

# By order of the President of the Jefferson County Planning Commission, this meeting can be participated in in-person only. The meeting will be broadcast live via ZOOM.

<u>In-Person Meeting Location</u> :	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 Broadcast Information*:	Meeting ID: 884 2236 7545 Meeting Link: <u>https://us02web.zoom.us/j/88422367545</u>

\*If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.

- 1. Approval of Meeting Minutes: October 11, 2022
- 2. Request for postponement
- **3. Public Hearing:** Country Club Commons Waiver from Appendix B, Table 2.2-1, "Roadway Design Standards" of the Subdivision Regulations, which requires a 35' Minimum Turning Flare Radius at pavement edge; the applicant is requesting a 20' turning radii for the entrance drives. Property Owner/Applicant: B.C. Partners located at the E Corner of Route 340 and Route 24 (Country Club Road), Harpers Ferry, WV; Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential/Light Industrial/Commercial; PC File # 22-25-PCW.
- 4. Public Hearing (Postponed from 9/13/22 & 10/11/22): Country Club Commons Preliminary Plat to create four (4) non-residential lots and a public street for future commercial pad-users. Property Owner: B.C. Partners, Inc. Property Location: Vacant NE Corner of Route 24 and Route 340; Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential-Light Industrial-Commercial; PC File #19-17-SD.
- 5. Public Hearing (Continued from 10/11/22): Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. Property Owner/Applicant: Bobby and Nancy Jones; Property Location: 208 Turn One Drive, Summit Point, WV; Parcel ID: 06001700060006; Size: 16.26 ac; Zone: Rural; PC File #22-5-FPA.
- 6. Public Workshop: Concept Plan for the Rippon Solar Energy Facility. The applicant, Torch Clean Energy (Attn: Sam Gulland), is proposing a 99 MWac solar electric generating facility on approximately 878-acres. The project will consist of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities. The project site has existing high voltage power lines running through the property; PC File #22-15-SP.

# Property Owners/Location/ID/Size/Zoning District

• Stiles Family Partnership LLC; Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV; Parcel ID 06001100060001; Lot Size: 25.14 ac; Zone: Rural

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- Stiles Family Partnership LLC; Vacant parcel located north of 1337 Roper North Fork Rd, Charles Town, WV; Parcel ID 06001100060000; Lot Size: 115.8 ac; Zone: Rural
- Bullskin LLC, Property Owner; 673 Old Shennandale Rd, Charles Town WV; Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac; Zone: Rural
- Clarence E Hough Et Al; Vacant parcel located west of 957 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac/Project Size: 99.84 ac; Zone: Rural
- View Mountain Farm LLC; 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; Vacant parcel located east of 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; Vacant parcel located east of 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac; Zone: Rural
- Stanley W Jr & Katherine B Dunn; 1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27 ac; Zone: Rural
- 7. Public Workshop: Concept Plan for Sunnyside Major Residential Subdivision consisting resubdividing nine (9) existing commercial lots into 29 Single Family; Vacant Lots off Kanawha Lane.
  - Applicant/Property Owner: Sunnyside Investment LLC; Sunnyside Industrial Park, Lots 1-5, Vacant parcels located on Kanawha Lane, Charles Town, WV; Tax District: Kabletown (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5; Lots size: 33 (combined acreage); and
  - Applicant/Property Owner: Thomas Management Group Inc.; Sunnyside Industrial Park, Lots 8-11, Vacant parcels located on Kanawha Lane, Charles Town, WV; Tax District: Kabletown (06); Map: 12; Parcels: 12.8, 12.9, 12.10, 12.11; Lot size: ~20 (combined acreage); Zone: Residential-Light Industrial-Commercial. PC File # 22-27-SD.
- 8. Public Hearing: Julie Evans (Easement) Waiver from Section 21.402.D and 21.401 of the Subdivision Regulations to move the electric line into the easement. Property Owner/Applicant: Julie Evans/Preston Gillmore, 774 Bunkhouse Road, Kearneysville, WV; Parcel ID: 07000900010006; Size: 12 acres; Zone: Rural; PC File #22-24-PCW.
- **9. Public Hearing** Performance Auto Works, LLC Waiver from Sections 20.203.B.2 "Limited Site Plan" and 20.203.B.3 "Full Site Plan" of the Subdivision Regulations to allow for the construction of a 2,400 sq ft storage building and 3,700 sq ft of gravel area (6,100 sq ft disturbed area) without processing a Site Plan. Property Owner/Applicant: Performance Auto Works, LLC 8063 Leetown RD, Kearneysville; Parcel ID: 07001900190018; Size: 2.11 acres; Zone: Rural; PC File # 22-26-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.

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2022-C-85.
- 11. Planner's Memo
- 12. President's Report
- **13.** Actionable Correspondence
- 14. Non-Actionable Correspondence

### Meeting Minutes Jefferson County Planning Commission October 11, 2022

The Jefferson County Planning Commission met on October 11 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; Jack Hefestay; Donnie Fisher; and Ron Thomas. J. Ware was absent without notice and Shane Roper was absent with notice.

Staff members present included Jennifer Brockman, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, County Attorney; and Tanya Lyons, Planning Clerk.

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 Meeting Minutes: September 13, 2022

Please note this meeting had Audio/Video Issues and there is no recording for this month's meeting.

Mr. Shepp stated that the minutes stand approved without objection.

- 2. Request for postponement. Item #3 was postponed by the applicant until 11/15/22.
- **3. POSTPONED to November 15, 2022 Planning Commission Meeting Public Hearing:** Country Club Commons Preliminary Plat to create 4 non-residential lots and a public street for future commercial pad-users. Property Owner: B.C. Partners, Inc. Property Location: Vacant NE Corner of Route 24 and Route 340; Parcel ID: 04001100110000; Size: 9.54 acres; Zone: Residential-Light Industrial-Commercial; File: #19-17-SD.
- 4. **Public Hearing:** Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. Property Owner/Applicant: Bobby and Nancy Jones; Property Location: 208 Turn One Drive, Summit Point, WV; Parcel ID: 06001700060006; Size: 16.26 ac; Zoning District: Rural; File: #22-5-FPA.

Ms. Jennifer Brockman described the location of this property and provided an overview of the staff report, stating that this subdivision was processed when the Regulations required including a note that each parcel is restricted to one single family residence unless otherwise approved by the planning commission. The applicants are proposing the construction of a detached accessory dwelling unit for a family member. 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.

Mr. Shepp called the applicant up to speak. No representation was there on behalf of the Mr. and Mrs. Jones.

Mr. Shepp recommended that the Planning Commission move the request to the November 15 meeting, to be considered later in the meeting.

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5. Reconsideration of Waiver Request (based on a redesign provided by the applicant): Public Hearing: Request for waiver from Section 20.203B2 to waive a site plan requirement to allow a construction of a 1,274 square foot apartment building and a 300'+/- gravel driveway. Applicant/Property Owner: Susquehanna Properties LLC/Doug Porter; Property Location: 14956 Charles Town Rd, Charles Town; Tax District: Charles Town (02), Map: 0017, Parcel: 19; Size: 0.94 acres; Zoning District: Residential/Light Industrial/Commercial; File: #22-18-PCW.

Ms. Brockman provided an overview of the new design that Mr. Porter presented to Mr. Saunders for approval. Mr. Saunders reviewed what was submitted to the staff and agrees that it addresses the Planning Commission's concerns, but believes that it requires Planning Commission approval.

The applicant, Mr. Doug Porter, had nothing to add to staff comments

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

Mr. Shepp closed the Public Hearing.

Mr. Shepp made a motion to approve the waiver as revised; Mr. Fisher seconded the motion, which was approved unanimously.

Mr. Knott recused himself for Agenda Item # 6.

6. Public Hearing: Waiver request from Section 20.102.B to allow site grading to commence prior to site plan approval for the River Riders Snow Tube project. Property Owner/Applicant: Harpers Ferry Holdings, LLC; Property Location: 408 Alstadts Hill Rd., Harpers Ferry, WV; Tax District: Charles Town (04), Map: 9, Parcels: Parcels: 62, 63.1,61,70,72,75 63; Total Project Size: 15+- acres; Zoning District: Residential-Light Industrial-Commercial; File: #22-19-PCW.

Mrs. Brockman provided an overview of the proposed redline revision to the approved Site Plan and presented staff recommendations. She also noted that the owner informed the staff that they had become aware that the contractor had initiated the early grading work before the waiver has been presented to the commission and that the work had been stopped as soon as the owner found out. Mr. Saunders confirmed that the silt fence is in place and that the property owner has 7 - 14 days to seed and mulch the property.

Mr. Paul Raco, consultant for this project, provided an overview of the early grading waiver request and reiterated that the grading that had started prematurely had stopped and no further work had been done since that time.

Mr. Shepp opened the Public Hearing. The following member so the public spoke:

- Mr. Eric Sokel stated that he wants to make sure that his easement is protected from the developer's customers parking and the snow impacting his property stay off his property.
- Mr. Mark Grimes stated that he started River Riders and that he has no problem with the proposed tubing activity but that he is concerned about erosion and sedimentation control impacting his property.

Mr. Shepp closed the Public Hearing.

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Mr. Stolipher made a motion to approve the waiver as presented; Mr. Hefestay seconded the motion, which was approved unanimously.

Mr. Knott returned to the meeting.

Mr. Stolipher recused himself for Agenda Item # 7.

- 7. Public Hearing: Request for the following waivers:
  - **a.** Waiver request from Appendix B, Sec. 2.3.B.3 to increase the maximum two-way entrance width from 35' to 37' to accommodate tractor trailer movements for a proposed retail store (Dollar General).
  - **b.** Waiver request from Appendix B, Sec. 2.5.N to increase the maximum drive aisle width from 24' to 42' to accommodate tractor trailer movements for a proposed retail store (Dollar General).

Property Owner: Iris Wood. Applicant: A&R Development (Dollar General); Property Location: Mark Kramer Subdivision, Lot 2, Southwest corner of Amanda Ct. and Shepherdstown Pk., Harpers Ferry, WV; Parcel ID: 04001000110005; Size: 2.26 acres; Zoning District: Residential-Light Industrial-Commercial (22-20-PCW).

Ms. Brockman presented the two waiver requests related to the Harpers Ferry Dollar General Site Plan, providing the staff recommendations related to the wider entrance and drive aisle within the parking lot.

Mr. Rob Milne, Sr. Project Manager, and Mr. Rich Wright, Design Architect, with the Thrasher Group, represented the applicants and explained why the entrance should be wider off the main road as these trucks need a wider turn zone so that it does not impact the main traffic flow. An extra lane would not be possible either because people may think that it is a passing zone and cause more issues.

Mr. Shepp opened the Public Hearing. Mr. Baron Carlisle signed up to speak, but was not present when called. Mr. Shepp closed the Public Hearing

Mr. Fisher asked the staff why the County has a maximum width for entrances. Mr. Saunders responded that it is primarily for storm water management.

Mr. Hefestay made a motion to approve both waivers "a" and "b" as submitted; Mr. Knott seconded the motion, which carried unanimously.

Mr. Stolipher re-entered the meeting room.

- 8. Public Hearing: Waiver request from Section 21.101.A, which requires blocks to not exceed six lots in length on one side of the street, to allow a mixture of lot numbers along both sides of the streets for the proposed Stonecrest Subdivision (22-11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-21-PCW.
- **9. Public Hearing:** Waiver request from Section 21.104.A of the Subdivision Regulations to reduce the minimum lot width from 80' to 65' for the proposed Stonecrest Subdivision (22-

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11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-22-PCW.

Ms. Brockman recommended reviewing and hearing both Agenda Items #8 and #9 at once as they both related to the proposed Stonecrest Subdivision, but they will require separate action by the Planning Commission. Ms. Brockman provided an overview of the proposed subdivision and presented staff recommendations on both waiver requests, Agenda Item #'s 8 and 9.

Jason Gerhart, Integrity Federal Services (IFS), consultant on this project, stated that he did not have anything to add to Ms. Brockman's report.

Mr. Shepp opened the public hearing for Agenda Item # 8. There was no public comment. Mr. Shepp closed the public hearing for Agenda Item # 8.

Mr. Stolipher made a motion to approve Agenda Item #8, the block length waiver (22-21-PCW), as submitted; Mr. Knott seconded the motion, which carried unanimously.

Mr. Shepp opened the public hearing for Agenda Item # 9. There was no public comment. Mr. Shepp closed the public hearing for Agenda Item # 9.

Mr. Stolipher made a motion to approve Agenda Item #9, the lot width waiver (22-22-PCW), as submitted; Mr. Knott seconded the motion, which carried unanimously.

10. Public Hearing: Waiver request from Section 24.113.B.10, which requires Phase I archaeological study and a historic resources impact study to be included with the Preliminary Plat for the proposed Stonecrest Subdivision (22-11-SD). Property Owner: Flowing Springs Road, LLC; Applicant: DR Horton; Property Location: Flowing Springs Road, Charles Town, WV; Parcel ID: 02000300090000; Size: 104.98 acres; Zoning District: Residential Growth; File #22-23-PCW.

Ms. Brockman provided an overview of the request to waive the required archaeological study and a historic resources impact study with any Preliminary Plat and presented staff recommendations.

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

Mr. Stolipher made a motion to approve the archaeological study waiver (22-23-PCW) as submitted; Mr. Knott seconded the motion, which carried unanimously.

Mr. Shepp noted that, as the applicant was not in attendance, the Planning Commission needed to revisit the outstanding Agenda Item # 3, the Bobby and Nancy Jones Final Plat Amendment (#22-5-FPA). Mr. Knott made a motion to move the Jones Final Plat Amendment to the November 15, 2022 Planning Commission Meeting; Mr. Fisher seconded the motion, and it was approved unanimously. The staff was asked to contact the applicant regarding this action.

There is no public comment for the following items.

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### **11. Review and Approval:**

Planning Commission Calendar Year 2023 Meeting & Submission Dates

Ms. Brockman provided an overview of the proposed meeting and application calendar dates for the Calendar Year 2023, which needed to be approved, and posted on the website at this time for the January meeting. Mr. Knott made a motion to approve the calendar as submitted; Mr. Fisher seconded the motion and it carried unanimously.

# **12. Review and Approval:** 1<sup>st</sup> Quarter FY 2022-2023 Quarterly Report (*to be distributed at the meeting*).

Ms. Brockman provided an overview of the FY 2022-2023 1<sup>st</sup> quarter Quarterly Report which the Planning Commission is required to submit to the County Commission. Mr. Stolipher made a motion to approve the quarterly report as submitted to send on to the County Commission; Mr. Fisher seconded the motion, which carried unanimously.

### 13. Reports from Legal Counsel

a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109. Mr. Cochran

Mr. Cochran stated that this court case is at the WV Supreme Court.

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.

Mr. Cochran stated that this case involves a number of actions and pieces that need to be worked out before finalization.

c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: ZTA22-01 Solar Energy Facilities).

Mr. Cochran said that this case related to the language in the solar energy facility zoning ordinance text amendment.

d. Discuss and review Jefferson County Circuit Court Civil Action No. 2022-C-85. Regarding Cell Tower.

Mr. Cochran stated that this case related to an existing cell tower challenging the proposed new tower on US 340 South.

Mr. Nathan Cochran stated that he had legal advice to give on items a, c, and d and recommended moving legal counsel to the end of agenda, which was agreed to unanimously.

Mr. Shepp has asked if a project stops when a lawsuit is filed. Mr. Cochran stated that it has not stopped at this point and he does not know if it will have to be.

- **12. Planner's Memo** –Ms. Brockman reported that the County will be hiring of new planner for the purpose of developing the required 10 year update to *Envision Jefferson 2035 Comprehensive Plan* which will be on a future Planning Commission agenda.
- 13. President's Report Discussion regarding on zoom participation.

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The Planning Commission discussed and determined to allow future Planning Commission meetings to have Zoom participation only for commissioners when they cannot attend in person and to have Zoom video broadcast only for citizens to watch the meetings.

Mr. Louthan made a motion to allow public comment to be in person only and that zoom would be used for listening only and for PC Members use; Mr. Fisher seconded the motion, which carried unanimously.

### 14. Actionable Correspondence

### 15. Non-Actionable Correspondence

The Planning Commission entered into Executive Session at 7:52pm to get legal advice on Agenda Item #11, sub items a, c and d..

At 8:17 pm Mr. Knott made the motion to come out of Executive Session and Mr. Fisher seconded the motion, which carried unanimously.

Mr. Stolipher made a motion to adjourn the meeting; Mr. Fisher seconded the motion; which was carried unanimously.

The meeting was adjourned at 8:17 pm.

These minutes were prepared by Tanya Lyons Planning Clerk.

### Staff Report Jefferson County Planning Commission Meeting November 15 2022 B.C. Partners CCC (Fillet Radius) Waiver Requests (File #22-25-PCW)

Item # 3: Public Hearing: Country Club Commons Waiver from Appendix B, Table 2.2-1, "Roadway Design Standards" of the Subdivision Regulations, which requires a 35' Minimum Turning Flare Radius at pavement edge; the applicant is requesting a 20' turning radii for the entrance drives.

Owner/Applicant:	B.C. Partners, Inc. /Dan Snyder, P.E.		
Parcel Location and Information:	Northeast Corner of US 340 and WV 24, Old Country Club Road Parcel ID: 04001100110000; Combined Size: 9.54 ac; Zoning District: Residential-Light Industrial-Commercial (RLIC)		
Adjacent Zoning Districts:	North and West: Residential Growth East: Residential Growth & Residential-Light Industrial-Commercial (RLIC) South: Residential-Light Industrial-Commercial & General Commercial (CT)		
Proposed Activity:	4 Non-Residential Lots and a public street for future commercial pad users		
Approvals:	<ul> <li>02/11/20: PC approved the Country Club Commons Concept Plan (File 19-17-SD)</li> <li>03/08/22: PC approved the following waivers:</li> <li>Waiver of Section 24.113.B.10 that requires an Archaeological Survey for all Major Subdivision Preliminary Plats (File 22-2-PCW).</li> <li>Waiver of App B, Table 2.2-1 to reduce the required road width from 60' to 50'; to reduce the stopping sight distance from 235' to 207'; to reduce the horizontal curve radius from 300' to 200' and 175' (File 22-3-PCW).</li> <li>03/24/22: BZA approved variance from Section 8.9A.10 to modify the 50' landscape buffer (File 22-10-ZV)</li> <li>11/15/22: Country Club Commons Preliminary Plat Public Hearing - <i>pending</i></li> </ul>		

### Staff Report Jefferson County Planning Commission Meeting November 15 2022 B.C. Partners CCC (Fillet Radius) Waiver Requests (File #22-25-PCW)

### Summary of the Request:

One February 11, 2020, the Planning Commission approved the Country Club Commons Concept Plan for a Major Non-Residential Subdivision consisting of four (4) commercial lots and a public street for future commercial pad users. The development is proposed to have a Commercial Street with a full access to Old Country Club Road (WV24) and a proposed right-in access from US 340, a four-lane limited access highway.

On March 8, 2022, the Planning Commission approved the following waivers for this development:

- 22-2-PCW: Waiver of Section 24.113.B.10 that requires an Archaeological Survey for all Major Subdivision Preliminary Plats.
- 22-3-PCW: Waiver of Appendix B, Table 2.2-1, to reduce the required road width from 60' to 50'; to reduce the stopping sight distance from 235' to 207'; and, to reduce the horizontal curve radius from 300' to 200' and 175'.

On March 24, 2022, the Board of Zoning Appeals approved the following variance for this development:

• 22-10-ZV: Variance from Section 8.9A.10 to modify the 50' landscape buffer.

The applicant has submitted a request to waive Appendix B, Table 2.2-1 "Roadway Design Standards" of the Subdivision Regulations, as it relates to standards for Non-Residential / Industrial & Commercial Streets. The request is to reduce the required Turning Flare Radius 35' to 20'.

### **Engineering Staff Discussion/Recommendations:**

The applicant is requesting waiver to reduce the required Turning Flare Radius at the pavement edge from the required 35' found in Table 2.2-1 "Roadway Design Standards" (see attached) to 20' for the commercial entrance drives into each of the four proposed commercial lots.

A Turning Flare Radius (fillet radius) is the required curve radius at the intersection of two street for a vehicle to traverse from one street to another without encroaching into the adjacent lane.

The applicant is proposing a 12' enter lane and 12' exit lane for a total of 24' from curb to curb intersecting Granite Springs Drive with a turning flare radius of 20' instead of the required minimum 35'.

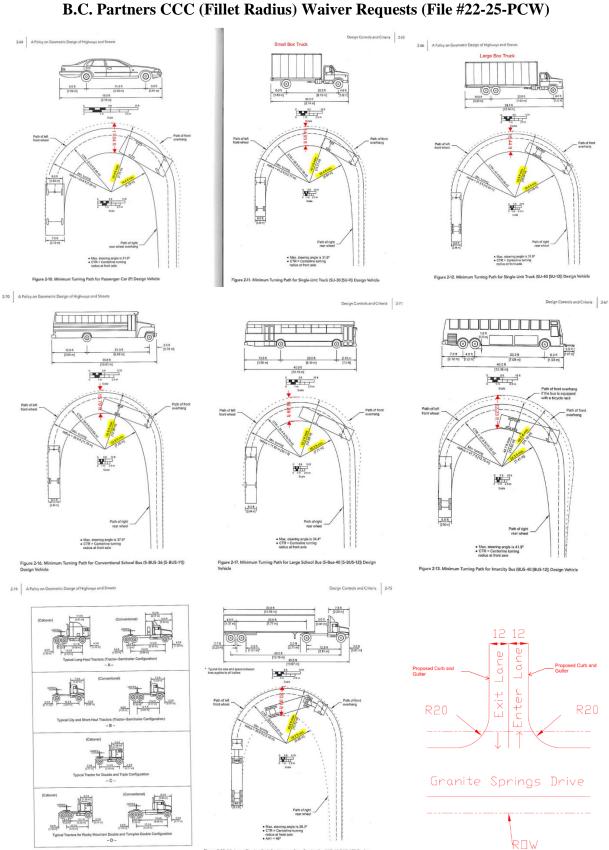
The Subdivision Regulations require a turning flare radius in these Sections:

- 1. 35' minimum turning flare radius for commercial subdivision in Table 2.5-1
- 2. 44' minimum turning flare radius for tractor trailer in Section 10.4 "Internal Vehicular Circulation & Parking" Subsection F.

The 35' minimum turning flare radius is for all uses and the 44' is required if tractor trailers are being proposed.

The American Association of State Highway and Transportation Officials "Policy on Geometric Design of Highways and Streets" manual – commonly referred to as the "Green Book" – provide direction under Section 2.8.2 Minimum Turning Paths of Design Vehicles. The Green Book provide figures from a passenger car to a semi-tractor trailer. These figures are excerpted below for your review. The maximum speed limit for these designs is 10 MPH. The green book refers to a turning flare radius as an inside turning radius from which the applicant is requesting a waiver.

From these figures, the radiuses of importance are the minimum inside turning radius and a maximum overhang radius. The minimum inside turning radius applies to what is being requested to be waived and the difference between the two will determine the width of the enter lane without encroaching into the exit lane.



r (WB-40 [WB-12]) Desig

Figure 2-22. I Vehicle

Figure 2-21. Lengths of Commonly Used Truck Tractors

# Staff Report Jefferson County Planning Commission Meeting November 15 2022 B.C. Partners CCC (Fillet Radius) Waiver Requests (File #22-25-PCW)

### B.C. Partners CCC (Fillet Radius) Waiver Requests (File #22-25-PCW)

For example, a passenger car require a minimum 14.4' inside turning radius and an enter lane width of 11', but a school bus would require a minimum 23.8' inside turning radius and an enter lane width of 15.8'. At the proposed 20' inside turning flare radius, a passenger car would be able to traverse the turn with no issue but the bus will need to encroach into the exit lane to traverse the turn even if the 20' radius was increased to 23.8'.

In design, an increase in the inside turning radius will decrease the enter lane width to keep from encroaching into the exit lane and vice versa. The anticipated vehicular use will determine which inside turning radius is appropriate.

Since the lots do not specify what the anticipated use will be, a determination of the exact inside turning radius cannot be determine at this time.

As for the example of the Brunswick Crossing design, it is not clear if this is another community's design standard or a constraint that resulted in a 20' inside turning radius. The government agency involved in reviewing that project may be assuming that there is minimum risk in allowing a vehicle larger than a passenger vehicle to encroach into the adjacent lane.

As for the entrances to the lots themselves for the proposed Country Club Commons development, it appears that a 35' inside turning radius can be achieved because there is no physical constrain prohibiting it. Once the sites are developed, there may be some prohibiting factor that may warrant a reduction in the inside turning radius or the proposed use may require a larger radius than 20' at that time.

### **Staff Recommendation:**

The Engineering staff recommends denial of this waiver request and recommends that the entrances be installed at the Site Plan phase for each lot, because the final use will be used to determine the proper inside turning radius. If the applicant is inclined to install the entrances at this time, Engineering would recommend that the minimum 35' inside turning radius be installed, because new development should meet the minimum criteria if possible.

If the Planning Commission is inclined to approve this waive, please specify the minimum vehicle for which the project is to be designed: passenger car, school bus, small or larger box truck, tractor trailer etc. The project engineer should to provide documentation that the proposed vehicle can traverse the right turn without encroaching into the exit lane. Again, a 20' inside turning radius will only accommodate a passenger car without any encroachment into the exit lane.

### Waiver Requirements (submitted 11/10/22):

The applicant provided 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:

- 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.

# B.C. Partners CCC (Fillet Radius) Waiver Requests (File #22-25-PCW)

# Section of Regulations under Consideration:

Table 2.2-1					
	Roadway Design Standards <sup>4</sup>				
	Residential Local	Residential Local	Residential	N	
	Street Maximum	Street	Collector Street	Non-Residential/	
	12 Lot	(Max. 25 lots	(Greater than 25	Industrial &	
	Subdivision	or units)	lots or units)	Commercial Street	
ADT	N/A	< or = to 200	>200	N/A	
Minimum Turn Lane Width		-	12'	12'	
Minimum Horizontal Curve	100'	100'	150'	300'	
Radius		100		200	
Minimum Turning Flare	30'	30'	30'	35'	
Radius at pavement edge	100'	100'	175'	235'	
Stopping sight distance					
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G	
		rade may be 0.50% if 1			
Maximum Road Grade		pezoidal road drainage		0.09/	
Maximum Road Grade	10%	9.0%	9.0%	9.0%	
Subdivision Internal	80/	20/	60/	60/	
	8%	8%	6%	6%	
Approach Grade	201	202	22'	261	
Pavement Width	20'	20' Bituminous	22' Bituminous	26'	
Design of the test of test	6" Depth Crusher			Bituminous	
Pavement Surface Type	Run Stone	Asphalt	Asphalt	Asphalt	
Devenue of an and a loss of	2/02 0	(per std. detail)	(per std. detail)	(per std. detail)	
Pavement cross slope Shoulder Width	3/8" per ft.	3/8" per ft.	3/8" per ft. 3'	3/8" per ft. 4'	
Shoulder width		5	5	4	
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-	
Shoulder cross slope	3⁄4" per ft.	3⁄4" per ft.	3⁄4" per ft.	-	
Ditch depth	1.5'	1.5'	1.5'	-	
Ditch slope in:	4:1	4:1	4:1	-	
Ditch slope out:	2:1	2:1	2:1	-	
Ditch Line Treatment	Per Storn	nwater Management R	egulations	-	
Minimum Road R.O.W. Width	50'	50'	50'	60'	
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'	
Cul-de-sac pavement radius	-	50'	50'	50'	
Cul-de-sac R.O.W. Fillet		251	251		
Radius		25'	25'	30'	
Hammer Head or "Y"	Yes	No	No	No	
Turnaround Allowed	(see std. detail)	INO	INO	INO	
Subdivision Roadway	20'x25'x2-1/2"			25'x6" WWF	
Entrance Apron (from edge	Bituminous	-	-	Reinforced 3,000 psi	
of existing road).	Asphalt Surface			Portland Cement Conc	
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb or edge of roadway.	

From:	Paul Raco
То:	Jonathan Saunders; Jennifer Brockman; Alexandra Beaulieu
Cc:	Planning Department
Subject:	Traffic Calming Strategies for Country Club Commons" Fillet Radii Waiver Supplemental Info requested by Jonathan
Date:	Thursday, November 10, 2022 3:07:00 PM
Attachments:	image007.png image008.png image009.png image010.png image011.png

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

Thanks again for meeting with us today regarding Country Club Commons' SWM and Fillet Radius' Waiver.

Per your request, please see below email regarding the Traffic Calming effect of a smaller Fillet Radius. Hopefully, this can be included in your recommendation and be provided to the PC in their packets.

Thanks again, Paul

------ Forwarded message ------From: **Mike Wiley** Date: Thu, Nov 10, 2022 at 1:18 PM Subject: Traffic Calming Strategies To: Dan Snyder Cc: <u>pjraco.consulting@gmail.com</u>, Robert Barrick

For Submission to PC Per Jonathan's request today:

The Developer of Country Club Commons intends to establish a neighborhood-retail level commercial development that provides pedestrian-friendly site access to the proposed lots. One of the primary design intentions is to maintain low vehicular speed within this compact development. One of the means by which to accomplish this goal is through the use of curvilinear, narrow streets, roundabouts, and as narrow as practicable site access points. The latter is typically accomplished through a long-established traffic calming strategy – the use of reduced entrance corner radii.

Many established agencies and industry organizations have readily acknowledged and encourage the use of traffic calming measures to reduce the travel speed of vehicles in needed areas of a residential and commercial projects.

Most notably, the Federal Highway Administration

### (<u>https://safety.fhwa.dot.gov/ped\_bike/univcourse/pdf/swless11.pdf</u>) indicates:

### **Corner Radius Treatment**

Corner radii of intersection curbs are reduced, forcing turning vehicles to slow down. Efforts to accommodate trucks and other large vehicles have historically led to increased corner radii at intersections.

The following results have been observed:

- Large vehicles (trucks, vans, etc.) turn the corners easily.
- Other vehicles turn faster than with a reduced radius corner.
- Pedestrian crossing distances are increased by up to 4 feet, depending on the radius.
- Pedestrian safety is decreased, due to higher speeds.
- The sharper turns that result from the reduced radii require motorists to reduce speed, increasing the time available to detect and take appropriate actions related to pedestrians at the crossing.

### Advantage:

 Can result in increased safety for pedestrians by reducing crossing distances and slowing the speed of turning vehicles.

### Disadvantages:

 May result in wide swings in turning movements of large vehicles.

# Also, the Project for Public Spaces (<u>https://www.pps.org/article/livememtraffic</u>) recognizes the use of reduced radii as follows:

### 9. TIGHT CORNER CURBS

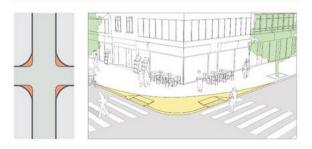
The longer the radius of a curve, the faster a vehicle can move around that curve - as many pedestrian witness when, in crossing at an intersection, they are confronted by a car whizzing around the corner seemingly out of nowhere. Reducing a corner radius to somewhere between one and twenty feet can:

- · Inhibit the speed of turning vehicles
- Give pedestrians a better chance to see and be seen by approaching traffic
- Add sidewalk space, thereby shortening the distance to the other side of the street
- Similarly, the Global Design Citied Initiative (<u>https://globaldesigningcities.org/publication/global-street-design-guide/designing-streets-people/designing-for-motorists/traffic-calming-</u>

### strategies/) acknowledges the use of reduced corner radii:

Corner Radii

Narrowing corner radii reduce vehicle turning speeds as well as pedestrian crossing distances. Minimizing the size of a corner radius is critical to creating safe and compact intersections. See: Corner Radii.



Lastly, the Institute of Transportation Engineers (<u>https://www.ite.org/technical-resources/traffic-calming/traffic-calming-measures/</u> acknowledged that reduced radii as a potential traffic calming measure, although they delegate its use to local jurisdictional or developer needs based on the community design's need and intention for traffic calming measures.

We believe the use of the commercial entrance radii as presented at 20' provides the needed traffic calming to assure the safety of pedestrians and vehicles accessing and utilizing the project's lots.



Michael T. Wiley, PE, PS, Prof LS Vice President The Wormald Companies & Piedmont Design Group, LLC 5283 Corporate Drive, Suite 300 Frederick, Maryland 21703 301-695-6614 x104 (ofc ext) 240-405-1324 (direct dial) 301-788-2217 (mobile) mike.wiley@wormald.com www.wormald.com Real Estate Development, Engineering, Architecture, Construction, Brokerage, and Property Management since 1964.



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Paul J. Raco P. J. Raco Consulting, LLC PO Box 548 Charles Town, WV 25414 304/676-8256

ST OF JEFFE	Jefferson County, West Virginia	File	#:
	Department of Engineering, Planning and Zoning	Mtg Da	te:
	Office of Planning and Zoning	Date Rec	
	116 E. Washington Street, 2 <sup>nd</sup> Floor	Fees Pa Staff I	
ADEST VIRGINIA	P.O. Box 716 Charles Town, West Virginia 25414	List of Adjoine	
Email: <u>planningdepartmen</u> zoning@jeffersond	nt@jeffersoncountywv.org	Phone: Fax:	(304) 728-3228 (304) 728-8126
8\2/	Planning Commission Waiver Request		()
Waivers must	comply with Division 24.300 of the 2008 Subdivision Regula	tions, as ame	nded.
Property Owner Info			
Owner Name:			
D ' N			
Phone Number:	Email:		
Applicant Contact In	nformation		
		Same	as owner:
Ruginege Name			
Phone Number:	Email:		
<b>Consultant Informat</b>	tion		
Name:			
Business Name:			
Phone Number:	Email:		
<b>Physical Property D</b>	etails		
Physical Address:		Vac	cant Lot: 🗆
Tax District:	Map No: Par	cel No:	
Parcel Size:	Deed Book: Pag	ge No:	
Zoning District:			
construction or land	of paper sketch the shape and location of the lot. Show the use and indicate building setbacks, size, and height. Identi uctures, or land uses on the property. Sign and date the ske	ify existing early	
Included	$\Box$ Not applicable (include a vicinity map if a ske	etch is not app	plicable)
What Section of the	Subdivision Regulations and year of the Regulations are ye	ou requesting	g to Waive?
Briefly Describe the	Nature of Your Waiver Request:		
See Attached Jus	tification		
000,			

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

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

See Attached

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

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

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.

DATE	10/22/22		
BC PORTIONS DK	Date	Property Owner 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	n
Approved	Denied 🗆	Date://
Updated 09/13/18	Planning Commission Waiver Application	Page 2 of

B.C. Partners, Inc Waiver Request Jefferson County Planning Commission Subdivision Regulations Appendix B, Table 2.2-1 Fillet Radius October 21, 2022

Justification

The ordinance requires 35' turning radii for all Commercial and Industrial developments including all of the Industrial Parks' Subdivision Roads and Driveways. The ordinance does not differentiate between Industrial and Commercial or primarily truck traffic vs primarily passenger vehicle traffic.

The Applicant proposes to use a 20 ft radius with a 24 ft minimum driveway width on the entry fillets for lots accessing Granite Springs Drive in lieu of the 35 ft fillet radius specified in the design standards. The Applicant has found over the years of multiple commercial retail developments that the 20 ft radius functions well in the low speed, retail commercial development setting such as Country Club Commons. The 35 ft radius may be appropriate for a heavy industrial type of development with a significant amount of truck traffic, however the vast majority of the traffic entering Country Club Commons and the businesses will be standard passenger vehicles. The 20 ft radius facilitates ample turning compatibility while encouraging lower travel speeds thereby creating a safer, more pedestrian favorable retail atmosphere. The Applicant is proposing a minimum of 24 ft driveway widths with the 20 ft radius that provides ample room for the cars and delivery vehicles servicing these retail uses. Please find attached site plans for one of the Applicant's existing commercial retail developments at Brunswick Crossing which utilizes the 20 ft fillet radiuses for entrance driveways which continue to function efficiently.

B.C. Partners, Inc. Country Club Commons Preliminary Plat Waiver Request Section: Table 2.2-1 Roadway Design Standards (Fillet Radius) Jefferson County Subdivision and Site Development Ordinance October 21, 2022

### Four Criteria:

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

The project is designed with a 20 MPH road and small retail businesses. These businesses will have little truck traffic other than for deliveries. Granite Springs Drive and the individual driveways to serve the lots will be privately maintained and will have no public maintenance cost.

Granting the waiver will allow the project to move forward and will generate a great deal of taxes that benefit Parks, Emergency Services and Police.

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

There are three distinctive design standards for residential drives based on the type of traffic and use. The ordinance only has one standard for all industrial and commercial development. So, a large standard is utilized to assure that everything fits under that standard. That means that a high truck traffic industrial area as the same standard as a mom and pop retail store. A waiver is used to differentiate between the extremes.

The granting of the waiver recognizes that there are many different scenarios for a commercial or industrial road design other than the one general design standard found in the Table. As indicated in the description, justification and attached sample from Brunswick Crossings, a 20' fillet radius with a minimum 24' entrance (15' for the 1 one way entrance) that serves little truck traffic is more than adequate for passenger vehicles.

This waiver only affects the lot driveways and the internal privately owned Granite Springs Drive and should not have an impact on the external neighbors. And the reduction of both curve standards is supported by the Applicant's experience with multiple commercial developments with low speed limit. The allowance of the reductions would also enhance the traffic calming intent of the proposed road design. 3. Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance.

