



REVISED

Agenda

Jefferson County Planning Commission

2045 Comprehensive Plan Update Work Session

Tuesday, September 26, 2023 at 6:00 PM

By order of the President of the Jefferson County Planning Commission the meeting will be broadcast live via ZOOM for viewing purposes only.

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

ZOOM Broadcast Information*: Meeting ID: 879 4568 0588
Meeting Link: <https://us02web.zoom.us/j/87945680588>

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2045 Comprehensive Plan Update Work Session

1. Comprehensive Plan Composition

- a. Drafting of Comprehensive Plan Goals and Objectives
- b. Written Comment from Planning Commissioner Mike Shepp**
- c. Letter from WVU Medicine**
- d. Public Comment from Bobbi Blok Re: Goals and Objectives

Draft Goals & Objectives for the 2045 Comprehensive Plan Update

Quality Land Use and Growth Management

1. Ensure that future land use regulations and policies support the development rights of residential and non-residential properties.
 - i. Establish a simplified variety of commercial, residential, and mixed-use zoning categories and Land Use Classification appropriate to the County's needs.
 - ii. Continue to encourage the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
 - iii. Align existing land use regulations with West Virginia State code and streamline land development process.
2. Concentrate high density development in the County's Preferred Growth Areas (PGA), Villages, and municipal Growth Boundaries (UGB&GMB) where infrastructure exists or is made available.
 - i. Encourage the adaptive reuse of existing buildings and previously used sites within Jefferson County, paying particular attention to brownfield and greyfield sites.
 - ii. Encourage expansions to the village areas and to provide a continuation of village scale and design in these areas.
 - iii. Coordinate with utility providers operating in Jefferson County to identify appropriate locations to provide new service based on existing and proposed residential development and infrastructure while supporting the enhancement of existing infrastructure.
 - iv. Reevaluate the Preferred Growth Areas to reflect infrastructure expansions and land use changes.

3. Support agricultural activities and promote agritourism.
 - i. Enhance the viability of existing farmlands within Jefferson County by allowing a flexible range of agricultural and/or artisan uses within existing rural areas.
 - ii. Encourage farm operators to collaborate with County officials in identifying potential economic development opportunities related to agriculture in Jefferson County.
 - iii. Support programs for the education of and resources for the creation and viability of new generations of farmers.
 - iv. Update existing land use regulations to allow for diverse compatible and complementary uses on agricultural properties and within rural areas of Jefferson County.

Balancing Tourism and Conservation

4. Encourage the preservation of historical sites and leverage heritage tourism to foster local business growth and development.
 - i. Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.
 - ii. Encourage the adaptive reuse of existing non-residential structures for housing.
 - iii. Identify and implement feasible strategies to ensure short term rental compliance with local ordinances.
5. Encourage land conservation programs to help preserve the rural character of Jefferson County.
 - i. Financially support county agencies including the Farmland Preservation Board and Historic Landmarks Commission.

6. Balance the existing preservation of Jefferson County's natural resources with providing additional access to and utilization of outdoor recreational tourism.
 - i. Investigate additional opportunities for public river access.
 - ii. Develop connectivity to existing pedestrian and bike trails.

Community Connections

7. Collaborate with state and regional transportation partners to enhance the built environment to promote safety on and around state and municipal roads and lessen congestion.
 - i. Continue to coordinate with WVDOT related to access and transportation improvement decisions regarding local development review.
 - ii. Actively coordinate with HEPMPO, WVDOT, Municipalities and other appropriate stakeholders to identify potential highway, rail, bike, and pedestrian safety concerns within Jefferson County and promote safety measures.
 - iii. Advocate for new developments to utilize traffic calming measures and building safe roads for pedestrians, cyclists, and motorists.
 - iv. Identify methods to improve public transportation and highway connectivity into adjoining states by working with HEPMPO, WVDOT, EPTA, and agencies in Maryland, Pennsylvania, the District of Columbia, and Virginia.
8. Foster a culture of public engagement that effectively communicates policy making decisions.
 - i. Ensure public hearing and workshops are held in accordance with state code and local regulations.
9. Work with partners to protect the watersheds of Jefferson County and preserve the natural environment.
 - i. Encourage developers to build new subdivisions to meet standards set by regional or national sustainable building organizations.

