



## Agenda

Jefferson County Planning Commission

Tuesday, February 13, 2024 at 7:00 PM

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**By order of the President of the Jefferson County Planning Commission,  
Public Participation is available in-person only.  
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: 854 4636 3038  
Meeting Link: <https://us02web.zoom.us/j/85446363038>

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

- 1. Election of Planning Commission Officers.**
- 2. Approval of Meeting Minutes:** January 24, 2024
- 3. Request for postponement.**
- 4. Public Hearing:** Variance request from Section 8.1d of the 1979 Subdivision Ordinance to extend the requirement to bond and record the final plat for Beallair, Phase 4B from March 11, 2024 to June 9, 2024. Property Owner: Beallair Homes, LLC; Applicant: Piedmont Design Group, LLC; Property Location: Vacant Lot on Beallair Manor Dr., Harpers Ferry, WV; Parcel ID: 04010ARESA0000; Size: 46.18 acres; Zoning District: Residential Growth (File: 24-1-PCV).

**There is no public comment for the following items.**

- 5. Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File: 23-5-Z).
- 6. Waiver Request** from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B to allow the proposed Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: Chris Stiles, Diamond Concrete, LLC; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-2-PCW).
- 7. Waiver Request** from Section 20.203B of the Subdivision Regulations to allow the proposed Asphalt Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: W-L Construction and Paving, Inc. / Mike Thomas; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-3-PCW).
- 8. Waiver Request** from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property at this time. Property Owner: DALB INC; Property Location: 73 Industrial

Blvd, Kearneysville, WV 25430; Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial (File: 24-5-PCW).

**9. Review and Discuss** County Commission direction for the Planning Commission to review Section 8.20 of the Zoning Ordinance pertaining to Solar Energy Facilities and provide recommended edits to the County Commission based on projects submitted thus far (see 12/21/23 CC Meeting Minutes).

**10. Discussion and Recommendation:** FY24 1<sup>st</sup> and 2<sup>nd</sup> Quarter Quarterly Report to County Commission.

**11. Discussion and Action:** Planning Commission recommendation to the County Commission regarding the proposed budget for fiscal year 2024/2025 for the Department of Engineering, Planning, and Zoning.

**12. Discussion and Possible Action:** Regarding potential Joint County Commission and Planning Commission meeting regarding the Comprehensive Plan Update status, Goals, and Objectives.

**13. Discussion and Possible Action:** Planning Commission Policy related to ZOOM Planning Commission meetings

#### **14. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss 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 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

#### **15. Planner's Memo**

#### **16. President's Report**

- a. **Discussion and Possible Action:** Regarding potential amendment to Division 24.300 of the Subdivision Regulations regarding Waiver Process
- b. **Discussion and Possible Action:** Regarding potential policy related to Planning Commission Committee and Subcommittee Meetings

#### **17. Actionable Correspondence**

#### **18. Non-Actionable Correspondence**

1. Mike Wiltshire dated February 2, 2024.
  2. Tim Wiltshire dated February 2, 2024.
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**Draft Meeting Minutes**  
Jefferson County Planning Commission  
January 24, 2024

The Jefferson County Planning Commission met on January 24, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Jack Hefestay; and Aaron Howell. Steve Stolipher, County Commission Liaison and Wade Louthan, Secretary were present via Zoom.

Matt Knott, Vice President; Tim Smith and J. Ware were absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

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

**1. Election of Planning Commission Officers – Postponed until the February 13, 2024 Regular Meeting.**

**2. Approval of Meeting Minutes: December 12, 2023**

Mr. Shepp stated the minutes stand approved without objection.

**3. Request for postponement.**

There is no public comment for the following items.

**4. Waiver Request** from Section 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant. Applicant: W-L Construction and Paving, Inc. / Mike Thomas; Property Owner: Millville Quarry, Inc; Property Location: 165 Bradstone Lane, Harpers Ferry, WV; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File #24-1-PCW).

Ms. Brockman provided an overview of the staff report and stated that if this waiver is granted, it will allow the applicant to advance to the required Site Plan, which will include documentation that it meets all state and local site development standards.

The applicant's consultant, Paul Raco with P.J. Raco Consulting LLC, explained the nature of the request to the Planning Commission and stated that the existing plant will be decommissioned when this new plat is constructed. He also stated that he and the client's engineer, Potesta, have been in discussion with County Engineer, Jonathan Saunders, and Land Development Inspector, Will Smith, regarding the proposal that the new plat will require no new impervious and would be covered by the existing storm water permits.

The Planning Commission members asked clarifying questions regarding the nature of the request.

Mr. Hefestay made a motion to approve the waiver of the Concept Plan for the proposed asphalt plant as presented. Mr. Howell seconded the motion, which carried unanimously.

**5. Reports from Legal Counsel**

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss 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 and Jefferson County Circuit Court

Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).

- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Discuss and review of VB BTS, LLC v. Jefferson County, WV and the Jefferson County Planning Commission, U.S. N.D. W. Va. Case No. 3:23-CV-171 (RE: PC File #23-3-SP – Shannondale Lake Telecommunication Tower).
- f. Discuss and review Jefferson County Circuit Court Civil Action No. 2023-C-266 - Notice of Filing: Adam McDowell v. The Jefferson County Planning Commission (RE: PC File #23-3-SP – Shannondale Lake Telecommunication Tower).
- g. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee meetings and County Commission action regarding solar text amendment.

Mr. Cochran reported to the Planning Commission about a directive that was given to him by the County Commission regarding requesting an Opinion from the WV Ethics Commission regarding the Planning Commission Committees and/or Sub-committees.

Mr. Cochran asked the Planning Commission questions regarding the Solar Text Amendment Committee, Budget Committee, and the Ordinance Re-Write Committee meetings.

Mr. Shepp, who served on all three Committees, responded to Mr. Cochran's questions on behalf of the Planning Commission.

Mr. Cochran asked the Planning Commission members if the statements and answers provided by Mr. Shepp were accurate. Mr. Stolipher, Mr. Louthan, and Mr. Hefestay all concurred that Mr. Shepp's answers regarding each of the Committees they served on were accurate.

## **6. Planner's Memo**

Mr. Seigfried provided an update regarding the 2045 Comprehensive Plan.

Ms. Brockman reminded the Planning Commission of the upcoming regular meeting on February 13, 2024.

## **7. President's Report: No Report**

## **8. Actionable Correspondence: None**

## **9. Non-Actionable Correspondence: None**

Mr. Shepp stated to the Planning Commission that an email was received regarding Agenda Item 4.


Mr. Hefestay made a motion to adjourn the meeting at 5:52 pm. Mr. Howell seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

Staff Report  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

**Beallair Subdivision Phase 4B (Time Extension) Request (File# 24-1-PCV)**

**Item #4:** Variance request from Section 8.1d of the 1979 Subdivision Ordinance to extend the requirement to bond and record the final plat for Beallair, Phase 4B from March 11, 2024 to June 9, 2024.

Owner:	Beallair Homes, LLC.	
Applicant:	Piedmont Design Group, Todd Abe	
Property Location & Information:	Beallair Subdivision, Vacant 'Residue A' lot, Beallair Manor Drive, Charles Town, Parcel ID: 04010ARESA0000; Size: 30.5 acres; Zoning District: Residential Growth 	
Adjacent Zoning Districts:	North, South, West: Residential Growth East: Residential-Light Industrial-Commercial	
Proposed Phase 4B:	Lots 160 - 164, 244 - 272, and Residue A (35 single family units)	
<p><b>Subdivision History</b>          Community of Beallair Subdivision (PC Files 02-36, 05-41, 08-21, 19-16-SD, 21-31-SD, 22-15-SD)          Note: This project fell under the 2010 SB 595 (WV State Code), which allowed an extension of the entire project. Further extensions relating to SB595 were approved as follows: 07/13/10 (PC), 06/21/12 (CC), 08/08/14 (CC), and 03/13/17 (CC).</p>		
<b>File #</b>	<b>Project Name</b>	<b>Recording Info</b>
02-36-SD	Beallair Phase I, Lots 1-49 and Residue Parcels A, B, C, D & E	PB 21, PG 54
05-41-SD	Beallair Phase II, Lots 50-133, Residue Parcel A	PB 23, PG 91
	• 05/15/14: Minor plat change: revise and update drainage areas	PB 25, PG: 457
	• 05/23/16: Minor plat change: revise easements and access on Lot 103	PB 25, PG 563
	• 08/23/16: Minor plat change: revise setbacks and model home note	PB 25, PG 589
	• 08/16/17: Minor plat change: revise setbacks	PB 25, PG 641
	• 02/05/20: Minor plat change: convert TH to SF	PB 26, PG 170

Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Beallair Subdivision Phase 4B (Time Extension) Request (File# 24-1-PCV)**

	• Minor plat change: removal of platted walking trails (23-9-MPC)	Pending
08-21-SD	Beallair Commercial Parcel 1, Plantation Ln and Residue Parcel A	PB 25, PG 184
19-16-SD	Beallair Phase 4A, Lots 134-159 and Residue Parcel A	PB 26, PG 216
21-31-SD	Beallair Phase 3, Lots 203-233, 273-275, 283-304 Open Space SWM-1 and Residue Parcel A	PB 26, PG 351
	• 01/13/23: Minor plat change: revise the front setback for Lots 214, 215 & 217 located on a cul-de-sac (23-1-MPC)	PB 26, PG 484
22-15-SD	Beallair Phase 4 & 5 Preliminary Plat for Lots 160-202, 234-272, 276-282; <b><u>Phase 4B - Final Plat for Lots 160 - 164, 244 - 272, and Residue A*</u></b>	FP Approved by PC 12-12-23 but not recorded
23-10-SP	Beallair Community Pool and Club House Site Plan	Pending

**Subdivision Variances:** (PC approved the following variances, under the 1979 Subdivision Ordinance)

<b>Mtg. Date</b>	<b>Request</b>
03/25/03:	<ul style="list-style-type: none"> <li>• Reduce finished road width from 20' to 15' for one-way rear access drives w/ no shoulders;</li> <li>• No curb &amp; gutter in alleys; or, the one-way rear access drives;</li> <li>• Allow an inverted crown for drainage in one-way rear access drives;</li> <li>• Allow two (2) side-by-side, on-site parking spaces;</li> <li>• Reduce ROW width from 50' to 44' in the main road passing through the TND villa areas;</li> <li>• Reduce one-way rear access drives from 50' to 20' to serve the garages.</li> </ul>
03/23/04:	<ul style="list-style-type: none"> <li>• Min. finished road width from 24' to 15' for rear access drives;</li> <li>• No curbs included with the rear access drives;</li> <li>• No sidewalks on the one-war rear access drives;</li> <li>• A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement;</li> <li>• No buffer screening between common areas &amp; adjoining single family lots.</li> </ul>
09/12/06:	Request to extend the 24-month provision for a period of 12 months to 09/12/07.
08/26/08:	Request to extend the 24-month provision for a period of 12 months to 08/26/09.

**Zoning Variances:** (BZA approved the following variances from the Zoning Ordinance)

<b>Mtg. Date</b>	<b>Request</b>
07/19/12:	Reduce the rear setback from 20' to 17' for a 12' x 16' screened porch (ZV12-24).
07/24/14:	Reduce the rear setback from 20' to 3' to construct a deck.
04/28/16:	Reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).
07/28/16:	Reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).
07/28/16:	Allow a staffed model home on Lot 111 (ZV16-13).
10/27/16:	Allow a staffed model townhome on Lot 51 (ZV16-21).
03/23/17:	Allow a staffed model townhome on Lots 50-67 (ZV17-02).
09/28/17:	Reduce front setback from 25' to 10' along Clover Lea Way for Lots 50-67 (ZV17-14).
09/28/17:	Reduce the 25' front setback to the following: to 10' along the S boundary for Lots 283-289; to 10' along the E boundary for Lot 283; to 10' along the N boundary for Lots 290-296; 10' along the E boundary for Lot 296; to 10' along the S boundary for Lots 297-304; to 18' along the E boundary for Lot 297 (ZV17-15).
09/27/18:	Reduce the rear setback from 20' to 18' to allow for a home (ZV18-14).

Staff Report  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

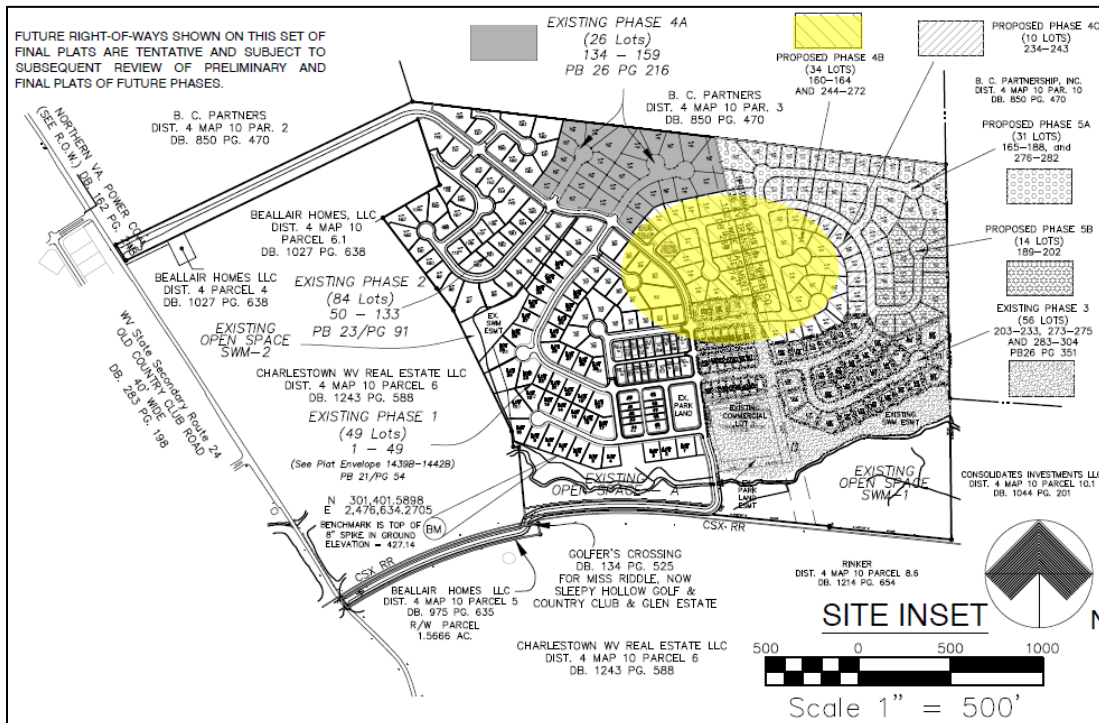
**Beallair Subdivision Phase 4B (Time Extension) Request (File# 24-1-PCV)**

04/25/19:	Allow a staffed model home on Lot 68 (19-7-ZV).
05/23/19:	Reduce front setbacks from 25' to 20'; side setbacks from 12' to 10' and rear setbacks from 20' to 15' for Lots 68-72, 78, 106-108, 118, 121-124, and 129 (19-10-ZV).
01/23/20:	Reduce front setback from 25' to 20', the side setback from 12' to 10', and, the rear setback from 20' to 15' for lots 134-159 (19-33-ZV).
<b>Zoning Variances:</b> (BZA denied the following variance)	
06/23/22:	Reduce the front setback from 25' to 15'; the side setback from 12' to 10'; and the rear setback from 20' to 10' for Lots 203-233 & 273-275 for Phase 3 of Beallair (22-22-ZV).

**Background/Request**

The Community of Beallair Subdivision is located on Old Country Club Road, north of the railroad tracks. The Community Impact Statement (CIS) for this development was approved on November 26, 2002, for a total of 254 detached single family lots and 54 attached single family lots on 125 acres. Phases 1, 2, 3 (including a nonresidential lot for the community pool & club house), and 4A have been already been approved and recorded.

In conformance with the requirements of the Jefferson County Subdivision Ordinance, effective July 18, 1979, as amended (1979 Subdivision Ordinance), the applicant submitted the Phase 4B Final Plat within the required 2 years approval requirement, and the Planning Commission held the required Public Hearing on December 12, 2023 and approved it with the condition that the language related to abandoning the waterline be addressed. Under Section 8.1d of the 1979 Subdivision Ordinance, all approved Final Plats are required to be recorded within 90 days of Planning Commission approval, after the bond has been submitted and approved, which would be March 11, 2024. This variance request is to allow the applicant to be able to extend the requirement to bond and record the Final Plat to June 9, 2024.



Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Beallair Subdivision Phase 4B (Time Extension) Request (File# 24-1-PCV)**

**Recommendation:**

Staff has no objection to the request to extend the requirement to bond and record the final plat for Beallair, Phase 4B from March 11, 2024 to June 9, 2024.



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 #: 24-1-PCV  
 Mtg Date: 2/13/2024  
 Date Rec'd: 1/22/2024  
 Fees Paid: \$100  
 Staff Int: ME  
 List of Adjoiners:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Subdivision Ordinance Variance Request**

Variations must comply with Article 17 of the 1979 Subdivision Ordinance, as amended.

**Property Owner Information**

Owner Name: Robert Wormald  
 Business Name: Beallair Homes, LLC  
 Mailing Address: 5283 Corporate Dr., Suite 300, Frederick MD, 21703  
 Phone Number: 301-695-6614 Email: robert.wormald@wormald.com

**Applicant Contact Information**

Applicant Name: Todd Abe, Assistant Project Manager Same as owner:   
 Business Name: Piedmont Design Group, LLC  
 Mailing Address: 5283 Corporate Drive, Suite 300  
 Phone Number: 304-492-5553 Email: todd.abe@wormald.com

**Consultant Information**

Name: Michael Wiley  
 Business Name: Piedmont Design Group, LLC  
 Mailing Address: 5283 Corporate Dr., Suite 300, Frederick MD, 21703  
 Phone Number: 301-695-6614 Email: mike.wiley@wormald.com

**Physical Property Details**

Physical Address: Community of Beallair Vacant Lot:   
 Tax District: Harpers Ferry Map No: 10A Parcel No: RESA  
 Parcel Size: 30 acres Deed Book: 975 Page No: 635  
 Zoning District: Jefferson County

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

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

**Which Section of the Subdivision Ordinance are you requesting to vary?**

90-days to Bond and Record

**Briefly Describe the Nature of Your Variance Request:**

Extend date to bond and record final plat. We intend to bond and record the plat in the time frame allotted. This is just in case we cant meet the deadline.

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

The plat will get recorded and bonded.

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

Future lot vesting will be lost.

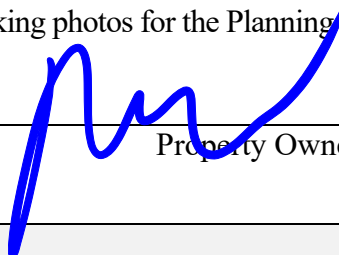
**Explain how this request is NOT the result of a self-imposed hardship:**

Do to the timing, i.e., the weather, holidays and time off, response time to provide and gather required documents is taking longer.

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

Recordation and platting of residential lots will be provided per the ordinances.

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.

	<u>1/19/24</u>		
Property Owner	Date	Property Owner	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 and posted by the Staff. 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 Adjainers Mailed

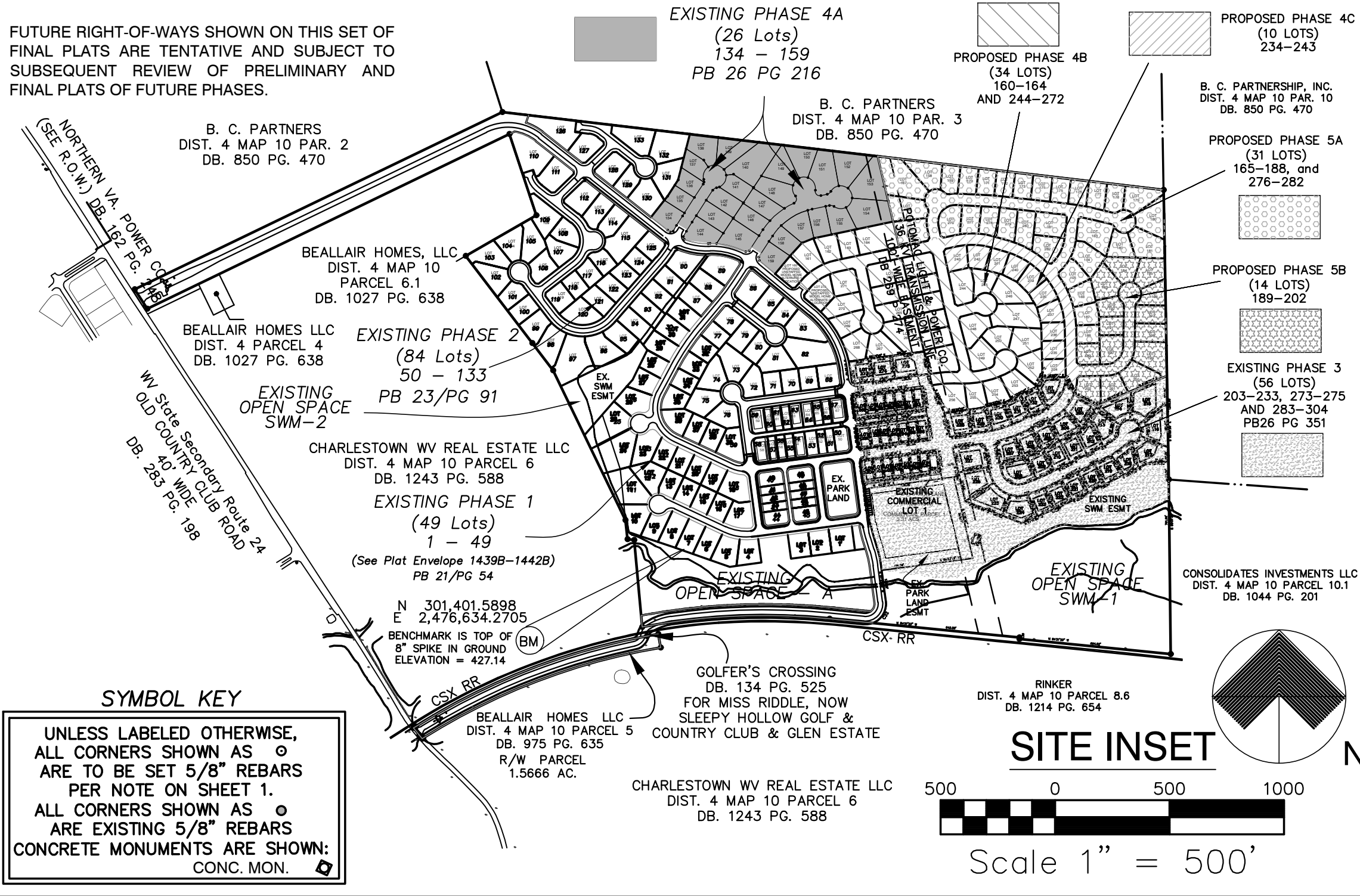
**Planning Commission Determination**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

FUTURE RIGHT-OF-WAYS SHOWN ON THIS SET OF FINAL PLATS ARE TENTATIVE AND SUBJECT TO SUBSEQUENT REVIEW OF PRELIMINARY AND FINAL PLATS OF FUTURE PHASES.



**SYMBOL KEY**

UNLESS LABELED OTHERWISE, ALL CORNERS SHOWN AS  $\odot$  ARE TO BE SET 5/8" REBARS PER NOTE ON SHEET 1.

ALL CORNERS SHOWN AS  $\circ$  ARE EXISTING 5/8" REBARS

CONCRETE MONUMENTS ARE SHOWN: CONC. MON.  $\odot$

**OWNER/DEVELOPER:**  
 BEALLAIR HOMES, LLC  
 5283 CORPORATE DRIVE, SUITE 300  
 FREDERICK, MARYLAND 21703  
 301-695-6614

**OWNER/DEVELOPER'S STATEMENT OF ACCEPTANCE**

THE OWNER AND DEVELOPER, BY SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS AND SPECIFICATIONS PROVIDED HEREON.

EDWARD E. WORMALD  
 MANAGING PARTNER  
 BEALLAIR HOMES, LLC

DATE \_\_\_\_\_

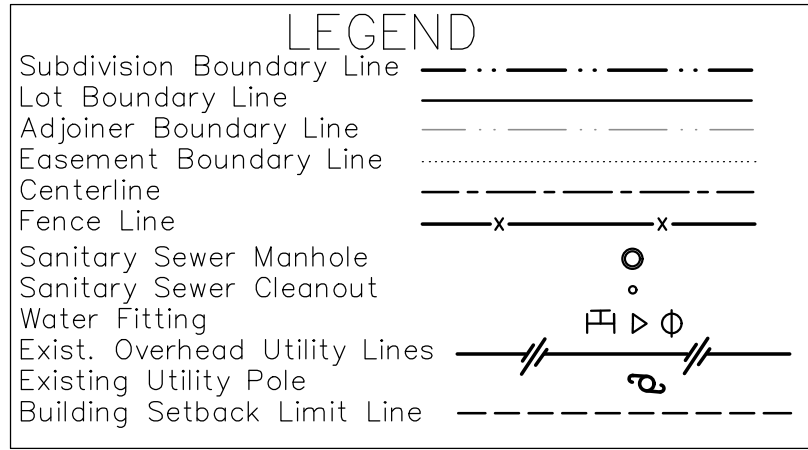
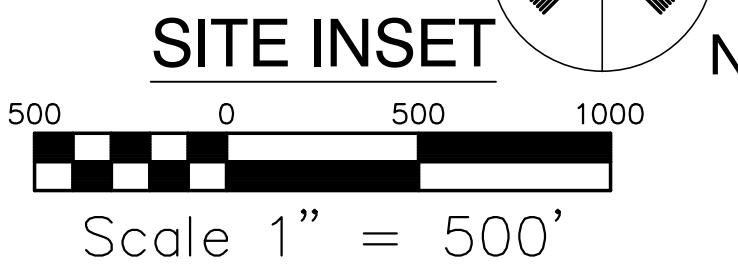
**CONDITIONS:**

1. EACH PARCEL SHOWN ON THIS 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. ALL LOTS WITHIN THIS SUBDIVISION ARE PROHIBITED FROM CONSTRUCTING PRIVATE ON-SITE SEWAGE DISPOSAL (SEPTIC SYSTEMS) AND PRIVATE ON-SITE WELLS.
2. TYPICALLY, SINGLE FAMILY DETACHED BUILDING SETBACKS ARE 25' FRONT, 20' REAR AND 12' SIDE. SEE JEFFERSON COUNTY ZONING ORDINANCE ART. 9 FOR OTHER SETBACK EXCEPTIONS.
3. ALL INTERNAL SUBDIVISION ROADS, STORMWATER MANAGEMENT PARCELS, PARKS AND GREENSPACE PARCELS TO BE OWNED AND MAINTAINED BY A HOMEOWNERS ASSOCIATION (HOA). HOA MEMBERSHIP IS REQUIRED. THE HOA IS ALSO RESPONSIBLE FOR MAINTENANCE OF LANDSCAPE EASEMENTS.
4. THE DEVELOPED LOTS OF THIS PROJECT ARE NOT IN A 100-YR FLOOD PLAIN PER FIRM MAP 540065 0035C DATED 2 AUG. 1993. LOTS ARE IN ZONE C ON SAID MAP. FEMA 100-YR FLOOD PLAIN IS AS DELINEATED ON THIS PLAT.
5. LOT DRIVEWAYS TO BE CONSTRUCTED PER JEFFERSON COUNTY DETAIL R-31. SEE SHEET 6
6. ALL PERMANENT LOT CORNER MARKERS (UNLESS SUSCEPTIBLE TO DESTRUCTION BY SUBDIVISION IMPROVEMENTS GRADING) AND PERMANENT MONUMENTS SHALL BE IN PLACE PRIOR TO THE CONVEYANCE OF INDIVIDUAL LOTS. ALL OTHER LOT CORNER MARKERS SHALL BE IN PLACE PRIOR TO THE FINAL RELEASE OF THE CONSTRUCTION BOND. LOT CORNERS WILL CONSIST OF 30" LONG X 5/8" DIAMETER SECTIONS OF STEEL ROD SUITABLE FOR MAGNETIC DETECTION. CERTIFICATION OF SUCH SHALL BE PROVIDED BY A WEST VIRGINIA LICENSED LAND SURVEYOR.
7. A BLANKET EASEMENT SHALL BE GIVEN TO THE APPROPRIATE UTILITY COMPANIES IN ALL SUBDIVISION RIGHT-OF-WAYS FOR THE PURPOSE OF CONSTRUCTING AND MAINTAINING PUBLIC UTILITIES. ADDITIONALLY, EACH LOT IN PHASE 4B SHALL HAVE A 10'-WIDE DRAINAGE AND UTILITY EASEMENT ALONG ALL LOT LINES.
8. STAFFED MODEL HOME TO BE PLACED ON LOT #160 OR #272 (LIMITED TO 1 AT ANY GIVEN TIME).
9. LOT ACCESS IS LIMITED TO INTERIOR SUBDIVISION ROADS ONLY.
10. MINIMUM LOT AREA (MLA) AND AREA PER DWELLING UNIT (ADU) REQUIREMENTS OF THE JEFFERSON COUNTY ZONING AND DEVELOPMENT REVIEW ORDINANCE HAVE BEEN ADHERED TO BY THIS SUBDIVISION PLAN. SEE SHEET 2 FOR COMPUTATION.
11. DRIVEWAY CULVERTS ARE REQUIRED FOR PHASE 4B RESIDENTIAL LOTS. SEE SHEET 6.

HIGHWAY ENTRANCE PERMIT #5-04-0131 and #5-06-0517,  
 Phase 4&5 Addendum; Dated 12-July-2022  
 WATER AND SEWER HEALTH DEPARTMENT PERMIT IS #15,996.  
 Phase 4&5 Acceptance and Availability Letters; Dated:18-October-2022 (CTUB); 21-October-2022 (JUI)  
 WV/NPDES GENERAL WATER POLLUTION CONTROL PERMIT #WV0115924-#WVR104140-1.

THE FOLLOWING VARIANCES AND OR REQUESTS HAVE BEEN APPROVED BY THE JEFFERSON COUNTY PLANNING AND ZONING COMMISSION. SEE JCPZC SUBDIVISION FILE FOR SPECIFIC VARIANCE REQUEST DETAILS.

SECTION	DESCRIPTION	DATE APPROVED
8.2.A.5	RIGHT-OF-WAY WIDTH	3-25-2003
8.2.A.7	PAVEMENT WIDTH	3-25-2003
8.2.A.11	INVERTED CROWN ON ONE-WAY DRIVES	3-25-2003
8.2.B.1	CURB AND GUTTER	3-25-2003
8.2.B.4	GUTTERS	3-25-2003
8.3.C.7.B	ON-SITE PARKING SPACES	3-25-2003
8.3.C.1.A	FINISHED ROAD WIDTH OF REAR ACCESS DRIVES SHALL BE 15'	3-23-2004
8.3.C.1.B	NO CURBS WILL BE PROVIDED ALONG REAR ACCESS DRIVES	3-23-2004
8.3.C.1.C	NO SIDEWALKS WILL BE PROVIDED ON THE ONE-WAY REAR ACCESS DRIVES.	3-23-2004
8.3.C.1.D	RIGHT-OF-WAY FOR REAR ALLEY FRONTAGE WHERE THERE ARE NO SIDEWALKS REQUIRED, WILL BE LOCATED 2.5' FROM THE EDGE OF PAVEMENT	3-23-2004
8.3.C.5.A	NO BUFFER SCREENING WILL BE PROVIDED BETWEEN COMMON AREAS AND ADJOINING PROPERTIES WITH SINGLE-FAMILY DETACHED RESIDENCES	3-23-2004
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	9-12-2006
6.3	12-MONTH EXTENSION OF TIME TO PROCESS FINAL PLAT	8-26-2009



**SURVEYOR:**  
 MICHAEL T. WILEY, PE, PS  
 WV PROFESSIONAL SURVEYOR NO. 1044  
 FOR PIEDMONT DESIGN GROUP, LLC  
 CORPORATE DRIVE, SUITE 300  
 FREDERICK, MARYLAND 21703  
 301-695-6614

**SURVEYOR'S CERTIFICATION**

I, MICHAEL T. WILEY, A WEST VIRGINIA PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY, TO THE BEST OF MY KNOWLEDGE AND BELIEF, THAT 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 SUBDIVISION REGULATIONS, SECTION 8.1.B.6 FOR CLOSURE WITHIN 1:7500.

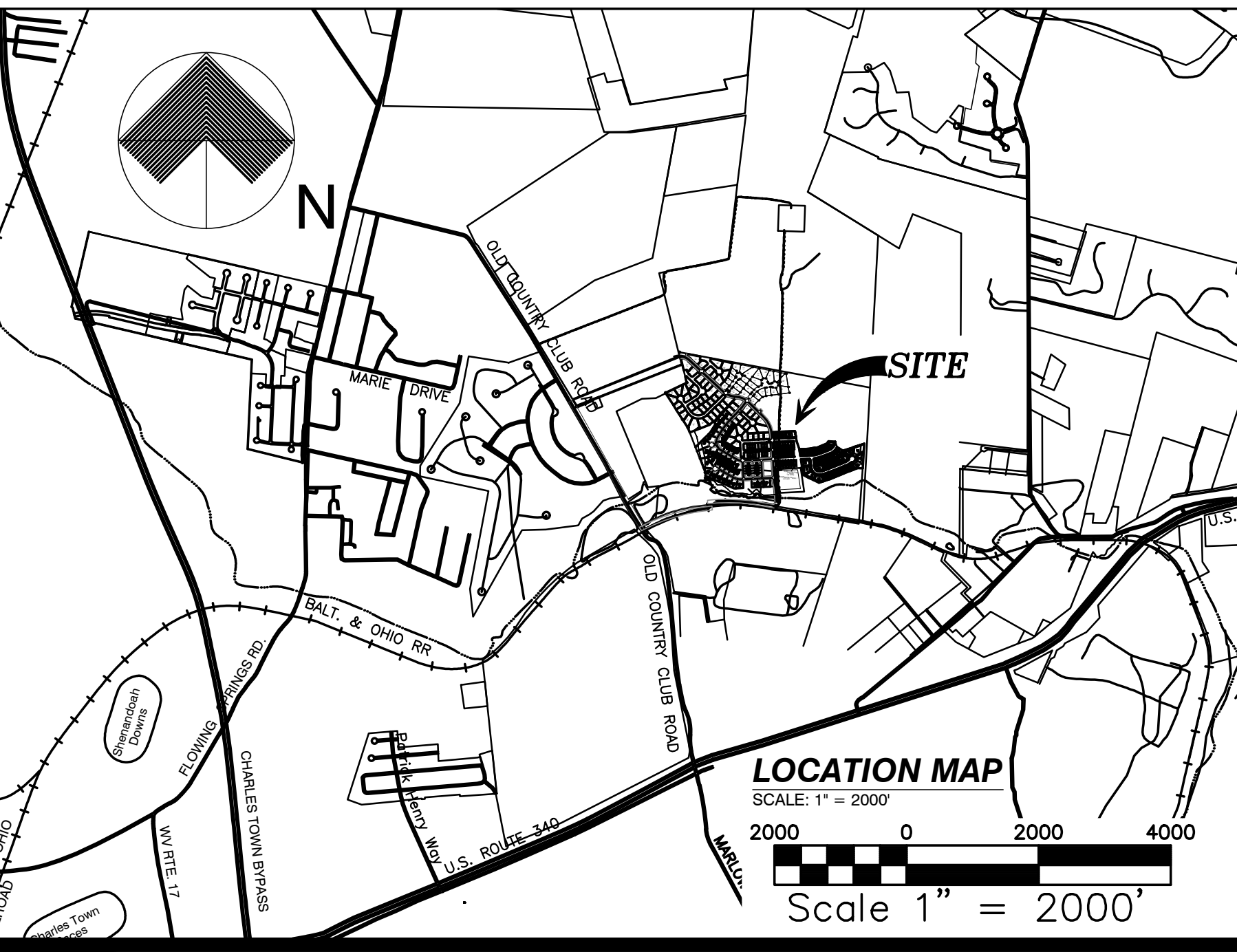
MICHAEL T. WILEY, PE, PS  
 WV SURVEYOR NO. 1044  
 FOR PIEDMONT DESIGN GROUP, LLC  
 WV COA 20-5084

JEFFERSON COUNTY PLANNING COMMISSION

BY \_\_\_\_\_ DATE \_\_\_\_\_

**BZA APPROVED THE FOLLOWING VARIANCES:**

- 07-19-12: REDUCE THE REAR SETBACK FROM 20' TO 17' FOR THE CONSTRUCTION OF A 12' X 16' SCREENED PORCH. (ZV12-24)
- 07-24-14: REDUCE THE REAR SETBACK FROM 20' TO 3' TO CONSTRUCT A DECK. 04-28-16: REDUCE THE REAR SETBACK FROM 20' TO 10' TO CONSTRUCT A DECK. (ZV16-09)
- 07-28-16: REDUCE REAR SETBACK FROM 20' TO 12' FOR LOTS 112, 127, AND 128 (ZV16-12)
- 07-28-16: ALLOW A STAFFED MODEL HOME ON LOT 111 (ZV16-13)
- 10/27/16: ALLOW A STAFFED MODEL TOWNHOME ON LOT 51 (ZV16-21)
- 03/23/17: ALLOW A STAFFED MODEL TOWNHOME ON LOTS 50-67 (ZV17-02) 09/28/17: REDUCE FRONT SETBACK FROM 25' TO 10' ALONG CLOVER LEA WAY FOR LOTS 50-67. (ZV17-14)
- 09/28/17: REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 283 THROUGH 289; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 283; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE NORTHERN BOUNDARY FOR LOTS 290 THROUGH 296; TO REDUCE THE FRONT SETBACK FROM 25' TO 10' ALONG THE EASTERN BOUNDARY FOR LOT 296; TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 10' ALONG THE SOUTHERN BOUNDARY FOR LOTS 297 THROUGH 304; AND TO REDUCE THE FRONT SETBACK DISTANCE FROM 25' TO 18' ALONG THE EASTERN BOUNDARY FOR LOT 297. (ZV17-15)
- 09/27/18: REDUCE REAR SETBACK FROM 20' TO 18' TO ALLOW THE INADVERTENT ENCROACHMENT OF A HOME UNDER CONSTRUCTION ON PHASE 2 LOT 125. (ZV18-14)
- 04/25/19: ALLOW STAFFED MODEL HOME ON LOT 68, PHASE II. (19-7-ZV)
- 05/23/19: REDUCE FRONT SETBACK FROM 25' TO 20'; SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR LOTS 68-72, 78, 106-108, 118, 121-124, AND 129. (19-10-ZV)
- 01/23/20: REDUCE THE FRONT SETBACK FROM 25' TO 20'; THE SIDE SETBACK FROM 12' TO 10'; AND THE REAR SETBACK FROM 20' TO 15' FOR PHASE 4A, LOTS 134-159. (19-33-ZV)



SHEET INDEX	REVISIONS	DATE	DESCRIPTION
COVER	SHEET 1 OF 6		
MLA / ADU COMPUTATIONS	SHEET 2 OF 6		
MLA / ADU COMPUTATIONS	SHEET 2A OF 6		
LOTS	SHEET 3 OF 6		
LOTS	SHEET 3A OF 6		
RESIDUE A	SHEET 4 OF 6		
EASEMENTS	SHEET 5 OF 6		
BRLS & D/W CULVERTS	SHEET 6 OF 6		

**FINAL PLAT COVER SHEET**  
 SHOWING LOTS 160-164, 244-272, AND RESIDUE PARCEL A  
**BEALLAIR - PHASE 4B - RESIDENTIAL**  
 HARPERS FERRY MAGISTERIAL DISTRICT  
 MAP 10A PARCELS RESA  
 DEED BOOK 975 PAGE 635  
 JEFFERSON COUNTY, WV  
 OCTOBER 2023  
 SHEET 1 OF 6

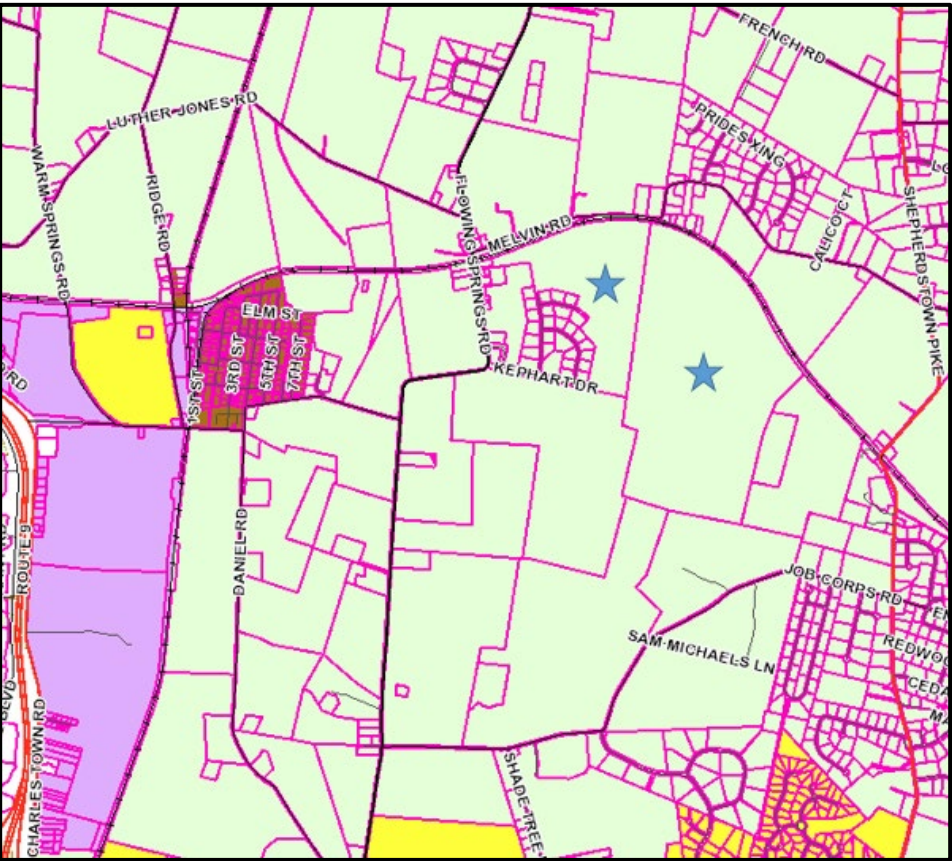
Plotted: Nov 15, 2023 at 4:28pm  
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**Staff Report**  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

**Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)**

**Item # 5: Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural (R) to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*.

Property Owner/ Applicant:	Arcadia Land, Inc.
Consultant:	Greenway Engineering, Inc. / Attn: Dan Murphy
Parcel Information:	<p>Vacant Parcels; located at east of the intersection of Flowing Springs Rd and Brass Harness Drive Shenandoah Junction, WV                  Tax District: Shepherdstown (09), Map: 24, Parcels: 12 &amp; 13                  Acreage: 94.63 ac. &amp; 257.62 ac.; Zoning District: Rural</p> 
Surrounding Properties:	North, South, East, West: Rural
Current Use:	Residential Subdivision and vacant land
Proposed Request	To rezone the total 352.25 acres from Rural to Residential Growth (RG)
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
Staff Finding:	Staff finds that request is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan Future Land Use Guide</i>

**Staff Report**  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

**Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)**

Previous Approvals/History:	
PC File # 98-12; Lots 1-27	<ul style="list-style-type: none"> <li>• Original Harvest Hills processed as Cluster</li> <li>• 3/22/00: Final Plat @ PB17/PG45-45B</li> <li>• Approved and Constructed</li> </ul>
PC File #Z00-06 Conditional Use Permit	<ul style="list-style-type: none"> <li>• CUP for 392 SF lots, 23 Ac school site, 2 Ac church site, 141 Ac open space, move train station</li> <li>• 5/22/01: Approved by Planning Commission with conditions</li> </ul>
Community Impact Statement	<ul style="list-style-type: none"> <li>• 1/8/02: CIS accepted by the Planning Commission 1/8/02</li> <li>• 1/13/04: CUP/CIS reinstated by Planning Commission with extended deadlines of 567 days with a new expiration date of July 13, 2005</li> </ul>
PC File # 01-42; Section 1, Phase 1 Lots A, B, and 28-50	<ul style="list-style-type: none"> <li>• 12/8/06: Final Plat Recorded @ PB23/PG78-78E [23 lots, church lot (Lot A), school lot (Lot B)]</li> <li>• 9/23/08: Plat of Correction and Merger Plat Recorded @ PB25/PG70-70G</li> <li>• 5/31/07: Plat of Correction Recorded @ PB24/PG20-20E</li> <li>• NOTE: 21.82 acres dedicated to Parks in 2008 (originally planned as a school site)</li> <li>• Not constructed; Original bond tolled by County Commission</li> </ul>
PC File #07-01; Phase 2, Section 1 Lots 51-71 & 405-419	<ul style="list-style-type: none"> <li>• 2/18/10: Final Plat Recorded @ PB25/PG198-198H [(36 lots and residue)]</li> </ul>
PC File #12-02; Phase 2 Section 2 Lots 72-80, 131 & 393-404 8.8428 acres	<ul style="list-style-type: none"> <li>• 4/24/12: Final Plat Approved by PC 4/24/12 with conditions:                             <ol style="list-style-type: none"> <li>1) No construction would commence and no sale of lots platted in this phase to any outside entities will be allowed until the tolled bond for Phase II, Section 1 and also for this phase has been posted.</li> <li>2) A merger deed will be submitted to the Engineering Department for the lots being final platted to allow for the lots of this phase to be merged for this phase and the previous phase to be merged if the applicant defaults on the tolling agreement.</li> </ol> </li> <li>• Not recorded or bonded</li> </ul>
	<ul style="list-style-type: none"> <li>• Approximately 326 acres remaining unplatted</li> </ul>

**Applicant's Request**

The applicant is requesting to rezone approximately 352.25 acres from Rural (R) to Residential Growth (RG). The subject parcels are part of an approved residential subdivision. A Conditional Use Permit was approved on May 22, 2001 to allow a major subdivision (Harvest Hills) comprised of 392 single family. The density was vested by virtue of recordation of two final plats - Phase 1, Section 1 and Phase II Section 1. The developer has determined that based on market demands, they would like to re-design the layout of the approved subdivision. A redesign of the subdivision under the current approval would necessitate modification to the Conditional Use Permit; however, a rezoning would allow the redesign to occur by right, in accordance with the current Subdivision Regulations.

