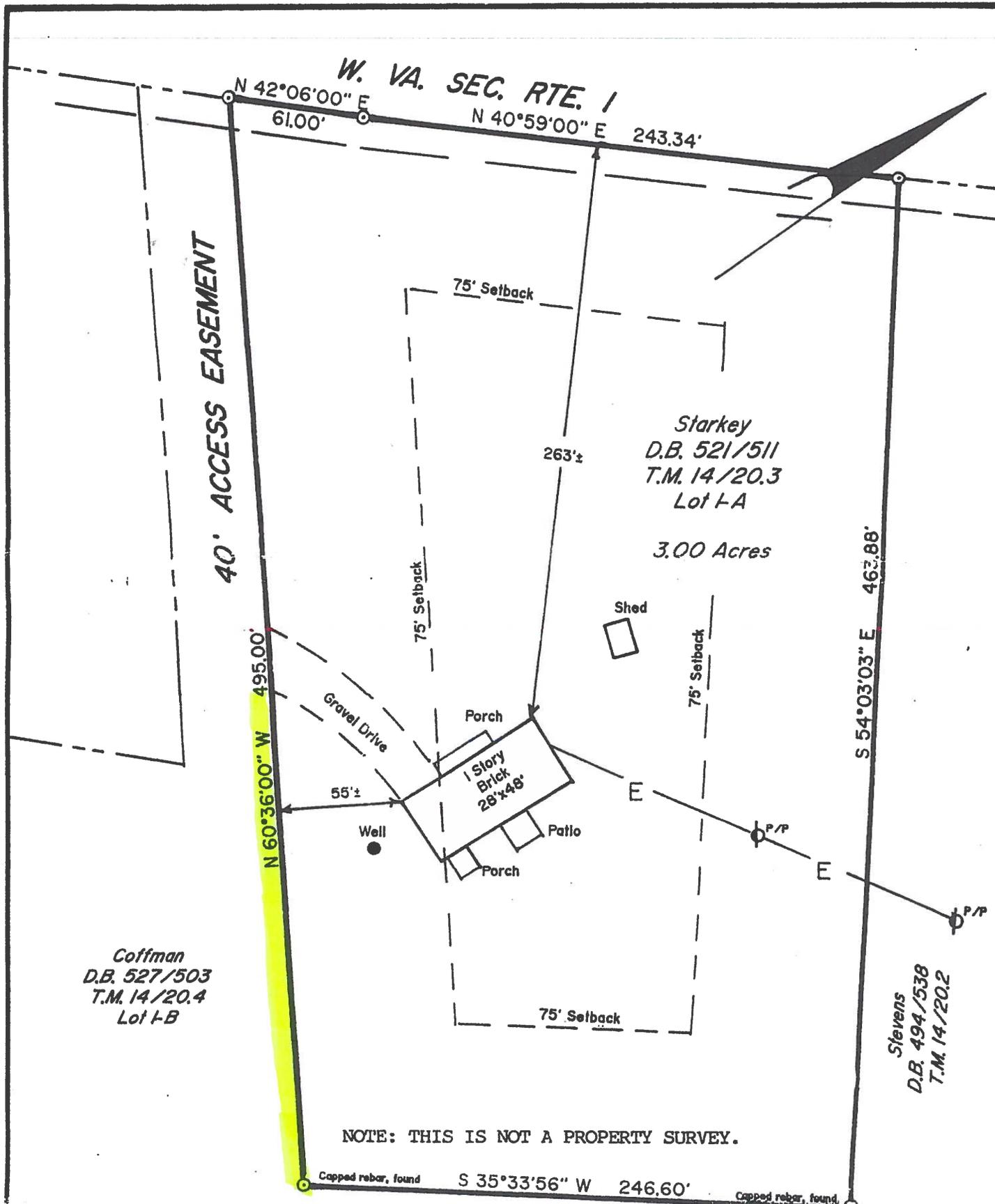
On JAN 19 1984, at 4:00 P.M., the foregoing
 Document was received in my said office and duly admitted
 to record.

Test,

John E. Ott
 Clerk of County Commission

No. 84-183

5201628



NOTE: THIS PROPERTY IS MAPPED ON FEMA PANEL #540065 0042 B, ZONE C.
IT IS NOT MAPPED IN A FLOOD ZONE.

PLAT OF HOUSE LOCATION SURVEY
for DAVID G. & JAY RENEE CROSBY

Showing improvements to Lot 1-A parcel on plat by Charles K. Sager dated November 1983 in Deed Book 520 page 628 standing in the name of Joseph W. Starkey as recorded in the Office of the County Clerk of Jefferson County in

WRITTEN COMMENTS REGARDING PUBLIC HEARING ON NOVEMBER 10, 2020

SUBJECT: BRICKSTREET HOMES, LLC (20-9-PCW)

APPLICANT NAME: SHAUN ALEXANDER

PROPERTY OWNER: DAVID LEONARD, BRICKSTREET HOMES, LLC

PROPERTY LOCATION: SITES FARM, LOT 1B, 10668 LEETOWN RD, KEARNEYSVILLE, WV 25430

PARCEL ID: 07001400200004; SIZE: 4.85 AC; ZONING DISTRICT: RURAL

NATURE OF REQUEST: WAIVER FROM SECTION 20.201A2 TO REDUCE THE REQUIRED 50' WIDE ACCESS EASEMENT TO 40' FOR A PROPOSED TWO (2) LOT MINOR SUBDIVISION

NOTICE OF PUBLIC HEARING STATES:

“The site will be posted with a green and white placard. Additionally all adjoining property owners have been notified of this meeting by mail.”

Stephen E. and Amy M. Chrisman residing at 124 Stevens Landing, Kearneysville, WV 25430 (an adjoining property to the above location) **have not been notified of this meeting by mail (as of Sunday, November 1, 2020), as required by the Notice of Public Hearing.**

Exemption from increasing Easement from the existing 40-foot easement to the now-required 50-foot easement is requested. This Easement is requested to enable **two additional 1-acre lots to be subdivided from the original 4.85 acre lot** noted above as “SITES FARM, LOT 1B”.

PURCHASER stated that the covenants for this property are over 80 years old and, therefore, can be ignored. Restrictive covenants in the deed pertaining to the sale of 25 acres to Phillip O. Stevens and Pamela W. Stevens were recorded January 4, 1982 in Deed Book 494; Page 538. This is considerably less than 80 years old.

Further, as adjacent property owners in a rural area with no public water or sewer creates significant concerns regarding three residential homes sharing 4.85 acres with three separate wells and three separate septic systems. It does not seem feasible or advisable for this type of development to be permitted on this 25-acre tract of land, currently with 5 homes, with the smallest parcel containing approximately 3 acres. It is also a concern of this property owner that the driveway and residence will be closer than the 75-foot from the property line requirement that is established by the covenants and listed in the deed to the property. This property owner's septic is located close to the adjacent area for the requested subdivision and driveway.

While property owners involved realize that this may not be the only forum to be informed of this objection, it should be part of the consideration for permitting this requested easement exemption. **Being fully informed of the potential health risks implied by this intention to build**

additional homes on this insufficient parcel should be considered by a court of law or planning and zoning commissions and would have a significant negative impact on property values for homes that have existed on the adjacent parcels since 1981. It is the intention of Stephen and Eric Chrisman to strongly object to this request and the Office of Planning and Zoning are hereby notified of this objection.

Sincerely,

Stephen E. and Amy M. Chrisman
Property Owners
124 Stevens Landing
Kearneysville, WV 25430

WRITTEN COMMENTS REGARDING PUBLIC HEARING ON NOVEMBER 10, 2020

SUBJECT: BRICKSTREET HOMES, LLC (20-9-PCW)

APPLICANT NAME: SHAUN ALEXANDER

PROPERTY OWNER: DAVID LEONARD, BRICKSTREET HOMES, LLC

PROPERTY LOCATION: SITES FARM, LOT 1B, 10668 LEETOWN RD, KEARNEYSVILLE, WV 25430

PARCEL ID: 07001400200004; SIZE: 4.85 AC; ZONING DISTRICT: RURAL

NATURE OF REQUEST: WAIVER FROM SECTION 20.201A2 TO REDUCE THE REQUIRED 50' WIDE ACCESS EASEMENT TO 40' FOR A PROPOSED TWO (2) LOT MINOR SUBDIVISION

NOTICE OF PUBLIC HEARING STATES:

"The site will be posted with a green and white placard. Additionally all adjoining property owners have been notified of this meeting by mail."

Phillip O. Stevens and Pamela W. Stevens residing at 274 Stevens Landing, Kearneysville, WV 25430 (an adjoining property to the above location) **has not been notified of this meeting by mail (as of Thursday, October 29, 2020), as required by the Notice of Public Hearing.**

Exemption from increasing Easement from the existing 40 foot easement to the now-required 50 foot easement is requested. This Easement is requested to enable **two additional 1-acre lots to be subdivided from the original 4.85 acre lot** noted above as "SITES FARM, LOT 1B".

PURCHASER stated that the covenants for this property are over 80 years old and, therefore, can be ignored. Restrictive covenants in the deed pertaining to the sale of 25 acres to Phillip O. Stevens and Pamela W. Stevens were recorded January 4, 1982 in Deed Book 494; Page 538. This is considerably less than 80 years old.

Further, as adjacent property owners in a rural area with no public water or sewer creates significant concerns regarding three residential homes sharing 4.85 acres with three separate wells and three separate septic systems. It does not seem feasible or advisable for this type of development to be permitted on this 25-acre tract of land, currently with 5 homes, with the smallest parcel containing approximately 3 acres.

While property owners involved realize that this may not be the only forum to be informed of this objection, it should be part of the consideration for permitting this requested easement exemption. **Being fully informed of the potential health risks implied by this intention to build additional homes on this insufficient parcel should be considered by a court of law or planning and zoning commissions and would have a significant negative impact on property values for homes that have existed on the adjacent parcels since 1981. It is the intention of Phillip O. and Pamela W. Stevens to strongly object to this request and the Office of Planning and Zoning are hereby notified of this objection.**

Planning Department

From: Planning Department
Sent: Wednesday, November 4, 2020 11:49 AM
To: 'Pamela Stevens'
Subject: RE: Public Hearing on November 10, 2020 at 7:00 p.m.

Good morning,

Thank you for your comments. They will be included in the 11/10/2020 Planning Commission packet.

Please be advised that the property located at 274 Stevens Landing does not meet the definition of an adjacent or confronting property owner; therefore, a letter was not mailed to this address.

Thank you and have a nice day.

Sincerely,

Jennilee Hartman
Zoning Clerk
304-728-3228

From: Pamela Stevens <pamelawstevens@gmail.com>
Sent: Monday, November 2, 2020 9:45 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Public Hearing on November 10, 2020 at 7:00 p.m.

Regarding the Applicant SB, 10668 Leetown Road, Kearneysville WV 25430, please see the attached letter of objection to this request.

Please confirm receipt of this email and the attached letter requesting this request be denied.

Phillip O. Stevens and Pamela W. Stevens
Property Owners of adjacent Sites Farm acreage
274 Stevens Landing, Kearneysville, WV 25430

pamelawstevens@gmail.com

From: Phillip O. Stevens
274 Stevens Landing
Kearneysville WV 25430

RECEIVED

DEC 02 2020

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

WRITTEN COMMENTS REGARDING PUBLIC HEARING ON NOVEMBER 10, 2020

SUBJECT: BRICKSTREET HOMES, LLC (20-9-PCW)

APPLICANT NAME: SHAUN ALEXANDER

PROPERTY OWNER: DAVID LEONARD, BRICKSTREET HOMES, LLC

PROPERTY LOCATION: SITES FARM, LOT 1B, 10668 LEETOWN RD, KEARNEYSVILLE, WV 25430

PARCEL ID: 07001400200004; SIZE: 4.85 AC; ZONING DISTRICT: RURAL

NATURE OF REQUEST: WAIVER FROM SECTION 20.201A2 TO REDUCE THE REQUIRED 50' WIDE
ACCESS EASEMENT TO 40' FOR A PROPOSED TWO (2) LOT MINOR
SUBDIVISION

NOTICE OF PUBLIC HEARING STATES:

"The site will be posted with a green and white placard. Additionally all adjoining property owners have been notified of this meeting by mail."

Phillip O. Stevens and Pamela W. Stevens residing at 274 Stevens Landing, Kearneysville, WV 25430 (an adjoining property to the above location) **has not been notified of this meeting by mail (as of Thursday, October 29, 2020), as required by the Notice of Public Hearing.**

Exemption from increasing Easement from the existing 40 foot easement to the now-required 50 foot easement is requested. This Easement is requested to enable **two additional 1-acre lots to be subdivided from the original 4.85 acre lot** noted above as "SITES FARM, LOT 1B".

PURCHASER stated that the covenants for this property are over 80 years old and, therefore, can be ignored. Restrictive covenants in the deed pertaining to the sale of 25 acres to Phillip O. Stevens and Pamela W. Stevens were recorded January 4, 1982 in Deed Book 494; Page 538. This is considerably less than 80 years old.

Further, as adjacent property owners in a rural area with no public water or sewer creates significant concerns regarding three residential homes sharing 4.85 acres with three separate wells and three separate septic systems. It does not seem feasible or advisable for this type of development to be permitted on this 25-acre tract of land, currently with 5 homes, with the smallest parcel containing approximately 3 acres.

While property owners involved realize that this may not be the only forum to be informed of this objection, it should be part of the consideration for permitting this requested easement exemption. **Being fully informed of the potential health risks implied by this intention to build additional homes on this insufficient parcel should be considered by a court of law or planning and zoning commissions and would have a significant negative impact on property values for homes that have existed on the adjacent parcels since 1981. It is the intention of Phillip O. and Pamela W. Stevens to strongly object to this request and the Office of Planning and Zoning are hereby notified of this objection.**

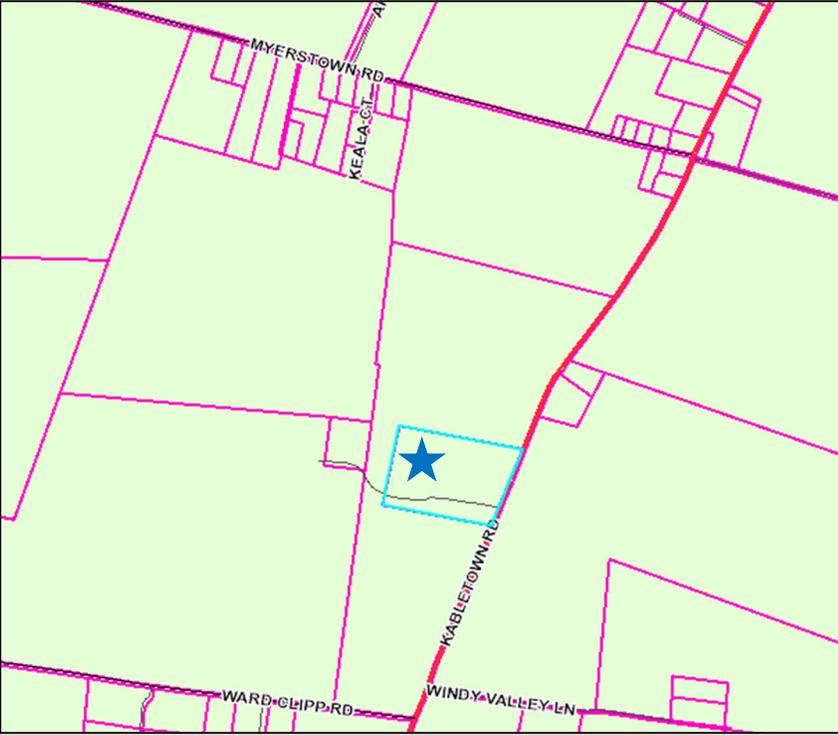
Staff Report

Jefferson County Planning Commission

January 12, 2021

Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises (20-9-SP)

Item #6: Public Workshop: Concept Plan for the Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises. The proposal consists of an Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage.

