



AGENDA

Jefferson County Planning Commission

Tuesday, March 9, 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/88955446230>

Meeting ID: 889 5544 6230

Dial by your location

+1 301 715 8592 US (Washington DC)

Find your local number: <https://us02web.zoom.us/u/kfJMdU3z5>

-
1. Approval of Meeting Minutes: February 9, 2021 and February 23, 2021
 2. Citizen Communication: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment are noted below.
 3. Request for postponement.
 4. **Public Hearing:** Waiver from Section 20.201B.3, which requires all lots in Minor Family Transfer Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 40' access easement instead of the required 50' access easement for the creation of a family transfer parcel.. Owner: Donna Bent. Property Location: 1332 Billmyer Mill Road, Shepherdstown, WV. Tax District: Shepherdstown (9); Tax Map: 6; Parcel No: 5.6. Total Project Size: 10.38 acres; Zoning District: Rural. (File # 21-3-PCW; **discussion and possible action**)

There is no public comment for the following items:

5. **Discussion and Recommendation:** Planning Commission review and recommendation to the County Commission regarding whether the Zoning Map Amendment to rezone the subject parcel from Rural to Highway Commercial is consistent with the *2035 Comprehensive Plan*. Owner: Guy Chicchirichi. Applicant: Bob Franks, Sheetz, Inc. Property Location: Northeast of Augustine Avenue and Route 340 intersection in Charles Town. Parcel ID: Tax District: Charles Town (02); Tax Map: 16; Parcel: 1. Proposed size: 2.5 acres. (File # 21-1-Z).
6. **Discussion and Possible Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted 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 proposes 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.

7. **Discussion and Possible Action:** Related to the format of meeting agendas (Shepp).
8. **Review and Approval:** Planning and Zoning FY 2021 2nd Quarterly Report
9. Reports from Legal Counsel
10. Planner's Memo
11. President's Report
12. Actionable Correspondence
13. Non-Actionable Correspondence:
 - WVDOH Re MARC Commuter Train Not Funded – 02/24/21
 - Letter from Richard Zigler Re: Solar – 03/03/21

Meeting Minutes
Jefferson County Planning Commission
February 9, 2021

The Jefferson County Planning Commission met on February 9, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Steve Stolipher, County Commission Liaison, Shane Roper, Jack Hefestay, J. Ware, and Matt Knott. Ron Thomas was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; William Rhorbaugh, Temporary Legal Counsel; Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

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.

Mr. Shepp called the meeting to order at 7:01 p.m. Mr. Shepp verified that there was a quorum at the start of the meeting. Mr. Shepp did a roll call of the members. Mr. Fisher and Mr. Ware joined the meeting after the roll call was completed.

1. Approval of the Meeting Minutes: January 12, 2021. Approved as submitted.
2. Citizen Communication: Citizens were able to sign up for this item utilizing the chat function in ZOOM. There were no members of the public signed up to speak for this item.
3. Request for postponement. None.
4. **Public Hearing:** Request by applicant to lift the single family restriction (Note #2) from Lot 8 of Smith Mountain Estates to allow for the construction of an accessory dwelling unit for a family member. Owner/Applicant: Joel and Shanna McGaughey. Property Location: Smith Mountain Estates, Lot 8, 2138 Smith Rd. Charles Town, WV. Tax District: Kabletown (06); Tax Map: 20A; Parcel: 8; Size: 10 ac; Zoning District: Rural.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the plat was approved with a single family restriction, in accordance with the rules in effect at that time. Ms. Brockman noted that subdivisions processing under the current Subdivision Regulations are not required to include this note. Mr. Joel McGaughey, applicant, explained the nature of the request and discussed his proposed 1400 sq. ft. cottage. Mr. McGaughey also stated that there would be no extra driveways installed, as the existing driveway would be shared.

Mr. Shepp opened the public hearing. No one was signed up to speak. Mr. Shepp closed the public hearing. Mr. Jack Hefestay made a motion to approve the waiver with no conditions. The motion passed unanimously.

5. **Public Workshop:** Concept Plan for the Shepherdstown Sheetz (store 160). The project is a Gas Station, Large to consist of a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, open space, stormwater management areas, the construction of associated utilities, plus associated parking spaces and signage. Owner: James W Van Evera III et al. Developer: Bob Franks, Sheetz Inc. Property Location: 7948 Martinsburg Pike, Shepherdstown WV. Tax District: Shepherdstown (09); Tax Map: 8; Parcels: 13, 15.2 and portions of Parcels: 10.2 and 14. Total Project Size: 5.4 acres; Zoning District: Residential-Light Industrial-Commercial. File: 20-10-SP.

Ms. Brockman provided an overview of her staff report to the Commission. Ms. Brockman noted that the property owners would be required to merge the individual lots into a single lot before the Site Plan could be approved.

Chad Wallen with GORDON briefly explained the nature of the request.

Mr. Shepp opened the public workshop.

Ms. Brockman summarized the outside comments related to the project. She first noted that the Jefferson County Historic Landmarks Commission requested preservation of the historic house on the property and that Sheetz not use their red canopy. Ms. Brockman also noted that the Shepherdstown Water Public Works confirmed that they had the capacity to service the project.

Mr. Shepp opened the public workshop.

Ms. Lois Spreen, a Shepherdstown resident, asked what would happen to the existing Sheetz and expressed concerns that two large gas stations would be located within couple hundred feet of each other.

Ms. Brockman explained that it was a business decision that would be left up to Sheetz to decide whether or not the existing Sheetz would continue operation. Ms. Brockman confirmed that the property was zoned appropriately for the proposed Sheetz.

Mr. Jack Hefestay inquired as to whether or not the existing historic building could be preserved. Mr. Wallen with Gordon indicated that wasn't possible with the layout of the property.

Mr. Shepp closed the public workshop.

Mr. Stolipher made a motion to accept the Concept Plan as it was presented. Mr. Shepp called for a vote, which carried seven (7) in support and one (1) in opposition (Jack Hefestay).

6. **Public Hearing:** Request for a waiver from Section 20.201 to allow four (4) lots and a residue lot (total of five lots) to process as a minor subdivision, as opposed to a major subdivision. Property Owner: William Gaestel, White Oaks Farm. Property Location: 2842 Warm Springs Rd., Shenandoah Junction, WV. Tax District: Shepherdstown (09); Map: 21; Parcel: 1. Size: 99.60 acres. Zoning District: Rural. File: 21-1-PCW

Ms. Brockman provided an overview of her staff report. Mr. Bill Gaestel provided an overview of the request, stating that he would retain a separate entrance for the 20-acre parcel. Mr. Gaestel indicated that the ultimate goal would be to divide the proposed lots to help support continuation of the farm operation on the remaining 55 acres.

Mr. Shepp opened the public hearing. Mr. Tom Trumble, Warm Springs Road, provided public comment. Mr. Trumble provided an overview of the history of the property, noting that Warm Springs Road is the oldest road in the County. Mr. Trumble requested that a 100' buffer be installed between the adjoining properties.

Mr. Steve Stolipher made a motion to approve the waiver as requested, which was seconded by Mr. Jack Hefestay and carried unanimously.

7. **Public Hearing:** Request for a waiver from Appendix B, Section 10.5 to allow the applicant to utilize gravel instead of concrete/asphalt for the proposed drive aisle and parking area; and, to reduce the depth of the gravel from 9" to 6" for the proposed drive aisle and parking areas for RP Performance, Inc. (an automotive repair and service business). Owner/Applicant: Bret de Pedro, RP Performance, Inc. Property Location: Vacant parcel on Summit Point Road across from Hardesty Road. Tax District: Kabletown (06); Map: 16; Parcel: 3. Size: 14.69 acres. Zoning District: Rural. File: 21-2-PCW.

Ms. Brockman provided an overview of the staff report, noting that the Engineer's recommendation stated that if the Planning Commission was inclined to approve the request, that it include a provision that the applicant would agree to not hold Jefferson County liable for any failures of the road or any maintenance required. Mr. Bret DePedro provided an overview of his application. He explained that he wanted maintain the character of the area. Mr. DePedro stated that there would be no heavy trucks coming in or out and that asphalt was not necessary.

Mr. Shepp opened the public hearing. There were no public comments. Mr. Shepp closed the public hearing.

Mr. Matt Knott made the motion to approve the waiver. Mr. Wade Louthan seconded the motion and made an amendment to the motion to include that the applicant would not hold the County responsible for any failures of the road or any maintenance required. Mr. DePedro, applicant, agreed to this condition. Mr. Matt Knott accepted the amendment to his motion. The motion carried unanimously.

8. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted 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 proposes 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.

Mr. Shane Roper and Mr. Steve Stolipher both recused themselves.

Ms. Beaulieu provided an overview of the timeline of the text amendment.

Mr. Shepp opened the public hearing.

The following speakers provided public comments:

- Bob Aitcheson, Charles Town, WV
- Christine Marshall, Shepherdstown, WV
- Chris Burke, Charles Town, WV
- Doug Rockwell, Dailey Road Charles Town, WV
- Susan Hough, Charles Town, WV
- Nancy Briscoe, Charles Town, WV
- Delegate Wayne Clarke, Charleston, WV
- Rodney Rice, Martinsburg, WV, Business Manager for IBW Local Union #307
- Mark Tomlin, Gerrardstown, WV
- Tim Ross, Charles Town, WV
- Stacey Tabb, Shepherdstown, WV

- Donna Van Metre, Martinsburg, WV
- Mike White, Ranson, WV
- Sam Galand, Charlottesville, VA, Development Manager, Touch Clean Energy
- Ken Lowe, Shepherdstown, WV
- Devin Flor, Falling Waters, WV, laborer w/union # 3799
- Tim Sheehey, Charles Town, WV
- Robert Ruckert, Cumberland, MD, Council Representative for Eastern regional Council of Carpenters, represents 241 carpenters.
- Nicola Bastian, Millville, WV
- Lois Spreen, Shepherdstown, WV

Mr. Shepp closed the public hearing.

Mr. Cochran recommended that the Commission go into executive session to receive legal advice because there was potential for litigation on this item. Mr. Cochran noted that Will Rohrbaugh was also available to provide legal advice. Mr. Jack Hefestay motioned to go into Executive Session at 8:24 pm. The motion passed unanimously. Mr. Shepp requested that Ms. Beaulieu also participate in executive session.

Mr. Jack Hefestay motioned to come out of Executive Session at 9:11 pm, and the motion passed unanimously.

