

**AGENDA
JEFFERSON COUNTY COMMISSION
FIRST QUARTERLY SESSION - JANUARY-MARCH 2024
THURSDAY, MARCH 7, 2024
9:30 A.M.**

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PRAYER – John Mark Seay – Assistant Pastor, Frederick Baptist Church

PLEDGE OF ALLEGIANCE

PLEDGE OF ALLEGIANCE to WV FLAG

"I pledge allegiance to the flag of West Virginia, which serves as a constant reminder that "Mountaineers Are Always Fec," which stands as a symbol of her majestic mountains, fertile forests, rich veins of coal, and the Pride of her people."

APPROVAL OF MINUTES

- January 30, 2024 BORE
- February 1, 2024 Regular Meeting
- February 15, 2024 Regular Meeting
- February 16, 2024 BORE
- February 27, 2024 Budget Presentations
- February 28, 2024 Budget Presentations

APPROVAL OF ACCOUNTS PAYABLE

- February 29, 2024
- March 7, 2024

APPROVAL OF MANUAL CHECKS

- March 1, 2024
- March 8, 2024

APPROVAL OF REQUISITIONS

- March 7, 2024

APPROVAL OF PAYROLL

- March 1, 2024

ANNOUNCEMENTS

Report if there are changes in the agenda if applicable

PUBLIC COMMENT

****You may participate in public comment during the virtual meeting by raising your hand. Please submit comments via email to info@jeffersoncountywv.org. Your comments will be included in the minutes and agenda correspondence. Please include your name.**

PRESENTATIONS

1. 9:45 a.m. Angela Banks, Assessor
- Approval of Exonerations
2. 9:50 a.m. Tom Hansen, Sheriff
- Restructure of Trip Guards
3. 10:00 a.m. Nikki Painter, Chief Deputy Clerk, County Clerk's Office
- Approval of Poll Workers & Alternates for the 2024 Primary Election
4. 10:10 a.m. Karen Olden, Probate, County Clerk's Office
- Petition to Probate Will of Anna Bogden, in Solemn Form, as presented by Mr. John Dorsey
5. 10:25 a.m. Magistrates D'Angelo, Roper, and Cesare
- Discussion of Magistrate Court Space Needs
6. 10:40 a.m. Martin Burke, Chair, Jefferson County Historic Landmarks Commission
- Approval & Signature of a Letter of Application Identifying the Jefferson County Courthouse as a National Historic Landmark
- Approval of Plaque Text
7. 10:55 a.m. -----BREAK-----
8. 11:00 a.m. Public Hearing
- Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13. The properties are part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. The property owner is Arcadia Land, Inc.; Parcel Size: 94.63 ac & 257.62 ac (respectively). The properties are currently zoned Rural and a petition has been made to the County Commission by the property owner to change the zoning classification from Rural to Residential Growth (Planning Commission File #23-5-Z).
9. 11:20 a.m. Tina Burns, Director of Resource Development, Shenandoah Community Health
- ARPA Funding Request - \$8,470
10. 11:30 a.m. Alexandra Beaulieu, Deputy Director, JC Department of Engineering, Planning & Zoning
- Request for Full Refund of Application Fee related to Appeal of Administrative Decision
11. 11:35 a.m. Becky Burns, Office Manager, JC Department of Engineering, Planning & Zoning
- Building Permit Fee Refund Requests for two applicants: James & Angela O'Brien (Permit #23-651WD) and Jacob Keckley (Permit #23-364WD)
12. 11:40 a.m. Roger Goodwin, Chief County Engineer, JC Department of Engineering, Planning & Zoning
- Approval of Offer of Employment to fill the position of Building Inspector
- Approval of Bond Release Requests for D.R. Horton, Inc. - Stonecrest Subdivision, Section One (File#22-11-SD) and DR Acquisitions, LLC - Sheridan Estates Subdivision, Phases 1&2

(Files #00-33 & #05-26)

- Approval of Appointees to the Jefferson County Building Code Board of Appeals

13. 11:55 a.m. Luke Seigfried, County Planner, JC Department of Engineering, Planning & Zoning
- Quarterly Status Report of the 2045 Comprehensive Plan Update
- Request for a Joint Session of the County Commission and the Planning Commission to discuss the direction of the 2045 Comprehensive Plan Update
14. 12:10 p.m. Laura Kuhn, Director, JC Department of Fleet and Facilities Maintenance
- Approval of Commission President's signature on Permit Application for Electrical Inspection
15. 12:15 p.m. Mike Sine, Director, Jefferson County Emergency Services
- Approval of Employee Status Change & Reinstatement of Medical Leave Hours
- Approval of Promotion
- Ambulance Response Area Report Update
- EMS Salary Enhancement Funds
16. 12:30 p.m. Nathan Cochran, Assistant Prosecuting Attorney
a. Discussion of minor boundary issue between Berkeley and Jefferson Counties
b. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property

NEW BUSINESS

17. Approval to Advertise Director of Farmland Protection Board Program Position (JT)

18. Determination of FY25 Tax Levy Rate

INTERIM COUNTY ADMINISTRATOR REPORTS

- Circuit Clerk's Office printers
- TIF Attorney
- Opioid Settlement Plan
- Approval of Budget Dates
- Impact Fee Study

19. ADJOURN

CORRESPONDENCE AND INFORMATION

1st and 2nd Quarterly Report for Planning and Zoning (FY2024 – July 1, 2023 – December 31, 2023)

Notices of Intent to Appoint to the following: Jefferson County Parks and Recreation Commission, Jefferson County Property Enforcement Agency Board, Jefferson County Building Commission, Jefferson County Planning Commission, Charles Town Utility Board

Thank You Letter from Jefferson County Community Ministries

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public

**NOTICE OF PUBLIC INFORMATION SESSION: BOARD OF REVIEW AND
EQUALIZATION APPEAL
PROCESS**

State of West Virginia, County of Jefferson, to wit:

At a Special Session of the County Commission of said County and State continued and was held in-person and virtually via GoToWebinar in Charles Town, West Virginia on Tuesday, January 30, 2024, beginning at 9:30 a.m.

PRESENT:

Steve Stolipher, President
Jane Tabb, Vice President
Jennifer Krouse, Commissioner
Edwina Benites, Interim County Administrator
Angela Banks- Assessor
June Bowers- Senior Appraiser
Sorayda Pitts, Administrative Assistant

The meeting was called to order at 9:30 a.m. by President Stolipher. The purpose is to learn about the appeal process and who is eligible for a reduction in property assessment as well as the regulations and procedures of the County and the Board of Review and Equalization.

There being no further business, the meeting adjourned at 11:30 am.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Sorayda Pitts
Administrative Assistant

Minutes
Jefferson County Commission
Thursday, February 1, 2024

A meeting of the Jefferson County Commission was held on Thursday, February 1, 2024, during the fourth quarterly session at 9:30 am. 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 Edwina Benites, interim county administrator, Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk and Sorayda Pitts, Administrative Assistant. The archived meeting of the Thursday, February 1, 2024, meeting is available on the Jefferson County Commission website.

Prayer- Pastor Danny Ortiz

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mr. Stolipher motioned to approve the January 18, 2024, regular meeting. The motion was unanimously approved.

APPROVAL OF REQUISITIONS

Mr. Stolipher made a motion to approve the Requisitions for February 1, 2024, in the amount of \$92,789.76. The motion was unanimously approved.

APPROVAL OF PAYROLL

Mr. Stolipher motioned to approve the payroll for in the amount of \$333,447.37. The motion was unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER		VENDOR NAME	UNCLEARED
89120		AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,116.50
89121		AMERIFLEX	126.65
89122		AT&T	665.18
89123		AT&T	1,112.33
89124		BOLAND TRANE SERVICES INC	1,809.75
89125		CARRIE ORR	853.18
89126		CMA CHRYSLER DODGE JEEP	22.43
89127		EXECUTIVE EMERGENCY LIGHTING LLC	3,417.60
89128		FEDEX	74.33
89129		FIRE SAFETY EQUIP	1,907.00
89130		FRIENDSHIP VOLUNTEER FIRE COMPANY	85,000.00
89131		FRONTIER	984.59
89132		GUTTMAN OIL CO	9,557.94
89133		J.C. EHRlich	841.38
89134		JEFF CO DEPUTY SHERIFF'S ASSOC	1,020.00
89135		MALLORY SODERLUND	2,236.50
89136		MILLENIUM INSURANCE GROUP	900.00
89137		MILLER'S SUPPLIES AT WORK	2,136.12
89138		POTOMAC EDISON	328.26
89139		SHEPHERDSTOWN VOLUNTEER FIRE COMPANY	85,000.00
89140		SHERIFF OF JEFFERSON COUNTY	74,975.00
89141		SHERIFF OF JEFFERSON COUNTY	99,674.06
89142		SOFTWARE SYSTEMS INC	1,110.95
89143		SPIRIT OF JEFFERSON	355.94
89144		TEK ADVISORS LLC	4,141.74
89145		THOMAS HANSEN	35.31
89146		UNIFIRST	204.53
89147		WIKIMAPPING	849.00
89148	FG/009	BERKELEY CO SHERIFFS OFFICE	1,175.36
89149	FG/009	RANSON POLICE DEPT	1,203.04
89150	FG/009	SHERIFF OF JEFFERSON COUNTY	6,495.59
89151	SG/010	JEFFERSON DAY REPORT CENTER	155,000.00
89152	SG/010	SHERIFF OF JEFFERSON COUNTY	7,500.00
89153	BS/011	SHERIFF OF JEFFERSON COUNTY	8,841.22
89154	AM/053	SHERIFF OF JEFFERSON COUNTY	1,786.43

			563,457.91
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- **Stolipher motioned to approve the accounts payable for January 25, 2024, in the amount of \$563,457.91. The motion was unanimously approved.**

CHECK NUMBER	VENDOR NAME	UNCLEARED
89156	AHA-ARTS & HUMANITIES ALLIANCE	1,217.43
89157	AMERICAN FAMILY LIFE INSURANCE COMPANY ICU	2,116.50
89158	ANGELA L BANKS	85.00
89159	AT&T BILL PAYMENT	2.58
89160	BUREAU OF CHILD SUPPORT	373.39
89161	CCAWV-COUNTY COMMISSION ASSOCIATION OF WV	400.00
89162	CHARLES TOWN PRESBYTERIAN CHURCH	78.00
89163	CHARLES TOWN PRESBYTERIAN CHURCH	42.00
89164	COLONIAL LIFE	95.68
89165	COMPTROLLER OF MARYLAND	978.57
89166	DISTRICT COURT OF MARYLAND	6.50
89167	DIGITAL DOCUMENT SOLUTIONS INC	1,441.37
89168	DOING BETTER BUSINES	1,399.94
89169	EFTPS IRS TAXES	114,148.93
89170	EMPOWER RETIREMENT	6,862.31
89171	FILE & SERVEXPRESS	192.08
89172	FIRST CITIZENS BANK & TRUST CO	2,230.47
89173	HIGHMARK WV	203,191.26
89174	HIRERIGHT	41.85
89175	JACQUELINE SHADLE	85.00
89176	JEFFERSON COUNTY HISTORIC LANDMARKS COMMISSION	1,802.70
89177	JEFFERSON CO CONVENTION AND VISITORS BUREAU	30,435.58
89178	JEFFERSON CO CONVENTION AND VISITORS BUREAU	8,589.55
89179	JEFF CO PARKS & RECREATION COMMISSION	27,415.47
89180	JEFFERSON SECURITY BANK	4,045.00
89181	JEFFREY POLCZYNSKI	248.70
89182	JENNIFER KROUSE	255.57
89183	LANGUAGE LINE SERVICES	293.45
89184	MARCIA LYNN CHANDLER	273.35
89185	NATIONAL VISION ADMIN.	1,672.60
89186	NATIONWIDE RETIREMENT SOLUTIONS	1,065.00
89187	OLD CHARLES TOWN LIBRARY	1,500.00
89188	NEOPOST USA INC.	648.39
89189	RUGGED NOTEBOOKS	6,000.00

89190		RYAN MILBOURNE	4,546.67
89191		SANDRA KELLEY	319.55
89192		SHANNON BURLETT	2,250.50
89193		SHERIFF OF JEFFERSON COUNTY	2,541.74
89194		SOFTWARE SYSTEMS INC	55.00
89195		SPECIALTY BUSINESS SUPPLIES	35.00
89196		STATE TAX DEPARTMENT	150.00
89197		TEK ADVISORS LLC	1,794.90
89198		THE HARTFORD	2,387.60
89199		TINA RENNER	85.00
89200		TOWN OF BOLIVAR	8,589.55
89201		TRACY P RICE RPR	1,488.95
89202		TRICIA JACKSON	561.46
89203		WV ASSOCIATION OF CIRCUIT CLERK	300.00
89204		WV DEPUTY SHERIFF RETIREMENT SYSTEM	28,157.71
89205		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	48,355.84
89206		WV PUBLIC EMPLOYEE RETIREMENT SYSTEM	166.49
89207	FG/009	SHERIFF OF JEFFERSON COUNTY	5,784.77
89208	BS/011	SHERIFF OF JEFFERSON COUNTY	10,303.81
89209	AM/053	SHERIFF OF JEFFERSON COUNTY	1,799.13
TOTAL			538,907.89

- **Mr. Stolipher motioned to approve the accounts payable for February 1, 2024, in the amount of \$538,907.89. The motion was unanimously approved.**

APPROVAL OF MANUAL CHECKS

		25-Jan-24	
		OTHER FUNDS	
Check #	Fund	Vendor	Amount
333	DG/003	SHERIFF OF JEFFERSON COUNTY	\$38.14
893	HD/008	SHERIFF OF JEFFERSON COUNTY	\$1,469.79
291	AR/207	AT&T	\$423.83
292	AR/207	AT&T	\$608.73
293	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	\$3,400.00
294	AR/207	INDEPENDENT VOLUNTEER FIRE CO	\$2,400.00
295	AR/207	INSITE INSTRUMENTATION GROUP	\$1,237.00
296	AR/207	SHEPHERDSTOWN VOLUNTEER FIRE CO	\$1,600.00
297	AR/207	SHERIFF OF JEFFERSON COUNTY	\$8,915.97
298	AR/207	WV CASA	\$10,000.00
1873	CO/246	EXECUTIVE EMERGENCY LIGHTING LLC	\$9,257.96

158	IP/249	JEFF CO PARKS & RECREATION	\$42,000.00
TOTAL			\$81,351.42

- **Mr. Stolipher motioned to approve the manual checks for January 26, 2024, in the amount of \$81,351.42. The motion was unanimously approved.**

FEB 1 2024			
OTHER FUNDS			
Check #	Fund	Vendor	Amount
894	HD/008	ALLIED UNIVERSAL ELECTRONIC MONITORING	\$2,374.40
895	HD/008	SHERIFF OF JEFFERSON COUNTY	\$1,482.49
1126	AV/056	IAAO INTERNATIONAL ASSOC OF ASSESSING	\$240.00
1127	AV/056	MILLER'S SUPPLIES AT WORK	\$212.42
1128	AV/056	PRINT-O-STATIC	\$190.00
370	FP/057	JEFFERSON CO FARMLAND PROTECTION BOARD	\$89,971.07
299	AR/207	JEFFERSON COUNTY LITTLE LEAGUE	\$113,000.00
300	AR/207	SHERIFF OF JEFFERSON COUNTY	\$10,442.86
1874	CO/246	AXON	\$150,486.72
983	CW/059	TOTAL ID SOLUTIONS	\$807.00
410	WV/269	WV DEPUTY SHERIFF RETIREMENT SYSTEM	\$594.00
TOTAL			\$369,800.96

- **Mr. Stolipher motioned to approve the manual checks for February 2, 2024, in the amount of \$369,800.96. The motion was unanimously approved.**

PUBLIC COMMENT:

Public comment was received by:

Jacquelyn Milliron (see attached)

Christy Stadig (see attached)

David Tabb (see attached)

PRESENTATIONS

1. Rhonda Willingham, Assessor's Office- Exonerations approval request

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Ricardo & Mirian C. Fernandes	PP	HF	\$146.40	307168

- **Mr. Stolipher motioned to approve the Exoneration of ticket No. 307168 as presented by Ms. Willingham. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

NAME	TYPE	DISTRICT	AMOUNT	TICKET NO.
Honda Lease Trust	PP		\$592.96	317593

- **Mr. Stolipher motioned to approve the Exoneration of ticket No. 317593 as presented by Ms. Willingham. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

2. Tom Hansen, Sheriff- Requested approval of a new part-time bailiff

- **Mrs. Tabb motioned to approve the hire of James Eddy as a part-time bailiff starting salary of \$17 per hour with an effective date of 02/05/24. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.**

3. Nikki Painter, chief deputy clerk of, County Clerk's Voter and Elections Office requests

- a. Extended Emergency Absentee Voting Policy approval

- **Mr. Stolipher motioned to approve the Extended Emergency Absentee Voting Policy as presented. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.**

- b. Early Voting Location Approval

- **Mr. Stolipher motioned to approve the Early Voting location of Charles Washington Hall. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

c. Election Update/Timeline

Informational only- See attachment

4. Keith Lowry- Jefferson County Community Ministries- Funding request

- **Mr. Stolipher motioned to approve that \$70,000 of the remaining ARPA funds be paid to Jefferson County Community Ministries. The motion was seconded by Mrs. Tabb. The motion passed with three commissioners voting in favor; vote with Commissioner Stolipher, Commissioner Tabb, and Commission Jackson, and two voting in opposition; Commissioner Majdi and Commissioner Krouse.**

5. Kelly Franklin, Jefferson County Day Report Center- FY25 West Virginia Community Corrections Grant assistance request

- **Mr. Stolipher motioned to authorize the President of the Commission, to act on its behalf to enter into a contractual agreement with the Division of Justice and Administrative Services to receive and administer grant funds and provide the required County match through the Jefferson Day Report Center's budget allotment, pursuant to provisions of the Community Corrections Program. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

6. Laura Kuhn, director, Fleet and Facilities- Enterprise Fleet Management Lease Agreement approval

- **Mrs. Krouse motioned to authorize the Director of Fleet and Facilities to enter into a lease agreement with Enterprise Fleet Management and transition the County's fleet to a leased vehicle program. The motion was seconded by Mr. Stolipher. The motion was approved unanimously**

7. Mike Sine, director, Emergency Service Agency-employees status change, new hire, and software requests

a) Employee status change

- a. **Mrs. Tabb motioned to transfer Cheyenne Edwards from a part-time position to a full-time position as an FF/EMT I effective January 14, 2024. She will continue at her current pay rate until the completion of her probationary period as previously approved. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.**
- b. **Mrs. Tabb motioned to transfer Ronald Poe from a part-time position to a full-time position as an FF/EMT II, effective January 14, 2024. He will continue at his current pay rate as previously approved. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.**
- c. **Mrs. Krouse motioned to hire Allyssa Pierce, Donavan King, Jared Morgan, William Sigmon, and Jeffery Ritenour as a part-time FF/EMT I at a pay rate of \$19.67 per hour effective January 28, 2024. Upon completion of the introductory period and meeting the requirements of AP1060, they will receive a promotion to FF/EMT II with a new pay rate of \$20.16 per hour. The motion was seconded by Mr. Stolipher. The motion was approved unanimously.**
- d. **Mrs. Krouse motioned to hire Catherine Baker, Staci Lentz, and James West as full-time FF/Paramedic I at a pay rate of \$25.00 per hour effective January 28, 2024. Upon completion of the introductory period and meeting the requirements of AP1060 they will receive a promotion to FF/Paramedic II with a new pay rate of \$25.63 per hour. The motion was seconded by Mr. Stolipher. The Commission approved the motion unanimously.**

b) ESO Fire Reporting Software

- **Mr. Stolipher motioned to approve the purchase of the ESO Fire Reporting software for \$8,715.00 to be paid out of the IT Department for Emergency Agency Services budget. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

8. Roger Goodwin, chief county engineer and Michelle Mason, impact fees- bond release requests and impact fee presentation
 - a) Complete construction Bond Release for UFP Ranson, LLC – Universal Forest Products Ranson Plant Expansion (File #S18-04)
 - a. **Mr. Stolipher motioned to authorize a complete release of Performance Bond #30057552 with Western Surety company in the amount of \$201,139.00 construction bond amount for UFP Ranson, LLC- Universal Forest Products Ranson Plant Expansion (File #S18-04). The motion was seconded by Mr. Majdi. The commission approved the motion unanimously.**
 - b) Holtzman Oil Corporation – Burr Business Park Lot 16 (File #19-4-SP)
 - b. **Mr. Stolipher motioned to authorize a complete release of Performance Bond # B32564317 with The Cincinnati Insurance Company in the amount of \$1,640,395.00 construction bond amount for Holtzman Oil Corporation - Burr Business Park Lot 16 (File #19-4-SP). The motion was seconded by Mr. Krouse. The commission approved the motion unanimously.**
 - c) Presentation of the Calendar Year 2023 Annual Report for the Office of Impact Fees
 - c. **Mr. Stolipher motioned to accept the Calendar Year 2023 Impact Fees Annual Report for the Office of Impact Fees, with the correction that there were no refunds for 2023. The motion was seconded by Mrs. Krouse. The Commission approved the motion unanimously.**
 - d. **Mr. Majdi motioned to approve the annual inflationary adjustments to the impact fees effective April 1, 2024. The motion was seconded by Mr. Stolipher. The Commission approved the motion unanimously.**
 - e. **Mrs. Tahb tabled the discussion of reinstating the full impact fees for schools to take effect on April 1, 2024. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.**
 - f. **Mr. Stolipher motioned to approve the FY 2025 Capital Improvement Plan for the Office of Impact Fees as presented. The motion was seconded by Mrs. Krouse. The Commission approved the motion unanimously.**

9. Bessie Nelson, budget director –FY25 Budget Charge

Commissioner Jackson requested all departments to provide a full disclosure of their budget including all sources of revenue and expenses to the County Commission during their budget presentations. Commissioner Jackson made this request to all of the departments.

10. Nathan Cochran-Assistant Prosecuting Attorney

- a. Report by counsel on opioid case and consideration of recent developments in the case (Jefferson County Commission v. Purdue Pharmaceutical, et al. US District Court, Northern District of West Virginia, Civil Action #1: 17-OP-45170, MDL 17-md-02804-DAP In Re: National Prescription Opiate Litigation; State of West Virginia ex rel. Patrick Morrissey, Attorney General v. Walgreens Boots Alliance, Inc., et al., Civil Action No. 20-C-82 PNM (W. Va. Cir.Ct. Putnam County) (the "West Virginia AG Action"), pending within In re: Opioid Litigation, Civil Action No. 21-C-9000 (W. Va. Cir. Ct. Kanawha County) and related matters.
- b. Report by counsel on the status of the advisory opinion regarding the Planning Commission committee meetings.

Mr. Cochran provided an update on the status of the advisory opinion regarding the Planning Commission committee meetings in open session.

- c. Discussion of legal issues and potential action regarding Jefferson County Circuit Court Civil Action No.'s 2023-C-221 through 251 [Deputies v. JCC].

No action was taken.

- d. Discussion of minor boundary issue between Berkeley and Jefferson County.
- e. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property.

- f. Update on Board of Zoning Appeals residency requirement issue.

Mr. Cochran provided an update on Board of Zoning Appeals residency requirement issue in open session.

- **Mr. Stolipher moved to enter into executive session to receive legal advice and status updates on item (s) 10 a, d, and c. The motion seconded was by Mr. Majdi. The Commission approved the motion unanimously.**
- **Mr. Stolipher moved to exit executive session and reconvene in regular session. The motion was seconded by Mrs. Krouse. The Commission approved the motion unanimously.**

UNFINISHED BUSINESS

11. Appointment to the Jefferson County Board of Zoning Appeals- One three-year term ending January 1, 2027.

- **Ms. Jackson motioned to reappoint Jacob Harris to the Jefferson County Board of Zoning Appeals for a three-year term ending January 1, 2024. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.**

INTERIM COUNTY ADMINISTRATOR REPORTS

- Update on Hiring - County Administrator and Deputy County Administrator Positions

Ms. Benites, LM provided an update on County Administrator and Deputy County Administrator Positions

- ESA Onboarding Update

Ms. Benites, LM provided an update on ESA Onboarding.

-TIF Attorney Update

Ms. Benites, LM provided an update on TIF attorney.

-Update on Meeting Room Sound Amplification

Ms. Benites, LM provided an update on meeting room sound amplification.

-Boards & Employees Ethics Training

Ms. Benites, LM provided an update on Boards & Employees Ethics Training.

-Approval of Temporary Assignment- Department of Homeland Security and Emergency Management

- **Mrs. Krouse motioned to move Dick Myers as the interim director of the Homeland Security and Emergency Management Department (grade 8) with a salary of \$76,361.00 effective February 1, 2024. The motion was seconded by Mrs. Tabb. The Commission approved the motion unanimously.**
- **Mrs. Krouse motioned to approve the lump sum payment of \$1,777.76 to Dick Myers for the clerical error in compensation for time worked between 12/12/2024 and 2/1/2024. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.**

- Opioid Settlement Plan

- **Mr. Stolipher motioned to move funds received by the county as part of the Opioid settlement in the amount of \$1,190,509.59 into a CDAR account to receive better interest for six months. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.**
- **Commissioner Jackson directed the interim county administrator to set up a public workshop on the Opioid settlement funds at a date that**

works in conjunction with the budget schedule at an evening meeting. The motion was seconded by Mr. Majdi. The Commission approved the motion unanimously.

-Board Vacancies

Ms. Benites, LM provided an update on board vacancies.

-On-Boarding Commissioner Majdi

Ms. Benites, LM provided an update on On-Boarding Commissioner Majdi.

Adjourn

The Commission adjourned at 2:13 pm a motion by Mr. Stolipher. The motion was seconded and unanimously approved.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

Minutes

Jefferson County Commission

Thursday, February 15, 2024

A meeting of the Jefferson County Commission was held on Thursday, February 15, 2024, during the fourth 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 Edwina Benites, interim county administrator, Nathan Cochran, assistant prosecuting attorney, Jacki Shadle, County Clerk, and Jessica James, Assistant Deputy County Administrator. The archived meeting of the Thursday, February 15, 2024, meeting is available on the Jefferson County Commission website.

Prayer- Pastor Adam Johnson, Bakerton Bible Church

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Mr. Stolipher motioned to approve the February 1, 2024, Board of Review and Equalization meeting minutes. The motion was approved unanimously.

Mr. Stolipher motioned to approve the February 6, 2024, Board of Review and Equalization meeting minutes. The motion was approved unanimously.

Mr. Stolipher motioned to approve the February 8, 2024, Board of Review and Equalization meeting minutes. The motion was approved unanimously.

APPROVAL OF REQUISITIONS

Mr. Stolipher made a motion to approve the Requisitions for February 15, 2024, in the amount of \$8,850.00. The motion was unanimously approved.

APPROVAL OF PAYROLL

Mr. Stolipher motioned to approve the payroll for in the amount of \$316,532.49. The motion was unanimously approved.

APPROVAL OF ACCOUNTS PAYABLE

CHECK NUMBER	VENDOR NAME	UNCLEARED
89210	ALICE N PAINTER	4,842.24
89211	BEST BEST & KRIEGER LLP	1,201.00
89212	BOLAND TRANE SERVICES INC	1,939.00
89213	CAPITAL LIGHTING & SUPPLIES LLC	603.87
89214	CASTO & HARRIS INC	276.23
89215	COX HOLLIDA YOUNG PLLC	2,543.63
89216	DARYLL WIMER	29.19
89217	DAVID WAMPLER	22.98
89218	ECOWATER	1,004.94
89219	ESS ELECTION SYSTEMS & SOFTWARE	46,453.05
89220	ETHAN NORTHCRAFT	93.90
89221	FRONTIER	57.25
89222	FRONTIER	36.77
89223	FRONTIER	135.43
89224	GUTTMAN OIL CO	9,400.40
89225	JEFFERSON CO EMERGENCY SERVICES AGENCY	787,217.75
89226	JEFFERSON RENTAL	78.17
89227	JOHN DEERE FINANCIAL	734.02
89228	KATHRYN O'CONNOR	11.32
89229	MARION A. HAZEL	205.56
89230	NAPA AUTO PARTS	203.27
89231	PANHANDLE PRINTING & DESIGN	1,241.91
89232	POTOMAC EDISON	35,820.78
89233	RCN COMMUNICATIONS LLC	8,282.00
89234	REBECCA CHALK	400.94
89235	RETIREE HEALTH BENEFIT TRUST	7,668.00
89236	RHONDA GREENHOLTZ	5,250.00
89237	RICE TIRES CO	1,149.80
89238	ROMULO QUEZAOA	21.49

89239		RONALD DANTZIC	26.40
89240		SELEX ES INC	10,655.00
89241		SOFTWARE SYSTEMS INC	1,110.95
89242		SPIRIT OF JEFFERSON	105.90
89243		STAPLES	458.54
89244		STEPHEN S ALLEN	5,250.00
89245		THE HARTFORD	3,753.48
89246		UNIFIRST	298.92
89247		US POSTAL SERVICE	20,000.00
89248		WV REGIONAL JAIL & CORRECTION FACILITY AUTH	61,883.60
89249	GS/010	JEFFERSON DAY REPORT CENTER	38,750.00
			1,059,217.68

Stolipher motioned to approve the accounts payable for February 8, 2024, in the amount of \$1,059,217.68. The motion was unanimously approved.