**Neighboring Uses**

The property under consideration for this Zoning Map Amendment is bounded on the north by the CSX Railroad and surrounded by a combination of residential, agricultural, and non-residential uses:

**Staff Report**  
Jefferson County Planning Commission Meeting  
February 13, 2024

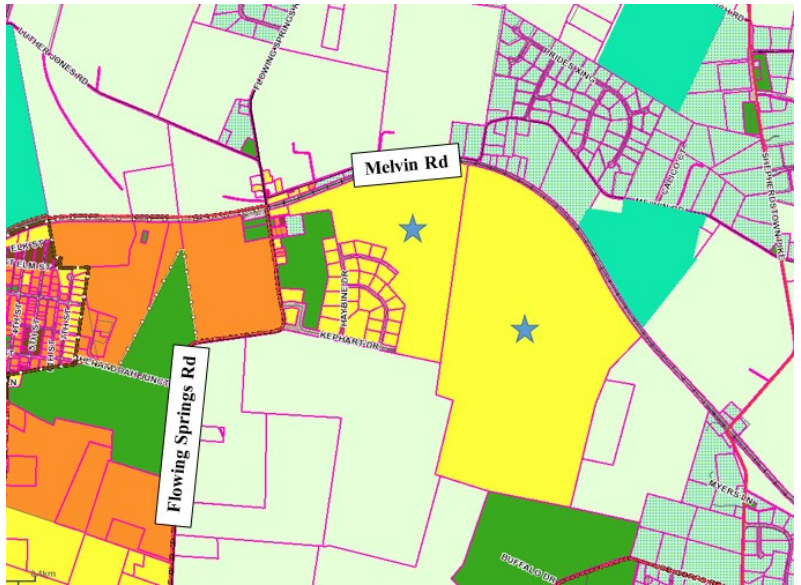
**Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)**

- The original 27 lots developed under the Cluster provisions and 21.82 acres donated to the Jefferson County Parks and Recreation Commission are to the west.
- U.S. Harpers Ferry Job Corps Civilian Conservation Center career training facility is located to the south.

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*.

Staff’s professional recommendation is that the request is **consistent** with the *2035 Plan* because it is shown as future “Low Density Residential” on the Future Land Use Guide. The current zoning permits agricultural and rural cluster density residential land uses; however, the approved Conditional Use Permit is approved for up to 392 detached single family dwelling units. The owner-



initiated rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single family dwellings, two family dwellings, townhome units, and/or multi-family dwellings.

It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the *Comprehensive Plan* prior to the County Commission’s Public Hearing. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.

**Zoning Map Amendment Public Hearing Process**

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

**Relevant *Envision Jefferson 2035 Comprehensive Plan* Elements and Commentary**

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

**1. Land Use and Growth Management Element / Future Land Use Guide**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus

**Staff Report**  
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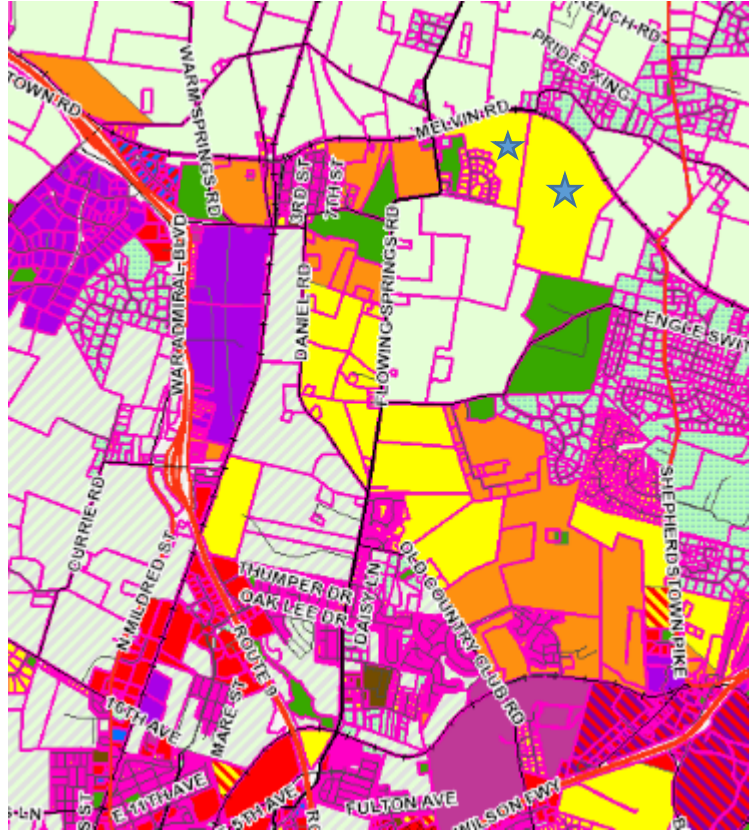
**Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)**

infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

The land use area types include Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development (p. 17).

The subject parcel is not located within any of the County’s identified Preferred Growth Areas (PGA); however, it is shown on the Future Land Use Guide as Low Density Residential. This future land use category reflected the approved Conditional Use Permit with the expectation that it would develop as planned under the approved CUP, as the most recent Final Plat had processed in 2012.

The *2035 Plan* clearly discusses the retention of the existing zoning map classifications and states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were being proposed by the County. While not mentioned explicitly, any approved Conditional Use Permits that were still active were also shown on the Future Land Use Guide in accordance with that approval.



**2. Appendix G - Land Use Map Classifications (p. 235-239)**

The property that is a part of this Zoning Map Amendment request is shown on the Future Land Use Guide as Future “Low Density Residential”. Appendix G of the 2035 Plan provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts.

Appendix G of the 2035 Plan states that the “Low Density Residential” land use category is a land use category which anticipates “land occupied by a single family residential development, with a density of one unit per acre to 2.99 units per acre. Lots in this category may be served by either on-site well and septic systems or a public water and sewer system as the number of units per acre increases” (p.235).

As the current Jefferson County Zoning Ordinance does not include a variety of zoning categories which anticipate certain residential densities, Residential Growth is a category that would permit Low Density Residential land uses.

**Staff Report**  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)**

**3. Proposed Zoning District – Residential Growth (RG)**

The purpose of the Residential Growth (RG) District (Section 5.4 of the Zoning Ordinance) is “to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services” (complete description attached).

As noted previously, the subject parcel is designated as Low Density Residential on the Future Land Use Guide of the *2035 Plan*. Note that while the applicants have submitted an exhibit with their Zoning Map Amendment request, this has not yet been evaluated by staff for conformance with the zoning and subdivision requirements but serves as an example of how the land could be developed under this zoning category.

**Staff Discussion and Recommendation**

This property has been zoned Rural since zoning went into to effect in 1988; however under the previous Zoning Ordinance, this property received approval for a Conditional Use Permit (CUP) that would allow the development of these parcels at suburban residential subdivision densities into up to 392 single family lots. In order to proceed with this CUP, public water and sanitary sewer was required.

After the adoption of the *2035 Plan*, based on the recommendations of the *Plan*, the County Commission approved a text amendment eliminating the use of the Land Evaluation Site Assessment (LESA) system and modifying the CUP process so that it could not be used for future residential development projects in the Rural Zoning District. The *2035 Plan* was the first Jefferson County Comprehensive Plan to include a Future Land Use Map/Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The *2035 Plan* stated that “by creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”(pp. 16-17).

Based on these recommendations of the *2035 Plan* related to the Future Land Use Map/Guide, staff finds that the proposed Residential Growth (RG) zoning category for the 352 acres included in this application is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

**Planning Commission Action Required**

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

The petition was presented to the County Commission on January 18, 2024 and the required Public Hearing has been scheduled on March 7, 2024 at 11:00 am. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Attachments:**

- Section 5.4 of the Zoning Ordinance - Residential Growth (RG)
- Appendix C of the Zoning Ordinance

## **ATTACHMENT:**

### **Section 5.4 Residential Growth (RG) District**

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.

The following regulations govern development within the Residential Growth District.

#### **A. Principal Permitted and Conditional Uses.**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.

#### **B. Minimum Lot Area, Height, and Yard Requirements**

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.

#### **C. Commercial Services in Residential Developments**

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.

#### **D. Standards for Commercial Uses**

1. Commercial uses are subject to the following access requirements:
  - a. Such uses will not use adjacent residential roads for through traffic; and

- b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.

**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District





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 #: 23-5-Z  
 Date Rec'd: 12/18/23  
 Fees Paid: \$18,650/06-26-23  
 Staff Int: AB

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Zoning Map Amendment (Rezoning)**

Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Property Owner Information**

Owner Name: Arcadia Land, Inc  
 Business Name: Arcadia Land, Inc  
 Mailing Address: 108 N. George Street 2nd Floor, Charles Town WV 25414  
 Phone Number: (443)286-2786 Email: \_\_\_\_\_

**Applicant Contact Information**

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

**Consultant Information**

Name: Dan Murphy, CFM  
 Business Name: Greenway Engineering, Inc  
 Mailing Address: 704 Foxcroft Avenue, Martinsburg WV 25401  
 Phone Number: (540) 486-3708 Email: dmurphy@greenwayeng.com

**Physical Property Details**

Physical Address: Off Kephart Drive, Shenandoah Junction WV, 25442 Vacant Lot:   
 Tax District: 9 - Shepherdstown Map No: 24 Parcel No: 12 & 13  
 Parcel Size: 94.63 ac ; 257.62 ac Deed Book: 1163 ; 1173 Page No: 351 ; 85

**Current Zoning District**

Rural

**Proposed Zoning District**

Residential Growth

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**Substantiation for the Request**

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

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

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See attached Zoning Map Amendment Justification

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

---

See attached Zoning Map Amendment Justification

---

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

---

See attached Zoning Map Amendment Justification

---

A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

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The information given is correct to the best of my knowledge

*GARY J. ENDLER*      *12/18/2023*

Property Owner Signature\*

Date

Property Owner Signature\*

Date

\*The **original** signature of the property owner is required. A copy of the signature will not be accepted.

A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.

# REQUEST FOR ZONING MAP AMENDMENT

## HARVEST HILLS SUBDIVISION, PHASE II

### RURAL DISTRICT (R) TO RESIDENTIAL GROWTH (RG)



Jefferson County, West Virginia  
Shepherdstown District (09)  
Tax Map 24, Parcel(s) 12 & 13  
Deed Book 1163, 1173  
Deed Page 351, 85

June 23, 2023

Revised January 3, 2024

Current Owner: Arcadia Land, Inc.  
Contact Person: Brooke Perry  
Planning Manager, WV  
Greenway Engineering, Inc.  
704 Foxcroft Ave.  
Martinsburg, WV 25401

June 23, 2023

Jefferson County  
Office of Planning and Zoning  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charlestown, WV 25414

Re: **Harvest Hills Subdivision, Phase II - Arcadia Land, Inc.**  
Zoning Map Amendment Request  
(R) Rural to (RG) Residential Growth

Dear Commissioners:

This report has been prepared on behalf of Arcadia Land, Inc. for the formal request of a Zoning Map Amendment (rezoning) regarding the subject parcels owned by Arcadia Land, Inc. and identified as District 9, Tax Map 24, Parcel(s) 12 & 13. The subject parcels are located at the terminus of Kephart Drive, off Flowing Springs Road (Rt. 17), approximately 0.5 miles north of the intersection of Shenandoah Junction Road (Rt. 20) and Flowing Springs Road (Rt. 17). A boundary survey was conducted by Greenway Engineering, Inc. that determined Parcel 12 & 13's acreages to be 94.63 acres and 257.62 acres respectively, for a total of 352.25 acres. This acreage is to be utilized for Phase II of the Harvest Hills Subdivision. Greenway is currently preparing a Merger Plat of the two parcels.

Currently, the subject parcels are both zoned Rural (R). The Owner proposes to rezone the entire 352.25± acres (94.63 & 257.62) to Residential Growth (RG), to allow for the highest and best use of the parcels as Phase II of the Harvest Hills Subdivision.

The following analysis has been organized into two (2) sections: (1) Project Summary, and (2) Substantiation for the Request. Supplemental documentation including a concept plan, survey plat, deeds, and select preferred growth area maps are also included to provide the Planning Commission with full and complete information for their consideration.

The applicant has made every effort to comply with the ordinances of Jefferson County, and to submit the most thorough application possible, with the hope that staff and the Jefferson County Planning Commission will look favorably on this application. Thank you for your consideration of this matter. Please review this information and contact me if you have any questions or need additional information regarding this matter.

Sincerely,



Brooke Perry  
Planning Manager, WV  
Greenway Engineering, Inc.  
[bperry@greenwayeng.com](mailto:bperry@greenwayeng.com)  
(304)620-5111 x103  
304-620-5546

## I. PROJECT SUMMARY

Phase II of the Harvest Hills Subdivision is being developed to provide lot sizes more attuned to current market demands, with a wider variety of residential products. This will include single family lots of several different sizes, attached and detached Villas, and Townhomes. In addition to proposing a wide range of products, the developer is proposing to provide multiple recreational spaces to serve Phase II as well as the existing residents, and improve the overall quality of life for all residents of Harvest Hills Subdivision. Additional Park Area of 21.8174 acres was dedicated to Jefferson County during Phase I of Harvest Hills Subdivision.

## II. SUBSTANTIATION FOR THE REQUEST

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

The subject parcels are located at the terminus of Kephart Drive, off Flowing Springs Road (Rt. 17), approximately 0.5 miles north of the intersection of Shenandoah Junction Road (Rt. 20) and Flowing Springs Road (Rt. 17). The parcels are shown as future “Low Density Residential” on the Future Land Use Guide. The current zoning of Rural (R) permits agricultural and rural cluster density residential land uses. The rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single family (SFD), townhouses (SFA), and/or two family dwellings (SFA/Duplex). This rezoning request is consistent with the intent of the *Envision Jefferson 2035 Comprehensive Plan*.

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

Preferred Growth Areas - (Page 23, *Envision Jefferson 2035 Comprehensive Plan*)

PGA (f) - Shenandoah Junction PGA/School Based Growth Area of the Section listed above states, “*Considerable input was received as to the desirability of siting schools in locations that are walkable and/or bikeable to the neighborhoods that the school serves. This PGA allows the development of such walkable neighborhoods around schools that currently exist. Planning growth around existing schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails. The recommended land uses in this area include Medium Density Residential around the schools which should be in a pattern and scale compatible with the village of Shenandoah Junction, transitioning to Low Density Residential abutting the Rural/Agricultural land uses.*”. A map of the Shenandoah Junction PGA/School Based Growth Area is attached to this application for reference.

Section I of Harvest Hills Subdivision adjoins the Shenandoah Junction/Schools Preferred Growth Area boundary at its frontage, along Flowing Springs Road (Rt. 17).

PGA (g) - Residential Preferred Growth Area of the Section listed above states, “*Based on comments received during the Envision Jefferson 2035 public input process, it was determined that it is important to denote the areas where a concentration of existing or approved residential development currently exists but may be not be fully developed and is outside of the Urban Growth Boundary (UGB). One such residential area exists that consists of properties currently zoned for Residential Growth (RG) or which have a vested development right to develop at a low density or medium density residential rate. This core residential area, bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, Shepherdstown Pike (WV 230) to the railroad tracks, is depicted by a Preferred Growth Area boundary, but is compromised only of future large lot, low density, and medium density residential uses. It is anticipated that this will be a*

*primarily detached single family suburban housing area.*” A map of the Residential PGA is attached to this application for reference.

The subject parcels are both located just north of the Residential Preferred Growth Area boundary.

The Section goes on to state, *“Outside of this residential PGA, other properties zoned RG or with vested residential rights based on a subdivision approval are also shown on the Future Land Use Guide as future low or medium density residential (depending on the scale of development as part of an individual project) to reflect the future build out of various neighborhoods.”*

The Harvest Hill Subdivision is one of the properties referenced above *“with vested residential rights based on a subdivision approval”*.

Future Land Use Guide - (Pages 26 & 235, *Envision Jefferson 2035 Comprehensive Plan*)

The parcels that are part of this Zoning Map Amendment request are shown on the Future Land Use Guide as Future “Low Density Residential”. Appendix G of the *Comprehensive Plan* provides a detailed explanation of the Land Use Map Classifications utilized on the Existing Land Use Map and Future Land Use Guide, which are intended to provide guidance to the Planning and County Commissions when considering owner-initiated zoning map amendments (rezoning requests). It further notes that while some of the land use classifications may require new zoning categories, the land uses were not intended to be a comprehensive list of possible zoning districts.

Appendix G - Land Use Map Classifications of the *Envision Jefferson 2035 Comprehensive Plan* states that the “Low Density Residential” land use category is a land use category which anticipates *“land occupied by a single family residential development, with a density of one unit per acre to 2.99 units per acre. Lots in this category may be served by either onsite well and septic systems or a public water and sewer system as the number of units per acre increases”*. As the current Jefferson County Zoning Ordinance does not include a variety of zoning categories which anticipate certain residential densities, Residential Growth (RG) is a category that would permit Low Density Residential land uses.

Under the previous Zoning Ordinance, the subject parcels, as well as multiple properties to the south, received approval for Conditional Use Permits (CUPs) that allowed the development of these properties at suburban residential subdivision densities. Market conditions at the time were no longer conducive to Harvest Hills Subdivision moving forward with the Phase II design under the approved CUP. After the adoption of the *2035 Plan*, the County Commission approved a text amendment eliminating the use of the Land Evaluation Site Assessment (LESA) system and modifying the CUP process so that it could not be used for future residential development projects in the Rural Zoning District.

The *2035 Plan* was the first Jefferson County Comprehensive Plan to include a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *2023 Plan*. The *2035 Plan* states that *“by creating a Future Land Use Map/ Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”*

Urban Level Development Recommendations - (Page 30, *Envision Jefferson 2035 Comprehensive Plan*)

Division (2) of the table listed above states, “Recognize that the County Commission has the authority to make land use decisions including Zoning Map Amendments based upon the finding of consistency with the Future land Use Guide and the recommendations of this Plan; the County commission may determine that petitions or decisions for zoning map amendments are consistent with the Comprehensive Plan if any of the following conditions are met after the entire Plan is taken into consideration:

- a. Economic Well-Being of the County; or
- b. Error or Under Scrutinized Property on the Future land Use Guide; or
- c. Change in Neighborhood; or
- d. Any Other Circumstance that the Governing Body determines should have been considered when drafting the Future Land Use Guide; and/ or
- e. Environmental impacts are considered.”

This request meets the following conditions:

- a. **Economic Well Being** - Residential Land Use in Jefferson County has not met the comprehensive plans growth projections of 0.95% per year. The rate is 0.55% as of 2019. The lack of residential growth has impacted the strength of the local economy. While there are pockets of residential activity, the County is not benefiting from a robust residential economy. Expanding the potential unit count for Harvest Hills Subdivision, Phase II from 392 lots allowed under (R) Rural zoning, to the proposed 1,027 allowed under (RG) Residential Growth zoning, will greatly expand residential activity, and therefore the local economy.
- b. **Future Land Use Guide** - Low Density Residential is identified as the appropriate use of the property by the comprehensive plan. The proposed Residential Growth zoning district is consistent with this recommended future land use.

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

The Original Zoning Ordinance was adopted on July 7, 1988. Changes in the immediate area of the properties include the following:

**Schools** - There are two (2) schools located within 2 miles of the property which did not exist at the time the original Ordinance was adopted: Wildwood Middle School and Driswood Elementary School.

**Surrounding Development** - The property is located in near proximity to Sam Michaels Park, which includes a community center, pavilions, dog park, outdoor amphitheater, and ball fields. The Aspen Green subdivision is located approximately 2 miles south along Flowing Springs Road (Rt. 17), and has a total build out of 205 lots. Potomac Towne Center is located 3.5 miles from the property and did not exist when the original Ordinance was adopted. The previously approved Daniel Subdivision and Breckenridge East Subdivision have each voided their plans (expired). These developments were located south of the subject parcels along Flowing Spring Road (Rt. 17) and Old Country Club Road respectively, before the intersection of Rt. 17 and Rt. 9.

**Transportation** - Route 9 was expanded to a 4-lane divided highway, providing a high-capacity road corridor between Jefferson County and Interstate 81. Harvest Hills Subdivision is within 4 miles of the

intersection between Flowing Springs Road and WV Route 9, and within 3.5 miles of the Route 9 signalized intersection at Potomac Towne Center.

An entrance permit from the West Virginia Division of Highways (WVDOH) will be needed for improvements to the connection of Elk Street to Flowing Springs Road (Rt. 17). Obtaining an entrance permit requires review by the WVDOH to ensure that safe and adequate access can be provided. It is anticipated that improvements to the intersection will be requested by WVDOH.

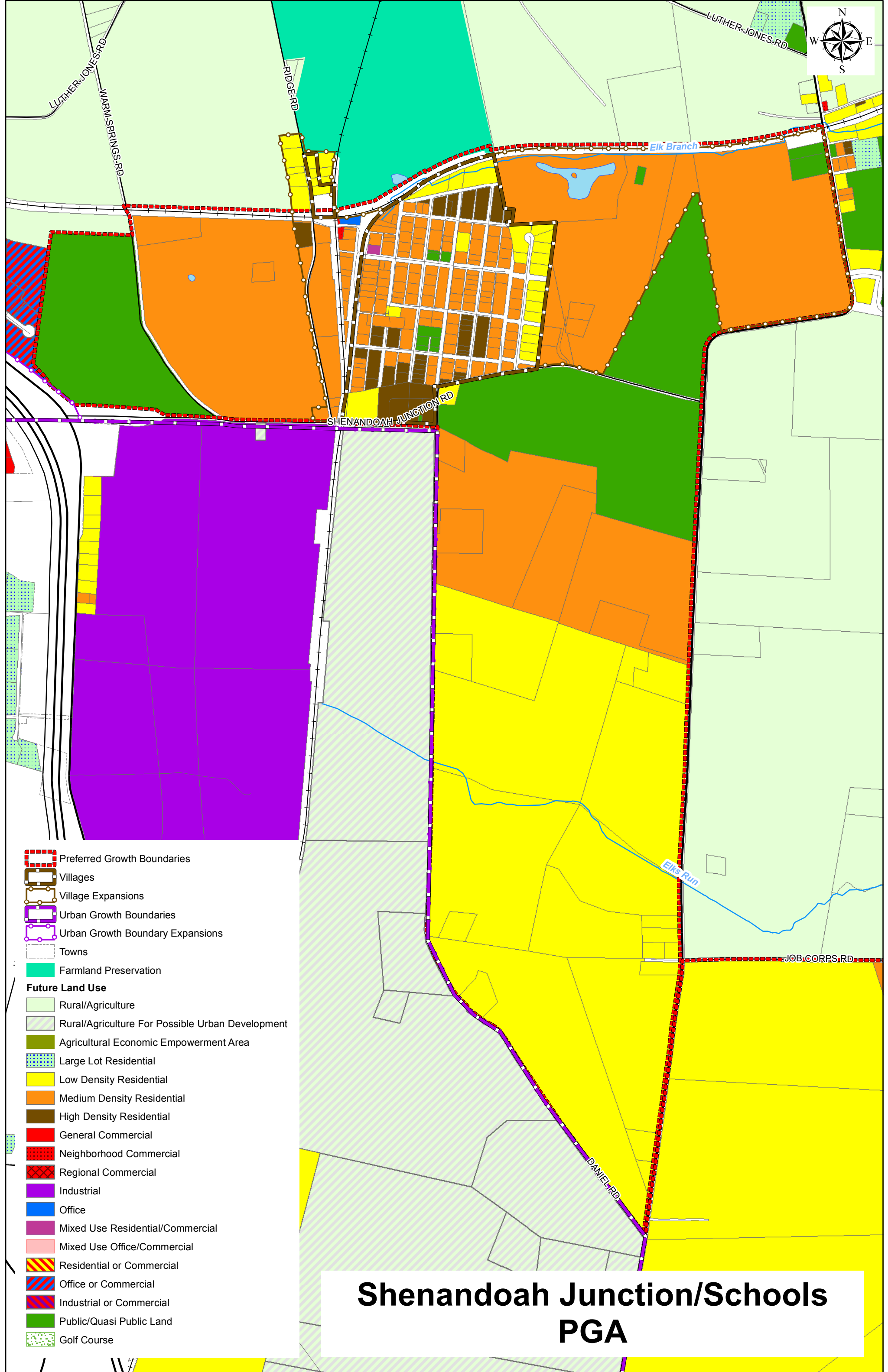
**The following must be attached to this application:**



*A plat or sketch shall include the entire original parcel as it appeared on the date this Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.*

The required sketch is attached for reference: Harvest Hills Subdivision, Phase II - Concept Plan. Please see the comprehensive list of attachments below.

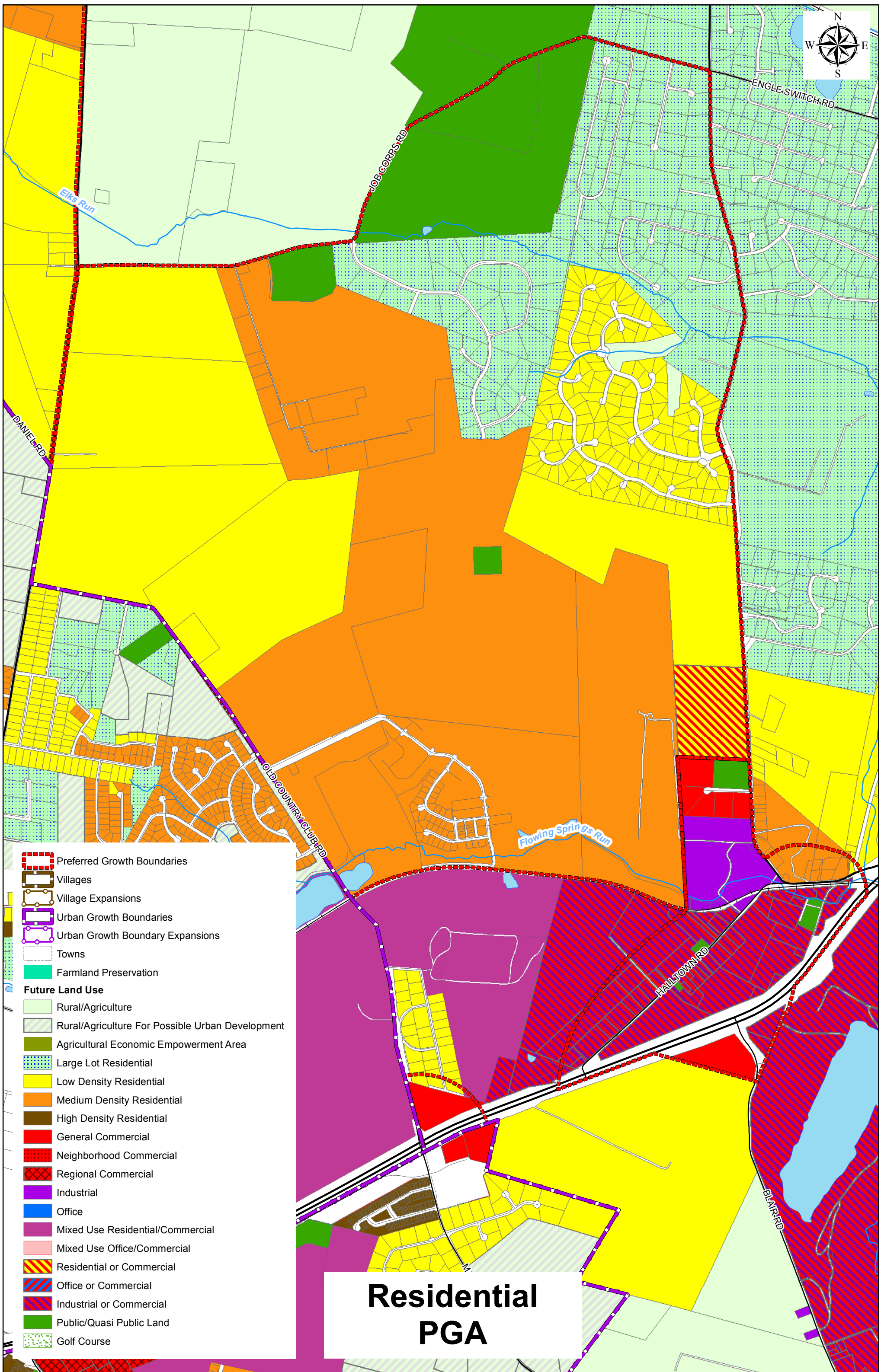
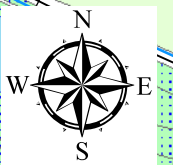
**Attachments:**



























- Harvest Hills Subdivision, Phase II - Concept Plan
- Approved Final Plat of Harvest Hills Subdivision Phase II Section 1 - Plat Book 25, Page 198
- Parcel 12 Deed - Deed Book 1163, Page 351
- Parcel 13 Deed - Deed Book 1173, Page 85
- 2035 Comprehensive Plan, Appendix F- Shenandoah Junction PGA/School Based Growth Area
- 2035 Comprehensive Plan, Appendix F- Residential Preferred Growth Area



-  Preferred Growth Boundaries
-  Villages
-  Village Expansions
-  Urban Growth Boundaries
-  Urban Growth Boundary Expansions
-  Towns
-  Farmland Preservation
- Future Land Use**
-  Rural/Agriculture
-  Rural/Agriculture For Possible Urban Development
-  Agricultural Economic Empowerment Area
-  Large Lot Residential
-  Low Density Residential
-  Medium Density Residential
-  High Density Residential
-  General Commercial
-  Neighborhood Commercial
-  Regional Commercial
-  Industrial
-  Office
-  Mixed Use Residential/Commercial
-  Mixed Use Office/Commercial
-  Residential or Commercial
-  Office or Commercial
-  Industrial or Commercial
-  Public/Quasi Public Land
-  Golf Course

# Shenandoah Junction/Schools PGA



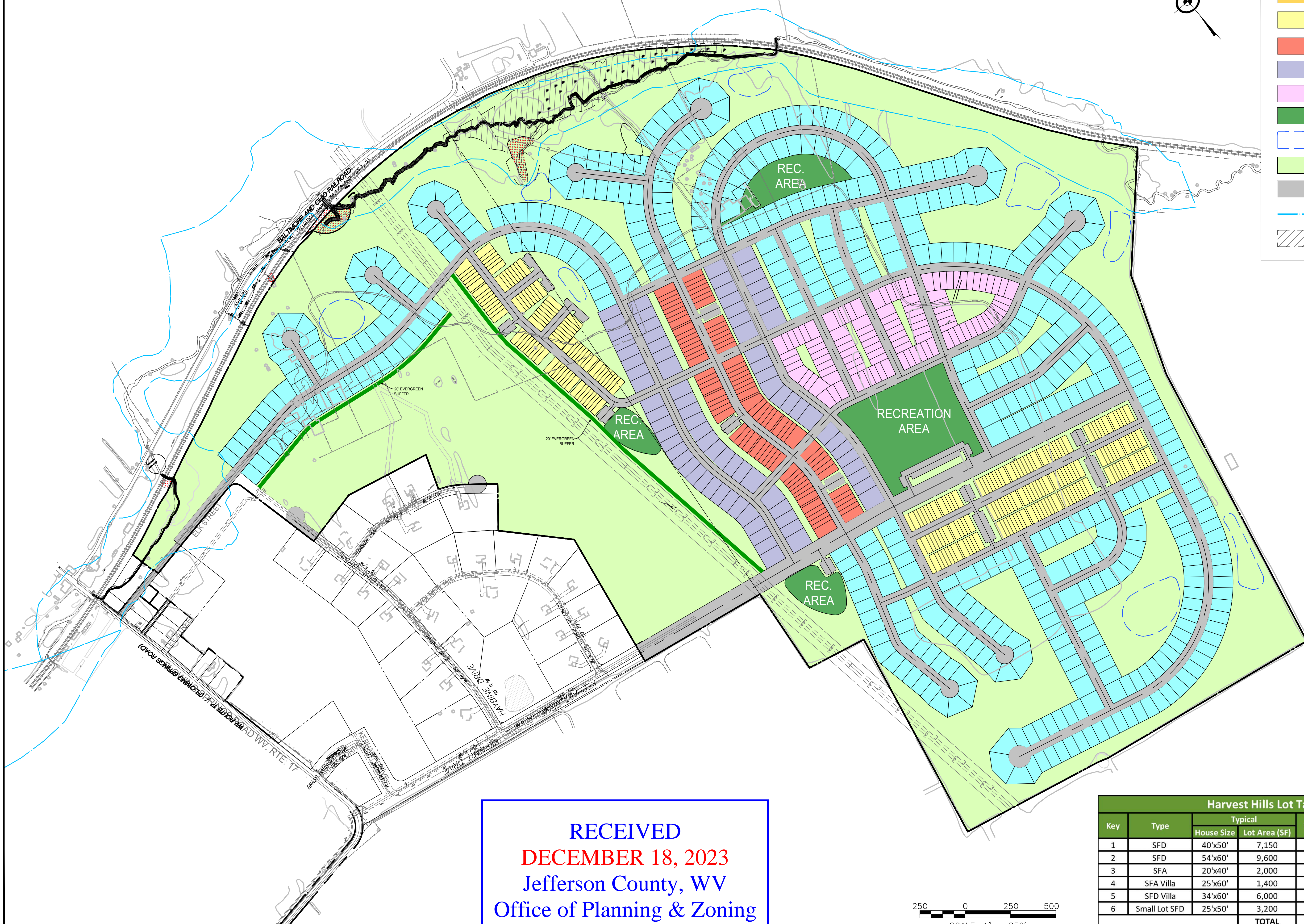
-  Preferred Growth Boundaries
-  Villages
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-  Urban Growth Boundaries
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-  Industrial
-  Office
-  Mixed Use Residential/Commercial
-  Mixed Use Office/Commercial
-  Residential or Commercial
-  Office or Commercial
-  Industrial or Commercial
-  Public/Quasi Public Land
-  Golf Course

# Residential PGA

# FUTURE DEVELOPMENT PLAN

### LEGEND

- SMALL SINGLE FAMILY DETACHED
- LARGE SINGLE FAMILY DETACHED
- TOWNHOMES
- VILLA SINGLE FAMILY ATTACHED
- VILLA SINGLE FAMILY DETACHED
- SMALL LOT SINGLE FAMILY DETACHED
- RECREATION AREA
- POSSIBLE SWMBMP AREA
- REMAINDER OF LOT
- PROPOSED ROADS
- EXISTING 100YR FEMA FLOODPLAIN
- EXISTING DELINEATED WETLAND



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OFFICES IN WINCHESTER, VA & MARTINSBURG, WV

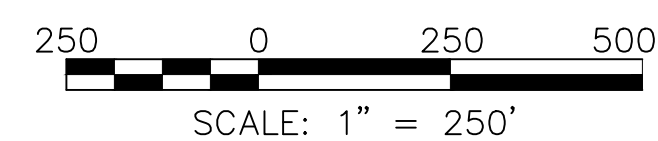
**CONCEPT PLAN**  
**HARVEST HILLS SUBDIVISION**  
**PHASE II**  
 SHEPHERDSTOWN MAGISTERIAL DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

**PARKING CALCULATIONS**

REQUIRED PARKING  
 682 SINGLE FAMILY = PARKING IN DRIVEWAY  
 327 TOWNHOMES = 2 PER DWELLING PLUS 1/4 SPACE PER BEDROOM  
 REQUIRE TOWNHOME PARKING: 981 SPACES (ASSUMING 4 BEDROOM)

PROPOSED TOWNHOME PARKING:  
 GARAGE & DRIVEWAY: 654 SPACES  
 OFF-LOT PARKING: 339 SPACES  
 TOTAL: 993 SPACES

**RECEIVED**  
**DECEMBER 18, 2023**  
 Jefferson County, WV  
 Office of Planning & Zoning



Harvest Hills Lot Tabulations						
Key	Type	Typical		No. of Lots	%	Area Per Dwelling Unit (ADU) (SF)
		House Size	Lot Area (SF)			
1	SFD	40'x50'	7,150	498	49.36%	10,000
2	SFD	54'x60'	9,600	0	0.00%	10,000
3	SFA	20'x40'	2,000	234	23.19%	3,500
4	SFA Villa	25'x60'	1,400	93	9.22%	3,500
5	SFD Villa	34'x60'	6,000	80	7.93%	10,000
6	Small Lot SFD	25'x50'	3,200	104	10.31%	7,500
<b>TOTAL</b>				<b>1,009</b>	<b>100%</b>	<b>7,704,500</b>
<b>TOTAL SITE AREA (SF)</b>						<b>15,343,952</b>

DATE: 06/23/2023

SCALE: 1"=250'

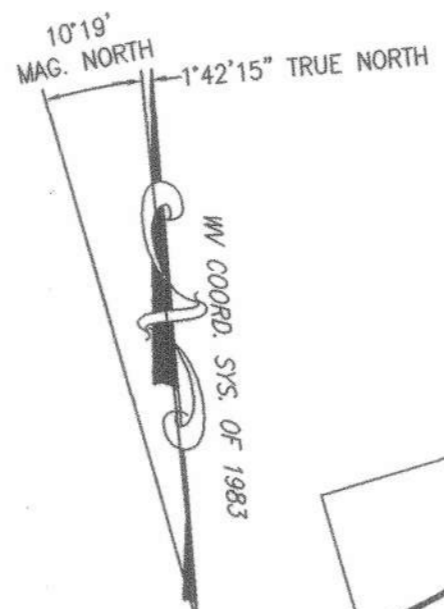
DESIGNED BY: AM/CW/DM

FILE NO. 3379

SHEET 1 OF 1

**NOTES:**

- THE PROPERTIES DELINEATED ON THIS PLAT ARE LOCATED ON JEFFERSON COUNTY, SHEPHERDSTOWN DISTRICT TAX MAP 24 AS PARCEL 12 AND MAP 24A AS PARCELS 16 AND 17, AND ARE ZONED RURAL DISTRICT.
- BOUNDARY INFORMATION IS BASED ON A COMPILATION OF EXISTING LAND RECORDS, A PLAT OF RESURVEY BY APPALACHIAN SURVEYS OF WEST VIRGINIA, LLC DATED AUGUST 25, 2003 RECORDED IN PLAT BOOK 22 AT PAGE 2; A PLAT OF RESURVEY BY DEWBERRY/APPALACHIAN SURVEYS DATED JANUARY 16, 2004 RECORDED IN DEED BOOK 1009 AT PAGE 624 (NORTHERN PART OF PARCEL 12); A PLAT OF RESURVEY BY DEWBERRY & DAVIS, LLC DATED JUNE 2, 2008 AND RECORDED IN DEED BOOK 2053 AT PAGE 79 AND A FIELD RUN BOUNDARY CHECK SURVEY.
- THE PROPERTIES SHOWN HEREON ARE CURRENTLY IN THE NAME OF ARCADIA DEVELOPMENT CO. AND WERE ACQUIRED FROM WILLIAM P. HENDERSON BY DEED DATED MARCH 22, 2000 RECORDED IN DEED BOOK 935 AT PAGE 604 AND DEED DATED FEBRUARY 12, 2004 RECORDED IN DEED BOOK 985 AT PAGE 363 AND FROM WILLIAM P. HENDERSON AND GINGER L. HENDERSON BY DEED OF GIFT DATED NOVEMBER 2, 2006 RECORDED IN DEED BOOK 1029 AT PAGE 429 ALL AMONG THE LAND RECORDS OF JEFFERSON COUNTY, WEST VIRGINIA.
- THE PROPERTY SHOWN HEREON IS LOCATED IN FLOOD ZONE "C", AREAS LOCATED OUTSIDE THE 100-YEAR FLOODPLAIN, ACCORDING TO COMMUNITY PANEL 540065 0035 C OF THE FEMA FLOOD INSURANCE RATE MAP FOR JEFFERSON COUNTY, WEST VIRGINIA, DATE MARCH 14, 2001.
- PROPERTY CORNERS TO BE SET ARE 18" x 5/8" REBAR UNLESS OTHERWISE NOTED HEREON.
- ALL KNOWN EXISTING AND PROPOSED EASEMENTS AND RIGHTS-OF-WAY ARE SHOWN HEREIN. NO FUTURE EASEMENTS OR RIGHTS-OF-WAY ARE PROPOSED.
- UNLESS OTHERWISE NOTED, BUILDING SETBACKS ARE AS FOLLOWS:  
FRONT: 25 FEET  
SIDE: 12 FEET  
REAR: 20 FEET
- A BLANKET EASEMENT SHALL BE GIVEN TO THE APPROPRIATE PUBLIC SERVICE DISTRICT AND JEFFERSON UTILITIES, INC. IN ALL SUBDIVISION RIGHTS-OF-WAY FOR THE PURPOSE OF CONSTRUCTING FUTURE WATER AND/OR SEWER LINES AND FACILITIES.
- A HOMEOWNER'S ASSOCIATION MUST BE ESTABLISHED WITHOUT DELAY AS SOON AS 50% OF THE PROPERTIES ARE SOLD. MEMBERSHIP IN THE ASSOCIATION IS MANDATORY FOR ALL PROPERTY OWNERS WITHIN THE SUBDIVISION. DEDICATE ALL COMMON LAND (SWM BASIN, ROADS, RIGHT-OF-WAYS, ETC.) TO THE HOMEOWNER'S ASSOCIATION.
- A COMMON INTEREST OWNERSHIP AGREEMENT MUST BE ESTABLISHED TO PROVIDE FOR THE MAINTENANCE OF COMMONLY-OWNED LAND, INCLUDING, BUT NOT LIMITED TO THE PRIVATE ROAD SYSTEM WITHIN THE SUBDIVISION. THIS AGREEMENT MUST BE DEVELOPED IN ACCORDANCE WITH THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF WEST VIRGINIA.
- ONCE A HOMEOWNER'S ASSOCIATION IS FORMED THEY SHALL PETITION THE COUNTY COMMISSION TO ADOPT A LEASH LAW.
- THIS SITE DOES NOT FALL UNDER THE HILLSIDE DEVELOPMENT REGULATIONS.
- MODEL HOMES WITH A STAFFED SALES OFFICE FOR SALES EXCLUSIVELY WITHIN THE RESIDENTIAL SUBDIVISION THAT THEY ARE LOCATED ARE PERMITTED PROVIDED THAT THEY ARE CONTAINED ON THE FIRST LOT ON EITHER OR BOTH SIDES OF ANY ROAD / RIGHT-OF-WAY THAT ENTERS THE SUBDIVISION; LOTS 58 AND 419 ARE DESIGNATED AS MODEL HOME LOTS.
- LOT ACCESS LIMITED TO INTERIOR ROADS ONLY.
- ALL EXISTING AND FUTURE OPEN SPACE PARCELS LOCATED WITHIN THE COMMUNITY AS DESCRIBED IN THE DECLARATION ARE COMMON ELEMENTS FOR THE PURPOSES OF INGRESS AND EGRESS. ALL OTHER COMMON ELEMENTS FOR ALLOCATED INTERESTS INCLUDE THE IMPROVEMENTS WITHIN THE EXISTING AND FUTURE OPEN SPACE PARCELS, EXCEPT THOSE IMPROVEMENTS, SUCH AS SERVICE UTILITIES, WHICH ARE OWNED, OPERATED AND MAINTAINED BY GOVERNMENTAL AUTHORITIES OR UTILITY COMPANIES AND ANY IMPROVEMENTS DESIGNATED AS LIMITED COMMON ELEMENTS. THE COMMON ELEMENTS WITHIN THOSE AREAS MAY BE MORE SPECIFICALLY DEFINED IN ARTICLE 5 OF THE DECLARATION.
- ALL DRIVEWAY CULVERTS ARE TO BE 15" (MINIMUM) CMP OR EQUIVALENT.