The Table in the ordinance is set up to provide a general standard that would apply to multiple types of commercial and industrial roads. The purpose of a turning radius is to ensure proper turning movements into and out of the lot. With the large standard, the ordinance is set up to make sure the largest truck could access industrial sites, but also apply to smaller commercial developments as well. The applicant has designed and own multiple commercial developments and believe the smaller fillet radiuses in this development will function appropriately as designed.

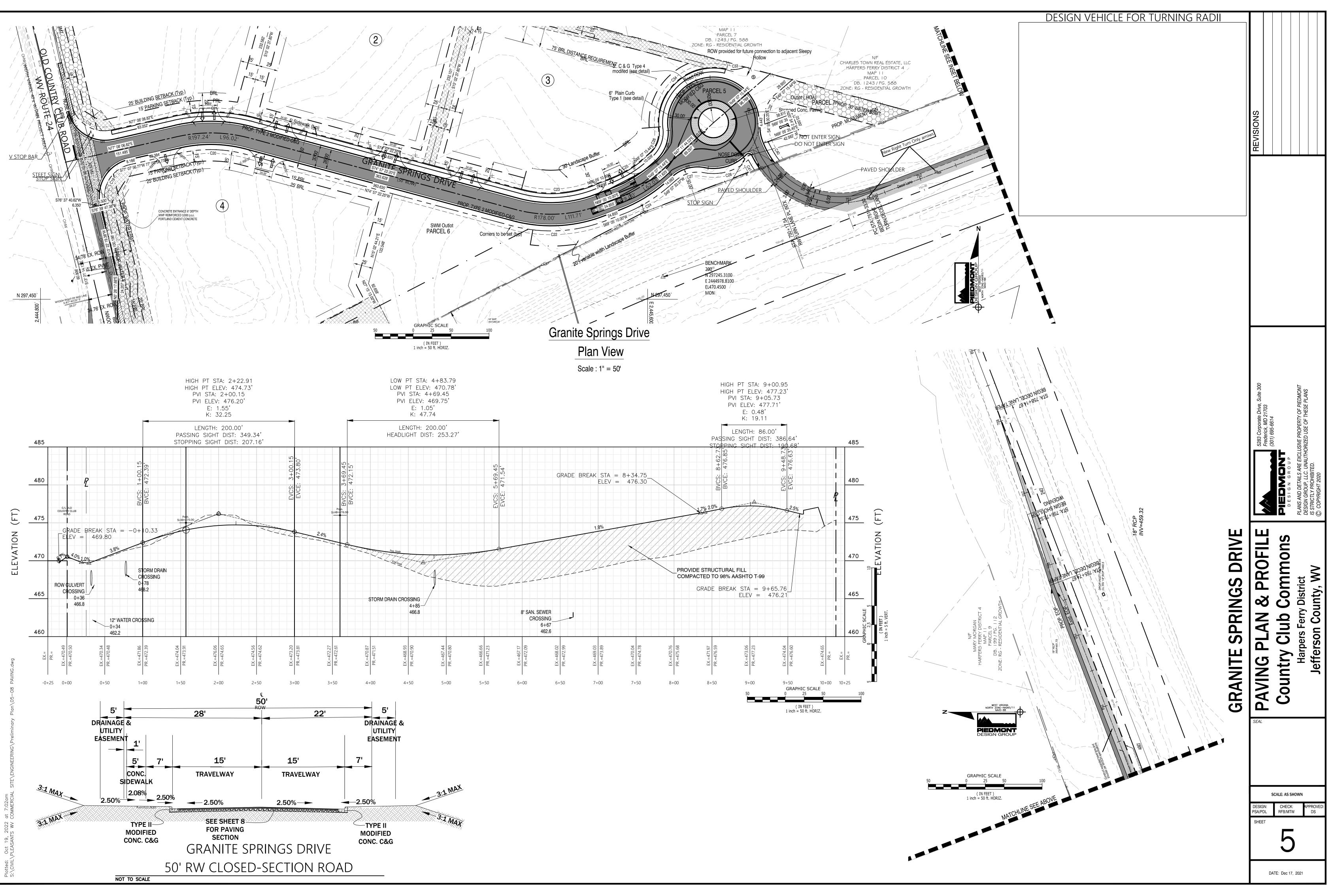
Furthermore, the Table standard is set up to apply generally across the board for smaller or larger subdivisions including commercial or industrial traffic, and a variety of high and low employment providers. This subdivision is only a four lot commercial subdivision with small lots that are not large employment centers. The design for this road and individual lot entrances in this scenario more than meets the intent and purpose of the provisions in the Table, especially with the already determined 20 mph speed limit on Granite Springs Drive.

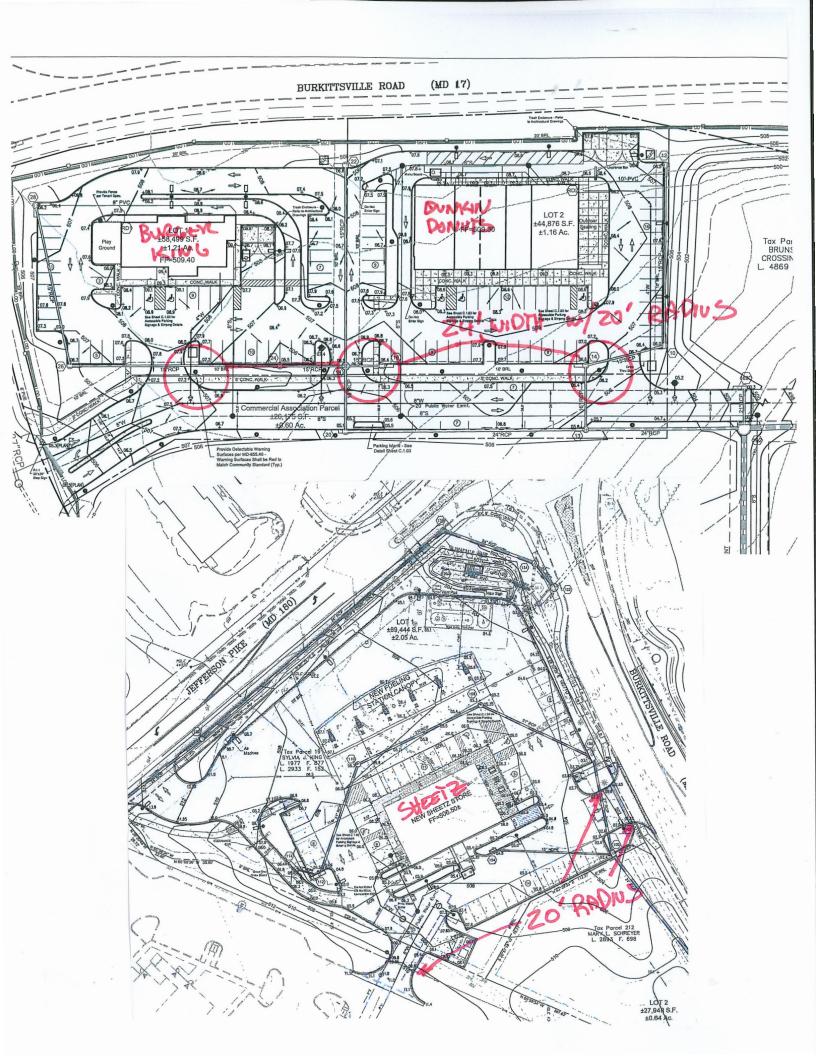
4. Explain how the waiver, if granted, will result in a project of better quality and/or character.

As demonstrated with the provided sample of an existing development by this Applicant and the proposed 20 MPH speed limit, this design is set up to provide for traffic calming in the development while adequately serving the smaller commercial businesses. The proposed cross section will include street trees and a sidewalk that will be more indicative of a downtown streetscape as opposed to a suburban plaza. The smaller fillet radiuses will make it more of a pedestrian friendly shopping center. The Ordinance requires a sidewalk to make it a walkable destination, so the smaller radiuses will facilitate that intent.

This is a well designed project that serves the needs of the area in addition to allowing the proven design for the Applicant. The design meets the intent of the Ordinance to allow pedestrian friendly businesses. This area is zoned for considerable residential development and this business center will adequately service this area.

Accordingly, the Applicant respectfully asks that the Planning Commission approve the waiver as requested, so that the process can continue in a timely and more cost-effective fashion. The Planning Commission approved the Concept Plan with little comment and at the time had the support of the closest neighbors. Thank you for your consideration.





# Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

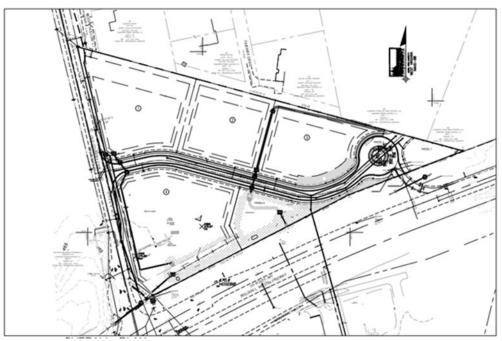
Item #4: Public Hearing (Postponed from 9/13/22 & 10/11/22): A Preliminary Plat for the Country Club Commons Major Non-Residential Subdivision consisting of 4 Non-Residential Lots and a public street for future commercial pad sites.

Owner/Applicant:	B.C. Partners, Inc. /Dan Snyder, P.E.		
Parcel Location and Information:	Northeast Corner of US 340 and WV 24, Old Country Club Road Parcel ID: 04001100110000; Combined Size: 9.54 ac; Zoning District: Residential-Light Industrial-Commercial (RLIC)		
Adjacent Zoning Districts:	North and West: Residential Growth (RG) East: RG & RLIC South: Residential-Light Industrial-Commercial (RLIC) & General Commercial (CT)		
Proposed Activity:	4 Non-Residential Lots and a public street for future commercial pad users		
Approvals:	<ul> <li>02/11/20: PC approved the Country Club Commons Concept Plan (File 19-17-SD)</li> <li>03/08/22: PC approved the following waivers:</li> <li>Waiver of Section 24.113.B.10 that requires an Archaeological Survey for all Major Subdivision Preliminary Plats (File 22-2-PCW).</li> <li>Waiver of App B, Table 2.2-1 to reduce the required road width from 60' to 50'; to reduce the stopping sight distance from 235' to 207'; to reduce the horizontal curve radius from 300' to 200' and 175' (File 22-3-PCW).</li> <li>03/24/22: BZA approved variance from Section 8.9A.10 to modify the 50' landscape buffer (File 22-10-ZV)</li> <li>11/15/22: Waiver of App B Table 2.2-1 Entrance Turning Flare Radii (22-25-PCW) - <i>pending</i></li> <li>11/15/22: Country Club Commons Preliminary Plat Public Hearing - <i>pending</i></li> </ul>		

### Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

### **Introduction and Summary of Request**

The applicant is proposing a Major Non-Residential Subdivision on a 9.54-acre parcel located on the northeast corner of US 340 and Old Country Club Road. The property is proposed to be subdivided into four (4) non-residential lots, a public street and stormwater area. The property is zoned Residential–Light Industrial-Commercial (RLIC) and within the US 340 East Preferred Growth Area (PGA). The proposed subdivision is required to process as a Major Non-Residential Subdivision, requiring a Concept Plan (approved 2-11-20), Preliminary Plat (tonight's Public Hearing) and Final Plat. In accordance with Section 20.203 of the Subdivision Regulations, once a Major Non-Residential with master planned roads and stormwater is approved, each Site Plan will be permitted to process as a Minor Site Plan, which is administratively approved and does not require a separate Concept Plan.



### **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. Country Club Commons Subdivision is processing as a Major Non-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 February 11, 2020. Tonight's Public Hearing is for the Preliminary Plat for this development.

### Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

### **Preliminary Plat Approval Process**

The applicant submitted the Preliminary Plat for Country Club Commons Subdivision for review and approval on January 3, 2022. In accordance with Section 24.113 of the Subdivision Regulations, the Planning Commission deemed the Preliminary Plat application complete on August 9, 2022. Since the August 9, 2022 Planning Commission meeting, the applicant has resubmitted the Preliminary Plat to address the outstanding comments noted at that meeting. The 3<sup>rd</sup> review resulted in a few outstanding comments including final approval from Jefferson Utilities and Charles Town Utility Board for water and sewer, the WV DOH permit approval, and approval of the stormwater management waiver. In accordance with Section 24.114 of the Subdivision Regulations, the Planning Commission scheduled this Public Hearing for September 13, 2022, within 45 days of accepting the application as complete. This hearing has been advertised as required in the Subdivision Regulations. At the applicants' request, this public hearing was posted to November 15, 2022.

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 Jefferson Utilities (JUI) and 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 prior to being stamped and signed by the County Engineer. 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 a number of minor outstanding edits at the August 9, 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; that the required Jefferson Utility (JUI), Charles Town Utility Board (CTUB), and the WV DOH permits are approved; and to proceed with a Public Hearing at their August 9, 2022 Planning Commission meeting (postponed by the applicant to November 15, 2022).

The applicant resubmitted the revised Preliminary Plat for the 3<sup>rd</sup> review to staff for additional reviews on October 19, 2022. As of this staff report, the applicant has received approval from the State Office of Environmental Health Services for both water (from Jefferson Utilities Inc.) and sewer (from Charles Town Utility Board). The applicant has applied for two Stormwater Quality Control Waivers, one of which has been approved and one of which has been disapproved. The primary outstanding comments only relate to requiring an approved WV Division of Highways (WVDOH) Traffic Impact Study (TIS) and Encroachment Permit. The applicant has been working with the WV DOH to address their comments related to adding a left turn lane northbound on Marlow Road to help facilitate the turning movements on the South Side of US 340 and are currently awaiting their approval.

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.

### Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

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**

On March 8, 2022, the Planning Commission approved the following waivers for this development:

- 22-2-PCW: Waiver of Section 24.113.B.10 that requires an Archaeological Survey for all Major Subdivision Preliminary Plats.
- 22-3-PCW: Waiver of Appendix B, Table 2.2-1, to reduce the required road width from 60' to 50'; to reduce the stopping sight distance from 235' to 207'; and, to reduce the horizontal curve radius from 300' to 200' and 175'.

On March 24, 2022, the Board of Zoning Appeals approved the following variance for this development:

• 22-10-ZV: Variance from Section 8.9A.10 to modify the 50' landscape buffer.

On today's agenda, November 15, 2022, the Planning Commission held a hearing on the following waiver for this development:

• 22-25-PCW: Waiver from Appendix B, Table 2.2-1, "Roadway Design Standards" of the Subdivision Regulations, which requires a 35' Minimum Turning Flare Radius at pavement edge; the applicant is requesting a 20' turning radii for the entrance drives.

### 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.
- 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 proposes two access points: one right in only from US 340, a fourlane limited access highway, and one full-access onto Old Country Club Rd (WV24), which require WV DOH approval.
  - The applicant has been working with the WV DOH to address their comments related to adding a left turn lane northbound on Marlow Road to help facilitate the turning movements on the South Side of US 340 and are currently awaiting their approval

### Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

- 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 Jefferson Utilities Inc. (JUI) for water service and the Charles Town Utility Board (CTUB) for sanitary sewer services. Final design approval for utilities need to be submitted to the County offices 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.
  - The applicant has applied for two Stormwater Quality Control Waivers, one of which has been approved and one of which has been disapproved.
- 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.
  - This non-residential subdivision plat shows 0.7226 acres for stormwater management; 0.2422 acres open space; 1.3825 private road ROW; and 0.0853 acres WV DOH dedication.

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 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. Submission of approved Jefferson Utility Inc. sanitary sewer plans and Charles Town Utility Board water utility design and connection plans for County records.
- c. Approval of Stormwater Management waiver requests or approval of revised stormwater management design.

### Country Club Commons Major Non-Residential Subdivision (PC File: 19-17-SD)

### **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 it if 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.

Construction of PERFERENCE	Jefferson County, West Vi Department of Engineering, Plannin <b>Office of Planning and Z</b> 116 E. Washington Street, 2 <sup>nd</sup> Floor, P.O Charles Town, West Virginia 25	ng and Zoning Fees Pai oning Staff In D. Box 716	d:
Email: planningdepartment@ zoning@jeffersoncou	@jeffersoncountywv.org .ntywv.org	Pho Fax	one: (304) 728-3228 : (304) 728-8126
	Subdivision or Site Development A	pplication	
Application Type	<ul><li>Concept Plan</li><li>Preliminary Plat</li></ul>	<ul><li>Final Plat (major</li><li>Site Plan</li></ul>	/minor)
Project Name: Description:			
•	Sumber (must be a direct line number)		
<b>Property Owner Inform</b> Owner Name:	nation		
Business Name: Mailing Address:			
Phone Number:	Email:		
Applicant Information		San	ne as Owner: 🗆
Applicant Name:			
Business Name:			
Mailing Address:			
Phone Number:	Email:		
Registered WV Enginee	er or Surveyor or Consultant Information	l	
Contact Name:			
Business Name:			
Mailing Address:			
Phone Number:	Email:		
<b>Physical Property Detai</b>	ils		Vacant Lot:
Physical Address:			
Tax District:	Map No:	Parcel No:	
	Deed Book:	Page No:	
Zoning District:			
	Additional Parcels (if any	y)	
<b>Physical Property Deta</b>	ails		Vacant Lot:
Physical Address:			
Tax District:	Map No:	Parcel No:	
	Deed Book:	Page No:	
Zoning District:			
Physical Property Deta	ails		Vacant Lot:
Physical Address:			
	Map No:	Parcel No:	
	Deed Book:	Page No:	
Zoning District:			

## **PRELIMINARY PLAN NOTES**

- 1 A CONCEPT PLAN FOR THIS PROJECT WAS APPROVED FEB. 11, 2020.
- 2 ZONING INFORMATION
- A. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL / LIGHT INDUSTRIAL / COMMERCIAL ZONING DISTRICT.
- B. DENSITY CALCULATIONS : 4.0 UNITS / 9.54 AC. = 2.38/AC. C. SEE SHEET 3 FOR THE PROPERTY'S "SITE RESOURCES".
- . WOODED AREAS ARE SHOWN ON SHEET 3. THE SITE CONTAINS NO WATER COURSES. NO KNOWN AREA OF ROCK OUTCROPPING OR SINKHOLES EXIST. THERE ARE NO KNOWN HILLSIDES OR QUARRIES LOCATED IN THE AREA OF DEVELOPMENT.
- 4. NO DEVELOPMENT WILL OCCUR WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE THIS PROJECT IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. 22.504.A.
- 5. FEMA MAP FIRM 54037C0137E EFFECTIVE DATE DEC. 18, 2009 SHOWS NO FEMA MAPPED FLOODPLAIN AREAS ON THE SUBJECT PROPERTY, WHICH IS SHOWN IN ZONE "X", AREAS OF MINIMAL FLOODPLAIN HAZARD.
- 6. SEE SHEETS 3-4 FOR ADJACENT PROPERTY INFORMATION
- 7. PROPOSAL DESCRIPTION : THE SUBJECT PROPERTY IS ZONED RESIDENTIAL / LIGHT INDUSTRIAL COMMERCIAL. THE PLAN INCLUDES 4 COMMERCIAL LOT AREAS, OPEN SPACE, STORMWATER AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED ON AT LEAST ONE SIDE OF ALL STREETS. NO RESTRICTIVE COVENANTS / CONDITIONS / RESTRICTIONS ARE PROPOSED AT THIS TIME, BUT MAY BE PROVIDED AT THE TIME OF FINAL PLAT.
- TRAFFIC IMPACT DATA: A. THE WVDOT ONLINE TRAFFIC COUNTS PROVIDE AVERAGE DAILY TRAFFIC COUNTS FOR THE FOLLOWING LOCATIONS:
  - OLD COUNTRY CLUB ROAD AT US 340: 3,321
  - US 340 2.3 MI EAST OF PATRICK HENRY WAY: 23,147 -US 340 0.9 MI WEST OF OLD COUNTRY CLUB ROAD: 30,001
- B. TRIP GENERATION BASED ON SECTION 24.110(B)5.B. OF THE SUBDIVISION AND LAND
- DEVELOPMENT REGULATIONS ARE AS FOLLOWS ( OR ITE 10TH EDITION, WHICH ARE MORE CONSERVATIVE) : (See tabulation below;) C. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE OLD
- COUNTRY CLUB ROAD / ROUTE 340 INTERCHANGE. D. PER ENVISION JEFFERSON 2035, PAGES 98 AND 99, ONE (1) HIGHWAY PROBLEM AREA EXIST WITHIN A DISTANCE OF APPROXIMATELY 1 MILE OF THE PROJECT SITE: #16 - CATTAIL RUN ROAD & MARLOWE ROAD: 90 DEGREE TURN.
- 8. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS ADDRESSES ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSORS RECORDS
- 9. THE PLAN HAS BEEN SUBMITTED CONCURRENTLY FOR REVIEW TO WVDOH
- 10. WATER IS TO BE PROVIDED BY JUI (JEFFERSON UTILITIES, INC). SANITARY SEWER SERVICE IS TO BE PROVIDED BY CTUB (CHARLES TOWN UTILITY BOARD). A SEWER SERVICE ADEOUACY LETTER HAS BEEN PROVIDED BY CTUB.
- 11. THE EXACT LOCATIONS OF THE WATER AND SEWER CONNECTIONS HAVE BEEN DETERMINED WITHIN THE SITE DESIGN IN CONJUNCTION WITH JUI & CTUB.

#### BASE NOT

- 1. PROPERTY COMPRISES APPROXIMATELY 9.540 ACRES PER A PLAT TITLED "PLAT OF SURVEY SHOWING THE "BAUMGARDNER CHARITABLE TRUST PROPERTY" BY APPALACHIAN SURVEYS DATED OCTOBER 3. 2000 AND RECORDED AMONG THE LAND RECORDS OF THE CLERK OF THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA. TO BC PARTNERS. INC. PARCEL 11. HARPERS FERRY DISTRICT 4. MAP 11. IN PLAT BOOK 18 PAGE 22 ON OCTOBER 12, 2000, DEED BOOK 941, PAGE 546, RECORD 415,562 SO FT OR 9,5400 AC.
- 2. PROPERTY IS OWNED BY B.C PARTNERS. INC. PER DEED DATED OCTOBER 4. 2000 AND RECORDED AMONG THE AFORESAID LAND RECORDS IN DEED BOOK 941 AT PAGE 546 ON OCTOBER 12, 2000. 3. BASE INFORMATION IS PER PLAT BOOK 18 PAGE 22 AND A TOPOGRAPHIC SURVEY TITLED "PLAT OF SURVEY
- SHOWING THE "BAUMGARDNER CHARITABLE TRUST PROPERTY" BY APPALACHIAN SURVEYS DATED OCTOBER 3, 2000 AND PROVIDED BY THE OWNER. 4. BOUNDARY AND TOPOGRAPHY FROM A FIELD SURVEY BY TERRA SOLUTIONS ENGINEERING AND PIEDMONT
- DESIGN GROUP, LLC, DATED 10/18/2019. HORIZONTAL DATUM IS WEST VIRGINIA STATE PLANE COORDINATE SYSTEM, VERTICAL DATUM IS NAVD 88.

#### **GENERAL NOTES**

- 1. THIS PRELIMINARY PLAN DEPICTS THE OWNER'S INTENT TO CREATE A MAXIMUM OF 4 LOTS AND A PUBLIC STREET FOR FUTURE COMMERCIAL PAD-USERS. IN ADDITION, THE DEVELOPMENT PROPOSES TWO (2) ACCESS POINTS: ONE RIGHT IN ONLY FROM US RTE 340 AND ONE FULL-ACCESS ONTO OLD COUNTRY CLUB ROAD (WV RT 24).
- 2. THIS PRELIMINARY PLAN PROPOSES A SHIFT OF THE FRONTAGE ACCESS ROAD FROM THAT SHOWN AS RESERVED ON THE APPROVED SKETCH PLAN TO A LOCATION SIMILAR TO SOMERSET BOULEVARD LOCATED IMMEDIATELY ACROSS ROUTE 340 FROM THE SITE. THIS REVISED LOCATION MAINTAINS THE DESIRED PUBLIC ACCESS ALONG ROUTE 340 WHILE MINIMIZING POTENTIAL CONFLICTS WITH THE EXISTING OLD COUNTRY CLUB ROAD/ROUTE 340 INTERSECTION AND PROVIDES BETTER ACCESS TO THE SITE.
- 3. PROPERTY IS CURRENTLY SERVED BY A PRIVATE WELL AND BY SEPTIC. THE PROPOSED DEVELOPMENT IS PLANNED TO BE SERVED BY THE EXTENSION OF SEWER SERVICE FROM THE EXISTING CITY OF CHARLES TOWN (CTUB), AND WATER SERVICE VIA THE EXTENSION OF JUI FACILITIES.
- 4. FINAL PAD USERS AND RESULTING EXACT LOT CONFIGURATIONS WILL BE DETERMINED BASED ON MARKET DEMAND AND WILL BE REVIEWED AND APPROVED THROUGH THE MINOR SITE PLAN PROCESS.

### ZONING INFORMATION

Zoned : Residential/Light Industrial/Commercial (RLIC)

Existing Land Use : Vacant

Proposed Land Use : Residential/Light Industrial/Commercial Tract Area : 9.54 Ac.

APPROVAL	DATE	PERMIT #
WEST VIRGINIA DIVISION OF HIGHWAYS		
WEST VIRGINIA BUREAU OF HEALTH (SEWER)	04/18/22	20,865
WEST VIRGINIA BUREAU OF HEALTH (WATER)	Water permit.	
WEST VIRGINIA DEPARTMENT OF	WVDEP NPD	ES permit
ENVIRONMENTAL PROTECTION	number.	
CHARLES TOWN UTILITY BOARD	Letters for se	ewer and
JEFFERSON UTILITIES, INC.	water availat	pility.
WEST VIRGINIA PUBLIC SERVICE	Is a PSC per	mit needed? I thought that if you ar
COMMISSION		lity, a PSC permit is needed.

WVDOH Permit

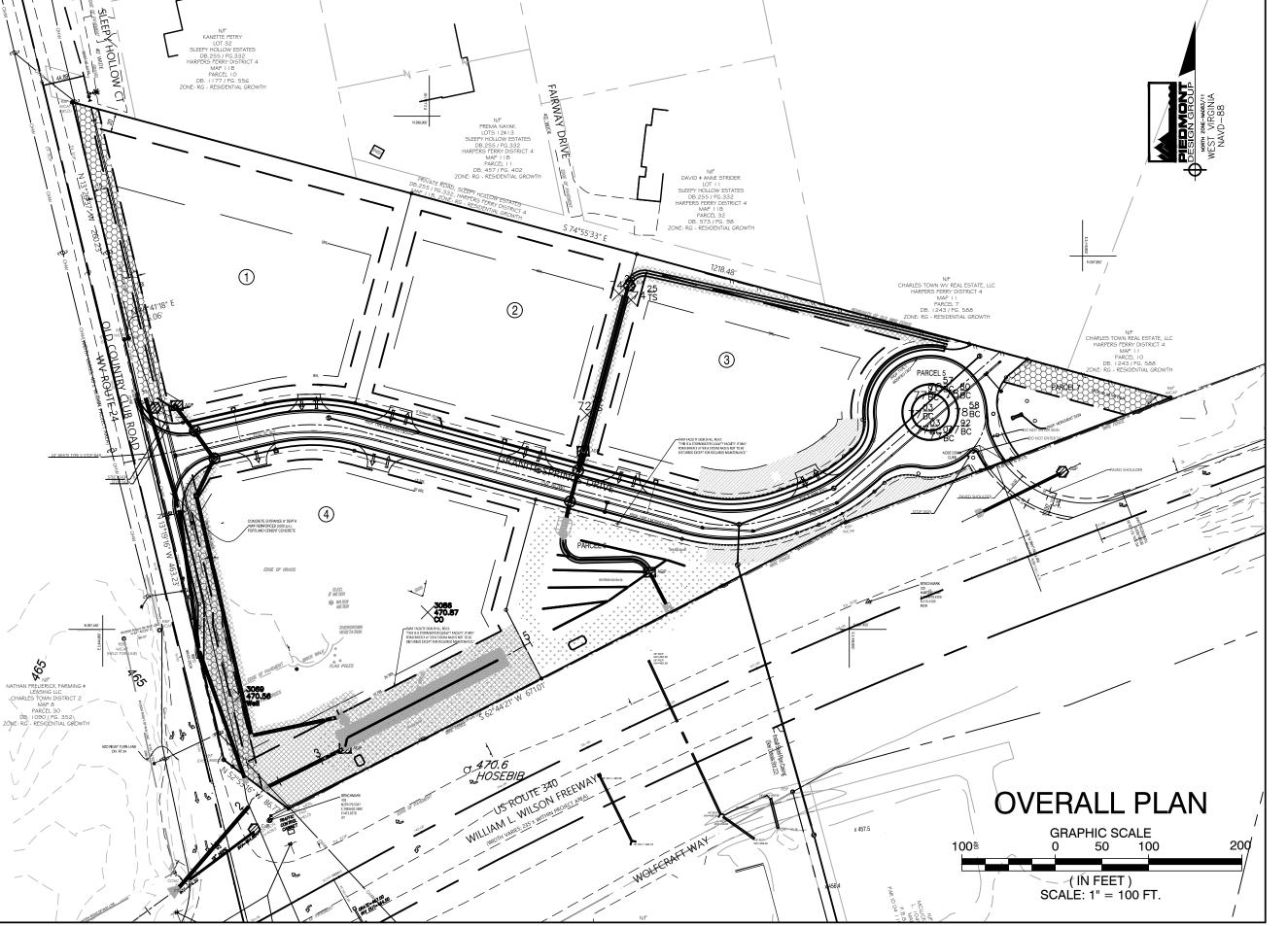


## **UNDERGROUND UTILITY LINE PROTECTION ACT:**

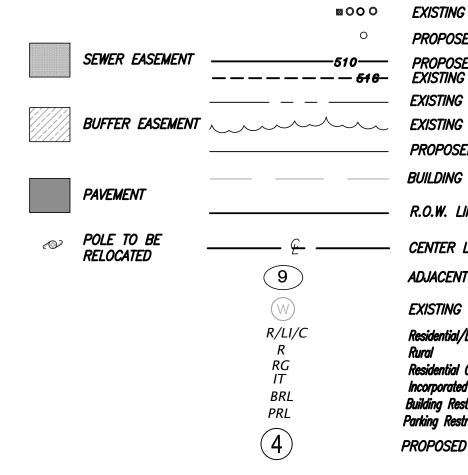
THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND STRUCTURES BEFORE COMMENCING THE WORK. CALL MISS UTILITY AT 811 AT LEAST 2 **BUSINESS DAYS IN ADVANCE OF WORK.** 

# PRELIMINARY PLAT FOR COUNTRY CLUB COMMONS SUBD JEFFERSON COUNTY, WEST VIRGINIA HARPERS FERRY DISTRICT TAX MAP DISTRICT 4, MAP 11, PARCEL 11

# PLAT BOOK 18 PAGE 22; DEED BOOK 941 PAGE 546







APPROVED: JONATHAN SAUNDERS, Jefferson Cour

ΒY

-	
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SHEET	DESCRIPTION
1	Cover Sheet
2	Preliminary Plat Notes
3	Existing Conditions
4	Preliminary Plat
5	Paving Plan & Profile
5A	Paving Plan
6	Decel Lane Plan & Profile
6A	Decel Lane Sections
7	Cul-de-Sac Details
8	Paving Details
8A	Traffic Control Details
9	Grading Plan
9A	Grading Plan
10	Storm Drain Profiles
11	ROW Culvert Profile
12	ROW Culvert Profile
13	Storm Drainage Details
14	Storm Drainage Details
14A	Storm Drainage Details
14B	Storm Drainage Details
14C	Stormwater Management Details
14D	SWMF #1 Details
15	SWMF #1 Landscape Plan
16	SWMF #2 Profile & Details
17	Water & Sewer Overall Plan
18	Water & Sewer Plan
19	Waterline Plan & Profile
20	Sewer Plan & Profile
21	Sewer Easements
22	Sewer Details
22A	Water Details
23	Erosion & Sediment Control Plan
23A	Erosion & Sediment Control Plan
24	Erosion & Sediment Control Details
25	Existing Conditions Striping & Marl
26	Proposed Conditions Striping & Ma
27	Cul-de-Sac Landscape Plan
27A	Street Tree Landscape Plan
27A	Street Tree Landscape Plan

JEFFERSON COUNTY SITE WORK

MILESTONE INSPECTIO

THE DEVELOPER SHALL REQUEST COUNTY ENGINEER INSPECTI ADVANCE (CALL 304-728-3228). INSPECTIONS SHALL BE REQUE

MILESTONES SHOWN BELOW: INSTALLATION OF SEDIMENT & EROSION CONTROL DEVICES ROADWAY AND/OR PARKING LOT SUBGRADE PROOF ROLL F ROADWAY AND/OR PARKING LOT STONE BASE DEPTH CHEC CONCRETE PAVEMENT.

WATER SYSTEM AND SANITARY SEWER SYSTEM INSPECTION DISTRICT/UTILITY PRIOR TO BACKFILLING OF TRENCHES. . FINAL INSPECTION INCLUDING BUT NOT LIMITED TO: SEEDIN LOT PAVING, SIDEWALKS, STORM DRAINAGE AND STORMWAT CONTROL SIGNS & PAVEMENT MARKINGS, LANDSCAPING, ETC NOTE: THE COUNTY ENGINEER MAY ACCEPT "THIRD-PARTY" IN IN PLACE OF INSPECTIONS PERFORMED BY THE OFFICE OF ENG HIRD-PARTY INSPECTION REPORTS SHALL BE SUBMITTED IN T ENGINEER.