CHECK NUMBER		VENDOR NAME	UNCLEARED
89252		AMANDA JOHNSON	205.02
89253		AMANDA MASTER5	136.54
89254		AMERIFLEX	126.65
89255		APRIL BLAKER	12.73
89256		AT&T	283.16
89257		BEST BEST & KRIEGER LLP	135.00
89258		BLUEBEAM INC	1,547.00
89259		DOING BETTER BUSINES	860.64
89260		EMILY MORROW	86.43
89261		FRONTIER	3,198.72
89262		FRONTIER	69.91
89263		FRONTIER	209.35
89264		FRONTIER	162.83
89265		FRONTIER	980.22
89266		GLOBALSTAR USA	2,466.54
89267		GUTTMAN OIL CO	4,947.97
89268		JENNIFER KROUSE	58.44
89269		JOSEPH MOFFETT	77.00
89270		PATRIOT FIRE AND SECURITY LLC	6,310.00
89271		PRINT-O-STAT INC.	1,168.00
89272		RUGGED NOTEBOOKS	6,200.00
89273		SOFTWARE SYSTEMS INC	55.00

89274		TEK ADVISORS LLC	4,574.70
89275		THOMAS HANSEN	45.20
89276	GS/004	GENERAL COUNTY FUND-J FEE	9,136.03
89277	FG/009	SHERIFF OF JEFFERSON COUNTY	5,911.22
89278	BS/011	SHERIFF OF JEFFERSON COUNTY	8,260.44
89279	AM/053	SHERIFF OF JEFFERSON COUNTY	1,786.43
TOTAL			59,011.17

Mr. Stolipher motioned to approve the accounts payable for February 15, 2024, in the amount of \$59,011.17. The motion was unanimously approved.

APPROVAL OF MANUAL CHECKS

			8-Feb-24
OTHER FUNDS			
Check #	Fund	Vendor	Amount
896	HD/008	D-TRAX	\$944.00
1129	AV/056	MILLER'S SUPPLIES AT WORK	\$167.51
1130	AV/056	MONROE SYSTEMS FOR BUSINESS	\$147.56
984	CW/059	WV STATE AUDITOR	\$1,865.00
301	AR/207	CITIZENS VOLUNTEER FIRE COMPANY	\$3,400.00
302	AR/207	EXECUTIVE EMERGENCY LIGHTING LLC	\$18,688.20
303	AR/207	FRIENDSHIP VOLUNTEER FIRE COMPANY	\$1,800.00
304	AR/207	JEFF CO COMMUNITY MINISTRIES	\$70,000.00
1442	IP/249	SHERIFF OF JEFFERSON COUNTY	\$87.00
1443	IP/249	SHERIFF OF JEFFERSON COUNTY	\$15,262.57
1444	IP/249	SHERIFF OF JEFFERSON COUNTY	\$87,132.70
1445	IP/249	SHERIFF OF JEFFERSON COUNTY	\$9,180.66
1446	IP/249	SHERIFF OF JEFFERSON COUNTY	\$4,071.33
TOTAL			\$212,746.53

Mr. Stolipher motioned to approve the manual checks for February 9, 2024, in the amount of \$212,746.53. The motion was unanimously approved.

			15-Feb-24
OTHER FUNDS			
Check #	Fund	Vendor	Amount

Mr. Stolipher motioned to approve the exoneration of ticket No. 303981 as presented by Ms. Banks. Mrs. Tabb seconded the motion. The motion was approved unanimously.

2. Tina Renner, Circuit Clerk, Jefferson County IT department request

NO ACTION REQUIRED: REQUESTED THE COUNTY COMMISSION TO READ INFORMATION PROVIDED RE: PRINTER/FAX ISSUES

3. Karen Olden, Jefferson County Clerk's Office requests

Mrs. Tabb to move to convene as a Fiduciary Review Board. The motion was seconded by Mrs. Krouse. The motion was approved unanimously.

a. Approval of final accounting for the Estate of John P. King.

Mrs. Tabb motioned to approve the final accounting for the Estate of John P. King as presented. Mrs. Krouse seconded the motion. The motion was approved unanimously.

b. Approval of petition to probate the will of Richard Francis Kennan, SR. in solemn form.

Mr. Stolipher motioned to accept a copy of the original will that was destroyed in the fire. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

Mrs. Tabb to move to reconvene in regular session. The motion was seconded by Mr. Stolipher. The motion was approved unanimously

4. Jennifer Myers, director, Jefferson County Parks and Recreation

a. Presentation of the Eugene M. Fuller Award from the West Virginia Recreation and Park Association.

b. Funding request for Fireworks at Sam Michaels Park on June 29, 2024

Mr. Majdi motioned to approve \$10, 000 for Fireworks at Sam Michaels Park funds will come from the Coal Severance account. Mr. Stolipher seconded the motion. The motion was approved unanimously.

c. Lighting project to the AMP Sam Michaels, requested ARPA funds

Mr. Majdi motioned to approve the \$50,000 for a lighting project for The Arts, Music and People (AMP) at Sam Michaels. Funds will be allocated from ARPA funds. Mrs. Tabb seconded the motion. The motion was approved unanimously.

5. Sara Curley, director, Bolivar-Harpers Ferry public library requested ARPA funding for roof replacement.

Mrs. Krouse motioned to approve \$25,700 for the Bolivar-Harpers Ferry library roof replacement. Funds to come from the ARPA funds. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

6. Dr. Chuck Bise, BOE Superintendent- School impact fees

Nathan Cochran recused himself from the discussion.

Mrs. Tabb motioned to request a proposal from TischlerBise to provide an Impact Fees study with emphasis on school impact fees and Emergency Service Agency. Mr. Stolipher seconded the motion. The motion was approved and approved unanimously

7. Adam Watson, chairman of the Jefferson County Fire & Rescue Association, billing insurance by fire department requests

Mrs. Tabb motioned to have legal counsel draft an authorization letter that allows fire departments to bill insurance companies. Mr. Stolipher seconded the motion. The motion was approved unanimously.

8. Nathan Cochran, assistant prosecuting attorney
 - a. Discussion of legal issues and potential action regarding the Jefferson County Circuit Court Civil Action No.'s 2023-C-221 through 251 [Deputies v. JCC].
 - b. Discussion of minor boundary issue between Berkeley and Jefferson Counties.
 - c. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property.
 - d. Review and discussion of Intergovernmental Agreement Between the Jefferson County Commission, the Jefferson County Sheriff's Department and the

Corporation of Bolivar for Public Safety Services and Intergovernmental Agreement Between the Jefferson County Commission, the Jefferson County Sheriff's Department, and the Corporation of Bolivar for Tax Collection Services.

Mr. Stolipher motioned to approve as presented the intergovernmental agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department, the Corporation of Bolivar for public safety services and intergovernmental agreement between the Jefferson County Commission, the Jefferson County Sheriff's Department, and the corporation of Bolivar for tax collection services. Mr. Majdi seconded the motion. The Commission approved the motion unanimously.

Mr. Stolipher moved to enter into executive session to receive legal advice and status updates on item (s) 8, a, b and c. Mr. Majdi seconded the motion. The Commission approved the motion unanimously.

Mr. Stolipher moved to exit executive session and reconvene in regular session. Mrs. Krouse seconded the motion. The Commission approved the motion unanimously.

Mr. Stolipher motioned to direct legal counsel to proceed on item 8b as discussed in executive session. Mrs. Tabb seconded the motion. The Commission approved the motion unanimously.

UNFINISHED BUSINESS

9. Discussion/possible action on revisiting Agenda Policy 900

Mrs. Krouse motioned to adopt Policy 900 with revisions as presented commissioner seconded the motion. The motion failed on a 3-2 vote, with Commissioner Stolipher, Commissioner Tabb and Commissioner Majdi opposing the motion, and Commissioner Jackson voting in favor of the motion.

NEW BUSINESS

10. Discussion/Action by the County Commission to adopt the Resolution- Pledge of Allegiance to the West Virginia State Flag.

Ms. Jackson motioned to approve the Resolution-Pledge of Allegiance to the West Virginia State Flag. Mr. Stolipher seconded the motion. The Commission approved the motion unanimously.

11. Fire Protection Fund Disbursement-

Mr. Stolipher motioned to allocate FY24 Fire Protection Fund 041 equally among the seven fire departments within Jefferson County. The motion was seconded by Mrs. Tabb. The motion was approved unanimously.

INTERIM COUNTY ADMINISTRATOR REPORTS

- Update on Hiring - County Administrator and Deputy County Administrator Positions

Ms. Benites, LM provided an update on the county administrator and deputy county administrator positions

- ESA Onboarding Update

Ms. Benites, LM provided an update on ESA Onboarding.

-TIF Attorney Update

Mr. Majdi motioned to task the county administrator with engaging with Spillman, Thomas, Battle to provide the Commission with legal advice as a TIF attorney and to request that the firm present to the Commission as soon as possible. Mr. Stolipher seconded the motion. The Commission approved the motion unanimously.

-Update on Boards & Employees Ethics Training

Ms. Benites, LM provided an update on boards and employees ethics Training.

-Update of Opioid Settlement Items

Mrs. Tabb motioned to approve the letter to Bank of Charles Town to move the opioid settlement funds into a CDAR account. Mr. Majdi seconded the motion. The Commission approved the motion unanimously.

-Internal Budget Revision-ARPA

Ms. Benites, LM provided an update on internal budget revision-ARPA

- Personnel Issues- Closed session recommended

Mr. Majdi moved to go into executive session to discuss a personnel issue. Mr. Stolipher seconded the motion. The motion failed on a 3-2 vote, with Commissioner Tabb, Commissioner Jackson, and Commissioner Krouse opposing the motion and Commissioner Majdi and Commissioner Stolipher voting in favor of the motion.

-Budget Consideration –Farmland Protection

Mr. Majdi motioned to make the Farmland Protection Board a component agency. Commissioner Stolipher seconded the motion. The Commission approved the motion unanimously.

-Approval of Budget Dates

The Commission set the budget dates as follows:

- **February 27th and 28th and 29th- if needed, to receive presentations from the directors and**
- **March 12th and March 14th for deliberations both starting at 9:30 am.**

Adjourn

Mr. Stolipher motioned to adjourn. The motion was seconded by Mr. Majdi. The motion was approved unanimously. The Commission adjourned at 10:28 pm.

Steve Stolipher, PRESIDENT

Respectfully submitted
Sorayda Pitts
Administrative Assistant

OMAO 2024-01

BEFORE THE WEST VIRGINIA ETHICS COMMISSION

Committee on Open Governmental Meetings

Received
JAN 30 2024
WV Ethics Commission

JEFFERSON COUNTY COMMISSION'S REQUEST FOR AN ADVISORY OPINION

COMES NOW the Jefferson County Commission, by and through counsel, Nathan P. Cochran, Assistant Prosecuting Attorney, and upon information files the following request for an advisory opinion:

I. Summary

The Jefferson County Commission seeks the Ethics Commission's guidance regarding the following activities of the Jefferson County Planning Commission:

The Jefferson County Planning Commission has in the past formed three Committees to assist the Planning Commission in its functions. These Committees were not delegated decision making authority, and they did not vote or make decisions on issues. The Committees were appointed to work with consultants and Planning Staff for 1) the Budget, 2) an amendment to the County Zoning Ordinance, and 3) the reorganization of the outdated County Zoning Ordinance.

None of the Committees are active at this time.

As detailed below, Concerns have been raised as to whether the operations of the Committees conform to the requirements of the Open Meetings Act.

The Ethics Commission has from time to time extended the application of the Open Meetings Act¹ to include various committees via advisory opinions; however, in the most relevant ethics opinions about the use of Committees, the Ethics Commission has interpreted factual

¹ The "Open Meetings Act" as referred to herein, is referring to the Open Governmental Proceedings statute, W. Va. Code § 6-9A-1 et. seq.

scenarios based on Committees that seem to formulate policy or provide recommendations for actions directly to the governing body that formed the Committee.

In this case, the Committees did not formulate policy. Neither did they make recommendations to the Planning Commission. Instead, the Committees listen to the interactions between staff and consultants, kept the staff and consultants focused, and at times made recommendations to staff and consultants. The Committees did not make their own recommendations to the Planning Commission. The staff and/or consultants created the relevant documents or ordinance provisions and then presented them to the Planning Commission at a public meeting with all of the accoutrements of the Open Meetings Act. The Committee may at times have given progress reports to the Planning Commission at a public meeting, but did not create or recommend policy, make decisions, or deliberate towards decisions.

Consequently, the Commission has not seemed to opine on the use of Committees in the same set of factual circumstances that appear in this case. Because the Jefferson County government (in this case the County Commission and Planning Commission) wants to act lawfully, and comply with all Open Meetings Act requirements, this request is presented to the Committee on Open Governmental Meetings in an effort to obtain guidance for future use of committees by the Jefferson County Planning Commission.

II. Underlying Facts

The Jefferson County Planning Commission (herein "PC") oversees the administration of the Jefferson County Zoning Ordinance, the Jefferson County Subdivision Ordinance, and other matters related to land use in Jefferson County pursuant to W.Va. Code § 8A-2-11. The PC

regularly meets every 2nd Tuesday of each month at 7:00 p.m.² Agenda packets are posted to the County's website on the Friday before the meeting date.³ In addition, there is a Pre-Agenda publicly posted a week in advance of the Agenda. The PC has its Minutes available to the public and posted on the County website.⁴

The PC consists of nine unpaid volunteer members with varying expertise, each of whom is appointed to serve a three year term of office (see W. Va. Code §8A-2-4).

The PC has adopted By-Laws as authorized by W. Va. Code § 8A-2-11⁵. The By-Laws for the PC make a provision for the PC to have Committees:

The Committee provision of the By-Laws states:

Section 2.4 – Committees

The Planning Commission may establish one or more committees to which, pursuant to W.Va. Code § 8A-2-11 (15), it may delegate limited powers. Committees shall consist of no less than three (3) members nor more than five (5) members of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission.

The PC has formed three Committees since 2019 who have the following members:

- **Budget Committee** = Mike Shepp, Matt Knott, Jack Hefestay – appointed December 14, 2021 [[click here for PC meeting minutes authorizing the appointment to the Committee](#)]

² See link to PC meeting schedules <https://www.jeffersoncountywv.org/home/showpublisheddocument/24478/638343674074570000>

³ See link to Agenda Packets <https://www.jeffersoncountywv.org/county-government/departments/planning-and-zoning-department/planning-commission/pc-packets>

⁴ See link to Minutes <https://www.jeffersoncountywv.org/county-government/departments/planning-and-zoning-department/planning-commission/pc-minutes>

⁵ See W.Va. Code § 8A-2-11 (15) that states the PC may “Delegate limited powers to a committee composed of one or more members of the commission.” See also link to PC By-Laws <https://www.jeffersoncountywv.org/home/showpublisheddocument/259/635712789997400000>

- o **Solar Text Amendment Committee** = Wade Louthan, Mike Shepp, and Ron Thomas – appointed February 11, 2020 [[click here for PC meeting minutes authorizing the appointment to the Committee](#)]
- o **Ordinance Rewrite Committee** = Steve Stolipher, Mike Shepp, Donnie Fisher were appointed to committee February 12, 2019; Wade Louthan was appointed as an alternate [[click here for PC meeting minutes authorizing the appointment to the Committee](#)]

All Committees are inactive at this time.

The Budget Committee

The PC is required to approve a budget and submit an annual budget to the County Commission pursuant to W. Va. Code 8A-2-11. The budget is prepared by the Director of the Department of Engineering Planning and Zoning, Roger Goodwin. Roger Goodwin is not a member of the PC. The Budget Committee has acted to review the budget from Roger Goodwin and staff before Goodwin presents the budget to the PC. Goodwin will then provide the proposed budget on to the PC for review and approval in a noticed public meeting. The PC submits the proposed budget to the governing body, the County Commission. The Budget Committee met with staff formally last year. This year, the Committee did not formally meet with staff or each other but only received the proposed 2024 budget from staff. The Chair received no questions or comments from any Committee member and no request for the Committee to meet. The proposed budget will therefore be provided by Goodwin/staff to the entire PC at a public meeting for public review and approval before it is presented to the County Commission for approval.

The Solar Text Amendment Committee

Stanley Dunn, private citizen, had previously presented a petition to request a proposed text amendment to create a process to allow solar farms in Jefferson County. The PC accepted the

petition into their work plan and created a Committee in February of 2020 to work with the outside paid consultants and Staff on revising the draft text amendment that was submitted with the petition. The PC directed staff to revise the proposed Solar Text Amendment and work with industry professionals and the committee. Staff presented the draft amendment to the PC in a public meeting for review. The PC revised the draft amendment received from staff, made edits in a public meeting and subsequently held at least one public hearing before forwarding their recommendation to the County Commission. The County Commission also is believed to have held at least one public hearing concerning this Ordinance.

The Solar Text Amendment Committee ceased formal operation once the draft of the Solar Text Amendment was submitted to the PC in 2020. Like the other committees, the Solar Text Committee took no independent action and took no votes regarding the Solar Text Amendment, but merely interacted with staff, consultants and experts as indicated herein.

The PC provided various updates to the public in meetings in March and April of 2020, scheduled a public hearing in June, and then subsequently forwarded the draft to the County Commission for its review.

The Ordinance Rewrite Committee

The Jefferson County Commission conducted a rewrite of both the Subdivision and Zoning Ordinances in 2008. The 2008 Subdivision Ordinance was designed to interface with a revised 2008 Zoning Ordinance, however, the Zoning Ordinance revisions were not permanently implemented, because of a recall⁶, leaving the County with a 2008 Subdivision Ordinance and a 1988 (as amended) Zoning Ordinance.

⁶ After the County Commission adopted the 2008 Zoning Ordinance, there was significant public opposition to the new Zoning Ordinance. As a result of the opposition, there was a Petition for Referendum that received enough signatures to place the newly adopted Zoning Ordinance on a Special Election Ballot. This resulted in placing a stay on the newly adopted Zoning Ordinance and ultimately, the referendum resulted in a return to the original 1988 Zoning

The twenty year age difference between the Zoning Ordinance (as amended) adopted in 1988 and the Subdivision Ordinance adopted in 2008 created a number of potential language tensions and conflicts between the two Ordinances. At the direction of the County Commission and PC, staff began working to identify problem areas in the newly adopted Subdivision Regulations that needed immediate attention.

Several amendments to the 2008 Subdivision Regulations were adopted by the PC in 2010 and more as time passed. The PC determined that staff had insufficient time to perform an Ordinance rewrite due to staff's increasing workload. In 2019, the PC formed the Ordinance Rewrite Committee to "review and work with consultant to revise subdivision and land development ordinance." (See minutes of PC meeting dated February 12, 2019, p 4). The goal of the PC was to clean up, reconcile, and eliminate conflicting text in the documents and to update standards and requirements.

The PC ultimately hired a consultant to perform the Ordinance rewrite. The first consultant retained to work on the rewrite project was Greenway Engineering. Greenway presented a first draft to the PC in June 2020.⁷ The rewrite project was never completed and in April 2022, a different consultant, (Paul Raco with P. J. Raco Consulting) was hired to take over the rewrite project. To date, there have not been any drafts presented to Staff or to the PC by Mr. Raco.

The three Ordinance Rewrite Committee members facilitated meetings between the staff and the consultants. Committee members listened to staff and consultant's interactions and discussions about the Ordinance and the consultant's proposed revisions. Committee members at

Ordinance (as amended) that was in effect prior to November 2008. Difficulties then arose in applying the 1988 Zoning Ordinance to the 2008 Subdivision Ordinance, since the two ordinances were not specifically designed to work together.

⁷ The Draft is available on the county website but was never adopted. See

<https://www.jeffersoncountync.gov/home/showpublisheddocument/18407/637267749757400000>.

times asked questions regarding matters in the Ordinance and may at times have met with the consultant without staff. There were discussions and questions between committee members, the consultant, and staff centering around identifying conflicts between the Planning and Zoning Ordinances and the items the consultant was revising.

The consultant, with staff assistance, was expected to ultimately present a draft to the PC for public review and comment. However, there has been no draft presented to the PC by the consultant or anyone at this time and therefore no action taken with regard to the probable Ordinance rewrite.

Before a text amendment to the Ordinance is passed, it is subject to public scrutiny and review by the PC and then the County Commission. Section 12.4C of the current Ordinance provides the role of the planning commission as:

If the Planning Commission determines that a text amendment to the Zoning Ordinance is required in accordance with its work plan, for the purpose of improving or clarifying the ordinance, or for consistency with adopted policies, **the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2D, and make a recommendation for action to the County Commission** through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With its recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at dates to be determined by the County Commission to receive comment and take action on the proposed amendment.

Jefferson County Zoning Ordinance section 12.4C (emphasis added)

The rewrite process took much longer than expected and in August 2023 the process was suspended because the consultant, staff, and committee members realized that the ongoing update⁸ to the Comprehensive Plan, when completed, would likely impact the direction and future updates to the adopted Ordinance, and change how ordinance provisions are structured. Consequently, the consultant recommended that the meetings be suspended and that recommendation was passed on to the PC in the October 10, 2023 Agenda Packet. The PC suspended meetings until the Comprehensive Plan update is complete (see minutes for the October 10, 2023 PC meeting).

Current Controversy

Recently, some questions have been raised about the three Committees that were formerly utilized by the Jefferson County PC. These questions include concerns that the Committees do not post an Agenda, do not typically invite persons other than the Staff, the Consultants, and Committee members, and do not keep minutes. Perhaps the most questions have been raised about the use of the Ordinance Rewrite Committee. Some citizens have become concerned about whether the Committees have made changes to the Ordinance and voted about making changes to the Ordinance outside of public purview.⁹

Conversely, the Committees believed that they were not required to meet all of the accoutrements of the Open Meetings act because the full PC appointed the Committee to facilitate the interactions between the staff and consultants. Typically the consultants and/or staff did the

⁸ There is an update to the Jefferson County Comprehensive Plan that is currently being developed by the PC. This update is totally separate from the issues presented to the Ethics Commission in this request and is only mentioned for context.

⁹ One item of particular citizen concern is the manner in which Waivers are now being processed by the staff. The Consultant, Paul Raco, sent an email to Mike Shepp (PC President and also head of the Ordinance Rewrite Committee) expressing the consultant's concern that the Ordinance was not being followed in the waiver process, and that in the consultant's opinion the county should follow the process that currently exists in the Ordinance. This issue was placed on the PC Agenda for a public meeting, presented in a public meeting, and approved in a public meeting. Some have interpreted this to mean that the Committee changed the Ordinance requirements for waivers, when, instead, the PC did not change the ordinance but actually enforced the currently existing provisions in the Ordinance.

work and the Committee members presented questions and concerns in response to the consultants and/or staff. No votes were taken in the Committees, no motions made in the Committees, nor did the Committee members return to the PC with recommendations for action. At no time was there a quorum of the PC on any of the Committees, including the Ordinance Rewrite Committee. The number of PC members on the Committees never exceeded three. Committee members may have provided reports to the PC on the status and/or consultant's progress, but did not provide recommendations. Recommendations to the PC were prepared and presented by the staff and/or consultant at formal public meetings of the PC.

III. Legal Considerations

The Open Meetings Act defines a meeting as

(5) "Meeting" means the convening of a governing body of a public agency for which a quorum is required in order to make a decision or to deliberate toward a decision on any matter which results in an official action. Meetings may be held by telephone conference or other electronic means. The term meeting does not include:

W. Va. Code § 6-9A-2

The Ethics Commission has from time to time extended the application of the Open Meetings Act to include various Committees via advisory opinions;¹⁰ however, in the most relevant ethics opinions about the use of Committees, the Ethics Commission seems to have interpreted factual scenarios based on Committees that formulate policy or provide recommendations for actions directly to the governing body that formed the Committee.

In this case, the Committees did not formulate policy. Neither did they make recommendations to the PC. Instead, the Committees listened to the interactions with staff and consultants, kept the staff and consultants focused, and may at times have made recommendations to staff and consultants. The Committees did not make their own recommendations to the PC. The staff and/or consultants created the relevant documents or Ordinance provisions and then presented them to the PC at a public meeting with all of the accoutrements of the Open Meetings

¹⁰ There are circumstances where the Open Meetings Act has not been applied to working bodies and the Court has held that a "...meeting does not encompass consultations with staff, deliberations or the process of making a decision." *Appalachian Power Co. v. Pub. Serv. Comm'n*, 162 W. Va. 839, 848, 253 S.E.2d 377, 383 (1979) (discussing application of the Open Meetings Act to the Public Service Commission). While the instant case is not about an adjudicatory body, the case illustrates a format, like the PC, where the governmental entity is working closely with staff in the daily operations of government, and in the PC's case, causing staff and/or a consultant to create a draft that will be presented by the staff/consultant to the public in an open meeting for public review and comment, a public vote, and forwarding to the governing body, the County Commission, for ultimate decision.

Act. The Committee may have at times given progress reports to the PC at a public meeting, but did not create or recommend policy.

Said another way, the directive of the PC when creating the Committees did not give the Committees the authority to legislate, formulate policy, or make recommendations to the PC.¹¹ The Committees may assist the staff and/or consultants, but it is the staff/consultants job to bring matters to the PC for public meetings and decision.

Additionally, the PC is not a legislative body; it is instead an advisory body with no legislative authority. Neither is the PC a governing body. Both the legislative and governing authority belong to the governing body for the County, which is the Jefferson County Commission. Because of its role, the PC is different from the governmental bodies that are the subject of the most relevant ethics opinions.

Consequently, the Commission has not seemed to opine on the use of Committees in the set of factual circumstances that appear in this case. Because the PC and the County Commission want to act lawfully, and comply with all Open Meetings Act requirements, this request is presented to the Committee on Open Governmental Meetings in an effort to obtain guidance for possible future use of Committees in the Jefferson County Planning Commission.

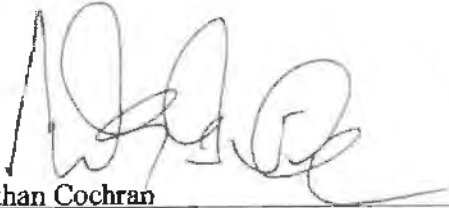
¹¹ See the directives of the PC to the three Committees when creating the committees:

- Language creating the Budget Committee: "...serve on a budget committee with him. Mr. Shepp requested that Staff schedule a meeting with Mr. Goodwin and requested that a copy of the draft budget be sent to the committee." *Planning Commission Minutes* December 14, 2021.
- Language creating the Solar Text Amendment Committee: "would work with the consultants and Staff on drafting a text amendment." *Planning Commission Minutes* February 11, 2020.
- Language creating the Ordinance Rewrite Committee: "...create committee to review and work with consultant to revise subdivision and land development ordinance. Mr. Ware seconded the motion and it carried unanimously." *Planning Commission Minutes* February 12, 2019.

The Jefferson County Commission directed the undersigned to seek this advisory opinion regarding the actions of the Planning Commission.

IV. Questions Presented

- A. Is the past practice of the Planning Commission to appoint working Committees as described herein in conformance with the requirements of the Open Meetings Act?**
- B. If the answer to question A is no, what are the appropriate steps that any future Planning Commission Committees should take to conform to the Open Meetings Act?**



Jefferson County Commission
BY COUNSEL

/s/ Nathan Cochran
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Nathan P. Cochran, Assistant Prosecuting Attorney
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Post Office Box 729
Charles Town, West Virginia 25414
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BONUSES

- Article VI Section 38 of the WV Constitution:
 - No extra compensation shall be granted or allowed...after the services shall have been rendered or the contract made.
- WV Code §12-3-13:
 - No money shall be drawn from the treasury to pay the salary of any officer or employee before his services have been rendered
- WV Code §6-7-7 also states:
 - No extra compensation shall be granted or allowed to any public...servant or contractor after the services shall have been rendered
- NO retroactive pay raise.

Jacki Shadle

County Clerk

Jefferson County

100 East Washington Street

Charles Town, WV 25414

Ph: (304)728-3347

Fax: 304-728-1957

Please Visit Us Online: www.jeffersoncountywv.org

**Public Comment for Jefferson County Commission meeting for
February 15, 2024**

I, **David Tabb**, a lifelong resident/taxpayer make the following comments:

PUBLIC COMMENT –

I, David Tabb, am really disappointed that Pasha Majdi is not on the ballot for a county commission seat. Oh, that's right, he does not live in the Charles Town District, that he is currently representing. At the previous county commission meeting Mr. Majdi was very constructive when proofing the minutes for approval. I was hoping that Mr. Majdi would be that through within all the rules and regulation of a county commission meeting with Robert Rules and the Open Meeting Act. It's really sad that Mr. Majdi and Commissioner Tabb allowed Commissioner Stolipher to be commission president again.

On a lighter note, hidden within the agenda packet, under Interim County Administrator Reports is an "update of the TIF attorneys", (Bowles Rice, Jackson Kelly and Spillman Thomas & Battle) that includes 16 pages of statements and contracts that list the engagement letters and the charges that will be incurred per hour. I am deeply concerned that this should have been placed within a legal publication making the announcement of a PILOT program. To remind everyone, the last PILOT program we had dealt with Rockwool, with the public comment portion being reduced from 5 minutes to 3 minutes.

I am very disappointed that the current county commission is not truly transparent with the public. When the public does make comment, the county commission ignores their comment and any request to be placed on the agenda. To include when the public files petitions to the court against the commission, the commission and their counsel. The court dismisses the complaint, possibly creating a conflict because the commission is the landlord to the courts.