Owner/Applicant:	Stanley and Barbara (deceased) Stiles
Consultant:	Paul J. Raco, P.J. Raco Consulting, LLC
Surveyor/Engineer:	Shepp Surveying & Mapping, PLLC
Property Location:	118 Goshen Arrabon Ln, Charles Town, WV
Parcel Information and Zoning District:	<p style="text-align: center;">Tax District: Kabletown (06); Tax Map: 21; Parcel: 4; Size: 17 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<p style="text-align: center;"><i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural</p>
Proposed Activity:	Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage
Concept Plan Status:	<p>Submitted: 11/25/2020 Sufficiency Letter: 12/04/2020 Deemed Complete: 12/10/2020</p>
Previous Approvals:	10/25/95: Approved boundary line adjustment reduced farm parcel from 118 acres to 17 acres (PB13/PG60B), labeled as Residue 2

Staff Report

Jefferson County Planning Commission

January 12, 2021

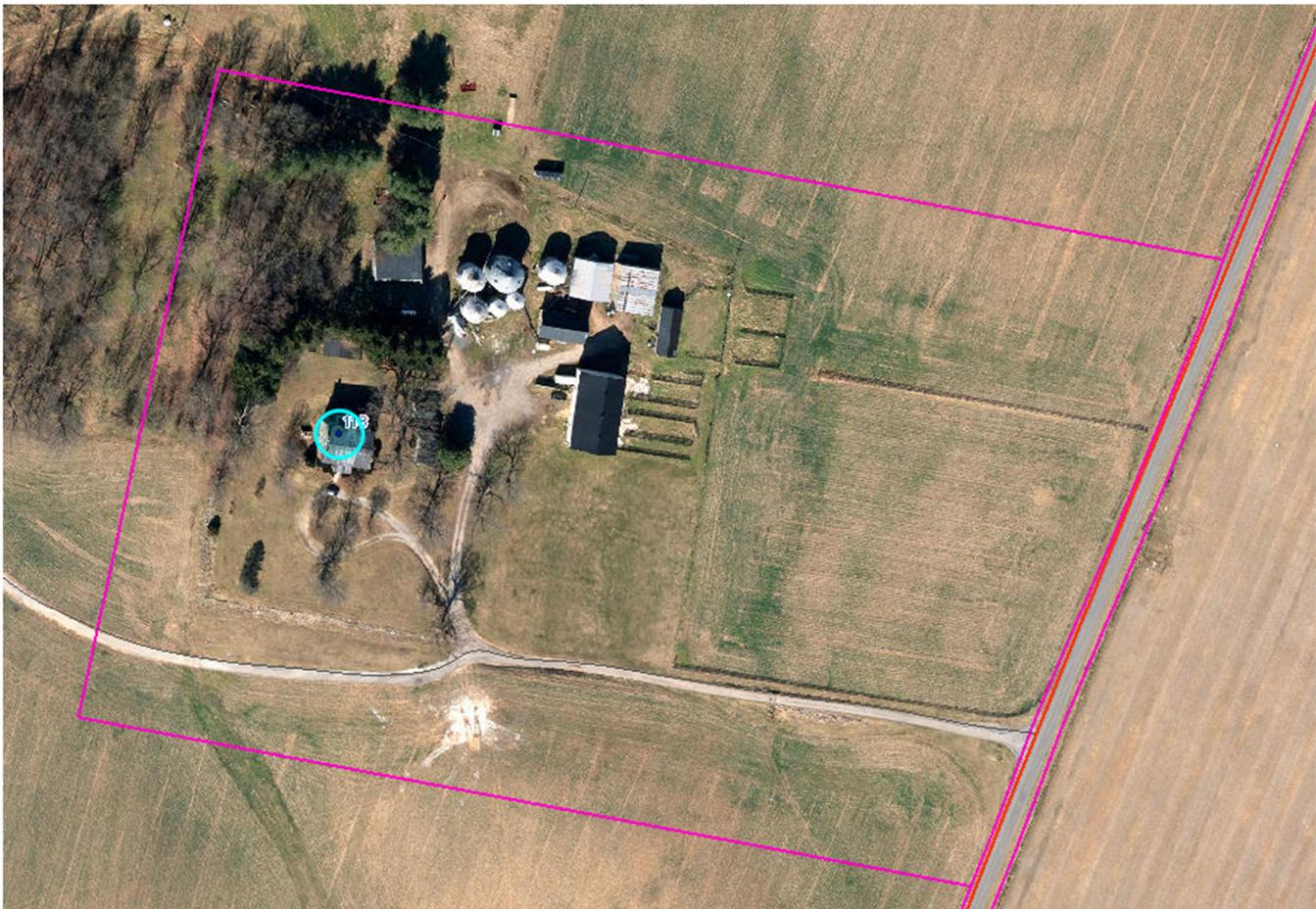
Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises (20-9-SP)

Introduction and Summary of Request

The applicant is proposing to establish the Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises. The proposal consists of an Agricultural Event Center for up to 800 guests and Farm Vacation Lodging with up to five (5) units (or more, if Ordinance allows) with associated parking and signage.

The proposed land use is defined in Article 2 of the Zoning Ordinance as an “Agricultural Special Event Facility”. **Per Appendix C, this is a Principal Permitted Use in the Rural zoning district.** The land use shall be subject to the criteria outlined in Section 8.14 in the Zoning Ordinance for Special Event Facilities.

This 17.0-acre property is located at 118 Goshen Arrabon Lane in Charles Town. The subject parcel is located on the west side of Kabletown Road, approximately 0.64 miles south of Myerstown Road. The property has a Farm Use designation through the Assessor’s Office.



Site Plan Category

Section 4.10C of the Zoning and Land Development Ordinance states that a **Site Plan is not required for any Agricultural Use defined in Article 2.** It also states that agricultural uses which are open to the public established on **parcels of less than 20 acres shall process a Concept Plan** in accordance with the Subdivision and Land Development Regulations. Therefore, a Concept Plan is required for the subject 17-acre parcel.

Staff Report

Jefferson County Planning Commission

January 12, 2021

Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises (20-9-SP)

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.106 of the Subdivision and Land Development Regulations provides the submission requirements for a Minor Site Plan Concept Plan. As there are not explicit requirements for Concept Plans where no site plan is required, this application will be evaluated based on these provisions.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant's Concept Plan, Staff found the submitted plan "sufficient" (i.e. meeting all requirements of Section 24.106 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed retail building application, are provided below:

	Description	Status
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	<ul style="list-style-type: none"> a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels 	Provided
4. Proposal Description	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided in Concept Plan application
5. Traffic Impact Data	<ul style="list-style-type: none"> a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	Provided in Concept Plan narrative: Kabletown Rd: 473 ADT; Meyerstown Rd: 302 ADT Trip generation: 240 peak hour
6. Traffic Study	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	A Traffic Impact Study is not anticipated but could be required by WV DOH
7. Agency Reviews	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. Responses received are below.

Staff Report

Jefferson County Planning Commission

January 12, 2021

Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises (20-9-SP)

D. Department	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. 	<p>Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations. Sect. 4.10C of the Zoning Ordinance exempts such projects from submission of a Site Plan.</p>
E./F. WVDOH	<p>WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.</p>	<p>WVDOH has not provided any input at this time.</p>
G. Public Service	<p>The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.</p>	<p>The narrative indicates that bathroom facilities will be provided by Health Dept. approved portable toilets. See e-mail from the Bureau of Public Health attached.</p>
H. Recommended Conditions	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>See below</p>

Concept Plan Review

1. External Agency Reviews (attached)

Comments have been received from the following agencies (see attached):

- The West Virginia Bureau of Health sent an e-mail (1/4/21) asking about the potential water source for this Concept Plan. It further stated that their office regulates public water systems, which is defined as a water system that serves at least 15 service connections or at least 25 people, 60 days out of the year.

As of this date, no other agency review comments have been received.

2. Staff Recommendation related to Concept Plan

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

Staff Report

Jefferson County Planning Commission

January 12, 2021

Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises (20-9-SP)

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Agriculture Event Center, and Farm Vacation Enterprises on Goshen Arrabon Lane to be “complete” based on the information provided related to the criteria above.

3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to review the proposed project prior to commencement of the project. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant’s presentation, staff’s explanation, and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

Section 24.108 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the Site Plan application. The purpose of this review is to guide the developer so that when the Site Plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

The Zoning Ordinance explicitly exempts agricultural projects from having to process a Site Plan; therefore, the next steps would include application for a Zoning Certificate and application for building permits.

It should be noted that the direction provided to the applicant in the Minor Site Plan Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

ATTACHMENTS:

- Email from WV Bureau of Public Health

Planning Department

From: Jordan, Justin E <Justin.E.Jordan@wv.gov>
Sent: Monday, January 4, 2021 2:01 PM
To: pjraco.consulting@gmail.com
Cc: Planning Department
Subject: Stanley Stiles Concept Plan for Stiles Agricultural Event Center

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Jennilee Task

Mr. Raco,

Our office received a copy of the Stanley Stiles Concept Plan for Stiles Agricultural Event Center and other Agricultural Uses. Upon review, we found no mention of the potential water source for this plan. Our office regulates public water systems, which is defined as a water system that serves at least 15 service connections or at least 25 people, 60 days out of the year. Could you provide more information about potential water usage, and whether the planned events would exceed 60 days out of the year?

Thanks.

Justin E. Jordan
WVBPH-OEHS-EED
1948 Wiltshire Road, Suite 6
Kearneysville, West Virginia 25430

e-mail: justin.e.jordan@wv.gov
office: 304-725-9453
cell: 304-641-6132
fax 304-725-3108



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Jefferson County, West Virginia
 Department of Engineering, Planning and Zoning
Office of Planning and Zoning
 116 E. Washington Street, 2nd Floor, P.O. Box 716
 Charles Town, West Virginia 25414

File #: 20-9-SP
 Fees Paid: n/a
 Staff Int.: jth

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

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

Subdivision or Site Development Application

Application Type Concept Plan Final Plat (major/minor)
 Preliminary Plat Site Plan

Project Name: Stiles Agriculture Enterprises, Agricultural Event Center, and Farm Vacation Enterprises
 Description: See Attached

Primary Contact Phone Number (must be a direct line number) 304/676-8256

Property Owner Information

Owner Name: Stanley and Barbara (deceased) Stiles
 Business Name: _____
 Mailing Address: 118 Goshen Arrabon Lane, Charles Town, WV 25414
 Phone Number: c/o Paul 304/676-8256 Email: pjraco.consulting@gmail.com

Applicant Information

Same as Owner:

Applicant Name: Same
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Registered WV Engineer or Surveyor or Consultant Information

Contact Name: Paul J Raco
 Business Name: P.J. Raco Consulting, LLC
 Mailing Address: P.O. Box 548, Charles Town, WV 25414
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical Property Details

Vacant Lot:

Physical Address: 118 Goshen Arrabon Lane
 Tax District: Kabletown Map No: 21 Parcel No: 4
 Parcel Size: 17+- Acres Deed Book: 817 Page No: 328
 Zoning District: Rural

Additional Parcels (if any)

Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____

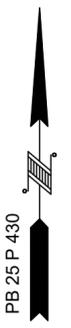
Physical Property Details

Vacant Lot:

Physical Address: _____
 Tax District: _____ Map No: _____ Parcel No: _____
 Parcel Size: _____ Deed Book: _____ Page No: _____
 Zoning District: _____



VICINITY MAP 1" = 1000'



D06 M21 P 4.1
STILES FAMILY PARTNERSHIP #4
118 GOSHEN AABON LANE
CHARLES TOWN, WV 25414
DB 817 P 340
RURAL ZONE (USE: FARM)

PARKING, FARM
LODGING OR EVENT
AREA

PARKING, FARM
LODGING OR EVENT
AREA

D06 M21 P 4.1
STILES FAMILY PARTNERSHIP #4
118 GOSHEN AABON LANE
CHARLES TOWN, WV 25414
DB 817 P 340
RURAL ZONE (USE: FARM)

PARKING, FARM
LODGING OR EVENT
AREA

D06 M21 P5
DUNN
1371 MEYERSTOWN RD
CHARLES TOWN, WV 25414
DB 1016 P 601
RURAL ZONE (USE: FARM)

GENERAL NOTES:

1. The FEMA flood insurance rate map for Jefferson County, Panel 230 of 245, map number 54037C0115E with an effective date of December 18, 2009, no portion of subject property lies within the limits of the 100 year flood boundary, the property is designated as being within zone "X."
2. According to the National Wetlands Inventory Map, there are no wetlands on the subject property.
3. Setback limits for the subject lots are 40 feet Front, 15 feet Side, and 50 feet Rear.
4. Parking setback 25'. Existing structures setback 0'. New structures setback 75'.
5. Contours are 20' based on USGS mapping as shown on the Round Hill Quad.
6. All properties within 500 feet are zoned Rural.
7. There are 405 parking spaces, 16 of which are designated for handicapped persons.
8. This is a working farm, the parking shown is for illustrative purposes to demonstrate that the number of spaces can be achieved. The parking, tents, toilet facilities, new structures, lodging units and event areas may move anywhere shown based on the particular event or the current farming operation and location of crops.
9. Events will range from 200 to 800 people with an average of 500. Events will primarily be one event a week, but does not preclude more than one in any given week.
10. Parking shown is on grass. This does not preclude improvements to parking areas at a future date.

D06 M21 P 4.1
STILES FAMILY PARTNERSHIP #4
118 GOSHEN AABON LANE
CHARLES TOWN, WV 25414
DB 817 P 340
RURAL ZONE (USE: FARM)

CONCEPT PLAN

STILES AGRICULTURAL EVENT CENTER and
FARM VACATION LODGING

D06 M21 P04
DB 817 P 328

STANLEY E. & BARBARA R. STILES
KABLETOWN DISTRICT, JEFFERSON COUNTY
118 GOSHEN ARRABON LN
CHARLES TOWN, WV

SHEPP SURVEYING & MAPPING, PLLC
R. MICHAEL SHEPP, PS
PO BOX 1162
SHEPHERDSTOWN, WV 25443-1162
304.433.5000
sheppsveying@outlook.com



SCALE: 1" = 80'
DATE: 11/20/2020
JOB No: 20022
COPYRIGHT (C) 2020, R. MICHAEL SHEPP, PS

Stanley and Barbara (deceased) Stiles
Concept Plan
Agriculture Event Center
Farm Vacation Lodging
Submission Contents
November 25, 2020

1. General Location is depicted on several attachments including the Concept Plan/Plat, aerial, and the Application Form. The Property is located at 118 Goshen Arrabon Lane. The 17+- Acre Parcel is described as Parcel 4 on Map 21 in the Kabletown Tax District.
2. Concept Plan is attached with topographical information at 20 feet intervals. This Concept Plan and support documents include the intended uses and a description of the uses. These uses include all Principal Permitted Uses in the Rural District and all these uses are defined as Agriculture in the Zoning Ordinance. As such, the Concept Plan is required for informational purposes on parcels that are less than 20 acres. The same uses that are included in this Concept Plan are permitted without a Concept Plan on Parcels greater than 20 acres.

The Concept Plan and aerial also includes representation of existing and manmade features. The property is an active farm with farm uses, crops, barns, owner's house and accessory barns and outbuildings

3. Zoning Information: The Property is zoned Rural. The proposed and existing uses are permitted within this zoning classification. These uses are all considered Agriculture, by definition, in the Jefferson County Zoning and Land Development Ordinance. The Sketch Plat depicts all surrounding zoning classifications (Rural District). Information required as a part of a site resource map is included with the topographical information and natural and manmade features on the concept plan/plat and the FEMA Panel map is also referenced and indicates that the property is not within a special hazard area. There are no known sinkholes, quarries, or significant rock outcroppings. The natural features are generally depicted on the concept plan/plat. Also shown are the contour information from the USGS Quadrangle Map and are at the required 20 feet intervals.

These uses are Principal Permitted Uses on this property and just needs to process a Concept Plan for the Planning Commission to receive this information and schedule a Workshop. The use is Agriculture Event Center and Farm Vacation Lodging, as permitted, that may be used either with the Agriculture Event Center or as a stand alone operation. The property has a Farm Use Tax Designation and includes three lots with the house.

4. Proposal's Property Information and Description:

Total Acreage: The Tax Map shows one parcel equaling 17 acres. The property is an active farm with the Owner/Applicant's house located on the land. The property is surrounded on the west side of Route 25 by other Stiles' agricultural lands. The Applicant has the right to farm on the surrounding Stiles' lands.

Acreage; Tax District, Map and Parcel Information; and Deed Book and Page:

Acreage is 17 +/- Acres
Tax District: is Kabletown

Map 21:
Parcel 4

This property is currently actively farmed, the proposed uses of Agricultural Event Center up to 800 guests and Farm Vacation Lodging up to 5 units (unless the ordinance is amended) are proposed and considered Agricultural Uses by the Jefferson County Zoning and Development Review Ordinance. Initially, the events will be held on the grounds as shown on the Concept Plan/Plat and in tents that will be erected for the events on the property and will be catered. Bathroom facilities will be provided by Health Department Approved portable toilets that will serve the events. In the future, and considered a part of this application, existing structures and potentially new structures will be utilized for the Event Facilities. These will operate as Agricultural Uses and Agritourism Uses. Also, in the future, and considered a part of this application, is the addition of up to 5 Farm Vacation Lodging units (or as allowed by amendments to the Ordinances) that may be in existing structures or potentially new structures. The Farm Vacation Lodging units may be used as a part of the Agriculture Event Center, or as a standalone operation year round as permitted by the Zoning and Development Review Ordinance. Finally, parking will be provided on the existing ground and grass as permitted in the Zoning and Development Review Ordinance and will have room for up to 400 cars. At some time in the future, improvements may be made to the existing and proposed grass/ground parking areas. Parking will be directed from the existing access easement into parking areas designated by ropes and/or cones. Sixteen handicap parking places will be provided near the event center tents and area (locations are generally shown on the Concept Plan/Plat, but may move based on specific event or layout of farm/crop operations at the time of the Event) and will provide an acceptable surface for handicap access to the main event center.