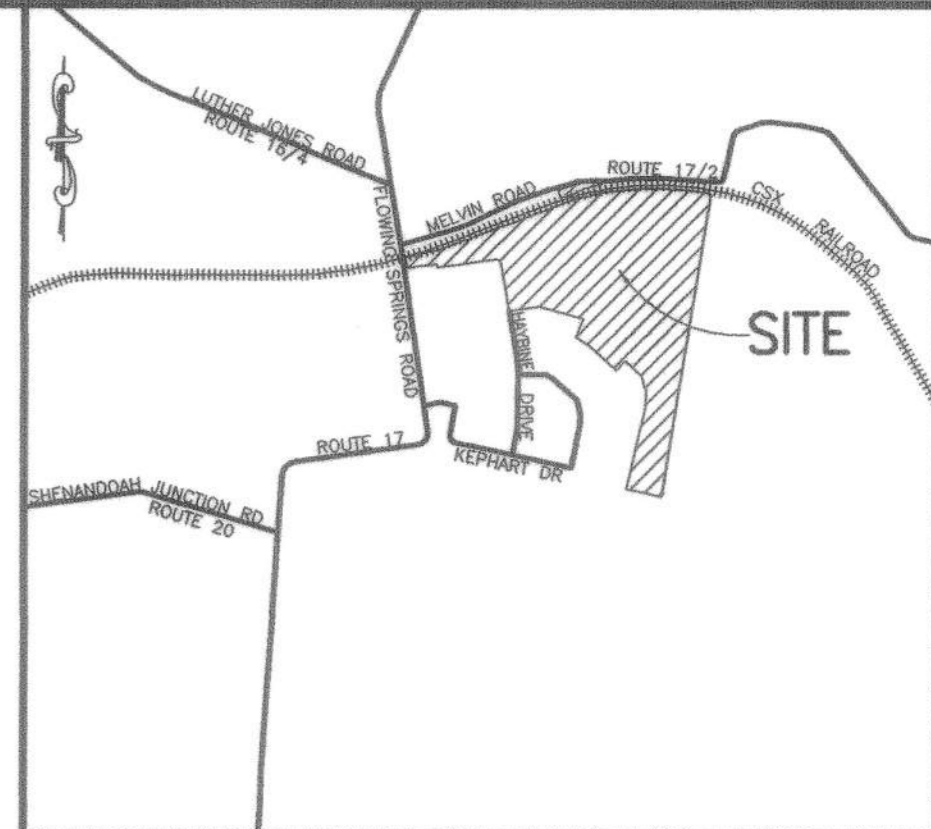


**AREA TABULATION:**

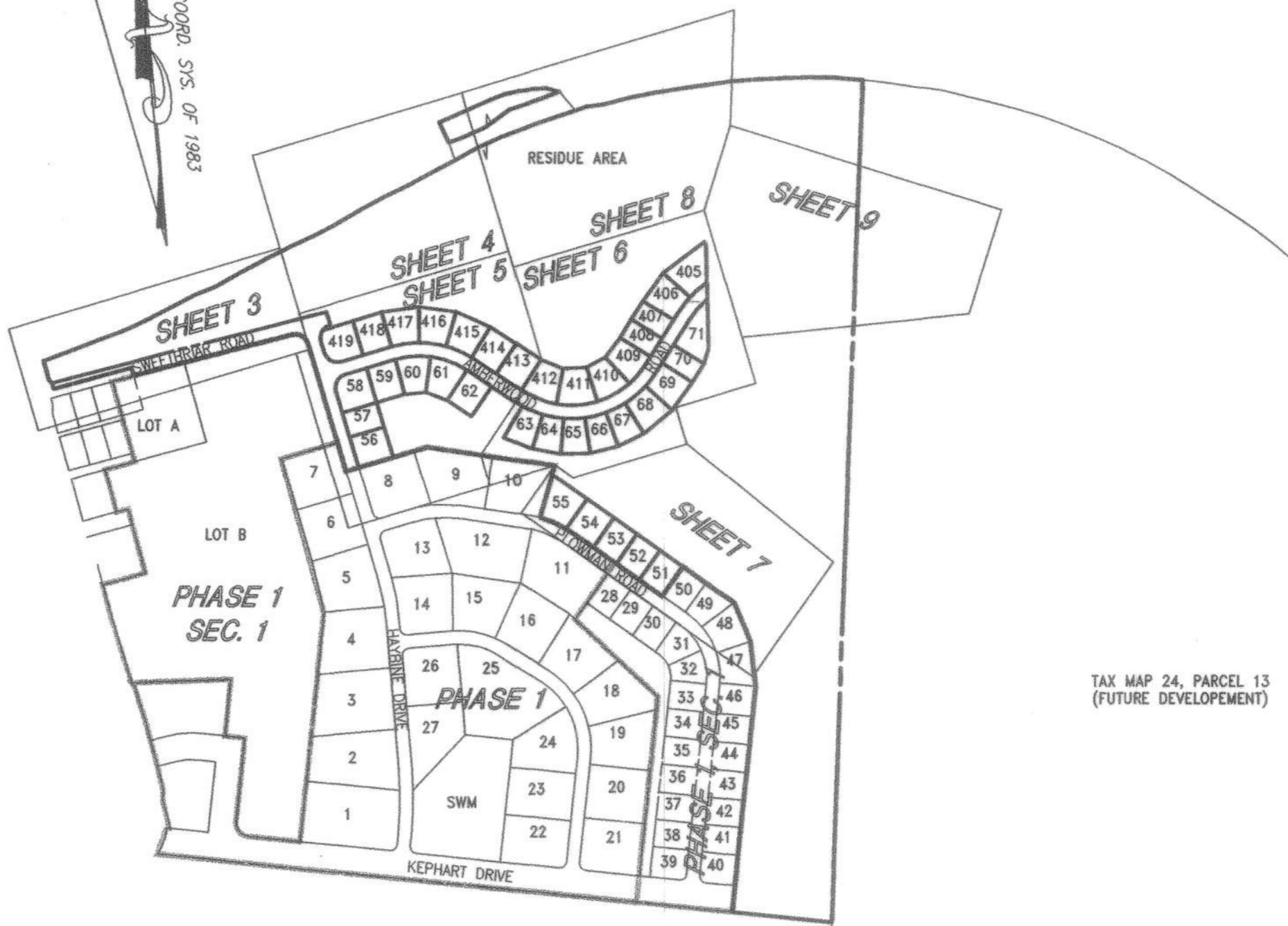
LOTS (36)	539,361 SQ. FT.	12.38202 ACRES
RIGHT-OF-WAY	158,696 SQ. FT.	3.64316 ACRES
RESIDUE PARCEL	2,981,573 SQ. FT.	68.44750 ACRES
TOTAL AREA	3,679,630 SQ. FT.	84.47268 ACRES

RESIDENTIAL AREA: 12.38202 ACRES  
# OF UNITS: 36  
DENSITY: 2.91 LOTS PER ACRE

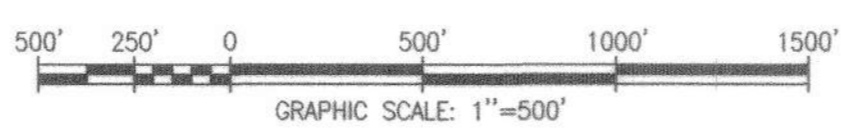
REQUIRED PARK AREA(4%): 21.8174 ACRES DEDICATED FOR PUBLIC OR SEMI PUBLIC USE AS LOT B, PHASE 1, SECTION 1, WHICH IS GREATER THAN 4% OF THE OVERALL SUBDIVISION.



**VICINITY MAP**  
SCALE: 1" = 2000'



TAX MAP 24, PARCEL 13  
(FUTURE DEVELOPMENT)



**LEGEND:**

- IPF = IRON PIPE FOUND
- IR = IRON RE-BAR FOUND
- = 4"x4" CONCRETE MON. TO BE SET
- = 18"x5/8" RE-BAR TO BE SET

**OWNER/DEVELOPER:**

ARCADIA DEVELOPMENT CO.  
117 N. BAILEY LANE  
PURCELLVILLE, VA 20132  
(540) 751-0321

**LIST OF APPROVALS:**

WV DEPARTMENT OF HIGHWAYS	
PERMIT #	5-99-0397 (ORIGINAL)
DATE:	ADDENDUM 11-01-2007
PERMIT #	5-07-1082 (SWEETBRIAR ROAD)
DATE:	11-06-2007
WV DEPARTMENT OF HEALTH	
PERMIT #	17,598 (WATER)
DATE:	07-26-2007
PERMIT #	17,597 (SEWER)
DATE:	07-26-2007
PERMIT #	17,781 (SEWER ADDENDUM)
DATE:	11-15-2007

**ACCEPTANCE STATEMENT:**

THE OWNER AND DEVELOPER, IN SIGNING THIS PLAT, AGREES TO ABIDE BY ALL CONDITIONS, TERMS, AND SPECIFICATIONS PROVIDED HEREON.

*[Signature]* DATE: 12-10-08  
ARCADIA DEVELOPMENT CO.

Jennifer S Hashan  
JEFFERSON County 11:25:21 AM  
Instrument No 2010002808  
Date Recorded 02/24/2010  
Document Type PLT  
Book-Page 25-198  
Recording Fee \$14.00  
Additional \$1.00

APPROVED BY:

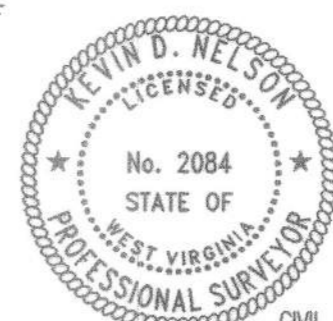


*Approved final plat*

*[Signature]* DATE: 2/24/10  
PLANNING COMMISSION

**SURVEYOR'S CERTIFICATE:**

I, KEVIN D. NELSON, A PROFESSIONAL SURVEYOR IN THE STATE OF WEST VIRGINIA HEREBY CERTIFY THAT THIS PLAT IS ACCURATE, COMPLETE AND MEETS OR EXCEEDS MINIMUM STANDARDS FOR THE STATE AND/OR COUNTY REQUIREMENTS APPLICABLE ON THIS DATE. THIS SUBDIVISION COMPLIES WITH THE JEFFERSON COUNTY SUBDIVISION REGULATIONS, SECTION 8.1.C.6 FOR A CLOSURE WITHIN 1:7500. I FURTHER CERTIFY THAT THIS PLAT CONTAINS ALL THE INFORMATION REQUIRED IN ACCORDANCE WITH CHAPTER 36B, ARTICLE 2, SECTION 109 OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF THE WEST VIRGINIA STATE CODE.



*[Signature]* DATE: 10/14/08  
KEVIN D. NELSON, P.S. No. 2084

**FINAL PLAT**  
OF  
**PHASE II, SECTION 1**  
**HARVEST HILLS SUBDIVISION**

T.M. 24, PARCEL 12 AND T.M. 24A, PARCELS 16 & 17  
SHEPHERDSTOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA  
SCALE: 1"=AS NOTED JUNE 30, 2008  
REVISED: NOVEMBER 20, 2008



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**JEFFERSON COUNTY  
DEPARTMENT OF PLANNING, ZONING & ENGINEERING  
CONDITIONAL USE PERMIT  
HARVEST HILLS SUBDIVISION #Z00-06**

This is to certify that effective May 22, 2001, the property described as:

Developer/Owner: William P. Henderson, owner  
P. O. Box 64  
Shenandoah Junction, West Virginia 25442  
Telephone Number: (304)-876-0605  
Developer/Owner: Arcadia Building Company, developer  
P. O. Box 1728  
Leesburg, Virginia 20177  
Telephone Number: (703)-771-2626  
Tax Map Reference: Shepherdstown District, Map 24, Parcels 12 & 13  
Deed Book Reference: Deed Book 927, Page 239  
Subdivision Name: Harvest Hills  
Zoning District: Rural

has been granted permission to use said property in the following way: 392 single family lots; 23 acre school site; Duffield's Train Station relocation; 2.00 acre church site; and, minimum of 141 acres of open space.

**CONDITIONAL UPON:**

1. Cooperation with nonprofit groups to preserve the historic train station with the permission of the record owner of the property;
2. Execute a bond to fix the curve on Route 17 (Flowing Springs Road) if title is obtained by the West Virginia Department of Highways to do so;
3. No street lighting;
4. Disclose to potential buyers the intensity of the train traffic;
5. Build a fence between the development and the railroad tracks;
6. Discuss and encourage telecommunications link-ups with utility companies;
7. Inform potential buyers of farming activities in the area (i.e. smells, noises, animals, equipment) and the farmers right to farm;
8. Prepare a traffic study;
9. Install a traffic light at the intersection of Route 17 (Flowing Springs Road) and Route 17/2 (Melvin Road) if warranted by the West Virginia Department of Highways;
10. Provide quality control of storm water management to County standards;
11. Provide buffers to lessen the impact of the development on the Duffield's historic area;
12. Density not being increased by more than what is currently proposed;
13. Property not being relinquished that is not owned by the owner/developer;
14. Provide a fence between the development and Sullen Myers property;

**JEFFERSON COUNTY  
DEPARTMENT OF PLANNING, ZONING & ENGINEERING  
CONDITIONAL USE PERMIT  
HARVEST HILLS SUBDIVISION - #Z00-06  
PAGE TWO**

15. Provide an economic study to determine the cost of services versus tax collections;
16. Not locating a water tank on the property;
17. Give the land earmarked for the School Board to the Jefferson County Parks and Recreation Commission or other sports organization if not used by the School Board;
18. Provide a historic and archeological study of the property;
19. Any further change in use or expansion processing through the Jefferson County Department of Planning, Zoning and Engineering to update this certificate; and, all other applicable County regulations being followed.

In the event construction is not commenced by November 22, 2002, said permission will expire unless an extension is granted. Extensions must be formally requested of the Jefferson County Department of Planning, Zoning and Engineering prior to the expiration date.

This certificate in no way relieves the owner, applicant or user from any requirements of the Jefferson County Ordinances unless appropriate variances are granted by the appropriate County authority.

*[Signature]*  
Zoning Administrator

Date 5/22/01 (orig.)  
*reissued & reinstated on*  
11/13/04 *PLB*

Department of Planning, Zoning & Engineering Seal:

Jennifer S. Hoshan  
JEFFERSON County 11:25:21 AM  
Instrument No 2010002808  
Date Recorded 02/24/2010  
Document Type PLT  
Book-Page 25-198  
Recording Fee \$14.00  
Additional \$1.00

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CURVE TABLE:					
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD
C1	149.46'	447.71'	19°07'39"	75.43'	148.77'
C2	76.67'	50.00'	87°51'45"	48.17'	69.38'
C3	41.87'	447.71'	5°21'30"	20.95'	41.85'
C4	107.59'	447.71'	13°46'10"	54.06'	107.34'
C5	78.54'	50.00'	90°00'00"	50.00'	70.71'
C6	35.09'	50.00'	40°12'40"	18.30'	34.38'
C7	43.45'	50.00'	49°47'20"	23.20'	42.09'
C8	78.54'	50.00'	90°00'00"	50.00'	70.71'
C9	327.90'	375.00'	50°05'58"	175.26'	317.55'
C10	2.08'	375.00'	0°19'04"	1.04'	2.08'
C11	104.34'	375.00'	15°56'29"	52.51'	104.00'
C12	104.01'	375.00'	15°53'30"	52.34'	103.68'
C13	104.34'	375.00'	15°56'33"	52.51'	104.01'
C14	13.13'	375.00'	2°00'21"	6.57'	13.13'
C15	519.54'	325.00'	91°35'33"	334.16'	465.96'
C16	133.47'	325.00'	23°31'51"	67.69'	132.54'
C17	154.81'	325.00'	27°17'35"	78.90'	153.35'
C18	139.00'	325.00'	24°30'18"	70.58'	137.94'
C19	92.25'	325.00'	16°15'50"	46.44'	91.94'
C20	162.60'	425.00'	21°55'15"	82.31'	161.61'

CURVE TABLE:						
CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C21	77.62'	425.00'	10°27'51"	38.92'	77.51'	S42°04'26"W
C22	84.98'	425.00'	11°27'24"	42.63'	84.84'	S53°02'03"W
C23	107.59'	375.00'	16°26'18"	54.17'	107.22'	S45°03'39"W
C24	599.47'	375.00'	91°35'33"	385.57'	537.65'	N82°38'17"E
C25	67.76'	375.00'	10°21'08"	33.97'	67.66'	N42°01'05"E
C26	101.03'	375.00'	15°26'08"	50.82'	100.72'	N54°54'43"E
C27	80.00'	375.00'	12°13'23"	40.15'	79.85'	N68°44'29"E
C28	80.00'	375.00'	12°13'23"	40.15'	79.85'	N80°57'52"E
C29	80.00'	375.00'	12°13'23"	40.15'	79.85'	S86°48'45"E
C30	80.00'	375.00'	12°13'23"	40.15'	79.85'	S74°35'22"E
C31	84.00'	375.00'	12°50'04"	42.18'	83.83'	S62°03'38"E
C32	26.69'	375.00'	4°04'40"	13.35'	26.68'	S53°36'16"E
C33	284.18'	325.00'	50°05'58"	151.89'	275.21'	N76°36'55"W
C34	0.91'	325.00'	0°09'39"	0.46'	0.91'	S51°38'46"E
C35	146.63'	325.00'	25°50'57"	74.58'	145.39'	S64°39'04"E
C36	133.27'	325.00'	23°29'43"	67.59'	132.34'	S89°19'24"E
C37	3.37'	325.00'	0°35'38"	1.68'	3.37'	N78°37'55"E
C38	78.54'	50.00'	90°00'00"	50.00'	70.71'	S33°20'06"W
C39	156.61'	430.00'	20°52'06"	79.18'	155.75'	N81°17'45"E
C40	6.82'	375.00'	1°02'29"	3.41'	6.82'	N52°45'34"E
C41	100.77'	375.00'	15°23'49"	50.69'	100.47'	N44°32'25"E

LINE TABLE		
LINE	BEARING	DISTANCE
L1	N10°22'13"W	33.00'
L2	S22°47'10"E	11.90'
L3	N37°45'40"W	7.84'
L4	N86°31'26"W	20.00'
L5	N57°57'34"W	22.77'
L6	N80°52'53"W	71.92'
L7	N36°02'36"E	35.20'
L8	S77°51'42"E	37.64'
L9	S27°38'55"W	3.76'
L10	S09°31'39"E	15.02'
L11	S07°15'37"E	38.50'
L12	S09°11'05"W	47.27'
L13	S07°14'03"E	17.32'
L14	S29°11'25"W	85.24'
L15	N10°48'14"W	21.48'
L16	N42°47'00"W	17.18'



*Approved Final Plat*  
*Jennifer M. Brockman*  
*Director of Planning and Zoning*  
*2/24/10*

**FINAL PLAT  
OF  
PHASE II, SECTION 1  
HARVEST HILLS**

T.M. 24, PARCEL 12 AND T.M. 24A, PARCELS 16 & 17  
SHEPHERDSTOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: 1"=50' JUNE 30, 2008  
REVISED: NOVEMBER 20, 2008

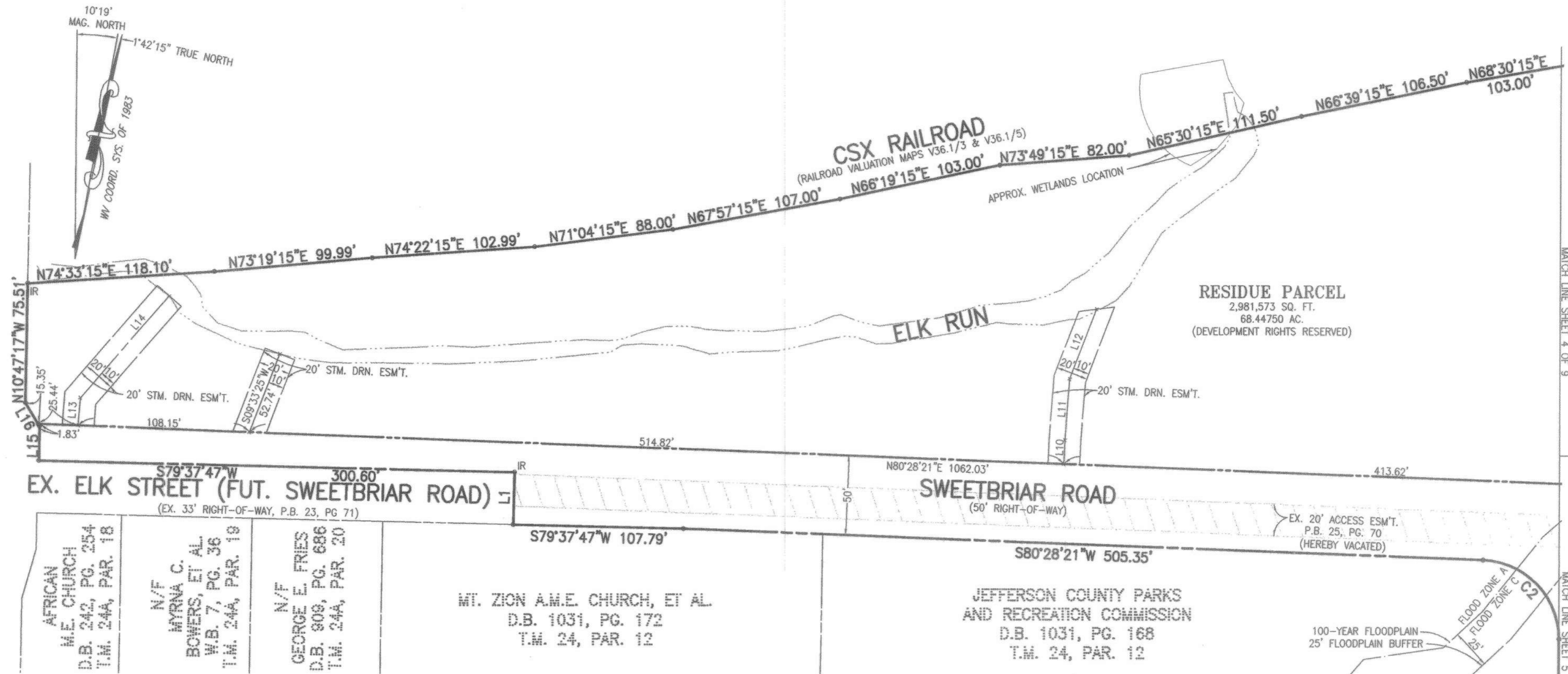


William H. Gordon Associates, Inc.  
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301 N. Mildred Street, Suite 1  
Charles Town, West Virginia 25414

Phone: (304) 725-8456 Fax: (304) 728-0117 www.whga.com

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FLOWING SPRINGS ROAD - ROUTE 17  
(VARIABLE WIDTH RIGHT-OF-WAY)



LEGEND:

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- IR = IRON RE-BAR FOUND
- = 4"x4" CONCRETE MON. TO BE SET
- = 18"x5/8" RE-BAR TO BE SET

Jennifer S. Mashan  
JEFFERSON County 11:25:21 AM  
Instrument No 2010002808  
Date Recorded 02/24/2010  
Document Type PLT  
Book-Page 25-198  
Recording Fee \$14.00  
Additional \$1.00



Approved final plat  
Jennifer M. Brockman  
Director of Planning and Zoning  
2-24-10

FINAL PLAT  
OF  
PHASE II, SECTION 1  
HARVEST HILLS

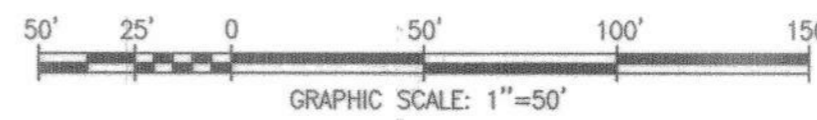
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JEFFERSON COUNTY, WEST VIRGINIA

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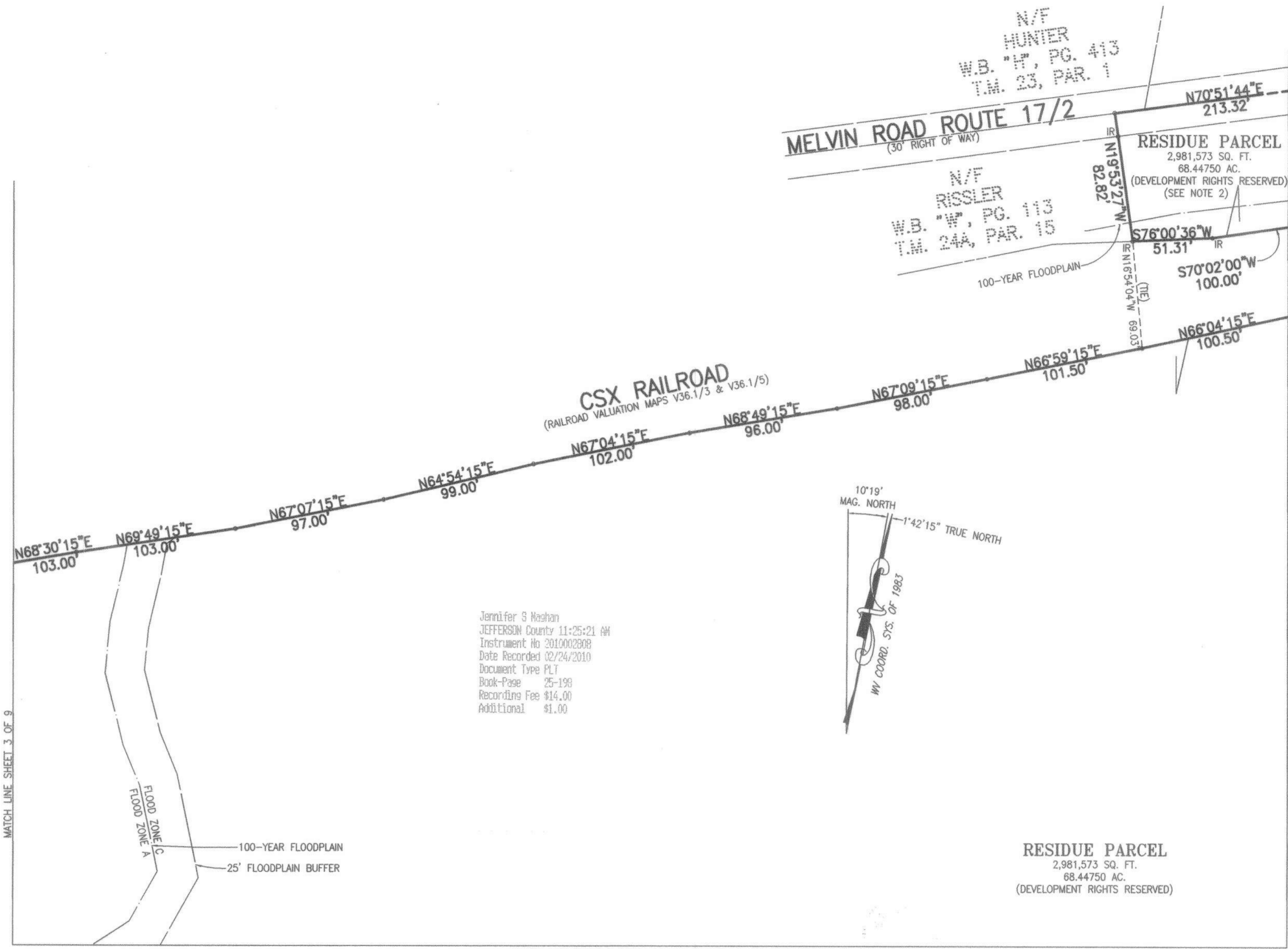


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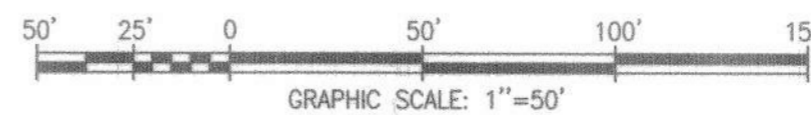
Approved Final Plat  
Jennifer M. Buckner/asp  
Director of Planning + Zoning  
J-24-10

FINAL PLAT  
OF  
PHASE II, SECTION 1  
HARVEST HILLS

T.M. 24, PARCEL 12 AND T.M. 24A, PARCELS 16 & 17  
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JEFFERSON COUNTY, WEST VIRGINIA  
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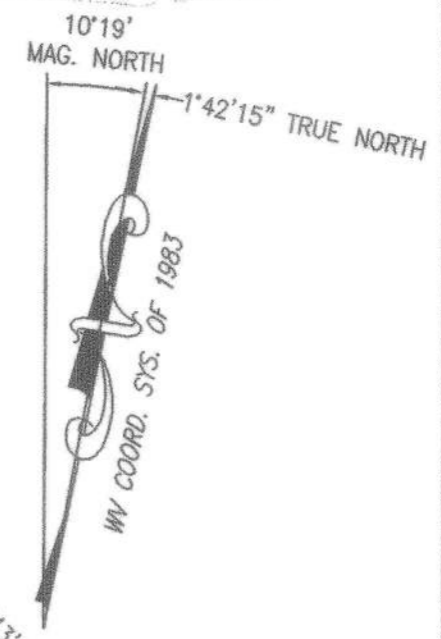


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JEFFERSON COUNTY PARKS AND RECREATION COMMISSION D.B. 1031, PG. 168 T.M. 24, PAR. 12 N11°39'54"W 503.63'



Jennifer S. Washan  
JEFFERSON County 11:25:21 AM  
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Date Recorded 02/24/2010  
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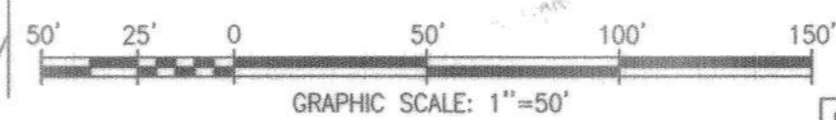


Approved Final Plat  
Jennifer M. Buckman / aspl  
Director of Planning + Zoning  
2-24-10

**FINAL PLAT**  
OF  
**PHASE II, SECTION 1**  
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SHEPHERDSTOWN DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA  
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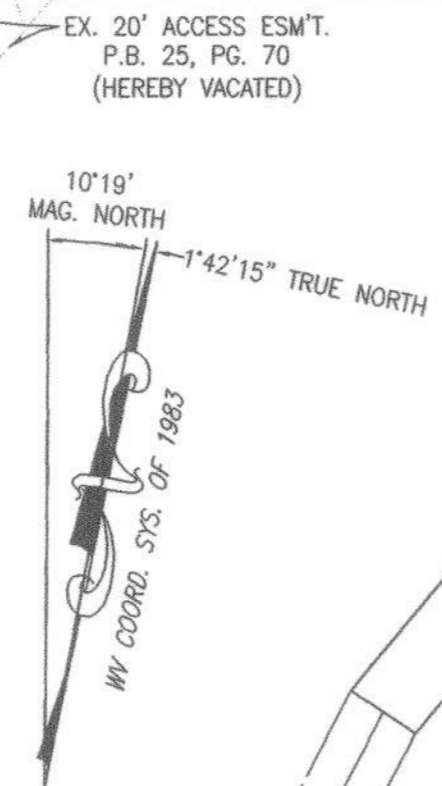


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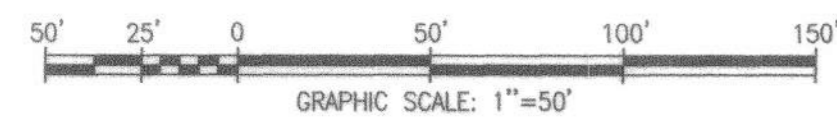
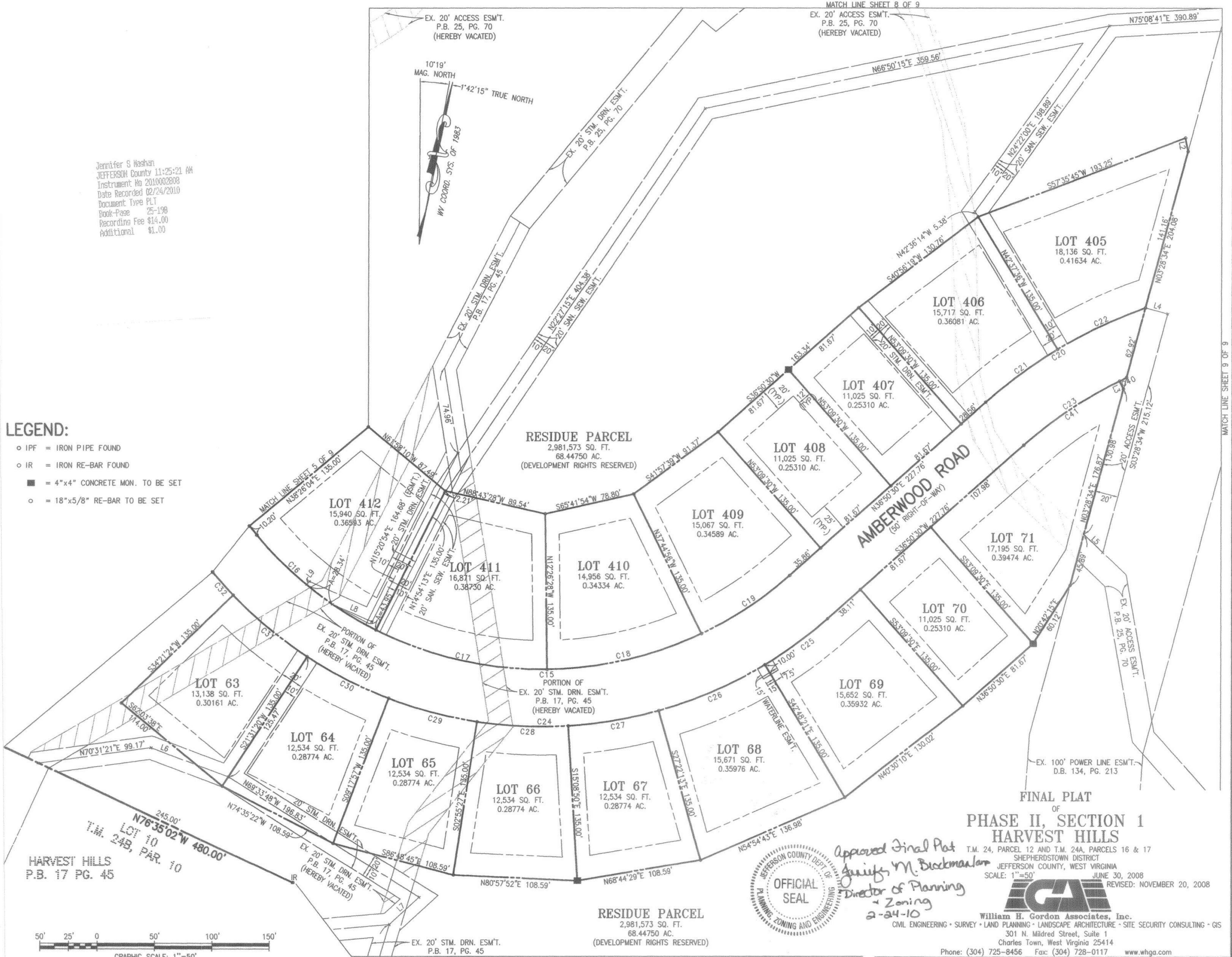


MATCH LINE SHEET 8 OF 9  
 EX. 20' ACCESS ESM'T.  
 P.B. 25, PG. 70  
 (HEREBY VACATED)

Jennifer S Washan  
 JEFFERSON County 11:25:21 AM  
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Approved Final Plat  
*Jennifer M. Blackman*  
 Director of Planning & Zoning  
 2-24-10

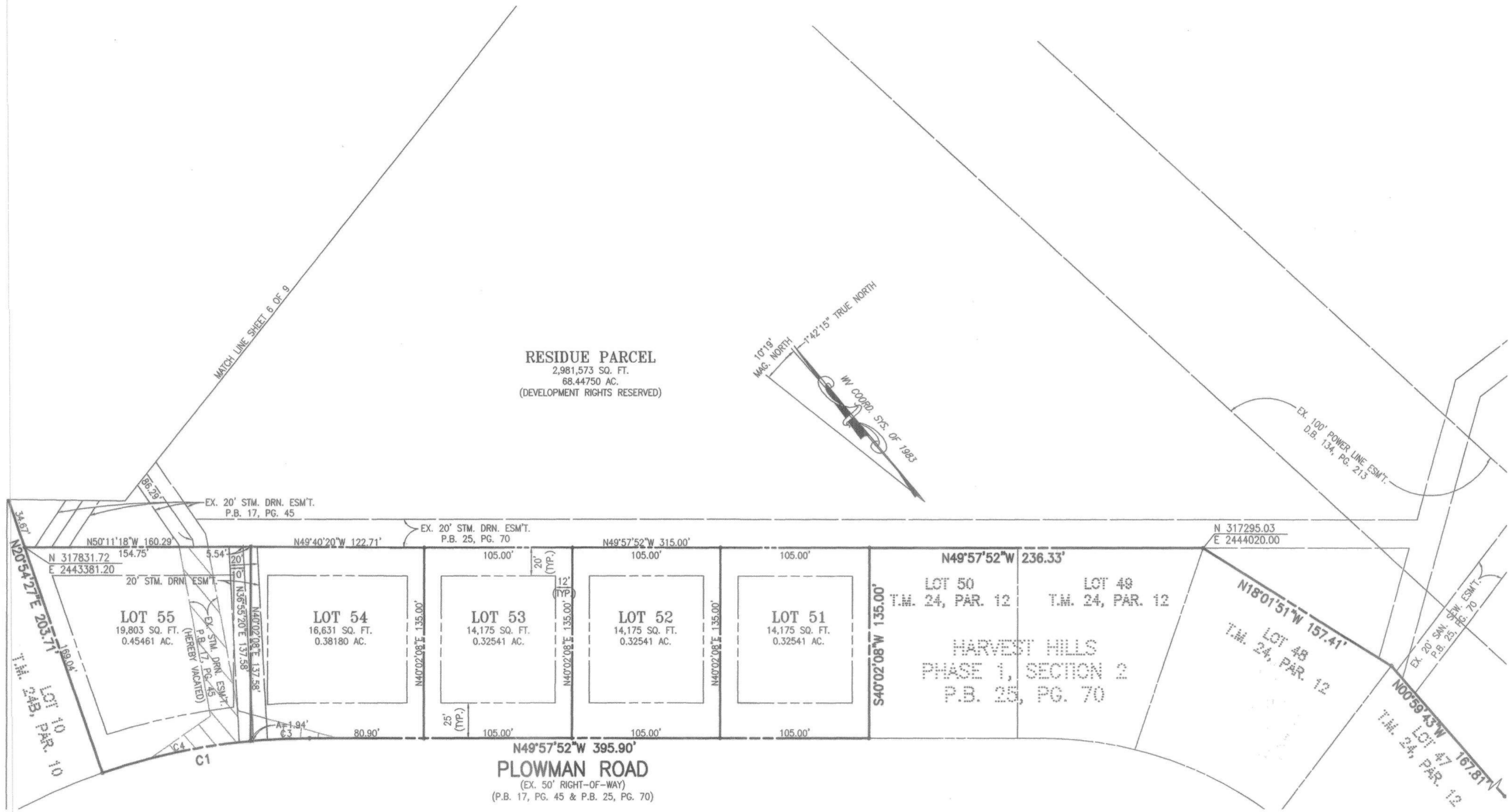
**FINAL PLAT**  
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**HARVEST HILLS**  
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 SHEPHERDSTOWN DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
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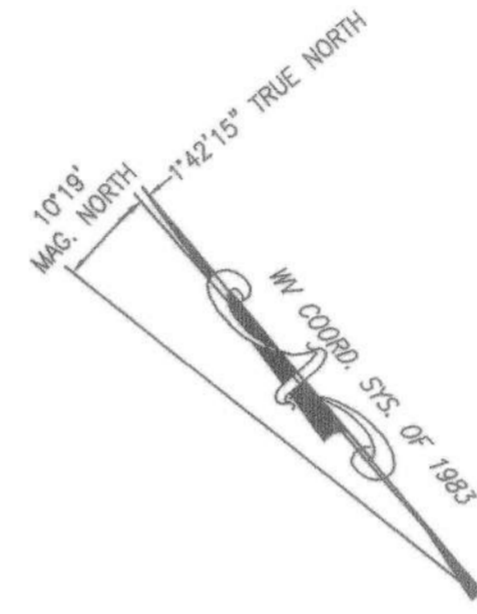
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MATCH LINE SHEET 9 OF 9

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RESIDUE PARCEL  
2,981,573 SQ. FT.  
68.44750 AC.  
(DEVELOPMENT RIGHTS RESERVED)



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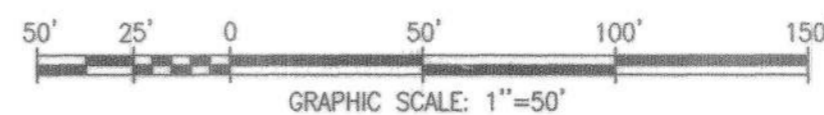
Approved Final Plat  
Jennifer M. Brockman Jap  
Director of Planning and Zoning  
2-24-10

FINAL PLAT  
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PHASE II, SECTION 1  
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T.M. 24, PARCEL 12 AND T.M. 24A, PARCELS 16 & 17  
SHEPHERDSTOWN DISTRICT  
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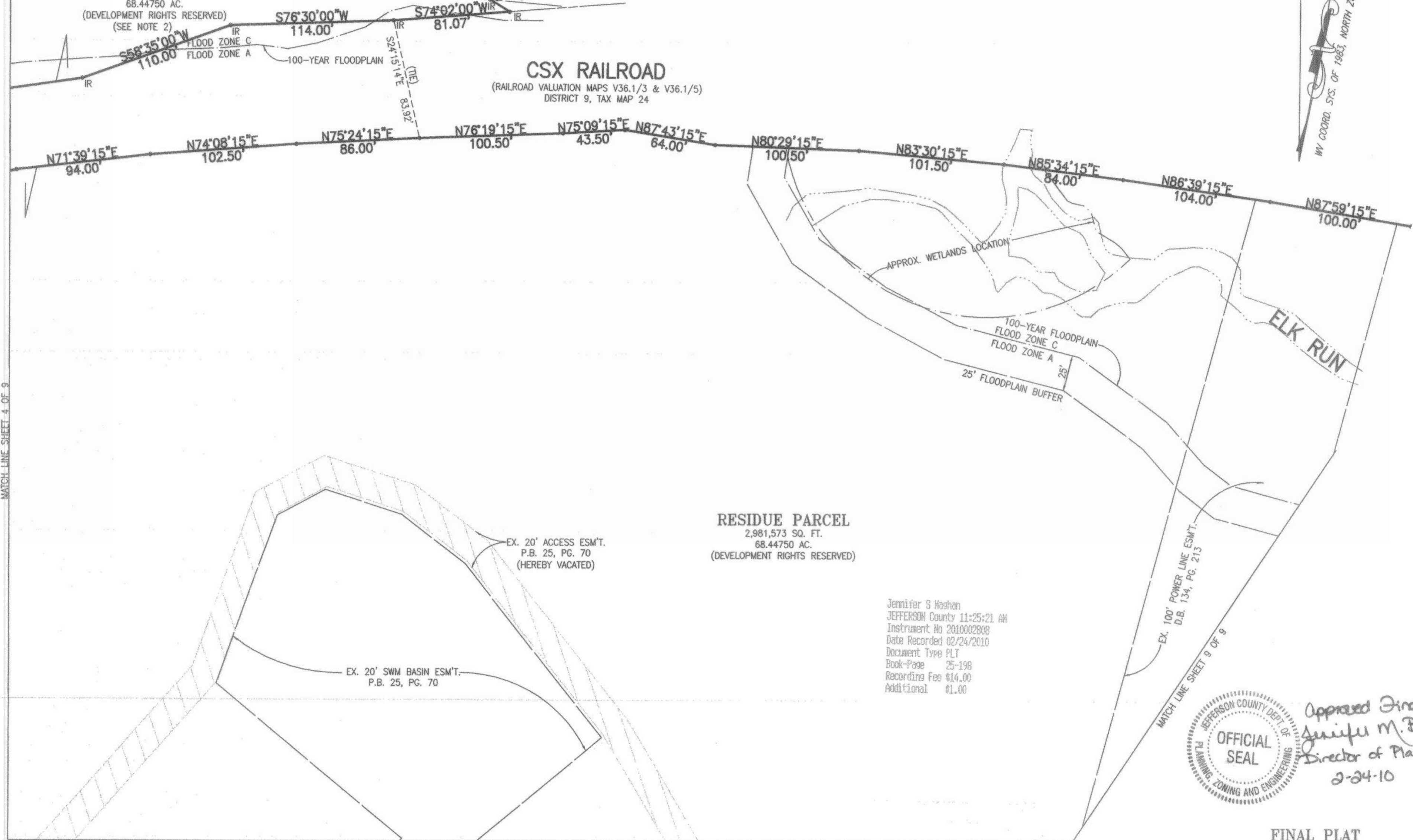
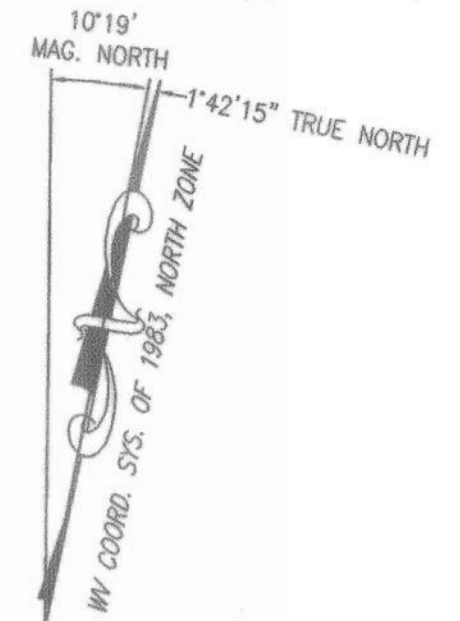
MELVIN ROAD ROUTE 17/2  
(30' RIGHT OF WAY)

N/F JENKINS  
D.B. 837, PG. 244  
T.M. 23, PAR. 3

RESIDUE PARCEL  
2,981,573 SQ. FT.  
68.44750 AC.  
(DEVELOPMENT RIGHTS RESERVED)  
(SEE NOTE 2)

CSX RAILROAD

(RAILROAD VALUATION MAPS V36.1/3 & V36.1/5)  
DISTRICT 9, TAX MAP 24



RESIDUE PARCEL  
2,981,573 SQ. FT.  
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JEFFERSON County 11:25:21 AM  
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Approved Final Plat  
Jennifer M. Buckman, JPP  
Director of Planning + Zoning  
2-24-10

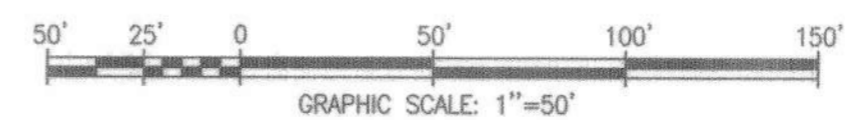
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LEGEND:

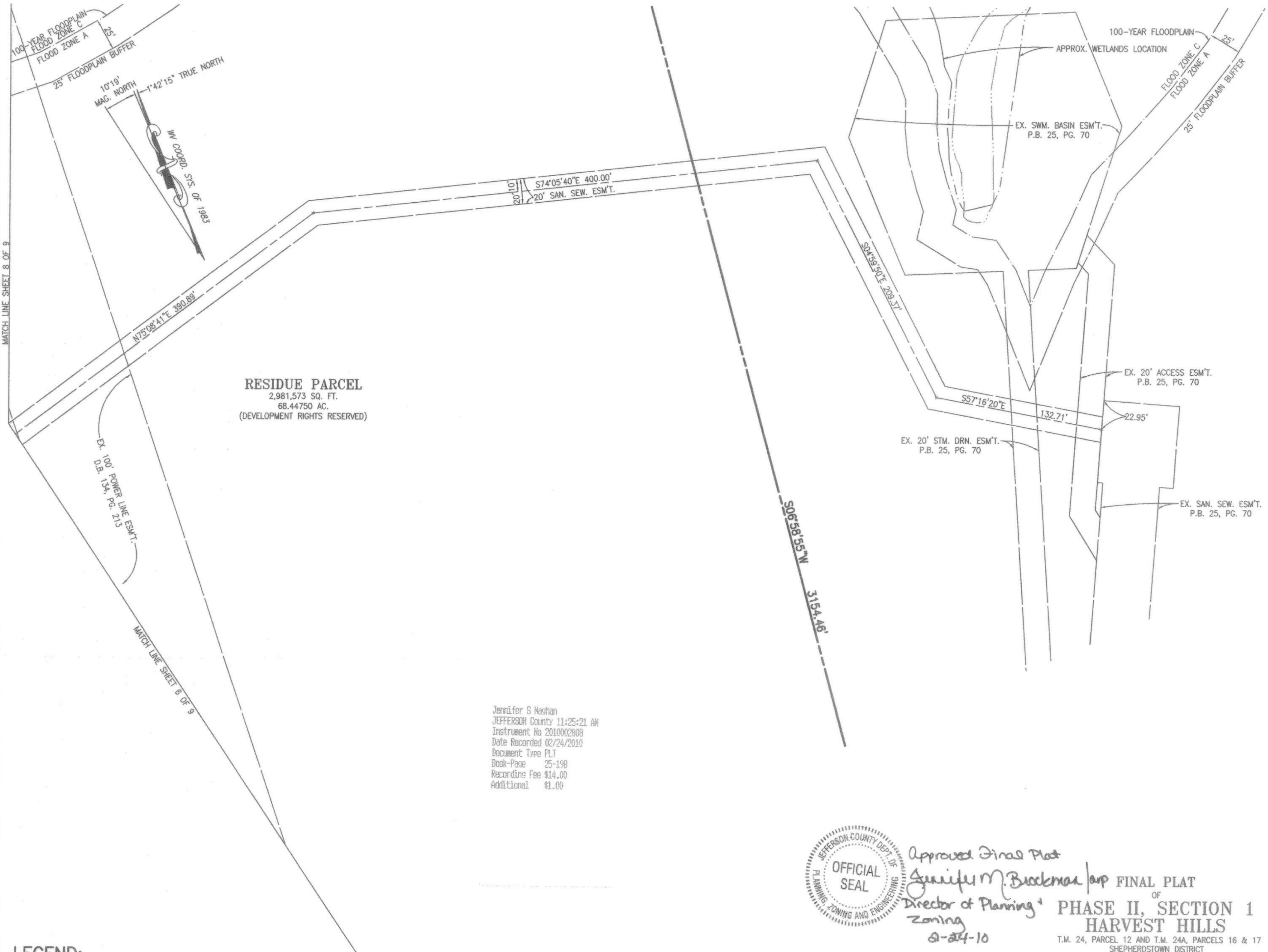
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MATCH LINE SHEET 4 OF 9

MATCH LINE SHEET 6 OF 9

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Approved Final Plat  
*Jennifer M. Brockman* JUP  
Director of Planning & Zoning  
2-24-10

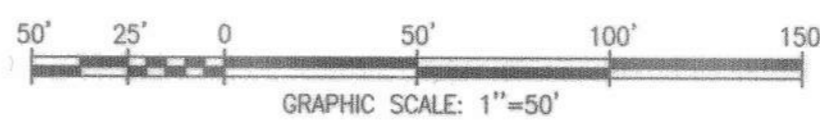
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OF  
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301 N. Mildred Street, Suite 1  
Charles Town, West Virginia 25414  
Phone: (304) 725-8456 Fax: (304) 728-0117 www.wgha.com



**THIS DEED** made this 19<sup>th</sup> day of October, 2015, by and between **ARCADIA COMMUNITIES, L.L.C.**, a Virginia limited liability company, successor by conversion to Arcadia Communities, Inc., a Virginia corporation authorized to do business in West Virginia, hereinafter referred to as GRANTOR; and **ARCADIA INTER VIVOS TRUST**, under a trust agreement dated October 19<sup>th</sup>, 2015, hereinafter referred to as GRANTEE.