Mr. Jack Hefestay made the motion to postpone action on File #ZTA19-03 to consider the public comments received. Mr. Shepp noted that public comment was closed and no additional comments would be considered for this item. Mr. Shepp scheduled a special meeting on February 23, 2021 at 7 pm. The motion passed unanimously.

Mr. Shane Roper and Mr. Steve Stolipher were admitted back into the meeting after this agenda item was complete.

9. Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcel from Residential Growth to Residential-Light Industrial-Commercial is consistent with the 2035 Comprehensive Plan. Owner/Applicant: Chris Livingston, Dead Rock Contractor Services. Property Location: Vacant parcel located immediately north of the intersection of Shipley Road and US Route 340. Tax District: Harpers Ferry (04); Map: 9; Parcels: 23 and 27. Combined acreage: .88 ac. File: 20-2-Z.

Ms. Brockman, provided overview of her staff report, noting that the staff found that the request was not consistent with the Future Land Use Guide.

Mr. Chris Livingston, applicant, pointed out that he applied for a zoning map amendment to General Commercial and not Residential-Light Industrial-Commercial. Mr. Livingston provided an overview of his application.

Mr. Matt Knott made a motion to recommend to the County Commission that the proposed request was consistent with the Comprehensive Plan because much of the area in this vicinity is already commercial in nature and because of the proximity to US 340. The motion carried unanimously.

10. Discussion and possible action related to the format of meeting agendas (Shepp). Mr. Shepp postponed this item until the next regular meeting.

11. Reports from Legal Counsel. None.

12. Planner's Memo. None

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence. None.

Mr. Matt Knott requested that the zoom meeting notice be sent as an appointment to ensure all information is automatically posted to individual calendars.

Mr. Hefestay motioned to adjourn the meeting at 9:34 pm. Mr. Shepp called for a vote, which carried unanimously.

Meeting Minutes
Jefferson County Planning Commission
February 23, 2021

The Jefferson County Planning Commission met on February 23, 2021 at 7:01 p.m. with the following Commission members present: Mike Shepp, President; Donnie Fisher, Vice President; Wade Louthan, Secretary; Jack Hefestay, Matt Knott and Jay Ware.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney, Jennilee Hartman, Zoning Clerk and Alice Johns, Planning Clerk.

Mr. Shane Roper and Mr. Steve Stolipher were absent with prior notice (recusal from this agenda item during 02-09-21 meeting). Mr. Ron Thomas was absent without prior notice.

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.

The Planning Clerk conducted a roll call. Mr. Shepp verified that there was a quorum and called the meeting to order at 7:03 PM.

1. **Citizen Communication:** Mr. Shepp stated that public comment period related to the Solar Energy Facilities text amendment was closed and explained that no comments would be heard relative to the text amendment. There were no citizens signed up to speak.
2. **Discussion and Possible Action:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA19-03, to allow Solar Energy Facilities to process as a Principal Permitted 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 proposes 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.

Mr. Cochran recommended that the Planning Commission go into Executive Session to receive legal advice. Mr. Shepp requested that Ms. Beaulieu join the Executive Session. Mr. Wade Louthan motioned to go into Executive Session at 7:06 pm, and the motion passed unanimously.

Mr. Wade Louthan motioned to come out of Executive Session at 7:27 pm, and the motion passed unanimously.

The Planning Commission discussed the draft text amendment. Ms. Alexandra Beaulieu requested that the Planning Commission consider exempting underground utilities from the 25' setback. Ms. Beaulieu explained that underground utilities are typically exempt from setback requirements and noted that the language in the current draft required underground utilities to comply with setbacks. Mr. Shepp and Mr. Knott agreed that underground utilities should not be subject to setback requirements.

Mr. Jack Hefestay requested that Staff provide an overview of the draft text amendment. Ms. Alexandra Beaulieu summarized the draft amendment, noting that the Decommissioning Guidelines and Surety Policy would be separate documents from the Zoning Ordinance. Ms. Beaulieu explained that similar to the current bonding policy for site development projects, the decommissioning guidelines and surety policy would be under the County Commission's purview and enforced by the Office of Engineering.

Mr. Mike Shepp stated that he believes that the draft amendment is consistent with the Comprehensive Plan as a Principal Permitted Use, and where there may be any conflict with the

Comprehensive Plan, he stated that there had been significant changes in the County. Mr. Shepp moved that Mr. Nathan Cochran provide an order with findings of fact and conclusions of law for consideration at the next meeting for a vote. Mr. Hefestay seconded the motion.

Mr. Matt Knott noted that with regard to changes in the county, he believed that the changes reflected that the County was more in support of alternative energy than not. The motion carried unanimously.

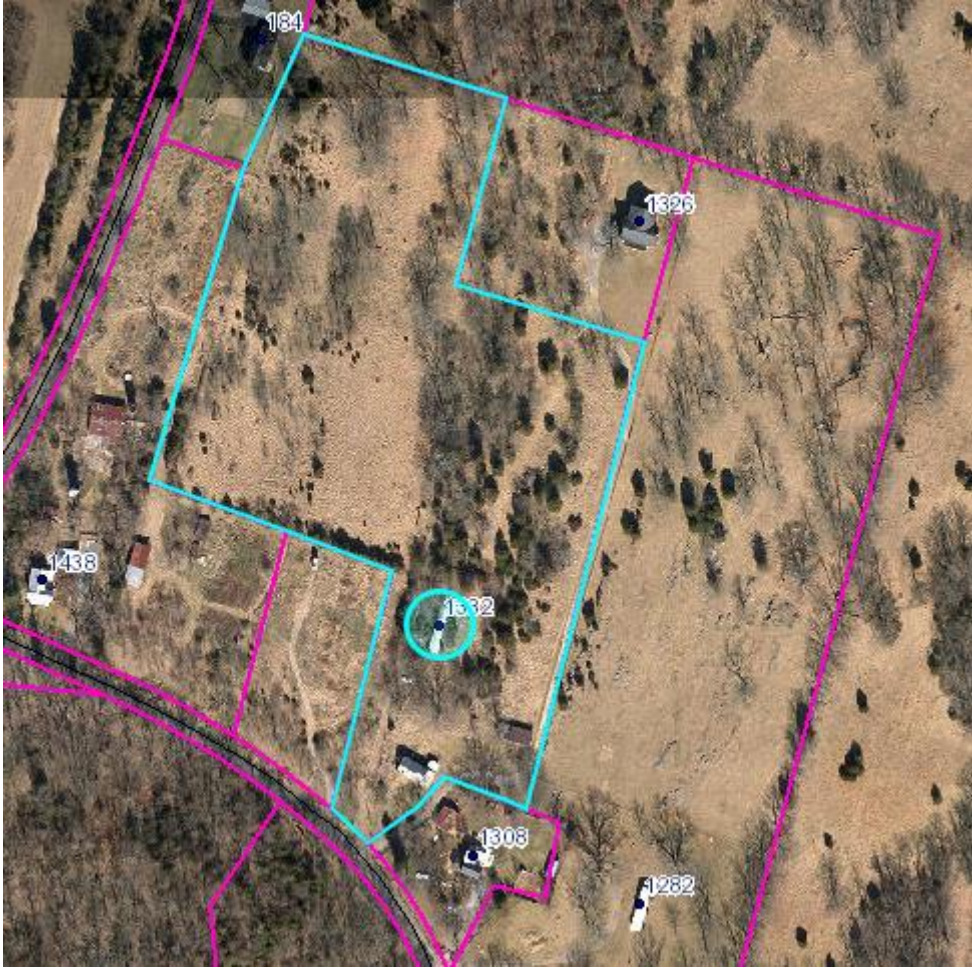
Mr. Wade Louthan made a motion to adjourn the meeting at 7:50 pm, and the motion passed unanimously.

These minutes were prepared by Alice Johns, Planning Clerk.

Staff Report
 Jefferson County Planning Commission Meeting
 March 9, 2021

Donna Bent (File #: 21-3-PCW)

Item # 4: Public Hearing: Request by applicant, Donna C. Bent, for a waiver from Section 20.201B.3, which requires all lots in Minor Family Transfer Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 40' access easement instead of the required 50' access easement for the creation of a family transfer parcel.

Applicant/Owner:	Donna C. Bent
Consultant:	None
Property Location & Information:	<p>1332 Billmyer Mill Rd, Shepherdstown (09), Tax Map: 6; Parcel No: 5.6 Parcel ID: 09000600050006; Size: 10.38 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, East and West: Rural</i>
Proposed Activity:	Creation of Family Transfer lot dividing existing house from balance of farm with access via an existing 40' access easement serving the Parent to Child lot in the rear.
History:	Parent to Child Minor Subdivision, PB14/Pg4, recorded 2/8/96. PC File ZV95-60; setback variance for barn from 40' to 4'; Approved 12/21/95.

Staff Report
Jefferson County Planning Commission Meeting
March 9, 2021

Donna Bent (File #: 21-3-PCW)

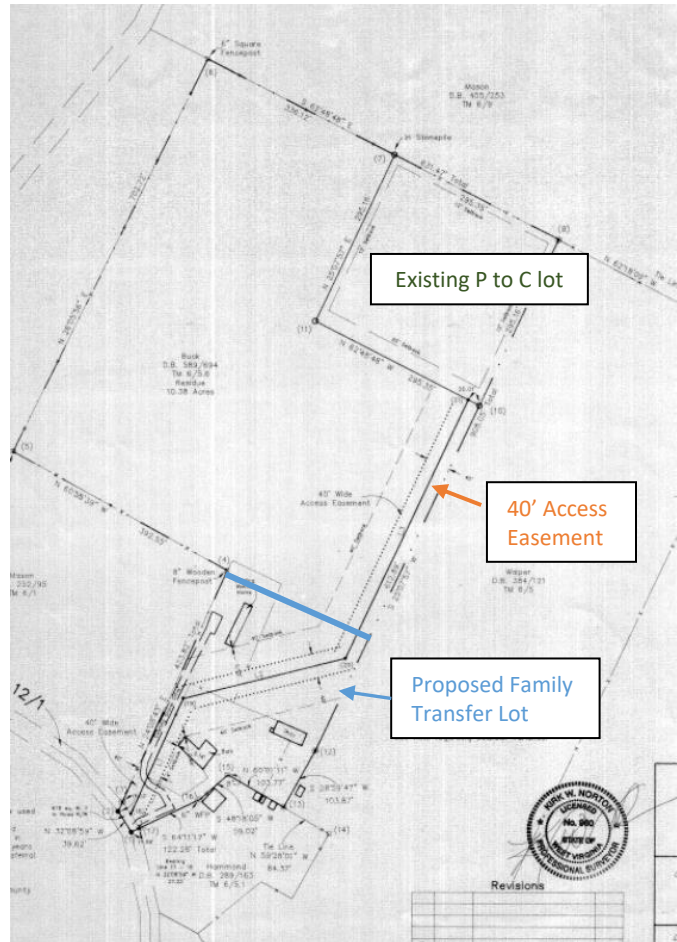
Summary of the Request:

The applicant is requesting a waiver from Section 20.201B.3 of the 2008 Subdivision Regulations, as amended, which requires all lots in Minor Family Transfer Subdivisions to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 40' access easement instead of the required 50' access easement for the creation of a new 2.0-acre family transfer parcel.