- ii. Coordinate with local and regional partners regarding information and activities related to meeting the Chesapeake Bay Watershed Implementation Plan goals and property owners to enact voluntary recommendations.
 - iii. Work with property owners and applicable agencies to identify voluntary ways to protect unique natural features and the watersheds of Jefferson County.
 - iv. Collaborate with applicable agencies, local watershed groups, and private property owners to identify funding for the maintenance and upgrade of existing septic systems.
10. Support a variety of public and private educational opportunities in Jefferson County.
- i. Coordinate with the Jefferson County School Board to identify appropriate locations to develop new schools based on existing and proposed residential development and infrastructure.
 - ii. Support the enhancement of existing Jefferson County School buildings.
 - iii. Continue to assess school impact fees as development occurs.
11. Align expansion of County park facilities and programs with federal, state, and municipal recreation providers to ensure that a wide variety of park and recreation opportunities are available throughout Jefferson County.
- i. Continue to evaluate the need for and financing of a public pool or aquatic center.
 - ii. Coordinate with local, state, and regional governments, non-profits, and community groups to identify funding sources for recreational facilities.

Growing a Diverse Economy

12. Foster job development in Jefferson County by promoting diverse businesses; employment opportunities; local business entrepreneurship; and professional service jobs.

- i. Collaborate with the Jefferson County Development Authority and other agencies to build and expand existing local businesses and to enable the start-up of new businesses within Jefferson County.
 - ii. Support vocational training opportunities for students of all ages in skilled trade programs and higher education to create a flexible, resilient workforce.
13. Develop an environment that promotes existing and new businesses by expanding necessary infrastructure within the Preferred Growth Areas (PGA), Villages, and municipal Growth Boundaries (UGB&GMB).
- i. Utilize existing infrastructure to allow construction of village-scaled businesses, residential uses, and community facilities with Village areas and potential village expansion areas.
 - ii. Allow small-scale commercial and multi-family uses in existing areas that have the potential to be designated as a village at a future date.
 - iii. Provide incentives and opportunities for businesses to relocate or expand their operations within the County.
 - iv. Work with utility providers to ensure public and private infrastructure is in place within UGBs, PGAs, and Villages to enable economic development.

Creating Livability

14. Promote a countywide expansion of activities, amenities, and entertainment for all Jefferson County residents.
- i. Collaborate with Jefferson County Development Authority and local businesses to identify opportunities and programs that would aid in retaining young residents within Jefferson County.
15. Enhance public services and public safety to meet the needs of Jefferson County residents.
- i. Coordinate with EPTA to improve transit service within Jefferson County and the Eastern Panhandle as a whole.
 - ii. Ensure access to emergency services in Jefferson County.

- iii. Identify ways to expand medical services and wellness programs.

16. Improve interconnectivity by enhancing and expanding pedestrian and bike paths.

- i. Establish that new development adjacent to municipal boundaries, Villages, or within UGBs is designed and built in a way that enables connectivity to the existing street and infrastructure network or for future connectivity as development is extended to these areas.
- ii. Collaborate with WVDOH to connect the Route 9 bike path into Ranson.
- iii. Continue to support construction of Shepherdstown bike path from Shepherdstown Middle School to Morgan Grove Park.
- iv. Require sidewalks to be constructed or easements for their implementation be included within and connecting to existing and new development.

17. Encourage a diversity of housing options including attainable and senior housing availability and accessibility to current and incoming residents.

- i. Work with county residents, members of the development community, and local and regional non-profit organizations to identify ways to integrate attainable housing with existing and new communities in Jefferson County.
- ii. Identify and utilize private and public funding for the development of attainable housing in Jefferson County.
- iii. Encourage developers, contractors, and homeowners to build and renovate residential developments to meet the needs of residents across the entire lifecycle.
- iv. Encourage the development of communities that provide a variety of care for elderly and/or disabled residents within Jefferson County in close proximity to transportation corridors, medical facilities, and everyday needs.
- v. Identify methods to lower the cost of constructing attainable housing within Jefferson County while ensuring a high quality of housing in conjunction with local non-profits and housing providers.

