



Agenda

Jefferson County Planning Commission

Tuesday, May 17, 2022 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
this meeting will be held both in-person and virtually via ZOOM.**

In-Person Meeting Location: County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)
200 East Washington Street, Charles Town, WV 25414

ZOOM Meeting Information: Meeting ID: 869 7355 3781
Meeting Link: <https://us02web.zoom.us/j/86973553781>
Call-In Option: 301-715-8592
Find your local number: <https://us02web.zoom.us/u/kcH5EHtm9Z>

Virtual meeting can be accessed from desktop, laptop, iPad, or from a phone. You will be prompted to download the software or install the ZOOM app.

1. Approval of Meeting Minutes: April 12, 2022 and Special Meeting April 19, 2022
 2. Request for postponement.
 3. **Public Workshop:** Concept Plan for Sam Michaels Park Master Plan consisting of the layout for full build-out of park. Applicant: Jefferson County Parks and Recreation. Property Owner: Jefferson County Commission. Property Location: 235 Sam Michaels Lane Shenandoah Junction, WV. Parcel ID: 02000300120000; Size: 137.87 acres; Zoning District: Rural. File: 22-2-SP.
 4. **Public Hearing:** Request for a waiver of Section 24.113.B.10 of the Subdivision Regulations, which requires an Archaeological Survey for all Major Subdivision Preliminary Plats for Kings Crossing Subdivision. Applicant/Property Owner: DR Acquisitions LLC. Property Location: West of Charles Town Road, South of St James Catholic Church. Parcel ID: 0200170022; Size: 86+ acres; Zoning District: Residential Growth. File 22-10-PCW
 5. **Public Hearing:** Preliminary Plat Public Hearing for Kings Crossing Major Residential Subdivision consisting of 404 lots (177 SFD and 227 SFA) and associated infrastructure. Applicant/Property Owner: DR Acquisitions LLC. Property Location: West of Charles Town Road, South of St James Catholic Church. Parcel ID: 0200170022; Size: 86+ acres; Zoning District: Residential Growth. File: 21-8-SD.
 6. **Public Hearing:** Request for a waiver of Section 20.203B of the Subdivision Regulations, which requires a Site Plan when the footprint of any addition or a new structure (building and/or parking lot) is greater than 1,200 square feet. Applicant/Property Owner: Krop Properties/Tina Krop. Property Location: 640 War Admiral Blvd, Charles Town. Parcel ID: 02000100270001; Size: 4.70 acres; Zoning District: Industrial-Commercial. File: 22-9-PCW.
 7. **Public Hearing:** Proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, to allow Solar Energy Facilities to process as a Principal Permitted Use in areas located inside the Urban Growth Boundary and Preferred Growth Area as delineated on the Future Land Use Guide in the County's Comprehensive Plan; and as a Conditional Use in areas outside of the
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Urban Growth Boundary and Preferred Growth Area. 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.

8. **Discussion and Possible Action:** Consideration of and possible action on a recommendation related to the text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01, regarding Solar Energy Facilities.
9. **WITHDRAWN [Public Hearing:** Request for a waiver of Section 20.201A.2(a) to allow a lot in a proposed minor subdivision to utilize an existing 20' access easement (Tabernacle Lane) without obtaining an additional WV DOH permit. Applicant: Mission Tabernacle Church. Property Owner: Charlotte Beahm; Property Location: 382 Mission Rd., Harpers Ferry, WV. Parcel ID: 02021A00140000; Size: 1.37 acres; Zoning District: Rural. File: 22-11-PCW.]

There is no public comment for the following items.

10. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731.

11. Planner's Memo

12. President's Report

13. Actionable Correspondence

14. Non-Actionable Correspondence

Meeting Minutes
Jefferson County Planning Commission
April 12, 2022

The Jefferson County Planning Commission met on April 12, 2022 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Matt Knott, Vice President; Wade Louthan, Secretary; Steve Stolipher County Commission Liaison (Late with Notice); Jack Hefestay, Donnie Fisher, J. Ware, and Shane Roper (via ZOOM). Ron Thomas was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning; Tanya Lyons Planning Clerk; Jonathan Saunders County Engineer; Nathan Cochran, County Attorney; and Via Zoom-Will Rohrbaugh, County's legal representative.

The Planning Commission meeting was held as a hybrid meeting. The Hybrid meeting information was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm. and confirmed that a quorum was present.

1. Approval of the meeting minutes:

Hearing no objection, Mr. Shepp approved the March 08, 2022 minutes as presented.

2. Request for postponement. None.

Mr. Shepp recused himself from agenda items 3 & 4 and left the room. Mr. Knott ran the meeting as Vice President.

3. Public Workshop: Sleepy Hollow Wireless Telecommunications Facility Concept Plan. The purpose of this plan is to construct a 150' telecommunication monopole tower within an existing substation compound Applicant: Richard Marquiss/First Energy. Property Owner: The Potomac Edison Company. Property Location: 1320 Old Country Club Road, Charles Town, WV. Parcel ID: 04001000030005; Size: 3.6692 acres; Zoning District: Residential Growth. File: 22-1-SP.

Ms. Jennifer Brockman presented the staff report describing the location of the property and providing an overview of the requirements of the Zoning Ordinance and Subdivision Regulations. The required balloon tests have been done and the applicants have documented the needs for coverage in this area.

Mr. Richard Marquiss, the applicant with First Energy, stated that their request is to install a 150' telecommunications monopole inside their existing substation in Sleepy Hollow. This monopole is being installed for company use only and it will not be provided for use by other cell providers.

Mr. Knott opened the Public Hearing. No comments were received. The Public Hearing was closed.

Jack Hefestay made a motion to accept the Concept Plan as submitted. Matt Knott amended the motion to state the request complies with Article 4B of the Zoning Ordinance and *Envision Jefferson 2035 Comprehensive Plan*. Mr. Hefestay accepted the amendment. Donnie Fisher seconded the motion, which was approved unanimously.

4. Public Hearing: Request for waiver of Section 11.1.B. which requires a site plan for all new telecommunication towers (Sleepy Hollow Wireless Telecommunications Facility). Applicant: Richard Marquiss/First Energy Property Owner: The Potomac Edison Company. Property

Location: 1320 Old Country Club Road, Charles Town, WV. Parcel ID: 04001000030005; Size: 3.6692 acres; Zoning District: Residential Growth. File: 22-8-PCW.

Ms. Jennifer Brockman presented the staff report and stated that the Subdivision Regulations and Zoning Ordinance require both a site plan and a concept plan. A site plan is administratively approved. The applicant is requesting a waiver of site plan because the proposed tower is on a developed site with no new disturbed area and no additional parking. Staff notes that the uniqueness of the installation within a previously developed electrical substation makes the requested no site plan a reasonable request.

Mr. Marquiss, the applicant, asked John Mellham, their engineer, to speak. Mr. Mellham said that there will be no extra disturbance and the little excavation they need to do from the concrete and will be hauled offsite.

Mr. Knott opened the Public Hearing. No public comment was received. The Public Hearing was closed.

Mr. Donnie Fisher made a motion to grant the request to waive section 11.1.B with requirements that they submit a sketch to document they meet the no site plan criteria. Mr. Jack Hefestay seconded the motion, which was approved unanimously.

Mr. Shepp returned to the meeting.

5. **Public Hearing:** Final Plat Amendment to allow a 22' x 44' inground pool with surrounding concrete to be located within a platted 10' drainage/utility easement. See Note #15 on Final Plat / PC File 05-26. Property Owner/Applicant: Melissa & Lucas Palmer; Property Location: Sheridan Subdivision, Phase II, Lot 160, 68 Wilderness Court, Harpers Ferry, WV. Parcel ID: 04009D01600000; Size: 0.388 ac; Zoning District: Residential Growth; File: 22-1-FPA.

Ms. Jennifer Brockman presented the staff report describing the location of the property and providing an overview of the requirements of the Regulations. She explained that the Sheridan plat included a note providing a 10ft wide utility easement for every lot. Because of this, Planning Commission action is required to amend the plat. Ms. Brockman noted that there is no storm water management on this particular lot and that approval should include the condition that if there is any negative effect on the drainage in that area, the project is undertaken at the homeowner's risk and the homeowner will need to work with the HOA and impacted properties to resolve the issue. .

The applicant, Ms. Palmer, commented that the staff presentation addressed all of their concerns. Ms. Palmer also stated that they also applied for a Zoning Variance to the BZA to reduce the setbacks to 5' on the back and side yards, which was approved.

Mr. Shepp opened the Public Hearing. There were no public comments and Mr. Shepp closed the Public Hearing.

Mr. Louthan asked Mr. Jonathan Saunders why he had no comments about the drainage. Mr. Saunders explained if the construction resulted in an issue with drainage, it would be their responsibility to fix it at the owner's expense.

Mr. Donnie Fisher motioned to approve the Final Plat Amendment with Ms. Brockman's recommendation that the project is undertaken at the homeowner's risk and the homeowner will need to work with the HOA and impacted properties to resolve the any negative drainage issue.

Jack Hefestay seconded the motion, which passed unanimously.

Mr. Matt Knott recused himself and left the room from Agenda Item #6.

6. **Public Hearing:** Final Plat Amendment to allow a 12' x 5.5' deck to be located within a platted 12' drainage/utility easement. Property Owner/Applicant: John & Melissa Knott; Property Location: Aspen Green Subdivision, Phase 1A, Lot 20, 80 Quaking Aspen Way, Charles Town, WV. Parcel ID: 02004G00200000; Size: .3179 acre; Zone: Rural. File: 22-2-FPA.

Ms. Jennifer Brockman presented the staff report explaining that this lot in the first phase of Aspen Green. The side property line property abuts the major drainage way serving the entire subdivision. The proposal is to construct a deck that crosses 4' into the 12' platted drainage easement. There is a provision in the Zoning Ordinance that says a structure can go 4' into that setback as long as the deck is no longer than 10'; however, this deck is proposed to be 12' long.

The applicant, Mr. John Knott, requests approval of the requested 4' intrusion into the utility/drainage easement as it will not negatively affect the neighbors or the drainage as the deck will be 24' off the ground. He stated that they are going to reduce the size of the deck to a 10'x5' so the BZA Variance will not be required.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the Public Hearing.

Mr. Jack Hefestay made a motion to approve the waiver request with staff contingencies Mr. Knott acknowledged that they fully understand that if there is a negative effect of drainage in that area he will be responsible and will have to work with the HOA to resolve any issues. Mr. J. Ware seconded the motion; which was approved unanimously.

Matt Knott returned to the meeting.

7. **Public Hearing:** Final Plat Amendment to allow the construction of a detached accessory dwelling unit for a family member. See Note #4 on Final Plat / PC File 01-17. Property Owner/Applicant: John Rolfe; Property Location: Wright's Field Subdivision, Lot 14, 708 Rudder Road Shepherdstown, WV. Parcel ID: 09013A00140000; Size: 4.07 ac; Zoning District: Rural; File: 22-3-FPA.

Ms. Jennifer Brockman described the location of this property and provided an overview of the staff report, stating that this is an older development and that all older subdivisions included a note that each parcel is restricted to one single family residence unless otherwise approved by the planning commission. The applicants are proposing an accessory dwelling unit for a family member, attached to a detached garage. Because this is a note on the final plat previously approved by the Planning Commission, a Final Plat Amendment is required to be approved by the Planning commission to allow this change. The applicant, Mr. John Rolfe, agreed with Ms. Jennifer Brockman's presentation regarding his application.

Mr. Shepp opened the Public Hearing. There was no public comment. Mr. Shepp closed the public hearing.

Mr. Donnie Fisher motioned to approve the Final Plat Amendment to allow the in-law suite. Mr. J. Ware seconded the motion, which carried unanimously.

8. **Public Hearing:** Request for waiver of Section 20.201A.2.b to reduce the required road frontage from 200' to 161' for a proposed two lot minor subdivision consisting of one 3-acre lot for a

proposed gas station and convenience store (zoned Highway Commercial) and a vacant 1.4 acre lot (zoned Rural). Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine AVE. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 4.41 ac; Zoning District: Highway Commercial/Rural; File: 22-6-PCW.

Ms. Jennifer Brockman reviewed the staff report, reminding the Planning Commission that this property had been before them for rezoning to Highway Commercial. The applicants are now processing a Major Site Plan for the commercial portion of the property but need to subdivide along the zoning line. The request is to process this as a Minor Residential Subdivision, which would require 200' of road frontage. Staff noted that even if this waiver is approved, the applicant will be required to receive WV DOH approval which will be impacted by the relationship to the Huntfield subdivision entrance, the Washington High School entrance, and the new proposed Sheetz entrance.

The applicant's representative, Chad Wallen, said that they have been working with WV DOH for the Sheetz entrances and have made modifications to the design as required by WV DOH.

Mr. Shepp opened the Public Hearing.

Ms. Marcus spoke as a public citizen. She asked the Planning Commission to enforce the requirements of the Subdivision Regulations. Ms. Marcus has been concerned about the location of this project from the start. She is concerned about the potential trip generation and the relationship to the safety of the trips coming in and out of the High School. She also noted that there have been multiple deaths at the traffic light intersection of Augustine Avenue and US 340. She believes that adults' and kids' safety is at risk.

There was no other public comment.

Mr. Shepp closed the public Hearing.

Mr. Knott made a motion to approve the request to waive Section 20.201A.2.b. of the Subdivision Regulations to reduce the required road frontage from 200' to 161' for a proposed two lot minor subdivision consisting of one 3-acre lot for a proposed gas station and convenience store and a vacant 1.4 acre lot. Mr. Jack Hefestay seconded the motion for discussion purposes.

Mr. Knott asked if the second lot could have a building in the future. Mr. Wade Louthan asked if the location of another entrance will be WV DOH's decision. Ms. Brockman said that applicant will be required to have WV DOH approval for a second entrance.

Mr. Shepp called the question. The vote was 5 in favor; 1 abstained (Steve Stolipher); and 2 opposed (Wade Louthan and Donnie Fisher). Steve Stolipher noted that he had entered the meeting during this agenda item and would have recused himself if he had known which item was being heard. The waiver request was approved.

Mr. Steve Stolipher recused himself for item #9 and left the room.

9. **Public Hearing:** Request for waiver of Section 20.201A.3 to waive the requirement related to the extension of off-site utilities to allow for a proposed two lot minor subdivision. Applicant: Bob Franks, Sheetz, Inc. Property Owner: Guy Chicchirichi; Property Location: NE of US 340 & Augustine AVE. Intersection, Charles Town, WV Parcel ID: 02001600010000; Size: 4.41 ac; Zoning District: Highway Commercial/Rural; File: 22-7-PCW.

Ms. Jennifer Brockman provided an overview of the staff report and stated this is the same

property as agenda item #8. She noted that there are two main criteria differentiating a minor subdivision and a major subdivision: one is the number of lots and how they access the property; the other is whether the lot requires the extension of offsite infrastructure. In this case, the applicants are requesting that the 1.4 acre division be permitted to process as a minor subdivision without getting health department approval. She stated that Sheetz is processing as a Major Site Plan that is requiring the extension of utilities and the waterline coming from Huntfield subdivision and sewer from the apartments running alongside Route 340. The applicant is requesting that this be taken into consideration for the remaining Rural lot.

Mr. Shepp asked the applicant for more information about access to the Sheetz sanitary sewer line. Mr. Chad Wallen, with Integrity Federal Services, representing the applicant, stated that the sewer will run thru the other properties as a force main they will not have direct access to it. The owner of the rural property would have to install a pump station in order to access the sewer line. He also explained that if the utilities could be extended to the Sheetz property before the subdivision was processed, this waiver would not be required; however, the site plan cannot be approved until the subdivision is approved. Mr Saunders noted that the bonding related to the off-site improvements is also tied to the Site Plan approval.

Mr. Shepp opened the Public Hearing. No public comments. Mr. Shepp closed the public hearing.

Planning Commission members discussed the issues regarding this waiver request. Mr. Shepp asked if there were any more comments or questions. Jack Hefestay made a motion to deny the requested waiver. Mr. Shepp noted that a second was not actually required for a small commission and called the question, reminding that a yes vote is in favor of the denial. The vote was taken and was unanimously denied.

There is no public comment for the following items.

- 10. Discussion and Action:** For the Planning Commission to vote to approve or deny the King's Crossing Preliminary Plat Application as complete in accordance with Sections 24.113 and 24.114 of the Subdivision Regulation, for the purpose of scheduling a Public Hearing for this application. Property Owner: DR Acquisitions LLC. Property Location: Parcel ID: 0200170022; Size: 86 acre; Zone: Residential Growth. File: 21-8-SD.

Ms. Jennifer Brockman explained that staff had deemed the King's Crossing Preliminary Plat as complete last week. She stated that Section 24.113 I of the Subdivision Regulations requires staff to place the Preliminary Plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, Major Subdivision Preliminary Plat - Public Hearing. Ms. Brockman noted that the only outstanding issues staff has noted were approval of the required Traffic Impact Study, WV DOH entrance permit and final approval from the Charles Town Utility Board for water and sewer connection. Action at this meeting would allow the Public Hearing to be placed on the May 17th Planning Commission agenda.

Mr. Mike Shepp asked if the questions and the comments can be taken care of by May 17th. Ms. Brockman said that the staff comments are minor, other than WV DOH and CTUB approval, and should be able to be resolved. Final approval can be conditioned on these other agency approvals.

Mr. Steve Stolipher made a motion to find the King's Crossing Preliminary Plat file as complete and to schedule the Public Hearing for May 17, 2022. Donnie Fisher seconded the motion, which carried unanimously.

11. Review, discussion and possible action related to the County Commission's amended version of the PC proposed *Envision Jefferson 2035 Comprehensive Plan* Amendment (1/6/22).

Mr. Stolipher recused himself from agenda items #11 and #12 and left the room. Mr. Shane Roper also recused himself from item #11 and 12.

Mr. Nathan Cochran explained that on May 5, 2022, the County Commission adopted an order that reflected a series of discussions, mostly settlement discussions related to the lawsuit related to the amendment to the Comprehensive Plan. He stated that he would like to give them some legal advice regarding this on-going legal action (JCC Civil Action 22-C-6).

Mike Shepp made a motion to go into Executive Session to discuss legal advice on the proposed settlement and to find out what next steps were required; Matt Knott seconded the motion, which carried unanimously. The Planning Commission members were reminded to turn off their sound /video in ZOOM and to phone into the Executive Session if they were on ZOOM.

At 8:26 pm, Jack Hefestay made a motion of come out of executive Session; Matt Knott seconded it, which carried unanimously.

Mr. Cochran informed the Planning Commission (PC) that the County Commission (CC) reviewed the PC's proposed amendment to the *Envision Jefferson 2035 Comprehensive Plan* and determined that they wanted to amend the proposed amendment in accordance with WV Code 8A-3-10 and related statutes and read the new proposed language for page 93 of the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Cochran also explained the court case related to this amendment and the relationship of the settlement to the CC's order related to the Comprehensive Plan amendment. Mr. Cochran explained that WV Code states that if the PC agrees with the CC's recommendation, it resolves the Plan Amendment and discussed other provisions of the state law.

Mr. Mike Shepp made a statement that while he didn't agree with making solar panels a conditional use, he made a motion to agree to the County Commission's amendment to the *Comprehensive Plan* dated their 4-5-22 and to the proposed settlement to Case Number 22-C-6. Donnie Fisher seconded, which carried unanimously.

12. Discussion and possible action related to the County Commission's direction to the Planning Commission to initiate a revised amendment to the Zoning Ordinance related to Solar Energy Facilities in conformance with the County Commission's amended *2035 Comprehensive Plan Amendment*.

Mr. Cochran noted that Mr. Will Rohrbaugh, the Commission's outside counsel had written and letter to the Planning Commission on April 11, 2022 regarding the County Commission's request that the Planning Commission draft an amendment to the Zoning Ordinance that confirms with the newly revised amendment to the *Comprehensive Plan*.

Mr. Shepp initiated a discussion with the Planning commission and staff regarding the shortest time frame required to draft the revised text and the earliest date that a Planning Commission Public Hearing can be held, including a special meeting, if required. He recommended starting with the previous draft of the Zoning Ordinance amendment and adding the CUP process. He recommended that a Concept Plan be required even if a CUP is required. Ms. Alex Beaulieu

asked for some clarification of the direction being provided and the possible relation between the sketch required for a CUP and a Concept plan as required in the Subdivision Regulations. Ms. Brockman asked about projects that cross the UGB boundary and Mr. Shepp asked for staff direction in the draft text amendment. Ms. Beaulieu summarized the direction from Mr. Shepp for the Commission's agreement.

Mr. Shepp made a motion to have the Zoning Administrator to work expeditiously on a revised solar text amendment to the Zoning Ordinance in accordance with the Comp Plan Amendment and to schedule a Public Hearing and planning commission action on the Amendment, and to schedule a special meeting, if needed. Mr. Jack Hefestay seconded the motion. Discussion related to the possible need for a special meeting to review the draft, which requires 2-day notice. The special meeting would be for the purpose of reviewing the draft for readiness for the Public Hearing. The Public Hearing requires 15 days' notice in the paper. The motion passed unanimously.

Mr. Stolipher re-entered the room at the conclusion of this agenda item and Mr. Roper re-entered on ZOOM.

13. Discussion and possible action related to proposal for update to Subdivision Regulation and Zoning Ordinance updates..

Mr. Shepp reported that three years ago Greenway Engineering had been hired to re-write the Subdivision Regulations and portions of the Zoning Ordinance, which ended unsuccessfully about a year ago. The Planning Commission Committee requested another proposal from the #2 party, which occurred and is in process with Legal's input. Mr. Shepp is requesting a motion from the Planning Commission allowing the Committee to move forward with the "contract under negotiation" with a new consultant.

Mr. Steven Stolipher made a motion to have the Committee meet with Legal Counsel to address any final comments and then to take the proposed contract to the County Commission for their approval. Mr. Wade Louthan seconded the motion, which was approved unanimously.

14. Discussion and Approval: Planning and Zoning Quarterly Report for FY 2021-2022 3rd Quarter for the County Commission

Ms. Jennifer Brockman summarized the 3rd Quarter quarterly report for the Planning Commission, Board of Zoning Appeals, and the Office of Planning and Zoning; and asked if the Planning Commission had any questions. A motion is required to send the report to the County Commission.

Mr. Donnie Fisher motioned to approve the Quarterly Report to send on to the County Commission; Jack Hefestay seconded the motion, which carried unanimously.

15. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109.
- b. Review of Zoning Text Amendment File #ZTA19-03 related to solar energy facilities, including discussion of Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21- 0727, 21-0728, and 21-0731.

c. Report by counsel regarding Comprehensive Plan Amendment and related issues.

Mr. Nathan Cochran stated that he had no comments related to Items b and c; and that there has been a disagreement on discovery on item #a, so that is on hold at this time.

16. Planner's Memo

Ms. Brockman provided an update to the Planning Commission noting that the County Commission had approved the Green Hill Zoning Map Amendment (22-1-Z) and the Guy Chicchirichi/Sheetz Zoning Map Amendment (22-2-Z).

Ms. Brockman also reminded the Planning Commission that due to Primary Election day on May 10, 2022, the May Planning commission meeting is scheduled for May 17, 2022. That meeting currently includes a Concept Plan Public Workshop for Sam Michaels Park and a Preliminary Plat Public Hearing for Kings Crossing Subdivision.

17. President's Report

- Mr. Shepp requested input from the Planning Commission members regarding the format of upcoming meetings. Staff noted that the County no longer hosts the old webcasting format, so the Planning Commission will need to continue to offer the ZOOM option.
- The Planning Commission agreed to meet in person and open the meeting to those who would like to attend in person and noted that people can still participate via ZOOM.

18. Actionable Correspondence. None.

19. Non-Actionable Correspondence

Mr. Matt Knott motioned to adjourn the meeting; Mr. Jack Hefestay seconded the motion, which carried unanimously. The meeting was adjourned at 8:55 pm.

These minutes were prepared by Tanya Lyons, Planning Clerk.

Meeting Minutes
Jefferson County Planning Commission
April 19, 2022

The Jefferson County Planning Commission met on April 19, 2022 at 7:00 p.m. with the following Planning Commission members present in-person: Mike Shepp, President; Wade Louthan, Secretary; and Jack Hefestay. Ron Thomas and J. Ware were present via ZOOM.

Steve Stolipher, Matt Knott, Shane Roper, and Donnie Fisher were absent with notice.

Staff members present included Jennifer Brockman, County Planner; Alexandra Beaulieu, Zoning Administrator; Nathan Cochran, County Attorney; and Will Rohrbaugh, County Commission's legal representative (ZOOM).

The Planning Commission meeting was held as a hybrid meeting, with in-person and virtual meeting options available. The information to attend the meeting was made available on the agenda and packet, which were posted to the County website.

Mr. Shepp called the meeting to order at 7:00 pm.

1. **Review and Discuss** the first draft of a text amendment to the Zoning Ordinance to create provisions to allow Solar Energy Facilities to process in Jefferson County. The draft amendment includes provisions to allow Solar Energy Facilities to process as a Permitted Use on parcels located within the Urban Growth Boundary and Preferred Growth Area as identified on the Future Land Use Guide in the Envisions Jefferson Comprehensive Plan. The amendment also includes provisions to allow Solar Energy Facilities to process as a Conditional Use on parcels located outside of the Urban Growth Boundary and Preferred Growth Area.

Ms. Beaulieu provided an overview of the draft text amendment and answered questions from the Planning Commission.

2. **Discussion and Possible Action** to schedule a Public Hearing to receive public input on the proposed text amendment.

Mr. Shepp made a motion to schedule a Public Hearing on the draft text amendment for May 17, 2022. Mr. Louthan seconded the motion, which carried unanimously.

3. **Discussion** of Jefferson County Circuit Court case number 2021-C-109, styled generally as Jefferson County Vision, Inc. v Jefferson County Planning Commission.

Mr. Cochran recommended that the Planning Commission go into executive session to receive legal advice on Circuit Court case number 2021-C-109. Mr. Shepp motioned to go into executive session to receive legal advice on Circuit Court case number 2021-C-109. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Louthan motioned to come out of executive session at 8:17 p.m. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Hefestay motioned to adjourn the meeting at 8:18 p.m. Mr. Ware seconded the motion, which carried unanimously

These minutes were prepared by Alexandra Beaulieu, Zoning Administrator.

Staff Report
 Jefferson County Planning Commission
 May 17, 2022
Sam Michaels Park Concept Plan (PC File: 22-2-SP)

Introduction and Summary of Request

In 2016, the Jefferson County Parks and Recreation Commission (JCPRC) and County Commission (JCC) developed and approved a 2026 Master Plan for all of Jefferson County Parks and Recreation Facilities. Based on the vision and direction of this overall Master Plan, in 2018, the JCPRC undertook and approved a planning process to develop a more detailed Master Plan for Sam Michaels Park that involved a Citizen’s Advisory Committee and input from various park users and stakeholder interests and the public. Sam Michaels Park is the County’s largest and most diverse facility among the County’s 10 park locations and is home to the County Community Center, playground, various ballfields and courts, pavilions, a dog park, a walking trail and a growing amphitheater facility.

The JCPRC has been moving forward with the implementation of the Sam Michaels Plan in phases under a previously approved Master/Site Plan through a series of red-line revisions and have recently reached the build-out of that Site Plan. Recently, the staff and Board have been successful in obtaining a number of grants that will allow the implementation of the Park Master Plan and the 1,200 seat amphitheater facility in particular. Toward this end, a new Site Plan will need to be processed that includes engineered stormwater improvements and proposed public water and wastewater facilities. The first step in processing this Site Plan is this Concept Plan and the required Public Workshop. The following graphic depicts the full build-out of Sam Michaels Park, which will occur over an extended period of time. The Plan itself details four phases which may be broken into sub phases as financing becomes available.



Staff Report
 Jefferson County Planning Commission
 May 17, 2022
Sam Michaels Park Concept Plan (PC File: 22-2-SP)

Site Plan Category

In 2017, the JCPRC initiated the amphitheater project by processing a red-line revision to the previous site plan which included removing an existing 16' x 40' stage located within the special events field and constructing a 3,800 sq. ft. concrete stage at Sam Michaels Park, to be used seasonally. This functioned as Phase 1 of the ultimate construction of a full amphitheater and related seating areas. At that time, the JCPRC was informed that this project exhausted the future building area from the original site plan and any future proposed construction build-out would require a Concept Plan, which the applicant is doing at this time.

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.203A(2) of the Subdivision Regulations states site developments that include building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall process a Concept Plan with a public workshop and all remaining Site Plan review processes shall be administratively approved. It has been determined that this development shall process as a Minor Site Development, with a Concept Plan.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

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

	Description	Status
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided
4. Proposal Description	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on the Concept Plan

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5. Traffic Impact Data	<ul style="list-style-type: none"> a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	<u>ADT</u> near intersection of Shepherdstown Pike & Job Corps Road in 2017: 2,060; <u>Trip Generation</u> : not provided; <u>Key intersection</u> : WV230/WV22; No Problem Area
6. Traffic Study	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	A Traffic Impact Study may be required by the WV DOH; however, we have not heard from them yet.
7. Agency Reviews	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. Responses received are below.
D. Department	The Department review shall include the following: <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan. 	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development.
E./F. WVDOH	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	No response has been received from WV DOH at this time.
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County’s needs in that area of the County.	This project is proposed to be served by Charles Town Utility Board from across Job Corps Road (water and sanitary sewer). Final design will occur with the Site Plan.
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

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Concept Plan Review

1. External Agency Reviews (attached)

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

- a. Jefferson County Health Department: The Health Department has requested to be included in the review of all proposed improvements that utilize water or sewer or involve food preparation for compliance with state requirements.

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

2. Staff Recommendation related to Concept Plan

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

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed full build out of Sam Michaels Park, located on the south side of Job Corps Road, to be “complete” based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan, which is expected to be submitted in phases:

- a. WV DOH approval for the relocated entrance and increased activity, and any Traffic Impact Study recommendations, if required, will be required in conjunction with the Site Plan.
- b. Water and sanitary sewer utility permits from the Charles Town Utility Board will be required in conjunction with the Site Plan.

3. Planning Commission Direction

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

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

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

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

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to

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guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

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

ATTACHMENTS:

- Jefferson County Health Department e-mail (4-20-22)

From: [Beach, Gillian R](#)
To: [Planning Department](#); [Jennifer Myers](#)
Subject: Concept Plan for Sam Michael's Park
Date: Wednesday, April 20, 2022 4:12:01 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Jennifer,

We received the concept plan for Sam Michaels Park. Our records indicate that the park is not serviced by public water and sewer, therefore, there would likely have to be modifications and additions to existing septic systems on the property in order to service the additional restrooms and/or food service areas (to include food truck hook-ups if you are providing water and sewer hook-ups). If your concept plans are approved, you must submit detailed proposals to our office on the additions along with the septic modification applications. There are no guarantees that these modifications and/or additions to your septic system would be approved.

Additionally, the proposed plans for the water play, splash pads, shallow pool, hand pump, and water playground will need to be approved first by the state office of engineering and then permitted by our office.

Our office would also be involved in approving plans for and permitting any food service areas (concessions). It is also likely that you would have to be registered with the State public water office and meet applicable water quality standards based on the number of people that will be eating and drinking at your facilities. Please let me know if you have any questions and please be sure to submit any plans and permit applications prior to any construction of the above mentioned facilities. In general the plan reviews must be received 45 days prior to intended construction. Please check with the State Office of Engineering for plan review submission requirements for the recreational water areas.

Thank you,

[Gillian Beach, R.S.](#)

Environmental Health Manager
Jefferson County Health Department
1948 Wiltshire Rd. Suite 1
Kearneysville, WV 25430
(304) 728-8416 ext 3033

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

File #: 22-2-SP
 Fees Paid: N/A
 Staff Int.: AB

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

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

Subdivision or Site Development Application

Application Type

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

Project Name: Sam Michaels Park
 Description: Master Plan layout for full build-out of park.

Primary Contact Phone Number (must be a direct line number) 703-851-1262

Property Owner Information

Owner Name: Jefferson County Commission
 Business Name: _____
 Mailing Address: P.O. Box 250, Charles Town, WV 25414
 Phone Number: 304728-3284 Email: sandy@jeffersoncountywv.org

Applicant Information Same as Owner:

Applicant Name: Jennifer Myers
 Business Name: Jefferson County Parks and Recreation
 Mailing Address: 235 Sam Michaels Lane, Shenandoah Junction, WV 25442
 Phone Number: 304-728-3207 Email: smyers@jcprc.org

Registered WV Engineer or Surveyor or Consultant Information

Contact Name: John Recny
 Business Name: Helbing Lipp Recny Architects
 Mailing Address: 111 W Washington St, Charles Town, WV 25414
 Phone Number: 703-556-0700 ext. 229 Email: jrecny@hlrarchitects.com

Physical Property Details Vacant Lot:

Physical Address: 235 Sam Michaels Lane, Shenandoah Junction, WV 25442
 Tax District: Charles Town (02) Map No: 3 Parcel No: 12
 Parcel Size: 137.9 acres Deed Book: 494 Page No: 157
 Zoning District: Rural

Additional Parcels (if any)

Physical Property Details Vacant Lot:

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

Physical Property Details Vacant Lot:

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

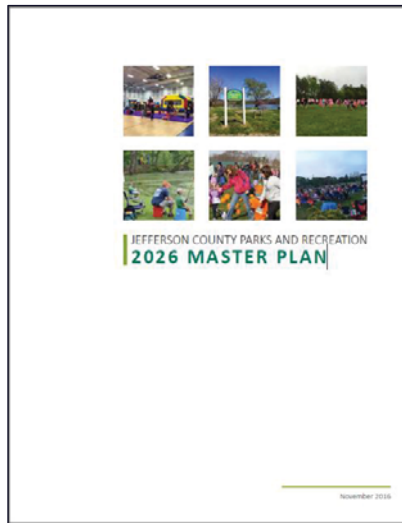
Sam Michaels Park Master Plan

“DESIGN AND IMPLEMENT A GRAND VISION FOR SAM MICHAELS PARK THAT ELEVATES THE PARK TO A TRUE COUNTY-SCALE AND “THE PREMIERE” PARK FACILITY FOR JEFFERSON COUNTY.” – JEFFERSON COUNTY PARKS AND RECREATION 2026 MASTER PLAN

Introduction

The Sam Michaels Park Master Plan presents a grand vision that preserves and celebrates the park as a valued and treasured resource and elevates the park as the premiere park facility for Jefferson County residents and the ever-growing list of users. The preparation of this master plan stemmed from the [Jefferson County Parks and Recreation 2026 Master Plan](#) for the countywide parks and recreation system. The 2026 Master Plan identified the need to create a new master plan to replace the park’s concept plan prepared in 2000 and provide a new strategic vision to manage its growth while preserving and protecting its most sensitive resources.

The Sam Michaels Park Master Plan was prepared for the Jefferson County Parks and Recreation Commission (JCPRC) by its technical planning and design consultant Michael Baker International, Inc. in consultation with a 11-member ad-hoc Citizen’s Advisory Committee (CAC). The planning process was initiated in May 2018 and concluded with the JCPRC Board’s acceptance of the plan in December 2018. In addition to guidance and inputs received from the CAC, JCPRC and the consultant team obtained inputs from various park users and stakeholder interests, and the public during a special public meeting of the JCPRC Board held in October 2018 at the Community Center at Sam Michaels Park.



Jefferson County Parks and Recreation
2026 Master Plan

About Sam Michaels Park

Encompassing an area of 136.6 acres, Sam Michaels Park is Jefferson County’s largest and most diversified park among the county’s 10 park locations. As illustrated in **Figure 1**, the park is accessed from Job Corps Road and is contiguous to the Breckenridge and Stonebrook residential subdivisions. The park is home to the 18,900 square foot Jefferson County Community Center, which includes a full gymnasium, preschool program and classrooms, multi-purpose room, fitness room, and JCPRC staff offices. In addition to the Community Center, Sam Michaels Park also includes a variety of athletic fields and courts, 6.8 miles of pedestrian trails, Veterans Memorial pavilion and playground, Sam Michaels Park pavilion and playground, Outdoor Nature and Education Center, The Columns, 2-acre dog park, the newly installed 19-hole disc golf course, and the 1,200-seat capacity outdoor amphitheater that is currently under construction.



Figure 1 – Sam Michaels Park Property Extents, 136.6 Acres
Source: West Virginia Property Viewer, www.mapwv.gov/parcel/



Citizens Advisory Committee Meeting at Jefferson County Community Center, June 6, 2018



The Columns - Sam Michaels’ Homestead



Jefferson County Community Center



Sam Michaels Park Amphitheater Construction, October 2018

Sam Michaels Park is host to an extensive number of indoor and outdoor programs and events including the annual summer fireworks event that attracts between 10,000 and 15,000 spectators. The JCRPC maintains a current list of programs and events through its published [Activity Guide](#), which is individually published for its Winter, Spring/Summer, and Fall event seasons. In addition to the JCRPC-sponsored programs and events, two cross-country teams from Jefferson County utilize the park's extensive open space areas and variable terrains to achieve a challenging course. Additionally, the park is attracting interest and use from growing number of youth and adult travel and competitive sports leagues (e.g., soccer, lacrosse, volleyball, baseball, softball, disc golf). Because of such demand, the JCRPC has begun installing a new 19-hole disc golf course and this master plan has considered other needs in the context of the park's natural setting and resources.

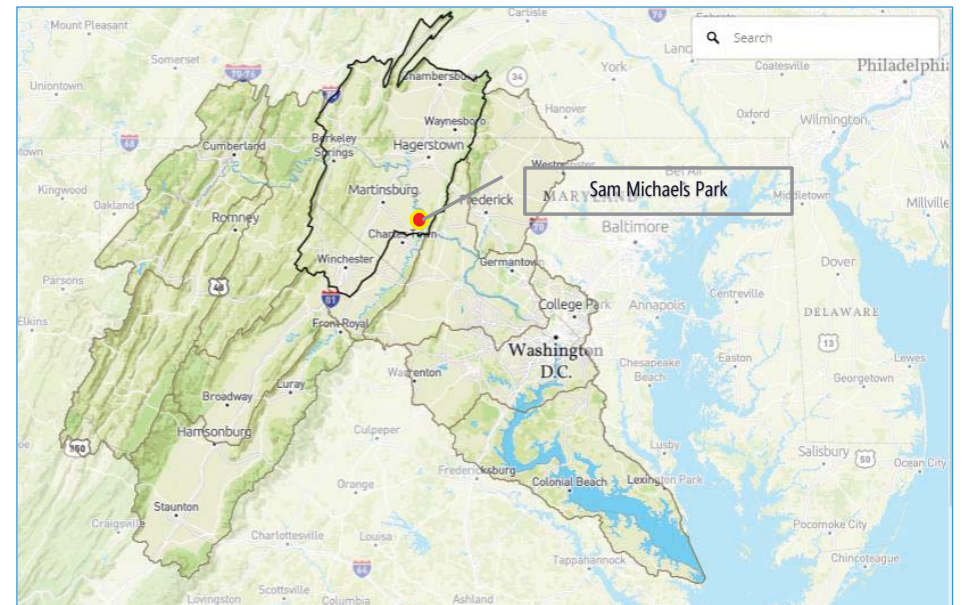
Sam Michaels Park originated from the park's name sake Sam Michaels who was a very interesting man with an eccentric estate. "He was well-liked by those who knew him and misunderstood by those who didn't," (*The Martinsburg Journal*, July 18, 1975, page 5). Mr. Michaels attended Shepherd College, now Shepherd University, in northern Jefferson County and he inherited the land which is now Sam Michaels Park from his father, also named Sam Michaels. On it, he had a plantation-style mansion and a German-style bank barn, located on a hill. He was friends with President Franklin Roosevelt and loved nature, keeping exotic animals like buffaloes, peacocks, flamingos, llamas, monkeys, and a scarlet macaw; in addition to animals like Canada geese, swans, dogs, and white deer. When Michaels died in 1973 at the age 87, he willed his property to the State of West Virginia to

be used for public enjoyment. However, the state determined that the property was too small to be maintained as a state park facility and on August 25, 1981, the property was deeded to the Jefferson County Commission for the use and benefit of the citizens of Jefferson County and the public at large (**Appendix A – Sam Michaels Park Deed**).

In addition to its distinctive heritage and beautiful pastoral setting, Sam Michaels Park is entirely situated in the Elks Run Watershed comprised of the Elks Run and its tributary the Elk Branch. The watershed is situated within the Conococheague-Opequon Watershed of the Potomac River Basin and the Chesapeake Bay (**Figure 2 – Conococheague-Opequon Watershed of the Potomac River Basin**). Elks Run is the only surface water stream in Jefferson County that serves as a municipal water supply serving approximately 1,500 residents living in the towns of Bolivar and Harpers Ferry. The protection and interpretive education of the watershed is of upmost importance to the JCRPC and this Master Plan serves to strengthen the Commission's relationship with the Elks Run Watershed Group and others to achieve their common goals.

With its central location, large acreage, and landscape reflecting rural Jefferson County, Sam Michaels Park has the potential to be recognized by the entire community as the premiere, county-wide, year-round attraction for recreation, competitive sports activities, social gatherings and events, education, and general enjoyment of nature and the outdoors. Today, residents credit the park's natural setting, abundance of facilities, well used walking trails, cultural heritage of Sam Michaels homestead, and feeling of safety, to the dedicated JCRPC staff and strong support from the JCRPC Board and Jefferson County Commission.

Figure 2 – Conococheague-Opequon Watershed of the Potomac River Basin



Source: www.potomacriver.org

Sam Michaels Park Master Plan

The Sam Michaels Park Master Plan provides a bold new vision for the park's management and utilization based on the JCPRC's 2026 Master Plan and specific guidance obtained from the various participants of the Sam Michaels Park master planning process conducted between May – December 2018. The Sam Michaels Park Master Plan serves as the JCPRC's blueprint by providing specific guidance and recommendations for facility improvements, resource protection, regional connections, and considerations for mitigating off-site impacts to properties and resources.

The Sam Michaels Park Master Plan establishes the following vision and goals, which are supported by the improvements conceptually illustrated in **Figure 3** and detailed in **Table 1**: **Figure 4** illustrates the master plan's uses areas and their viewsheds.

Vision: Sam Michaels Park will be Jefferson County's premiere park facility that celebrates the Sam Michaels' family heritage, protects and manages its natural resources, and provides sustainable facilities, events, and programs for all to enjoy.

Goals:

- Encourage healthy lifestyles by providing an appropriate mix of outdoor and indoor spaces to support a diversity of recreation interests and user needs.
- Create exciting, inviting, and sustainable park spaces and facilities in context to the park's rural location and its cultural and environmental resources.
- Maintain high standards for planning, implementing, maintaining, and operating existing and future park facilities.
- Utilize environmentally and fiscally sustainable practices and policies for developing and maintaining the park's facilities and resources.
- Expand communications and outreach to encourage residents and stakeholders alike to proactively partner and participate in the park's improvements.