The areas are generally shown on the Concept Plan/Plat since this is a Concept Plan. Since this property is an active farm, some layouts are shown on the Concept Plan/Plat; but, other areas and layouts in conformance with the setbacks may be used based on the Event and/or type of farming operation being utilized at the time or for crops that are planted at the time of the Event.

Specific Areas may move and shift per event; however, setbacks shall be as required under the Zoning and Development Review Ordinance. These setbacks are 25 feet for parking; 75' for new structures or tents (including restroom facilities); and 'as is' for existing structures.

In the past, this property served as the base for the large Stiles Fall Festival Pumpkin Patch that featured pick your own pumpkins, concessions, farm product sales, food and beverage sales, and other entertainment on the property related to this festival.

5. Traffic Impact Data:

The facility is planned for up to 5 farm vacation lodging units and up to 800 person event center. The event center will plan events primarily between 200 and 800 people but will average around 500. This means that the maximum vehicles expected utilizing the County required 2 people per vehicle will be 400 vehicles with an average of 250 vehicles. Furthermore, these events are generally planned for approximately one per week but may have more in any given week.

This entrance and property were utilized in the past for the large Stiles Fall Festival and Pumpkin Patch that had many people visiting the property and the associated concessions, entertainment, food service and sales of farm and related products. This Festival was seasonal, just as the Agriculture Event Center use will most likely be primarily (but not limited to) in the Spring, Summer and Autumn.

The County Ordinance Trip Generation Chart does not provide a trip generation to be used for this type of facility, so the County Engineer provided an article that recommends the following numbers and provides rationale to utilize these numbers. This article is attached.

a. ADT for Accessing State Road:

The following is the updated traffic count number from the 2017 WVDOT Traffic Count Map for Jefferson County:

Kabletown Road (Route 25)

ADT = 473

Other available counts in this area of the County are shown on the attached DOT ADT Map and available from the WVDOT.

b. Trip Generation

According to the County Engineer's Article there really is not an A.M. or P.M. Peak Hour since traffic arriving will primarily arrive within an hour of the event and the traffic leaving will be spread over several hours. Accordingly, for the maximum 800 attendees, the Article suggests that 0.3 trips to be used for arriving which is 240 trips and for departure the Article suggests to use 0.12 trips to be used which is 96 for the main hour of departure.

For total trips, it suggests that 75% of the people may attend so that would be 600 people utilizing 300 vehicle trips.

However, for the average event of 500 people, then according to Article, the main arrival hour would be 0.3 trips which would create 150 arriving vehicles and departure would be 0.12 trips which would be 60 vehicles during the main departure hour.

This is merely a reflection of the numbers provided by the attached article and is not intended to represent a traffic study.

c. Nearest Key Intersection:

The nearest key intersection is indicated on attached Highway Map:

1. Major Collector Road: Kabletown Road, Rt 25 and Minor Collector Road: Myerstown Road, Rt 21.

d. Highway Problem Areas Within One Mile of Site:

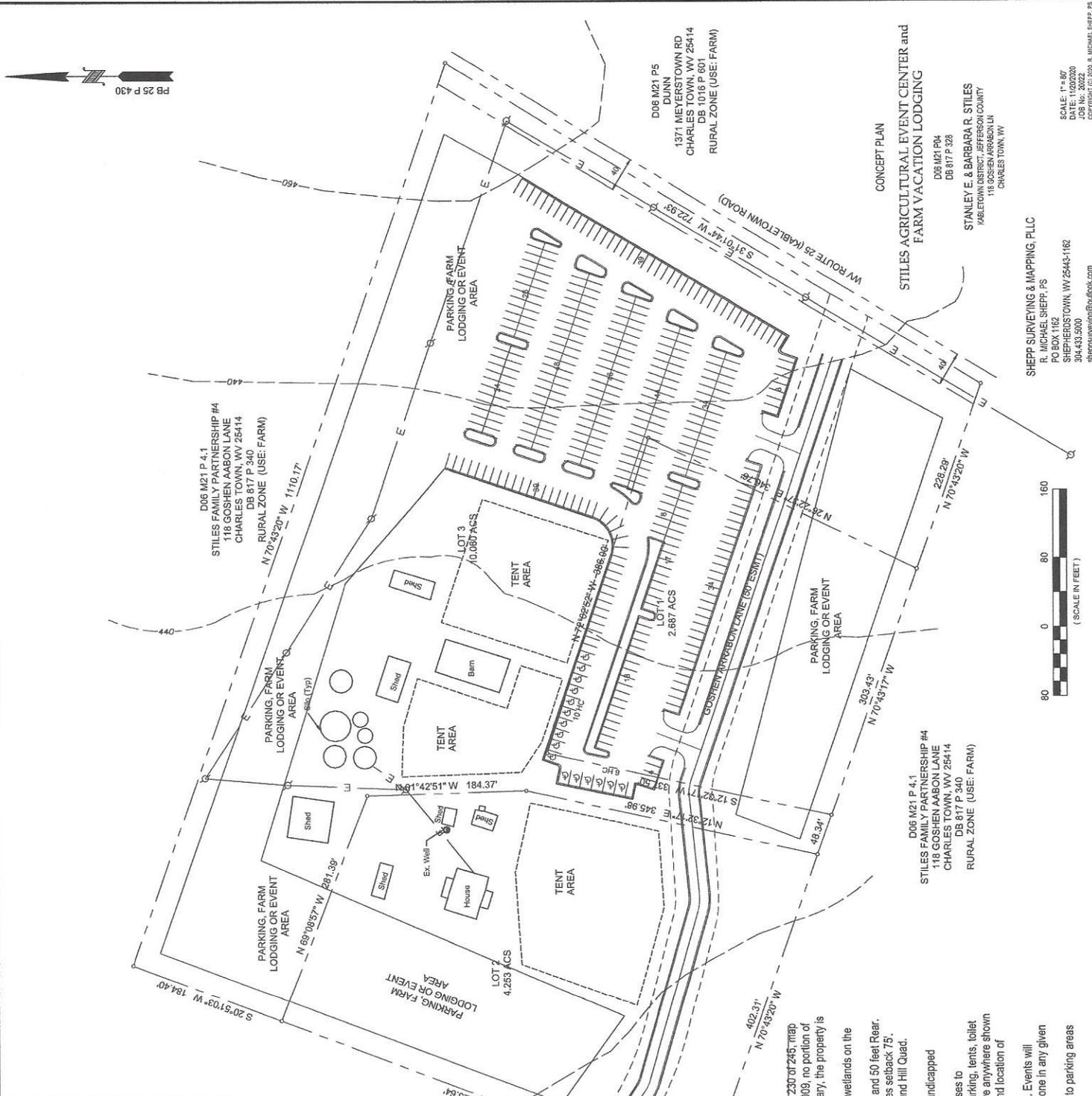
No Highway Problem Areas appear to be within one mile of the site. Comprehensive Plan Map is attached.

The required agencies will be notified when Staff approves submission completeness.

The adjacent property owners and address information are shown on Sketch Plat.



VICINITY MAP 1" = 1000'



GENERAL NOTES:

1. The FEMA flood insurance rate map for Jefferson County, Panel 230 of 245, map number 54037C0115E with an effective date of December 18, 2009, no portion of subject property lies within the limits of the 100 year flood boundary, the property is designated as being within zone "X".
2. According to the National Wetlands Inventory Map, there are no wetlands on the subject property.
3. Setback limits for the subject lots are 40 feet Front, 15 feet Side, and 50 feet Rear.
4. Parking setback 25'. Existing structures setback 0'. New structures setback 75'.
5. Contours are 20' based on USGS mapping as shown on the Round Hill Quad.
6. All properties within 500 feet are zoned Rural.
7. There are 405 parking spaces, 16 of which are designated for handicapped persons.
8. This is a working farm, the parking shown is for illustrative purposes to demonstrate that the number of spaces can be achieved. The parking, tents, toilet facilities, new structures, lodging units and event areas may move anywhere shown based on the particular event, or the current farming operation and location of crops.
9. Events will range from 200 to 800 people with an average of 500. Events will primarily be one event a week, but does not preclude more than one in any given week.
10. Parking shown is on grass. This does not preclude improvements to parking areas at a future date.



SCALE: 1" = 80'
DATE: 11/02/2010
DRAWN BY: R. MICHAEL SHEPP, P.E.
COMPILED: C. B. BROWN, R. MICHAEL SHEPP, P.E.

SHEPP SURVEYING & MAPPING, PLLC
R. MICHAEL SHEPP, P.E.
PO BOX 1182
SHEPHERDSTOWN, WV 25443-1182
304-433-5000
rlsheppsurveying@outlook.com

STANLEY E. & BARBARA R. STILES
TABLETOWN DISTRICT, JEFFERSON COUNTY
118 GOSHEN AARON LN
CHARLES TOWN, WV

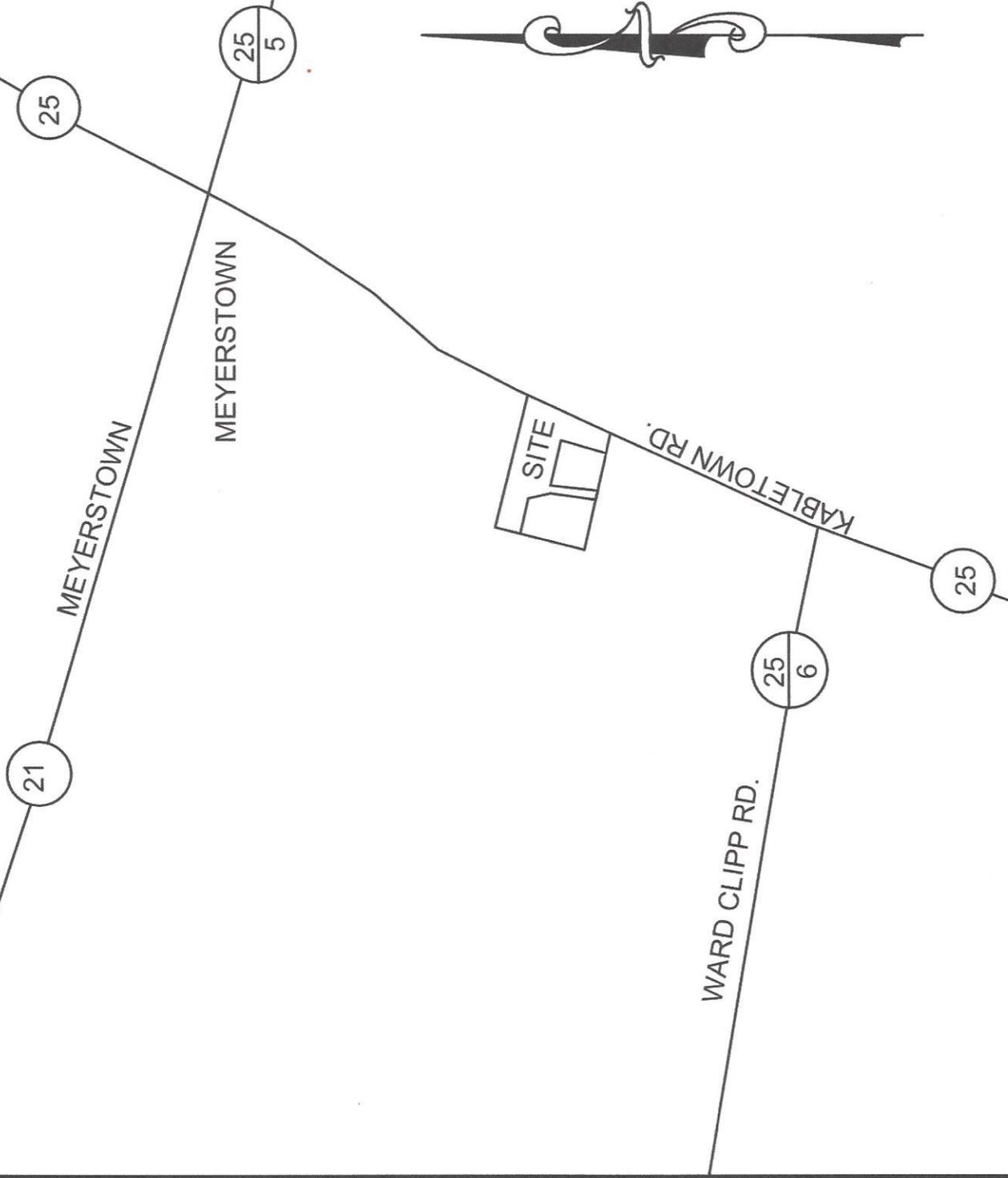
CONCEPT PLAN
STILES AGRICULTURAL EVENT CENTER and
FARM VACATION LODGING

D06 M21 P 4.1
STILES FAMILY PARTNERSHIP #4
118 GOSHEN AARON LANE
CHARLES TOWN, WV 25414
DB 817 P 340
RURAL ZONE (USE: FARM)

D06 M21 P 5
DUNN
1371 MEYERSTOWN RD
CHARLES TOWN, WV 25414
DB 1016 P 601
RURAL ZONE (USE: FARM)

D06 M21 P 4.1
STILES FAMILY PARTNERSHIP #4
118 GOSHEN AARON LANE
CHARLES TOWN, WV 25414
DB 817 P 340
RURAL ZONE (USE: FARM)

VICINITY MAP

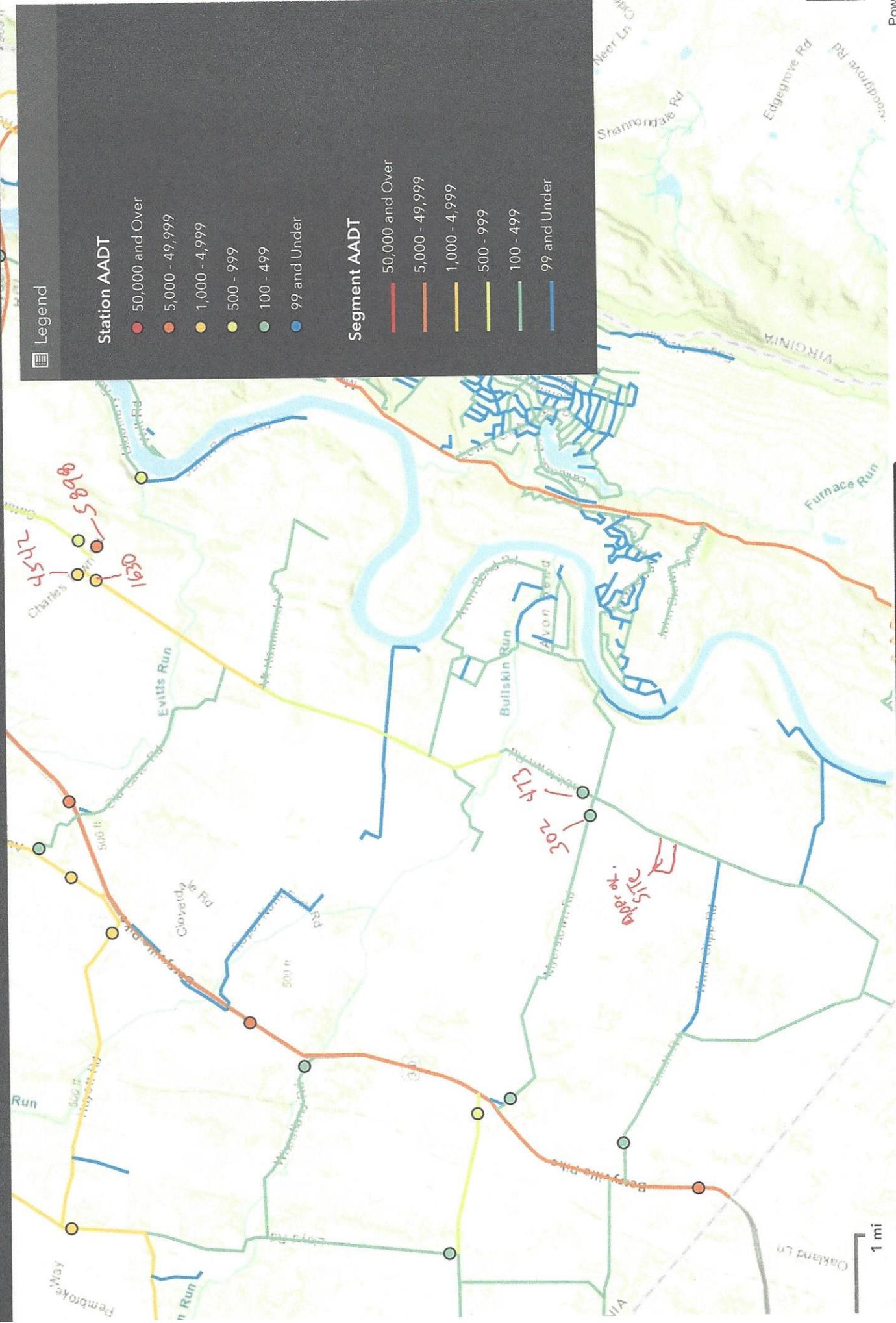


SCALE: 1" = 2000'

S 20° 51' 15" W

Statewide Traffic Volume

WVDOH Division of Highways - Planning Division - Transportation Modeling & Analysis Unit



Statewide Traffic Volume

WV DOT Division of Highways - Planning Division - Transportation Modeling & Analysis Unit





Estimating Trip Generation and Distribution for a Wedding Venue

f Share

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in Share



By Mike Spack

February 13, 2018

🔗 10th Edition Trip Generation Manual, trip gen special occasion, Trip Generation,

tripgeneration.org, wedding venue

By Mike Spack, PE, PTOE

Kent Harbert from the Colorado DOT reached out to me wondering if we have trip generation data for wedding venues. We don't, but we've estimated trip generation for a couple of wedding venues and I emailed our rough process to Kent. Kent ran with it and put together the draft guideline below for use in Colorado.