Submitted by Planning Commissioner Mike Shepp

2023 COMPREHENSIVE PLAN GOALS

Create a robust economy that provides a variety of well-paying jobs for blue collar and white-collar workers.

Create a business-friendly climate that encourages new business to locate in Jefferson County to provide jobs, provide products and services for Jefferson County residents, and increase the tax base.

Amend the Site Development Ordinance and the Zoning Ordinance to be business friendly and to cut the processing time for commercial, office, and business uses. This includes allowing these uses in all zoning districts and cutting out needless processes that aren't found in 8A of the State Code. For instance, Concept Plans are not mentioned in the State Code and in fact, Subdivision and Site Development approvals should be complete within 90 days as the Code implies.

Change the zoning ordinance to allow more large lot density in the Rural District as Minor Subdivisions.

Encourage and incentivize cluster subdivisions. Amend Subdivision Ordinance to shorten processing for Cluster Subdivisions including making all Clusters a Minor Subdivision and either increase density for Cluster Subdivisions or loosen actual standards.

It should be easier and less time consuming to get on the Planning Commission and Board of Zoning Appeals Agendas. Currently, the Planning Commission Agenda closes for waivers at a point that could delay a project over a month for every waiver identified. Agenda Cutoffs should be shortened to the minimum advertising time based on the PC and BZA only meeting once a month.

Services and Infrastructure availabilities should dictate additional Growth Areas. The School Board has created areas outside of existing 2015 Growth Areas by purchasing land and developing School Campuses. These areas are now growth areas since it is essential to allow development around new schools. Create additional and expanded Growth Areas around the Shepherdstown and Ranson School Campuses. These areas should be allowed to have much greater ability to develop residentially and provide retail services to serve the students and families.

Similarly, American Water has purchased the major water infrastructure provider with the objective to serve the County. This water infrastructure should be considered when expanding Preferred Growth Areas in the County.

When the LESA and DRS processes/system was eliminated in the 2015 plan, farmers were promised more density. They thought they got it when 1 lot per 10 acres was changed to 1 lot per 5 acres, but then the requirement for 50% green area was added based on the acreage that existed in 1988. This meant that the farmers who developed 1 lot per 10 acres between 1988 and

2015 couldn't take advantage of the additional density that was promised when LESA was removed since the new greenspace requirement was often greater than the remaining land owned by the farmer. The 50% rule should be changed to be based on the land owned in 2015 or whenever the 1 lot per 10 acres was changed to 1 lot per 5 acres...not from the original 1988 land.

1 lot per 15 acres is rarely used anymore. The plan should recommend eliminating 1 lot per 15 acres and make it one lot per 10 acres.

The ordinance should be changed to allow development in the Rural Zone in one or a combination of three ways. The three ways should be 2 lots and a residue every 5 years; Cluster - 1 lot per 5 acres (based on 1988 land ownership) but with 50% greenspace of land based on 2015 acreage; and, 1 lot per 10 acres with no greenspace requirement.

Simplify the Zoning Density Rights by changing the 1 lot per 15 acre provision to 1 lot per 10 acres, since very few people use the 1 lot per 15 acres, it is obsolete.

Property owners, both existing and new, have relied on existing Growth Areas in both the 2004 and 2015 Comprehensive Plans. These existing PGAs and UGBs should not be made smaller or eliminated because of vested interest. If anything, more PGAs have emerged by the availability of services, the expansion of School Facilities and approved rezonings/map amendments. The Plan should not ignore these new Growth Areas and add them to the PGAs.

The Future Land Use Guide/Map should not be the exclusive tool for Rezoning/Map Amendment recommendations. The Plan itself, along with current market and economic conditions and trends should be used for land use recommendations along with the Future Land Use Guide. A Future Land Use Guide (sometimes nearly 10 years old) does not take into account the real time/current market and economic conditions and trends. Economic and good business decisions were what was anticipated to be used in rezonings in the 2015 Plan, but that has been forgotten in the Staff recommendations. Staff and Commissions should not just cite the Future Land Use Guide.