#### JEFFERSON COUNTY – COMPLETE LIST OF

ORDINANCE	SECTION OF	DESCRIPTION OF WAI
	ORDINANCE	VARIANCE
Subdivision	Appendix B, Section	Sidewalk on One Side
	2.2.K.3.a	Only
Subdivision	Appendix B, Section	Stopping Distance fro
	2.2, Table 2.2-1	207'
Subdivision	Appendix B, Section	Horizontal Curves fro
	2.2, Table 2.2-1	radius to 200' and 17!
Subdivision	Appendix B, Section	ROW Width from 60'
	2.2, Table 2.2-1	
Subdivision	Section 22.113.B.10	No Archeological or H
		Study
Subdivision	App B Table2-2.1	Entrance turning r

D CONTOUR LINES CONTOUR LINES		Jefferson Cour	ntv
PROPERTY LINE		CONSTRUCTION	
TREE LINE		(Table 1.2-1)	
d property line	1.	Erosion & Sediment Control Measures shall be in	
SETBACK LINE	2.	any significant earth disturbing activities and site Earth Work shall be compacted to the percentage	es of maximum dry density in
NE		accordance with AASHTO T99C, as shown below a. Roadways	
INE		b. Parking Lots for heavy trucks	%
PROP. REF. NUMBER		d. Utility line trenches	0
		e. Building Pads100	%
WELL		e. Building Pads100 The above compaction requirements shall be cert technician under the direction of a professional er	% lified by a professional engineer or a soils
WELL ight Industrial/Commercial Growth Town	3.	e. Building Pads100 The above compaction requirements shall be cert technician under the direction of a professional er Engineer. Changes and revisions to the construction plans a unless first submitted in writing and approved by t	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made
WELL ight Industrial/Commercial Frowth	3.	<ul> <li>e. Building Pads</li></ul>	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made the County Engineer and any other c road shall be in accordance with West
WELL ight Industrial/Commercial Frowth Town riction Line iction Line		<ul> <li>e. Building Pads</li></ul>	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made the County Engineer and any other c road shall be in accordance with West proval. lic right-of-ways or in areas served by
WELL ight Industrial/Commercial Frowth Town riction Line	4.	<ul> <li>e. Building Pads</li></ul>	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made the County Engineer and any other c road shall be in accordance with West proval. lic right-of-ways or in areas served by
WELL ight Industrial/Commercial Frowth Town riction Line iction Line	4.	<ul> <li>e. Building Pads</li></ul>	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made the County Engineer and any other c road shall be in accordance with West proval. lic right-of-ways or in areas served by
WELL ight Industrial/Commercial Frowth Town riction Line iction Line	4. 5. <u>ENG</u> I	<ul> <li>e. Building Pads</li></ul>	% tified by a professional engineer or a soils ngineer, and acceptable to the County and specifications shall not be made the County Engineer and any other c road shall be in accordance with West proval. lic right-of-ways or in areas served by

FREDERICK, MARYLAND 21703

301-695-6614

DATE

#### Clarksburg, MD 20871 ATT: Dan Snyder, PE (301) 428-0800

(Table 1.2-2)

<b>TABLE OF MILESTONE INS</b> 1. Installation of Sediment and Erosion of Must be inspected prior         2. Completion of Underground Utility Ins Must be inspected prior         3. Completion of Grading for Roads         4. Completion of Grading for Buildings         5. Completion of Base Stone Installation Must be inspected prior         7. Completion of Final Grading and See	SPECTIONS       Date Inspector's Initials         Control Devices       Initials         to any other work.       Initials         stallation       Initials         to being covered.       Initials         n & Compaction       Initials         to being covered.       Initials         In & Compaction       Initials         In & Devices       Initials         In & Compaction       Initials         In & Devices       Initials         In & Compaction       Initials         In & Devices       Initials         In & Devices       Initials         In & Devices       Initials         In & Devices       Initials         Initials       Initials         Initials       Initials         Initials       Initials         Initials       Initials         Initials       Initials         Initis       Initials
8. Completion of Final Project Details	
	DEVELOPER'S STATEMENT OF ACCEPTANCE THE DEVELOPER, BY SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON AND TO COMPLETE ALL THE IMPROVEMENTS REQUIRED BY THE PRELIMINARY PLAT OR SITE PLAN. JERRY CONNELLY, VP / BC PARTNERS, INC. DATE SURVEYOR'S CERTIFICATE I, MICHAEL T. WILEY, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY THAT, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT THE PERIMETER BOUNDARY OF THIS SEALED PLAT IS ACCURATE, COMPLETE AND REASONABLY MEETS OR EXCEEDS MINIMUM ACCEPTABLE SURVEYING STANDARDS AND THOSE STATE AND/OR
	COUNTY CODE PROVISIONS APPLICABLE ON THIS DATE. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISIONREGULATIONS, SECTION 8.1.B.6 FOR CLOSURE WITHIN1:7500 AUGUST 24, 2022
	MICHAEL T. WILEY, P.E., P.S. DATE WEST VIRGINIA PROFESSIONAL SURVEYOR NO. 1044 EXP 6/30/24 ON BEHALF OF OF PIEDMONT DESIGN GROUP, LLC WEST VIRGINIA CERTIFICATE OF AUTHORIZATION NO. 20-5804 EXP 12/31/23
s king Plan	ENGINEER'S       CERTIFICATE         I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED IN ACCORDANCE WITH THE         DEVELOPMENT REVIEW AND ZONING ORDINANCE, SUBDIVISION AND RELATED ORDINANCES OF         JEFFERSON COUNTY, WEST VIRGINIA.         AUGUST 24, 2022         ROBERT BARRICK, P.E.         WEST VIRGINIA PROFESSIONAL ENGINEER NO. 022296 EXP. 12/31/22         ON BEHALF OR PIEDMONT DESIGN GROUP, LLC         WEST VIRGINIA CERTIFICATE OF AUTHORIZATION NO. C04223-00 EXP 12/31/23
arking Plan	DATE REVISION DESCRIPTION
NS	COVER SHEET
ONS MINIMUM OF 48 HOURS IN ESTED ACCORDING TO THE TABLE OF PRIOR TO BEGINNING SITE GRADING. PRIOR TO PLACING STONE BASE. K PRIOR TO PLACING ASPHALT OR I AND APPROVAL BY THE PUBLIC SERVICE NG & MULCHING, ROADWAY & PARKING FER MANAGEMENT SYSTEMS, TRAFFIC	COUNTRY CLUB COMMONS SUBDIVISION PRELIMINARY PLAT SITUATED NORTH OF US 340 AND WEST OF COUNTRY CLUB ROAD PROPERTY OF BC PARTNERS, INC. 24012 FREDERICK ROAD #200, CLARKSBURG MD, 20871 D.B. 941 PG. 546 HARPER'S FERRY DISTRICT 4, MAP 11, PARCEL 11, JEFFERSON COUNTY, WV
WSPECTION AND CERTIFICATION REPORTS SINEERING, UPON PRIOR APPROVAL. THE FORMAT SPECIFIED BY THE COUNTY WAIVERS/VARIANCES	AUGUST 24, 2022 ROBERT F. BARRICK, PE DATE WEST VIRGINIA P.E. #: 22296, EXPIRATION DATE: 12/31/22 FOR PIEDMONT DESIGN GROUP, LLC WEST VIRGINIA COA.# CO4223-00, EXPIRATION DATE: 12/31/23
	SEAL NO. 22296 STATE OF STATE OF
Historical 03/08/22 radius/Fillet pending 11/15/22	Plotted: Oct 19, 2022 at 7:40am S:\CIVIL\PLEASANTS WV COMMERCIAL SITE\ENGINEERING\Preliminary Plan\01-02 COVER SHEET.dwg

#### **GENERAL CONSTRUCTION NOTES:**

1. THE CONTRACTOR SHALL HAVE THE FOLLOWING: A. A CURRENT WV CONTRACTORS LICENSE

- B. A CURRENT WV CONTRACTORS LICENSE TO BE DISPLAYED ON SITE.
- C. CURRENT APPROVED CONSTRUCTION DOCUMENTS ON SITE. D. ALL APPLICABLE PERMITS SHALL BE DISPLAYED ON SITE.
- E. THE CONTRACTOR SHALL HAVE AND SHOW PROOF OF INSURANCE TO COVER INJURY, LOSS OF LIFE, AND/OR PROPERTY.

2. ALL CONSTRUCTION ON THESE PLANS SHALL BE PERFORMED IN ACCORDANCE WITH JEFFERSON COUNTY SUBDIVISION ORDINANCE, STANDARD DETAILS, WVDOH SPECIFICATION BOOK, THE WEST VIRGINIA EROSION AND SEDIMENT CONTROL HANDBOOK, AND ANY APPLICABLE SPECIFICATIONS UNDER WHICH A PUBLIC ENTITY HAS JURISDICTION, EXCEPT AS NOTED IN THESE PLANS.

3. CONTRACTOR SHALL BE RESPONSIBLE FOR NOTIFYING PIEDMONT AT 301-695-6614 IN THE EVENT OF ANY APPARENT DISCREPANCIES IN THE PLANS OR IN THE RELATIONSHIPS OF FINISHED GRADES TO EXISTING GRADE PRIOR TO BEGINNING OF WORK.

4. THE CONTRACTOR IS RESPONSIBLE FOR THE REPAIR AND/OR REPLACEMENT OF ROADS, FENCES OR OTHER STRUCTURES DAMAGED AS A RESULT OF CONSTRUCTION ACTIVITIES THAT WERE NOT PART OF THE CONTRACT.

5. CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF TRAFFIC ON ANY EXISTING ROADS AND ALL WORK PERFORMED IN THE PUBLIC ROADWAYS OR THEIR RIGHT-OF-WAY SHALL CONFORM TO TRAFFIC CONTROL AND SAFETY STANDARDS PRESCRIBED BY WEST VIRGINIA DEPARTMENT OF HIGHWAYS (P.O. BOX 99, BURLINGTON, WV 26710).

6. THE CONTRACTOR SHALL NOTE THAT IN CASE OF A DISCREPANCY BETWEEN THE SCALED AND FIGURED DIMENSIONS SHOWN ON THESE PLANS THE FIGURED DIMENSIONS SHALL GOVERN. (CONTACT ENGINEER OF ANY DISCREPANCY).

7. THE CONTRACTOR SHALL HAVE APPROVED CONSTRUCTION DRAWINGS PRIOR TO THE START OF CONSTRUCTION.

8. IT SHALL BE DISTINCTLY UNDERSTOOD THAT FAILURE TO MENTION SPECIFICALLY ANY WORK WHICH WOULD NORMALLY BE REQUIRED TO COMPLETE THE PROJECT SHALL NOT RELIEVE THE CONTRACTOR OF HIS/HER RESPONSIBILITY TO PERFORM SUCH WORK

9. THE CONTRACTOR HAS NO AUTHORITY TO PERMIT THE USE OF ANY PORTION OF SITE BY ANYONE EXCEPT FOR ACTIVITIES DIRECTLY CONNECTED WITH THIS PROJECT.

10. THE CONTRACTOR SHALL NOTIFY THE FOLLOWING AT LEAST TWO WORKING DAYS BEFORE STARTING ANY CONSTRUCTION: MISS UTILITY - CALL TOLL FREE .... ..1-800-245-4848

ALLEGHENY POWER	1-301-695-5700
FRONTIER COMMUNICATIONS	1-888-535-4354
JEFFERSON COUNTY	1-304-728-3257
JEFFERSON COUNTY PSD	1-304-725-4647
JEFFERSON UTILITIES INC	1-304-725-9140
WEST VIRGINIA DEPT. OF HIGHWAYS	1-304-725-5821
TELEPHONE: CITIZENS COMMUNICATIONS	
CABLE TV: GS COMMUNICATIONS, INC	1-304-725-9185
ADELPHIA	1-888-233-5638
CHARLES TOWN UTILITY BOARD	1-304-725-22316

11. INFORMATION CONCERNING UNDERGROUND UTILITIES WAS OBTAINED FROM AVAILABLE RECORDS. NO EXISTING UNDERGROUND UTILITIES WERE LOCATED ON THIS SITE. IF CLEARANCES ARE LESS THAN SPECIFIED ON THIS PLAN OR LESS THAN 12" WHEN NOT SPECIFIED, CONTACT THE ENGINEER OF RECORD AND/OR THE INSPECTOR AND THE APPROPRIATE UTILITY OWNER BEFORE PROCEEDING WITH CONSTRUCTION.

12. ALL EXISTING OFF-SITE PAVING, OR OTHER STRUCTURES DISTURBED BY THE CONTRACTOR'S OPERATION SHALL BE REPLACED IN ACCORDANCE WITH APPLICABLE SPECIFICATIONS. IF NOT PART OF THE CONTRACT, THE CONTRACTOR SHALL REPLACE AT HIS/HER OWN EXPENSE.

13. IT IS THE CONTRACTOR'S RESPONSIBILITY TO INSURE THAT ALL LOCAL, STATE AND FEDERAL CONSTRUCTION SAFETY REGULATIONS ARE FOLLOWED DURING THE CONSTRUCTION OF THIS PROJECT.

#### 14. USE OF EXPLOSIVES:

5. PIPE MATERIAL

A. THE CONTRACTOR SHALL ACQUIRE ALL PERMIT/APPROVALS FROM AUTHORITIES HAVING JURISDICTION OVER THIS TYPE OF WORK B. CONTRACTOR SHALL USE ONLY CERTIFIED, COMPETENT, AND EXPERIENCED PERSONNEL FOR THE USE OF EXPLOSIVES.

C. THE CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR ANY AND ALL COST OF INJURIES. AND/OR DAMAGE TO PROPERTIES AS A RESULT OF THE USE OF EXPLOSIVES. D. ANY USE OF EXPLOSIVES MUST BE APPROVED BY THE OWNER, IN WRITING, PRIOR TO THEIR USE.

15. ALL CONSTRUCTION SHALL CONFORM TO THE AMERICANS WITH DISABILITIES ACT (ADA) WHERE APPLICABLE.

#### GENERAL NOTES FOR STORM DRAIN CONSTRUCTION:

1. ALL STORM DRAIN SHALL BE CONSTRUCTED IN ACCORDANCE WITH THE LATEST EDITION OF THE WEST VIRGINIA DOH SPECIFICATION BOOK.

2. WHERE THE DROP ON THE MAIN LINE THROUGH A STRUCTURE CAN BE ACCOMMODATED BY AN INVERT SLOPE OF 1 1/2:1 OR FLATTER, A ROUNDED CONCRETE CHANNEL SHALL BE BUILT TO THE MIDPOINT OF THE PIPES.

3. NOTIFY THE PROPER PUBLIC ENTITY 48 HOURS IN ADVANCE OF EXCAVATIONS IN VICINITY OF SEWER AND WATER MAINS UNDER WHICH THE STORM DRAINAGE IS TO BE INSTALLED.

4. WHERE ANY PART OF THE STORM DRAIN SYSTEM IS LOCATED IN FILL SECTION, PROVIDE SELECT FILL MATERIAL COMPACTED TO 95% DENSITY MP 700.0024 PER WVDOH SPECIFICATIONS, FROM APPROVED SUB GRADE UP TO STRUCTURE BOTTOM SLABS AND ONE FOOT ABOVE PIPE CROWN, CUT TRENCH IN COMPACTED FILL AND PLACE WITH STANDARD TRENCH PRACTICES.

STORM DRAIN PIPES SHALL BE AS NOTED IN THESE PLANS AND SHALL BE REINFORCED CONCRETE PIPE PER AASHTO M-170. OR ASTM C-76, OR GALVANIZED OR ASPHALT COATED CORRUGATED METAL PIPE (CMP) WITH ANNULAR OR HELICAL CORRUGATIONS PER AASHTO M-36, OR ALUMINIZED TYPE II SPIRAL-RIB CORRUGATED METAL PIPE PER AASHTO M-36, AND M-190 OR HIGH DENSITY POLYETHYLENE (HDPE) CORRUGATED STORM DRAIN PIPE WITH AN INTEGRAL FORMED SMOOTH INTERIOR PER AASHTO M-252 AND M-294 STANDARDS. ALL PIPES SHALL HAVE WATERTIGHT JOINTS.

6. ALL STANDARD STORM DRAINAGE STRUCTURES ARE SUBJECT TO MODIFICATION BY THE SITE INSPECTOR AND/OR ENGINEER TO MEET FIELD REQUIREMENTS.

7. ELEVATIONS SHOWN ARE AT PIPE INVERT UNLESS OTHERWISE NOTED.

8. INLETS IN SUMPS SHALL BE CONSTRUCTED LEVEL AT THE ELEVATION GIVEN IN THE STRUCTURE SCHEDULE. INLETS ON GRADE SHALL BE ADJUSTED SO THAT THE GRADE OF THE TOP SLAB MATCHES THE FINISH TOP OF CURB GRADE.

9. ALL RIP RAP TO BE UNDER-LAID WITH AN AASHTO M-288-96 CLASS 2 GEOTEXTILE. ALL RIP RAP TO BE DRY UNGROUTED STONE UNLESS OTHERWISE NOTED.

10. GRADE ALL DISTURBED AREAS TO MAINTAIN POSITIVE DRAINAGE.

ZONING DISTRICT - RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL (R-LI-C) DISTRICT

	MINIMUM	PROVIDED
LOT AREA LOT WIDTH BUILDING HEIGHT	N/A N/A 75'	TO BE DETERMINED TO BE DETERMINED TO BE DETERMINED
SETBACKS	25' BUILDING, 15' PARKING	25' BUILDING, 15' PARKING (MINIMUM; FINAL LAYOUT TBD)
PARKING	VARIES BY USE	TO BE DETERMINED

PROPOSED USE – MULTIPLE COMMERCIAL USES AREA IN LOTS – 7.2114 ACRES AREA IN ROW – 1.3836 ACRES AREA IN STORMWATER MANAGEMENT PARCELS- 0.7146 ACRES AREA IN OPEN SPACE - 0.2300 ACRES

#### **RIPRAP NOTES:**

RIPRAP SHALL BE A DURABLE STONE, ANGULAR IN SHAPE, GRADED THROUGHOUT THE INDICATED SIZE RANGE AND DUMPED, UNGROUTED, ON A FILTER MEDIUM, SUCH AS POLYFILTER X OR TYPAR, SO AS TO CREATE A MINIMUM OF VOIDS.

#### GENERAL CTUB SEWER NOTES

- Refer to the Charles Town Utility Board (CTUB) sewer system specifications dated May 2016, and the latest modifications or revisions thereto, for sanitary system 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.
- No gravity sewer shall be less than 8" diameter A minimum of 3 feet of earth covering is required on all sewer lines. Sewers 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 equal. Bedding – No. 8 or No. 10 limestone shall be used for bedding unless otherwise approved by
- CTUB. There shall be no physical connection between a drinking water supply system and a sewer
- 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 line shall be 18" lower than the water line and constructed of a pressure type pipe. When the lines are placed within 5 feet of each other, permanent identification tape must be buried directly
- above the lines denoting "Sewer Line" or "Potable Water Line". Vertical Separation – A minimum of 18" of separation between the top of the sewer lines and the bottom of the water lines must be maintained. In case where the 18" cannot be maintained, the sewer line shall cross at midpoint 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" of vertical
- separation. Manholes - Shall be pre-cast concrete meeting requirement 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 unfavorable. Gravity sewers shall be PVC pipe, schedule SDR-35. All pipes and fittings shall meet or exceed all requirements of ASTM specifications D-3034 and /or other requirements of UNI-BELL UNI B4. Joints shall be either O-ring type "or" mechanical seal joint meeting material requirements of ASTM 1784 and joint requirements of ASTM 3212. No solvent cement joints will be permitted in
- field construction, except as specifically authorized by CTUB. Lateral piping and fittings sizes 4" through 6" for use in lateral piping shall meet the requirements of schedule 40. Refer to CTUB Sewer System Specifications and the latest modifications or revisions thereto, for: • Gravity sewer construction methods and pipeline testing.

R

	LOT 1	LOT 2	LOT 3	LOT 4	TOTAL
TOTAL FUTURE TREATED IMPERVIOUS AREA (sf)	31,682	22,414	24,099	43,142	121,337

IMPERVIOUS AREAS NOTED IN THE CHART ABOVE ASSUME AN EQUAL DISTRIBUTION OF IMPERVIOUS AREA TREATMENT ACROSS ALL LOTS WITHIN THE TWO MAJOR SITE DRAINAGE AREAS. WITH THE UNCONTROLLED AREA BEING ALLOCATED TO THE LARGER FACILITY (SWM-1). THE OWNER RESERVES THE RIGHT TO REALLOCATE THIS IMPERVIOUS AREA WATER QUALITY TREATMENT BETWEEN LOTS AS DESIRED BASED UPON THE ORDER IN WHICH LOTS ARE SITE PLANNED. PERMITTED, AND CONSTRUCTED, AND/OR BASED UPON PROGRAMMATIC REQUIREMENTS OF INDIVIDUAL LOT USES. IMPERVIOUS AREA FOR THE COMBINED LOTS PROPOSED IN EXCESS OF THE NET COMBINED AMOUNT NOTED WILL REQUIRE ON-LOT WATER QUALITY TREATMENT TO BE DESIGNED AND APPROVED WITH THE INDIVIDUAL LOT SITE PLAN(S) FOR SUCH LOTS.

DETECTABLE WARNING TAPE SHALL BE ACQUIRED BY AND PLACED BY THE CONTRACTOR NO LESS THAN 1.5' ABOVE, BUT NO MORE THAN 2'5' ABOVE THE TOP OF THE FINISHED ELEVATION OF THE CHARLES TOWN UTILITY BOARD (CTUB) AND JEFFERSON UTILITIES, INC. (JUI) WATERLINE PIPES. THE DETECTABLE WARNING TAPE SHALL BE AS FOLLOWS:

#### DESCRIPTION.

SIZE: SIX INCH WIDTH, MINIMUM 5 MILS THICKNESS.

ALUMINUM CORE PRINTING: TWO LINES, MINIMUM 3/4 INCH HIGH LETTERING ON EACH LINE, REPEATED CONTINUOUSLY ALONG LENGTH OF TAPE AT INTERVALS NO GREATER THAN 3 FEET.

i. CTUB WATER: CAUTION - WATER LINE BURIED BELOW CALL CTUB 304-725-2316

ii. JUI WATER: CAUTION - WATER LINE BURIED BELOW CALL JUI 304-728-2077

COLORS.

i. TAPE: BLUE FOR WATER.

ii. LETTERING: BLACK.

APPROVED MANUFACTURERS:

OMEGA MARKING CO.

EMPIRE LEVEL MFG. CORP., MAGNATEC

PRO-LINE SAFETY PRODUCTS (A DIVISION OF PRO-PAK IND., INC.) REEF INDUSTRIES, TERRA TAPE SENTRY LINE DETECTABLE

IN ADDITION TO THE ABOVE AND ONLY FOR THE JUI WATER LINES, CONTRACTOR SHALL INSTALL 12 GA HMWPE-INSULATED COPPER TRACER WIRE 1' ABOVE THE TOP OF THE FINISHED ELEVATION OF THE JUI WATERLINE AND/OR IN ACCORDANCE WITH JUI SPECIFICATIONS.

#### OVIDED FOR BY PROPOSED SWM FACILITIES

• Manholes submittals, delivery, storage and handling, inspection, preparation, construction methods and vacuum testing. • Cast in-place concrete specifications and requirements. 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 CTUB. Home owner installed service laterals – pipe shall be 4" minimum SDR-35 or schedule 40 installed at 2% minimum slope. Lateral should be placed with 3 feet minimum cover unless otherwise approved by CTUB. Laterals shall be installed with minimum 6" bedding below pipe and 12" over pipe. Connection of 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. Contractor shall contact CTUB at least 48 hours before connecting to the lateral system to allow for CTUB representatives to perform the onsite inspection of the connection. Contractor shall notify CTUB prior to installation of any improvements within the water and sewer easements to ensure that no fence posts or other improvements are placed on top of the utilities. Charles Town Utility Board 661 S. George Street Charles Town, WV 25414 (304) 725-2316

#### Subdivision Ordinance Summary

- 1. Property corners are to be set with 5/8" x 30" rebar with I.D. caps unless otherwise noted.
- 2. The development is subject to the requirements of the Concept Plan approval.
- 3. Site Grading: fill slopes shall not exceed (3:1) 3' 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' horizontal to 1' vertical.
- 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 signage and shall be in conformance with all existing ordinances in Jefferson County and/or state and federal law.
- 9. There are proposed easements and rights-of-way proposed with this plan set, see sheet 4.
- **10**. There are no known existing easements on the property.
- **11**. There are no future easements planned for the property.
- 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 loading of suspended matter such that turbidity standards spelled out in The Water Resources Board Legislative Rules are violated. Said 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 site plan.
- 14. All service laterals are to be installed prior to 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 wherever practical. 17. Landscaping buffer will consist of vegetation. No opaque screen/fence is proposed. Any fencing within the BRL or
- other buffers cannot exceed 6' in height. 18. There are no known reservations of land for public/semi-public use proposed on the subject property.
- 19. 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 and stormwater management facilities within the subdivision. This common interest ownership agreement must be developed in accordance with the Uniform Common
- Interest Ownership Act of West Virginia. 20. There are no known off-site man-made structures located withing 200' downstream of any drainage pipe or stormwater management facility outfall. Therefore, no off-site structures and associated topography have been
- shown. 21. All residential and non-residential lots shall have a stabilized construction entrance installed prior to beginning construction on the lot.
- 22. A Business Owner's Association must be established without delay as soon as 50% of properties are sold. Membership in the Association mandatory for all property owners within the subdivision. The developers shall dedicate all common lands (SWM basins, roads, rights-of-way, etc.) to the association.
- 23. Retaining walls four (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/developer. These walls must be designed and certified
- by a licensed West Virginia engineer. 24. No permanent structures shall be permitted within existing or proposed easements without prior approval from the Jefferson County Planning Commission.
- 25. A blanket easement is granted to the appropriate Public Service District in all road rights-of-way for construction and maintenance of water and sanitary sewer lines.
- 26. Site lighting is not required when lots are more than 15,000 square feet. 27. No permanent encroachments, structures, fences, or landscaping shall be allowed to be located within any easement area. The Business Owner's Association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing, or any other improvements placed upon such public easements.

#### **GENERAL NOTES FOR PAVING:**

1. FIELD ADJUSTMENTS SHALL BE MADE AS NECESSARY TO PROVIDE A SMOOTH TRANSITION BOTH VERTICALLY AND HORIZONTALLY FORM EXISTING TO PROPOSED PAVING SECTIONS.

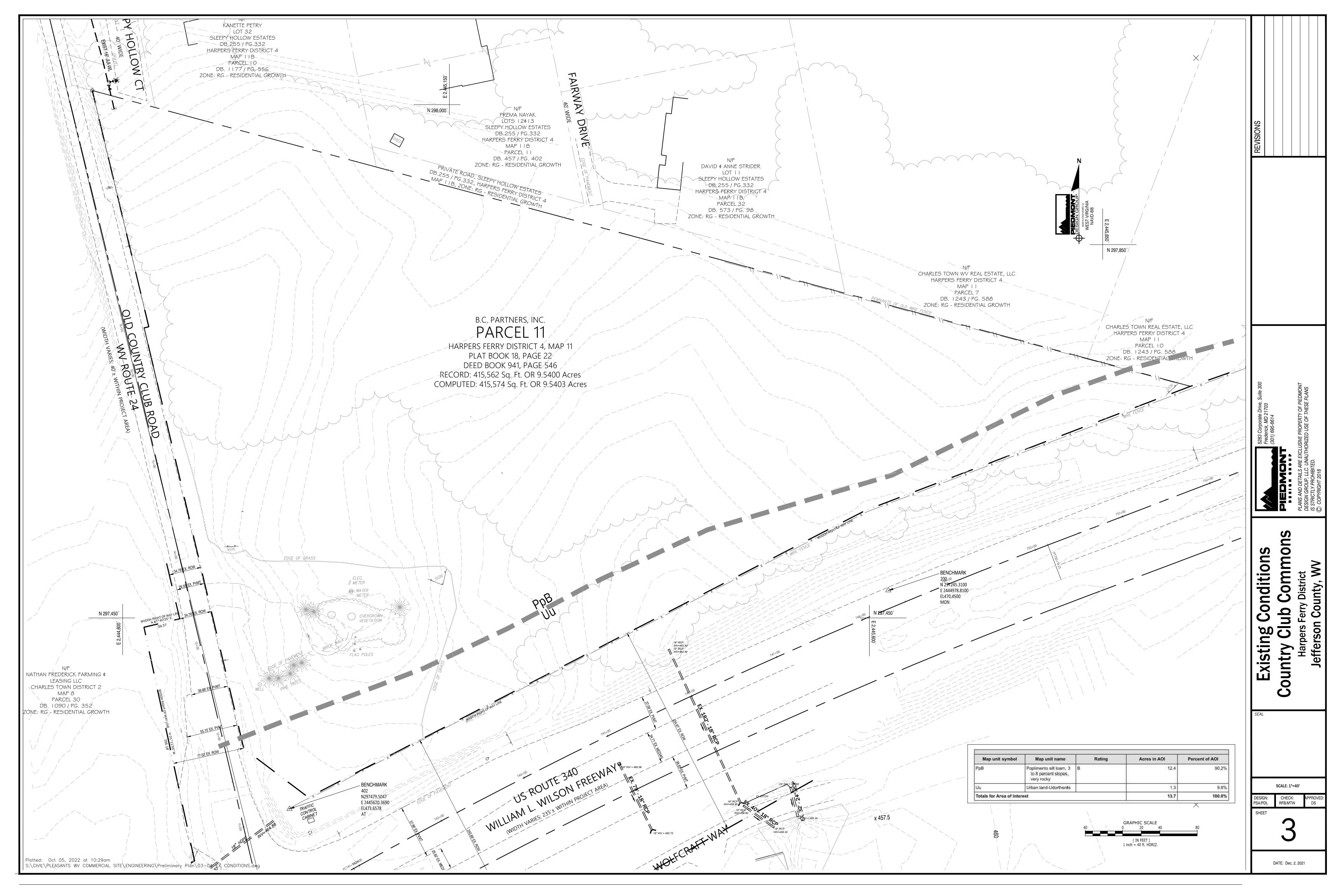
- 2. GUTTERS AND PAVING SHALL BE INSTALLED IN SUCH A MANNER AS TO INSURE POSITIVE DRAINAGE IN ALL AREAS.
- 3. SUB-GRADE PREPARATION FOR PAVED AREAS:

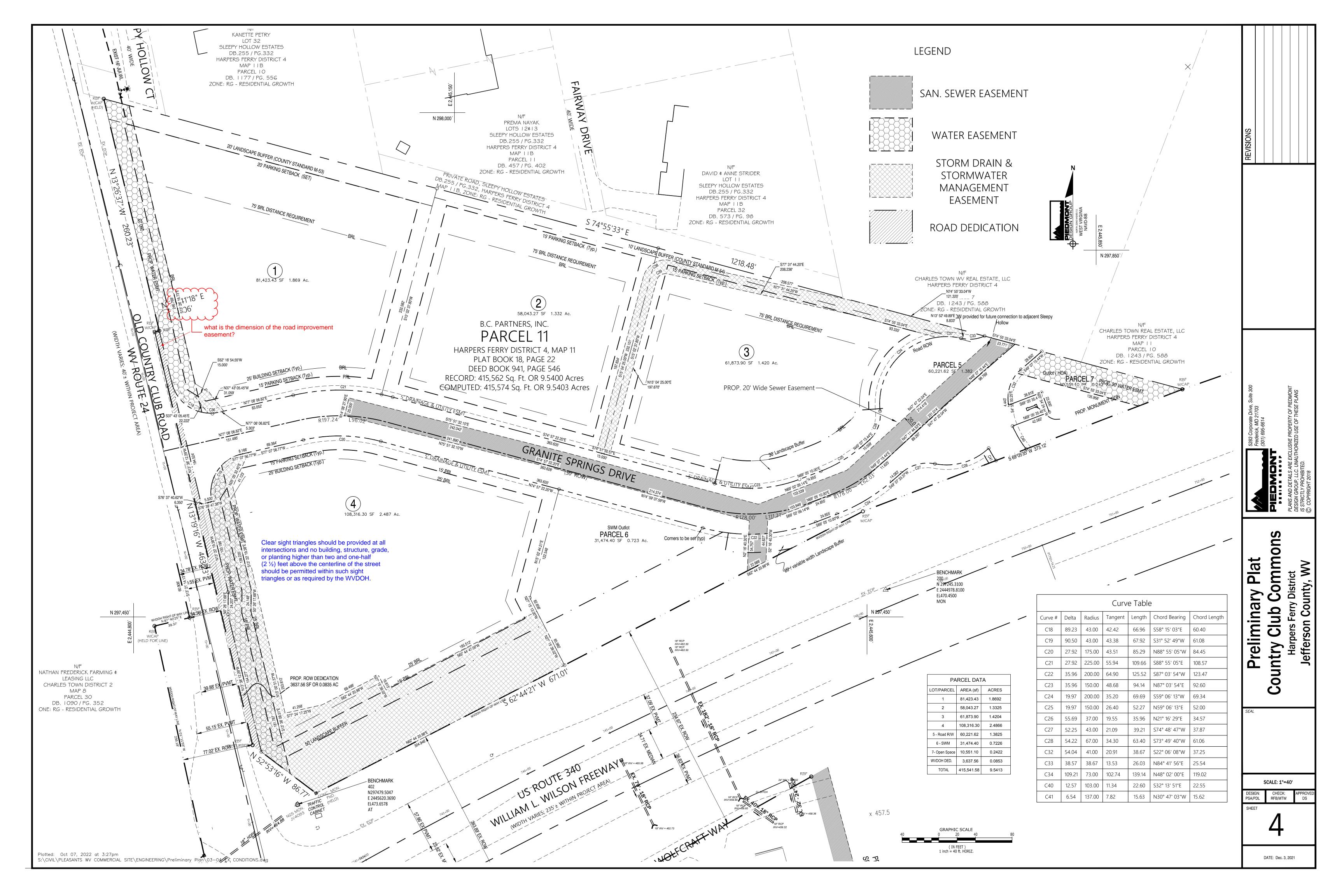
A. FILL AREAS TO PAVED SHALL HAVE SOIL PLACED IN 8" LIFTS AND COMPACTED TO 95% OF MAXIMUM DENSITY. MAXIMUM DENSITY SHALL BE DETERMINED IN ACCORDANCE WITH MP-700.0024 PER WVDOH SPECIFICATIONS. B. AFTER THE SUB-GRADE IN CUTS AND FILLS HAS BEEN FINALLY SHAPED TO THE SPECIFIED CROSS SECTION, IT SHALL BE

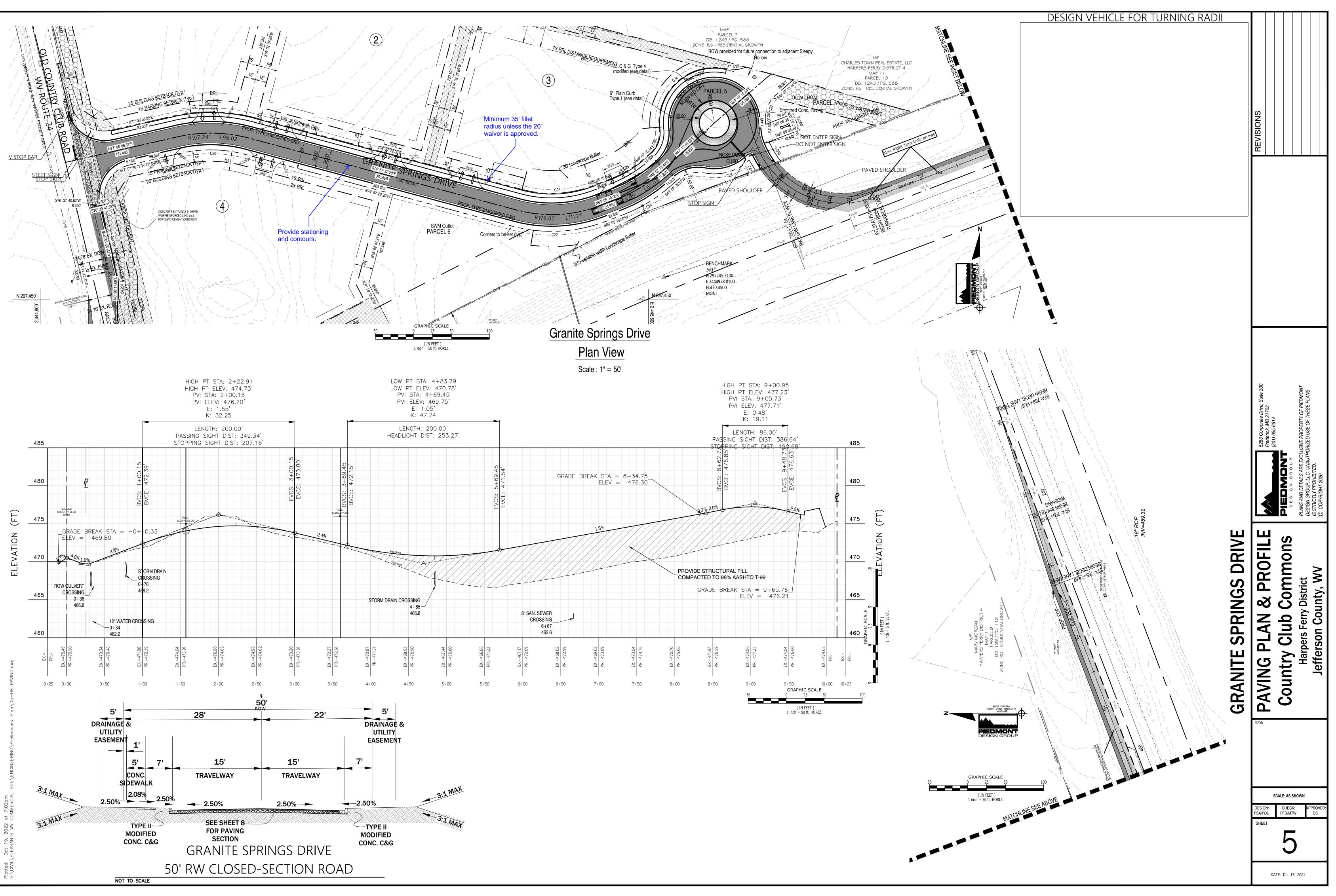
CAREFULLY AND THOROUGHLY PROOF ROLLED WITH A 20 TON ROLLER OR EQUIVALENT TO DETERMINE SOFT OR UNSUITABLE AREAS PRIOR TO PAVING. SOFT OR UNSUITABLE AREAS SHALL BE REMOVED AND BACK FILLED WITH SUITABLE MATERIAL TO THE REQUIREMENTS OF "A" ABOVE. C. NO PAVEMENT SHALL BE PLACED ON FROZEN SUB GRADES NOR ON SUB GRADES THAT WILL NOT ADEQUATELY SUPPORT

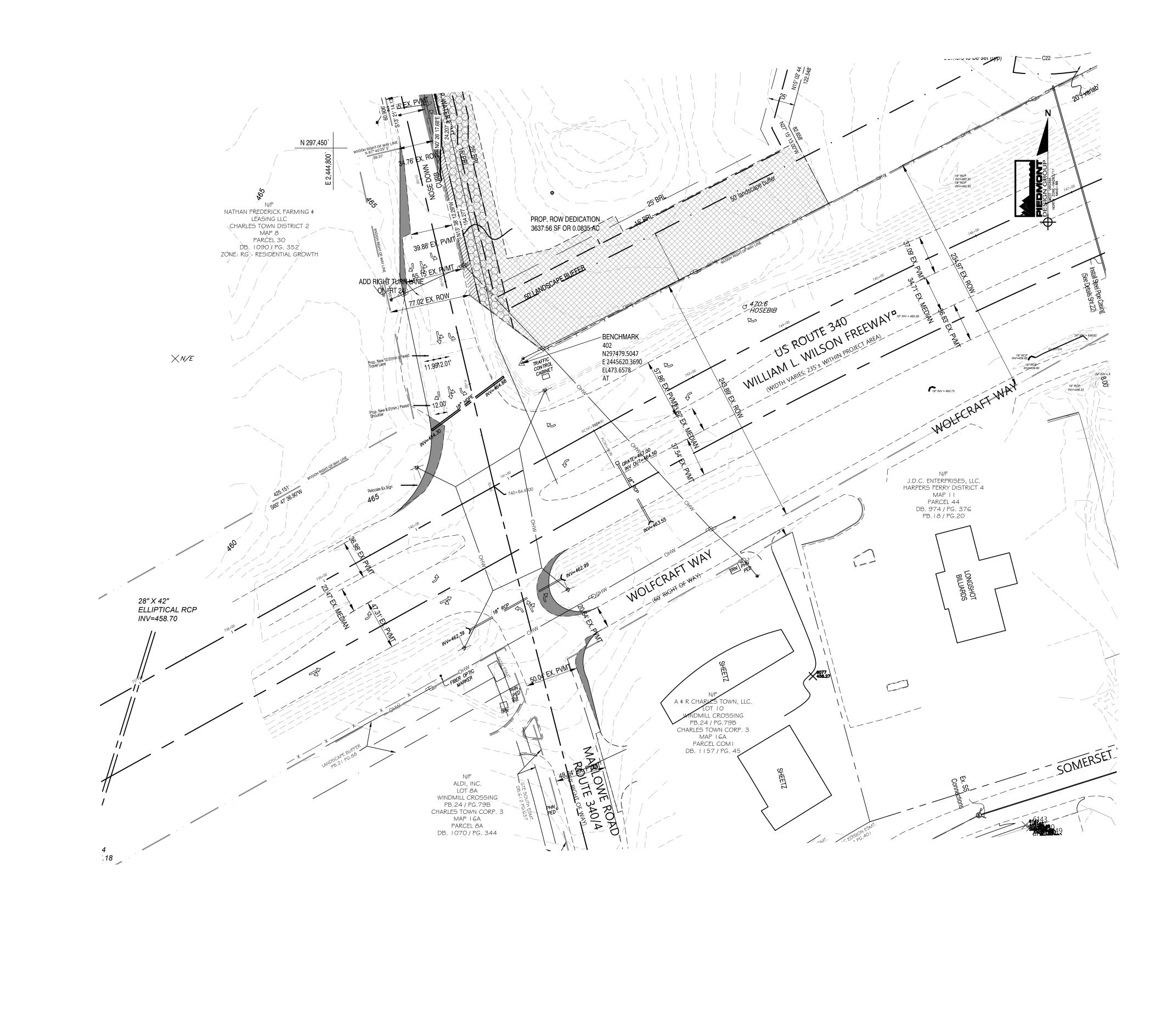
THE PAVEMENT. D. IF ROCK IS ENCOUNTERED IN THE SUB GRADE, CONTACT THE ENGINEER.