Why am I sharing this with my readers? I want to share this with you as it's a good process to think through for estimating trip generation at special events. I would however, like to get your thoughts on calculating trip generation data for special events.

1. **What Do You Think?** Kent and I would like to hear from you if you have thoughts on the guideline. Please add your thoughts to the comment section.
2. **Wedding Venue Data.** If you have trip generation data for wedding venues, please email data to me at mspark@spackconsulting.com and we'll add it to our free TripGeneration.org dataset. I'd like to share your data with Kent and the rest of the world.

From Kent Harbert, Colorado DOT:

The ITE Trip Generation Guide does not include a land use category for wedding venues. It is, therefore, desirable to establish a standard methodology to project the trip generation rates and the trip distribution assumptions. The following is proposed:

Trip Generation

A wedding is a single event at a pre-established time. All of the wedding party and wedding guests will be in attendance at the ceremony. Therefore, the trip generation rate will be based on the capacity of the area within the venue to be used for the ceremony.

Typically, a wedding party will rent a venue with a capacity near the size of their wedding. Estimate that 75% of the venue capacity will be the typical size used for trip generation.

Estimate that the wedding party and vendors represent 10% of those attending the wedding and that they arrive more than one hour before the ceremony. The remaining 90% will arrive during the one-hour period before the ceremony.

Many of the wedding guests travel together as couples, families or groups of friends. Assume there will be 2 to 2.5 guests per vehicle.

Using the above factors gives a range of 0.27 to 0.33 for the trip generation factor as a function of the venue capacity. Use an average rate of 0.30 with 100% entering.

If the venue does not include a reception area use the same 0.30 rate for the exiting trips. If the venue has a reception area the exiting traffic will be dispersed over a few hours. Use a rate of 0.12 ($0.30 \times 40\%$) for the peak hour of exiting vehicles.

Trip Distribution

Trip distribution for a wedding venue is not like other land uses where the traffic in one direction plus the traffic in the opposite direction totals to 100% of the design hour volume. For a wedding venue the majority of the traffic can be to and from one direction for one wedding and to and from the other direction for a different wedding. The two distributions need to be analyzed separately, not averaged.

Free Trip Generation Data at TripGeneration.org

At **Spack Consulting**, we collect local data on many, if not most, of our traffic studies. And we make that data available to you for free. This living document now includes over 10,500 hours of data and allows you to see the full 24-hour data collected. Go to TripGeneration.org to download the raw data we've collected.

Interested in helping us collect trip generation data? We have a limited supply of **COUNTcam 2 traffic video recorders** that we lend to companies to collect traffic data, and make available on TripGeneration.org. If you would like to use a camera to collect your next turning movement count and participate in our trip generation data collection, please contact us at sales@countingcars.com.



Mike Spack, PE, PTOE

Mike is the founder of Spack Enterprise and creative force and principal writer behind MikeOn Traffic.

He is the recognized industry leader of traffic studies and traffic data collection. He is also the author or numerous Industry leading guides used by transportation professionals around the world and presenter for Traffic Corner Tuesday webinars.

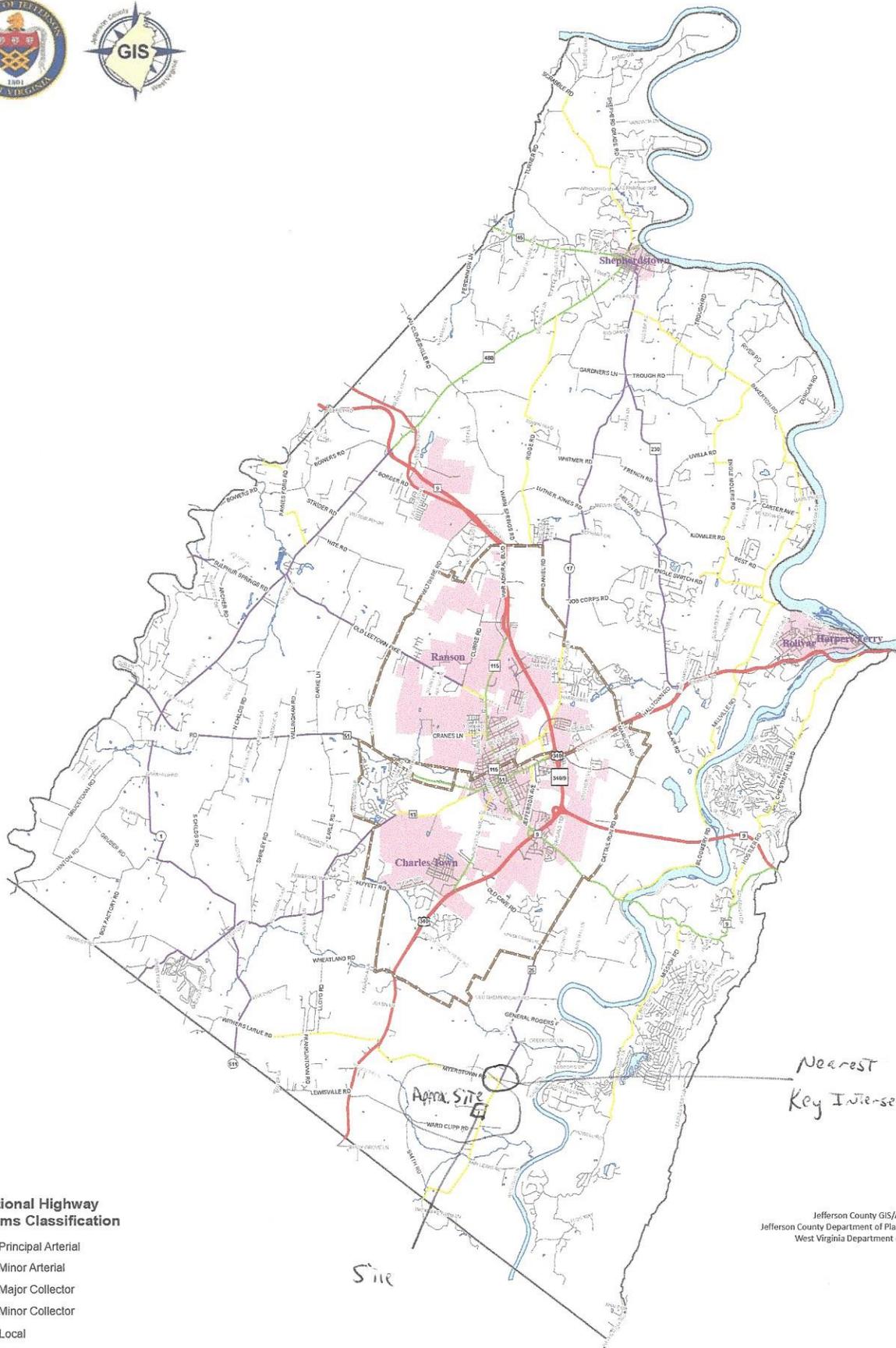


3 comments

Oldest ▼ comments first



Enter your comment...



Functional Highway Systems Classification

- Principal Arterial
- Minor Arterial
- Major Collector
- Minor Collector
- Local
- Urban Growth Boundaries
- Towns

Data Sources:
 Jefferson County GIS/Addressing Office
 Jefferson County Department of Planning and Zoning
 West Virginia Department of Transportation



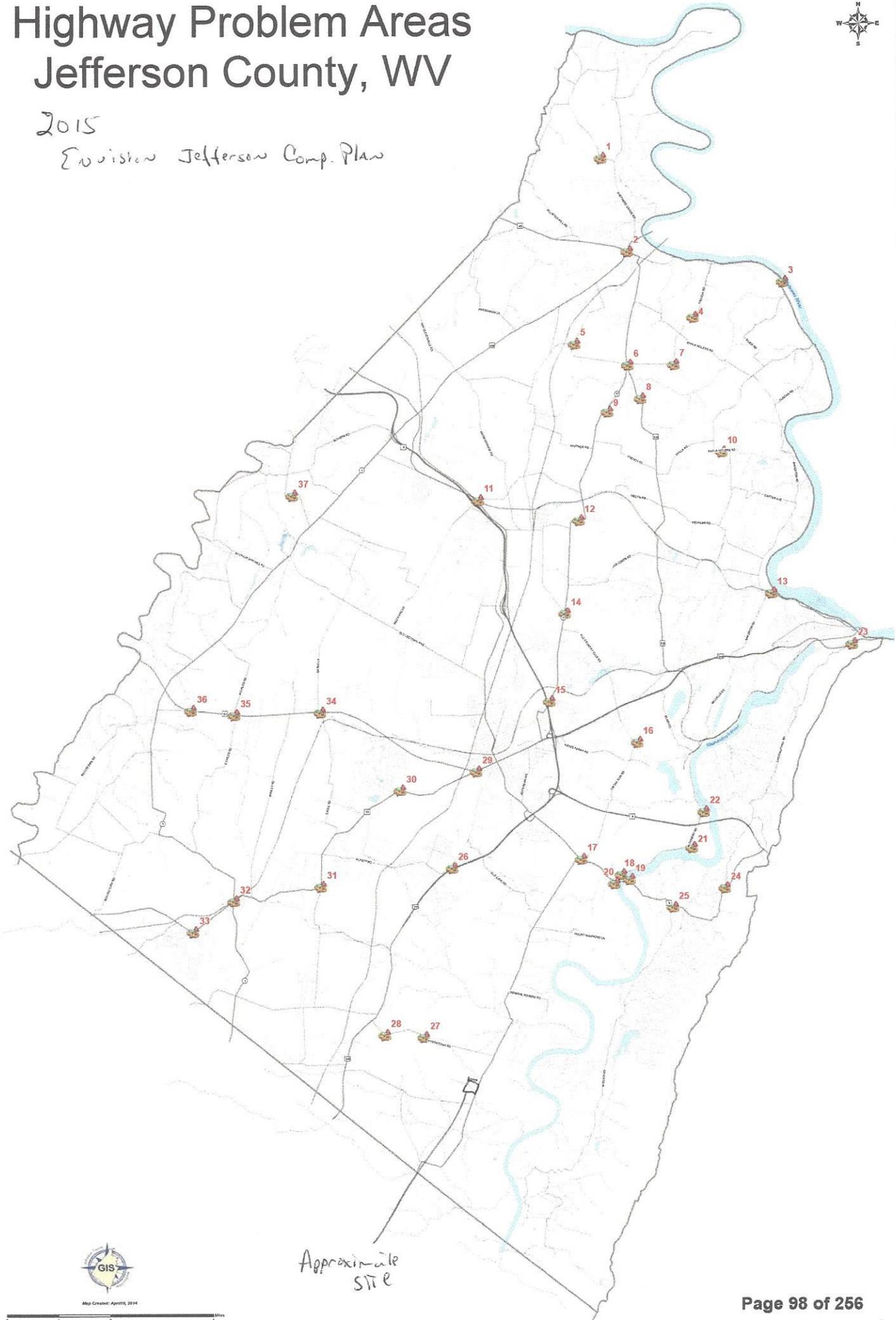
0 0.5 1 2 3 4 5 Miles

Roadway Classification Map Envision Jefferson 2035

Highway Problem Areas Jefferson County, WV

2015

Evolution Jefferson Comp. Plan



Map Created: April 10, 2014

Approximate site



JEFFERSON COUNTY, WEST VIRGINIA

Department of Engineering, Planning, and Zoning

Office of Planning & Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountywv.org

PRE-PROPOSAL CONFERENCE MEMORANDUM

Date: July 31, 2020
To: Paul Raco, P.J. Raco Consulting, LLC
From: Alexandra Beaulieu, Zoning Administrator
Subject: Non-Residential Minor Site Development
PPC Meeting Date: Wednesday, July 22, 2020 @ 1:00 p.m.
Meeting Attendees: Alexandra Beaulieu, Zoning Administrator (by phone); Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Mike Monaghan, Lead Building Inspector; Paul Raco, Applicant's Consultant; Stanley and Chris Stiles, Applicants.
Location: 118 Goshen Arrabon Lane, Charles Town, WV 25414
Parcel Information: Tax District: Charles Town (02); Tax Map: 21; Parcel: 4; Size: 17+ acres;
Zone: Rural (R); Deed Book: 817; Page: 328

Meeting Summary:

The applicants are proposing to establish an agricultural special event facility to host events such as weddings, gatherings, and charity events. Operation would initially take place on open land and in tents, with the goal of hosting events in existing barns/structures on premises.

History of Property:

- Applicant and Consultant represented that the site previously supported an annual fall festival, with pick your own pumpkin activities, bands, concessions, etc.

Zoning Ordinance - Land Use

- In accordance with Appendix C, an Agricultural Special Event Facility is a Principal Permitted Use in the Rural Zoning District.
- Article 2 defines a Special Event Facility as:
A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.
An Agricultural Special Event Facility is defined as:
A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".
- Section 4.5 states that agricultural uses, as defined in Article 2, are permitted anywhere in the County. **New** structures which are open to the public (i.e. Agricultural Special Event Facility) are subject to a 75' setback. **Existing** structures which have existed for five years at the time of application, are not subject to the 75' setback.
- Section 4.10C states that a site plan is not required for any Agricultural Use defined in Article 2. An Agricultural Special Event Facility established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations (*process outlined under Subdivision Regulations Heading*).

- Compliance with Section 8.9A.1 is required to comply with the Residential Growth District standard.
- Section 8.14A outlines the requirements for an Agricultural Special Event Facility:
 - Permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner's primary residence or caretaker's residence.
 - Such facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
 - The subject parcel has the Farm Use status; the adjoining Parcel 4.1 also has the Farm Use Status, but is under ownership of the Stiles Family Partnership #4.
 - The subject parcel is less than 20 acres; therefore, a Concept Plan, subject to a Public Workshop before the Planning Commission, is required in accordance with the Subdivision Regulations.
 - The applicant's representative inquired about a variance from this process since the adjoining parcel is owned by the family. Staff advised that this is an option, as long as all of the officers of the partnership are agreeable to the request.
 - The fee for a Zoning Variance is \$100.
 - The next submission deadline is August 3 in order to be placed on the August 27 BZA Agenda; or
 - August 31 in order to be placed on the September 24 BZA agenda. 2020 meeting schedule is available online for other dates.
 - If a variance is granted to alleviate the requirement to process a Concept Plan, then a Zoning Certificate is required. A sketch shall be submitted with the zoning certificate application, reflecting the layout of the event facility, to ensure compliance with setbacks and parking. A traffic control plan is also required and shall address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.
 - **New** structures and any tents, portable restrooms, etc. shall be setback 75' from all property lines.
 - Parking shall be setback 25' from all property lines.
 - Required Parking = one space for each two guests allowed on site and one space for each permanent employee who does not reside on premises.
 - Parking may occur on grass if applicant can demonstrate that the parking will occur on usable ground.
 - Handicapped accessibility (if applicable) will also need to be addressed.

Subdivision Regulations – Process

- Section 24.106 outlines the requirements for a Minor Site Plan Concept Plan
 - Per Section 4.10C of the Zoning Ordinance, a Site Plan is not required for an Agricultural Special Event Facility.
 - Concept Plan is subject to a Public Workshop before the Planning Commission.
 - There is no fee associated with a Concept Plan.
 - Staff shall place the Concept Plan on the first regularly scheduled Planning Commission meeting after the 45-day review period.
 - Concept Plan shall be created in accordance with Appendix A, Section 2.1
 - Concept Plan shall include:
 - General Location Map
 - Zoning Information (zoning district for subject project; site resource map; use designations for adjoining and confronting parcels).