It appears that Commissioner Tabb has requested reinstatement of the impact fee for the schools. I would appreciate the commission correcting me, if I am wrong, I was under the impression that the school board has millions of dollars that required to be returned, if not used. The school board has not published how much they have and where it went. I would encourage the County Commission to investigate this further before re-establishing impact fees for the schools. I also remember when the fire department received impact fee funding and why was that removed?

"The public reserves the right to call out the public officials to follow the required laws to ensure the constitutional rights of the public. The Governor has ordered the Government to be "open for business" and not deprived the public of notice and comments that would violate ethic provisions.

It is hard to be safe, with the current County Commission.

Have a nice day!

FIRST QUARTER TERM: (Board of Review and Equalization)

State of West Virginia, County of Jefferson, to-wit:

At a session of the Jefferson County Commission, sitting as Board of Review and Equalization, continued and held at the Courthouse thereof on Friday, February 16, 2024, beginning at 1:30 p.m.

PRESENT:

Steve Stolipher, President
Jane Tabb, Vice President
Tricia Jackson, Commissioner
Jennifer Krouse, Commissioner

STAFF:

June Bowers, Sr. Appraiser
Angie Banks, Assessor
Jason Mickey, Appraiser
Steve Groh, Assistant Prosecutor Attorney
Sorayda Pitts, Administrative Assistant

In re: 2024 Board of Review and Equalization

President Stolipher opened the meeting at 1:30 pm. June Bowers, Senior Appraiser for the Jefferson County Assessor's Office, notified the Commission that no hearings were scheduled for the afternoon.

- **Motion by Mr. Stolipher to convene as a Board of Review and Equalization. The motion was seconded and unanimously approved.**

**Commissioner Tabb recused herself from this hearing.*

- **Motion by Mr. Stolipher to approve the appeal submitted by Shenandoah Sales & Service, Inc (David Tabb) to remove the appraisal amount of \$7300 from map/parcel 04-10-0008. The motion was seconded and unanimously approved.**

**Commissioner Tabb returned to the panel for the following hearing.*

- **After sworn testimony and presentation of exhibits, a motion by Mr. Stolipher to reduce the appraisal value of parcels # 04.13K 83, 83, 86, and 87 by 30%. The motion was seconded and unanimously approved.**

- **Motion by Mr. Stolipher to acknowledge the mutual agreements as presented by Ms. Bowers. The motion was seconded and unanimously approved**
- **There being no further business, motion by Mr. Stolipher to adjourn a Board of Review and Equalization at 3:50 pm. The motion was seconded and unanimously approved.**

Steve Stolipher, COMMISSION PRESIDENT

SPECIAL SESSION

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Tuesday, February 27, 2023, beginning at 9:30am.

PRESENT: Steve Stolipher, President
Jane Tabb, Vice President
Tricia Jackson, Commissioner
Pasha Majdi, Commissioner
Jennifer Krouse-Commissioner
Edwina Benites, Interim County Administrator
Bessie Nelson, Budget Director
Sorayda Pitts, Administrative Assistant

In re: FY24 Budget Presentations – Day 1

The meeting was called to order at 9:30 am by President Stolipher.

Bessie Nelson, Finance Director for the FY25 budget, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commissioners then heard budget presentations from the following: Sheriff-Law Enforcement/ Tax Office/Animal Control, Maintenance, Central Garage, Other buildings, Fire and Emergency service agency, 911 Center, Homeland Security, Technology Budget, Engineering (Planning and Zoning), Capitol Projects, County Commission, EPCD, Day Report Center, Circuit Clerk, County Clerk / Elections and Civil Service Commission and Assessor.

No decisions regarding the County budget were made during this meeting. There being no further business, the meeting adjourned at 3:19 pm

Steve Stolipher, PRESIDENT

Respectively Submitted:
Sorayda Pitts
Administrative Assistant

SPECIAL SESSION

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held virtually via GoToWebinar and in-person at the County Commission meeting room of the Old Charles Town Library, 200 E. Washington Street, Charles Town, West Virginia on Wednesday, February 28, 2023, beginning at 9:30am.

PRESENT: Steve Stolipher, President
Jane Tabb, Vice President
Tricia Jackson, Commissioner
Pasha Majdi, Commissioner
Jennifer Krouse-Commissioner
Edwina Benites, Interim County Administrator
Bessie Nelson, Budget Director
Sorayda Pitts, Administrative Assistant

In re: FY24 Budget Presentations – Day 2

The meeting was called to order at 9:30 am by President Stolipher.

Bessie Nelson, Finance Director for the FY25 budget, gave an overview of the budget process and the projected revenues and expenditure requests submitted by the department heads and elected officials for the upcoming fiscal year.

The Commissioners then heard budget presentations from the following: Prosecuting Attorney, Agriculture Agent, Development Authority, Farmland Protection, Health Department, Parks and Recreation, Jefferson County Ministries, Historical Commission, Libraries, CVB, CASA, EPTA, Mag Court (Bessie Nelson presented), Coal Severance Fund (Bessie Nelson and Charli Heilmann)

No decisions regarding the County budget were made during this meeting. There being no further business, the meeting adjourned at 2:52 pm.

Steve Stolipher, PRESIDENT

Respectively Submitted:
Sorayda Pitts
Administrative Assistant

REQUISITIONS TO BE APPROVED

March 7, 2024

DEPARTMENT	Requisition No.	AMOUNT	VENDOR	DESCRIPTION
E911	24049	\$ 5,304.00	Informer Systems, LLC	Schedule Express yearly svc. contract
IT/GIS	24050	\$ 7,801.75	Insight Public Sector	Microsoft Surface Pro Keyboards
OTHER BUILDINGS	24051	\$ 74,425.00	IPC Technologies	Desktop Phones
	24053	\$ 15,039.00	SCAG	Zero-Turn Mower
GRAND TOTAL		\$ 102,569.75		

DESCRIPTION	FUND 001 CO.		TOTAL
Gross Wages	\$481,235.82		\$481,235.82
6.2% Tax Payable OASDI	\$28,699.14		\$28,699.14
1.45% Tax Payable HI	\$6,711.97		\$6,711.97
Fed Withholding	\$39,827.53		\$39,827.53
PA State Tax	\$63.87		\$63.87
WV State Withholding	\$15,731.01		\$15,731.01
VA State Tax	\$536.05		\$536.05
MD State Tax	\$929.46		\$929.46
PERS Retirement Deduct 4.5%	\$8,663.93		\$8,663.93
PERS Retirement Deduct 6%	\$8,800.99		\$8,800.99
DSRS Retirement Deduct 8.5%	\$9,171.64		\$9,171.64
EMS Retirement Deduct 8.5%	\$1,166.34		\$1,166.34
Hosp. Pre-Taxed	\$16,394.00		\$16,394.00
D/VF	\$1,652.18		\$1,652.18
AFLAC Pre-Taxed	\$299.37		\$299.37
AFLAC Post-Taxed	\$758.88		\$758.88
Optional Life Post-Taxed	\$1,889.49		\$1,889.49
Wage Attach #1	\$373.39		\$373.39
Wage Attach #2	\$94.66		\$94.66
Wage Attach #3	\$166.49		\$166.49
Wage Attach #4			\$0.00
457 - Nationwide	\$1,065.00		\$1,065.00
457I - Empower	\$5,066.36		\$5,066.36
457R - Roth	\$1,820.02		\$1,820.02
Christmas Club	\$4,085.00		\$4,085.00
Colonial(Plus)	\$47.84		\$47.84
Uniforms			\$0.00
Total Deductions	\$154,014.61	\$0.00	\$154,014.61
Net Wages Total	\$327,221.21	\$0.00	\$327,221.21
Payroll Date	March 1, 2024		

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Angela Banks, Assessor

Department or Organization: Assessor's Office

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Exonerations**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

I move to approve the exaneration for ticket no. _____, as presented by the Assessor.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Tom Hansen

Department or Organization: Sheriff and Treasurer

Commission Meeting Date: Next Available

Special Meeting Date (if necessary):

Subject (*wording to be placed on agenda*):

Trip Guards

Please provide a description of your request or presentation, including any background information:

We are having issues getting trip guards to take trips. We are looking to restructure how we handle trips, which may require Commission approval for pay codes. We will be able to absorb the cost in the current and proposed budgets.

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (*type out wording of the motion you would like the Commission to approve*):

I move to approve the restructuring of trip guards.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information:

Phone Number: 304-728-3205

Email Address:

dlowe@jeffersoncountywv.org

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Nikki Painter**

Department or Organization: **Elections – County Clerk’s Office**

Estimation of amount of time needed for appointment: **10 mins**

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Warding to be placed on agenda*):

Poll Worker & Alternate Approval – 2024 Primary

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? **Y/N**

If so, how much? **\$**

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

To approve the poll workers and alternates as presented for the 2024 Primary Election

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

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2024 General Election Poll Workers - Republican

Precinct	Name	Reply	Position	Party	Telephone No.	Email Address	Mail Street	Mail City	Mail State	Mail Zi
Precinct 2 - Wright Denny Elementary School, 209 W Congress St, Charles Town										
2	Dana Stencker	Yes	Poll Clerk	R	240-375-4887		157 Adelaide Cir	Harpers Ferry	WV	25425
2	Joe Gallop	Yes	Poll Commissioner	R	304-725-1895	jgallop57@gmail.com	59 Derby Pl	Charles Town	WV	25414
Precinct 3 - Charles Town Baptist Church, 203 E Congress St, Charles Town										
3	Bob Trainor	Yes	Supply Clerk	R	304-283-2946	trainorbob@comcast.net	774 Crosswinds Ct	Charles Town	WV	25414
3	Angelle Cummings	Yes	Poll Clerk	R	240-529-5146	anglecummings14@hotmail.com	211 S Church St	Charles Town	WV	25414
3	Mirian Fernandes	Yes	Poll Commissioner	R	304-433-6608		11 Jasmine Pl	Harpers Ferry	WV	25425
Precinct 4 - Fellowship Bible Church, 160 Daniel Rd, Sheandoah Junction										
4	Franklin P Stanley Jr	Yes	Poll Clerk	R	304-725-7505		151 Mansfield Dr	Harpers Ferry	WV	25425
4	Carole Lowdermilk	Yes	Poll Commissioner	R	681-242-7329		202 Packett Dr	Charles Town	WV	25414
Precinct 6 - Anna Mae Reedy Senior Center, 303 W Fifth Ave, Ranson										
6	Joshua D Waggoner	Yes	Supply Commissioner	R	304-886-1069		585 Meandering Ln	Kearneysville	WV	25430
6	Angela Hoffman	Yes	Poll Clerk	R	304-725-5595		4 Bedford Dr	Charles Town	WV	25414
6	Sonya Creech	Yes	Poll Commissioner	NP	304-283-9446		30 Polk St	Harpers Ferry	WV	25425
Precinct 7 - Ranson Elementary School, 600 N Preston St, Ranson										
7	Jerry Franklin	Yes	Supply Clerk	R	304-620-8289	jfranklin@frontiernet.net	228 Cassia Ln	Charles Town	WV	25414
7	Melissa Manning Stahlin	Yes	Poll Clerk	R	304-263-2423	caiwelcocroft@yahoo.com	304 N Preston St	Charles Town	WV	25414
7	Mireya Salgado	Yes	Poll Commissioner		304-270-0149		102 Michelle Dr	Ranson	WV	25438
Precinct 12 - Jefferson High School, 4141 Flowing Springs Rd, Sheandoah Junction										
12	Britt Shoedel	Yes	Poll Clerk		681-252-0505		303 Carriage Dr	Harpers Ferry	WV	25425
12	Cleyton Stock-Frinds	Yes	Poll Commissioner		304-266-5300		204 Volney Hill rd	Sheandoah Junction	WV	25442
Precinct 13 - CW Shipley Elementary School, 652 Shipley School Rd, Harpers Ferry										
13	Cheryl Huff	Yes	Supply Clerk	R	304-886-6739		743 Chickamauga Dr	Harpers Ferry	WV	25425
13	Pam Harmon	Yes	Poll Clerk	R	505-238-6808		791 Chickamauga Dr	Harpers Ferry	WV	25425
13	Susan Keisler	Yes	Poll Commissioner	R	717-688-2692		68 Surrey Dr	Harpers Ferry	WV	25425
Precinct 14 - Camp Hill-Wesley United Methodist Church, 645 Washington St, Harpers Ferry										
14	Ernest "Ernie" Hennin	Yes	Poll Clerk	R	843-706-7053		86 Teakwood Ct	Harpers Ferry	WV	25425
14	Patricia Hannin	Yes	Poll Commissioner	R	843-706-7053		86 Teakwood Ct	Harpers Ferry	WV	25425
Precinct 15 - Harpers Ferry Middle School, 1710 W Washington St, Harpers Ferry										
15	Stephen Paradis	Yes	Supply Clerk	NP	508-439-7209	stephen.j.paradis@gmail.com	1212 Washington St	Harpers Ferry	WV	25425
15	Deborah Hale	Yes	Poll Clerk	R	304-595-1528		1167 W Washington St	Harpers Ferry	WV	25425
17	Terrill "Terri" McClellan	Yes	Poll Commissioner	R	304-595-1436	jennesse11@gmail.com	PO Box 307	Harpers Ferry	WV	25425
Precinct 16 - Oakland Methodist Church, 70 Oakland Ter, Charles Town										
16	Mark Wilgenbusch	Yes	Supply Clerk	R	304-724-7000	markw0807@aol.com	48 Revere Dr	Charles Town	WV	25414
16	Linna Walz	Yes	Poll Clerk	R	757-771-8247	linnarwalz@gmail.com	2054 Kabletown Rd	Charles Town	WV	25414
16	Joanna Walz	Yes	Poll Commissioner	R	757-771-8247		2054 Kabletown Rd	Charles Town	WV	25414
Precinct 17 - Blue Ridge Acres Community Club, 935 Country Club Dr, Harpers Ferry										
17	Steven Crowe	Yes	Supply Clerk	R	304-582-7555	scrowe@citink.net	2582 Chestnut Hill Rd	Harpers Ferry	WV	25425
17	George Moxley	Yes	Poll Clerk	R	240-315-2887		56 Starlight Ln	Harpers Ferry	WV	25425
19	Garrett Damon	Yes	Poll Commissioner	R	240-315-2857		56 Starlight Ln	Harpers Ferry	WV	25425
Precinct 19 - St James Catholic Church, 48 Crosswinds Dr, Charles Town										
19	Mark Zampino Sr	Yes	Supply Clerk	R	240-575-4138		393 Morning Calm Ln	Harpers Ferry	WV	25425
19	Lara Boné	Yes	Poll Clerk	R	304-268-7825		77 Olanagan Dr	Charles Town	WV	25414
19	Jessie Harmon	Yes	Poll Commissioner	R	843-706-7056		88 Happy Retreat Lane	Charles Town	WV	25414
Precinct 20 - Citizens Fire Company, 245 Citizens Way, Charles Town										
20	Virginia Hoffman	Yes	Poll Clerk	R	304-725-2295		4 Bedford Dr	Charles Town	WV	25414
20	Robert Hoffman	Yes	Poll Commissioner	NP	304-945-4126		4 Bedford Dr	Charles Town	WV	25414

Precinct 21A - Blue Ridge Elementary School, 18866 Charles Town Rd, Harpers Ferry										
21A	Carolyn Vezzosi	Yes	Poll Clerk	R	302-904-1208		475 Shenandoah River Dr	Harpers Ferry	WV	25425
21A	Bella Timberlake	Yes	Poll Commissioner	R	916-307-0050		711 Lakeside drive	Harpers Ferry	WV	25425
Precinct 21B - Blue Ridge Elementary School, 18866 Charles Town Rd, Harpers Ferry										
21B	Isabel Simon		Supply Clerk	R	304-283-7067		21 Chestnut Pl	Harpers Ferry	WV	25425
21B	Deborah Spatola	Yes	Poll Clerk	R	304-620-6250	dsopatola@comcast.net	413 Red Bird Ln	Harpers Ferry	WV	25425
21B	L Denise Tartaglia Force	Yes	Poll Commissioner	R	304-930-1476		189 Burberry Ln	Charles Town	WV	25414
Precinct 22 - South Jefferson Elementary School, 4599 Summit Point Rd, Summit Point										
22	Amy Ringer Flint		Supply Clerk	R	304-930-1992	alringerflint@gmail.com	91 Oakmont Dr	Charles Town	WV	25414
22	Barbara Sullivan		Poll Clerk	R	304-839-7726		3658 Bakerton Rd	Harpers Ferry	WV	25425
22	Tracey Riksler		Poll Commissioner	R	304-261-7949		636 Uinta Farm Ln	Charles Town	WV	25414
Precinct 23A - CrossPoint Church, 3066 S Childs Rd, Kearneysville										
23A	Delidre Catterton	Yes	Supply Clerk	R	304-724-7400		169 Eastland Dr	Charles Town	WV	25414
23A	Karen Phillips	Yes	Poll Clerk	R	571-283-1063	karenphillips571@gmail.com	76 Cirrus Way	Kearneysville	WV	25430
23A	Janet Crosby	Yes	Poll Commissioner	R	304-839-2378	xrayrenee58@yahoo.com	10670 Leetown Rd	Kearneysville	WV	25430
Precinct 23B - CrossPoint Church, 3066 S Childs Rd, Kearneysville										
23B	Caleb Shelton	Yes	Poll Clerk	R	304-582-7794		107 Burier St	Charles Town	WV	25414
23B	Jerome "Jerry" Sather		Poll Commissioner	NP	304-728-4831	jdsather@hotmail.com	66 Cypress Point Dr	Charles Town	WV	25414
Precinct 24A - Washington High School, 300 Washington Patriots Dr, Charles Town										
24A	D Mason Carter		Poll Clerk	R	304-676-1471		19459 Charles Town Rd	Harpers Ferry	WV	25425
24A	Trihana (Trixie) Carter		Poll Commissioner	R	304-676-8045	trixi1201@frontiernet.net	19459 Charles Town Rd	Harpers Ferry	WV	25425
Precinct 24B - Washington High School, 300 Washington Patriots Dr, Charles Town										
24B	Kevin Tester		Poll Clerk	R	703-463-8562	kevin.tester.sr@gmail.com	77 Burnlea Rd	Charles Town	WV	25414
36	Allyson Flint	Yes	Poll Clerk	NP	202-931-8343	allysonflint06@yahoo.com	91 Oakmont Dr	Charles Town	WV	25414
36	Kyle Flint	Yes	Poll Commissioner	R	202-931-8343		91 Oakmont Dr	Charles Town	WV	25414
Precinct 25 - Middletown Volunteer Fire Company, 110 Dark Hill Rd, Middletown										
25	Marsha Gardner		Poll Clerk	R	304-839-2492		259 King St	Kearneysville	WV	25430
25	Melody Brownning	Yes	Poll Commissioner	R						
Precinct 26 - Leetown Methodist Church, 11133 Leetown Rd, Kearneysville										
26	Katie Gay	Yes	Supply Clerk	R	304-579-7223		1147 Stead St	Ranson	WV	25438
26	Jean Garretson		Poll Clerk	R	304-261-0579	garretson6@frontier.com	69 Ashley Dr	Shepherdstown	WV	25443
26	Amanda Susannah Pizzi		Poll Commissioner	R	520-668-5030	pizzi.susannah@gmail.com	526 New Meadow Dr	Kearneysville	WV	25430
Precinct 27 - North Jefferson Elementary School, 6696 Charles Town Rd, Kearneysville										
27	Robyn Painter		Poll Clerk	R	304-728-8210	mawmawstoy@comcast.net	PO Box 4	Kearneysville	WV	25430
27	Robin Carper		Poll Commissioner	R	304-725-4522		185 Jefferson Ter	Charles Town	WV	25414
Precinct 28A - First Baptist Church of Ranson, 614 Lone Oak Rd, Ranson										
28A	John Jones	Yes	Poll Clerk	R	304-305-9301	godblessusa.1959@gmail.com	791 Pheasant Hill Rd	Summit Point	WV	25446
28A	Paula Salvo	Yes	Poll Commissioner	R	304-268-9021		4100 Old Leetown Pike	Ranson	WV	25438
Precinct 28B - First Baptist Church of Ranson, 614 Lone Oak Rd, Ranson										
28B	Bruce E Terris Sr	Yes	Supply Clerk	R	304-279-5752		630 New Meadow Dr	Kearneysville	WV	25430
28B	Jennifer Piazik	Yes	Poll Clerk	R	703-618-8886		47 Velveten Ct	Ranson	WV	25438
28B	Hayden Terris	Yes	Poll Commissioner	R	304-839-1808		538 Breckenridge Way	Shenandoah Junction	WV	25442
Precinct 29 - TA Lowery Elementary School, 103 Shenandoah Junction Rd, Shenandoah Junction										
29	Todd Baldau	Yes	Supply Clerk	NP	202-577-8854	todd.baldau@usmint.treas.gov	182 Coventry Ln	Harpers Ferry	WV	25425
29	Sarah Baldau	Yes	Poll Clerk	NP	202-577-8854		182 Coventry Ln	Harpers Ferry	WV	25425
29	Giordana Baker (now a County employee)		Poll Commissioner	R	304-728-2091	giordana.baker@gmail.com	94 Tiffany Ct	Harpers Ferry	WV	25425
Precinct 31 - Covenant Baptist Church, 7485 Shepherdstown Pike, Shepherdstown										
31	Elisa Moore	Yes	Supply Clerk	R	304-535-2306	zilly101@aol.com	52 General Cobb Ct	Harpers Ferry	WV	25425
31	Natalya Rushizky	Yes	Poll Clerk	R	304-886-4230		PO Box 838	Shepherdstown	WV	25443
31	Max "Chuck" Moore	Yes	Poll Commissioner	R	304-283-6085	chuckmwv@gmail.com	52 General Cobb Ct	Harpers Ferry	WV	25425
Precinct 32 - Bethel United Methodist Church, 855 Carter Ave, Bakerton										

32	John Shoedel	Yes	Supply Clerk	R	681-252-0505		303 Carriage Dr	Harpers Ferry	WV	25425
32	Jennifer Roberts	Yes	Poll Clerk	R	304-839-1572		164 Ruddy Duck Dr	Harpers Ferry	WV	25425
32	Christopher Roberts	Yes	Poll Commissioner		304-707-7379		471 Peace Ridge Road	Harpers Ferry	WV	25425
Precinct 33 - Trinity Episcopal Church, 208 W German St, Shepherdstown										
33	Chandra Marie Cook	Yes	Poll Clerk	R	304-433-5904	cookchandra1121@yahoo.com	39 Thatcher Ct	Shepherdstown	WV	25443
33	Dr. James Cook	Yes	Poll Commissioner	R	304-433-5904	cookchandra1121@yahoo.com	39 Thatcher Ct	Shepherdstown	WV	25443
Precinct 34 - Shepherdstown Elementary School, 562 S Church St, Shepherdstown										
34	Tracey Cenate	Yes	Poll Clerk	R	304-728-6120		138 Scottie Dr	Charles Town	WV	25414
34	Brittany Cenate	Yes	Poll Commissioner	R	304-728-6120		138 Scottie Dr	Charles Town	WV	25414
Precinct 35 - Asbury United Methodist Church, 4257 Kearneysville Pike, Shepherdstown										
35	Tara Morgan	Yes	Supply Clerk	R	304-671-1585		PO Box 1142	Shepherdstown	WV	25443
35	David Smith	Yes	Poll Clerk	NP	304-283-6235	dave.smith5881@gmail.com	34 Little Run Dr	Shepherdstown	WV	25443
35	Trevor Craker	Yes	Poll Commissioner	R	703-999-4073	trevor.craker@gmail.com	1435 Engle Mollers Rd	Harpers Ferry	WV	25425
Precinct 36 - Driswood Elementary School, 75 Casplan Way, Shenandoah Junction										
12	Jessica Shoedel	Yes	Poll Clerk		681-252-0505		303 Carriage Dr	Harpers Ferry	WV	25425
2	Reese Hickey	Yes	Poll Commissioner		681-261-9927		PO Box 1164	Shepherdstown	WV	25443
Alternates										
Alt	Trevor Donley	Yes	Alternate		304-240-8402		5911 Bakerson rd	Shepherdstown	WV	25443
Alt	Amy Campbell	Yes	Alternate	NP	304-886-4230		61 Pathfinder Ct	Shepherdstown	WV	25443
Alt	KaIeena Campbell	Yes	Alternate	NP	304-839-8437		61 Pathfinder Ct	Shepherdstown	WV	25443
Alt	Kyleigh Campbell	Yes	Alternate	NP	304-886-4230		61 Pathfinder Ct	Shepherdstown	WV	25443
Alt	Steve Campbell	Yes	Alternate	NP	304-886-4230		61 Pathfinder Ct	Shepherdstown	WV	25443
Alt	Terrt Mehling	Yes	Alternate		304-261-6046		66 Dianne Ct	Charles Town	WV	25414
Alt	Clifton Carter	Yes	Alternate	R	304-261-1743	wlmspunk@comcast.net	70 Marie Dr	Charles Town	WV	25414
Alt	Connie Citro	Yes	Alternate	NP		Orttocrn@yahoo.com	2934 Ridge Rd	Shenodah Junction	WV	25442
Alt	Margaret Greene	Yes	Poll Commissioner		240-344-7207		67 General Pender CT	Harpers Ferry	WV	25425
Alt	Carle Chaney	Yes	Poll Clerk	NP	304-995-5532		57 Bugs Ct	Ranson	WV	25438
Alt	Russell Orsath		Alternate				70 General Anderson Ct	Harpers Ferry	WV	25425

2024 General Election Poll Workers - Democrat

Precinct	Name	Position	Party	Telephone No.	Email Address	Mailing Street	Mailing City	Mailing State	Mailing ZIP
Precinct 2 - Wright Denny Elementary School, 209 W Congress St, Charles Town									
2	Donavan King	Supply Clerk	D	304-886-7639	donavanaking@gmail.com	401 N Samuel St	Charles Town	WV	25414
2	Donte Doleman	Poll Clerk	D	304-820-5492		143 Ranson Estates Cir	Ranson	WV	25438
2	JoAnn Bailey	Poll Commissioner	D	681-252-4984	joann_bailey@comcast.net	200 Hackney Ln	Charles Town	WV	25414
Precinct 3 - Charles Town Baptist Church, 203 E Congress St, Charles Town									
3	Ashley Twyman	Poll Clerk	D	304-995-1455	ashleytwyman@gmail.com	239 Burns St	Ranson	WV	25438
3	Alexander "Alex" Jenkins	Poll Commissioner	D	304-240-5512	tink2403@gmail.com	239 Burns St	Ranson	WV	25438
Precinct 4 - Fellowship Bible Church, 160 Daniel Rd, Shenandoah Junction									
4	Deborah Longo	Supply Clerk	D	304-283-3411	debroselongo@gmail.com	146 Paddock Pl	Charles Town	WV	25414
4	Karla Elster	Poll Clerk	NP	804-283-0368	kennkar@aol.com	167 Pheasant Ln	Harpers Ferry	WV	25425
4	Jullane Ford	Poll Commissioner	D	304-283-5855	ford-clan@comcast.net	293 Westwoods Ln	Charles Town	WV	25414
Precinct 6 - Anna Mae Reedy Senior Center, 103 W Fifth Ave, Ranson									
6	Joan Washington	Supply Clerk	D	304-279-1057	mama728@outlook.com	145 Dumlap Dr	Charles Town	WV	25414
6	Sara Thomsen	Poll Clerk	D	240-367-5186	kermil1953@gmail.com	107 Fourth St	Charles Town	WV	25414
6	Joannette Jenkins	Poll Commissioner	D	304-279-7059		150 W Academy St Apt 4	Charles Town	WV	25414
Precinct 7 - Ranson Elementary School, 500 N Preston St, Ranson									
7	Nicole Jenkins	Poll Clerk	D	301-312-2260	njenkins_nm@gmail.com	350 Chandler Dr #604	Shepherdstown	WV	25443
7	Erich Nathan	Poll Commissioner	NP	760-443-5220		85 Campbell Dr	Charles Town	WV	25414
Precinct 12 - Jefferson High School, 4141 Flowing Springs Rd, Shenandoah Junction									
12	Dorothy (Kay) Dyke	Supply Clerk	D	304-707-6330		PO Box 38	Ranson	WV	25438
12	Renee Doleman	Poll Clerk	NP	304-279-5549	rcsmltty@gmail.com	143 Ranson Estates Cir	Ranson	WV	25438
12	Janice Blackford	Poll Commissioner	D	304-240-9143		155 Riparian Ln	Ranson	WV	25438
Precinct 13 - CW Shipley Elementary School, 652 Shipley School Rd, Harpers Ferry									
13	Lisa Payne	Poll Clerk	D	703-431-3920		372 Apple Jack Ln	Harpers Ferry	WV	25425
13	Margaret Greene	Poll Commissioner	NP	240-344-7207	mdma@aoi.com	67 General Pender Ct	Harpers Ferry	WV	25425
Precinct 14 - Camp Hill-Wesley United Methodist Church, 645 Washington St, Harpers Ferry									
14	David Taft	Supply Clerk	D	304-579-5729	dtaft57@gmail.com	265 Prospect Ave	Harpers Ferry	WV	25425
14	Henry Thomas	Poll Clerk	D	304-839-8089		39 Barrel Horse Dr	Charles Town	WV	25414
14	Byron Lawson Sr	Poll Commissioner	D	304-876-2742	lawsonbyron@aol.com	PO Box 355	Shepherdstown	WV	25443
Precinct 15 - Harpers Ferry Middle School, 1710 W Washington St, Harpers Ferry									
15	Sarah Baldau	Poll Clerk	NP	240-440-4263	swbaldau@gmail.com	182 Coventry Ln	Harpers Ferry	WV	25425
15	Anita-Marie Abbe	Poll Commissioner	D	813-466-8383	anita_a@raffle@icloud.com	44 New Sycamore Cir Apt 11	Charles Town	WV	25414
Precinct 16 - Oakland Methodist Church, 70 Oakland Ter, Charles Town									
16	Deborah Gravatt	Poll Clerk	D	304-261-9465		505 Engle Meters Rd	Harpers Ferry	WV	25425
16	Debra Jenkins	Poll Commissioner	D	304-240-1869		303 S Buchanan St	Ranson	WV	25438
Precinct 17 - Blue Ridge Acres Community Club, 935 Country Club Dr, Harpers Ferry									
17	Bobbi Blok	Poll Clerk	D	304-725-2486		341 Wren Ln	Harpers Ferry	WV	25425
17	Tracey Dougherty	Poll Commissioner	D	304-725-6438	fan6mrtn@frontiernet.net	1149 Keyes Gap Rd	Harpers Ferry	WV	25425
Precinct 19 - St James Catholic Church, 49 Crosswinds Dr, Charles Town									
19	James "Jim" Rowan	Poll Clerk	D	304-266-9464	jrowan385@gmail.com	4538 Kabletown Rd	Charles Town	WV	25414