Annual Fireworks Event



JCPRC Eugene M. Fuller Program Award, 2018



Aerial View of Veterans Pavilion and Playground



Sam Michaels Park Pavilion



Pastoral Views from Sam Michaels Park



Figure 3 – Sam Michaels Park Master Plan Illustration



Figure 4 – Park Use Areas and Views Between

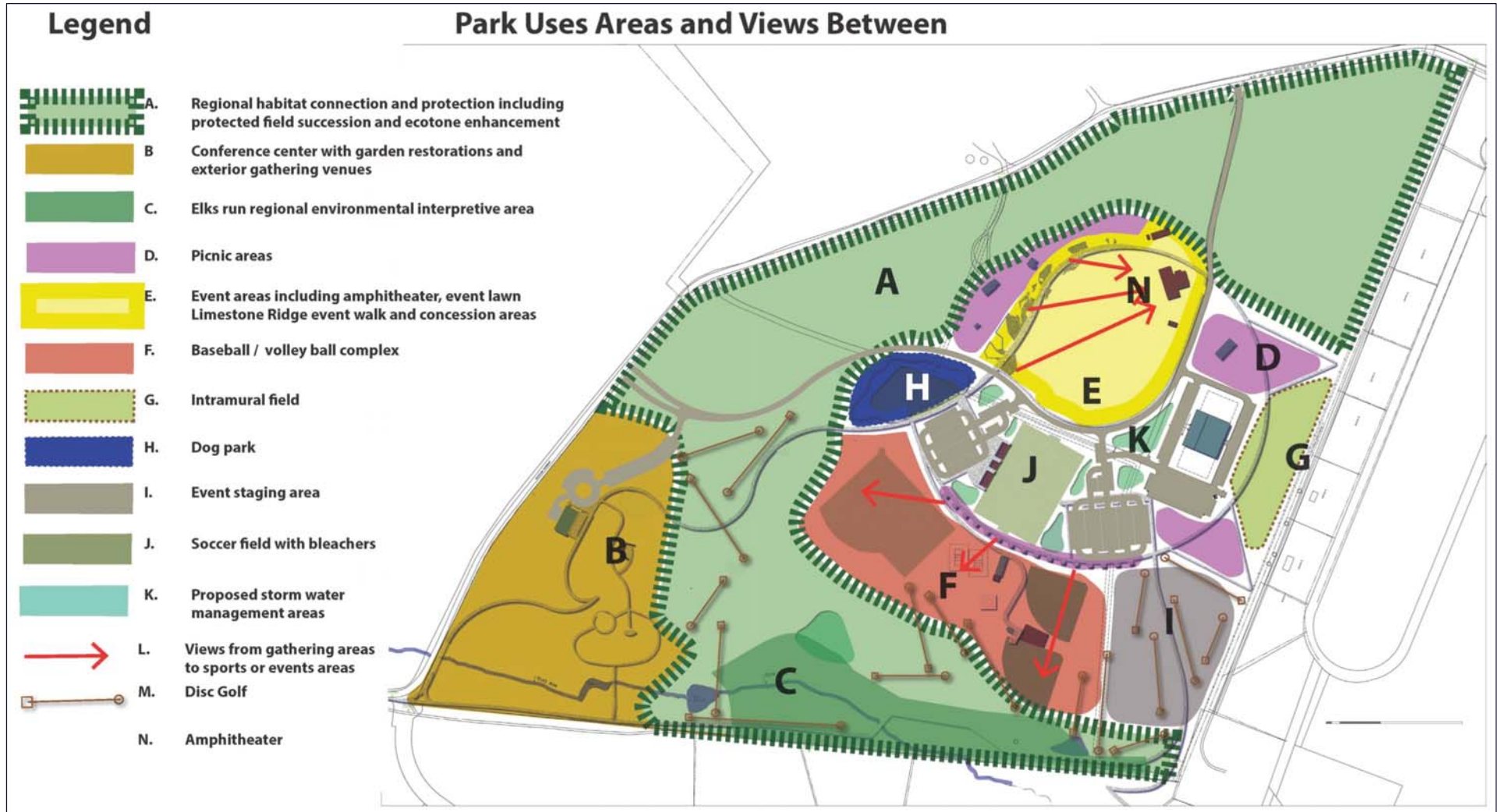


Table 1 – Sam Michaels Park Master Plan Concept Improvements and Recommendations

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
1.	Relocated scout camp area	Relocate existing scout camp to the Sam Michaels Park Pavilion area to provide improved access to park amenities including the existing pavilion, kitchen, fireplace, and restrooms. The current scout camping area adjacent to Elks Run should still be made accessible to the scouts for their activities.	1	<ul style="list-style-type: none"> Scouts
2.	Existing group pavilion	Retain existing pavilion (no specified changes or improvements). Consider renting the pavilion as a VIP space for special events.	0	<ul style="list-style-type: none"> N/A
3.	New playground center	Replace the existing playground equipment with a new 37' 9" x 43' 3" ATSM and CPSC certified playground station.	1	<ul style="list-style-type: none"> N/A
4.	Playground center shade area	Retain and maintain (pruning, etc.) existing shade tree canopy and remove invasive exotic species such as Russian Olive (<i>Elaeagnus angustifolia</i>) and Stink Tree (<i>Ailanthus altissima</i>) with scouts and local environmental groups. Ensure JCPRC Maintenance staff obtain arborist training or retain a certified arborist to annually inspect the park's trees and provide recommendations on their proper care.	0	<ul style="list-style-type: none"> Cacapon Institute
5.	Butterfly gardens	Design, plant and maintain a native pollinator garden including those conducive to butterfly species.	3	<ul style="list-style-type: none"> Potomac Valley Audubon Society Cacapon Institute Berkeley-Jefferson Extension Master Gardeners Garden Clubs
6.	Water play area	Design, construct, and maintain an interactive water play feature that is integrated and supportive of the natural environment.	3	<ul style="list-style-type: none"> N/A
7.	Log / natural play areas	Install a new natural play area using recycled hardwood timber logs. Consider reusing the storm fallen tree located at the park entryway for this use.	3	<ul style="list-style-type: none"> N/A
8.	Food truck vending stations	Install up to four (4) impervious paved food truck stations to include utility hookups for water and power supply needs. Adopt and administer a food truck vending policy and permit application and fee schedule.	3	<ul style="list-style-type: none"> Jefferson County Planning & Zoning
9 – 11.	Amphitheater and associated improvements including (10) loading and temporary parking, and (11) restrooms / concessions / ticketing (See Figure 7b, Amphitheater Illustration)	<p>Complete the current amphitheater construction and evaluate noise impacts on adjacent residential properties. The amphitheater will serve as a revenue generating facility based on rental user fees, etc. The JCPRC should consider the following:</p> <ul style="list-style-type: none"> Develop an operations plan, fee schedule and user agreement. Develop and publish an amphitheater use policy and operations schedule that minimizes light and noise impacts on adjacent residential uses. Develop a funding strategy to address the financing gap required to complete the facility's full completion. 	3	<ul style="list-style-type: none"> TBD
12 – 13.	Expanded Dog Park (2.5 total acres)	Reposition and increase current 2.0-acre dog park by adding a 0.5-acre small dog park area and provide a non-vegetative shade structure for hot weather and rain protection (see Item #53). Existing dog park will need to be repositioned to accommodate the proposed park driveway alignment and turf soccer field and parking. Improvements also include a bio-retention stormwater management and filtration facility, turf entryway for dog owners, and perimeter gravel walkway. To	2	<ul style="list-style-type: none"> Dog park users

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		be added once the existing dog park is repositioned to accommodate the proposed park driveway alignment and turf soccer field and parking.		
14 – 15.	National Federation of High Schools (NFHS) turf soccer field (and bleachers)	New NFHS turf soccer field with bleachers. The new soccer field will be a revenue generating improvement based on user fees charged for soccer tournaments.	2	<ul style="list-style-type: none"> Recreation and Travel Soccer Clubs
16 – 17.	Repositioned and upgraded baseball field and multiuse turf field.	Reposition and upgrade the existing baseball field to include a new multipurpose turf field to expand its use opportunities, minimize maintenance costs, and provide revenue generating opportunities. The new field could accommodate a variety of baseball and softball dimensions and expand its use capabilities to include practice space for various sports teams. Repositioning the baseball field is necessary to accommodate the new turf soccer field area and its upgrade to a multipurpose turf surface will increase its utility and minimize long-term maintenance costs, and provide increased revenue generating opportunities through travel baseball, softball, soccer, and lacrosse club sports usage.	4	<ul style="list-style-type: none"> United States Specialty Sports Association (USSSA) – West Virginia Tournament Director
18.	Circular walkway and group picnic overlook (See Figure 6, Picnic Overlook Illustration)	New, shaded circular walkway with stationary picnic stations provide an overlook venue for various park users and sports spectators.	2	<ul style="list-style-type: none"> TBD
19.	Existing concessions building	As noted in Item #47, construct a new 672 square foot bathroom facility addition to the existing concession pavilion.	2	<ul style="list-style-type: none"> N/A
20.	Playground station	New 32' 6" x 36' 6" ATSM and CPSC certified playground station. Install a new playground station to service the portions of the park adjacent to the new turf soccer field and baseball fields.	4	<ul style="list-style-type: none"> N/A
21.	Park maintenance facility relocation and expansion	In concert with Item #34, The Barn Event Space, construct a new 3,000 – 5,000 square foot maintenance building to accommodate the relocation of the existing park maintenance facility operations and equipment.	1	<ul style="list-style-type: none"> Private equipment corporate sponsor(s) could help finance the project and have naming rights to the new facility.
22.	Baseball fields	Retain existing 40/60 and 50/70 baseball fields. Continue to perform annual maintenance and increase the fields usage for travel baseball to increase the fields' revenue generating potential. Develop and administer a field maintenance policy and conduct training on proper field maintenance techniques.	0	<ul style="list-style-type: none"> United States Specialty Sports Association (USSSA) – WV Tournament Director
23 – 25.	Recreation Center and Center Expansions	Consider future recreation center expansions based on needs. Expansions would provide approximately 11,169 square feet of new multipurpose space to meet future classroom and/or indoor recreation space needs.	4	<ul style="list-style-type: none"> TBD
26.	Veterans Pavilion Playground	Existing playground area adjacent to the Veterans Pavilion to be expanded to include an ATSM certified climbing course playset. Approximate expanded area is 28' 2" x 34' 6".	2	<ul style="list-style-type: none"> N/A
27.	Existing group shelter/restrooms	No changes.	0	<ul style="list-style-type: none"> N/A
28.	USA Volleyball regulation sand courts (2)	Design and construct 2-regulation sand courts for competitive volleyball match play. Ensure the courts are constructed to meet USA Volleyball beach standards including separation distances (i.e., when building courts side by side, it is recommended that the free space be six meters. If adjacent courts are situated end line to end line, the recommendation is 9 meters of free space).	4	<ul style="list-style-type: none"> Shenandoah Surge Volleyball
29.	Nature Play Space & Outdoor Classroom improvements	Expand and improve the existing Nature Play Space & Outdoor Classroom. Improvements should include expanding the area and making minor improvements to its appearance and utility.	0	<ul style="list-style-type: none"> Jefferson County Schools Cacapon Institute
30.	Pedestrian loop trail/pathway and connections	Improve the accessibility conditions of the existing trails and expand the current system based on the alignments shown in the illustrated master plan. Ensure all trails adhere to the Americans with	2	<ul style="list-style-type: none"> TBD

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		Disabilities (ADA) standards pursuant to FHWA's "Designing Sidewalks and Trails for Access" guidelines. Also, consider installing a series of exercise stations on portions of the loop trail south and west of park entrance road and allow full loop access on non-amphitheatre event days.		
31.	Intramural fields	Continued field maintenance.	0	<ul style="list-style-type: none"> Field Users (lacrosse, cross country, etc.)
32.	Native evergreen landscaped screening/buffer	Provide a new native evergreen screening buffer along the park's entire eastern border. Ensure existing invasive species are removed and controlled, and plant native trees and shrubs.	1	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society
33.	Native evergreen landscaped screening/buffer at amphitheater.	Provide additional native evergreen screening adjacent to the new amphitheater facility to provide additional sound mitigation.	3	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society
34.	"The Barn" event space and classrooms with kitchen staging area for group events including weddings at The Columns site (See Figure 7, Precedents)	Repurpose the existing JCPRC maintenance facility into a new revenue generating event space. Commence a feasibility study to create a conceptual design for the building and site renovation and repurposing, detailed cost estimate, and business plan. The design and business plan may then be used to secure funding for the building's engineering, design and construction.	1	<ul style="list-style-type: none"> TBD
35 – 37.	The Columns and Sam Michaels' homestead improvements (See Figure 7, Precedents)	Sam Michaels homestead garden and pond restorations, as well as restoring the stone barn foundation for additional outdoor event space.	1	<ul style="list-style-type: none"> TBD
38.	Native planting garden(s)	Design, install and maintain a new native planting garden(s) to include pollinators and edible plant varieties. Ensure native plant species are used in the garden(s). http://www.wvdnr.gov/wildlife/native_shrubs.shtm https://www.potomacaudubon.org/resources/Documents/Plant%20List%20for%20Presentation-%20Functionality%20of%20Plants%20in%20the%20Garden.pdf	1	<ul style="list-style-type: none"> Cacapon Institute Potomac Valley Audubon Society West Virginia Department of Natural Resources
39.	Sam Michaels memorial sculptures (See Figure 8, Precedents)	Purchase and install life size bronze sculptures representing various exotic animals kept by Sam Michaels including a monkey, bison, peacock, monkey, etc.	1	<ul style="list-style-type: none"> Private sponsors Local artisans
40.	Dry pond stormwater management facilities	Continue to maintain existing dry pond stormwater management facilities to ensure their continued performance and functionality as designed.	0	<ul style="list-style-type: none"> N/A
41.	Raingarden bio-retention stormwater management facilities	Design, construct and maintain new raingarden bio-retention stormwater management facilities pursuant to the Jefferson County model stormwater management ordinance standards.	2	<ul style="list-style-type: none"> Region 9 Eastern Panhandle Regional Planning and Development Council Elks Run Watershed Group
42.	Elks Run interpretive education boardwalk	Design and construct an ADA accessible boardwalk to include interpretive education features regarding Elks Run Watershed	4	<ul style="list-style-type: none"> Elks Run Watershed Group
43.	Disc golf course (19 holes)	Complete the installation of the new 19-hole disc golf course. This new 19-hole course provides a revenue generating opportunity for JCPRC through competitive disc golf tournaments.	0	<ul style="list-style-type: none"> West Virginia Disc Golf Association
44.	Limestone Ridge event promenade (See Figures 9, 9a, and 9b Limestone Ridge and Amphitheater Illustrations, and Figure 10, Precedents)	Design, construct and maintain an ADA accessible promenade to include various native gardens, nature play stations and food truck pads as detailed in the conceptual master plan shown in Figure 3.	3	<ul style="list-style-type: none"> TBD
45.	Grass surfaced overflow parking (~1,300 spaces)	Grass surfaced overflow parking should be used on an as-needed basis after the existing and proposed paved surface parking spaces are utilized. It is strongly encouraged that the grass surfaced areas include a delineated no-mow boundary to protect grassland areas from mowing and disturbance during the grassland bird nesting periods (June – July). Also, JCPRC should also consider moving the annual fireworks event to the Jefferson County Fairgrounds to avoid mowing	0	<ul style="list-style-type: none"> Potomac Valley Audubon Society

Item #	Title	Description and Recommendations	Implementation Phase	Partners (as applicable)
		these areas altogether during the nesting period. The JCPRC should also consider adding a parking fee to the Commission's fee/rate schedule.		
47.	Restrooms facility addition to existing concession building, Item #19	Design and construct a new 672 square foot restroom facility addition to the existing concession building. The new restrooms will increase capacity of the existing facility.	2	<ul style="list-style-type: none"> TBD
48.	Wetland planting	Improve Elks Run to remove invasive species and improve habitat for wetland planting opportunities, and coordinate improvements with the Elks Run interpretive education boardwalk (Item #42).	4	<ul style="list-style-type: none"> Region 9 Eastern Panhandle Regional Planning and Development Council Elks Run Watershed Group
49.	Field succession zones (See Figure 11, Field Succession Illustration)	No Mow zones to encourage native species to naturally succeed over existing exotic mown grasses to create species diverse edge (ecotone) habitat for grassland birds (See Figure 12). Provides food and cover for native species and connects high species diversity habitat to the Elks Run Corridor. Partner with the Potomac Valley Audubon Society to foster opportunities for grassland bird species and habitat.	0	<ul style="list-style-type: none"> Potomac Valley Audubon Society Elks Run Watershed Group
50.	Pedestrian pathway connection to Driswood Elementary School	Use existing road right of way with minor edge addition (acquisition) to provide 12' ADA accessible connection to school and future multiuse trail additions.	1	<ul style="list-style-type: none"> Jefferson County Schools West Virginia Division of Highways Breckinridge Subdivision HOA
51.	New park driveway entrance	Improve the sight distance and increase safety by relocating the existing parkway entrance connection with Job Corps Road. This new location will also facilitate access to the proposed Barn event space and parking area (Item #34)	2	<ul style="list-style-type: none"> Hagerstown-Eastern Panhandle MPO WV Division of Highways
52.	Dog Park Internal Trail and Benches	Six-foot (6') gravel trail with 6' width benches located adjacent to existing trees.	2	<ul style="list-style-type: none"> Dog Park users
53.	Non-vegetative shade structure	Design and install a non-vegetative shade structure with benches and do waste bag dispensers.	2	<ul style="list-style-type: none"> Dog park users
54.	Existing power easement	Explore the feasibility of placing multi-trail uses in power line easement on-site and offsite to provide an off-road connection to JCPRC's Harvest Hills Park.	3	<ul style="list-style-type: none"> Potomac Edison
55.	New parking lots	Design, construct and maintain new parking lots (~265 spaces) to support new facility improvements including the turf soccer field and amphitheater facilities. The JCPRC should also consider adding a parking fee to the Commission's fee/rate schedule for event parking.	2	<ul style="list-style-type: none"> TBD
56.	Future land conservation and park addition	Explore the feasibility of acquiring the adjacent 190-acre farm as a future conservation project to further protect the Elks Run Watershed and create natural grassland habitat for various native plant and animal species. Nature trails could be added to provide access to the property and provide a future connection to JCPRC's Harvest Hills Park.	4	<ul style="list-style-type: none"> Elks Run Watershed West Virginia Land Trust Jefferson County Commission

Phasing Strategy and Probable Cost Estimate

The Master Plan illustrated in **Figure 3** establishes a bold new vision for Sam Michaels Park to serve as Jefferson County's premiere park facility that celebrates the Sam Michaels' family heritage, protects and manages the park's natural resources, and provides sustainable facilities and programs for residents and visitors alike to enjoy. Realizing the master plan's vision will require a strategic implementation approach that considers JCPRC's capital budget constraints and prioritizes those improvements that are likely to provide the Commission with the greatest revenue generating opportunities and in turn strengthen the organization's financial position to proceed with financing other priority improvements over time.

Figure 5 illustrates a recommended phased implementation approach for the concept plan shown in **Figure 3**. Based on discussions with JCPRC staff, it is recommended that the initial implementation phases consider the following elements:

- **Phase 0, Ongoing.** This phase represents and considers the existing park facilities and their ongoing maintenance as currently funded through the JCPRC's annual operating budget. It also considers improvements to existing facilities that are recommended to be enhanced or the maintenance thereof improved through existing staff and financial resources.
- **Phase 1, 0 – 3 years.** This phase represents new improvements that may be implemented through the JCPRC's annual budgeting process or financed through low interest loan program(s) within the Commission's current capital budget capabilities. This phase also considers improvements that may provide the Commission with the greatest revenue generating opportunities and in turn strengthen the organization's financial position to proceed with financing other priority improvements over time. For example, the proposed Barn event space provides the JCPRC with much needed classroom and recreation programming space, but it has great potential as a year-round rental space for The Columns' wedding events or for standalone event gatherings and business meetings/retreats. A portion of the revenues generated from the space rental fees should be programmed into the JCPRC's capital budget to finance other priority park improvements.
- **Phase 2, 4 – 7 years.** This phase represents the next level of improvements that are dependent upon the JCPRC's capital budgeting process and future financial capacity. Like Phase 1, this category of improvements includes revenue generating opportunities afforded through facility rental fees charged to organized competitive sports teams or clubs.
- **Phase 3, 7 – 10 years.** This phase specifically focuses on the completion of the "Limestone Ridge" event and recreational space associated with and surrounding the park's new amphitheater facility. It is recommended that a portion of the revenues generated from the amphitheater rental fees and event proceeds should be programmed to support the associated improvements, which will further accentuate the entire amphitheater event space and programming opportunities.
- **Phase 4, 10 – 15 years.** This phase focuses on improvements that may require additional time to fully program into JCPRC's capital budgeting cycles. As shown in Figure 3, Phase 4 improvements largely focus on the repositioned and constructed turf baseball/softball field and multi-purpose field, as well as the USA Volleyball regulation sand/beach courts. Although these proposed improvements offer revenue generating opportunities for JCPRC, the anticipated demand by fee-paying organizations is expected to mature over time as the previously phased improvements are realized and greater interest in the park's potential to support organized club baseball/softball and competitive turf

field sports organizations is achieved. Phase 4 also includes the improvements to the construction of the Elks Run interpretive walk, which although does not offer revenue generating potential, partnerships with the Elks Run Watershed Group or other interested stakeholders could help identify and obtain funding through grants and donations to finance the proposed improvement and its long-term maintenance.

Based on the above phasing strategy, the probable estimated costs for the improvements illustrated in **Figure 3** and detailed in **Table 1** range from ~\$17.4 – \$20.3 million and are itemized by phase as follows:

- Phase 0 = Annual operating budget costs
- Phase 1 = ~\$2.4 – \$2.6 million
- Phase 2 = ~\$7.0 – \$8.3 million
- Phase 3 = ~\$4.7 – \$5.5 million
- Phase 4 = ~\$3.3 – \$3.9 million

Funding Considerations

Successful implementation of the Sam Michaels Park Master Plan will require a diverse set of funding resources to advance each of the proposed improvements through engineering, design, and construction. The proposed improvements provide opportunities for various public and private sector interests to participate in the project's success through their respective financial resources. It is unlikely that a single funding source can accomplish the project's entire menu of improvements and the following outlines potential sources of funding to consider at the federal, state, and local government level, and from the private sector and community support.

Federal Programs

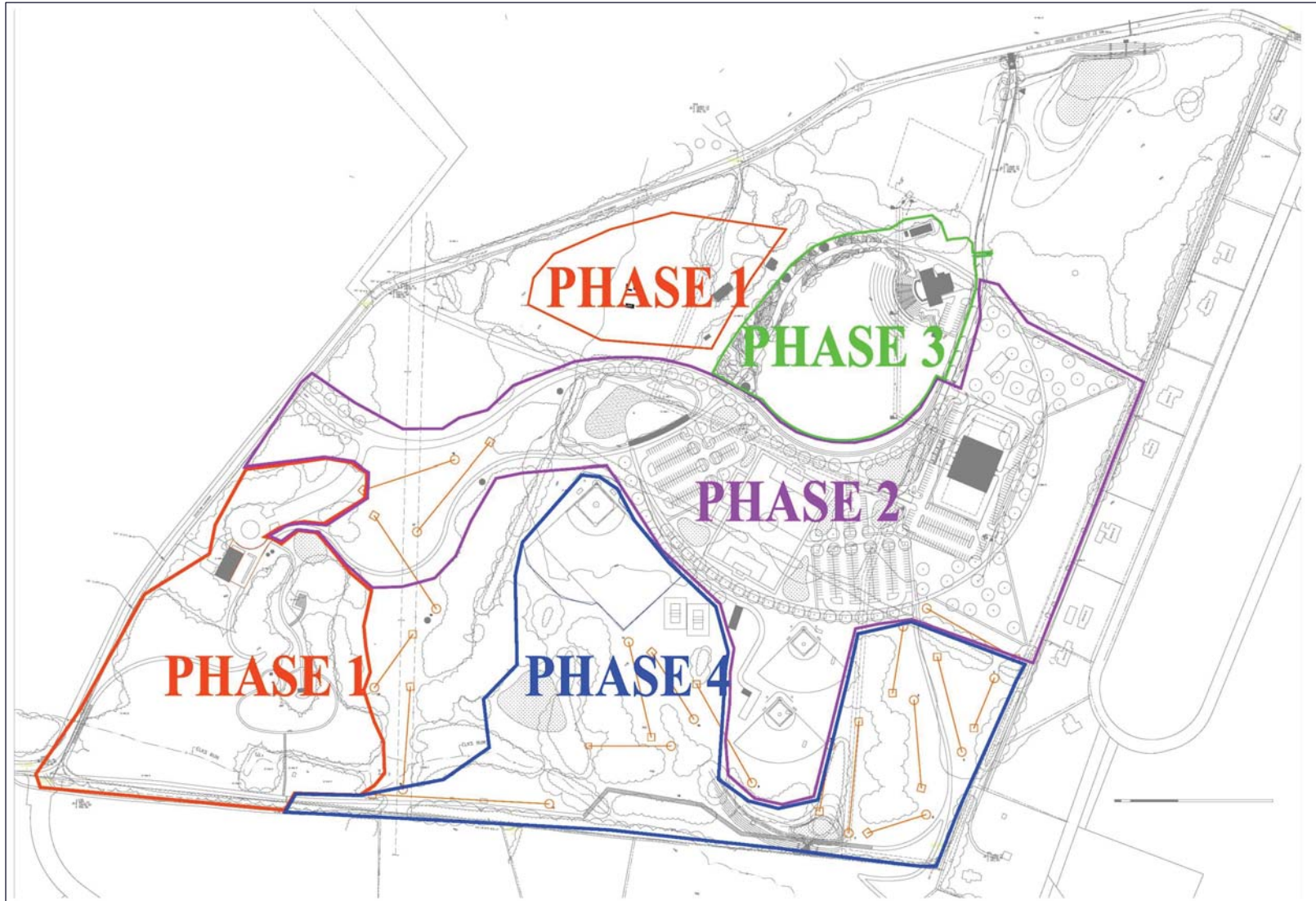
Environmental Protection Agency – Chesapeake Bay Program

The Chesapeake Bay Program (CBP) is a unique regional, state, federal, and local partnership that has been directing and conducting the restoration of the Chesapeake Bay since the signing of the historic 1983 Chesapeake Bay Agreement. In November 2000, President Clinton signed the Estuaries and Clean Waters Act of 2000, which included Title II-Chesapeake Bay Restoration. This Act amended Section 117 of the Federal Water Pollution Control Act (commonly known as the Clean Water Act or CWA) and established new authorities for the CBP. These new legal authorities specify the type of work that can be performed with the funds appropriated for the CBP, the type of funding vehicles (e.g., assistance agreement) that can be used, and the types of governments and organizations eligible to receive funding.

CWA Section 117(d) Technical Assistance and General Assistance Grants

USEPA awards these grants competitively to nonprofit organizations, state and local governments, colleges, universities, and interstate agencies through an RFP process. These grants are used by recipients to implement the goals of the Chesapeake Bay agreements through activities that supports sustainable fisheries, vital habitats, water quality, toxic contaminants, healthy watersheds, stewardship, land conservation, public access, environmental literacy, and climate resiliency.

Figure 5 – Sam Michaels Park Phasing Plan



PUBLIC COMMENTS

From: [Bill Neufeld](#)
To: [Planning Department](#)
Subject: Re: Sam Michaels Park Concept Plan
Date: Tuesday, May 10, 2022 3:37:25 PM

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

Sorry, new trees were planted in the North EAST corner.

Sent from my iPad

> On May 10, 2022, at 3:31 PM, Bill Neufeld <neufeldw0@gmail.com> wrote:

>

> I am a resident that abuts the park and I have a couple of comments regarding the upcoming workshop.

>

> First, it isn't clear what the purpose of the meeting is from the public documents. Is the build-out a continuation of the 2018 master plan? If so what are the topics or subjects for consideration? Does it change the 2018 master plan?

>

> Second. While I applaud the focus of the master plan on the inclusion of opportunities for extending and preserving native plants, environments for both wildlife and horticulture and particularly the elimination of invasive plants and trees that have overtaken large parts of the park, I am concerned about the "evergreen buffers". Some years ago white pine were planted all along the east boundary facing the Stone Brook subdivision . They have grown to be quite tall and provide no "buffer" as they are leggy, spindly and can be seen through easily, providing neither a sight or sound buffer. I was disappointed to see that a new stand of white pine were recently planted on the Western boundary. I assume the choice was made because these trees are inexpensive and grow fast. I hope that consideration will be given to removing the existing trees and replacing them with plants that might form a buffer and can be more of a hedge and provide a more attractive basis for the park.

> It was also disappointed to see a full stand of new trees planted last year at the Northeast corner, again including some white pine and other large trees without any consideration given for the overgrown tree row along the property line. It seems this was done to buffer the unkempt trees that are dying and falling onto adjoining property causing damage and blocking my access road. I hope the issues of the trees in this area will be given priority consideration. I believe the aesthetics of the park would be well served by upgrading its Eastern boundary.

>

> Bill Neufeld

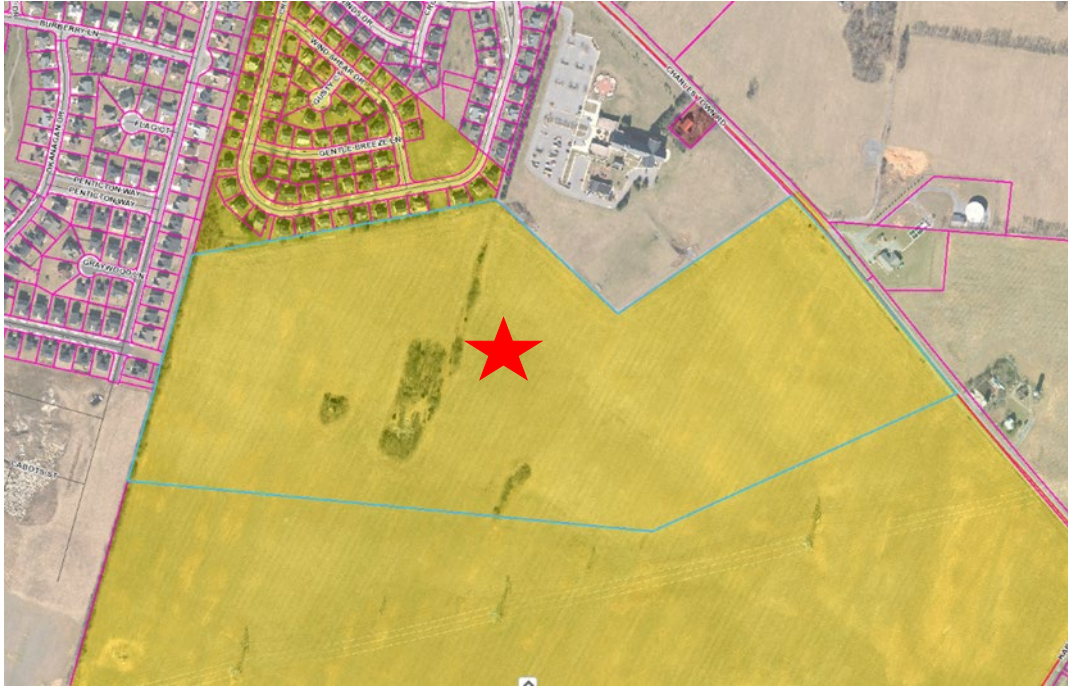
>

> Sent from my iPad

Staff Report
 Jefferson County Planning Commission Meeting
 May 17, 2022

Kings Crossing (Archaeological) Waiver Requests (File #22-10-PCW)

Item # 4: Public Hearing: Request by DR Acquisitions for a waiver from Section 24.113.B.10 of the Subdivision Regulations, which requires an Archaeological Study for all Major Subdivision Preliminary Plats.

Owner/ Applicant	DR Acquisitions LLC C/O Matt Stare
Consultant	Tom Evans, Integrity Federal Services
Parcel Location and Information	<p style="text-align: center;">West of Charles Town Road, next to St. James Catholic Church Parcel ID: 02001700220000; Combined Size: 86 ac; Zoning District: Residential Growth</p> 
Adjacent Zoning	<p><i>North:</i> Residential Growth (Crosswinds)/Neighborhood Comm. (CT) (Church) <i>East:</i> Rural/Neighborhood Residential (CT) <i>South:</i> Residential Growth (undeveloped) <i>West:</i> Neighborhood Residential (CT) (Norborne Glebe)</p>
Proposed Activity	Major Residential Subdivision (21-8-SD) with 177 single-family detached and 227 attached (townhome) lots (anticipated 404 residential lots).
Approvals:	<ul style="list-style-type: none"> • Kings Crossing Preliminary Plat Completeness Determination (PC: 4-12-22) • Kings Crossing Concept Plan Public Workshop (PC: 5-11-21) • 21-6-PCW: Waiver from Section 21.101.A regarding block length (PC Appr. 4-13-21). • 21-7-PCW: Waiver of Section 21.104A regarding min. lot frontage (PC Appr. 4-13-21). • 21-13-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 4-20-21). • 21-24-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 5-27-21).

Staff Report
Jefferson County Planning Commission Meeting
May 17, 2022

Kings Crossing (Archaeological) Waiver Requests (File #22-10-PCW)

Site Background:

The applicant has received approval for the Concept Plan for a Major Residential Subdivision consisting a mixture of 177 single family detached and 227 single family attached (townhouses) residential lots totaling 404 lots. The property is located south of St. James Church and Crosswinds Subdivision, south of Charles Town on the west side of WV 115, east of Norborne-Glebe Subdivision. After the Concept Plan, a Major Residential Subdivision requires processing a Preliminary Plat and Final Plat.

Article 24, Section 24.113.B.10 of the Subdivision Regulations requires all Major Subdivisions to submit a Phase I Archeological Study with the submission of a Preliminary Plat. The property is zoned Residential Growth and is processing as a Major Residential Subdivision. A Public Hearing for the Preliminary Plat is also on tonight's agenda. The applicant is requesting a waiver from the required Phase I Archeological Study.

Summary of the Request:

The applicant has submitted a request to waive the Phase I Archeological Study, which is required with the submission of a Preliminary Plat by Section 24.113.B.10 the Subdivision Regulations. At the Concept Plan submission, applicants are required to reach out to various outside agencies, including the Jefferson County Historic Landmarks Commission (HLC). At that time, the Jefferson County HLC sent a letter stating that there are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel or within one-quarter mile of the proposed development. The Jefferson County HLC had no objections or comments on the proposed Concept Plan. The applicant is requesting that this requirement be waived in light of the fact that there are no known resources on the property.

Staff Comments:

Staff understands that the requirement for a Phase I Archeological Study in a County with as many historic resources as Jefferson County has the potential to identify previously unknown historic resources; however, lands which have historically been used for agricultural purposes have generally been so disturbed as to make it difficult to identify any new resources. The applicant has indicated in their application that that they will commit to notifying the County and DEP if, during construction, any historic resources are discovered.

Staff Recommendation:

Staff recommends that this waiver may be a reasonable request for this 86-acre agricultural property. This property has been zoned for residential development since zoning went into effect in 1988 and lies within the Charles Town Urban Growth Boundary as identified on the *Envision Jefferson 2035 Comprehensive Plan*. Approval should include the requirement that the applicant will notify the County if any resources are found on site during development.

[Staff also recommends that the Planning Commission collaborate with the SHPO and Jefferson County HLC to amend this requirement to create a requirement that balances the cost of development with the anticipated results.]

Section of Regulations under Consideration:

Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

- B. Submission Contents. The submission shall contain the following elements in the number of copies indicated.

Staff Report
Jefferson County Planning Commission Meeting
May 17, 2022

Kings Crossing (Archaeological) Waiver Requests (File #22-10-PCW)

10. Historic Resource Preservation. A Phase I Archaeological Study is required. A historic resources impact study shall also be included.

Waiver Requirements:

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

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



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 #: _____
 Mtg Date: _____
 Date Rec'd: _____
 Fees Paid: _____
 Staff Int: _____
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: c/o Matt Stare
 Business Name: DR Acquisitions LLC
 Mailing Address: 7945 Wormans Mill Road Frederick, MD 21701
 Phone Number: 340-420-6046 Email: mpowell@drbgroup.com

Applicant Contact Information

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

Consultant Information

Name: Tom Evans
 Business Name: Integrity Federal Services
 Mailing Address: 148 S Queen St Suite 201 Martinsburg, WV 25401
 Phone Number: 304-725-8456 Email: tevens@ifs-ae.com

Physical Property Details

Physical Address: Charles Town Road Charles Town, WV 25414 Vacant Lot:
 Tax District: Charles Town Map No: 17 Parcel No: 22
 Parcel Size: 86 ac. Deed Book: 994 Page No: 667
 Zoning District: Residential Growth

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?

Article 24, Section 24.113.B.10 Archeological Survey

Briefly Describe the Nature of Your Waiver Request:

This provision has been waived consistently by the PC when requested since the requirement is not defined in the Ordinance. The provision requires an Archeological Study and Historic Resources Survey. The Jefferson County Staff, Planning Commission, and Design Community have all agreed that the provision should be removed or better defined during the next amendments to the Ordinance. The Concept Plan was reviewed by the Jefferson County Historic Landmarks Commission and had no comment when the Concept Plan was approved by the Planning Commission. This shows that there are no significant historical resources on this site. Planning Staff and DEP will be notified if anything historic is discovered during construction.

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.

This waiver will have no impact on County maintenance. The Concept Plan has been provided to the Parks and Recreation Commission and they had no comment. The houses constructed in the subdivision will provide Impact Fees for Taxes for the benefit of the Parks, Emergency Services, and Police.

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 have no negative impact on the Public Health, Safety, or Welfare of the neighbors. This subdivision will meet all of the standards of the Ordinance. The provision that is being waived is a provision that is undefined and has no effect on the neighbors. The property has been farmed so if there were any remains they would have likely been uncovered. If anything is unearthed during the construction phase, the County or appropriate State/Federal Agencies will be informed.

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

Jefferson County Staff, Planning Commission, and Design Community all agree the "intent and purpose" of this provision is unclear and undefined. The provision has been routinely waived by all of the Major Subdivisions that have requested after the initial one processed. The Concept Plan was sent to DEP and JC Historic Landmarks Commission with no adverse comments from them. The Applicant agrees to work with these agencies if, during construction, any archeological finds are unearthed.

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

The provision as currently written doesn't appear to link to any requirements in the Ordinance. There is no direction in the Ordinance on how a study is conducted, what is contained in the study or what will be required if something is found. So, without further clarity in the provision, it is a provision that is costly with no apparent end requirement. The project was design and engineered by professionals with many and long time ties to Jefferson County.

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.

 4/26/2022
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.

Public Hearing Date Date Placard Posted Date Adjoiners Mailed

Planning Commission Determination

Approved Denied Date: ___ / ___ / ___

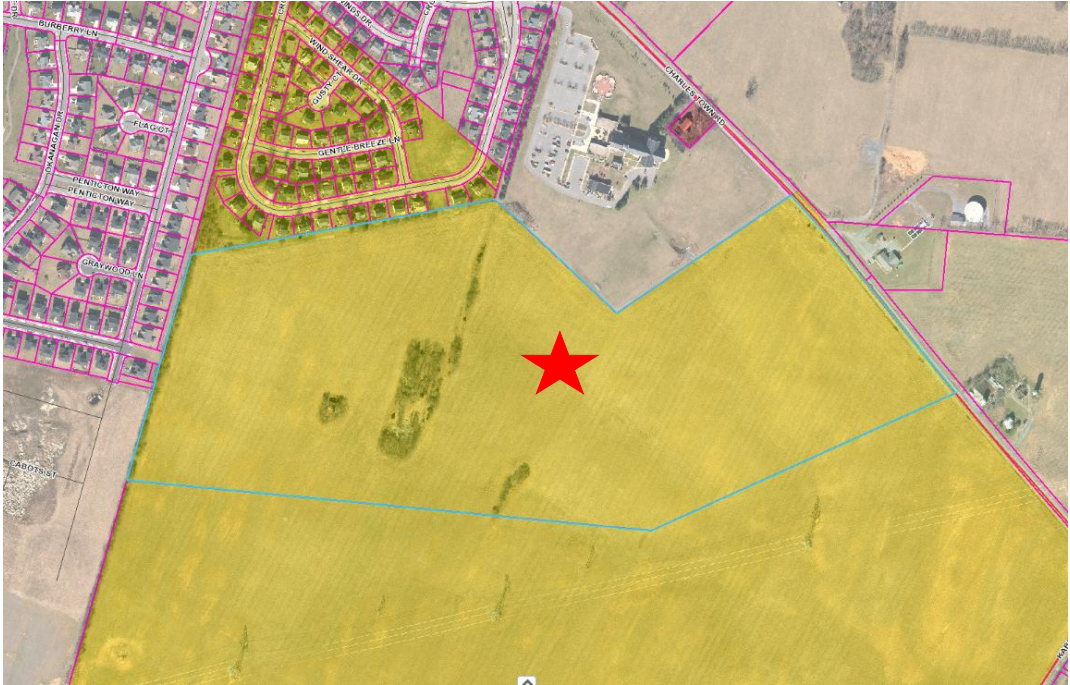
Staff Report

Jefferson County Planning Commission

May 17, 2022

King’s Crossing Major Subdivision (21-8-SD)

Item #5: Public Hearing: A Preliminary Plat for the King’s Crossing Major Subdivision consisting of 177 single-family detached and 227 attached (townhome) lots (404 residential lots proposed).

Applicant/ Owner	DR Acquisitions LLC
Consultant	Tom Evans, Integrity Federal Services
Property Location & Information	<p>West of Charles Town Road, next to St. James Catholic Church Tax District: Charles Town (02); Map: 17; Parcel: 22 (Parcel ID: 0200170022) Size: 86+ acres ; Zoning District: Residential Growth</p> 
Adjacent Zoning	<p><i>North:</i> Residential Growth (Crosswinds)/Neighborhood Comm. (CT) (Church) <i>East:</i> Rural/Neighborhood Residential (CT) <i>South:</i> Residential Growth (undeveloped) <i>West:</i> Neighborhood Residential (CT) (Norborne Glebe)</p>
Proposed Activity	Major Residential Subdivision (21-8-SD) with 177 single-family detached and 227 attached (townhome) lots (anticipated 404 residential lots).
Previous Approvals:	<ul style="list-style-type: none"> • Kings Crossing Preliminary Plat Completeness Determination (PC: 4-12-22) • Kings Crossing Concept Plan Public Workshop (PC: 5-11-21) • 21-6-PCW: Waiver from Section 21.101.A regarding block length (PC Appr. 4-13-21). • 21-7-PCW: Waiver of Section 21.104A regarding min. lot frontage (PC Appr. 4-13-21). • 21-13-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 4-20-21). • 21-24-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 5-27-21).

Staff Report
Jefferson County Planning Commission
May 17, 2022
King's Crossing Major Subdivision (21-8-SD)

Introduction and Summary of Request

The applicant is proposing the development of a Major Residential Subdivision consisting a mixture of 177 single family detached and 227 single family attached (townhouses) residential lots totaling 404 lots. The property is located south of St. James Church and Crosswinds Subdivision, south of Charles Town on the west side of WV 115, east of Norborne-Glebe Subdivision.

The overall density for this development is 4.7 dwelling units per gross acre for the entire 86.0-acre property and 7.67 net dwelling units per acre for the 52.7-acre portion of the property which will be occupied by homes. This meets the "medium density" category, which is defined by the *2035 Envision Jefferson Comprehensive Plan* as "3 to 6.99 units per acre". The townhouse lots will require separate site plans as well as a Preliminary and Final Plats; the single family will only require the platting process.

Subdivision Category

In accordance with Section 20.202 of the Subdivision Regulations, any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots, and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, is classified as a Major Subdivision. King's Crossing Subdivision is processing as a Major Residential Subdivision.

Major Subdivisions require the processing of a Concept Plan (Sections 24.110 - 24.112), which requires a Public Workshop; a Preliminary Plat (Sections 24.113 – 24.115), which requires a Public Hearing; posting of a surety/bond for all improvements (Division 24.500); and a Final Plat (Section 24.116 – 24.188), which is administratively reviewed and approved.

The Concept Plan Public Workshop for this Subdivision was held on May 11, 2021. The application being heard at tonight's Public Hearing is the Preliminary Plat for this development.

Preliminary Plat Approval Process

The applicant submitted the Preliminary Plat for King's Crossing Subdivision for review and approval on January 21, 2022. In accordance with Section 24.113 of the Subdivision Regulations, the Planning Commission deemed the Preliminary Plat application complete on April 12, 2022. Since the April 12, 2022 Planning Commission meeting, the applicant has resubmitted the Preliminary Plat to address the outstanding 2nd Review comments noted at that meeting. The 4th review resulted only in noting that final approval from Charles Town Utility Board for water and sewer, and the WV DOH permit approval information, are outstanding. In accordance with Section 24.114 of the Subdivision Regulations, the Planning Commission scheduled this Public Hearing for May 17, 2022, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations.

The Subdivision Regulations require the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WVDOH and the relevant Public Utility Agency, in this case the Charles Town Utility Board (CTUB). The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. The Department is also required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled.

Staff Report
Jefferson County Planning Commission
May 17, 2022
King's Crossing Major Subdivision (21-8-SD)

Engineering, Planning and Zoning Staff completed their review of the Preliminary Plat in accordance with these Articles and the requirements of Appendix A, Section 1.3 and advised the Planning Commission that the subdivision plat is substantially complete, with minor outstanding edits at the April 12, 2022 PC meeting. Staff also reported to the Planning Commission that staff found that the plat and application “essentially” conforms to the Zoning Ordinance requirements, generally meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations, and fulfills the Concept Plan direction. The Planning Commission made a motion to deem the Preliminary Plat complete provided the staff’s outstanding comments are addressed and to proceed with a Public Hearing at their May 17, 2022 Planning Commission meeting.

The applicant resubmitted the revised Preliminary Plat for the 3rd and 4th reviews to staff for additional reviews on April 21, 2022 and May 2, 2022. As of this staff report, the outstanding comments only relate to requiring an approved WV Division of Highways (WVDOH) Traffic Impact Study (TIS) and Encroachment Permit; and approval by CTUB of the design and extension of the water and sanitary sewer lines. Approval of the Preliminary Plat can be conditioned on these permits. It should be noted that the Subdivision Regulations require the Jefferson County Offices of Engineering and Planning to defer to the (WV DOH) requirements and approval for all major subdivisions. This Plat cannot be approved without the WVDOH Encroachment Permit approval.

This staff report serves as the staff’s written determination the Plat essentially meets the requirements of the Zoning Ordinance and Articles 21 and 22 of the Subdivision Regulations, as required by the Subdivision Regulations, provided the outstanding technical issues and comments are addressed. The purpose of today’s Public Hearing is to receive public comment on the proposed Preliminary Plat in accordance with the Subdivision Regulations and WV Code 8A.

Approved Waivers

The Planning Commission has approved the following waivers pertaining to this development:

- 21-6-PCW: Waiver of Section 21.101.A regarding block length (PC Approved 4-13-21)
- 21-7-PCW: Waiver of Section 21.104A regarding min. lot frontage (PC Approved 4-13-21)
- 21-13-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 4-20-21, “without prejudice”).
- 21-24-ZV: Variance from Appendix A of the Zoning Ordinance to reduce the side setbacks for the single family detached lots (BZA disapproved 5-27-21).

Subdivision Requirements Related to Preliminary Plat Approval

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

1. Zoning. The Planning Commission cannot deny an application on the basis of zoning if the staff’s decision is that the application complies with the Zoning Ordinance.

Staff Report

Jefferson County Planning Commission

May 17, 2022

King's Crossing Major Subdivision (21-8-SD)

2. **Impact Fees.** The Preliminary Plat application cannot be denied on the grounds of adverse impact on services which benefit from the County's adopted impact fees (parks and recreation, schools, law enforcement, fire protection, and emergency services).
3. **Roads.** The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads.
 - The subdivision design includes two access points to WV 115 (Charles Town Rd) which require WV DOH approval. Additional access points to serve the development connect to Courier Drive in Norborne Glebe Subdivision and provide for potential future access to the 200+ acre farm to the south.
 - WV DOH has required a Traffic Impact Study (TIS) for this subdivision, which will need to be approved before the Preliminary Plat can be signed. The developer will be required to implement any recommended highway improvements or modifications prior to the issuance of the WV DOH permit.
4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the relevant Public Service District or private utility. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
 - The property will be served by the Charles Town Utility Board (CTUB) for both water (through a mainline extension) and sanitary sewer services (through either a connection with Norborne Glebe or installation of a pump station). CTUB has final design approval before the Preliminary Plat can be signed.
5. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management, sewer or water system engineering, landscaping, and site development plan. The Preliminary Plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and County Engineer may attach conditions to ensure that specific issues are addressed.
6. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the Preliminary Plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
 - Section 21.105 of the Subdivision Regulations requires a subdivision of this density to provide 7% of the land to be dedicated to open space/parkland in the Residential Growth (RG) Zoning District. For this development, the 7% open space/parkland requirement equals approximately 6 acres. The Regulations also state that no more than 60% of this acreage may be passive open space/recreation. The applicant has indicated that they will be providing approximately 7.2 acres (8.4%) of open space/parkland with 5.86 acres (81%) dedicated to active recreation and 1.3 acres of passive recreation/open space. Additionally, 9.2 acres are dedicated to stormwater management areas.

Approval of the Preliminary Plat may include conditions based on input from the Department of Engineering, Planning and Zoning and relevant agencies that must be met in the preparation of the final

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plat, final engineering, and final landscaping. Such conditions may include any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.

The Office of Engineering and Office of Planning and Zoning Staff recommend the following conditions of approval prior to the Engineer signing off on the Preliminary Plat:

- a. WV DOH approval of the required Traffic Impact Study and issuance of the Highway Entrance Permit; and
- b. Charles Town Utility Board approval of both water and sanitary sewer utility design and connections.

Planning Commission Action Required

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

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

It further states that the Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the Preliminary Plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, Staff shall have the authority to grant final approval of the Preliminary Plat once the conditions are met. Also, if the Planning Commission conditionally approves the Preliminary Plat, then the applicant shall be required to submit a notarized document expressly and explicitly waiving the 45-day time requirement for the Planning Commission and/or Staff to act. If the applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the Preliminary Plat.

Sec. 24.115 of the Subdivision Regulations further states that the approval of the Preliminary Plat, with or without conditions, allows the applicant to proceed to prepare a Final Plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for a public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of Final Plat including all engineering and landscaping. The Final Plat will not require any further public input unless a wavier or variance is required.