ALL	DOH GENERAL NOTES		
AND	ISPORTATION (WVDOH) ROAD AND BRIDGE SPECIFICAT SEDIMENT CONTROL REGULATIONS AND ANY OTHER S	EST EDITIONS OF THE WEST VIRGINIA DEPARTMENT OF TIONS, AND STANDARDS, THE SOIL CONSERVATION SERVICE EROSION STATE, FEDERAL, OR LOCAL REGULATIONS APPLICABLE. IN THE EVENT IFICATIONS OR PLANS, THE MOST STRINGENT SHALL GOVERN.	
	CONSTRUCTION SHALL COMPLY WITH THE LATEST U.S. NISTRATION.	DEPARTMENT OF LABOR OCCUPATIONAL SAFETY & HEALTH	
ACC CON	ORDANCE WITH THE CURRENT EDITION OF WVDOH'S W	CONTROL, WHETHER PERMANENT OR TEMPORARY, SHALL BE IN /ORK AREA PROTECTION MANUAL. FURTHERMORE, ALL TRAFFIC E WITH WVDOH'S JANUARY, 1994 (OR LATEST EDITION OF) ROAD & BRIDGE	
	GN FEATURES RELATING TO CONSTRUCTION OR TO RE NGE AS DEEMED NECESSARY BY WVDOH.	EGULATION, CONTROL AND SAFETY OF TRAFFIC MAY BE SUBJECT TO	
	R TO INITIATION OF WORK, CONTRACTOR SHALL BE RE /ITS FOR ANY WORK ON WVDOH RIGHT-OF-WAY.	ESPONSIBLE FOR ACQUIRING ALL NECESSARY WVDOH LAND USE	
RIGH		OPIES OF ALL INVOICES FOR MATERIALS WITHIN ANY DEDICATED STREET CTOR PRIOR TO ACCEPTANCE OF WORK. UNIT AND TOTAL PRICES MAY	
	TRACTOR SHALL NOTIFY THE LOCAL WVDOH RESIDENC TH OF TIME. WVDOH WILL ALSO REQUIRE 48 HOURS N	CY OFFICE WHEN WORK IS TO BEGIN OR CEASE FOR ANY UNDETERMINED NOTICE FOR ANY INSPECTION.	
ROA <u>CON</u>	WAY THROUGH CONSTRUCTION AND MAINTENANCE C	G ADEQUATE ACCESS TO THE PROJECT FROM THE ADJACENT PUBLIC DF A CONSTRUCTION ENTRANCE IN ACCORDANCE WITH THE <u>SOIL</u> <u>HANDBOOK</u> . FURTHERMORE, ACCESS TO OTHER PROPERTIES AFFECTED	
CON		HEVED AND MAINTAINED ON THE SITE DURING AND AT THE END OF	
ALL		DSED WVDOH RIGHT-OF-WAY ARE TO HAVE MINIMUM 36" COVER AND, INAGE FACILITIES.	
BRO		DURING THE COURSE OF CONSTRUCTION SHALL BE IMMEDIATELY OH. WORK SHALL CEASE IN THAT VICINITY UNTIL AN ADEQUATE DESIGN	
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ALL 6" LII	ROADWAY FILL, BASE, SUBSURFACE MATERIAL AND BAG TS TO 95% OF THEORETICAL MAXIMUM DENSITY AS DE	CKFILL OF UTILITY/STORM SEWER TRENCHES SHALL BE COMPACTED IN ETERMINED BY MP 700.0024 PER WVDOH SPECIFICATIONS METHOD C,	
DIRE REQ	CTION OF WVDOH INSPECTOR DENSITY TESTS PERFO	HE FULL WIDTH OF ANY DEDICATED STREET RIGHT-OF-WAY. AT THE ORMED BY A QUALIFIED INDEPENDENT AGENCY SHALL BE CONDUCTED AS DNS. A COPY OF ALL TESTS SHALL BE SUBMITTED TO WVDOH PRIOR TO	
WVD		STALLED WHERE INDICATED ON THESE PLANS AND FURTHER WHERE	
THE		/ITHIN ANY DEDICATED STREET RIGHT-OF-WAY SHALL MEET WVDOH ESPONSIBILITY.	
IF RE	QUIRED BY THE LOCAL WVDOH RESIDENCY OFFICE, A	PRE CONSTRUCTION CONFERENCE MUST BE ARRANGED AND HELD BY CE OF THE CONTRACTOR, VARIOUS COUNTY AGENCIES, UTILITY	
ſ			TEDMO IEDMO ISIGN GROUP, LLC. U STRICTLY PROHIBITE
		LEGEND	PLANS AN DESIGN G
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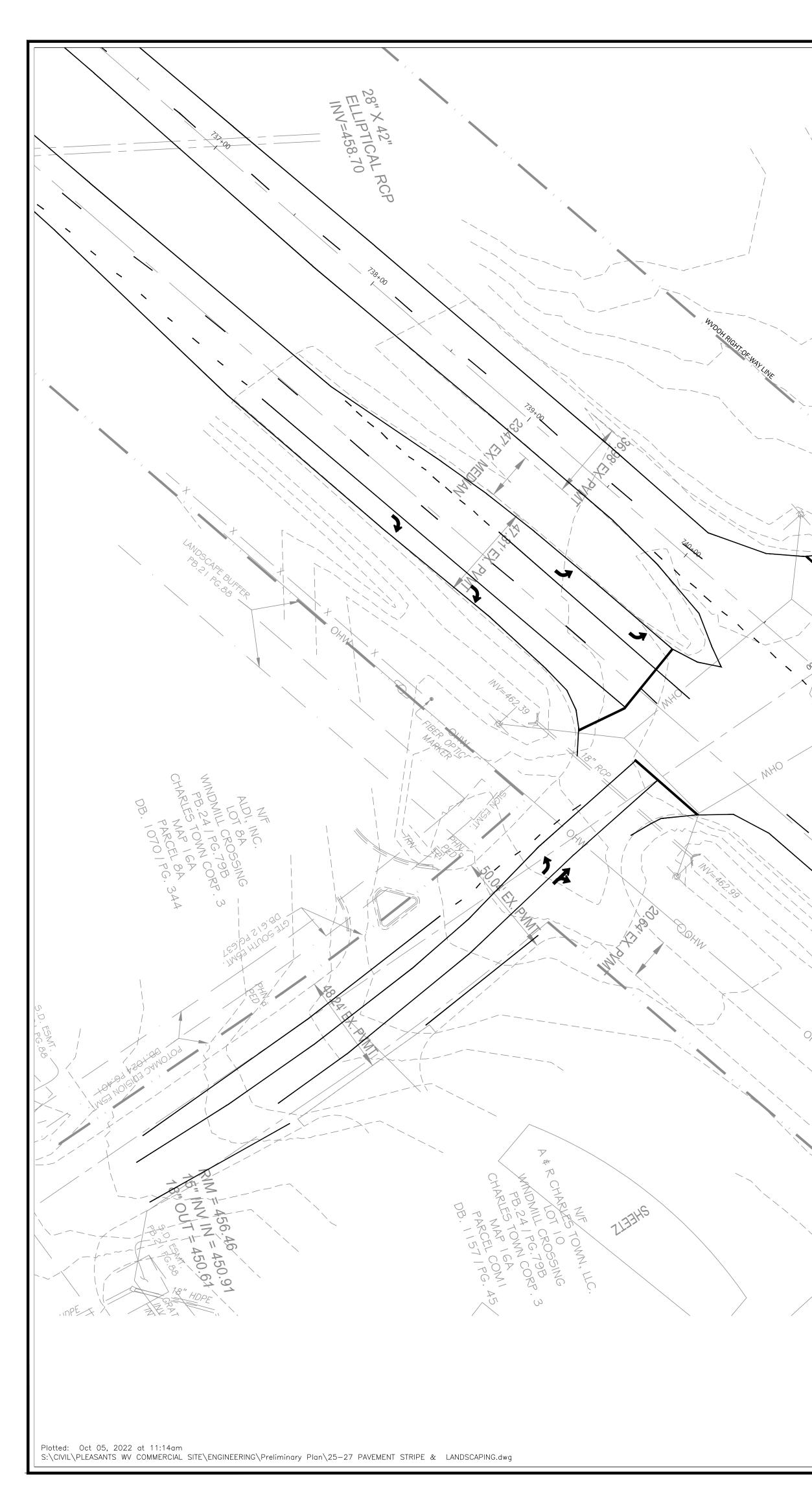


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DESIG PSA/PI SHEE	I L			REVISIONS
N: DL T			Frederick, MD 21703 (301) 695-6614	
CHEC RFB/MT		Country Club Commons		
		Harpers Ferry District		
PPROVED: DS		Jefferson County, WV	© COPYRIGHT 2020	

MARLOWE ROAD, OLD COUNTRY CLUB ROAD, & US 340 INTERSECTION

( IN FEET ) 1 inch = 50 ft. HORIZ.

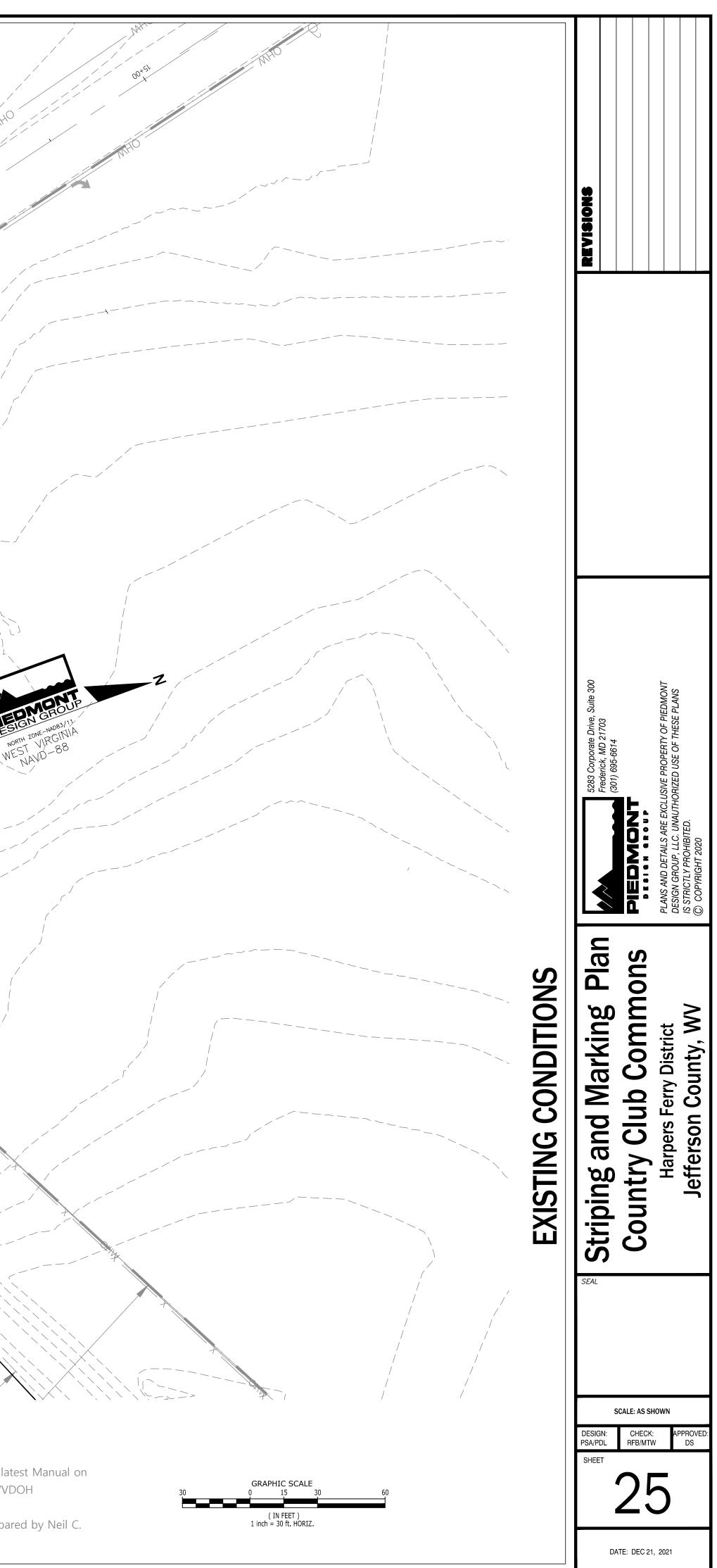


BENCHMARK 402 N297479.5047 E 2445620.3690 EL473.6578

E 2,444,800

# NOTES

- Striping and Markings shall be installed per the latest Manual on Uniform Traffic Control Devices (MUTCD) and WVDOH specifications.
- 2. Road marking modifications as per a report prepared by Neil C. Parrott, PE, PTOE, dated July 29, 2021.



# NOTES

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- 1. Striping and Markings shall be installed per the latest Manual on Uniform Traffic Control Devices (MUTCD) and WVDOH specifications.
- 2. Road marking modifications as per a report prepared by Neil  $C_{\rm c}$ . Parrott, PE, PTOE, dated July 29, 2021.
- 3. Extent of new striping vs. existing to meet intersection striping criteria shown to be determined based on field conditions at the time of installation.

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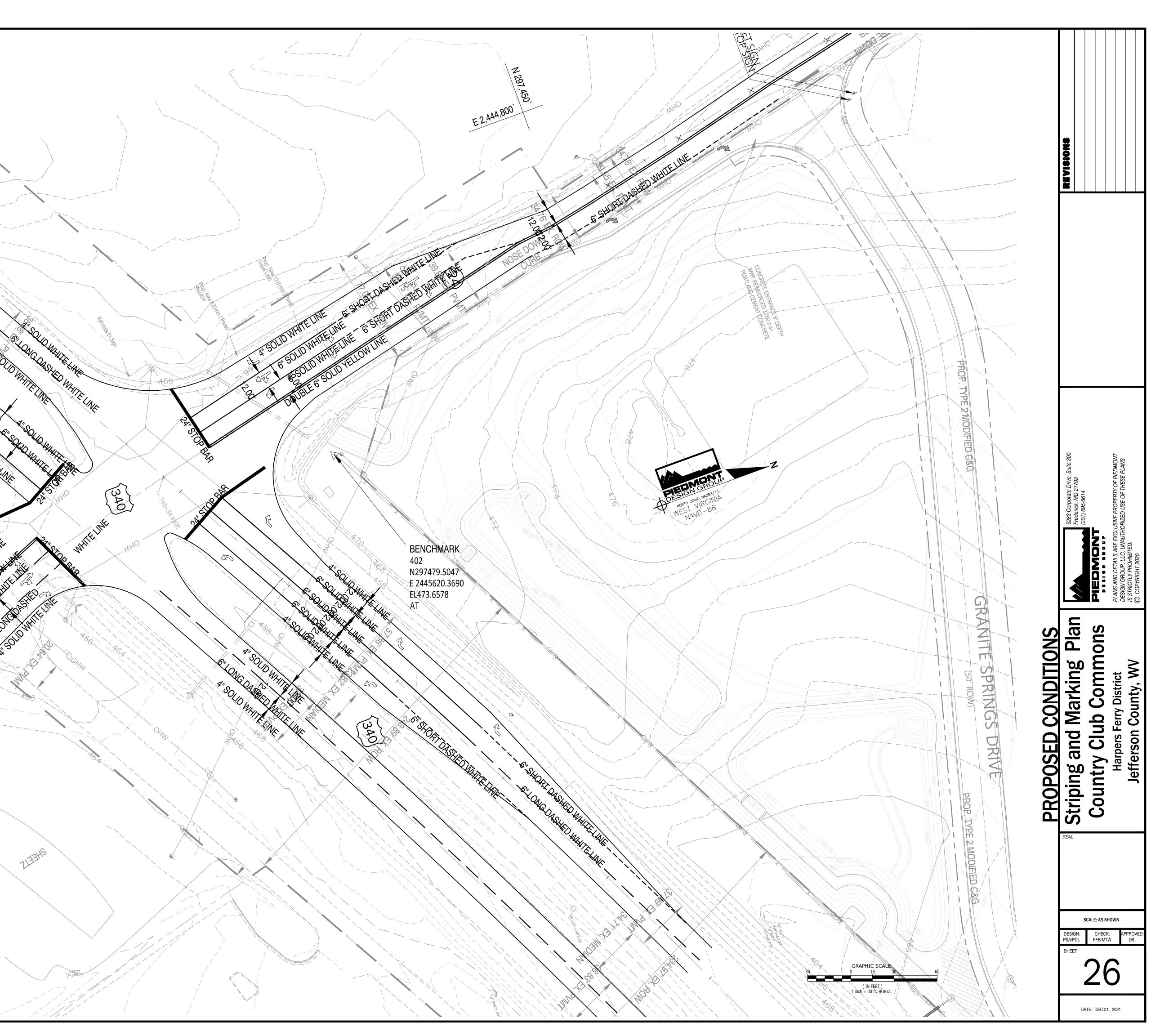
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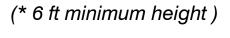
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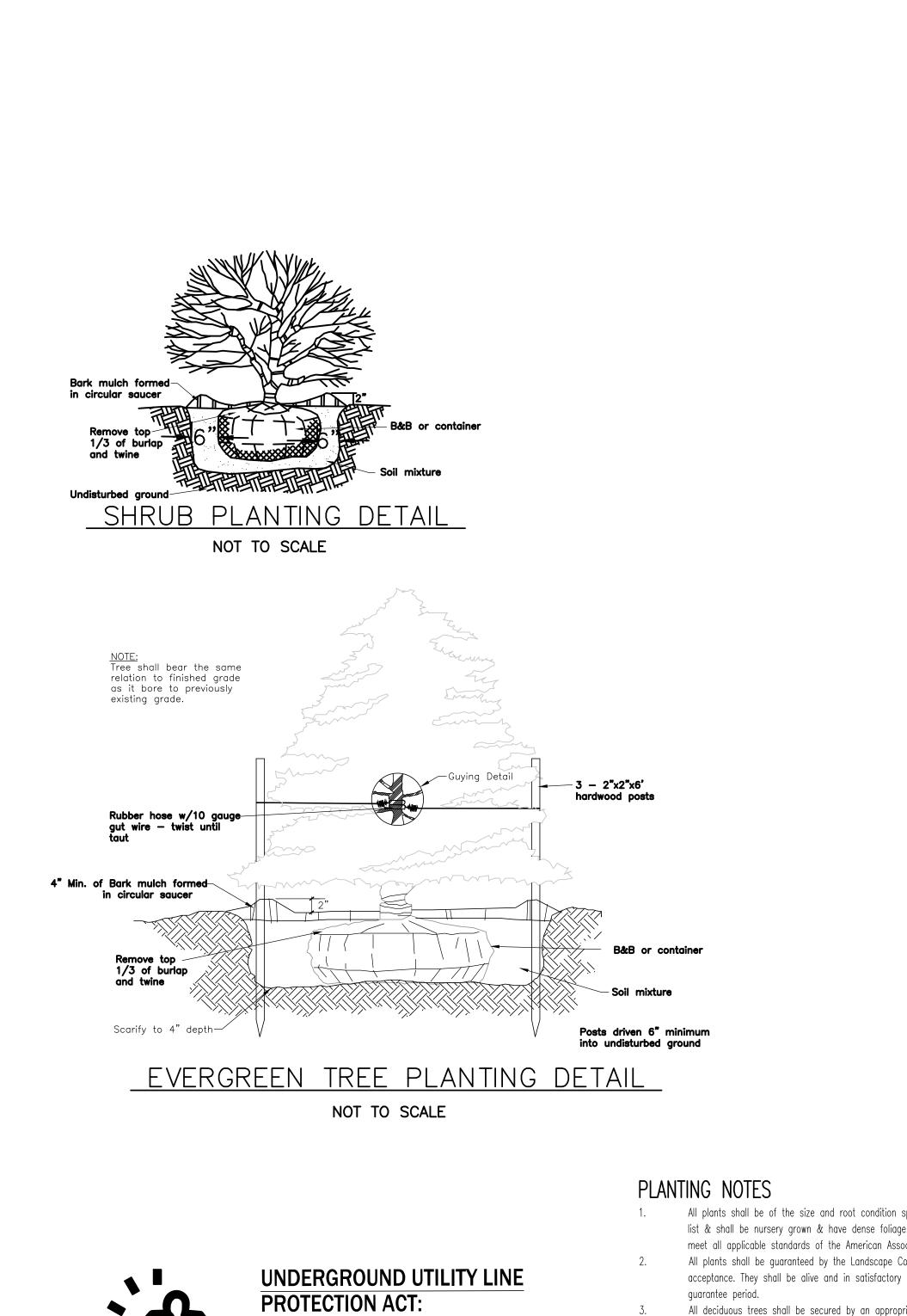
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# LANDSCAPE SCHEDULE

PC	QTY	SCIENTIFIC NAME	COMMON NAME	CALIPER	HEIGHT	ROOT/SPACING	COMMENT
EVER PA 3		N TREES Picea abies	Norway Spruce		6 to 7 ft	* B&B	FULL TO G
SHRI Ahc EA	5	Azalea 'Hino Crimson" Euonymus alata " Compacta"	Hino Crimson Azalea Dwarf Winged Euonym	us		#3 container #3 container	FULL TO G FILL AREAS





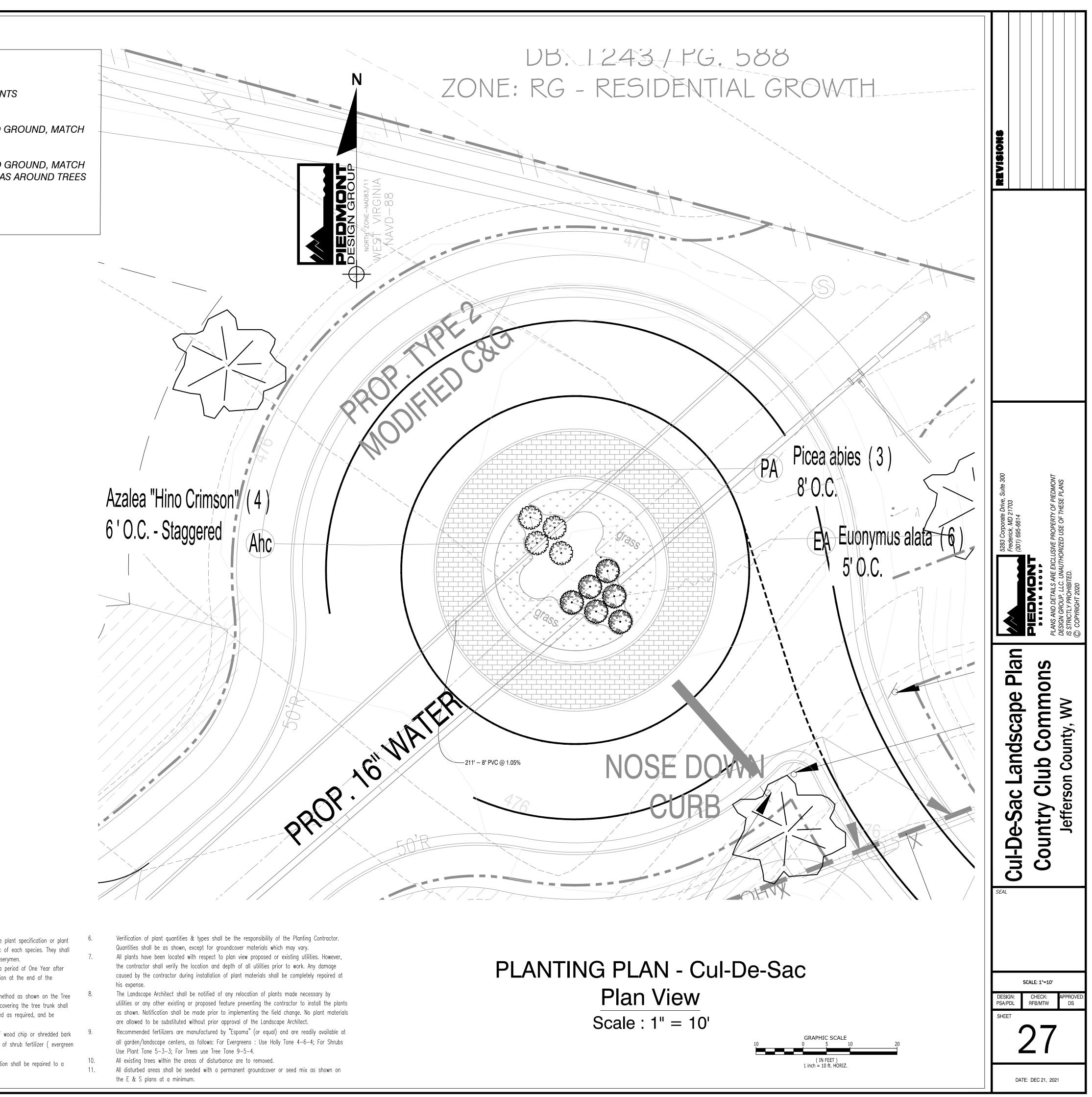
THE EXISTENCE AND LOCATION OF UNDERGROUND UTILITIES OR STRUCTURES ARE SHOWN IN AN APPROXIMATE WAY ONLY. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES AND STRUCTURES BEFORE COMMENCING THE WORK. CALL MISS UTILITY AT 811 AT LEAST 2 **BUSINESS DAYS IN ADVANCE OF WORK.** 

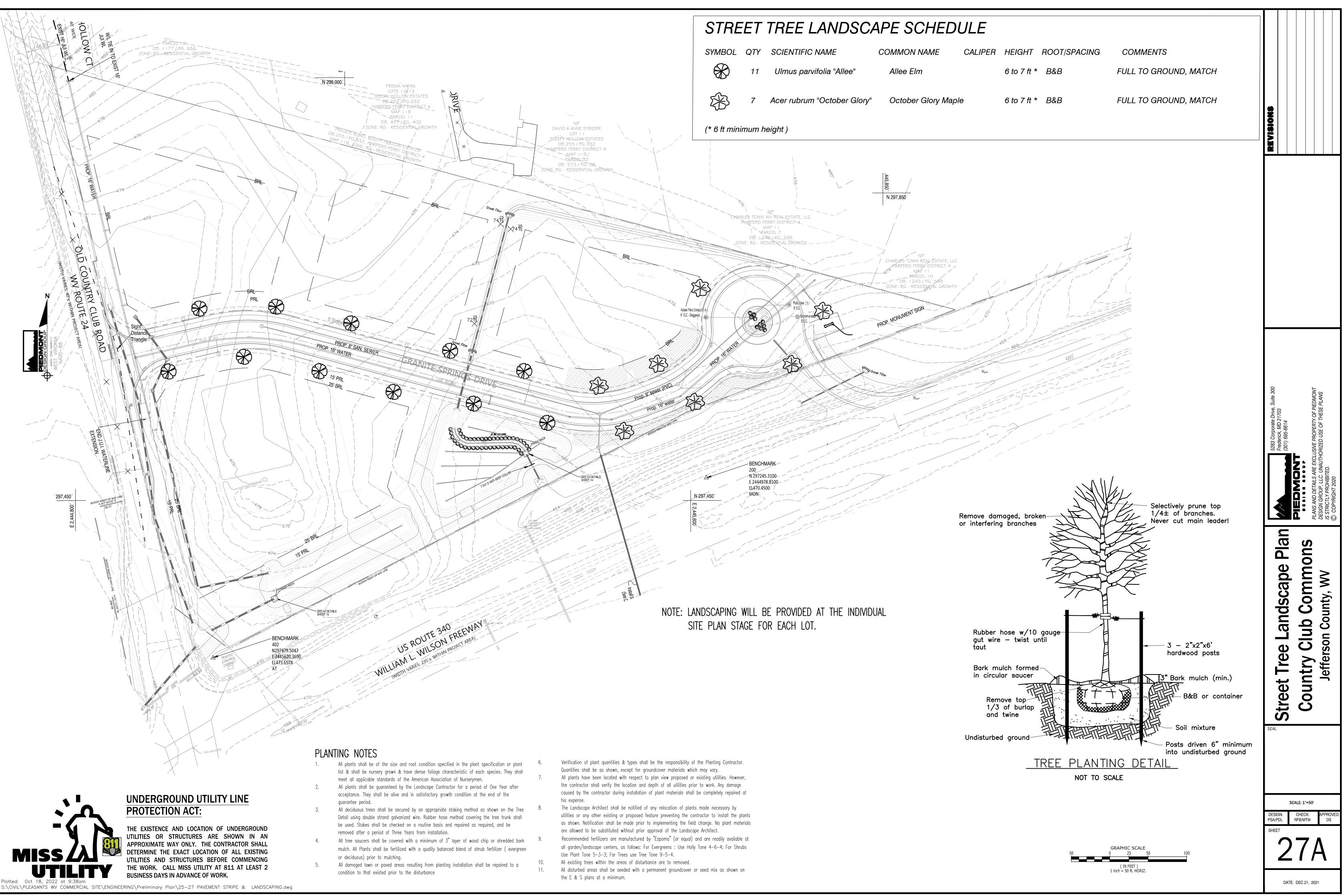
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MISS

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- All plants shall be of the size and root condition specified in the plant specification or plant list & shall be nursery grown & have dense foliage characteristic of each species. They shall meet all applicable standards of the American Association of Nurserymen. All plants shall be guaranteed by the Landscape Contractor for a period of One Year after acceptance. They shall be alive and in satisfactory growth condition at the end of the All deciduous trees shall be secured by an appropriate staking method as shown on the Tree Detail using double strand galvanized wire. Rubber hose method covering the tree trunk shall be used. Stakes shall be checked on a routine basis and repaired as required, and be removed after a period of Three Years from installation.
- All tree saucers shall be covered with a minimum of 3" layer of wood chip or shredded bark mulch. All Plants shall be fertilized with a quality balanced blend of shrub fertilizer ( evergreen
- or deciduous) prior to mulching.
- All damaged lawn or paved areas resulting from planting installation shall be repaired to a 5 condition to that existed prior to the disturbance





	list & shall be nursery grown & have dense foliage characte
	meet all applicable standards of the American Association of
2.	All plants shall be guaranteed by the Landscape Contractor
	acceptance. They shall be alive and in satisfactory growth co
	guarantee period.
3.	All deciduous trees shall be secured by an appropriate staki
	Detail using double strand galvanized wire. Rubber hose meth
	be used. Stakes shall be checked on a routine basis and re
	removed after a period of Three Years from installation.
4.	All tree saucers shall be covered with a minimum of 3" laye
	mulch. All Plants shall be fertilized with a quality balanced b
	or deciduous) prior to mulching.
5.	All damaged lawn or paved areas resulting from planting ins

the plant specification or plant
istic of each species. They shall
Nurserymen.
or a period of One Year after
ndition at the end of the

#### Staff Report Jefferson County Planning Commission Meeting November 15, 2022 Postponed from October 11, 2022

#### Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)

Item #5: Public Hearing: Request for a Final Plat Amendment to lift the single family restriction (Note #1 on Final Plat DB 721/PG 310) to allow for the construction of a detached accessory dwelling unit for a family member.

Applicant/Developer:	Bobby and Nancy Jones	
Property Location and Legal Information	E. H. Lane and Julianna Lane Minor S 208 Turn One Drive, Summit Point, WV; Para Size: 16.26 ac; Zoning Distri	cel ID: 06001700060006;
Surrounding	North: Rural	East: Rural
Properties:	South: Rural	West: Rural
Approved Activity:	Single Family Residence	
Approvals:	Lot 1 of E.H. and Julianna Lane Minor Subdivision, recorded on 08/17/92; in DB 721 / PG 310; located on a 40' access easement (Turn One Drive)	

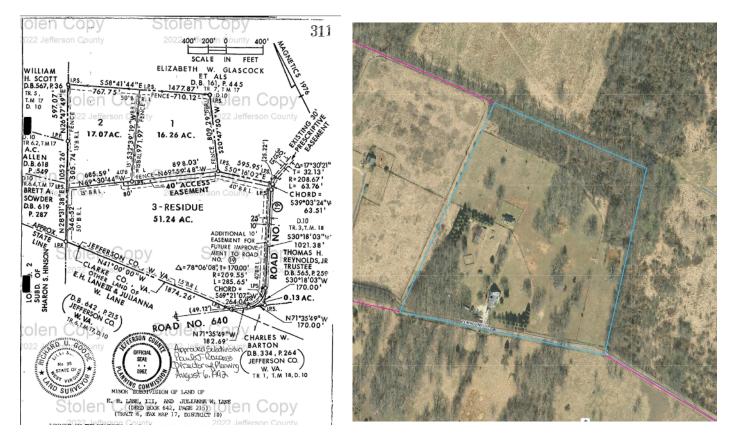
Staff Report Jefferson County Planning Commission Meeting November 15, 2022 Postponed from October 11, 2022

#### Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)

#### **Overview of Request**

The subject parcel is designated as Lot 1 in the E.H. and Julianna Lane Minor Subdivision, which was recorded on August 17, 1992 in Deed Book 721/Page 310. This subdivision is in the Rural Zoning District, located south of Summit Point Raceway near the Virginia state line. At the time the plat was approved, the Subdivision Ordinance required all subdivisions to include a note that restricted each lot to a single-family residence only. This note is no longer required for subdivisions. This note (Note # 1) is the subject of this Final Plat Amendment request.

The applicant would like to lift the single-family residence restriction (Note #1 on Final Plat DB 721/PG310) to allow for the construction of a detached accessory dwelling unit for a family member. A dwelling unit is for a family member (blood relative) and is considered an "in-law suite" in the Zoning Ordinance. Detached in-law suites are permitted in the Rural Zoning District in accordance with Section 8.15A of the current Zoning Ordinance on properties of at least 2 acres in size.



#### **Zoning Ordinance Requirements**

If the Planning Commission approves this Final Plat Amendment to lift the single-family restriction for Lot 1 in the E.H. and Julianna Lane Minor Subdivision, the applicant may apply for a Zoning Certificate to process under the zoning requirements for In-Law Suites/Accessory Dwelling Units in the Rural

#### Staff Report Jefferson County Planning Commission Meeting November 15, 2022 Postponed from October 11, 2022

#### Bobby & Nancy Jones Final Plat Amendment (22-5-FPA)

Zoning District. Section 8.15A of the Zoning Ordinance has various provisions that must be complied with, including, but not limited to, the requirement that the accessory unit must be secondary in size to the principal dwelling unit, with a maximum size of 1,700 heated square feet, gross floor area.

#### **Plat Amendment Requirements**

Section 24.202A of the Jefferson County Subdivision and Land Development Regulations, "Amendment, Modification, and the Vacating of Subdivision Plats", states that the Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat <u>in the same manner as the plat was originally approved</u>, provided:

- 1. All of the property that is affected by the amendment is under the ownership of the applicant;
- 2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- 3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

Because all plats were approved by action of the Planning Commission under the 1979 Subdivision Ordinance, this amendment was required to be placed on the Planning Commission agenda for a Public Hearing and Planning Commission action. The required 30-day public notice has been advertised in the September 7, 2022 edition of the Spirit of Jefferson newspaper for the October 11, 2022 Planning Commission meeting.

#### Recommendation

Staff recommends approving the requested Final Plat Amendment to lift the single-family restriction (Note #1) for the sole purpose of constructing an accessory dwelling unit on Lot 1 in the E.H. and Julianna Lane Minor Subdivision. If approved, the applicant will need to apply for a Zoning Certificate for the Accessory Dwelling Unit prior to applying for a Building Permit.