All previous rezonings including around Rockwood should be used to expand existing PGAs or create new PGAs.

Municipalities and County should meet and revisit existing Urban Growth Boundaries to see if they need to be modified.

Mr. R. Michael Shepp, President
Jefferson County Planning Commission
P.O. Box 716
Charles Town, WV 25414

Administration
300 South Preston Street
Ranson, West Virginia 25438
Phone / 304-728-1600

September 12, 2023

Dear Commissioner Shepp,

Thank you for the opportunity to meet with Mr. Luke Seigfried, County Planner, regarding the ongoing review and update of the new 2045 Jefferson County Comprehensive Plan. We appreciated the chance to discuss the upcoming Plan with Mr. Seigfried and it would be our plan to participate in the Public Process. Accordingly, WVU Medicine East and Jefferson Medical Center have some additional comments to be entered into the record at this time.

WVU Medicine has serviced the health care needs in West Virginia and the surrounding areas for over 100 years and have two Medical Centers in the immediate areas of Berkeley and Jefferson Counties. Jefferson Medical Center is the hospital in Jefferson County, which also relies on the resources of Berkeley Medical Center in Martinsburg and Ruby Memorial Hospital in Morgantown to care for its patients.

Jefferson Medical Center only appears once in the Envision Jefferson 2035 Comprehensive Plan and that is when it is listed as the sixth largest employer in the County. While we are proud to be a major employer in the County, we also provide the healthcare needs of such a growing community. As such, we are hoping that these expanding health care needs are additionally addressed in the new Comprehensive Plan. We know that it is early in the process but would like to articulate some ideas for inclusion in the Plan.

We all agree that the County and Region are expanding at a healthy rate of growth. We understand that more rooftops lead to economic growth and if the infrastructure keeps pace with the growth, then WVU Medicine and Jefferson Medical Center will also do their best to service the healthcare needs of the growing population. This is a win-win for both the County and the Medical Community. However, there are ways that the County can help within your Land Use Ordinances and Plan that will facilitate the growth of Health Care Facilities. Here are some of the topics and/or recommendations that we believe merit consideration in this phase of Plan development:

1. Currently, there are zoning districts that either do not allow medical facilities or allow them only by Conditional Use. We believe that healthcare facilities should be permitted uses by right in all districts. We recently developed the Shepherdstown Medical Office Building which includes an onsite laboratory for bloodwork. There were several properties that were being considered, but some were located in zones that did not permit the uses or only allowed them as a Conditional Use. The cost of those lands was less, but we chose a property where healthcare facilities were permitted which increased the costs considerably. When searching for sites to serve a communities current and future healthcare needs, there should not be a limiting factor for viable properties based on the zoning district.
2. The experience of building the medical office building outside of Shepherdstown, resulted in a lengthy subdivision and site plan process. While there were some outside approvals that

also took time, there should be a way that small commercial or especially healthcare related subdivisions be expedited through the process without sacrificing the quality of the development. While this could be seen as an Ordinance related item, it needs to be addressed in the Comprehensive Plan to facilitate the changes in the appropriate ordinances. All anticipated healthcare related facilities cannot be located just inside of the five incorporated areas of the County. There is currently a need to expand outside of the towns to serve all the people in the County.

3. All of our plans depend on available infrastructure to come to fruition. The primary needs are Central or Public Water and Sewer, along with quality fast broadband services. Regarding Water and Sewer services, it is unusual that these services are not just expanded to proposed healthcare facilities or campuses. Again, the location of these services adds additional cost in the construction but add an even bigger cost in service fees. The Comprehensive Plan should recommend that Sewer and Water Services be extended to areas identified for healthcare and needed medical facilities. Furthermore, the Plan should support the construction of infrastructure to these facilities along with the waiver of service fees. A new major outpatient facility could cost over \$500,000 just for Utility Service Fees in addition to the cost of the construction of the water and sewer lines. These infrastructure costs are often subsidized for new industrial growth, and service and impact fees are passed on to homebuyers for residential growth, but they are not provided for the needed new medical facilities to service the growth.
4. We also recommend Countywide cooperation that crosses city boundaries in Jefferson County. The County and City share access to Municipal and State Roads, along with most sewer and water services. For example, there should be similar standards regarding access to neighboring properties, especially as a frontage road along a limited access highway. While the County requires this, the Cities/Towns do not which curtails the use of these vital connections especially around Charles Town and Ranson where the County/City boundary winds back and forth between frontage properties.