GENERAL NOTES:

- 1. THE PROPOSED SITE IMPROVEMENTS FOR KINGS CROSSING SUBDIVISION (LOTS 1-404) INCLUDE, BUT ARE NOT LIMITED TO, THE CONSTRUCTION OF 177 SINGLE-FAMILY DETACHED HOMES, 227 SINGLE-FAMILY ATTACHED HOMES, SIM FACILITIES AND PUBLIC UTILITIES. KINGS CROSSING SUBDIVISION (LOTS 1-404) IS LOCATED IN THE CHARLES TOWN DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA. THE SUBJECT PROPERTY SHOWN HEREIN IS LOCATED ON TAX MAP 17, PARCEL 22. THE PROPERTY OWNER IS DR. ADDUCTIONS, LLC, AS RECORDED IN D.B. 994 PC. 607.
2. THE SUBJECT PROPERTY IS LOCATED TO THE WEST OF CHARLES TOWN ROAD - WV ROUTE 115 AND IS 86.00 AC. TOTAL WITH 0.91 AC. TO BE IN WOOD HIGHWAY RESERVE.
3. THE TOPOGRAPHIC CONTOUR INTERVAL IS TWO (2) FEET. TOPOGRAPHIC INFORMATION WAS COMPILED FROM AN AERIAL TOPOGRAPHIC SURVEY PREPARED BY THURGOOD LAWYERS FIRM DATED FEBRUARY 2, 2020. HORIZONTAL DATUM IS REFERENCED TO THE WEST VIRGINIA COORDINATE SYSTEM OF 1983, NORTH ZONE. VERTICAL DATUM IS REFERENCED TO NAVD 83.
4. PERMETER BOUNDARY INFORMATION SHOWN HEREIN IS PER A BOUNDARY SURVEY PREPARED BY GORDON DATED AUGUST 26, 2020. IT HAS BEEN ESTABLISHED BY A NETWORK OF TRANSVERSE CONTROL, HAVING A RELATIVE ERROR OF CLOSURE OF 1:7500 OR BETTER.
5. THE SUBJECT PROPERTY IS LOCATED ON F.E.M.A. MAPS 5403700138E & 5403700139E ALL WITH AN EFFECTIVE DATE: DECEMBER 18, 2009. NO PORTION OF THIS PROPERTY IS LOCATED WITHIN THE 100-YEAR FLOODPLAIN AREA (ZONE A). THE PROPERTY IS IN ZONE X.
6. THE CURRENT NATIONAL WETLANDS INVENTORY MAP DOES NOT SHOW WETLANDS/SENSITIVE AREAS ON THE SUBJECT PROPERTY.
7. CHANGES OR REVISIONS IN CONSTRUCTION PLANS AND SPECIFICATIONS SHALL NOT BE MADE UNLESS FIRST APPROVED BY JEFFERSON COUNTY AND/OR OTHER APPROPRIATE AGENCIES.
8. SEE COVER SHEET, SHEET 01, FOR LEGEND OF SYMBOLS USED HEREIN.
9. NO OBSTRUCTIONS OVER 2.5' FROM THE CENTER LINE OF THE STREET ARE ALLOWED WITHIN THE SIGHT TRIANGLES.

CONSTRUCTION NOTES:

- 1. CONTRACTOR SHALL CONTACT "MISS UTILITY" AT 811 OR 1-800-244-4848 A MINIMUM OF SEVENTY-TWO (72) HOURS PRIOR TO ANY EXCAVATION WITHIN PUBLIC RIGHT-OF-WAYS OR WITHIN AREAS SERVED BY UNDERGROUND UTILITIES. THE CONTRACTOR IS RESPONSIBLE FOR FIELD VERIFYING THE PRESENCE OF ANY UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
2. TO THE BEST OF OUR KNOWLEDGE AND BELIEF, THERE IS NO EVIDENCE OF ANY GRAVE, OBJECT OR STRUCTURE MARKING A PLACE OF BURIAL ON THIS PROPERTY. THERE ARE NO KNOWN CEMETERIES OR NATURAL FEATURES LISTED, OR DETERMINED TO BE ELIGIBLE, OR WHICH THE OWNER HAS REASON TO BELIEVE MAY BE ELIGIBLE FOR LISTING ON THE NATIONAL REGISTER OF HISTORIC PLACES WITHIN THE SUBJECT PROPERTY.
3. GORDON DOES NOT CERTIFY TO THE LOCATION OF OR THE EXISTENCE OF ANY EXISTING UNDERGROUND UTILITIES. THE EXISTING UNDERGROUND UTILITIES SHOWN HEREIN ARE BASED UPON AVAILABLE INFORMATION, THIS DOES NOT CONSTITUTE A GUARANTEE OF THEIR ACTUAL LOCATIONS OR THAT THEY HAVE ALL BEEN SHOWN. THE CONTRACTOR SHALL BE RESPONSIBLE FOR DETERMINING THE EXACT LOCATION OF ALL UTILITIES BEFORE COMMENCING WORK AND FOR ANY DAMAGES WHICH OCCUR BY THEIR FAILURE TO LOCATE OR PRESERVE THESE UNDERGROUND UTILITIES. IF DURING CONSTRUCTION OPERATIONS THE CONTRACTOR SHOULD ENCOUNTER UTILITIES OTHER THAN THOSE SHOWN ON THE PLAN, THEY SHALL IMMEDIATELY NOTIFY THE ENGINEER AND TAKE NECESSARY AND PROPER STEPS TO PROTECT THE FACILITY AND INSURE THE CONTINUANCE OF SERVICE. IF NECESSARY, THE SITE PLAN WILL BE MODIFIED TO ELIMINATE THE CONFLICT AT THE DEVELOPER'S EXPENSE.
4. GORDON DOES NOT CERTIFY TO THE SUB-SURFACE CONDITIONS OF THE SITE, THE LOCATION OF UNDERLYING ROCK, OR THE LOCATION OF POTENTIAL SINKHOLES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE DIGGING OF TEST HOLES TO VERIFY SUB-SURFACE CONDITIONS PRIOR TO BEGINNING ANY CONSTRUCTION. IF SINKHOLES ARE FOUND IN THE FIELD, REMEDIATION WILL BE REQUIRED AS SPECIFIED BY THE WVOEP AND/OR A QUALIFIED GEOTECHNICAL ENGINEERING FIRM.
5. EROSION AND SEDIMENT CONTROL DEVICES ARE TO BE IN PLACE PRIOR TO ANY CONSTRUCTION. REFER TO EROSION AND SEDIMENT CONTROL PLAN FOR PHASING AND DETAILS.
6. ALL LAND, ON OR OFF SITE, WHICH IS DISTURBED BY THIS DEVELOPMENT, AND WHICH IS NOT BUILT UPON OR SURFACED, SHALL BE ADEQUATELY STABILIZED TO CONTROL EROSION AND SEDIMENTATION.
7. DEVELOPMENT OF THE SITE INCLUDING CONSTRUCTION AND MATERIALS SHALL BE IN CONFORMANCE TO CURRENT JEFFERSON COUNTY, CHARLES TOWN UTILITY BOARD, AND THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION STANDARDS AND SPECIFICATIONS.
8. ALL TESTS, STUDIES, ETC., REQUIRED DURING CONSTRUCTION WILL BE CARRIED OUT BY A THIRD PARTY ENGINEERING FIRM.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING THE OWNER AND THE ENGINEER OF ANY CHANGES OR CONDITIONS ATTACHED TO PERMITS OBTAINED FROM THE AUTHORITY ISSUING PERMITS.
10. THE CONTRACTOR SHALL PROVIDE ADEQUATE MEANS OF CLEANING TRUCKS AND/OR OTHER EQUIPMENT OF MUD PRIOR TO ENTERING THE RIGHT-OF-WAY, AND IT IS THE CONTRACTORS RESPONSIBILITY TO CLEAN STREETS OF MUD AND/OR ALLAY DUST AND TO TAKE WHATEVER MEASURES NECESSARY TO ENSURE THAT THE STREETS ARE KEPT IN A CLEAN AND DUST FREE CONDITION AT ALL TIMES.
11. THE CONTRACTOR SHALL NOTIFY OPERATORS WHO MAINTAIN EXISTING UNDERGROUND UTILITY LINES IN THE AREA OF PROPOSED EXCAVATION OR BLASTING AT LEAST TWO (2) WORKING DAYS, BUT NOT MORE THAN TEN (10) WORKING DAYS, PRIOR TO COMMENCEMENT OF EXCAVATION OR DEMOLITION.
12. THE CLIENT, CONTRACTOR, AND/OR SUPERVISOR SHALL BE RESPONSIBLE FOR NOTIFYING GORDON OF ANY CONDITIONS FOUND IN THE FIELD THAT VARY FROM WHAT IS SHOWN ON THE APPROVED PLANS. OBSERVATIONS REGARDING APPARENT INCONSIDERANCES IN THE PLANS SHALL BE BROUGHT TO GORDON'S ATTENTION FOR VERIFICATION PRIOR TO STARTUP.
13. THE CLIENT AND CONTRACTOR ARE RESPONSIBLE FOR REVIEWING THE PLANS PRIOR TO CONSTRUCTION AND NOTIFYING GORDON OF ANY CIRCUMSTANCES FOUND WITH THESE PLANS IN NEED OF VERIFICATION SO THAT APPROPRIATE REVISIONS CAN BE MADE, IF WARRANTED.
14. ALL TRAILS & SIDEWALKS SHALL CONFORM TO THE REQUIREMENTS OF THE AMERICANS WITH DISABILITIES ACT. (ADA - CURRENT VERSION).
15. CONTRACTOR SHALL BE RESPONSIBLE FOR INITIATING, MAINTAINING AND SUPERVISING ALL SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH PERFORMANCE OF ITS WORK AND OF ITS SUBCONTRACTORS. GORDON SHALL NOT HAVE CONTROL OVER, CHARGE OF, OR RESPONSIBILITY FOR CONSTRUCTION MEANS, METHODS, TECHNIQUES, SEQUENCES OR PROCEDURES OR FOR SAFETY PRECAUTIONS AND PROGRAMS IN CONNECTION WITH THE WORK.
16. THE CONTRACTOR SHALL VISIT THE SITE AND VERIFY EXISTING CONDITIONS PRIOR TO STARTING CONSTRUCTION.
17. THE CONTRACTOR SHALL CLEAR THE SITE OF ALL APPLICABLE VEGETATION, BUILDINGS, FOUNDATIONS, ETC. WITHIN THE LIMITS OF CONSTRUCTION AND SHALL BE RESPONSIBLE FOR COORDINATING ANY DISCONNECTION AND/OR ABANDONMENT OF EXISTING UTILITIES AND STRUCTURES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR LOCATING AND ABANDONING ALL EXISTING WELLS AND/OR SEPTIC DRAIN FIELDS AND COORDINATING THEIR ABANDONMENT WITH THE HEALTH DEPARTMENT.
18. ALL PROPOSED GRADES AS SHOWN HEREIN ARE FINISHED GRADE UNLESS OTHERWISE NOTED ON THE PLAN.
19. MAINTAIN A MINIMUM VERTICAL CLEARANCE OF ONE (1) FOOT SIX (6) INCHES BETWEEN CROSSINGS OF ALL UTILITY LINES UNLESS OTHERWISE NOTED.
20. THE APPROVAL OF THESE PLANS SHALL IN NO WAY GRANT PERMISSION BY THE APPROVING JURISDICTION FOR THE CONTRACTOR TO TRESPASS ON OFF-SITE PROPERTY OR THE APPROVAL OF THESE PLANS SHALL IN NO WAY RELIEVE THE OWNER OF COMPLYING WITH OTHER APPLICABLE LOCAL, STATE AND FEDERAL REQUIREMENTS.
21. WHERE THE ORDINANCES DIFFER BETWEEN LOCAL, STATE, AND FEDERAL REQUIREMENTS, THE MOST RESTRICTIVE SHALL APPLY.
22. THE PLANS HAVE BEEN PREPARED IN ACCORDANCE WITH THE GEOTECHNICAL ENGINEERING REPORT TITLED "MAGNOLIA SPRINGS SUBDIVISION" PREPARED BY ECS MID-ATLANTIC, LLC DATED AUGUST 15, 2018. (ECS PROJECT NUMBER 01-27899).
23. BUILDING FOOTPRINTS AS SHOWN ARE APPROXIMATE IN BUILDING SIZE AND DO NOT REPRESENT FINAL ARCHITECTURAL.
24. CHANGES IN THE TOP & BOTTOM OF SLOPES SHALL BE A MINIMUM OF 5' FROM PROPERTY OR RIGHT-OF-WAY LINE.
25. ALL GRADING SHALL PROVIDE PROPER DRAINAGE & DISPOSAL OF STORM WATER WITHOUT PONDS.
26. ALL FILL SHALL BE COMPACTED TO PREVENT EROSION.
27. GRADING SHALL NOT BE DONE IN SUCH A WAY TO DIVERT WATER INTO THE PROPERTY OF ANOTHER LAND OWNER.
28. LOTS SHALL BE CROWNED TO SECURE PROPER DRAINAGE AWAY FROM BUILDINGS AND TO PREVENT POOLING OR COLLECTION OF STORM WATER.
29. EXCAVATION OR FILL SHALL NOT ENDANGER AN ADJOINING PROPERTY.
30. ALL CLEARING, GRADING, DRAINAGE, CONSTRUCTION, AND DEVELOPMENT SHALL BE CONDUCTED IN STRICT ACCORDANCE WITH THE APPROVED PLAN.
31. FIELD VERIFY EXISTING GRADES PRIOR TO CONSTRUCTION.
32. CONTRACTOR TO ENSURE POSITIVE DRAINAGE THROUGHOUT CONSTRUCTION.

SUBDIVISION ORDINANCE SUMMARY:

- 1. PROPERTY CORNERS ARE TO BE SET WITH 5/8" x 30" REBARS WITH I.D. CAPS UNLESS OTHERWISE NOTED.
2. THE DEVELOPMENT NOT BE SUBJECT TO SPECIAL REQUIREMENTS BY THE JEFFERSON COUNTY PLANNING COMMISSION.
3. SITE GRADING: FILL SLOPES SHALL NOT EXCEED 1:1 HORIZONTAL TO 1" VERTICAL. FILL SECTIONS NEED NOT HAVE DITCHES UNLESS THE FILL SLOPE EXCEEDS SIX FEET IN HEIGHT; CUT SLOPES SHALL NOT EXCEED (2:1) 2" VERTICAL TO 1" HORIZONTAL.
4. ALL UTILITY TRANSMISSION LINES (E.G. ELECTRIC, PHONE, CABLE, WATER, SEWER, ETC.) AND SERVICE LINES WITHIN THE SUBDIVISION OR SITE DEVELOPMENT AREA SHALL BE UNDERGROUND.
5. MINIMUM COVER OVER CULVERTS IS 1' UNLESS OTHERWISE SHOWN.
6. AT THIS TIME NO OFF-SITE BORROW PITS ARE ANTICIPATED FOR THIS PROJECT.
7. CONTACT JEFFERSON COUNTY E911 COORDINATOR FOR INSTALLATION OF STREET SIGNS. ALL SIGNS SHALL COMPLY WITH COUNTY ADDRESSING REQUIREMENTS.
8. A BUILDING PERMIT SHALL BE OBTAINED FOR STORAGE AND SHALL BE IN CONFORMANCE WITH ALL EXISTING ORDINANCES IN JEFFERSON COUNTY AND/OR STATE AND FEDERAL LAW.
9. THERE ARE NO EXISTING EASEMENTS AND NO RIGHTS-OF-WAY WITHIN THIS SITE PLAN AREA. SEE SHEETS 08-17.
10. THERE ARE PROPOSED EASEMENTS AND RIGHTS-OF-WAY PROPOSED WITH THIS SITE PLAN. SEE SHEETS 08-17.
11. THERE ARE FUTURE EASEMENTS AND/OR RIGHTS-OF-WAY PROPOSED WITH THIS SITE PLAN WHICH MAY SERVE TO CONNECT WITH ADJOINING PROPERTIES AT A FUTURE DATE. SEE SHEETS 08-17.
12. PROPOSED DEVELOPMENT IS NOT WITHIN 500' OF A STREAM. NO GRADING, EXCAVATING, REMOVAL OR DESTRUCTION OF TOPSOIL, TREES OR OTHER VEGETATIVE COVER, OR CONSTRUCTION ACTIVITY SHALL RESULT IN POINT OR NON-POINT LOADS OF SUSPENDED MATTER SUCH THAT TURBIDITY STANDARDS SPILLED OUT IN THE WATER RESOURCES BOARD LEGISLATIVE RULES ARE VIOLATED. SMO STANDARDS STATE THAT TURBIDITY SHALL NOT EXCEED 10 NTU'S OVER BACKGROUND TURBIDITY WHEN THE BACKGROUND IS 50 NTU'S OR LESS OR HAVE MORE THAN A 10 PERCENT INCREASE IN TURBIDITY (PLUS 10 NTU MINIMUM) WHEN THE BACKGROUND TURBIDITY IS MORE THAN 50 NTU'S
13. THERE ARE NO KNOWN CABLE, SEWER OR WATER UTILITIES EXISTING ON SITE OTHER THAN THOSE IDENTIFIED ON EXISTING CONDITIONS AND THIS PLAN.
14. ALL FIRE LATERALS ARE TO BE INSTALLED BEFORE PAVING.
15. ALL FIRE HYDRANT THREADS AND SPECIFICATIONS SHALL BE ACCEPTABLE TO THE WV STATE FIRE MARSHALL AND JEFFERSON COUNTY VOLUNTEER FIREMAN'S ASSOCIATION.
16. EXISTING TREES ARE TO REMAIN IN THEIR NATURAL CONDITION THROUGHOUT THE PROJECT WHEREVER PRACTICAL.
17. ANY FENCING WITHIN BUILDING SETBACKS OR OTHER BUFFERS CANNOT EXCEED 6' IN HEIGHT.
18. THERE ARE KNOWN RESERVATIONS OF LAND FOR PUBLIC/SEM-PUBLIC USE PROPOSED ON THE SUBJECT PROPERTY IN THE FORM OF PROPOSED HOA OPEN SPACE PARCELS (PARKLANDS). SEE SHEET 18 FOR SITE AREA DATA SUMMARY. A MINIMUM OF 40% OF THESE AREAS SHALL BE ACTIVE OPEN SPACE AREAS.
19. A HOMEOWNERS ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF PROPERTIES ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL PROPERTY OWNERS WITHIN THE SUBDIVISION. THE DEVELOPERS SHALL DEDICATE ALL COMMON LOTS (SWM BASIN, ROADS, RIGHT-OF-WAYS, ETC.) TO THE ASSOCIATION.
20. A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY OWNED LAND, INCLUDING BUT NOT LIMITED TO THE PRIVATE ROAD SYSTEM WITHIN THE SUBDIVISION. THIS COMMON INTEREST OWNERSHIP AGREEMENT MUST BE DEVELOPED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.
21. THERE ARE NO KNOWN OFF-SITE MAN-MADE STRUCTURES LOCATED WITHIN 200' DOWNSTREAM OF ANY DRAINAGE PIPE OR STORMWATER MANAGEMENT FACILITY UTILITY. THEREFORE, NO OFF-SITE STRUCTURES AND ASSOCIATED TOPOGRAPHY HAS BEEN SHOWN.
22. ALL RESIDENTIAL AND NON-RESIDENTIAL BUILDING LOTS SHALL HAVE A STABILIZED CONSTRUCTION ENTRANCE INSTALLED PRIOR TO BEGINNING CONSTRUCTION ON THE LOT.
23. RETAINING WALLS 4 FEET OR GREATER IN HEIGHT REQUIRE A BUILDING PERMIT UNDER THE JEFFERSON COUNTY BUILDING CODE ENFORCEMENT ORDINANCE THAT MUST BE OBTAINED BY THE OWNER/OWNER. THESE WALLS MUST BE DESIGNED AND CONSTRUCTED BY A LICENSED WEST VIRGINIA ENGINEER.
24. NO PERMANENT STRUCTURES SHALL BE PERMITTED WITHIN EXISTING EASEMENTS WITHOUT PRIOR APPROVAL FROM THE JEFFERSON COUNTY PLANNING COMMISSION.

ZONING ORDINANCE SUMMARY:

- 1. ZONING REQUIREMENTS: CURRENT ZONE: RESIDENTIAL GRD (R6) PROPOSED USE: SINGLE-FAMILY DETACHED DWELLING (177 LOTS) AND SINGLE-FAMILY ATTACHED DWELLINGS (227 LOTS)
2. TOTAL AREA 86.00 AC. (0.91 AC. TO BE IN WOOD HIGHWAY RESERVE)
3. LANDSCAPING: IT WILL BE THE RESPONSIBILITY OF THE LANDOWNER TO REPLACE ANY TREES SHOWN ON THIS PLAN THAT DIE. SEE SHEETS 144 AND 145.
4. SITE LIGHTING: SITE LIGHTING IS PROPOSED FOR THIS SITE IN THE FORM OF POLE MOUNTED STREET LIGHTS. SEE SHEETS 10-28.
5. USE REQUIREMENTS: REQUIRED PROVIDED LOT SIZE (SFD): 6,000 SF 7,280 SF LOT SIZE (TH): 1,400 SF 2,100 SF LOT WIDTH (SFD): 69' 69' LOT WIDTH (TH): 14' 20' OPEN SPACE (SFD & TH) 40 (MAX.) APPROX. 30' BUILDING SETBACK MIN.: FRONT 25' 25' SIDE 12' 12' REAR 20' 20' STREET SIDE 15' 15' AREA PER DWELLING UNIT (SFD)/10,000 SF 15,678 SF AREA PER DWELLING UNIT (TH): 3,600 SF 4,279 SF FORMING LOT AREA (SFD): 8,000 SF 7,280 SF MINIMUM LOT AREA (TH): 1,400 SF 2,100 SF OPEN SPACE 7% 8.44 (7.2 oo.)
6. PARKING REQUIREMENTS: SEE TABULATION
7. A STAFFED MODEL HOME/SALES OFFICE MAY BE LOCATED ON LOTS 1 AND 177.

Table with 3 columns: King's Crossing - Parking Tabulation for DI Areas, King's County SDR Section 5.8.4, and various parking metrics including # of Townhouse Lots, Total TH Parking Required, and Total TH Parking Provided.

STANDARD W.V.D.O.H. NOTES:

- 1. ALL UTILITIES, INCLUDING ALL POLES, ARE TO BE RELOCATED AS NECESSARY AT EITHER THE DEVELOPER OR UTILITY OWNER'S EXPENSE PRIOR TO CONSTRUCTION.
2. THE DEVELOPER IS RESPONSIBLE FOR ANY DAMAGE TO EXISTING ROADS AND UTILITIES WHICH OCCUR AS A RESULT OF PROJECT CONSTRUCTION WITHIN OR CONTIGUOUS TO EXISTING RIGHT-OF-WAY.
3. OPEN CUTTING OF PAVED OR SURFACE TREATED STATE ROADS IS NOT PERMITTED UNLESS APPROVED BY THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION.
4. THE DEVELOPER IS RESPONSIBLE FOR ALL TRAFFIC CONTROL.
5. A SMOOTH GRADE SHALL BE MAINTAINED FROM THE CENTERLINE OF THE EXISTING ROAD TO THE PROPOSED EDGE OF PAVEMENT TO PRECLUDE THE FORMING OF FALSE GUTTERS AND/OR THE PONDING OF ANY WATER IN THE ROADWAY.
6. OVERLAY OF EXISTING PAVEMENT SHALL BE A MINIMUM OF 1.5". ANY COSTS ASSOCIATED WITH PAVEMENT Overlay, OR THE MILLING OF EXISTING PAVEMENT TO OBTAIN REQUIRED DEPTH, SHALL BE THE RESPONSIBILITY OF THE DEVELOPER.
7. DITCHES SHALL BE SEEDDED AND MULCHED TO ACHIEVE STABILIZATION. ADDITIONAL DITCH LININGS SHALL BE PROVIDED IF WARRANTED TO ACHIEVE STABILIZATION.
8. TRAFFIC CONTROL SIGNS AND THE MAINTENANCE OF TRAFFIC SHALL COMPLY WITH THE STANDARDS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION.
9. ALL GUARDRAILS SHALL BE IN ACCORDANCE WITH WOOD STANDARD DETAILS BOOK VOLUME 1. THE GUARDRAIL POST SHALL BE PRESSURE-TREATED.
10. CONTACT WOOD PRIOR TO BEGINNING ANY WORK WITHIN WOOD HIGHWAY RIGHT-OF-WAY.

GENERAL CTUB WATER NOTES:

- 1. REFER TO THE CHARLES TOWN UTILITY BOARD (CTUB) WATER SYSTEM SPECIFICATIONS DATED APRIL 2015, AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR WATER MAIN CONSTRUCTION METHODS, MATERIALS, FIELD QUALITY CONTROL, AND FOR ALL DETAILS AND SPECIFICATIONS FOR ALL WATER LINES TO BE SERVED BY THE CHARLES TOWN UTILITY BOARD.
2. SEPARATION OF WATER MAINS/SANITARY SEWERS: ALL NEW WATER MAINS SHALL CONFORM TO THE WEST VIRGINIA BOARD FOR PUBLIC HEALTH, OFFICE OF ENVIRONMENTAL HEALTH SERVICES, ENVIRONMENTAL ENGINEERING DIVISION, PUBLIC WATER SYSTEM DESIGN STANDARDS, 64CS877 10.7 SEPARATION OF WATER MAINS, SANITARY SEWERS AND OTHER SERVICES INCLUDING: A. PARALLEL INSTALLATION - WATER MAINS SHALL BE LAID AT LEAST 10 FEET HORIZONTALLY FROM ANY EXISTING OR PROPOSED SEWER. THE DISTANCE SHALL BE MEASURED EDGE TO EDGE. B. CROSSINGS - WATER MAINS SHALL CROSS ABOVE SEWERS AND SHALL BE LAID TO PROVIDE A MINIMUM VERTICAL DISTANCE OF 18 INCHES BETWEEN THE BOTTOM OF THE WATER MAIN AND TOP OF THE SEWER. AT CROSSINGS, ONE FULL LENGTH (20 FEET) OF WATER PIPE SHALL BE FITTED, SO BOTH JOINTS WILL BE AS FAR FROM THE SEWER AS POSSIBLE. SPECIAL STRUCTURAL SUPPORT FOR THE WATER AND SEWER PIPES MAY BE REQUIRED.
3. ALL PIPE, FITTINGS, AND OTHER RELATED MATERIALS USED IN THE CONSTRUCTION OF LINES SHALL BE IN FULL COMPLIANCE WITH THE WRITTEN SPECIFICATIONS AND DETAILS OF CTUB'S LATEST MODIFICATIONS OR REVISIONS. REFER TO THE CTUB WATER SYSTEM SPECIFICATIONS AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR A LIST OF MATERIALS REPRESENTING THE MINIMUM REQUIREMENTS ACCEPTABLE FOR USE BY CTUB.
4. REFER TO THE CTUB WATER SYSTEM SPECIFICATIONS AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR FIRE HYDRANT STANDARDS AND SPECIFICATIONS.
5. INSTALLATION OF MAINS: A. BEFORE ANY PIPE IS INSTALLED IN TRENCHES, IT SHALL BE INSPECTED FOR DAMAGE AND THE INSIDE OF THE PIPE SHALL BE SWABBED TO REMOVE LOOSE DIRT AND FOREIGN OBJECTS. NO DAMAGED PIPE WILL BE PERMITTED TO BE INSTALLED. B. STANDARDS: SPECIFICATIONS SHALL INCORPORATE THE PROVISIONS OF THE AWWA STANDARDS AND MANUFACTURER'S RECOMMENDED INSTALLATION PROCEDURES. C. BEDDING: CONTINUOUS AND UNIFORM BEDDING SHALL BE PROVIDED IN THE TRENCH FOR ALL BURRED PIPE. BACKFILL MATERIAL SHALL BE TAMPED IN LAYERS AROUND THE PIPE AND TO A SUFFICIENT HEIGHT ABOVE THE PIPE TO ADEQUATELY SUPPORT AND PROTECT THE PIPE. BEDDING FOUND IN THE TRENCH SHALL BE REMOVED FOR A DEPTH OF AT LEAST 6" BELOW THE BOTTOM OF THE PIPE. SEE TYPICAL WATER LINE TRENCH DETAIL. D. COVER: ALL WATER MAINS SHALL BE COVERED WITH A MINIMUM OF 48" OF EARTH COVERING TO PREVENT FREEZING. ALL MAINS LESS THAN 8" IN DIAMETER AND WITHIN 8 FEET OF A HEAVY TRAFFIC SHALL HAVE A MINIMUM OF 12" OF COVERING. E. BLOCK: ALL TEES, BENDS, PLUGS AND HYPHANTS SHALL BE PROVIDED WITH THE ROADS OR JOINTS DESIGNATED TO PREVENT MOVEMENT. F. PRESSURE AND LEAKAGE TESTING: ALL TYPES OF WATER MAINS SHALL BE PRESSURE TESTED AND LEAK TESTED IN ACCORDANCE WITH AWWA STANDARD 0600. DEVELOPER SHALL SUBMIT PLAN OF PROPOSED TESTING. G. DISINFECTION: ALL NEW, CLEANED OR REPAIRED WATER MAINS SHALL BE DISINFECTED IN ACCORDANCE WITH AWWA STANDARD 0601. THE SPECIFICATIONS SHALL INCLUDE MICROBIOLOGICAL TESTING OF ALL WATER MAINS. H. ALL NON-METALLIC MAINS SHALL BE PROVIDED WITH TRACER WIRE OR METALLIC TAPE, AS DIRECTED BY CTUB.
6. BEDDING - NO. 8 OR NO. 10 LIMESTONE SHALL BE USED FOR BEDDING UNLESS OTHERWISE APPROVED BY CTUB.
7. THERE SHALL BE NO PHYSICAL CONNECTION BETWEEN THE DISTRIBUTION SYSTEM AND ANY PIPES, PUMPS, HYDRANTS OR TANKS WHEREBY UNSAFE WATER OR OTHER CONTAMINATING MATERIALS MAY BE DISCHARGED OR DRAWN INTO THE SYSTEM.
8. REFER TO THE CTUB WATER SYSTEM SPECIFICATIONS, AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR PROCEDURES FOR DISINFECTING NEW AND REPAIRED WATER MAINS. ALL NEW WATER MAINS SHALL BE DISINFECTED BEFORE THEY ARE PLACED IN SERVICE. ALL WATER MAINS TAKEN OUT OF SERVICE FOR REPAIRING, REPAIRING, OR OTHER ACTIVITY THAT WOULD LEAD TO CONTAMINATION OF WATER SHALL BE DISINFECTED BEFORE THEY ARE RETURNED TO SERVICE.
9. WATER SERVICE LINES SHOWN ARE APPROXIMATE AND SUBJECT TO CHANGE BASED ON BUILDING ARCHITECTURAL DRAWINGS AND UTILITY CONNECTION LOCATIONS.

GENERAL CTUB SEWER NOTES:

- 1. REFER TO THE CHARLES TOWN UTILITY BOARD (CTUB) SEWER SYSTEM SPECIFICATIONS DATED MAY 2016, AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR SANITARY SEWER CONSTRUCTION METHODS, MATERIALS, FIELD QUALITY CONTROL, AND FOR ALL DETAILS AND SPECIFICATIONS FOR ALL SANITARY SEWER SYSTEMS TO BE SERVED BY THE CHARLES TOWN UTILITY BOARD.
2. NO GRAVITY SEWER SHALL BE LESS THAN 8" IN DIAMETER.
3. A MINIMUM OF 3 FEET OF EARTH COVERING IS REQUIRED ON ALL SEWER LINES.
4. SEWER LINES SHALL BE LAID IN STRAIGHT LINE WITH UNIFORM SLOPE BETWEEN MANHOLES. SEWERS ON 20% SLOPE OR GREATER SHALL BE ANCHORED SECURELY WITH CONCRETE ANCHORS, OR APPROVED ALIKE.
5. BEDDING - NO. 8 OR NO. 10 LIMESTONE SHALL BE USED FOR BEDDING UNLESS OTHERWISE APPROVED BY CTUB.
6. THERE SHALL BE NO PHYSICAL CONNECTION BETWEEN A DRINKING WATER SUPPLY SYSTEM AND A SEWER SYSTEM.
7. HORIZONTAL SEPARATION - A MINIMUM OF 10 FEET SEPARATION BETWEEN SEWER LINES AND WATER LINES MUST BE MAINTAINED. IN CASES WHERE THE 10 FEET MINIMUM CANNOT BE MAINTAINED, THE SEWER PIPE SHALL BE 18" LOWER THAN THE WATER LINE AND CONSTRUCTED OF A PRESSURE PIPE, WHEN LINES ARE PLACED WITHIN 5 FEET OF EACH OTHER, PERMANENT IDENTIFICATION TAPE MUST BE BURRED DIRECTLY ABOVE THE LINES IDENTIFYING "SEWER LINE" OR "PORTABLE WATER LINE".
8. VERTICAL SEPARATION - A MINIMUM OF 18" OF SEPARATION BETWEEN THE TOP OF THE SEWER LINES AND THE BOTTOM OF WATER LINES MUST BE MAINTAINED. IN CASES WHERE THE 18" CANNOT BE MAINTAINED, THE SEWER LINE SHALL CROSS AT HEIGHT OF A 20' LONG JOINT OF THE WATER LINE AND BE CONSTRUCTED OF PRESSURE TYPE PIPE. A SEWER LINE SHALL NOT BE CONSTRUCTED OVER TOP OF A WATER LINE. IF THE STANDARD VERTICAL INSTALLATION REQUIREMENTS CANNOT BE MAINTAINED, THE SEWER LINE SHALL BE ENCASED SO THAT THE CASING EXTENDS AT LEAST 15 FEET EACH SIDE OF THE CROSSING WITH A MINIMUM OF 18" VERTICAL SEPARATION.
9. MANHOLES - SHALL BE PRE-CAST CONCRETE MEETING REQUIREMENTS OF AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM), THE MINIMUM BASE DIAMETER SHALL BE 48" (MINIMUM OPENING 24"). THE INSIDE BASE OF THE MANHOLE SHALL BE FILLED WITH CONCRETE TO FORM A BENCH SLOPING TOWARD THE FLOW CHANNEL. WATERTIGHT MANHOLE COVERS ARE TO BE USED WHEREVER THE MANHOLE COVERS MAY BE FLOODED BY STREET RUNOFF OR HIGH WATER. PIPE CONNECTIONS TO MANHOLES AND JOINTS ON MANHOLES SHALL BE WATERTIGHT. CONCRETE MANHOLES SHALL BE WATERPROOFED ON THE EXTERIOR WHERE GROUNDWATER CONDITIONS ARE UNDESIRABLE.
10. GRAVITY SEWER LINES SHALL BE PVC PIPE, SCHEDULE 80R-35. ALL PIPES AND FITTINGS SHALL MEET OR EXCEED ALL REQUIREMENTS OF ASTM SPECIFICATIONS D-3034 AND/OR OTHER REQUIREMENTS OF UNIFORM-BELL 84. JOINTS SHALL BE EITHER O-RING TYPE "TOP" MECHANICAL SEAL, JOINT WEAVING MATERIAL REQUIREMENTS OF ASTM 1794 AND JOINT REQUIREMENTS OF ASTM 3212. NO SOLVENT CEMENT JOINTS WILL BE PERMITTED IN FIELD CONSTRUCTION, EXCEPT AS SPECIFICALLY AUTHORIZED BY CTUB.
11. LATERAL PIPING AND FITTINGS, IN SIZES 4" THROUGH 4", SHALL BE PVC PIPE, SCHEDULE 40.
12. REFER TO THE CTUB SEWER SYSTEM SPECIFICATIONS, AND THE LATEST MODIFICATIONS OR REVISIONS THERETO, FOR: • GRAVITY SEWER CONSTRUCTION METHODS & PIPELINE TESTING • MANHOLES SUBMITTALS, DELIVERY, STORAGE & HANDLING, INSTALLATION, PREPARATION, CONSTRUCTION METHODS, AND VACUUM TESTING • CAST IN-PLACE CONCRETE SPECIFICATIONS AND REQUIREMENTS.
13. THE DEVELOPER SHALL FURNISH AND INSTALL THE WYE BRANCHES, RISER PIPE, SERVICE LATERALS, TRANSITION FITTINGS, AND INCIDENTALS WHERE SHOWN ON THE PLANS OR WHERE DIRECTED BY THE CTUB.
14. HOME OWNER INSTALLED SERVICE LATERALS - PIPE SHALL BE A MINIMUM 80R-35 OR SCHEDULE 40 INSTALLED AT 2% MINIMUM SLOPE. LATERAL SHALL BE PLACED WITH 3 FEET MINIMUM COVER UNLESS OTHERWISE APPROVED BY CTUB. LATERALS SHALL BE INSTALLED WITH MINIMUM 6" BEDDING OF PIPE AND 12" OVER PIPE CONNECTION. HOME OWNER LATERAL TO EXISTING LATERAL SHALL BE FITTING OF SAME TYPE OF PIPE. BEDDING SHALL BE NO. 8 OR NO. 10 LIMESTONE OR OTHER MATERIAL AS APPROVED BY CTUB. THE LATERAL AND CONNECTIONS SHALL BE INSPECTED AND APPROVED BY A REPRESENTATIVE OF CTUB PRIOR TO COVERING WITH BEDDING.
15. ALL CLEANOUTS AND METER LIDS SHALL BE VEHICLE RATED AND HEAVY DUTY WHEN LOCATED IN DRIVEWAYS OR ROADWAYS.
16. ALL WATER AND SEWER EASEMENTS ARE TO BE CONVEYED TO CTUB.
17. ALL INSIDE AND OUTSIDE DROP CONNECTIONS SHALL BE CONSTRUCTED PER THE DETAILS FOUND ON SHEET 77 AND 78 RESPECTIVELY.
18. SDR 35 PIPE IS NOT ALLOWED AT DEPTHS 15' OR GREATER. SDR 26 SHALL BE USED INSTEAD AT THESE DEPTHS.

GOVT. AGENCIES/UTILITIES:

- ELECTRIC: THE POTOMAC EDISON COMPANY, 1844 NORTHWESTERN TURNPIKE, AUGUSTA, VA 26704 (800) 846-0011 (504) 728-3257
• TEL-COMMUNICATIONS: FRONTIER COMMUNICATIONS, 1108 N. MILBRED STREET, RAYMON, WV 25438 (304) 728-8500
• WATER & SEWER: CITY OF CHARLES TOWN UTILITY BOARD, 67 AERO STREET, CHARLES TOWN, WV 25414 (304) 728-2288
• GAS: MOUNTAINEER GAS, 108 W. CONGRESS STREET, MARTINSBURG, WV 25401 (800) 854-2070
• TRANSPORTATION: WEST VIRGINIA DIVISION OF HIGHWAYS, DISTRICT FIVE, 2120 NORTHWESTERN TURNPIKE, BURLINGTON, WV 26710 (304) 289-2208
• OTHER: MISS UTILITY, 5610B MACCORMICK AVE, SW, SOUTH CHARLESTON, WV 25309 (800) 245-4848 OR 811
NOTES: THE CONTRACTOR SHALL COORDINATE WITH ALL UTILITY COMPANIES PRIOR TO CONSTRUCTION.

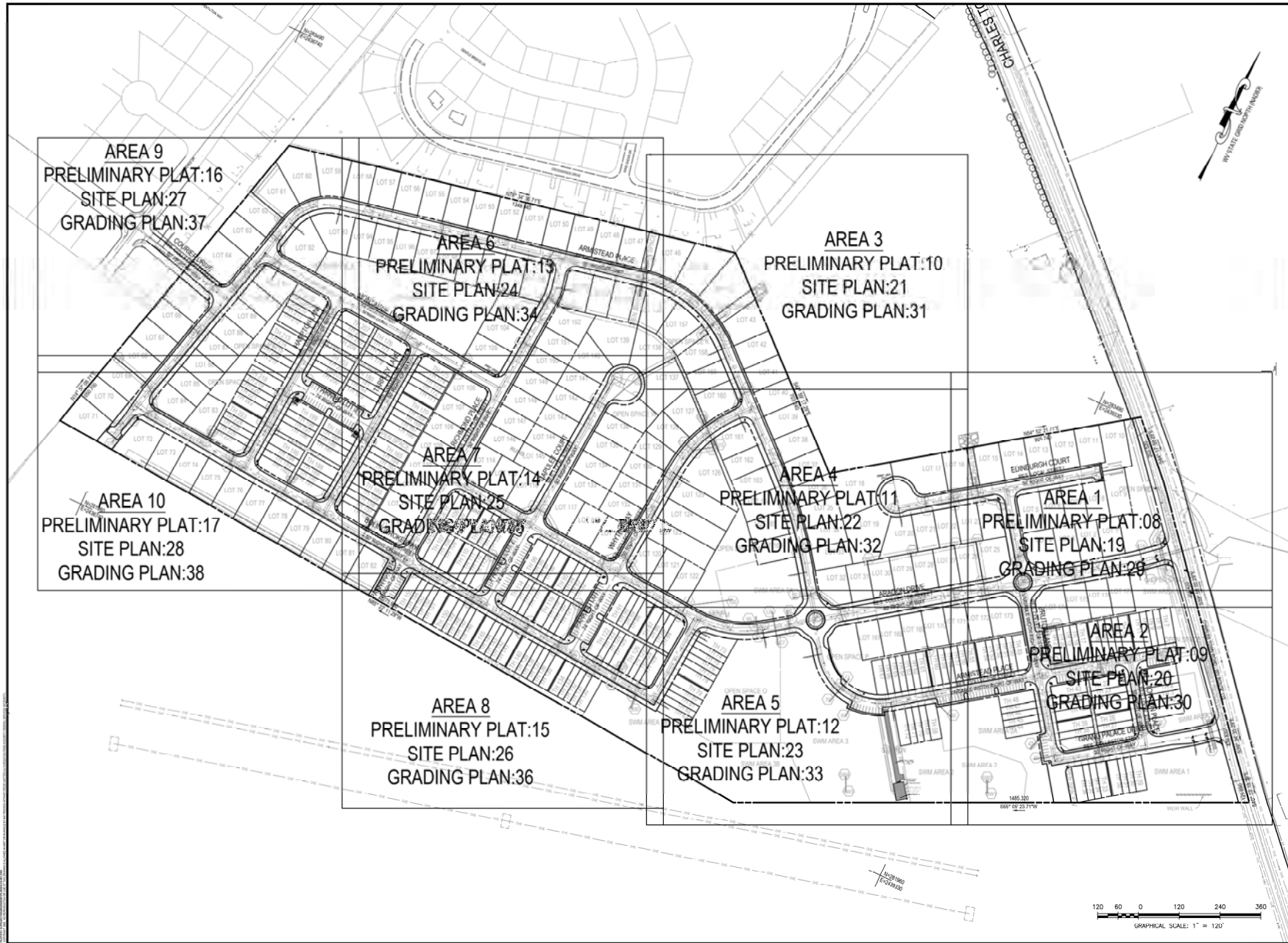
INTEGRITY FEDERAL SERVICES logo and contact information: CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING, 148 S. Queen Street, Suite 200, Martinsburg, WV 25401 • Phone: 304-292-5499 • www.integrityfed.com



Table with 3 columns: COMMENTS, JEFFERSON COUNTY, CTUB AND WOOD COMMENTS, and JEFFERSON COUNTY COMMENTS. Includes notes on utility locations and construction details.

KINGS CROSSING SUBDIVISION (LOTS 1-404) project title block with owner information: CHARLES TOWN UTILITY BOARD, 174 MARKET STREET, CHARLES TOWN, WEST VIRGINIA 25414. Includes J.C. FILE #7-4-60.

SCALE: HORIZ: N/A, VERT: 1"=40'. DATE: DECEMBER 2021. JOB: 3035-0401. DRAWN: TME, CHECK: JRG. CADD: D-G4002.DWG. INCS: STREET. SHEETS: 02 OF 145.