Contraction of the second	Jefferson County, West Virginia Department of Engineering, Planning and Zoning Date Rec'd: 8-30-22
A DI VIRCINST	Office of Planning and Zoning 116 E. Washington Street, 2 <sup>nd</sup> Floor, P.O. Box 716 Charles Town, West Virginia 25414 Mtg Date: 10-11-2.2
	ment@jeffersoncountywv.org Phone: (304) 728-3228 soncountywv.org Fax: (304) 728-8126
	Final Plat Amendment Application
A request to a	mend, modify and/or vacate an approved plat must comply with Section 24.202 of the Jefferson County 2008 Subdivision Regulations, as amended.
<b>Property Owner I</b>	nformation
Owner Name:	Bobby G + Nancy E Jones
Business Name:	
Mailing Address:	208 Turn One Dr Dummit Paint WV 25446
Phone Number:	703-203-9918 Email: tawntabor@aut.com
Applicant Inform	<u> </u>
Applicant Name:	Same as owner:
Business Name:	
Mailing Address: Phone Number:	Email:
Consultant Inform Consultant Name:	
Business Name:	
Mailing Address:	
Phone Number:	Email:
<b>Physical Property</b>	
Physical Address	208 Tun One DI Summit Point WV 25446
Parcel ID:	04001700060006 Parcel Size 16.26AC
Zoning District: }	Kabletown Deed Book: 997 01721 Page No: 3910 01 310
<b>Plat Information</b>	
Plat Title:	Note No:
Recordation Date	Plat Book: Page No:
	re of your proposed amendment.
14 )0	Id like to build a second home on our property.
Nou	us. a one level home for when we get older
	in accessory dwelling unit.
	an weessery ameteria wan -
building setbacks, si	d location of the lot. Show the location of the proposed construction/land use. Include ze, and height. Identify existing easements, roads, buildings/structures, or land uses on the ic or well relocations require a survey plat and approval by the Health Department.
Incl	uded I Not applicable (include a vicinity map if a sketch is not applicable)
By signing this applic	ation, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of Planning Commission staff report. The information given is correct to the best of my knowledge.

Property Owner/Applicant Signature	Ques 8/28/=	id Kabby & An	NA A	8/28/22
Property Öwner/Applicant Signature ()	Date	Property Owner Applicant Signa	ature	Date

Parcel: 06001700060006 TD: 06 / Map: 17 / Pcl: 0006.0006 Deeded Owner: JONES NANCY E & BOBBY G Owner Address: 208 TURN ONE LN, SUMMIT POINT, \WV 25446 Deed Book/Page: <u>997/396</u> Description: LT #1 (16.26 AC) LANE Lot Size: 16.49 Year Built: 1993

DB/Page 721/310 <u>http://documents.jeffersoncountywv.org/Image.aspx?control=259753</u> DB/Page 642/215 <u>http://documents.jeffersoncountywv.org/Image.aspx?control=233568</u>



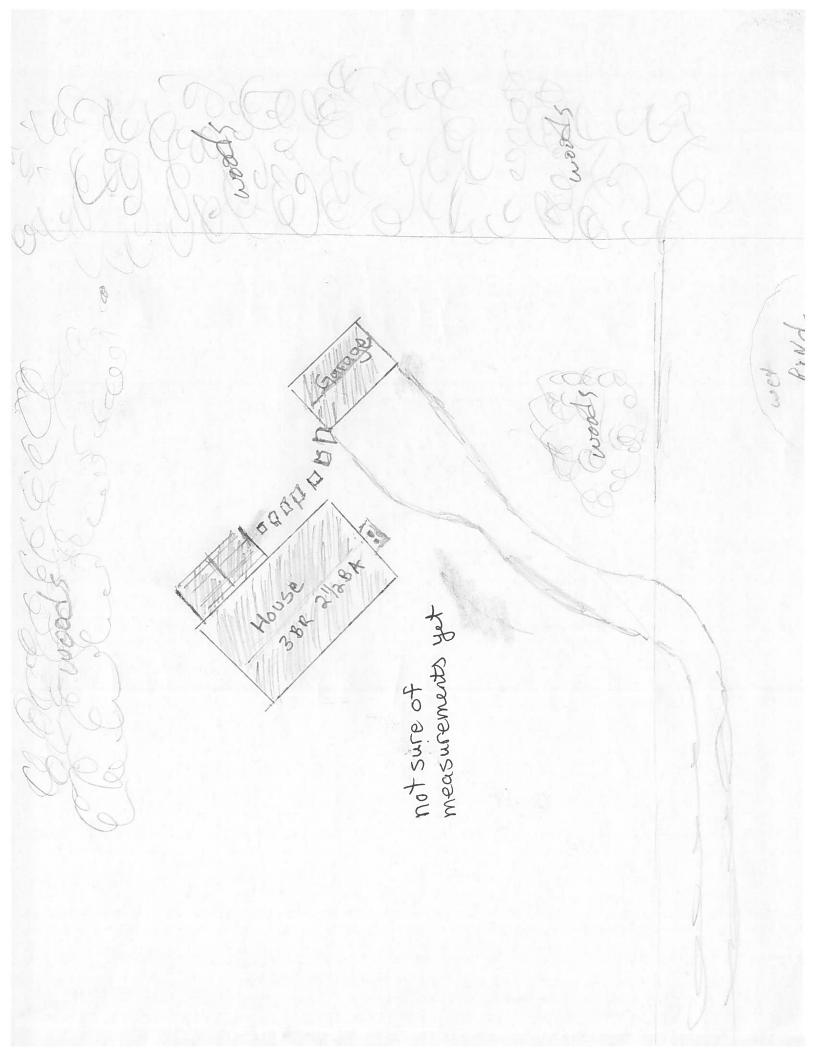
.... ----- ---- .... .... .... ..... I'LL TOU TEAR TIAOD KONE DEDIGNATED BY HUD.

AREA TABULATION: AREA IN LOT(S) AREA REMAINING/PARENT TRACT AREA IN SUBDIVISION

84.57 ALRES (IOT 1=16.26 ALRES, 1OT 2=17.07 ALRES & 0.13 ALRES/W.VA. IOT 3=51.27 ALRES, RESIDUE) 84.70 ALRES

RESTRICTIONS: (1) EACH PARCEL SHOWN ON THE ATTACHED PLAT SHALL BE RESTRICTED TO A SINGLE FAMILY RESIDENCE ONLY, UNLESS OTHERWISE APPROVED BY THE PLANNING COMMISSION IN CONFORMANCE WITH THE PREVAILING COUNTY LAND DEVELOPMENT LAWS.

(2) THE SELLER OF ANY LOT IN THIS SUBDIVISION SHALL PROVIDE THE BUYER WITH A REASONABLE OPPORTUNITY, BEFORE SETTLEMENT TO DETERMINE THAT THE LOT IS SUITABLE OF A SEPTIC DISPOSAL SYSTEM. IF BEFORE SETTLEMENT, THE BUYER IS DENIED A SEPTIC SYSTEM CONSTRUCTION PERMIT BY THE JEFFERSON COUNTY HEALTH DEPARTMENT, THE BUYER MAY REFUSE TO PURCHASE THE PROPERTY WITHOUT PENALTY. House



Item #6: Public Workshop: Concept Plan for the Rippon (Solar) Energy Facility for a proposed 99 MWac solar electric generating facility on approximately 878-acres. The project will consist of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities. The project site has existing high voltage power lines running through the property.

Applicant:	Rippon Energy Facility, LLC
Owner:	Multiple Owners / See Exhibit Below
Consultant:	Torch Clean Energy, Sam Gulland and Brian Kusiak
Parcel Information/ Zoning District:	Multiple Vacant Parcels / See Exhibit Below         Multiple Vacant Parcels / See Exhibit Below <t< td=""></t<>
Surrounding Properties:	Zoning Map Designation: North, East, South, West: Rural
Approvals:	10/27/22 Board of Zoning Appeals Meeting Conditional Use Permit Public Hearing

#### **Property Owners / Property Locations**

Map Reference	Property Owner	Property Location
•	Bullskin LLC	673 Old Shennandale Rd, Charles Town WV Parcel ID: 06001100090000; Lot Size: 133.75 / Project Size: 106.52 ac;
0	Clarence E Hough, Et Al	Vacant parcel located west of the property addressed as 957 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000030001; Lot Size: 108.66 ac / Project Size: 99.84 ac;
•	View Mountain Farm LLC	28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100060000; Lot Size: 101.6 ac / Project Size: 97.01 ac;
	Stanley & Katherine Dunn	2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002100050000; Lot Size: 174.6 ac / Project Size: 165.52 ac;
0	Stanley & Katherine Dunn	Vacant parcel located east of the property addressed as 28 Dutch Hill Rd, Charles Town, WV; Parcel ID: 06002100070000; Lot Size: 89.39 ac / Project Size: 86.07 ac
•	Stanley & Katherine Dunn	Vacant parcel located east of the property addressed as 2646 Kabletown Rd, Charles Town, WV; Parcel ID: 06002200050001; Lot Size: 232 ac / Project Size: 169.15 ac;
•	Stanley & Katherine Dunn	1371 Myerstown Rd, Charles Town, WV; Parcel ID: 06001000050000; Lot Size: 366 ac / Project Size: 12.27
0	Stiles Family Partnership LLC	Vacant parcel located north of the property addressed as 1337 Roper North Fork Rd, Charles Town, WV Parcel ID 06001100060001; Lot Size: 25.14 ac
	Stiles Family Partnership LLC	Vacant parcel located north of the property addressed as 1337 Roper North Fork Rd, Charles Town, WV Parcel ID 06001100060000; Lot Size: 115.8 ac

\*All of the subject parcels are zoned Rural.

#### **Overview of Project**

The applicant is proposing a 99 MWac solar electric generating facility on approximately 878-acres. The project will consist of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities. The project site has existing high voltage power lines running through the property.

The proposed use is identified as a Solar Energy Facility, defined in Article 2 of the Zoning Ordinance, as:

"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."

Solar Energy Facilities are Principal Permitted Uses in the Rural Zoning District 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 are required to process as Conditional Uses in zoning districts outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA). The provisions for large-scale solar energy facilities are found in Section 8.20 of the Zoning Ordinance.

The Rippon Energy Facility is proposed to occur on a total of 878 acres, with ~141 acres located within the Charles Town Urban Growth Boundary, where solar energy facilities are permitted by right. The project also includes ~ 737 acres of the solar energy facility project to be located outside of the Charles Town Urban Growth Boundary, which requires approval of a Conditional Use Permit (CUP). On October 27, 2022, the Board of Zoning Appeals approved the CUP (File #22-9-CUP) with several conditions (attached), which were proffered by the applicant.

The Planning Commission's Public Workshop relates to the Concept Plan for the full 878 acre project area. The subject properties are currently vacant and/or used for agricultural purposes. Due to the proximity to the Shenandoah River and Bullskin Run, portions of the project site are located within the delineated floodplain area; however, all of the panels will be outside of the floodplain area and will comply with the 25-foot setback requirement from the edge of the delineated floodplain area. No structures or grading are proposed for the areas within the floodplain.

The Concept Plan includes a graphic and a brief narrative description on the Plan related to the configuration and components of the proposed facility. Rippon Energy Facility will be the owner of the proposed solar generation facility, which is expected to operate for a minimum of 30 years. The project will consist of rows of solar modules which are installed in arrays dispersed throughout the leased land. A portion of the 366 acre  $\pm$  farm property located off of Myerstown Road will be divided off for construction of the proposed substation which will connect the facility to the existing 138 kilovolt overhead transmission line. Additional components related to the project include construction of internal access roads and six access points; as well as the installation of security fencing along the perimeter of project areas. The applicant has demonstrated that the project will meet or exceed the setback and buffer standards as required by Section 8.20 of the Zoning Ordinance. Following Planning Commission action, the applicant will be required to submit a stormwater management report to demonstrate how the project meets the requirements of the Stormwater Management Ordinance.

#### Staff Report Jefferson County Planning Commission November 15, 2022

#### **Rippon Energy Facility Concept Plan Public Workshop (22-15-SP)**

A fence with a minimum height of 6' and secured gates is proposed around operating areas of the solar energy facility. The Concept Plan reflects that all solar panels are located a minimum of 100' from all of the external property lines and that there are no panels located within 200' of a residence, Category 1 historic resource, institution for human care, church or similar use or structure. Symbology to this effect has been requested on the Concept Plan. The project includes voluntary vegetative buffers in several locations around the project areas (see Sheet 6 of 6 of the Concept Plan).

The applicant indicated to the BZA that the West Virginia Department of Arts, Cultures, and History (WVDACH) requires that a Phase I Archaeology and Architecture Study be completed for their consideration. Staff noted that the project site includes two parcels that each contain a Category II Historic Structure identified by the Historic Landmarks Commission.

1. The property located at 1371 Myerstown Rd contains Eastwood.

2. The property located at 673 Old Shennandale Road contains the William Osborne House.

Section 3.4D.4.b of the Zoning Ordinance defines Category II resources as follows:

"These sites are classified as important. This category includes Jefferson County Landmarks, historic sites that may have been altered or changed to such a degree that they no longer retain the same level of integrity as the original condition."

The Historic Landmarks Commission was notified of both the Conditional Use Permit application and the subject Concept Plan and they did not submit any comments related to the project.

#### Site Plan Category

Section 8.20 of the Zoning Ordinance requires that all projects meeting the definition of Solar Energy Facilities are required to process a Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision Regulations. After the Concept Plan Public Workshop is held and Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permits, including submission of a report in conformance with the Jefferson County Stormwater Management Ordinance, if required. The Concept Plan includes the entire project, including the portion of the project that also required a Conditional Use Permit.

In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Zoning Ordinance requires the Concept Plan for a solar energy facility to include all of the property locations; access points; anticipated locations of all proposed components of the Solar Energy Facility; and landscaping, buffering, ground cover plan, and fencing. A narrative outlining the decommissioning of the Solar Energy Facility is also required to be included with the Concept Plan (see Section 6.0 of the Narrative). The narrative is required to include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility. All of these Zoning Ordinance requirements have been addressed in the Concept Plan submitted.

The Concept Plan Public Workshop is the only opportunity for public input on the full project. The balance of the County's approval process is administrative.

#### 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 first submission and review of

#### Staff Report Jefferson County Planning Commission November 15, 2022

#### **Rippon Energy Facility Concept Plan Public Workshop (22-15-SP)**

the applicant's Concept Plan, Staff found the submitted plan "sufficient" pursuant to 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 subject 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 &amp; Plat Standards</i> .	Provided
3.	Zoning Information	<ul> <li>a) Zoning District in which the proposed development is located.</li> <li>b) Density calculations.</li> <li>c) Site resource map</li> <li>d) Use designation for all adjoin and confronting parcels</li> </ul>	Provided on Concept Plan: Rural zoning; includes rows of solar modules installed in arrays; and a substation.
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 multi-family residential.	Description on Concept Plan provide relevant information
5.	Traffic Impact Data	<ul> <li>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.</li> <li>d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	Provided on Plan narrative: WV 25 (Kabletown Rd): 273; WV 21 (Myerstown Rd): 181 <u>Trip Generation</u> : not provided <u>Highway Problem Areas</u> : two areas identified on Myerstown Road
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.	WV DOH is not anticipated to require a TIS.
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. See responses below.
D.	Department	<ol> <li>The Department review shall include the following:</li> <li>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.</li> <li>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.</li> </ol>	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development <u>requiring a</u> <u>Concept Plan only</u> .

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.	WV DOH is not anticipated to require a TIS.
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.	No water or wastewater services will be required for this project.
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

#### **Concept Plan Review**

1. External Agency Reviews

The applicant submitted the required agency letters to the appropriate agencies. The applicant submitted the required agency letters to the appropriate agencies. No responses were received at the time this report was prepared.

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 twenty-one (21) 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 878-acre Rippon (Solar) Energy Facility to be "complete" based on the information provided related to the criteria above and to meet the standards detailed in the Zoning Ordinance. No Site Plan is required pursuant to Section 8.20 of the Zoning Ordinance.

Staff recommends the following conditions for the Planning Commission review and approval:

- Staff has a number of technical comments on the 2<sup>nd</sup> submission of the Rippon Energy Facility Concept Plan (22-15-SP) that need to be resolved prior to final approval of the Concept Plan. This should be a condition of the Planning Commission's approval.
- This proposed project includes properties that are a part of a previously approved residential subdivision called Avalon Hills (PC File #06-24), consisting of 14 residential lots and 4 residues which was approved and recorded in 2008 (PB25/PG61A-I). This development entered into a Tolling Agreement with the County in 2011 and has not moved forward with development. A condition of approval of this Concept Plan should include the provision that the Tolling

#### Staff Report

#### Jefferson County Planning Commission

#### November 15, 2022

#### **Rippon Energy Facility Concept Plan Public Workshop (22-15-SP)**

Agreement with the County be released and the consolidation of the lots into the original configuration of the property be approved.

#### 3. <u>Planning Commission Direction</u>

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before the Zoning Certificate and Building Permit are obtained. The Subdivision 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. Staff recommends that the Planning Commission include the conditions recommended above with any action taken on this Concept Plan. 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.

While 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 as it relates to the preparation of a Site Plan (which is not required for Solar Energy Facilities), Section 8.20 of the Zoning Ordinance details the next steps after the Concept Plan Workshop for all Solar Energy Facilities are as follows:

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

"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."

b. 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."

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.

#### **ATTACHMENTS:**

• CUP Proffered Conditions which were approved by the BZA

#### **6. Supplemental Conditions**

In the interest of maximizing public benefit and minimizing adverse impacts from this development, the applicant offers several supplemental conditions beyond what is required by Jefferson County and West Virginia code. These conditions have been developed both internally and in communication with project neighbors.

- 1. <u>Floodplain: Conserved Trees</u>. The Facility or any part thereof shall not be located within 500 feet of the bank of the Shenandoah River, or in the 100 Year Flood Zone associated with the Shenandoah River at the time of the Building Permit issuance. Other 100 Year Flood Zones shall only be disturbed for access roads and electrical crossings where necessary.
- 2. <u>Conserved Trees</u>. Existing vegetation shall be used for screening where practicable. Additionally, Operator shall not cut, prune, or remove trees identified in the Concept Plan as the "Preserved Existing Treeline Adjacent to Shenandoah River".
- 3. <u>Panel Information</u>. Operator will provide technical specification sheets and information on panel components for the specific model selected to the County prior to the issuance of the Building Permit.
- 4. <u>Panel Height</u>. Installed solar modules, shall not exceed fifteen (15) feet in height, measured from grade to the top of the panel when at maximum tilt.
- 5. <u>Insurance</u>. From and after the start of commercial operations, the Operator shall secure and maintain during the Project's Operational Phase Commercial General Liability for personal injuries, death and property damage, and umbrella insurance coverage for the duration of the Conditional Use Permit in the minimum amounts set forth below:

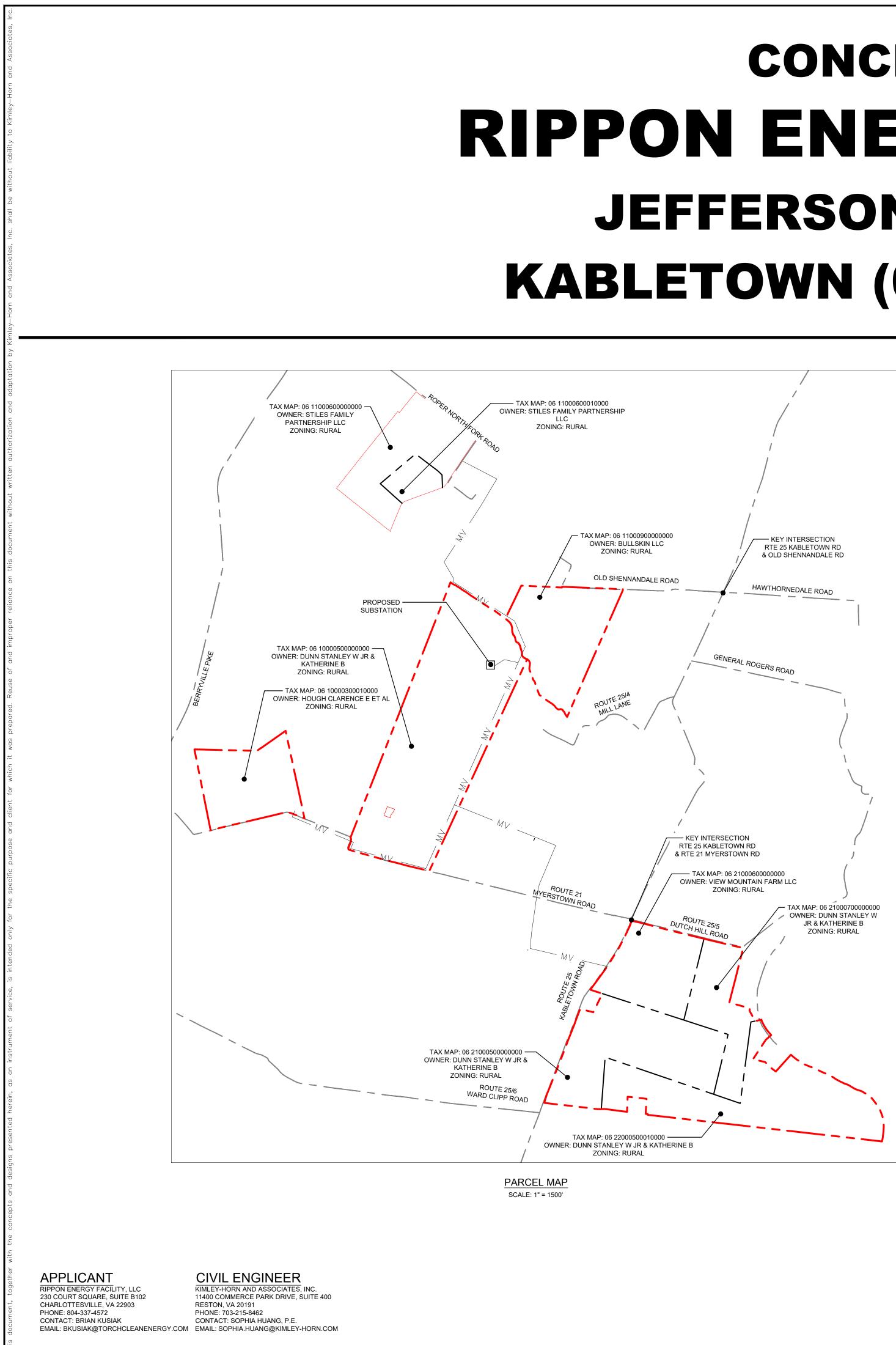
a. Commercial General Liability covering personal injuries, death and property damage: \$1,000,000 per occurrence / \$2,000,000 aggregate;

- b. Automobile Coverage: \$1,000,000 per occurrence;
- c. Excess Liability: \$4,000,000;

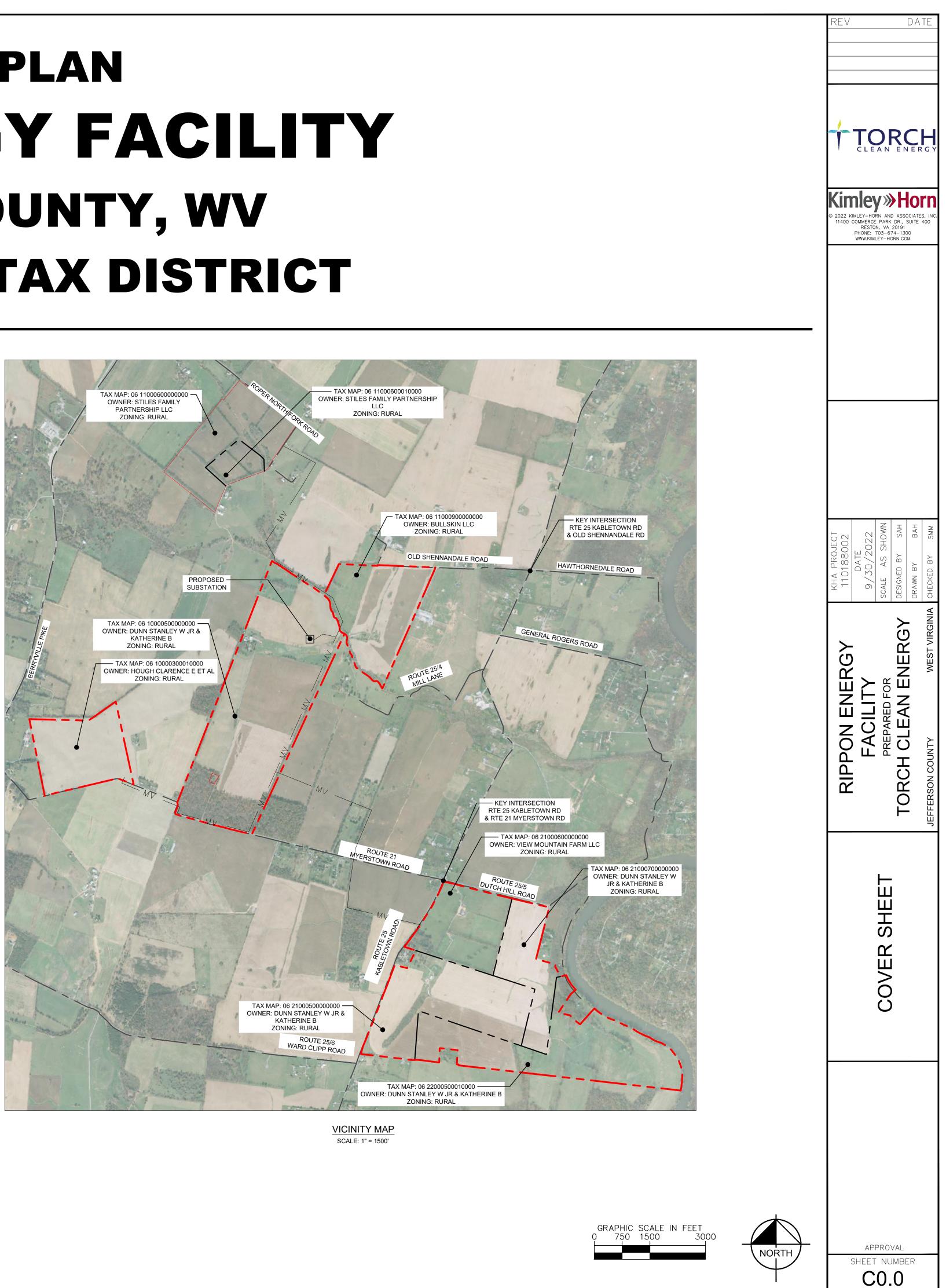
d. Workers' Compensation and Employers Liability Insurance in accordance with applicable statutory amounts.

- 6. <u>Insurance Certificates</u>. The Operator's insurance policies shall be issued by an insurance company licensed to do business in the State and with an AM Best's rating of at least 'A'. Prior to the commencement of construction and annually afterwards, Applicant shall provide the Zoning Administrator certificates of insurance that document the levels of insurance.
- 7. <u>Sewage Sludge</u>. The Applicant shall not use or distribute sewage sludge on the Property during construction or operation of the Project.
- 8. <u>Change in Ownership</u>. If any change of ownership of the Operator causes a change in contact information for the Project, Owner shall update the Zoning Administrator within 60 days.
- 9. <u>Storage of Panels</u>. A sealed construction trailer, ConEx, storage container, orenclosed building shall be maintained on the Site for the storage of damaged solar panels prior to removal from the Site.

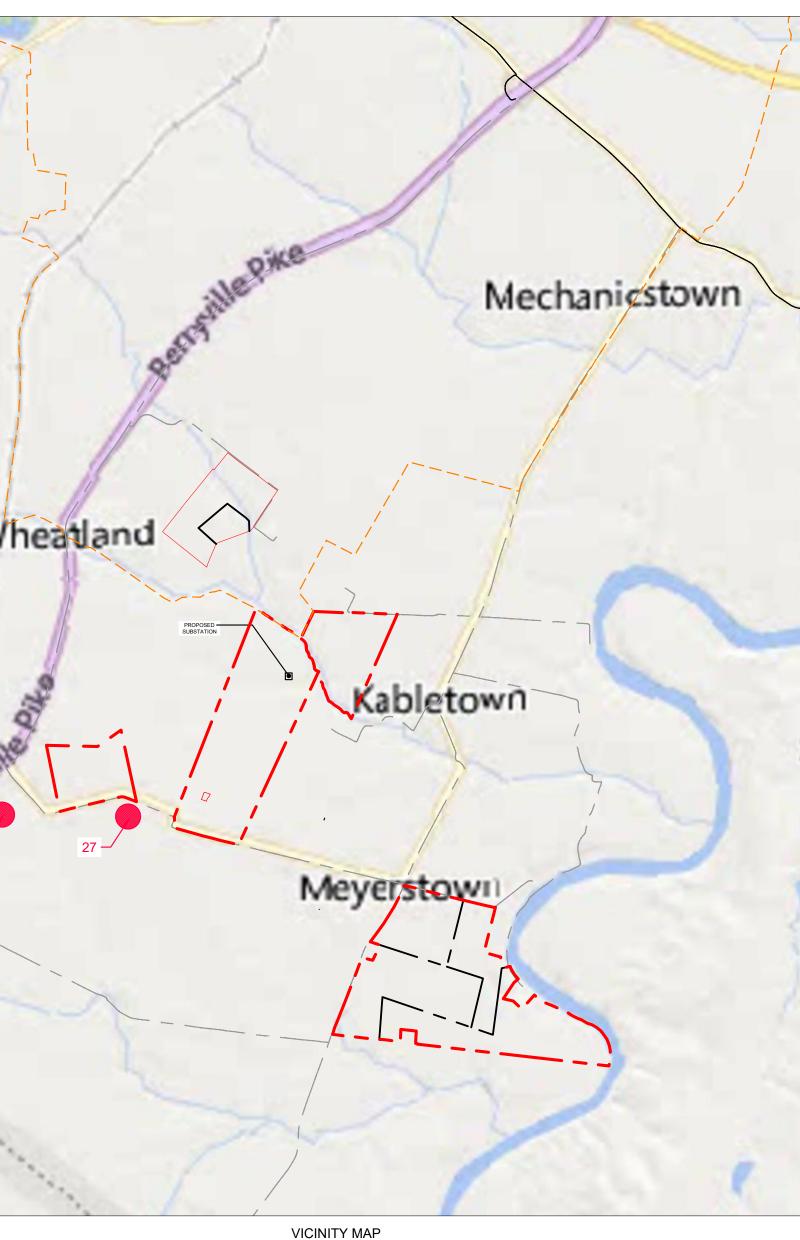
- 10. <u>Use of Blasting in Construction</u>. Good faith efforts shall be used to avoid blasting on the Site. If blasting is necessary, Owner shall consult with a qualified geotechnical engineering firm to develop best practices to be followed.
- 11. <u>Construction Access</u>. Construction and opearational traffic for the portion of the Project located east of Kabletown Road and south of Dutch Hill Lane shall be limited to entrances from Kabletown Road.
- 12. <u>Construction Hours.</u> All construction that produces noise beyond the Facility shall be limited to between the hours of 7:00am and 6:00pm Monday through Friday and between 8:00am and 5:00pm on Saturday. The driving of piles shall only occur between 7:00am and 5:00pm Monday through Friday and between 8:00am to 2:00pm on Saturday.
- 13. <u>Inverters and Transformers</u>. Inverters and transformers shall be setback at least four hundred (400) feet from any residence that exists at the time of the Conditional Use Permit approval.
- 14. <u>Collector Lines.</u> All three-phase medium-voltage collector electrical lines connecting the Project's photovoltaic arrays to the Project Substation shall be installed underground.
- 15. <u>Invasive Species.</u> On all leased and owned properties, the Operator shall use best management practices to control or manage any invasive plant species as defined by the West Virginia Department of Agriculture.
- 16. <u>Rating.</u> Operator will procure solar panels from a manufacturer receiving a Tier 1 rating from Bloomberg New Energy Finance or a top performer in the then current PV Module Reliability Scorecard Report by PVEL.