Hopefully, this letter provides some early ideas regarding what WVU Medicine East and Jefferson Medical Center would like incorporated into the updated 2045 Comprehensive Plan for Jefferson County. Again, we thank you for allowing us to participate and we enjoyed meeting with your County Planner early in the process. We plan to continue to follow the progress and will participate as needed in the future. If you are creating a Stakeholder Committee or other Steering Group, we would like to participate. Also, please feel free to reach out to us for statistics as it relates to healthcare, but also for ideas to help facilitate our growth to provide these important healthcare services to support the County's growth.

Sincerely,



Dean Thomas
President & CEO WVU Medicine East

Cc: County Commission of Jefferson County
Mr. Luke Seigfried, County Planner

From: [CompPlan2045](#)
To: [Michelle Evers](#)
Cc: [Jennifer Brockman](#)
Subject: FW: Public comment - 500 words Please NEED HELP
Date: Wednesday, September 20, 2023 3:27:24 PM

Hi Michelle, please add the following email to the 9/26 Planning Commission packet as Non-actionable correspondence.

Best,
Luke

Luke Seigfried (He, Him, His)
County Planner
Department of Engineering, Planning, & Zoning
Jefferson County, WV
(304) 728-3228
complan2045@jeffersoncountywv.org

From: Bobbi Blok <bobbihelene@aol.com>
Sent: Tuesday, September 19, 2023 8:42 PM
To: CompPlan2045 <complan2045@jeffersoncountywv.org>
Subject: Public comment - 500 words Please NEED HELP

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

Dear Luke,

Challenging to condense written community comments into 500 words. Sorry unsure how to submit characters.

Please let me know how to proceed. Enclosing comments attempted to send last night along with environmental experts/contacts highlighted in yellow. Hope this is helpful. Take care.

Peace, Bobbi Blok 304-725-2488

Ungoing Comments 9/18/23 (500 words)

Developing a win/win mode of operation which can hopefully manifest in living and thriving in our county. There are three points that I believe would be helpful for me to raise; educational, environmental and economic well being.

Educationally: Urging Plan incorporate language that 1) Reflecting the WV State Board of Education regulations that clearly outlines and requires safe locations near public schools (6200, Section 202, locations of school facilities(<https://apps.sos.wv.gov/adlaw/csr/readfile.aspx?DocId=51042&Format=PDF>.) I am publicly going on record on behalf of the children, especially those children with asthma and special needs require safe environments, Please at minimum take WVBOE Policy 6200 sec. 202 under advisement and morally mandate industrial and corporate facilities comply

with the due diligence that ensures positive action to protect the health and welfare of our children, families, school system and persons employed in the county. Envision and enact a safe and thriving zone promoting clean air water and the healthy environment we all deserve. Jefferson County can unite to go on record prohibiting toxic pollutants, the increase of gaseous fumes and constant incessant noise that can prove to be a detrimental situated near public schools

In the spirit of unity the school system from pre-k to higher education can work collaboratively with the local corporations and government entities to ensure that the necessary support programs such as child care, school age care, internships as well as initiating apprentice/training services are available. Jefferson County Schools, County Community Colleges and Universities can prove pivotal ensuring that students are prepared to meet the needs of employers and that there is a sufficient and qualified workforce.