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 HARTSHORN, WV 26041 • Phone: 304-258-8459 • Fax: 304-258-8460



NO.	REVISIONS

OVERALL SITE PLAN
KINGS CROSSING SUBDIVISION (LOTS 1-404)
 TAX MAP 14, PARCEL 22, D.B. 94, P.G. 667
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C. FILE # 21-8-50

SCALE:	HORIZ: 1"=120'
VERT:	
DATE:	DECEMBER 2021
JOB:	3035-0401
DRAWN: TME	CHECK: JFG
CADD:	C-CS-001.DWG
NS:	
SHEET:	06 OF 145



INTEGRITY FEDERAL SERVICES
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING
 1415 N. CHARLES STREET • SUITE 200
 CHARLESTON, WV 25305 • Phone: 304-255-8459 • Fax: 304-255-8460



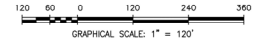
SEAL:

REVISIONS

SITE PHASING PLAN
KINGS CROSSING SUBDIVISION (LOTS 1-404)
 TAX MAP 14, PARCEL 22, D.B. 94, P.G. 687
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C. FILE # 214.50

SCALE:	HORIZ: 1"=120'
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DATE:	DECEMBER 2021
JOB:	3035-0401
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CADD:	C-CS-002.DWG
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SHEET:	07 OF 145

- LEGEND:
- PHASE 1
 - PHASE 2
 - PHASE 3





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 Martinsburg, WV 26001 • Phone 304-772-4499
 Fax 304-772-4498



NO.	REVISIONS

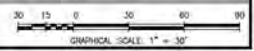
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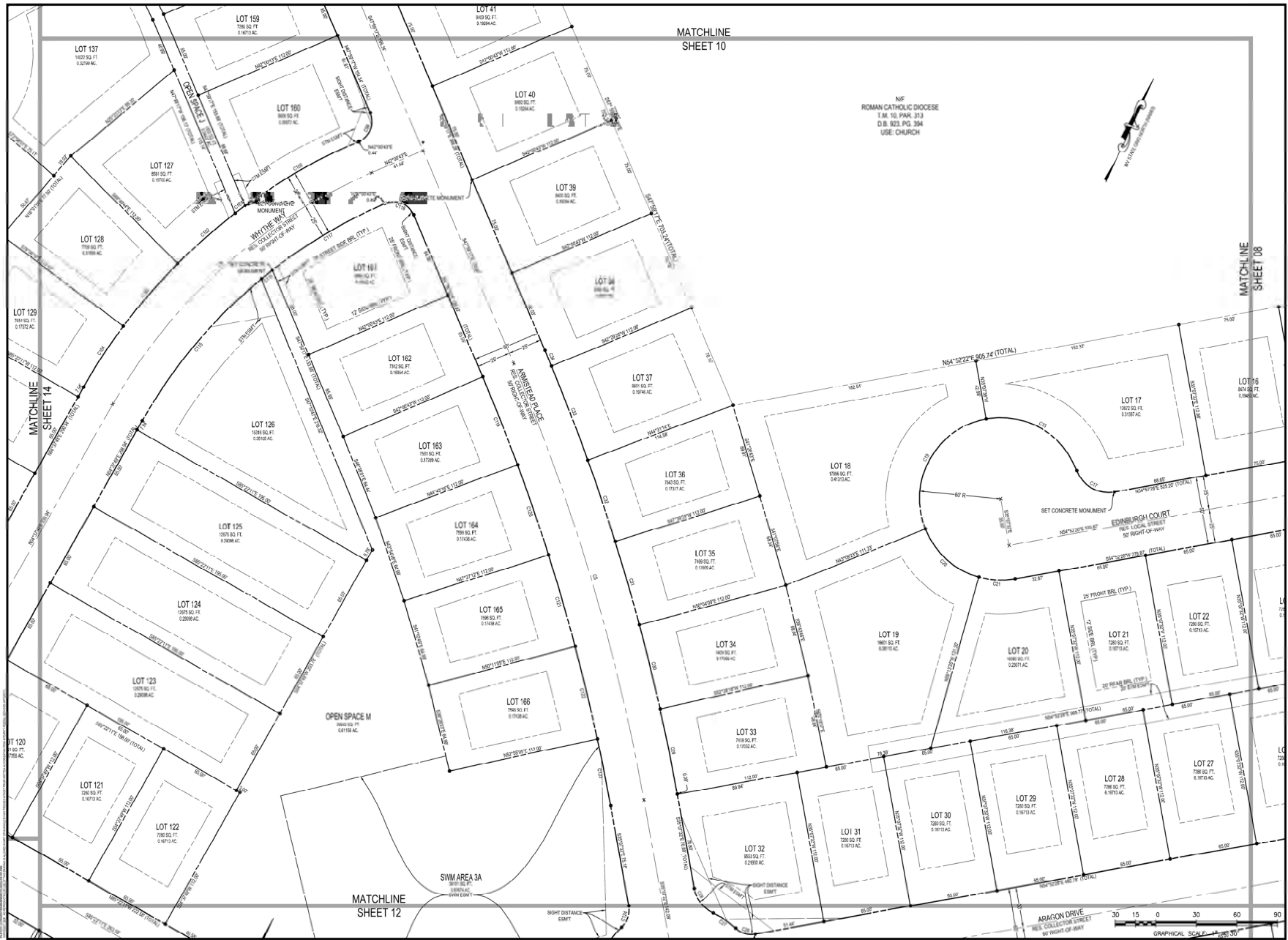
KINGS CROSSING SUBDIVISION (LOTS 1-404)

TAX MAP 17, PARCEL 22; O.B. 594 PG. 867
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

DATE FILED: 2/24/20

SCALE:	HORIZ: 1"=30'
VERT:	1"=10'
DATE:	DECEMBER 2021
CON:	3035-0401
DRAWN BY:	TME / CHC/CK: JPD
CADD:	CAS-101 DWG
NCS:	
SHEET:	08 OF 145





MATCHLINE
SHEET 10

NF
ROMAN CATHOLIC DIOCESE
T.M. 10, PAR. 313
D.B. 923 PG. 394
USE: CHURCH



MATCHLINE
SHEET 08

MATCHLINE
SHEET 14

MATCHLINE
SHEET 12

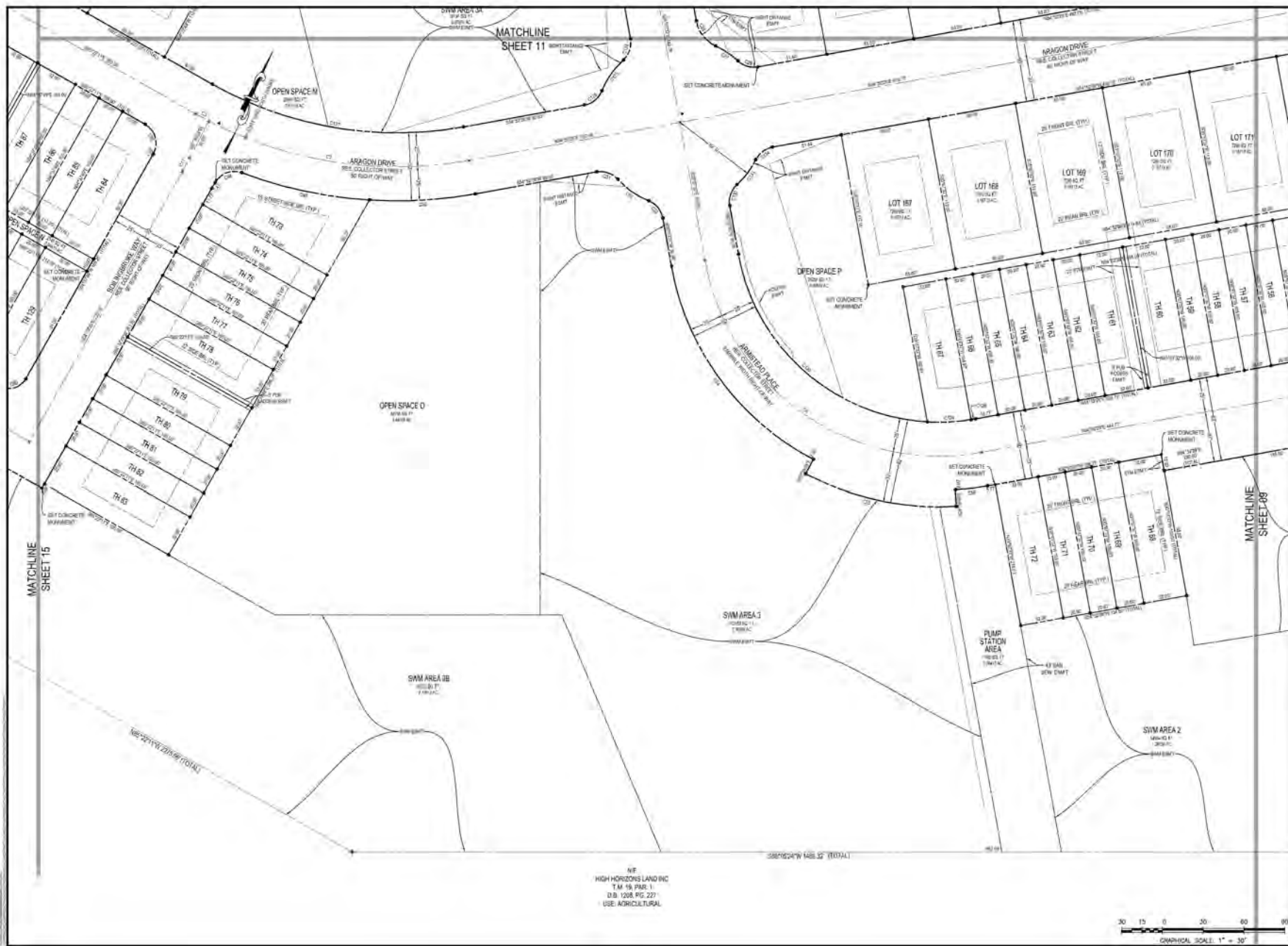
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148 S. Main Street • Martinsburg, WV 26001 • Phone: 304-263-9450 • Fax: 304-263-9451



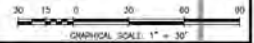
NO.	REVISIONS

PRELIMINARY PLAN
KINGS CROSSING SUBDIVISION (LOTS 1-40)
TAX MAP 17, PARCEL 2; D.B. 994, PG. 667
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
J.C. FILE # 214-50

SCALE:	HORIZ. 1"=30'
DATE:	DECEMBER 2021
JOB:	3035-0401
DRAWN:	TME
CADD:	C-CMS-101.DWG
SHEET:	11 OF 145



NP
 HIGH HORIZONS LAND INC
 T.M. 18, PAR. 1
 D.B. 1208, PG. 227
 USE: AGRICULTURAL



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 148 S. Main Street, West Virginia • Fax: 304-253-4141



NO.	REVISIONS

PRELIMINARY PLAT
KINGS CROSSING
SUBDIVISION (LOTS 1-404)
 TAX MAP 17, PARCEL 22, D.B. 994, PG. 867
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=30'
DATE:	DECEMBER 2021
JOB:	3028-0401
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SHEET:	12 OF 145



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 148 S. Lumberton Ave. Suite 101 • Lumberton, NC 27883
 Phone: 919-253-9539 • Fax: 919-253-9538



NO.	REVISIONS

PRELIMINARY P.L.T.
KINGS CROSSING SUBDIVISION (LOTS 1-404)
 TAX MAP 17, PARCEL 22; D.B. 994, PG. 67
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 J.C. FILE # 218-830

SCALE:	HORIZ. 1"=30'
	VERT. 1"=10'
DATE:	DECEMBER 2021
JOB:	3035-0401
DRAWN/TME:	CHECK JPJ
CADD:	C-CS-101.DWG
SHEET:	13 OF 145



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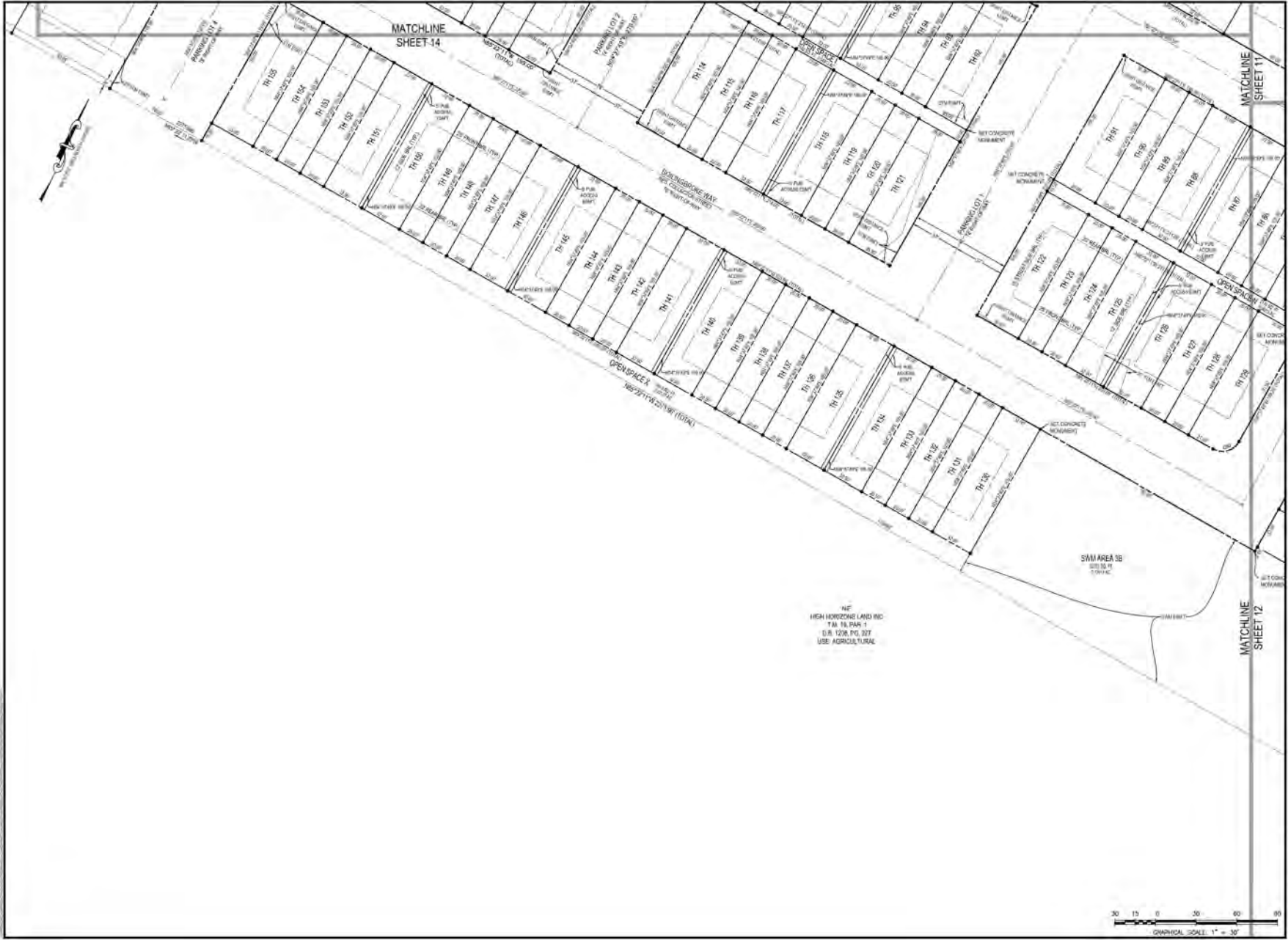
PRELIMINARY P.L.T.

KINGS CROSSING SUBDIVISION (LOTS 1-404)

TAX MAP 17, PARCEL 22, D.B. 964, PG. 667
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE # 21-0-030

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SHEET:	14 OF 145



NO.	REVISION

PRELIMINARY PLAT
**KINGS CROSSING
 SUBDIVISION (LOTS 1-404)**
 TAX MAP 17, PARCEL 22, D.B. 994, PG. 867
 CHARLES TOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=30'
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NO.	REVISION

PRELIMINARY PLAT

KINGS CROSSING SUBDIVISION (LOTS 1-404)

TAX MAP 17, PARCEL 22, D.B. 99, PG. 87
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

JEFFERSON COUNTY COMMENTS
JEFFERSON COUNTY COMMENTS

SCALE:	HORIZ: 1"=30'
	VERT: 1"=30'
DATE:	DECEMBER 2021
DRAWN BY:	JKR 3028-0401
CHECKED BY:	
LEAD BY:	C-25-101.DWG
SHEET:	16 OF 145



NF
ARCADA LAND INC
T.M. 12, PAR. 215
D.B. 1173, PG. 85
USE: VACANT / RESIDENTIAL

NF
HIGH HORIZONS LAND INC
T.M. 13, PAR. 1
D.B. 1208, PG. 227
USE: AGRICULTURAL

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NO.	REVISIONS

PRELIMINARY PLAT

**KINGS CROSSING
SUBDIVISION (LOTS 1-404)**

TAX MAP 17, PARCEL 22; D.B. 994, PG. 867
CHARLES TOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

J.C. FILE # 214-30

SCALE:	HORIZ.: 1"=30'
	VERT.:
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JOB:	3035-0401
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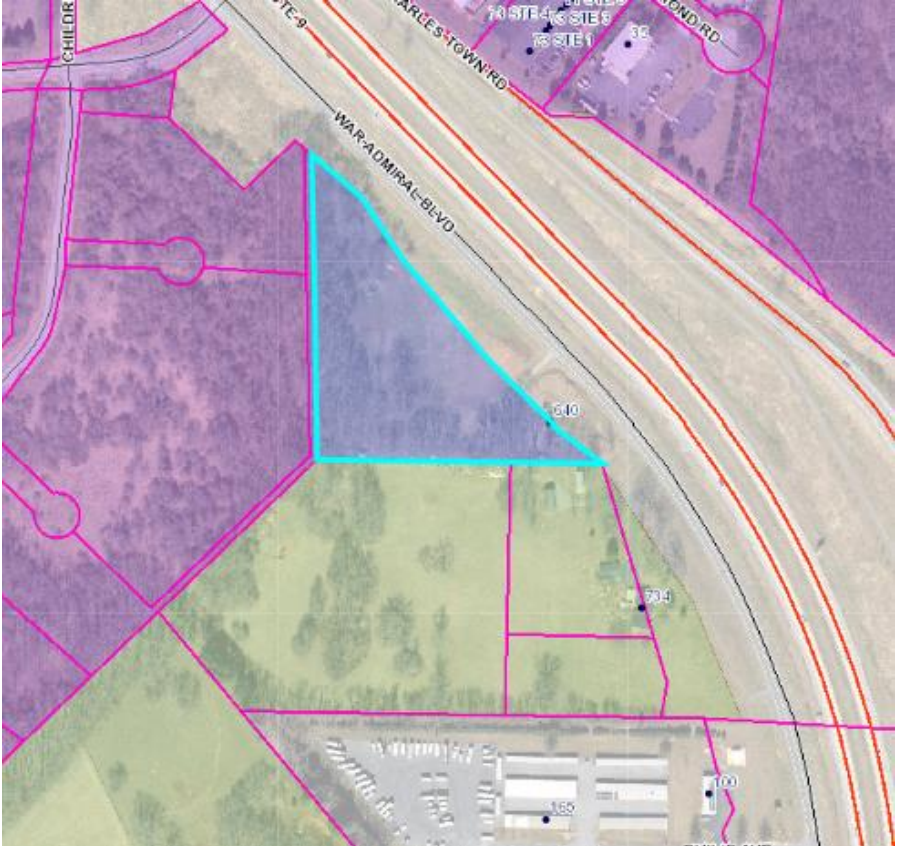
CURVE TABLE						CURVE TABLE							
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING	CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	25.44	300.00	451°31'	12.73	25.43	N62°29'47"E	C71	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C2	197.08	300.00	37°38'26"	102.25	193.56	N07°04'14"E	C72	21.99	14.00	90°00'00"	14.00	29.87	S40°21'17"E
C3	11.08	300.00	258°35'	5.54	11.07	S86°25'38"E	C73	21.99	14.00	90°00'00"	14.00	29.87	S49°37'49"W
C4	274.89	175.00	90°00'00"	175.00	247.49	N07°04'14"E	C74	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"W
C5	336.74	1600.00	125°44'	169.88	336.64	S41°37'32"E	C75	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C6	136.44	150.00	176°48'	73.64	134.71	S74°04'17"E	C76	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C7	166.57	150.00	63°37'33"	83.05	158.15	N48°45'58"E	C77	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C8	42.02	150.00	163°30'46"	21.51	41.89	S03°24'47"E	C78	25.09	16.00	89°59'13"	15.95	22.60	S47°27'04"E
C9	260.97	400.00	37°22'54"	133.32	256.37	N33°16'18"E	C79	0.78	275.00	0°00'45"	0.39	0.78	S04°32'56"W
C10	54.05	300.00	107°32'07"	27.02	53.97	N80°12'32"W	C80	21.99	14.00	90°00'00"	14.00	19.87	S49°37'49"W
C11	11.08	300.00	258°35'	5.54	11.07	N03°34'21"E	C81	21.99	14.00	90°00'00"	14.00	19.87	S49°37'49"W
C12	22.92	270.00	45°13'36"	11.45	22.89	N02°06'43"E	C82	21.99	14.00	90°00'00"	14.00	19.87	N40°22'11"W
C13	15.87	17.00	53°29'31"	8.57	15.30	N87°14'14"E	C83	14.07	325.00	2°28'31"	7.04	14.07	S84°10'46"E
C14	19.92	60.00	162°44'42"	10.00	19.84	S80°50'23"E	C84	27.32	18.00	87°50'29"	18.32	24.12	S33°38'08"E
C15	23.96	26.00	51°50'14"	12.99	23.96	S62°38'06"E	C85	61.38	128.00	27°29'58"	26.06	61.02	S28°43'37"W
C16	25.13	16.00	90°00'00"	16.00	25.13	S09°57'38"W	C86	87.43	175.00	45°04'13"	45.69	85.66	S58°37'25"W
C17	34.83	25.00	79°50'58"	20.92	32.08	S85°22'27"E	C87	25.13	16.00	90°00'00"	16.00	22.63	N06°25'17"W
C18	83.61	60.00	79°50'58"	50.20	77.00	N85°21'47"E	C88	35.02	125.00	18°33'06"	17.63	34.93	N03°23'14"W
C19	386.32	60.00	18°40'42"	243.72	385.87	S01°23'07"E	C89	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C20	34.86	89.00	52°22'58"	18.59	34.86	S13°29'12"E	C90	31.76	214.00	9°00'00"	24.52	31.86	S42°29'12"E
C21	87.12	60.00	45°53'38"	43.88	86.88	N87°14'14"E	C91	88.03	175.00	45°04'14"E	88.03	175.00	S77°34'42"E
C22	25.13	16.00	90°00'00"	16.00	25.13	N80°12'32"W	C92	25.13	16.00	90°00'00"	16.00	22.63	S33°38'08"E
C23	17.17	17.00	57°53'00"	8.40	16.40	N06°10'12"E	C93	19.89	320.00	2°49'07"	7.85	19.89	S79°14'54"W
C24	23.13	60.00	212°23'41"	11.30	23.00	S17°24'37"	C94	88.72	325.00	17°24'37"	50.26	89.34	N89°51'49"W
C25	15.87	17.00	53°29'31"	8.57	15.30	N08°17'47"E	C95	38.84	500.00	4°27'04"	38.83	388.87	N08°28'57"E
C26	19.92	60.00	162°44'42"	10.00	19.84	S80°50'23"E	C96	89.46	325.00	17°20'44"	50.12	89.07	N72°18'14"W
C27	19.92	60.00	162°44'42"	10.00	19.84	S80°50'23"E	C97	30.01	325.00	57°12'27"	15.02	30.00	N60°53'33"W
C28	23.96	25.00	54°50'14"	12.99	23.96	S62°38'06"E	C98	58.19	325.00	19°15'31"	29.17	58.11	N03°10'04"W
C29	63.95	1525.00	274°10'	31.98	63.95	N36°13'37"W	C99	25.13	16.00	90°00'00"	16.00	22.63	N02°59'17"W
C30	63.95	1525.00	274°10'	31.98	63.95	N38°14'46"W	C100	96.39	425.00	12°59'39"	48.40	96.18	S35°30'53"W
C31	63.95	1525.00	274°10'	31.98	63.95	N41°16'55"W	C101	9.26	425.00	11°45'41"	4.63	9.26	S28°23'37"W
C32	63.63	1525.00	273°28'	31.82	63.62	N43°14'44"W	C102	58.38	425.00	7°35'54"	28.22	58.34	S33°58'13"W
C33	74.11	1525.00	274°10'	37.06	74.11	N46°16'56"W	C103	61.39	425.00	8°18'24"	30.75	61.34	S16°10'36"W
C34	12.79	15.00	67°56'45"	6.39	12.79	N44°45'45"W	C104	53.89	425.00	7°35'54"	26.95	53.85	S08°14'45"W
C35	69.48	375.00	107°04'43"	34.83	69.38	N44°17'39"W	C105	37.30	34.00	90°00'00"	34.00	37.34	N49°37'49"E
C36	30.01	375.00	43°05'08"	15.01	30.00	N05°53'37"E	C106	37.30	24.00	90°00'00"	24.00	33.94	S40°21'17"E
C37	75.40	375.00	113°14'11"	37.83	75.28	N86°54'54"W	C107	34.83	25.00	79°50'58"	20.92	32.08	S44°32'57"W
C38	81.32	375.00	125°25'21"	40.82	81.16	N88°50'54"W	C108	69.04	60.00	69°55'36"	38.91	69.28	N51°50'10"E
C39	77.85	375.00	115°53'38"	38.92	77.71	S86°50'52"W	C109	74.15	60.00	70°48'45"	42.65	69.52	N16°32'07"W
C40	15.89	375.00	273°51'	7.85	15.89	S79°46'26"W	C110	52.14	60.00	49°47'28"	27.85	50.52	N77°10'50"W
C41	65.83	175.00	212°29'08"	33.20	65.24	S87°50'58"W	C111	48.71	60.00	44°26'21"	24.81	48.54	S55°38'08"W
C42	65.82	175.00	212°29'08"	33.20	65.24	S46°70'58"W	C112	30.06	60.00	28°42'02"	15.30	29.74	S18°58'48"W
C43	63.99	175.00	207°38'18"	31.99	62.74	S25°16'43"W	C113	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C44	31.42	25.00	90°00'00"	25.00	28.28	N89°57'12"E	C114	25.13	16.00	90°00'00"	16.00	22.63	N49°37'49"E
C45	94.14	16.00	90°00'00"	16.00	94.14	N10°59'19"W	C115	137.68	375.00	21°04'54"	69.47	136.88	S15°58'41"W
C46	22.25	16.00	79°40'40"	13.35	22.07	S54°42'28"E	C116	10.38	375.00	1°35'04"	5.19	10.38	S26°27'19"W
C47	4.71	325.00	0°49'48"	2.35	4.71	S04°12'55"W	C117	86.63	375.00	14°45'49"	48.58	86.36	S34°37'48"W
C48	22.85	16.00	81°49'25"	13.87	22.99	S44°42'43"E	C118	25.13	16.00	90°00'00"	16.00	22.63	N87°03'43"E
C49	96.33	325.00	16°58'59"	48.52	95.98	N77°07'56"E	C119	69.74	1475.00	2°42'33"	34.88	69.74	N46°38'04"W
C50	76.09	325.00	13°45'58"	38.23	77.90	N61°45'21"E	C120	70.34	1475.00	2°43'57"	35.18	70.33	N43°54'46"W
C51	17.17	17.00	57°53'00"	8.40	16.40	S83°48'26"W	C121	70.34	1475.00	2°43'57"	35.18	70.33	N41°07'46"W
C52	27.88	62.00	25°46'00"	14.18	27.89	N86°10'52"W	C122	70.34	1475.00	2°43'57"	35.18	70.33	N38°28'53"W
C53	17.17	17.00	57°53'00"	8.40	16.40	N84°54'02"W	C123	50.36	1475.00	17°12'27"	23.18	50.36	N06°04'37"W
C54	182.24	200.00	90°00'00"	200.00	176.00	N81°54'48"W	C124	17.17	17.00	57°53'00"	8.40	16.40	S86°11'52"E
C55	114.58	200.00	308°08'	58.73	113.19	S73°55'04"W	C125	27.88	62.00	25°46'00"	14.18	27.85	S08°10'38"W
C56	23.82	200.00	6°49'28"	11.92	23.81	S58°17'11"W	C126	17.17	17.00	57°53'00"	8.40	16.40	S25°50'58"W
C57	21.99	14.00	90°00'00"	14.00	19.87	N09°32'48"E	C127	160.81	275.00	38°40'20"	89.43	160.61	S74°48'09"W
C58	40.79	325.00	47°27'04"	20.47	40.78	N83°09'17"E	C128	3.23	150.00	17°35'41"	1.61	3.23	N55°29'29"E
C59	36.90	475.00	47°27'04"	18.48	36.89	S32°58'37"W	C129	32.33	150.00	12°29'59"	16.23	32.27	N62°18'54"E
C60	38.27	25.00	90°00'00"	25.00	38.27	N80°12'32"W	C130	200.87	150.00	78°25'00"	118.68	185.58	S73°20'04"E
C61	17.17	17.00	57°53'00"	8.40	16.40	N06°10'12"E	C131	17.17	17.00	57°53'00"	8.40	16.40	S06°11'52"E
C62	23.13	60.00	212°23'41"	11.30	23.00	S17°24'37"	C132	23.13	62.00	212°23'41"	11.30	23.00	S12°04'13"W
C63	15.87	17.00	53°29'31"	8.57	15.30	N08°17'47"E	C133	15.87	17.00	53°29'31"	8.57	15.30	S28°17'47"E
C64	27.98	330.00	45°13'36"	14.00	27.97	N02°06'43"E	C134	15.87	17.00	53°29'31"	8.57	15.30	N91°27'14"W
C65	28.02	16.00	100°19'20"	14.00	28.02	N03°34'21"E	C135	19.82	62.00	182°44'10"	10.00	19.84	N80°50'23"W
C66	23.07	16.00	83°48'35"	13.36	23.07	S56°15'27"W	C137	23.86	25.00	54°50'14"	12.99	23.86	N03°23'14"W
C67	27.05	375.00	45°13'36"	13.53	27.04	N83°18'11"W	C138	21.99	14.00	90°00'00"	14.00	19.87	N09°52'28"E
C68	25.13	16.00	90°00'00"	16.00	25.13	N07°04'14"E	C139	21.99	14.00	90°00'00"	14.00	19.87	S80°12'32"E
C69	25.13	16.00	90°00'00"	16.00	25.13	N49°37'49"E	C140	21.99	14.00	90°00'00"	14.00	19.87	N09°52'28"E
C70	25.13	16.00	90°00'00"	16.00	25.13	S49°37'49"E							

LOT NUMBER / PARCEL	TOTAL AREA SQ. FEET	NAME	LOT NUMBER / PARCEL	TOTAL AREA SQ. FEET	NAME
TH 1	3,960.00	0.07713	TH 115	2,100.00	0.04821
TH 2	2,100.00	0.04821	TH 116	2,100.00	0.04821
TH 3	2,100.00	0.04821</			

Staff Report
 Jefferson County Planning Commission Meeting
 May 17, 2022

Krop Properties Waiver Request (File #: 22-9-PCW)

Item # 6: Public Hearing: Waiver from Section 20.203B of the Subdivision Regulations, which requires a Site Plan when the footprint of any addition or a new structure (building and/or parking lot) is greater than 1,200 square feet. The applicant is requesting to be permitted to continue to operate utilizing the temporary structure (tent) and gravel/grass off-street parking for an extended period of time until such time as the approved site plan can be constructed.

Owner/Applicant:	Krop Properties/Tina Krop
Parcel Information and Zoning District:	<p>640 War Admiral Blvd, Charles Town Parcel ID: 02000100270001; Size: 4.70 ac; DB1228/PG568; Zoning District: Industrial-Commercial</p> 
Surrounding Zoning:	<i>North, East, & West: Industrial-Commercial; South: Rural</i>
Proposed Activity	The applicant wants to delay the execution of her current site plan on file. The applicant would like to continue to operate using the current tent facility and grass parking until she can get finances to build.
Approvals:	02-22-21: Staff Approval of Phased Minor Site Plan (20-3-SP)
Waivers/Variances:	09-18-20: Staff Approval of Retail Sales (20-23-ZC) 04-01-22: Staff Approval of Retail Sales (22-09-ZC)

Staff Report
Jefferson County Planning Commission Meeting
May 17, 2022

Krop Properties Waiver Request (File #: 22-9-PCW)

Summary of the Request

The applicant is requesting to be permitted to continue to operate utilizing the temporary structure (tent) and gravel/grass off-street parking for an extended period of time until such time as the approved site plan can be constructed. Krop Properties is currently being operated under a two-month Zoning Certificate that authorizes the temporary/seasonal use of the property for limited retail sales, including the sale of garden supplies and seasonal items, a food truck, alcohol sales for on-premises consumption, and outdoor seating area with four fire pits. The property was previously operating under a separate seasonal zoning certificate for the sale of seasonal pumpkins and Christmas tree sales with applicable décor. Both Zoning Certificates allowed grass parking and temporary structures only for limited time periods.

Background

In February 2021, a Minor Site Development Plan (20-23-SP) was administratively approved that included 3,000 sq ft one-story retail sales structure, paved and gravel parking, engineered stormwater plans, outdoor play area, open congregation/ market space, to be constructed in phases.

The temporary structure that has been in use includes a seasonal retail tent, up to 30 gravel/grass parking spaces, a food truck, and an outdoor seating areas with four fire pits.



Subdivision Requirements and Discussion

Section 20.203 “Minor Site Development” of the Subdivision Regulations (excerpt below), requires all projects to process a site plan if the proposal exceeds 1,200 square feet of either an addition or a new structure (which includes parking lots). Based on this Section, the proposed structure that is referenced in this application was classified as a Minor Site Development without a Concept Plan (because it is less than 5,000 square feet of proposed structure) and a Full Site Plan.

Site Plans are engineered documents that depict the site improvements required by the Subdivision Regulations, including, but not limited to, stormwater management, landscaping, parking and drive aisle layout, bonding and signage. It is generally preferred that Site Developments in commercial zoning districts, such as this one, meet the Site Plan requirements of the Subdivision Regulations, particularly addressing stormwater management requirements. The required full site plan was processed administratively and required a professional engineer. The approved Site Plan meets all of these requirements in two phases.

Staff Report
Jefferson County Planning Commission Meeting
May 17, 2022

Krop Properties Waiver Request (File #: 22-9-PCW)

This waiver is requesting to be allowed to extend the use of the temporary tent structure and gravel/grass parking until such time as the financing of site plan build out can be obtained. The applicant would like to continue to operate what is essentially a seasonal operation but on a year-round basis.

Should the Planning Commission grant the waiver, the applicant will still be required to work with the Building Office and Zoning Office to obtain any necessary updated permits and Zoning Certificate.

Sections of Subdivision Regulations under Consideration:

Section 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

B. Site Plan Classifications

All Minor Site Developments shall be processed utilizing one of the following Site Plan Classifications. Unless explicitly stated within this Section, all requirements of these Regulations apply to each of the classifications below, including the requirements of Appendix A and Appendix B. Minor Site Development may require Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance.

1. No Site Plan or Stormwater Management Plan. No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
 - a. The footprint of the addition or the new structure is less than 1,200 square feet; and
 - b. No additional parking is required per Zoning Ordinance standards; and
 - c. The disturbed area is no more than 5,000 square feet.

Note: Once the total of any additions or new structures processed under this provision since October 5, 1988 exceeds 1,200 square feet, it shall process as a Limited Site Plan or a Full Site Plan, as appropriate.

Waiver Requirements

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

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

Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.



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 #: 22-9-PCW
 Mtg Date: 05-17-2022
 Date Rec'd: 04-25-2022
 Fees Paid: 100.00
 Staff Int: TL
 List of Adjoiners:
 Phone: (304) 728-3228
 Fax: (304) 728-8126

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Tina Krop
 Business Name: Krop Properties, LLC
 Mailing Address: PO BOX 220 Kearneysville, WV 25430
 Phone Number: 703-731-1050 Email: tina@kropsmarket.com

Applicant Contact Information

Applicant Name: ~~Tina~~ Same as owner:
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Consultant Information

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

Physical Property Details

Physical Address: 640 War Admiral Blvd. Kearneysville, WV 25430 Vacant Lot:
 Tax District: _____ Map No: _____ Parcel No: 02000 1002700 00
 Parcel Size: 4.94 Acres Deed Book: 1220 Page No: 479
 Zoning District: _____

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

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

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

Site Plan Waiver

Briefly Describe the Nature of Your Waiver Request:

Currently have a Site Plan on file. Looking to delay the execution of the site plan and continue operating using the tent until I can get financing to build the building. Ownership changes is the cause of the delay.

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.

Project will be a great place for Jefferson County residents to gather with friends and family outdoors with food and drink.

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.

There is currently plenty of space between the operating space and the closest resident. Operations should not affect any one close by and would provide residents somewhere to eat and gather with friends and family.

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

The intent of this waiver is to give me more time to implement the site plan submitted and give the business time to grow.

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

Granting this waiver will allow the business to establish relationships with the community and the business to build to satisfy financial requirements I need to build the building.

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.

Uma Krop

4/16/2022

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.

May 17th 2022
Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 716

Charles Town, WV25414

www.jeffersoncountywv.org

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MEMO

TO: Planning Commission

FROM: Alexandra Beaulieu, Zoning Administrator

DATE: May 6, 2022

RE: ZTA22-01, Solar Energy Facilities – May 17, 2022 Public Hearing

On April 5, 2022 the County Commission recommended a final revision to the draft amendment to the Envision Jefferson 2035 Comprehensive Plan. Pursuant to State Code, their revised draft was forwarded to the Planning Commission for final approval.

On April 12, 2022 the Planning Commission formally accepted the County Commission's recommended revisions to the draft amendment, which included the following revision to the Infrastructure and Technology Recommendations on Page 93 of the Comprehensive Plan:

Encourage public entities to utilize alternative and renewable energy sources for a variety of energy needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process (recommendation 8).

Following their approval to accept the proposed amendment to the Comprehensive Plan, the Planning Commission directed Staff to revise the previous text amendment to the Zoning Ordinance to incorporate provisions in accordance with the Comprehensive Plan, as amended.

On April 19, 2022 the Planning Commission held a Special Meeting to review the first draft of the text amendment to the Zoning Ordinance (File #ZTA22-01). After their review of the proposed text, the Planning Commission scheduled a Public Hearing on the first draft for May 17, 2022.

The draft amendment includes provisions to allow Solar Energy Facilities to process as a Permitted Use on parcels located within the Urban Growth Boundary and Preferred Growth Area as identified on the Future Land Use Guide in the Envision Jefferson 2035 Comprehensive Plan. The amendment also includes provisions to allow Solar Energy Facilities to process as a Conditional Use on parcels located outside of the Urban Growth Boundary and Preferred Growth Area.

ZTA22-01 proposes revisions to Article 2, Section 2.2, Terms Defined; Article 8, Supplemental Use Regulations, [creation of new Section 8.20, Solar Energy Facilities]; and Appendix C, Principal Permitted and Conditional Uses Table.

In accordance with Article 12 of the Zoning Ordinance and Chapter 8A of the West Virginia Code, the Planning Commission's role is to receive input from the public and to determine whether the proposed text amendment is consistent with the Envision Jefferson 2035 Comprehensive Plan, as amended. Following the public hearing, the Planning Commission will finalize the draft text amendment and make a recommendation to the County Commission.

The County Commission is also required to hold a Public Hearing to receive public input prior to taking final action on the proposed amendment.

Attachments:

- Jefferson County Commission memo documenting the amendment to the Comprehensive Plan pursuant to an agreed settlement Order between the parties to Jefferson County Circuit Court case number 2022-C-9.
- Excerpt from Envision Jefferson 2035 Comprehensive Plan, as amended
RE: Infrastructure and Technology Recommendation #8 on Page 93.
- ZTA22-01, Solar Energy Facilities DRAFT

**JEFFERSON COUNTY COMMISSION'S AMENDMENT TO THE PROPOSED
AMENDMENTS TO THE JEFFERSON COUNTY COMPREHENSIVE PLAN**

The proposed amendments to the Jefferson County Comprehensive Plan that were submitted to the Jefferson County Commission by the Jefferson County Planning Commission on January Sixth, 2022, shall be amended by the County Commission, pursuant to W.Va. Code 8A-3-10 and related statutes, as follows:

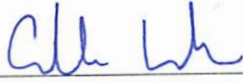
The County Commission hereby substitutes in place of all such proposed language the following language which shall be added to the end of paragraph 8(a) on page 93 of the current Comprehensive Plan:

“, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use and outside of the Urban Growth Boundary and the Preferred Growth Area by the Conditional Use Permit process,”.

Pursuant to W.Va. Code 8A-3-10 and related statutes, the Jefferson County Commission hereby informs the Planning Commission that the reason for the amendment is to conform to the attached agreed settlement Order, styled as an Agreed Order Dissolving Injunction, that was entered by the Circuit Court of Jefferson County on March 31, 2022 as agreed by the parties to Jefferson County Circuit Court case number 2022-C-9.

By a majority vote at a duly called meeting of the Jefferson County Commission this Fifth day of April, 2022.

JEFFERSON COUNTY COMMISSION

BY 
Caleb Hudson, President

	<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, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process. <i>(amended by action of the County Commission 4-5-22 and affirmed by the Planning Commission 4-12-22)</i></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</p>

Photovoltaic Technology⁴¹ Materials and devices that absorb sunlight and convert it directly into electricity.

Solar Energy Facility⁴¹ 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.

Section 8.20 Solar Energy Facilities⁴¹

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

All projects shall process a Concept Plan in accordance with the requirements listed below under subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals approval.

For projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process as a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
 - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
 - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application for a Concept Plan, pursuant to the criteria listed below under subsection B.

B. Process for Solar Energy Facilities as a Principal Permitted Use

1. 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 Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:
 - a. Property or Properties Location
 - b. Access Points;
 - c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan.; and
 - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."

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

2. Decommissioning Outline

- a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.
- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. 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".
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

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. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
 - iii. 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 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
- 3. Landscaping and Buffer Standards
 - 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.
- 4. Security and Access
 - a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten 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.

D. 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 and Decommissioning Bonds, 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.

E. 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.

F. 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, except where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.
7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility 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 repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

DRAFT

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 41}

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 Facility⁴¹</u>	<u>NP</u>	<u>See Section 8.20</u>				<u>NP</u>	<u>NP</u>	<u>See Section 8.20</u>				<u>NP</u>	<u>Sec. 8.20</u>
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

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.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

PUBLIC COMMENTS

RE: ZTA22-01

05-17-22 PC PUBLIC HEARING

1. City of Charles Town
2. Doug Rockwell
3. Jackson Kelly, PLLC
4. Jean Zigler Kotch



City of Charles Town

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 725-2311 ♦ Web: www.charlestownwv.us

VIA EMAIL AND FIRST-CLASS MAIL

May 6, 2022

MAYOR

Robert M. Trainor

The Jefferson County Planning Commission
PO Box 716
Charles Town, West Virginia 25414

CITY COUNCIL

James Kratochvil

Elizabeth Ricketts

Jeff Hynes

Kevin Tester

Jean Petti

Julie Philabaum

Micheal George

Rikki Tynford

Re: Public Comment for Text Amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01

Dear Commissioners:

The City of Charles Town (City) submits the following comments for your consideration pertaining to the proposed text amendment to the Jefferson County Zoning and Land Development Ordinance, File #ZTA22-01. This amendment, as described by the Commission, would allow Solar Energy Facilities applications to be processed as **Principal Permitted Use** for areas located inside the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA), as delineated in the Jefferson County's Comprehensive Plan – Future Land Use Guide, and as **Conditional Use** in areas outside of the UGB/PGA.

The City opposes the proposal to process Solar Energy Facilities as **Principal Permitted Use** for those properties inside the UGB in which Charles Town is located and recommends/requests that they be processed instead as **Conditional Use** consistent with those areas outside the UGB/PGA.

Classifying these facilities as Principal Use inside the UGB would negatively impact the planned growth in the population centers of Jefferson County and unnecessarily limit the input in the approval process of those citizens within the UGB. Processing Solar Energy Facilities applications as Conditional Use on the other hand would enable the citizens within the UGB to have a broader voice in the process and be given a better opportunity to have meaningful input in the future development of the properties that comprise their community. The most recent Charles Town comprehensive plan – 2018 (attached), projects future land use within the UGB that includes transportation improvements, which could be negatively impacted by uncoordinated placement of Solar Energy Facilities.

The Jefferson County Planning Commission (JCPC) and the Jefferson County Commission (JCC) have a long history of working together with the community for the overall common good of its citizens. The City of Charles Town looks forward for the opportunity to continue its partnership with the Planning Commission and County Commission on this and other matters.

Thank you for your attention to these comments and consideration of the City's input.

Sincerely,

Robert M. Trainor

Mayor

City Clerk

Todd Wilt

cc: Jefferson County Commission, WV (without attachment)
City of Ranson, WV (without attachment)



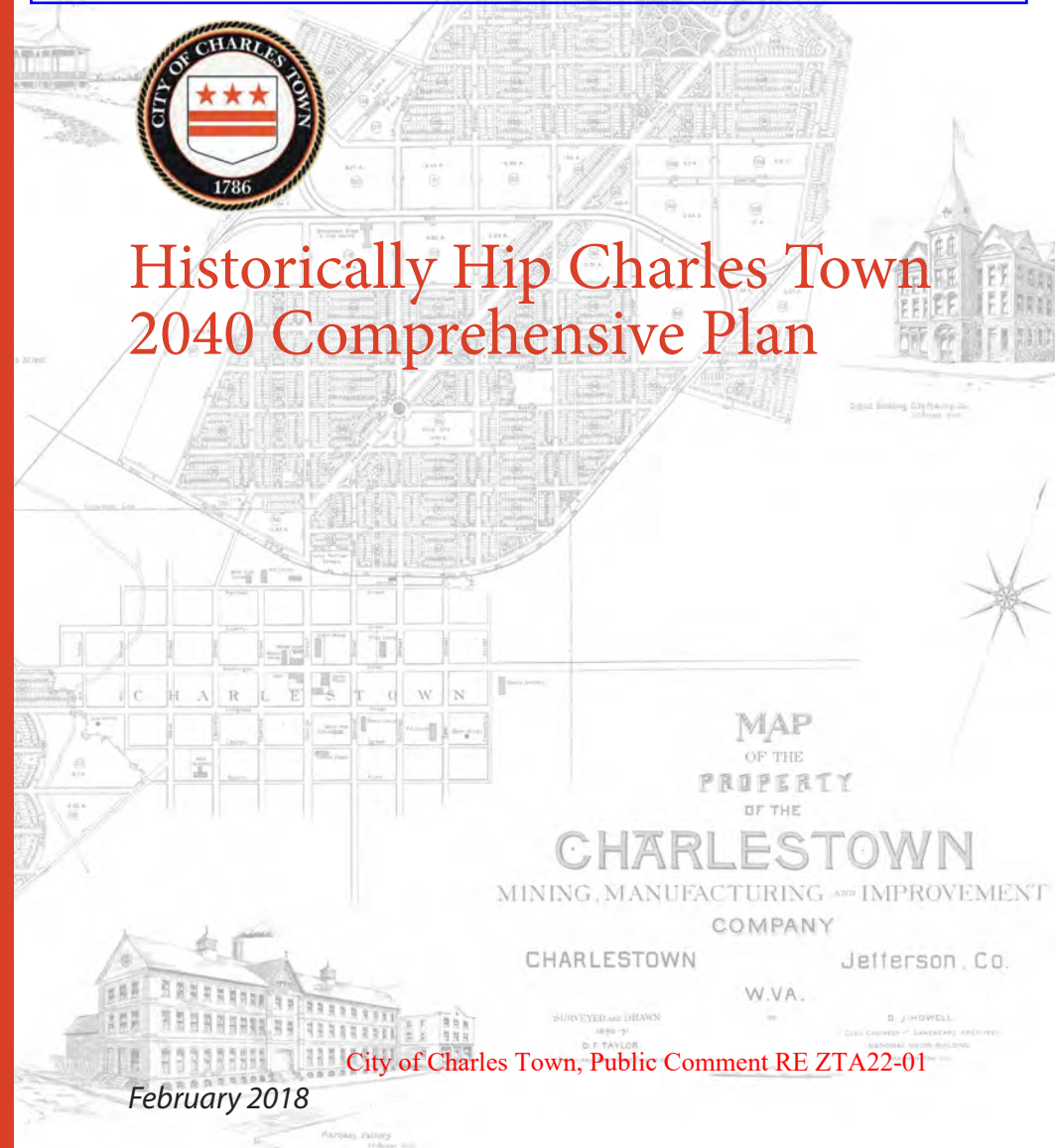
Submitted by the City of Charles Town for the Jefferson County Planning Commission 05/17/22 Public Hearing RE: draft text amendment to the Zoning Ordinance (ZTA22-01).

Excerpts from the City of Charles Town 2040 Comprehensive Plan include Sections 4 & 10. The full Plan is available for review online:

<https://www.charlestownwv.us/government/plans-and-proposals/comprehensive-plan-2040/>



Historically Hip Charles Town 2040 Comprehensive Plan



February 2018

Historically Hip Charles Town 2040 Comprehensive Plan Section 4: Growth and Land Use



Photo courtesy of Michael Baker International

 Growth and Land Use:
Goal Statement

The City of Charles Town will strategically plan for and promote sustainable and well-designed growth and development throughout its Urban Growth Boundary (UGB) while maintaining a vibrant, walkable, and mixed-use Downtown that serves as the City's image center and core of civic life.

Objectives:

- Establish land use and development regulations and supporting policies that uphold and achieve the future land use vision of the Comprehensive Plan.
- Balance development between new growth on the edges of the City and reinvestment in the City's Old Town.
- Promote adaptive reuse of and investment in Downtown properties that strengthens the mixed use concept within multistory properties.
- Utilize the City's annexation policy to provide areas for future growth, preserve critical green space, and expand the City's tax base.