**WITNESSETH:** That for and in consideration of the sum of Ten Dollars (\$10.00), the receipt and sufficiency of which is hereby acknowledged, the said Grantor does hereby grant and convey, transfer and set over unto the Grantee, all of its right, title and interest in and to the parcels of real property as described as follows:

**SEE ATTACHED LEGAL DESCRIPTION for PARCELS 1, 2, 3.**

**THIS CONVEYANCE IS MADE SUBJECT TO** all covenants, conditions, restrictions and easements of record or in existence.

**THIS CONVEYANCE IS ALSO MADE SUBJECT TO** the following reservations for non-exclusive easements for the benefit of the GRANTOR, its successors or assigns, and at Grantor's request Grantee shall cause any one or more of the same to be conveyed to a utility or municipal authority within thirty (30) days after such request, or, at Grantee's option, Grantee will assume the operation and maintenance of the facilities located within such easements and cause bonds and sureties posted by Grantor to be replaced so that Grantee is responsible for the same, in which event Grantee will indemnify Grantor from all costs and liabilities arising after such thirty (30) day period until Grantor is fully released from the bonds and all associated liability:

**PARCEL 1:**

1) 15' Sanitary Sewer Easement across Multi-Family Parcel I as shown on the plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC" dated April 9, 2007, revised through November 17, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, and described thereon as "15' San. Sew. Esm't"

2) 15' Sanitary Sewer Easement across SWM Facility Parcel J as shown on the plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC" dated April 9, 2007, revised through November 17, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, and described thereon as "15' San. Sew. Esm't"

3) 15' Sanitary Forcemain Easement across Multi-Family Parcel I and Commercial Lot Parcel H as shown on the plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC" dated April 9, 2007, revised through November 17, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, and described thereon as "15 San. Forcemain Easement"

4) Temporary Access Easement across Commercial Lot Parcel H, Multi-Family Parcel I and SWM Facility Parcel J as shown on the plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC" dated April 9, 2007, revised through November 17, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6

5) Signage Easement on Commercial Lot Parcel H as shown on the plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC" dated April 9, 2007, revised through November 17, 2007, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, and described thereon as "Signage Easement;" Provided, That Grantor and Grantee herein agree that (i) any improvements contained or located within the easement may not be removed., and (ii) the area of such easement may be reduced by Grantee as long as the then-current improvements remain within the reduced easement area.

6) Signage Easement on Parcel G as shown on the plat entitled "Final Plat of Arcadia Development Co" dated April 4, 2007, and revised through November 9, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 5, and described thereon as "Signage Easement ;" Provided, That Grantor and Grantee herein agree that (i) any improvements contained or located within the easement may not be removed, and (ii) the area of such easement may be reduced by Grantee as long as the then-current improvements remain within the reduced easement area.

7) 20' Water Line Easement off Campbell Drive in Parcel F as shown the plat entitled "Final Plat of Arcadia Development Co" dated April 4, 2007, and revised through November 9, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 5.

8) 15' Sanitary Sewer Easement off of Barksdale Drive and on Other Lands of Arcadia Communities, Inc., and part of a 15' Sanitary Sewer Easement across the rear boundary lines of Lots 231 through 239 and on Other Lands of Arcadia Communities, Inc., as shown on Sheet 3 of 4 of a plat entitled "Final Subdivision Plat of Norborne Glebe Phase 5" dated September 9, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 502.

9) 15' Sanitary Sewer Easement, 15' Storm Sewer Easement, 15' Waterline Easement and Storm Sewer Easements off of Candlewood Drive and near the traffic circle surrounding Open Space Parcel C on Other Lands of Arcadia Communities, Inc., as shown on Sheet 4 of 4 of a plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389.

10) 24' Storm Sewer Easement off Courier Drive on Other Lands of Arcadia Communities, Inc., as shown on Sheet 4 of 4 of a plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389.

11) 20' Water Line Easement off Candlewood Drive as shown on Sheet 3 of 4 on a plat entitled "Final Subdivision Plat of Norborne Glebe Phase 3" dated June 19, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 405.

12) Water Line and Sewer Easements across Lot 1A1 as shown on a plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55.

**PARCEL 2:**

1) 20' Berkeley County Public Sanitary Sewer District Easement as shown on as shown on the plat entitled "Re-Plat of Phase 1, Section 1, Yorkshire Glen" dated October 1, 2007, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Book 14 at page 8, and described thereon as "20' B.C.P.S.S.D. Esm't".

2) Berkeley County Public Sanitary Sewer District Pump Station Easement as shown on the plat entitled "Re-Plat of Phase 1, Section 1, Yorkshire Glen" dated October 1, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 14 at page 8, and described thereon as "B.C.P.S.S.D. Pump Station Esm't".


**IN ADDITION TO THE EASEMENTS HEREIN RESERVED**, the following are also reserved to GRANTOR over Parcel 1 and Parcel 2: (i) all utilities, pump stations, roads, water lines, sewer lines, drainage and storm water management facilities, community signage and other facilities that were bonded and/or constructed by Grantor, or which are to be bonded and constructed by Grantor, and which are necessary for the intended use of Grantor's remaining property (such matters are the "Required Elements"), (ii) a reservation of sufficient sewer, water and storm water management capacity from all Required Elements to assure that Grantor will have the capacity necessary to serve the Grantor's remaining property and the intended use thereof, and (iii) all permits, licenses and approvals associated with the Required Elements. The parties hereto acknowledge and agree that in connection with the use and development of the property herein conveyed and the property owned by Grantor and adjacent or in the vicinity of the property herein conveyed, that certain additional easements and dedications may be required. The parties herein agree to cooperate in good faith to grant any such easements and dedications, provided the same do not materially affect the use and development of their respective property and without cost to the party granting such easement or dedication. All easements and dedications shall be on a mutually agreeable form and the parties will negotiate the same in good faith and obtain the consents of any secured lender to the same. This agreement will run with the land and be binding on the parties hereto and their respective successors and assigns.

**DECLARATION OF CONSIDERATION OR VALUE**

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this declaration is appended is not subject to the West Virginia Excise Tax on the Transfer of real estate for the reason that the same is a transfer to an inter vivos trust and therefore exempt under West Virginia Code §11-22-1(4).

WITNESS the following signature and seal:


ARCADIA COMMUNITIES, L.L.C.

BY:  (SEAL)  
Name: BRAD DURGA  
Title: COO

STATE OF WEST VIRGINIA  
COUNTY OF JEFFERSON, to wit:

I, Alice Anne Chakmakian, a Notary Public within and for said County and State, do hereby certify that Brad Durga, COO, whose name is signed to the writing above, bearing date the 19<sup>th</sup> day of October, 2015, for ARCADIA COMMUNITIES, L.L.C., has this day in my said County, before me, acknowledged the said writing to be the act and deed of said Limited Liability Company.

Given under my hand this 19<sup>th</sup> day of October, 2015.  
My commission expires: 9/1/23

(Affix Notary Seal)  
  
Official Seal  
Notary Public, State of West Virginia  
Alice Anne Chakmakian  
C/O Peter L Chakmakian L C  
PO Box 547  
Charles Town WV 25414  
My Commission Expires September 1, 2023

Alice Anne Chakmakian  
Notary Public

THIS INSTRUMENT PREPARED BY: Peter L. Chakmakian, Attorney at Law, P.O. Box 547, Charles Town, West Virginia 25414

## LEGAL DESCRIPTION

### PARCEL 1: NORBORNE GLEBE nka ARCADIA CHASE

The following certain tracts or parcels of real estate with the improvements thereon, and all rights, ways and easements incident thereto, situate in City of Charles Town, Jefferson County, West Virginia, more particularly described as follows:

#### TRACT ONE:

1) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 12, 2007, and revised November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel C-1" Arcadia Development Co., containing 1.89178 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1049 at page 444.

2) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated August 23, 2006, and revised August 30, 2006, November 30, 2006, November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel C-2" Arcadia Development Co., containing 0.36132 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the aforesaid Clerk's Office in Deed Book 1049 at page 457.

3) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 13, 2007, and revised November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel D" Arcadia Development Co., containing 1.62348 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the aforesaid Clerk's Office in Deed Book 1049 at page 449.

4) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Parcel G, containing 2.68361 Acres.

5) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007, and December 20, 2007, entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C.," which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as Parcel H, containing 23.99832 Acres.

AND BEING the same parcels of real estate that were conveyed unto Arcadia Communities, Inc., a Virginia corporation by deed from Arcadia-NG Evitts Run, L.L.C., a West Virginia limited liability company acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-NG Evitts Run, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012 in Deed Book 1105 at page 615.

**TRACT TWO:**

All that certain parcel of real property which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007, and December 20, 2007, entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C., which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as Multi-Family Parcel I, containing 16.51715 Acres.

AND BEING the same real estate conveyed to Arcadia Communities, Inc., a Virginia corporation, by deed from Arcadia-NG Candlewood Drive, L.L.C., a West Virginia limited liability company, acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-NG Candlewood Drive, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012, in Deed Book 1105 at page 608.

**TRACT THREE:**

All that certain parcel of real property which is more particularly bounded and described on a plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC", made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007 and December 20, 2007, which said Plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as SWM Facility, Parcel J, containing 12.16 Acres.

AND BEING the same parcels of real estate that were conveyed unto Arcadia Communities, Inc., a Virginia corporation, by deed from Arcadia-Norborne Glebe, L.L.C., acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-Norborne Glebe, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012, in Deed Book 1105 at page 624.

**TRACT FOUR:**

All those certain lots or parcels of real estate which are more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Residue Area Parcel E, containing 14.04208 Acres and Parcel F, containing 4.41249 acres.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

**TRACT FIVE:**

All that certain tract or parcel of real estate which is more particularly bounded and described according to a survey and plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, and described thereon as, thereon described as Residue Parcel 1A1.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

**TRACT SIX:**

All that certain tract or parcel of real estate which is more particularly bounded and described according to a survey and plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, and described thereon as, thereon described as Residue containing 216.3 acres ±.

LESS AND EXCEPTING FROM THIS TRACT, HOWEVER, the following outsales:

1. Deed to Arcadia-Norborne Glebe, L.L.C., a West Virginia Limited Liability Company, recorded in the aforesaid Clerk's Office in Deed Book 979 at page 389, and by Deed of Correction recorded in the aforesaid Clerk's Office in Deed Book 1044 at page 722 (52.70475 acres).
2. Deed to Arcadia-Norborne Glebe Evitts Run, L.L.C., a West Virginia Limited Liability Company, recorded in Deed Book 1049 at page 454 (Parcel G, containing 2.68361 acres).

AND ALSO LESS AND EXCEPTING FROM THIS TRACT, the following:

3. All those certain lots or parcels of real estate which are more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Parcels E and F.
3. All those certain parcels of real property contained in Phase 2A, Norborne Glebe Subdivision, as shown on the plat entitled "Final Plat of Norborne Glebe Phase 2A" dated April 18, 2006, revised through September 5, 2006, and recorded in the aforesaid Clerk's Office in Plat Book 23 at page 67, and described thereon as Lots 79-83, 88-89, 92-104, inclusive, Burberry Lane, Featherstone Drive and Campbell Drive.
4. All those certain parcels of real property contained in Phase 2, Norborne Glebe Subdivision, as shown on the plat entitled "Final Plat of Norborne Glebe Phase 2" dated May 8, 2006, revised through September 21, 2006, and recorded in the aforesaid Clerk's Office in Plat Book 23 at page 97, and described thereon as Lots 105-110, 140-159, 174-181, inclusive, Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Open Space Parcel D, Casorsa Drive, Seaton Lane, Campbell Drive, Santmyer Way and Candlewood Drive.
5. All those certain parcels of real property contained in Phase 3, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 3" dated June 19, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 405, and described thereon as Lots 90-91, 111-125, 133-139, 160-166, Open Space A, Open Space B, Barksdale Drive, Penticton Way, Stone Lane, Okanagan Drive.
6. All those certain parcels of real property contained in Phase 4, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389, and described thereon as Lots 182-189, 205-218, 240-246, Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Open Space Parcel D, Courier Drive, Casorsa Drive, Tornworth Drive and Candlewood Drive.
7. All those certain parcels of real property contained in Phase 5, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 5"

dated September 9, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 502, and described thereon as Lots 126-132, 167-173, 190-204, 219-239, Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Courier Drive, Okanagan Drive, Graywood Lane and Barksdale Drive.

8. A portion of that certain parcel real property denoted as Residue on the plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, containing 13,127 square feet, more or less, and described as follows:

Beginning at a point along the southerly line of Courier Drive as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389, and being the northeasterly corner of Lot 240 as described thereon; thence with the southerly line of Courier Drive thence SOUTH 78°43'27" EAST 78.61 FEET to a point; thence continuing with the southerly line of Courier Drive as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 5" dated September 9, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 502 SOUTH 78°43'27" EAST 30.78 FEET to a point being the northwesterly corner of Lot 239 as shown on said plat; thence departing Courier Drive and running with the westerly line of Lot 239 SOUTH 11°16'33" WEST 120.00 FEET to the southwesterly corner of Lot 239; thence departing Lot 239 and running through the above referenced Residue NORTH 78°43'27" WEST 109.39 FEET to the southeasterly corner of Lot 240 referenced above; thence with said Lot 240 NORTH 11°16'33" EAST 120.00 FEET to the point of beginning.

TOGETHER WITH a non-exclusive easement across the right of way easements and roads contained in the subdivision shown on the aforementioned plats of phases 2, 2a, 3, 4 and 5 of Norborne Glebe Subdivision for the purpose of ingress and egress between the property and the public road and non-exclusive easements within the sanitary sewer, sewer, storm drain, and waterline easements as shown on the aforesaid plats of phases 1, 2, 2a, 3, 4 and 5 of Norborne Glebe Subdivision for the purpose of the conveyance of storm water, sewer and water in connection with future development of this Parcel 1.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

It is the intention that this TRACT SIX contain all the property to the south of SWM Facility Parcel J as it is shown on the Plat entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C." dated April 9, 2007, revised through November 17, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 6; to the south of the southern boundary of the property depicted on the plats for Phases 4 and 5 of Norborne Glebe Subdivision as shown on the respective plats for these phases and to the south of the parcel described in item 8 of the less and excepting provisions above. The following is a more particular description of the TRACT SIX:

**Beginning** at an iron rod found as shown on a plat by William H. Gordon and Associates, Inc. recorded in the Office of the Clerk of the Jefferson County Court, WV in Plat Book 25, at page 6; thence with eleven (11) lines shown on said plat,

**S 53°11'17" E 80.18'** to an 18" x 5/8" rebar set; thence

**S 76°15'10" E 829.04'** to an 18" x 5/8" rebar set; thence

**S 18°47'53" E 199.75'** to an 18" x 5/8" rebar set; thence

**N 71°12'07" E 70.68'** to an 18" x 5/8" rebar set; thence with a curve to the left,

Chord Bearing = **N 62°58'09" E**, Chord Distance = **481.87-feet**, Radius = **1682.55-feet**,

Arc Length = **483.53-feet**, to an 18" x 5/8" rebar set; thence with a curve to the left,

Chord Bearing = **N 2°25'32" E**, Chord Distance = **39.57-feet**, Radius = **25.17-feet**, Arc Length = **45.52-feet**, to an 18" x 5/8" rebar set; thence,

**N 49°53'08" W 370.03'** to an 18" x 5/8" rebar set; thence with a curve to the left,

Chord Bearing = **N 70°49'04" W**, Chord Distance = **17.86-feet**, Radius = **25.00-feet**, Arc Length = **18.27-feet**, to an 18" x 5/8" rebar set; thence with a curve to the right, Chord Bearing = **N 12°05'14" W**, Chord Distance = **147.57-feet**, Radius = **75.00-feet**, Arc Length = **208.58-feet**, to an 18" x 5/8" rebar set; thence with a curve to the left, Chord Bearing = **N 46°25'04" E**, Chord Distance = **18.05-feet**, Radius = **25.00-feet**, Arc Length = **18.47-feet**, to an 18" x 5/8" rebar set; thence, **N 25°15'27" E 228.06'** to a 5/8" iron rebar & cap set as shown on a plat by Greenway Engineering, Inc. recorded in said Clerk's Office in Plat Book 25, at page 389; thence with three lines as shown on said plat,  
**S 64°44'33" E 100.00'** to a 5/8" iron rebar & cap set; thence,  
**S 63°55'08" E 36.35'** to a 5/8" iron rebar & cap set; thence,  
**S 78°43'27" E 619.72'** to a 5/8" iron rebar & cap set; thence with a new line of division,  
**S 78°43'27" E 109.39'** to a 5/8" iron rebar & cap set as shown on a plat by Greenway Engineering, Inc. and recorded in said Clerk's Office in Plat Book 25, at page 502; thence with five (5) lines shown on said plat,  
**S 78°43'27" E 805.86'** to a 5/8" iron rebar & cap set; thence  
**S 13°38'48" W 6.85'** to a 5/8" iron rebar & cap set; thence  
**S 76°21'12" E 50.00'** to a 5/8" iron rebar & cap set; thence  
**N 13°38'48" E 41.77'** to a 5/8" iron rebar & cap set; thence  
**S 76°21'12" E 154.55'** to an unmarked point in a line shown on a plat by Huntley, Nyce & Associates, Ltd. and recorded in said Clerk's Office in Plat Book 25, at page 55; thence  
**S 14°57'11" W 1636.80'** (distance is shown on previously mentioned plat by Greenway Engineering, Inc. in Plat Book 25, at page 502) to a 5/8" rebar set; thence with fourteen (14) lines shown on said Huntley, Nyce & Associates, Ltd. plat,  
**S 14°21'21" W 1439.82'** to a 5/8" rebar set; thence  
**N 37°36'18" W 1941.74'** to a 5/8" rebar set; thence  
**S 46°12'55" W 113.77'** to a 5/8" rebar set; thence  
**N 52°25'11" W 719.96'** to a 5/8" rebar set; thence  
**S 39°53'45" W 930.74'** to a point (no corner identification on plat); thence  
**N 42°47'30" W 307.02'** to a point (no corner identification on plat); thence  
**N 8°48'52" E 973.25'** to a 5/8" rebar set; thence  
**N 11°11'38" E 88.43'** to a 5/8" rebar set; thence  
**N 17°16'04" E 101.95'** to a 5/8" rebar set; thence  
**N 20°12'45" E 101.93'** to a 5/8" rebar set; thence  
**N 24°49'31" E 101.95'** to a 5/8" rebar set; thence  
**N 29°28'14" E 61.00'** to a 5/8" rebar set; thence  
**N 33°47'00" E 40.99'** to a 5/8" rebar set; thence  
**N 36°48'39" E 79.69'** (bearing is as shown on said Huntley, Nyce & Associates, Ltd. plat in Plat Book 25, at page 55 and distance is as shown on a plat by Appalachian Surveys, Inc. recorded in Plat Book 9, at page 38) to the **point of beginning**, containing an area of **127.19 Acres**, more or less.

With the compilation of the dimensions shown on the record plats, this description does not close geometrically. The closing bearing and distance is **S 88°56'37" E 0.58'**. All corners called for in this description are as shown on the plats of record. No field survey was performed for this description.

**PARCEL 2: YORKSHIRE GLEN nka ARCADIA SPRINGS**

The following certain tracts or parcels of real estate with the improvements thereon, and all rights, ways and easements incident thereto, situate in Arden District, Berkeley County, West Virginia, more particularly described as follows:

**TRACT ONE:**

Beginning at a stake in the middle of the road leading from the iron bridge to Vanclevessville, corner to Jacob Miller's heirs and in a line of John W. Deck; thence with a line of the latter along the middle of the road S. 78 deg. 45' W. 40.6 poles to a stake corner to same; thence with another of her lines N. 1 deg. 15' E. 68.6 poles to a stake corner to same and in a line of William B. Evers; thence with his line N. 83 deg. W. 85.4 poles to a stake, corner to same and

in a line of James Clayton; thence with his lines S. 18 deg. 30' E. 5 poles to a stake; thence with his line in part and finally with Thomas Brannon S. 3 deg. 45' E. 44.1 poles to a point where a large white oak is called for in original (now gone) corner to same; thence with Brannon N. 86 deg. 15' W. 56.2 poles to the center of the Kearneysville Road; thence leaving the original line and running along the center of said road S. 9 deg. 30' W. 27.8 poles; thence S. 20 deg. 30' E. 14.1 poles; thence S. 34 deg. 15' E. 7.7 poles; thence S. 21 deg. 0' E. 12.9 poles to the intersection of the center lines of the Kearneysville and Vanclevessville Roads, it being an original corner; thence with the original line along the center of the Kearneysville road S. 6 deg. 0' E. 50.6 poles to a stake corner to Oden and G. Feller's Heirs and in the road; thence with a line of Feller's Heirs in part and finally with W.M. Vanclevess's Heirs S. 65 deg. 45' E. 94.8 poles to a stake corner to Vancleve's Heirs; thence with their lines S. 82 deg. 0' E. 81.8 poles to a pile of stone; thence N. 0 deg. 45' E. 101.4 poles to a stone corner to Jacob Miller's Heirs; thence with their line N. 14 deg. 0' W. 40.3 poles to the beginning, containing 163 acres, be the same more or less; according to a plat thereof made by Wade Butler and Kesecker, July 28, 1948, attached to and made a part of Deed from Henry J. Seibert and Katherine L. Seibert, his wife, dated the 14<sup>th</sup> day of August, 1948, to which reference is hereby made for a full and complete description of said property,

SAVING AND EXCEPTING THEREFROM, HOWEVER, the following described outsale made by Paige F. Sions and Betty E. Sions, his wife, to Floyd A. Files and Laura Catherine Gregory files, his wife, by deed dated the 25<sup>th</sup> day of July, 1957, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 205, at Page 566, to wit: a certain lot or parcel of real estate, situate, lying and being on the north side of the public road leading from West Virginia Route numbered 9 to the Village of Vanclevessville in Arden District of Berkeley County, West Virginia, consisting of 2 acres more or less and more particularly described as follows: "Beginning at a point in the center line of public road 9/18 and corner to the line of Needy; thence in the center line of said public road, 300 feet in a westwardly direction, and running back of equally width in a northerly direction with the line of Needy and parallel thereto, a distance of 300 feet." And further reference is hereby made to that certain plat of the property prepared by Willard F. Wurzburg, Jr., dated July 5, 1957, and recorded in the aforesaid Clerk's Office in Deed Book 205, at page 567.

AND FURTHER EXCEPTING THEREFROM, HOWEVER, BEGINNING at (1), 5/8 inch capped (Davy) rebar, set, in a line of a 160.9339 acre tract of land now owned by Paige F. Sions and Betty E. Sions (see Deed Book 205, at page 82) of which this tract is a part and in a line of a 3.672 acre tract now owned by Vernon Dodson (see Deed Book 195, at page 97) and being a corner to a 50 foot wide nonexclusive easement (see Note C on Plat No. D95-036). Said rebar is referenced by (I), a fence post, found, which bears 60-11'-07 E. at 699.74 feet; thence with the 160.9339 acre tract of Sions for seven lines and with Dodson's 3.672 acre tract for one line and bounds of said 50-foot wide nonexclusive easement, for two lines and along or near a fence line for line, FIRST COURSE, N. 60 degrees - 46 minutes - 09 seconds W. 100.88 feet to (A) a fence post, found, in line and continue same course with Dodson and continuing with a line of an 0.828 acre tract of land now owned by Daniel Stanley (See Deed Book 296, at Page 330), 557.58 feet to (B), a fence post, found, in line and continue same course 14.68 feet to (C), a 5/8 inch capped (Davy) iron rod, set, in line and continue same course 5.00 feet to (D), a calculated point, in line and a corner of said 0.828 acre tract on the eastern bounds of West Virginia Secondary Route 36/1 [Corner No. D is referenced by (J) a 3 inch pipe over a metal fence post, found, which bears S. 10-46' -01" W. at 273.93 feet] and continue with same course 15.00 feet (in all 71.3.14 feet) to (2), a calculated point in the centerline of West Virginia Secondary Route 36/1 (a 30-foot right-of-way), and at the beginning of a circular curve to the left; thence, with the centerline of said county road

for six lines, SECOND COURSE, with the arc for 55.99 feet (said Curve No. 1's chord bears N 02-33'-01" E. at 55.96 feet) to (E), a calculated point in said curve and being another corner to aforesaid 50-foot wide nonexclusive easement and leaving said easement and continuing with the same curve, with the arc for 2.93 feet (said Curve No. 2's chord bears N. 01-02'-05" W. at 2.93 feet) (in all an arc distance of 58.92 feet and a chord of N. THIRD COURSE, N. 01 degrees – 18 minutes – 25 seconds W. 73.12 feet to (4) a calculated point; thence FOURTH COURSE, N. 02 Degrees – 19 minutes – 39 seconds W. 341.30 feet to (5) a calculated point; thence FIFTH COURSE, N. 01 Degrees – 51 minutes – 45 Seconds W. 184.73 feet to (6) a calculated point; thence SIXTH COURSE, N 02 degrees – 46 minutes -53 Seconds W. 91.74 feet to (7) a calculated point at the beginning of a circular curve to the left; thence SEVENTH COURSE with the arc for 90.95 feet (said Curve No. 3's chord bears N. 09-24'-17" W. at 90.74 feet) to (8) a calculated point at the centerline intersection of West Virginia's Secondary Route 36/1 and West Virginia Secondary Route 9/18; thence, leaving said 160.9339 acre tract and going across and through the 160.9339 acre tract with new division lines for four lines and with the centerline of West Virginia Secondary Route 9/18 for three lines, EIGHTH COURSE, N. 86 Degrees – 25 minutes – 27 seconds E. 192.34 feet to (9), a calculated point at the beginning of a circular curve to the left; thence NINTH COURSE, with the arc for 351.58 feet (said Curve No's 4 chord bears N. 81-17'-05" E. at 351.15 feet to (10) a calculated point; thence, TENTH COURSE, N. 76 Degrees – 23 minutes – 01 seconds E. 75.97 feet to (11), a calculated point; thence, leaving said Route No. 9/18, ELEVENTH COURSE, S. 02 Degrees – 09 minutes – 19 seconds E. 15.00 feet to (F), a 5/8 inch capped (Davy) rebar, set, in line and continue same course, 1197.39 feet to (G), a 5/8 inch capped (Davy) rebar, set, in line and being another corner to the aforesaid 50-foot wide nonexclusive easement and continue same course, 58.57 feet (in all 1270.96 feet) to the point of beginning, containing 14.500 total acres, more or less. Reference is made to a plat made by Ricky C. Davy dated August 29, 1995, and recorded with the deed hereinafter mentioned.

BEING the same real estate that was conveyed unto Arcadia Development Co., a California Corporation, from Marguerite S. Byers, Beverly M. Radcliff, Debra K. Miller Evelyn S. Edwards, Betty Louise Kessell, Kathy Lee Muia and Stephen Frederick Sions, by deed dated January 6, 2005, and recorded in the aforesaid Clerk's Office in Deed Book 788 at page 175.

AND ALSO BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1015 at page 592; and recorded in Deed Book 1018 at page 326, on September 20, 2012.

LESS AND EXCEPTING THEREFROM, HOWEVER, ALL PORTIONS OF THE PROPERTY SOUTH OF W.V. Route 9/18, VAN CLEVESVILLE ROAD, more particularly described as follows:

- 1) All those certain parcels of real property contained in Phase 1, Section 1, Yorkshire Glen, as shown on the plat entitled "Re-Plat of Phase 1, Section 1, Yorkshire Glen" dated October 1, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 14 at page 8, and described thereon as Lots 1 through 20, inclusive, SWM Area, Bolton Court, Liverpool Lane and Aldershot Drive.
- 2) All those certain parcels of real property contained in Phase 1, Section 2A, Yorkshire Glen, as shown on the plat entitled "Re-Plat of Phase 1, Section 2A, Yorkshire Glen" dated October 1, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 14 at page 13, and described thereon as Lots 21 through 104, Lots 131-135, Lots 153 through 162, inclusive, SWM Parcel A, Liverpool Lane, Aldershot Drive, Serpentine Way, Nailsworth Street, Shrewsbury Drive and Oxford Way.

3) All those certain parcels of real property contained in Phase 1, Section 2B, Yorkshire Glen, as shown on the plat entitled “ Final Plat of Phase 1, Section 2B, Yorkshire Glen” dated August 9, 2007 and revised through October 1, 2007, and recorded in the aforesaid Clerk’s Office in Plat Book 14 at page 2, and described thereon as Lots 105 through 130, Lots 136 through 152, Lots 163 through 214, inclusive, SWM Parcel B, OSP A, Oxford Way, Zennor Way, Norfolk Lane and Shrewsbury Drive.

4) All those certain parcels of real property contained in Phase 1, Section 3, Yorkshire Glen, as shown on the plat entitled “Final Plat of Phase 1, Section 3, Yorkshire Glen” dated August 17, 2007 and revised through October 1, 2007, and recorded in the aforesaid Clerk’s Office in Plat Book 14 at page 5, and described thereon as Lots 215 through 255, inclusive, OSP B, OSP C, Oxford Way, Elstow Way and Laxfield Court.

**TRACT TWO:**

All that certain parcel of real property, with the improvements thereon, and all rights, ways and easements incident thereto, situate in the Arden District, Berkeley County, West Virginia, and more particularly described as follows:

Beginning at a point in the center line of public road 9/18 and corner to the line of Needy; thence in the center line of said public road, 300 feet in a westwardly direction, and running back of equal width in a northerly direction with the line of Needy and parallel thereto, a distance of 300 feet. Further reference is hereby made to that certain plat of the property as prepared by Willard F. Wurzburg, Jr., and bearing date of July 5, 1957, a copy of which is recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Deed Book 205 at page 567.

AND BEING the same real estate that was conveyed unto Arcadia Communities, Inc., by deed dated February 29, 2012, and recorded in the aforesaid Clerk’s Office in Deed Book 1002 at page 520.

**TRACT 3:**

All of that certain tract or parcel of real estate, situate in Arden District, Berkeley County, West Virginia, containing 5.91899 acres, as appearing upon a boundary survey prepared by William H. Gordon Associates, Inc., dated July 10, 2006, the same being of record in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Plat Cabinet No. 13, at Slide 48, to which reference is hereby made for a more particular description thereof by metes and bounds.

TOGETHER WITH a right-of-way 12.5 feet in width over, along and upon the northerly part of the lands of the parties of the first part (Spitler), from West Virginia Secondary Route 36/1 to the westerly line of Triggs (1.0468 acre tract), and then by a right-of-way 12 feet in width along the westerly side of Triggs’ tract to point (1) herein (point 1 in a metes and bounds description of a 2.03 acre tract conveyed by Spitler to Davis, DB 284; page 356, hereinafter referred to), for purposes of ingress, egress, and regress; BEING the same right-of-way conveyed by Saylor R. Spitler, et ux., to Ernest E. Davis, et ux., by deed dated January 6, 1975, and recorded in the aforesaid Clerk’s Office in Deed Book No. 284, at page 356; reference is further made to the terms and provisions of a Settlement Agreement between Robert L. Hopkins, et ux., and Michael D. MacDonald, et ux., dated June 8, 1988, and recorded in the aforesaid Clerk’s Office in Deed Book No. 433, at page 428.

BEING the same real estate conveyed to Arcadia Development Co., a California corporation, by Deed dated March 26, 2007, from Capitol Used Auto Parts, Inc., and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 864, at Page 119.

AND ALSO BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1015 at page 592; and recorded in Deed Book 1018 at page 326, on September 20, 2012.

**PARCEL 3: HARVEST HILLS nka ARCADIA DOWNS**

**TRACT ONE:**

All those certain tracts or parcels of real estate with the improvements thereon, situate in Shepherdstown District, Jefferson County, West Virginia, more particularly described as follows:

**PARCEL A:**

Lots 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 26 Harvest Hills, as more particularly designated and described upon a plat entitled "Final Plat showing Lots 1-27 HARVEST HILLS" prepared by Appalachian Surveys, Inc., dated May, 1999, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 17 at pages 45A and 45B.

**PARCEL B:**

Lots 1 and 2 of the William P. Henderson Minor Subdivision as more particularly shown on that plat showing the William P. Henderson Minor Subdivision dated September, 1997, as prepared by Appalachian Surveys, Inc., and recorded in the aforesaid Clerk's Office in Plat Book 15 at page 83. LESS AND EXCEPTING, therefrom Merger Parcel B, consisting of 0.205 acres and Merger Parcel C, consisting of 0.271 acres, as more particularly described in the Deed of Merger dated June 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 927 at page 231. TOGETHER WITH Merger Parcel A, consisting 0.142 acres and Merger Parcel D, consisting of 0.501 acres, as more particularly described in that Deed of Merger dated June 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 927 at page 234.

**AND BEING** the same real estate conveyed unto Arcadia Communities, Inc., by deed from Arcadia-Harvest Hills, LLC, dated February 29, 2012, and recorded in aforesaid Clerk's Office in Deed Book 1105 at page 600.

**TRACT TWO:**

All those tracts or parcels of real estate, lying and being in the Shepherdstown District, Jefferson County, Virginia, situate near Duffields, and more particularly described as follows:

**PARCEL A:**

Being all of "Residue B" containing 45.364 acres, as shown on a plat entitled "Plat of Survey showing Merger Parcels from Property of William P. Henderson" drawn by Appalachian Surveys, Inc., dated May 18, 1999, said plat being recorded in the aforesaid Clerk's Office in Plat Book 15 at page 83, LESS AND EXCEPTING THEREFROM, HOWEVER, the following outsale:

Deed to Arcadia-Harvest Hills, LLC, a West Virginia Limited Liability Company, recorded in the aforesaid Clerk's Office in Deed Book 998 at page 460 (Lots 1-27 Harvest Hills).

**PARCEL B:**

All of the parcel known as Residue A, containing 115.857 acres after merger, as shown on Plat of Survey showing Merger Parcels for property of William P. Henderson, drawn by Appalachina Surveys, Inc., and recorded in the aforesaid Clerk's Office in Plat Cabinet 16, at Slide 69.

**PARCEL C:**

**First Parcel:** Known as the Manning Place, and described as follows according to a survey dated December 3, 1867, recorded in the Office of the Clerk of the County Court of Jefferson County, West Virginia, in Deed Book 2, Page 467, to wit:

Beginning at a stone, corner to Craven Trussell; thence with the said Trussell line N. 46 E. 115 poles crossing Elk Branch to Trussell and Miller's corner; thence with Miller's line N. 30 W. 36.5 poles; thence N. 36 W. 12 poles; thence N. 41 W. 12 poles; thence N. 44 – 30 W. 12 poles; thence N. 48 – 30 W. 12 poles; thence N. 51 – 30 W. 11.5 poles; thence N. 55 – 15 W. 12 poles; thence N. 60 W. 12 poles; thence N. 64 – 30 W. 12.7 poles; thence N. 69 – 45 W. 18 poles; thence N. 76 W. 18 poles to a stone on the south side of the railroad; thence leaving the railroad and running S. 03 – 25 W. 25.1 poles to the original corner of Manning and Duffield, a pile of stone, and the same course continued in all 219.6 poles to a pile of stone in Minor Hurst's line; and thence with the same S. 74 – 41 E. 116.1 poles to the beginning, containing 191 acres, more or less.

SUBJECT TO that certain Right-of-way to Potomac Light and Power Company recorded in the aforesaid Clerk's Office in Deed Book 268 at page 347.

Second Parcel:

Being a part of the Volney Hill Farm, described as follows according to a survey by J. Jas. Skinner, S.J.C., dated March 21, 1927, and of record in the aforesaid Clerk's Office in Deed Book 128 at page 429, to wit:

Beginning at a post (7), a corner to the first parcel and the residue of the Volney Hill Tract; thence with the lines of the first parcel S. 50 – 15 W. 77.4 pole to a post (8); thence N. 70 – 40 W. 95.6 poles to a post (9); thence leaving the first parcel S. 14 – 15 W. 73.1 poles to a post (10) in Michaels' line; thence with his line S. 72-40 E. 129.8 poles to a point at a Hakenberry Tree (11); corner with the residue o the Volney Hill Tract; thence with the latter N. 17 – 15 E. 100.6 poles to a stake (12); thence N. 25-15 E. 35.2 poles to the beginning, containing 65 acres, 0 roods and 32 poles, more or less.

SUBJECT TO the Shepherdstown Light & Water Co., easement recorded in the aforesaid Clerk's Office in Deed book 134 at page 213.

AND BEING the same real estate conveyed unto Arcadia Development Co., a California Corporation, from William P. Henderson by deed dated February 12, 2004, and recorded in the aforesaid Clerk's Office in Deed Book 985 at page 363.

LESS AND EXCEPTING THEREFROM, HOWEVER, the following outsales:

1. Deed to Jefferson County Parks and Recreation Commission, recorded in the aforesaid Clerk's Office in Deed Book 1031 at page 168 (Lot B, School Lot, containing 21.8085 acres)
2. Deed to Mt. Zion AME Church, recorded in the aforesaid Clerk's Office in Deed Book 1031 at page 172 (Lot C, Church Lot, containing 2.00 Acres).

**PARCEL D:**

All those certain parcels of real estate with any improvements thereon and appurtenances thereunto belonging, lying and situate in the Shepherdstown District, Jefferson County, West Virginia, and more particularly bounded and described, according to a survey and plat thereof, entitled "Plat of Resurveys Showing Property of William P. Henderson," dated August 25, 2003, by Appalachian Surveys of West Virginia, LLC and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 at page 71, showing thereon as Lot 16 and 17, and including all of the Grantors right, title and interest in and to the existing right of way shown on said plat as Ex. Elk Street. The property conveyed herein comprises 0.99± access and is identified for property tax purposes as Tax Map 24A Parcels 16 and 17.

**PARCEL E:**

All that certain lot or parcel of real estate, with the improvements thereon and appurtenances thereunto belonging, situate near Duffields Depot in the Shepherdstown Magisterial District, Jefferson County, West Virginia, and designated as Lot 4, containing 0.2500 acres, more or less, on a plat of survey dated January 3, 2007, prepared by Terry Placanica, P.S., entitled "Plat of Resurvey, Property of Bruce Bowers, WB 14 P 251; DB 273 Pg 147, 'Drydensville' Plat – DB 96 PG 395, WB 8 PG 724" which said plat is recorded in the aforesaid Clerk's Office in Plat Book 24 at page 45, to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the parcels hereby conveyed. Reference is also hereby made to a plat of survey of Drydensville originally prepared by Jn. Hess in 1978, a copy of which said plat is attached to, made a part of and incorporated in a deed dated November 21, 1905, from Jonathan E. Burns, et ux., to George S. Houser, recorded in the aforesaid Clerk's Office in Deed Book 96 at page 392.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., by Confirmatory Deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

THIS CONFIRMATORY DEED made this 21<sup>st</sup> day of January, 2016, by and between GARY ENDLER, as Trustee of the ARCADIA INTER VIVOS TRUST under Agreement dated the 19<sup>th</sup> day of October, 2015, hereinafter referred to as GRANTOR, and ARCADIA LAND, INC., a Virginia corporation, hereinafter referred to as GRANTEE.

WHEREAS, Arcadia Land, Inc., a Virginia Corporation, merged with the Arcadia Inter Vivos Trust, an inter vivos trust existing under the State of West Virginia, effective the 19<sup>th</sup> day of October, 2015, with Arcadia Land, Inc., being the surviving entity; and

WHEREAS, this Confirmatory Deed is made to effect and evidence the transfer of title to all real estate and to confirm that title thereto is now vested in Arcadia Land, Inc., by virtue of the merger, and is further made to comply with the requirements of the West Virginia Code.

NOW, THEREFORE, in consideration of the merger and other valuable consideration, the receipt of which are hereby acknowledged, Grantor GRANTS and CONVEYS to Grantee, with covenants of SPECIAL WARRANTY and against all liens and encumbrances, all if its rights, privileges, improvements, rights-of-way and appurtenances thereunto belonging or in anywise appertaining, situate in Jefferson County, West Virginia, and more particularly described as follows:

**SEE ATTACHED LEGAL DESCRIPTION FOR PARCELS 1 AND 2.**

**THIS CONVEYANCE IS MADE SUBJECT TO** all covenants, conditions, restrictions and easements of record or in existence.

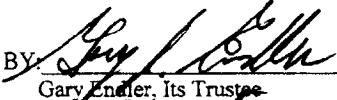

**DECLARATION OF CONSIDERATION OR VALUE**

Under penalties of fine and imprisonment, as provided by law, the undersigned hereby declare that the transfer of real estate included in this document to which this

declaration is appended is a merger of a corporation and an inter vivos trust, and therefore, is exempt from the West Virginia Excise Tax on the Transfer of real estate.

**WITNESS** the following signatures and seals:

Arcadia Inter Vivos Trust

BY:  (SEAL)  
Gary Endler, Its Trustee  


Arcadia Land, Inc.

BY: [Signature] (SEAL)  
Its President

STATE OF Virginia  
COUNTY OF Loudoun to wit:

I, Carla E. Coffey, a Notary Public within and for said County and State, do hereby certify that GARY ENDLER, Trustee, whose name is signed to the writing hereto attached, bearing date the 28<sup>th</sup> day of January, 2016, for ARCADIA INTER VIVOS TRUST, has this day in my said County, before me acknowledged the said writing to be the act and deed of said Inter Vivos Trust.

Given under my hand this 3<sup>rd</sup> day of February, 2016.

My commission expires: November 30, 2018

(Affix Notary Seal)

[Signature]  
Notary Public



NO TITLE EXAMINATION WAS REQUESTED AND NO TITLE EXAMINATION WAS PERFORMED

THIS INSTRUMENT WAS PREPARED BY: Peter L. Chakmakian, Attorney at Law, PO Box 547, Charles Town, WV 25414

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )  
County of Santa Clara )  
On February 4, 2016 before me, Kathleen Schmidt, Notary Public  
Date Here Insert Name and Title of the Officer  
personally appeared Eli Reinhard  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Kathleen Schmidt  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: Commutatory Deed Document Date: 1/28/2016  
Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: Gary Endler

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: Eli Reinhard  
 Corporate Officer — Title(s): President  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer's Name: \_\_\_\_\_  
 Corporate Officer — Title(s): \_\_\_\_\_  
 Partner —  Limited  General  
 Individual  Attorney in Fact  
 Trustee  Guardian or Conservator  
 Other: \_\_\_\_\_

Signer Is Representing: Amada Land, Inc.

Signer Is Representing: \_\_\_\_\_

**LEGAL DESCRIPTION**

**PARCEL 1: NORBORNE GLEBE nka ARCADIA CHASE**

The following certain tracts or parcels of real estate with the improvements thereon, and all rights, ways and easements incident thereto, situate in City of Charles Town, Jefferson County, West Virginia, more particularly described as follows:

**TRACT ONE:**

1) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 12, 2007, and revised November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel C-1" Arcadia Development Co., containing 1.89178 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Deed Book 1049 at page 444.

2) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated August 23, 2006, and revised August 30, 2006, November 30, 2006, November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel C-2" Arcadia Development Co., containing 0.36132 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the aforesaid Clerk's Office in Deed Book 1049 at page 457.

3) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 13, 2007, and revised November 12, 2007, and March 24, 2008, entitled "Plat Showing Boundary Survey of Arcadia Development Co.", thereon described as "Parcel D" Arcadia Development Co., containing 1.62348 Acres, which said survey and plat is attached to and recorded with, and made a part of a deed recorded in the aforesaid Clerk's Office in Deed Book 1049 at page 449.

4) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Parcel G, containing 2.68361 Acres.

5) All that certain lot or parcel of real estate which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007, and December 20, 2007, entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C.," which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as Parcel H, containing 23.99832 Acres.

AND BEING the same parcels of real estate that were conveyed unto Arcadia Communities, Inc., a Virginia corporation by deed from Arcadia-NG Evitts Run, L.L.C., a West Virginia limited liability company acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-NG Evitts Run, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012 in Deed Book 1105 at page 615.

**TRACT TWO:**

All that certain parcel of real property which is more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007, and December 20, 2007, entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C.", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as Multi-Family Parcel I, containing 16.51715 Acres.