Under the provisions of Section 5.7D4 of the Zoning Ordinance, the subject parcel has the right to process a Family Transfer lot provided that it meets the requirements of Section 20.201B of the Subdivision Regulations. Because the existing access easement serving a previous Parent to Child lot is only 40' wide, a waiver from the required 50' width is necessary.

Approval of the waiver will result in three lots utilizing the existing 40' access easement instead of the current two lots.

Note that this property also has the right to under Section 5.7D3 of the Zoning Ordinance (2 and a residue) and will address access to those lots at that time.



Relevant Site Information:

It should be noted that the road frontage for this lot along Billmyer Mill Road is 39.62 feet and that existing agricultural structures that pre-date the previous Parent to Child lot impact the current alignment of the 40' access easement seen on the plat above.

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

Staff Report
Jefferson County Planning Commission Meeting
March 9, 2021

Donna Bent (File #: 21-3-PCW)

- 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 40' access from the road through the proposed Family Transfer lot due to the configuration of the lot and the existing structures. It would be possible to require the existing easement to be widened to 50' through the 8 +/- acre Residue that will exist between the Parent to Child Lot and the proposed Family Transfer Lot if the Planning Commission is inclined. If the Planning Commission is inclined to approve this waiver request, staff recommends that the motion limit the applicant to the one proposed Family Transfer 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 #: 21-3-PC
 Mtg Date: 3-9-21
 Date Rec'd: 2/16/21
 Fees Paid: 100.00
 Staff Int: [initials]
 List of Adjoiners: [initials]

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: DONNA C BENT
 Business Name:
 Mailing Address: 1326 Billmyer Mill Road Shepherdstown WV 25444
 Phone Number: 304-839-2279 Email: dcBENT@frontiernet.net

Applicant Contact Information

Applicant Name: DONNA C. BENT Same as owner:
 Business Name:
 Mailing Address: 1326 Billmyer Mill Road
 Phone Number: 304-839-2279 Email: dcBENT@frontiernet.net

Consultant Information

Name:
 Business Name:
 Mailing Address:
 Phone Number: Email:

Physical Property Details

Physical Address: 1326 Billmyer Mill Road, Shepherdstown WV 25444 Vacant Lot:
 Tax District: Shepherdstown Map No: 6 Parcel No: 5.6 JH
 Parcel Size: 12.375 10.38 JH Deed Book: 589 Page No: 694-641
 Zoning District: rural ag 1015 JH

→ 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?

Section 20.201B.3

Briefly Describe the Nature of Your Waiver Request:

To WAIVE THE 50' ACCESS EASEMENT and permit a 40' access easement which is AND has been in use since 1989 to access mobile home on the referenced property, to be used for family transfer.

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

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

The waiver will not change the current non-encroaching, non-impacting effect to the health, welfare or rights of either adjacent property owners/residents. It will create no different situations in the adjacent or surrounding properties.

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

It will allow continuing use of an entrance to two domiciles on the subject property without causing any different circumstances than have existed for the past 32 years.

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

It will not cause any disturbances in the location or surrounding properties, and prevent having to change access elsewhere resulting in impact to adjacent neighbors.

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.

Donna C Bent 2/16/21

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. See plat/sketch

3/9/21 Public Hearing Date

2/23/21 Date Placard Posted

2/23/21 Date Adjainers Mailed

Planning Commission Determination

Approved []

Denied []

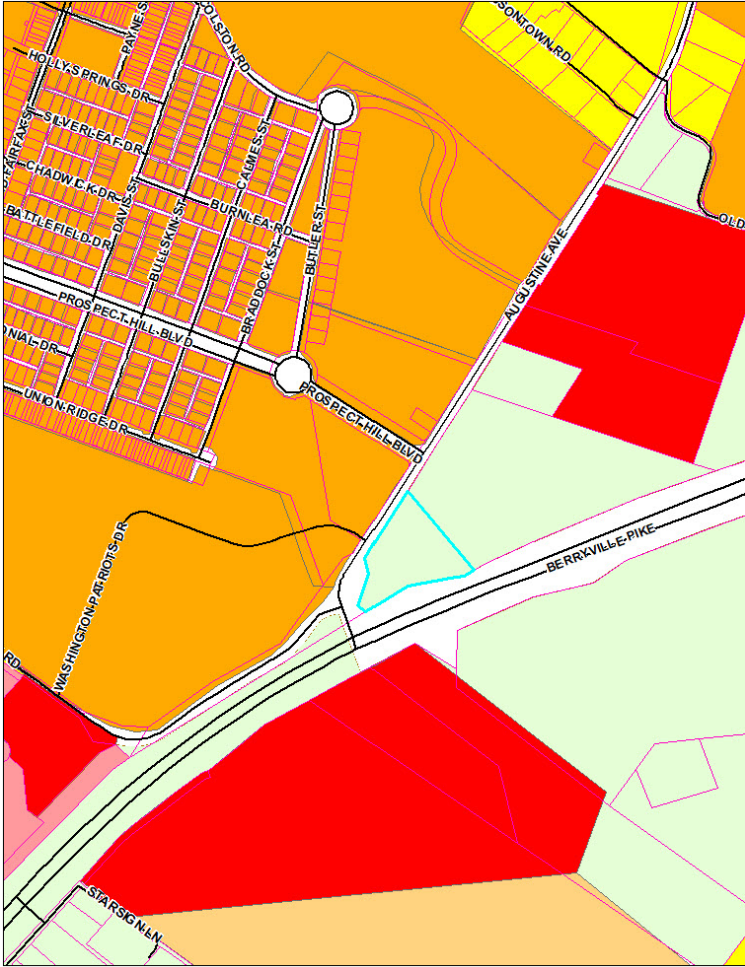
Date: ___/___/___



Staff Report
 Jefferson County Planning Commission Meeting
 March 9, 2021

Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (21-1-Z)

Item # 5 Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment by property owner Guy Chicchirichi to rezone the subject parcel from Rural to Highway Commercial is consistent with the 2035 *Envision Jefferson Comprehensive Plan*.

Owner:	Guy Chicchirichi
Applicant:	Bob Franks, Sheetz, Inc.
Property Location:	NE corner of Augustine Ave. & Route 340 intersection south of Charles Town
Legal Description:	<p>Charles Town (02); Tax Map: 16; Parcel: 1; DB1227/PG447; Proposed Area to rezone: 2.5 of a 4.42 acre site; Zoned: Rural</p> 
Surrounding Properties:	<p><i>Northeast:</i> Rural <i>Northwest:</i> Neighborhood Residential (Charles Town) <i>Southeast:</i> Rural <i>Southwest:</i> General Commercial (Charles Town)</p>
Current Use:	Vacant
Proposed Request	To rezone from Rural (R) to Highway Commercial (RLIC)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that while the request is not consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> Future Land Use Guide, it does conform with other recommendations of the <i>Plan</i> .

Staff Report
Jefferson County Planning Commission Meeting
March 9, 2021

Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (21-1-Z)

Applicant's Request

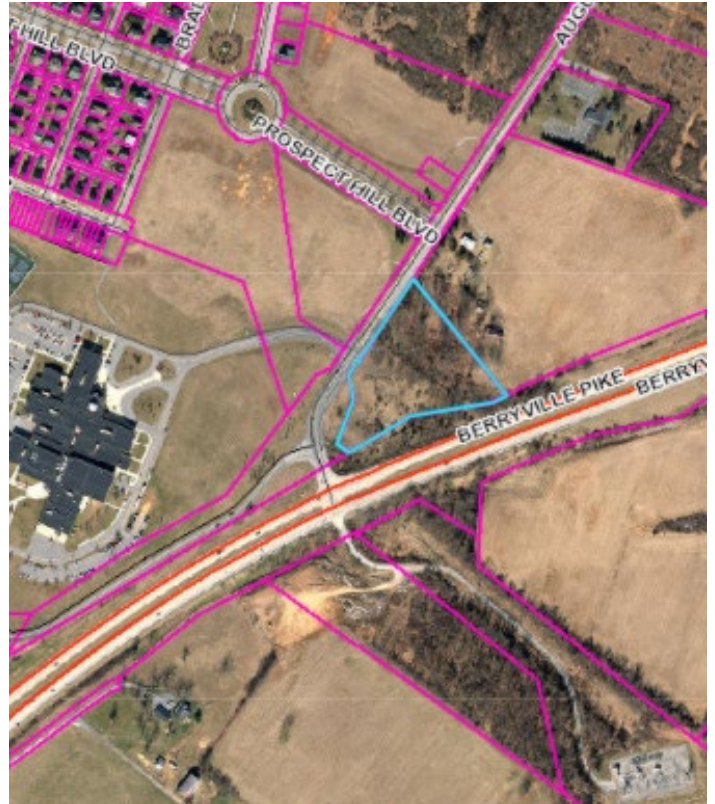
The applicant's request involves a 2.5-acre portion of a 4.42-acre site. The request is to rezone this portion of Parcel 1 from Rural (R) to Highway Commercial (RLIC).

Existing Conditions/Neighboring Uses

The proposed area to be rezoned is located on the north side US 340 across Augustine Avenue from the driveway into Washington High School and generally across from the Huntfield Subdivision.

Augustine Avenue is a two-lane state road leading southwest out of Charles Town. US 340 is a four-lane divided highway going east-west across Jefferson County. The intersection essentially functions as a T intersection; however, there are properties zoned General Commercial in the city of Charles Town on the south side of US 340 with access to this intersection.

This intersection is served by traffic light and has left turn lanes in both directions. US 340 is one of two roadways that are designated as Principal Arterials in Jefferson County. Principal Arterials are defined as highways that provide higher speed travel and mobility for long distance trips to and through communities and to minor arterials and collector routes. Access may be limited by medians as in this area.