Managing Our Growth

Growth and land use are often the primary components of a comprehensive plan because they establish the general physical characteristics of a community. The land use plan is a policy statement that decision makers must rely on to guide future actions. It provides the necessary foundation upon which all other elements are based. Included in the land use plan is a future land use map and related policies and strategies for guiding growth and development patterns through 2040. The previous *Charles Town Comprehensive Plan* was completed in 2006, during the economic peak of the early 2000s. The policies included in the document anticipated significant and continued growth. Furthermore, while the 2006 Plan was amended in 2009 to reflect the adoption of the UGB, no future land use map was developed for the unincorporated area (land that is governed by the jurisdiction of the County). Now, ten years later, the Comprehensive Plan must be updated to reflect a more stable growth reality and defined boundary to which the City can grow.

With this update, Charles Town has the opportunity to plan proactively for future growth and land use issues within its UGB. In recent decades through the annexation process, suburban-style commercial strip plazas, as well as isolated, low-density suburban developments have dominated the City's landscape. This has occurred even though there is a renewed interest in walkable, dense traditional neighborhoods with a variety of housing types and a mixture of land uses. This land use pattern is also a defining feature in the unincorporated area of the UGB.

This section of the plan includes the following:

- an overview of Charles Town's historic growth patterns;
- existing land uses and zoning designations; and
- annexation policies that have defined Charles Town's current landscape.

Each component plays a vital role in the future land use plan that was developed through extensive discussions with the Comprehensive Plan's Citizens Advisory Committee (CAC), Charles Town Now, property owners, and the general public. Also, the Future Land Use Plan encompasses various Smart Growth Principles, specifically by encouraging a mixture of land uses within the UGB, creating more walkable and livable neighborhoods by directing higher density development towards the existing Downtown core, and making development decisions more intentional (predictable), fair, and cost effective.

Charles Town - A History of Land Use Planning

Charles Town's West End 1750-1786 ²

Before Charlestown was founded in 1786 by Charles Washington, the community had its beginnings circa 1755 as a small community settlement on the west end along Evitt's Run. This location was also along a transportation route connecting Harpers Ferry and Winchester, VA and it served as a vital stop along the transportation route, as the creek provided a resting place for travelers and a place to water horses. What is now North Street today, was the main transportation route through the community. As part of the larger effort to establish a village around the Evitt's Run Creek, a mill was established along the creek and North

² Mark Reinhart, "Charlestown's West End in the Lifetime of Charles Washington". Jefferson County Historical Society, Volume IXXVII, December 2011

Street. When Charles Washington formally platted what is today Charles Town, he moved the main thoroughfare from North Street to Washington Street. Since the Evitts Run Creek area had the elements of a budding community, the west end of Charles Washington’s platted community was the first areas to see active expansion and improvements

1786 – Civil War Era

In 1786, Charles Washington platted the 80 acres adjoining his now historic Happy Retreat Estate (circa 1780) and laid out the streets of “Charlestown” naming many of them after his brothers and one after his wife, Mildred. He donated the four corner lots at the intersection of George and Washington Streets for public buildings of the town and county, provided the town became the seat of the county in the event that additional area was separated from then Berkeley County, VA for the formation of a new county. The Corporation of Charles Town was officially chartered by the Virginia General Assembly in 1787. Jefferson County was later formed in 1801 and Charles Town became the county seat of government and the four corner lots were ultimately occupied as town and county public uses Charles Washington had envisioned.

Circa 1890 – 1910

In 1890, the notable Confederate horse artillery commander Robert Preston Chew and his business associates formed the Charlestown Mining, Manufacturing and Improvement Company (CMM&I) and in 1891 established its headquarters in then “Charlestown” (today’s Ranson City Hall building). Using 850 acres of land purchased from the Ranson family, CMM&I commissioned D.G. Howell, a Washington, D.C. landscape architect and civil engineer, to design a master plan for Charlestown. However, CMM&I fell on hard times in 1893 and relinquished its presence in Charles Town. They sold their headquarters building to the Charles Town Board of Education. As a result, CMM&I’s master planned community was never achieved as envisioned, except in the area that was to become Ranson. While the western portion of Charles Town never developed as shown in **Figure 13**, the concept of a connected community on grid patterned was preferred.



Figure 13: Charlestown Mining, Manufacturing, and Improvement Company Master Plan for Charlestown, WV

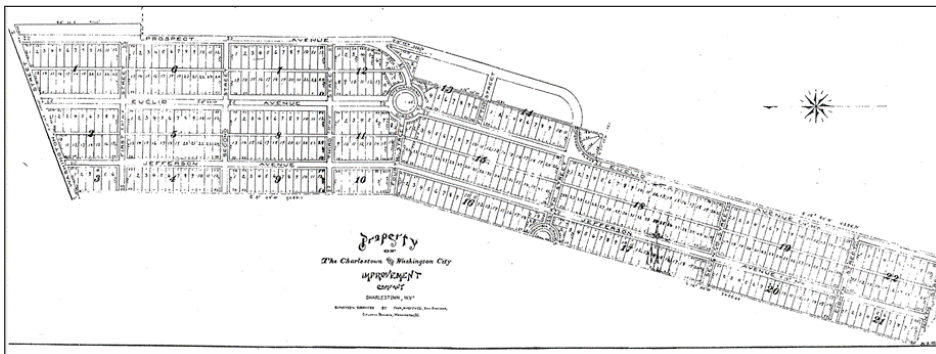


Figure 14: Charlestown Mining, Manufacturing and Improvement Company's Master Plan for Charlestown's East Side Neighborhood

During this same period, a development plan for the eastern side of Charles Town was created as presented in **Figure 14**. This development includes the north/south streets of Jefferson, Euclid, and Prospect Avenues that exists today. Much of this plan was built as depicted, with the notable exception of the traffic circle. Some of the east/west streets exist and others are “paper streets”, meaning they are platted, but not constructed. While this area has remained in the jurisdiction of the county, the urban grid pattern form was designed anticipating they would connect to the City and eventually be incorporated into the City.

Circa 1910 – 2000

In 1910, the Corporation of Ranson was created when a faction of Charles Town residents decided to form their own town and seceded from the City. Ranson’s growth was largely based on the railroad and manufacturing industries. Charles Town’s growth was predominately fueled by its Downtown business district and surrounding residential neighborhoods, with limited supporting industrial development. As shown in **Figure 15**, Ranson grew according to the master plan that was developed in 1891. This concentrated, medium to high density growth pattern continued through much of the 20th Century and each cities’ population growth increased steadily through the 1990s.

Circa 2000 – 2010

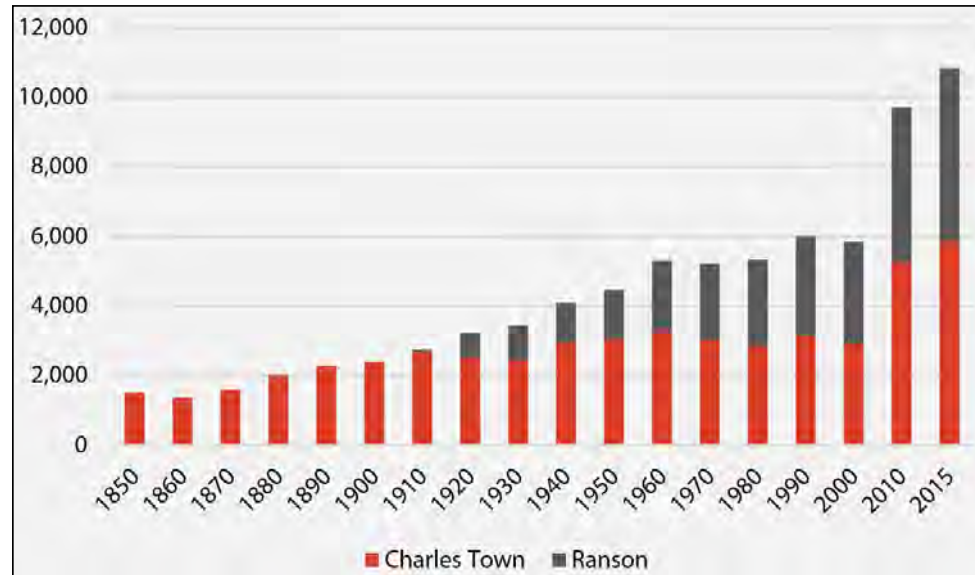


Figure 15: Absolute Population Growth Charles Town and Ranson, 1850 - 2015

Source: U.S. Census Bureau

During this period, Charles Town, Ranson, and Jefferson County became inundated with new citizens and growth. Charles Town and Ranson’s population and land development patterns grew substantially during this period. While Jefferson County had been part of the Baltimore-Washington, DC Metropolitan Statistical Area (MSA), the County was considered a distant community of DC, Northern Virginia, and Maryland. Post-2000, Jefferson County was no longer considered a distance community but became an option for commuters.

Charles Town, Ranson, and Jefferson County were not adequately prepared with a vision of where and how each community would grow.

The amount of growth that occurred came at an astonishing rate. Land development regulations

were not adequate for the scope and the amount of development. Schools, roads, sewer, and water capacity was quickly maxed out and required needed improvements. It was during this time Charles Town and Ranson went from small communities with a slow growth rate to rapidly growing communities, both in the context of population and significant physical growth. While the towns were still semi-rural in nature, the population explosion caused them to take on additional suburban characteristics.

The land development patterns during this period were decentralized, medium to low density development patterns dominated by single family detached subdivisions and auto-oriented commercial centers were located outside of the Downtown. Such growth patterns were facilitated through the annexation of unincorporated territory into municipal corporations as enabled through the *West Virginia State Code (Chapter 8, Article 6)* and greatly contributed to the City’s respective sprawling and disjointed land use patterns. Moreover, Charles Town’s growth and development during this period occurred under an outdated zoning ordinance and there was no standalone subdivision and land development ordinance. The zoning ordinance was void of any

specific subdivision and land development standards, except a loose combination of standards found in the Zoning Ordinance, Codified Ordinances, and limited and non-specific standards prescribed under the State Code.

The building locations and densities illustrated in **Figure 16** demonstrates how the annexation process has caused the City’s developed land area to greatly expand beyond its historic Downtown core and surrounding traditional residential neighborhoods to now include outlying suburban-style residential and commercial uses. This lower-density, disconnected development pattern extends along and within the vicinity of Old Route 340 (Augustine Avenue), the Route 340 Bypass, and South George Street. Additionally, the annexation process has caused Charles Town’s growth pattern to occur in a “leap frog” manner. This pattern has diminished the connectivity to and integrity of the historic Downtown core. The impacts of this outward and disconnected growth have resulted in a more automobile reliant population and nearly makes it impossible to walk to the Downtown or a neighborhood store.

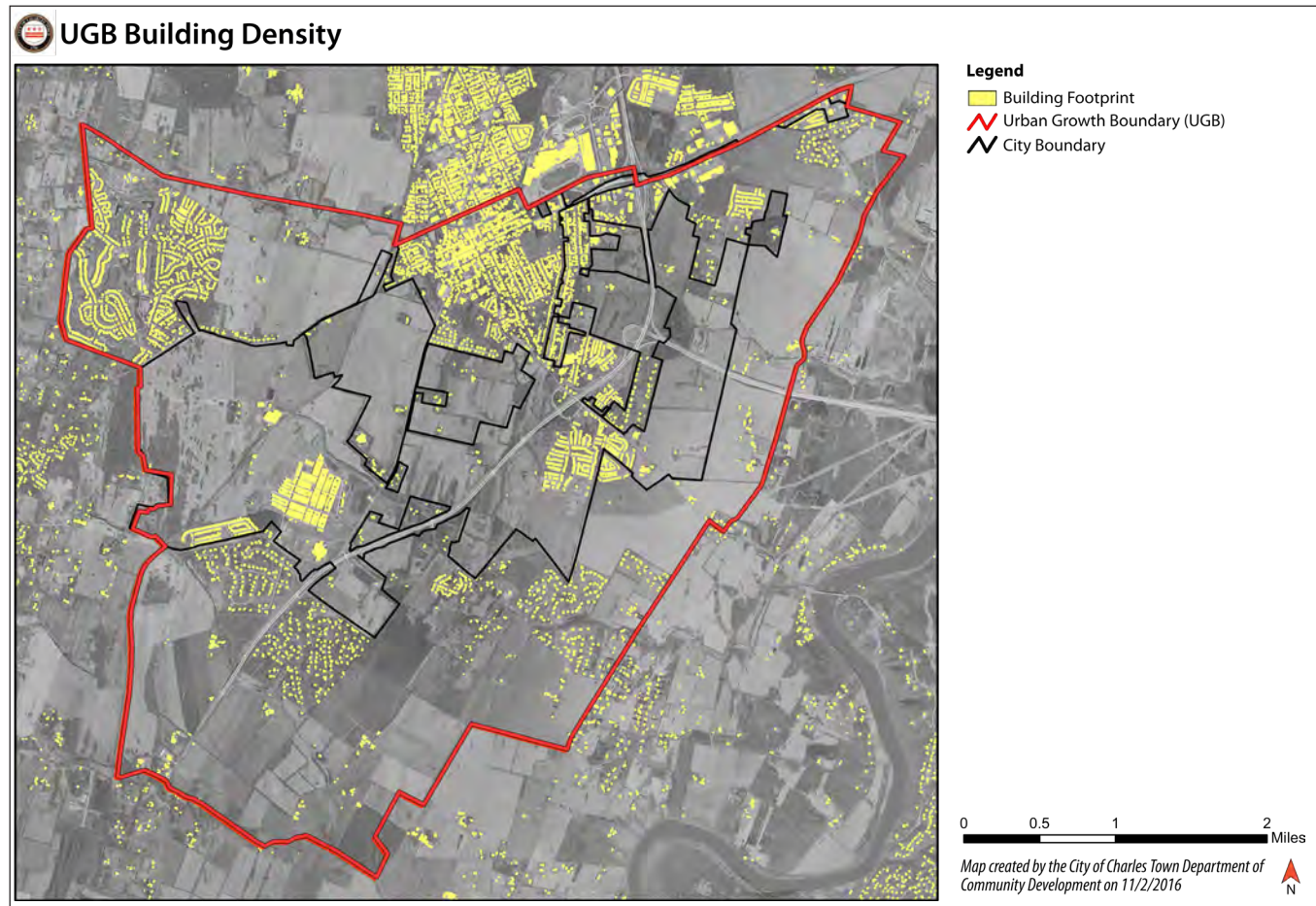


Figure 16: Charles Town Building Density
 Source: Jefferson County GIS

In addition to unplanned land development, the City's annexation policy has led to the inconsistent provision of utilities within the UGB. While most properties located within the City limits are served by the Charles Town Utility Board's public sewer and water systems, there are several neighborhoods located within Charles Town and the UGB serviced by the Jefferson County Public Service District. Utility rates across Jefferson County vary significantly. Charles Town and Ranson are currently attempting to equalize utility rates for customers by proposing an asset acquisition for utility services.³

Additionally, the City's rapid residential growth of the 2000s underscored the need for more balanced growth whereby city services (police, utilities, and public works) were now needed well-beyond the City's traditional compact, mixed-use Downtown and surrounding neighborhoods. The cost of these services is paid through the City's revenue sources, which are comprised of taxes (including property ad valorem tax and business and occupation licenses and permits), as well as video lottery gaming from the casino. However, as casino revenues diminish, the cost of providing city services must be supported by tax or other revenues.

Strengthening Charles Town's financial position through greater economic development in both its Downtown and UGB is essential to support future growth and development. Furthermore, investing the City's finite tax dollars must also be done wisely to ensure existing infrastructure is well-maintained to avoid costly and potentially unaffordable cost burdens in the future that will ultimately weaken Charles Town's position in the regional economy and marketplace.

According to the Smart Growth Network:

"Paying for new infrastructure for development on the fringes of a community—while neglecting buildings and infrastructure in which the community has already invested—is not fiscally prudent, but it is often how communities grow. Increasingly, however, communities are realizing that this approach undermines their efforts to strengthen downtowns and improve existing infrastructure."

As such, there needs to be a symbiotic relationship between the Downtown, older neighborhood core, and new developments where neither one is forfeited at the expense of the other.

Cost of Community Services

The Pennsylvania Land Trust Association has conducted numerous cost of community services (COCS) studies that examine the relationship of municipal and school district revenue and expenses associated with various land use categories, such as residential, commercial, industrial, and farmland/open space. The revenues and costs generated by each of these different land uses are entered into a formula, the outcome being expressed as a ratio, showing the tax and non-tax revenue generated by that land use compared to the expenses incurred by that land use. A ratio greater than 1.0 suggests that for every dollar of revenue collected from a given category of land, more than one dollar is spent on municipal services. A ratio less than 1.0 is read as a net profit for the municipality. Nearly all of the studies that have been undertaken show that the ratio for residential land is above 1.0, signifying that residential land results in a net drain on local government budgets. On the other hand, the ratios for the other two land use categories (commercial/industrial and farmland/open space) are usually well below 1.0, representing a net tax gain for the municipality.

Source: Pennsylvania Land Trust Association. *Cost of Community Services*.
<http://conservationtools.org/guides/15-cost-of-community-services-studies>

³ Martinsburg Journal. "Residents experience annexation side effects."

Access online <http://content.journal-news.net/?p=637676/Residents-experience-annexation-side-effects.html>. December 21, 2016. **City of Charles Town, Public Comment RE ZTA22-01**

Circa 2010 – Present

Immediately following the adoption of the City's 2006 *Comprehensive Plan* and realizing the need for improved land use regulations, Charles Town officials and City staff commenced drafting a new zoning ordinance and subdivision and land development standards, which were adopted in 2012. These regulations provided the City with a solid foundation to better manage its land use and development. Also, the regulations included design standards to encourage connectivity, accessibility, and mobility with the Downtown. Furthermore, the 2006 *Comprehensive Plan* established the City's proposed UGB, which provides a stronger foundation for a more sustainable growth and development pattern.

According to §8-6-4a of the West Virginia Code, Urban Growth Boundaries (UGBs) are:

“an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area.”

During the development of the 2008 *Jefferson County Zoning Ordinance*, the County and the City of Charles Town worked jointly to develop a land use planning tool referred to as the County Townscape Boundary. When the West Virginia Code was amended in 2009 to allow for the creation of UGBs, Charles Town formally requested that the County Commission approve this draft boundary as their UGB and reflect it on the County Zoning Map. The draft boundary was approved by the County Commission through the July 2011 amendment to *Jefferson County Zoning and Land Development Ordinance*.

The 2015 *Jefferson County Comprehensive Plan (Envision Jefferson 2035)* establishes the County Commission's official policy on future land use as specified by the Future Land Use Guide. Specifically, the Comprehensive Plan and Future Land Use Guide expects all future suburban and urban type uses to be located within the designated UGB areas (Charles Town and Ranson), as well as the specifically designated Preferred Growth Areas (PGAs), and preserve the remaining unincorporated areas of Jefferson County as low density rural landscapes and hamlets.

As such, the future land use and growth considerations for Charles Town must include all properties within the UGB (**Figure 17**). A general recommendation of this plan is to encourage new developments where infrastructure exists and better coordinate any significant land use changes with property owners and the general public, particularly within the UGB. Specific strategies for future land use will be addressed in later sections.

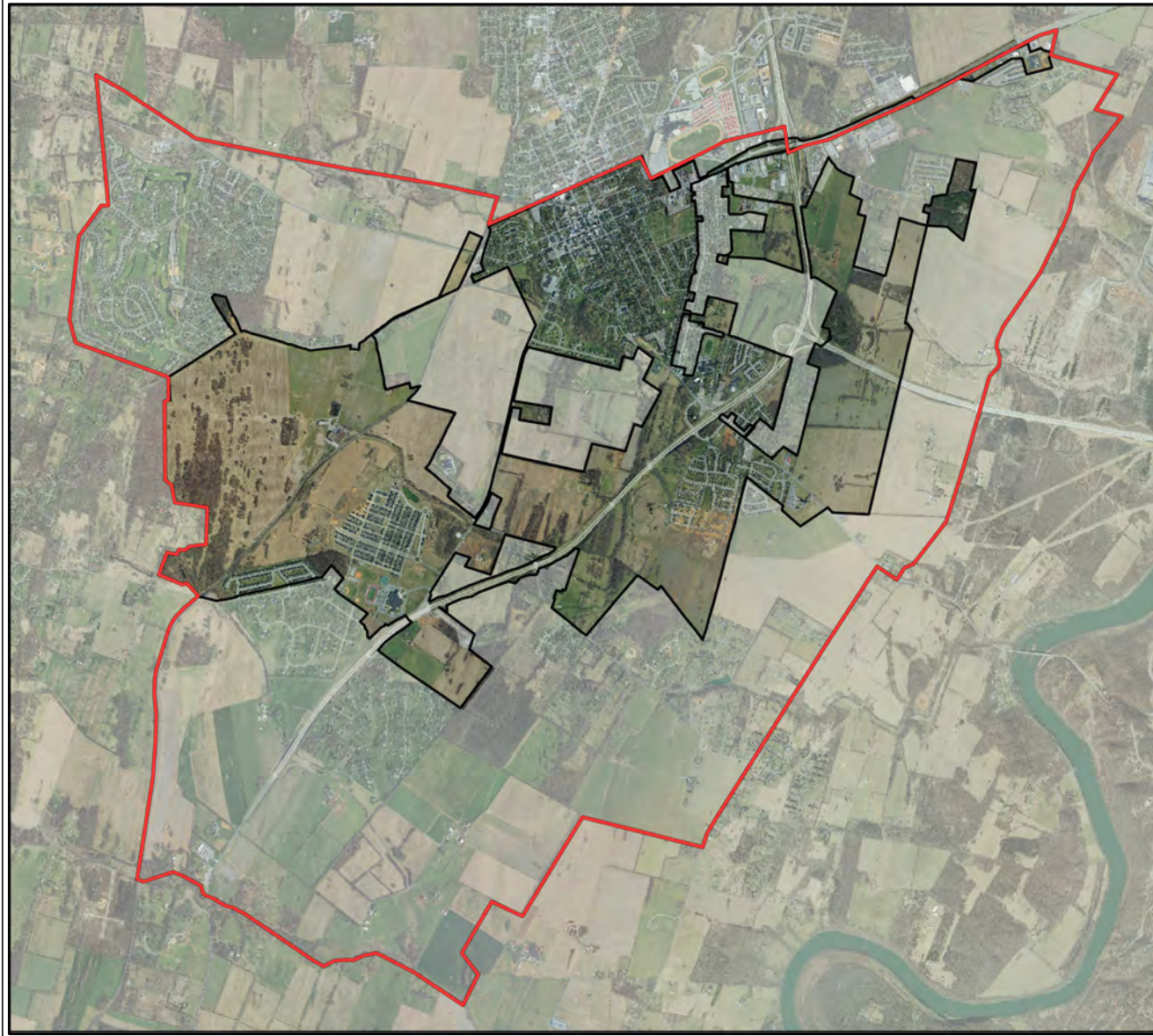
Charles Town's Annexation Policy Purpose Statement

“To guide annexation decisions in a manner that preserves the character of the community, the quality of life of its citizens, and the fiscal health of the locality. Charles Town's vision is to create a dynamic City with a logical growth boundary that defines a designated growth zone for Jefferson County, a greenbelt of protected land at the boundary, and well-designed neighborhoods and business areas within the boundary that enhance the established character of the community. This policy provides guidance to citizens, landowners, developers, and other local government officials in Jefferson County on the considerations that will guide and govern Charles Town annexation decisions.”

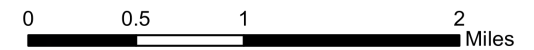


CITY OF CHARLES TOWN COMPREHENSIVE PLAN

City of Charles Town Urban Growth Boundary



Jurisdictional Boundaries
Urban Growth Boundary (UGB)
City Boundary



Map created by the City of Charles Town Department of Community Development on 11/2/2016



Figure 17: Charles Town Urban Growth Boundary
Sources: City of Charles Town, 2016 and Jefferson County GIS, 2016

Existing Land Use Planning and Regulatory Environment

Existing Land Use and Zoning

Defining and mapping Charles Town's existing land uses and growth patterns is also essential to further understand the specific types of uses comprising Charles Town's urban transect and to determine its future land use and growth management policies. For the area contained within the City's UGB, existing land uses have been inventoried using both digital aerial imagery and windshield survey techniques, and were categorized based on the classification system depicted in **Figure 18** and shown in **Table 4**. These land use types are found in almost every transect zone, which are discussed in more detail on page 56. However, their densities and intensities vary depending upon their location. For example, agriculture and open spaces dominate the T1 Natural and T2 Rural zones, while the highest concentrations of residential uses occur in the City's T3 – T6 zones (Suburban, General Urban, Urban Center and Urban Core zones, respectively) with increasing density accordingly.

Land Use	Acreage	Percentage
Rural/Agriculture	8,010	72.0%
Low Density Residential	1,106	9.9%
Medium Density Residential	342	3.1%
High Density Residential	143	1.3%
Mixed Residential/Commercial	7	0.1%
Golf Course	170	1.5%
Commercial	597	5.4%
Office	22	0.2%
Industrial	36	0.3%
Public/Quasi Public Land	353	3.2%
Vacant	342	3.1%
TOTAL	11,128	100%

Table 4: City of Charles Town UGB Existing Land Use

Source: City of Charles Town 2016

UGB Existing Land Use

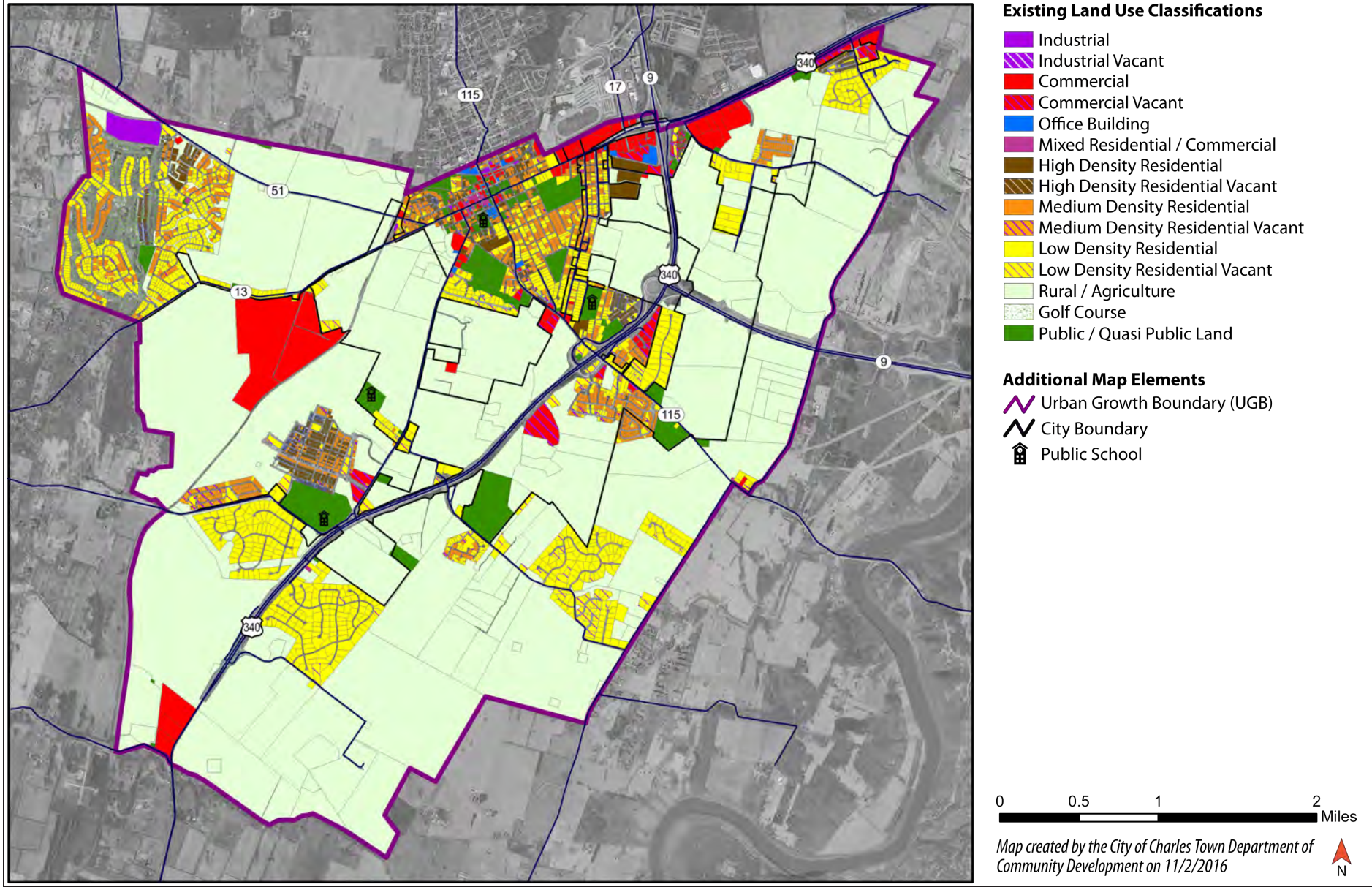


Figure 18: UGB Existing Land Use
Sources: City of Charles Town, 2016 and Jefferson County GIS, 2016

As noted previously, there is land within the City’s UGB that is under the jurisdiction of the county. The result is that there are two different governing bodies planning for development within the UGB. As such, there are two Zoning Ordinances regulating land development within the City’s UGB. The *City of Charles Town Zoning Ordinance* and *Jefferson County Zoning Ordinance*. This multi-jurisdictional patch work has resulted in both governing bodies having their own distinct zoning districts, each with their own guidelines for approved uses, bulk and area regulations, and parking standards.

Figures 19 and 20 on the following pages depict the existing City and county zoning regulations governing land uses area within the UGB. In **Figure 19**, over 80 percent of the City’s jurisdictional land area is residentially zoned, and approximately 79 percent of this area is zoned for Neighborhood Residential. The remaining 15 percent of land is composed of General and Neighborhood Commercial (12 percent) and Old Town Mixed Use Commercial (3 percent). In **Figure 20**, county zoned lands within the UGB are largely zoned Rural and Residential Growth representing 46% and 35%, respectively). As shown in **Table 5**, over 51 percent of the combined City and county lands within the UGB are zoned for residential uses while less than one third (31.2 percent) of the total UGB area is zoned for rural/agriculture uses.

Zoning	Acreage	Percentage
Rural (county)	3,431.56	31.2%
Public/Quasi-Public (county)	73.84	0.67%
Residential (city)	3,044.52	27.65%
Residential (county)	2,604.83	23.66%
Commercial (city)	561.80	5.10%
Industrial/Commercial (county)	1,294.52	11.75%
TOTAL	11,011.07	100%

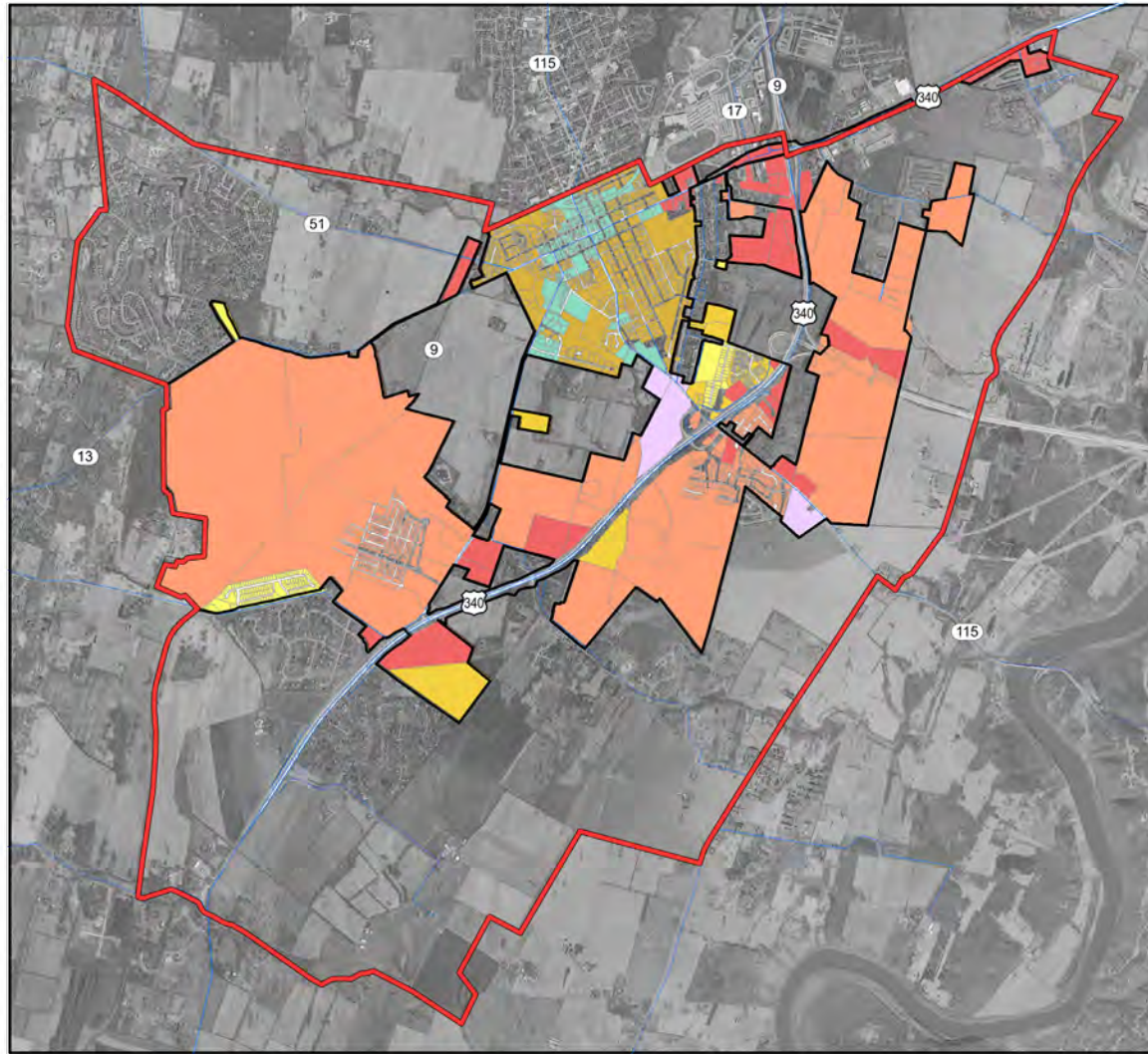
Table 5: Zoning Classifications (City and County) within the UGB
Source: *City of Charles Town, 2016 and Jefferson County GIS, 2016*

This update to the Comprehensive Plan did not occur in a vacuum. Many previously completed and ongoing planning efforts have laid the groundwork for the City as it works towards its unified future vision. The Plans reviewed in this section come from a variety of sources and represent the local and regional building blocks to be leveraged for managing future growth.



CITY OF CHARLES TOWN COMPREHENSIVE PLAN

City of Charles Town Existing Zoning



Existing Zoning Classifications: City of Charles Town

- Old Town Mixed Use Commercial
- Old Town Residential
- Residential Low Density
- Residential Medium-High Density
- Neighborhood Residential
- Neighborhood Commercial
- General Commercial

Additional Map Elements

- Urban Growth Boundary
- City Boundary
- Major Roadway

0 0.5 1 2 Miles

Map created by the City of Charles Town Department of Community Development on 11/2/2016



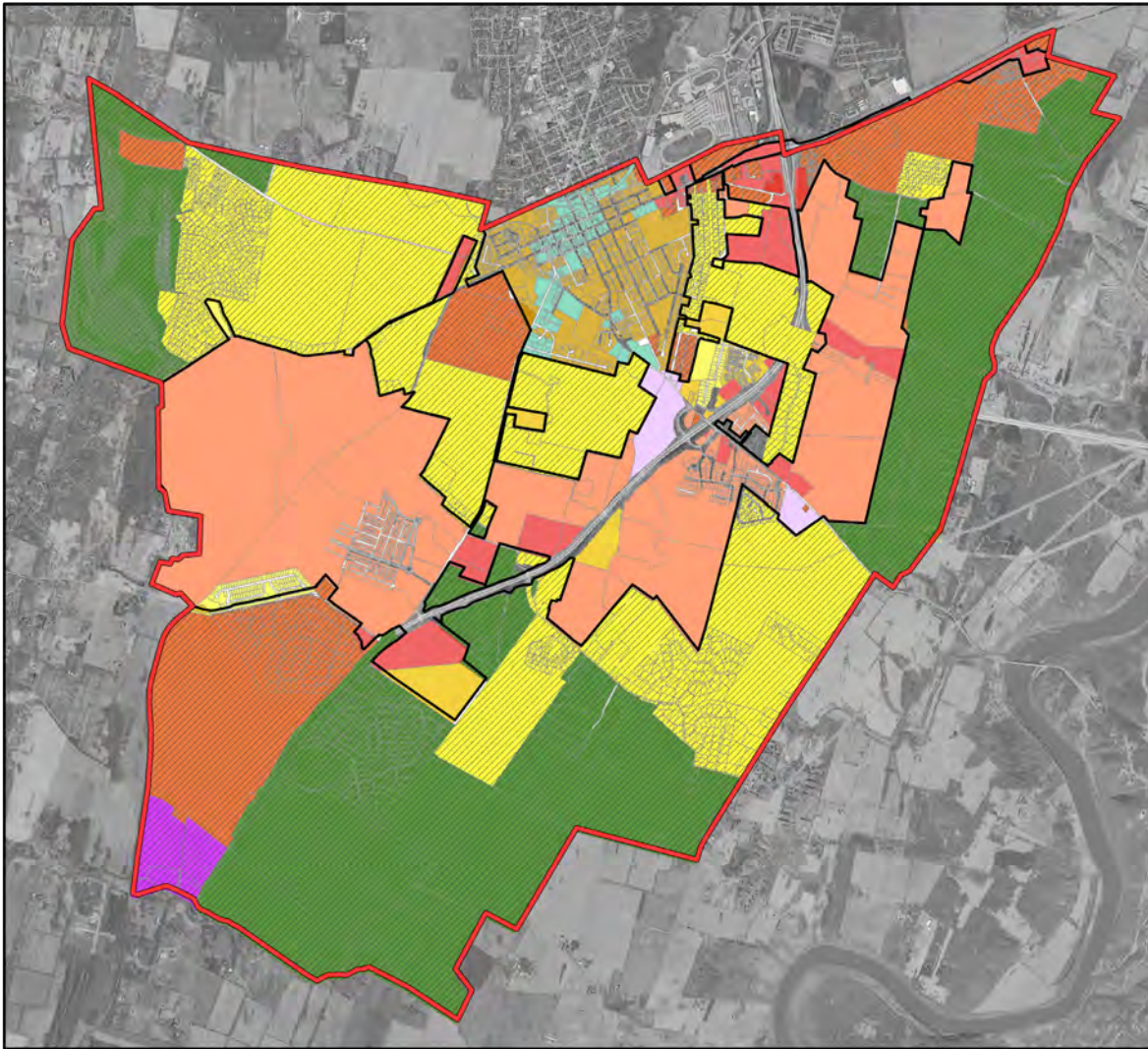
Figure 19: City of Charles Town Existing Zoning

Sources: City of Charles Town, 2016



CITY OF CHARLES TOWN COMPREHENSIVE PLAN

UGB Existing Zoning (City and County)



Existing Zoning Classifications: City of Charles Town

- Old Town Mixed Use Commercial
- Old Town Residential
- Residential Low Density
- Residential Medium-High Density
- Neighborhood Residential
- Neighborhood Commercial
- General Commercial

Existing Zoning Classifications: Jefferson County

- Industrial / Commercial
- Rural
- Residential Growth
- Residential / Light Industrial / Commercial

Additional Map Elements

- ▬ Urban Growth Boundary
- ▬ City Boundary

0 0.5 1 2 Miles

Map created by the City of Charles Town Department of Community Development on 11/2/2016



Figure 20: UGB Existing Zoning (City and County)

Sources: City of Charles Town, 2016 and Jefferson County GIS, 2016

Charles Town Subdivision and Land Development Ordinance

In 2012, Charles Town enacted its very first *Subdivision and Land Development Ordinance (SALDO)*, which establishes the City's standards for the subdivision and physical development of land within the City's legal jurisdiction. The SALDO defines the design standards that private land owners and developers must follow when making physical improvements to property including public streets and roadways, parking lots, utilities, stormwater management facilities, sidewalks and trails, and lighting among physical elements associated with residential and non-residential development. The Subdivision Ordinance is a regulatory tool that determines how the community will look as it develops.

Envision Jefferson 2035 Comprehensive Plan

In 2015, Jefferson County approved the *Envision Jefferson 2035 Comprehensive Plan and Future Land Use Guide*⁴. Many of the Plan goals, objectives, and implementation strategies align with Charles Town's desire to prioritize infill development and redevelopment, increase the density of development, and adaptively reuse existing buildings to better utilize existing land resources. Further, the 2035 County Plan recognizes the disconnect between Downtown urban centers and the rural areas that surround them.

Envision 2035 addresses this disconnect in detail:

"Due to annexation and changes in building practices across our Country since World War II, there is less delineation between downtown areas and the rural areas of the community. This is due to suburban residential and highway commercial development patterns with individual access and parking along major corridors leading from traditional downtowns. With the approval of Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) as a part of Envision Jefferson 2035, an opportunity exists to work with the municipalities to create and implement a series of design principles that reflect the nature of the existing communities, while ensuring an appropriate transition between town and country inside the UGBs and PGAs."

With the adoption of the Charles Town UGB in 2010, the City confirmed its leading role in proactively and intelligently planning within a designated growth area.

City of Ranson 2012 Comprehensive Plan

In 2012, the City of Ranson adopted a new comprehensive plan that set a vision to *"Maintain the quality of life and the community for the citizens within the Urban Growth Boundary of the City of Ranson by enhancing development, revitalizing 'Downtown Ranson,' recognizing and protecting the natural resources, encouraging economic growth, and providing new community facilities."* The plan sets priorities to focus on infill development over outward expansion and defines specific growth sectors within its UGB and preservation of rural areas that include villages and hamlets on the fringes of the UGB. This future land use strategy is consistent with Charles Town's future land use presented in this plan.

⁴ <http://www.jeffersoncountywv.org/county-government/departments/planning-and-zoning-department/envision-jefferson-2035-comprehensive-plan> City of Charles Town, Public Comment RE ZTA22-01

Charles Town West End Master Plan

The *West End Master Plan* was initiated in 2015 primarily to address viable reuse options for several of the City's key brownfield properties located within the West End neighborhood. In order to determine the best reuse strategies for the targeted brownfield sites, an effort that looked at the larger context was required. The Plan considered the needs of the entire West End neighborhood, as well as specific opportunities for the Evitts Run corridor and portions of the Downtown. The Plan integrates land use, transportation, and economic development elements to create a small area plan and brownfield reuse strategy.

The most significant aspects of the Plan include:

- addressing brownfields through the creation of parks and greenways;
- making key infrastructure improvements, including complete street upgrades and integrated stormwater management techniques; and
- promoting economic development through infill housing, suburban retrofitting, and existing historic resources.

More information regarding the *West End Master Plan* can be found in this Plan in the Downtown Charles Town Section.

“Parks, natural areas, and scenic landscapes also have great economic value. Protected open space increases the property values of nearby homes and attracts tourism and recreation. Working lands like farms and ranches support local economies, strengthen the tax base, and provide food. Preserving and restoring environmentally important areas such as wetlands helps protect drinking water from pollution, reducing the need for costly water treatment infrastructure.”

Source: Smart Growth Network

Building Blocks for Growth and Land Use

Urban-to-Rural Transect

Defining Charles Town’s urban design framework is essential to understanding its dynamic and diverse landscape that transitions from a densely built Downtown district to low density and agricultural rural areas located within the City’s UGB. A geographic cross-section, or transect, is commonly used in planning to illustrate a municipality’s landscape. This transect shows the built environment (e.g., building) and physical elements supporting a community’s population and economy. Defining a community’s transect helps municipal leaders understand current landscape patterns and provides a framework to plan for and guide future land uses ranging from Natural (Transect Zone 1, T1) to Urban Core (Transect Zone 6, T6). A template transect is illustrated in **Figure 21** below. **Figure 22** depicts Charles Town’s transect extending from its T1 Natural Zone to its T6 Urban Zone.

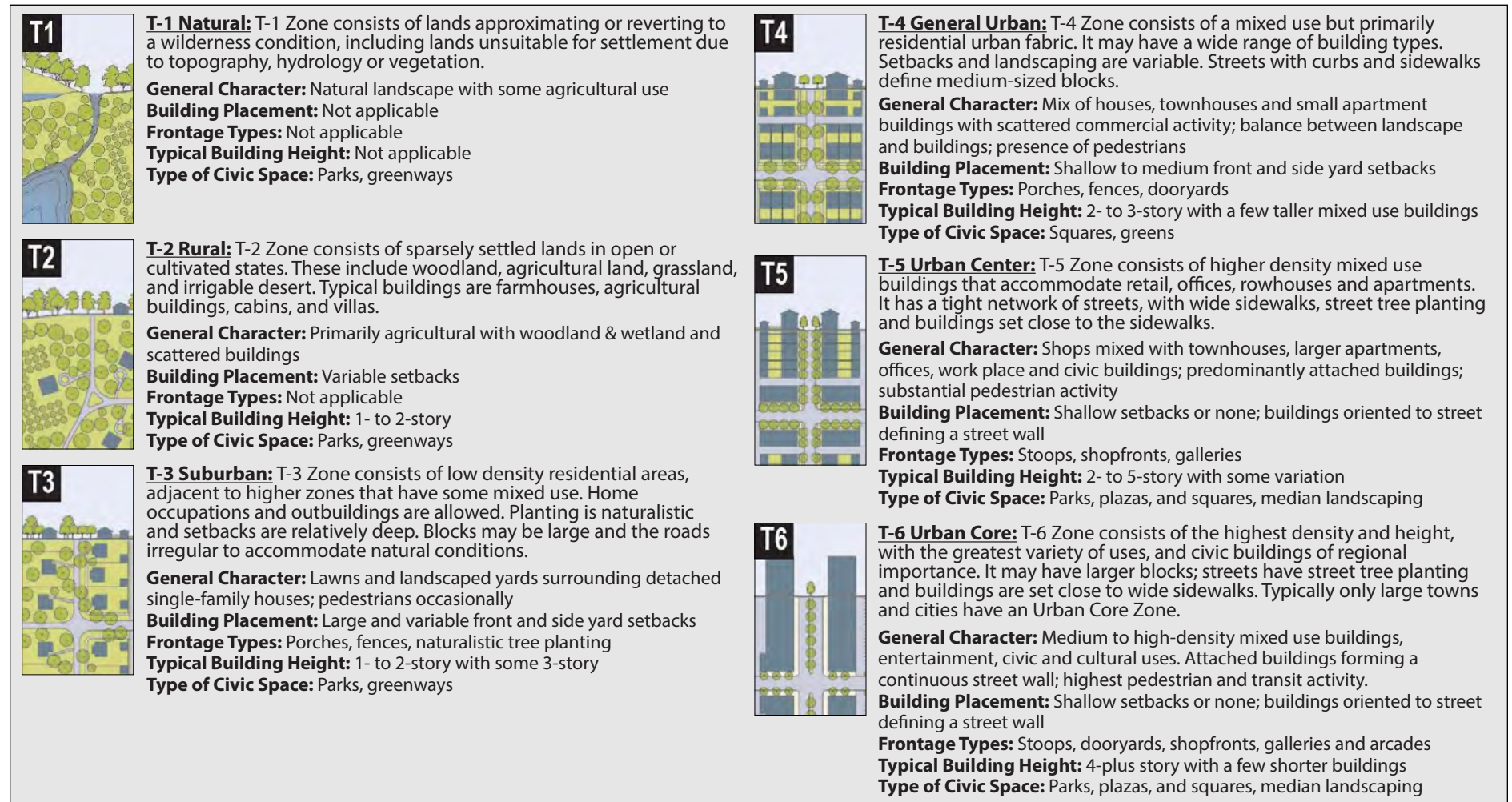


Figure 21: Urban-to-Rural Transect Zone Descriptions
Sources: SmartCode Version 9.2



Figure 22: Charles Town Transect
Sources: Michael Baker International Urban Design Studio

SmartCode

To support the concept of the rural-to-urban transect, SmartCode is a zoning tool that is used to determine types of land development patterns that should occur within each transect. SmartCode is a form-based code that encourages sustainable development through a mix of uses, diverse housing options at all income levels, open space preservation, and pedestrian-friendly neighborhoods that reduce automobile dependency. In other words, SmartCode focuses more on the form, or physical style or look, of a new development or existing neighborhood rather than strictly on use.