AND BEING the same real estate conveyed to Arcadia Communities, Inc., a Virginia corporation, by deed from Arcadia-NG Candlewood Drive, L.L.C., a West Virginia limited liability company, acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-NG Candlewood Drive, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012, in Deed Book 1105 at page 608.

**TRACT THREE:**

All that certain parcel of real property which is more particularly bounded and described on a plat entitled "Final Plat of Arcadia-Norborne Glebe, LLC", made by William H. Gordon Associates, Inc., dated April 9, 2007, and revised April 16, 2007, June 27, 2007, September 14, 2007, October 4, 2007, November 17, 2007 and December 20, 2007, which said Plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 6, thereon described as SWM Facility, Parcel J, containing 12.16 Acres.

AND BEING the same parcels of real estate that were conveyed unto Arcadia Communities, Inc., a Virginia corporation, by deed from Arcadia-Norborne Glebe, L.L.C., acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-Norborne Glebe, L.L.C., and pursuant to an Order of the United States Bankruptcy Court for the Eastern District of Virginia Alexandria Division, dated February 29, 2012, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, on March 20, 2012, in Deed Book 1105 at page 624.

**TRACT FOUR:**

All those certain lots or parcels of real estate which are more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Residue Area Parcel E, containing 14.04208 Acres and Parcel F, containing 4.41249 acres.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

**TRACT FIVE:**

All that certain tract or parcel of real estate which is more particularly bounded and described according to a survey and plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, and described thereon as, thereon described as Residue Parcel 1A1.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

**TRACT SIX:**

All that certain tract or parcel of real estate which is more particularly bounded and described according to a survey and plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, and described thereon as, thereon described as Residue containing 216.3 acres ±.

LESS AND EXCEPTING FROM THIS TRACT, HOWEVER, the following outsales:

1. Deed to Arcadia-Norborne Glebe, L.L.C., a West Virginia Limited Liability Company, recorded in the aforesaid Clerk's Office in Deed Book 979 at page 389, and by Deed of Correction recorded in the aforesaid Clerk's Office in Deed Book 1044 at page 722 (52.70475 acres).
2. Deed to Arcadia-Norborne Glebe Evitts Run, L.L.C., a West Virginia Limited Liability Company, recorded in Deed Book 1049 at page 454 (Parcel G, containing 2.68361 acres).

AND ALSO LESS AND EXCEPTING FROM THIS TRACT, the following:

3. All those certain lots or parcels of real estate which are more particularly bounded and described according to a survey and plat made by William H. Gordon Associates, Inc., dated April 4, 2007, and revised April 20, 2007, June 27, 2007, September 14, 2007, November 9, 2007, and January 4, 2007, entitled "Final Plat of Parcels E, F & G, Norborne Glebe", which said survey and plat is recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 25 at page 5, thereon described as Parcels E and F.
3. All those certain parcels of real property contained in Phase 2A, Norborne Glebe Subdivision, as shown on the plat entitled "Final Plat of Norborne Glebe Phase 2A" dated April 18, 2006, revised through September 5, 2006, and recorded in the aforesaid Clerk's Office in Plat Book 23 at page 67, and described thereon as Lots 79-83, 88-89, 92-104, inclusive, Burberry Lane, Featherstone Drive and Campbell Drive.
4. All those certain parcels of real property contained in Phase 2, Norborne Glebe Subdivision, as shown on the plat entitled "Final Plat of Norborne Glebe Phase 2" dated May 8, 2006, revised through September 21, 2006, and recorded in the aforesaid Clerk's Office in Plat Book 23 at page 97, and described thereon as Lots 105-110, 140-159, 174-181, inclusive, Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Open Space Parcel D, Casorsa Drive, Seaton Lane, Campbell Drive, Santmyer Way and Candlewood Drive.
5. All those certain parcels of real property contained in Phase 3, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 3" dated June 19, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 405, and described thereon as Lots 90-91, 111-125, 133-139, 160-166, Open Space A, Open Space B, Barksdale Drive, Penticton Way, Stone Lane, Okanagan Drive.
6. All those certain parcels of real property contained in Phase 4, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389, and described thereon as Lots 182-189, 205-218, 240-246, Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Open Space Parcel D, Courier Drive, Casorsa Drive, Tornworth Drive and Candlewood Drive.
7. All those certain parcels of real property contained in Phase 5, Norborne Glebe Subdivision, as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 5"

dated September 9, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 502, and described thereon as Lots 126-132, 167-173, 190-204, 219-239. Open Space Parcel A, Open Space Parcel B, Open Space Parcel C, Courier Drive, Okanagan Drive, Graywood Lane and Barksdale Drive.

8. A portion of that certain parcel real property denoted as Residue on the plat entitled "Plat of Correction Norborne-Glebe Phase 1" dated June 18, 2002 and revised through October 29, 2007, and recorded in the Office of the Clerk of the County Commission in Plat Book 25 at page 55, containing 13, 127 square feet, more or less, and described as follows:

Beginning at a point along the southerly line of Courier Drive as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 4" dated June 7, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 389, and being the northeasterly corner of Lot 240 as described thereon; thence with the southerly line of Courier Drive thence SOUTH 78°43'27" EAST 78.61 FEET to a point; thence continuing with the southerly line of Courier Drive as shown on the plat entitled "Final Subdivision Plat of Norborne Glebe Phase 5" dated September 9, 2013, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 502 SOUTH 78°43'27" EAST 30.78 FEET to a point being the northwesterly corner of Lot 239 as shown on said plat; thence departing Courier Drive and running with the westerly line of Lot 239 SOUTH 11°16'33" WEST 120.00 FEET to the southwesterly corner of Lot 239; thence departing Lot 239 and running through the above referenced Residue NORTH 78°43'27" WEST 109.39 FEET to the southeasterly corner of Lot 240 referenced above; thence with said Lot 240 NORTH 11°16'33" EAST 120.00 FEET to the point of beginning.

TOGETHER WITH a non-exclusive easement across the right of way easements and roads contained in the subdivision shown on the aforementioned plats of phases 2, 2a, 3, 4 and 5 of Norborne Glebe Subdivision for the purpose of ingress and egress between the property and the public road and non-exclusive easements within the sanitary sewer, sewer, storm drain, and waterline easements as shown on the aforesaid plats of phases 1, 2, 2a, 3, 4 and 5 of Norborne Glebe Subdivision for the purpose of the conveyance of storm water, sewer and water in connection with future development of this Parcel 1.

AND BEING a part of the real estate that was conveyed unto Arcadia Communities, Inc., a Virginia Corporation from the Arcadia *Inter Vivos* Trust, by deed dated July 23, 2012, and recorded in the aforesaid Clerk's Office in Deed Book 1114 at page 471.

It is the intention that this TRACT SIX contain all the property to the south of SWM Facility Parcel J as it is shown on the Plat entitled "Final Plat of Arcadia-Norborne Glebe, L.L.C." dated April 9, 2007, revised through November 17, 2007, and recorded in the aforesaid Clerk's Office in Plat Book 25 at page 6; to the south of the southern boundary of the property depicted on the plats for Phases 4 and 5 of Norborne Glebe Subdivision as shown on the respective plats for these phases and to the south of the parcel described in item 8 of the less and excepting provisions above. The following is a more particular description of the TRACT SIX:

**Beginning** at an iron rod found as shown on a plat by William H. Gordon and Associates, Inc. recorded in the Office of the Clerk of the Jefferson County Court, WV in Plat Book 25, at page 6; thence with eleven (11) lines shown on said plat,

**S 53°11'17" E 80.18'** to an 18" x 5/8" rebar set; thence

**S 76°15'10" E 829.04'** to an 18" x 5/8" rebar set; thence

**S 18°47'53" E 199.75'** to an 18" x 5/8" rebar set; thence

**N 71°12'07" E 70.68'** to an 18" x 5/8" rebar set; thence with a curve to the left, Chord Bearing = **N 62°58'09" E**, Chord Distance = **481.87-feet**, Radius = **1682.55-feet**, Arc Length = **483.53-feet**, to an 18" x 5/8" rebar set; thence with a curve to the left,

Chord Bearing = **N 2°25'32" E**, Chord Distance = **39.57-feet**, Radius = **25.17-feet**, Arc Length = **45.52-feet**, to an 18" x 5/8" rebar set; thence,

**N 49°53'08" W 370.03'** to an 18" x 5/8" rebar set; thence with a curve to the left,

Chord Bearing = N 70°49'04" W, Chord Distance = 17.86-feet, Radius = 25.00-feet, Arc Length = 18.27-feet, to an 18" x 5/8" rebar set; thence with a curve to the right, Chord Bearing = N 12°05'14" W, Chord Distance = 147.57-feet, Radius = 75.00-feet, Arc Length = 208.58-feet, to an 18" x 5/8" rebar set; thence with a curve to the left, Chord Bearing = N 46°25'04" E, Chord Distance = 18.05-feet, Radius = 25.00-feet, Arc Length = 18.47-feet, to an 18" x 5/8" rebar set; thence, N 25°15'27" E 228.06' to a 5/8" iron rebar & cap set as shown on a plat by Greenway Engineering, Inc. recorded in said Clerk's Office in Plat Book 25, at page 389; thence with three lines as shown on said plat,  
 S 64°44'33" E 100.00' to a 5/8" iron rebar & cap set; thence,  
 S 63°55'08" E 36.35' to a 5/8" iron rebar & cap set; thence,  
 S 78°43'27" E 619.72' to a 5/8" iron rebar & cap set; thence with a new line of division,  
 S 78°43'27" E 109.39' to a 5/8" iron rebar & cap set as shown on a plat by Greenway Engineering, Inc. and recorded in said Clerk's Office in Plat Book 25, at page 502; thence with five (5) lines shown on said plat,  
 S 78°43'27" E 805.86' to a 5/8" iron rebar & cap set; thence  
 S 13°38'48" W 6.85' to a 5/8" iron rebar & cap set; thence  
 S 76°21'12" E 50.00' to a 5/8" iron rebar & cap set; thence  
 N 13°38'48" E 41.77' to a 5/8" iron rebar & cap set; thence  
 S 76°21'12" E 154.55' to an unmarked point in a line shown on a plat by Huntley, Nyce & Associates, Ltd. and recorded in said Clerk's Office in Plat Book 25, at page 55; thence  
 S 14°57'11" W 1636.80' (distance is shown on previously mentioned plat by Greenway Engineering, Inc. in Plat Book 25, at page 502) to a 5/8" rebar set; thence with fourteen (14) lines shown on said Huntley, Nyce & Associates, Ltd. plat,  
 S 14°21'21" W 1439.82' to a 5/8" rebar set; thence  
 N 37°36'18" W 1941.74' to a 5/8" rebar set; thence  
 S 46°12'55" W 113.77' to a 5/8" rebar set; thence  
 N 52°25'11" W 719.96' to a 5/8" rebar set; thence  
 S 39°53'45" W 930.74' to a point (no corner identification on plat); thence  
 N 42°47'30" W 307.02' to a point (no corner identification on plat); thence  
 N 8°48'52" E 973.25' to a 5/8" rebar set; thence  
 N 11°11'38" E 88.43' to a 5/8" rebar set; thence  
 N 17°16'04" E 101.95' to a 5/8" rebar set; thence  
 N 20°12'45" E 101.93' to a 5/8" rebar set; thence  
 N 24°49'31" E 101.95' to a 5/8" rebar set; thence  
 N 29°28'14" E 61.00' to a 5/8" rebar set; thence  
 N 33°47'00" E 40.99' to a 5/8" rebar set; thence  
 N 36°48'39" E 79.69' (bearing is as shown on said Huntley, Nyce & Associates, Ltd. plat in Plat Book 25, at page 55 and distance is as shown on a plat by Appalachian Surveys, Inc. recorded in Plat Book 9, at page 38) to the point of beginning, containing an area of 127.19 Acres, more or less.

With the compilation of the dimensions shown on the record plats, this description does not close geometrically. The closing bearing and distance is S 88°56'37" E 0.58'. All corners called for in this description are as shown on the plats of record. No field survey was performed for this description.

**PARCEL 2: HARVEST HILLS nka ARCADIA DOWNS**

**TRACT ONE:**

All those certain tracts or parcels of real estate with the improvements thereon, situate in Shepherdstown District, Jefferson County, West Virginia, more particularly described as follows:

**PARCEL A:**

Lots 2, 3, 4, 5, 6, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 22, 23, 24 and 26 Harvest Hills, as more particularly designated and described upon a plat entitled "Final Plat showing Lots 1-27 HARVEST HILLS" prepared by Appalachian Surveys, Inc., dated May, 1999, and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 17 at pages 45A and 45B.

**PARCEL B:**

Lots 1 and 2 of the William P. Henderson Minor Subdivision as more particularly shown on that plat showing the William P. Henderson Minor Subdivision dated September, 1997, as prepared by Appalachian Surveys, Inc., and recorded in the aforesaid Clerk's Office in Plat Book 15 at page 83. LESS AND EXCEPTING, therefrom Merger Parcel B, consisting of 0.205 acres and Merger Parcel C, consisting of 0.271 acres, as more particularly described in the Deed of Merger dated June 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 927 at page 231. TOGETHER WITH Merger Parcel A, consisting 0.142 acres and Merger Parcel D, consisting of 0.501 acres, as more particularly described in that Deed of Merger dated June 8, 1999, and recorded in the aforesaid Clerk's Office in Deed Book 927 at page 234.

AND BEING the same real estate conveyed unto Arcadia Communities, Inc., by deed from Arcadia-Harvest Hills, LLC, dated February 29, 2012, and recorded in aforesaid Clerk's Office in Deed Book 1105 at page 600.

**TRACT TWO:**

All those tracts or parcels of real estate, lying and being in the Shepherdstown District, Jefferson County, Virginia, situate near Duffields, and more particularly described as follows:

**PARCEL A:**

Being all of "Residue B" containing 45.364 acres, as shown on a plat entitled "Plat of Survey showing Merger Parcels from Property of William P. Henderson" drawn by Appalachian Surveys, Inc., dated May 18, 1999, said plat being recorded in the aforesaid Clerk's Office in Plat Book 15 at page 83, LESS AND EXCEPTING THEREFROM, HOWEVER, the following outsale:

Deed to Arcadia-Harvest Hills, LLC, a West Virginia Limited Liability Company, recorded in the aforesaid Clerk's Office in Deed Book 998 at page 460 (Lots 1-27 Harvest Hills).

**PARCEL B:**

All of the parcel known as Residue A, containing 115.857 acres after merger, as shown on Plat of Survey showing Merger Parcels for property of William P. Henderson, drawn by Appalachina Surveys, Inc., and recorded in the aforesaid Clerk's Office in Plat Cabinet 16, at Slide 69.

**PARCEL C:**

**First Parcel:** Known as the Manning Place, and described as follows according to a survey dated December 3, 1867, recorded in the Office of the Clerk of the County Court of Jefferson County, West Virginia, in Deed Book 2, Page 467, to wit:

Beginning at a stone, corner to Craven Trussell; thence with the said Trussell line N. 46 E. 115 poles crossing Elk Branch to Trussell and Miller's corner; thence with Miller's line N. 30 W. 36.5 poles; thence N. 36 W. 12 poles; thence N. 41 W. 12 poles; thence N. 44 - 30 W. 12 poles; thence N. 48 - 30 W. 12 poles; thence N. 51 - 30 W. 11.5 poles; thence N. 55 - 15 W. 12 poles; thence N. 60 W. 12 poles; thence N. 64 - 30 W. 12.7 poles; thence N. 69 - 45 W. 18 poles; thence N. 76 W. 18 poles to a stone on the south side of the railroad; thence leaving the railroad and running S. 03 - 25 W. 25.1 poles to the original corner of Manning and Duffield, a pile of stone, and the same course continued in all 219.6 poles to a pile of stone in Minor Hurst's line; and thence with the same S. 74 - 41 E. 116.1 poles to the beginning, containing 191 acres, more or less.

SUBJECT TO that certain Right-of-way to Potomac Light and Power Company recorded in the aforesaid Clerk's Office in Deed Book 268 at page 347.

Second Parcel:

Being a part of the Volney Hill Farm, described as follows according to a survey by J. Jas. Skinner, S.J.C., dated March 21, 1927, and of record in the aforesaid Clerk's Office in Deed Book 128 at page 429, to wit:

Beginning at a post (7), a corner to the first parcel and the residue of the Volney Hill Tract; thence with the lines of the first parcel S. 50 - 15 W. 77.4 pole to a post (8); thence N. 70 - 40 W. 95.6 poles to a post (9); thence leaving the first parcel S. 14 - 15 W. 73.1 poles to a post (10) in Michaels' line; thence with his line S. 72-40 E. 129.8 poles to a point at a Hakenberry Tree (11); corner with the residue o the Volney Hill Tract; thence with the latter N. 17 - 15 E. 100.6 poles to a stake (12); thence N. 25-15 E. 35.2 poles to the beginning, containing 65 acres, 0 roods and 32 poles, more or less.

SUBJECT TO the Shepherdstown Light & Water Co., easement recorded in the aforesaid Clerk's Office in Deed book 134 at page 213.

AND BEING the same real estate conveyed unto Arcadia Development Co., a California Corporation, from William P. Henderson by deed dated February 12, 2004, and recorded in the aforesaid Clerk's Office in Deed Book 985 at page 363.

LESS AND EXCEPTING THEREFROM, HOWEVER, the following outsales:

1. Deed to Jefferson County Parks and Recreation Commission, recorded in the aforesaid Clerk's Office in Deed Book 1031 at page 168 (Lot B, School Lot, containing 21.8085 acres)
2. Deed to Mt. Zion AME Church, recorded in the aforesaid Clerk's Office in Deed Book 1031 at page 172 (Lot C, Church Lot, containing 2.00 Acres).

**PARCEL D:**

All those certain parcels of real estate with any improvements thereon and appurtenances thereunto belonging, lying and situate in the Shepherdstown District, Jefferson County, West Virginia, and more particularly bounded and described, according to a survey and plat thereof, entitled "Plat of Resurveys Showing Property of William P. Henderson," dated August 25, 2003, by Appalachian Surveys of West Virginia, LLC and recorded in the Office of the Clerk of the County Commission of Jefferson County, West Virginia, in Plat Book 23 at page 71, showing thereon as Lot 16 and 17, and including all of the Grantors right, title and interest in and to the existing right of way shown on said

plat as Ex. Elk Street. The property conveyed herein comprises 0.99± acres and is identified for property tax purposes as Tax Map 24A Parcels 16 and 17.

**PARCEL E:**

All that certain lot or parcel of real estate, with the improvements thereon and appurtenances thereunto belonging, situate near Duffields Depot in the Shepherdstown Magisterial District, Jefferson County, West Virginia, and designated as Lot 4, containing 0.2500 acres, more or less, on a plat of survey dated January 3, 2007, prepared by Terry Placanica, P.S., entitled "Plat of Resurvey, Property of Bruce Bowers. WB 14 P 251; DB 273 Pg 147, 'Drydensville' Plat - DB 96 PG 395, WB 8 PG 724" which said plat is recorded in the aforesaid Clerk's Office in Plat Book 24 at page 45, to which said plat reference is hereby made for a more complete and accurate description by metes and bounds of the parcels hereby conveyed. Reference is also hereby made to a plat of survey of Drydensville originally prepared by Jn. Hess in 1978, a copy of which said plat is attached to, made a part of and incorporated in a deed dated November 21, 1905, from Jonathan E. Burns, et ux., to George S. Houser, recorded in the aforesaid Clerk's Office in Deed Book 96 at page 392.

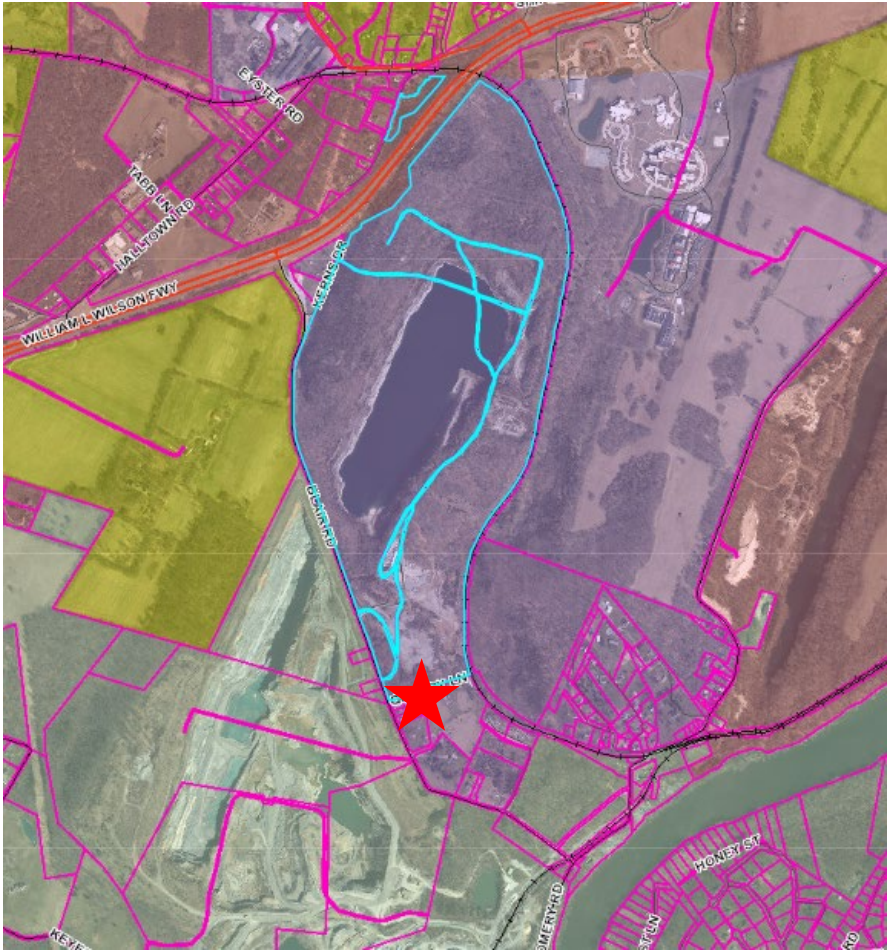
PARCELS 1 AND 2 BOTH BEING a part of the real estate that was conveyed unto Arcadia Inter Vivos Trust, by Deed dated October 19, 2015, and recorded in the aforesaid Clerk's Office in Deed Book 1163 at page 351.



Staff Report  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

**Millville Quarry (CP and SP) Waiver Request (File: 24-2-PCW)**

**Item #6:** Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B that requires a Full Site Plan to allow the proposed Plant to process as a modified Limited Site Plan.

Property Owner:	Millville Quarry, Inc.
Applicant:	Diamond Concrete, LLC / Chris Stiles
Consultant:	P.J. Raco Consulting, LLC / Paul Raco
Parcel Information and Zoning District:	<p>165 Bradstone Lane, Harpers Ferry; Portion of Parcel ID: 04001100220000;          Size: 272.16 acres; Zoning District: Industrial Commercial</p> 
Surrounding Zoning:	<i>North:</i> Residential/Light Industrial/Commercial; <i>West:</i> Residential Growth/Rural; <i>South:</i> Industrial Commercial; <i>East:</i> Industrial Commercial
Proposed Activity	Construction of a new concrete plant near the proposed asphalt plant on a 272+ acre parcel occupied by the Millville Quarry
Approvals related to Concrete Plant:	1/25/24: BZA approved a variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1000' to 400' along the southern property line to allow for the construction of a concrete plant accessory to the quarry operation.

**Millville Quarry (CP and SP) Waiver Request (File: 24-2-PCW)**

**Introduction and Summary of Request**

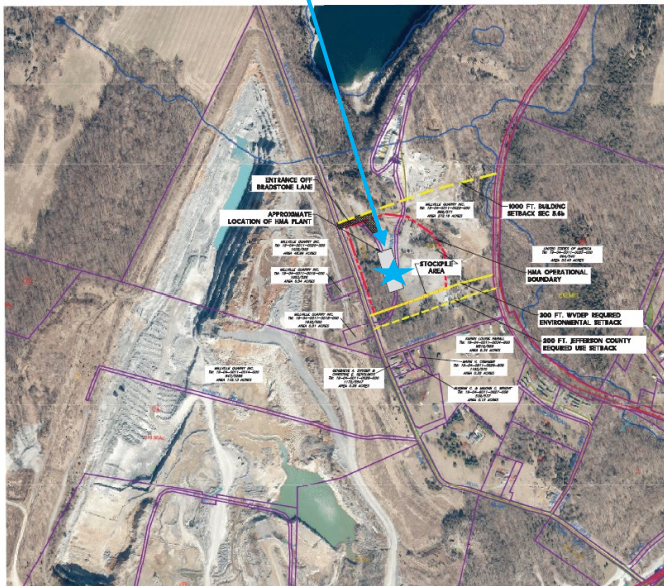
The applicant is requesting two waivers related to the proposed construction of a new concrete plant facility and associated Sea Containers and stockpile areas, accessory to the active Millville Quarry property:

- Waiver of the Concept Plan; and
- Waiver to be permitted to process a Site Plan that is limited in size and scope as described in the application.

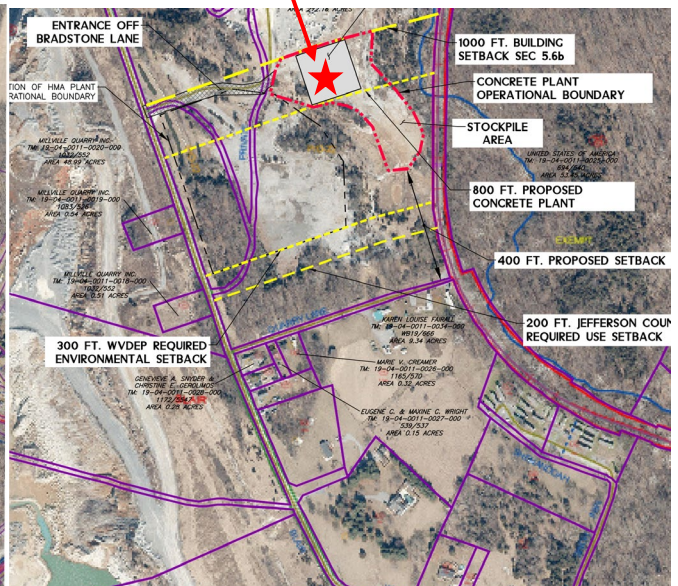
The total “floor area” of the piers for the proposed small redi-mix type concrete plant and hoppers and two Sea Containers is approximately 702 sq. ft. on a leased area totaling 40,000 to 60,000 sq. ft., but combined with the proposed Asphalt Plant that received approval of a waiver of the Concept Plan at the January 24, 2024 Planning Commission meeting, a Concept Plan would be required. Exact dimension of the two plants and their related stockpile areas is not known but would exceed the 5,000 square feet required for a Concept Plan. Both plants have had requested setback variances approved by the Board of Zoning Appeals.

Granting a waiver of the required Concept Plan will allow the applicant to advance to the required Site Plan, which will include documentation of meetings all state and local site development standards prior to approval.

**Proposed Asphalt Plant Location**



**Proposed Concrete Plant Location**



The second waiver request is to allow the applicant to submit a Site Plan that only shows the immediate area around the proposed concrete plant and sea containers (not the entire 250 plus acre site). The applicant proposes to provide topography, Erosion and Sediment Control, setbacks, and a handicap parking spot for the maximum shift of 3 employees, if necessary. The applicant believes that due to the fact that the site has been disturbed by decades of quarry work and the proposed location of the concrete plant consists of compacted aggregate found to be between 18 and 44 inches thick, that most site plan design requirements aren't necessary. The applicant also states that any necessary State approvals will be obtained.

Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Millville Quarry (CP and SP) Waiver Request (File: 24-2-PCW)**

**Background**

Deed research appears to indicate that the subject parcel was used for quarrying stone as early as 1908, when a portion of the property was leased to Blair Limestone Company (DB 102 @ PG 18). Subsequent deeds indicate that various entities subleased the property for quarrying purposes. The current property owner, Millville Quarry, Inc., purchased the property in 1998 (DB 889 @ PG 271).

In 2004, it was determined that a concrete batch plant operation could be established on the subject parcel as an accessory use to the quarry operation. The property owner at the time was granted a variance to reduce the setback along the western property line. The applicant subsequently processed a site plan (File #S04-14) and obtained a building permit/zoning certificate (File #05-116). Based on a site visit conducted by Zoning staff on December 6, 2023, it appears that the concrete batch plant which was constructed in 2004 is still utilized (see staff photo below).

The proposed new concrete plant will be in addition to the proposed asphalt plant that is the subject of the other waiver being considered at this meeting (24-3-PCW). The Board of Zoning Appeals has approved a variance to reduce the distance requirement from 1,000' to 300' along the southern property line for the proposed asphalt plant and from 1000' to 400' along the southern property line for the proposed concrete plant.

Existing concrete batch plant located on subject parcel.  
Applicant states this plant is used to cast concrete pavers and other concrete products.



**Waiver Requirements**

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers,

**Millville Quarry (CP and SP) Waiver Request (File: 24-2-PCW)**

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.

The applicant has addressed these criteria in their application and have noted that these two waiver requests provide public notice related to the project and that the proposed modified Site Plan will address any required standards and requirements as determined by the waiver request.

**Staff Comments/Recommendation**

a. Concept Plan Waiver:

Staff concurs that the waiver of the Concept Plan will not impact the design of the project and is not a request to vary any standards or requirements found in the Subdivision Regulations.

The purpose of the Subdivision and Land Development Regulations is to “facilitate the County Government’s review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts.” This waiver request is not a request to vary any of the Regulations or standards other than to waive the required Concept Plan and allow the applicant to proceed with the required Site Plan.

Staff recommends that it is reasonable to grant the waiver of a Concept Plan on this land that has been the site of an active quarry and related accessory uses and therefore disturbed over the decades. If approved, the applicant will then move forward with a Full Site Plan and all required permits and state and local approvals.

b. Modified Limited Site Plan Waiver:

Based on the square footage discussed in the PPC meetings, the combined concrete and asphalt projects meet the Minor Site Development process with a Concept Plan and require a Full Site Plan because of the size of the building/structure. The applicant is requesting for the concrete and asphalt plants to be permitted to provide a Limited Site Plan with conditions. Engineering agrees with the applicant providing a Limited Site Plan instead of a Full Site Plan, because the site exists as impervious. Therefore, there is no substantial changes in SWM exist between the two. However, having conditions to any site plan may lead to unforeseen confusion between staff and the applicant as to what is required.

Staff recommends that the Planning Commission do one of two things:

- Approve the waiver for the applicant to provide a Limited Site Plan instead of a Full Site Plan with no conditions; or

Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Millville Quarry (CP and SP) Waiver Request (File: 24-2-PCW)**

- If the Commission is inclined to agree with the conditions requested by the applicant, staff would recommend that a “No Site Plan” sketch be required and that the applicant shall include the conditions suggested in the waiver in the “No Site Plan” submission, which will exceed what we usually require.

This eliminates the confusion of what is require with a Limited Site Plan with conditions compared to meeting all the requirements of either a standard Limited Site Plan or the No Site Plan and the applicant will be providing more information than typically needed for a No Site Plan. This allows the County to have accurate records of what is happening on the site.



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 #: 24-2-PCW  
 Mtg Date: 2/13/2024  
 Date Rec'd: 1/23/2024  
 Fees Paid: \$100  
 Staff Int: ME  
 List of Adjoiners:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Millville Quarry, Inc  
 Mailing Address: 6211 N Ann Arbor Road, Dundee, MI 48131  
 Phone Number: c/o Joe 540/450-0180 Email: kjknechtel@potesta.com

**Applicant Contact Information**

Applicant Name: Chris Stiles Same as owner:   
 Business Name: Diamond Concrete, LLC  
 Mailing Address: 1234 Myerstown Road, Charles Town, WV 25414  
 Phone Number: c/o Joe 540/450-0180 Email: \_\_\_\_\_

**Consultant Information**

Name: Joe Knechtel, P.E. P.J. Raco Consulting, LLC  
 Business Name: Potesta and Associates, Inc  
 Mailing Address: 15 S Braddock Street, Winchester, VA 22601  
 Phone Number: 540/450-0180 Email: kjknechtel@potesta.com

**Physical Property Details**

Physical Address: Corner of Bradstone Lane and Blair Road 164 Bradstone Lane Vacant Lot:   
 Tax District: Harpers Ferry District Map No: 11 Parcel No: 25425  
 Parcel Size: 272 +- Acres Deed Book: 889 Page No: 271  
 Zoning District: Industrial Commercial

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

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

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

Section 20.203A.2.a. Concept Plan

Section 20.203B. Site Plan to provide limited that addresses the listed items in description.

**Briefly Describe the Nature of Your Waiver Request:**

See Attached

**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

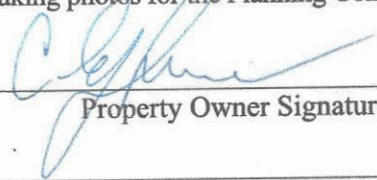
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

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.

	12/20/23		
Property Owner Signature	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.

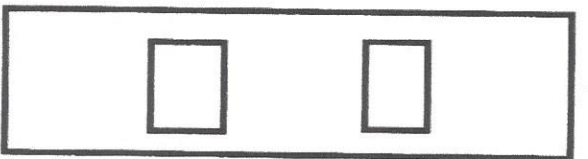
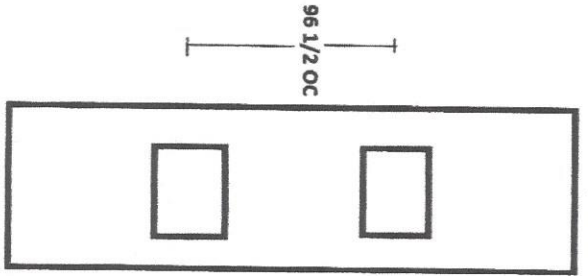
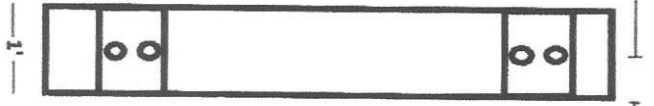
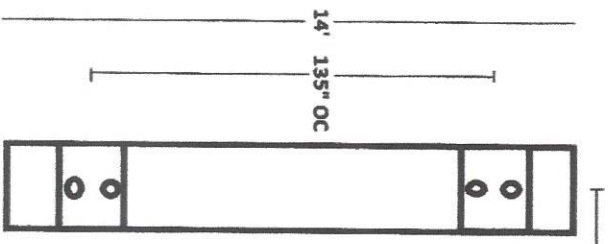
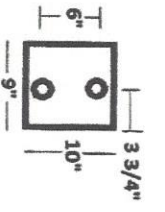
Public Hearing Date	Date Placard Posted	Date Adjoiners Mailed
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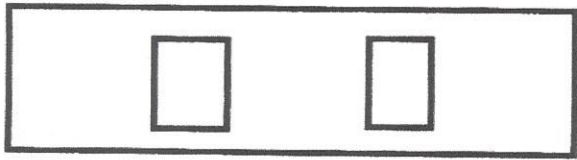
**Planning Commission Determination**

Approved

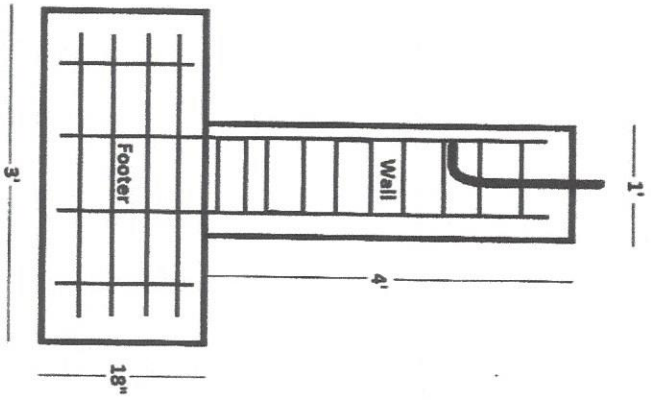
Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

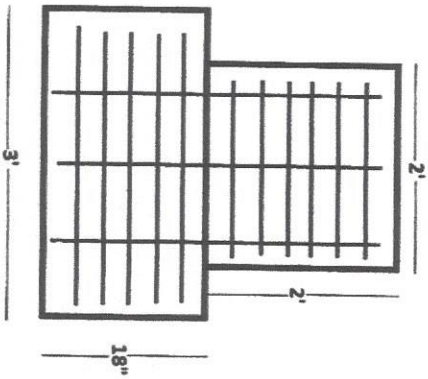




Wall Sectional



Hopper Foundation



Millville Quarry, Inc  
Diamond Concrete, LLC  
Blair Road and Bradstone Lane  
Jefferson County Subdivision Ordinance  
Waiver from Section 20.203A.2.a Concept Plan  
Waiver from Section 20.203B Limited Site Plan as Described  
January 19, 2024

**Brief Description:**

The Applicant owns approximately 2000 acres in the Blair/Rt 340/Millville/Route 9 Area. This particular parcel is approximately 272 acres. These parcels have been used for Quarrying and various asphalt and concrete plants/facilities over the course of over 100 years. The Staff has traced leases on this property back to the early 20<sup>th</sup> Century. The Paving Plant from the last meeting will be located on this site, as well. This request for the small Redi-Mix type Concrete Plant (total sq ft of piers for the plant and hoppers (touching ground) = approximately 62 Sq. Ft.) and two 8' x 40' Sea Containers totaling 640 sq. ft. (total for piers, hopper, and Sea Containers is 702 sq. ft.) is to waive the Concept Plan and Site Plan. The ordinance appears to require a Concept Plan, and because of the addition of the Asphalt Plant, a Site Plan even though the Concrete Plant is actually less than the minimum required to trigger the need for a Site Plan AND isn't adding newly developed impervious surface. The proposal is to put in what is normally called a temporary plant in an area that had one or two of these types of plants in the past. There is an existing 400 square foot slab where the framework of the actual plant and the two sea containers will be located within the approximate 40,000 to 60,000 sq. ft. leased area for the operation. This area, along with the area of the Concrete Plant is located on compacted aggregate that has been tested in various locations on the site at between 18 and 44 inches deep. This Plant will meet all of the Current State requirements and will be processing the Clean Air Permit with the WVDEP. The NPDES Permit existing for the Quarry covers this area of the property for discharge. The site has also been used in the past for temporary batch plants and concrete operations during the construction of various State Highway Projects including the new Route 9 and Route 340.

Typically, the Ordinance exempts industrial projects from Concept Plans if they are located in an existing Business/Industrial Park. In this case, the quarry and the operation of the subsidiary, accessory, and satellite industries/uses have been functioning in this area as one of the oldest Industrial areas in the County. The Comprehensive Plan recognizes this area as the Quarry and the Zoning Map particularly recognizes this parcel as Industrial/Commercial. This specific location on this property has been bored in 5 different areas and the compacted aggregate is found to be between 18 and 44 inches thick, demonstrating that this area has been utilized as a part of the active industrial and accessory operations for years. The Applicant has begun the DEP Permitting process for the Clean Air Permit and cannot move forward without State DEP approval if they deem it necessary. Since Stormwater Management already exists for the quarry which has DEP approval, and no newly developed impervious surfaces are proposed, no further stormwater management (water quality or quantity) is proposed for this project.

Accordingly, the Applicant respectfully asks the Planning Commission to grant the Waivers to allow the small concrete (Redi-mix style) to continue without the Concept Plan and limited Site Plan that only shows the immediate area around the improvements (not the entire 250 plus acre site) including topography, Erosion and Sediment Control, if necessary, setbacks, and a handicap parking spot for the maximum shift of 3 employees if necessary. This will allow the County to maintain a record of what exists on the site. Furthermore, any necessary State approvals will be obtained and standing alone, it technically meets the intent of the site plan (and therefore Concept Plan) exemption.

Millville Quarry, Inc  
Diamond Concrete, LLC  
Blair Road at Bradstone Lane  
Request for Waiver  
Jefferson County Subdivision Ordinance  
Section 20.203A.2.a Concept Plan  
Section 20.203B Limited Site Plan to Include as Described  
January 23, 2024

**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;*

This is a privately maintained property and the site pays considerable taxes and benefits to the State and County. The operation of Concrete at the source of mineral extraction only makes sense from the logistic and services aspect of the operation. The County benefits from the traffic being concentrated in the area where the mineral extraction and operation of the quarry. Historically, this area has been for this use and accessory uses associated with quarrying. It has been recognized in the Comprehensive Plan as the area for a Quarry and the State Code protects the complete use of the natural resources associated with this operation. All necessary State and Local permits will be obtained. There will be no newly developed impervious surface added. All improvements will be on areas that the county considers impervious.

This redi-mix style plant replaces previous temporary concrete plants that have been in the area. There is already a main entrance road to the site that has an apron and a proper access road that serves the existing Bradstone Plant. SWM is already provided for the quarry as a whole and the DEP Clean Air Permit will be provided if necessary, at the State level.

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;*

If the waiver is granted, it will have absolutely no adverse effect on public health, safety or welfare since the project will still need to comply with any applicable requirements of the State as an operating and permitted quarry. This entire area is approved to be quarried and is permitted through the State. Also, there is no planned addition of newly developed impervious surface.

The waiver will not adversely affect the neighbors since the use is a permitted use for this area. Neither the Concept Plan nor the Site Plan are prohibitive steps, and the purpose of an Ordinance is still being fulfilled with the processing of necessary State permits. The Comprehensive Plan and Future Land Use Map identifies this area for this type of use. Concept Plans are not normally required in areas approved for Industrial development and in Business Parks, and site plans are not usually required for facilities going on top of existing impervious area. The facility will already have been acted on for approval of the location in this area by the BZA from the standpoint of setbacks from neighboring properties. The request is to provide a site layout prepared by Potesta only in the area of the improvement showing topography, setbacks, Erosion and Sediment Control, if necessary, and handicap parking as needed.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

*The purpose of the Concept Plan is to ensure potential compliance with the regulations and notification to the adjoining property owners and agencies. The Applicant has already received the DEP Clean Air Permit and the site was posted for this application and the BZA application. The Ordinances and Comprehensive Plan allow the use and the existing impervious nature of the site and the fact that the existing access and SWM facilities are already addressed on site. So, the intent is preserved with the waiver of a Concept Plan and limited site plan as described. This is especially true, since this is a recognized industrial area of the County, and previous concrete plants and asphalt plants have been on the quarry properties through the years. The active quarry operation and the existence of accessory uses such as concrete and asphalt facilities have been long found in this area of Jefferson County. This is the logical place for these facilities. Most of these types of uses are temporary in nature since the quarrying operation will always take precedence when the subject sites are needed for quarrying.*

As such, the Applicant believes that the Intent and Purpose of the Ordinance supports the waivers since the Ordinances already allows this facility to process and locate on the site. Additionally, the Comprehensive Plan endorses this area for quarrying and accessory, or redevelopment uses. Finally, the County has long recognized that the expansion and satellite operations for mineral extraction, use of natural resources, manufacturing and industry are protected and provided for under 8A-7-10 of the WV State Code, as amended.

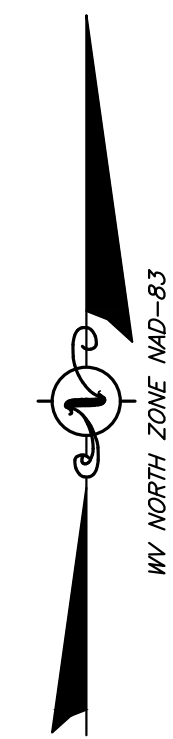
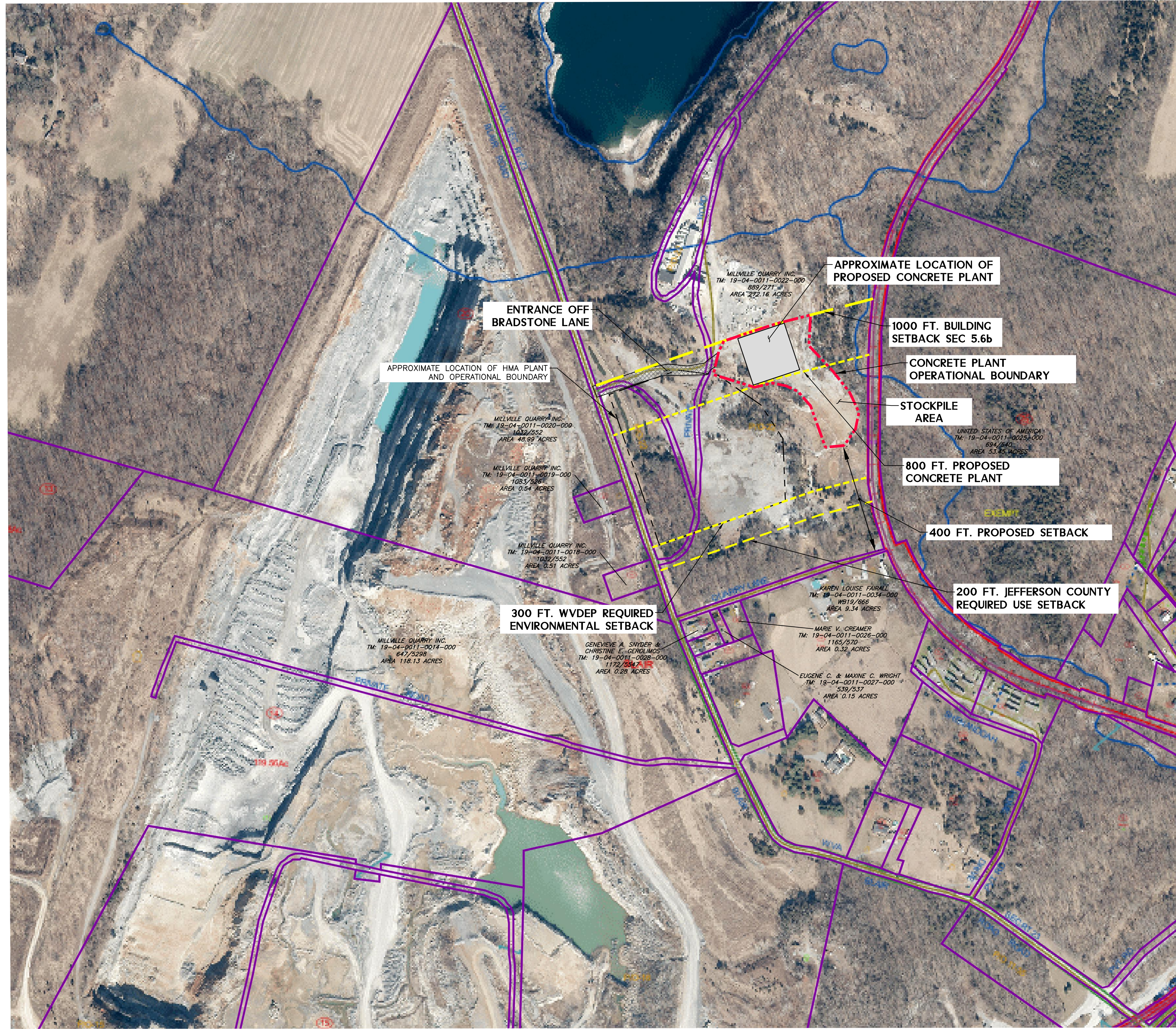
4. *Explain how the waiver, if granted, will result in a project of better quality and/or character;*

The development of this area of the Quarry is a logical location since there is already an existing operation (Bradstone), with an existing access road and existing extensive SWM facilities. Additionally, no newly developed impervious surface will be added. The location of concrete and asphalt operations in the neighborhood of quarrying operations makes sense for the County since it concentrates the uses in an area already recognized for quarrying in the Comprehensive Plan and the State Code allows for these uses and the location of satellite manufacturing and industrial operations in the County where they existed. The Staff has traced leases back to the early 20<sup>th</sup> century for this property for these uses.