- Proposed Description – written description of proposal.
- Traffic Impact Data
- Agency Reviews (see Sections 23.203 and 23.204 for agencies to notify)
- Any other data/info that may assist in the review
- Applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. Staff will notify adjoining of the date of workshop

Building Code

- West Virginia State Code §19-36-5 provides an exception for agritourism operations, exempting from building code.
- Approval from Fire Marshal is required (304-558-2191)
- Building Permit (not subject to building code, provided project complies with provisions of §19-36-5) is required (304-725-2998).
 - Fees are required upon submission of a Building Permit, per the Department's fee schedule.
- Additional agencies to contact:
 - Office of Impact Fees, Contact Michelle Mason: 304-728-3331
 - West Virginia Division of Highways (entrance permit): 304-289-3521 (Burlington Office)
 - Jefferson County Health Department (well and septic): 304-728-8416

Conclusion

An Agricultural Special Event Facility is exempt from processing a Site Plan in accordance with Section 4.10C of the Zoning Ordinance. A Concept Plan is required and shall process in accordance with Section 24.106 of the Subdivision Regulations. Per State Code, the proposed project is exempt from building code requirements but shall submit a building permit application.

Be advised that the purpose of this memo is informational and is only intended to provide general guidance.

Sincerely,



Alexandra Beaulieu
Zoning Administrator

Zoning

From: Mary Stiles-lager <mkgracie@icloud.com>
Sent: Friday, January 1, 2021 4:19 PM
To: Zoning
Cc: Vinemont.farm@gmail.com
Subject: NextDocument 2,550×3,300 pixels
Attachments: Attachment-1.jpeg; ATT00001.txt

RECEIVED
January 4, 2021
Jefferson County, WV
Office of Planning and Zoning

Alex,

Below is a letter from my father, Stanley E. Stiles. He wanted to hand deliver this letter but, with the covid restrictions email and USPS seems prudent.

<http://192.168.1.5/eSCL/ScanJobs/295ffb57-90d1-1f3f-8c0d-98e7f444b205/NextDocument>

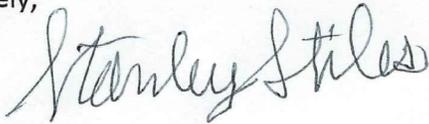
December 31, 2020

Jefferson County, West Virginia
Department of Engineering, Planning and Zoning
Office of Planning and Zoning
116 E. Washington St, 2nd Floor, P.O. Box 716
Charles Town, WV 25414

To Whom It May Concern,

Upon further reflection, I hereby withdraw application for Stiles Agricultural Enterprises, Agricultural Event Center and Farm Vacation Enterprises, file 20-9-SP (incorrectly advertised in Spirit of Jefferson Newspaper dated December 16, 2020 as file 20-9-SD). I request that this file be dismissed and removed from the Planning Commission docket.

Sincerely,



Stanley E. Stiles

RECEIVED
January 4, 2021
Jefferson County, WV
Office of Planning and Zoning

RE: 20-9-SP

Planning Department

From: stilesr@aol.com
Sent: Monday, January 4, 2021 11:27 AM
To: Planning Department
Subject: Stiles Farm
Attachments: power of.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning

I have attached the power of attorney for Stanley Stiles. We do not want to withdrawal our applications. I am available to meet if need be. I apologize for the inconvenience.

Thank you

Chris Stiles

540-327-9060

State of West Virginia
STATUTORY FORM POWER OF ATTORNEY
IMPORTANT INFORMATION

RECEIVED
January 4, 2021
Jefferson County, WV
Office of Planning and Zoning

This power of attorney authorizes another person (your agent) to make decisions concerning your property for you (the principal). Your agent will be able to make decisions and act with respect to your property (including your money) whether or not you are able to act for yourself unless provided otherwise in Special Instructions. The meaning of authority over subjects listed on this form is explained in the Uniform Power of Attorney Act § 39B-1-101 *et seq.*

This power of attorney does not authorize the agent to make health-care decisions for you.

You should select someone you trust to serve as your agent. Unless you specify otherwise, generally the agent's authority will continue until you die or revoke the power of attorney or the agent resigns or is unable to act for you.

Your agent is entitled to reasonable compensation unless you state otherwise in the special instructions. This form provides for designation of one agent. If you wish to name more than one agent, you may name a co-agent. Co-agents are not required to act together unless you include that requirement in the Special Instructions. If your agent is unable or unwilling to act for you, your power of attorney will end unless you have named a successor agent. You may also name a second successor agent.

This power of attorney becomes effective immediately unless you state otherwise in the Special Instructions.

IF YOU HAVE QUESTIONS ABOUT THE POWER OF ATTORNEY OR THE AUTHORITY YOU ARE GRANTING TO YOUR AGENT, YOU SHOULD CONTACT YOUR LAWYER AND SEEK LEGAL ADVICE BEFORE SIGNING THIS FORM.

DESIGNATION OF AGENT

I, Stanley E. Stiles, of Jefferson County, West Virginia, name the following person as my agent:

Name of Agent: Christopher R. Stiles

Agent's Address: 111 Soldiers Lane, Berryville, Virginia 22611

Agent's Telephone Number: (540) 327-9060

If my agent is unable or unwilling to act for me, I name as my successor agent:

Name of Successor Agent: Lori H. Stiles

Successor Agent's Address: 111 Soldiers Lane, Berryville, Virginia 22611

Successor Agent's Telephone Number: (540) 327-9060

RE: 20-9-SP

GRANT OF GENERAL AUTHORITY

I grant my agent and any successor agent general authority to act for me with respect to the following subjects as defined in the Uniform Power of Attorney Act, West Virginia Code §39B-1-101:

(INITIAL each subject you want to include in the agent's general authority. If you wish to grant general authority over all of the subjects, you may initial "All Preceding Subjects" instead of initialing each subject.)

Real Property

Tangible Personal Property

Stocks and Bonds

Commodities and Options

Banks and Other Financial Institutions

Operation of Entity or Business

Insurance and Annuities

Estates, Trusts, and Other Beneficial Interests

Claims and Litigation

Personal and Family Maintenance

Benefits from Governmental Programs or Civil or Military Service

Retirement Plans

Taxes

Gifts

SCS All Preceding Subjects

GRANT OF SPECIFIC AUTHORITY

My agent MAY NOT do any of the following specific acts for me UNLESS I have INITIALED the specific authority listed below:

(CAUTION: Granting any of the following will give your agent the authority to take actions that could significantly reduce your property or change how your property is distributed at your death. INITIAL ONLY the specific authority you WANT to give your agent).

SLS Create, amend, revoke, or terminate an inter vivos trust. If this line is initialed, the following authorities are hereby granted with respect to revocable or irrevocable inter vivos trusts:

- (a) Transfer any of my interest in real property, stocks and bonds, accounts with financial institutions or securities intermediaries, insurance, annuities and other property to the trustee of, or direct distribution from, revocable or irrevocable inter vivos trusts for my benefit and/or for the benefit of others including any nonprofit, charitable organization to which contributions would be deductible for purposes of the federal income, gift and estate tax;
- (b) Create, establish, execute and maintain, and terminate, revoke, modify or amend (to the extent permitted by the trust agreement) revocable or irrevocable inter vivos trusts for my benefit and/or for the benefit of others including any nonprofit, charitable organization to which contributions would be deductible for purposes of the federal income, gift and estate tax; and
- (c) Nominate and appoint my agent or others as trustee or successor trustee or co-trustee of revocable or irrevocable inter vivos trusts.

SLS Make a gift. If this line is initialed, the following authorities are hereby granted with respect to gifts, in addition to the authorities granted under the heading "Grant of General Authority," subject to the limitations stated in W.Va. Code §39B-2-117(c) and any special instructions in this power of attorney:

- (a) Make gifts of any of my property in any amount or of any value for the benefit any individuals, including my agent, at any time and from time to time, without approval of a court of competent jurisdiction as may otherwise be required by applicable law, and such gifts need not be made in equal amounts to all of my relatives in the same degree of kinship to me. This shall include the power to make a "qualified transfer" as that term is defined by IRC §2503(e)(2) in payment of educational or medical expenses, in addition to or in lieu of other gifts for the benefit of any such donees;
- (b) Make gifts of any of my property in any amount to any nonprofit, charitable organization to which contributions would be deductible for purposes of the federal income, gift and estate tax, without the approval of a court of competent jurisdiction as may otherwise be required by applicable law, for income tax and/or estate planning purposes;
- (c) Make gifts without limitation as to amount in order to facilitate my qualification for government benefits for my long-term health care and nursing home needs. Such gifts shall be irrevocable, and my agent is authorized to make such gifts so long as my long-term care is reasonably provided for by my agent from the assets subject to this Power or otherwise, during the time period I would be disqualified from receiving long-term care and/or medical assistance under the State of West

Virginia "Medicaid" program, Veterans program, or other public assistance program; and

- (d) Make a "qualified conservation contribution" of a "qualified real property interest," as those terms are defined by IRC §170(h), and/or grant a "qualified conservation easement, as that term is defined by IRC §2031(c), with respect to any of my real estate (including but not limited to the real estate identified herein or in attachments hereto), without the approval of a court of competent jurisdiction as may otherwise be required by applicable law, for income tax and/or estate planning purposes.

SES Create or change rights of survivorship.

SES Create or change a beneficiary designation.

Authorize another person to exercise the authority granted under this power of attorney.

SES Waive the principal's right to be a beneficiary of a joint and survivor annuity, including a survivor benefit under a retirement plan.

SES Exercise fiduciary powers that the principal has authority to delegate.

SES Disclaim or refuse an interest in property, including a power of appointment.

LIMITATION ON AGENT'S AUTHORITY

An agent that is not my ancestor, spouse or descendant MAY NOT use my property to benefit the agent or a person to whom the agent owes an obligation of support unless I have included that authority in the Special Instructions.

SPECIAL INSTRUCTIONS

A. Special Instructions Granting Agent Additional Powers: I intend that it is my agent's primary responsibility to assure that I am adequately supported for the rest of my life. In order to accomplish this, I hereby give and grant to my agent full power and authority to do and perform all and every act and thing that is required, necessary, or appropriate to be done in the circumstances that exist from time to time as fully to all intents and purposes as I might or could do if I were personally present and able to act, including, but not limited to, the power:

- (1) to receive and receipt for any and all sums of money or payments due or to become due to me;
- (2) to take all and any steps relating to mail service from the U.S. Postal Service (including receipt thereof) and to telephone service (including change of address and telephone number);
- (3) to establish or end my membership in any religious institution, club, society, order or other organization;

(4) to take and control custody of all of my important documents such as wills, trusts, deeds, powers of attorney, insurance policies of any nature, stock certificates, securities, and to give or deny access to such documents;

(5) to create, establish, form, organize, charter and fund with any of my property in exchange for an equity interest and/or other consideration, any business entity, including a corporation, partnership, or limited liability company;

(6) to create, establish, form, organize, charter, maintain and fund with any of my property any nonprofit, charitable organization, for income tax and/or estate planning purposes;

(7) to endorse any checks, drafts or bills which may require my endorsement for deposit or for collection;

(8) to apply the proceeds of any such check, draft or bill to my use and benefit, or to deposit or invest the same in my name or in the name of my agent in any bank, banks or savings institutions, and for purposes of receiving Social Security checks my agent is hereby appointed my "Representative Payee;"

(9) to effect purchases and sales (including short sales), to subscribe for and to trade in stocks, bonds, options, rights, and warrants or other securities, domestic or foreign, whether dollar or non-dollar denominated, or limited partnership interests or investments and trust units, whether or not in negotiable form, issued or unissued, foreign exchange, commodities, and contracts relating to same (including commodity futures) on margin or otherwise for my account and risk; to deliver to my broker securities for my account and to instruct my broker to deliver securities from my accounts to my agent or to others, and in such name and form, including his or her own, as he or she may direct; to instruct my broker to make payment of moneys from my accounts with my broker, and to receive and direct payment therefrom payable to him or her or others; to sell, assign, endorse and transfer any stocks, bonds, options, rights and warrants or other securities of any nature, at any time standing in my name and to execute any documents necessary to effectuate the foregoing; to receive statements of transactions made for my account(s); to approve and confirm the same, to receive any and all notices, call for margin, or other demands with reference to my account(s); to approve and confirm the same, to receive any and all notices, calls for margin, or other demands with reference to my account(s); and to make any and all agreements with my broker with reference thereto for me and in my behalf. The power granted herein shall apply to any brokers with whom I may have accounts from time to time. I authorize my agent to execute on my behalf any powers of attorney in whatever form, which may be required by any stockbroker with whom I have deposited any securities.

(10) to sell or redeem any interest I may have in any United States Savings Bonds or other United States Treasury securities;

(11) to liquidate or terminate any retirement plan;

(12) to convert a traditional IRA into a Roth IRA;

(13) to establish a new residency or domicile for me, from time to time and at any time, within or without the state and within or without the United States, for such purposes as my agent shall deem appropriate;

(14) to execute and deliver to the department of motor vehicles of my state of domicile all papers and documents necessary to secure registration, title or license for or the transfer of my interest in any and all motor vehicles owned or sold by me;

(15) to employ and compensate agents, accountants, investment advisers, brokers, attorneys-in-fact, attorneys-at-law, tax specialists, realtors, appraisers, and other assistants and advisors deemed by my agent needful for the proper administration of my financial and personal affairs, and to do so without liability for any neglect, omission, misconduct, or default of any such agent or professional representative provided such person was selected and retained with reasonable care;

(16) to resign my position as a director, member or officer of any organization or entity, and to resign my position, or to decline to serve, as a trustee, executor, personal representative, guardian or other fiduciary of an estate or trust or person, however denominated;

(17) to exercise any special or limited power of appointment I may hold, provided, however, that my agent may not appoint himself or herself, his or her estate, his or her creditors, or the creditors of his or her estate, pursuant to this power;

(18) to use my income and principal to pay for in-home services, companion services, care management or care, including assistance with day-to-day tasks and direct care more particularly described below, whether provided by family members, friends or others in the business of providing such services, so that I may remain in my own home despite any worsening medical condition. Should my agent, or any family member, or any friend, at the request of my agent provide such services to me in my, her or his home when I am in need of help, then my agent shall, upon request by the service provider, compensate that person at the then current fair market rate for the services being provided. The type of services which I understand can keep me in my home despite a deteriorating medical condition include: home and yard maintenance, house cleaning, laundry, shopping, food preparation, security services, telephone call-in service, in-home personal care (such as bathing or medication management), taxi-transportation service, companion care, nursing care and care management; and

(19) to demand, buy, receive or accept as a gift or as security for an extension of credit, or otherwise acquire or reject ownership or possession of intangible personal property or an interest in intangible personal property; to sell, exchange, convey with or without covenants, representations, or warranties; quitclaim, release, surrender, create a security interest in, grant options concerning, license, sublicense or, otherwise dispose of intangible personal property or an interest in intangible personal property; to grant a security interest in intangible personal property or an interest in intangible personal property as security to borrow money or pay, renew or extend the time of payment of a debt of the principal or a debt guaranteed by the principal; to release, assign, satisfy or enforce by litigation or otherwise, a security interest, lien or other claim on behalf of the principal, with respect to intangible personal property or an interest in intangible personal property; to manage or conserve intangible personal property or an interest in intangible

personal property on behalf of the principal, including: (A) Insuring against liability or casualty or other loss; (B) Protecting the property or interest, by litigation or otherwise; (C) Paying, assessing, compromising or contesting taxes or assessments or applying for and receiving refunds in connection with taxes or assessments; and (D) Using the property; and to change the form of title of an interest in intangible personal property.

B. Special Instructions if my Agent is Temporarily Incapacitated: If my agent is temporarily unavailable to serve because of short-term illness, vacation, or other circumstances that make it impossible or impractical for my agent to serve as agent for a temporary period of time, then the power of my agent shall pass to the next designated agent for such temporary period of time. The temporary passage of powers from my agent to the successor agent shall be described by my agent in a writing bearing a notarial acknowledgment that specifies the time period during which the successor agent shall be authorized to act under this instrument. The powers of my agent shall be restored to my agent at the expiration of the time described in such writing.

C. Ancillary Agent: If at any time my agent deems it necessary or desirable in my agent's discretion to appoint one or more agents or attorneys-in-fact to act in another jurisdiction under this power of attorney (such agent or attorney-in-fact being hereinafter referred to in the aggregate as "Ancillary Agent"), my agent from time to time and at any time may appoint one or more such Ancillary Agents. In making such appointment my agent may execute and deliver such documents and instruments as may be necessary, desirable, convenient, or proper to effectuate any such ancillary appointment. My agent may grant to any Ancillary Agent, some or all of the powers and duties and authorities granted to my agent hereunder but may not grant to any such Ancillary Agent powers which are inconsistent with or different from those powers granted to my agent hereunder.