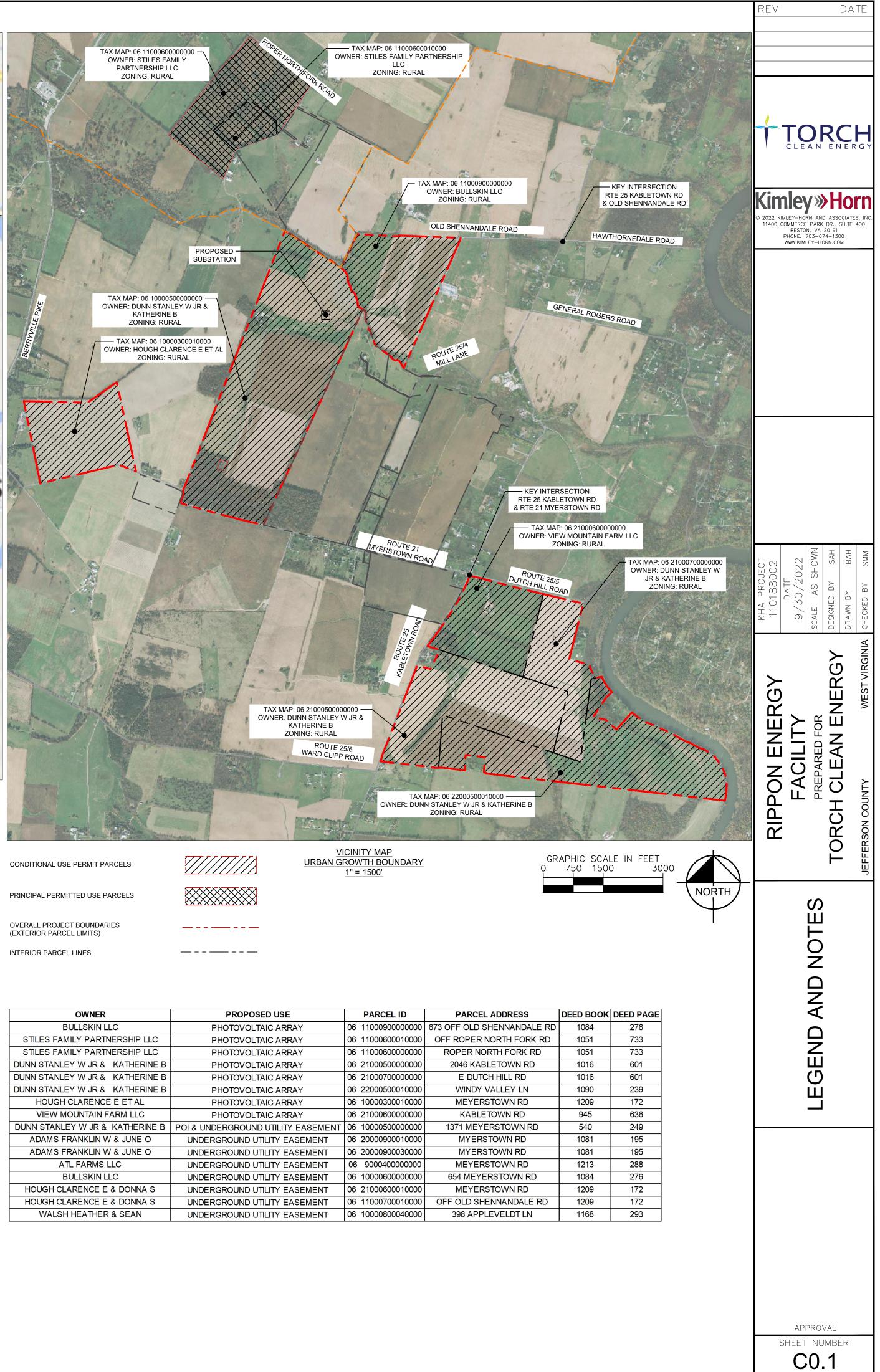


# **CONCEPT PLAN RIPPON ENERGY FACILITY** JEFFERSON COUNTY, WV KABLETOWN (06) TAX DISTRICT



SITE INFORMATION			
• • · · ·• FRONT100' (50' WITH LANDSCAPE BUFFER)• · · · ·•SIDE100' (50' WITH LANDSCAPE BUFFER)			
• REAR 100' (50' WITH LANDSCAPE BUFFER) THE ABOVE REFERENCED SETBACK MAY BE DECREASED TO 50 FEET PROVIDED IT INCLUE COMPRISED OF TWO ROWS OF EVERGREEN TREES THAT ARE SIX FEET TALL AT THE TIME EXISTING, MATURE WOODLANDS MAY BE ALLOWED IN LIEU OF A PLANTED BUFFER OR FEM MATURE WOODLANDS COMPLIES WITH THE REQUIRED BUFFER STANDARD.	OF PLANTING OR A SOLID FE	INCE. ALTERNATIVELY, A 50 FOOT STRIP OF	
ACCESSORY COMPONENTS SETBACKS • FRONT 25'			
SIDE 25' $e^{-1}$ REAR 25' $e^{-1}$			
LANDSCAPE BUFFERS     SEE SHEET C4.0 - LANDSCAPE BUFFERS			
SOLAR PANELS THAT ARE LOCATED WITHIN 200 FEET OF ANY RESIDENCE, CATEGORY 1 H USE OR STRUCTURE AS DETERMINED BY THE ZONING ADMINISTRATOR, SHALL PROVIDE / SHALL BE PROVIDED ANYWHERE WITHIN THE 200 FOOT RADIUS FROM THE STRUCTURES/U LENGTH OF THE COMMON PROPERTY LINE.	A 20 FOOT WIDE BUFFER ALO	NG COMMON PROPERTY LINES. THE BUFFER	Pike
Deparking NO PARKING PROPOSED			
ن <u>TRAFFIC</u> DAILY MAINTENANCE AND OPERATIONS TRAFFIC FOR TYPICAL SOLAR SITE. TRIP GENERA gi TRANSPORTATION ENGINEERS MANUAL (ITE).	TION FIGURES NOT AVAILABL	E PER SECTION 24.119(B)5.B OR INSTITUTE OF	COST S
SITE TRIP GENERATION: VEHICLES PER DAY: 3			
ANNUAL AVERAGE DAILY TRAFFIC       SEGMENT AAD       ROAD	т		
KABLETOWN RDZ73100-499	DAY)		
MYERSTOWN RD 181 100-499		V	Vheatland
OLD SHENNANDALE ND43ELGS THAN 99ROPER NORTH FORK RD46LESS THAN 99			
<ul> <li>KEY INTERSECTIONS</li> <li>KABLETOWN RD (PRIMARY) &amp; MYERSTOWN RD (PRIMARY) - 3,507 FT FROM PROPOSE MYSERTOWN RD, 5,392 FT FROM PROPOSED ENTRANCE ON MYERSTOWN RD</li> <li>KABLETOWN RD &amp; OLD SHENNANDALE RD - 4,008 FT FROM PROPOSED ENTRANCE OI</li> <li>BERRYVILLE PIKE (PRIMARY) &amp; ROPER NORTH FORK RD - 3,928 FT FROM PROPOSED</li> </ul>	N OLD SHENNANDALE RD	- /	PROPOSED
A FENCING A FENCE WITH A MINIMUM HEIGHT OF 6' AND SECURED GATES SHALL BE ERECTED AROUN	ID THE OPERATING AREAS O	THE SOLAR ENERGY FACILITY.	Kabl
C LIGHTING ONSITE LIGHTING SHALL BE MINIMUM NECESSARY FOR SECURITY, ONSITE MANAGEMENT OUTLINED IN THE SUBDIVISION REGULATIONS.	AND MAINTENANCE. LIGHTIN	G SHALL COMPLY WITH THE STANDARDS	
STORMWATER MANAGEMENT STORMWATER MANAGEMENT SHALL BE REQUIRED IN ACCORDANCE WITH THE JEFFERSON FACILITIES MAY BE EXEMPT FROM PROVIDING STORMWATER MANAGEMENT IF THE CONDI STORMWATER MANAGEMENT ORDINANCE ARE SATISFIED.			
PROJECT DESCRIPTION THE RIPPON ENERGY FACILITY (THE "PROJECT") IS PROPOSED ON NINE PARCELS IN JEFFE PARCELS ARE LOCATED INSIDE OF THE URBAN GROWTH BOUNDARY ("UGB") WITH THE RE			27-
PROJECT AREA IS APPROXIMATELY 878 ACRES, AND IT WILL CONSIST OF SOLAR ARRAYS A LINE SETBACKS, VEGETATIVE BUFFERS, AND EROSION AND SEDIMENT CONTROL FEATURI	AND ACCESSORY COMPONEN		Meyers
CONCEPT PLAN NOTES <u>5</u> <u>6</u> <u>7</u> <u>6</u> <u>7</u> <u>6</u> <u>7</u> <u>7</u> <u>7</u> <u>7</u> <u>7</u> <u>7</u> <u>7</u> <u>7</u>	RMITTED LISES AND CONDIT		
SOLAR AS A PRINCIPAL PERMITTED USE 1. THE PROPOSED SOLAR ENERGY FACILITY WITHIN THE CHARLES TOWN URBAN GROW			
COMPLY WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNT 2. DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING 2.1. APPROVAL OF A CONCEPT PLAN	ry. Have occurred.		
<ul> <li>2.2. APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEME</li> <li>2.3. WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS.</li> <li>2.4. WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES</li> <li>2.5. APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO B</li> </ul>	PERMIT.		
$\frac{10}{22}$ 2.6. JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT. $\frac{10}{22}$ SOLAR AS A CONDITIONAL USE PERMIT			
Instruction         THE PROPOSED SOLAR ENERGY FACILITY OUTSIDE THE CHARLES TOWN URBAN GROUP           WITH ALL REGULATIONS RELATED SOLAR FACILITIES IN JEFFERSON COUNTY.         2.           DEVELOPMENT OF THE SOLAR FACILITY WILL BE PERMITTED ONCE THE FOLLOWING         2.	HAVE OCCURRED.	TED AS A CONDITIONAL USE AND MUST COMPLY	
<ul> <li>2.1. APPROVAL OF THE CONDITIONAL USE PERMIT BY THE BOARD OF ZONING APPEAL</li> <li>2.2. COMPLIANCE WITH ALL CONDITIONS RELATED TO THE CONDITIONAL USE PERMIT</li> <li>∴ 2.3. APPROVAL OF A CONCEPT PLAN (PROCESSING CONCURRENTLY WITH THE PRINC</li> <li>∴ 2.4. APPLICANT HAS COMPLIED WITH JEFFERSON COUNTY STORMWATER MANAGEME</li> </ul>	APPROVAL.	DN OF THE PROJECT).	
2.5. WV DEPARTMENT OF TRANSPORTATION HAS APPROVED ENTRY PERMITS. 2.6. WV DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS APPROVED THE NPDES 2.7. APPLICANT HAS SATISFIED ALL WV STATE REQUIREMENTS AS THEY RELATE TO B	PERMIT.	NING.	VICINITY MAP HIGHWAY PROBLEM AREA
2.8. JEFFERSON COUNTY HAS ISSUED A BUILDING PERMIT FOR THE PROJECT.	S, IN ARTICLE 32 OF CHAPTER	22 OF THE CODE OF WEST VIRGINIA (§22-32-1	<u>REF. ENVISION JEFFERSON 2035 COMPRE</u> <u>1" = 3000'</u>
THROUGH (§22-32-8), THE DECOMMISSIONING RESPONSIBILITIES OF THE OWNERS OF SOL ESTABLISHES REQUIREMENTS FOR THE DEVELOPMENT AND EXECUTION OF DECOMMISSION POSTING OF FINANCIAL SECURITY SUFFICIENT TO COVER THE COSTS OF DECOMMISSION	AR AND WIND GENERATION F ONING AGREEMENTS TO THE ING AND RECLAMATION OF L/	ACILITIES IN WEST VIRGINIA, AND IT RELEVANT PUBLIC AGENCIES AS WELL AS THE AND. RIPPON ENERGY FACILITY, LLC WILL BE THE <b>NUMBER F</b>	HIGHWAY PROBLEM AREAS IN JEFFERSON COUNTY ROUTE/ROAD LOCATION PROBLEM
OWNER OF THIS PROPOSED SOLAR GENERATION FACILITY, AND IT WILL ADHERE TO ALL R A FULL DECOMMISSIONING PLAN WILL BE INCLUDED AS A SEPARATE ATTACHMENT WITH T		27 MEYE	ERSTOWN ROADONE MILE EAST OF US 340TWO 90 DEGREE TURIERSTOWN ROAD1/2 MILE EAST OF US 34090 DEGREE TURN
ADJACENT PROPERTY INFORMATION TAX CLASS PARCEL PIN OWNER	DEED BOOK DEED PAGE		
2         19-06-         22-0005-0002         SMITH RUTH C           2         19-06-         22-0005-0000         KEIPER ROY C & SUSAN E           2         19-06-         22-0001-0007         COST ROBERT D & NORA A	1027         349           819         644           824         114	She	eet List Table
2         19-06-         22-0001-0000         THOMPSON KYLE R & COLLEEN C MCQUILLAN           2         19-06-         21-0004-0001         STILES FAMILY PARTNERSHIP #4	1238         94           817         340	Sheet Number	
2         19-06-         21-0004-0000         STILES STANLEY E & BARBARA R           2         19-06-         11-0002-0000         STOLIPHER NANCY C           2         19-06-         21-0006-0004         ROWLEY WILLIAM M & PAMELA K	817         328           WB 31         487           1126         430	C0.0 C0.1	COVER SHEET LEGEND AND NOTES
2         19-06-         21-0006-0002         DEVILLIER MARK & DONNA           2         19-06-         09-0015-0000         BETHKE KATIE A	1212         67           1167         21	C0.1	EXISTING CONDITIONS
2         19-06-         09-0016-0000         HOWELL FRANK O & SHIRLEY A           2         19-06-         09-0017-0000         AVON WOOD FARM LLC           2         19-06-         21-0007-0002         SPUNICH IRREVOCABLE TR	231         554           1147         94           1120         46	C2.0	PROJECT AREA MAP
2         19-06-         21-0007-0004         CURRY ZACHARY D & PENNY L           2         19-06-         21-0007-0003         BURKE CHRISTOPHER D & SUSAN L	1198         447           1235         543	C3.0	CONCEPT PLAN
2         19-06-         21-0007-0005         JALIL AIMAN S           2         19-06-         21-0007-0001         ROSENTHAL ERIKA & BEVERLY MCINTYRE           2         19-06-         21-0008-0001         ROSENTHAL ERIKA & BEVERLY MCINTYRE           2         19-06-         21-0008-0001         ROCKWELL CAROL K	1231         101           1108         82           968         708	C4.0	LANDSCAPE BUFFERS
2         19-06-         22-0011-0000         GRAY DIANNA L HOOVER ET AL           2         19-06-         22-0021-0000         ROGERS JAMES A & PATRICIA F RISSLER	1228         516           941         610	JEFFERSON COUNTY ZONING AND LAND GENERAL REQUIREMENTS FOR SOLAR E	
2         19-06-         22-0004-0000         ROGERS JAMES A ET UX           2         19-06-         21-0005-0002         GRAY DIANA L           2         19-06-         21-0005-0001         DUVALL HENRY & RACHELL	684         607           658         224           1237         543	INDUSTRY STANDARDS, INCLUDING	TALLATION OF THE SOLAR ENERGY FACILITY SHALL CONFORM TO APPLICABLE G THOSE OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), JL), THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) OR
2         19-06-         21-0005-0001         DUVALL HENRY & RACHELL           2         19-06-         10-0005-0001         SMITH MICHAEL A & ANN D           2         19-06-         10-0007-0000         BULLSKIN LLC           2         19-06-         05-0002-0000         CASEY FAMILY LAND TRUST	698         1           1133         50           1031         557	OTHER SIMILAR CERTIFYING ORGA	UL), THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) OR ANIZATIONS AND SHALL COMPLY WITH THE WEST VIRGINIA FIRE AND BUILDING WITH THE JEFFERSON COUNTY BUILDING CODE. ASMISSION OF ELECTRICITY, THE SOLAR ENERGY FACILITY SHALL PROVIDE
2         19-06-         05-0001-0000         HOUGH T TODD & SUSAN B TR           2         19-06-         11-0008-0000         HOUGH CHARLES E & MARIE S-LIFE	1125         476           1209         172	DOCUMENTATION EVIDENCING AN PUBLIC UTILITY OR APPROVED EN 3. GENERATION OF ELECTRICAL POV	INTERCONNECTION AGREEMENT OR SIMILAR AGREEMENT WITH THE APPLICABLI TITY IN ACCORDANCE WITH APPLICABLE LAW. VER SHALL BE LIMITED TO PHOTOVOLTAIC PANELS, PROVIDED THAT ANY ON-SITE
2         19-06-         11-0005-0000         STOLIPHER NANCY C           2         19-06-         10-0004-0000         OTT PATRICIA A & JAMES G HEFLEBOWER           2         19-06-         10-0004-0004         OTT PATRICIA A & JAMES G HEFLEBOWER           2         19-06-         10-0004-0004         OTT PATRICIA A & JAMES G HEFLEBOWER	479 358 WB3 272 WB3 272	BUILDINGS MAY UTILIZE INTEGRAT 4. SOLVENTS NECESSARY FOR THE 0 5. INTERNAL WIRING, EXCLUDING TH	ED PHOTOVOLTAIC BUILDING MATERIALS. CLEANING OF THE SOLAR PANELS SHALL BE BIODEGRADABLE. AT WHICH IS ON OR BETWEEN THE SOLAR ARRAYS, CONNECTED TO SUBSTATION
2         19-06-         20-0011-0001         STILES FAMILY PERTNERSHIP #2           2         19-06-         20-0011-0000         ATL FARMS	1213         151           1213         285	OR BETWEEN SOLAR PANELS, SHA TO ENVIRONMENTAL AND/OR TERI 6. ONSIGHT LIGHTING SHALL BE THE	ALL BE LOCATED UNDERGROUND, EXCEPT WHERE NECESSARY TO MITIGATE IMPA RAIN FEATURES. MINIMUM NECESSARY FOR SECURITY AND ONSITE MANAGEMENT AND
2         19-06-         10-0003-0002         REXROAT RUSSEL & CYNDI           2         19-06-         10-0003-0000         CEPELKA JOSEPH V & DONNA H           3         19-06-         10-0002-0007         ATHEY LUCY M	1240         622           972         660           1164         664	7. PHOTOVOLTAIC PANELS SHALL US 8. GROUND COVER COMPRISED OF N	Y WITH THE STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS. E ANTIREFLECTIVE GLASS THAT IS DESIGNED TO ABSORB RATHER THAN REFLEC IATURAL VEGETATION IS REQUIRED. GROUND COVER THAT USES NATIVE OR
3 19-06- 10-0002-0008 ATHEY LUCY M	1108         637           1108         637	GAMEBIRDS, AND POLLINATORS IS 9. COLLOCATION OF OTHER AGRICU	ATION AND THAT PROVIDES FORAGING HABITAT THAT IS BENEFICIAL FOR SONGBI ENCOURAGED BUT NOT REQUIRED. LTURAL ACTIVITIES SUCH AS SMALL MARKET HAND-PICKED CROPS, GRAZING, ANI
3         19-06-         10-0002-0009         ATHEY LUCY M           3         19-06-         10-0002-0003         ATHEY LUCY M           2         19-06-         11-0004-0000         BURNS FARM LIMITED PARTNERSHIP           2         19-06-         11-0005-0001         STOLIPER DOUGLAS L & NANCY C	1108         637           983         629           336         637	AT THE ENTRANCE OF THE FACILI	D AND ENCOURAGED. PERMITTED ON THE SOLAR ENERGY FACILITY OTHER THAN AN IDENTIFYING SIGN IY THAT SHALL BE APPROVED BY THE ZONING ADMINISTRATOR IN ACCORDANCE NAGE MUST BE APPROVED BY SPECIAL EXCEPTION BY THE BOARD OF ZONING
2         19-06-         11-0007-0000         ZIGLER INC           2         19-06-         04-0009-0000         ZIGLER INC	457         411           307         345	APPEALS. 11. SOLAR ENERGY FACILITIES SHALL 12. THE SOLAR ENERGY FACILITY USE	COMPLY WITH ARTICLE 8, SECTION 8.9 OF THIS ORDINANCE. IS NOT CONSIDERED ABANDONED UNTIL SUCH TIME IT IS DECOMMISSIONED.
ିତ 2 19-06- 04-0009-0001 ZIGLER RICHARD A & SUSAN 2 19-06- 04-0003-0001 MICKEY REVA N	753         181           473         420	13. DAMAGED OR UNUSABLE PANELS	SHALL BE REPAIRED, REPLACED, OR REMOVED WITHIN 60 DAYS FROM D, HOWEVER, LONGER PERIODS MAY BE APPROVED BY THE COUNTY





HIGHWAY PROBLEM AREAS
REF. ENVISION JEFFERSON 2035 COMPREHENSIVE PLA
1" = 3000'

GHWAY PROBLEM AREAS IN JEFFERSON COUNTY TE/ROAD LOCATION PROBLEM TOWN ROAD ONE MILE EAST OF US 340 TWO 90 DEGREE TURNS

JEFFERSON COUNTY HIGHWAY PROBLEM AREAS

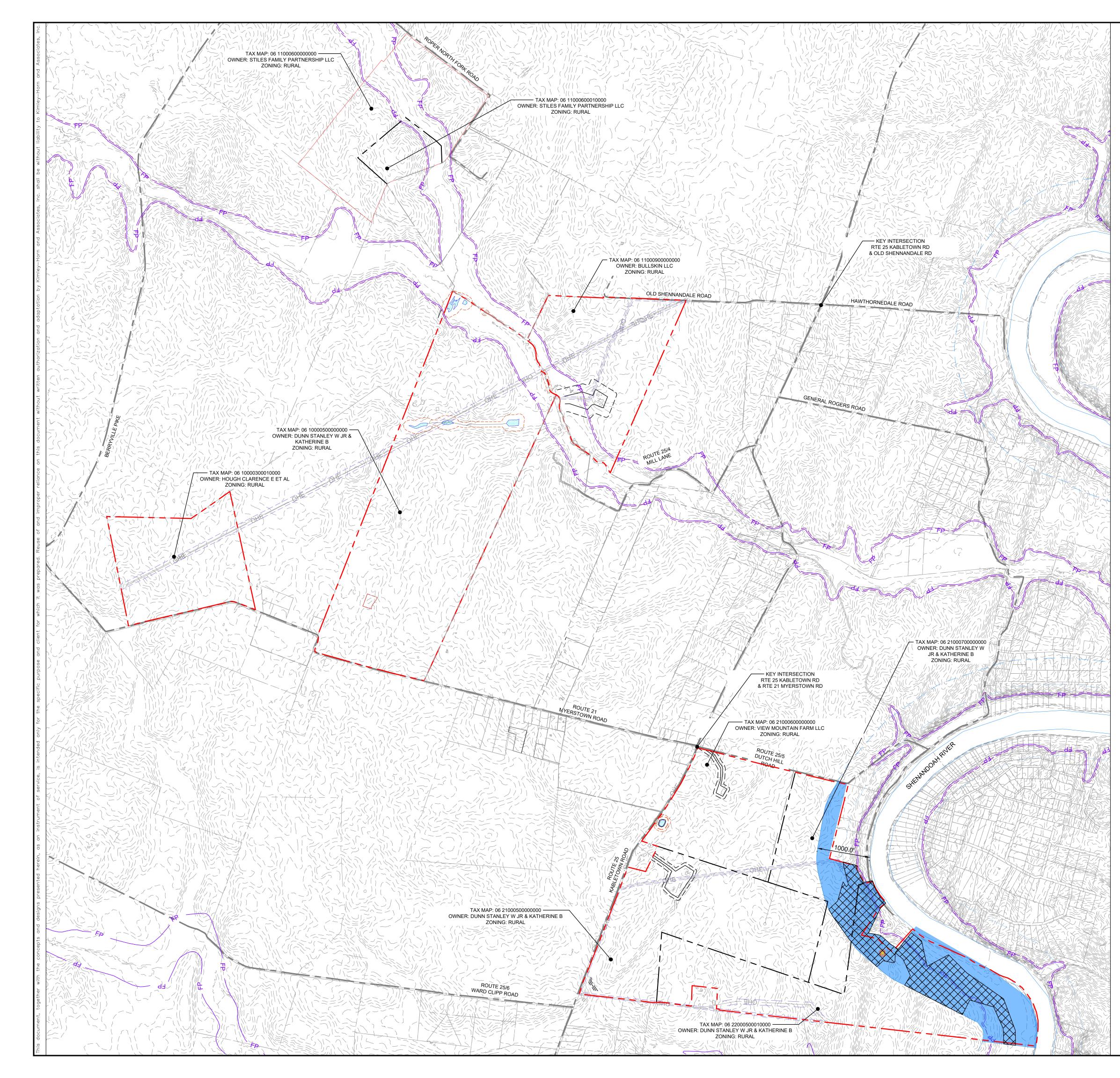
# et List Table

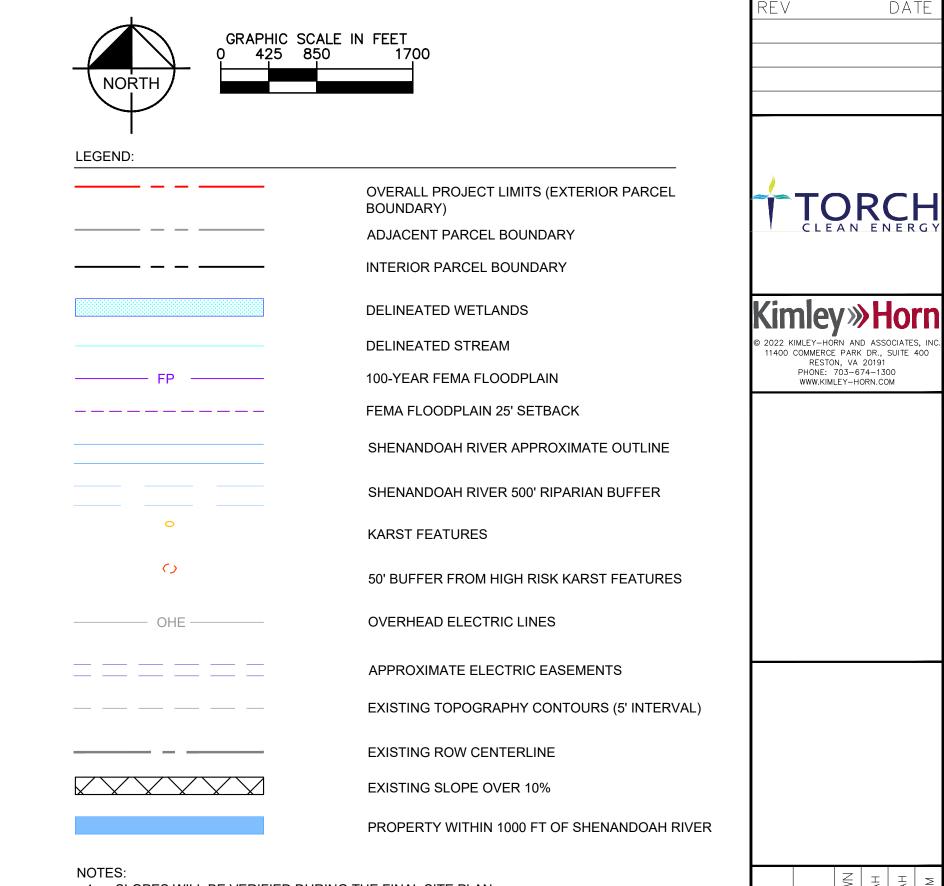
Sheet Title
COVER SHEET
LEGEND AND NOTES
EXISTING CONDITIONS
PROJECT AREA MAP
CONCEPT PLAN

# VELOPMENT ORDINANCE

- LATION OF THE SOLAR ENERGY FACILITY SHALL CONFORM TO APPLICABLE HOSE OF THE AMERICAN NATIONAL STANDARDS INSTITUTE (ANSI), THE AMERICAN SOCIETY FOR TESTING AND MATERIALS (ASTM) OR
- ATIONS AND SHALL COMPLY WITH THE WEST VIRGINIA FIRE AND BUILDING THE JEFFERSON COUNTY BUILDING CODE.
- SSION OF ELECTRICITY, THE SOLAR ENERGY FACILITY SHALL PROVIDE ERCONNECTION AGREEMENT OR SIMILAR AGREEMENT WITH THE APPLICABLE IN ACCORDANCE WITH APPLICABLE LAW.
- SHALL BE LIMITED TO PHOTOVOLTAIC PANELS, PROVIDED THAT ANY ON-SITE PHOTOVOLTAIC BUILDING MATERIALS. NING OF THE SOLAR PANELS SHALL BE BIODEGRADABLE.
- HICH IS ON OR BETWEEN THE SOLAR ARRAYS, CONNECTED TO SUBSTATIONS BE LOCATED UNDERGROUND, EXCEPT WHERE NECESSARY TO MITIGATE IMPACT
- FEATURES. IIMUM NECESSARY FOR SECURITY AND ONSITE MANAGEMENT AND TH THE STANDARDS OUTLINED IN THE SUBDIVISION REGULATIONS. TIREFLECTIVE GLASS THAT IS DESIGNED TO ABSORB RATHER THAN REFLECT LIGHT.
- JRAL VEGETATION IS REQUIRED. GROUND COVER THAT USES NATIVE OR N AND THAT PROVIDES FORAGING HABITAT THAT IS BENEFICIAL FOR SONGBIRDS, COURAGED BUT NOT REQUIRED. RAL ACTIVITIES SUCH AS SMALL MARKET HAND-PICKED CROPS, GRAZING, AND
- ND ENCOURAGED. MITTED ON THE SOLAR ENERGY FACILITY OTHER THAN AN IDENTIFYING SIGN HAT SHALL BE APPROVED BY THE ZONING ADMINISTRATOR IN ACCORDANCE
- MUST BE APPROVED BY SPECIAL EXCEPTION BY THE BOARD OF ZONING
- MPLY WITH ARTICLE 8, SECTION 8.9 OF THIS ORDINANCE. NOT CONSIDERED ABANDONED UNTIL SUCH TIME IT IS DECOMMISSIONED. LL BE REPAIRED, REPLACED, OR REMOVED WITHIN 60 DAYS FROM
- OWEVER, LONGER PERIODS MAY BE APPROVED BY THE COUNTY UMSTANCES.

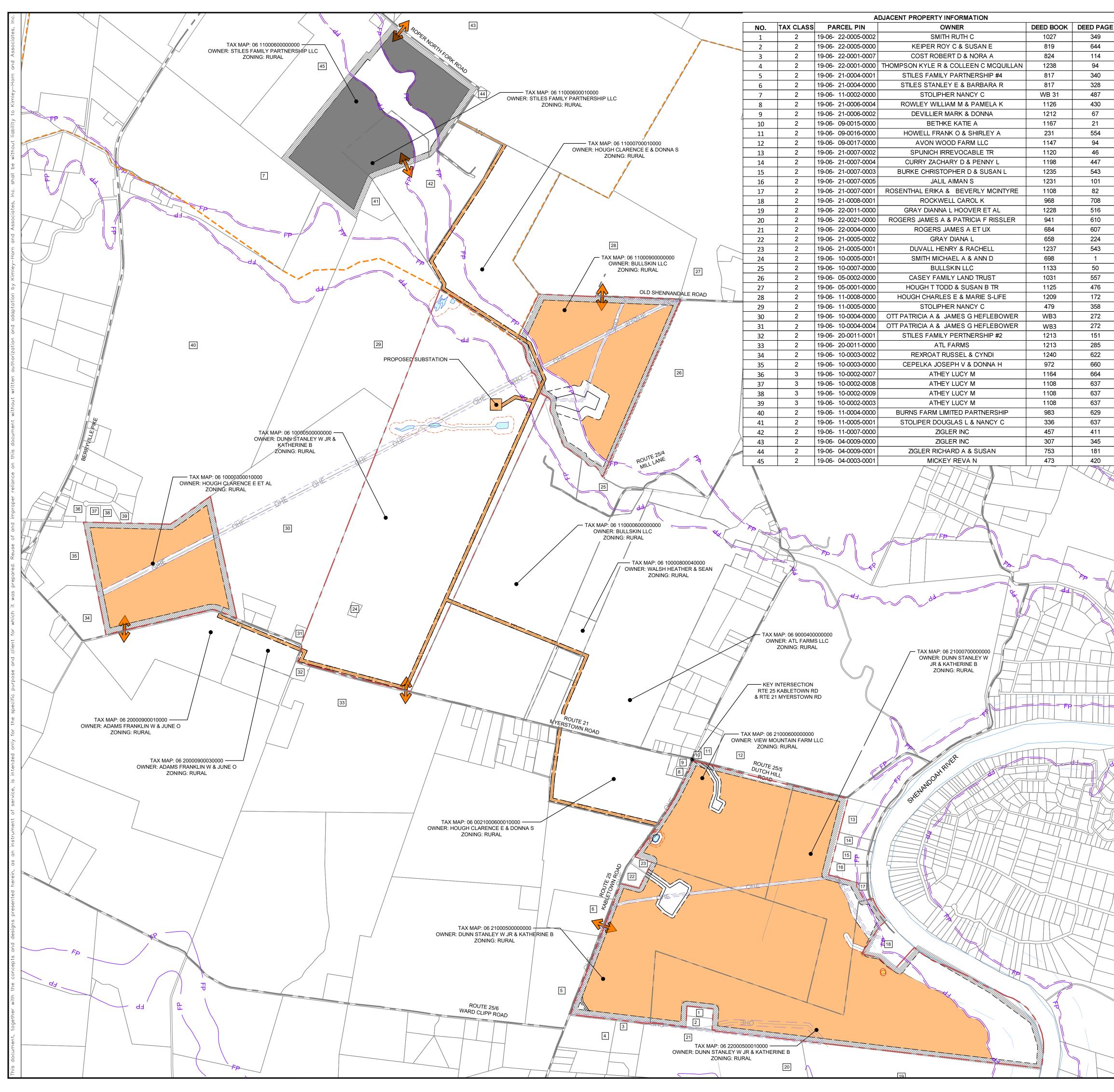
OWNER	PROF
BULLSKIN LLC	PHOTOV
STILES FAMILY PARTNERSHIP LLC	PHOTOV
STILES FAMILY PARTNERSHIP LLC	PHOTOV
DUNN STANLEY W JR & KATHERINE B	PHOTOV
DUNN STANLEY W JR & KATHERINE B	PHOTOV
DUNN STANLEY W JR & KATHERINE B	PHOTOV
HOUGH CLARENCE E ET AL	PHOTOV
VIEW MOUNTAIN FARM LLC	PHOTOV
DUNN STANLEY W JR & KATHERINE B	POI & UNDERGRO
ADAMS FRANKLIN W & JUNE O	UNDERGROUNI
ADAMS FRANKLIN W & JUNE O	UNDERGROUNI
ATL FARMS LLC	UNDERGROUNI
BULLSKIN LLC	UNDERGROUNI
HOUGH CLARENCE E & DONNA S	UNDERGROUNI
HOUGH CLARENCE E & DONNA S	UNDERGROUNI
WALSH HEATHER & SEAN	UNDERGROUNI





 SLOPES WILL BE VERIFIED DURING THE FINAL SITE PLAN PROCESS ONCE DETAILED TOPOGRAPHIC SURVEY IS OBTAINED.
 HILLSIDE DEVELOPMENT RESTRICTIONS APPLICABLE WITHIN 1,000 FT OF SHENANDOAH RIVER. THE HATCHED AREAS BELOW REPRESENT EXISTING SLOPES OVER 10% WITHIN THAT AREA. ANY PROJECT DESIGN IN THESE AREAS SHALL CONFORM TO HILLSIDE DEVELOPMENT REQUIREMENTS ESTABLISHED IN SECTION 22.504, PROTECTION OF RESOURCES, OF SUBDIVISION ORDINANCE.

oJECT 3002	E 2022	SHOWN	Y SAH	ВАН	SMM
KHA PROJECT 110188002	DATE 9/30/2022	SCALE AS SHOWN	DESIGNED BY	DRAWN BY	СНЕСКЕД ВҮ
ENERGY	LITY	ED FOR	AN FNFRGY		WEST VIRGINIA CHECKED BY
RIPPON ENERGY	FACILITY	PREPARED FOR	TORCH CLEAN ENERGY		JEFFERSON COUNTY
	UNITSIXE EXISTING		CONDITIONS		
	APF	۶RO	VAL		