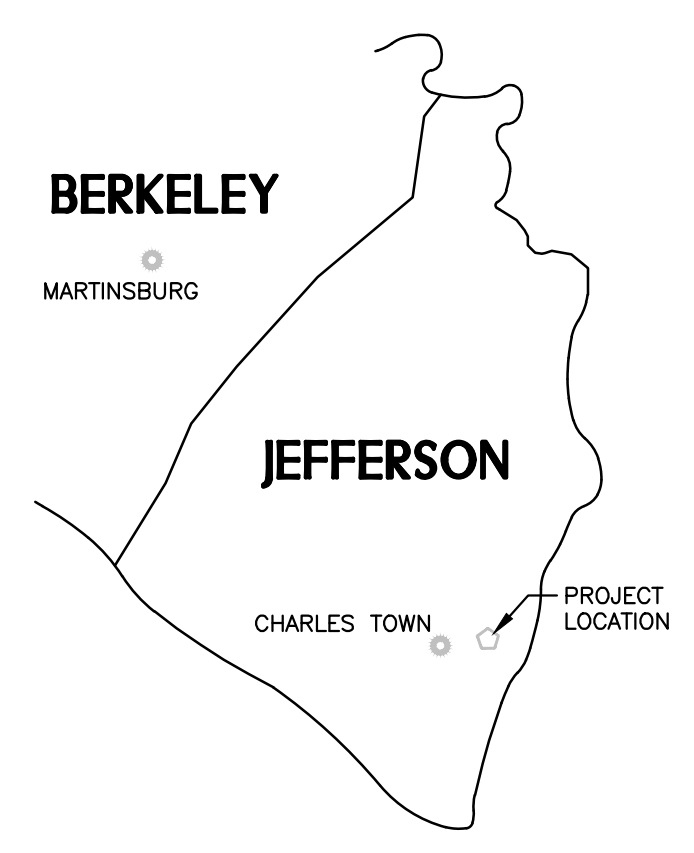
Based on the above, the Applicant respectfully requests that the Planning Commission grant the waivers from Concept Plan and the limited Site Plan as requested. Thank you.



FILE: T:\2023\23-0343- DIAMOND CONCRETE, LLC - MAJOR AND SITE DEVELOPMENT, JEFFERSON, CO, VA\SKETCH-PLANS\23-0343\_SKETCH.dwg  
 Plot Date/Time: Dec 28, 2023 - 11:22am  
 Plot Scale: as shown

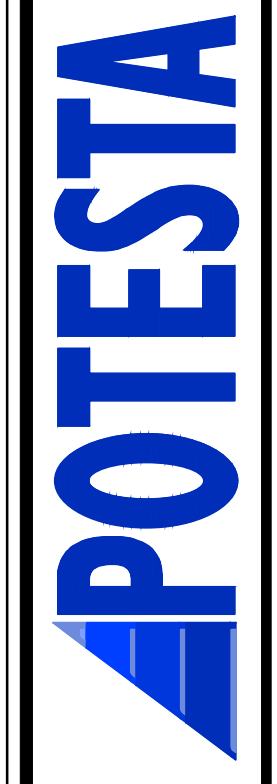


No.	Date	Eng.	Revision



SKETCH PLAT  
 CAD File No.  
 POTESTA  
 Drawn  
 POTESTA  
 Checked  
 POTESTA  
 Approved  
 NOTED  
 Scale:  
 DECEMBER 2023  
 Date:  
 23-0343  
 Project No.

POTESTA & ASSOCIATES, INC.  
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
 15 South Broadleaf St., Winchester, VA 22601  
 TEL: (540) 400-0100 FAX: (540) 400-0186  
 E-Mail: Address: potestapepotesta.com

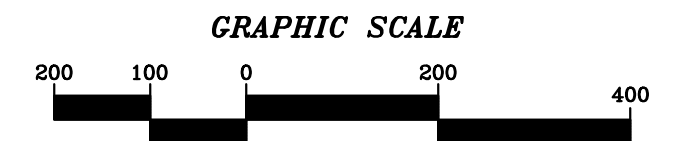


Client  
 DIAMOND CONCRETE, LLC  
 111 SOLDIERS LANE  
 BERRYVILLE, VIRGINIA 22611

Title  
 SKETCH PLAT  
 PROPOSED CONCRETE PLANT LOCATION  
 JEFFERSON CO., WEST VIRGINIA

1  
 Drawing No.

ISSUE DATE: 12/28/2023



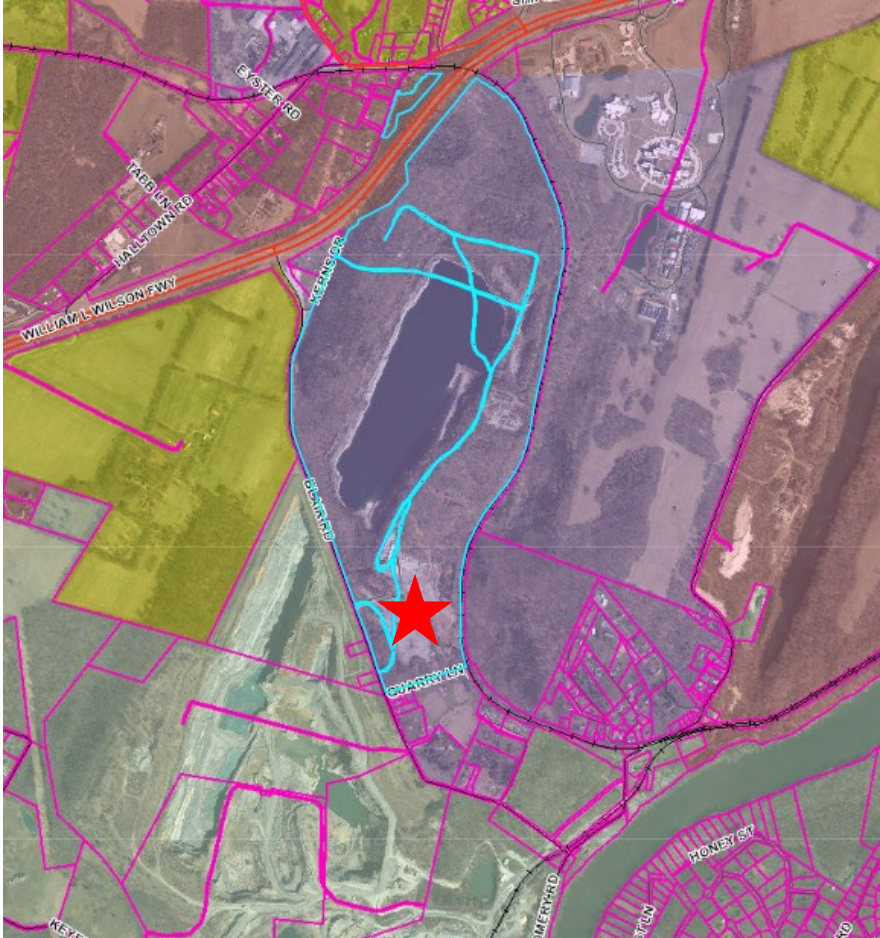
SCALE: 1"=200'  
 SKETCH PLAT



Staff Report  
 Jefferson County Planning Commission Meeting  
 February 13, 2024

**Millville Quarry-WL Paving Asphalt Plant (SP) Waiver (File: 24-3-PCW)**

**Item #7:** Waiver from Section 20.203B of the Subdivision Regulations that requires a Full Site Plan to allow the proposed Asphalt Plant to process as a modified Limited Site Plan.

Property Owner:	Millville Quarry, Inc.
Applicant:	W-L Construction and Paving, Inc, Mike Thomas
Consultant:	P.J. Raco Consulting, LLC / Paul Raco
Parcel Information and Zoning District:	<p>165 Bradstone Lane, Harpers Ferry; Portion of Parcel ID: 04001100220000;          Size: 272.16 acres; Zoning District: Industrial Commercial</p> 
Surrounding Zoning:	<p><i>North:</i> Residential/Light Industrial/Commercial; <i>West:</i> Residential Growth/Rural;  <i>South:</i> Industrial Commercial; <i>East:</i> Industrial Commercial</p>
Proposed Activity	Construction of a new asphalt plant and associated stockpile on a 272+ acre parcel occupied by the Millville Quarry.
Approvals:	<p>1/24/24: PC approved a waiver from Section 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant.</p> <p>12/14/23: BZA approved a variance request from Section 5.6B to reduce the distance requirement from 1,000' to 300' along the southern property line for this asphalt plant (File #23-38-ZV).</p>

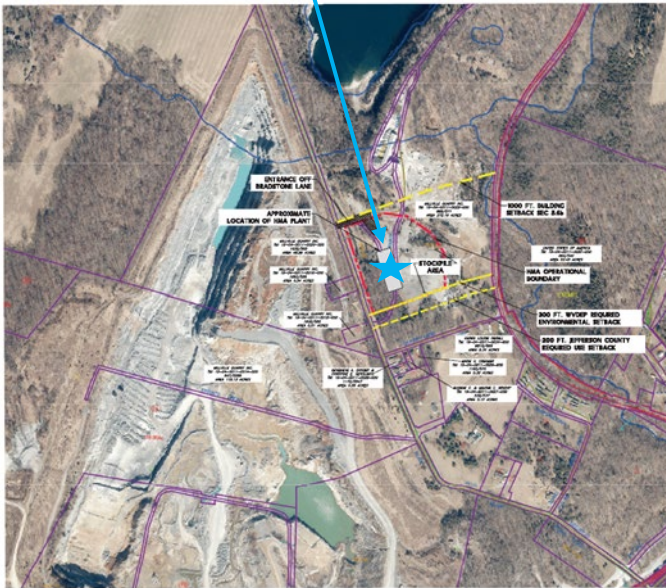
**Millville Quarry-WL Paving Asphalt Plant (SP) Waiver (File: 24-3-PCW)**

**Introduction and Summary of Request**

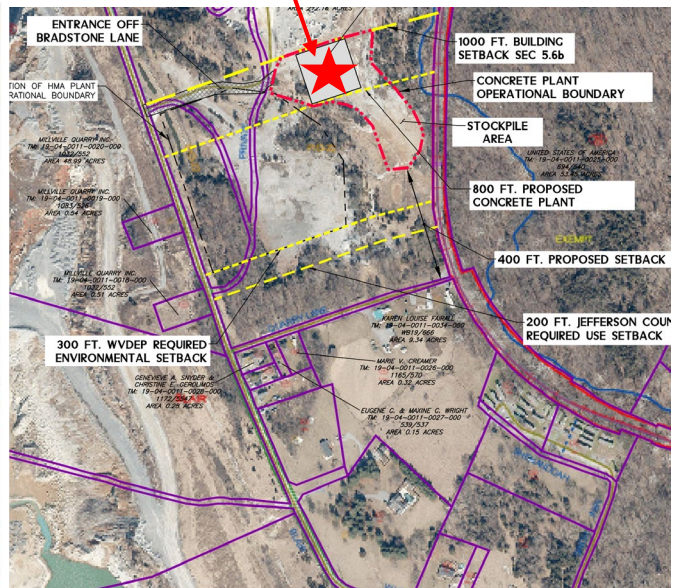
The applicant is proposing to locate a new Asphalt Plant on the Millville Quarry Property as shown in the Exhibit below. This plant is proposed to replace an existing asphalt plant currently located on another portion of the Millville Quarry property. Exact dimensions of the asphalt facility and stockpile areas have not been determined but the estimated square footage of the proposed asphalt facility is 100,000 square feet. Including the stockpile areas, it is anticipated that approximately 300,000 square feet of area will be utilized in the proposed project. At the January 2024 Planning Commission meeting, the applicant received approval of a waiver of the Concept Plan for this new Asphalt Plant, which allows the applicant to advance to the required Site Plan, which will include documentation of meetings all state and local site development standards prior to approval.

The Exhibit also shows the proposed location of a new Concrete Plant to be located on the same parcel which is the subject of a similar waiver request.

**Proposed Asphalt Plant Location**



**Proposed Concrete Plant Location**



The Applicant is now requesting that the Planning Commission grant a Waiver to allow the new Asphalt Plant to process a modified Limited Site Plan rather than a Full Site Plan. The applicant proposes that the Limited Site Plan only be required to show the immediate area around the improvements (not the entire 270 plus acre site) including topography, Erosion and Sediment Control, setbacks, and a handicap parking spot for the maximum shift of employees. Like the Concrete Plant waiver application, the applicant believes that due to the fact that the site has been disturbed by decades of quarry work and the proposed location of the concrete plant consists of compacted aggregate found to be between 18 and 44 inches thick, that most site plan design requirements aren't necessary. The applicant also states that any necessary State approvals will be obtained.

**Background**

Deed research appears to indicate that the subject parcel was used for quarrying stone as early as 1908, when a portion of the property was leased to Blair Limestone Company (DB 102 @ PG 18). Subsequent

Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Millville Quarry-WL Paving Asphalt Plant (SP) Waiver (File: 24-3-PCW)**

deeds indicate that various entities subleased the property for quarrying purposes. The current property owner, Millville Quarry, Inc., purchased the property in 1998 (DB 889 @ PG 271).

In 2004, it was determined that a batch plant operation could be established on the subject parcel as an accessory use to the quarry operation. The property owner at the time was granted a variance to reduce the setback along the western property line. The applicant subsequently processed a site plan (File #S04-14) and obtained a building permit/zoning certificate (File #05-116). Based on a site visit conducted by Zoning staff on December 6, 2023, it appears that the batch plant which was constructed in 2004 is still utilized.

The applicant represents that the proposed new asphalt plant will replace an existing, now outdated (though still operational) asphalt facility located on a separate parcel owned by Millville Quarry, Inc. The proposed new asphalt plant will be in addition to the proposed concrete plant that is the subject of the other waiver being considered at this meeting (24-2-PCW). The applicant has indicated that once the new asphalt plant facility is constructed, the applicant has stated that the existing asphalt plant will be abandoned. The Board of Zoning Appeals has approved a variance to reduce the distance requirement from 1,000' to 300' along the southern property line for the proposed asphalt plant and from 1000' to 400' along the southern property line for the proposed concrete plant.

**Waiver Requirements**

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, 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.

The applicant has addressed these criteria in their application and have noted that this waiver request provides public notice to the project and that the Site Plan will address all standards and requirements.

**Staff Comments/Recommendation**

As noted in the discussion of the previous waiver (24-2-PCW) and based on the square footage discussed in the PPC meetings, the combined concrete and asphalt projects meet the Minor Site Development process with a Concept Plan and require a Full Site Plan because of the size of the building/structure. The applicant is requesting for the concrete and asphalt plants to be permitted to provide a Limited Site Plan with conditions. Engineering agrees with the applicant providing a Limited Site Plan instead of a Full Site Plan, because the site exists as impervious. Therefore, there is no substantial changes in SWM exist between the two. However, having conditions to any site plan may lead to unforeseen confusion between staff and the applicant as to what is required.

Staff recommends that the Planning Commission do one of two things:

Staff Report  
Jefferson County Planning Commission Meeting  
February 13, 2024

**Millville Quarry-WL Paving Asphalt Plant (SP) Waiver (File: 24-3-PCW)**

- Approve the waiver for the applicant to provide a Limited Site Plan instead of a Full Site Plan with no conditions; or
- If the Commission is inclined to agree with the conditions requested by the applicant, staff would recommend that a “No Site Plan” sketch be required and that the applicant shall include the conditions suggested in the waiver in the “No Site Plan” submission, which will exceed what we usually require.

This eliminates the confusion of what is require with a Limited Site Plan with conditions compared to meeting all the requirements of either a standard Limited Site Plan or the No Site Plan and the applicant will be providing more information than typically needed for a No Site Plan. This allows the County to have accurate records of what is happening on the site.



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 #: 24-3-PCW  
 Mtg Date: 2/13/24  
 Date Rec'd: 1/23/24  
 Fees Paid: \$100  
 Staff Int: ME  
 List of Adjoiners:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: Millville Quarry, Inc  
 Mailing Address: 6211 N Ann Arbor Road, Dundee, MI 48131  
 Phone Number: c/o Joe 540/450-0180 Email: kjknechtel@potesta.com

**Applicant Contact Information**

Applicant Name: Mike Thomas Same as owner:   
 Business Name: W-L Paving and Contracting, LLC  
 Mailing Address: 175 John J Thomas Way, Charles Town, WV 25414  
 Phone Number: c/o Joe 540/450-0180 Email: \_\_\_\_\_

**Consultant Information**

Name: Joe Knechtel, P.E. P.J. Raco Consulting, LLC  
 Business Name: Potesta and Associates, Inc  
 Mailing Address: 15 S Braddock Street, Winchester, VA 22601  
 Phone Number: 540/450-0180 Email: kjknechtel@potesta.com

**Physical Property Details**

Physical Address: Corner of Bradstone Lane and Blair Road 164 Bradstone Lane Vacant Lot:   
 Tax District: Harpers Ferry District Map No: 11 Parcel No: 25425  
 Parcel Size: 272 +- Acres Deed Book: 889 Page No: 271  
 Zoning District: Industrial Commercial

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

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

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

Section 20.203B Site Plan to provide limited Site Plan as described

**Briefly Describe the Nature of Your Waiver Request:**

See Attached

**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.



11/17/2023

Property Owner Signature

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**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_

Millville Quarry, Inc  
W-L Construction and Paving, Inc  
Jefferson County Subdivision Ordinance  
Waiver from Section 20.203B Limited Site Plan as Described

**Brief Description:**

The Property is part of the Millville Quarry Inc property which owns approximately 2000 acres in the Blair/Rt 340/Millville/Route 9 Area. This particular parcel is approximately 272 acres. As previously discussed, these parcels have been used for Quarrying and various asphalt and concrete plants/facilities over the course of over 100 years. This is the same proposed Paving Plant from the last meeting that was discussed and granted a waiver for the Concept Plan. After the Waiver for Concept Plan was submitted four weeks ago, it became evident that due to the existing impervious area, SWM facilities, and Access Road, the complete site plan would not be logical for the entire site. This request is for the replacement of the Asphalt Plant by the same operator as the existing Asphalt Plant on the Quarry. The current request is to waive the full Site Plan and provide for only site relevant items listed in the Description. The ordinance appears to require a Site Plan and because of the addition of the Concrete and Asphalt Plants at the same time. A full site plan is not necessary since only a small portion of the site is being utilized and this part of the site is already covered in compacted aggregate AND is not adding newly developed impervious surface. The proposal is to put in a new Asphalt Plant to replace the existing Plant that existed for around 50 years. This Plant will be upgraded to current DEP standards and replaces an outdated Plant. This area, along with the area of the Concrete Plant is located on compacted aggregate that has been tested in various locations on the site at between 18 and 44 inches deep. This Plant will meet all of the Current State requirements and has already received its Clean Air Permit with the WVDEP. The NPDES Permit existing for the Quarry covers this area of the property for discharge. The site has also been used in the past for temporary batch plants and concrete operations during the construction of various State Highway Projects including the new Route 9 and Route 340.

Typically, the Ordinance exempts industrial projects from Concept Plans if they are located in an existing Business/Industrial Park. In this case, the quarry and the operation of the subsidiary, accessory, and satellite industries/uses have been functioning in this area as one of the oldest Industrial areas in the County. The Comprehensive Plan recognizes this area as the Quarry and the Zoning Map particularly recognizes this parcel as Industrial/Commercial. This specific location on this property has been bored in 5 different areas and the compacted aggregate is found to be between 18 and 44 inches thick, demonstrating that this area has been utilized as a part of the active industrial and accessory operations for years. Since Stormwater Management already exists for the quarry which has DEP approval, and no newly developed impervious surfaces are proposed, no further stormwater management (water quality or quantity) is proposed for this project. There is a time crunch since the Applicant has recently been awarded the contract for the Route 340 Expansion.

Accordingly, the Applicant respectfully asks the Planning Commission to grant the Waiver to allow the Replacement Asphalt Plat to continue with a limited Site Plan that only shows the immediate area around the improvements (not the entire 270 plus acre site) including topography, Erosion and Sediment Control, if necessary, setbacks, and a handicap parking spot for the maximum shift of employees. This will allow the County to maintain a record of what exists on the site. Furthermore, any necessary State approvals will be obtained. It also appears to technically meet the intent of the site plan exemption since employee parking can fit on the already existing aggregate and any paving, footings, foundations, plant, or structures will be located on what the County considers as impervious since it is all existing and no new impervious surface will be developed.

Millville Quarry, Inc  
W-L Construction and Paving, Inc  
Blair Road at Bradstone Lane  
Request for Waiver  
Jefferson County Subdivision Ordinance  
Section 20.203B Limited Site Plan to Include as Described  
January 23, 2024

**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;*

This is a privately maintained property and the site pays considerable taxes and benefits to the State and County. The operation of an Asphalt Plant at the source of mineral extraction only makes sense from the logistic and services aspect of the operation. Additionally, this is a replacement Asphalt Plant for the existing Asphalt Plant on other Quarry Property. So, the traffic of the replacement Asphalt Plant is consistent with what already exists on Blair Road. The County benefits from the traffic being concentrated in the area where the mineral extraction and operation of the quarry. Historically, this area has been for this use and accessory uses associated with quarrying. It has been recognized in the Comprehensive Plan as the area for a Quarry and the State Code protects the complete use of the natural resources associated with this operation. All necessary State and Local permits will be obtained. There will be no newly developed impervious surface added. All improvements will be on areas that the county considers impervious.

This Asphalt Plant replaces the existing plant with newer technology and compliance with the latest State requirements. It is hard to provide a Gross Floor Area (GFA) since much of the plant sits on piers and does not touch the surface of the ground. However, the surface below it is already compacted aggregate, so even the addition of pavement qualifies as no newly developed impervious surface. The plant is estimated to be in an area of 100,000 sq. ft. with additional stockpiles. But, again, all in areas of existing compacted aggregate. The area will be paved over the aggregate, but no new developed impervious surface will be added. Additionally, there is already a main entrance road to the site that has an apron and a particularly good access road that serves the existing Bradstone Plant. Extensive SWM is already provided for the Quarry as a whole and the WVDEP Clean Air Permit has already been issued at the State level.

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;*

If the waiver is granted, it will have no adverse effect on public health, safety or welfare since the project will still need to comply with any applicable requirements of the State as an operating and permitted quarry. Also, a Variance was granted at the Board of Zoning Appeals for Setback to 300' (State Requirement) after a duly advertised and posted Public Hearing where no public comment was present. This entire area is approved to be quarried and is permitted through the State of West Virginia. Also, there is no planned addition of newly developed impervious surface.

The waiver will not adversely affect the neighbors since the use is a permitted use for this area. The Site Plan is not a prohibitive step, and the purpose of an Ordinance is still being fulfilled with the processing of necessary State permits, along with Jefferson County Zoning Approval. The Comprehensive Plan and Future Land Use Map identifies this area for this type of use. Concept Plans are not normally required in areas approved for Industrial development and in Business Parks, and site plans are not usually required for facilities going on top of existing impervious area, especially on property that has existing SWM facilities approved by the State. And, as mentioned, the facility has already been acted on for approval of the location in this area by the BZA from the standpoint of setbacks from neighboring properties. The request is to provide a site layout prepared by Potesta including only the area of this facility which will show topography, setbacks, Erosion and Sediment Control if necessary, and handicap parking as needed.

3. *Explain how the waiver, if granted, will be keeping with the intent and purpose of this ordinance;*

The purpose of the Site Plan is to ensure potential compliance with the regulations and notification to the adjoining property owners and agencies. The Applicant has already received the DEP Clean Air Permit and the site was posted for this application and the BZA application. The Ordinances and Comprehensive Plan allow the use and the existing impervious nature of the site and the fact that the existing access and SWM facilities are already addressed on site. So, the intent Ordinances and regulations is preserved with the waiver allowing only a limited site plan as described. This is especially true, since this is a recognized industrial area of the County, and previous concrete plants and asphalt plants have been on the quarry properties through the years. The active quarry operation and the existence of accessory uses such as concrete and asphalt facilities have been long found in this area of Jefferson County. This is the logical place for these

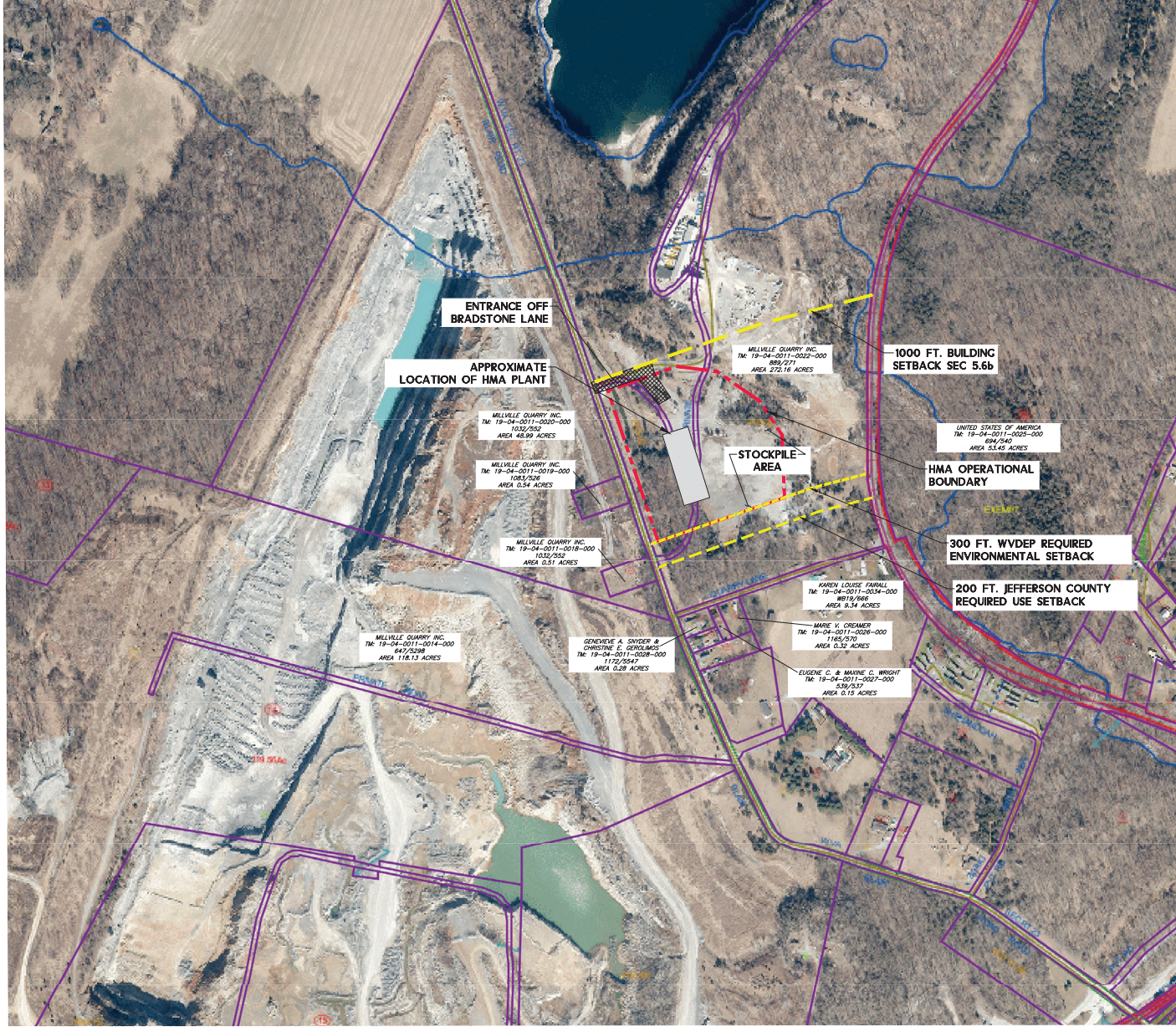
facilities. Most of these types of uses are temporary in nature since the quarrying operation will always take precedence when the subject sites are needed for quarrying.

As such, the Applicant believes that the Intent and Purpose of the Ordinance supports the waiver since the Ordinances already allow this facility to locate on the site. Additionally, the Comprehensive Plan endorses this area for quarrying and accessory, or redevelopment uses. Finally, the County has long recognized that the expansion and satellite operations for mineral extraction, use of natural resources, manufacturing and industry are protected and provided for under 8A-7-10 of the WV State Code, as amended.

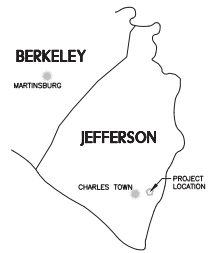
4. *Explain how the waiver, if granted, will result in a project of better quality and/or character;*

The development of this area of the Quarry is a logical location since there is already an existing operation (Bradstone), with an existing access road and existing extensive SWM facilities. Additionally, no newly developed impervious surface will be added. The location of concrete and asphalt operations in the neighborhood of quarrying operations makes sense for the County since it concentrates the uses in an area already recognized for quarrying in the Comprehensive Plan and the State Code allows for these uses and the location of satellite manufacturing and industrial operations in the County where they existed. The Staff has traced leases back to the early 20<sup>th</sup> century for this property for these uses.

Based on the above, the Applicant respectfully requests that the Planning Commission grant the waiver to allow a limited Site Plan as requested. This waiver will help the Applicant and County since the applicant has been issued the contract for the expansion of Route 340 to the VA Line. Thank you.



No.	Date	Eng.	Revision



SKETCH PLAT
CAD File No.
POTESTA
Drawn
Checked
POTESTA
Approved
NOTED
Scale:
OCTOBER 2023
Date:
23-0305
Project No.:

**POTESTA & ASSOCIATES, INC.**  
 ENGINEERS AND ENVIRONMENTAL CONSULTANTS  
 16 South Braddock St., Winchester, VA 28601  
 TEL: 800-446-9888  
 FAX: 800-446-9888

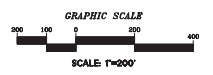


**SOUTHERN WEST VIRGINIA ASPHALT, INC.**  
 2850 CHARLES AVE  
 DUNBAR, WEST VA 25064

**PPC SKETCH PLAT**  
**HOT MIX ASPHALT PLANT RELOCATION**  
 JEFFERSON CO., WEST VIRGINIA

1  
 Drawing No.

**ISSUE DATE: 11/13/2023**



**SKETCH PLAT**

DATE PLOTTED: 11/13/2023 10:58 AM. PLOTTER: HP DesignJet 2400. PLOT SCALE: 1.000000. PLOT SHEETS: 1 OF 1. PLOT STATUS: SUCCESS. PLOT USER: POTESTA.



Location 1 18 inches:



Location 2 28 inches:



Location 3 44 inches:



Location 4 21 inches:



Location 5 20 inches:



12:49

Safari

5GE



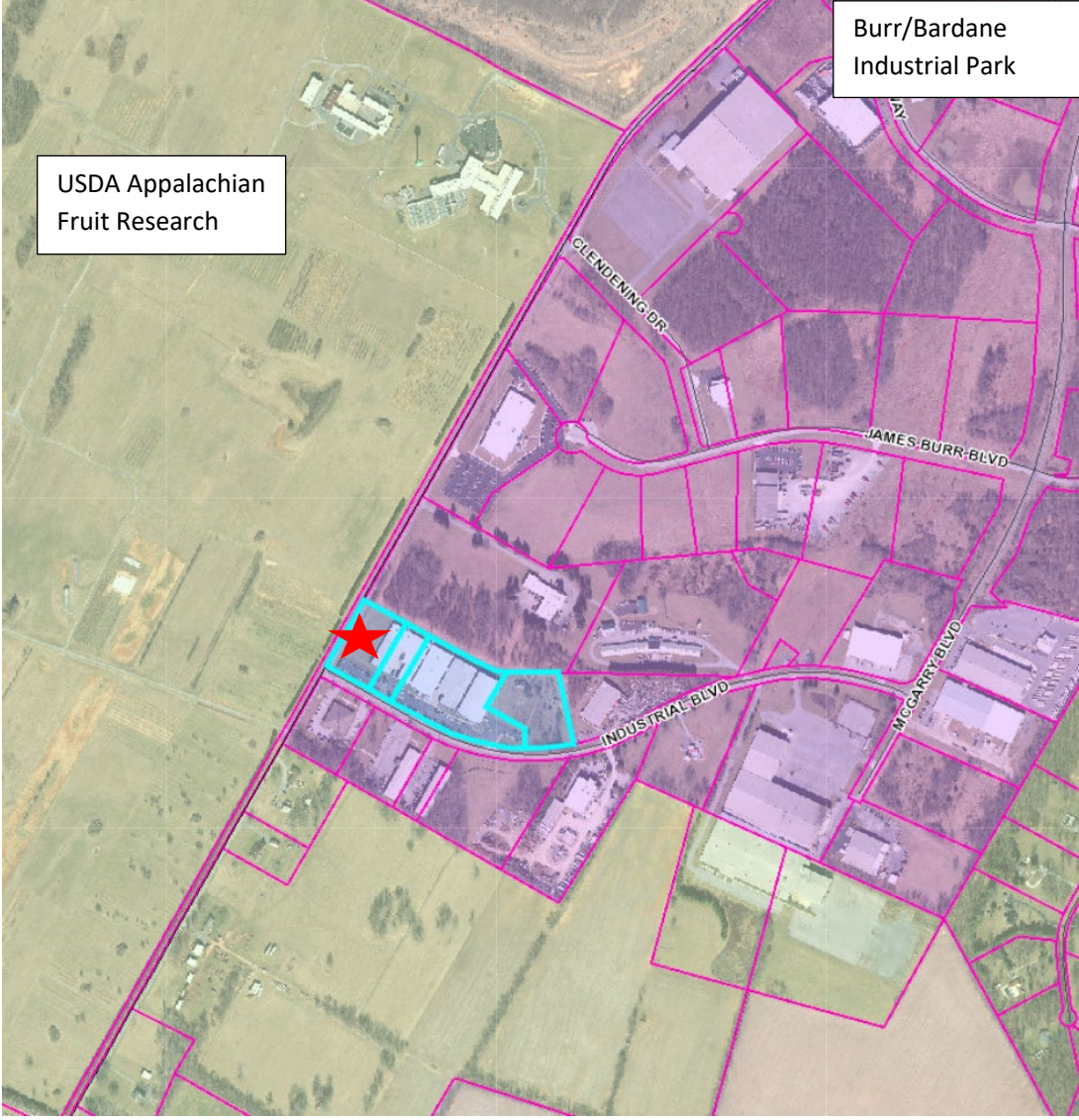
Flowing Springs Run





**Staff Report**  
 Jefferson County Planning Commission  
 February 13, 2024  
**DALB (sidewalk) Waiver (File: 24-5-PCW)**

**Item #8: Waiver Request** from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property at this time.

Owner/Applicant	DALB INC
Consultant:	Integrity Federal Services / Brooke Perry
Parcel Information & Property Location:	<p style="text-align: center;">73 Industrial Blvd, Kearneysville, Parcel ID: 02000200010007; Size: 2 acres;        Zoning District: Industrial Commercial</p> 
Adjacent Zoning:	<i>North, South, and East:</i> Industrial Commercial; <i>West:</i> Rural
Proposed Activity:	<p>A proposed 11,937 sq ft addition to an existing industrial building on a 2-acre portion of an 8.95 acre property consisting of 4 lots (23-12-SP currently under review).        Waiver request from Appendix B, Section 10.6 and Section 22.208 to remove the requirement of a sidewalk along the frontages of the property at this time.</p>

**Staff Report**  
 Jefferson County Planning Commission  
 February 13, 2024  
**DALB (sidewalk) Waiver (File: 24-5-PCW)**

History:	<p><b>Subdivision</b>                  03/23/78: JEDCO Subdivision recorded in <a href="#">PB 4 at PG 85A-2</a></p> <p><b>Site Plans</b>                  1983 Manufacturing Plant (original structure) and parking lot on Lot 3 - Permit #83-70                  1983-1990: Expansion of existing facility Lot 3 – No permits found                  S92-07: Expansion of existing facility and parking lot on Lot 3 &amp; 4 - Permit #92-862                  S94-02: Expansion of existing facility and parking lot on Lot 3 &amp; 4 - Permit #94-588                  S95-08: Expansion of existing parking lot on Lots 2 &amp; 3 - Permit #95-696                  S96-01: Expansion of existing facility on Lot 2 &amp; 3 - Permit #96-72                  S96-20: Expansion of existing facility on Lot 2- Permit #97-89                  S98-06: Expansion of existing facility on Lot 5 - Permit #98-640                  S09-05: Expansion of existing facility (26,400 sf) on Lots 5 &amp; 6* - Permit #10-11                  *The property owner processed a Boundary Line Adjustment to limit placement of the proposed expansion from Lot 7.                  02/08/12: Expansion of existing facility on Lot 4 - Permit #12-26 (no site plan required)                  23-12-SP: Western building expansion of 11,940 sq ft to the existing facility (<u>under review</u>).</p>
Waivers/Variances:	<p>04/12/94: PC approved a variance from Sec. 11.2e.3 to reduce the required 5% greenspace in the parking lot with the condition that the previous landscaping plan be implemented (See S94-02).</p> <p>02/22/24: BZA Variance (File #24-7-ZV).to eliminate required street tree and landscaping buffer (<i>pending approval</i>).</p>

**Summary of the Request**

The applicant is proposing an 11,937 sq ft addition to an existing industrial building which has been incrementally expanded since it was originally established in 1983. The proposed addition will be on a portion of Parcel 1.7 which generally corresponds with the original Lot 1 and is partially occupied by a parking lot serving this business. The applicant is requesting a waiver from Section 22.208 and Appendix B, Section 10.6 of the Subdivision Regulations, which requires sidewalks along the platted road right-of-ways to support all site development for this addition. The application indicates that the applicants are willing to provide a 10’ wide pedestrian access easement along the site’s two frontages in-lieu of the required sidewalks, if requested by Jefferson County, to allow for potential future trail improvements



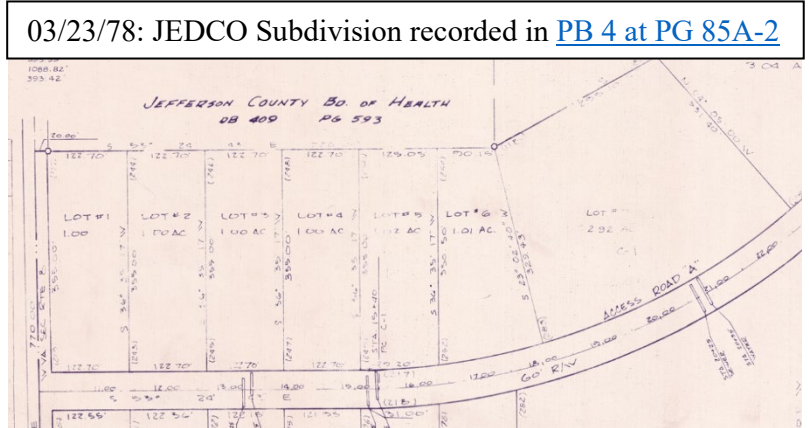
The applicant states that the waiver is being requested because there are no existing sidewalks along Wiltshire Road or Industrial Boulevard within Burr Park. It should be noted that in 2006, a waiver of sidewalks was granted for most of Burr Business Park, but does not include the DALB lots.

**Staff Report**  
Jefferson County Planning Commission  
February 13, 2024  
**DALB (sidewalk) Waiver (File: 24-5-PCW)**

**Background**

The DALB property consists of the following 4 parcels, which have been reconfigured from the original 1978 plat and totals 8.95 acres:

- P1.7: Lots 1 & 2 (2 acres)
- P1.9: Lot 3 (1 acre)
- P1.10: Lots 4, 5, 6, and part of Lot 7 (3.76 acres): per 2010 merger @ PB25/PG208 and DB1075/PG413
- P1.13: part of Lot 7 (2.19 acres): after 2010 merger



**Waiver Requirements**

The applicant addresses the following requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the attached 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.

**Recommendations of *Envision Jefferson 2035 Comprehensive Plan*:**

It should be noted that the interconnectivity of businesses and neighborhoods was identified as an important objective of the *Envision Jefferson 2035 Comprehensive Plan*. While the following excerpts from the Comprehensive Plan are not requirements, they should be taken into consideration when reviewing this waiver request and may indicate the need to clarify this provision of the Subdivision Regulations in the future.

Goal #13 states, “Provide a Variety of Options for Mobility and Accessibility for Jefferson County Residents and Visitors, including Public Transportation and Pedestrian/non-motorized Opportunities within the County” (p. 198). Under this Goal, Objective #4 recommends implementing a network of sidewalks, shared roadways, and trails are available to residents of Jefferson County and that connections along the trails/pathway are extended into adjoining neighborhoods . . . Additionally, Objective #5 recommends to “require that sidewalks are constructed (or that at a minimum, easements are provided) within and connecting to existing and new development within the UGBs, PGAs, or Villages.”

**Staff Report**  
Jefferson County Planning Commission  
February 13, 2024  
**DALB (sidewalk) Waiver (File: 24-5-PCW)**

Under the Transportation Recommendations (p. 113), Recommendation #7 recommends strengthening the provisions in the County's Subdivision and Land Development Regulations to accomplish (among other things) providing for the incremental construction of sidewalks and bicycle and pedestrian paths in and between new and existing neighborhoods as development occurs, as well as striving to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments.

**Staff Comments/Recommendation**

While Section 10.6A of Appendix B of the Subdivision Regulations provides that, on a case by case basis, the Office of Planning and Zoning may consider alternatives to traditional sidewalks such as hard surface trails or meandering paths, and that Planning and Zoning Staff may allow a 10 foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, Staff generally does not administratively approve the use of an easement only for a commercially or industrially zoned property or in an area with urban level density. For this reason, Staff directed the applicant to apply for a waiver for consideration by the Planning Commission.

While it should be noted that there is a regional bike path at the northwest corner of Wiltshire and WV 9, this path has no current pedestrian connectivity to development south of WV 9. This appears to be an area which requires planning for the future provision of pedestrian interconnectivity as the nearby areas develop with commercial/industrial uses and residential developments. The recommendations of the *2035 Comprehensive Plan* regarding providing pedestrian interconnectivity makes this recommendation for existing as well as proposed development. The question always becomes how to begin to meet this goal in an area that is already partially developed without this feature. At a minimum, the provision of an easement along the frontages of this property allows for the potential for future pedestrian interconnectivity as other properties along this road develop or redevelop.

Staff prefers to see the beginning of an interconnected sidewalk for this area of the County; however, if the Planning Commission is inclined to approve this waiver, staff recommends that a 10' pedestrian easement be provided by deed or plat for the potential future development of a pedestrian walkway along the entire frontage of both Wiltshire Road and Industrial Boulevard.



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 #: 24-5-PCW  
 Mtg Date: 2/13/2024  
 Date Rec'd: 1/23/2024  
 Fees Paid: \$100  
 Staff Int: ME  
 List of Adjoiners:

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: DALB INC.  
 Business Name: DALB INC.  
 Mailing Address: 105 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430  
 Phone Number: 304-725-1910 Email: k.steeley@dalb.com

**Applicant Contact Information**

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

**Consultant Information**

Name: BROOKE PERRY  
 Business Name: INTEGRITY FEDERAL SERVICES  
 Mailing Address: 148 S. QUEEN STREET, SUITE 201, MARTINSBURG, WV 25401  
 Phone Number: 304.725.8456 Email: BPERRY@IFS-AE.COM

**Physical Property Details**

Physical Address: 105 INDUSTRIAL BLVD, KEARNEYSVILLE, WV 25430 Vacant Lot:   
 Tax District: (2) CHARLES TOWN Map No: 2 Parcel No: 1.7  
 Parcel Size: 2 AC Deed Book: 594 Page No: 456  
 Zoning District: \_\_\_\_\_

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

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

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**  
 SECTION 22.208 - SIDEWALKS, OF THE 2008 JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS, AS AMMENDED.

**Briefly Describe the Nature of Your Waiver Request:**

SEE ATTACHED

**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

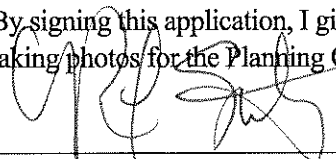
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.**

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.



1/23/2024

Property Owner Signature

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**

Approved

Denied

Date: \_\_\_ / \_\_\_ / \_\_\_



# INTEGRITY FEDERAL SERVICES

January 23, 2024

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

RE: DALB – Waiver Request

Commissioners and Staff:

On behalf of the Property Owner, I am writing to you today regarding a Request for Waiver to the 2008 Subdivision and Land Development Regulations of Jefferson County, WV. The subject property is identified as District 2, Tax Map 2, Parcel 1.7; Deed Book 594, Page 456. The property is approximately 2 acres and located in the Industrial Commercial zoning district. The subject property is part of the Bardane Industrial Park, identified as Lots 1 & 2, located at 105 Industrial Boulevard. The property is directly adjacent to the intersection of Wiltshire Road (CR 8) and Industrial Boulevard (CR 8/1).