Scope of this Assessment

This staff report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan (2035 Plan)* and provides a Staff recommendation based on review of the various plan sections and elements. Staff's professional recommendation is that while the request is not consistent with the Future Land Use Guide of the *2035 Plan* because it is designated as Future Large Lot Residential, it is located within the Charles Town Urban Growth Boundary (UGB), which is slated for urban development, and is consistent with other recommendations of the text of the Plan as discussed below.

It should be noted that Staff have no statutory authority to make decisions in this regard. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

Zoning Map Amendment Public Hearing Process

Article 12 of the Zoning Ordinance requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended." Regarding amendments by petition, State statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)].

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Jefferson County Planning Commission Meeting
March 9, 2021

Guy Chicchirichi (Charles Town Sheetz) Rezoning Request (21-1-Z)

Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

A. Land Use and Growth Management Element: Charles Town Urban Growth Boundary (UGB)

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17): Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) are the areas of Jefferson County where urban scale development is to be targeted; and Rural/Agricultural Areas and Villages, are where limited development is possible, but not intended for urban-scale development.

The *Envision Jefferson 2035 Plan* recommends that new development should take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of the *Plan*. By encouraging higher densities within the Urban Growth Boundaries and Preferred Growth Areas and working closely with municipalities, the best result can be accomplished by providing opportunities for development within these areas with established infrastructure systems. It also noted that these statements are not about reducing development, but about growing in a fashion that more efficiently uses existing infrastructure and services (p.27).

Goal #1 of the *Plan* clearly states that the goal is to require urban intensity residential and non-residential development to occur within existing urbanized areas, approved Urban Growth Boundaries, Villages, and/or the County's identified Preferred Growth Areas. (p. 190) The fifth recommendation under this Goal is to "create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations" (p.30).

The property which is the subject of this request is located within the Charles Town Urban Growth Boundary (See Section B below). The proposed Large Gas Station is the type of urban non-residential land use that should be located within an Urban Growth Boundary. It is a Principal Permitted Use in the proposed Highway Commercial (HC) Zoning District.

B. Future Land Use Guide/Map

The property in question is located within the Charles Town Urban Growth Boundary (UGB) and is designated as Future Large Lot Residential.

The discussion of the Urban Growth Boundary in the *Plan* (pp 18-19) explains that the *Plan* expects that properties within the UGB may be annexed into the adjoining municipality that created the UGB; however, property located within the UGB could choose not to annex and then develop the land under the County's land development standards instead. In such circumstances, the UGB acts as a Preferred Growth Area for the County and urban level development is still anticipated in these areas.

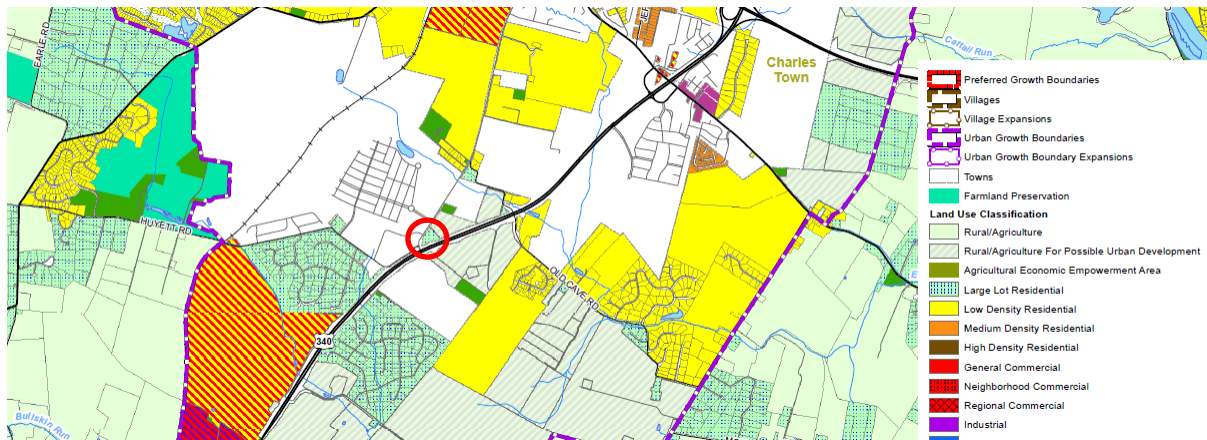
It further explains that within the UGBs, an intentional decision was made to depict property as it is either zoned or used. As such, there are large tracts of land designated rural, which are not expected to remain rural in the future. Because the properties in the UGB could develop either within the

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municipalities through annexation or in the County, it was determined that it was best to show the existing land uses or zoning designation, including rural zoning, on the Future Land Use Guide within the UGB. It is not the intention of the Future Land Use Guide or this Plan for these areas to remain rural; the designation is temporary until the property owner determines if they desire to develop in either the municipality or the County.

The excerpt from the Charles Town UGB Future Land Use Map below reflects that decision and identifies most of the Rural land as “Rural/Agriculture for Possible Urban Development”; however, it appears that a few random lots identified as existing “large lot residential” were not provided with alternate future land use designations. It seems reasonable for the Planning Commission to find that the intention of the Plan was for all non-urbanized land within the UGB to be anticipated to have a future urban land use proposed, such as the proposed gas station.



Proposed Zoning District – Highway Commercial (HC)

This petition is requesting that 2.5 acres of this property be rezoned to Highway Commercial (HC). If approved, this portion of the property will be subdivided along the zoning boundary. The purpose of the Highway Commercial (HC) District (Section 5.13) is to “provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways” (complete description attached). The purpose statement further states that uses in this zone may have a greater impact on surrounding areas as a result of significant truck traffic and other factors and may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses. The proposed location for the proposed Large Gas Station is immediately north of a limited access four lane highway with a traffic light, which should be adequate for the expected traffic. Proposed access will be from Augustine Avenue, which is a state road (WV 340/18) and currently includes turn lanes related to the High School. Approval of access points and whether additional turn lanes are required will be the responsibility of the WV DOH.

Staff Recommendation

Staff finds that although the proposed rezoning of this property from Rural (R) to Highway Commercial (HC) is not consistent with the Future Land Use Guide of the 2035 Plan because it is designated as Future Large Lot Residential, it is located within the Charles Town Urban Growth Boundary (UGB), which is the area in which the Plan states urban level development should occur, and is consistent with other recommendations of the text of the Plan.

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Planning Commission Action

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted *Comprehensive Plan*. Such recommendation is required to be sent to the County Commission prior to the County Commission's public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on February 4, 2021 and the required Public Hearing has been scheduled on March 18, 2021 at 6:30 pm. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this meeting.

Attachments:

- Section 5.13 Highway Commercial (HC) District

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ATTACHMENTS:

Section 5.13 Highway Commercial (HC) District *(as amended 12/17/20)*

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:
 - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
 - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
 - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.32
 - 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.32
- D. Site Development Standards
 - 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
- E. Additional Requirements
 - 1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

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

File Number: 21-1-Z

Staff Initials: jth / AB

Application Fee: \$ \$1,150

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

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

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

Zoning Map Amendment (Rezoning)

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

Property owner information

Name: Guy Chicchirichi
Mailing Address: 1316 N. Mildred Street; Ranson, WV 25438
Phone Number: 304-279-0556 Email: gchicc@frontiernet.com

Applicant contact information

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

Applicant representative

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

Physical property details

Physical Address: Northeast of Augustine Avenue / Route 340 intersection
City: Charles Town State: WV Zip Code: 25443
Tax District: 02 - Charles Town Map No: 16 Parcel No: Portion of #1
Parcel Size: 2.5 acres to be rezoned Deed Book: 1227 Page No: 447

Current Zoning District (please check one)

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

Proposed Zoning District (please check one)

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

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

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

See Attached

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

See Attached

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

See Attached

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

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

No, I prefer to present the petition

Zoning Map Amendment Application Addendum

Augustine Avenue Sheetz

January 19, 2021

Owner:

Guy Chicchirichi
1316 N. Mildred St
Ranson, WV 25438

Applicant:

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

Property Tax Identification:

Charles Town District (9), Map Number 16, Portion (2.5 acres) of Parcel 1. A subdivision will be processed to divide the area of rezoning into its own parcel.

Deed Information:

Deed Book 1227, Page Number 447

Property Characteristics:

Location: Northeast of the Augustine Avenue and Berryville Pike (Route 340).

Current Zoning: Rural

Current / Historic Use: Vacant / Agricultural

Tract Size: 4.4+/- Acres

Area of Rezoning: 2.5+/- Acres

Table of Exhibits

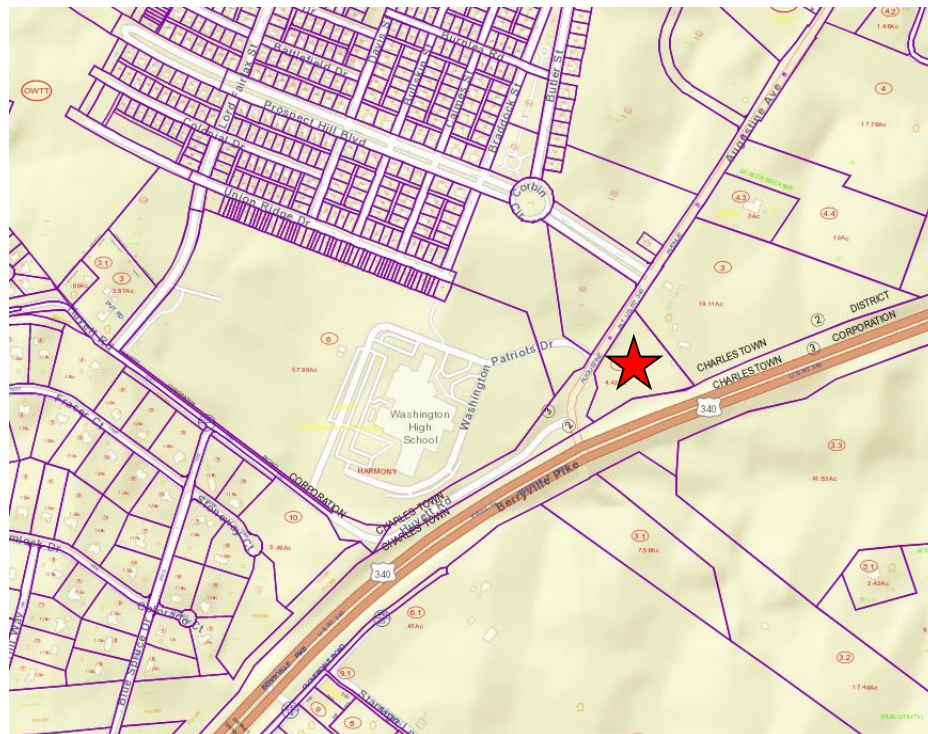
1. Vicinity Map
2. Aerial Overlay
3. Existing Conditions
4. Concept Plan

Substantiation for Request

1. Provide commercial services to a growing area of the County. There are multiple subdivisions representing hundreds of homes within a one-mile radius including: Huntfield, Spruce Hill, Cloverdale Heights, Cave Quarter Estates, and Washington Landing Apartments (under construction, 250+ units). There are no commercial uses within this one-mile radius. Residents currently travel to Charles Town, Ranson or commercial establishments along Route 340/Somerset Blvd. for all goods and services. Providing a commercial use to this neighborhood would reduce traffic along these corridors and provide a commercial service to the south end of Augustine Avenue.