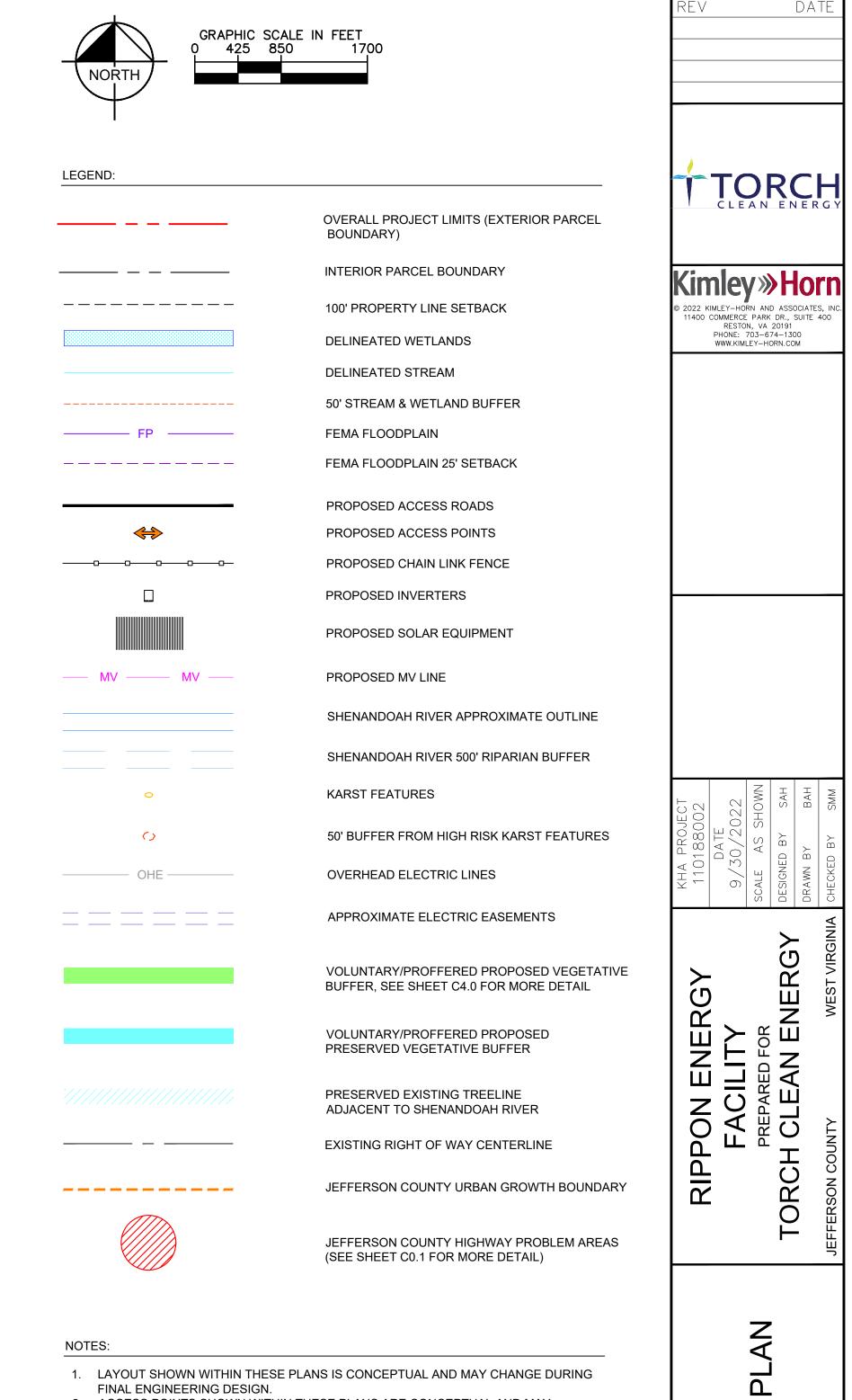


LEG	END:			OVERALL PROJE BOUNDARY)	ECT LIMITS (EXTE	RIOR PARCEL				
				ADJACENT PAR	CEL BOUNDARY				LEAN E	ENEI
				100' PROPERTY DELINEATED WE	_					
				DELINEATED ST	REAM			11400 COM PH	MMERCE PARK DF RESTON, VA 201 HONE: 703-674- WW.KIMLEY-HORN	R., SUITE 191 -1300
				50' STREAM & W	ETLAND BUFFER					
		FP ——		FEMA FLOODPL	AIN AIN 25' SETBACK					
						ATE OUTLINE				
				SHENANDOAH F	RIVER 500' RIPAR	IAN BUFFER				
				KARST FEATURI		<i>"</i> 2011 211				
		0			 DM HIGH RISK KA	RST FEATURES				
		OHE		OVERHEAD ELE						
				APPROXIMATE I	ELECTRIC EASEN	IENTS				
				100' PROPERTY	LINE SETBACK A	REA				
				PROJECT BUILD	)ABLE AREA (PRII	NCIPAL PERMIT	TED USE)		Z	BAH BAH
				PROJECT BUILD	OABLE AREA (COM	IDITIONAL USE	PERMIT)	PROJECT 0188002 DATF	/202 S SH(	
				EXISTING RIGHT	OF WAY CENTE	RLINE		КНА РЕ 11018		$\rightarrow$
E			13	JEFFERSON CO	UNTY URBAN GR	OWTH BOUNDA	RY		SCAL	DRA
		MV —		PROPOSED MED	DIUM VOLTAGE R	OUTE				<u>ک</u>
	<			PROPOSED ACC					Ì	ř
<u>NOT</u> 1. 2.	LAYOU FINAL E	ENGINEER	WITHIN THESE PLAN ING DESIGN. FEN INSTRUCTIONS F	S IS CONCEPTUA	L AND MAY CHAI			ENERG		AN ENE
1.	LAYOU FINAL E BASED FEATU	ENGINEER	ING DESIGN. FEN INSTRUCTIONS F BE REMEDIATED. ONG ER.	S IS CONCEPTUA	AL AND MAY CHAI TY, OPEN THROA FEATURES WILL	AT KARST NOT				H CLEAN ENE
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1. 2. OWNER	LAYOU FINAL E BASED FEATU REQUII	ENGINEER O ON WRITT RES MAY E RE A BUFF	ING DESIGN. FEN INSTRUCTIONS F BE REMEDIATED. ONG ER. CUP PROJECT PA PARCEL ID 06 10000500000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, RCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62	AL AND MAY CHAN TY, OPEN THROA FEATURES WILL ES CUP PROJECT AREA (AC) 12.27	AT KARST NOT 100' PROPERTY LINE SETBACK (AC) -	IN UGB		FACILIT PREPARED FC	EAN
1. 2. OWNER	LAYOU FINAL E BASED FEATU REQUII W JR & <u>E</u> B LLC Y W JR	ENGINEER O ON WRITT RES MAY E RE A BUFF	ING DESIGN. FEN INSTRUCTIONS F BE REMEDIATED. ONG ER. CUP PROJECT PA PARCEL ID	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, RCELS - ACREAGI TOTAL PARCEL AREA (AC)	AL AND MAY CHAI TY, OPEN THROA FEATURES WILL ES CUP PROJECT AREA (AC)	AT KARST NOT 100' PROPERTY LINE SETBACK	IN UGB		FACILIT PREPARED FC	CH CLEAN
1. 2. OWNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII	LAYOU FINAL E BASED FEATU REQUII W JR & <u>E</u> B LLC Y W JR NE B Y W JR NE B	ENGINEER ON WRITT RES MAY E RE A BUFF LAND USE POI PV PV PV	ING DESIGN. TEN INSTRUCTIONS F 3E REMEDIATED. ONG ER. CUP PROJECT PA PARCEL ID 06 10000500000000 06 11000900000000 06 21000500000000 06 21000500000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, RCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39	L AND MAY CHAI TY, OPEN THROA FEATURES WILL ES CUP PROJECT AREA (AC) 12.27 82.72 154.47 78.05	AT KARST NOT 100' PROPERTY LINE SETBACK (AC) - 22.60 11.05 7.64	IN UGB No No No			CH CLEAN
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1. 2. OWNER DUNN STANLEY KATHERINE BULLSKIN I BULLSKIN I DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII HOUGH CLARE ET AL	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B	ENGINEER ON WRITT RES MAY E RE A BUFF LAND USE POI PV PV PV PV	ING DESIGN. TEN INSTRUCTIONS F 3E REMEDIATED. ONG ER. CUP PROJECT PA PARCEL ID 06 10000500000000 06 1100090000000 06 21000500000000 06 22000500010000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, <b>RCELS - ACREAGI</b> <b>TOTAL PARCEL</b> <b>AREA (AC)</b> 366.62 133.75 174.64 89.39 232.03	ES CUP PROJECT AREA (AC) 12.27 82.72 154.47 78.05 134.50	AT KARST NOT 100' PROPERTY LINE SETBACK (AC) - 22.60 11.05 7.64 31.78	IN UGB No No No No		EA MAP	CH CLEAN
1. 2. OWNER DUNN STANLEY KATHERINE BULLSKIN I BULLSKIN I BULLSKIN I BUNN STANLEY & KATHERII DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII HOUGH CLARE ET AL VIEW MOUNTAII	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV	ING DESIGN.         FEN INSTRUCTIONS F         BE REMEDIATED. ONG         CUP PROJECT PA         PARCEL ID         06       10000500000000         06       1100090000000         06       21000500000000         06       22000500010000         06       10000300010000         06       21000500000000         06       21000500010000         06       2100060000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, <b>RCELS - ACREAGI</b> <b>TOTAL PARCEL</b> <b>AREA (AC)</b> 366.62 133.75 174.64 89.39 232.03 108.66 101.61	L AND MAY CHAI	100' PROPERTY LINE SETBACK (AC) - 22.60 11.05 7.64 31.78 20.37	IN UGB No No No No No			CH CLEAN
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1. 2. 0WNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERINE DUNN STANLEY & STILES FAM PARTNERSHIN STILES FAM	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV	ING DESIGN.         FEN INSTRUCTIONS F         BE REMEDIATED. ONG         CUP PROJECT PA         PARCEL ID         06       10000500000000         06       11000900000000         06       21000500000000         06       21000700000000         06       10000300010000         06       21000500010000         06       21000500010000         06       21000500010000         06       21000500010000         06       21000500010000         06       21000500010000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, RCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA TOTAL PARCEL	CUP PROJECT AL AND MAY CHAI TY, OPEN THROA FEATURES WILL CUP PROJECT AREA (AC) 12.27 82.72 154.47 78.05 134.50 79.47 87.49	AT KARST NOT 100' PROPERTY LINE SETBACK (AC) 22.60 11.05 7.64 31.78 20.37 9.52 100' PROPERTY LINE SETBACK	IN UGB No No No No No		ECT AREA MAP	CH CLEAN
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1. 2. OWNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERIN DUNN STANLEY	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV PV PV PV PV PV PV	ING DESIGN.         FEN INSTRUCTIONS F         BE REMEDIATED. ONG         CUP PROJECT PA         06       10000500000000         06       10000500000000         06       11000900000000         06       21000500000000         06       2000500010000         06       10000300010000         06       21000500000000         06       21000500010000         06       10000300010000         06       11000600000000         06       11000600010000         06       11000600010000         06       11000600010000         06       PARCEL ID         06       11000600010000         06       PARCEL ID	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, RCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA 101.61 RCELS - ACREA 101.61 RCELS - ACREA 101.61 RCELS - ACREA 101.61	L AND MAY CHAI TY, OPEN THROA FEATURES WILL ES CUP PROJECT AREA (AC) 12.27 82.72 154.47 78.05 134.50 79.47 87.49 KGES PPU PROJECT AREA (AC) 19.38 72.29 NT L AREA CUP P	100' PROPERTY         LINE SETBACK         (AC)         22.60         11.05         7.64         31.78         20.37         9.52         100' PROPERTY         LINE SETBACK (AC)         20.37         9.52	IN UGB No No No No No INo INO Vo INO Vo Vo INO NO N		ECT AREA MAP	CH CLEAN
1. 2. OWNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERIN DUNN STANLEY & KATHERIN HOUGH CLARE ET AL VIEW MOUNTAN LLC	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV PV PV PV	ING DESIGN.         ENINSTRUCTIONS F         BEREMEDIATED. ONG         CUP PROJECT PA         06       10000500000000         06       11000900000000         06       21000700000000         06       21000500010000         06       21000500010000         06       21000500010000         06       2100060000000         06       2100060000000         06       11000600010000         06       11000600010000         06       11000600010000         06       21000600010000         06       10000600010000         06       10000600010000         06       21000600010000         06       210006000000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, ARCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA 101.61 RCELS - ACREA 101.61 CONTAL PARCEL AREA (AC) 25.14 115.79 ELS - MV EASEME TOTAL PARCE (AC) 0 69.18 0 171.50	CUP PROJECT AREA (AC) ES CUP PROJECT AREA (AC) 12.27 82.72 154.47 78.05 134.50 79.47 87.49 CES PPU PROJECT AREA (AC) 19.38 72.29 I I I I I I I I I I I I I	AT KARST         100' PROPERTY         LINE SETBACK         (AC)         22.60         11.05         7.64         31.78         20.37         9.52         100' PROPERTY         LINE SETBACK         (AC)         20.37         9.52	IN UGB No No No No No INo INO Vo INO Vo Vo INO NO N		ECT AREA MAP	CH CLEAN
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1. 2. 0WNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERII DUNN STA	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV PV PV PV PV PV PV C PV PV PV PV PV PV PV PV PV PV PV PV PV	ING DESIGN.         ENINSTRUCTIONS F         BE REMEDIATED. ONG         CUP PROJECT PA         06       10000500000000         06       11000900000000         06       21000500000000         06       21000500000000         06       21000500010000         06       21000500010000         06       2100060000000         06       21000600000000         06       11000600010000         06       11000600010000         06       11000600010000         06       11000600010000         06       11000600010000         06       21000600010000         06       21000600010000         06       2000090003000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, ARCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA 89.39 232.03 108.66 101.61 RCELS - ACREA TOTAL PARCEL AREA (AC) 25.14 115.79 ELS - MV EASEME TOTAL PARCEL (AC) 0 69.18 0 171.50 0 10.01 0 17.35 0 57.02 0 107.16	AL AND MAY CHAI         TY, OPEN THROA         FEATURES WILL         ES         CUP PROJECT         AREA (AC)         12.27         82.72         154.47         78.05         134.50         79.47         87.49         AREA (AC)         19.38         72.29         INT         L AREA       CUP P         ARE       A         2       C         0       1         0       2         0       2         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1	AT KARST         100' PROPERTY         LINE SETBACK         (AC)         22.60         11.05         7.64         31.78         20.37         9.52         100' PROPERTY         LINE SETBACK         (AC)         2.57         20.33	IN UGB No No No No No INo INO Vo INO Vo Vo INO NO N		ECT AREA MAP	CH CLEAN
1. 2. 0WNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERII DUNN STA	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV PV PV PV PV PV PV PV	ING DESIGN.         ENINSTRUCTIONS F         BEREMEDIATED. ONG         CUP PROJECT PA         06       10000500000000         06       11000900000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000600000000         06       11000600000000         06       11000600010000         06       11000600010000         06       11000600010000         06       11000600010000         06       10000300010000         06       10000300010000         06       10000300010000         06       06         06       10000300010000         06       06         06       0000400000000         06       000000000000000         06       000000000000000000000000000000000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, ARCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA 101.61 RCELS - ACREA TOTAL PARCEL AREA (AC) 25.14 115.79 ELS - MV EASEME TOTAL PARCEL AREA (AC) 0 69.18 0 171.50 0 57.02 0 107.16	AL AND MAY CHAI         TY, OPEN THROA         FEATURES WILL         ES         CUP PROJECT         AREA (AC)         12.27         82.72         154.47         78.05         134.50         79.47         87.49         AREA (AC)         19.38         72.29         INT         L AREA       CUP P         ARE       A         2       C         0       1         0       2         0       2         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1	AT KARST         100' PROPERTY         LINE SETBACK         (AC)         22.60         11.05         7.64         31.78         20.37         9.52         100' PROPERTY         LINE SETBACK (AC)         2.57         20.33         ROJECT         4 (AC)         .53         .06         .72         .58         .68         .37	IN UGB No No No No No INo INO Vo INO Vo Vo INO NO N		PROJECT AREA MAP	TORCH CLEAN
1. 2. 0WNER DUNN STANLEY KATHERINE BULLSKIN I DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII DUNN STANLEY & KATHERII HOUGH CLARE ET AL VIEW MOUNTAII LLC OWNER STILES FAM PARTNERSHII STILES FAM PARTNERSHII	LAYOU FINAL E BASED FEATU REQUII W JR & E B LLC Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR NE B Y W JR	ENGINEER ON WRITT RES MAY E RE A BUFF POI PV PV PV PV PV PV PV PV PV PV PV PV PV	ING DESIGN.         ENINSTRUCTIONS F         BEREMEDIATED. ONG         CUP PROJECT PA         06       10000500000000         06       11000900000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000500000000         06       21000600000000         06       11000600000000         06       11000600010000         06       11000600010000         06       11000600010000         06       11000600010000         06       10000300010000         06       10000300010000         06       10000300010000         06       06         06       10000300010000         06       06         06       0000400000000         06       000000000000000         06       000000000000000000000000000000000000	S IS CONCEPTUA ROM THE COUNT CE REMEDIATED, ARCELS - ACREAGI TOTAL PARCEL AREA (AC) 366.62 133.75 174.64 89.39 232.03 108.66 101.61 RCELS - ACREA 101.61 RCELS - ACREA TOTAL PARCEL AREA (AC) 25.14 115.79 ELS - MV EASEME TOTAL PARCEL AREA (AC) 0 69.18 0 171.50 0 57.02 0 107.16	AL AND MAY CHAI         TY, OPEN THROA         FEATURES WILL         ES         CUP PROJECT         AREA (AC)         12.27         82.72         154.47         78.05         134.50         79.47         87.49         AREA (AC)         19.38         72.29         INT         L AREA       CUP P         ARE       A         2       C         0       1         0       2         0       2         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1         0       1	AT KARST         100' PROPERTY         LINE SETBACK         (AC)         22.60         11.05         7.64         31.78         20.37         9.52         100' PROPERTY         LINE SETBACK (AC)         2.57         20.33         ROJECT         4 (AC)         .53         .06         .72         .58         .68         .37	IN UGB No No No No No INo INO Vo INO Vo Vo INO NO N	RIPPON	ECT AREA MAP	

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2. ACCESS POINTS SHOWN WITHIN THESE PLANS ARE CONCEPTUAL AND MAY

CHANGE DURING FINAL ENGINEERING DESIGN AND VDOT APPROVAL. 3. BASED ON WRITTEN INSTRUCTIONS FROM THE COUNTY, OPEN THROAT KARST FEATURES MAY BE REMEDIATED. ONCE REMEDIATED, FEATURES WILL NOT REQUIRE A BUFFER.

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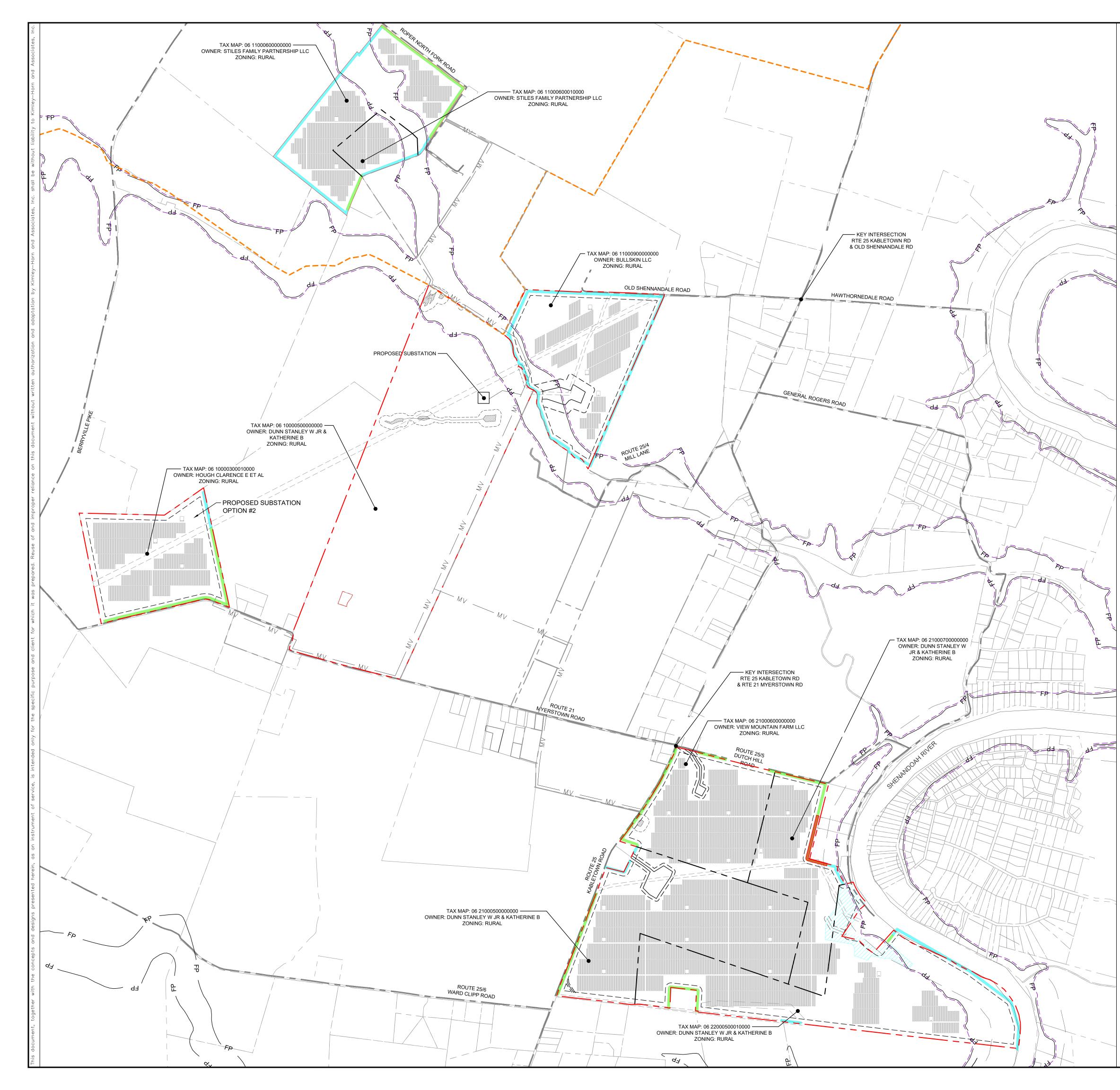
APPROVAL

SHEET NUMBER

C3.0

4. FINAL DESIGN CONSISTS OF ONE SUBSTATION.

PROJECT PARCELS - MV EASEMENT					
OWNER	PARCEL ID	TOTAL PARCEL AREA (AC)	CUP PROJECT AREA (AC)		
HOUGH CLARENCE E & DONNA S	06 21000600010000	69.18	4.53		
ATL FARMS LLC	06 9000400000000	171.50	2.06		
WALSH HEATHER & SEAN	06 10000800040000	10.01	0.72		
ADAMS FRANKLIN W & JUNE O	06 20000900030000	17.35	1.58		
ADAMS FRANKLIN W & JUNE O	06 20000900010000	57.02	0.68		
HOUGH CLARENCE E & DONNA S	06 11000700010000	107.16	7.37		
BULLSKIN LLC	06 10000600000000	225.10	2.83		



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0 425 85	ALE IN FEET 50 1700	
NORTH		
LEGEND:		
	OVERALL PROJECT LIMITS (EXTERIOR PARCEL BOUNDARY)	
	ADJACENT PARCEL BOUNDARY	
	INTERIOR PARCEL BOUNDARY	
	100' PROPERTY LINE SETBACK	
	DELINEATED WETLANDS	<b>KimleyH</b>
	DELINEATED STREAM	© 2022 KIMLEY-HORN AND ASSO 11400 COMMERCE PARK DR., S RESTON, VA 20191
	50' STREAM & WETLAND BUFFER	PHONE: 703-674-130 WWW.KIMLEY-HORN.COM
FP		
	PUBLIC RIGHT OF WAY CENTERLINE	
	SHENANDOAH RIVER APPROXIMATE OUTLINE	
	SHENANDOAH RIVER 500' RIPARIAN BUFFER	
OHE	OVERHEAD ELECTRIC LINES	
	APPROXIMATE ELECTRIC EASEMENTS	
	VOLUNTARY/PROFFERED PROPOSED 20' VEGETATIVE BUFFER, SEE PROPOSED PLANTING DETAIL #1 BELOW	
	VOLUNTARY/PROFFERED PROPOSED VEGETATIVE BUFFER, SEE PROPOSED PLANTING DETAIL #2 BELOW	
	VOLUNTARY/PROFFERED PROPOSED PRESERVED	
	VEGETATIVE BUFFER PRESERVED EXISTING TREELINE	
	ADJACENT TO SHENANDOAH RIVER JEFFERSON COUNTY URBAN GROWTH BOUNDARY	JECT 002 SHOWN SAH
NOTES:		RO BY BY
1. LAYOUT SHOWN WITHIN THESI FINAL ENGINEERING DESIGN.	E PLANS IS CONCEPTUAL AND MAY CHANGE DURING	KHA F 11018 D, 9/30 SCALE A SCALE A DESIGNED
REQUIRE A BUFFER. 3. UNLESS OTHERWISE NOTED, A	ED. ONCE REMEDIATED, FEATURES WILL NOT	⊢ ≻
THE DETAIL BELOW:		
SED SED	2 STAGGERED ROWS OF EVERGREENS, MINIMUM	
	PLANTING PLANTING PLANTING	
	150°=0"-(TYP_*)"	
SETBACK		PON EI FACILI PREPARED
100-0" PROPERTY		
100.		RIPPON FAC
		RI ORO
	EGETATIVE BUFFER	
NTS		
<u>GENERAL NOTES:</u> LANDSCAPE PLANTINGS WILL BE IN	ACCORDANCE WITH THE COUNTY ORDINANCE	
4. PROPOSED LANDSCAPE BUFFI DEFINED IN THE JEFFERSON C	ER ALONG BETHANY LANE SHALL BE "OPTION D" AS OUNTY ZONING ORDINANCE.	
5. FOR VEGETATED AREAS THRC	UGHOUT THE LIMITS OF DISTURBANCE, THE MPRISED OF NATURAL VEGETATION. SEED TYPES	I I I I I I I I I I I I I I I I I I I
	E DETERMINED DURING THE FINAL SITE PLAN	E C A
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2 £5345	STRACES ESTER	
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OPTION	<u>D</u>	APPROVAL SHEFT NUMBE
OPTION		APPROVAL SHEET NUMBE C4.0

#### **Staff Report** Jefferson County Planning Commission November 15, 2022

#### Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

Item #7: Public Workshop: A Concept Plan for Sunnyside Major Residential Subdivision consisting of resubdividing nine (9) existing commercial lots within the Sunnyside Industrial Park into 29 single-family lots.

Owners	Sunnyside Investment LLC and Thomas Management Group Inc.		
Applicant	Sunnyside Investment LLC c/o John Thomas		
Consultant	Civil Engineering/ D. A. Stansbury, P.E.		
Property Location & Information	Sunnyside Industrial Park Lots 1-5 & 8-11 (existing), Kanawha Lane; Kabletown District (06); Map: 12; Parcels: 12, 12.2, 12.3, 12.4, 12.5, 12.8, 12.9, 12.10, 12.11; Lot size: ~53 acres (combined acreage) Zoning District: Residential-Light Industrial-Commercial		
Aujoining Zoning.	North and South: Industrial Commercial and Rural		
Proposed Request:	Major Residential Subdivision consisting of resubdividing nine (9) existing non- residential lots within the Sunnyside Industrial Park into 29 single family lots.		
Previous Approvals:	21-3-Z Zoning Map Amendment for these 9 lots from Industrial Commercial to Residential-Light Industrial-Commercial (approved 12/2/21) Sunnyside Industrial Park Major Nonresidential Subdivision (PC File #04-39), recorded 4-23-07		
Concept Plan Status:	Submitted: $09/29/22$ Sufficiency Letter, completeness $10/11/22$ $1^{st}$ Review Comments: $10/18/22$		

#### Staff Report Jefferson County Planning Commission November 15, 2022 Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

#### **Introduction and Summary of Request**

The applicant is proposing to create a Major Residential Subdivision by re-subdividing the nine (9) existing vacant non-residential lots within the Sunnyside Industrial Park (shown with yellow numbers) into 29 single family lots on the area recently rezoned to Residential-Light Industrial-Commercial (RLIC, shown below). The proposed single-family detached home lots will be located on approximately 53 acres and will be served by private wells and on-site septic systems. The property is located south of Wheatland Road and approximately 0.57 miles east of its intersection with Route 340.



The overall density for this development is 0.5 dwelling units per gross acre for the 53-acre RLIC portion of the property, with 4.6-acre open space/stormwater parcel, and an average lot size of 1.6 acres.

This proposed development meets the "Large Lot Residential" category, which is defined by the 2035 *Envision Jefferson Comprehensive Plan* as "land occupied by estate-type lots where there is one home on a lot which is between one acre and five acres in size. Large Lot Residential lots are primarily served by onsite well and septic systems." All Major Residential Subdivisions require processing a Concept Plan as well as a Preliminary and Final Plats, which this Public Workshop is addressing.

#### Access

Section 21.102C "Access" of the Subdivision Regulations requires all subdivision plats that contain more than 30 lots to have a minimum of two access points from existing roads. It also states that where possible, all subdivisions shall connect so that developments are not cul-de-sacs with only one access to an existing road and that the use of cul-de-sacs should be limited to places where natural resources, such as streams,

## **Staff Report**

Jefferson County Planning Commission

November 15, 2022

## Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

hillsides, floodplains, or open space, make normal blocks inefficient, environmentally damaging, or prohibitively expensive.

In this case, the applicant is adding 20 new lots to a subdivision consisting of 13 lots, for a total of 33 lots. It therefore appears that a waiver of this requirement will be required prior to processing a Preliminary Plat.

Section 20.201L "Upgrading of Existing Subdivision Road" of the Subdivision Regulations also states that the subdivision of lots along any existing subdivision roadway that currently serves twelve (12) or more lots, and where the existing roadway is not a public roadway, shall require the existing roadway to be upgraded to the asphalt roadway standards. The road shall be upgraded from the location of the subdivision lots to the intersection with the public road. It may be possible for the Planning Commission to find that this Section applies as the existing road (Kanawha Lane) meets the Non-Residential/Industrial and Commercial Street Standard found in Table 2.2-1 "Roadway Design Standard", with 60' of right-of-way and 26' of pavement with paved shoulders.

## Interconnectivity/Cul-de-Sacs

Sec. 21.102D of the Subdivision Regulations requires that "where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. . . . ."

The proposed layout of this subdivision is based on the existing non-residential subdivision, which did not provide these types of connections and it is not proposed with the current proposed layout.

Section 22.206.B of the Subdivision Regulations limits cul-de-sacs to a maximum of 800 feet and serving 24 lots. The proposed layout for the Sunnyside Residential Subdivision includes a main cul-de-sac that is approximately 2,000 sq. ft long with three branching cul-d-sacs approximately 450 feet long.

Waivers of these requirements may be required prior to processing a Preliminary Plat.

## Sidewalks

Sec. 22.208 of the Subdivision Regulations requires sidewalks along at least one side of the streets in this subdivision. No sidewalks exist in this subdivision at this time and a waiver may be required.

## Open Space

Section 21.105 of the Subdivision Regulations does not require any land to be reserved for open space or parkland for developments where the density in units over acre of residential land is less than two units per acre. No open space/parkland is required for this subdivision.

## Waivers/Variances

The applicant is not currently requesting any waivers of the requirements of the Subdivision Regulations; however the Planning Commission should make recommendations about the items noted above as well as the requirement that all Preliminary Plats require a Phase I archaeological study and a historic resources impact study.

## **Subdivision Category**

The subdivision associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.202 of the Subdivision Regulations states that 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

## **Staff Report**

Jefferson County Planning Commission

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## Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

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. Sunnyside Residential Subdivision is processing as a Major 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.

## Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Major Subdivision Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon second submission and review of the applicant's Concept Plan, Staff found the submitted plan "complete" (i.e. meeting all submission requirements of Section 24.110 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed application, are provided below:

		Description	Status
1.	General Location	the property Zoning boundaries shall be located on this	
2.	Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
3.	Zoning Information	<ul> <li>a) Zoning District in which the proposed subdivision is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map</li> </ul>	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 Concept Plan
5.	Traffic Impact Data	<ul> <li>a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.</li> <li>d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> </ul>	In Concept Plan narrative: <u>WV DOT ADT Counts</u> Wheatland Rd (WV340/2) near US 340: 356 ADT; <u>Trip Generation</u> : Average Daily Trips: 232 Trips/Day; Peak Hour: 30 Trips/Hour; <u>Key intersection</u> : Wheatland Rd and US 340; No Problem Areas w/in 1 mile

## Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

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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.	The County defers to the WV DOH to determine whether a Traffic Impact Study is required.
6. 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	<ol> <li>The Department review shall include the following:</li> <li>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.</li> <li>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.</li> </ol>	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Subdivision.
E./F. WVDOH	The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.	WV DOH Highway Entrance Permit approval will be required for Kanawha Lane to account for the additional lots and changes of use from commercial to residential.
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.	The applicant intends to provide the lots with on-site well and septic systems. Health Dept will be required.
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
I. Approval	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 shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete, with minor outstanding comments.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

## Staff Report

## Jefferson County Planning Commission

## November 15, 2022

## Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

#### **Concept Plan Review**

#### 1. External Agency Reviews (attached)

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

• The Jefferson County Health Department sent an e-mail stating that the subdivision will be by private well and septic systems and that if this proposal is approved, they will need to submit a subdivision application with certified plats to the Health Dept. at least 30 days before any intended construction.

As of this date, no other agency review comments have been received. If additional comments are received, they will be provided to the Planning Commission for their consideration.

#### 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.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Major Subdivision, located on Kanawha Lane, south of Wheatland Road, to be "complete" based on the information provided related to the criteria above; however, the following standards will need to be addressed <u>prior</u> to approval of the Subdivision:

- a. Any waivers of the Subdivision Regulation requirements that cannot be met with the design of this subdivision need to be approved or accounted for in the design prior to processing the Preliminary and Final Plat.
- b. WV DOH review and approval of a revised entrance permit for Kanawha Lane to account for the additional lots and changes of use from commercial to residential will be required in conjunction with the Subdivision's Preliminary and Final Plat.
- c. WV Health Department approval of on-site wells and septic systems will be required in conjunction with the Preliminary and Final Plat.

Based on the Subdivision Regulations, noted above, this project will process as a Major Subdivision and the next step is to process a Preliminary Plat that meets all of the requirements and standards of the Subdivision Regulations.

#### 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.

## **Staff Report**

Jefferson County Planning Commission November 15, 2022

## Sunnyside Major Residential Subdivision Concept Plan Public Workshop (22-27-SD)

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 24.112 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Major Subdivision review:

"The Planning Commission shall direct the preparation of a Preliminary Plat subject to conditions to be addressed in the Preliminary Plat application. The purpose of this review is to guide the developer so that when the Preliminary Plat 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 Major Subdivision 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

From:	Beach, Gillian R
То:	Planning Department
Subject:	Sunnyside Residential Development Concept Plan
Date:	Friday, October 21, 2022 1:04:41 PM

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

We received the concept plan plat for the proposed subdivision that would be served by private well and septic systems. If this proposal is approved, they will need to submit a subdivision application with certified plats to our office at least 30 days before any intended construction.

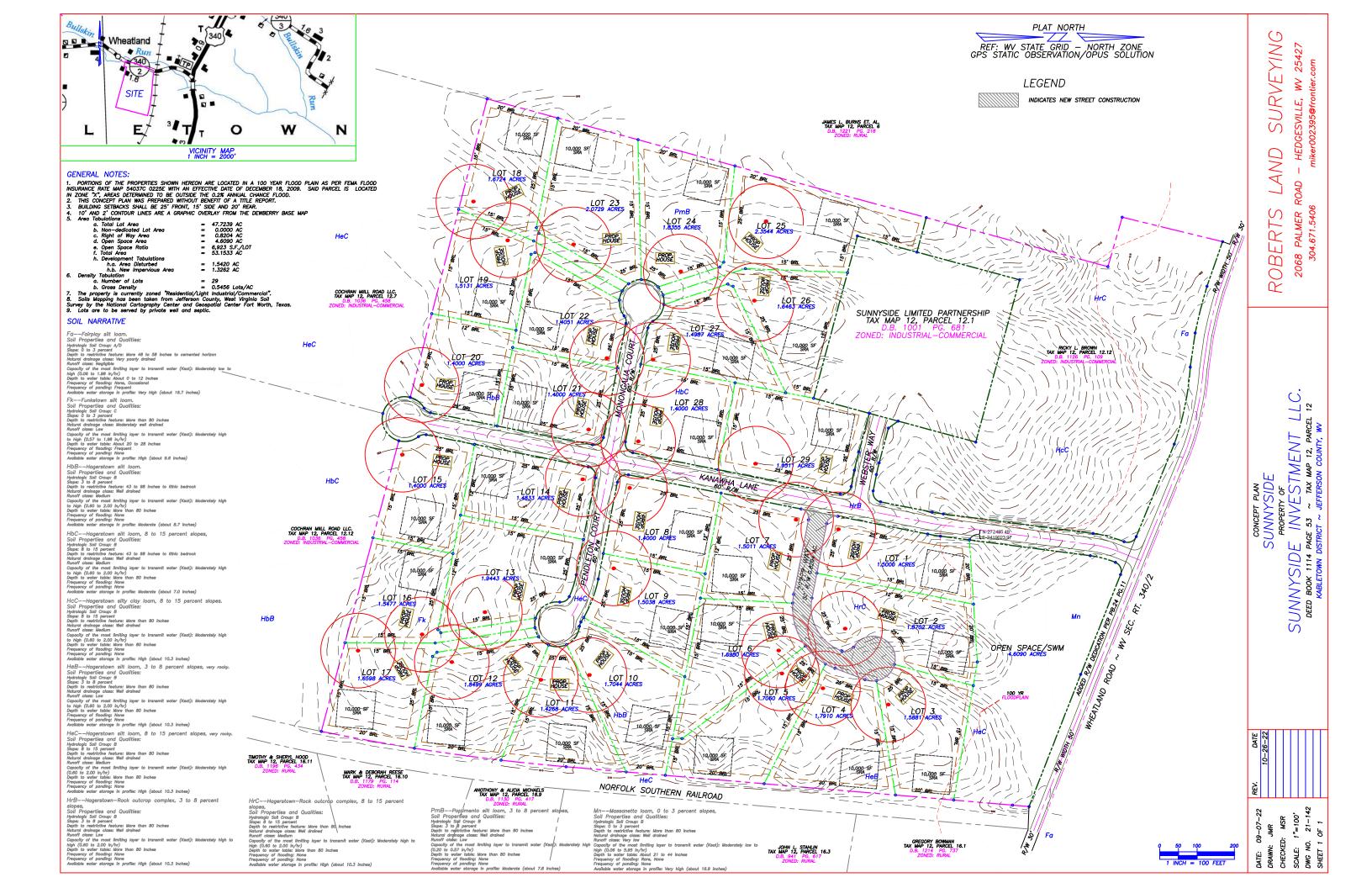
We would also need to be notified of any changes or additions to stormwater management and drainage easements in the subdivision after we approve the subdivision.

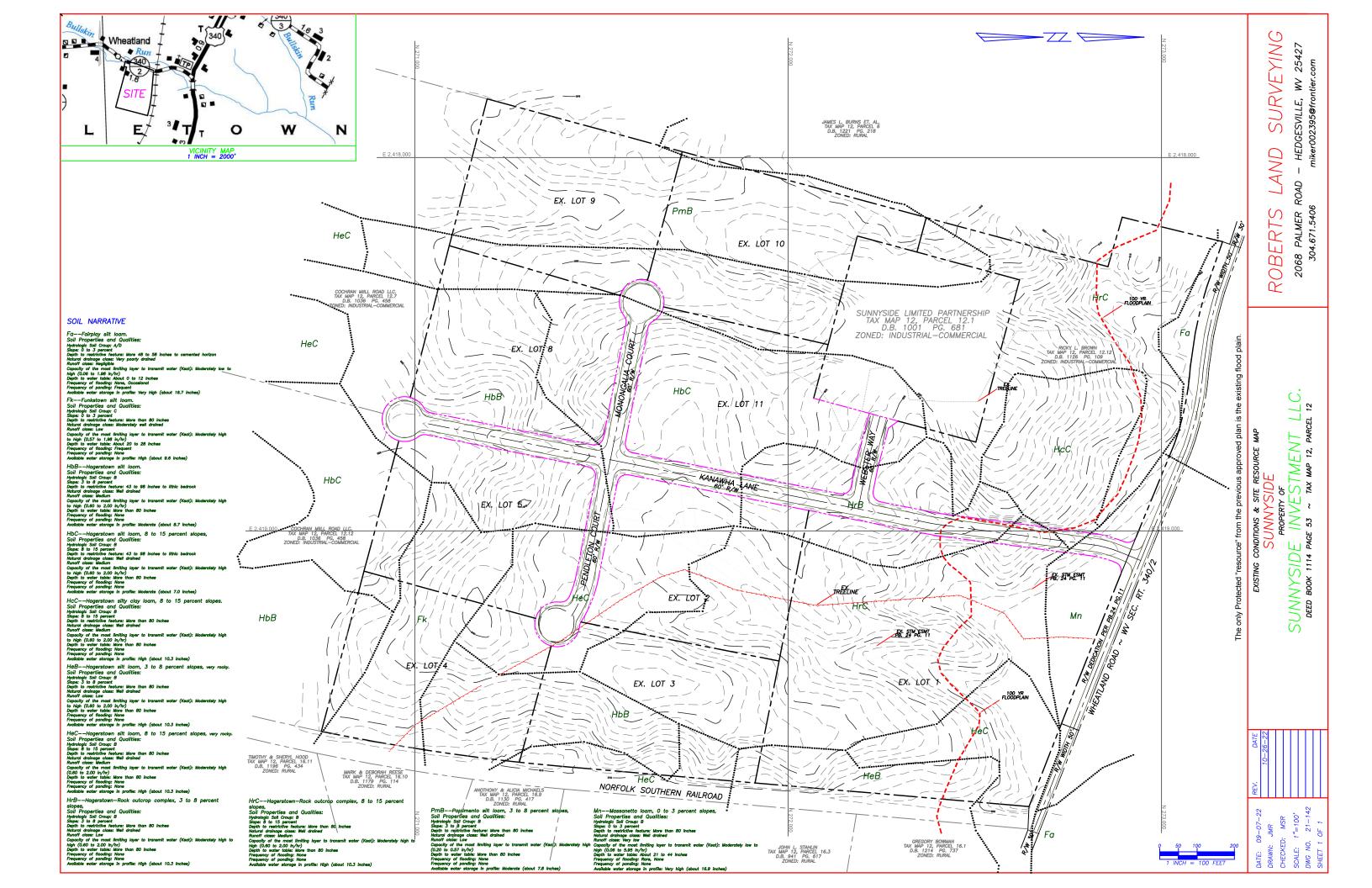
Thank you,

## Gillian Beach, REHS/RS

Environmental Health Manager Jefferson County Health Department 1948 Wiltshire Rd. Suite 1 Kearneysville, WV 25430 Office: (304) 728-8416 ext 3033 Cell: (304) 261-3041

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## Julie Evans Waiver Request (File #: 22-24-PCW)

Item # 8 : Public Hearing: Waiver from the requirements of Section 21.401 and 21.402.D of the Subdivision Regulations to allow the electric lines and poles proposed to serve Lot 1 (PB26/PG317) to be located within the required 50' access easement.

Owner/Applicant:	Julie Evans
Parcel Information and Zoning District:	774 Bunkhouse Rd, Kearneysville Parcel ID: 07000900010006; Size: 12 ac (total of 3 lots); DB1215/PG21; Zoning District: Rural
Surrounding Zoning:	North, South, East, & West: Rural
Proposed Activity	To install above-ground electric lines and poles proposed to serve Lot 1 to be located within the required 50' access easement.
Approvals:	21-30-SD Minor Subdivision; recorded 12-23-2021; PB26/PG317

#### Summary of the Request

The applicant is requesting to be permitted to install above-ground electric lines and poles proposed to serve Lot 1 of the Julie Evans Minor Subdivision, found in PB26/PG317, to be located within the easternmost 10' of the required 50' access easement. See the graphic below.