19	Philip Wenner	Poll Commissioner	D	304-885-3295		71 Swearingen Way	Shepherdstown	WV	25443
Precinct 20 - Citizens Fire Company, 245 Citizens Way, Charles Town									
20	Carrie Kaufman	Supply Clerk	NP	304-995-7130		376 Martin Payne Rd	Kearneysville	WV	25430
20	Saige Weaver	Poll Clerk	NP	304-283-1250		376 Martin Payne Rd	Kearneysville	WV	25430
20	James Griffith	Poll Commissioner	NP	304-725-2236		PO Box 482	Charles Town	WV	25424
Precinct 21A - Blue Ridge Elementary School, 18866 Charles Town Rd, Harpers Ferry									
21A	Anita Finkelstein	Supply Clerk	D	202-2619072		418 E. Liberty St.	Charles Town	WV	25424
21A	Stephanie Pearl	Poll Clerk	NP	304-676-9585	stefpeve@comcast.net	415 Chestnut Hill Rd	Harpers Ferry	WV	25425
21A	Cindy Fridley	Poll Commissioner	D	304-671-1087	cindyfridley9@gmail.com	204 Clay St	Harpers Ferry	WV	25425
Precinct 21B - Blue Ridge Elementary School, 18866 Charles Town Rd, Harpers Ferry									
21B	Patricia Blevins	Poll Clerk	D	304-725-2234		920 General Rogers Rd	Charles Town	WV	25414
21B	Lisa Kovatch	Poll Commissioner	D	304-620-3011	lkovatch247@gmail.com	247 Union St	Harpers Ferry	WV	25425
Precinct 22 - South Jefferson Elementary School, 4599 Summit Point Rd, Summit Point									
22	Jeffrey Schneider	Poll Clerk	NP	571-247-1762	jeffreyschneider@yahoo.com	277 Country Rd	Harpers Ferry	WV	25425
22	Sandra Foddrell	Poll Commissioner	D	304-876-6514	soddrells@aol.com	586 Prides King	Shenandoah Junction	WV	25442
Precinct 23A - CrossPoint Church, 3066 S Childs Rd, Kearneysville									
23A	John Coon	Poll Clerk	D	334-658-4881	johncoon@yahoo.com	1642 Lloyd Rd	Charles Town	WV	25414
23A	Gary Tingley	Poll Commissioner	D	703-856-7582	tingley2@comcast.net	218 E Liberty St	Charles Town	WV	25414
Precinct 23B - CrossPoint Church, 3066 S Childs Rd, Kearneysville									
23B	Anthony King	Supply Clerk	D	304-579-7299		22 Chaz Ct	Charles Town	WV	25414
23B	Robin Bounds	Poll Clerk	D	304-885-8129	rbounds@swbell.net	43 Killian Ln	Charles Town	WV	25414
23B	Sarah Gabrielson	Poll Commissioner	NP	304-596-3326	sarah.gabrielson.msw@gmail.com	151 Georgia Ave	Charles Town	WV	25414
Precinct 24A - Washington High School, 300 Washington Patriots Dr, Charles Town									
24A	Jennifer Cogle	Supply Clerk	D	304-433-1067		47 Jefferson Village Dr	Ranson	WV	25438
24A	Loretta Jones	Poll Clerk	D	304-279-3736		333 Pembroke Way	Charles Town	WV	25414
24A	Louis Brunswick	Poll Commissioner	D	304-725-7892		66 Pigtail Ln	Kearneysville	WV	25430
Precinct 24B - Washington High School, 300 Washington Patriots Dr, Charles Town									
24B	Dorothy "Dottie" Ort	Poll Clerk	D	304-886-0431		640 Thumper Dr	Ranson	WV	25438
24B	Antoinette Ringgold	Poll Commissioner	D	304-218-4629		105 Limited Dr	Ranson	WV	25438
Precinct 25 - Middleway Volunteer Fire Company, 110 Dark Hill Rd, Middleway									
25	MaKenzie Ring	Supply Clerk	NP	304-886-2630	mtring3@gmail.com	59 Cameron Run	Charles Town	WV	25414
25	Joyce Pifer	Poll Clerk	D	304-725-3678		7417 Queen St	Kearneysville	WV	25430
25	Tabitha Greenwalt	Poll Commissioner	D	304-676-7083		2723 Summit Point Rd	Summit Point	WV	25446
Precinct 26 - Leetown Methodist Church, 11133 Leetown Rd, Kearneysville									
26	Amy Silver	Poll Clerk	D	304-283-7807	aesilver@hotmail.com	PO Box 285	Charles Town	WV	25414
26	William Carroll Jr	Poll Commissioner	NP	571-484-8195		214 Veronica Ct	Charles Town	WV	25414
Precinct 27 - North Jefferson Elementary School, 6996 Charles Town Rd, Kearneysville									
27	Steve Campbell	Supply Clerk	NP	304-886-3729	scampbell2@comcast.net	61 Pathfinder Ct	Shepherdstown	WV	25443
27	Kathy Walls	Poll Clerk	D	304-279-3618		PO Box 148	Kearneysville	WV	25430
27	Barbara Burger	Poll Commissioner	D	304-876-8073	monroeburger@aol.com	810 Shepherd Ln	Shepherdstown	WV	25443
Precinct 28A - First Baptist Church of Ranson, 614 Lone Oak Rd, Ranson									
28A	Sharon Hall	Supply Clerk	D	571-265-9971	sh5261@aol.com	221 Northwinds Dr	Charles Town	WV	25414
28A	Leslie Newman	Poll Clerk	D	304-268-9916		250 Barksdale Dr	Charles Town	WV	25414
28A	Demica Vigil	Poll Commissioner	D	928-606-9056		117 Hemlock Dr	Charles Town	WV	25414

Precinct 28B - First Baptist Church of Ranson, 614 Lone Oak Rd, Ranson									
28B	Monroe Burger Jr	Poll Clerk	D	304-876-8073	monrowburger@aol.com	810 Shepherd Ln	Shepherdstown	WV	25443
28B	Susan Wolcott	Poll Commissioner	D	301-766-4543	spwknits@gmail.com	3439 River Rd	Shepherdstown	WV	25443
Precinct 29 - TA Lowery Elementary School, 103 Shenandoah Junction Rd, Shenandoah Junction									
29	Deanna Plauché	Poll Clerk	D	304-728-0409		47 Little Lake Ct	Harpers Ferry	WV	25425
29	Judi Brunswick	Poll Commissioner	D	304-725-7892		66 Pigtail Ln	Kearneysville	WV	25430
Precinct 31 - Covenant Baptist Church, 7485 ShepherdsTown Pike, Shepherdstown									
31	Christine Herrera	Poll Clerk	NP	908-892-3904	christineherrer@gmail.com	76 Sparking Brook Rd	Ranson	WV	25438
31	Lorena Nathan	Poll Commissioner	D	760-443-9220		85 Campbell Dr	Charles Town	WV	25414
Precinct 32 - Bethel United Methodist Church, 855 Carter Ave, Bakerton									
32	Mary Beth Kilmer	Poll Clerk	D	304-270-7408		138 McDonald Dr.	Shepherdstown	WV	25443
32	Velma Greene	Poll Commissioner	NP	304-270-6726	denrock@aol.com	15 Wheat Field Ter	Harpers Ferry	WV	25425
Precinct 33 - Trinity Episcopal Church, 208 W German St, Shepherdstown									
33	David Rampy	Supply Clerk	NP	703-967-9620	drampy48@gmail.com	46 Shepherd Village Cir	Shepherdstown	WV	25443
33	Vicki Gonzalez	Poll Clerk	D	304-279-5049	wv lady1958@yahoo.com	67 Gladiator Pl	Kearneysville	WV	25430
33	Bruce Kressin	Poll Commissioner	NP	304-270-8978		87 Appaloosa Way	Charles Town	WV	25414
Precinct 34 - Shepherdstown Elementary School, 662 S Church St, Shepherdstown									
34	Locke Wysong	Supply Clerk	D	304-671-2341		PO Box 772	Charles Town	WV	25414
34	Sandra Christian	Poll Clerk	NP	410-900-2866	san_xian01@yahoo.com	340 Maddex Dr	Shepherdstown	WV	25443
34	Rick Moffett	Poll Commissioner	D	304-283-6505		153 Casorsa Dr	Charles Town	WV	25414
Precinct 35 - Asbury United Methodist Church, 4257 Kearneysville Pike, Shepherdstown									
35	Margaret Housden	Poll Clerk	D	304-876-0686		466 Ridge Rd	Shenandoah Junction	WV	25442
35	Vernon Hunter Sr	Poll Commissioner	D	304-283-9733		PO Box 1329	Shepherdstown	WV	25443
Precinct 36 - Driswood Elementary School, 75 Casplan Way, Shenandoah Junction									
36	Guiliana Brogna	Supply Clerk	D	401-855-9000		4878 Paynes Ford Rd.	Kearneysville	WV	25430
36	James Franklin Carper	Poll Clerk	D	304-261-9145	gm336872@gmail.com	16 Mulberry St	Charles Town	WV	25414
36	Elizabeth Rini	Poll Commissioner	D	540-533-8515	bettv.rini@comcast.net	249 Heritage Dr	Shepherdstown	WV	25443

Additional Alternates

The following contacted our office about working the polls.

Name	Address	Phone	Party	Notes
Samuel Struthers	6953 Martinsburg Pike, Shepherdstown		Dem	Jefferson High School JROTC Member
Amy Jacot De Boind	409 S Hills Dr Shepherdstown	304-261-3957	Rep	Would Prefer to stay close to Shepherdstown
Anthony Gentry	992 Steamboat Run Rd, Shepherdstown	304-876-3684	Rep	
Janet Crosby	10670 Leetown Rd, Kearneysville		Rep	
Jeffrey Schneider	277 Country Rd, Harpers Ferry		No Party	Retired military - Part of Vet the Vote
Major Clark	593 Thumper Dr, Ranson		No Party	
Suzanne Leigh Marman	126 Barrel Horse Dr, Charles Town	240-210-1492	Dem	Interested in Early Voting as well
James Key Hill Jr	402 Wild Rose Ln, Harpers Ferry	240-405-5066	Rep	jkeyhill@gmail.com
Bonnie McDonald	219 Lindsey Dr, Charles town	304-283-6406	No Party	Commissioner Only

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Karen Olden

Department or Organization: Jefferson County Clerk (Probate)

Estimation of amount of time needed for appointment: 15 Minutes

Date Requested – 1st Choice:

If a specific date is needed, please provide reason for specific date March 7, 2024

**Probate Special Session : Petition to Probate Will of Anna Bagden, in Salem Farm.
John Dorsey, Attorney will be presenting this request.**

Please provide the County Commission with a description of your request or presentation, including any background information:
To be included in packet.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

IN RE: ESTATE OF ANNA BOGDEN

PETITION TO PROBATE A WILL IN SOLEMN FORM

COMES NOW your Petitioner, Michael W. Bogden, and petitions for the admission and probate in solemn form of the Last Will and Testament of Anna Bogden pursuant to the provisions of West Virginia Code Chapter 41, Article 5, Section 5, and represents to the Commission the following:

1. That Anna Bogden died November 2, 2009, at Aurora, Arapahoe County, Colorado.

2. That the last place of residence and domicile of Anna Bogden at her death was 14699 East Hampden Avenue in the City of Aurora, Arapahoe County, Colorado.

3. That at the date of her death the nature of the estate of Anna Bogden consisted of valuable tangible personal property situate in the Charles Town District, Jefferson County, West Virginia, and intangible personal property.

4. That at the date of her death, the said Anna Bogden was a widow and had not remarried, and that she had two children, Edward P. Bogden and Michael W. Bogden.

5. That the heirs at law and distributees of Anna Bogden as defined under West Virginia Code Chapter 42, and their relationship to the Decedent are as follows:

- a. Edward P. Bogden, son.
- b. Michael W. Bogden, son.

6. That after a thorough and diligent search, the Petitioner has delivered to the Clerk of this Commission an original document entitled, "Last Will and Testament of Anna Bogden" executed by the Decedent on July 28, 1978, a copy of which is attached to this Petition as Exhibit 1. This Will appears to be properly executed by the Decedent and witnessed by two persons, Donna Lyzniak and Bernard B. Kash, but there is no self-proving affidavit attached to the Will.

7. That the beneficiaries under the Last Will and Testament of Anna Bogden dated July 28, 1978, as amended, and their relationship to her are as follows:

<u>Name</u>	<u>Relationship</u>
Edward P. Bogden 16693 E. Kent Drive Aurora, CO 80013	Son
Michael W. Bogden P.O. Box 687 Charles Town, WV 25414	Son

8. That the Petitioner, following the death of Anna Bogden on November 2, 2009, has made a diligent and thorough search for the witnesses to the aforesaid Last Will and Testament of Anna Bogden and have been informed and now believe that Donna Lyzniak died approximately fifteen years ago and that Bernard Kash is 99 years of age, resides in Chicago, Illinois, and is not competent to execute an affidavit concerning the Will.

9. That the Petitioner has no reason to conclude that Anna Bogden revoked the aforesaid Last Will and Testament, was not competent, or that she was under undue influence at the time the Last Will and Testament was executed.

10. That Edward P. Bogden was nominated as Executor and Michael

W. Bogden of P.O. Box 687, Charles Town, Jefferson County, West Virginia, was nominated as the alternate Executor under the Last Will and Testament of Anna Bogden, deceased, dated July 28, 1978, which is the subject of this Petition. Edward P. Bogden renounced his appointment as Executor, a copy of which renunciation is attached to this Petition as Exhibit 2.

11. Personal jurisdiction over the Respondents is asserted pursuant to West Virginia Code §41-5-1, et seq., West Virginia Code §44-1-1, et seq., and West Virginia Code §56-3-33.

12. Subject matter jurisdiction is asserted pursuant to West Virginia Constitution Article VIII, §6, West Virginia Code §41-1-1, et seq., and West Virginia Code §44-1-1, et seq.


13. Venue lies within this Commission pursuant to West Virginia Code §41-5-4, as said Petition involves the probate of a Will of the Testator who at the time of her death had valuable tangible personal property situate in Jefferson County, West Virginia.

14. Probate of the Last Will and Testament of Anna Bogden in Jefferson County, West Virginia is authorized under West Virginia Code §41-5-4(c) as Jefferson County is a county wherein the Decedent had tangible personal property at the time of her death.

WHEREFORE, the Petitioner respectfully petitions this honorable County Commission to issue process and summons to all those persons known as heirs at law of Anna Bogden, and those interested in the probate of the Last Will and Testament of Anna Bogden, deceased, to appear before this County Commission on March 7, 2024, at 10:00 a.m., or as soon thereafter as the matter may come before the Commission,

to show cause why the Last Will and Testament of Anna Bogden dated July 28; 1978, should not be admitted to probate pursuant to the provisions of Article 5, Chapter 41, of the West Virginia Code, to appoint Michael W. Bogden as Executor of said Will, and to take such further action as to this Commission may seem fair and just.

Michael W. Bogden
BY COUNSEL



JOHN K. DORSEY, ESQUIRE
Attorney for Petitioner
WV State Bar ID No. 1044
104 West Congress Street
Charles Town, WV 25414
(304) 728-6000

STATE OF WEST VIRGINIA

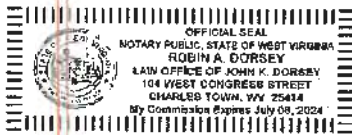
COUNTY OF JEFFERSON, to-wit:


Michael W. Bogden, Petitioner in the foregoing Petition, being first duly sworn, says that the facts and allegations therein contained are true, except insofar as they are therein stated to be upon information and belief, and insofar as they are therein stated to be upon information and belief, he believes them to be true.



Michael W. Bogden

Taken, sworn to and subscribed before me this 6th day of February, 2024, by Michael W. Bogden.





NOTARY PUBLIC

My commission expires: July 8, 2024.

Last Will and Testament

OF

ANNA BOGDEN

I, ANNA BOGDEN, of the City of Chicago, County of Cook and State of Illinois, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my last will and testament, hereby revoking any and all prior wills, codicils and testamentary dispositions by me at any time made.

ARTICLE I

I direct that my debts, expenses of my last illness, funeral and administration of my estate be paid by my executor from the principal of my estate. I hereby authorize my executor to pay any and all claims against my estate whether or not the same have been filed or allowed in the course of the administration of my estate.

ARTICLE II

All of the rest, residue and remainder of my estate, both real and personal of which I may die seized or possessed, or to which I may be entitled at the time of my death, and wheresoever the same may be situated, I give, devise and bequeath to my sons, EDWARD P. BOGDEN and MICHAEL W. BOGDEN, in equal shares, share and share alike.

ARTICLE III

In the event either of my sons should predecease me, then and in that event I direct that his share shall pass and be paid over to his children.

ARTICLE IV

I hereby nominate and appoint my son, EDWARD P. BOGDEN, as Ex-

100-100-7
100-100-7
100-100-7

ecutor of this my last will and testament, without bond. I hereby give the Executor of this my last will and testament, full power to sell, without order of court and without bond, any property, whether real or personal, belonging to my estate for the purpose of carrying out any provision of this will. I also give the said Executor full power and authority to settle and compound any claim of, or against my estate as such Executor may deem best, and for the purposes aforesaid, to execute and deliver all proper and necessary transfers, assignments and conveyances, and to give full receipts and discharges.

In the event that the said EDWARD P. BOGDEN shall predecease me or shall be unable, or shall refuse to act as Executor, then I appoint my son, MICHAEL W. BOGDEN, as Executor of this my last will and testament, with all the same powers, rights, duties and obligations conferred by me on my original Executor.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this

28th day of JULY A. D. 1978.

Anna Bogden (SEAL)

The above and foregoing instrument, consisting of two (2) pages, this page included, was on the day of the date thereof signed by the testator, ANNA BOGDEN, in our presence and by her declared to us to be her last will and testament, and we, at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, and we do further certify that on the date last aforesaid, we verily believed the said ANNA BOGDEN to be of sound and disposing mind and memory.

Wendy Lynn RESIDING AT 5027 Central Ave., Chgo., Ill.

Bernice A. Cook RESIDING AT 4192 Arden Ave., Chgo., Ill.

8/18/2023

I, Edward P. Bogden, being physically unable to fulfill the duties as executor

Per the will of Anna Bogden, do relinquish my appointment and

Name my brother Michael W. Bogden as stated in will as my

Replacement to fulfill the duties as executor from this date forward 08/18/2023

Signature & Date

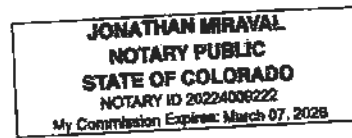
Edward P. Bogden 8/18/2023

State of Colorado

County of Arapahoe

Notary Signature & Stamp

[Handwritten Signature]



IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA
IN RE: ESTATE OF ANNA BOGDEN

ORDER OF PUBLICATION

The object of the above entitled action is to probate in solemn form the Last Will and Testament of Anna Bogden, deceased.

TO: EDWARD P. BOGDEN and ANY UNKNOWN HEIRS, BENEFICIARIES, CREDITORS OR CLAIMANTS OF THE ESTATE OF ANNA BOGDEN, DECEASED; and their heirs, devisees, executors and/or administrators, successors and assigns; and any unknown parties who may claim an interest in the Estate of Anna Bogden, deceased:

It appearing from the Affidavit filed in this action that there may be unknown Respondents who have an interest in the Estate of Anna Bogden which is the subject of this Petition for Probate in Solemn Form, whose identities and addresses are unknown to the Petitioner, or Respondents who may be infants, convicts or non-residents of the State of West Virginia, it is hereby ordered that the unknown Respondents and the named Respondents herein and their heirs and devisees do serve upon John K. Dorsey, Petitioner's attorney, whose address is P.O. Box 42, Charles Town, West Virginia 25414, an answer, including any related counterclaim or defense that you may have to the Petition filed in this action, on or before February 28, 2024; or appear before the County Commission of Jefferson County, West Virginia, on March 7, 2024, at 9:30 a.m., at the Charles Town Library Meeting Room, 200 East Washington Street (at the side entrance on Samuel Street), in Charles Town, Jefferson County, West Virginia, to show cause why the Last Will and Testament of Anna Bogden dated July 28, 1978, should not be admitted to probate pursuant to the provisions of Article 5, Chapter 41, of the West Virginia Code, and to

take such further action as the Commission may deem fair and just. If you fail to do so, thereafter, judgment upon proper hearing and trial, may be taken against you for the relief demanded in the Petition.

A copy of this Petition may be obtained from the undersigned Clerk at her office.

Entered by the Clerk of said County Commission on February 6, 2024.

Jacqueline C. Shadle /s/
JACQUELINE C. SHADLE, CLERK OF THE
COUNTY COMMISSION OF
JEFFERSON COUNTY, WEST VIRGINIA

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA
IN RE: ESTATE OF ANNA BOGDEN

A F F I D A V I T

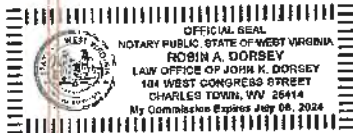
STATE OF WEST VIRGINIA,

COUNTY OF JEFFERSON, to-wit:

Michael W. Bogden, being duly sworn, upon his oath says that some or all of the interested parties are unknown or may be infants, convicts or non-residents of the State of West Virginia.


MICHAEL W. BOGDEN

Taken, sworn to and subscribed before me this 6th day of February, 2024, by MICHAEL W. BOGDEN.




NOTARY PUBLIC

My commission expires: July 8, 2024 .

Last Will and Testament

OF

ANNA BOGDEN

I, ANNA BOGDEN, of the City of Chicago, County of Cook and State of Illinois, being of sound and disposing mind, memory and understanding, do hereby make, publish and declare this to be my last will and testament, hereby revoking any and all prior wills, codicils and testamentary dispositions by me at any time made.

ARTICLE I

I direct that my debts, expenses of my last illness, funeral and administration of my estate be paid by my executor from the principal of my estate. I hereby authorize my executor to pay any and all claims against my estate whether or not the same have been filed or allowed in the course of the administration of my estate.

ARTICLE II

All of the rest, residue and remainder of my estate, both real and personal of which I may die seized or possessed, or to which I may be entitled at the time of my death, and wheresoever the same may be situated, I give, devise and bequeath to my sons, EDWARD P. BOGDEN and MICHAEL W. BOGDEN, in equal shares, share and share alike.

ARTICLE III

In the event either of my sons should predecease me, then and in that event I direct that his share shall pass and be paid over to his children.

ARTICLE IV

I hereby nominate and appoint my son, EDWARD P. BOGDEN, as Ex-

ecutor of this my last will and testament, without bond. I hereby give the Executor of this my last will and testament, full power to sell, without order of court and without bond, any property, whether real or personal, belonging to my estate for the purpose of carrying out any provision of this will. I also give the said Executor full power and authority to settle and compound any claim of, or against my estate as such Executor may deem best, and for the purposes aforesaid, to execute and deliver all proper and necessary transfers, assignments and conveyances, and to give full receipts and discharges.

In the event that the said EDWARD P. BOGDEN shall predecease me or shall be unable, or shall refuse to act as Executor, then I appoint my son, MICHAEL W. BOGDEN, as Executor of this my last will and testament, with all the same powers, rights, duties and obligations conferred by me on my original Executor.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 28th day of JULY A. D. 1978.

Anna Bogden (SEAL)

The above and foregoing instrument, consisting of two (2) pages, this page included, was on the day of the date thereof signed by the testator, ANNA BOGDEN, in our presence and by her declared to us to be her last will and testament, and we, at her request and in her presence, and in the presence of each other, have hereunto subscribed our names as witnesses thereto, and we do further certify that on the date last aforesaid, we verily believed the said ANNA BOGDEN to be of sound and disposing mind and memory.

James J. ... RESIDING AT 5027 S. Central, Chgo, Ill.
Bernard ... RESIDING AT 4192 Arden Ave. Chgo, Ill.

United States of America

State of West Virginia



County of Jefferson, ss:

Estate Summary

Deceased Person **ANNA L BOGDEN**
Social Security Number **4138**
Date of Death **11/02/2009**
Will Recording Date Date On Will **07/28/1978**
Appraisement Deadline 1 Appraisement Deadline 2

Personal Representative(s)

MICHAEL W BOGDEN EXECUTOR
Mobile: 304-261-0995

P.O. BOX 687, CHARLES TOWN, WV 25414-0687

Attorney

JOHN K DORSEY

104 W CONGRESS STREET, CHARLES TOWN, WV 25414-1622

List of Beneficiaries

EDWARD P BOGDEN
MICHAEL W BOGDEN

SON
SON

16693 E KENT DR, AURORA, CO 80013-2816
P.O.BOX 687, CHARLES TOWN, WV 25414-0687

Claims

Claim Amount: Status:
Date Filed: Contact Date: Deadline Date: Release Date:

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Magistrates D'Angelo, Roper and Cesare

Department or Organization: Jefferson County Magistrate Court

Estimation of amount of time needed for appointment: 15-20 minutes

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice: March 21, 2024

Subject (*Wording to be placed on agenda*):

Magistrate Court Space Needs.

Please provide the County Commission with a description of your request or presentation, including any background information:

- Beginning January 1, 2025 we will have 4 magistrates in Jefferson County and need additional office space and courtroom to accommodate this. A space needs study has been done but we have not had any updates on how the space needs are going to be addressed.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: Magistrate Vicki D'Angelo

Email address: vicki.dangelo@courtswv.gov

Phone Number: ofc: 304-728-3273 or cell: 304-279-8842

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Martin Burke

Department or Organization: **Jefferson County Historic Landmarks Commission**

Estimation of amount of time needed for appointment: 15 min.

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Signing of a letter of application for a plaque identifying the JC Courthouse as a National Historic Landmark and plaque wording**

Please provide the County Commission with a description of your request or presentation, including any background information:
SEE ATTACHED - Draft letter and draft wording for proposed plaque.

Is this a funding request? Y/N

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Move to sign the letter to the NPS and approve the text of the plaque

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address: martinburke@frontiernet.net

Phone Number: 304-876-3883

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT

Steve Stolipher

VICE PRESIDENT

Jane Tabb

COMMISSIONER

Tricia Jackson

COMMISSIONER

Jennifer Krouse

COMMISSIONER

Pasha Majidi

March 7, 2024

Kathryn G. Smith
National Historic Landmark Program Manager
National Park Service, National Capital Region Office
1100 Ohio Drive, SW
Washington, DC 20242

Dear Ms. Smith:

As the owners of the Jefferson County Courthouse, located in Charles Town, West Virginia and designated as a National Historic Landmark on December 11, 2023, we hereby make application for a bronze plaque identifying the property as a National Historic Landmark.

We are aware of the responsibility that accompanies the ownership and care of a property that possess a significance worthy of National Historic Landmark designation, and we understand that you may request periodic inspection of the property by a representative of the National Park Service in order to monitor its integrity, and evaluate the nature and degree of any threats thereto.

We agree that in the event that the Landmark designation is ever revoked, in accordance with the procedures outlined in the National Historic Landmarks regulations, the bronze plaque will be removed and returned upon request to the National Park Service.

We further agree to affix the plaque in a suitable location in public view. Placement will be determined in concert with the National Park Service.

Sincerely,

Steve Stolipher, President
Jefferson County Commission

Interim County Administrator
Edwina Benitez

JEFFERSON COUNTY COURTHOUSE

HAS BEEN DESIGNATED A

NATIONAL HISTORIC LANDMARK

THIS SITE POSSESSES NATIONAL SIGNIFICANCE
IN COMMEMORATING THE HISTORY OF THE
UNITED STATES OF AMERICA

THE FIRST AND ONLY TREASON TRIAL CONNECTED TO
THE US LABOR MOVEMENT TOOK PLACE HERE IN 1922.
A PIVOTAL EVENT IN THE HISTORY OF COAL MINING AND
THE CULMINATION OF THE WEST VIRGINIA MINE WARS,
THE TRIAL FOCUSED NATIONAL ATTENTION ON
MINERS' RIGHTS AND THEIR STRUGGLE TO UNIONIZE.