D. Third Party Reliance: For the purpose of inducing all persons, organizations, corporations, and entities, including but not limited to any buyer, seller, bank, broker, custodian, insurer, lender, transfer agent, taxing authority, government agency, or other party (all of whom will be referred to in this Section as a "Person"), to act in accordance with this instrument, I hereby represent, warrant, and agree that:

(1) If this instrument is revoked or amended for any reason, I will hold any person or corporation harmless for any loss suffered or liability incurred by such Person while acting in accordance with the instructions of my agent acting under this instrument, prior to the receipt by such Person of actual notice of revocation or amendment of this instrument.

(2) No Person who acts in reliance on any representations my agent may make as to (a) the fact that my agent's powers are then in effect, (b) the scope of my agent's authority granted under this instrument, (c) my competency at the time this instrument is executed, (d) the fact that this instrument has not been revoked, or (e) the fact that my agent continues to serve as my agent shall incur any liability to me, my estate, and my heirs or assigns for permitting my agent to exercise any such authority; nor shall any Person who deals with my agent be responsible for determining or ensuring the proper application of funds or property.

(3) All Persons from whom my agent may request information regarding me, my personal or financial affairs, or any information that I am entitled to receive are hereby authorized to provide

such information to my agent without limitation and are released from any legal liability whatsoever to me for complying with my agent's requests.

(4) The party dealing with my agent is not under a duty to follow the proceeds or other consideration received by my agent from a sale or exchange.

E. Ratification: I hereby ratify and confirm all that my agent shall do or cause to be done under the authority granted in this document, and that all promissory notes, bills of exchange, drafts, other obligations, agreements, stock powers, instruments, and other documents, signed, endorsed, drawn, accepted, made, executed, or delivered by my agent, shall bind me, my estate, heirs, successors, and assigns.

F. HIPAA Release Authority: I intend for my agent to be treated as I would be with respect to my rights regarding the use and disclosure of my individually identifiable health information or other medical records. This release authority applies to any information governed by the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), 42 U.S.C. §1320d and 45 CFR §§160-164. I authorize any physician, health care professional, dentist, health plan, hospital, clinic, laboratory, pharmacy, or other health care provider or supplier, any insurance company and the Medical Information Bureau, Inc. or other health care clearinghouse that has provided treatment or services to me, or that has paid for or is seeking payment from me for such services, to give, disclose and release to my agent, without restriction, all of my medical or mental health condition, including all information relating to the diagnosis and treatment of mental illness. The authority given my agent shall supersede any prior agreement that I may have made with my health care providers and suppliers to restrict access to or disclosure of my individually identifiable health information. The authority given my agent has no expiration date and shall expire only in the event that I revoke the authority in writing and deliver it to my health care provider or supplier.

G. Revocation of Previous Powers of Attorney: I hereby revoke, annul and cancel any and all general powers of attorney previously executed by me, if any, and the same shall be of no further force or effect. However, I do not intend in any way in this instrument to affect, modify or terminate any special, restricted or limited power or powers of attorney I previously may have granted or may in the future grant in connection with any banking, borrowing or commercial transaction, or in connection with decisions regarding my medical treatment.

H. Consent to Disclosure: My agent, by accepting appointment as such, consents to the disclosure by any lawyer who was previously or is engaged by me, and any lawyer who is engaged by the agent to assist the agent in matters relating to this Power of Attorney, to me, and members of my family, or to any court, of any act or omission that might constitute a breach of fiduciary duties, including information obtained through disclosures made to such a lawyer by the agent.

I. Compensation of Agent: My agent shall receive no compensation for my agent's services as my agent, but may be reimbursed for reasonable expenses.

J. Bank as Agent: In the event any banking organization shall be acting as my agent, such agent may deposit funds in my name in its own time or demand accounts, money market

accounts or similar accounts, and retain or invest in any securities or bonds of its own issue or the issue of any parent or subsidiary organization.

K. Unrelated Party as Agent: An agent that is not my ancestor, spouse or descendant MAY use my property to benefit the agent or a person to whom the agent owes an obligation of support if my agent is otherwise granted the authority to do so herein.

L. Resolution of Conflicts: In the event of a conflict or inconsistency between Paragraph A. of the Special Instructions section of this Statutory Form Power of Attorney and any of the express instructions, directions or limitations contained in the Grant of General Authority and/or the Grant of Specific Authority which preceded said Paragraph A., the express instructions, directions or limitations contained in the Grant of General Authority and/or the Grant of Specific Authority shall control over the inconsistent or conflict provision contained in Paragraph A. In the event of a conflict or inconsistency between any of the express instructions, directions or limitations contained in the Grant of General Authority and any of the express instructions, directions or limitations contained in the Grant of Specific Authority, the express instructions, directions or limitations contained in the Grant of Specific Authority shall control over the inconsistent or conflicting provision contained the Grant of General Authority.

M. Indemnification: I indemnify and hold harmless my agent against any loss or claim arising from my agent's good faith exercise of the authorities and powers granted my agent herein.

N. Limitations on Powers Regarding Devises: My agent shall be prohibited to sell, convey, encumber or otherwise dispose of any interest I may have in any real estate, and all improvements thereon and appurtenances thereunto pertaining, or personal property, which is specifically devised pursuant to my last will and testament or revocable living trust then existing, provided, however, that my agent may dispose of all or part of any such interest to or for the benefit of the person or persons to which such interest is specifically devised pursuant to my last will and testament or revocable living trust then existing. My agent shall have a duty to make reasonable inquiry to discover the terms of my last will and testament or revocable living trust.

EFFECTIVE DATE

This power of attorney is effective immediately unless I have stated otherwise in the special instructions.

NOMINATION OF CONSERVATOR OR GUARDIAN

If it becomes necessary for a court to appoint a conservator or guardian, I nominate the following person(s) for appointment:

Name of Nominee for conservator: Christopher R. Stiles
Nominee's Address: 111 Soldiers Lane, Berryville, Virginia 22611
Nominee's Telephone Number: (540) 327-9060

STATE OF WEST VIRGINIA,
COUNTY OF BERKELEY, to-wit:

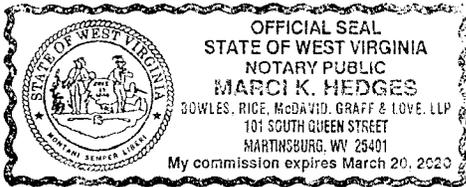
I, Marci K. Hedges, a Notary Public of said State and County, do certify that Stanley E. Stiles, as Principal, and Alison A. Cox and Manly Clemons, as witnesses, whose names are signed to the writing above bearing date the 24th day of October, 2017, has this day acknowledged the same before me.

Given under my hand this 24th day of October, 2017.

My commission expires:

March 20, 2020
SEAL:

Marci K. Hedges
Notary Public



This document prepared by: Alison A. Cox, Attorney at Law, Bowles Rice LLP, 101 South Queen Street, Martinsburg, West Virginia 25401.

IMPORTANT INFORMATION FOR AGENT

Agent's Duties

When you accept the authority granted under this power of attorney, a special legal relationship is created between you and the principal. This relationship imposes upon you legal duties that continue until you resign or the power of attorney is terminated or revoked. You must:

- (1) Do what you know the principal reasonably expects you to do with the principal's property or, if you do not know the principal's expectations, act in the principal's best interest; act in good faith;
- (2) Do nothing beyond the authority granted in this power of attorney; and
- (3) Disclose your identity as an agent whenever you act for the principal by writing or printing the name of the principal and signing your own name as "agent" in the following manner

_____ by _____
(Principal's Name) (Your Name) as Agent

Unless the special instructions in this power of attorney state otherwise, you must also:

- (1) Act loyally for the principal's benefit;
- (2) Avoid conflicts that would impair your ability to act in the principal's best interest;
- (3) Act with care, competence and diligence;
- (4) Keep a record of all receipts, disbursements and transactions made on behalf of the principal.
- (5) Cooperate with any person that has authority to make health-care decisions for the principal to do what you know the principal reasonably expects or, if you do not know the principal's expectations, to act in the principal's best interest; and attempt to preserve the principal's estate plan if you know the plan and preserving the plan is consistent with the principal's best interest.

Termination of Agent's Authority

You must stop acting on behalf of the principal if you learn of any event that terminates this power of attorney or your authority under this power of attorney. Events that terminate a power of attorney or your authority to act under a power of attorney include:

- (1) Death of the principal;
- (2) The principal's revocation of the power of attorney or your authority;
- (3) The occurrence of a termination event stated in the power of attorney;

(4) The purpose of the power of attorney is fully accomplished; or

(5) If you are married to the principal, a legal action is filed with a court to end your marriage or for your legal separation, unless the Special Instructions in this power of attorney state that such an action will not terminate your authority.

Liability of Agent

The meaning of the authority granted to you is defined in the Uniform Power of Attorney Act, West Virginia Code §39B-1-101. If you violate that statute or act outside the authority granted, you may be liable for any damages caused by your violations.

If there is anything about this document or your duties that you do not understand, you should seek legal advice.

Staff Report

Jefferson County Planning Commission Meeting

January 12, 2021

Beallair Phase 4A Final Plat Recordation Extension (PC File: 20-5-PCV)

	<ul style="list-style-type: none">• 10/27/09 – Phase 3 Final Plat approved, 1 commercial lot & 1 residue lot.• 9/14/09 – Phase 3 Preliminary Plat (PC File #08-21) approved.• 7/28/09 – PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 12/31/09• 8/26/08 – PC approved a variance to extend the 2-year deadline to hold a Final Plat public hearing to 08/26/09.• 10/24/06 – Phase 2 Final Plat approved, 84 lots and a residue.• 9/12/06 – PC approved a variance to extend the 2-year deadline to hold a final plat public hearing to 09/12/07.• 9/8/06 – Phase 2 Preliminary Plat (PC File #05-41) approved.• 9/14/04 – Phase 1 Final Plat approved, 49 lots and 5 residues.• 7/16/04 – Preliminary Plat, Phase I (PC File #02-36) approved.• 2/23/04 - PC variances approved:<ul style="list-style-type: none">○ Min. finished road width from 24' to 15' for rear access drives;○ No curbs included with the rear access drives;○ No sidewalks on the one-way rear access drives;○ A 3' reduction from the back of the curb to 2.5' from the edge of the pavement;○ No buffer screening between common areas and adjoining properties with single family detached residences.• 3/25/03 - PC variances approved:<ul style="list-style-type: none">○ Min. width of finished road reduced from 20' to 15' for one-way rear access drives w/ no shoulders;○ No curb & gutter to be places in alleys;○ No curb & gutter in the one-way rear access drives;○ To install an inverted crown to act as drainage conveyance in one-way rear access drives;○ Be allowed to have 2 spaces on-site parking side-by-side on the double wide driveway;○ Reduction of ROW width from 50' to 44' in the main road passing through the TND villa areas; and,○ Reduction of ROW from 50' to 20' for one-way rear access drives serving the garage areas. <p>11/26/02 – CIS approved by the PC.</p>
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Background

The Community of Beallair Subdivision is located on Old Country Club Road, north of the railroad tracks and is approved for a total of 254 detached single family homes and 54 attached single family homes on 125 acres. Phases 1 through 3 have been approved and recorded. Phase 4A Final Plat has been approved provided a few outstanding issues are addressed and the required bond is posted prior to recordation. Additional phases will complete the balance of the detached and attached single family lots over time. Since this Subdivision started before the 2008 Subdivision Regulations were adopted, this Subdivision is governed by the 1979 Subdivision Ordinance.

Staff Report
Jefferson County Planning Commission Meeting
January 12, 2021
Beallair Phase 4A Final Plat Recordation Extension (PC File: 20-5-PCV)

The Request:

The applicant is requesting a 90-day extension, from January 12, 2021 to April 12, 2021, to bond and record the Final Plat. Per Section 8.1(d) of the Jefferson County Subdivision Ordinance of 1979, an approved Final Plat shall be bonded and recorded within 90 days. The applicant received Final Plat approval, subject to addressing the outstanding comments, at the October 13, 2020 Planning Commission meeting.

Variance Requirements:

The variance process in the 1979 Subdivision Ordinance is different from the waiver process outlined in the 2008 Subdivision Regulations. In order to grant a variance, the following four criteria must be met. The applicant has addressed these points in their attached application:

- a) The request is not contrary to the public interest.*
- b) A literal enforcement of this Ordinance will result in unnecessary hardship.*
- c) The request is not the result of a self-imposed hardship.*
- d) The spirit of this Ordinance will be observed and substantial justice done.*

In their response to these criteria, the applicant states that they are still working to resolve a few of the outstanding comments and have some concern about being complete before January 11, 2020. Because of the various office closures and staff illness, it has been difficult to meet all the outstanding requirements in the time allotted. The applicant believes that they will be able to finalize the plat within the additional 90 days requested.

This is a project that has been on-going for many years and has numerous approved and platted lots and the developer has made a substantial investment in this phased development through the changing economic times over the last decade. The Beallair subdivision has been in the same ownership throughout the development and construction process and would like a little more time to finalize this Final Plat.

Recommendation:

The Final Plat has been reviewed by staff and most outstanding comments have been addressed; however, there are still some unresolved Final Plat issues and outstanding comments related to the Preliminary Plat. The Final Plat complies with the approved Community Impact Statement and will conform with the Preliminary Plat when is approved. At the October 2020 meeting, the Planning Commission “approved with conditions” the Final Plat which needed to be resolved with 90 days.

Because this variance is only for a 90-day time extension, and not a variance of the site layout, Staff recommends granting the variance for 90-days to bond and record the Final Plat. As noted in the applicant’s request and shown by their action, the applicant is creating a high quality development and has worked with staff to resolve all outstanding issues.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338
Charles Town, WV 25414

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

File Number: 20-5-PCV

Staff Initials: AB

Fees Paid: \$100 Credit Card

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Subdivision Ordinance Variance Request

To be used in accordance with the 1979 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance. Sketch on a separate sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date sketch. Provide a vicinity map.

I/We request a variance from the provisions of the 1979 Jefferson County Subdivision Ordinance

Property owner information

Name of Property Owner: Beallair Homes LLC
Mailing Address: 5283 Corporate Drive, Suite 300
City: Frederick State: MD Zip Code: 21703
Phone Number: Paul 3046768256 Email: c/o pjraco.consulting@gmail.com

Applicant contact information

Applicant Name: Mike Wiley, P.E.
Mailing Address: same as above
City: State: Zip Code:
Phone Number: Email:

Applicant Representatives

Consultant

Name of Registered Engineer(s) or Surveyor(s): Paul J Raco, P.J. Raco Consulting, LLC
Mailing Address of Engineer(s) or Surveyor(s): P.O. Box 548
City: Harpers Ferry State: WV Zip Code: 25425
Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

Physical property details

Physical Property Address: Beallair Subdivision, Route 24, Country Club Road and Beallair Manor Drive
City: Harpers Ferry State: WV Zip Code: 25425
Tax District: Harpers Ferry Map No: 10 Parcel No: ARESA00000
Parcel Size: 69+ Acres Deed Book: 975 Page No: 635

Zoning District (please check one):

Grid of zoning districts with checkboxes: Residential Growth (RG) [checked], Industrial Commerical (IC), Rural (R), Residential-Light Industrial-Commercial (RLIC), Village (V), Neighborhood Commerical (NC), General Commercial (GC), Highway Commercial (HC), Light Industrial (LI), Major Industrial (MI), Planned Neighborhood Development (PND), Office/Commerical Mixed-Use (O/C)

Section of Ordinance for which the variance is requested:

Please describe the nature of the variance request:

[See Attached]

Explain why this request is NOT contrary to the public interest:

Explain how enforcement of this Ordinance will result in unnecessary hardship:

Explain how this request is NOT the result of a self-imposed hardship:

Explain how the spirit of this Ordinance will be observed and substantial justice will be done:

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



12/22/20

Signature of Property Owner

Date

Signature of Property Owner

Date

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

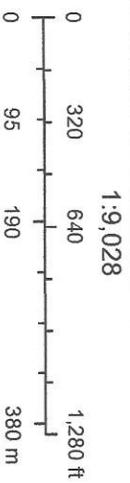
Approved

Denied

Viewer Map



December 22, 2020



County of Loudoun, VTA, Esrl, HERE, Garmin, INCREMENT P, NGA, USGS

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JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning
116 East Washington Street, 2nd Floor
P.O. Box 716
Charles Town, WV25414

www.jeffersoncountywv.org

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: January 7, 2021

RE: ZTA19-03, Solar Energy Facilities – January 12, 2021 Meeting

On June 23, 2020 the Planning Commission made revisions to the draft text amendment based on public input and voted to revise the provisions for a decommissioning plan to include surety requirements and to amend Appendix C to allow solar facilities to process by right in the Residential Growth zoning district. The Planning Commission made a recommendation to send the revised text amendment to the County Commission, with a recommendation that the proposed text amendment was consistent with the Comprehensive Plan.