A Place for Everything

The SmartCode and transect seeks to rectify the inappropriate intermixing of rural and urban elements known as sprawl. For example, the transect eliminates the “urbanizing of the rural,” such as office towers in an otherwise rural environment that is anticipated to remain rural. Equally damaging, the “ruralizing of the urban” is also eliminated, such as the undefined, vacant open space in the urban core.

Source: DPZ & Co.

Conventional zoning historically has focused on use, which has led to separate building developments for residential, industrial, retail and commercial, and office. Zoning systems across the nation have, accordingly, also resulted in a car-dependent culture and land-consuming sprawl. The principals of SmartCode, outlined below, emphasize a new, form-based approach to land development that emphasizes walkability and complete neighborhoods to reduce sprawl.

SmartCode Overview

In total, SmartCode has six transect zones (T-zones) that progress from rural areas (T1) to urban areas (T6). The zones ensure that neighborhoods offers a full diversity of building types, transportation options, and civic spaces. Zoning categories are based on whether an area’s character is urban or rural, or somewhere in-between. In accordance, land use patterns are based on the proper location of development along the rural-to-urban transect. SmartCode emphasizes co-locating multiple uses to create walkable neighborhoods and emphasizes the design of buildings. SmartCode takes into consideration the sustainability of infrastructure. For example, SmartCode seeks to minimize new development in rural zones to avoid costly public water and sewer to be extended to those locations.

SmartCode as an Overlay Option

From a municipal planning perspective, SmartCode streamlines zoning, subdivision ordinances, urban design standards, and the infrastructure requirements development process. This results in a predictable and timely land development process for new construction, ultimately assisting the development community in the approval process. It is important to remember, however, that the SmartCode model is not exclusively an off the shelf product that is ready to go for adoption. The codes and standards for the transects must be calibrated to each community to reflect local character and form.

One way to implement the SmartCode is to have the code as an overlay across the whole city. This would allow the development community to use the SmartCode overlay as an option and not a requirement (much the same way a Planned Unit Development proposal is an optional overlay). It would allow property owners to retain their existing zoning designations. As described above, the ordinance would feature transect zones and form-based development regulations. Various incentives could be consolidated under the new code.

Applying SmartCode to Charles Town

To guide future land use planning for the City of Charles Town, SmartCode “Community Types” have been applied to the UGB areas. The intent of these Community Types is to define land use, density, streets, parks types, and patterns for four distinct community development pattern types.

The four community types are based on the rural-to-urban transect, identified for Charles Town.

- Old Town
- Traditional Neighborhood Development (TND)
- Gateway
- Hamlet

These Community Types are characterized in the following sections and their respective density and intensity features are overlain on Charles Town’s 10- and 25-year future land use scenarios as introduced and described in the Future Land Use Plan for Charles Town.

Old Town Charles Town

The Old Town pattern recognizes and preserves the existing Downtown and contiguous residential neighborhoods within the City characterized as having smaller lots, smaller setbacks, traditional grid street pattern and access by street or alley. The intent of preserving this pattern is to further enhance business vitality, increase walkability and transit accessibility, provide employment opportunities for residents close to home, and ensure the appearance and effects of buildings and uses are harmonious with the traditional neighborhood character of the area.

- **Transportation:** Direct access to these more urban neighborhoods is via well-connected thoroughfares of various street types, and specifically anchored by a main street corridor with sidewalks, curbs, and pedestrian-scaled lighting and signage.
- **Parks:** Parks, including ‘Plazas,’ are a civic space designed for public use and commercial activities in the more urban Transect Zones. These are generally paved and spatially defined by building frontages when in urban transect areas. ‘Squares,’ are also a civic space, and are located at an intersection of important streets and designed for unstructured recreation and civic purposes.
- **Parking:** Parking lots should be designed as plazas with the paving not as detailed as typical parking lots.
- **Built Form:** The Old Town development pattern includes mostly smaller lots with freestanding and attached buildings forming complete neighborhoods as found in historic Charles Town. The entire range of housing is found here, these includes large and small homes set close to streets and parkways to small lots with detached homes and attached homes and businesses.

Figure 23 illustrates the development characteristics of Old Town.

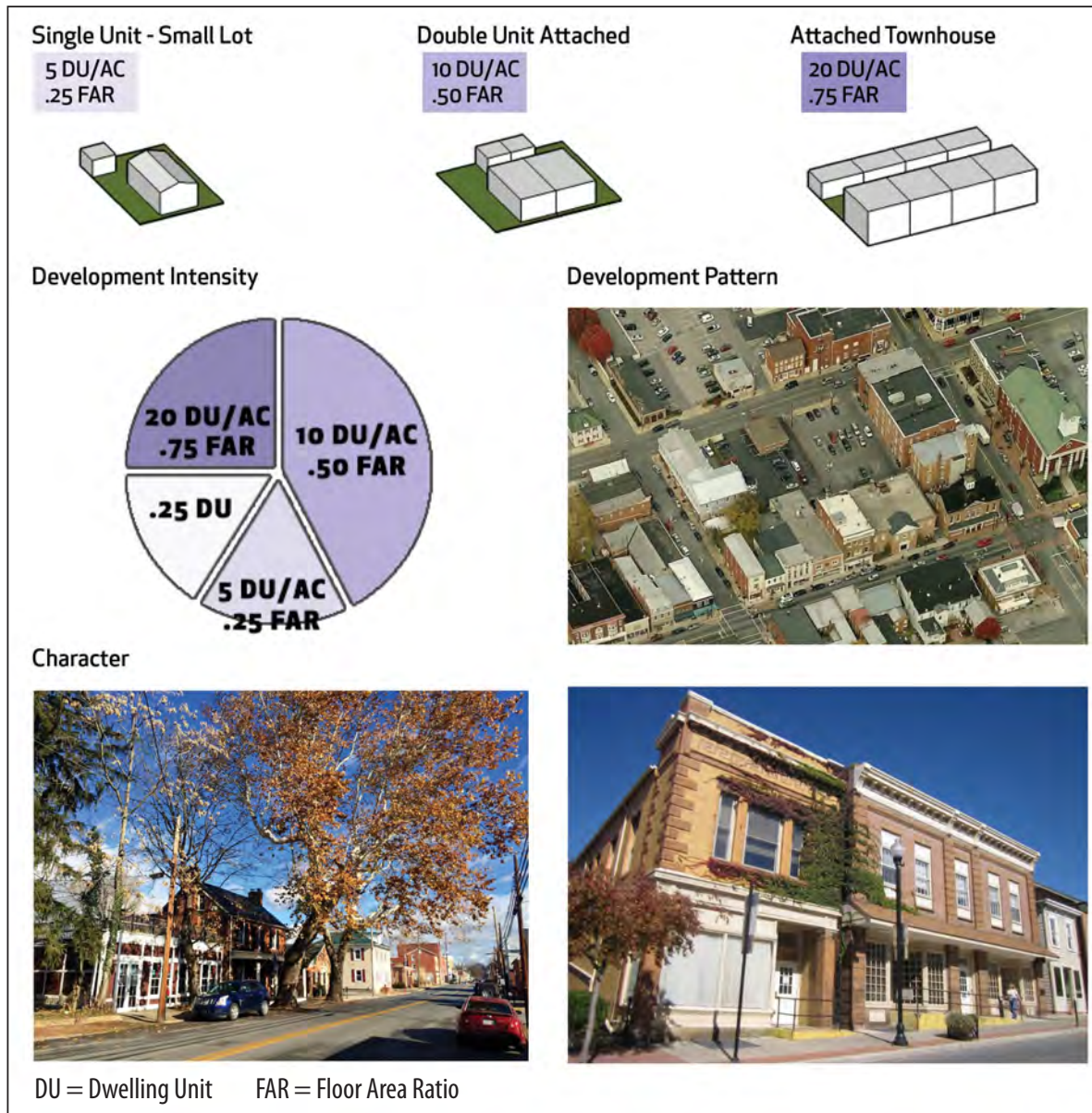


Figure 23: Old Town Charles Town Development Characteristics
Sources: Michael Baker International Urban Design Studio

Traditional Neighborhood Development (TND)

Also known as Neighborhood Units, these are complete, freestanding neighborhoods in the countryside. Located adjacent to major transportation corridors, these are less urban in character than Old Town Charles Town, which is an assemblage of several neighborhoods sharing a substantial center and Main Street. **Figure 24** illustrates the TND development characteristics.

- **Transportation:** Within the TND communities, the transportation network is an interconnected system comprised of boulevards, avenues, neighborhood streets, and alleys with pedestrian and other motorized and non-motorized transportation linkages that include sidewalks and defined pedestrian and bicycle pathways, and public transportation bus stops.
- **Parks and Greenspace:** Park types include sports fields, which are open areas specifically designed and equipped for large-scale structured recreation. Such fields should be confined to the edges of neighborhoods, as their size is disruptive to the fine-grained network. Playgrounds for children can be incorporated into greenspace without disruption to the urban fabric. Greenspace is a medium-sized public space available for unstructured recreation, circumscribed by building facades, its landscape consisting of grassy areas and trees, naturalistically disposed and requiring only limited maintenance.
- **Built Form:** This development pattern includes a mix of attached, small, and large lots with both freestanding and attached buildings from the edge to the center. The mix of housing includes a few large, private homes setback very far from roads to more detached and attached buildings in the more urban centers on streets with alleys. These are assembled from a range of housing from fewer multiple-acre lots to more small lot detached and attached homes.

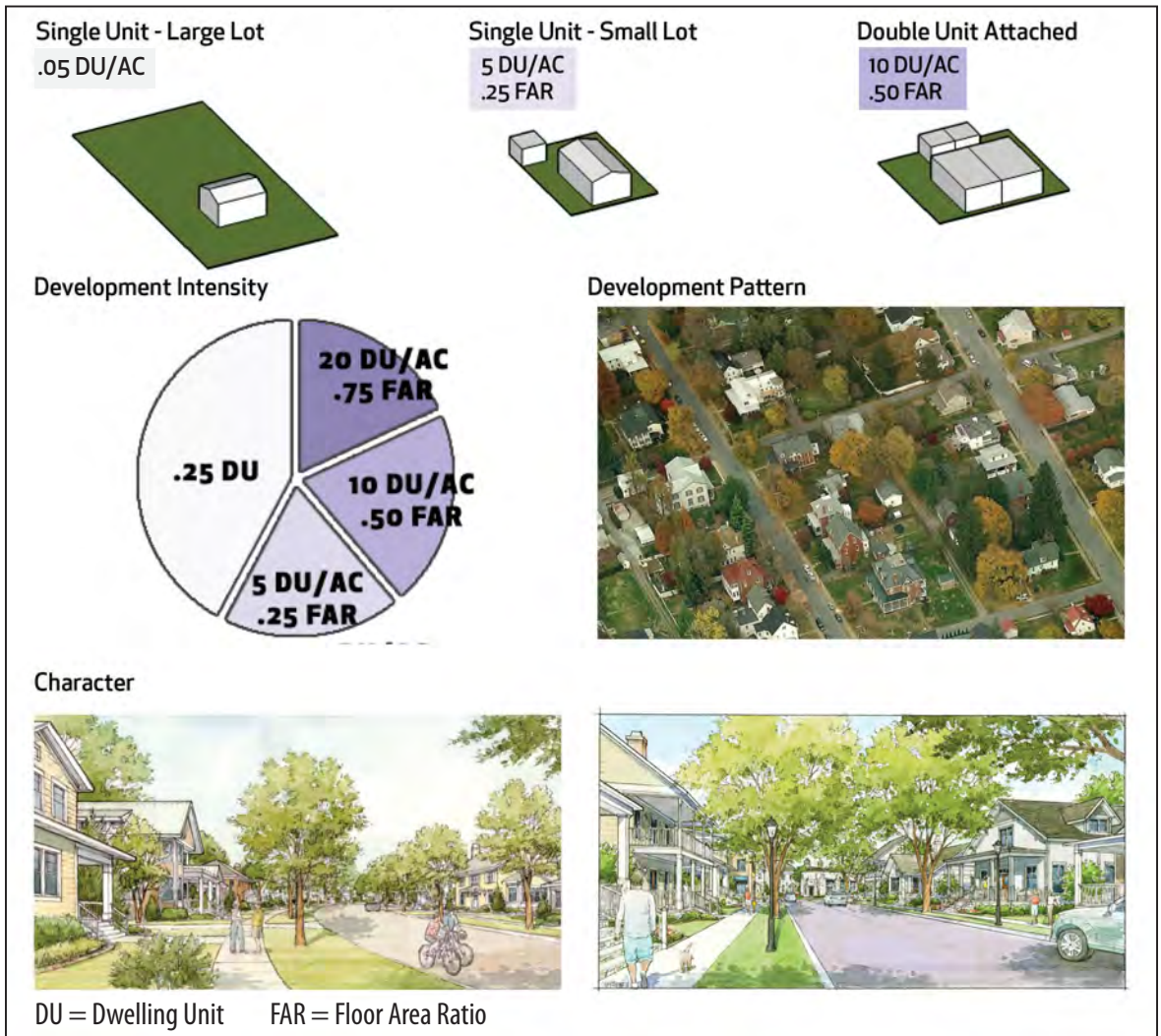


Figure 24: TND Characteristics
Sources: Michael Baker International Urban Design Studio

Gateways

Also similar to the patterns and character of Old Charles Town, Gateways are an assemblage of several neighborhoods sharing or extending from a new substantial development center adjacent to the traditionally identified core of Charles Town. Its neighborhood structure has a strong core supported by the surrounding region.

Gateways are envisioned to be located along the City's main thoroughfares (e.g. Route 340, Augustine Avenue, etc.) serving as entry points to the City's Old Town area. Gateways provide the initial image and impression of the City and, therefore, should be sensitively designed to uphold and reinforce Charles Town's small town, historic character. Additionally, Gateways design should provide land use and access management controls to ensure smooth transitions between community types and mitigate traffic congestion issues that are typical of suburban, auto-oriented commercial developments located along highways. **Figure 25** illustrates the Gateway development characteristics and **Figure 26** depicts example gateway community designs.

- Transportation:** Within Gateways thoroughfare types include parkways, streets, and boulevards, designed for high vehicular capacity and equipped with slip roads buffering sidewalks and buildings. Also, avenues act as a short distance connectors between communities and are usually contain landscaped medians and formal rows of trees. Gateways should also provide wayfinding and other directional and orientation information to the motorist to provide a sense of arrival to the community and guide their way into the Downtown.
- Built Form:** The Gateway development pattern includes mostly smaller lots with freestanding and attached buildings forming complete neighborhoods as found in historic Charles Town. The entire range of housing is found here, this includes large and small homes set close to streets and parkways to small lots with detached homes and attached homes and businesses.

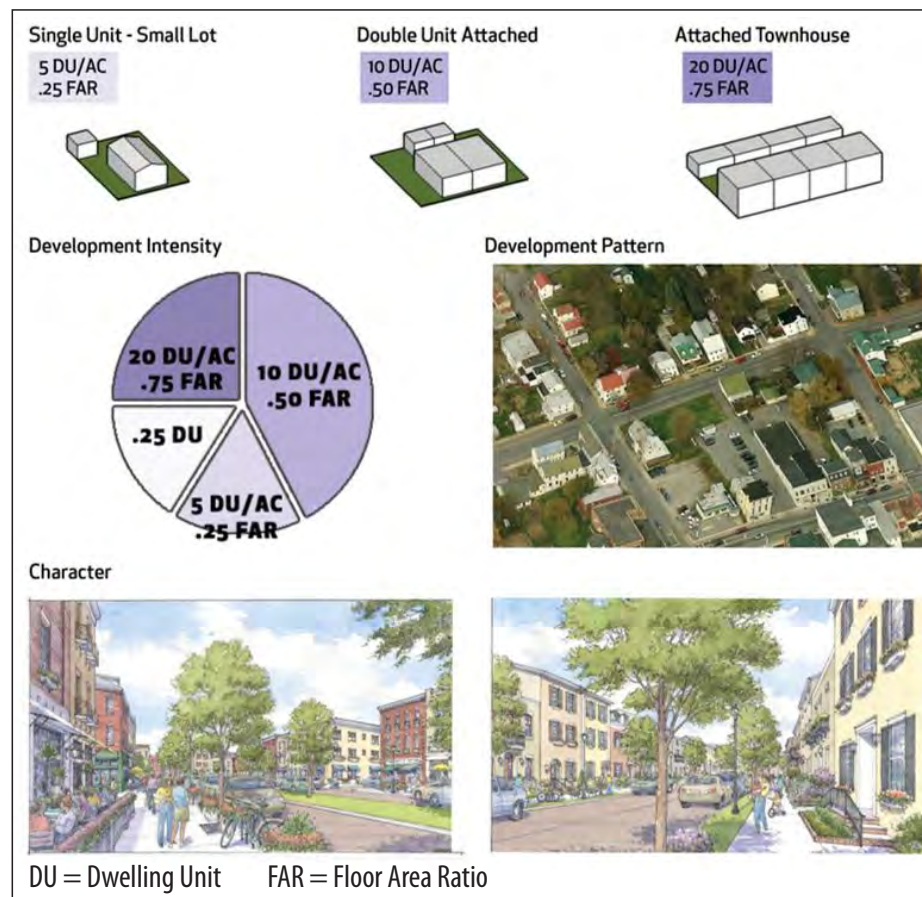
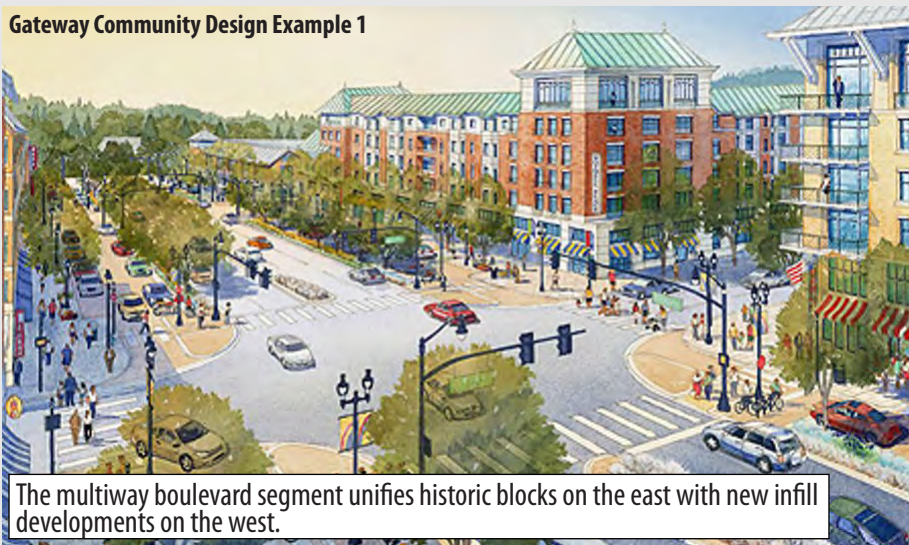


Figure 25: Gateway Development Characteristics

Sources: Michael Baker International Urban Design Studio

Gateway Community Design Example 1



The multiway boulevard segment unifies historic blocks on the east with new infill developments on the west.

Gateway Community Design Example 2



Mixed use commercial development fronting a boulevard.

Traditional Suburban Commercial Strip (to be avoided)



The image above is representative of a typical suburban commercial corridor along a four-lane highway. Zero design standards have led to big box commercial and out-parcel developments with vast expanses of surface parking lots have created access management issues and a severe lack of mobility and connectivity with surrounding residential neighborhoods.

Figure 26: Example Gateway Community Designs

Sources: Midtown Commons Crestview Station, FTS Cities, and GoogleEarth

Hamlet

Hamlets are rural neighborhoods in the making, standing free in the countryside. Located furthest away from transportation and water and sewer connections, hamlets consist of mostly agricultural, countryside, or natural lands with a few homes and fewer businesses beyond working agriculture (see Figure 27).

- Transportation:** Access to these more rural areas are mostly via thoroughfares with soft shoulders, with few lights and signs and no alleys or service lanes. Thoroughfare types include parkways, a highway designed in conjunction with naturalistic landscaping, including medians, and a road, which is a local rural and suburban thoroughfare of low-to-moderate vehicular speed and capacity.
- Parks and Greenspace:** Open space types include grasslands and wooded lands interspersed by lineal riparian-buffered streams. These open spaces are sparsely inhabited and are uncultivated. Farmlands are an area of particular value for the cultivation of crops or the raising of livestock.
- Greenbelts:** Greenbelts are defined as a network of interlocking open spaces that separate urbanized areas and community types. Greenbelts may contain environmental and agricultural preserves, golf courses, parks, and playing fields. Regional parks are large open areas available for recreation, usually located at a neighborhood edge, and fronted by buildings. Their landscape comprises paved paths and trails, some open lawns, trees, and open shelters, all naturalistically disposed and requiring limited maintenance.
- Build Form:** This development pattern includes mostly very large lots with freestanding buildings surrounded by agriculture and natural lands. The mix of housing includes farmsteads, working agricultural facilities, large, private homes setback very far from roads and parkways. These elements form a range of housing from multiple-acre, to quarter-acre to very few small lot detached homes (to include farm worker housing). Agriculture-oriented commercial is low intensity that ranges from .25 lot coverage to .50 lot coverage freestanding in the landscape.

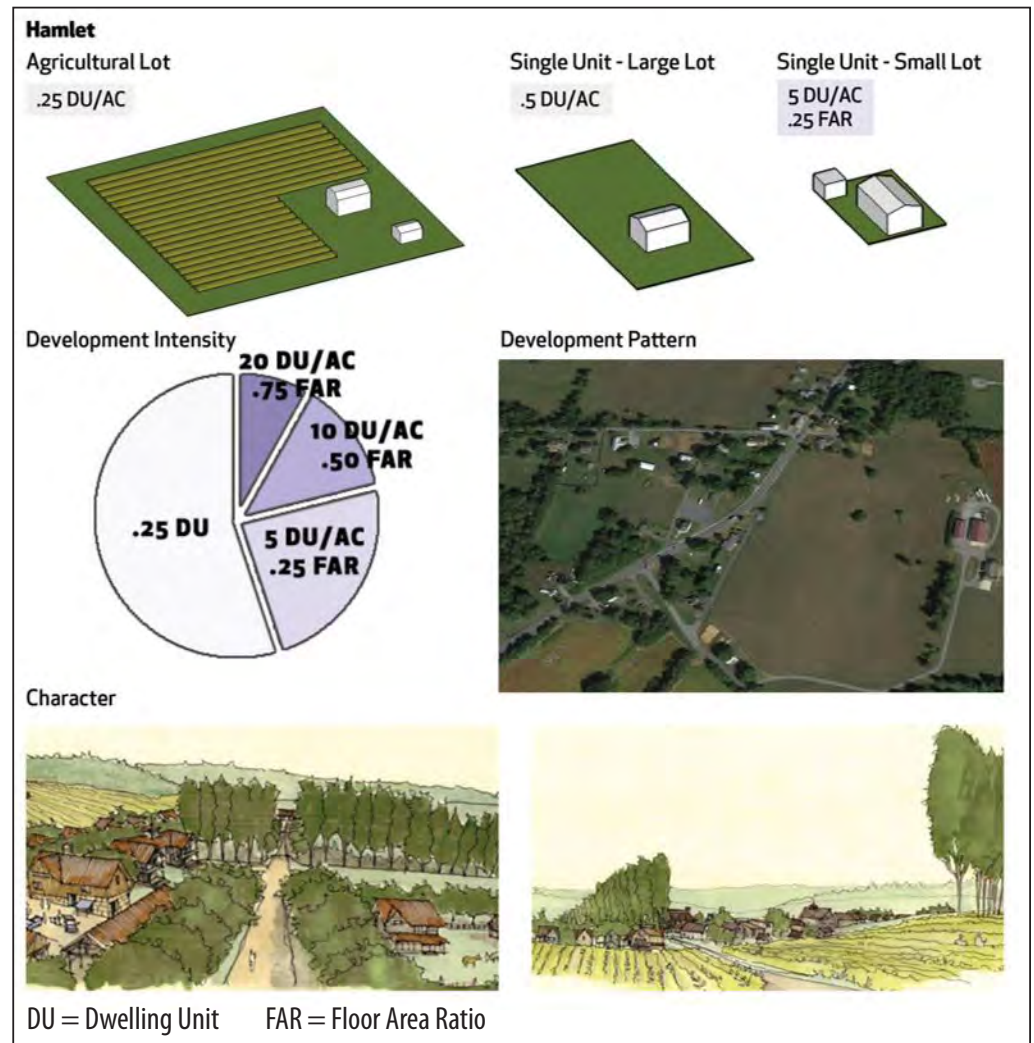


Figure 27: Hamlet Development Characteristics
Sources: Michael Baker International Urban Design Studio

Future Land Use Plan for Charles Town

A primary component of the Charles Town Comprehensive Plan is a Future Land Use Plan, which provides a framework defining the City's future growth and development patterns, types, and intensities. Moreover, the Future Land Use Plan establishes the basis for the City's Zoning Map and the various zoning districts delineated thereon and further defined within the Zoning Ordinance.

Charles Town's Future Land Use Plan is composed of two Future Land Use Maps (FLU) depicting 10-year and 25-year growth scenarios within the UGB (**Figures 28 and 29**). The 10-Year FLU Map builds upon the City's existing land use patterns and offers a generalized guide for development and agricultural lands within its UGB. Because all land contained within an UGB is considered for future land development, the 25-Year FLU Map is a broader depiction of intended uses for the Comprehensive Plan's horizon year of 2040 and, therefore, does not include an agricultural element. Both FLU Maps are neither existing land use maps nor zoning maps, but serve as a reference for future zoning determinations.

Public Infrastructure

The Future Land Use Plan is also a key determinant of public infrastructure needs and requirements, such as roads, schools, transit, water and wastewater, and public services, such as police, fire, and emergency medical services (EMS). The greater the amount of development the plan permits in a particular area, the more infrastructure and resources are required. To meet the City's growth and development needs, such infrastructure and services must be expanded and continually maintained at the taxpayers' expense. Therefore, developing a financially sustainable land use plan and growth management strategy is imperative for the City's fiscal well-being and the quality of life it provides to its residents, employers, and visitors.

Regional Coordination

Above all, Charles Town must continue to communicate with the public, Jefferson County, Jefferson County Public Service District, Jefferson County Schools, Hagerstown-Eastern Panhandle Metropolitan Planning Organization, the City of Ranson, and other municipalities in Jefferson County. This will encourage a coordinated approach to land use planning and implementation, as well as the provision of public services and other planning needs will be achieved. This also includes, but is not limited to, the coordination of new transportation infrastructure for properties adjacent to the City and developing compatible community and economic development strategies with the City of Ranson and Jefferson County.

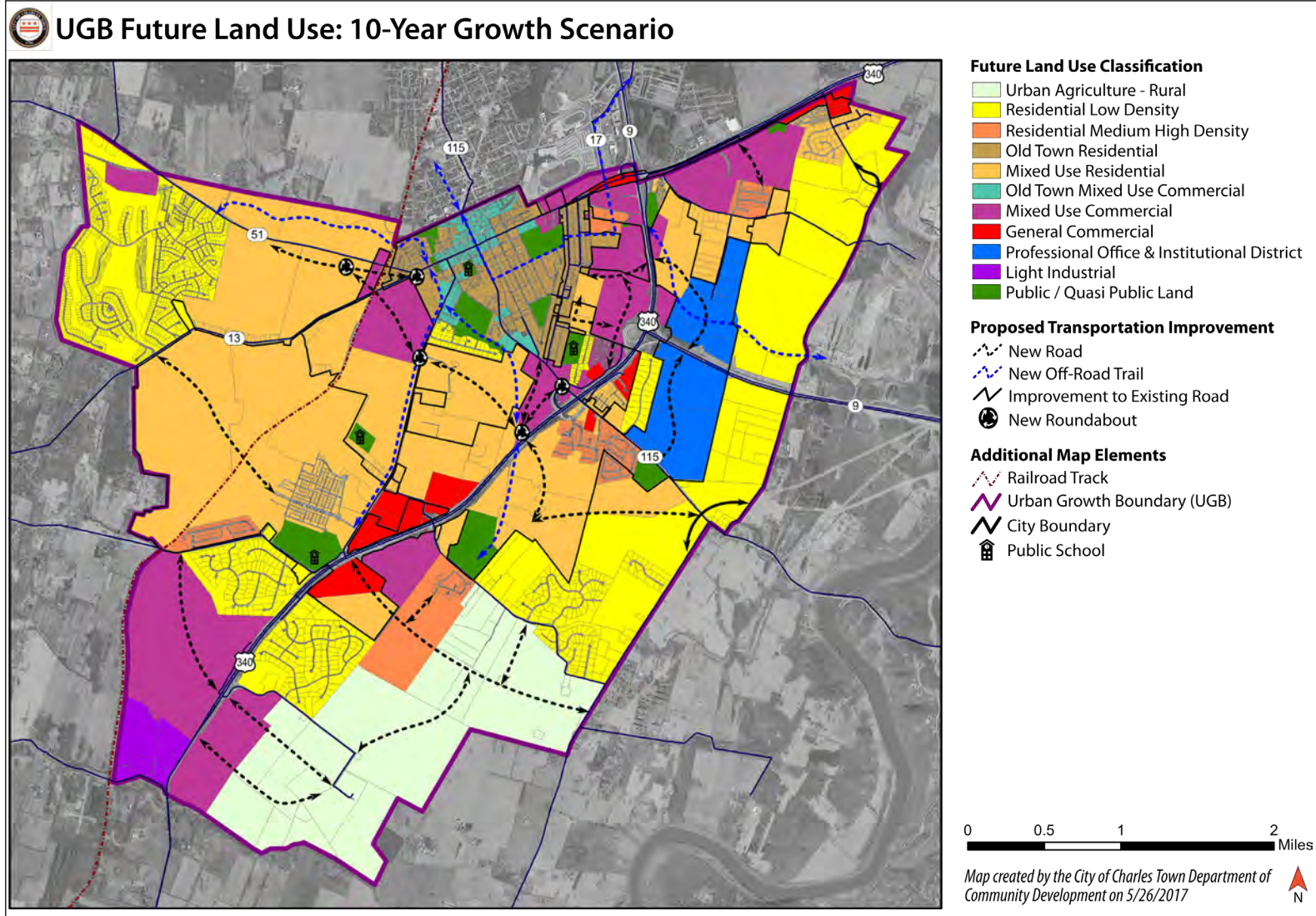


Figure 28A: UGB Future Land Use 10-Year Growth Scenario
Sources: City of Charles Town, 2016

UGB Future Land Use: 10-Year Growth Scenario with Transects

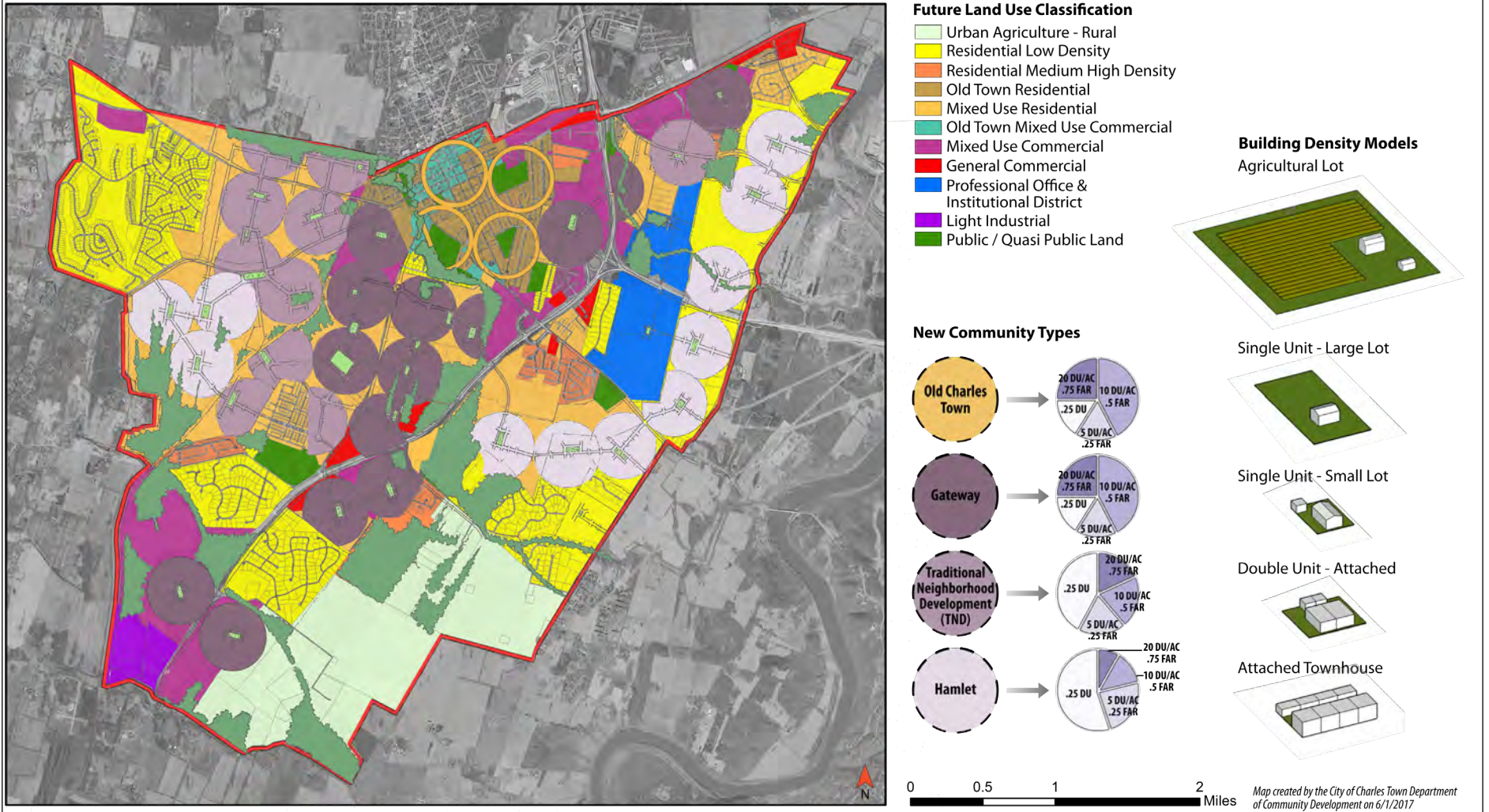


Figure 28B: UGB Future Land Use 10-Year Growth Scenario with Transect Community Types
Sources: City of Charles Town, 2016

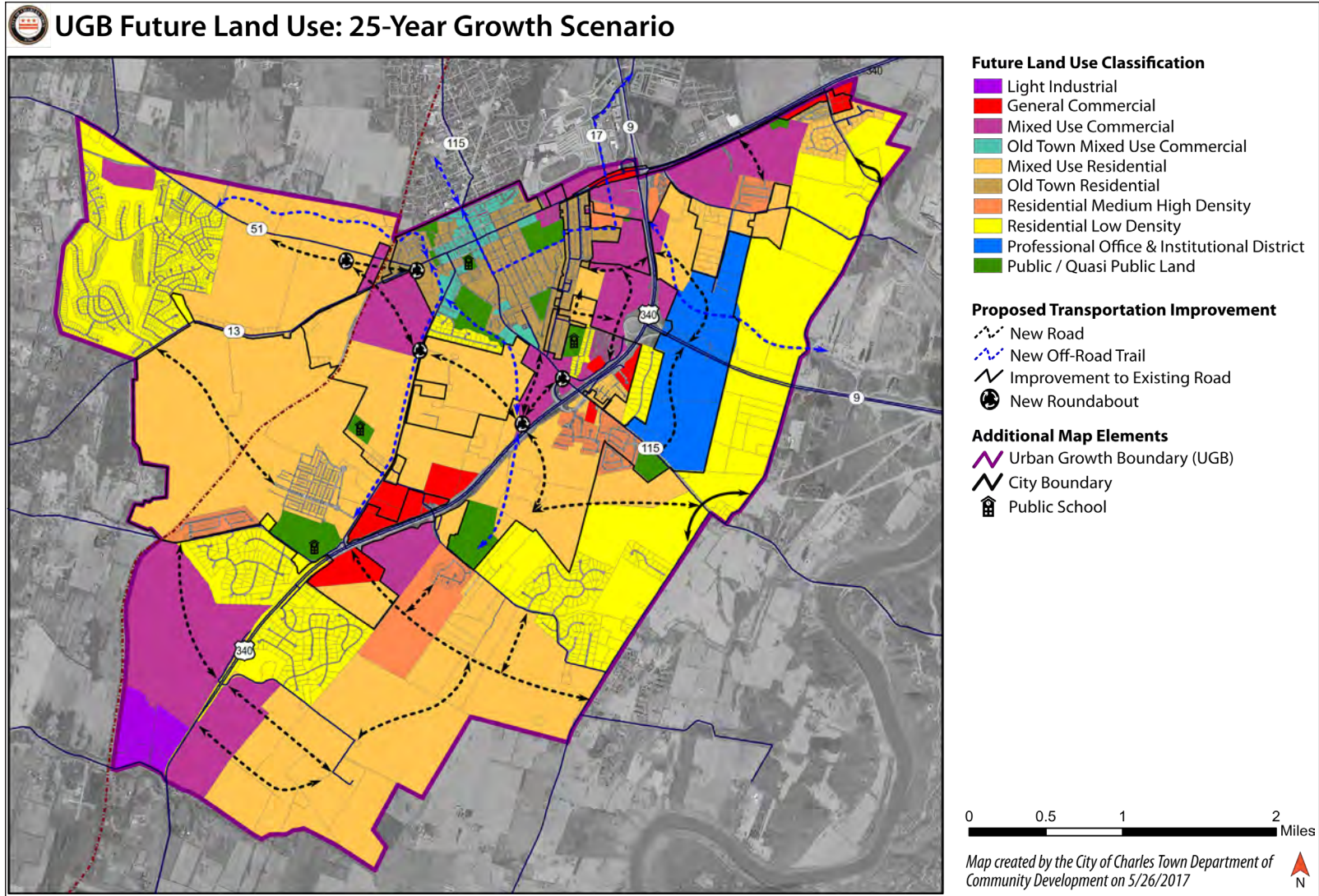


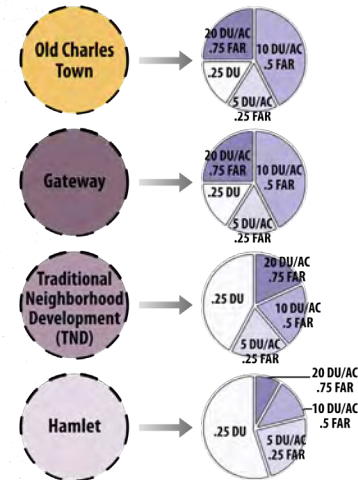
Figure 29A: UGB Future Land Use 25-Year Growth Scenario
Sources: City of Charles Town, 2016

UGB Future Land Use: 25-Year Growth Scenario with Transects

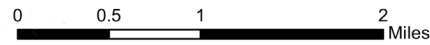
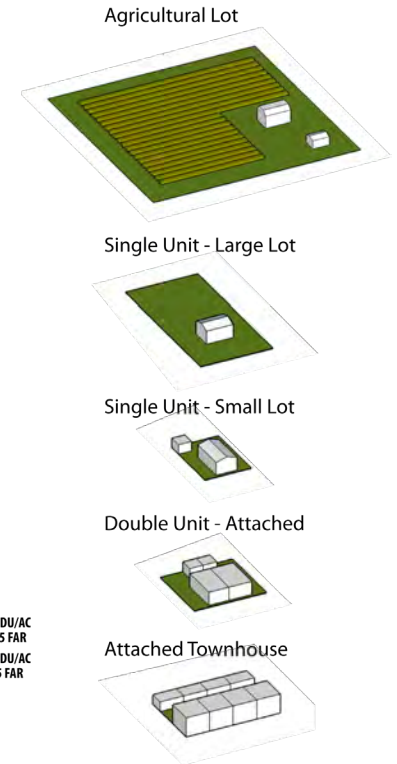


- Future Land Use Classification**
- Residential Low Density
 - Residential Medium High Density
 - Old Town Residential
 - Mixed Use Residential
 - Old Town Mixed Use Commercial
 - Mixed Use Commercial
 - General Commercial
 - Professional Office & Institutional District
 - Light Industrial
 - Public / Quasi Public Land

New Community Types



Building Density Models



Map created by the City of Charles Town Department of Community Development on 6/1/2017

Figure 29B: UGB Future Land Use 25-Year Growth Scenario with Transect Community Types
Sources: City of Charles Town, 2016

Definition of Future Land Use Categories

Charles Town's Future Land Use Map contains eight color-coded districts that express policy objectives on future land uses throughout the City, as described in the following sections. Implementation of these land use categories will require amendments to the City's Zoning Ordinance and Zoning Map.

Agriculture

Charles Town's charming, historic Downtown and safe residential neighborhoods, coupled with its rural countryside, make the City a truly great place to live, work and play. Scenic views of its agricultural lands, rolling hillsides and mountains, and pastoral open spaces is what makes the City so inviting for people of all ages. During the public participation process for the development of this plan, the public consistently noted the small town feel and the rural surroundings were important to them. Preserving the City's agriculture and open spaces is indeed a priority going forward to not only bolster the community's small town image, but to preserve and strengthen the community's agrarian opportunities by promoting value-added agricultural and artisan entrepreneurs.

It is important to note that while the City respects the urban growth policies of the *Envision Jefferson 2035 Comprehensive Plan*, it also promotes and encourages agricultural land uses. To support this initiative, the City has a policy to allow traditional agriculture and to also promote urban agricultural goals.



Examples include:

- you pick operations – produce, pumpkins, tree farm, etc.;
- family activities – corn mazes, petting zoo, etc.;
- on-site farmers markets;
- Community Supported Agriculture (CSA);
- equestrian activities; and
- on the farm distilleries and breweries or other value-added operations.

The City's agriculture future land use category is designed to provide for and preserve the agricultural and rural use of land, while accommodating very low-density residential development generally associated with agricultural uses. This use classification is also designed to facilitate local food production, improve community health, and provide local opportunities for agriculture-based entrepreneurship and employment. It promotes cultivating, processing, and distributing food in or around the city and region. Urban agriculture involves animal husbandry, aquaculture, agroforestry, urban beekeeping, and horticulture.

“From ‘amber waves of grain’ to ‘purple mountains’ majesty; natural landscapes help define the character of our nation and our communities. Whether it’s a community garden in a busy neighborhood; a scenic river where people fish, kayak, or hike along the banks; or a ‘pick your own strawberries’ farm, people care about conserving recreational, scenic, working, and environmentally valuable lands.”

Source: Smart Growth Network

The City's 10-Year Future Land Use Plan envisions the agricultural land areas located on the southern and eastern fringes of the UGB will remain in productive agriculture use. These areas lack the transportation and public sewer and water infrastructure necessary to support their immediate development and the investments borne by private developers to make such improvements will likely make any medium to high density development financially infeasible. Therefore, the City's 25-Year Future Land Use Map foresees the potential for these areas to develop as rural hamlets comprised of clustered, mixed use residential areas designed to uphold the rural, agrarian landscape and provide opportunities to value-added agriculture and artisan economic development opportunities as described previously. In this scenario, the landowner has the ability to cluster much of their density rights and retain a sizable portion of their farm land for agricultural uses.

Residential Districts

Residential Low Density

The Residential Low Density District is shown in pale yellow in the Future Land Use Maps. The areas designated as Residential Low Density are generally located along the perimeter of the UGB, farthest away from the Downtown core. These areas are generally characterized by single family houses constructed on lots typically ranging from 0.5 to 2 acres per unit. This land use type on average consists of larger single family lots with a fair amount of building separation. The purpose of this land use designation is to provide for locations for low density residential development through a variety of housing types. These locations serve as transitional areas from the City's rural and largely undeveloped areas located within its UGB. These areas could be served by private wells and septic systems. Like the agricultural future land use category, clustering of the low-density rights is also encouraged and permitted here.

Old Town Residential

The area on the Future Land Use Maps shown in light brown is designated as Old Town Residential. Properties with this future land use classification are located in the City's historic Old Town and are within close walking distance of the Downtown. The primary function of the Old Town Residential future land use is to recognize and preserve the existing older residential neighborhoods within the City that are characterized as having smaller lots, smaller setbacks, traditional grid street pattern and access by street or alley. The preservation of the Old Town residential neighborhoods are vital to promoting interaction among activities located within the entire Old Town District that includes the Old Town Mixed Use Commercial area. The purpose of such interaction is to further enhance business vitality, reduce vehicular traffic, increase access to and the use of transit services. Also, it can provide employment opportunities for residents close to home, ensure the compatibility among and between residential and Downtown Commercial Uses, and ensure the appearance and effects of buildings and uses are harmonious with the traditional neighborhood character of the area.

Mixed-Use Districts

The Future Land Use Plan supports and promotes the Smart Growth Principle of mixed land uses that are comprised of varying intensities and densities of mixed income livable communities where people choose to live, work, and play.