## **Background**

In December 2021, the Julie Evans Minor Subdivision was approved and recorded in PB26/PG317, creating Lots 1, 2, & 3-Residue with a 50' access easement serving Lots 1 & 2.

## Julie Evans Waiver Request (File #: 22-24-PCW)

The applicant is now attempting to develop Lot 1 as shown on the plat below. The 50' access easement borders the western property line. The applicant stated that she has been working with Potomac Edison to get electrical service to Lot 1, which was proposed to run along the eastern edge of the 50' access easement. In order to provide electrical service to Lot 1 along this area, a large tree would have to be removed, which they would prefer to keep. Potomac Edison has provided documentation that it is not possible to install any underground electric lines at this time, which would be permitted within the access easement without a waiver.

#### **Subdivision Requirements and Discussion**

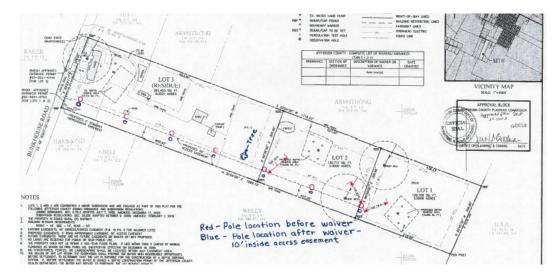
Sec. 21.401 "Private Restrictions and Easements" of the Subdivision Regulations (excerpt below) states that "for any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted". A note to this effect has been placed on the plat (Note #9).

Additionally, Sec. 21.402 "Public Easements" of the Subdivision Regulations (excerpt below), Subsection D "Encroachments, Structures and Landscaping" also states that "no permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area".

This waiver is requesting to be allowed to install the above-ground electric lines and poles proposed to serve Lot 1 of the Julie Evans Minor Subdivision within the easternmost 10' of the required 50' access easement serving Lots 1 and 2.

See the Exhibit below:

- the red circles show the location for proposed poles outside the access easement, but require the removal of the large tree;
- the blue circles are the requested location within the easternmost 10' of the 50' access easement,



## 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

## Julie Evans Waiver Request (File #: 22-24-PCW)

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:

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

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

## **Staff Recommendation**

Typically, no structures or landscaping are permitted within any access easements so as not to impede the flow of traffic within the easement. Additionally, no structures are permitted within any utility easement in order to protect the utility itself and to ensure the easement holder has full access to the easement to perform maintenance or make repairs as necessary. In this case, the request, in coordination with Potomac Edison, is to be permitted to place the power poles along the inside edge of an existing access easement that is serving only 2 lots.

The impact of the request is to, in effect, narrow the drivable area of the access easement to 40'. If the Planning Commission is inclined to approve this request, a 10' utility easement should be recorded within the access easement so that there is no future conflict between the property owners and access drive users and the power company.

As it appears from the e-mail correspondence that Potomac Edison is supportive of moving the proposed above ground poles into the 50' access easement, in part, due to the lack of materials available to pursue underground utilities at this time. For this reason, staff is supportive of this request provided that a utility easement is recorded reflecting the installation of the poles in this area.

## Sections of Subdivision Regulations under Consideration:

## Sec. 21.401 Private Restrictions and Easements

Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on the plat or plan.

## Section 21.402 Public Easements

General. All easements for all public (water, sewer, stormwater management or storm drainage facilities) or public service type facilities (telephone, electric, gas, cable) that serve the subdivision or site development shall be set forth on the plat or in the deed. Such easements shall be located in street right-of-ways, alleys, or side or rear yards as determined by the County in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for access

## Julie Evans Waiver Request (File #: 22-24-PCW)

without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement.

**D. Encroachments, Structures and Landscaping.** No permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area. The homeowner's association, business owner's association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing or any other improvements placed upon such public easements.



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

File #:	22-24-PCu
Mtg Date:	11-15-22
Date Rec'd:	10-12-22
Fees Paid:	160.00
Staff Int:	n
List of Adjoiners:	

Email: planningdepartment@jeffersoncountywv.org zoning@jeffersoncountywv.org Phone: (304) 728-3228 Fax: (304) 728-8126

Same as owner:

#### **Planning Commission Waiver Request**

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

#### **Property Owner Information**

Owner Name:	Julie Evans & Preston Gillmore
Business Name:	is sull have at affect on pajacent preperty a anars or residents. I
Mailing Address:	774 Bunkhouse Rd., Kearneysville, WV, 25430
Phone Number: 155	405-589-1610, 405-589-2021 Email: julie - evansa earth linkinet

#### **Applicant Contact Information**

Applicant Name: Business Name: Mailing Address: Phone Number:

#### **Consultant Information**

Name:	Ponna Dolecki
Business Name:	Potomac Edison
Mailing Address:	901 Wilson St, Martinsburg, WV 25402
Phone Number:	304-267-3259 Email: ddolecka firstenergycorp.com

Email:

#### **Physical Property Details**

Physical Address:	774 Bunkhouse Rd	Kearneysville, WI	25430	Vacant Lot:
	Middleway	Map No: 9	Parcel No:	1.6
Parcel Size:	12 40	Deed Book: 1215	Page No:	21
Zoning District:	Agriculture	isuppoint sits model there	waanaada Januda T.	nt) the and the states

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.

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

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

Briefly Describe the Nature of Your Waiver Request: In Dec 2021, the Julie Evans Minor Subdivision was approved. I am now developing Lot I. A 50' access easement barders the west property line. I've been working with Potomac Edison to get electrical service to lot I that will run along the east side of that ensement-please see Able Location attachment. In order to get electrical power to the Lot, a very big shade tree in my posture would have to be removed because of proximity to the electric line. I inquired about running underground power, then was told by Astomac Edison that as of 26 Sept, there is no material founderground electric and there is no date for re-supply. I use advised that I would have to apply for a waiver to mave the electric line into the casement and that my property is on excellent candidate for the possible granting of that waiver. Please see attached emailsfrom Ms Pana Dolecki, the Potomac Edison Engineer Tive been working with, on the unavailability of underground electric materials. That waiver Application Page 1012 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.

Not applicable.

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 request is to move the electrical line inside the access easement by 10 feet. It will have no affect on adjacent property owners or residents. I am the owner of Lots 1 + 2 and do not plan to sell them.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance. Not applicable

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

The waiver request, if granted, will allow the power line to be moved 10 feet into the access easement and will allow a beautiful old tree to continue to live and provide shelter and shade for my cattle.

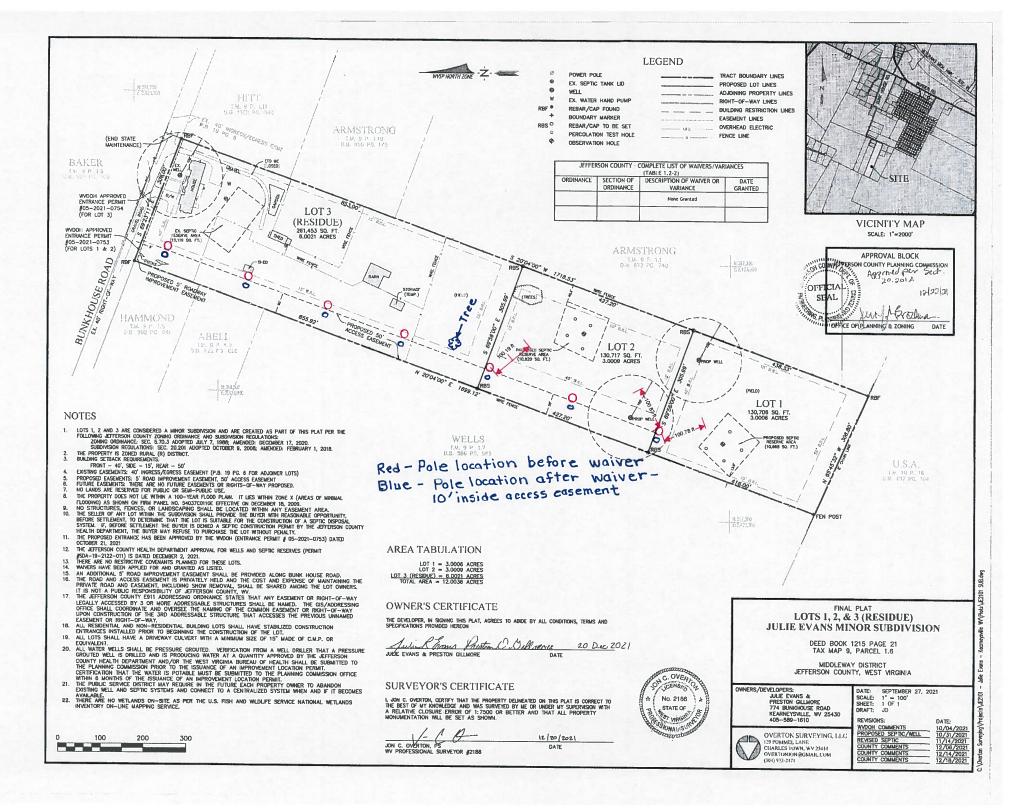
By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

Property Owner Signature Property Owner Signature Date 12 Oct 2022 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
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na anna guarann annar guaran T	Planning Commission Determination	a an a a lang gu air an aird.
Approved 🗌	Denied	Date://
	Planning Commission Waiver Application	in an and makehoos tobis



#### **Julie Evans**

From:	Dolecki, Donna J <ddoleck@firstenergycorp.com></ddoleck@firstenergycorp.com>
Sent:	Tuesday, September 27, 2022 7:19 AM
То:	Julie Evans
Cc:	'Preston Gillmore'; 'Drew Andrew'
Subject:	RE: [EXTERNAL] Underground Electrical Conduit

Good morning Ms. Evans,

I think you should be somewhat hopeful about using the access easement for the poles, but you will have to apply for a waiver with the county. My other builder said that the County is receptive to the idea of having poles in the easement, but right now the regulations say that a waiver must be applied for. I don't have details for how to go about that, but expect to hear later this week. So it would be up to you if you wanted to apply for that or not.

The work request number for the permanent service is 761555680.

Sadly, I must advise you that, as of yesterday, we have no material for underground electric. A notice was put out to all the subdivision developers that we would be unable to hook up any more houses via underground electric due to lack of material. Right now, we have no anticipated date for re-supply of that material. This applies to individual property owners like yourself as well. I will provide you more details as I receive them.

Best regards,

×	 	

#### Donna Dolecki

Distribution Tech III-Design Svcs office: 304-267-3259 (302-3259) | cell: 304-671-2833 ddoleck@firstenergycorp.com 901 Wilson Street, Martinsburg, WV 25402 | mailstop: WV-MASC / Martinsburg Service Center

From: Julie Evans <julie-evans@earthlink.net>
Sent: Tuesday, September 27, 2022 5:03 AM
To: Dolecki, Donna J <ddoleck@firstenergycorp.com>
Cc: 'Preston Gillmore' <preston-gillmore@earthlink.net>; 'Drew Andrew' <acewelding86@gmail.com>
Subject: RE: [EXTERNAL] Underground Electrical Conduit

External sender, use caution with links/attachments. Click 'Report Message' in Outlook if suspicious.

Good morning Donna,

Have you heard anything regarding the possibility of placing the powerline at 40' instead of 50' from the fence line? I'm not hopeful that an exception will be made, so I've asked our excavator for a quote to go underground for that 600' as I don't want to cut that tree down. I should have that quote by the end of the week.

Also, I'd like to get the meter ordered. The work request number you gave me before was 761555681 for the temporary service we decided not to do. Is that the same number we can use to order the meter?

Thank you,

Julie Eva 405-589-1610 From: Dolecki, Donna J <<u>ddoleck@firstenergycorp.com</u>>
Sent: Thursday, September 22, 2022 6:23 AM
Go: Julie Evans <<u>julie-evans@earthlink.net</u>>
Cc: 'Preston Gillmore' <<u>preston-gillmore@earthlink.net</u>>; 'Drew Andrew' <<u>acewelding86@gmail.com</u>>
Subject: RE: [EXTERNAL] Underground Electrical Conduit

#### Good morning Julie,

For the conduit underground, it is 3" schedule 40 PVC. At the house is sch 80 PVC, which I'm sure your excavator has already priced for you with the service installation. So all you would need is 600' of 3" schedule 40 PVC, plus (2) 3" schedule 40 PVC 90 degree 36" radius elbows. It may or may not have the description 'electrical grade conduit'.

The pole and anchor stakes at the road are a basic solution, but I'm going to give that some more thought and see if I can't come up with a better plan. I'll still have to come out and stake the 3 poles that end up inside your fence. Once I hear whether the poles can be left at 40' from the fence line, or have to be 50'.

Best regards,



Donna Dolecki Distribution Tech III-Design Svcs office: 304-267-3259 ddoleck@firstenergycorp.com 901 Wilson Street, Martinsburg, WV 25402

From: Julie Evans <<u>julie-evans@earthlink.net</u>> Sent: Thursday, September 22, 2022 5:27 AM To: Dolecki, Donna J <<u>ddoleck@firstenergycorp.com</u>> Cc: 'Preston Gillmore' <<u>preston-gillmore@earthlink.net</u>>; 'Drew Andrew' <<u>acewelding86@gmail.com</u>> Subject: [EXTERNAL] Underground Electrical Conduit

External sender, use caution with links/attachments. Click 'Report Message' in Outlook if suspicious.

Good morning, Donna,

I am trying to price out the cost of 600 ft of electrical conduit to put 600' of the power line underground. Can you tell me, for our particular application, what kind of electrical conduit and what size would be recommended? Would it be PVC, HDPE, fiberglass? 3" or another size? I found the website <u>www.firstenergycorp.com</u> with the Customer-Guide-for-Electric-Service-WV.pdf document with all the WV electrical code standards, but I thought with your experience, you might be able to tell me what would normally be used for our application.

Thank you,

Julie 405-589-1610

The information contained in this message is intended only for the personal and confidential use of the recipient(s) named above. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error and that any review,

## Performance Auto Works Waiver Request (File #: 22-26-PCW)

Item # 9: Public Hearing Performance Auto Works, LLC Waiver from Sections 20.203.B.2 "Limited Site Plan" and 20.203.B.3 "Full Site Plan" of the Subdivision Regulations to allow for the construction of a 2,400 sq ft storage building and 3,700 sq ft of gravel area (6,100 sq ft disturbed area) without processing a Site Plan.

Owner/Applicant:	Performance Auto Works, LLC / Attn: Billy Ring			
Parcel Information and Zoning District:	8063 Leetown Rd, Kearneysville, WV Parcel ID: 07001900190018; Size: 2.11 acres; Zoning District: Rural			
Surrounding Zoning:	North, South, East and West: Rural			
History:	1986 – Outsale Parcel Created (Deed Book: 556 @ Page: 224			
Waivers/Variances:	ariances: 10/27/22: BZA approved request to allow a greater than 35% expansion of an existing nonconforming use up to 2,400 sq ft (File #22-38-ZV). 07/17/03: BZA approved request to allow a greater than 35% expansion of an existing nonconforming use up to 1,620 sq ft (File #ZV03-19).			
Approved Activity:	Expansion of Legal Nonconforming Auto Repair Shop			

## Summary of the Request

The subject property is considered a legal, nonconforming use, which consists of an auto repair business with an existing 60' x 40' auto repair garage, surrounding gravel parking area, and gravel access drive.

## Performance Auto Works Waiver Request (File #: 22-26-PCW)

The applicant would like to add a second structure for the purpose of storing cars during maintenance out of harsh weather conditions. The applicant has represented that the bulk of his operation includes repairs on vintage sports cars and that the proposed expansion is not anticipated to increase customer traffic since it will be used as a storage area in lieu of the outdoor gravel area.

As the site was developed for nonresidential use prior to the adoption of zoning, the site is considered nonconforming because it does not conform to the current site development standards such as distance requirements, landscaping, etc. Section 4.3D of the Zoning Ordinance limits the administrative approval of nonconforming use expansions to 35%. Once a use is proposed to expand beyond 35%, the Ordinance states that the use shall meet all applicable requirements of the Zoning Ordinance, unless otherwise allowed by the Board of Zoning Appeals. Therefore, on October 27, 2022 the Board of Zoning Appeals heard and

approved a request to allow the existing use to expand more than 35% of the original land use. This approval allows the applicant to construct a 2,400 square foot storage building. No further expansion would be permitted without additional processing by the Board.

## 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 footprint of the proposed addition or the new structure is greater than 1,200 square feet; OR, if additional parking is required per the Zoning Ordinance; OR, if the disturbed area is more than 5,000 square feet.

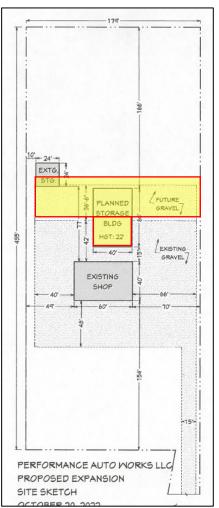
The applicant is proposing to construct a 2,400 square foot storage building and approximately 3,700 square foot of gravel area (6,100 square foot total disturbed area) and is requesting to be permitted to do this without processing a Site Plan. Based on the applicant's sketch, it appears that a portion of the proposed structure will be located over existing gravel.

As noted in the application, the applicant states that as the proposed garage is for storage of existing vehicles only, that there will not be an increase of traffic to the site. As the proposed structure is intended for storage only, the Zoning Administrator has determined that no new parking spaces are required.

The applicant has submitted several letters of support from the adjacent property owners.

## **Staff Recommendation**

Site Plans are engineered documents that depict the site improvements required by the Subdivision Regulations, including,





November 15, 2022

## Performance Auto Works Waiver Request (File #: 22-26-PCW)

but not limited to, stormwater management, landscaping, parking and drive aisle layout, bonding and signage.

Engineering staff believes that because the new building footprint (2,400 sq ft) and the new disturbed area (3,700 sq ft) combined total less than the combined square footage in the definition of "No Site Plan" (1,200 sq ft structure and 5,000 sq ft disturbed area), and because no parking is required for the proposed use of the storage building, that the request may be reasonable. The only item not meeting the "No Site Plan" requirement is the structure being over the 1,200 square foot. As the impact on the stormwater management actually results from the total of the building and disturbed area combined, this proposal meets the intent of the "no site plan" criteria.

It should be noted that if the Planning Commission is inclined to grant the waiver, from requiring a site plan, that the applicant will still have to obtain a building permit, which may necessitate approval from the WVDOH (access).

## 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.

## 2. Limited Site Plan

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management (quantity and quality) for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.

## Performance Auto Works Waiver Request (File #: 22-26-PCW)

c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

## Waiver Requirements

The applicant has provided 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.

Surround a		lefferson County, Went of Engineering, F	-	ning M	File #: 22-26-P( Atg Date: 11-15-202
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110 1801 URGDSU		P.O. Box 716 Charles Town, West Vir		List of A	adjoiners:
A second s	artment@jeffersoncoun ersoncountywv.org	ywy.org		Darc	Phone: (304) 728-3228 Fax: (304) 728-8126
	Pl	anning Commission W	aiver Request	- 36	
Waivers	must comply with D	Division 24.300 of the 20	008 Subdivision R	egulations, a	s amended.
Property Owner	r Information	and population and part	n, Soloncial so bio	нарасныев	MARGAR CRO (M.
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Business Name:	Performance Auto Wo	rks LLC	8" x 22" placard a	Lleast 14 day	s prior to the
Mailing Address:	8063 Leetown Road, K	Cearneysville, WV 25430	Louisings		
Phone Number:	304-728-8222	Email:	pawmotorsports@f	rontiernet.net	
Applicant Cont	act Information	in the	troben) car	an in Commer	CTTP-
	Lawrence William Rin	g III			Same as owner:
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Parcel Size:	2.11 acres	Deed Book:	140	Page No:	163
Zoning District:	Rural	provent (instance) and to a		-roperty lor	Car reason and has
construction or	land use and indic	h the shape and locatio ate building setbacks, s d uses on the property	size, and height. I	dentify exist	
Includ	led [	Not applicable (includ	e a vicinity map if	f a sketch is n	ot applicable)
What Section of Sec.20.203.B.2, S	f the Subdivision R lec.20.203.B.3 (Req	egulations and year of uirements for Limited o	the Regulations r Full Site Plan) A	are you requ dopted 10/9/	esting to Waive? 2008, Amended
2/1/2018.	sace is primarily for	storage and will not res	uff us additional n	allie to and I	rom the site it will
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		r Waiver Request:	ente aprovadores po	a lefter search they	or wolf are at the
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		al of 6,100 sq. ft. of add			

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.

The storage building will improve the appearance of my property by allowing me to reduce the number of vehicles stored outside.

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

This additional space is primarily for storage and will not result in additional traffic to and from the site. It will not be an eywsore or cause harm or hardship to my neighbors or to the public. (I have attached letters of support from my neighbors.)

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance. Granting this waiver will propect the health, safety, and welfare of Jefferson County, and support existing commercial activity, without adversely affecting land use. Granting this waiver will allow me to operate my business in a more economical and efficient manner and to continue to use my property for car repair, as it has been used for many years.

Explain how the waiver, if granted, will result in a project of better quality and/or character. Granting this waiver will result in the improved appearance of my property.

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.

10.20.22 Property Owner Signature

Property Owner 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.

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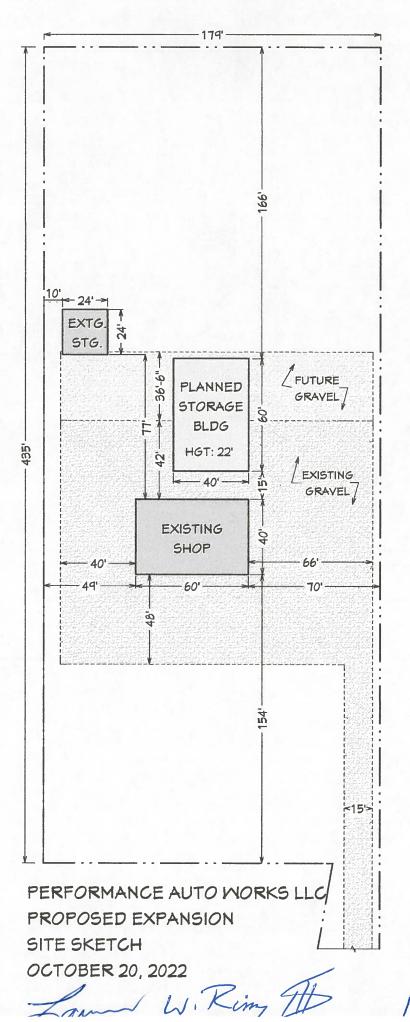
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<u>10-28-2022</u> Date Adjoiners Mailed

P	anning Commission Determin	ation	a velociani.
Approved 🗌	Denied 🗌	Date:	1

Corners are to be set # 5 Rebars unless otherwise	
RESIDUE noted.	
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TEFFEBON COUNTY PLANNING, JONING AND ENGINEERING	
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R. Michael Shepp, LLS	
APPALACHIAN SURVEYS, INC. #1592	
P.O. Box 35 CHARLES TOWN, W.V.	1
State of West Virginia, County of Jefferson, Sct.	•
IN THE CLERK'S OFFICE OF COUNTY COMMISSION:	
on MAY 12 1986 , at 4:20 T.H., the foregoing	
Deed of B. & S. was received in my said office and duly ad-	
mitted to record.	
Test, John E. Ott	
Clerk of County Commission	
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- Tain WigJ	r

10/1/22



10-20-22

This letter is to state and confirm that we have no objection to the addition that performance auto works is currently requesting to add to their present building. Our property borders on the south side of their property. This will have no negative effects on our property or our lifestyle

We hope that this letter will aid in performance auto works' effort to expand a very successful business.

Thank you

Apresa & Merley

**Theresa Shirley** 

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the east side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Willard King Mr. W King

This letter is to state and confirm that we have no concern of any extra water runoff due to the new addition that performance auto works is currently requesting to add to their property.

We hope that this letter will aid with any concerns you may have.

Thank you

Juin Hunder

Mr. Harden

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the west side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Mr. Harden Jin Harden

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the north side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Joanna Ferrell.

Mr. Ferrell

This letter is to state and confirm that we have no objection to the addition that performance autoworks is currently requesting to add their present building

Our property borders on the south side of their property. This will have no negative effect on our property or our lifestyle.

We hope that this letter will aid in performance autoworks' effort to expand a very successful business

Thank you

Incontrema 9/30/22

Mr. Hoeksema



West Virginia E-Filing Notice

CC-19-2022-C-85 Judge: Debra McLaughlin

To: Christopher Patrick Stroech cstroech@arnoldandbailey.com

## **NOTICE OF FILING**

## IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA SBA Infrastructure, LLC v. Jefferson County Planning Commission CC-19-2022-C-85

The following order - case - final was FILED on 11/5/2022 3:58:33 PM

Notice Date: 11/5/2022 3:58:33 PM

Laura Storm CLERK OF THE CIRCUIT COURT Jefferson County PO Box 1234 CHARLES TOWN, WV 25414

(304) 728-3231 circuitclerk@jeffersoncountywv.org

#### In the Circuit Court of Jefferson County, West Virginia

**SBA Infrastructure, LLC,** Plaintiff,

V.

Case No. CC-19-2022-C-85 Judge Debra McLaughlin

**Jefferson County Planning Commission**, Defendant

#### **Final Order**

On July 13, 2022, Petitioner filed the Verified Complaint and Petition for Writ of Certiorari with this Court pursuant to W. Va. Code §8A-9-1 seeking issuance of a Writ of Certiorari to review the June 14, 2022 decision ("Decision") of the Respondent Planning Commission of Jefferson County, West Virginia ("Planning Commission"), granting the application of New Cingular Wireless PCS, LLC d/b/a AT&T Mobility LLC ("Intervening Respondent") for approval of Concept Plan No. 21-8-SP (the "Application") to allow the construction of a new Telecommunications Tower (the "Proposed Tower") in Jefferson County.

For the reasons set forth below, this Court

#### **Findings of Fact**

SBA is the owner of the existing telecommunications facility ("Existing Tower") located at 844 Wheatland Road in Charles Town, West Virginia. The Existing Tower was approved by the County in 2001 and is a 199' lattice structure on which AT&T is a tenant, with equipment installed at the centerline height of 166'. In addition to AT&T, the Existing Tower supports the facilities of three additional wireless carriers. SBA's Existing Tower is located on a 100-acre parcel and serves the same area that would be served by the monopole proposed by AT&T, as demonstrated by the propagation maps and other evidence submitted to the Commission. During its hearing on June 14, 2022, the Planning Commission, through approval of Concept Plan No. 21-8-SP, approved the Intervening Respondent's proposal to construct a 179' monopole (the "Proposed Tower") at 3511 Berryville Pike – only .59 miles from the Existing Tower. Petitioner participated in the June 14, 2022 hearing and submitted materials into the record before the Planning Commission that directly contradicted Intervening Respondent's claims regarding need for service and the Existing Tower's ability to accommodate additional/ upgraded equipment for AT&T's commercial wireless and FirstNet services. (*Certified Record at 105-123*). Most notable are the propagation maps submitted by Petitioner that show nearly identical coverage currently provided by the Existing Tower (*Certified Record at 108-117*)

On July 13, 2022, Petitioner filed the Verified Complaint and Petition for Writ of Certiorari. On August 5, 2022, Respondent filed its Opposition thereto. On August 22, 2022, Intervening Respondent filed its Motion to Intervene and Answer. On August 17, 2022, Respondent filed a Motion for a More Definite Statement. On August 25, 2022, this Court issued an Order granting the Motion to Intervene, directing Petitioner to file an Amended Verified Complaint and Petition for Writ of Certiorari by September 20, 2022, and directing Respondent to send the Certified Record to the Clerk of Court. On September 9, 2022, the Certified Record was submitted. On September 15, 2022, Intervening Respondent filed a Motion to Dismiss for lack of standing and a Motion for Judgment on the Merits. On September 20, 2022, Petitioner filed its Amended Verified Complaint and Petition for Writ of Certiorari. On September 20, 2022, Networks 27, 2022, this Court issued an Order rescheduling the October 24<sup>th</sup> hearing to November 3, 2022. On

September 29, 2022, Respondent filed its Answer and Intervening Respondent filed its Amended Answer. On September 30, 2022, Petition filed its Opposition to the Motions to Dismiss and for Judgment on the Merits. On October 10, 2022, Intervening Respondent field its Reply to Petitioner's Opposition. On October 11, 2022, this Court issued Trial Court Order 22 outlining the pleading schedule and filing requirements post-pleading cycle.

Among many documents submitted to the Court as the Certified Record was a recording from the June 14, 2022 planning commission hearing. At the conclusion of the hearing, one of the commissioners properly questioned the evidence before the planning commission regarding the need for an additional tower in this area. Specifically, the Commissioner questioned, "One says it's sufficient, the other says its not". The statement appeared to question the other Commission resolving the necessary issue of whether AT&T had met its burden in "demonstrating the need", another Commission responded "Why do we care." The Planning Commission proceeded to vote to approve the permit without ever making a factual determination of whether AT&T had met its burden of showing a "demonstration of need" as required by Jefferson County Zoning Ordinance 4B.7 (D) and (F).

#### **Conclusions of Law**

## I. Petitioner Has Standing and Is An Aggrieved Person §8A-9-1(b) of the West Virginia Code

This Court finds that Petitioner has established the requisite standing to seek judicial review of Respondent's action by satisfying each of the three elements articulated in *Findley v.* State Farm Mutual Automobile Insurance – (1) injury-in-fact (2) caused by Respondent's actions (3) that can be corrected by this Court's review and order. *Findley v. State Farm Mut. Auto. Ins. Co.*, 213 W. Va. 80 (W. Va. 2002).

As to the aggrieved status of Petitioner, this Court finds that Petitioner stands to suffer a harm specific unto it as a result of Respondent's approval of the Proposed Tower and one that is not shared by any other person or entity in the community. The technical and economic harms posed by the approval of the Proposed Tower are, specific to Petitioner and will not be borne by any other person or entity. These harms therefore meet the standard explained in *Rissler v*. Jefferson County Board of Zoning Appeals: "[a] person qualifies as 'aggrieved' within the meaning of West Virginia Code... and thereby has standing to challenge a decision or order of the Board of Zoning Appeals as illegal where the individual demonstrates that, as a result of the challenged ruling, he/she will uniquely suffer injury separate and apart from that which the general citizenry might experience as a result of the same ruling." Rissler v. Jefferson Cntv. Bd. of Zoning Appeals, 225 W.Va. 346 (W. Va. 2010). The Rissler standard echoes the definition of aggrieved found in Section 8A-1-2(b)(2) of the West Virginia Code - a person who "[h]as demonstrated that he or she will suffer a peculiar injury, prejudice or inconvenience beyond that which other residents of the county or municipality may suffer." The particularized harms of attenuated propagation and economic loss required as a threshold to petitioning a court for certiorari and suffered by SBA in this case have been established by Petitioner. SBA meets the aggrieved person standard.

This Court finds Intervening Respondent's analysis of property ownership's relation to the establishment of aggrieved status/ standing irrelevant and moot given that a property interest (1) is not required and (2) has been demonstrated by Petitioner (ownership of the Existing Tower and ground lease through 2/14/2036).

4

This Court is not persuaded by Intervening Respondent's assertion that Petitioner lacks standing due to the fact that there is no legal duty that protects against competition. Both federal law and the very enactment and application of the Jefferson County Zo Ordinance (the "Ordinance") aim to provide a level playing field for wireless applicants. Petitioner has demonstrated an actual and particularized economic loss that results from an uneven application of the Ordinance by Respondent. Petitioner was required to meet all of the requirements of the Ordinance at the time the Existing Tower was considered by Respondent and only after a complete demonstration of compliance was it allowed to install. Equal application of the law requires that other infrastructure providers be held to the same standard. The consistent application of the Ordinance to all applicants insures that no one party is afforded an unfair advantage. pprov an application the the Ordinance, Respondent subjected Petitioner to a disadvantage that both federal law and the Ordinance seek to prevent. The Telecommunications Act of 1996 requires that jurisdictions treat applicants equally and prohibits discrimination. In this case, Petitioner was held to the standards set forth in Article 4B of the Ordinance and Intervening Respondent was not.

For the reasons set forth above, this Court finds that Petitioner has the requisite standing to seek the issuance of a writ of certiorari to review Respondent's approval of the Proposed Tower and the Motion to Dismiss for lack of standing is DENIED.

## II. Question of whether AT&T has met its Burden in "demonstration of need" is Remanded back to the Planning Commission

Because there are facts in dispute, specifically regarding the current level of wireless service provided by the Existing Tower and whether or not the Proposed Tower stands to effectuate any service improvement, and the Planning Commission failed to recognize the need to resolve this discrepency, this Court GRANTS the Petition for Writ of Certiorari vacates the Planning Commission's decision to approve the permit and remands the matter back to the Planning Commission to resolve the question of whether AT&T has met its burden in "demonstrating a need" as required by Jefferson County Zoing Ordinance 4B.7 (D) and (F)

So ordered on this, the day of November, 2022.

## <u>/s/ Debra McLaughlin</u> Circuit Court Judge

Circuit Court Judge 23rd Judicial Circuit

Note: The electronic signature on this order can be verified using the reference code that appears in the upper-left corner of the first page. Visit www.courtswv.gov/e-file/ for more details.



## Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor Charles Town WV 25414

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org Email: <u>zoning@jeffersoncountywv.org</u> Phone: (304) 728-3228 Fax: (304) 728-8126

## Planner's Memorandum Planning Commission Meeting November 15, 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) 10 year update to Envision Jefferson 2035 Comprehensive Plan

- Introduction of Comprehensive Plan Planner, Luke Seigfried
- Request to schedule initial timeline and task discussion for upcoming Comprehensive Plan for December PC meeting

## 3) Upcoming PC meeting

Next Regular meeting date: December 13, 2022

• Public Workshop: Verizon-Franklintown Cell Tower Concept Plan (22-12-SP)

# Jefferson County farm wins WV Conservation Farm of the Year

By Emily Keefer ekeefer@journal-news.net Oct 20, 2022 🗣



Green Horizons Turf Farm, located in Kearneysville, was recently named the 2022 West Virginia Conservation Farm of the Year. Pictured above are members of the Ware family, who run the farm. Submitted photo

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KEARNEYSVILLE — A Jefferson County farm specializing in the marketing and sale of turfgrass sod — while controlling erosion and building organic matter in their soil— received the 2022 West Virginia Conservation Farm of the Year award during a luncheon Tuesday in Flatwoods.

Farmer J. Ware III, of Green Horizons Turf Farm near Kearneysville, won the award during the West Virginia Conservation Partnership Conference banquet. He operates the farm with his wife, Andrea, son, August, and daughter, Edy.

The Wares' farm was in the running against Jason Meadows' cow/calf farm in Ripley in Jackson County. Both farms have demonstrated a commitment to conservation practices that protect soil, land, water and related resources, according to the official release. Each year, one West Virginia farm receives the Conservation Farm of the Year honor after winning at the county, district and area levels. The release explained that judges visited both farms in late August and graded the farmers on their use of best management practices, impact on ecological systems and community-based activities.

"We were excited to find out we won," J. Ware told The Journal. "My little boy, August, he was elated."

In addition to Green Horizons Turf Farm receiving a \$1,000 award, J. Ware also will receive 200 hours, or three months, use of a John Deere tractor from Middletown Tractor Sales in Fairmont, with an option to later purchase the tractor at a discounted rate.

Brandon Thomas, of Middletown Tractor Sales (MTS), also said each participant in the Conservation Farm of the Year program will receive a 10% discount on MTS equipment, the release continued.

The Wares currently grow and maintain more than 125 acres of turfgrass sod, and the operation is one of only two turf farms in West Virginia. J. Ware III contracts to sell his turf to PGA Tour golf courses and country clubs in the mid-Atlantic region.

"He is quick to dispel the idea that sod harvesting strips top soil. He's researched and cultivated growing practices that help his crop stand out and contribute to soil conservation," the release said. "He notes that top soil is not removed with the sod and that the turfgrass sod is left growing until a mature root system has been developed. After the sod is harvested, cover crops or soybeans are planted to build soil structure, replenish nutrients and control erosion."

The Wares' operation also includes hay, grain and beef cattle.

"The Wares have been involved in the community and have shared their resources and knowledge, hosting agriculture field days, welcoming agriculture teachers and garden clubs to the farm and sharing their knowledge and experience with local farmers about forage production, fertilizing and harvesting. J. Ware also serves on the Jefferson County Planning Commission," the release added.

Each member of the Ware family contributes to the farm's operation. August, 9, has his own beef herd of seven cattle and planted his own half-acre pumpkin patch, his first, earlier this year.

"This was not something that I did alone. This was something that I have had tons of help from all of the staff here, all of the hard work that everybody did this summer with cleanup and everything and over the years, the hard work that our employees and family have done—and also, all the encouragement from my father from when I went to college to coming out here to be in business," J. Ware said. "There was a lot of encouragement from him, as far as wanting to farm and be in business."

The release explains that the mission of the West Virginia Conservation Agency is to provide for and promote the protection and conservation of West Virginia's soil, land, water and related resources for the health, safety and general welfare of the state's citizens.