NATIONAL PARK SERVICE
UNITED STATES DEPARTMENT OF THE INTERIOR
DESIGNATED 2023

The text that describes the Landmark is suggested language. Please provide any recommended changes, but we are limited to about forty to fifty words, and the text must address the significance of the Landmark as outlined in the accepted NHL nomination. The National Park Service reserves the right to make final decisions regarding text. Once you have reviewed the draft plaque language, check below if the NHL name is correct and note if you have made any corrections or suggested any revisions. Then sign below and return to me.

The name of the NHL is correct as shown

Corrections/Changes have been indicated

Signature / Date

Please return both the agreement and plaque template with any suggested corrections to:

Kathryn G. Smith
National Historic Landmark Program Coordinator
National Park Service, National Capital Region Office
1100 Ohio Drive, SW
Washington, DC 20242
kathryn_smith@nps.gov
phone: 202-619-7180

Plaque Specifications:

Width: 16 inches, ***Height:*** 14.5 inches, ***Depth:*** .5 inches, ***Weight:*** approx. 23 pounds

Location & attachment: NPS will work with the property owner to find an acceptable location and method of mounting for the plaque. Location and mounting technique should avoid damage to any historic buildings, structures, landscape elements, or setting.

Please keep a copy of this Agreement for your records

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2024**





If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Public Hearing – Harvest Hills Zoning Map Amendment Request**

Please provide the County Commission with a description of your request or presentation, including any background information:

See attached documents listed below:

-  Public Hearing Advertisement
-  Written Public Comment received to date (3/4/24)
-  Jefferson County Planning & Zoning Staff report re: the proposed zoning map amendment request
-  Applicant's Original Request documents

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

Please Run 2 Times:

February 21 and 28, 2024

**NOTICE OF PUBLIC HEARING
Thursday, March 7, 2024 at 11:00 am**

The County Commission of Jefferson County will hold a Public Hearing regarding a Zoning Map Amendment (rezoning) for the property designated as Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13. The properties are part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. The property owner is Arcadia Land, Inc.; Parcel Size: 94.63 ac & 257.62 ac (respectively). The properties are currently zoned Rural and a petition has been made to the County Commission by the property owner to change the zoning classification from Rural to Residential Growth (Planning Commission File #23-5-Z).

The hearing will be held on **Thursday, March 7, 2024 at 11:00 am** in the County Commission Meeting Room located in the Charles Town Library, 200 E. Washington St, Charles Town. This meeting will also be available live through GoToWebinar. Invites will be posted on Facebook and sent through email alerts.

Oral or written comments can be provided at the hearing. Written comments may also be submitted to info@jeffersoncountywv.org or to PO Box 250, Charles Town, WV 25414.

Please contact the Office of Planning and Zoning for additional information on the proposed request: 304-728-3228/planningdepartment@jeffersoncountywv.org or visit the County's website: www.jeffersoncountywv.org.

By Order of the Jefferson County Commission
Steve Stolipher, President

Jessica Carroll

From: Stephanie Webb <webbslj@gmail.com>
Sent: Monday, March 4, 2024 10:52 AM
To: JCCInfo
Subject: Zoning Map Amendment (rezoning) for Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13

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

Dear County Commissioners,

I write to express my absolute opposition to the proposed zoning changes for the property designated as Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13 and the further development of Harvest Hills subdivision in Shenandoah Junction. I am unable to attend the public hearing scheduled for March 5th, 2024.

I am a landowner in Duffields - 2295 Luther Jones Rd, Shenandoah Junction, WV 25442. I moved here in 2009 because of the beauty and the history of Jefferson County. I commuted by train into Bethesda every day so that I didn't have to live in congested urban sprawl. I purposely purchased and restored a 180 year old home that had been many years vacant so that I did not contribute to more sprawl. I am a member and Session Elder at Elk Branch Presbyterian Church, circa 1829) also in Duffields, which is at the center of this small historic community. I am fully committed to helping to preserve this unique community.

Duffields and other historic villages in this county are in part what make Jefferson County such a wonderful place to live. Its scenic vistas and rural charm are also its greatest assets. All of these things are threatened when unchecked "development" and "growth" are allowed.

Expansion of the existing Harvest Hills (ironic name, isn't it) subdivision will irrevocably destroy the beauty of this area. It will use up rich farmland and introduce strain on our infrastructure. In the 14 years that I have lived here, I have seen a dramatic increase in traffic along Flowing Springs Road and Luther Jones Road. Responsible development extends from population centers, not in the middle of farmland on roads that cannot handle the inevitable increase in traffic. If we as a county are smart, we can avoid congestion akin to what northern Virginia/Hillsboro live with/suffer through.

I would strongly recommend careful analysis that will weigh how much we stand to lose with such a development to what little we may gain - which isn't clear to me. Who will gain is Arcadia - an out of state land development company that will take their proceeds out of the county and state, leaving us to deal with the negative consequences that will be both immediate and long-lasting.

Before you write me off as "anti-development," I am the daughter of a responsible land-developer from another beautiful part of our country - the bluegrass region of Kentucky. My father worked with the local planning commission, officials, and concerned citizens fighting to preserve the countryside to create livable communities contiguous with the main population center, following the recommendations from the community's long-term plan. This is not the case with the Harvest Hills development.

Please preserve this unique place and do not approve the zoning change and further development of the land adjacent to Harvest Hills or in the Duffields/Shenandoah Junction region of this county.

Sincerely,

Stephanie J. Webb
2295 Luther Jones Road
Shenandoah Junction, WV 25442
(304) 876-1507; (502) 214-0164

Jessica Carroll

From: James Webb <wamessjebb@gmail.com>
Sent: Monday, March 4, 2024 12:08 PM
To: JCCInfo
Subject: Fwd: harvest hills

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

----- Forwarded message -----

From: James Webb <wamessjebb@gmail.com>

Date: Wed, Feb 14, 2024 at 12:19 PM

Subject: harvest hills

To: <michaelshepp@me.com>, Visithf@gmail.com <Visithf@gmail.com>, <louthan@frontiernet.net>, hefestay@yahoo.com <hefestay@yahoo.com>, <visithf@gmail.com>, <jware@greenhorizonsturf.com>
Cc: stevestolipher@hotmail.com <stevestolipher@hotmail.com>, Donniefisher@yahoo.com <Donniefisher@yahoo.com>, <tim@rsdhorseauctions.com>, <aaron.j@gmail.com>, aaronj@gmail.com <aaronj@gmail.com>, <howellaaron.j@gmail.com>, Howell.Aaron.J@gmail.com <Howell.Aaron.J@gmail.com>, <donniefisher@yahoo.com>

i stand with my neighboring landowners in opposition to the development of harvest hills at duffields. it violates the spirit of balanced development in jefferson county and endangers the ag and tourist economies here. those benefiting from a consequent "robust economy" do not live here or are a handful of well placed actors looking out for their self interest.

this development proposal violates the existing comprehensive plan. any increase in tax revenue will be offset by infrastructure expenses at taxpayer expense. i do not relish subsidizing you interests with increased tax increases which will be inevitable.

Jessica Carroll

From: Laura Kasinof <kasinof@gmail.com>
Sent: Monday, March 4, 2024 11:12 AM
To: JCCInfo
Subject: Arcadia Land in Duffields

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

Dear Jefferson County Commission,

My husband and I are Shepherdstown residents. We are in our 40s and moved to Shepherdstown around a year ago. We are particularly concerned over news that Arcadia Land is seeking to build high density housing in Duffields. I drive on Flowing Springs through Duffields multiple times a week. Our county does not have the capacity to serve this many new housing units. Please do not allow these contractors to destroy what makes Jefferson County so wonderful. In the end, it will have a negative impact on the county.

Thank you for considering my comment.

Best Regards,
Laura

--

Laura Kasinof

+1 717 860 0819 (cell/WhatsApp/Signal)

lurakasinof.com

Twitter: [@kasinof](https://twitter.com/kasinof)

Jessica Carroll

From: Susan Ford <susan.rae.ford@gmail.com>
Sent: Sunday, March 3, 2024 9:49 AM
To: JCCInfo
Subject: Harvest Hills

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

Commission members: What on earth are you thinking to allow even 1000 homes in the Harvest Hills area and then adding more. This would put a strain on the beauty of our community, stress on the farms in the area and create a traffic nightmare.

Is this all about money? When is enough enough in regard to both money and housing?

Susan Ford

Shepherdstown, WV

Sent from my iPad

Jessica Carroll

From: Martha Sullivan <sullivanmartha1@gmail.com>
Sent: Saturday, March 2, 2024 7:11 PM
To: JCCInfo
Subject: Arcadia Land Zoning Map Amendment

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

Dear County Council,

As a resident of Jefferson County, I am very concerned about Arcadia Land's Zoning Map Amendment. This proposed new zoning would allow thousands of houses in this rural zone. The traffic and increased residents in this area would cause major stress on farmers trying to farm in this area, stress on inadequate infrastructure, and require a major increase in public funds to provide services in this rural location.

I ask that you decline this proposed amendment.

Many thanks,
Martha Sullivan

Jessica Carroll

From: Mark Muse <1xmmuse@gmail.com>
Sent: Saturday, March 2, 2024 5:51 PM
To: JCCInfo
Subject: Proposed Duffields housing development

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

Please please please (I sound like James Brown) do not approve the proposed industrial size housing development adjacent to Duffields! We residents of the county DO NOT WANT MORE OF THIS!

Sincerely,

Mark Muse

377 Knott Road

Shepherdstown

Jessica Carroll

From: Lyn Sisler <lynsisler@frontiernet.net>
Sent: Saturday, March 2, 2024 4:57 PM
To: JCCInfo
Subject: High density housing

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

I moved to Jefferson accounts fifty years ago from the DC area. I wanted to raise my children where park and farmland were in abundance, where protection of these precious gifts was a priority to local government. Allowing thousands of single family homes to gobble up our natural resources is not in our best interests. We need to include forethought. Plans that put people first not fill the pockets of thoughtless greedy developers.

Once these open spaces are gone we won't ever, in our lifetime, get them back.

Stop thoughtless development before it's too late.

Sent from my iPhone

Jessica Carroll

From: Ali Printz <aliprintz@gmail.com>
Sent: Saturday, March 2, 2024 4:22 PM
To: JCCInfo
Subject: Comments on Arcadia Land development

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

Hello my name is Ali Printz and I am a long time resident, and my family has lived many generations in Jefferson county, just a few miles away on a farm on Trough Road. I am writing to express my disgust and disappointment that yet another cookie cutter large development is trying to occupy our beautiful historic farmland in Jefferson County, stressing our resources and infrastructure and expanding the county in the wrong ways. This land can certainly be developed, but it needs to remain low density and help our local community and farmers, as well as maintain the integrity of the land and environment. We should pride ourselves in not being like suburbs of DC with thousands of the same houses over and over, and try to prevent this garbage at all costs. We are lucky to be positioned in such a beautiful spot that attracts recreational and historic attention. Let's not let greedy people rape the land and take advance of the community and leave something sacred for the future by preserving the rural nature of the county and giving some protection to those that oppose this potential monstrosity.

Thanks-

Ali Printz

Sent from my iPhone

Jessica Carroll

From: Kristen Cunningham <kmcunningham83@gmail.com>
Sent: Friday, March 1, 2024 5:19 PM
To: JCCInfo
Subject: Regarding File Number 23-5-Z (Harvest Hills Subdivision)

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

Dear Commissioners,

I am writing in opposition to the zoning changes to the Harvest Hills Subdivision that have been proposed by Arcadia Land. I have listed my concerns about the proposed change below.

1- Jefferson Medical Center is the only hospital w/in 15 miles, and only employs 32 full-time and 33 part-time physicians. The population of Jefferson County is approximately 58,370. The existing hospital and staff would not be sufficient to keep up with the rapidly growing community. Additionally, wait times for medical and psychological care in the area are already months long. Adding 1,000 more homes would only make wait times longer and stress an already overburdened medical system. These issues should be addressed prior to adding such a high number of new residences.

2- The roads in the Harvest Hills subdivision are currently single-lane with no center line. The roads are not equipped to handle an additional 2,000 or more cars that would accompany the new residences. Kephart Drive would become one of the main routes to the proposed new residences, and the homes bordering it would have no buffer or barrier to the influx of traffic and the related noise.

3- Multiple developments are already in progress along Flowing Springs Road, including Shenandoah Springs, which appears to offer townhomes as well as single-family residences. Adding too much housing too quickly will take a toll on existing infrastructure if the infrastructure is not addressed first.

4- Jefferson County currently has 8 fire departments, with the closest being 4 miles from Harvest Hills subdivision. While I am unable to locate the number of volunteers at each of the departments, it does not seem likely that the existing 8 departments would be able to provide sufficient coverage for the already rapidly growing community.

Many of us have chosen to live in this area of Jefferson County for the open spaces and smaller communities that have become increasingly difficult to find in this area. I would urge the commission to vote to keep the zoning as it is currently, and allow for the originally proposed 392 houses.

Thank you for your time.

Sincerely,
Kristen Cunningham

February 29, 2023

Jefferson County Commissioners
110 N George St.
Charles Town, WV 25414
Via Email

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

Dear County Commissioners,

We are farmers, orchardists, and land owners that will be affected by the zoning map amendment being requested by Arcadia Land, Inc. for the Harvest Hills subdivision. The zoning map amendment does not align with the comprehensive plan and the development that this zoning map amendment will support will negatively impact our ability to conduct agricultural activities, our enjoyment of our land, and our property values. We urge you to deny the requested zoning map amendment.

The zoning map amendment is inconsistent with the comprehensive plan.

The future land use map in the current comprehensive plan denotes the subject land with the designation Low Density Residential.¹ This zoning map amendment would allow development at an urban density level on this land. We understand that the applicant is currently proposing 1009 housing units in this location, and while this is drastically inappropriate for this rural area, if this zoning map amendment were approved, there would be nothing stopping the developer from increasing the number of housing units by two or three times this number. In no way could the development this zoning map amendment would allow be considered a low-density residential use.

Urban Level Development Recommendation (Goal 1) number five of the comprehensive plan indicates that urban level development should be located within municipalities, urban growth boundaries, preferred growth areas, or villages.² The subject land is outside of any municipality, urban growth boundary, preferred growth area, or village. Appropriate location of urban level development allows for efficient use of public resources and funds (WVDOH, roads, utilities, police, fire, EMS, etc.), allows for multimodal transportation, and improves accessibility of goods and services.³ Urban level housing development in this location would stretch public services thin, drive-up costs, and force the many thousands of residents who will live there to drive at least several miles to reach daily goods and services. According to the comprehensive plan,⁴ the subject land is not an appropriate location for the type of development this zoning map amendment would allow.

¹ ENVISION JEFFERSON 2035 Comprehensive Plan, at 215

² ENVISION JEFFERSON 2035 Comprehensive Plan, at 30

³ ENVISION JEFFERSON 2035 Comprehensive Plan, at 26-28

⁴ *Id*

In the comprehensive plan, Rural Land Use Planning Recommendation (Goal 2) number four indicates that “the viability of agricultural lands and wildlife corridors” should be protected.⁵ To achieve this, the Plan recommends that cluster developments with a density of one house per five to ten acres should be utilized when housing developments are desired in rural areas. The area surrounding the subject property is zoned Rural and the majority of this land is in active agriculture. This zoning map amendment would allow a housing development in a rural zone that is of much greater density than the comprehensive plan intends in rural areas. According to the comprehensive plan, the urban level development this zoning map amendment will allow is not appropriate for the rural location of the subject land.

The development that this zoning map amendment would allow will detract from the agricultural viability of the surrounding farm land. At the current proposed density of 1009 housing units, this new development would conservatively generate between 7,000 and 10,000 car trips a day.⁶ The application indicates that the development is only 3.5-4 miles from intersections with four lane roads. The application neglects to point out that these miles are on small rural roads through farmland (Flowing Springs Road, Shenandoah Junction Road, Melvin Road, Luther Jones Road). This increase in through traffic on these rural roads will strain our ability to conduct agricultural activities such as maintaining fencing, moving farm equipment, planting, harvesting, keeping fields clear of waste and debris, and dealing with the inevitable loose animals just to name a few. The urban level development this zoning map amendment would allow will detract from the agricultural viability of the surrounding farmland.

Agriculture, farm land, and tourism work together to promote the local economy, and urban level development in rural areas will harm this synergy. The application argues that Jefferson County is not meeting its housing development goals and therefore to support the local economy a higher density of housing should be allowed on the subject land.⁷ However, the strongest sectors of the local economy are and have long been agriculture and tourism. People travel here to enjoy the history and bucolic nature of the county, and agriculture helps maintain and promote the heritage and bucolic nature of the area. Increased congestion of roads and a reduction in farming will detract from the tranquility and character visitors are seeking. The comprehensive plan cited this as a reason why such development should be located closer to villages and municipalities.⁸ The density of housing this zoning map amendment would allow in this location would do more to harm than help the local economy through its negative impacts on tourism and agriculture in direct contradiction to the goals of the comprehensive plan.

There have also not been major changes of an economic, physical or social nature within the area involved and there have been no changes that have substantially altered the basic characteristics of the area. The rural agricultural nature of the surrounding land has not changed in any substantial way since well before the current comprehensive plan.

For these reasons we believe that the zoning map amendment does not align with the comprehensive plan; there have been no changes or substantial alterations in the area since the

⁵ ENVISION JEFFERSON 2035 Comprehensive Plan, at 39

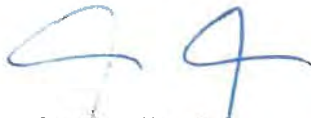
⁶ Estimate based on publications from The Institute of Transportation Engineers. The West Virginia Traffic Engineering Directive 106-2 directs that estimates of trips generated by new developments should be estimated based on publications from The Institute of Transportation Engineers.

⁷ It should be noted that the application cites 2019 data.

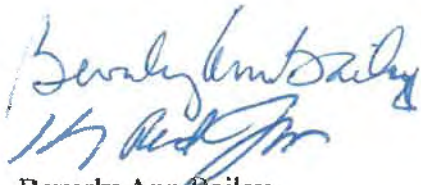
⁸ ENVISION JEFFERSON 2035 Comprehensive Plan, at 26-28

comprehensive plan was adopted; and the development that this zoning map amendment will support will negatively impact our ability to conduct agricultural activities, our enjoyment of our land, our property values, and our local economy. Therefore, **we respectfully request that you not approve this zoning map amendment.**

Best Regards,



John C. Allen Jr.
Alquip, LLC



Beverly Ann Bailey
Harry Reed Jenkins III
General William Darke Farm



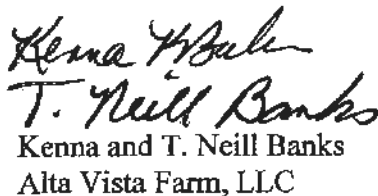
Adam B. Link III



Tony & Paula Russo
Linden Grove Farm



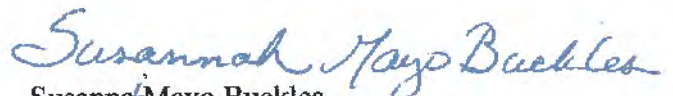
Donna Roberts
Adjacent Land Owner



Kenna and T. Neill Banks
Alta Vista Farm, LLC



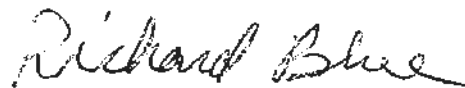
Suellen Myers and Family
Clearland Farm
Willow Springs Farm



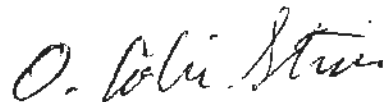
Susanna Mayo Buckles
Gap View Farm



James Walter Blue Jr.
James T Blue and Sons, Inc.



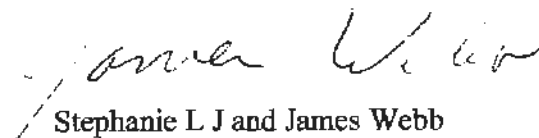
Richard Blue



Dr. O. Colin Stine
Elmwood Fields NG, LLC
Elmwood Fields and Forest, LLC



Gordon M. Hockman
Twin Ridge Orchard Co. Inc.



Stephanie L J and James Webb

To Whom It May Concern at the Jefferson County West Virginia Commission:

3/1/2024

The developers don't live in Jefferson County. They don't send their children to our schools and after all these homes are built, they won't use our roads or deal with the infrastructure deficits. This won't end unless the planning and zoning laws presently on the books are adhered to or updated to protect our county.

We don't need increased residential growth, we need more common sense.

Also referring to common sense, does any of the solar farm energy produced in Jefferson County stay in the county to help with local residential energy costs? We think NOT.

Respectfully,

Dr. Jan and Margo Kletter

Jessica Carroll

From: Zoning
Sent: Monday, February 26, 2024 10:09 AM
To: 'Beverly Bailey'
Cc: Planning Department; Jessica James
Subject: RE: Harvest Hills Phase 2

Good morning,

This email is to confirm receipt of your written comments pertaining to the Harvest Hills request for a rezoning. Please be advised that the public hearing will be held before the County Commission on Thursday, March 7 at 11:00 a.m. As such, your comments have been forwarded to the Jefferson County Commission for their consideration.

Sincerely,

Alexandra Beaulieu
Deputy Director & Zoning Administrator
Department of Engineering, Planning, & Zoning
Jefferson County, WV
304-728-3228

From: Beverly Bailey <ylrebeb703@gmail.com>
Sent: Friday, February 23, 2024 5:17 PM
To: Zoning <Zoning@jeffersoncountywv.org>
Subject: Harvest Hills Phase 2

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

Dear Sirs and fellow Jefferson County residents,

We would like to express our concern over the Harvest Hills Phase 2 proposal off of Flowing Springs Rd. We feel such a concentrated housing plan is inappropriate for that location. Town houses in the middle of a rural setting? The road is not set up for that, there are no amenities there to warrant such a densely packed neighborhood, and from statistics we've seen online, that number of new homes isnt even appropriate with the county's growth.. The county seems to be growing at a rate of 400 a year. That one development would cover over 3 years worth of growth!

Just because the developer wants to cram in as many houses as possible doesn't mean they should. The surrounding neighbors would be dealing with the fallout: massive increase in traffic, prolonged waits at the Duffields railroad crossing, even more trash along the roadside.

The beginning phase of Harvest Hills only has about 30 houses on large rural lots..The juxtaposition of "cluster" single family homes with tiny yards and the rows and rows of townhouses right next door just doesn't make sense. The 392 new homes Arcadia requested was bad enough, but 1004! Ridiculous and greedy. It isn't the way this county should deal with growth.

People want to live in Jefferson because of its rural nature. Please don't let one developer spoil it.

We live at 361 Melvin Rd on a farm that has been in existence for around 270 years. We are not anti-growth, but think there is a smarter way to deal with it than trying to create a new town in the middle of nowhere.

Please consider the impact that request would have on this part of the county.

Sincerely,
Beverly Bailey and Harry Jenkins

Jessica Carroll

From: Shelby LaTurno <shelbyamanda@gmail.com>
Sent: Wednesday, February 14, 2024 3:00 PM
To: JCCInfo; Zoning
Subject: Written Comment Pertaining to Harvest Hills Rezoning Request

Follow Up Flag: Follow up
Flag Status: Flagged

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Dearest Planning Commission and County Commission Members,

I'm writing to request you do NOT approve the rezoning request from Arcadia Land Development for the proposed Harvest Hills expansion off of Flowing Springs Road.

I live in Shenandoah Junction and have serious concerns about the negative impact another high density housing project will have on our community.

As a concerned neighbor, these are some of the issues that are worth considering.

Will Flowing Springs Road be able to support the increased traffic flow of the thousands of new cars this development would put on what is currently a two lane rural route?

What infrastructure changes would be put in place to support where these 1,000+ new families would work, go to school, shop and receive medical care? Our medical services, especially, are already strained with just the current residents. This impacts all our access to timely, lifesaving care or even just the ability to make routine medical appointments within a reasonable time frame.

Are we supporting local businesses with this development or are we just investing in an out of state company that will make large profits off a high density building project, yet share none of the burden of the negative impacts on the surrounding community and the massive costs associated with providing services to these new residents?

Will we as ratepayers be subject to increased costs to support the electrical grid upgrades required to power these 1,000+ new homes?

Where will these homes be receiving their water from? Will this impact the numerous local farms dependent on sufficient groundwater in their wells to water their crops and livestock?

Who are these houses being built for? Will they be affordable enough for local residents to be able to stay in Jefferson or are we further outpricing the very people who make this place great, in favor of driving up housing costs for everyone in the community so only out of state people can afford to move here?

I'm choosing to raise my four young kids in this part of Jefferson County because it is still largely rural. This is a wonderful place to raise a family because of the small town community, open spaces and agricultural heritage. It's disheartening to think it will be lost to unchecked development. Do we want to Ashburnize Jefferson and make the same mistakes Loudoun County made when they experienced this rapid growth now being experienced in Jefferson County? We have to be thoughtful about where and to what degree we approve these

projects. Driving down Flowing Springs Road there are already multiple new high density housing developments under construction. Please have the courage and vision to say no to this rezoning request.

I hope you will consider these concerns and deny Arcadia's request to rezone Harvest Hills to residential growth so we can keep this part of Jefferson County rural. We've lost enough farms and open lands already. Otherwise, we'll need to rename Jefferson County's slogan from "Where Almost Heaven Begins" to "Where Washington DC's Suburban Development Never Ends".

Respectfully,

Shelby LaTurno

258 Rawhide Lane
Shenandoah Junction, WV 25442

Jessica Carroll

From: Planning Department
Sent: Monday, February 12, 2024 2:42 PM
To: Jessica James
Subject: FW: HARVERT HILLS

Hi Jessica,

Please see below.

Best,

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

From: joann2703@aol.com <joann2703@aol.com>
Sent: Monday, February 12, 2024 12:22 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: HARVERT HILLS

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.
To-Planning Commission, Jefferson County WV

I am writing to give input on proposed Harvert Hills housing development on Flowing Springs Road.

I have owned property here since 1976. I have watched the county change, some for good and some for bad.

I have also witnessed the disregard for infrastructure and basic needs of the county. Now a developer wants a variance to add 1000 housing units to Jefferson county.

Here are some questions to ask:

1. Where is the water and sewer going. Do we have a system to handle this large amount? Will they tap into current ground water with wells? If so, will the sewer drainage fields cause issue with water supply?
2. Will the roads handle traffic this will need for day to day travel?
3. Do we have police to handle needs for this added number?
4. Can our first responders handle more? Our firemen and EMTS. (Most of our firemen are volunteers.)
5. What stress will this put on our existing schools and educators?
6. Will the Shenandoah Junction Post Office be able to handle added mail?

My answer to these questions is NO! We have issues just cleaning the trash on our roadsides.

I am not against growth, but your job is **educated growth**. Doing your best to care for this county and our citizens.. To take a look at the beauty of Jefferson county and balance the growth. There is a reason people want to live in Loudoun County VA. Loudoun is not more beautiful than Jefferson but they have educated their growth.

After our experience with Rockwool and how many feel misled, I was hoping that our next move would be more thoughtful.

Please think about the concerns of the current citizens of Jefferson County and the issues involved with a 1000 housing units.

Thank you for choosing public service.

Joann Rock Harstad

February 12, 2024

To The members of the Jefferson County Commission and the members of the Jefferson County Planning Commission:

We are writing in response to a recent request for public comments prior to the upcoming meeting in February 2024.

The current and anticipated rate of growth in the county is a source of great concern. We see large plots of farmland being stripped for residential development, Traffic on our roads has greatly increased. The schools are crowded and the number of qualified teachers is dwindling, as we continue to lose good teachers to neighboring states. Developers have raced in for their own advancement, while our substantial homeless population continues to suffer and to grow in numbers, in no small part due to a lack of affordable housing in the county.

These are concerns that are shared by almost everyone we come in contact with, and yet we do not see evidence of how these development decisions are made, nor how the local government plans to deal with the inevitable consequences.

Clearly, responsible planning would include the following:

- Adequate emergency services for the growing population
- Road building and maintenance for the increased traffic load
- Safety considerations on our roads, such as traffic lights, safe, well-planned on and off ramps, etc.
- Schools that are not overcrowded, with certified teachers
- Enough affordable housing for our middle and low income populations
- The aesthetics of our beautiful landscape
- Enough medical professionals to serve the population
- Adequate utilities such as water, sewer, waste management and power for the population

-The obvious increase of trash all along our roadsides

In "The Observer" (Feb 2024) there is an article about the development called Harvest Hills off of Flowing Springs Rd. Near Jefferson High School. The developer is asking to rezone the land to high density - from rural to residential growth. Please consider denying this request.

Surely, there is some sort of covenant that limits the amount of land set aside for agriculture in the county. We hope you will not consider allowing development beyond that limit.

Sincerely,

Mary Lee Vandevander
67 C.Edward Lane
Charles Town, WV.