The plan's mixed use districts include:

- Mixed Use Residential,
- Old Town Mixed Use Commercial, and
- Mixed Use Commercial

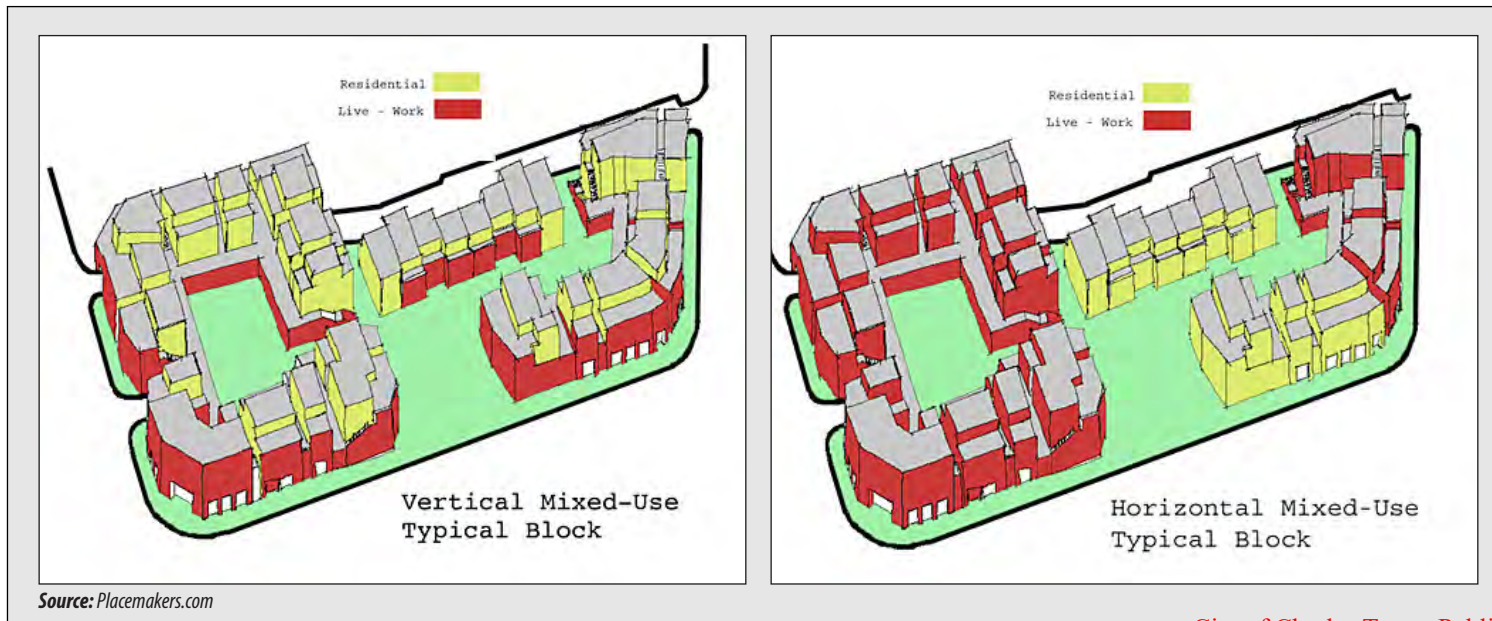
Mixed Use Residential

Mixed-Use Residential Future Land Use categories are intended to provide for a mix of housing types and sizes (e.g. tiny houses), as well as related services and uses, including compatible and supporting commercial uses and office services. Regarding the mixing of uses, residential uses are predominate and non-residential uses are secondary, supporting the needs of the residential uses. Areas classified as Mixed Use Residential are a continuation of Charles Town's existing zoning category of Neighborhood Residential District and by extension, the non-residential uses would be similar to that of the Neighborhood Commercial zoning category. The Future Land Use Map envisions a higher intensity and density of uses oriented near Downtown to provide for greater walkability, accessibility, and mobility between Downtown commerce and surrounding neighborhoods.

Smart Growth Principles

- Mix land uses
- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost effective
- Encourage community and stakeholder collaboration in development decisions

Source: <https://www.epa.gov/smartgrowth/codes-support-smart-growth-development>



The City's Huntfield mixed use development is a great example of a traditional neighborhood style development that includes a range of housing types and configurations situated upon a grid street network with well-placed and designed parks and open spaces. In many ways, this is predicated upon the development pattern of Old Town Charles Town's existing residential layout. This development was a negotiated process between the original developer and the City. While it is too early to speculate, if the development continues as planned, it could be a model for the City to be emulated in other locations and could become as historically notable as prior plans shown previously. Encouraging and promoting this type of residential development and providing multimodal connections to Downtown and neighboring schools, parks, and trails will increase the City's livability and vibrancy.



Greenbridge Master Plan – This community redesign by GGLO turned a car-centric suburban space in King County, Washington into a walkable, bike-able greenway. Part of an affordable housing site, Greenbridge makes it easier for pedestrians to travel around the community and the addition of community gardens improves access to fresh and local foods.

Source: <https://centerforactivedesign.org/greenbridgemasterplan>

Old Town Mixed Use Commercial

The purpose of the Old Town Mixed Use Commercial Future Land Use designation is to recognize the diversity of existing Downtown uses and to provide for a wide range of residential and commercial office, restaurant, hospitality, and retail services within in the Downtown. This land use designation intends to strengthen Charles Town's urban core, contribute to its historic character, minimize impacts on adjacent land uses, and be well connected to existing and future land uses located within the UGB. Downtown Charles Town is characterized by typical main street components found in the Old Town Mixed Use Commercial land use.

Mixed Use Commercial

Mixed Use Commercial Future Land Use plans provide for necessary commercial uses of a convenient nature within residential areas. These plans encourage the formation and continuance of stable, healthy, and compatible environments that are located to provide nearby residential areas with convenient shopping and service facilities, reduce traffic congestion, and avoid the development of strip malls. The non-descript "anywhere USA" look and feel of strip malls are not desired. This is similar with the Old Town Mixed Use (see page 72) which anticipates buildings pulled up to the front of the street and is a much more pedestrian centric environment. Compatibility and integration with residential character of the area surrounding the mixed use commercial zone shall be of primary consideration. The City prefers vertical mixed use commercial development over horizontal mixed use development. However, in situations where horizontal mixed use development is proposed, greater attention to multimodal connectivity and accessibility will be imperative.



Example mixed use commercial development
Photo courtesy of jfj-art.com

Commercial and Industrial Districts

Professional Office/Institutional

Professional Office/Institutional Future Land Uses are included to enhance the work place environment by providing for the establishment of offices, medical and other institutional uses, limited accessory services for workers' convenience and public space. It is intended to promote attractive office development projects which are compatible with one another, as well as with adjoining residential areas. A medium to high density residential option is available when such can be achieved through innovative design and include significant natural resource protection. This future land use district is specifically designated to incentivize economic development opportunities and diversify the City's economy and strengthen its tax base to support its critical infrastructure and public service needs.



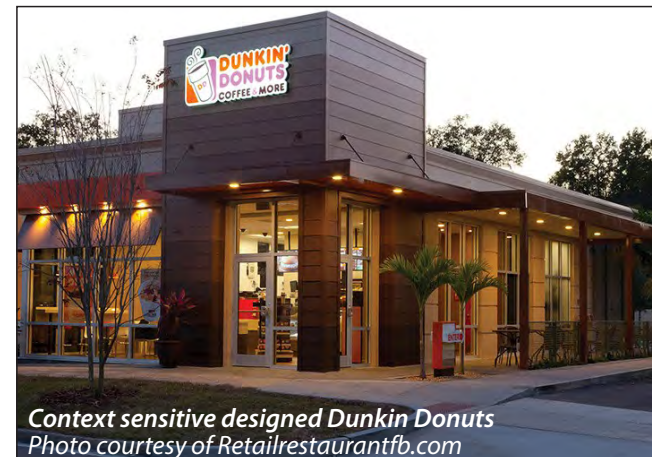
Professional office/campus setting, American University Washington College of Law Campus
Photo courtesy of American University

General Commercial

The purpose of the General Commercial Future Land Use classification is to provide locations for businesses of a more general nature that may not be found in a neighborhood and can be served with adequate water, sewer, gas, and electric service. The businesses proposed in this Comprehensive Plan update include retail, wholesale, and some light processing operations. These uses tend to be very auto centric. It will be important for the Charles Town community (residents, visitors, and investors alike) to strongly consider the City's small town, historical significance of building and site design. New commercial development should strongly consider and be encouraged to deliver commercial products that uphold the City's small town and historical character and encourage walkable communities.



Context sensitive designed AutoZone
Photo courtesy of Investcorecommercial.com



Context sensitive designed Dunkin Donuts
Photo courtesy of Retailrestaurantfb.com

Light Industrial

Light Industrial Future Land Uses intend to provide locations for light manufacturing uses that are not as extensive as those provided elsewhere in Jefferson County and can be adequately served by public or community utilities. Light manufacturing is composed of processing or assembly of previously processed materials. This land use shall only be located where denoted on the Future Land Use Map and may be considered when annexations of county zoned properties that contains this designation.

Next Steps

To achieve the Goal and Objectives for Growth and Land Use, it is recommended that the City of Charles Town consider the following strategies as further detailed in Section 10, Implementation Strategy:

Ongoing

- Continuously examine and where appropriate implement Best Management Practices for land use planning concepts.
- Promote and incentivize new development investments in the Old Charles Town and Gateway Community Types where urban infrastructure exists to readily support revitalization and infill development.
- Ensure development in City's proposed growth areas and redevelopment/development of the Old Town occurs in congruent fashion.

Short-term (0-4 years)

- Utilize the SmartCode to create a form-based overlay zoning district to ensure the Future Land Use Plan and the concepts of the Urban to Rural Transect and New Community Types envisioned therein are achieved.
- Implement agricultural value added categories in a new agricultural zoning district as envisioned in the Future Land Use Plan (10-year).
- Examine and implement zoning districts that achieve the desired goals of the Future Land Use map.
- Create small area plans for Downtown Charles Town, US 340 East Gateway, US 340 South Gateway area.
- Employ the City's Home Rule and annexation policy to strategically manage the City's future growth within the Urban Growth Boundary, and increase economic development opportunities.
- Develop land development standards that preserve critical green space will not impacting development rights.
- Adopt and administer the 2018 International Residential Code (IRC) amendment (IRC Appendix Q) specifying requirements for tiny houses on foundations.

Historically Hip Charles Town 2040 Comprehensive Plan Section 10: Implementation Strategy



Source: Michael Baker International

Introduction

To support the implementation of the Comprehensive Plan Goal Statements, this Implementation Strategy features implementation strategies for each of the 35 objectives that were identified under the seven theme areas. These strategies outline a tactical approach for advancing Charles Town's 2040 vision by specifying tangible action steps that can be taken to ensure progress over the next 20 years. In addition to implementation strategies, this chapter also identified key partners that the City may collaborate with to support implementation. Partners include local, county, and state entities, as well as qualified consultants who offer expertise in specific areas of need. The Implementation Strategy also identifies possible sources of funding that may be considered to support the implementation of each strategy. Such sources includes the City's Capital Improvement Plan, which would require the City to identify specific sources of revenue (tax dollars) and/or state, federal or private investments over a multi-year funding period.

A targeted timeframe for the completion of each implementation strategy is also outlined in this chapter. The timeframes include short-term (0-4 years), mid-term (5-10 years), long-term (11-20 years), and ongoing, and prioritize the implementation items that can be advanced in the near-term. Finally, the Implementation Strategy identifies funding resource opportunities for each strategy, identifying City, county, state, and other resources that may be available to off-set implementation costs.

The Implementation Strategy should be used by the City Planning Commission and staff to continuously monitor and measure progress on each strategy. The Planning Commission should also report annually or periodically to the City Council on the implementation process and progress made towards achieving the strategies and how they relate to the attaining the Comprehensive Plan goals and vision. The Planning Commission's report to City Council should also provide recommendations on strategies that need to be programmed in the City's Annual Operating Budget and Five-Year Capital Plan, and identify the priority implementation work tasks for the following fiscal year.

Section 3 – Downtown Charles Town

Goal Statement: Downtown Charles Town will be the center of Charles Town and the Jefferson County region and will serve as the center for community and economic development. The Downtown will be a strong center for business, and serve as a regional destination for arts, culture, entertainment and learning.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
3.1 – Increase economic vitality through Downtown and neighborhood revitalization.	3.1.1 – Implement the <i>West End Master Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Sustainable Strategies DC Private Property Owners Partnership for Affordable Housing West Virginia Housing Development Fund 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)*
	3.1.2 – Implement the walkability and accessibility improvements identified in the <i>City's 2016 Walkability and Connectivity Study</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> WV Department of Highways Private Property Owners 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)*
	3.1.3 – Commission a feasibility study to determine the appropriate adaptive reuse of the City's Liberty Street Police Station building and property, and develop a business plan for the proposed reuse strategy and/or private use, either by sale or lease. The reuse strategy should consider the building's relationship to Downtown revitalization and economic development opportunities.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Building Commission Non-Profit Organizations Businesses 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> USDA Local Food Program USDA Rural Business Enterprise Grant WV Governor's Community Participation Program Private if a sale/lease
	3.1.4 – Continue to maintain the City's database of blighted and vacant structures and prioritize those structures that are most detrimental to the Downtown's revitalization efforts.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	3.1.5 – Undertake a small area plan with conceptual architectural details that encourages the expansion of the Downtown area by the development and redevelopment of new infill by promoting additional mixed use vertical building as identified in this Plan. Ensure the conceptual architectural details are supportive of the Historic Overlay District Design Guidelines.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Long-term (11 - 20 years)	<ul style="list-style-type: none"> Private Investment Public/Private Investment
3.2 – Help new and existing Downtown businesses be successful through increased visitation, technical and financial business assistance, and overall improvements to the business climate and Downtown business environment.	3.2.1 – Implement a wayfinding signage program consistent with the recommendations outlined in the <i>City's 2016 Walkability Study</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Jefferson County Convention and Visitors Bureau 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> WV Small Cities Block Grant Program
	3.2.2 – Create a marketing campaign promoting incentives (loyalty cards, discounts, special promotions) to Downtown employers and workers, as well as visitors to Jefferson County (Charles Town Races, Harpers Ferry, etc.).	<ul style="list-style-type: none"> Charles Town Now 	<ul style="list-style-type: none"> Jefferson County Convention and Visitors Bureau Businesses 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> Charles Town Now WV Small Cities Block Grant Program

* May require new tax revenue sources to be budgeted

Section 3 – Downtown Charles Town (Continued)

Goal Statement: Downtown Charles Town will be the center of the Jefferson County region and will serve as the center for community and economic development. The Downtown will be a strong center for business, and serve as a regional destination for arts, culture, entertainment and learning.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
3.2 – Help new and existing Downtown businesses be successful through increased visitation, technical and financial business assistance, and overall improvements to the business climate and Downtown business environment.	3.2.3 – Establish a small business, low interest loan fund and provide technical assistance training to perspective loan recipients on business planning and budgeting. More information is available from the U.S. Small Business Administration at https://www.sba.gov/starting-business/finance-your-business/loans/sba-loans	<ul style="list-style-type: none"> Charles Town Now 	<ul style="list-style-type: none"> Local Financial Institutions WV Small Business Development Center 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> SBA Basic 7(a) Loan Program SBA Certified Development Company (CDC) 504 Loan Program SBA Microloan Program Nonprofit community based lenders
	3.2.4 – Become a nationally-certified Main Street community to leverage business retention and recruitment, market analysis, fundraising, vision and strategic planning, property development and other necessary technical and financial business assistance needs.	<ul style="list-style-type: none"> Charles Town Now 	<ul style="list-style-type: none"> City of Charles Town West Virginia Department of Commerce 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget CTN annual fundraising
3.3 – Provide attractive storefronts occupied with a variety of appealing retail and service businesses.	3.3.1 – Continue to fund, administer and promote the Charles Town Façade Improvement Program to Downtown property and business owners.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Property owners 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	3.3.2 – Utilize the City’s market analysis information to identify, attract and retain prospective businesses that meet the Downtown’s market demand needs. Update the analysis on a regular basis.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
3.4 – Create and maintain a clean, well-lighted and inviting appearance day and night throughout the Downtown.	3.4.1 – Continue the City’s seasonal flower planting and seasonal decorating activities within Downtown.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Dolley Madison Flower Club 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget In-Kind Services Partnerships
	3.4.2 – Replace the City’s Downtown amber-colored streetlights with cleaner and brighter, energy efficient LED lights.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Potomac Edison 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)* Potomac Edison
3.5 – Preserve and protect the Downtown’s architecture that offers visual unity and a quality experience in history and culture.	3.5.1 – Continue to administer and enforce the City’s Design Review Standards for Charles Town’s historic districts (Downtown Charles Town, Old Charles Town, and South Charles Town).	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Historic Landmarks Commission 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
3.6 – Program and promote Downtown events and activities that will attract and benefit areas residents, visitors, industry, and the university community.	3.6.1 – Implement the <i>C*Town Arts and Culture District Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> C*Town Creative Council Charles Town Now Jefferson County Arts Council Jefferson County Convention and Visitors Bureau 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget

* May require new tax revenue sources to be budgeted

Section 3 – Downtown Charles Town (Continued)

Goal Statement: Downtown Charles Town will be the center of the Jefferson County region and will serve as the center for community and economic development. The Downtown will be a strong center for business, and serve as a regional destination for arts, culture, entertainment and learning.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
3.6 – Program and promote Downtown events and activities that will attract and benefit areas residents, visitors, industry, and the university community	3.6.2 – Build and strengthen an online presence for Downtown Charles Town through a more effective website and greater utilization of social media tools.	<ul style="list-style-type: none"> Charles Town Now 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> Charles Town Now Budget
3.7 – Promote adaptive reuse of and investment into Downtown properties that strengthens the mix of uses within multistory properties by promoting first floor retail and restaurants uses, second floor business services and third floor residential.	3.7.1 – Encourage and incentivize building and property owners to provide restaurant and retail space on street level floors, and business services and residential on the upper floors.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Private property owners and realtors 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget

Section 4 – Growth and Land Use

Goal Statement: The City of Charles Town will strategically plan for and promote sustainable and well-designed growth and development throughout its Urban Growth Boundary while maintaining a vibrant, walkable and mixed-use Downtown that serves as the City’s image center and core of civic life.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
4.1 – Establish land use and development regulations and supporting policies that uphold and achieve the Future Land Use Plan.	4.1.1 – Utilize the SmartCode to create a form-based overlay zoning district to ensure the Future Land Use Plan and the concepts of the Urban to Rural Transect and New Community Types envisioned therein are achieved.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Qualified Technical Consultant 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	4.1.2 – Continuously examine and where appropriate implement Best Management Practices for land use planning concepts.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	4.1.3 – Implement agricultural value added categories in a new agricultural zoning district as envisioned in the Future Land Use Plan (10-year).	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	4.1.4 – Examine and implement zoning districts that achieve the desired goals of the Future Land Use map.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
4.2 – Balance development between new growth on the edges of the City and reinvestment in the City’s Old Town.	4.2.1 – Place a priority on promoting and incentivizing new development investments in the Old Charles Town and Gateway Community Types where urban infrastructure exists to readily support revitalization and infill development.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Ongoing	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)*

* May require new tax revenue sources to be budgeted

Section 4 – Growth and Land Use (Continued)

Goal Statement: The City of Charles Town will strategically plan for and promote sustainable and well-designed growth and development throughout its Urban Growth Boundary while maintaining a vibrant, walkable and mixed-use Downtown that serves as the City’s image center and core of civic life.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
4.2 – Balance development between new growth on the edges of the City and reinvestment in the City’s Old Town.	4.2.2 – Create small area plans for Downtown Charles Town, US 340 East Gateway, US 340 South Gateway area and Rt 9. A small area plan is any plan that addresses the issues of a portion of the City. Small area plans can cover three different geographic scales -- neighborhood, corridor, and district regardless of the size of the area. Small area plans cover a specific geography that often has a cohesive set of characteristics. In addition to the above locations, criteria for prioritizing small area plans may include the following: <ul style="list-style-type: none"> Evidence of disinvestment and deteriorating housing Significant change is occurring or anticipated Public facilities and/or physical improvements need to be addressed Opportunities for substantial infill or redevelopment are present Opportunities arise to influence site selection, development or major expansion of a single large activity generator Transit station development opportunities 	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years) and Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	4.2.3 – Ensure development in City’s proposed growth areas and redevelopment/development of the Old Town occurs in congruent fashion.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
4.3 – Utilize the City’s annexation policy to provide areas for future growth, preserve critical green space, and expand the City’s tax base	4.3.1 – Employ the City’s Home Rule and annexation policy to strategically manage the City’s future growth within the Urban Growth Boundary, and increase economic development opportunities.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	4.3.2 – Develop land development standards that preserve critical green space while not impacting development rights.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget

Section 5 – Vibrancy, Sustainability and Livability

Goal Statement: The City of Charles Town will be a community where its residents of all ages, abilities and incomes can enjoy great streets and complete neighborhoods; where walking, bicycling, and public transit are the preferred choices for most trips; where public spaces are beautiful, well-designed, and well-maintained; where local businesses are supported by the community and in turn encourage local economic development; and where housing is more plentiful and more affordable.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
5.1 – Increase the City’s economic vitality and sustainability by supporting Downtown revitalization initiatives and promoting strategic economic development opportunities within the City’s Urban Growth Boundary.	5.1.1 – Implement the recommendations outlined in the <i>Charles Town West End Revitalization Plan, Walkability and Connectivity Study, and C*Town Arts and Culture District Plan.</i>	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Jefferson Arts Council and allied organizations 	Ongoing	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)* WV Governor’s Community Participation Program City Annual Operating Budget
	5.1.2 – Encourage reinvestment and where appropriate redevelopment of the City’s existing commercial shopping plazas (i.e., Somerset Village and Hill Dale) to create more vibrant centers of commerce and strengthen the City’s financial position. The City should work with the existing property owners to create a vision and redevelopment concept plan for each plaza demonstrating how they may be transformed into a more livable and walkable urban environment.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Property Owners Jefferson County 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> USDA Rural Business Development Grant Program Small Cities Block Grant Fund Tax Increment Financing (TIF)
	5.1.3 – Partner with West Virginia University, Jefferson County, Charles Town’s State and Federal Congressional Delegation, and the Federal Government to identify economic development initiatives that leverage the University’s R1 Research classification and maximize the Professional Office and Institutional future land use proposed by this Comprehensive Plan.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> West Virginia University Jefferson County Development Authority State and Federal Congressional Delegation 	Short term (0 - 4 years)	<ul style="list-style-type: none"> USDA Rural Business Development Grant Program Small Cities Block Grant Fund
	5.1.4 – Collaborate with Charles Town Now and Downtown property owners to maximize the full mixed-use potential of building structures in the Downtown. Such efforts should begin with a comprehensive inventory and conditions assessment of existing buildings located within Downtown Charles Town. The inventory and assessment should then be used to identify each building’s optimal reuse potential and develop a cost estimate to address any identified code deficiencies to better position the building in the market place. Charles Town Now should then promote the availability of such properties on its website. Consider the City of Missoula’s downtown inventory as a model: https://www.missouladowntown.com/about/downtown-building-business-inventory/	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Business Owners 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget USDA Business Development Grant Program
	5.1.5 – Commission a feasibility study to determine the appropriate adaptive reuse of the City’s Liberty Street Police Station building and property and develop a business plan for the proposed reuse strategy. The reuse strategy should consider the building’s relationship to Downtown revitalization and economic development opportunities.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Building Commission 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> USDA Local Food Program USDA Rural Business Enterprise Grant

* May require new tax revenue sources to be budgeted

Section 5 – Vibrancy, Sustainability and Livability (Continued)

Goal Statement: The City of Charles Town will be a community where its residents of all ages, abilities and incomes can enjoy great streets and complete neighborhoods; where walking, bicycling, and public transit are the preferred choices for most trips; where public spaces are beautiful, well-designed, and well-maintained; where local businesses are supported by the community and in turn encourage local economic development; and where housing is more plentiful and more affordable.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
5.1 – Increase the City’s economic vitality and sustainability by supporting Downtown revitalization initiatives and promoting strategic economic development opportunities within the City’s Urban Growth Boundary.	5.1.6 – Continue to partner with and support the efforts of the Jefferson Growers Artisans Producers (GAP) Coalition to maximize the community-based utilization of Charles Washington Hall and to strengthen the revitalization of Downtown and Old Town neighborhoods.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Building Commission Jefferson Growers Artisans Producers (GAP) Coalition 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	5.1.7 – Implement the <i>Charles Town Economic Development Plan</i> , update and amend as necessary.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
5.2 – Utilize the City’s limited resources in efficient and innovative ways, and foster revitalization to create and promote a vibrant, attractive, prosperous and healthy community for present and future generations.	5.2.1 – Strengthen Charles Town’s financial position through intergovernmental cooperation and collaboration as recommended by the <i>2015 Collaboration Study</i> commissioned by Charles Town and Ranson. Among other multi-municipal service efficiency opportunities, collaboration initiatives could be used to strengthen Charles Town’s code enforcement efforts and build capacity for a joint economic development organization as recommended in the <i>City’s 2014 Economic Strategic Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	5.2.2 – Use AARP’s seven major livability categories to benchmark and measure the City’s performance relevant to meeting and servicing the needs of its current and future population. Consider using AARP’s Livability Fact Sheets as a means to inform City officials, property owners, developers, and investors about various means to creating a livable city: http://www.aarp.org/content/dam/aarp/livable-communities/documents-2014/Livability%20Fact%20Sheets/AARPLivabilityFactSheetsCollection.pdf	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Property owners Developers/investors 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
5.3 – Implement a City Housing and Redevelopment program to proactively and effectively address the City’s blighted and abandoned properties.	5.3.1 – Consider creating a Housing and Redevelopment Agency to address the City’s needs pertaining to housing assistance, rental registration, code compliance, vacant structures board reporting, neighborhood revitalization, and interagency coordination.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
5.4 – Collaborate with Charles Town Now to develop a vibrant, walkable, mixed-use downtown that serves as the civic hub to the greater Charles Town community.	5.4.1 – Implement the recommendations outlined in the <i>Charles Town West End Revitalization Plan</i> , <i>Walkability and Connectivity Study</i> , and <i>C*Town Arts and Culture District Plan</i> . Expand upon the concepts of the <i>Walkability and Connectivity Study</i> to other areas of the City and implement a sidewalk improvement program. Development of trails and pathway plan within a Master Parks and Recreation Plan and implement the goals of the plan.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now C*Town Arts Council Jefferson Arts Council and allied organizations Parks and Recreation Board 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)*

* May require new tax revenue sources to be budgeted

Section 6 – Mobility, Connectivity and Accessibility

Goal Statement: The City of Charles Town will be a highly accessible community for citizens of all ages, abilities, and incomes by providing efficient multimodal (pedestrian, bicycle, transit and vehicular) connections with Downtown Charles Town, and between and among its residential neighborhoods and local and regional commercial centers.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
6.1 – Provide convenient and affordable access to goods, services, jobs and recreation for all residents and visitors regardless of socio-economic status, physical ability, or age through a balanced, multimodal transportation system.	6.1.1 – Communicate the City’s Comprehensive Plan to the Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and ensure the plan’s vehicular, bicycle, pedestrian, and public transportation improvement recommendations are considered for inclusion into the HEPMPO’s <i>Long Range Transportation Plan</i> .	• City of Charles Town	• HEPMPO • EPTA	Short-term (0 - 4 years)	• City Annual Operating Budget
	6.1.2 – Prioritize the City’s transportation improvement projects, and secure the necessary local, state, federal and private funding for their successful implementation. Ensure all federal funding is programmed through the HEPMPO’s Transportation Improvement Program (TIP) process.	• City of Charles Town	• HEPMPO • EPTA	Short-term (0 - 4 years)	• Capital Improvement Plan (CIP)* • HEPMPO Long Range Plan and Transportation Improvement Program (TIP)
	6.1.3 – Consider implementing a transportation development fee as recommended by the <i>2011 Cities of Ranson and Charles Town Transportation Development Fee Study</i> .	• City of Charles Town	• City of Ranson • Jefferson County • HEPMPO	Short-term (0 - 4 years)	• City Annual Operating Budget
6.2 – Create well-connected, safe and efficient pedestrian and bicycle networks that support the City’s future land use vision.	6.2.1 – Implement the recommendations contained in the <i>Charles Town Walkability and Connectivity Study</i> and expand its scope to neighborhoods throughout the City.	• City of Charles Town	• HEPMPO	Short-term (0 - 4 years)	• Capital Improvement Plan (CIP)*
	6.2.2 – Secure the necessary easements to achieve a trail linkage to the Shenandoah River via Cattail Run.	• City of Charles Town	• Private Property Owners • WV Land Trust	Mid-term (5 - 10 years)	• Conservation easement agreement with private property owner(s)
	6.2.3 – Amend City’s <i>Subdivision and Land Development Ordinance</i> to require additional interconnectivity within and between developments that support motorized and non-motorized connections.	• City of Charles Town	N/A	Short-term (0 - 4 years)	• City Annual Operating Budget
6.3 – Strengthen the walkability of Downtown Charles Town through improved pedestrian and bicycle infrastructure and amenities, and reduced volumes of through truck traffic.	6.3.1 – Implement the recommendations contained in the <i>Charles Town Walkability and Connectivity Study</i> .	• City of Charles Town	N/A	Short-term (0 - 4 years)	• Capital Improvement Plan (CIP)*
	6.3.2 – Work with the City of Ranson, Jefferson County, WVDOH and HEPMPO to determine alternative routes (as specified in the Comprehensive Plan) to reduce through traffic flows in the Downtown.	• City of Charles Town	• City of Ranson • Jefferson County • HEPMPO • WV Department of Highways (WVDOH)	Mid-term (5 - 10 years)	• HEPMPO Long Range Plan and TIP
6.4 – Implement complete streets design in all existing and new street and road design.	6.4.1 – Amend the City’s <i>Subdivision and Land Development Ordinance</i> to include Complete Streets design standard details and requirements for their use and application.	• City of Charles Town	N/A	Short-term (0 - 4 years)	• City Annual Operating Budget

* May require new tax revenue sources to be budgeted

Section 6 – Mobility, Connectivity and Accessibility (Continued)

Goal Statement: The City of Charles Town will be a highly accessible community for citizens of all ages, abilities, and incomes by providing efficient multimodal (pedestrian, bicycle, transit and vehicular) connections with Downtown Charles Town, and between and among its residential neighborhoods and local and regional commercial centers.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
6.6 – Continue to support and increase City residents’ access to public transportation services.	6.5.1 – Secure conservation easements to protect and preserve priority greenways, open spaces, and green infrastructure as identified and supported by <i>Historically Hip Charles Town 2040 Comprehensive Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Property Owners West Virginia Land Trust 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> West Virginia Land Trust Land and Water Conservation Fund
	6.6.1 – Collaborate with EPTA to identify new transit stops within the City and ensure all existing and future transit bus stops are ADA accessible.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> EPTA 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	6.6.2 – Ensure the City’s land development regulations include appropriate standards for the placement and construction of transit bus stops and shelters.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> EPTA 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	6.6.3 – Continuously consult EPTA on all initiatives pertaining to public transportation service initiatives within the Charles Town and Ranson service area. This includes communicating the City’s Future Land Use Plan to EPTA to ensure the information is appropriately considered for the Authority’s Five-Year Transit Development Plan (TDP) update. Additionally, the City should ensure that all major subdivision and land development plan applicants are required to consult EPTA on bus transit facilities and accessibility improvements within the proposed development project.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> EPTA Private Developers 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
6.6.4 – Commission a feasibility study to determine the viability of creating a MARC station stop in Downtown Charles Town via the existing CSX line between Charles Town/Ranson and Harpers Ferry.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> HEPMPO Eastern Panhandle Regional Planning and Development Council (Region 9) CSX MARC 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> HEPMPO Technical Assistance Region 9 Technical Assistance 	

Section 7 – Image and Identity

Goal Statement: The City of Charles Town will protect, enhance and reinforce its historic, small town character and “sense of place” through high quality urban design and development standards that protect existing assets and investments, and create great new places by building vibrant, enduring neighborhoods that people of all ages and abilities want to live, work and play.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
7.1 – Improve the quality of new development and ensure it is compatible with existing neighborhoods relative to their form, design and function.	7.1.1 – Utilize the SmartCode to create a form-based overlay zoning district to ensure the Future Land Use Plan and the concepts of the Urban to Rural Transect and New Community Types envisioned therein are achieved.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget
7.2 – Protect and enhance the visual qualities of Charles Town’s streetscapes and public spaces.	7.2.1 – Partner with Charles Town Now to promote clean streets and sidewalks, properly designed signage, facade improvements, placemaking, art and beautification projects to present an appealing image to residents, visitors, tenants and investors.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Now Property owners 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget Charles Town Now
	7.2.2 – Continue to support and work with the Dolley Madison Garden Club to expand upon the City’s landscaping and flower garden initiatives within the Downtown and Gateways. Begin by identifying locations for new and improved landscaping and flower bed plantings along with appropriate signage welcoming residents and visitors to Charles Town.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Charles Town Dolley Madison Garden Club 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
7.3 – Support the preservation of historic buildings throughout the City and its Urban Growth Boundary.	7.3.1 – Expand the City’s current Historic Districts and Historic Overlay District within the Old Town areas to protect and preserve additional historic resources.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	7.3.2 – Implement appropriate regulations and standards to preserve historic buildings and properties located within the City’s undeveloped areas that often include historic homestead and farmstead properties and buildings. Such properties and buildings should be protected from new development and/or integrated into the proposed land development plan.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> WV Archives and History Commission (State Historic Preservation Officer) 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget
7.4 – Improve the appearance of existing commercial facilities to revitalize existing businesses and stimulate the development of new business.	7.4.1 – Promote, encourage and incentivize the redevelopment of the Hill Dale shopping center into a vibrant new commercial mixed use center that is supportive of the West End neighborhood and Downtown revitalization. The mixed use center should serve as an additional hub and anchor connecting mixed use residential development with Downtown.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Jefferson County Hill Dale Shopping Center Owner 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget USDA Rural Business Enterprise Grant Capital Improvement Plan (CIP)* Small City Block Grant Fund Tax Increment Financing (TIF)
	7.4.2 – Promote, encourage and incentivize the redevelopment of the Somerset Village Shopping Plaza into a vibrant mixed use Town Center that is supportive of and integrated into new active living and professional office and institutional development as envisioned by the Comprehensive Plan.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Somerset Village Shopping Plaza Owner (i.e., Kentlands Foundation) 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget USDA Rural Business Enterprise Grant Capital Improvement Plan (CIP)*
	7.4.3 – Develop design review standards that are appropriate to the context of new developments in the Old Charles Town area not covered by a historic overlay district and new developments.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget

* May require new tax revenue sources to be budgeted

Section 8 – Quality Public Services

Goal Statement: The City of Charles Town will ensure the provision of quality and affordable public services to meet the health, safety and welfare needs of its residents and visitors.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
8.1 – Ensure the delivery of quality, adequate and affordable public water and sewer services through intergovernmental cooperation to support the City’s Future Land Use Plan and economic development objectives.	8.1.1 – Complete the consolidation of the Jefferson County Public Service District (PSD) and Ranson Public Service Districts into the Charles Town Utility Board.	<ul style="list-style-type: none"> Charles Town Utility Board 	<ul style="list-style-type: none"> City of Charles Town City of Ranson Sewer Department Jefferson County Public Service District Jefferson County Commission 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> Charles Town Utility Board Capital Budget
8.2 – Continue to provide a high quality and well-trained police force to meet the City’s law enforcement and protection needs.	8.2.1 – Communicate the Future Land Use Plan to the City’s Police Chief to ensure the Department is informed of future growth policies and that the implications of such policies are reflected in the Department’s budgeting and training programs.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Police Department 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	8.2.2 – Reevaluate the consolidation and cost efficiency recommendations outlined in the <i>2015 Cities of Charles Town and Ranson Collaboration Study</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget
8.3 – Support the City’s volunteer fire and emergency medical service providers’ to ensure their respective staffing and equipment capabilities are appropriately improved with the City’s growth.	8.3.1 – Continue to financially contribute to the local volunteer fire and emergency medical service (EMS) providers to help them maintain and meet their annual operating and capital equipment needs.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Citizens Fire Company Independent Fire Company 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	8.3.2 – Communicate the City’s Future Land Use Plan to the Jefferson County Emergency Services and City’s Police Chief to ensure both are well-informed of future growth policies and that the implications of such policies are reflected in the Department’s capital budgeting and training programs.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> JCESA City of Charles Town Police Department 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
8.4 – Promote the sustainability of the Charles Town Library to ensure its continued provision of quality museum and library services.	8.4.1 – Encourage the Charles Town Library Board to develop a strategic plan that includes a strategy for its financial sustainability. The plan should then serve as a blueprint for the City’s continued financial support of the Library’s services.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Charles Town Library Board 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
8.5 – Continue to provide diverse recreational programs and opportunities, quality facilities and open natural spaces that serve the needs of the City’s citizens and visitors.	8.5.1 – Develop a Citywide Parks and Recreation Master Plan that establishes specific park facility improvement and capital budgeting needs. The master plan should consider all City-owned facilities and identify future space needs based upon the Future Land Use Plan and any annexations.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Parks and Recreation 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> Capital Improvement Plan (CIP)*
	8.5.2 – Collaborate with the Jefferson County Parks and Recreation Commission to identify mutually beneficial, regional park facility improvements identified in the <i>2016 Jefferson County Parks Master Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Jefferson County Parks and Recreation Commission 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget

* May require new tax revenue sources to be budgeted

Section 8 – Quality Public Services (Continued)

Goal Statement: The City of Charles Town will ensure the provision of quality and affordable public services to meet the health, safety and welfare needs of its residents and visitors.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
8.6 – Continue to support the provision and delivery of quality public education services and increase access to vocational educational opportunities.	8.6.1 – Communicate the Comprehensive Plan to the Jefferson County Schools and advocate that the use of existing school facilities and new school facilities be maximized to support the accessibility to and connectivity with the City’s core urban neighborhoods. Vacating existing urban facility should be strongly discouraged.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Jefferson County Board of Education 	Mid-term (5 - 10 years)	City Annual Operating Budget

Section 9 – Environmental Stewardship

Goal Statement: Charles Town will promote the conservation of the City’s natural environment while supporting sustainable economic growth, development and redevelopment.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
9.1 – Assist Jefferson County with achieving targeted reductions in sediments and nutrients to achieve the West Virginia’s Chesapeake Bay Total Maximum Daily Load attainment goals	9.1.1 – Continue to enforce and administer the City’s Stormwater Management regulations to include the utilization of Best Management Practices (BMPs) and Low Impact Design (LID).	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Eastern Panhandle Regional Planning and Development Council (Region 9) Chesapeake Bay Technical Assistance 	Ongoing	<ul style="list-style-type: none"> City Annual Operating Budget
	9.1.2 – Consider creating a joint Stormwater Management Enforcement program with the City of Ranson in preparation for the cities’ future Municipal Separate Storm Sewer System (MS4) designations by West Virginia DEP and the U.S. Environmental Protection Agency. Such designations will require each City to develop and administer a comprehensive Stormwater Management Program pursuant to the requirements of their respective National Pollution Discharge Elimination System (NPDES) General Permit.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson Eastern Panhandle Regional Planning and Development Council (Region 9) Chesapeake Bay Technical Assistance 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	9.1.3 – Implement the recommendations of the 2011 Jefferson County Urban Tree Canopy Plan for the City of Charles Town.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Jefferson County Commission Eastern Panhandle Regional Planning and Development Commission (Region 9) Jefferson County Public Schools Cacapon Institute West Virginia Division of Forestry 	Mid-term (5 - 10 years)	<ul style="list-style-type: none"> City Annual Operating Budget National Fish and Wildlife Foundation

Section 9 – Environmental Stewardship (Continued)

Goal Statement: Charles Town will promote the conservation of the City’s natural environment while supporting sustainable economic growth, development and redevelopment.

Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
9.2 – Continue to implement the City of Charles Town’s joint Brownfield reclamation and redevelopment efforts with the City of Ranson.	9.2.1 – Continue to advance the implementation of the “Charles Town West End & Evitts Run Creek Revitalization Plan” and achieve the ultimate revitalization program as detailed in the <i>Charles Town West End Revitalization Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson 	Long-term (11 - 20 years)	<ul style="list-style-type: none"> U.S. EPA Brownfield Revolving Loan Fund National Fish and Wildlife Foundation Private Sector
	9.2.2 – Implement the Branching In Native Nursery program as detailed in the <i>2017 Feasibility Study and Business Plan</i> .	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Eastern Panhandle Regional Planning and Development Council (Region 9) 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City of Charles Town National Fish and Wildlife Foundation
	9.2.3 – Continue to examine locations that may be abandoned or blighted that qualify for brownfield reclamation.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson Eastern Panhandle Regional Planning and Development Council (Region 9) U.S. EPA 	Ongoing	<ul style="list-style-type: none"> U.S. EPA Brownfield Assessment Grant Eastern Panhandle Regional Planning and Development Commission (Region 9) Technical Assistance
	9.2.4 – Continue to monitor and as needed require remediation of leaking underground storage tanks.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> City of Ranson 	Ongoing	<ul style="list-style-type: none"> U.S. EPA Brownfield Revolving Loan Fund
9.3 – Protect the supply and quality of groundwater and surface water.	9.3.1 –Implement the recommendations outlined in the <i>2010 Source Water Protection Plan</i> .	<ul style="list-style-type: none"> Charles Town Utility Board 	<ul style="list-style-type: none"> City of Charles Town WV Department of Health and Human Services (DHHR) Ranson PSD Jefferson PSD Eastern Panhandle Regional Planning and Development County (Region 9) 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> WV DHHR Wellhead and Source Water Protection Grants

Section 9 – Environmental Stewardship (Continued)

Goal Statement: Charles Town will promote the conservation of the City’s natural environment while supporting sustainable economic growth, development and redevelopment.

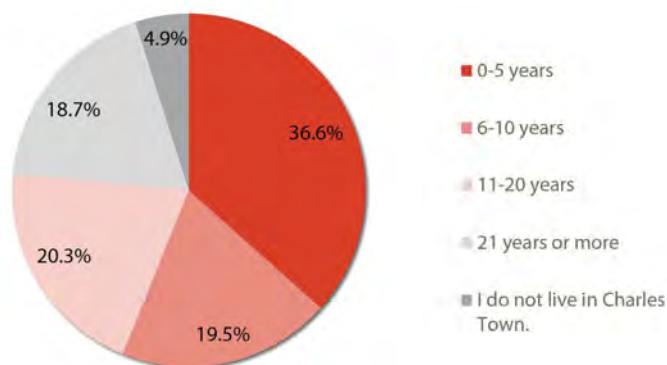
Objectives	Implementation Strategy(ies)	Lead Entity	Partner(s)	Timeframe	Funding Resource Opportunities
9.4 – Maximize the preservation of permanent natural areas within new developments.	9.4.1 – Review the <i>Charles Town Zoning Ordinance and Subdivision and Land Development Ordinance</i> to identify opportunities to incorporate conservation subdivision design principles and standards as recommended by published practitioner Randall Arndt (http://www.greenerprospects.com/PDFs/CSD_Overview.pdf).	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
	9.4.2 – Reactivate the Charles Town Tree Board.	<ul style="list-style-type: none"> City of Charles Town 	N/A	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget
9.5 – Preserve the City’s agricultural lands in coordination with the future land use map and objectives to strengthen the City’s urban agricultural opportunities and access to fresh foods.	9.5.1 – Collaborate with the Jefferson Growers Artisans Producers (GAP) Coalition to identify agricultural land owners that have an interest in participating in GAP to further support and promote locally grown and purchased foods. Identify and confirm these owners’ commitment to participating in GAP and determine if the property qualifies and merits being included in the Jefferson County Farmland Protection program.	<ul style="list-style-type: none"> City of Charles Town 	<ul style="list-style-type: none"> Jefferson Growers Artisans Producers (GAP) Coalition Private Property Owners 	Short-term (0 - 4 years)	<ul style="list-style-type: none"> City Annual Operating Budget

Appendix A: Public Survey Results

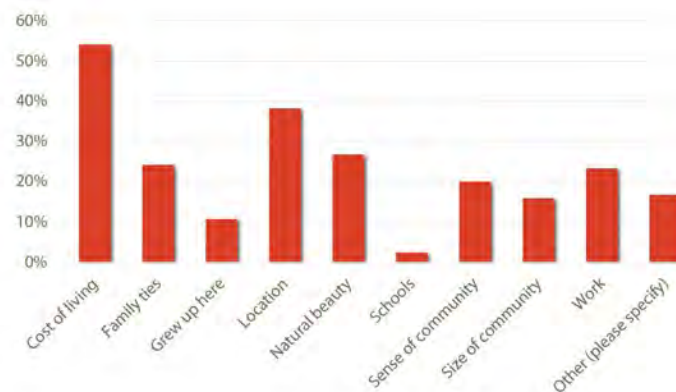
As part of the *Historically Hip 2040* update, the City prepared public surveys to gain broad input about specific community issues and concerns. Survey respondents were also tasked with sharing their ideas on what would make Downtown Charles Town a more desirable destination. The survey was available for one month, from October 2016 to November 2016, and the survey link was disseminated via multiple sources to Charles Town residents. Hard copy surveys were made available to those who did not want to use the online link. In total, 136 individuals completed the public survey.

The following pages provide a summary of the public survey responses by question.

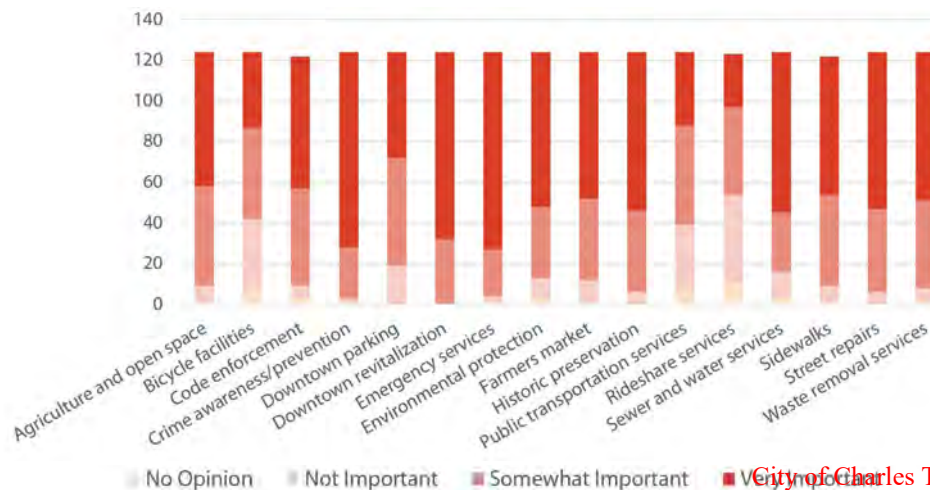
Q1: How long have you lived in Charles Town?