2. The current zoning designation as Rural provides limited options for by-right commercial development. A zoning map amendment is required to allow commercial development. The property is located in an area of growing residential development and will provide a needed food and fueling services. The Highway Commercial zone is appropriate due to the property's location adjacent to a Principal Arterial road.
3. This Sheetz will support travelers on the Route 340 corridor. The subject parcel will provide travelers an easy access for refueling, restrooms, food, and other goods. Similar establishments along the Route 340/9 corridor require patrons to navigate both Collector and Local roads, increasing congestion of the County's road network.
4. No burden would be placed on existing public infrastructure with this rezoning. Water and sanitary sewer will be extended and connect to CTUB's system along Augustine Avenue. There is existing capacity within CTUB's systems, and the cost of extension will be the Applicants responsibility and not the public. As a commercial development, no additional burdens will be placed on the school system or other County facilities.



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

The proposed use includes the development of a Sheetz store (Zoning Use: Gas Station, Large). The development will include a 6,100+/- sq. ft. building, six fueling islands (12 pumps), drive thru and associated infrastructure improvements.

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



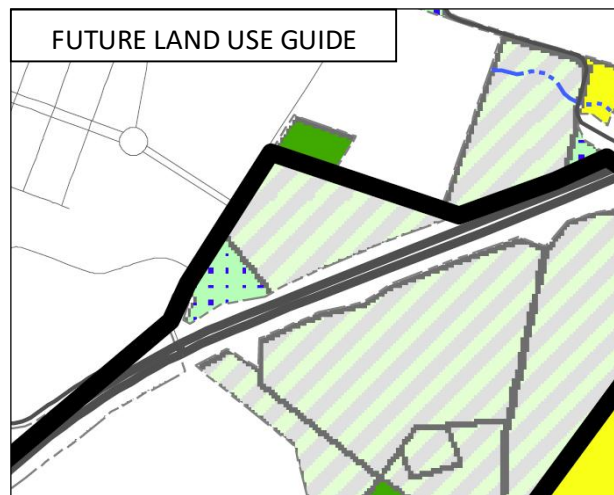
Describe how the Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan (the Plan).

- Urban Level Development Recommendations (Goal 1.2.a, Page 30): Economic Well Being of the County
 - The proposed commercial development will expand the County's commercial real estate tax base.

- Finance Recommendations (Goal 24.1, Page 141): Develop policies that result in a well-balanced tax base that is not overly reliant on residential taxes, but is diversified by the presence of a robust commercial and industrial tax base.
 - The property will contribute to the commercial tax base of the County.

- Urban Level Development Recommendations (Goal 1.2.b, Page 30): Error or Under Scrutinized Property on the Future Land Use Guide
 - The Land Use Guide identifies the property within the Charles Town Urban Growth Boundary which identifies property suitable for urban development. Designation on the same map as Large Lot Residential conflicts with itself.
 - The property was not located in the Comprehensive Plans' 2004 Growth Area. The Charles Town Urban Growth Boundary was expanded with the current Comprehensive Plan to include the subject property and areas south of Route 340. The Future Land use Guide was not updated to reflect this expansion.
 - This property is the only undeveloped parcel in the entire Charles Town Urban Growth Boundary designated as Large Lot Residential on the Future Land Use Guide. All other areas designated as Large Lot Residential include an existing residence and/or associated accessory use.
 - All land adjacent to the property is designated as municipal land or land for potential urban development. The subject property is the sole parcel in the immediate area with limited density and use.

- Future Land Use Guide
 - The property's designation a Large Lot Residential is not in character with surrounding properties or other parts of the Comprehensive Plan, such as the Urban Growth Boundary.
 - The property is surrounded by the City of Charles Town and land designated as Potential Urban Development. Municipal land is located to the north and west, Route 340 to the south and land designated for "Possible Urban Development" to the east and south. These future adjacent uses recognize this areas development potential which does not include Large Lot Residential.
 - While the reason for the Large Lot Residential designation is not clear, it is assumed this future use was influenced by the existing zoning classification as Rural, availability of utilites or its location in a once underdeveloped area of the County. The Comprehensive Plans Future Land Use Guide fails to account for the construction of Route 340, Jefferson High School, Huntfield and associated extension of utilities along the Augustine Avenue corridore.

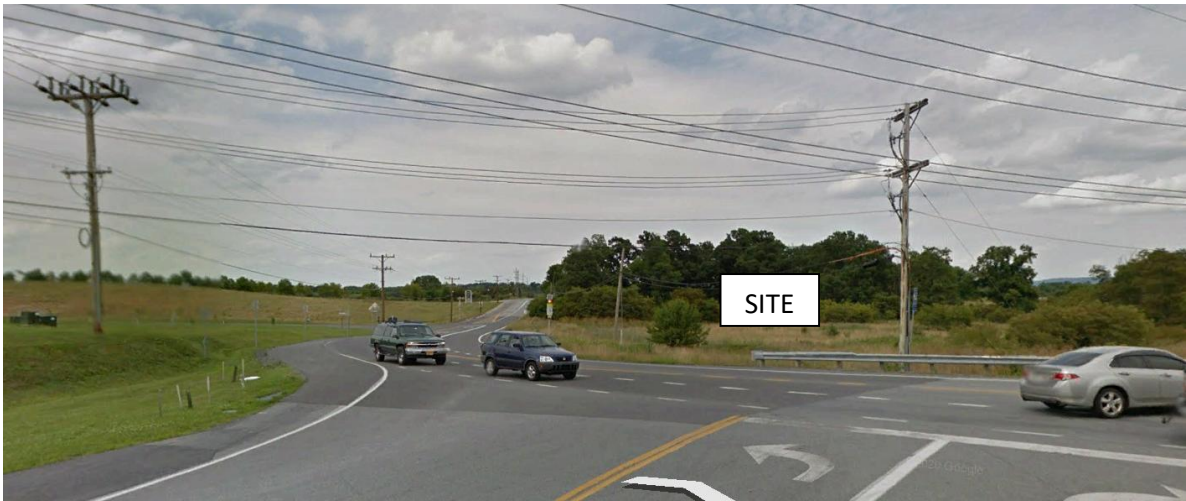


- City of Charles Town
- Rural/Agriculture For Possible Urban Development
- Large Lot Residential
- Public/Quasi Public Land

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

- Transportation Characteristics – Substantial development of the immediate and regional road network. The Route 340 highway was constructed after the adoption of the Zoning Ordinance. Route 340 is one of three Principal Arterial roads in the County and represents one of the most significant transportation improvements in Jefferson County. The adjacent 340 corridor supports the proposed use and development as a gas station will service the needs of Route 340 travelers.
- Transportation Characteristics – Future improvements for Route 340 to the Virginia line. The future realignment and expansion to 4 lanes by WVDOH signifies the importance of this corridor and the County’s transportation network. The traffic along this corridor promotes adjacent development and viability of commercial uses. Sheetz will provide services which cater to both the immediate neighborhood and Route 340.
- Transportation Characteristics – Adjacency to the Augustine Avenue / Route 340 intersection. As a significant part of the County’s roads system, the site’s proximity to this signalized intersection is crucial to the development of the south end of Augustine Avenue. The applicant has been in contact with WVDOH, HEMPO, City of Charles Town and Jefferson County BOE Transportation Division to assist in developing the scope for a traffic study. The traffic study is underway, and discussions will continue with approval agencies, including the Jefferson County Planning Commission, throughout the develop process. Access to Augustine Avenue will require approval by the WVDOH prior to construction.
- Neighborhood Characteristics – The ongoing development along the south end of Augustine Avenue lacks commercial services. The south end of Augustine Avenue has seen substantial development since the adoption of the ordinance. This development includes Huntfield, Spruce Hill (north & south), and Jefferson High School. Washington Landing, a 250+ apartment complex is also under construction. There are currently no commercial uses in the immediate area to serve these developments and residents must drive into Charles Town or use Route 340 to obtain services. The addition of Sheetz will