Marie Galperin
132 C. Edward Lane
Charles Town, WV

Hi Planning Commission,

I'm writing this comment in opposition to the rezoning from rural to residential growth for the Arcadia Land Inc. development. The planning commission should recommend the county commission to not approve this. This amendment and proposed 1,000 houses will invite a host of environmental problems due to the sprawling low density nature of the subdivision rather than keeping it rural. Problems such as more CO2 emissions, groundwater and river pollution, the disappearance of wild habitat, paving of the land with asphalt, etc. Furthermore, suburbs like these lack many of the community aspects that make downtown areas and nearby neighborhoods great because they are impersonal, providing nothing more than a house with no other formal areas to communicate with other people or amenities. Every trip anyone in this subdivision will have to make will be through the use of a car adding to more congestion on the roads, accidents, and wildlife roadkill. Anyone not able to drive will be trapped here and not see anything exciting since most subdivisions barely have any diverse flora or fauna due to the manicured lawns that prevail. The addition of 1,000 homes in a rural area poses problems for animals known as habitat fragmentation where now every animal is concentrating into smaller places as more open areas give way to growth causing and adding to the dangerous road crossing animals have to make to get where they need to. This in turn creates more wildlife conflict potentially and since most lawns lack tallgrass, native plants, water, etc. we will slowly see our wildlife left to the margins. I believe that the parcel won't contribute to enriching Jefferson County or the landscape. I recommend not to look at just the zoning amendments but at whether this will actually contribute to the character of Jefferson County and not be an alienated subdivision with a heavy environmental strain that also takes away the rural landscape of our county.

Best,

C.O.

Carlo Olivares

RECEIVED

FEB 12 2024

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

Jessica Carroll

From: Planning Department
Sent: Monday, February 12, 2024 9:42 AM
To: Jessica James
Subject: FW: Harvest Hills

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Jessica,

Please see the email below.

Best,

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

From: Michael Shepp <michaelshepp@me.com>
Sent: Monday, February 12, 2024 6:18 AM
To: Alexandra Beaulieu <abeaulieu@jeffersoncountywv.org>; Jennifer Brockman <jbrockman@jeffersoncountywv.org>; Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Fwd: Harvest Hills

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Please put his in the packet for distribution to the other PC members.

Mike Shepp
Sent from my iPad

Begin forwarded message:

From: Suellen Myers <willowsp@earthlink.net>
Date: February 11, 2024 at 7:24:40 PM EST
To: michaelshepp@me.com
Subject: Harvest Hills

Sir,

I hope the Commission will deny the request from Arcadia for a zoning change. According to the 2022 map, which is the newest I have found, that whole area is zoned rural. To allow 1000 units to be built would be a travesty. What they want is to build a town in the middle of a rural area and completely change it. They claim "highest and best use" which is developer speak for "this is how we can make the most money." They also mention the proximity to four lane roads while completely ignoring the hundreds and hundreds, maybe thousands of trips, on two lane country roads in order to get there. One of which roads goes between two schools then through Shenandoah Junction and out passed another school. It's also Karst topography with a wetlands

and at least one spring which feeds into Elk Branch and then Elk Run which is backup water for Harpers Ferry. Please protect not only the farmers and orchardists in the area but the whole county.

Best Regards,
Suellen Myers

Jessica Carroll

From: Planning Department
Sent: Monday, February 12, 2024 9:42 AM
To: Jessica James
Subject: FW: Harvest Hills

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Jessica,

Please see the email below.

Best,

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

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

From: Helen Burns <helenhibbardburns@gmail.com>
Sent: Sunday, February 11, 2024 2:32 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Harvest Hills

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The 1000 houses proposed to be built in Harmony Hills would put too much strain on the local infrastructure, including roads and parking.

Thank you for opposing this development!

Helen Burns
189 Hensel Drive
Shepherdstown, WV 25443

Jessica Carroll

From: Planning Department
Sent: Monday, February 12, 2024 9:41 AM
To: Jessica James
Subject: FW: Harvest Hills

Follow Up Flag: Follow up
Flag Status: Flagged

Good morning, Jessica,

Please see the email below.

Best,

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

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

From: Rebecca Nachtrieb <osalone@yahoo.com>
Sent: Friday, February 9, 2024 8:38 PM
To: Planning Department <PlanningDepartment@jeffersoncountywv.org>
Subject: Harvest Hills

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

Dear Planners,

Please consider space over density when consider the developers requests for building Harvest Hills. Balancing the beauty of Jefferson County with economic growth is a challenge, yes, but I do not agree with the density that I understand will be requested at the upcoming meeting. Please protect our open skies and rolling hills by welcoming more spacious and population sensitive growth

Rebecca Nachtrieb

Shepherdstown

Sent from my iPhone

Jessica Carroll

From: Planning Department
Sent: Friday, February 2, 2024 3:42 PM
To: Jessica James
Subject: FW: Don't approve Harvest Hills

Follow Up Flag: Follow up
Flag Status: Flagged

Hi Jessica,

We received public comment for Harvest Hills to be included in County Commission March 7, 2024 packet.

Best,

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

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

From: Tim Wiltshire <rabbitshirt@hotmail.com>
Sent: Friday, February 2, 2024 3:30 PM
To: Planning Department <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

Jessica Carroll

From: mwilts <mwilts@comcast.net>
Sent: Friday, February 2, 2024 11:03 AM
To: JCCInfo
Subject: Harvest Hills - Do Not Approve

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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](mailto:mwilts@comcast.net)

Jessica Carroll

From: WebmastervJCC <webmaster@jeffersoncountywv.org>
Sent: Friday, February 2, 2024 1:46 PM
To: JCCInfo
Subject: Jefferson County Commission, WV: Website Form Notification

A new entry to a form/survey has been submitted.

Form Name: County Commission Contact
Date & Time: 02/02/2024 1:45 PM
Response #: 3371
Submitter ID: 8983
IP address: 73.132.87.198
Time to complete: 9 min. , 9 sec.

Survey Details

Page 1

- 1. Name**
Rose Wilson
- 2. Email**
riewilson@me.com
- 3. Questions or Concerns**
I am very concerned about the proposed housing in Harvest Hills and I strongly object to a variance to allow multi-housing units. Our county is not equipped to handle this amount of housing.
- 4. Would you like to receive email notifications from Jefferson County?**
 No

Thank you,
Jefferson County Commission, WV

This is an automated message generated by Granicus. Please do not reply directly to this email.

Jessica Carroll

From: Suellen Myers <willowsp@earthlink.net>
Sent: Wednesday, January 17, 2024 10:36 PM
To: JCCInfo
Subject: Harvest Hills

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

I am opposed to granting the zoning variance requested by Arcadia for the Harvest Hills development. In no way does 1000 units and commercial space fit the area, which is agricultural. This would be a town not a development. It is karst topography, contains a wetland, a spring originates on the property which empties into Elk Branch which in turn feeds Elk Run which provides water to Harpers Ferry. It would adversely effect road traffic, schools, law enforcement, fire coverage and quality of life in the county.

Suellen Myers

Sent from my iPhone



JEFFERSON COUNTY, WEST VIRGINIA

Office of Planning and Zoning

116 East Washington Street, 2nd Floor; P.O. Box 716

Charles Town, WV 25414

www.jeffersoncountywv.org

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

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

MEMO

TO: County Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, County Planner
DATE: February 21, 2024
RE: Planning Commission Recommendation regarding the Zoning Map Amendment Petition for Arcadia Properties aka Harvest Hills (File #23-5-Z)

On Thursday, January 18, 2024, 2023, a representative for the proposed Arcadia (Harvest Hills) Rezoning presented a petition for a Zoning Map Amendment to the Jefferson County Commission for Vacant Parcels; located east of the intersection of Flowing Springs Rd and Brass Harness Drive Shenandoah Junction, WV. The parcels, designated as Tax District: Shepherdstown (09), Tax Map: 24, Parcels: 12 & 13, consist of approximately 94.63 acres & 257.62 acres (352.25 acres total). The property is currently zoned Rural (R) and the petition requests rezoning from Rural to Residential Growth (RG).

The County Commission scheduled a Public Hearing for this rezoning for Thursday, March 7, 2024. At the January 18th meeting, the County Commission, in accordance with WV Code 8A and the Jefferson County Zoning Ordinance Article 12, referred the petition to the Planning Commission for their review and recommendation as to whether the proposed amendment is consistent with the adopted *Envision Jefferson 2035 Comprehensive Plan*.

On Tuesday, February 20, 2024, the Jefferson County Planning Commission heard an overview of the Arcadia Properties (Harvest Hills) Zoning Map Amendment (#23-5-Z) petition as well as the recommendations in the staff report identifying relevant portions of the *Envision Jefferson 2035 Comprehensive Plan* for the Planning Commission's consideration and review. The staff report noted that the Future Land Use Guide shows the property as "Low Density Residential", which reflected the previously 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 staff report is attached to this memo for the County Commission's information and consideration.

The Planning Commission discussed the fact that the Low Density Residential future 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" while the Residential Growth Zoning district allows all densities of residential development including single family, duplexes, townhomes, and apartments. They also noted that while the proposed exhibit submitted with their Zoning Map Amendment request falls within the parameters of the future land use category, once the property is rezoned to Residential Growth, all densities would be permitted*. The Jefferson County Zoning Ordinance does not have a zoning category that limits residential development to low density single family developments.

For this reason, after reviewing the application, the staff report, and further discussion, the Planning Commission found, with a unanimous vote, that the proposed Zoning Map Amendment to Residential Growth (RG) is **not consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

Attachment:

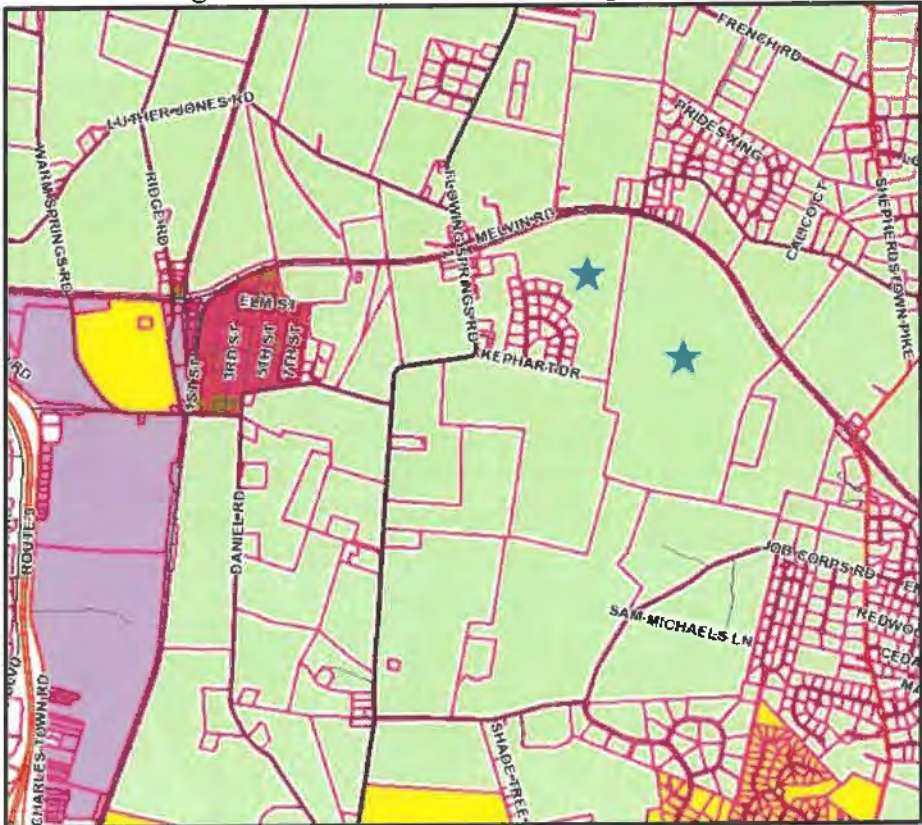
- *23-5-Z Arcadia Properties (Harvest Hills) Rezoning Staff Report for 2/13/24 Planning Commission Meeting (rescheduled to 2/20/24) including Section 5.4 and Appendix C of the Zoning Ordinance*

*During the meeting, the Planning Commission also confirmed with staff that the current CUP, which was approved in 2001, allowing a maximum of 392 SF lots, 23 Ac school site, 2 Ac church site, and 141 Ac open space, with a number of conditions, is still valid, although the subdivision will need to process under the current Subdivision Regulations.

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 & 13 Acreage: 94.63 ac. & 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"> • Original Harvest Hills processed as Cluster • 3/22/00: Final Plat @ PB17/PG45-45B • Approved and Constructed
PC File #Z00-06 Conditional Use Permit	<ul style="list-style-type: none"> • CUP for 392 SF lots, 23 Ac school site, 2 Ac church site, 141 Ac open space, move train station • 5/22/01: Approved by Planning Commission with conditions
Community Impact Statement	<ul style="list-style-type: none"> • 1/8/02: CIS accepted by the Planning Commission 1/8/02 • 1/13/04: CUP/CIS reinstated by Planning Commission with extended deadlines of 567 days with a new expiration date of July 13, 2005
PC File # 01-42; Section 1, Phase 1 Lots A, B, and 28-50	<ul style="list-style-type: none"> • 12/8/06: Final Plat Recorded @ PB23/PG78-78E [23 lots, church lot (Lot A), school lot (Lot B)] • 9/23/08: Plat of Correction and Merger Plat Recorded @ PB25/PG70-70G • 5/31/07: Plat of Correction Recorded @ PB24/PG20-20E • NOTE: 21.82 acres dedicated to Parks in 2008 (originally planned as a school site) • Not constructed; Original bond tolled by County Commission
PC File #07-01; Phase 2, Section 1 Lots 51-71 & 405-419	<ul style="list-style-type: none"> • 2/18/10: Final Plat Recorded @ PB25/PG198-198H [(36 lots and residue)]
PC File #12-02; Phase 2 Section 2 Lots 72-80, 131 & 393-404 8.8428 acres	<ul style="list-style-type: none"> • 4/24/12: Final Plat Approved by PC 4/24/12 with conditions: <ol style="list-style-type: none"> 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. 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. • Not recorded or bonded
	<ul style="list-style-type: none"> • Approximately 326 acres remaining unplatted

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

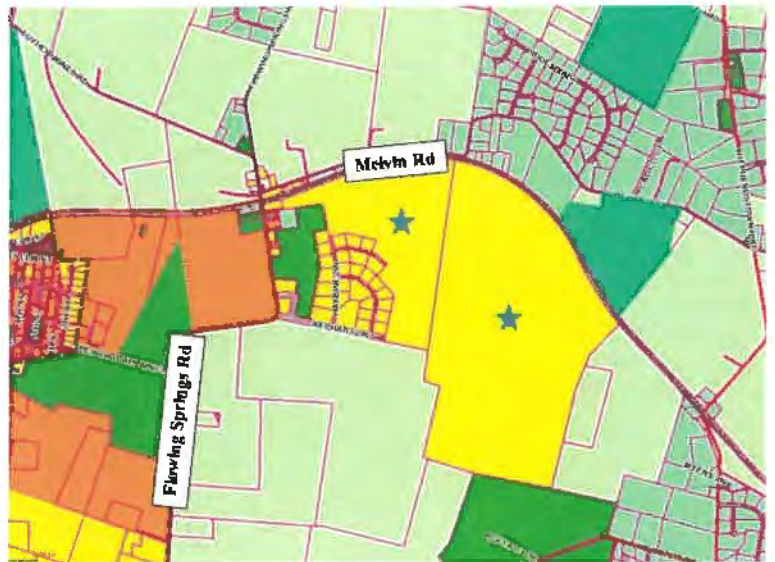
Arcadia Land, Inc. (Harvest Hills S/D) Rezoning Request (23-5-Z)

- 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.



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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

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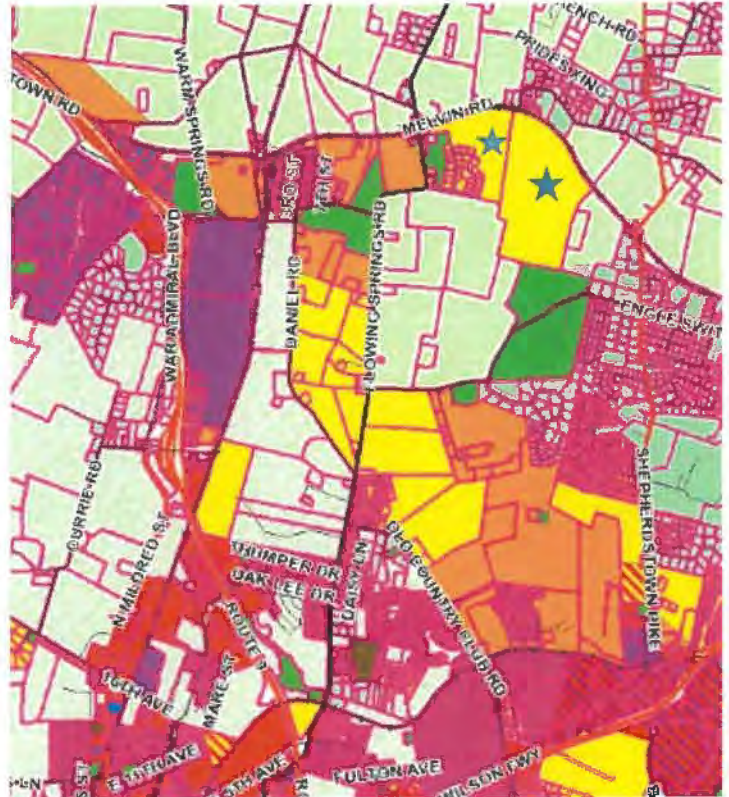
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infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17).

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.

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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.

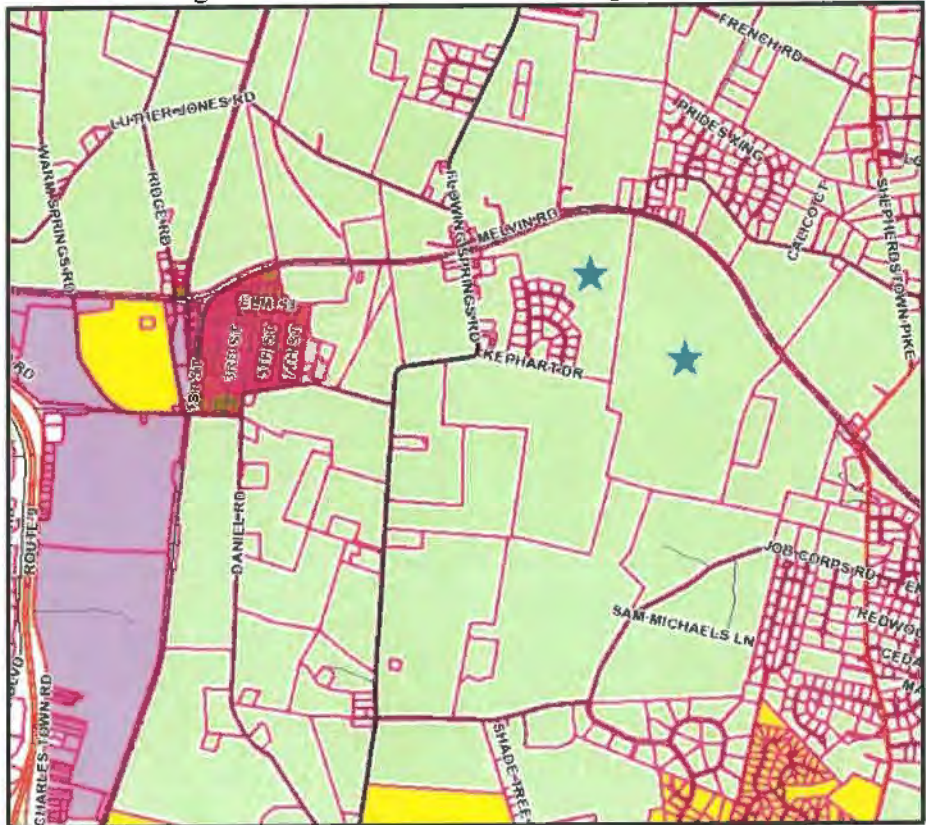
Attachments:

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

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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 & 13 Acreage: 94.63 ac. & 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>

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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"> • Original Harvest Hills processed as Cluster • 3/22/00: Final Plat @ PB17/PG45-45B • Approved and Constructed
PC File #Z00-06 Conditional Use Permit	<ul style="list-style-type: none"> • CUP for 392 SF lots, 23 Ac school site, 2 Ac church site, 141 Ac open space, move train station • 5/22/01: Approved by Planning Commission with conditions
Community Impact Statement	<ul style="list-style-type: none"> • 1/8/02: CIS accepted by the Planning Commission 1/8/02 • 1/13/04: CUP/CIS reinstated by Planning Commission with extended deadlines of 567 days with a new expiration date of July 13, 2005
PC File # 01-42; Section 1, Phase 1 Lots A, B, and 28-50	<ul style="list-style-type: none"> • 12/8/06: Final Plat Recorded @ PB23/PG78-78E [23 lots, church lot (Lot A), school lot (Lot B)] • 9/23/08: Plat of Correction and Merger Plat Recorded @ PB25/PG70-70G • 5/31/07: Plat of Correction Recorded @ PB24/PG20-20E • NOTE: 21.82 acres dedicated to Parks in 2008 (originally planned as a school site) • Not constructed; Original bond tolled by County Commission
PC File #07-01; Phase 2, Section 1 Lots 51-71 & 405-419	<ul style="list-style-type: none"> • 2/18/10: Final Plat Recorded @ PB25/PG198-198H [(36 lots and residue)]
PC File #12-02; Phase 2 Section 2 Lots 72-80, 131 & 393-404 8.8428 acres	<ul style="list-style-type: none"> • 4/24/12: Final Plat Approved by PC 4/24/12 with conditions: <ol style="list-style-type: none"> 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. 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. • Not recorded or bonded
	<ul style="list-style-type: none"> • Approximately 326 acres remaining unplatted

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:

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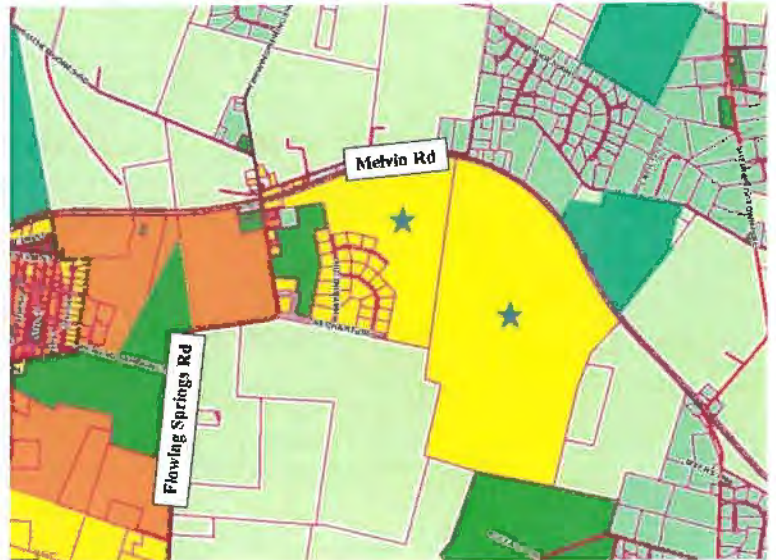
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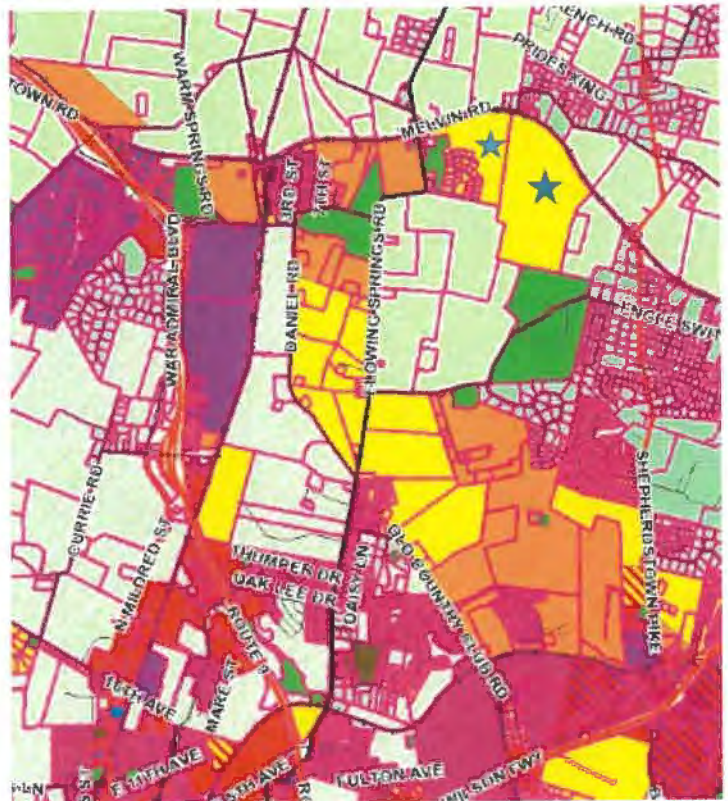
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3. Proposed Zoning District – Residential Growth (RG)

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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^{23, 29, 32, 33, 35, 37, 39, 43}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Residential Uses													
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
Home Uses													
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
Institutional Uses													
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 ³⁸	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 ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Industrial													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 ²	NP	NP	NP	NP	NP	CU ²	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	
Industrial Manufacturing & Processing													Sec. 8.9
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
Adult Uses													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
Recreational Uses													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
Commercial Uses													Sec. 8.9
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 ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
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 ³¹	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 ³⁷	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	LJ	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses continued													Sec. 8.9
Restaurant, Fast Food, Drive-Through ⁴⁰	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 ⁴¹	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility ⁴³	NP	See Section 8.20				NP	NP	See Section 8.20				NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
Agricultural Uses*													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock ³⁷	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
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
Accessory Uses													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

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

P Permitted Uses

NP Not Permitted Uses

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

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

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

² Approval process is per the Salvage Yard Ordinance.



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

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

Email: planningdepartment@jeffersoncountyv WV.org
zoning@jeffersoncountyv WV.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

Substantiation for the Request

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.

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

See attached Zoning Map Amendment Justification

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.

The information given is correct to the best of my knowledge.