It was determined that a waiver to the following sections of the 2008 Jefferson County Subdivision and Land Development Regulations would be required to attain compliance:

**Section 22.208 Sidewalks** – which states, *“Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.”*

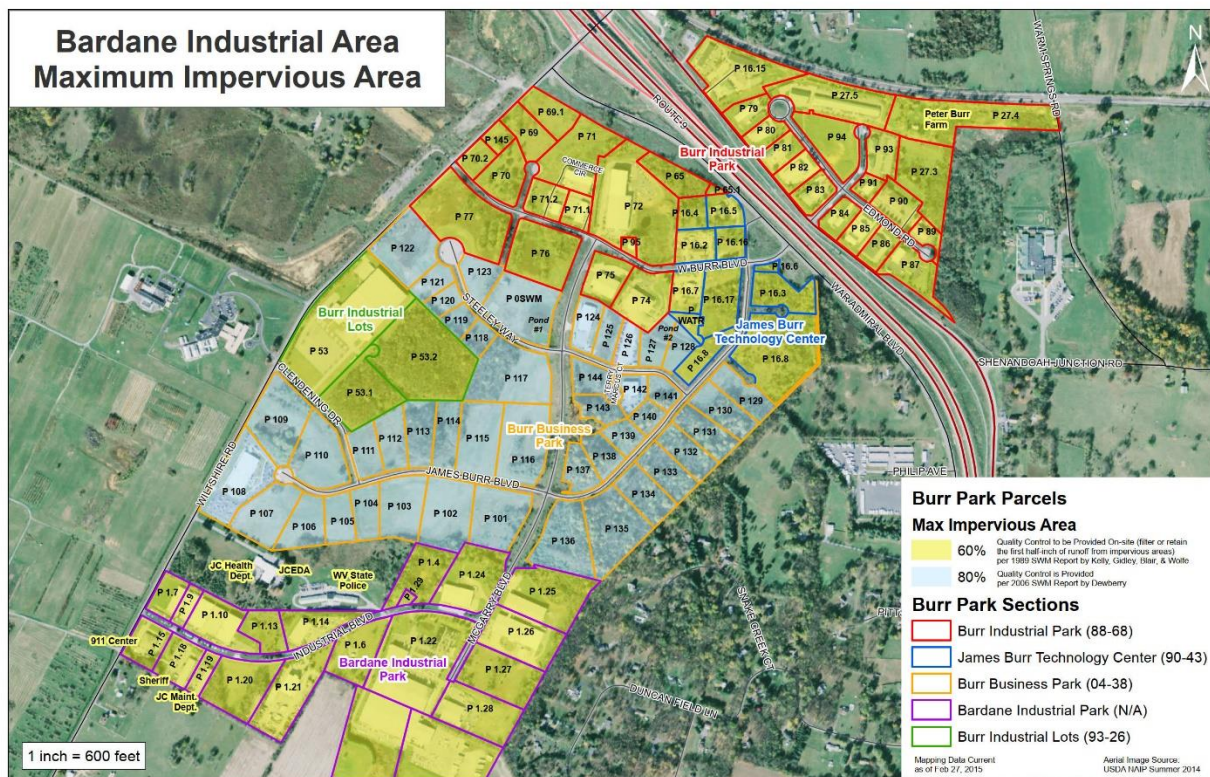
**Appendix B - Section 10.6 Curbs, Gutters, & Sidewalks:** *“Stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10-foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided to convey stormwater from impervious areas to*



**Civil Engineering | Landscape Architecture | Planning**  
**148 South Queen Street, Suite 201, Martinsburg, WV 25401 • 304-725-8456**  
**Service-Disabled Veteran-Owned Small Business**

*stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.”*

IFS hereby requests that the subject property is allowed to be developed in conformance with the previously approved waiver associated with Burr Industrial Park (and to provide in-lieu of inter-parcel sidewalk, a 10’ wide pedestrian access easement along the sites frontage). Burr Industrial Park was approved under this condition, however lots 1 & 2, were not included within the limits of the aforementioned waiver. Lots 1 & 2 are part of the larger Burr Park development, which includes Burr Industrial Park, James Burr Technology Center, Burr Business Park, Bardane Industrial Park, and the Burr Industrial Lots. To retain continuity with the rest of the Burr Park development we believe these lots should be included with the same rights/restrictions associated with the previously approved waiver. See image below for identification of the sections that comprise Burr Park.



For your consideration, and to provide the Jefferson County Planning Commission with the most thorough and comprehensive waiver application possible, I have included the following information: DALB Waiver Exhibit - Dated December 2023 and prepared by Integrity Federal Services, and responses to the four (4) requirements, defined in Division 24.300 of the 2008 Subdivision and Land Development Regulations.

# INTEGRITY

## FEDERAL SERVICES

Brooke Perry  
Integrity Federal Services  
DALB, INC – Waiver Request  
January 23, 2024  
Page 3

On behalf of the property owner, I respectfully request your consideration of the documentation and justification presented as you consider this waiver request. I will be glad to answer any questions you may have. I look forward to additional discussions at the Planning Commission meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brooke Perry".

Brooke Perry  
Planning Manager  
Integrity Federal Services

**Burr Industrial Park Lots 1 & 2**  
DALB, INC - Waiver Request (**Sidewalks**)

In compliance with **Division 24.300 Waivers** of the Subdivision and Land Development Regulations of Jefferson County, 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.
- 4) that the waiver if granted will result in a project of better quality and/or character.

Integrity Federal Services (IFS) offers the following justifications on the Developer/Applicant's behalf:

**What Section of the Subdivision Regulations are you requesting to waive:**

**Section 22.208(A) Location of Sidewalks:** *"Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission."*

**Appendix B - Section 10.6 Curbs, Gutters, & Sidewalks:** *"Stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as sidewalks shall be provided to support multi-family residential and non-residential subdivision/site development. On a case by case basis, the Office of Planning and Zoning will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Staff may allow a 10-foot pedestrian/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided to convey stormwater from impervious areas to stormwater management facilities; they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter."*

**Briefly describe the narrative of your waiver request:**

It is requested that a sidewalk not be required adjacent to Wiltshire Road (CR 8) or Industrial Boulevard (CR 8/1). A 10-foot easement will be provided in-lieu of the sidewalk if requested by Jefferson County to allow for potential future trail improvements. Although the distance between the property and edge of pavement along Industrial Boulevard negates any benefit the 10-foot easement may provide.



There are no existing sidewalks located along Wiltshire Road (CR 8) or Industrial Boulevard (CR 8/1), within Burr Park, or along any street within a mile of the subject property. The Route 9 Bike Path is the closest pedestrian infrastructure, at approximately 1.2 miles from the site. The potential for future development along Industrial Boulevard is extremely limited due to the existing development of the parcels along both sides of the road. Providing a sidewalk on this property will provide no

benefit and will create additional impervious surfaces and maintenance costs for the property owner and Jefferson County.

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

This sidewalk, constructed or not, will have no impact on open space or the County Parks Plan. If constructed, the sidewalk will require unnecessary maintenance from the property owner and continued inspection from the County to ensure it is maintained in accordance with County Code. Thereby increasing overall county maintenance costs.

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

This sidewalk, constructed or not, will have no impact on the public or adjacent property owners. The adjacent properties do not have sidewalks along the streets. The Burr Business Park was granted a waiver providing relief from sidewalk requirements. The waiver recognizes this area as a destination-based business location with no pedestrian traffic.

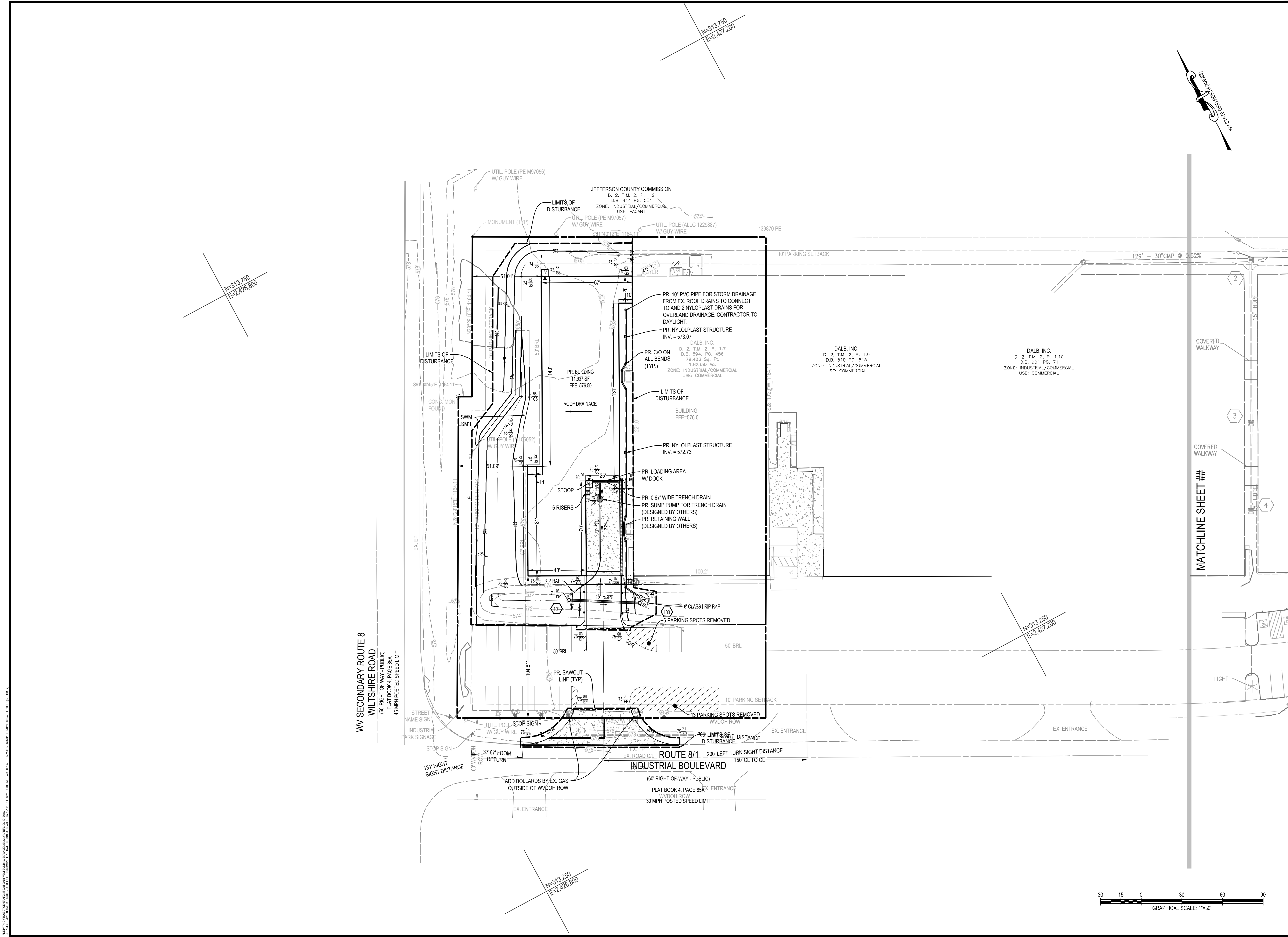
**Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance:**

The intent of the Ordinance is to guide safe and logical development within Jefferson County. Appendix B Section 10.6 recognizes that sidewalks may not be necessary in all locations and each development should

be judged on a case by case basis. The installation of a sidewalk which leads to nowhere is not logical or beneficial to the community.

**Explain how the waiver, if granted, will result in a project of better quality or character:**

This waiver will provide reduced impervious surfaces, reduced stormwater runoff and eliminate the waste associated with an unused piece of infrastructure. The construction of a sidewalk in this location represents an unnecessary cost to the property owner and contributes nothing to the quality of the project.



**INTEGRITY FEDERAL SERVICES**  
 CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING  
 148 S. Queen Street, Suite 201 • Phone: 304-725-8456  
 Martinsburg, WV 25101 • www.ifc-ac.com

RYAN P. PERIS  
 REGISTERED PROFESSIONAL ENGINEER  
 STATE OF WEST VIRGINIA  
 No. 17061  
 SEAL: 12/18/23

NO.	REVISIONS

SITE-UTILITY-GRADING PLAN  
**DALB WESTERN BUILDING EXPANSION**  
 TAX MAP 2, PARCEL 1.7; D.B. 594, PG. 456  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA  
 J.C. FILE #XXX-XX

SCALE: HORIZ: 1"=30'  
 VERT.:            

DATE: DECEMBER 2023

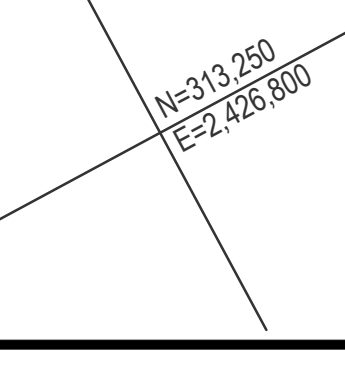
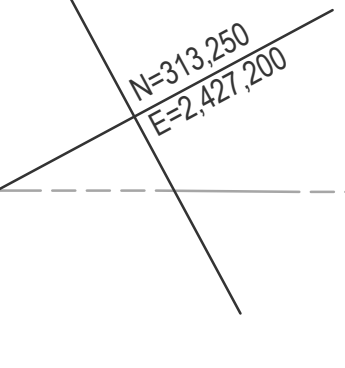
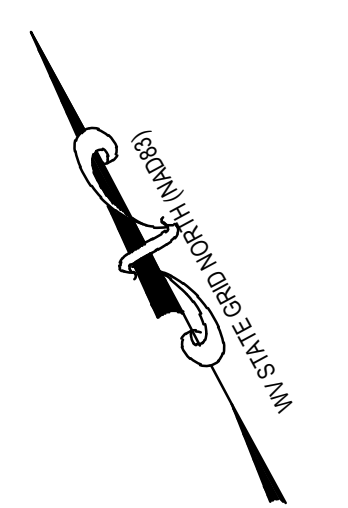
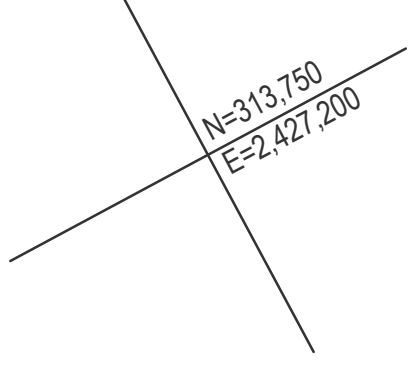
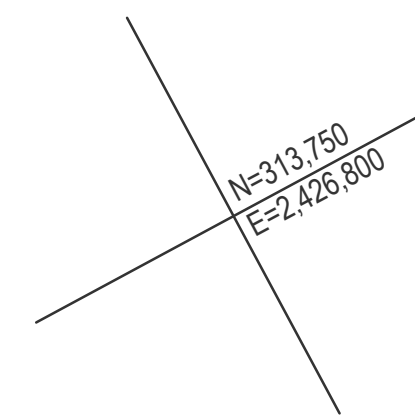
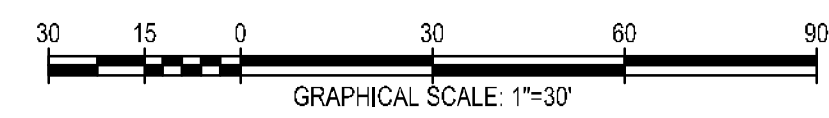
JOB: 2813-0201

DRAWN: TME    CHECK: RPP

CADD: C-CS-101.DWG

NCS:

SHEET: 12 OF 16



1. ALL DIMENSIONS ARE UNLESS OTHERWISE SPECIFIED.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE SPECIFIED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.  
 4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.  
 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.  
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 9. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.  
 10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE SPECIFIED.



**Minutes**  
**Jefferson County Commission**  
**Thursday, December 21, 2023**

A meeting of the Jefferson County Commission was held on Thursday, December 21, 2023, during the third quarterly session at 6:00 pm. The meeting was held via GoToWebinar and in-person. Present were President Steve Stolipher, Commissioner Tricia Jackson, Commissioner Jennifer Krouse, Commissioner Pasha Majdi and Commissioner Jane Tabb. Also present were Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, December 21, 2023, meeting is available on the Jefferson County Commission website.

**PRAYER-** Pastor Craig Bush- Grace Baptist Church

**APPROVAL OF MINUTES**

Motion by Mr. Stolipher to approve the December 7, 2023, regular Minutes. Motion seconded and unanimously approved.

Motion by Mr. Stolipher to approve the December 11, 2023, Special Session Minutes. Motion seconded and unanimously approved.

**APPROVAL OF PAYROLL**

Motion by Mr. Stolipher to approve the Payroll for December 9, 2023, in the amount of \$314,904.91. Motion seconded and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE**

CHECK NUMBER	VENDOR NAME	UNCLEARED
88940	AMANDA MILLER	139.20
88941	AMERIFLEX	126.65
88942	CAMPBELL FLANNERY PC	17,937.75
88943	FRONTIER	55.00
88944	FRONTIER	2.25

15. Discussion/Action by County Commission to seek an advisory opinion from the Ethics Commission on subunits of the Planning Commission abiding by the Open Meetings Act to include an agenda and meeting minutes (TJ)

- **Motion by Ms. Jackson for the county commission to seek an advisory opinion from the ethics commission if subunits created by the Jefferson County Planning Commission, including but not limited to the Ordinance Rewrite, Solar Facilities, and Budget committees are subject to abiding by the open meetings act to include a published agenda and meeting minutes. Motion seconded and unanimously approved**

16. Review/Consider the request from counsel at Bowles Rice & Jackson Kelly PLLC to reinstate the June 2022 Solar Text Amendment by annulling its action of September 7, 2023.

- **Motion by Mr. Stolipher to enter into Executive Session to receive legal advice and status updates on item 16. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**
- **Motion by Mr. Stolipher to come out of Executive Session and reconvene in regular session. Motion seconded and unanimously approved.**
- **Motion by Mr. Majdi to move to rescind action of the County Commission meeting on September 7, 2023 regarding the Solar Text Amendment, Further more to request the Planning Commission to review Section 8.20 in the Zoning Ordinance and provide recommended edits based on projects submitted thus far. Motion passed on 3-0 with Commissioner Majdi, Commissioner Tabb and Commissioner Stolipher voting for. Commissioner Jackson and Commissioner Krouse recused themselves.**

**\*Commissioner Majdi asked Roger Goodwin-Director-Chief County Engineer three questions:**

**1) What Article 12 procedures follow?**

- a. No- it is my understanding that the procedures of Article 12 were not followed.

**2) Have you or your staff amended the Zoning Ordinance that resulted in the Commission to take action at the September 7, 2023 meeting?**

- a. No, it is my understanding that the staff was not directed to amend the zoning ordinance and no further direction was provide as we lost the County Administrator and the Commission was not meeting. The process to amending an ordinance is to present the new amended change to the Commission that is to be adopted, along with an order directing staff to record the amended ordinance at the county clerk's office. This did not happen.

**3) Is there any difference in the language in the current Solar Text amendment since it was first written?**

- a. Attorney William F. Rohrbaugh Stated that there has been no changes to the Solar Text Amendment that was adopted back in June of 2022.

Adjourn

The Commission adjourned at 8:46 pm a motion by Commissioner Stolipher. Motion was seconded and unanimously approved.

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Steve Stolipher, PRESIDENT

Respectfully submitted  
Sorayda Pitts  
Administrative Assistant



**Planning and Zoning Quarterly Report  
07/01/2023 - 12/31/2023**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description	Plat Book	Page
Conditional Use Permit	23-10-CUP	11/15/2023	BLUE IRIS LLC & BLUE TULIP LLC - Sharon Hallinan	217 DEER TRL, SHEPHERDSTOWN	Open	Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing or Retirement Home for up to 16 residents with up to four (4) caregivers/employees.		
	23-8-CUP	9/29/2023	DOVE TRACY J & MARKETA	Flowing Acres Drive, Charles Town	Closed	Request by Tracy Dove dba Charles Town Car Storage for a CUP to operate a Commercial Storage facility for a nonresidential car storage facility for up to 28 vehicles.	26	594
	23-9-CUP	10/6/2023	Jeremy and Tiffany Martin	104 WINEBRENNER RD, SHEPHERDSTOWN	Closed	Request by Earthworx General Contracting Services, LLC for a CUP to operate a Contractor with Outdoor Storage business to allow storing construction equipment on an outdoor gravel pad.		
					<b>Category Total:</b>	<b>3</b>		
Easements	23-2-E	8/2/2023	BROWN CINDY M	2765 TROUGH RD, SHEPHERDSTOWN	Closed	Brown (Conservation Easement) Amendment		
	23-3-E	9/19/2023	WILLIS GARY W & GLORIA E	599 N CHILDS RD, KEARNEYSVILLE	Open	Willis (Conservation Easement)		
	23-4-E	9/25/2023	Cavalier Farm, LLC.	2095 SHEPHERDSTOWN PK HARPERS FERRY	Open	Cavalier Farm (Vacating Easement)		
	23-5-E	10/5/2023	ASPEN POOL FARM LLC	1378 TROUGH RD, SHEPHERDSTOWN	Open	Farmland Conservation Easement		
	23-6-E	12/19/2023	AMERICAN BATTLEFIELD TRUST	1901 TROUGH RD, SHEPHERDSTOWN	Open	Far Away Farm (Conservation Easement)		
					<b>Category Total:</b>	<b>5</b>		
	23-17-M	7/19/2023	Clifton 1834 LLC	2088 LEWISVILLE RD, SUMMIT POINT	Open	BLA of 2.1815 to be merged from parcel 1 to parcel 20	26	619
	23-18-M	7/20/2023	Lutman Land Development - David Lutman	Regent Rd, Charles Town, WV	Closed	BLA of 1.54 acres from Parcel 19.31 to parcel 19.30	26	628
	23-19-M	8/2/2023	CLAWSON BARRY L ET UX	649 SYCAMORE RD, HARPERS FERRY	Closed		26	623
	23-20-M	8/3/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Open	Merger of 22.8768 from parcel 2 to 2.3	26	673
	23-21-M	8/9/2023	SHADY GROVE HOLDINGS II LLC	562 BERRYVILLE PIKE, CHARLES TOWN	Open	BLA of .709 ac from Parcel 9 to Parcel 5		
	23-22-M	9/22/2023	BEARUP CHRISTOPHER & HEATHER	6740 KABLETOWN RD, CHARLES TOWN	Open	BLA of 1.1899 acres from parcel 14 to parcel 14.3		
	23-23-M	9/26/2023	Lutman Land Development - David Lutman	8706 LEETOWN RD, KEARNEYSVILLE	Open	BLA of 8.66 ac from Parcel 20 to Parcel 21	26	678
	23-24-M	10/10/2023	Barbara Bell	JOHN RISSLER RD, CHARLES TOWN	Open	BLA of 1.046 ac from Lot M to Lot N		

<b>Merger or Boundary Line Adjustment</b>	23-25-M	10/20/2023	DEAL RICHARD B JR & YOCENCIA L	3685 RIVER RD, SHEPHERDSTOWN	Open	BLA of three merger areas: 1) .07 ac from Lot 2B to Lot 2C 2) .03 ac from Lot 2C to Parcel 18 3) .43 from Lot 2B to Parcel 18	26	667
	23-26-M	10/25/2023	Linda Faye Gibson	Border Road, Kearneysville	Open	BLA of 0.4143 ac from Lot 12.15 to 12.4 and BLA of 0.7061 ac from Lot 12.4 to 12.15		
	23-27-M	11/7/2023	Horus West Virginia 1, LLC - Braden Houston	6740 KABLETOWN RD/ 15750 CHARLES TOWN RD, CHARLES TOWN	Open	BLA of ~240 acres from Parcel 14 to Parcel 1. The BLA will result in the creation of a 2.3028 acre lot for the new substation.		
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	622 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	508 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-29-M	11/15/2023	SLUSHER DANIEL K & JUDY	280 N CHILDS RD, KEARNEYSVILLE	Open	Boundary Line Adjustment between Parcel 1.7 (Lot A) and Parcel 1.4 (Lot B)		
	23-30-M	11/15/2023	CANTOR HOLLOW LLC - Andy Shuckra	CAPTAIN CHEWS TRCE, CHARLES TOWN	Open	Consolidation of the Miller Station Nonresidential Subdivision into a single parcel.		
	23-31-M	12/4/2023	CYNTHIA L PIFER ET AL - CYNTHIA L PIFER	Pifer Lane, Charles Town	Open	BLA of .0553 ac from Lot 10B to Lot 10A; and, to relocate a portion of the platted septic reserve area.		
	23-32-M	12/12/2023	SUSANNE & JAMES KOENIG	247 LAKEVIEW DR, HARPERS FERRY	Open	SEC 32 Lot# 8-9 KEYES FERRY ACRES Consolidating		
	23-33-M	12/14/2023	MUSSI ELIZABETH A	403 RIVERSIDE DR, HARPERS FERRY	Open	BLA of .0231 ac from Lot 722 to Lot 721		
	23-34-M	12/27/2023	WHITE DAWN	49 BOYER LN, SUMMIT POINT	Open	BLA of 0.950 ac from Parcel 3 to Parcel 3.1		
					<b>Category Total:</b>	<b>20</b>		
<b>Planning Commission Variance (1979 ZO)</b>	23-3-PCV	7/18/2023	RODERICK PLANES LLC - Maurice Gladhill	Aspen Green Subdivision, Charles Town	Open	Request by applicant Roderick Planes, LLC. for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance for an extension to January 11, 2026.		
					<b>Category Total:</b>	<b>1</b>		
<b>Planning Commission Waiver</b>	23-20-PCW	7/11/2023	SIDEWINDER ENTERPRISES LLC	1 GRACE ST, KEARNEYSVILLE	Open	Waiver from Section 20.20 to allow a proposed 4-lot subdivision to process as a minor.		
	23-21-PCW	7/25/2023	CHURCH OF THE ASCENSION ANGLICAN-TR	Border Road, Kearneysville	Open	Waiver request from section 10.7, App B / Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. A easement for a future sidewalk will be provided on the site plan		
	23-22-PCW	9/18/2023	Jack Payne	247 SABER DR, CHARLES TOWN	Open	Waiver request from Section 21.402 to allow a six (6) foot tall privacy fence to remain within a platted drainage easement.		
	23-23-PCW	10/3/2023	KE Colonial, LLC - Rick Fink	South of Higbee Lane, Shepherdstown	Open	Waiver from Section 24.112.C to allow a 1-year extension to prepare a Preliminary Plat for Colonial Hills Phase 3B based on Concept Plan approval on October 12, 2021.		
	23-25-PCW	10/24/2023	DONNA BENT	1332 BILLMYER MILL RD, SHEPHERDSTOWN	Open	Waiver from Section 20.201 A.2 to allow the applicant to utilize an existing 40' access easement instead of the required 50' access easement for the creation of 2 lots.		

	23-4-FPA	10/2/2023	TODD D BANKS & TAYLOR BISHOP	5994 FLOWING SPRINGS RD, SHENANDOAH JUNCTION	Open	Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (Note DB632/PG363).		
	24-1-PCW	12/19/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant.		
					<b>Category Total:</b>	<b>7</b>		
<b>Site Plan</b>	23-10-SP	8/28/2023	BEALLAIR COMMUNITY CONSERVANCY INC - Ed Wormald	480 BEALLAIR MANOR DR, CHARLES TOWN, WV 25414	Open	Beallair Pool and Club House		
	23-11-SP	11/29/2023	HF HILLTOP LLC & SWAN HILL TOP OPERATING PARTNERS LLC	400 E RIDGE ST, HARPERS FERRY, WV 25425	Open	Hotel Project - Historic Harpers Ferry Reviewed by Jefferson County DEPZ in accordance with agreement with State Economic Development Authority		
	23-12-SP	12/19/2023	DALB INC - Kevein Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE	Open	The project consists of an 11,940 sq ft expansion to the existing facility.		
	23-9-SP	8/11/2023	FONTANA PARK HOLDINGS, LLC	James Burr Blvd, Kearneysville	Open	The proposed use of the site is an indoor/outdoor recreational facility with sports fields, indoor courts, and indoor high-school sized lap pool.		
	23-3-EGP	8/31/2023	JEFFERSON COUNTY COMMISSION	235 SAM MICHAELS LN, SHENANDOAH JUNCTION	Open	Early Grading		
	S96-10	9/11/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON	Closed	Site Plan for expansion to church building: Phase 1 = 3,200 SF classrooms Phase 2 = 6,500 SF sanctuary		
	23-4-NSP	9/21/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON, WV 25438	Closed	The addition of two ramps to the existing sanctuary. Ramp #1 = 80 sf, Ramp #2 = 56 sf		
	23-5-NSP	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	No Site Plan Sketch re: parking lot		
						<b>Category Total:</b>	<b>8</b>	
<b>Special Exception Permit</b>	23-2-SE	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Request for a Special Exception Permit for an Off-Premise Sign for Bakerton Market		
						<b>Category Total:</b>	<b>1</b>	
<b>Minor Plat Change</b>	23-9-MPC	8/30/2023	Beallair Homes, LLC - Ed Wormald	Beallair Manor Dr, Charles Town	Closed	Beallair Subdivision Phase 2 - Minor Plat Change to remove the trails/walkways.	26	669
	23-10-MPC	9/21/2023	D.R. Horton, Inc. - Brian Georg	Centergate Dr, Charles Town	Closed	Minor Plat to revise storm easements and dedicate a water easement on Lots 165-169 and Open Space Parcel C	26	661
	23-11-MPC	10/10/2023	OLSON KENNETH J - Kenneth Olson	205 STONE CHIMNEY RD, HARPERS FERRY	Closed	Relocate the existing septic reserve area.		
	23-13-MPC	11/30/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.	26	601
						<b>Category Total:</b>	<b>4</b>	

Subdivision	23-21-SD	7/10/2023	KENNETH L & GLENVILLE L SHADE	Sulphur Springs Rd, Middleway, WV	Open	Proposed 1 lot Family Transfer and Residue		
	23-22-SD	7/31/2023	Donna C Bent	1326 Billmyer Mill Rd, Shepherdstown	Open	BLA from Parcel 5.6 to 5.7; creation of Lots 1-Residue, 2, & 3 under 5.7D.3 of the Zoning Ordinance		
	23-23-SD	8/9/2023	STOLIPHER NANCY C	225 STRAITHMORE FARM LN, CHARLES TOWN	Open	proposing 4 lots and a Residue		
	23-24-SD	8/25/2023	NEWKIRK SANDRA L & SUSAN P MCGRAW TR	849 SHADE TREE LN, SHENANDOAH JUNCTION	Open	1 Lot and a residue		
	23-25-SD	8/28/2023	LOWE ANDREW D W	7620 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 1 into Lots 1A and 1B (residue)	26	665
	23-26-SD	8/28/2023	LOWE ANDREW D W	7766 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 3 into Lots 3A and 3B (residue) and an easement deed	26	664
	23-27-SD	9/7/2023	Eric & Michele Stewart	BOWERS RD, KEARNEYSVILLE	Open	Family Transfer MSD creating 2 lots and a residue		
	23-28-SD	9/22/2023	Lutman Land Development - Dave Lutman	Regent Road, Charles Town	Closed	2 lots and a residue	26	660
	23-29-SD	10/16/2023	MARCUS RONALD E	6997 KABLETOWN RD, CHARLES TOWN	Open	Minor Subdivision to create lots 1, 2 & 3-Residue		
	23-30-SD	10/31/2023	ELMWOOD FIELDS & FORESTS LLC	Flowing Springs Road, SHENANDOAH JUNCTION	Open	Lot 1 and Lot 2 (residue)		
	23-31-SD	12/13/2023	Townhome Rental, LLC	Charles Town Road, Kearneysville	Open	Rocky Ridge Phase 2 Subdivision - 54 Townhome Lots		
	23-32-SD	12/21/2023	LUTMAN PROPERTIES LLC	8464 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 1: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)		
	23-33-SD	12/21/2023	LUTMAN PROPERTIES LLC	8554 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 2: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)		
					<b>Category Total:</b>	<b>13</b>		
Redline Revision	23-8-RR	10/10/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.		
					<b>Category Total:</b>	<b>1</b>		
Final Plat Amendment	23-5-FPA	10/19/2023	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE	Open	Rocky Ridge - change to the County line.		
					<b>Category Total:</b>	<b>1</b>		
	23-35-ZC	7/7/2023	CHERNOV ROMAN B	451 SHENANWOOD DR, HARPERS FERRY	Closed	Bed and Breakfast (owner-occupied short term rental)		
	23-36-ZC	8/2/2023	COLLIER MARTIN P & KIBONG LEE	133 WATERSIDE DR, HARPERS FERRY	Closed	Accessory Dwelling Unit: In-law Suite		
	23-37-ZC	7/19/2023	B33 JEFFERSON CROSSING II LLC	186 FLOWING SPRINGS RD, CHARLES TOWN	Closed	Change in Tenant		
	23-38-ZC	7/27/2023	SUSO 2 ALABAMA LP - Stelios Mourtzakis	108 PATRICK HENRY WAY, CHARLES TOWN	Closed	Shopping Center: Change in Tenant (Adagio Academy of Performing Arts) Dance studio		

**Zoning  
Certificate**

23-39-ZC	8/11/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Closed	Agricultural Use: Farm Distillery, Agricultural Event Facility, and Pick Your Own Farm Products		
23-40-ZC	8/11/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN	Closed	QRF Solutions K9; Kennel - Dog Training Operation to include basic obedience training and scent detection training.		
23-41-ZC	8/15/2023	PG CAPPELLA LLC - Pasquale Colandrea	130 E BURR BLVD, KEARNEYSVILLE	Closed	Change in tenant		
23-42-ZC	8/16/2023	ADCOCK PROPERTIES LLLP	25 TROY DR STE 100, CHARLES TOWN	Closed	Change in Tenant: Drive Pros to Charles Town Auto		
23-43-ZC	8/18/2023	LOWELL KATHRYN AMY & SUSAN ANNE MADISON	18 MOONRIDGE LN, HARPERS FERRY	Closed	Bed and Breakfast: owner occupied short term rental		
23-44-ZC	8/28/2023	SCHNITZIUS SUZAN	50 MOSBY DR, HARPERS FERRY	Closed	Bed and Breakfast: Owner occupied short term rental		
23-45-ZC	8/30/2023	BELKOT HOLLY & DAVID F PHELAN JR	79 FEATHERBED LN, HARPERS FERRY	Closed	Short Term Rental		
23-46-ZC	9/20/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	Day Care Facility, Large: Hours of Operation 8 am to 8 pm; Number of Children: 30; Number of Employees: 5; Number of Parking Spaces: 10		
23-47-ZC	10/5/2023	MCKEE JOHN D & CYNTHIA E	237 TEL FARM LN, KEARNEYSVILLE	Closed	Add standby generator, associated concrete pad, and utility equipment to existing AT&T Equipment area. There will be no change in the size or height of the tower or antennas.		
23-48-ZC	10/12/2023	West Virginia American Water Company - Tony Witt	150 E BURR BLVD STE 200, KEARNEYSVILLE	Closed	Change in Ownership/Tenant: Professional Office		
23-49-ZC	10/19/2023	Skyview Property Management, LLC	1086 TUSCAWILLA DR, CHARLES TOWN	Open	The Paddock - Short term Rental		
23-50-ZC	10/20/2023	VIEW MOUNTAIN FARM LLC	673 OLD SHENNANDALE RD; 1371 MYERSTOWN RD; 2646 KABLETOWN RD; 28 DUTCH HILL RD; CHARLES TOWN	Closed	Solar Energy Facility Concept Plan for the Rippon Energy Facility on approximately 878- acres consisting of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities.		
23-51-ZC	11/9/2023	DSP Shepherdstown Tavern LLC aka Rumsey Tavern	233 LOWE DR, SHEPHERDSTOWN	Closed	DSP Shepherdstown Tavern LLC dba Rumsey Tavern		
23-52-ZC	11/16/2023	Tianxia, LLC - Tain Feng Zhou	91 SARATOGA DR STE B, CHARLES TOWN	Closed	Jefferson Crossing, Lot 3, Shopping Center. Change in Tenant: Indoor Play Facility with arcade game machines.		
23-53-ZC	11/30/2023	Summit Point Raceway Associates, Inc. - Chris Otto	155 Gasoline Alley Units 1 & 2, Summit Point	Closed	Accessory Use: Fitness Center *change in use / change in tenant in Units 1 and 2		
23-55-ZC	12/7/2023	SUMMIT POINT VENTURES LLC - Jim Bradury	500 MOTORSPORTS PARK CIR, SUMMIT POINT	Closed	Change in Land Use: Kennel: K-9 training to include Explosive Detector Dogs (EDD's) Storage of Firearms Permitted as an Accessory Use		
23-56-ZC	12/8/2023	BAIHLY EUNSOOK K	47 MORNING CALM LN, HARPERS FERRY	Open	ADU		
23-57-ZC	12/12/2023	Katherine Wong	1447 LAKESIDE DR, HARPERS FERRY	Closed	Short Term Rental		

	23-58-ZC	12/20/2023	WEBB CAPRICE	35 WESTRIDGE LAKE LN, HARPERS FERRY	Open	Wild and Wonderful Silos Short Term Rental (STR)		
					<b>Category Total:</b>	<b>23</b>		
<b>Zoning Variance</b>	23-24-ZV	7/7/2023	WALL STREET PARTNERS WV1 LLC Timothy Haymaker	45 AMANDA CT, HARPERS FERRY, WV 25425	Closed	Variance request from Section 104.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.		
	23-25-ZV	7/26/2023	WEIMER ADRANETTA I	50 WILD DOGWOOD LN, HARPERS FERRY	Closed	Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the southern property line for a proposed 28' x 35' detached garage.		
	23-26-ZV	7/27/2023	Daniel Shelton	25 BON AIRE DR, SHEPHERDSTOWN	Closed	Variance request from Section 5.4(b) (Zoning Ordinance as amended 07/15/93) to reduce the rear setback from 20' to 15' along the northern property line for a proposed deck and screened in porch (325 sq ft total).		
	23-27-ZV	8/14/2023	TENNANT SHARON M - Sharon Tennant	323 WOODCOCK AVE, SHEPHERDSTOWN	Closed	Variance request from Section 9.7 to reduce the side setback along the northern property line from 6' to 4' and the rear setback along the eastern property line from 6' to 4' for a proposed 160 sf shed.		
	23-28-ZV	8/21/2023	FLOWING SPRINGS ROAD, LLC - WILLIAM REILLY	Flowing Springs Rd, Shenandoah Junction	Closed	Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lots 36 & 37 of the Stonecrest Subdivision.		
	23-29-ZV	8/21/2023	WOLFE CHARLES G JR & SHELLY J	1223 N CHILDS RD, KEARNEYSVILLE	Closed	Variance request from Section 5.7B of the Zoning Ordinance (amended 09/28/06) to reduce the front setback along the eastern property line from 40' to 17' for a 30' x 30' detached garage; and Section 9.6C to allow an accessory structure in the required front yard.		
	23-30-ZV	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Variance request from Section 10.5A.4 to reduce the front setback from 25' to 8' for an Off-Premise Sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 100' to an intersection.		
	23-31-ZV	8/30/2023	Elevation Properties LLC	1208 GARDNERS LN, SHEPHERDSTOWN	Closed	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of four 5-acre lots).		
	23-32-ZV	9/5/2023	CHARLES TOWN BURR PARK STATION LLC	60 WAR ADMIRAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'. The subject request is to allow an existing freestanding sign that was previously approved at the increased height of 65' to be relocated on the subject parcel for the Liberty/Circle K gas station.		
	23-33-ZV	9/28/2023	CEBULSKI DAVID M	476 DEERFIELD VILLAGE DR, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 5.4B of the Zoning Ord. (as amended 11/07/02) to reduce the rear setback along the eastern property line from 20' to 16' for an 18' x 8' deck.		
	23-34-ZV	10/3/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN, WV 25443	Closed	Variance from Section 8.4 to reduce the distance requirement from 300' to 150' for a proposed kennel that includes an outdoor training area.		
	23-35-ZV	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 10.4.B.4 to allow a Freestanding Business Sign to be installed in a location that faces an adjoining residential property.		

23-36-ZV	10/23/2023	CHAPPUIS GUY P M	28 BENSON DR, HARPERS FERRY, WV 25425	Open	Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20' to 2'; and, to reduce the rear setback along the eastern property line from 12' to 2' for a 12' tall fence.		
23-37-ZV	10/30/2023	SNYDER STEPHEN P & KATIE MCELROY- WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY, WV 25425	Open	Variance request from Appendix B to reduce the non-residential side setback requirement from 50' to 8' along the northern property line for a 12' x 28' shed to be used for equipment storage related to an existing landscaping business (Snyder's Property Squad, LLC).		
23-38-ZV	11/17/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY, WV 25425	Open	Variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1,000' to 300' along the southern property line to allow for the construction of an asphalt plant accessory to the quarry operation.		
24-1-ZV	12/27/2023	CORBETT DEBRA R	HUYETT RD, CHARLES TOWN, WV 25414	Open	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of five lots).		
24-2-ZV	12/28/2023	BEALLAIR HOMES LLC	101 CLAYMONT HILL ST, CHARLES TOWN, WV 25414	Open	Variance request from Appendix A to reduce the rear setback from 20' to 18' for an existing 20' wide screened in porch.		
				<b>Category Total:</b>	<b>17</b>		
				<b>Grand Total:</b>	<b>104</b>		

**Planning and Zoning Quarterly Report  
07/01/2023 - 12/31/2023**

Type	Project Number	Creation Date	Owner Name	Location	Status	Description	Plat Book	Page
Conditional Use Permit	23-10-CUP	11/15/2023	BLUE IRIS LLC & BLUE TULIP LLC - Sharon Hallinan	217 DEER TRL, SHEPHERDSTOWN	Open	Request by Songbird House Assisted Living Residence for a CUP to operate a Nursing or Retirement Home for up to 16 residents with up to four (4) caregivers/employees.		
	23-8-CUP	9/29/2023	DOVE TRACY J & MARKETA	Flowing Acres Drive, Charles Town	Closed	Request by Tracy Dove dba Charles Town Car Storage for a CUP to operate a Commercial Storage facility for a nonresidential car storage facility for up to 28 vehicles.	26	594
	23-9-CUP	10/6/2023	Jeremy and Tiffany Martin	104 WINEBRENNER RD, SHEPHERDSTOWN	Closed	Request by Earthworx General Contracting Services, LLC for a CUP to operate a Contractor with Outdoor Storage business to allow storing construction equipment on an outdoor gravel pad.		
					<b>Category Total:</b>	<b>3</b>		
Easements	23-2-E	8/2/2023	BROWN CINDY M	2765 TROUGH RD, SHEPHERDSTOWN	Closed	Brown (Conservation Easement) Amendment		
	23-3-E	9/19/2023	WILLIS GARY W & GLORIA E	599 N CHILDS RD, KEARNEYSVILLE	Open	Willis (Conservation Easement)		
	23-4-E	9/25/2023	Cavalier Farm, LLC.	2095 SHEPHERDSTOWN PK HARPERS FERRY	Open	Cavalier Farm (Vacating Easement)		
	23-5-E	10/5/2023	ASPEN POOL FARM LLC	1378 TROUGH RD, SHEPHERDSTOWN	Open	Farmland Conservation Easement		
	23-6-E	12/19/2023	AMERICAN BATTLEFIELD TRUST	1901 TROUGH RD, SHEPHERDSTOWN	Open	Far Away Farm (Conservation Easement)		
					<b>Category Total:</b>	<b>5</b>		
	23-17-M	7/19/2023	Clifton 1834 LLC	2088 LEWISVILLE RD, SUMMIT POINT	Open	BLA of 2.1815 to be merged from parcel 1 to parcel 20	26	619
	23-18-M	7/20/2023	Lutman Land Development - David Lutman	Regent Rd, Charles Town, WV	Closed	BLA of 1.54 acres from Parcel 19.31 to parcel 19.30	26	628
	23-19-M	8/2/2023	CLAWSON BARRY L ET UX	649 SYCAMORE RD, HARPERS FERRY	Closed		26	623
	23-20-M	8/3/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Open	Merger of 22.8768 from parcel 2 to 2.3	26	673
	23-21-M	8/9/2023	SHADY GROVE HOLDINGS II LLC	562 BERRYVILLE PIKE, CHARLES TOWN	Open	BLA of .709 ac from Parcel 9 to Parcel 5		
	23-22-M	9/22/2023	BEARUP CHRISTOPHER & HEATHER	6740 KABLETOWN RD, CHARLES TOWN	Open	BLA of 1.1899 acres from parcel 14 to parcel 14.3		
	23-23-M	9/26/2023	Lutman Land Development - David Lutman	8706 LEETOWN RD, KEARNEYSVILLE	Open	BLA of 8.66 ac from Parcel 20 to Parcel 21	26	678
	23-24-M	10/10/2023	Barbara Bell	JOHN RISSLER RD, CHARLES TOWN	Open	BLA of 1.046 ac from Lot M to Lot N		
	23-25-M	10/20/2023	DEAL RICHARD B JR & YOCENCIA L	3685 RIVER RD, SHEPHERDSTOWN	Open	BLA of three merger areas: 1) .07 ac from Lot 2B to Lot 2C 2) .03 ac from Lot 2C to Parcel 18 3) .43 from Lot 2B to Parcel 18	26	667

<b>Merger or Boundary Line Adjustment</b>	23-26-M	10/25/2023	Linda Faye Gibson	Border Road, Kearneysville	Open	BLA of 0.4143 ac from Lot 12.15 to 12.4 and BLA of 0.7061 ac from Lot 12.4 to 12.15		
	23-27-M	11/7/2023	Horus West Virginia 1, LLC - Braden Houston	6740 KABLETOWN RD/ 15750 CHARLES TOWN RD, CHARLES TOWN	Open	BLA of ~240 acres from Parcel 14 to Parcel 1. The BLA will result in the creation of a 2.3028 acre lot for the new substation.		
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	622 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-28-M	11/13/2023	HOFFMAN CHRIS M ET AL	508 ANN LEWIS RD, CHARLES TOWN	Open	BLA of 1.9973 acres from Parcel 7 to Parcel 7.8		
	23-29-M	11/15/2023	SLUSHER DANIEL K & JUDY	280 N CHILDS RD, KEARNEYSVILLE	Open	Boundary Line Adjustment between Parcel 1.7 (Lot A) and Parcel 1.4 (Lot B)		
	23-30-M	11/15/2023	CANTOR HOLLOW LLC - Andy Shuckra	CAPTAIN CHEWS TRCE, CHARLES TOWN	Open	Consolidation of the Miller Station Nonresidential Subdivision into a single parcel.		
	23-31-M	12/4/2023	CYNTHIA L PIFER ET AL - CYNTHIA L PIFER	Pifer Lane, Charles Town	Open	BLA of .0553 ac from Lot 10B to Lot 10A; and, to relocate a portion of the platted septic reserve area.		
	23-32-M	12/12/2023	SUSANNE & JAMES KOENIG	247 LAKEVIEW DR, HARPERS FERRY	Open	SEC 32 Lot# 8-9 KEYES FERRY ACRES Consolidating		
	23-33-M	12/14/2023	MUSSI ELIZABETH A	403 RIVERSIDE DR, HARPERS FERRY	Open	BLA of .0231 ac from Lot 722 to Lot 721		
	23-34-M	12/27/2023	WHITE DAWN	49 BOYER LN, SUMMIT POINT	Open	BLA of 0.950 ac from Parcel 3 to Parcel 3.1		
					<b>Category Total:</b>	<b>20</b>		
<b>Planning Commission Variance (1979 ZO)</b>	23-3-PCV	7/18/2023	RODERICK PLANES LLC - Maurice Gladhill	Aspen Green Subdivision, Charles Town	Open	Request by applicant Roderick Planes, LLC. for a variance from Article 6; Section 6.3 of the 1979 Subdivision Ordinance for an extension to January 11, 2026.		
					<b>Category Total:</b>	<b>1</b>		
<b>Planning Commission Waiver</b>	23-20-PCW	7/11/2023	SIDEWINDER ENTERPRISES LLC	1 GRACE ST, KEARNEYSVILLE	Open	Waiver from Section 20.20 to allow a proposed 4-lot subdivision to process as a minor.		
	23-21-PCW	7/25/2023	CHURCH OF THE ASCENSION ANGLICAN-TR	Border Road, Keanerysville	Open	Waiver request from section 10.7, App B / Section 2.2.K to remove the requirement of a sidewalk along the front of the property at this time. A easement for a future sidewalk will be provided on the site plan		
	23-22-PCW	9/18/2023	Jack Payne	247 SABER DR, CHARLES TOWN	Open	Waiver request from Section 21.402 to allow a six (6) foot tall privacy fence to remain within a platted drainage easement.		
	23-23-PCW	10/3/2023	KE Colonial, LLC - Rick Fink	South of Higbee Lane, Shepherdstown	Open	Waiver from Section 24.112.C to allow a 1-year extension to prepare a Preliminary Plat for Colonial Hills Phase 3B based on Concept Plan approval on October 12, 2021.		
	23-25-PCW	10/24/2023	DONNA BENT	1332 BILLMYER MILL RD, SHEPHERDSTOWN	Open	Waiver from Section 20.201 A.2 to allow the applicant to utilize an existing 40' access easement instead of the required 50' access easement for the creation of 2 lots.		
	23-4-FPA	10/2/2023	TODD D BANKS & TAYLOR BISHOP	5994 FLOWING SPRINGS RD, SHENANDOAH JUNCTION	Open	Request for a Final Plat Amendment to lift the single family restriction to allow for the construction of an Accessory Dwelling Unit for use by a family member (Note DB632/PG363).		