On October 1, 2020, after a series of workshops and a Public Hearing, the County Commission voted to approve the Planning Commission's recommended draft text amendment ZTA19-03 pertaining to Solar Energy Facilities, with one revision to increase the required setback for solar panels from 100' to 200'.

On December 10, 2020 the County Commission voted to vacate the October 1, 2020 approval of zoning text amendment file #ZTA19-03. The motion included direction to return the text amendment to the Planning Commission for further review and consideration.

The draft before you today is the version the Planning Commission recommended to the County Commission on June 23, 2020. The amendment includes revisions to Article 2, Section 2.2, Terms Defined; Article 8, Supplement Use Regulations, [creation of new Section 8.20, Solar Energy Facilities]; and Appendix C, Principal Permitted and Conditional Uses Table.

Attachments:

- County Commission Meeting Minutes from December 10, 2020 Meeting
- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Alternative / Renewable Energy
- ZTA19-03, Solar Energy Facilities DRAFT reflecting revisions made by PC on 06-23-20

SPECIAL SESSION

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

At a Special Session of the County Commission of said County and State continued and held via GoTo Webinar on Thursday, December 10, 2020.

PRESENT: Jane Tabb, President
Ralph Lorenzetti, Vice President
Josh Compton, Commissioner
Caleb Hudson, Commissioner
Patricia Noland, Commissioner
Stephanie Grove, County Administrator
Nathan Cochran, Assistant Prosecuting Attorney
William Rohrbaugh, Special Counsel
Jessica Carroll, Administrative Assistant

In Re: Discussion of all aspects of case, issues, and potential for resolution regarding Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137.

President Tabb opened the meeting at 9:37 am and Commissioner Hudson led the Pledge of Allegiance.

Motion by Commissioner Noland to enter into Executive Session to receive legal advice regarding Jefferson County Circuit Court Civil Action #20-C-125 and #20-C-132-137. Motion seconded and unanimously approved.

Motion by Commissioner Noland to come out of Executive Session. Motion seconded and unanimously approved.

Motion by Commissioner Noland to vacate the October 1, 2020 Commission approval of Zoning Text Amendment 19-03 (Solar Energy Facilities Amendment) and return the text amendment to the Jefferson County Planning Commission for further review and consideration, including additional public hearings as required by law and authorize William Rohrbaugh, Esq., to sign the Order and any additional associated documents on behalf of the Commission. Motion seconded and passes on a vote of 3-2 with Commissioner Compton and Hudson opposing.

The special session was adjourned at 10:25 am on a motion by Commissioner Compton. Motion was seconded and unanimously approved.

Jane M. Tabb, President

Respectively Submitted:

Jessica Carroll

Executive Administrative Assistant

Urban Level Development Recommendations (Goal 1)	
1.	Recognize the existing vested rights, development entitlements, and permitted density levels on properties in Jefferson County.
	a. No property’s zoning status will be changed as part of this Plan.
2.	Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future Land Use Guide and the recommendations of this Plan; the County Commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:
	a. Economic Well-Being of the County; or
	b. Error or Under Scrutinized Property on the Future Land Use Guide; or
	c. Change in Neighborhood; or
	d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/or
	e. Environmental impacts are considered.
3.	Identify opportunities for small area plans and involve key stakeholders.
4.	In coordination with the Jefferson County Development Authority, utility providers, and other agencies, extend natural gas services and alternative energy sources into Jefferson County and encourage the extension of these services into new subdivisions to provide access to alternatives for heating and cooking uses.
5.	Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.
	a. Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available.
	b. Reduce application fees for urban level development located within the areas desired for urban future growth.
	c. Establish a greater variety of zoning district options (in commercial, residential, and mixed-use zoning categories) that adhere to predictability of land use options and outcomes based on the Plan recommendations.
	d. Consider the utilization of alternatives to use-separated (Euclidean) zoning within the UGB and PGA, such as the SmartCode adopted by the City of Ranson or performance based zoning to achieve the desired land used goals.
	e. Update the County’s zoning regulations in a way that balances flexibility of use for property owners and developers while preserving the quality of life for residents.

development efforts have benefited from a number of public and quasi-public projects and efforts, including, but not limited to:

- Infrastructure improvements that have taken place in recent years (particularly the construction of WV 9 as a four-lane roadway through Jefferson County);
- An increased federal presence within Jefferson County;
- The continued expansion of Shepherd University in Shepherdstown and the relocation of the American Public University System’s headquarters in the Charles Town/Ranson area;
- The increased utilization of telecommuting as a viable employee option by national and regional businesses and federal government offices; and
- The expansion of a business park that has the necessary infrastructure in place for each lot which results in ready-to-build parcels.

Despite those gains, the lack of high paying jobs for Jefferson County’s skilled workforce requires approximately 36% of all employed individuals to commute to employment centers with higher wages located closer to Washington, D.C. or Baltimore, MD.

At the same time and paralleling a national trend, Jefferson County has lost some manufacturing and warehousing facilities. The loss of these employers has resulted in several vacant or underutilized structures, as well as unemployed workers. A number of these vacant facilities are within the Charles Town/Ranson urbanized area, and provide opportunities for redevelopment. Some of these facilities have been reused for other purposes, particularly by American Public University System (APUS) and the City of Ranson. APUS’s efforts have enhanced the economic revitalization process by purchasing and renovating 12 structures in Charles Town and Ranson as well as constructing a multi-story administrative building and related parking with a large array of solar panels. As part of this renovation and redevelopment activity, APUS has utilized several brownfield sites on the Charles Town/Ranson border.

With Jefferson County’s proximity to Washington, D.C. and Baltimore, MD and with the existing economic cluster of federal agencies, the County has the opportunity to attract additional federal facilities.

To support the success of future economic growth, there are a number of proposed improvements to the County’s public infrastructure that are expected to take place in the coming years. These include:

Major Public Infrastructure Projects that are Proposed
The widening and realignment of US 340 from Charles Town to the Virginia line near Berryville
The potential for improving natural gas and alternative energy facilities in the Eastern Panhandle and extending natural gas services into Jefferson County
Improvements to the County’s telecommunications network, particularly wireless technology and any advanced technologies

2.D. Infrastructure

Having adequate and quality infrastructure in Jefferson County is beneficial to residents, businesses, and the County’s economy. Planning for the types of infrastructure needed and its location requires coordination with different entities that provide these services. The planning and coordination of where services are to be located maximizes efficiencies of these systems.

This Plan encourages infrastructure to be located in municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages in a cost effective manner. In many places in rural areas, on-site private well and septic systems will be used.

Major Elements within Section 2.D. Infrastructure
Water and sewer
Stormwater
Alternative energy
Natural gas services
High-speed internet and advanced technology communications services

Water and Sewer Systems

Urban level development, which requires the provision of water and sewer systems, is defined as where more intense levels of residential, commercial, and industrial development activity occur. In West Virginia, by law, water and sewer providers are required to provide water and/or sewer service anywhere in a community so long as a developer pays to provide the initial infrastructure that would support the service(s). As a result, land use planning in West Virginia has to take a pro-active role in defining where urban level amenities and development will occur.

In order to take a pro-active role, it is the recommendation of this Plan to encourage the provision of infrastructure that allows for a higher level of development inside of the following areas: municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages. In the rural area, it is anticipated that on-site private well and septic systems are to be utilized. In order for Jefferson County to retain its rural character and agricultural base, the expansion of water and sewer service into rural areas not designated as growth areas should not occur.

In the County’s village areas, development and revitalization is limited by a lack of existing water and sewer infrastructure that would support village-level development. In these areas, minimum lot size requirements tied to well and septic spacing have played a factor in limiting redevelopment or reuse of existing buildings within village centers. If Jefferson County is to reinvigorate its villages, infrastructure improvements would need to be in place to serve the village areas. A specific component of this would be the provision of village scaled water and sewer facilities that would alleviate the need for individual property owners to locate a well and septic tank on small village

may not meet current standards, to be upgraded or maintained. Recently, the County adopted a new stand-alone Stormwater Management Ordinance that includes additional standards related to water quality and includes provisions for low impact design stormwater provisions such as rain gardens, bio-swales, permeable pavers, and permeable asphalt. These new standards help to minimize the impact of sediment and certain identified nutrients as required by the Chesapeake Bay Program.

In addition to land development activities, the following point and non-point source activities impact the water quality in waterways due to stormwater run-off:

Point and non-point source pollution
Over-fertilization and the use of chemicals to maintain lawns by homeowners
Use of salt and chemicals on roads in winter weather by the State Division of Highways
The fertilizers used to grow crops
Industrial emissions
Waste products (rubber, gasoline, and various other fluids) associated with auto use
Animal husbandry activities

The effect of stormwater run-off on the local waterways, particularly the Shenandoah and Potomac Rivers, has a significant impact on our local and regional recreational and heritage tourism, as well as drinking water quality. There are a number of watershed protection groups in the County that are actively seeking to improve the quality of the surface and groundwater within particular watersheds. These groups have made efforts to clean-up the waters and restore aquatic life to Jefferson County waterways. Such efforts have included, river clean ups, water monitoring, septic tank pumping and repair reimbursement programs, fencing of livestock to keep them out of streams, tree plantings, and outreach to residents and businesses to educate them about how to combat pollution. These efforts will ensure that high quality of water in Jefferson County continues.

Alternative Energy

It is widely recognized that many of the resources that we rely on to heat, cool, and light homes, power electronics, provide transportation fuel, and other daily needs are finite. Consequently, there has been an increasing need to assess the viability of alternative and renewable energy sources that may assist in maintaining the quality of life of Jefferson County's residents and businesses. In 2009, West Virginia adopted an Alternative and Renewable Energy Portfolio Standard that requires investor-owned electric utilities (such as Potomac Edison) with more than 30,000 residential customers to supply 25% of retail sales from eligible alternative and renewable energy resources by 2025.

Alternative and renewable energy sources are available, ranging from hydro (water), solar, and wind power to the use of various biofuels (algae, biomass, wood pulp, and other waste products), and plant crops (corn and switchgrass) that might be used to

complement or replace existing power sources. Another alternative energy source that may be applicable for the heating and cooling of buildings is the use of geothermal systems (drawing up groundwater and circulating it through pipes embedded in a building's walls).

There are efforts underway at the local and state level to encourage the conservation of energy and the utilization of alternative energy sources. The most notable of these are the projects that have been incorporated into the expansion of the American Public University System (APUS) in Charles Town and Ranson. These projects include the use of solar collectors that also serve as cover for parked cars, the installation of several electric car charging stations, and the utilization of building improvements and materials that limit the use of energy needed for heating, cooling, and lighting. The improvements undertaken by APUS can serve as a role model to new development in Jefferson County and to the redevelopment of existing structures and sites.

Several large-scale alternative and renewable energy projects have taken place in the County. Concern has been expressed that legislation prohibiting Cooperatives or Communities to create a solar panel system that would feed multiple houses is impacting the expansion and viability of implementing other solar projects in the County. As the cost of improvements decreases and the efficiency of various renewable energy materials improves, the reliance on current energy sources will be reduced as more families and businesses adopt these improvements.

Natural Gas Services

Jefferson County regional economic development officials and businesses identified the need for natural gas services to homes and businesses. At present the only area of the County served by natural gas lines is the former Kodak/3M plant in Middleway; however, the potential exists for the expansion of service capacity in the Eastern Panhandle and the extension of natural gas lines from the Berkeley/Jefferson County line along WV Route 9 to various parts of the County. The extension of natural gas into Jefferson County would aid County economic development efforts while providing an alternative to electricity for residential and commercial purposes.

One of the reasons this improvement is needed is because an increasing number of businesses are using natural gas in their manufacturing process, due to the lower costs and the cleaner emissions that result from its use. Natural gas, in a compressed or liquefied form, can also be used to fuel cars and buses. While natural gas has been primarily used as a fuel source for local and regional bus services in the US, it can also serve as a fuel source for both privately owned and County owned vehicles.

High-Speed Internet and Advanced Technology Communication Services

Over the last two decades, people have increasingly taken for granted the ability to be connected to the world via the internet. Internet uses include a variety of communication and media modes, conducting business, shopping for goods, staying abreast of local, national and world events, and have a plethora of entertainment

	<p>c. Collaborate with local public utility providers to identify and provide incentives that would encourage property owners to transition from well and septic to a centralized system where and when needed to address public health issues.</p>
	<p>d. Find funding mechanisms to defray the costs of providing public utilities in areas where the provision of these utilities is necessary based on declining public health or environmental concerns.</p>
6.	<p>Coordinate with Region 9 and the County’s public service providers to identify and seek additional funding sources that would aid in the construction of needed capital facilities and for the upgrading of existing facilities to meet newer federal standards.</p>
	<p>a. Continue to monitor and participate in planning efforts related to the implementation of the Chesapeake Bay Watershed Improvement Plan.</p>
	<p>b. Assess and evaluate the County’s stormwater planning documents as best management practices in the field evolve.</p>
7.	<p>Identify ways that utility services can be regularly upgraded to meet the highest level of service and technology through coordination with local water, sewer, electric, gas, and telecommunications utility and service providers.</p>
	<p>a. Require all local electric, cable, and other utility providers to bury existing and new lines (serving new development) as a part of the regular maintenance and upgrading of their facilities.</p>
8.	<p>Encourage public entities to utilize alternative and renewable energy sources for a variety of energy needs.</p>
	<p>a. Enable the construction of renewable energy generation facilities by residents and businesses.</p>
	<p>b. Encourage County businesses and service stations to provide electric vehicle recharging stations within Jefferson County as soon as possible and use distinctive signage to guide residents and visitors to the charging stations.</p>
	<p>c. Develop regulations to enable cooperatives or communities to create a solar panel system that would feed multiple houses in the County.</p>
9.	<p>Collaborate with local economic development agencies and Information Technology (IT) providers to ensure that the current and future needs of small businesses within Jefferson County are met.</p>
	<p>a. Ensure that all areas of Jefferson County are served by high speed wireline and/or wireless services and other advanced technologies.</p>
	<p>b. Encourage private sector investment to improve wireless internet service availability in Jefferson County and the Eastern Panhandle.</p>
	<p>c. Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore, MD Metropolitan Areas.</p>

13.	Explore options to develop and implement a tax credit for those improving and investing in designated historic structures while maintaining the historic character of the structures.
14.	Consider implementation of alternative energy systems as they become more efficient and cost effective in facilities owned and maintained by the County or other public entities.
15.	Create and provide a series of tax credits based on state and federal government programs for homeowners and businesses that implement sustainable improvements for their homes and/or businesses that would result in long-term energy and cost savings.

Goal #10: Maintain and Enhance Community Services and Infrastructure Capacity for Water, Sanitary Sewer, Storm Sewer, and Other Utilities; and Enable the Provision of Orderly and Efficient Services and Advanced Technologies.

- Objective #1:** In coordination with public and private service providers serving Jefferson County, create a public service plan for the County that identifies specific standards (based on state and nationally accepted standards for communities), the applicability of enhancements to existing facilities, and potential locations of future infrastructure improvements.
- Objective #2:** Continue to coordinate between county and regional/state agencies in relation to information and activities related to meeting Chesapeake Bay Watershed Implementation Plan (WIP) goals.
- Objective #3:** Create and implement a means to require shared infrastructure between existing and proposed development.
- Objective #4:** Require that new utility facilities and/or extensions are located within Urban Growth Boundaries (UGBs), Preferred Growth Areas (PGAs), or Villages.
- Objective #5:** Identify and implement ways to provide utility services within and immediately adjoining Village areas.
- Objective #6:** Provide mechanisms to ensure that existing utility systems are upgraded to meet the needs of the residents and businesses throughout the County.
- Objective #7:** Private water and wastewater plants shall meet material and design standards set by local publicly owned service providers.
- Objective #8:** Work with appropriate local agencies and regional providers to extend natural gas services into Jefferson County.
- Objective #9:** Encourage the creation of and use of a variety of energy sources (including renewable energy) within Jefferson County in ways that respect the character of the County.
- Objective #10:** Adhere to the regulations included as part of the Jefferson County Stormwater Ordinance.
- Objective #11:** For water and sewer utilities to serve new developments and in areas currently not served by water and sewer where services have been deemed necessary by local or state health officials, allocate costs equitably so that new development or the development being served is responsible for the infrastructure cost, rather than existing ratepayers.

pressing, and tailoring; massage therapy provided by licensed massage practitioner; photographic studios; psychic readers; real estate; self-service laundromat; shoe repair; spas; tanning salons; travel agencies; video rental stores and other similar establishments.

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

Plat²³ A scaled, graphic drawing of a land subdivision project prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance. A plat depicts the design and layout of a project as well as the location of existing and proposed property boundaries and easements. A plat also includes all terms, conditions and performance requirements established prior to the approval of a subdivision.

Preliminary Plat²³ A professionally prepared drawing of a proposed subdivision which is not a record plat but which contains detailed information concerning the proposed development, and is prepared according to the provisions of the Subdivision and Land Development Regulations and this Ordinance.