ENVIRONMENTALLY: Jefferson County is a unique and challenging area. The Jefferson Orchard site, and much of the surrounding land in Jefferson County, should not be rezoned for heavy industry, or any industry that produces toxic or hazardous emissions. The hydrogeological characteristics of this portion of Jefferson County makes it ill-suited for heavy industry. Water contamination from such activities at this site is quite likely. This is an unacceptable risk to ask the people and economy of Jefferson County to bear for the profitability of the few. Further, if the groundwater is contaminated in this location, tens of thousands of people stand to be affected from Jefferson County to the Chesapeake Bay watershed. It is advisable that the plan require corrective actions because Karst terrain will cause a devastating impact on the surrounding watershed therefore the construction of heavy industries might collapse the ground contaminating the watershed resulting in serious health problems. Other environmental challenges involve the health of children and the impact of PFAs poisonous chemicals forever. (forward contacts via e-mail) Potential companies would rather be safe upfront rather than create the impact of toxic fallout.

ECONOMICALLY: Many jurisdictions throughout our country have instituted school levies as well as environmental surcharges. Jefferson County may want to explore different ways to generate resources from new facilities rather than paying corporations coming into our community pillaging our coffers and damaging our natural resources. Please develop this promising model.

. According to the US Geological Survey, USGS, past water quality studies, such as Scientific Investigation Report 2016-5048, Kozar showed that karst limestone aquifers are the aquifers most intrinsically susceptible to contamination within the State of West Virginia which can result in serious health problems.

It would be more prudent and responsible to address these environmental hazards upfront rather than wait until they implode, The US Congress and the WV Senate have introduced legislation to protect our citizens from “PFAs” “forever chemicals.” There might be federal and state toxicologist who could assist in designing a Comprehensive Plan to help Jefferson County to avoid potential toxic

landmines. Senators Manchin and Capito co-sponsored the law that passed nationally, and WV Representatives Rucker and Hason co-sponsored the bill that was introduced in Charleston. The potential employers would rather be safe than address the poisonous fallout. The community would be very grateful as well.

Many environmental experts publicly have shared their concerns. Dr. Jerome A. Paulson, MD, FAAP, who is a pediatric consultant to the Mid-Atlantic Center for Children's Health & the Environment, known as MACCHE. MACCHE is the Pediatric Environmental Health Specialty Unit (PEHSU) that serves, West Virginia, Pennsylvania, Delaware, Virginia, Maryland, and the District of Columbia. His detailed study is telling and deserves careful review since his findings relate to the effect of environmental pollution on the development of children. It would be wonderful if the County could work together with experts to promote a clean seal of approval. Developing environmental guardrails which would ensure clean water, air and soil is definitely a worthwhile goal that can be a selling point and benefit all those concerned.

2045 Comprehensive Plan Update Work Session Notes

August 29, 2023

Planning Commission Members: Mike Shepp, President; Matt Knott, Vice President; Steve Stolipher, County Commission Liaison; Jack Hefestay, Tim Smith, Jay Ware, and Aaron Howell, and were present in person. A quorum of the Planning Commission was present for the Work Session.

Staff: Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Michelle Evers, Planning Clerk; were present in person.

Executive Summary

On 8/29/23 the Planning Commission held a work session to discuss the draft Goals for the 2045 Comprehensive Plan Update (CPU).

Agenda

1. Livability Profile
 - a. Staff Presentation of Community Data
2. Comprehensive Plan Composition
 - a. Drafting of Comprehensive Plan Goals

Item 1: Livability Profile

Staff began the Work Session by mentioning a study that detailed the resilience of karstic groundwater to temperature changes. The study collected data in the County and is instructive considering the karstic topography of Jefferson County.

Item 2: Comprehensive Plan Composition

The work session focused on reviewing the draft Themes and Goals. The proposed themes are Quality Land Use and Growth Management, Balancing Tourism and Conservation, Community Connections, Growing a Diverse Economy, and Creating Livability. Staff prepared seventeen Goals that went along with the proposed themes.

Commissioner Ware suggested an objective that identified agricultural zones in the county that could benefit from signage alerting motorists of traveling farm equipment. Commissioner Knott and Commissioner Stolipher commented on the County and municipalities responsibilities in providing sidewalks. Discussion included all of the proposed Goals and staff took notes to prepare the next draft of Goals for review.

These notes were prepared by Luke Seigfried.