	24-1-PCW	12/19/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY	Open	Waiver from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Asphalt Plant.		
					<b>Category Total:</b>	<b>7</b>		
<b>Site Plan</b>	23-10-SP	8/28/2023	BEALLAIR COMMUNITY CONSERVANCY INC - Ed Wormald	480 BEALLAIR MANOR DR, CHARLES TOWN, WV 25414	Open	Beallair Pool and Club House		
	23-11-SP	11/29/2023	HF HILLTOP LLC & SWAN HILL TOP OPERATING PARTNERS LLC	400 E RIDGE ST, HARPERS FERRY, WV 25425	Open	Hotel Project - Historic Harpers Ferry Reviewed by Jefferson County DEPZ in accordance with agreement with State Economic Development Authority		
	23-12-SP	12/19/2023	DALB INC - Kevein Steeley	73 INDUSTRIAL BLVD, KEARNEYSVILLE	Open	The project consists of an 11,940 sq ft expansion to the existing facility.		
	23-9-SP	8/11/2023	FONTANA PARK HOLDINGS, LLC	James Burr Blvd, Kearneysville	Open	The proposed use of the site is an indoor/outdoor recreational facility with sports fields, indoor courts, and indoor high-school sized lap pool.		
	23-3-EGP	8/31/2023	JEFFERSON COUNTY COMMISSION	235 SAM MICHAELS LN, SHENANDOAH JUNCTION	Open	Early Grading		
	S96-10	9/11/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON	Closed	Site Plan for expansion to church building: Phase 1 = 3,200 SF classrooms Phase 2 = 6,500 SF sanctuary		
	23-4-NSP	9/21/2023	FIRST BAPTIST CHURCH OF RANSON TRUSTEES	614 LONE OAK RD, RANSON, WV 25438	Closed	The addition of two ramps to the existing sanctuary. Ramp #1 = 80 sf, Ramp #2 = 56 sf		
	23-5-NSP	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	No Site Plan Sketch re: parking lot		
					<b>Category Total:</b>	<b>8</b>		
<b>Special Exception Permit</b>	23-2-SE	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Request for a Special Exception Permit for an Off-Premise Sign for Bakerton Market		
					<b>Category Total:</b>	<b>1</b>		
<b>Minor Plat Change</b>	23-9-MPC	8/30/2023	Beallair Homes, LLC - Ed Wormald	Beallair Manor Dr, Charles Town	Closed	Beallair Subdivision Phase 2 - Minor Plat Change to remove the trails/walkways.	26	669
	23-10-MPC	9/21/2023	D.R. Horton, Inc. - Brian Georg	Centergate Dr, Charles Town	Closed	Minor Plat to revise storm easements and dedicate a water easement on Lots 165-169 and Open Space Parcel C	26	661
	23-11-MPC	10/10/2023	OLSON KENNETH J - Kenneth Olson	205 STONE CHIMNEY RD, HARPERS FERRY	Closed	Relocate the existing septic reserve area.		
	23-13-MPC	11/30/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.	26	601
					<b>Category Total:</b>	<b>4</b>		
	23-21-SD	7/10/2023	KENNETH L & GLENVILLE L SHADE	Sulphur Springs Rd, Middleway, WV	Open	Proposed 1 lot Family Transfer and Residue		
	23-22-SD	7/31/2023	Donna C Bent	1326 Billmyer Mill Rd, Shepherdstown	Open	BLA from Parcel 5.6 to 5.7; creation of Lots 1-Residue, 2, & 3 under 5.7D.3 of the Zoning Ordinance		
	23-23-SD	8/9/2023	STOLIPHER NANCY C	225 STRAITHMORE FARM LN, CHARLES TOWN	Open	proposing 4 lots and a Residue		

Subdivision	23-24-SD	8/25/2023	NEWKIRK SANDRA L & SUSAN P MCGRAW TR	849 SHADE TREE LN, SHENANDOAH JUNCTION	Open	1 Lot and a residue		
	23-25-SD	8/28/2023	LOWE ANDREW D W	7620 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 1 into Lots 1A and 1B (residue)	26	665
	23-26-SD	8/28/2023	LOWE ANDREW D W	7766 SHEPHERDSTOWN PIKE, SHEPHERDSTOWN	Open	Resubdivision of North Thirty, Lot 3 into Lots 3A and 3B (residue) and an easement deed	26	664
	23-27-SD	9/7/2023	Eric & Michele Stewart	BOWERS RD, KEARNEYSVILLE	Open	Family Transfer MSD creating 2 lots and a residue		
	23-28-SD	9/22/2023	Lutman Land Development - Dave Lutman	Regent Road, Charles Town	Closed	2 lots and a residue	26	660
	23-29-SD	10/16/2023	MARCUS RONALD E	6997 KABLETOWN RD, CHARLES TOWN	Open	Minor Subdivision to create lots 1, 2 & 3-Residue		
	23-30-SD	10/31/2023	ELMWOOD FIELDS & FORESTS LLC	Flowing Springs Road, SHENANDOAH JUNCTION	Open	Lot 1 and Lot 2 (residue)		
	23-31-SD	12/13/2023	Townhome Rental, LLC	Charles Town Road, Kearneysville	Open	Rocky Ridge Phase 2 Subdivision - 54 Townhome Lots		
	23-32-SD	12/21/2023	LUTMAN PROPERTIES LLC	8464 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 1: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)		
	23-33-SD	12/21/2023	LUTMAN PROPERTIES LLC	8554 LEETOWN RD, KEARNEYSVILLE	Open	Leetown 2: 4-lot minor subdivision / Cluster Subdivision (Section 5.7D.2 of the Zoning Ordinance)		
				<b>Category Total:</b>	<b>13</b>			
Redline Revision	23-8-RR	10/10/2023	FLOWING SPRINGS ROAD LLC	Flowing Springs Road, Charles Town	Open	Revising the SWM Pond #1 outlet structure, adding model home notes based on BZA approval and associated temporary parking lot, adding the new property line and owner from the minor subdivision of the land.		
					<b>Category Total:</b>	<b>1</b>		
Final Plat Amendment	23-5-FPA	10/19/2023	TOWNHOMES RENTAL LLC	4115 CHARLES TOWN RD, KEARNEYSVILLE	Open	Rocky Ridge - change to the County line.		
					<b>Category Total:</b>	<b>1</b>		
	23-35-ZC	7/7/2023	CHERNOV ROMAN B	451 SHENANWOOD DR, HARPERS FERRY	Closed	Bed and Breakfast (owner-occupied short term rental)		
	23-36-ZC	8/2/2023	COLLIER MARTIN P & KIBONG LEE	133 WATERSIDE DR, HARPERS FERRY	Closed	Accessory Dwelling Unit: In-law Suite		
	23-37-ZC	7/19/2023	B33 JEFFERSON CROSSING II LLC	186 FLOWING SPRINGS RD, CHARLES TOWN	Closed	Change in Tenant		
	23-38-ZC	7/27/2023	SUSO 2 ALABAMA LP - Stelios Mourtzakis	108 PATRICK HENRY WAY, CHARLES TOWN	Closed	Shopping Center: Change in Tenant (Adagio Academy of Performing Arts) Dance studio		
	23-39-ZC	8/11/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPERS FERRY	Closed	Agricultural Use: Farm Distillery, Agricultural Event Facility, and Pick Your Own Farm Products		
	23-40-ZC	8/11/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN	Closed	QRF Solutions K9; Kennel - Dog Training Operation to include basic obedience training and scent detection training.		
	23-41-ZC	8/15/2023	PG CAPPELLA LLC - Pasquale Colandrea	130 E BURR BLVD, KEARNEYSVILLE	Closed	Change in tenant		

Zoning Certificate	23-42-ZC	8/16/2023	ADCOCK PROPERTIES LLLP	25 TROY DR STE 100, CHARLES TOWN	Closed	Change in Tenant: Drive Pros to Charles Town Auto		
	23-43-ZC	8/18/2023	LOWELL KATHRYN AMY & SUSAN ANNE MADISON	18 MOONRIDGE LN, HARPERS FERRY	Closed	Bed and Breakfast: owner occupied short term rental		
	23-44-ZC	8/28/2023	SCHNITZIUS SUZAN	50 MOSBY DR, HARPERS FERRY	Closed	Bed and Breakfast: Owner occupied short term rental		
	23-45-ZC	8/30/2023	BELKOT HOLLY & DAVID F PHELAN JR	79 FEATHERBED LN, HARPERS FERRY	Closed	Short Term Rental		
	23-46-ZC	9/20/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN	Closed	Day Care Facility, Large: Hours of Operation 8 am to 8 pm; Number of Children: 30; Number of Employees: 5; Number of Parking Spaces: 10		
	23-47-ZC	10/5/2023	MCKEE JOHN D & CYNTHIA E	237 TEL FARM LN, KEARNEYSVILLE	Closed	Add standby generator, associated concrete pad, and utility equipment to existing AT&T Equipment area. There will be no change in the size or height of the tower or antennas.		
	23-48-ZC	10/12/2023	West Virginia American Water Company - Tony Witt	150 E BURR BLVD STE 200, KEARNEYSVILLE	Closed	Change in Ownership/Tenant: Professional Office		
	23-49-ZC	10/19/2023	Skyview Property Management, LLC	1086 TUSCAWILLA DR, CHARLES TOWN	Open	The Paddock - Short term Rental		
	23-50-ZC	10/20/2023	VIEW MOUNTAIN FARM LLC	673 OLD SHENNANDALE RD; 1371 MYERSTOWN RD; 2646 KABLETOWN RD; 28 DUTCH HILL RD; CHARLES TOWN	Closed	Solar Energy Facility Concept Plan for the Rippon Energy Facility on approximately 878-acres consisting of solar modules, a new substation to connect the solar facility with the electric grid, and underground utilities.		
	23-51-ZC	11/9/2023	DSP Shepherdstown Tavern LLC aka Rumsey Tavern	233 LOWE DR, SHEPHERDSTOWN	Closed	DSP Shepherdstown Tavern LLC dba Rumsey Tavern		
	23-52-ZC	11/16/2023	Tianxia, LLC - Tain Feng Zhou	91 SARATOGA DR STE B, CHARLES TOWN	Closed	Jefferson Crossing, Lot 3, Shopping Center. Change in Tenant: Indoor Play Facility with arcade game machines.		
	23-53-ZC	11/30/2023	Summit Point Raceway Associates, Inc. - Chris - Otto	155 Gasoline Alley Units 1 & 2, Summit Point	Closed	Accessory Use: Fitness Center *change in use / change in tenant in Units 1 and 2		
	23-55-ZC	12/7/2023	SUMMIT POINT VENTURES LLC - Jim Bradury	500 MOTORSPORTS PARK CIR, SUMMIT POINT	Closed	Change in Land Use: Kennel: K-9 training to include Explosive Detector Dogs (EDD's) Storage of Firearms Permitted as an Accessory Use		
	23-56-ZC	12/8/2023	BAIHLY EUNSOOK K	47 MORNING CALM LN, HARPERS FERRY	Open	ADU		
	23-57-ZC	12/12/2023	Katherine Wong	1447 LAKESIDE DR, HARPERS FERRY	Closed	Short Term Rental		
	23-58-ZC	12/20/2023	WEBB CAPRICE	35 WESTRIDGE LAKE LN, HARPERS FERRY	Open	Wild and Wonderful Silos Short Term Rental (STR)		
					<b>Category Total:</b>	<b>23</b>		
	23-24-ZV	7/7/2023	WALL STREET PARTNERS WV1 LLC Timothy Haymaker	45 AMANDA CT, HARPERS FERRY, WV 25425	Closed	Variance request from Section 104.A.2 to allow an attached business sign to be installed in a location that faces an adjoining residential property.		
	23-25-ZV	7/26/2023	WEIMER ADRANETTA I	50 WILD DOGWOOD LN, HARPERS FERRY	Closed	Variance request from Section 9.7 to reduce the side setback from 12' to 8' along the southern property line for a proposed 28' x 35' detached garage.		

**Zoning  
Variance**

23-26-ZV	7/27/2023	Daniel Shelton	25 BON AIRE DR, SHEPHERDSTOWN	Closed	Variance request from Section 5.4(b) (Zoning Ordinance as amended 07/15/93) to reduce the rear setback from 20' to 15' along the northern property line for a proposed deck and screened in porch (325 sq ft total).		
23-27-ZV	8/14/2023	TENNANT SHARON M - Sharon Tennant	323 WOODCOCK AVE, SHEPHERDSTOWN	Closed	Variance request from Section 9.7 to reduce the side setback along the northern property line from 6' to 4' and the rear setback along the eastern property line from 6' to 4' for a proposed 160 sf shed.		
23-28-ZV	8/21/2023	FLOWING SPRINGS ROAD, LLC - WILLIAM REILLY	Flowing Springs Rd, Shenandoah Junction	Closed	Variance request from Section 8.10 to allow placement of a staffed model home sales office on Lots 36 & 37 of the Stonecrest Subdivision.		
23-29-ZV	8/21/2023	WOLFE CHARLES G JR & SHELLY J	1223 N CHILDS RD, KEARNEYSVILLE	Closed	Variance request from Section 5.7B of the Zoning Ordinance (amended 09/28/06) to reduce the front setback along the eastern property line from 40' to 17' for a 30' x 30' detached garage; and Section 9.6C to allow an accessory structure in the required front yard.		
23-30-ZV	8/28/2023	SULLIVAN BARBARA B	Bakerton Road, Harpers Ferry	Closed	Variance request from Section 10.5A.4 to reduce the front setback from 25' to 8' for an Off-Premise Sign; and Section 10.5A.5 to allow an Off-Premise Sign to be located closer than 100' to an intersection.		
23-31-ZV	8/30/2023	Elevation Properties LLC	1208 GARDNERS LN, SHEPHERDSTOWN	Closed	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of four 5-acre lots).		
23-32-ZV	9/5/2023	CHARLES TOWN BURR PARK STATION LLC	60 WAR ADMIRAL BLVD, KEARNEYSVILLE, WV 25430	Closed	Variance request from Section 10.4B.2 to increase the permitted freestanding business sign height from 35' to 65'. The subject request is to allow an existing freestanding sign that was previously approved at the increased height of 65' to be relocated on the subject parcel for the Liberty/Circle K gas station.		
23-33-ZV	9/28/2023	CEBULSKI DAVID M	476 DEERFIELD VILLAGE DR, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 5.4B of the Zoning Ord. (as amended 11/07/02) to reduce the rear setback along the eastern property line from 20' to 16' for an 18' x 8' deck.		
23-34-ZV	10/3/2023	Nicholas Russo and Alice Davenport	1899 TROUGH RD, SHEPHERDSTOWN, WV 25443	Closed	Variance from Section 8.4 to reduce the distance requirement from 300' to 150' for a proposed kennel that includes an outdoor training area.		
23-35-ZV	10/10/2023	CORUM PETER S	3988 KEARNEYSVILLE PIKE, SHEPHERDSTOWN, WV 25443	Closed	Variance request from Section 10.4.B.4 to allow a Freestanding Business Sign to be installed in a location that faces an adjoining residential property.		
23-36-ZV	10/23/2023	CHAPPUIS GUY P M	28 BENSON DR, HARPERS FERRY, WV 25425	Open	Variance request from Section 9.7 to reduce the front setback along Mahoney Drive from 20' to 2'; and, to reduce the rear setback along the eastern property line from 12' to 2' for a 12' tall fence.		
23-37-ZV	10/30/2023	SNYDER STEPHEN P & KATIE MCELROY- WOODRUM - STEPHEN SNYDER	38 MARCUM LN, HARPERS FERRY, WV 25425	Open	Variance request from Appendix B to reduce the non-residential side setback requirement from 50' to 8' along the northern property line for a 12' x 28' shed to be used for equipment storage related to an existing landscaping business (Snyder's Property Squad, LLC).		

23-38-ZV	11/17/2023	MILLVILLE QUARRY INC	165 BRADSTONE LN, HARPERS FERRY, WV 25425	Open	Variance request from Section 5.6B to reduce the distance requirement for Industrial Uses from 1,000' to 300' along the southern property line to allow for the construction of an asphalt plant accessory to the quarry operation.		
24-1-ZV	12/27/2023	CORBETT DEBRA R	HUYETT RD, CHARLES TOWN, WV 25414	Open	Variance request from Section 5.7D.2.b.i(b) to allow the required 50% green space to be allocated on each of the individual lots within the cluster subdivision (applicant is proposing a maximum of five lots).		
24-2-ZV	12/28/2023	BEALLAIR HOMES LLC	101 CLAYMONT HILL ST, CHARLES TOWN, WV 25414	Open	Variance request from Appendix A to reduce the rear setback from 20' to 18' for an existing 20' wide screened in porch.		
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# 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

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Phone: (304) 728-3228

## Budget Memo

February 13, 2024 Planning Commission Meeting

**Date of Memo: February 6, 2024**

Pursuant to WV State Code §8A-2-11(13), The Planning Commission shall “Prepare and submit an annual budget to the appropriate governing body.”

The County is currently working on the budget for fiscal year 2025. Each Department is tasked with preparing a budget catered to their needs. The Planning Commission has a role in preparing for the annual budget by identifying special projects and/or studies that may need to be completed as part of their work plan and/or to make recommendations in support of staffing needs identified by the Department.

Aside from continuing to work on the Comprehensive Plan update, no special projects were identified by staff that would necessitate additional funding requests. Staff anticipates that with the next budget proposal (FY 2025) there could be funding requests related to updating the County’s Ordinances to incorporate recommendations from the updated Comprehensive Plan (once completed).

As part of the FY 2025 budget proposal, staff intends to recommend that the County Commission evaluate the land development fee schedule, which has not been updated since 2001.

**The request for the 02/13/2024 Planning Commission meeting is to recommend approval of the draft FY 2025 budget presented by the Department of Engineering, Planning, and Zoning.**

### **Summary of Planning and Zoning Specific Budget Items**

- Intern/temporary help to assist with update to Comprehensive Plan = \$5,000
- Contracted Services to help with formatting the update to the Comprehensive Plan - \$6,000
- Materials and Supplies related to the update to the Comprehensive Plan = \$5,000
- Advertising / Legal Ads for public notice requirements = \$3,000
- Training & Education for staff/PC/BZA = \$850
- Travel Costs for Training = \$775
- Dues & Subscriptions (Planner) = \$400

### **Attachments:**

- Excerpt from State Code
- DRAFT Budget Justifications for Department of Engineering, Planning, and Zoning
- DRAFT Land Development Fee Schedule

(2) Appropriate money to defray the reasonable expenses of the planning commission.

(b) In the ordinance creating a multicounty planning commission, a regional planning commission or a joint planning commission, the governing bodies shall designate office space and will each equally appropriate money sufficient to defray the reasonable expenses of the planning commission.

(c) Planning commissions are authorized to accept gifts, funds and donations which will be deposited with the appropriate governing body in a special nonreverting planning commission fund to be available for expenditures by the planning commission for the purpose designated by the donor.

#### **§8A-2-11. Planning commission's powers and duties.**

A planning commission has the following powers and duties:

- (1) Exercise general supervision for the administration of the affairs of the commission;
- (2) Prescribe rules and regulations pertaining to administration, investigations and hearings: Provided, That the rules and regulations are adopted by the governing body;
- (3) Supervise the fiscal affairs and responsibilities of the commission;
- (4) With consent from the governing body, hire employees necessary to carry out the duties and responsibilities of the planning commission: Provided, That the governing body sets the salaries;
- (5) Keep an accurate and complete record of all planning commission proceedings;
- (6) Record and file all bonds and contracts;
- (7) Take responsibility for the custody and preservation of all papers and documents of the planning commission;
- (8) Make recommendations to the appropriate governing body concerning planning;
- (9) Make an annual report to the appropriate governing body concerning the operation of the planning commission and the status of planning within its jurisdiction;
- (10) Prepare, publish and distribute reports, ordinances and other material relating to the activities authorized under this article;
- (11) Adopt a seal, and certify all official acts;
- (12) Invoke any legal, equitable or special remedy for the enforcement of the provisions of this article or any ordinance, rule and regulation or any action taken thereunder;
- (13) Prepare and submit an annual budget to the appropriate governing body;**
- (14) If necessary, establish advisory committees;
- (15) Delegate limited powers to a committee composed of one or more members of the commission; and
- (16) Contract for special or temporary services and professional counsel with the approval of the governing body. Upon request, a county prosecuting attorney, the county surveyor, the county engineer, or any other county employee may render assistance and service to a planning commission without compensation.

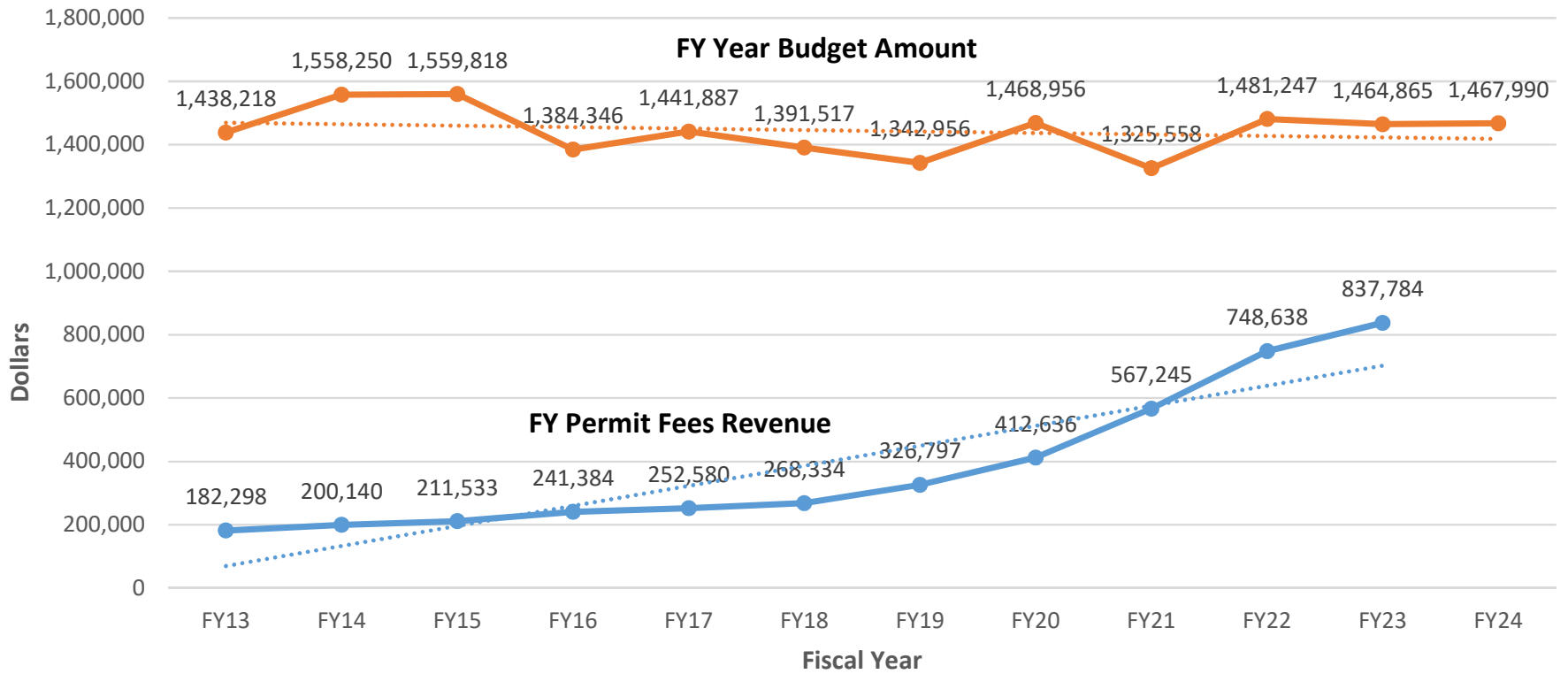
#### ARTICLE 3. COMPREHENSIVE PLAN.

##### **§8A-3-1. Purpose and goals of a comprehensive plan.**

(a) The general purpose of a comprehensive plan is to guide a governing body to accomplish a coordinated and compatible development of land and improvements within its territorial jurisdiction, in accordance with present and future needs and resources.

(b) A comprehensive plan is a process through which citizen participation and thorough analysis are used to develop a set of strategies that establish as clearly and practically as possible the best and most appropriate future development of the area under the jurisdiction of the planning commission. A comprehensive plan aids the planning commission in designing and recommending to the governing body ordinances that result in preserving and enhancing the unique quality of life and culture in that community and in adapting to future changes of use of an economic, physical or social nature. A comprehensive plan guides the planning commission in the performance of its duties to help achieve sound planning.

## Engineering, Planning & Zoning Combined Fees/Revenue vs. Budget Amount



# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
Temporary Intern Position to assist with work related to the 2045 Comprehensive Plan Update.		5,000			<p><b>Temporary help will ensure work is completed within the timelines required by state law.</b></p> <p><b>Update to the Comprehensive Plan is Mandated by West Virginia State Code, Chapter 8A, Section 3-11:</b></p> <p><b>§8A-3-11. Amending comprehensive plan after adoption.</b></p> <p>(a) After the adoption of a comprehensive plan by the governing body, the planning commission shall follow the comprehensive plan, and review the comprehensive plan and make updates at least every ten years.</p> <p>(b) After the adoption of a comprehensive plan by the governing body, all amendments to the comprehensive plan shall be made by the planning commission and recommended to the governing body for adoption in accordance with the procedures set forth in sections six, seven, eight and nine of this article. The planning commission shall hold a public hearing prior to its recommendation to the governing body.</p> <p>(c) If a governing body wants an amendment, it may request in writing for the planning commission to prepare an amendment. The planning commission must hold a public hearing within one hundred twenty days after the written request by the governing body to the planning commission is received.</p> <p>(d) Within the latter of ninety days or three scheduled meetings after the submission of the recommended amendment to the comprehensive plan to the governing body, the governing body must act by either adopting, rejecting or amending the comprehensive plan.</p>
<b>Total</b>	-	5,000	-	-	
Total Object Code	5,000				

# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
Engineering Cell Phone		850			The cell phone is considered mission critical since it provides for communication from the field to the office and vice-versa. It allows The Chief County Engineer/Building Code Official/Floodplain Manager to make an emergency call when out of the office and in the event we encounter a hostile situation when performing code violation and/or property safety inspections. Therefore, it is also a safety issue. The cell phone is very useful in the event of a disaster and the need to communicate with the Emergency Operations Center. It also allows us to receive the Homeland Security Nixel weather advisory notices and office closing notices when out of the office. It also allows me to check emails and respond when out of the office/town, and see my desk top calendar. It makes for more efficient communication.
Building Inspector Cell Phone (4)		1,500			The building inspectors use their personal cell phones to communicate between the field and the office. As an example, they make calls to the office when they are unable to get into a house (combination key box does not work) for a final inspection in order to have the homeowner/contractor come and open it. Also, the office calls the building inspector when a contractor calls to cancel an inspection after the building inspector has left the office to perform inspections. The phones also provide the ability to call for help in the event a building inspector becomes injured or falls in a vacant structure being inspected, or in the event of a vehicle break-down. The phones also provide the ability to call for help in the event of a hostile situation. The \$1,500 amount is to provide the five inspectors with a \$25/month/each stipend toward their personal cell phone costs.
Planning & Zoning Cell Phone			845		The cell phone is considered discretionary for the Chief County Planner.
<b>Total</b>	-	2,350	845	-	
<b>Total Object Code</b>	3,195				

# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
Engineering Cell Phone		850			The cell phone is considered mission critical since it provides for communication from the field to the office and vice-versa. It allows The Chief County Engineer/Building Code Official/Floodplain Manager to make an emergency call when out of the office and in the event we encounter a hostile situation when performing code violation and/or property safety inspections. Therefore, it is also a safety issue. The cell phone is very useful in the event of a disaster and the need to communicate with the Emergency Operations Center. It also allows us to receive the Homeland Security Nixel weather advisory notices and office closing notices when out of the office. It also allows me to check emails and respond when out of the office/town, and see my desk top calendar. It makes for more efficient communication.
Building Inspector Cell Phone (4)		1,200			The building inspectors use their personal cell phones to communicate between the field and the office. As an example, they make calls to the office when they are unable to get into a house (combination key box does not work) for a final inspection in order to have the homeowner/contractor come and open it. Also, the office calls the building inspector when a contractor calls to cancel an inspection after the building inspector has left the office to perform inspections. The phones also provide the ability to call for help in the event a building inspector becomes injured or falls in a vacant structure being inspected, or in the event of a vehicle break-down. The phones also provide the ability to call for help in the event of a hostile situation. The \$1,200 amount is to provide the four inspectors with a \$25/month/each stipend toward their personal cell phone costs.
Planning & Zoning Cell Phone			845		The cell phone is considered discretionary for the Chief County Planner.
Total	-	2,050	845	-	
Total Object Code	2,895				



# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
Travel - Engineering Office	2,625				Travel costs for mileage reimbursement, food and lodging for out of town training for staff. We seek out training that does not require an overnight stay; however, some training is only offered at certain locations in the state and region and the training spans more than one day, thus requiring overnight lodging and meals. This item mostly covers travel costs for mandated training for the Chief Co. Engineer, County Engineer, Floodplain Manager and the Building Plans Reviewer and four Building Inspectors. Since the the ongoing continuing education is mandated, I consider the travel expenses as a mandated cost also.
					<b>Floodplain Manager</b> continuing education is required under WV State Code §15-5-20a, Section (b). Floodplain Manager Training.
					<b>Building Inspector &amp; Building Code Official</b> continuing education is required under WV State Code, Legislative Rule, Title 87, Series 7, Section 4.2 Continuing Education.
					<b>Professional Engineer</b> continuing education is required under West Virginia State Code §30-13-1 & Legislative Rule, Title 7, Series 1, Section 10 Continuing Professional Competency.
Travel - Planning & Zoning		775			Planning and Zoning mission critical travel costs relate to mileage reimbursement, room and board when out of town training is required. If possible, we look for on-line training or training which does not require an overnight stay, but that is not always possible. If a county vehicle is available, that is used for travel. It should also be noted that Planning and/or Zoning have also been charged with reimbursing Hotel and Travel expenses when the Prosecuting Attorney's office has had to travel to Charleston for court cases.
Total	2,625	775	-	-	
Total Object Code	3,400				



# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
Professional Continuing Education & Training - Engineering	4,000				Training and education costs for seminars, workshops, etc. to meet mandated continuing education requirements for staff. We seek out training that has no costs (i.e., Annual GIS User's Workshop, etc); however, some training has to be obtained via on-line courses or webinars and by attending conferences, all of which have registration fees. This item mostly covers mandated training for the Chief Co. Engineer, County Engineer, Floodplain Manager and the Building Plans Reviewer and four Building Inspectors.
					<b>Floodplain Manager</b> continuing education is required under WV State Code §15-5-20a, Section (b). Floodplain Manager Training.
					<b>Building Inspector &amp; Building Code Official</b> continuing education is required under WV State Code, Legislative Rule, Title 87, Series 7, Section 4.2 Continuing Education.
					<b>Professional Engineer</b> continuing education is required under West Virginia State Code §30-13-1 & Legislative Rule, Title 7, Series 1, Section 10 Continuing Professional Competency.
					In FY 2025, we will also be incurring the costs of testing and certification of an additional building inspector/plans reviewer, as required under WV State Code, Legislative Rule, Title 87, Series 7.
Professional Continuing Education & Training - Planning & Zoning		850			There are three mission critical components to the Planning and Zoning training budget request. 1) The County Commission requires training for the Planning Commission and Board of Zoning Appeals. Some years staff has been able to find free training curriculum, but that isn't always possible. 2) The Deputy Director requested public administration courses/training. 3) The County Planner requested to include training for professional development to work toward AICP certification.
<b>Total</b>	4,000	850	-	-	
Total Object Code	4,850				

# DRAFT

Description	FY 2025 Request Mandated	FY 2025 Request Mission Critical	FY 2025 Request Discretionary	FY 2025 Request New Initiative	Justification / Purpose
ASCE Dues - Chief Co. Engineer		400			Membership provides 8 free on-line professional continuing education courses annually thru the American Society of Civil Engineers. The cost of the membership is less than the \$99 cost of each the 8 online courses. In addition, the membership allows the Chief County Engineer to attend local ASCE chapter meetings, where I've answered other engineer's building code questions and made presentations on the state building code. Attendance at the ASCE meetings (where technical presentations are provided) also qualify for continuing education credit.
ASFPM Membership - Floodplain Managers		400			The American Society of Floodplain Managers (ASFPM) membership & certification renewal covers two persons and the fees are required in order to submit to ASFPM continuing education credits and receive annual Certified Floodplain Manager certification.
ASFPM Certification Renewal - Floodplain Managers		400			
ICC Membership - Jefferson County Govt. Member		400			
West Virginia State Fire Marshal Registration	900				Under WV State Code, Legislative Rule, Title 87, Series 7, the Building Inspectors & Building Code Official are required to submit continuing educations credits and pay a registration fee.
WVCOA Membership - Chief Co. Engineer		200			Membership in the West Virginia Code Officials Association (WVCOA) provides us with the right to attend quarterly association training opportunities for the Building Inspectors and the Building Code Official. WVCOA also represents the interests of the jurisdictions enforcing building codes and keeps us informed of legislative issues related to building codes. A Jefferson County Building Inspector serves on the WVCOA Board of Directors.
WVCOA Membership - Bldg. Inspector #1		200			
WVCOA Membership - Bldg. Inspector #2		200			
WVCOA Membership - Bldg. Inspector #3		200			
WVCOA Membership - Bldg. Inspector #4		200			
WVCOA Membership - Bldg. Plans Reviewer		200			
Zoning Office					In the FY 2020 budget, \$500 of subscriptions were terminated in this budget item.
Planning Office		400			County Planner membership in the American Planning Association (APA \$293) and the WVAPA (\$45). Membership in these organizations provides access to training opportunities and planning resources utilized by staff and the Planning Commission.
<b>Total</b>	900	3,200	-	-	
<b>Total Object Code</b>	900	3,200	-	-	









**Office of Planning & Zoning**  
**Proposed Land Development Fee Schedule**  
 December 2023 for July 1, 2024

Minor Residential Subdivision	Current Fee	Proposed Fee
	Final Plat	Final Plat
Base Review Fee	\$200	\$350
Plus Per Lot Fee	\$200	\$350

Minor Non-Residential Subdivision	Current Fee	Proposed Fee
	Final Plat	Final Plat
Base Review Fee	\$300	\$525
Plus Per Lot Fee	\$500	\$875

Major Residential Subdivision	Current Fee			Proposed Fee		
	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)
Base Review Fee	1-49 Lots \$0.00	\$300	\$300	<b>1-49 Lots \$300 (flat fee)</b>	\$350	\$350
Plus Per Lot Fee	50+ Lots \$0.00	\$400	\$400	<b>50+ Lots \$500 (flat fee)</b>	\$700	\$700

Major Non-Residential Subdivision	Current Fee			Proposed Fee		
	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)
Base Review Fee	1-49 Lots \$0.00	\$300	\$300	<b>1-49 Lots \$300 (flat fee)</b>	\$350	\$350
Plus Per Lot Fee	50+ Lots \$0.00	\$500	\$500	<b>50+ Lots \$500 (flat fee)</b>	\$550	\$550

\*The fee amounts shown in **bold, blue font** are related to processes for which there is no current established fee.

Note: This fee schedule does not include Building Permit fees and is limited to land development fees only (i.e. subdivision plats, site plans, etc.)

**Office of Planning & Zoning**  
**Proposed Land Development Fee Schedule**  
 December 2023 for July 1, 2024

Mobile Home Park	Current Fee			Proposed Fee		
	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)
Base Review Fee	1-49 Lots \$0.00	\$300	\$300	<b>1-49 Lots \$300 (flat fee)</b>	\$350	\$350
Plus Per Lot Fee	50+ Lots \$0.00	\$400	\$400	<b>50+ Lots \$500 (flat fee)</b>	\$450	\$450

Campground Site Plan	Current Fee Site Plan, Bonding, & Milestone Inspections	Proposed Fee
Concept Plan Review Fee	\$0.00	<b>\$300</b>
Site Plan Base Review Fee	\$0.00	<b>\$500</b>
Plus Per Campsite Fee (site plan only for 10+ lots)	\$0.00	<b>\$100</b>

Multifamily Development Site Plan (no subdivision of lots)	Current Fee Site Plan, Bonding, & Milestone Inspections	Proposed Fee Site Plan, Bonding, & Milestone Inspections
Concept Plan Review Fee	\$0.00	<b>\$300</b>
Site Plan Base Review Fee	\$0.00	<b>\$500</b>
Per Principal Building	\$0.00	<b>\$100</b>
Plus Per Dwelling Unit Fee (site plan only)	\$0.00	<b>\$200</b>

Site Plan Minor or Major Process	Current Fee Site Plan, Bonding, & Milestone Inspections	Proposed Fee Site Plan, Bonding, & Milestone Inspections
Concept Plan Review Fee	\$0.00	<b>\$300</b>
Minor Site Plan Review Fee	\$0.00	<b>\$500</b>
Major Site Plan Review Fee	\$0.00	<b>\$1,000</b>

**Office of Planning & Zoning**  
**Proposed Land Development Fee Schedule**  
 December 2023 for July 1, 2024

<b>Cell Tower Site Plan</b>	<b>Current Fee</b> Site Plan, Bonding, & Milestone Inspections (Re-inspection Fees Apply)	<b>Proposed Fee</b>
Concept Plan Review Fee	---	<b>\$500</b>
Site Plan Review Fee	---	<b>\$1,000</b>

<b>Concept Plan Only</b> <i>(e.g. agricultural uses)</i>	<b>Current Fee</b>	<b>Proposed Fee</b>
Base Review Fee	\$0.00	<b>\$300</b>

<b>Redline Revision and Minor Plat Changes/Plat Amendments</b>	<b>Current Fee</b>			<b>Proposed Fee</b>		
	Preliminary Plat	Final Plat	Site Plan	Preliminary Plat	Final Plat	Site Plan
Base Fee Per Plan/Plat	\$175	\$150	\$175	\$300	\$200	\$300

<b>Boundary Line Adjustment</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Base Fee Per Plat	\$100	\$175
Consolidation Deed Only	\$100	\$175

<b>Easement Plat</b>	<b>Current Fee</b>	<b>Proposed Fee</b>
Base Fee Per Plat	\$100	\$175
Easement Deed Only	\$100	\$175

<b><u>ZONING ITEMS</u></b>	<b><u>CURRENT FEES</u></b>	<b><u>PROPOSED FEES</u></b>
Zoning Ordinance Text Amendment Application <i>*If initiated by a property owner/developer. County boards and commissions exempt from fee.</i>	\$0.00	<b>\$1,000</b>
Zoning Map Amendment Application (Rezoning)	\$1000 + \$50 per acre	\$1,500 + \$75 per acre

**Office of Planning & Zoning**  
**Proposed Land Development Fee Schedule**  
December 2023 for July 1, 2024

Conditional Use Permit (CUP) Application	\$250 + \$50 per acre	\$300 + \$75 per acre
Zoning Variance Application	\$100	\$150
Zoning Variance Application (construction/use has commenced prior to BZA approval)	\$150	\$200
Multiple Use Variances	\$200	N/A
Administrative Appeal Application (each issue appealed constitutes a separate appeal)	\$100	\$150
Zoning Verification Letter *Includes WV ABC Letter	\$0.00	\$0.00
Zoning Certificate *No fee if only a tenant change in conforming structure	\$0.00	<b>\$25</b>

<b><u>SUBDIVISION ITEMS</u></b>	<b><u>CURRENT FEES</u></b>	<b><u>PROPOSED FEES</u></b>
Pre-Proposal Conferences	No charge	No Charge
Subdivision Regulations Waiver Request (2008)	\$100	\$150
Subdivision Ordinance Variance Request (1979)	\$100	\$150

<b><u>MISCELLANEOUS ITEMS</u></b>	<b><u>CURRENT FEES</u></b>	<b><u>PROPOSED FEES</u></b>
2014 and later Comprehensive Plan (text only, no maps)	\$20	\$20
2014 and later Comprehensive Plan (includes 24" x 36" color copy of Future Land Use Guide)	\$40	\$40
2004 and Older Comprehensive Plan <i>Already printed</i>	\$12	\$10
Zoning Map, Future Land Use Guide - 24" x 36"	\$20	\$20
Zoning Map, Future Land Use Guide - 36" x 54"	\$25	\$25
USB Thumb Drive (copy of meeting recordings, electronic copy of files, etc.)	\$10	\$10
Zoning Ordinance	\$15	\$20
Subdivision Regulations	\$15	\$20
Copies (letter, legal & 11"x17") - 10+ sheets	\$1/page	\$1/page*
Copies (i.e. plan sheets)	\$7.50/sheet	\$10.00/sheet*

**\*Note:** The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County.





# 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

Email: [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

Email: [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

Phone: (304) 728-3228

Fax: (304) 728-8126

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## Planner's Memorandum Planning Commission Meeting February 13, 2024

### 1) 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](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org), [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

### 2) Report on the staff visit to Shepherd Village

### 3) Discussion on annual PC member training required by Bylaws

### 4) Upcoming PC meetings

Next Regular meeting date: **March 12, 2024**

- 5:30 pm Comprehensive Plan Work Session
- 7:00 pm Planning Commission Meeting



# Non-Actionable Correspondence

**From:** [Planning Department](#)  
**To:** "[mwilts@comcast.net](mailto:mwilts@comcast.net)"  
**Subject:** Harvest Hills - Do Not Approve  
**Date:** Friday, February 2, 2024 11:40:00 AM

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Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet under “Non-Actionable Correspondence” for the upcoming February 13, 2024 Planning Commission meeting. This packet will be made available on the County’s [webpage](#) by close of business on Friday, February 9, 2024.

This comment was also forwarded to the County Commission for inclusion in the March 7, 2024 packet. They will hold a public hearing on the rezoning request during this meeting.

If you have any other questions, please feel free to reach back out to us.

Thank you,

*Michelle Evers*, Planning Clerk  
Department of Engineering, Planning, & Zoning  
Jefferson County, WV  
304-728-3228

**From:** mwilts <[mwilts@comcast.net](mailto:mwilts@comcast.net)>  
**Sent:** Friday, February 2, 2024 11:02 AM  
**To:** Zoning <[Zoning@jeffersoncountywv.org](mailto:Zoning@jeffersoncountywv.org)>  
**Subject:** Harvest Hills - Do Not Approve

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

Hello,

- This development would create a population as big or greater that the towns of Harper's Ferry and Bolivar combined.
- There is a single road for this development that was planned for rural living. It is a safety issue.
- It is unfair to residents of Harvest Hills that bought with the idea they were moving into a rural development. I have spoken to some that are very unhappy and they have told me folks are selling because of what they see as the inevitable approval by Jefferson County government. Prove them wrong by standing up for them by not improving this change in zoning.

Thank you

Mike Wiltshire

Mwilts@comcast.net

**From:** [Planning Department](#)  
**To:** ["Tim Wiltshire"](#)  
**Subject:** RE: Don't approve Harvest Hills  
**Date:** Friday, February 2, 2024 3:40:00 PM

---

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet under "Non-Actionable Correspondence" for the upcoming February 13, 2024 Planning Commission meeting. This packet will be made available on the County's webpage by close of business on Friday, February 9, 2024.

This comment will also be forwarded to the County Commission for inclusion in the March 7, 2024 packet. They will hold a public hearing on the rezoning request during this meeting.

If you have any other questions, please feel free to reach back out to us.

Thank you,

Michelle Evers, Planning Clerk  
Department of Engineering, Planning, & Zoning  
Jefferson County, WV  
304-728-3228

-----Original Message-----

From: Tim Wiltshire <[rabbitshirt@hotmail.com](mailto:rabbitshirt@hotmail.com)>  
Sent: Friday, February 2, 2024 3:30 PM  
To: Planning Department <[PlanningDepartment@jeffersoncountywv.org](mailto:PlanningDepartment@jeffersoncountywv.org)>  
Subject: Don't approve Harvest Hills

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

To whom it may concern at the Jefferson County Planning Department:

You are ruining Jefferson County.

Tim Wiltshire

539 Brooke Street

Charles Town