Preschool²³ Use of a site for the provision of pre-elementary educational services on a scheduled basis to children through kindergarten. If the West Virginia Department of Education establishes requirements for a preschool, the land use shall meet these requirements.

Preservation of a Historic Site³⁵ The act or process of applying measures necessary to sustain the existing form, integrity, and materials of a historic property. Work, including preliminary measures to protect and stabilize the property, generally focuses upon the ongoing maintenance and repair of historic materials and features rather than extensive replacement and new construction.

Primary Public Safety Provider²² An FCC licensed governmental user that uses wireless telecommunication facilities to provide primary communications for law enforcement, fire, ambulance or related emergency services. Primary Public Service Provider does not include Commercial Wireless Service Providers, or Competitive Local Exchange Carriers (CLEC), who provide telecommunication services on a commercial basis to Primary Public Service Providers, or who deliver emergency calls or messages from its customers to a Public Safety Answering Point (PSAP).

Principal Permitted Use^{23, 31, 32} Any use included on the Principal Permitted and Conditional Uses Table (Appendix C) which is or may be lawfully established in a particular district, approved by the Office of Planning and Zoning without requirement of approval by a board or commission, provided the use conforms with all applicable requirements of this Ordinance. Such use does not include Conditional Uses as defined in this Ordinance.

Principal Use²³ The primary or predominant use of any site.

Printing and Publishing²⁷ A printing operation of an industrial scale, involving a process that is considered printing, imprinting, reproducing, or duplicating images and using printing methods including but not limited to offset printing,

Soil Value	A relative numeric value assigned to soil groups based on the group's potential for agricultural production.
<u>Solar Decommissioning Plan</u>	<u>A plan certified by a West Virginia Licensed Professional Engineer that outlines the removal and proper disposal of the components of the Solar Energy Facilities and property restoration; including, the timeline for the removal at the end of the lease and/or when production of electricity ceases, the estimated cost of the removal, the estimated salvage value of the material, equipment, devices, etc., and the reasonable restoration of the real property upon which such Solar Energy Facilities are located, including soil stabilization an re-vegetation of the ground cover of the property which may be disturbed due to the location, installation, or removal of such facilities. The Plan may also include a list of specific items that are requested to remain on site for the benefit of the property owner.</u>
<u>Solar Energy Facility</u>	<u>A facility that generates electricity from sunlight by utilization of photovoltaic (PV) technology and distributes the generated electrical power. On-site components of the facility may include solar panels and other accessory components including, without limitation, Essential Utility Equipment, transformers, inverters, cabling, electrical lines, substations, and other improvements necessary to support generation, collection, storage, and transmission of electrical power.</u>
Special Event ³⁹	A gathering of individuals for the common purpose of attending a celebration, ceremony, reception, or similar activity for the benefit of someone other than the property owner. Private parties, gatherings, and similar activities that are not subject to a use agreement between a private individual or group and the property owner are not defined as a special event.
Special Event Facility ³⁹	A facility where special events are permitted to occur. Special event facilities are subject to a use agreement between a private group or individual and the facility owner. The facility owner may or may not charge a rental fee for the use of the facility. Facilities may operate entirely within a structure, entirely outside of a structure, or both inside and outside a structure.
Special Event Facility, Agricultural ³⁹	A Special Event Facility located on a parcel which the Assessor's Office has classified as "farm use".
Species, Rare or Endangered	Any species listed with the West Virginia Department of Natural Resources Heritage Program Species List or by the U.S. Department of the Interior, Department of Fish and Wildlife Management.

B. Setback Standards to operate a Nature Center and Preserve:

Enclosed structures over 250 square feet that are solely for the purpose of housing animals shall be setback 50 feet.

All structures and motorized trails shall meet commercial setbacks of 25 feet with the exception that accessory structures under 250 square feet that are associated with the maintenance of the land use shall be setback ten feet.

All non-motorized trails and non-amplified outdoor activity areas shall meet a minimum ten foot setback. Motorized vehicles associated with the maintenance of the land use are permitted within the non-motorized trails.

C. Landscaping Standards to operate a Nature Center and Preserve:

In lieu of this Ordinance's landscaping standards, a ten foot woodland preservation buffer shall be required along the perimeter of the land use. This ten foot buffer is not required along the interior property lines of the land use. There shall be no clearing or cutting within the buffer with the exception of removing dead, dying, and/or diseased trees. The woodland preservation buffer may be used for passive recreation such as pedestrian, bike, or equestrian trails provided that:

1. No trees, shrubs, hedges, or walls are removed.
2. Not more than 20% of the width of the buffer is impervious surface.
3. The total width of the buffer area is maintained.

D. Noise Standards to operate a Nature Center and Preserve:

This land use is restricted to the noise standards of Section 8.9A.1 of this Ordinance. The Residential Growth District measurement shall apply when the use is adjacent to a lot that contains a residence, or is zoned Rural or Residential Growth.

Section 8.19 Crematorium³⁷

A. Crematorium, Livestock

A Livestock Crematorium shall process as a Conditional Use Permit in all zoning districts other than Rural, unless such use is determined by the Zoning Administrator to be accessory to an active agricultural use.

B. Crematorium, Pet

A Pet Crematorium shall process as a Principal Permitted or Conditional Use in zones as designated in Appendix C. In the Rural Zoning District, a Pet Crematorium may process utilizing the Site Plan Exemption for the Rural District.

Section 8.20 Solar Energy Facilities

Solar Energy Facilities are permitted as indicated in Appendix C.

A. Application

1. A Pre-Proposal Conference is recommended, pursuant to the Jefferson County Subdivision and Land Development Regulations.

2. A Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; except that after the Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permits, including submission of final Decommissioning Plan. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following standards:

(a) Property or Properties Location

(b) Access Points;

(c) Anticipated location of all proposed components of the Solar Energy Facility; and

(d) Landscaping, Buffering, Ground Cover Plan, and Fencing.

Each proposed solar panel is not required to be located on the Plan, if compliance with setbacks can be established by what is depicted on the Plan.

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project.

3. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities.

(a) In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits, Fire Marshal Approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

B. Standards

1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.

2. Setbacks

a. Solar Panels

i. Front, Side, and Rear Setbacks shall be 100 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.

ii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.

b. Accessory components, excluding solar panels.

i. Front, side, and rear setbacks shall be 25' from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.

3. Buffering, Landscaping, Security, and Access

a. Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from

the structures/uses herein and is not required to be provided along the entire length of the common property line.

- b. The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.
- c. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of Section 4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.
- d. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of 6 feet and a maximum height of 10 feet.
 - i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.
 - ii. Upon three business days notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

4. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.

5. Decommissioning Plan

- a. W.Va. Code §7-1-3kk provides that the County Commission may enact ordinances, issue orders, and take other appropriate and necessary actions for the elimination of hazards to public health and safety and to abate or cause to be abated anything which the commission determines to be a public nuisance.
 - i. The County Commission hereby finds and declares that a solar facility that has ceased producing electricity for a period of 12 months is a public nuisance and/or hazard pursuant to West Virginia Code §7-1-3kk and other applicable authority.
 - ii. The County Commission therefore finds that an unused solar facility must be decommissioned and removed from the property on which it is located. This means that all of the solar facility's structures and other associated property must be removed from the premises and the land must be restored to a condition reasonably similar to its original condition prior to the installation of the solar facility.
 - iii. A general outline of the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This outline shall include a general discussion on

the timeline of the lease or operating plan and a general plan for removal of the Solar Energy Facility. A full Solar Decommissioning Plan is not required until submission of the Zoning Certificate application for the Facility.

- b. The County Commission finds that, as a condition of approval, a Solar Energy Facility must:
 - i. Develop a decommissioning plan acceptable to the County Engineering Staff in accord with County Solar Decommissioning Guidelines that will provide that all parts of the solar facility be removed from the premises and the land must be restored to a condition reasonably similar to its original condition prior to the installation of the solar facility; and
 - ii. Post surety in an amount that would enable the decommissioning and removal of the solar facility in accord with the County Solar Decommissioning Guidelines in the event that the solar facility has ceased to produce electricity as defined.
- c. The approved Solar Decommissioning Plan shall be submitted as part of the Zoning Certificate Application. Either the Zoning Administrator or the Applicant may request that the Planning Commission approve or disapprove any component of the Solar Decommissioning Plan.
- d. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
- e. Failure of the Lessee or Property Owner to meet and/or comply with the Solar Decommissioning Plan may result in the County pursuing legal action pursuant to Section 3 of this Ordinance, including legal action to have the Solar Energy Facility, or portions thereof as applicable, removed at the Property Owner’s expense. The County may seek to recover its costs, legal fees, and legal expenses incurred to have the facility decommissioned in compliance with the Solar Decommissioning Plan.

C. General Requirements

- 1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
- 2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
- 3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
- 4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
- 5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, accept where necessary to mitigate impact to environmental and/or terrain features.
- 6. Onsite lighting shall be minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.

7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facilities other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be removed within 60 days from discover of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
<u>Solar Energy Facility</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>NP</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>NP</u>	<u>Sec. 8.20</u>
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

- NC Neighborhood Commercial
- GC General Commercial
- HC Highway Commercial
- LI Light Industrial
- MI Major Industrial
- PND Planned Neighborhood Development
- OC Office / Commercial Mixed-Use
- R Rural
- RG Residential Growth District
- RLIC Residential-Light Industrial-Commercial District
- IC Industrial-Commercial District
- V Village District

- P Permitted Uses
- NP Not Permitted Uses
- CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)
- ** Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU
- ¹ The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.
- ² Approval process is per the Salvage Yard Ordinance.



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Planner's Memorandum
Planning Commission Meeting
January 12, 2021

1) Status of Engineering, Planning and Zoning County Offices during COVID-19 Virus Pandemic (from website)

NOTICE:

DUE TO THE INCREASED NUMBER OF COVID-19 CASES IN THE COUNTY AND CONFIRMED CASES WITHIN THIS BUILDING, BEGINNING TUESDAY, DECEMBER 1, 2020 WE WILL BE SERVING THE PUBLIC BY TELEPHONE, MAIL, EMAIL AND APPOINTMENTS ONLY.

ONLY TWO (2) PEOPLE WILL BE ALLOWED IN THE BUILDING AT A TIME. YOU MUST WEAR A MASK TO ENTER THE BUILDING AND KEEP AT LEAST A SIX (6) FOOT SOCIAL DISTANCE.

TO MEET WITH STAFF MEMBERS YOU WILL NEED TO CONTACT OUR OFFICES AT THE TELEPHONE NUMBERS LISTED BELOW OR VIA EMAIL TO SCHEDULE AN APPOINTMENT. IN MANY INSTANCES YOU WILL BE ABLE TO HAVE A SAME DAY APPOINTMENT AND/OR WE MAY BE ABLE TO ASSIST YOU WHILE YOU WAIT. YOU MAY ALSO LEAVE ITEMS IN THE BLUE BIN. PLEASE BE SURE YOU HAVE INCLUDED THE CONTACT PERSON'S NAME AND PHONE NUMBER; PROPERTY OWNERS/PROJECT NAME; AND, PERMIT/PROJECT NUMBER ON ANY ITEMS YOU LEAVE.

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

BUILDING INSPECTIONS WILL BE CONDUCTED BY THE BUILDING INSPECTORS, HOWEVER, ALL SAFETY MEASURES MUST BE ADHERED TO. WHILE THE INSPECTOR IS ON SITE ALL INDIVIDUALS ON SITE MUST WEAR A MASK AND THEY MUST STAY AT LEAST 6 FEET AWAY FROM THE INSPECTOR. IF THIS IS NOT OBSERVED, INSPECTORS HAVE BEEN INSTRUCTED TO NOT CONDUCT THE INSPECTION AND TO LEAVE THE SITE.

ALSO:

YOU MUST WEAR A MASK TO ENTER THE BUILDING AND IT MUST BE KEPT ON WHILE YOU ARE IN THE BUILDING. PLEASE DO NOT ENTER THE BUILDING IF THERE ARE MORE THAN TWO (2) PEOPLE IN THE LOBBY. KEEP AT LEAST SIX (6) FEET APART. IF YOU NEED TO GO TO PLANNING & ZONING OR GIS/ADDRESSING PLEASE CHECK IN AT THE PERMIT DESK BEFORE GOING UPSTAIRS.

DO YOU CURRENTLY HAVE ANY OF THE FOLLOWING SYMPTOMS?

- FEVER (100.4 DEGREES F OR HIGHER) OR A SENSE OF A FEVER?
- NEW COUGH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SHORTNESS OF BREATH THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW SORE THROAT THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?
- NEW MUSCLE ACHES THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION, OR THAT MAY HAVE BEEN CAUSED BY A SPECIFIC ACTIVITY
- NEW LOSS OF TASTE OR SMELL?
- OTHER FLU-LIKE SYMPTOMS THAT YOU CANNOT ATTRIBUTE TO ANOTHER HEALTH CONDITION?

THANK YOU FOR YOUR UNDERSTANDING AND PATIENCE.

2) Greenway Ordinance/Regulation Amendment Update

- a) Staff and Committee will provide an update on the status of this contract.
- b) Once complete and after PC review and input, a Public Hearing before the Planning Commission

and County Commission will be required in order to result in the revised, reorganized Subdivision Regulations that meet the needs and expectations of the Planning Commission.

3) Status of Zoning Ordinance Text Amendments

- a) ZTA20-01: Text Am. Re: Commercial Cemeteries in the Rural Zone (CC disapproved 12/17/20)
- b) ZTA20-02: Text Am. Re: Commercial Drive Through in RLIC district (CC approved 12/17/20)

4) Upcoming PC meetings

- a) Next Regular meeting: **February 9, 2021**

Non-Actionable Correspondence

Alexandra Beaulieu

From: Michael Shepp <michaelshepp@me.com>
Sent: Monday, January 4, 2021 7:11 AM
To: Planning Department
Cc: Jennifer Brockman; Alexandra Beaulieu
Subject: Fwd: PC Resignation

FYI

Mike Shepp
Sent from my iPad

Begin forwarded message:

From: Steve Stolipher <stevestolipher@hotmail.com>
Date: January 3, 2021 at 7:12:15 PM EST
To: Mike Shepp <michaelshepp@me.com>, Stephanie Grove <sgrove@jeffersoncountywv.org>
Subject: PC Resignation

All-

As of 12/31/20 I hereby resign from the planning commission as a citizen representative.

Thanks,

Steve Stolipher

Dre
1/5/21

CUP

If the Planning Commission is redrafting ZTA-19-03 to allow solar energy facilities in the Rural Zone as a CUP, then consider the following:

- One of the highest priorities of the Plan is to preserve agricultural activity, rural landscape and heritage. (p. 36)
- Non-agricultural/non-residential related rural CUPs shall only be proposed on a small portion of a rural property to help preserve farmland and open spaces and continue agricultural operations. (p. 74) See p. 37 also.
- It is important that viable existing farmland be protected. (p. 34)
- A non-agriculturally related commercial use is allowed in the Rural District by CUP if (1) the use is agriculturally and rurally compatible in scale and intensity, (2) poses no threat to public health, safety and welfare and (3) the use helps preserve farmland and open spaces and continued agricultural operations. (Goal 8-5.b p. 77)

Accordingly, ZTA-19-03 must contain wording in compliance with the first and third requirements of Goal 8 paragraph 5b - Suggestion

Site Size - Rural District

A solar energy facility in the Rural District outside of the Urban Growth Boundary may only be located on a tract or parcel of land which existed before July 1, 2020, and shall occupy no more than 33 1/3% of the said tract or parcel notwithstanding the size of the parcel of land. Transfer or assignment of development rights between parcels or tracts of land is prohibited unless the parcels or tracts are owned by the same individual or entity and have a shared boundary.

A uniform standard as to site size should be in the Amendment and not left to the BZA in the conditional use process. The only question is what percentage?

For commercial use should the percentage be less than the 50% required to conserve agricultural lands in residential developments in the Rural District? zoning ordinance sec. 5.7.D.2

RECEIVED

JAN 05 2021

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Zoning

From: Carol Rockwell <cdrockwell@hotmail.com>
Sent: Tuesday, January 5, 2021 2:15 PM
To: Zoning
Subject: ZTA19-03 setbacks

Please include this email in the packet for the Jan. 12th meeting. At the 10-1-2020 meeting of the JCC a motion by Commissioner Noland to increase the setbacks to 200 feet passed. Thereafter the Commission voted 3-2 to approve ZTA 19-03. At a meeting of JCC on Dec.10,2020 it agreed to the entry of an order vacating the Oct.1,2020 approval of Text Amendment ZTA 19-03 and returned the same to the Planning Commission for further review. The vote on Commissioner Noland's motion regarding the setbacks was not vacated. Therefore the setbacks in ZTA 19-03 are 200 feet and the text should so reflect. Thank you,
Doug Rockwell