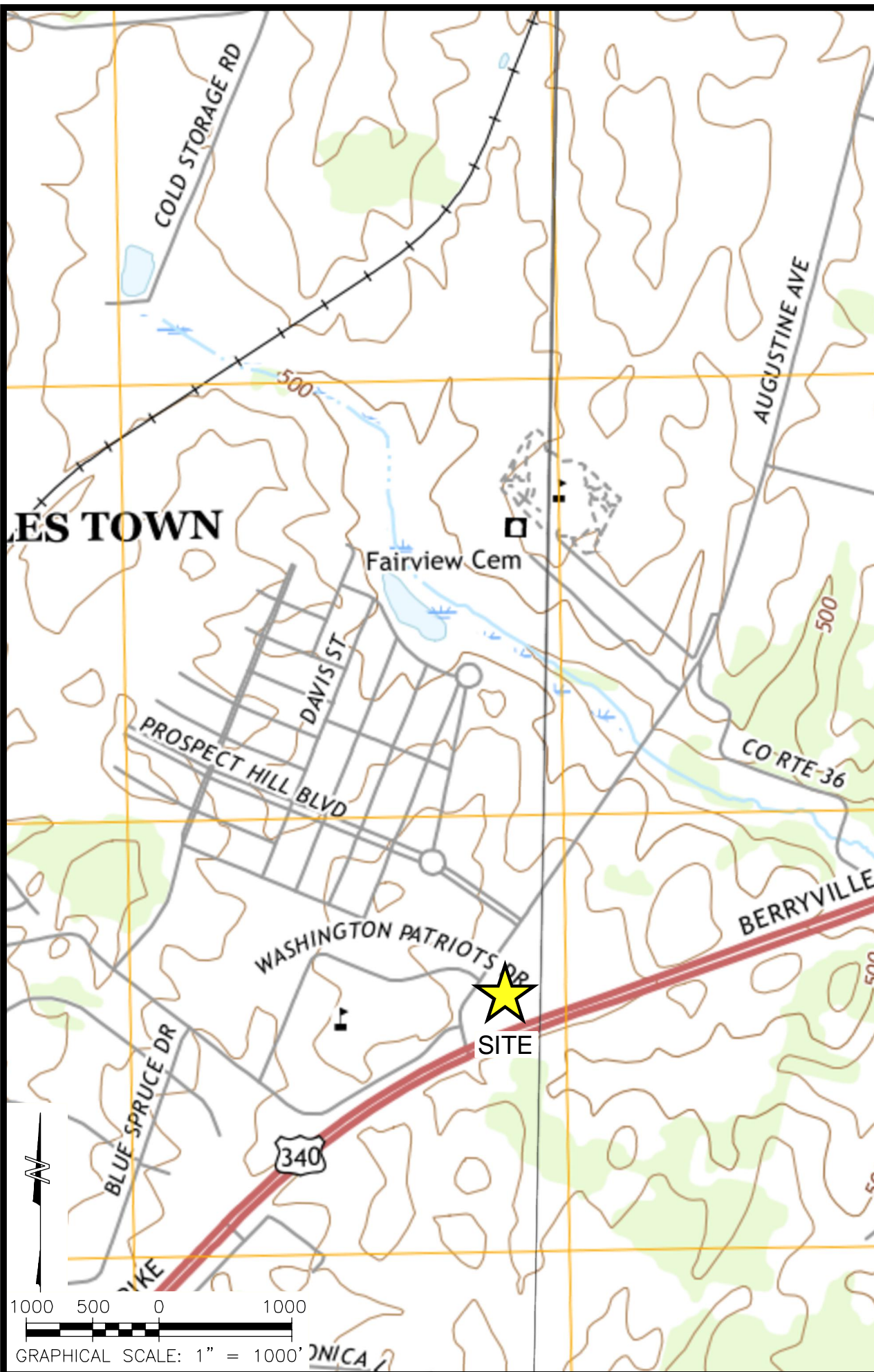
help reduce the traffic along these corridors through providing services to an underserved area of the County.



ZONING MAP AMENDMENT EXHIBIT 1 - VICINITY MAP

01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV



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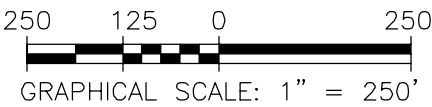
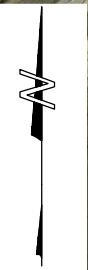
ZONING MAP AMENDMENT EXHIBIT 2 - AERIAL OVERLAY

01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV



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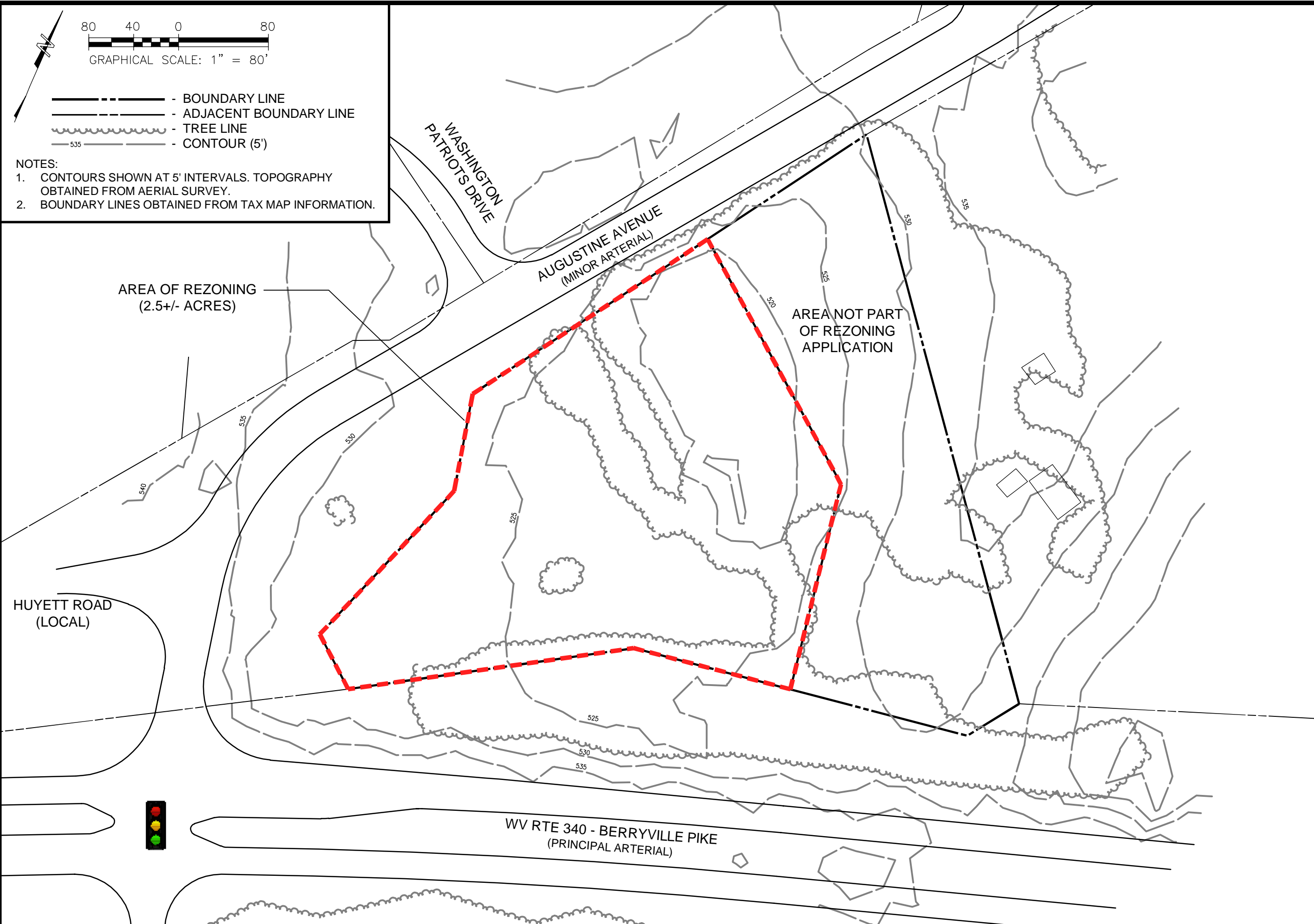