Gary J. Endler, Sr.
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:
Contact Person:

Arcadia Land, Inc.
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, 2nd Floor
Charlestown, WV 25414

Re: Harvest Hills Subdivision, Pbase 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
(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 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

FUTURE DEVELOPMENT PLAN

LEGEND

- SMALL SINGLE FAMILY DETACHED
- LARGE SINGLE FAMILY DETACHED
- TOWNHOMES
- VILLA SINGLE FAMILY ATTACHED
- VILLA WALK-UP TOWNHOMES
- SMALL LOT SINGLE FAMILY DETACHED
- RECREATION AREA
- PERMISSIBLE PARKING AREA
- PERMISSIBLE LOT
- PROPOSED DRIVEWAYS
- EXISTING DRIVEWAY FLOORPLAN
- EXISTING DRIVEWAY PAVING



HARVEST HILLS SUBDIVISION PHASE II SHEPHERDSON MAGISTRAL DISTRICT JEFFERSON COUNTY, WEST VIRGINIA

288 Franklin Avenue
Martinsburg, West Virginia 26101
Tel: (304) 722-2422
www.greenway.com



GREENWAY
PLANNING & ARCHITECTURE
INCORPORATED

PARKING CALCULATIONS

REQUIRED PARKING:
 RESIDENTIAL FAMILY - PARKING REQUIREMENT
 237 TOWNHOMES = 2 PER UNIT (1.5-1)
 50 SPA PER BEDROOM
 100 SPA PER SPA/VILLA
 ASSUMED RESIDUAL

PROPOSED DRIVEWAY PARKING:
 OFFICE & JOINTLY USE SPACES
 100 SPA
 TOTAL: 613 SPACES

Harvest Hills Lot Tabulations

Lot #	Type	Typical	Area (sq ft)	Lot Area (sq ft)	% of Total	Total Area (sq ft)
1	SFD	40'x50'	7,150	418	49.15%	10,000
2	SFD	54'x60'	9,600	0	0.00%	10,000
3	SFA	27'x47'	2,600	234	23.15%	3,500
4	SPA/VILLA	25'x60'	1,400	63	9.22%	3,500
5	SFD/VILLA	24'x50'	6,000	60	7.50%	20,000
6	Small Lots	21'x30'	3,200	104	10.51%	7,500
TOTAL			1,000	100%	100%	7,700,000

SCALE: 1" = 250'

NOTES:

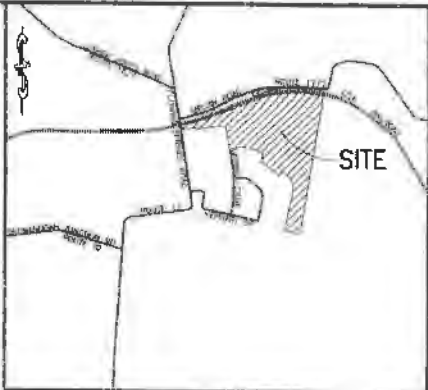
- THE PROPERTIES DELINEATED ON THIS PLAT ARE LOCATED ON JEFFERSON COUNTY, SHEPHERDSTOWN DISTRICT TAX MAP 24 AS PARCEL 12 AND MAP 24A AS PARCELS 16 AND 17, AND ARE ZONED RURAL DISTRICT.
- BOUNDARY INFORMATION IS BASED ON A COMPILATION OF EXISTING LAND RECORDS. A PLAT OF RESURVEY BY APPALACHIAN SURVEYS OF WEST VIRGINIA, LLC DATED AUGUST 28, 2003 RECORDED IN PLAT BOOK 22 AT PAGE 2; A PLAT OF RESURVEY BY OSBERRY/APPALACHIAN SURVEYS DATED JANUARY 16, 2004 RECORDED IN DEED BOOK 1009 AT PAGE 624 (NORTHERN PART OF PARCEL 12); A PLAT OF RESURVEY BY OSBERRY & 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, 2008 RECORDED IN DEED BOOK 936 AT PAGE 604 AND DEED DATED FEBRUARY 12, 2004 RECORDED IN DEED BOOK 995 AT PAGE 353 AND FROM WILLIAM P. HENDERSON AND GINGER L. HENDERSON BY DEED OF GIFT DATED NOVEMBER 2, 2008 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 HEREON. NO FUTURE EASEMENTS OR RIGHTS-OF-WAY ARE PROPOSED.
- UNLESS OTHERWISE NOTED, CURBING 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 SUBMISSION 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. EXCEPT ALL COMMON LAND (SWIM BASIN, ROADS, RIGHTS-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 56 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:

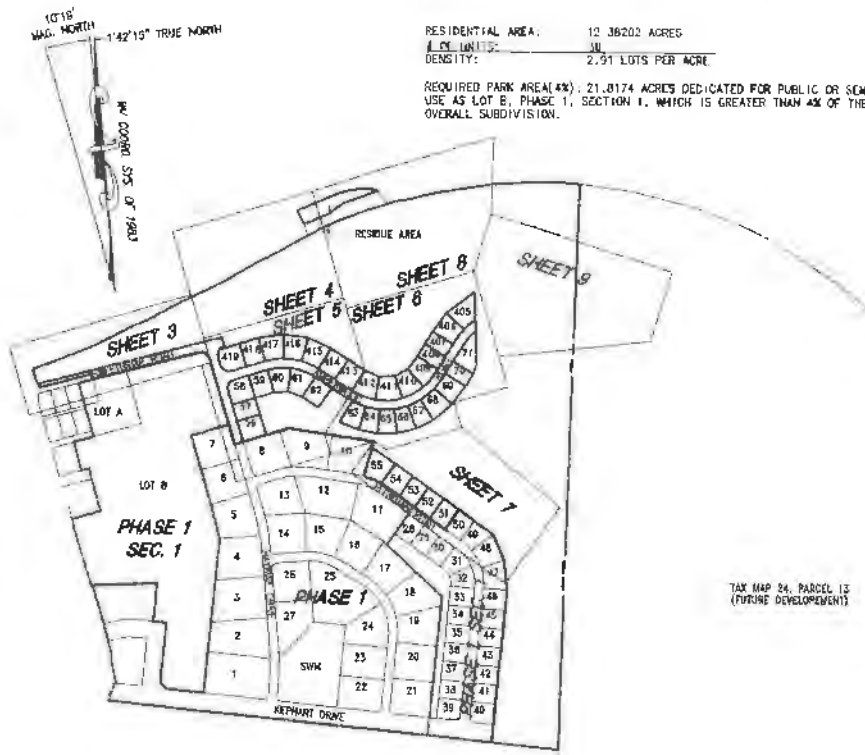
LOTS (30)	539,361 SQ. FT.	12.38202 ACRES
RIGHT-OF-WAY	158,898 SQ. FT.	3.64316 ACRES
RESIDUE PARCEL	2,931,573 SQ. FT.	66.44780 ACRES
TOTAL AREA	3,679,830 SQ. FT.	84.47268 ACRES

RESIDENTIAL AREA: 12.38202 ACRES
OF UNITS: 10
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 MEN. TO BE SET
- = 18"x5/8" RE-BAR TO BE SET

OWNER/DEVELOPER:

ARCADIA DEVELOPMENT CO
117 N. BAILEY LANE
PURCELLVILLE, VA 20152
(540) 751-0321

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



William H. Gordon Associates, Inc.
CIVIL ENGINEERING - SURVEY - LAND PLANNING - LANDSCAPE ARCHITECTURE - CITY PLANNING CONSULTING - GIS
200 W. KENNEDY STREET, SUITE 1

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 1:2000. I FURTHER CERTIFY THAT THIS PLAT CONTAINS ALL THE INFORMATION REQUIRED IN ACCORDANCE WITH CHAPTER 36D, ARTICLE 2, SECTION 108 OF THE UNIFORM COMMON INTEREST OWNERSHIP ACT OF THE WEST VIRGINIA STATE CODE.



APPROVED BY:



Approved final plat

LIST OF APPROVALS:

WV DEPARTMENT OF HIGHWAYS
PERMIT # 5-99-0397 (ORIGINAL)
DATE: ADDENDUM 11-01-1007
PERMIT # 5-07-1082 (SWEETRIAR ROAD)
DATE: 11-08-2007

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.

MR 18

COPY OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM WILLIAM H. GORDON ASSOCIATES, INC.

**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 K. Henderson, owner
P. O. Box 64
Shenandoah Junction, West Virginia 25442
(304)-876-0605

Telephone Number:
Developer/Owner: Arcadia Building Company, developer
P. O. Box 1728
Lordsburg, Virginia 20177
(703)-771-2626

Telephone Number:
Tax Map Reference: Shepherdstown District, Map 24, Parcel 12 & 13
Deed Book Reference: Deed Book 527, 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. Discard 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)
revised & amended on 11/2/04
[Signature]

Department of Planning, Zoning & Engineering Seal:

RECEIVED
JEFFERSON COUNTY DEPARTMENT OF PLANNING, ZONING & ENGINEERING
DATE RECEIVED 5/22/01
RECEIVED 11/2/04
DATE 11/2/04
BY *[Signature]*



Approved Final Plat
[Signature]
Director of Planning and Zoning
5/24/01

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

T.M. 24, PARCELS 12 AND 13, SHEPHERDSTOWN DISTRICT, MAP 24, WEST VIRGINIA DEPARTMENT OF HIGHWAYS DEED BOOK 527, PAGE 239

GCA
 GEORGETOWN CONSULTANTS ASSOCIATION, INC.
 LAND PLANNING, LANDSCAPE ARCHITECTURE AND SECURITY CONSULTING - GIS
 301 N. Market Street, Suite 200

CURVE TABLE:

CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C1	149.46'	447.71'	19°07'39"	75.43'	148.77'	N59°31'42"W
C2	76.57'	50.00'	87°51'45"	48.17'	58.38'	N56°35'47"W
C3	41.27'	447.71'	5°21'30"	20.95'	41.85'	N52°38'37"W
C4	107.56'	447.71'	13°46'10"	54.06'	107.34'	N62°12'26"W
C5	78.54'	50.00'	90°00'00"	50.00'	70.71'	S33°20'06"W
C6	35.09'	50.00'	40°12'40"	18.30'	34.38'	S58°13'46"W
C7	43.45'	50.00'	49°47'20"	23.20'	42.09'	S13°13'46"W
C8	78.84'	50.00'	90°00'00"	50.00'	70.71'	S56°39'54"E
C9	327.90'	375.00'	50°05'58"	175.26'	317.55'	N76°29'55"W
C10	2.08'	375.00'	0°18'04"	1.04'	2.08'	S78°29'38"W
C11	104.34'	375.00'	15°56'28"	52.51'	104.00'	S86°37'25"W
C12	104.01'	375.00'	15°53'30"	52.34'	103.68'	N77°27'36"W
C13	104.34'	375.00'	15°56'33"	52.51'	104.01'	N61°32'34"W
C14	13.13'	375.00'	2°06'21"	6.57'	13.13'	N32°34'07"W
C15	519.54'	325.00'	61°35'33"	234.16'	465.86'	N82°38'17"E
C16	133.47'	325.00'	23°31'51"	67.69'	132.54'	S63°19'52"E
C17	154.81'	325.00'	27°17'35"	78.90'	153.35'	S88°44'35"E
C18	139.00'	325.00'	24°30'18"	70.58'	137.94'	N65°21'29"E
C19	92.25'	325.00'	16°15'50"	46.44'	91.84'	N44°58'25"E
C20	162.60'	425.00'	21°55'15"	82.31'	161.61'	S47°48'08"W

CURVE TABLE:

CURVE	ARC LENGTH	RADIUS	DELTA	TANGENT	CHORD	CHORD BEARING
C21	77.62'	425.00'	10°27'51"	38.82'	77.51'	S42°01'26"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'	81°35'33"	395.57'	537.65'	N02°38'17"E
C25	67.76'	375.00'	10°21'08"	33.87'	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'	17°13'23"	40.15'	79.85'	N64°44'29"E
C28	80.00'	375.00'	12°13'23"	40.15'	79.85'	N80°47'52"E
C29	80.00'	375.00'	12°13'23"	40.15'	79.85'	N66°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	26.66'	375.00'	4°04'40"	13.35'	26.86'	S53°38'18"E
C33	284.18'	325.00'	50°05'58"	151.89'	275.21'	N76°36'46"W
C34	0.91'	325.00'	0°09'39"	0.46'	0.91'	S51°38'46"W
C35	146.63'	325.00'	25°50'57"	74.58'	145.39'	S54°39'04"E
C36	133.27'	325.00'	23°29'43"	67.69'	132.34'	S80°18'24"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°52'08"	79.18'	155.73'	N81°17'45"E
C40	6.82'	375.00'	1°02'38"	3.41'	6.82'	N52°45'34"E
C41	106.77'	375.00'	15°23'49"	59.69'	106.47'	N44°32'25"E

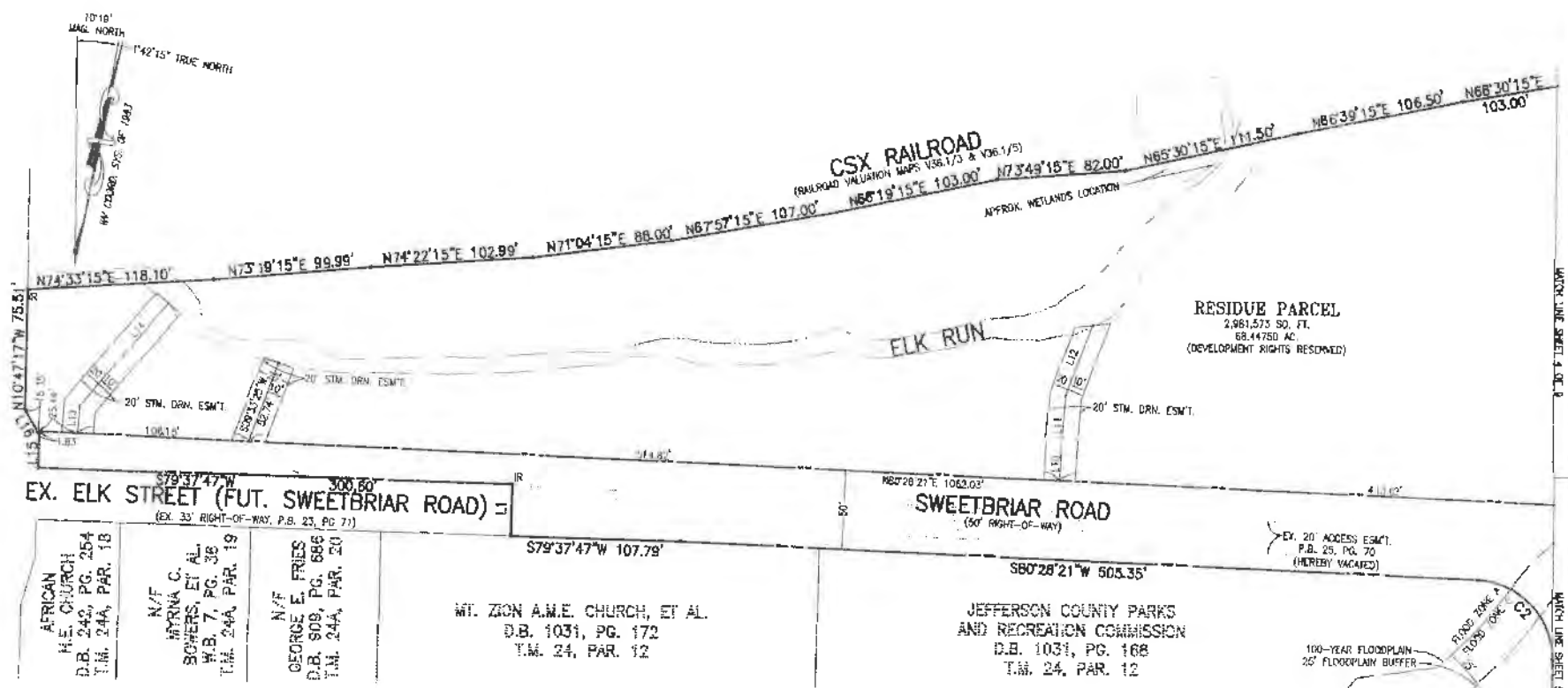
LINE TABLE

LINE	BEARING	DISTANCE
L1	N10°20'15"W	33.00'
L2	S22°47'10"E	11.90'
L3	S45°03'39"W	7.84'
L4	N86°31'28"W	20.00'
L5	N57°57'34"W	22.77'
L6	N80°52'53"W	71.92'
L7	N38°00'38"E	35.30'
L8	S77°45'42"E	37.84'
L9	S27°38'56"W	3.76'
L10	S09°31'39"E	15.02'
L11	S09°15'37"E	36.50'
L12	S09°11'05"W	47.47'
L13	S07°14'03"E	17.32'
L14	S28°14'25"W	85.24'
L15	N10°43'14"W	21.48'
L16	N42°47'00"W	17.18'

IF COPIES ARE REPRODUCED FOR USE OF THESE DRAWINGS IS ALLOWED IN PART OR IN WHOLE BY ANY PERSONS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM WILLIAM H. GORRAN ASSOCIATES, INC.

DATE 2008 AND RECONSTRUCTION OF THIS PLATING IS ALLOWED IN PART OR IN FULL BY ANY PERSON WITHOUT PRIOR WRITTEN AUTHORIZATION FROM WILLIAM H. GORDON ASSOCIATES, INC.

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



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

Jefferson County
Jefferson County 11/26/2008
Instrument No. 2008-0709
Date recorded 02/11/2009
Surveyed from PLT
Book 1965
Page 186
Reference to PLT
#0223269 81, 82



Approved final plat
Jeffery M. Brackley
Director of Planning and Zoning
2-24-10

FINAL PLAT
OF
PHASE II, SECTION 1
HARVEST HILLS

T.M. 24, PARCELS 12 AND 14, 24A, PARCELS 16 & 17
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1"=50'
JUNE 30, 2008
REVISED: NOVEMBER 20, 2008

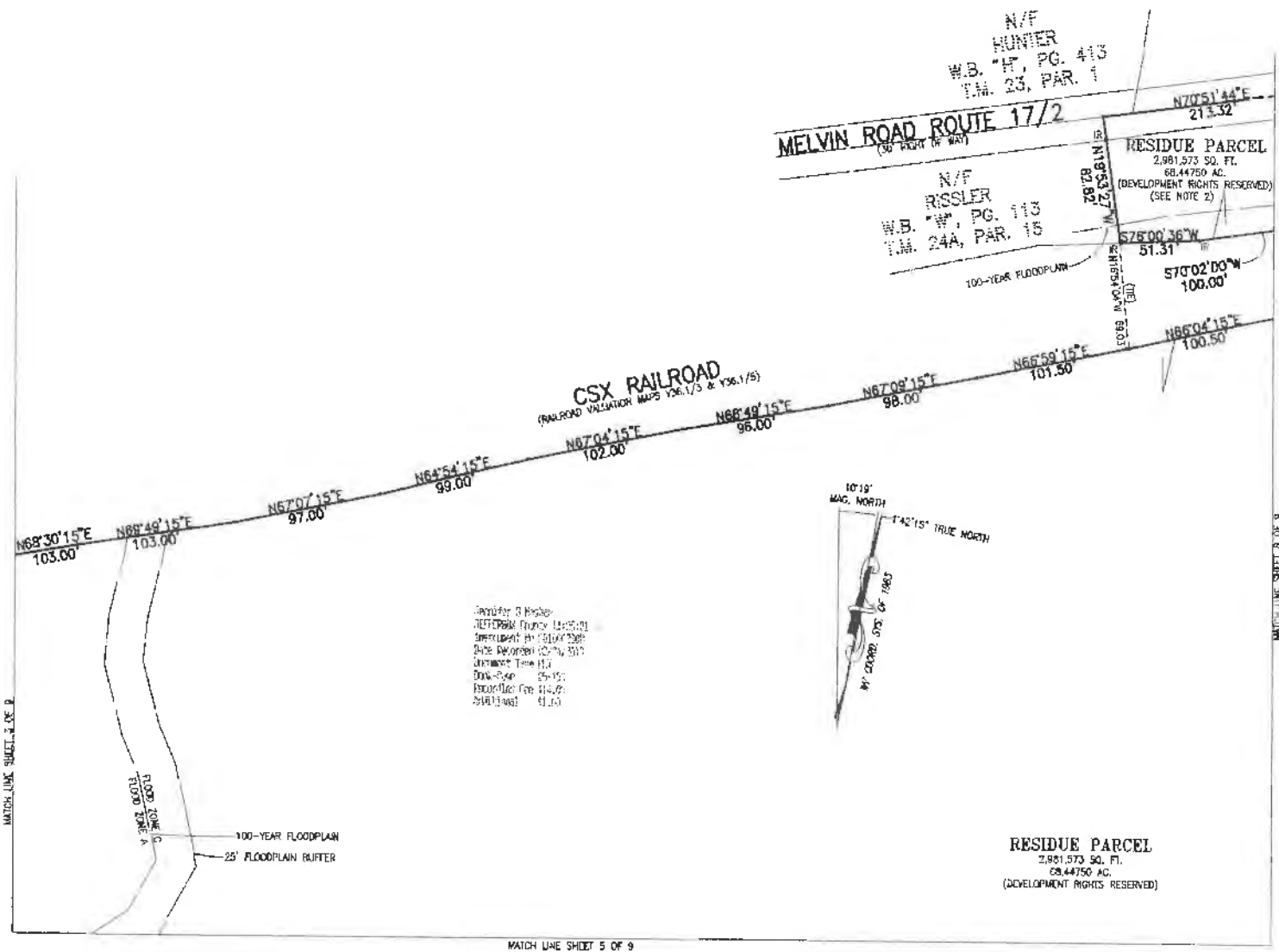


William H. Gordon Associates, Inc.
CIVIL ENGINEERING • SURVEY • LAND PLANNING • LANDSCAPE ARCHITECTURE • SOIL SECURITY CONSULTING • GIS
301 N. Midland Street, Suite 1



WATCH LINE SHEET 4 OF 8
WATCH LINE SHEET 5 OF 9

DATE: 2008. NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT WRITTEN AUTHORIZATION FROM WILLIAM H. GORDON ASSOCIATES, INC.



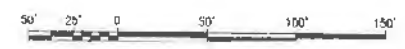
Prepared by: [unclear]
 Jefferson County Dept. of Planning
 Date: [unclear]
 Drawing Title: [unclear]
 Date: [unclear]
 Author: [unclear]
 Date: [unclear]

- LEGEND:**
- 1PF = IRON PIPE FOUND
 - IR = IRON RE-BAR FOUND
 - = 4"x4" CONCRETE MON. TO BE SET
 - = 1.8"x5/8" RE-BAR TO BE SET



Approved Final Plat
 Jennifer M. Buckner / ssp
 Director of Planning & Zoning
 2-24-10

FINAL PLAT
 OF
PHASE II, SECTION 1
HARVEST HILLS
 T.M. 24, PARCEL 12 AND T.M. 24A, PARCELS 18 & 17
 SHEPHERDSTOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 SCALE: 1" = 100'
 JUNE 30, 2008
 REVISED: NOVEMBER 20, 2008



William H. Gordon Associates, Inc.
 LAND PLANNING - LANDSCAPE ARCHITECTURE - SITE SECURITY CONSULTING
 301 N. Millard Street, Suite 1
 Shepherdstown, WV 25477

1) 2000, NO REPRESENTATION OR USE OF THIS DRAWING IS ALLOWED UNLESS IT IS MADE BY AN INDIVIDUAL OR BY ANY PERSONS WITHIN WRITTEN AUTHORIZATION FROM WILLIAM H. GORDON ASSOCIATES, INC.

JEFFERSON COUNTY PARKS AND RECREATION COMMISSION
D.B. 1031, PG. 188
T.M. 24, PAR. 12
N11°39'54"W 503.83'

LOT 7
T.M. 24B, PAR. 7

HAYBINE DRIVE
(50' RIGHT-OF-WAY)

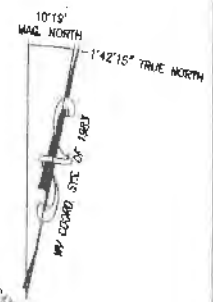
HAYBINE DRIVE
(50' RIGHT-OF-WAY)



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

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

HARVEST HILLS
P.D. 17, PG. 45



Jefferson County Parks and Recreation Commission
D.B. 1031, PG. 188
T.M. 24, PAR. 12
N11°39'54"W 503.83'

LEGEND:

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



Approved Graded Plat
Joseph M. Buckner, Jr.
Director of Planning & Zoning
2-24-10

FINAL PLAT
OF
PHASE II, SECTION 1
HARVEST HILLS

T.M. 24, PARCELS 12 AND T.M. 24A, PARCELS 16 & 17
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1"=50'
JUNE 30, 2008



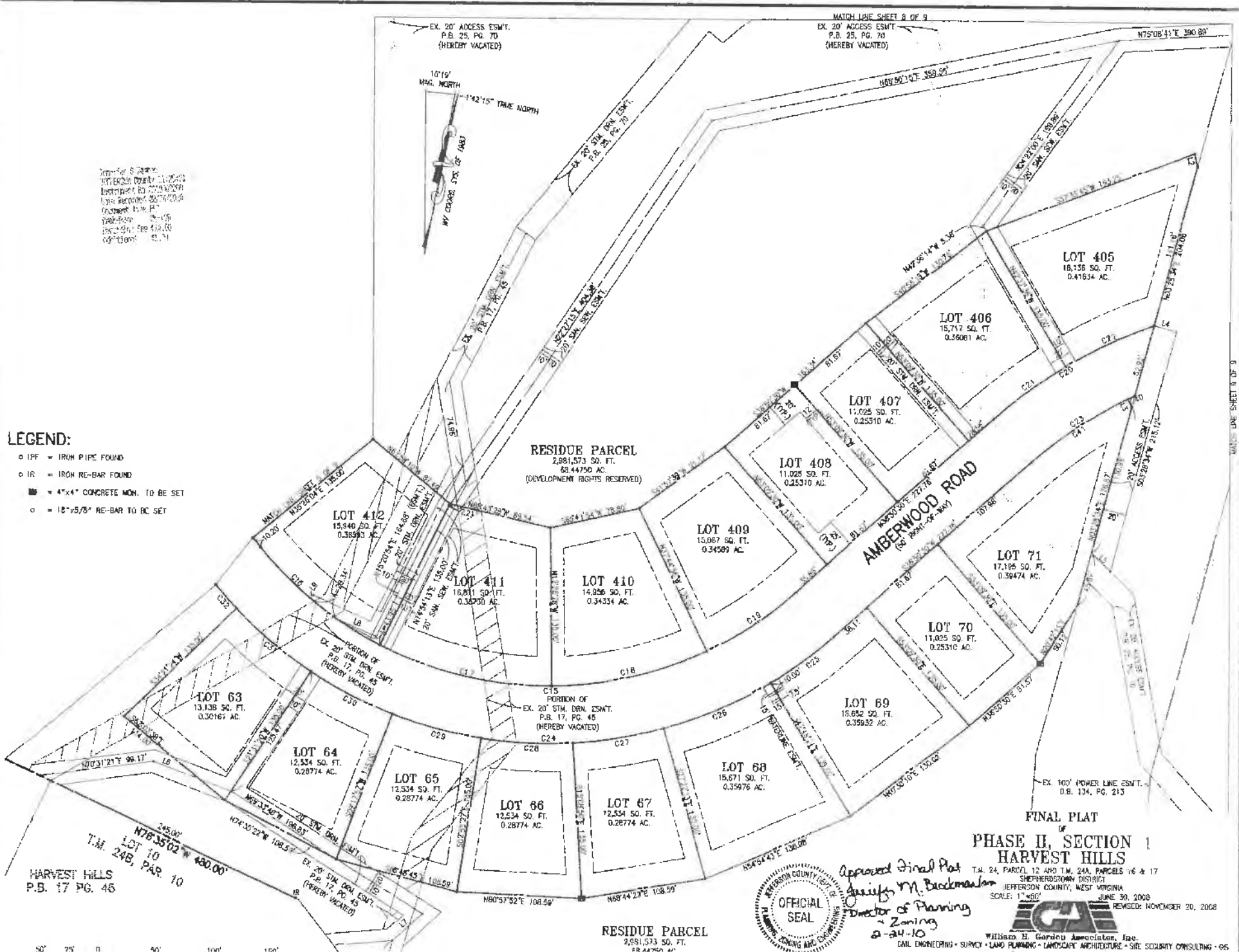
William H. Gordon Associates, Inc.
CIVIL ENGINEERING • SURVEY • LAND PLANNING • LANDSCAPE ARCHITECTURE • SITE SECURITY CONSULTING • GIS
301 N. Midway Street, Suite 1

REVISED: NOVEMBER 20, 2008

Prepared by
 WILLIAM H. GORDON ASSOCIATES, INC.
 1000 W. MAIN ST., SUITE 200
 CHARLOTTE, NC 28202
 DATE: 11/20/08
 PROJECT: PHASE II, SECTION 1
 OF HARVEST HILLS
 SHEPHERDSTOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

LEGEND:

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



2008. NO REPRODUCTION OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PROCESS WITHOUT PRIOR WRITTEN AUTHORIZATION FROM WILLIAM H. GORDON ASSOCIATES, INC.

FINAL PLAT
 OF
PHASE II, SECTION 1
HARVEST HILLS
 T.M. 24, PARCELS 12 AND T.M. 24A, PARCELS 16 & 17
 SHEPHERDSTOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA
 SCALE: 1" = 50'
 JUNE 30, 2008
 REVISED: NOVEMBER 20, 2008

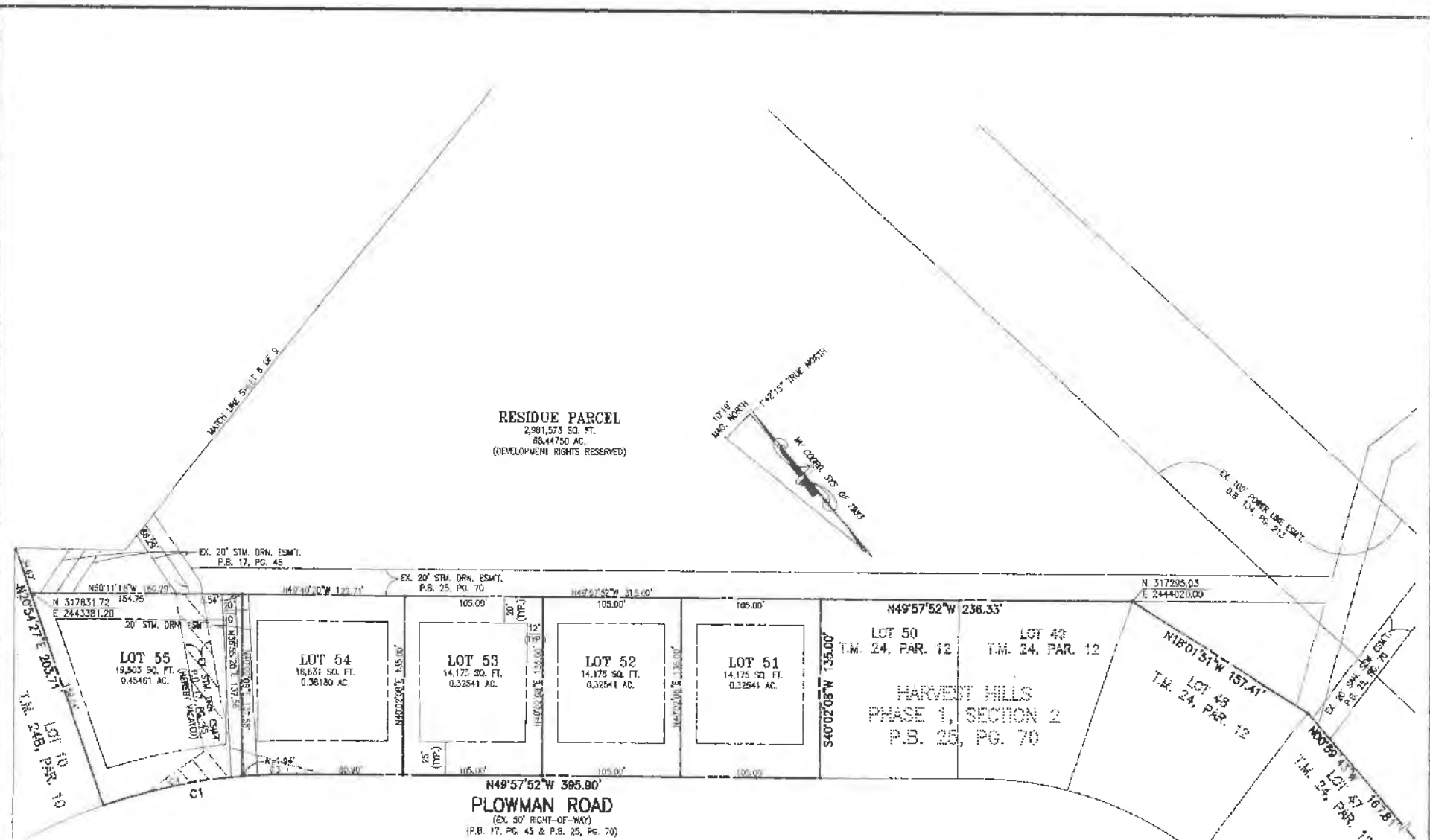


Approved Final Plat
 Jennifer M. Backman
 Director of Planning
 & Zoning
 8-24-10

WHA
 William H. Gordon Associates, Inc.
 CIVIL ENGINEERING • SURVEY • LAND PLANNING • LANDSCAPE ARCHITECTURE • SITE SECURITY CONSULTING • GIS

50' 75' 100' 150' 200'

COPY TO BE MADE BY THE ENGINEER OR SURVEYOR. THIS DRAWING IS A LEGAL INSTRUMENT. IT IS THE PROPERTY OF THE ENGINEER OR SURVEYOR AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THE ENGINEER OR SURVEYOR. WILLIAM H. GORDON ASSOCIATES, INC.