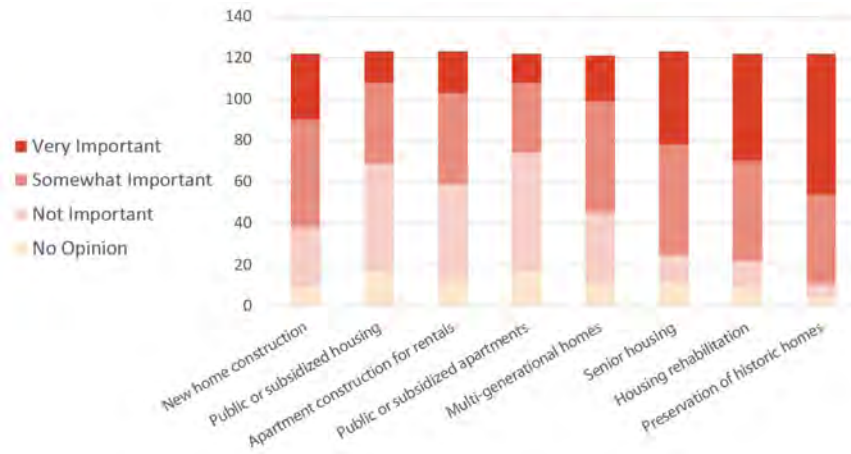
Q2: Why did you move to Charles Town?



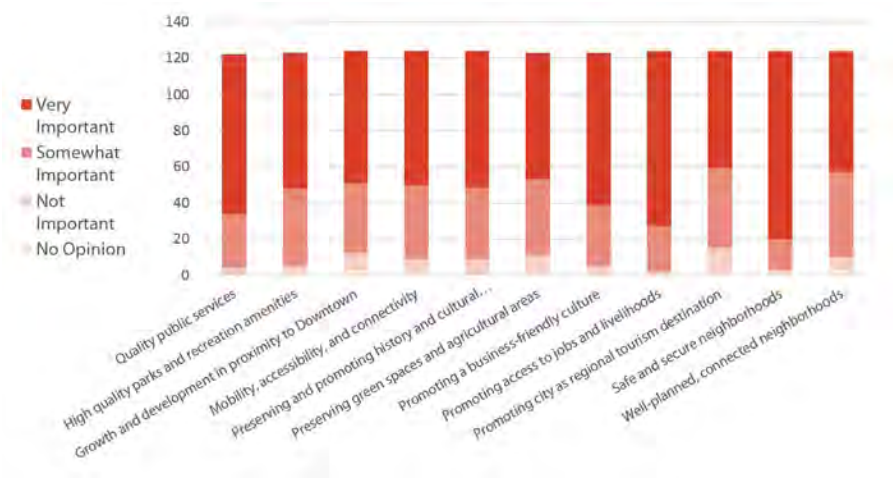
Q3: Importance of community facilities/services in Charles Town



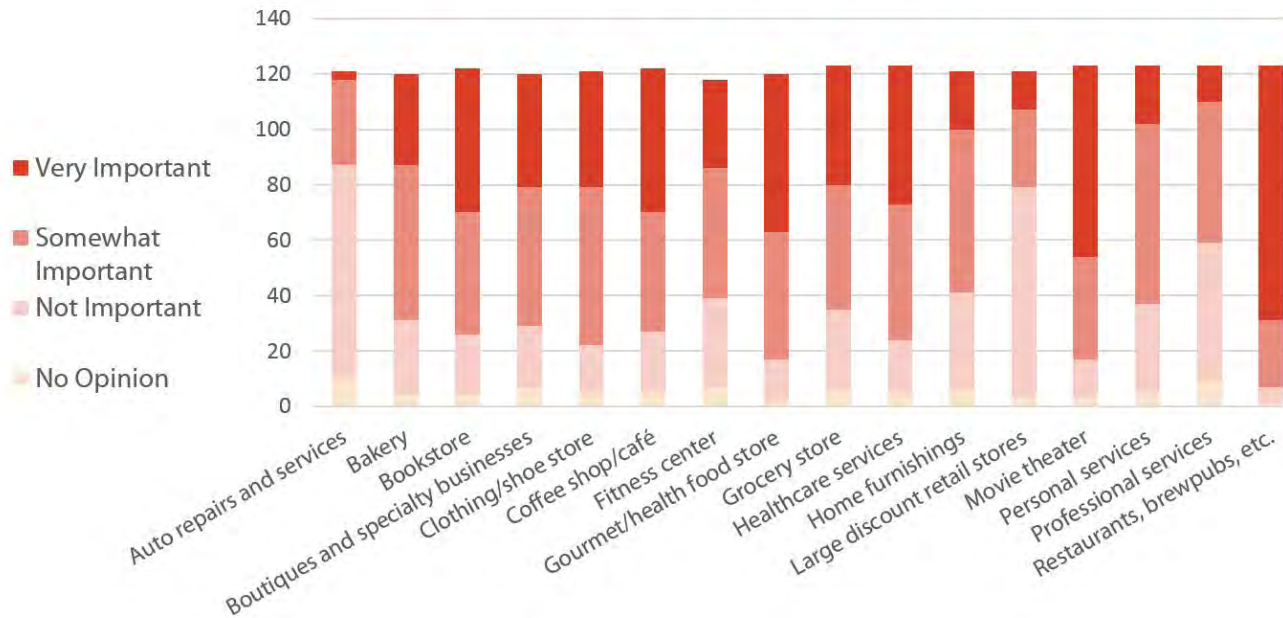
Q4: Housing needs in Charles Town



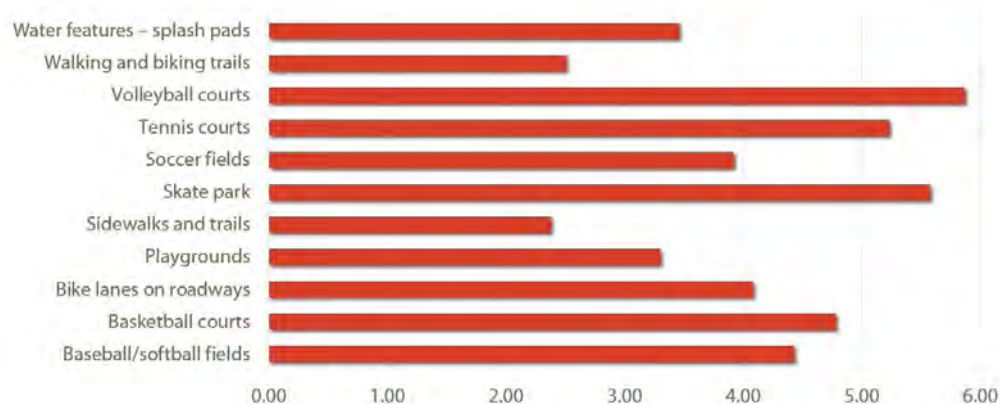
Q5: Importance of community planning initiatives



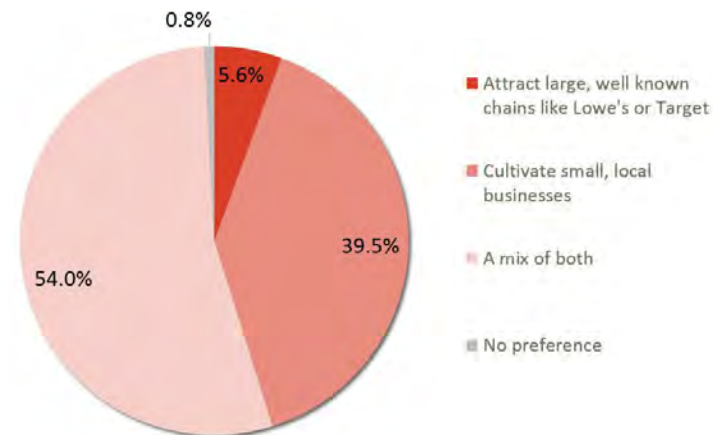
Q6: What kinds of businesses would you like to see more of in the City?



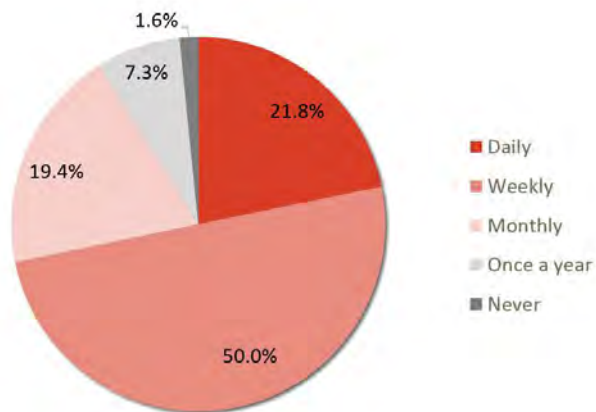
Q7: What are your top 5 recreation facilities and amenities?



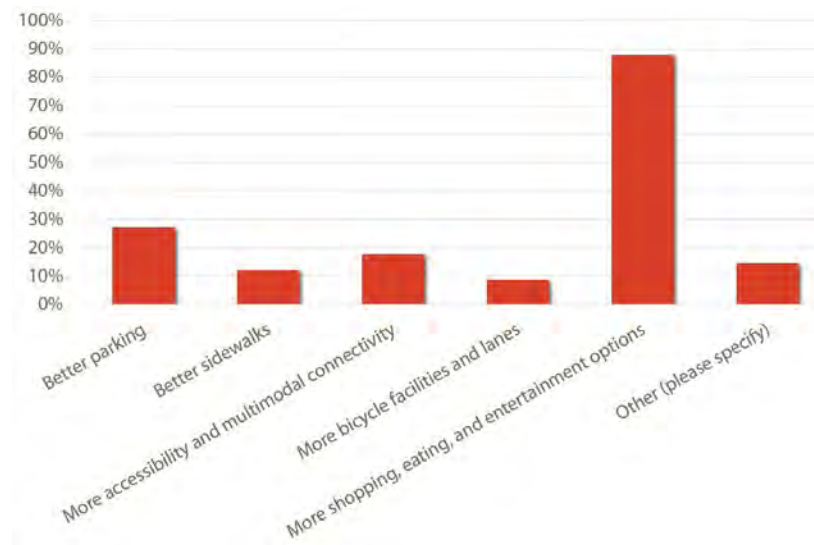
Q8: What type of commercial development would you like to see?



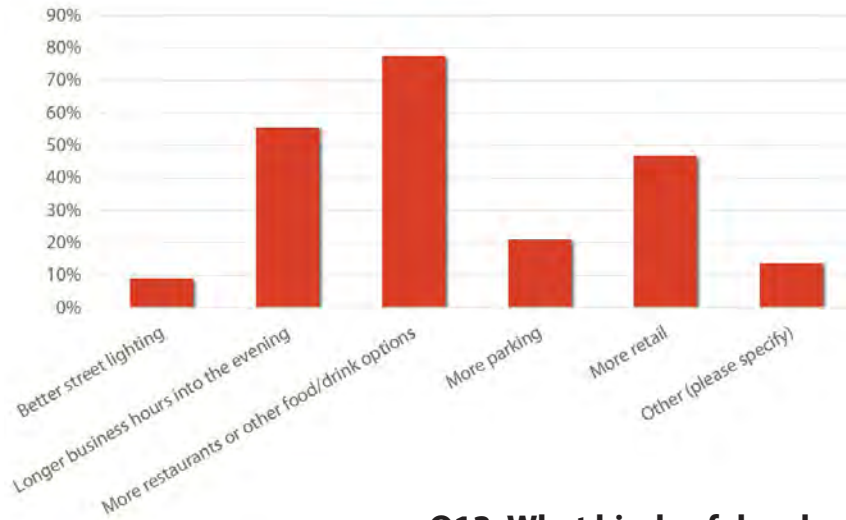
Q9: How often do you visit Downtown Charles Town?



Q10: What would increase your visitation to Downtown Charles Town?



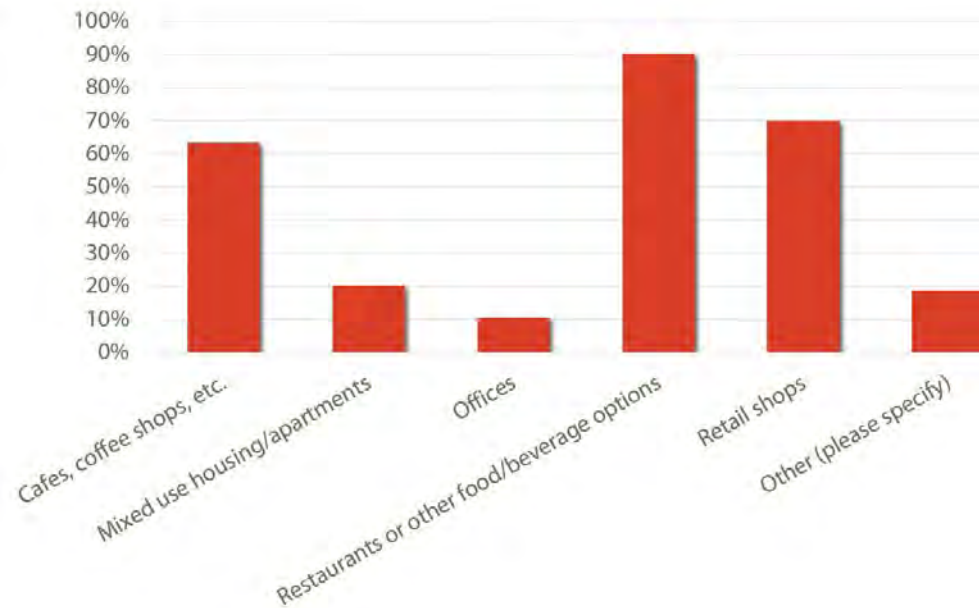
Q11: Would you be more likely to visit Downtown if it had...?



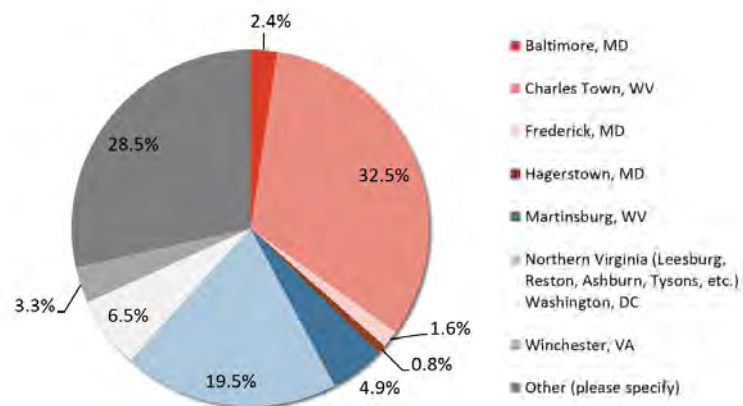
Q12: What is needed in Downtown to increase your interest and patronage?

- *Better support for small businesses*
- *Greater variety of dining and shopping options, including a movie theater and book store*
- *Cultural programs and arts education*
- *Festivals and music venues*
- *More parking*
- *Longer hours of operation, weekend hours*

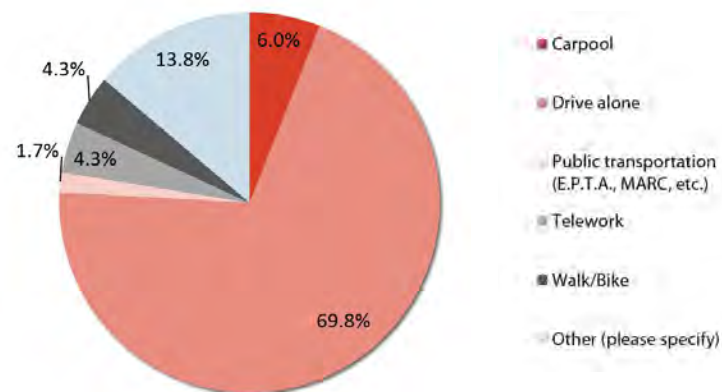
Q13: What kinds of development would you like to see Downtown?



Q14: Where do you work?



Q15: How do you travel to work?



Q16: What are your thoughts on the future of Charles Town in the next 10 - 20 years?

- *Heritage tourism and cultural activities*
- *Revitalization of older neighborhood*
- *Greater diversity of shops, restaurants, retail (especially for teens and young adults)*
- *Small, local businesses and boutiques*
- *More career-oriented jobs*
- *Family-friendly activities and destinations*
- *Public sculptures, public benches, public space where people can meet up and hang out*
- *Better/more extensive sidewalks*

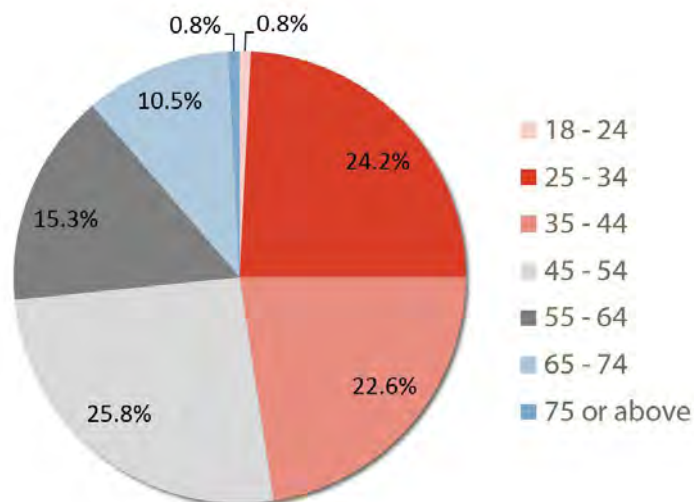
Q17: What do you think are the City's greatest challenges?

- *Education*
- *Job creation*
- *Attracting new/younger residents*
- *Heroin epidemic*
- *Insufficient infrastructure (natural gas lines, cell phone service, public restrooms)*
- *Preserving Charles Town's small-town character*
- *Excessively high lease rates that deter new businesses*
- *Lack of cooperation with Ranson*
- *Vacant buildings*

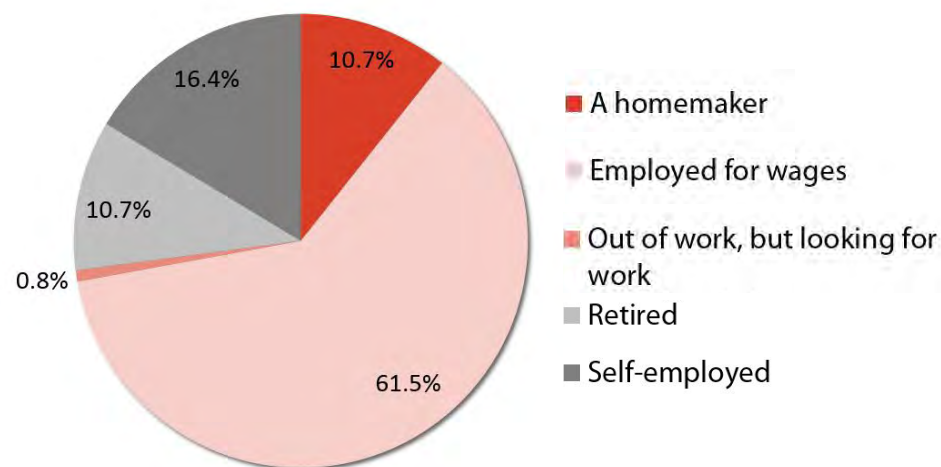
Q18: What do you think are the City's greatest strengths?

- *History and cultural heritage*
- *Beautiful historic architecture*
- *Natural beauty*
- *Proximity to larger cities*
- *Low cost of living*
- *Small-town charm*

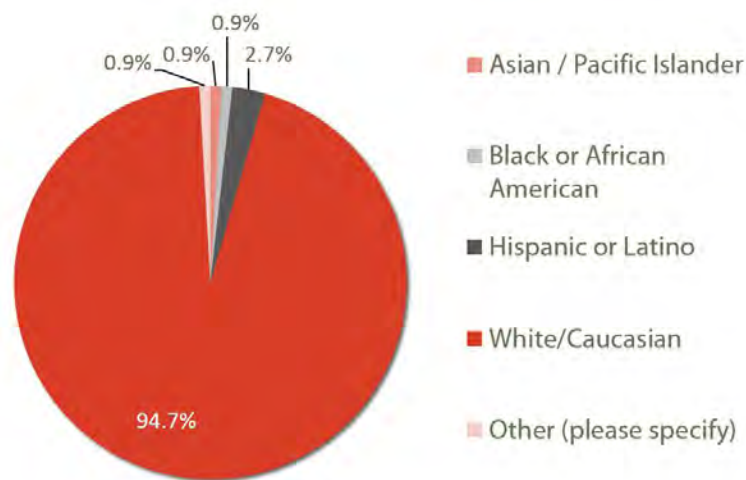
Q19: What is your age?



Q20: Are you currently...?



Q21: What is your ethnicity?



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Appendix B: Low Impact Development (LID) Approach

What is Low Impact Development (LID)?

LID is an alternative method of land development that seeks to maintain the natural hydrologic character of the site or region. The natural hydrology, or movement of water through a watershed, is shaped over centuries under location-specific conditions to form a balanced and efficient system. When hardened surfaces such as roads, parking lots, and rooftops are constructed, the movement of water is altered; in particular, the amount of runoff increases and infiltration decreases. This results in increased peak flow rate and volume, and pollution levels in stormwater runoff. LID designs with nature in mind: working with the natural landscape and hydrology to minimize these changes. LID accomplishes this through source control, retaining more water on the site where it falls, rather than using traditional methods of funneling water via pipes into local waterways. Both improved site design and specific management measures are utilized in LID designs. LID has been applied to government, residential, and commercial development and redevelopment, and has proven to be a cost-efficient and effective method for managing runoff and protecting the environment.

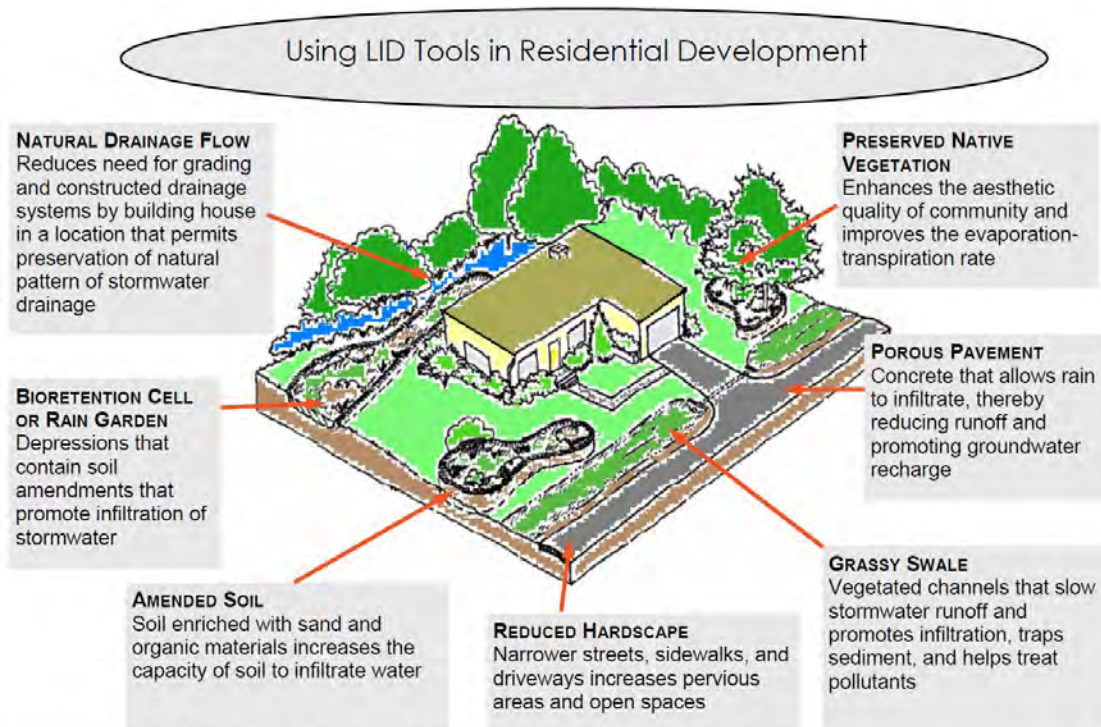


Diagram adapted from Prince George's County Maryland Low-Impact Development Design Strategies

City of Charles Town, Public Comment RE ZTA22-01

Traditional vs. LID Stormwater Management

Historically, in the U.S., the motto for stormwater management has been “**conveyance**,” move water away from the site where it falls as quickly and efficiently as possible. Traditional management tools include street gutters and curbs, pipes, and canals to remove water from the developed areas. To receive this increased volume, creeks and rivers are re-shaped and lined with concrete. Detention ponds, some with water quality filtration devices, regulate discharge to reduce peak flow impacts on receiving waters. For the most part, these practices reduce flood impacts, but do not completely address water quality, and aquatic and riparian habitat degradation issues.

In contrast with the traditional approaches, the guiding principle of low impact development approaches is not conveyance; it is “**source control and infiltration**”. LID techniques seek to maximize the area available for infiltration so that runoff volume and pollutant concentrations are reduced. This is achieved through a variety of site design and engineered infiltration techniques. Site design techniques include locating open spaces in low-lying areas to serve as a detention/retention basin and avoid development on permeable soils to promote infiltration and groundwater recharge. Engineered techniques include the use of grassy swales, bioretention cells, and porous pavement.

LID Benefits

Water Quality

- Contributes to groundwater recharge through infiltration
- Improves surface water quality
- Protects stream and lake quality from large volumes of polluted runoff

Meets Clean Water Act Requirements

- Source control reduces the pollutant level and volume of runoff entering a water body, complying with National Pollutant Discharge Elimination System (NPDES) and anti-degradation policy;
- This also aids in complying with 401 certification requirements

Flood Control

- Reduces frequency & severity of floods
- Reduces peak flow volume & velocity

Habitat Protection

- Preserves stream & riparian habitats
- Preserves regional trees & vegetation
- Reduces eroded sediment loading into streams & lakes

Community Value

- Increases aesthetics and recreational opportunities in protected riparian habitats
- Increases land value by having a cleaner environment
- Increases public/private collaborative partnerships

LID Challenges

Lack of Information

- Many municipal planners, consultants and the general public are unfamiliar with the benefits of LID practices and how to utilize them in different environments.

Inflexible Regulations/Ordinances

- Existing rules often lack the flexibility to implement LID solutions

Maintenance

- Some LID tools require maintenance by homeowners and local public works departments to function properly

Presence of Contaminants

- Use of filtration practices can threaten groundwater quality if high levels of soil contaminants are present.



Stormdrain leading to bioretention cell

Roof runoff drains to grassy swale

www.main.nc.us/riverlink/content/12chap/chap12.htm

Economic Issues

The **economic benefits** of LID include:

- Reduced costs of stormwater infrastructure, including curbs and gutters
- Reduced stormwater utility fees
- Increased land value
- Decreased spending on current and future environmental conservation programs

Specific cost savings vary on a case by case basis. There can be **additional costs**:

- Higher installation costs for certain soil types and gradients
- Increased landscape maintenance costs

Issue	Savings
Higher Lot Value	\$3000 more per lot
Lower Cost Per Lot	\$4800 less cost per lot
Enhanced Marketability	80% of lots sold in first year
Added Amenities	23.5 acres of green-space/parks
Recognition	National, state, and professional
Total Economic Benefit	Over \$2,200,000 added to profit

The above table, from **Gap Creek residential subdivision**, Sherwood, AR, illustrates the financial benefits of using LID methods. *Tyne & Associates, North Little Rock, AR*

Clay Soils/Limited Space

The combination of clay soils and small lot sizes can work well together. As clays are naturally less pervious, less engineering and land is required to achieve predevelopment infiltration rates. Use integrated stormwater management techniques, a combination of traditional and LID approaches. Significant stormwater runoff reduction can still be achieved.

Local Codes Aren't LID-friendly

Revise local codes & ordinances to support use of LID techniques. Check out the Center for Watershed Protection's website for suggested guidelines (www.cwp.org/COW_worksheet.htm).

Don't know what would work and where

Educate planning & public works staff. Numerous references are available on the use of LID in a variety of settings (see Online References).

Hercules has modified stormwater management guidelines that fit LID principles, city codes that allow administrative approval for LID projects, and limited street lengths.

Contra Costa incorporated LID measures into their Standard Urban Stormwater Management Plan (SUSMP) for new development (<http://www.cccleanwater.org/construction/nd.php>). **Sacramento**, likewise, is publishing their own design manual in Fall, 2006 that includes LID measures.

San Diego has new parking standards for intensive commercial zones that include smaller parking spaces and driveways, plus new guidelines requiring reduced imperviousness for parking spaces.

Santa Monica encourages LID by requiring that all new developments and substantial remodels submit an "Urban Runoff Mitigation Plan", and reduce projected runoff for the site by 20%. The city recommends LID technologies.

LID as a Re-design Strategy

Retrofit a Parking Lot to increase permeability. Over sixty-five percent of impervious areas are associated with “habitat for cars”. Using porous pavement in parking lots is a simple way to increase infiltration and reduce runoff. When the US Navy Yard in Washington, D.C. needed to repave its parking lot, they used porous pavers. They also added bioretention cells to the landscaped areas and disconnected downspouts. The re-design did not alter the amount of parking spots, but reduced peak runoff and pollution, thus protecting and helping to restore the Anacostia and Potomac Rivers and the Chesapeake Bay.



Porous pavement covers about 1/3 of each parking space in the D.C. Navy Yard parking



LID street design: vegetated swales, no curbs, and narrower streets promote infiltration of stormwater.

Alter street design to increase infiltration. In a landmark project in Seattle, the Street Edge Alternative or SEA project involved building vegetated swales, bioretention cells, and narrower streets without curbs to promote an effective drainage and filtration system. The system reduced peak runoff for the 2 year flood event by 98%, and is capable of conveying the 25 year flood event. The local watershed provides spawning habitat for endangered salmon. The project was so successful that similar ones are being planned throughout the city.

Replace lawns with rain gardens. Rain gardens are small bioretention cells landscaped with plants, trees, and grasses. They are a particularly good way for individual homeowners to enhance their landscaping while protecting water quality. By planting easy-care native wildflowers, hardy perennials and grasses, attractive gardens can be constructed that have the added environmental benefits. More information on rain gardens is available at: <http://www.healthylandscapes.org/raingarden.htm>. Information on plants compatible for use in a California rain garden is posted at: http://www.bbg.org/gar2/topics/design/2004sp_raingardens.html.



Rain garden in a small backyard that collects runoff from roof and patio.

LID as a Design Strategy

LID is more than a collection of engineered tools. It is a comprehensive design technique incorporating site planning and integrated management measures.

LID design principles include:

- Extensive site assessment of hydrology, topography, soils, vegetation and water features;
- Higher density, clustered housing, preserving open spaces to facilitate infiltration and protect habitats;
- Street layout that minimizes road length and width, calming traffic while allowing safe access of emergency vehicles.

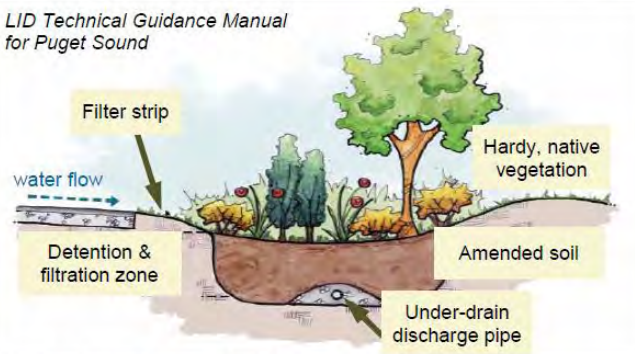
LID Technical Guidance Manual for Puget Sound



In this example, LID design reduces imperviousness by changing the cul-de-sac design, reducing street width and lot size, and instead clustering houses around common green spaces that also serve as infiltration sites and preserving natural features.

Examples of LID

LID Technical Guidance Manual for Puget Sound



Basic Components of a Bioretention Cell

To see how to engineer bioretention cells with the proper gradient and components visit:

www.lowimpactdevelopment.org/epa03/biospec.htm



Rain Gardens and grass swales between houses are used at Douglas Ranch, Granite Bay, CA to catch and filter runoff from roofs and driveways before entering a local stream.

Examples of LID



Curb Cuts permit stormwater to flow into grassy swales to reduce roadway contaminants that flow into nearby waterways. They can also be used in *existing* landscaped areas.



Hollywood Driveways have a dividing strip of grass in order to reduce the amount of impervious surface. Another way to reduce driveway space is to share one with a neighbor.

Online Resources

Low Impact Development Center
U.S. Environmental Protection Agency
Stormwater Manager's Resource Center
National NEMO Network
LID Urban Design Tools
National Association of Home Builders
California Stormwater Quality Association

www.lowimpactdevelopment.org
www.epa.gov/owow/nps/urban.html
www.stormwatercenter.net
www.nemonet.uconn.edu
www.lid-stormwater.net
www.toolbase.org/index-toolbase.asp
www.cabmphandbooks.com

Prepared by Office of Environmental Health Hazard Assessment & the California Water & Land Use Partnership (CA WALUP)
Written by E. Ruby & D. Gillespie, student interns, OEHHA. For more information contact Barbara Washburn: bwashburn@oehha.ca.gov.

CA WALUP is an educational program for land use decision makers addressing the relationship between land use and natural resource protection. The CA WALUP is a Charter Member of the National NEMO Network. CA WALUP website: <http://cawalup.usc.edu>



Zoning

From: Carol Rockwell <cdrockwell@hotmail.com>
Sent: Tuesday, May 10, 2022 7:36 AM
To: Zoning
Subject: Fw: ZTA-22-01
Attachments: ROCKWELL(2022).2TA-22-01.pdf

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.

ALEX, enclosed are my comments on the solar zta, your file #22-01, to be added to the agenda packet of the PC meeting on May 17th. Please acknowledge Thanks Doug Rockwell.

From: Rebecca Smith <yaya217smith@gmail.com>
Sent: Monday, May 9, 2022 8:43 PM
To: Carol Rockwell <cdrockwell@hotmail.com>
Subject: ZTA-22-01

ZTA-22-01
RECOMMENDATIONS, CHANGES AND ADDITIONS

Recommendations, changes and additions are made to the proposed amendment as set forth herein.

Section 8.20 Solar Energy Facilities

I Rewrite unnumbered paragraphs as follows:

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the County Zoning Map. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

All projects shall submit a Concept Plan in accordance with the requirements listed below under subsection B. For projects processing as a Conditional Use, only a conference on the Concept Plan, with the developer, zoning administrator, and adjoining property owners and citizens, is required and shall be held before an application is filed. For projects located both inside and outside of the UGB/PGA areas, the Concept Plan may process in two phases if requested by the developer.

Should the Board issue a Conditional Use Permit, a full-buildout of the entire Solar Energy Facility project must be submitted before a zoning certificate will issue.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

II Amend as follows:

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the County Zoning Map shall process as a Conditional Use in accordance with Article 6. In addition to the general standards set forth in Section 6.3, the Board of Zoning Appeals, when considering a request in the Rural District, must determine if the facility is agriculturally and rurally compatible in scale and intensity, poses no threat to public health, safety and welfare, and helps to preserve farmland and open spaces and continued agricultural operations.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:

- a. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
 - b. A Concept Plan in accordance with paragraph B hereof.
 - c. A sketch depicting, in detail, the location and layout of the proposed project, including the panel arrays and accessory components and the distance thereof from the external property lines and road rights of way. The location of each proposed Solar Panel is not required.
 - d. A Storm Water Management Plan, if required, showing retention panels and grading requirements, if any.
 - e. A listing of the uses on the adjoining properties, including any Category I and II Historic Resources.
3. Delete existing paragraph 3.

III Insert in Paragraph B.1 as follows:

- e. A Storm Water Management Plan, if required, showing retention pond and grading requirements, if any.

IV Rewrite Paragraph C

C. Setbacks, Landscaping and Buffer Standards for a Solar Energy Facility

1. A Solar Energy Facility occupying multiple adjacent properties under the same ownership or the subject of leases by the same ownership shall be considered one property for the purposes of Setbacks, Landscaping and Buffer standards. Internal boundary lines on adjacent properties under the same ownership or lease by the same entity are not subject to the setback or buffer requirements provided below.
2. Setbacks
 - a. A Solar Energy Facility shall be at least 150 feet from all external/perimeter property lines and from the edge of the State right of way or easement of any State road. Notwithstanding the above limitation, any accessory component of a facility may be placed underground within the 150 feet.

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

3. Landscaping and Buffer Standards

a. A landscape buffer of one hundred fifty (150) feet is required from all exterior property lines and road rights-of-way to a solar energy facility. The landscape buffer shall include a vegetation ground cover and, as an opaque screen, two rows of evergreen trees to serve as a barrier to visibility, airborne particles, glare, or noise. At the time of planting, the evergreen trees in the first row shall be at least six (6) feet in height and in the second row shall be at least ten (10) feet in height and all shall be likely to reach twenty (20) feet or more at maturity. Alternatively, an existing mature woodlands of at least fifty (50) feet in width may be allowed in lieu of a planted buffer if it provides a screen as aforesaid as determined by the zoning administrator. This requirement shall be in addition to the Standard Details M52, M53, or M54.

b. Except in the Residential Growth and Rural Districts, an opaque fence, at least eight feet high may be used in lieu of evergreen trees. In the Residential Growth and Rural Districts, with written consent of adjoining property owners, an opaque fence eight feet high along the side and rear property lines may be used in lieu of evergreen trees.

c. The buffer screen or opaque fence shall be placed anywhere within the last fifty (50) feet of the buffer area. Existing natural vegetation may be used in lieu of planted vegetation as a ground cover.

d. No parking shall be allowed in the buffer areas after completion of construction.

V. Add in Paragraph D “Conditional Use Permit” after Concept Plan.

VI. Add the following:

F. General Requirements.

14. Following the Conditional Use process, a solar energy facility in the Rural District should locate on parcels of land in existence as of July, 2021, which are in proximity (500 feet) of an electric transmission line, existing or replacement, with a capacity of 138 KV or greater or an existing substation. If said facility wishes to locate on a parcel of land not in existence as of July 2021 or is not in proximity to an aforesaid electric transmission line, then it shall occupy no more than fifty percent (50%) of said parcel notwithstanding the size of said parcel. Transfer of development rights between parcels of land which existed

before July 2021 are permitted if the parcels are contiguous and owned by the same individual or entity.

15. The total acreage of land in Jefferson County approved for the use of solar energy facilities shall not exceed Five Thousand Five Hundred (5,500) acres, at any one time.
16. The zoning certificate for a solar energy facility shall terminate upon abandonment for six (6) months or decommissioning, provided that nothing contained herein shall be construed to prevent a facility from maintaining, repairing, expanding or replacing its panels or components. Upon termination, lands in the present Rural District on which said facility is located shall revert to allowed agricultural uses.
17. Before issuance of a zoning certificate, adequate bonding and insurance shall be required for all phases of all projects, including but not limited to: Stormwater Management Bond, Construction and Performance Bond, Landscape Maintenance Bond, and Liability Insurance. Proof of insurance coverage with liability limits of at least \$1,000,000 per occurrence and \$5,000,000 aggregate shall be provided to the County annually.
18. No solar energy facility shall be located on any property within a Category I or II Historical Resources site. Screening and buffering adjacent to those properties and the viewshed thereof shall be required upon a determination by the zoning administrator that the use would have a direct negative visual impact.
19. Before issuance of a zoning certificate or permit, a solar panel specification disclosure, including composition, toxicological information and physical and chemical properties, shall be provided.
20. No panel or component containing an element or compound considered carcinogenic by OSHA or the EPA is permitted in any solar energy facility.
21. Noise abatement is required during construction, operations and decommissioning of all solar energy facilities.
22. Except for transmission support lines, installed solar panels, storage units, transformers and related structures shall not exceed fifteen (15) feet in height.
23. A minimum distance of four (4) feet between solar panel arrays measured from solar panel to solar panel is required.
24. To prevent sprawl each solar energy facility shall be a minimum of one (1) mile from another solar energy facility.
25. Wildlife corridors shall be provided by solar energy facilities occupying more than 300

acres.

NOTES

Why have a Concept Plan process after a CUP has been granted by the BZA? PC can not modify a CUP! This is why more details of a facility are required with an application for a CUP.

Rewrite D - insert "or a CUP" after Plan.

Replace General Requirement #12 with #16

Requirement #13 is weak - change 60 to 30 days

Sec 6.2 Variances are available from terms of this ZTA

In your proposed setbacks, you should use Category I and II, Historic Resources so as to be consistent with Section 6.3.

JACKSONKELLY^{PLLC}

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Direct Dial No.: 304-340-1381

May 10, 2022

VIA ELECTRONIC MAIL

R. Michael Shepp, President
Jefferson County Planning Commission
P.O. Box 716
Charles Town, WV. 25414
planningdepartment@jeffersoncountywv.org

Dear Mr. Shepp:

On behalf of Wild Hill Solar, LLC, we submit the following information and materials on the draft of ZTA22-01, Zoning Ordinance Text Amendment to create provisions to allow solar energy facilities in Jefferson County. We ask that these materials be included in the Planning Commission's agenda packets for the May 17 hearing.

First, attached are proposed revisions to the Ordinance that we believe can simplify and provide more flexibility to both the project proponents and County officials in reviewing Concept Plans for projects that may straddle or cross Preferred Growth Area or Urban Growth Boundary. The proposal would allow concurrent review of the portions considered Principal Permitted Uses and those portions requiring a Conditional Use Permit.

Second, we understand that officials with the City of Charles Town may request that the County Commission revise the proposed Amendment to require that even those portions of projects located within Urban Growth Boundaries be required to obtain a Conditional Use Permit. As drafted, the Amendment provides that those portions of projects located inside the Preferred Growth Area and Urban Growth Boundary would be considered Principal Permitted Uses, while projects located in the rural zoning district outside the Preferred Growth Area and Urban Growth Boundary must obtain a Conditional Use Permit.

While Wild Hill appreciates the City's apparent concern about the expansion of new uses within the Urban Growth Boundary, in reality the likely expansion of solar facilities will be limited to defined areas by a number of physical and economic constraints. Those constraints and areas were the subject of a prior report by Potesta and Associates entitled "Solar Power: Review of Existing Conditions and Services and Probable Future Changes in Jefferson County and Surrounding Counties. (Initially submitted to the Planning and Zoning Departments by email from Mr. Tim Ferguson with Potesta on November 30, 2021.) As that Report

R. Michael Shepp, President
May 10, 2022
Page 2

demonstrated, no more than 4.5 percent of the County meets those criteria, and relatively little of the Urban Growth Boundary is likely to be used for solar facilities.

In addition the County has already exhaustively considered and addressed this issue after weathering several lawsuits. Those claims were resolved in a settlement by which the challengers to an earlier Solar Text Amendment and the County agreed to pursue an amendment to the Comprehensive Plan. The proposed amendment required by the settlement and Court order approving the settlement proposed as an addition to the “Infrastructure and Technology Recommendations” section of the Plan a provision that would “enable the construction of renewable energy generation facilities by residents and and businesses, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use and outside of the Urban Growth Boundary and the Preferred Growth Area by the Conditional Use Permit process.” See *Rockwell v. Jefferson County Planning Commission*, No. CC-19-2022-C-6 (Agreed Order Dissolving Injunction, filed March 30, 2022) (discussing Comprehensive Plan, ¶ 8(a), p, 93). The County subsequently approved this change to the Comprehensive Plan.

Accordingly, the Comprehensive Plan now contemplates that solar facilities will be treated as Principal Permitted Uses in both the PGA and UGB. Respectfully, we suggest that a change to the draft Solar Text Amendment to require a Conditional Use Permit within those areas would render the Text Amendment inconsistent with the Comprehensive Plan in violation of W.Va. Code §8A-7-8 (requiring County Commission, with advice of Planning Commission, to find that zoning ordinance amendment is consistent with the Comprehensive Plan).

Sincerely yours,


ROBERT G. McLUSKY

RGM/sab
Enclosure

Photovoltaic Technology⁴¹ Materials and devices that absorb sunlight and convert it directly into electricity.

Solar Energy Facility⁴¹ 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.

Section 8.20 Solar Energy Facilities⁴¹

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

All projects shall process a Concept Plan in accordance with the requirements listed below under subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals (Board) approval.

For split projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process the areas separately or concurrently -in two phases, with one the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the other second phase processing a Conditional Use Permit for the area outside of the UGB/PGA areas. ~~to allow the Board to evaluate compatibility of the second phase outside of the UGB/PGA areas.~~ Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project. For applications processing split projects concurrently, the Concept Plan presented to the Planning Commission can include the entire area of the project including all phases regardless of the Conditional Use Permit status, provided that any Planning Commission action, whether before or after the action of the Board, is made subject to all the conditions of the Board in a Conditional Use Permit. It being the intent to allow the processing of only one Concept Plan for the entire area of both phases of a split project that is processing concurrently.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

A. Process for Solar Energy Facilities as a Conditional Use

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process as a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
 - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
 - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.

3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application for a Concept Plan, pursuant to the criteria listed below under subsection B.

B. Process for Solar Energy Facilities as a Principal Permitted Use

1. 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 Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:
 - a. Property or Properties Location
 - b. Access Points;
 - c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan.; and
 - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project. If a split project is processing concurrently, then the Concept Plan shall clearly identify which phase is subject to a Conditional Use Permit. If the Concept Plan is approved prior to the issuance of any Conditional Use Permit, the Planning Commission approval shall be subject to any conditions imposed by the Board. Once the Conditional Use Permit is approved, a revised Concept Plan shall be submitted to the Staff and shall only be subject to Administrative Approval by Staff provided it is consistent with both the approved Concept Plan and Conditional Use Permit.

2. Decommissioning Outline

- a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.
- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. 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".
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

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. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
- iii. 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 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.

3. Landscaping and Buffer Standards

- 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.

4. Security and Access

- a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten 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.

D. 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 and Decommissioning Bonds, 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.

E. 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.

F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, accept where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.
7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility 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 repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.

DRAFT

APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE^{23, 29, 32, 33, 35, 37, 39, 41}

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	
Solar Energy Facility ⁴¹	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
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.

Dear Members of the Planning Commission.

I understand Jefferson County has endured multiple lawsuits regarding solar facilities. However, settlements have been reached.

Please move forward and consider the following points:

- 1) Farmers deal with contracts on a regular basis, therefore additional or stricter requirements may be included within the contracts between the Lessee and the Lessor
- 2) Some projects will include properties that are within both the Growth and Non- Growth areas. Please allow these projects to be applied for and processed on a concurrent basis
- 3) Do not allow the Comprehensive Plan to punish our Farmers/Land Owners
- 4) Allow the Text Amendment to be a working document and give the Amendment some maneuverability to adjust, for future projects
- 5) Please review current verbiage of the Comprehensive Plan to identify if requesting Conditional Use Permits will violate any West Virginia code, such as 8A-7-8

Thank you for your time regarding this matter.

Respectfully submitted,
Jean Zigler Kotch



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Fax: (304) 728-8126

Planner's Memorandum
Planning Commission Meeting
May 17, 2022

1) Status of Engineering, Planning and Zoning County Offices Contact Information

The Department of Engineering, Planning and Zoning Mason Building is open to the public.

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) Upcoming PC meetings

Next Regular meeting: **June 14, 2022**

- Green Hill Major Residential Subdivision Concept Plan
- Ascension Church Site Plan Concept Plan
- Berryville Cell Tower Concept Plan
- Rock Ferry Lot 32 Final Plat Amendment