ZONING MAP AMENDMENT
EXHIBIT 3 - EXISTING CONDITIONS

01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV

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- BOUNDARY LINE
- - - ADJACENT BOUNDARY LINE
- ~~~~~ TREE LINE
- 535- CONTOUR (5')

- NOTES:
1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
 2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.

AREA OF REZONING
(2.5+/- ACRES)

AREA NOT PART
OF REZONING
APPLICATION

WASHINGTON
PATRIOTS DRIVE

AUGUSTINE AVENUE
(MINOR ARTERIAL)

HUYETT ROAD
(LOCAL)

WV RTE 340 - BERRYVILLE PIKE
(PRINCIPAL ARTERIAL)




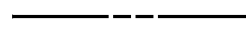


ZONING MAP AMENDMENT
EXHIBIT 4 - CONCEPT PLAN

01-19-2021

AUGUSTINE SHEETZ
JEFFERSON COUNTY, WV

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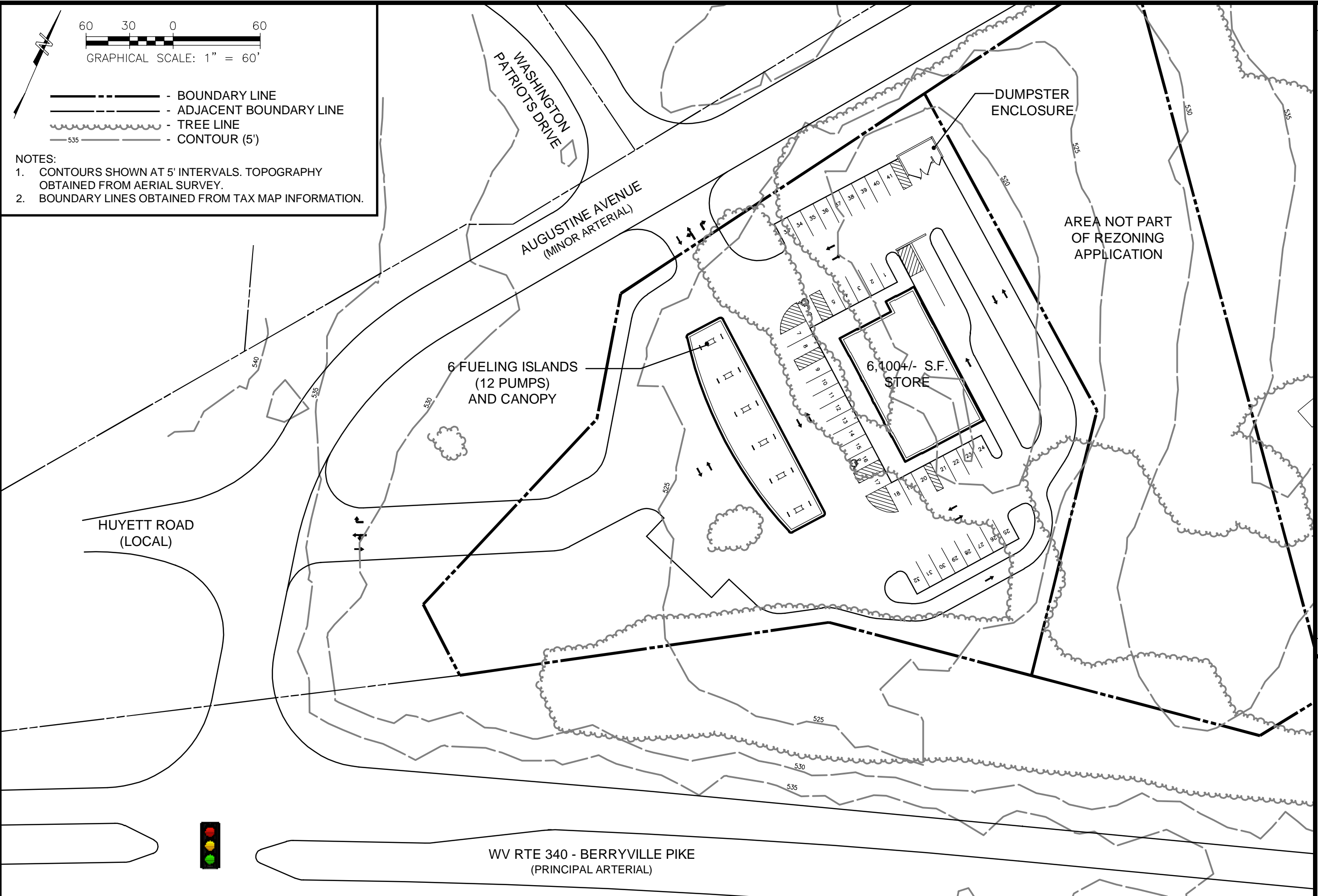
GRAPHICAL SCALE: 1" = 60'

-  - BOUNDARY LINE
-  - ADJACENT BOUNDARY LINE
-  - TREE LINE
-  - CONTOUR (5')

NOTES:

1. CONTOURS SHOWN AT 5' INTERVALS. TOPOGRAPHY OBTAINED FROM AERIAL SURVEY.
2. BOUNDARY LINES OBTAINED FROM TAX MAP INFORMATION.

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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

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Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: March 1, 2021

RE: ZTA19-03, Solar Energy Facilities – March 9, 2021 Meeting

On February 23, 2021, the Planning Commission determined that the proposed text amendment was consistent with the Comprehensive Plan, and noted that if there were any conflicts with the Plan, there had been changes of a social nature, which support alternative energy. The Planning Commission's vote included direction to Legal Counsel to prepare Findings of Fact and Conclusions of Law for their review during their March 9 meeting.

The Planning Commission informally agreed that underground utilities should not be subject to the 25 foot setback, but a formal motion was not made. The change that was discussed on 02-23-21 is highlighted in yellow on Page 4 of the proposed text amendment. If the Planning Commission wants to include this revision in their recommendation to the County Commission, a formal vote should be taken.

Attachments:

- ZTA19-03, Solar Energy Facilities DRAFT reflecting revision discussed on 02-23-21 (see page 4)
- Excerpts from Envision Jefferson 2035 Comprehensive Plan RE: Alternative / Renewable Energy

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 and underground utilities.

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

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.



Jefferson County, West Virginia

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2nd Quarterly Report for Planning and Zoning FY 2021 (October 1, 2020 – December 31, 2020)

Attached is an electronically generated report of all applications submitted and reviewed within the 2nd Quarter of FY2021. This data is being provided as a part of the 2nd Quarterly Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings:

3 Meetings

Subdivision Regulations Text Amendments

On-going coordination with Greenway for Major updates and revisions on hold

Zoning Ordinance Text Amendments

2

#ZTA20-01: Zoning Ordinance Text Amendment to create provisions to allow Commercial Cemeteries to process as a Conditional Use in the Rural zoning district and a Principal Permitted Use in the RLIC and IC zoning districts.

PC PH 9/8/20; recommendation to CC 10/13/20; CC PH 12/3/20; CC disapproved 12/17/20

#ZTA20-02: Zoning Ordinance Text Amendment to change the classification for Drive-Through Restaurants in the Residential-Light Industrial-Commercial (RLIC) zoning district from Conditional Use (CU) to Permitted Use (P).

PC PH 10/13/20; recommendation to CC 10/13/20; CC PH 12/3/20; CC approved 12/17/20

Zoning Map Amendments/Rezoning

1

#20-1-Z: Zoning Map Amendment: Planning Commission review and recommendation regarding whether the petition for a Zoning Map Amendment by property owner James W Van Evera III (et al) to rezone 5.4 ac, of the total 22.17 ac subject parcel, from Residential Growth to Residential-Light Industrial-Commercial is consistent with the *2035 Comprehensive Plan*.

Property Owner: James W Van Evera III Et Al. ; Property Location: 7948 Middleway Pike.

PC review and recommendation to the CC that the requested rezoning is consistent with the Envision Jefferson 2035 Comprehensive Plan 11/10/20

Concept Plan Public Workshops

2

#20-7-SP Concept Plan for a Shepherdstown Professional Center (a Major Nonresidential Site Development) consisting of one two-story building with 5,100 sf retail space (first floor) and 5,100 office space (second story); one 6,000 sf single-story building divided into six (6) 1,000 sf retail/office units and associated parking spaces and signage. Property Owner: Rankin Properties, LLC. Property Location: Vacant parcel on the northeast corner at the intersection of Potomac Farms Dr. and Kearneysville Pike (Route 480); Size: 3.56 acres; Zoning District: General Commercial.

Public Workshop 11/10/20; PC accepted the Concept Plan as submitted as complete with no conditions.

#20-18-SD Concept Plan for the re-subdivision of Lot 28 Summit View Estates into three (3) total lots and the required 224 acres of associated green space on adjacent Parcels 6 & 7, under Section 5.7D.2 Cluster Provisions. Property Owner: Hy-Crest Farms, LLC. Property. Property Location: Summit View Estates, Lot 28 Located at the end of Keith Dr.; Size: 8.5 acres; Zoned: Rural.

Public Workshop 11/10/20; PC accepted the Concept Plan as submitted as complete with no conditions.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:

3 meetings

Zoning Appeal of Administrative Decision

none this quarter

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:

18 Total (12 Subdivision & 6 Site Plan)

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

21 Total

Zoning and Land Development Fees Collected:

\$ 25,268.93

Regional Transportation Planning Meetings (all remote)	
Eastern Panhandle Transit Authority (EPTA) Board Meetings and EPTA Safety Committee Meetings	10/19/20; 11/5/20 (safety); 11/16/20; 12/14/20
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	10/21/20
WV DOH/Regional Planners Roundtable	n/a
Loudoun County Route 9 Safety and Operational Study regional input meeting	11/6/21

Regional Planning Meetings	
WV APA Chapter Transition Leadership Meetings (ZOOM); WV APA Chapter-wide Special Meeting (ZOOM)	10/27/20; 11/17/21; 12/3/21 (Chapter);
Mid-Atlantic Planning Collaboration Land Use Planning Webinar Series	11/5/21; 11/10/21; 11/12/21; 11/24/21; 12/1/21; 12/8/21; 12/15/21; 12/17/21
Safe Water Conservation Collaborative Meeting via ZOOM	10/1/20

	A	B	C	E	G	H	I
1	Planning and Zoning FY 2021 2nd Quarterly Report 10/1/2020 - 12/31/2020 (Generated 2/23/2021)						
2	Type	Project Number	Creation Date	Owner Name	Location	Status	Description
3		20-9-Q	12/8/2020	MCGAUGHEY SHANNA E & JOEL M	2138 SMITH RD, CHARLES TOWN, WV 25414	Open	Lift the single family restriction for Lot 8 in the Smith Mountain Subdivision for the purpose of constructing a detached accessory dwelling unit for a family member.
4						Type Total:	1
5	Conditional Use Permit	20-8-CUP	10/2/2020	STEVENS NANCY E	1122 DUNCAN RD, HARPERS FERRY, WV 25425	Closed	Request by River Chase Wedding Venue for a Conditional Use Permit to operate a Special Event Facility consisting of hosting up to 15 wedding receptions and other events per year, with a maximum of 75 grass parking spaces.
6						Type Total:	1
7	Easements	20-2-E	10/28/2020	MAGAHA T L SONS INC	EARLE RD, CHARLES TOWN, WV 25414	Open	Magaha Easement - Farmland Conservation Easement, Phase 3
8						Type Total:	1
9	Merger or Boundary Line Adjustment	20-16-M	10/2/2020	RINALDI-ALT BEVERLY	339 WHITE DOGWOOD RD, HARPERS FERRY, WV 25425	Open	Keyes Ferry Acres Consolidation Deed - no plat required.
10		20-17-M	11/4/2020	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE, WV 25430	Open	Boundary line adjustment of three parcels into two. *A portion of the BLA crosses into Berkeley County*
11		20-18-M	11/12/2020	LUTMAN PROPERTIES LLC	2 JOELENES WAY, SHENANDOAH JUNCTION	Open	Lutman-Lutman BLA (Lots 1 and 2)
12		20-19-M	11/12/2020	LUTMAN PROPERTIES LLC	104 JOELENES WAY, SHENANDOAH JUNCTION	Open	Lutman-Lutman BLA (Lots 3 and 5)
13		20-20-M	12/3/2020	CRAWFORD KAREN L	212 LOCUST KNOLL DR, CHARLES TOWN, WV 25414	Open	Boundary line adjustment between Parcels 4.2 and 4.6
14		20-21-M	12/28/2020	HY-CREST FARMS LLC - Arnold Dailey	END OF KEITH DR SUMMIT VIEW ESTATES	Open	Boundary line adjustment between Lots 27 & 28
15						Type Total:	6
16	Planning Commission Variance (1979 ZO)	20-4-PCV	10/8/2020	ESPINOSA KRISTEN R	6485 SUMMIT POINT RD, CHARLES TOWN, WV 25414	Open	Variance from Section 2.1(b) of the 1979 Subdivision Ordinance to lift the single family restriction to allow for an In-Law Suite.
17		20-5-PCV	12/22/2020	BEALLAIR HOMES LLC	BEALLAIR MANOR DRIVE	Open	Request to extend the deadline for final plat recordation from 01/11/2021
18						Type Total:	2
19	Planning Commission Waiver	20-9-PCW	10/5/2020	BURKETT ERNEST L & APRIL A	10668 LEETOWN RD, KEARNEYSVILLE, WV 25430	Open	Waiver from Section 20.201A2 to use 40' access for minor subdivision.
20		20-10-PCW	10/19/2020	RANKIN PROPERTIES LLC - Christopher Rankin	POTOMAC FARM DRIVE, SHEPHERDSTOWN, WV 25443	Open	Waiver from Section 20.204 to process a Minor Site Plan with a Concept Plan instead of a Major Site Plan for the Shepherdstown Professional Center (File: 20-7-SP).
21		20-11-PCW	10/20/2020	FIDDLERS 1 LLC	54 FIDDLERS WAY, SHEPHERDSTOWN, WV	Open	Waiver from Section 20.201A.2 to allow for a two (2) lot subdivision, which will create a total of six (6) lots on the existing access easement (Fiddlers Way).
22		20-12-PCW	11/16/2020	DAVID ACLY	SOUTHEAST CORNER OF King Lear Dr and Stratford Lane, Avon Bend Subdivision	Open	Waiver from Section 20.201 to allow the creation of an additional three lots as a minor subdivision instead of processing a major subdivision.
23		20-13-PCW	11/16/2020	Margaret Link (Estate)	French Road, Shenandoah Junction	Open	Waiver from Section 20.201 to allow the creation of an additional five lots as a minor subdivision as opposed to a processing a major subdivision.
24						Type Total:	5
25	Site Plan	20-8-SP	10/23/2020	SUDHIR RANA	James Burr Blvd, Kearneysville, WV 25430	Open	Construction of three warehouses totalling 28,740 sq ft with a 200 sq ft office in each structure and related parking.
26		20-9-SP	11/25/2020	STILES STANLEY E & BARBARA R	118 GOSHEN ARRABON LN, CHARLES TOWN, WV 25414	Open	Agricultural Event Center for up to 800 guests and Farm Vacation Lodging up to 5 units with associated parking and signage.
27		20-10-SP	12/21/2020	VAN EVERA JAMES W III ET AL	7948 MARTINSBURG PIKE, SHEPHERDSTOWN, WV 25443	Open	Gas Station, Large including a 6,100 sq. ft. Convenience Store with drive-thru, five (5) fueling islands with canopy, car wash, new roadway, upgraded to traffic signal for Martinsburg Pike, and related site improvements, parking spaces, and signage.
28						Type Total:	3
29	Subdivision	20-20-SD	10/19/2020	SIRBAUGH TAMMY & LARRY	45 EDWARDS CASTLE CT, CHARLES TOWN, WV 25414	Closed	Proposed 3 lot MSD.
30		20-21-SD	10/26/2020	BOYD LARRY H & DONNA K	Ancient Oaks Court, Charles Town, WV 25414	Closed	Family Transfer Lots 5, 6, 7 and Lot 8-Residue
31		20-22-SD	11/6/2020	TIFFANY E LAWRENCE ET AL	Martinsburg Pike, Shepherdstown, WV 25443	Closed	MSD of one lot and a residue (2 total lots).
32		20-23-SD	11/12/2020	LUTMAN LAND DEVELOPMENT LLC - DAVID LUTMAN	2751 ENGLE MOLERS RD, HARPERS FERRY, WV 25425	Closed	LLD Uvilla Cluster MSD: 4 total lots
33		20-24-SD	11/13/2020	BML, LLC - BRANT LOWE	1967 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV	Open	Project consists of a boundary line adjustment and the creation of 3 total lots.
34						Type Total:	5

	A	B	C	E	G	H	I	
35	Zoning Certificate	20-27-ZC	11/4/2020	B33 Jefferson Crossing LLC	91 SARATOGA DR STE D, CHARLES TOWN, WV 25414	Closed	Shopping Center: change in tenant to nail salon	
36		20-28-ZC	12/21/2020	JEFFERSON UTILITIES INC	307 W BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Project consists of swapping six antennas/relocating three (3) existing antennas; removing six RRHs, and installing nine (9) RRHs for a co-located telecommunications facility on an existing 160' water tank.	
37		20-29-ZC	12/21/2020	RAI PROPERTIES LLC	130 E BURR BLVD, KEARNEYSVILLE, WV 25430	Closed	Medical Office: In-home intermittent skilled services by nursing, rehab, and social workers to address the post acute need of patients recently discharged or experiencing declining health.	
38							Type Total:	3
39	Zoning Map Amendment	20-1-Z	10/22/2020	VAN EVERA JAMES W III ET AL	7948 MARTINSBURG PIKE, SHEPHERDSTOWN, WV	Closed	Request to rezone 5.4 acres from RG to RLIC.	
40		20-2-Z	12/28/2020	Dead Rock Contractor Services, LLC - Chris Livingston	ShIPLEY School Road east of ShIPLEY Elementary School	Open	Request to rezone the parcels from Residential Growth to General Commercial.	
41							Type Total:	2
42	Zoning Variance	17-11-ZV	10/30/2020	COLLIS HOLDINGS, LLC	DEERFIELD VILLAGE RD, SHEPHERDSTOWN, WV 25443	Closed	Variance from Section 5.4B to reduce the rear setback from 20' to 8' to construct a 12' x 12' deck.	
43		20-38-ZV	11/4/2020	RADUNS JAMES & DEIRDRE EYCHNER	647 NEW MEADOW DR, KEARNEYSVILLE, WV 25430	Closed	Variance from Section 9.7 to reduce the side setback from 15' to 10' and the rear setback from 50' to 13' for a 12' x 20' accessory structure.	
44		20-39-ZV	11/12/2020	MARGIE AND SCOTT BROWN	45 BRIAR PATCH LN, HARPERS FERRY, WV 25425	Closed	Variance from Section 9.7 to reduce the front setback from 20' to 16' and the rear setback from 12' to 7' for a 16' x 18' addition to the existing house.	
45		20-40-ZV	11/13/2020	POTOMAC EDISON COMPANY	1320 OLD COUNTRY CLUB RD, CHARLES TOWN, WV	Closed	Request to increase the height restriction from 100' to 150' for a telecommunications tower (Section 4B.7J.2.a)	
46		20-34-ZV	10/5/2020	DERRICK NICHOLAS E & MEGAN R	300 BROOKLINE DR, CHARLES TOWN, WV 25414	Withdrawn	Variance from Section 5.4B (01/10/2002 Zoning Ordinance) to reduce the side setback from 12' to 6' to allow for the construction of a stairway from an existing second-story deck to a proposed 20' x 26' concrete slab.	
47		20-35-ZV	10/9/2020	PAIGE SHARON L & WAVERLY T	14 STILES WAY, RANSON	Open	Variance from Section 5.4B to reduce the rear setback from 20' to 11' for a 10' x 20' deck.	
48		20-36-ZV	10/15/2020	HERBERT HOWARD	60 BRENTWOOD CT, HARPERS FERRY, WV 25425	Open	Variance from Section 9.7 to reduce the north side setback from 25' to 6' for a 14' x 28' accessory structure.	
49		20-37-ZV	10/16/2020	HANIGAN KEVIN M & TINA M SINNETT	33 JENNY LIND DR, HARPERS FERRY, WV 25425	Open	Variance from Section 5.4B and Section 9.6C (Zoning Ordinance, as amended 10/4/90) to reduce the front setback from 25' to 2' for a 42' x 20' in ground pool and surrounding concrete.	
50							Type Total:	8
51							Grand Total:	37



Jefferson County, West Virginia
Department of Engineering, Planning, and Zoning
Office of Planning and Zoning
116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Planner's Memorandum
Planning Commission Meeting
March 9, 2021

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

The Department of Engineering, Planning and Zoning is continuing to serve the public by telephone, email and appointments only. Mason Building is still restricted to two non-employees allowed in a building at a time and a mask must be worn at all times

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

2) WV American Planning Association

- a) **FYI:** Jennifer Brockman elected as President of WV APA Chapter at Annual Meeting February 2021
- b) **2021 Legislative Session:** Pending House Bill related to WV Code 8A is under consideration but not yet introduced. WV APA members were recently informed and reviewing to provide input.

3) Greenway Ordinance/Regulation Amendment Update

- c) Staff and Committee will provide an update on the status of this contract.

3) Status of Zoning Ordinance Text Amendments

- a) ZTA19-03: Text Am. Re: Solar Energy Facilities in the Rural District (PC recommendation expected 3/9/21; CC will also need to take action)

4) Upcoming PC meetings

- a) Next Regular meeting: **April 13, 2021**



RECEIVED

MAR 02 2021

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

**1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505**

**JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING**

**Byrd E. White, III
Secretary of Transportation/
Commissioner of Highways**

February 24, 2021

**Jimmy Wriston, P. E.
Deputy Secretary/
Deputy Commissioner**

**Mike Shepp
President
Jefferson County Commission
124 East Washington Street
Charles Town, West Virginia 25414**

Dear Mr. Shepp:

This letter is to inform you that the West Virginia Legislature did not include funding for the MARC commuter train in the current budget. We are notifying Maryland that we will not be able to reimburse them beyond March 31, 2021.

We will keep you informed as more information becomes available.

Sincerely,

**Byrd E. White, III
Secretary of Transportation
Commissioner of Highways**

BEW:Wd

RECEIVED

MAR 03 2021

Board of Planning and Zoning,

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Hello, my name is Richard Zigler. I reside at 1083 Roper North Fork Road, Charles Town, West Virginia. I support the addition of solar arrays, as a commercial activity, in a rural setting.

The question of what to do about Solar Arrays is at hand. There is no real need for any special, or new, zoning requirements to allow these structures.

The solar voltaic panel arrays are to be installed for a twenty-five (25) to thirty (30) year lease agreement in the Rural District in Jefferson County. They will not encompass the entirety of any of the farms that they will be situated on. This means that part of the farming enterprise will continue in the practice of agriculture, a Rural activity. At the termination of the lease agreement, the land is to be returned to a state that will sustain agriculture again. Commercial Farming activity is usually designated to Rural Districts or Zones.

Also, no new infrastructure for water, sewer, schools, or roads will be needed. The solar project will provide revenue without burdens.

Also, during the WV PSC meeting that granted a site certificate for Wild Hill Solar, LLC., one of the Commissioners stated that nowhere else in the state was there a necessary need for rezoning when it came to other Alternative Energy applications, or sites, and did not see the need for any here. Though they said in their summations that the WV PSC should not be the final deciding venue for disputes, they strongly believed that there should be no reason for intervention at local levels.

As to other opposition to this endeavor, the concerns raised by the Jefferson County Vision group were considered nonapplicable when it comes to blasting and damage to house foundations, swimming pools, wells, or septic systems. No blasting is to be done. Groundcover will control surface erosion and provide wildlife habitat. The WV PSC Commissioners were also surprised at the exaggeration of the "Membership" of that organization or their purported representation of ten thousand (10,000) individuals., as opposed to their real membership.

With the new political forces at the national level, it may become necessary to have alternative energy sources or drastically reduce the "Carbon Footprint" of the state and/or county as a condition of funding for projects such as roads, like US Route 340 to Virginia, or addressing the bottleneck at Harpers Ferry.



Richard A. Zigler