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

PLOWMAN ROAD
(EX. 50' RIGHT-OF-WAY)
(P.B. 17, PG. 43 & P.B. 25, PG. 70)

- LEGEND:**
- IFF = IRON PIPE FOUND
 - IR = IRON RE-BAR FOUND
 - = 4"x4" CONCRETE MON. TO BE SET
 - ◇ = 18"x5/8" RE-BAR TO BE SET



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

FINAL PLAT

**PHASE II, SECTION 1
HARVEST HILLS**

T.M. 24, PARCEL 12 AND 13 & T.M. 25A, PARCELS 16 & 17
(SHOREHAM TOWNSHIP, JEFFERSON COUNTY, WEST VIRGINIA)
SCALE: 1" = 50' DATE: JUNE 30, 2008
RECORDED: NOVEMBER 20, 2008



William H. Gordon Associates, Inc.
CIVIL ENGINEERING • SURVEY • LAND PLANNING • LANDSCAPE ARCHITECTURE • SITE SECURITY CONSULTING • ZONING
301 N. Mallard Street, Suite 100
Charles Town, West Virginia 25414



MELVIN ROAD ROUTE 17/2
(30' RIGHT OF WAY)

N/F
JENKINS
D.B. 837, PG. 244
T.M. 24, 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.
68.44750 AC.
(DEVELOPMENT RIGHTS RESERVED)

Applicant: J. Gordon
EX-100' POWER LINE ESMT
D.B. 704, PG. 213



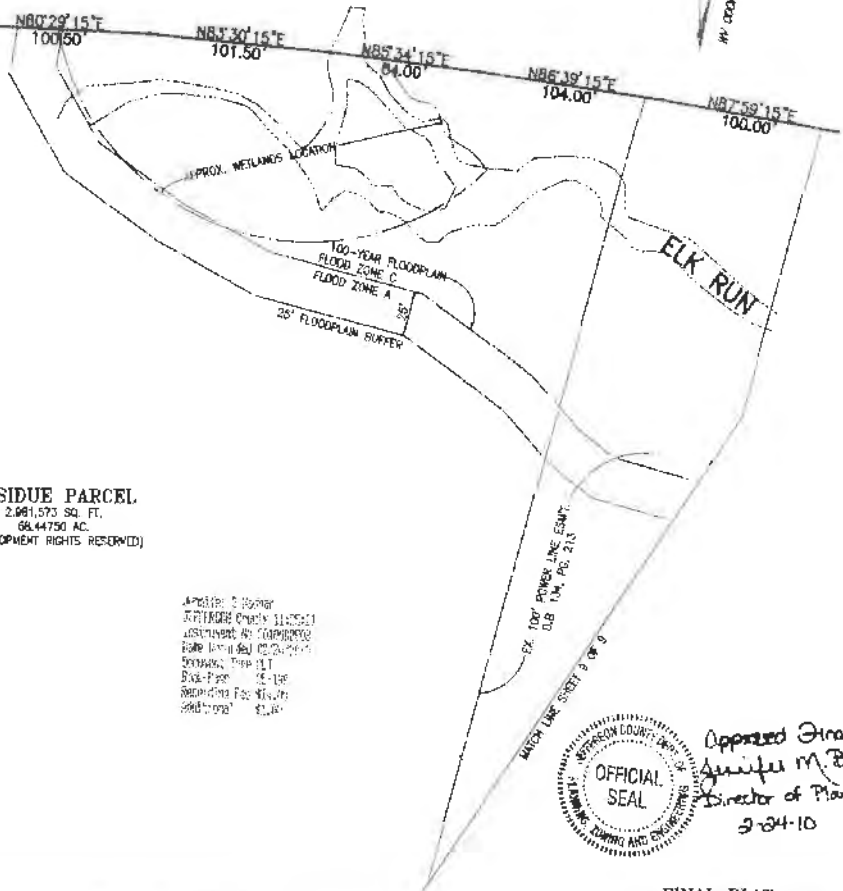
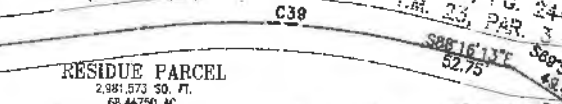
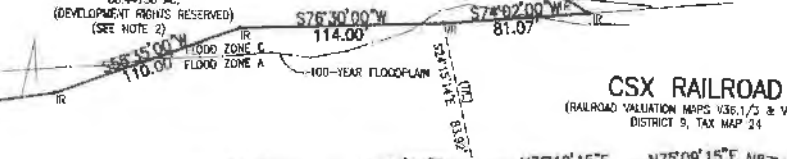
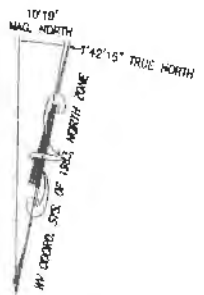
Approved Final Plat
Jennifer M. Brackman
Director of Planning & Zoning
9-24-10

FINAL PLAT
OF
PHASE II, SECTION 1
HARVEST HILLS

T.M. 24, PARCELS 12 AND T.M. 244, PARCELS 10 & 17
SHEPHERDSTOWN DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA
SCALE: 1" = 50'
DATE: 10/20/08
REVISED: NOVEMBER 20, 2008



Whitney H. Gordon Associates, Inc.
CIVIL ENGINEERING - SURVEY - LAND PLANNING - LANDSCAPE ARCHITECTURE - SITE DESIGN CONSULTING - GIS
301 N. HARRIS STREET, SUITE 1

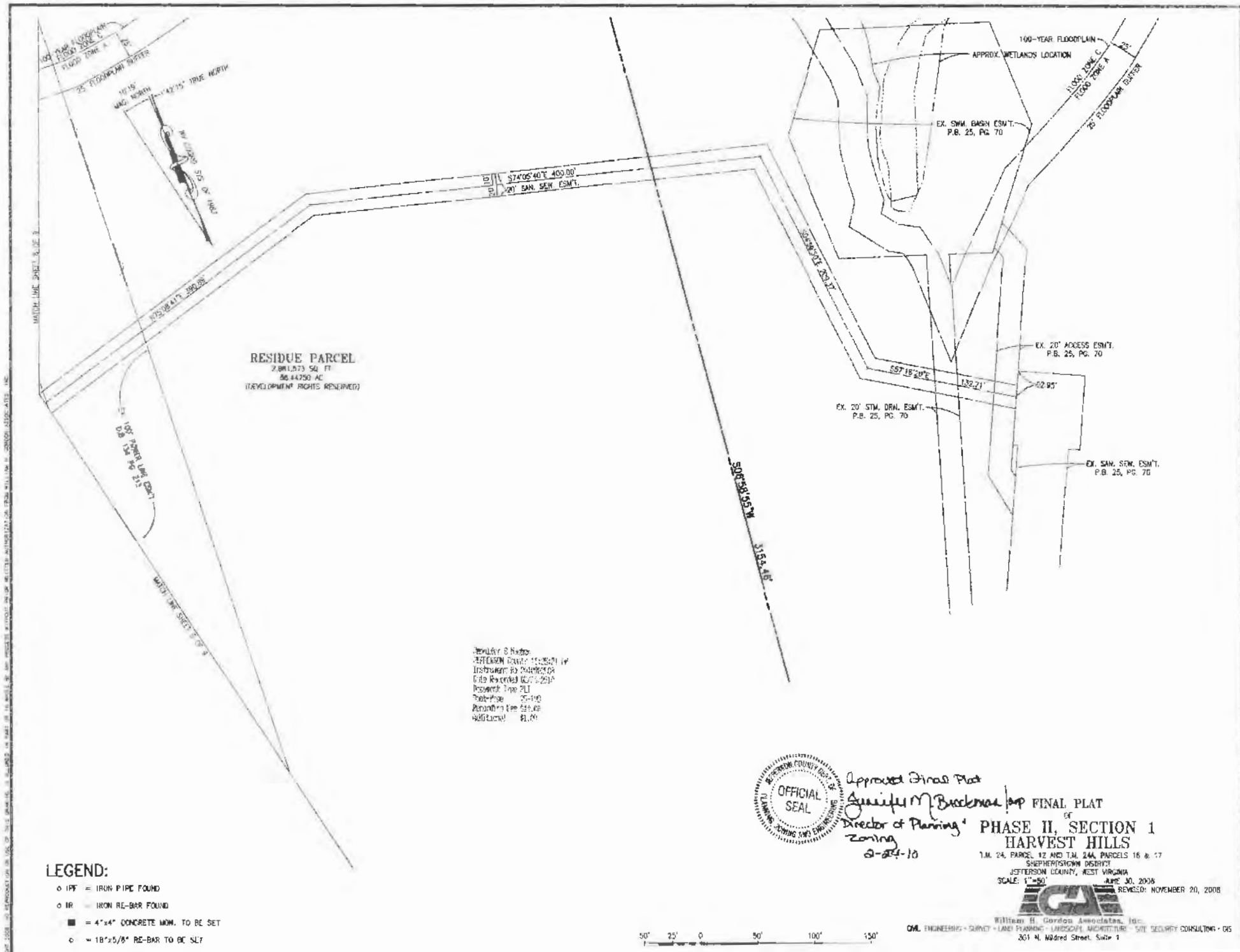


MATCHLINE SHEET 4 OF 9

MATCHLINE SHEET 6 OF 9

- LEGEND:**
- 1PF = IRON PIPE FOUND
 - IR = IRON RE-BAR FOUND
 - = 4"x4" CONCRETE MON. TO BE SET
 - = 1/8"x5/8" RE-BAR TO BE SET

11/17/2008, 300 HARRIS/CAUTION LINE OR USE OF THIS DRAWING IS ALLOWED IN PART OR IN WHOLE BY ANY PERSONS WITHOUT WRITING OF THE AUTHOR/DESIGNER FROM WHICH THE ORIGINAL ASSOCIATES INC.



RESIDUE PARCEL
 2,811,273 SQ. FT.
 66.44250 AC.
 (DEVELOPMENT RIGHTS RESERVED)

Number of Notes:
 JEFFERSON COUNTY INSTRUMENT # 11-0000114
 Instrument No. 044800002
 File No. 044800002
 Request Time 2:11
 Print Date 05-19-08
 Amount Due \$11.00
 Add'l Charge \$1.00

LEGEND:

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



Approved Final Plat
Guinevere M. Buckner
 Director of Planning
 Zoning
 2-24-10

FINAL PLAT
 OF
PHASE II, SECTION 1
HARVEST HILLS

T.M. 24, PARCELS 12 AND 13, 24A, PARCELS 16 & 17
 SHEPHERDSTOWN DISTRICT
 JEFFERSON COUNTY, WEST VIRGINIA

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



William H. Gordon Associates, Inc.
 CIVIL ENGINEERS - SURVEY - LAYOUT PLANNING - LANDSCAPE ARCHITECTURE - SITE SECURITY CONSULTING - GIS
 301 N. Market Street, Suite 1



PETER L CHAKMARTAN, LC
PO BOX 547
CHARLES TOWN, WV 25414-0547

Denifer S. Maahan
JEFFERSON County 01:31:49 PM
Instrument No 2015015197
Date Recorded 10/20/2015
Document Type DEED
Pages Recorded 15
Book-Page 1163-351
Recording Fee \$21.00
Additional \$6.00

THIS DEED made this 19th 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 19th, 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".

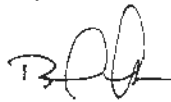
IN ADDITION TO THE EASEMENTS HEREIN RESERVED, the following are also reserved to GRANTOR over Parcel 1 and Parcel 2: (i) all utilities, pump stations, roads, water lines, sewer lines, drainage and storm water management facilities, community signage and other facilities that were bonded and/or constructed 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:

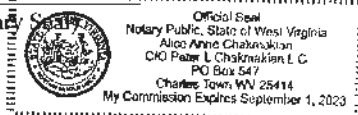
ARCADIA COMMUNITIES, L.L.C.

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 19th 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 19th day of October, 2015.
My commission expires: 9/1/23

(Affix Notary Seal)


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 I, 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. Vancleve'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 Decd from Henry J. Seibert and Katherine L. Seibert, his wife, dated the 14th 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 25th day of July, 1957, and recorded in the Office of the Clerk of the County Commission of Berkeley County, West Virginia, in Decd 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 "Residuc 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 of 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.

PARCELE:

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.

PETER L CHAKMAKIAN LC
PO BOX 547
CHARLES TOWN, WV 25414-0547

Jennifer S Maghan
JEFFERSON County 11:54:20 AM
Instrument No 20160030313
Date Recorded 04/21/2016
Document Type DEED
Pages Recorded 18/12
Book-Page 1173-85
Recording Fee \$22.00
Additional \$6.00

THIS CONFIRMATORY DEED made this 21st day of January, 2016, by and between GARY ENDLER, as Trustee of the ARCADIA INTER VIVOS TRUST under Agreement dated the 19th 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 19th 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.

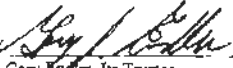

DECLARATION OF CONSIDERATION OR VALUE

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 Lincoln 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 28th 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 3rd 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: Proprietary Deed Document Date: 1/28/2016
Number of Pages: _____ Signer(s) Other Than Named Above: Jay Enler

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 Is Representing: Arada Card, Inc.

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

LEGAL DESCRIPTION

PARCEL 1: NORBORNE GLEBE aka 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 2.68261 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 Everts Run, L.L.C., a West Virginia limited liability company acting by and through Robert O. Tyler, Chapter 7 Trustee for Arcadia-NG Everts 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 29, 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 *Iner 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 Everts 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, Barberrry 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, Sammeyer 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, Tomworth 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, Okanagga Drive, Graywood Lane and Barkdale 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 90.78 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 76°43'27" E 805.66' to a 5/8" iron rebar & cap set; thence

S 13°38'48" W 6.35' 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 53°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 68.43' 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°38'14" 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 aka 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 of 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 rods 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:

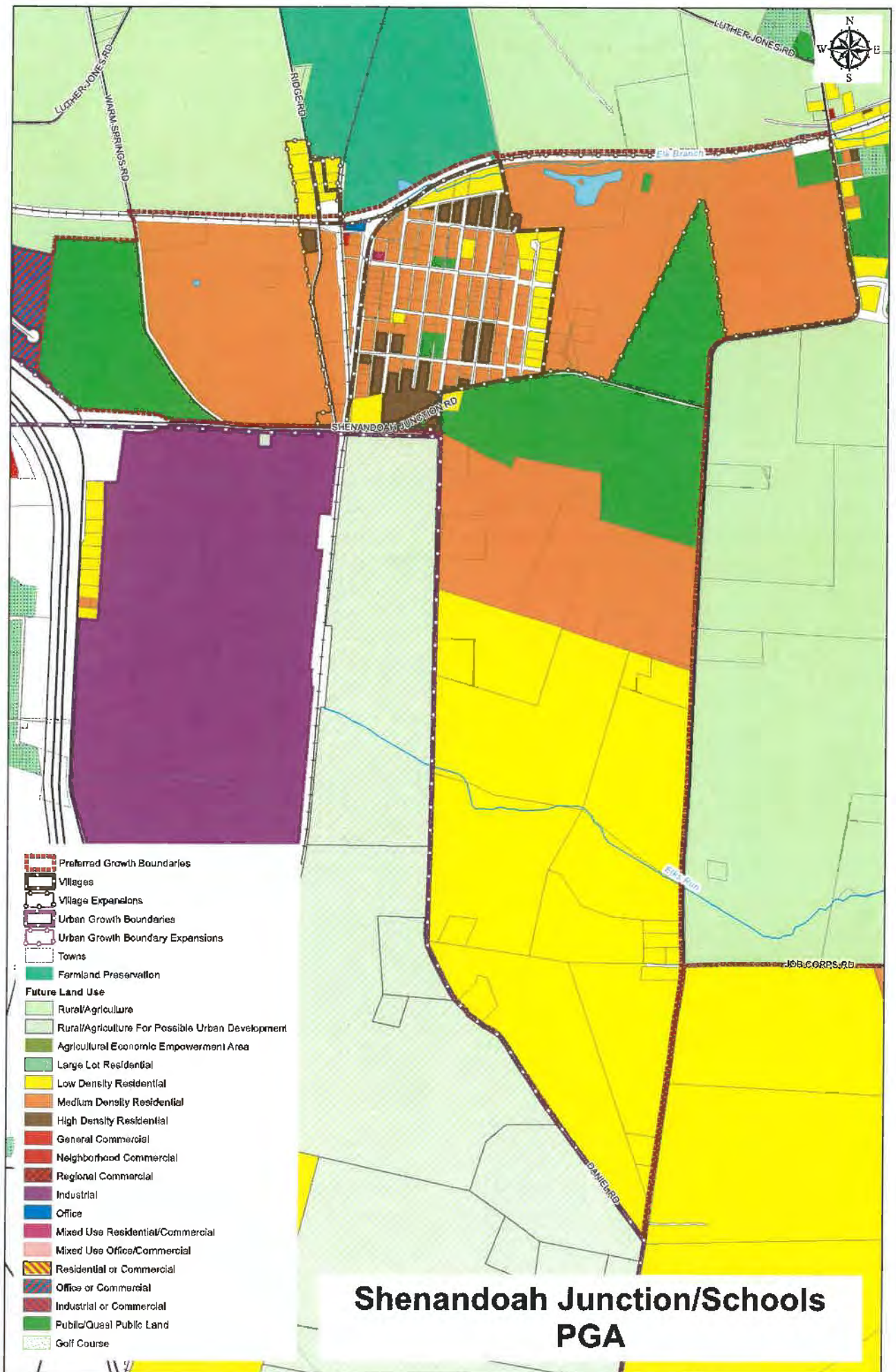
All those certain parcels of real estate with any improvements thereon and appurtenances thereunto belonging, lying and situate in the Shepherdstown District, Jefferson County, West Virginia, and more particularly bounded and described, according to a survey and plat thereof, entitled "Plat of Resurveys 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

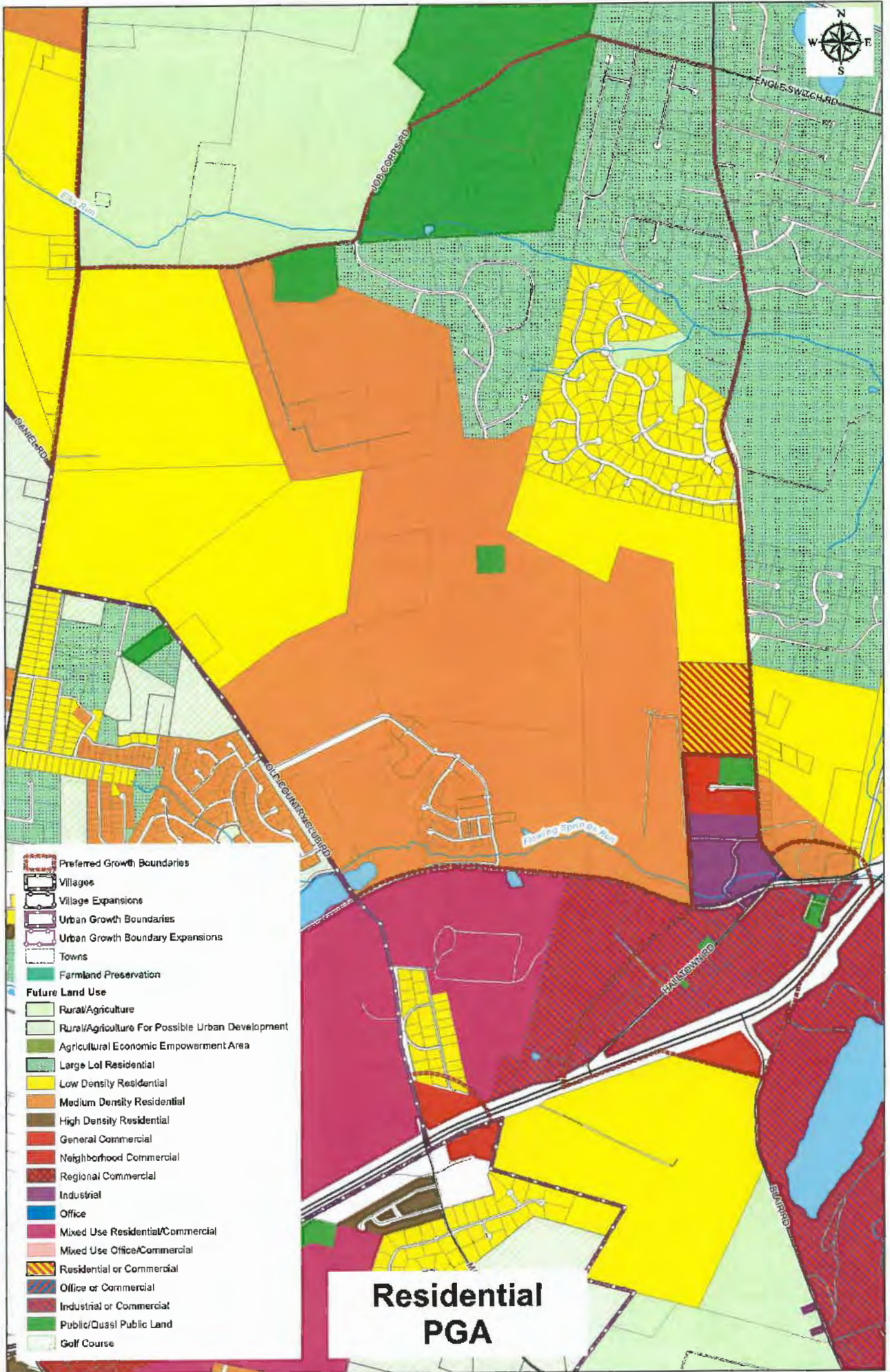
plat as Ex. Elk Street. The property conveyed herein comprises 0.99± acres and is identified for property tax purposes as Tax Map 24A Parcels 16 and 17.

PARCELS:

All that certain lot or parcel of real estate, with the improvements thereon and appurtenances thereto 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.





- 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

Residential PGA

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Tina Burns, Director of Resource Development, Shenandoah Community Health Foundation and Mike Hassing, CEO, Shenandoah Community Health

Department or Organization: Shenandoah Community Health

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (Wording to be placed on agenda): ARPA Funding Request for Shenandoah Community Health

Please provide the County Commission with a description of your request or presentation, including any background information:

- Shenandoah Community Health is requesting ARPA funding in the amount of \$8,470.00 for unbudgeted needs of the Behavioral Health practice and Nurse Outreach Team services in Jefferson County.

Is this a funding request? Y/N **YES**
If so, how much? \$ **8,470.00**
Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

- I move to approve ARPA funding for the unbudgeted needs of Shenandoah Community Health Behavioral Health practice and Nurse Outreach Team services in the amount of _____.*

Attach supporting documents for request, or request may be denied

- Funding request letter from SCH & quotes for equipment attached.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



Foundation

PO Box 1146
Martinsburg, WV 25402

To: Jefferson County Commission: Mr. Steve Stolipher, Tricia Jackson, Jennifer Krouse, Jane Tabb, Pasha Majidi

Shenandoah Community Health Foundation is a non-profit organization (EIN 30-0300909) operated solely for the benefit of Shenandoah Community Health (SCH), a 501 (c) (3) Community Health Center (EIN 55-0563741), which provides direct services in Jefferson County at its Behavioral Health practice and at its WIC office. SCH's Behavioral Health office provides Mental Health and Substance Use treatment at 44 Trifecta Place, Suite 205 in Charles Town, and the WIC office offers health/dietary education, formula, and WIC vouchers at 211 East 5th Avenue in Ranson. The SCH Nurse Outreach Team consists of RNs and medical interpreters who coordinate with Jefferson County social support entities and collaborate with Jefferson County Community Ministries. The Nurse Outreach Team provides on-site care at the Backstretch of the Racetrack and at housing for Migrant Farmworkers. Nurse visits include health assessments, health education, care coordination, and appointments for medical, dental, and behavioral health care.

SCH is one of 31 Community Health Centers in West Virginia. While the Centers welcome all patients, their mission also is to reduce barriers to care and increase access for low-income, underserved, uninsured, and vulnerable populations such as the homeless and migrant farmworkers. In 2022, 61% of SCH patients were at or below 100% of Federal Poverty Level, and 88% were under 200% of FPL.

Shenandoah Community Health Foundation respectfully submits this request for \$8,470.00 of ARPA funds for unbudgeted needs of the Behavioral Health practice and Nurse Outreach Team services in Jefferson County.

Behavioral Health:

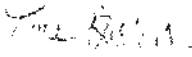

- Three 600 pound capacity Bariatric chairs and seven Waiting Room chairs. The current furniture was installed when the office was established. Chairs are worn, and none meets newly-required COVID and Joint Commission medical-grade sanitizing requirements.
- 5 Dual Monitors & stands to facilitate Telehealth appointments-chart on 1 screen, video on other

Nurse Outreach Team:

- Ten blood pressure at-home monitor kits to distribute to patients at the Backstretch for self-monitoring of blood pressure, 3 otoscopes, and 2 thermometers for nurse use.

Behavioral Health

Chairs	\$5,611.00 + \$337.00 tax = \$5,948.00
Dual Monitors/Stand	\$2,000.00
Nurse Outreach Team	
Blood Pressure Monitors	393.00
3 Oscopes, and 2 thermometers	129.00
	Total Request \$8,470.00

Submitted: Tina Burns, Director, Resource Development, Shenandoah Community Health Foundation 
Mike Hassing, CEO, Shenandoah Community Health 



P.O. Box 1537
 Newington, VA 22122
 703-644-2200

Quote# 9578

Rev# 2

Date: 12/12/2023
Sales Rep: Rick Lewis
Phone: 717-830-5999

Customer: Shen Valley Medical System Inc.
Account: - 1003927
Department: 77449
Address: 99 Tavern Rd MARTINSBURG WV 25401

Contact Name: Tina Burns
Phone: 304.263.4999, Ext. 1066
Email: tburns@svms.net
Alternate Contact Name: Judi Little
Phone: 717-265-6041
Email: jlittle@millersoffice.com

Item	Description	Quantity	List	Ext. List	Price	Ext. Price	Disc%
HIB50.F.E.U.WP37.T	HON Ignition Bariatric Chair, Fixed Arms, Whisper Vinyl Navy w/ Black Fram	3	\$1,846.00	\$5,538.00	\$950.00	\$2,850.00	48.54%
HIGS6.F.E.OS.WP37.T	HON Guest/Multi-Purpose Chair, Whisper Vinyl Navy, Black Frame	7	\$661.00	\$4,627.00	\$323.00	\$2,261.00	51.13%

Sub-total: \$5,111.00

PAYMENT TERMS AND POLICIES

By signing this application, the customer states that they have reviewed the terms and conditions set forth on page 2 of this application. They agree to be bound by said terms and conditions and that said terms and conditions are hereby incorporated in full as part of the parties agreement.

Tax: \$0.00

Installation: \$500.00

Total: \$5,611.00

This furniture order is non-refundable and not returnable. Damaged or defective furniture will be repaired or replaced at no charge to the customer.

Storage charges will apply if premises are not ready for installation/delivery within 30 days after Miller's receives the product.

This quote is for the product and one delivery of the product. Additional Delivery Trips may incur additional costs.

Credit Card Payments are subject to 3% processing fee.

Buyer - Print Name	Title	Signature	Date
Miller's Representative - Print Name	Title	Signature	Date

Cart Number	150058194
Items (1)	\$368.70
Estimated Taxes	\$22.24
Estimated Shipping & Handling	\$2.07
Estimated Total	\$393.01

What about this one?

#1012666 | 115 | Mabis Healthcare #04-685-031

Home Automatic Digital Blood Pressure Monitor MABIS® Large Cuff Nylon Cuff 23 - 40 cm Desk M

MONITOR, BP DIG STD F/UPPER ARM

★★★★★ (0) Write a review



Features

- 60 reading memory (30 each for two users) with date and time stamp
- Clinically accurate results
- Averages last 3 readings
- [More...](#)

\$36.87 EA/1

UNIT OF MEASURE

EA/1 \$36.87

In Stock - Network

Ships to arrive in 2-5



Burns, Tina

From: Reed, Mikeisha
Sent: Thursday, December 21, 2023 2:30 PM
To: Burns, Tina; Tobin, Katherine
Subject: RE: Some funds



[Lifetime Warranty] 4th Generation Doctor Mom LED Pocket Pro Otoscope with both Adult and Pediatric Disposable Specula Tips, Battery, and Protective Hard Plastic Case

\$29.92 FREE Shipping & FREE Returns

Qty: 3 ▼

Sold by: Quality Products at Affordable Prices

Add gift options

Choose your Prime delivery option:

Tomorrow, Dec. 22

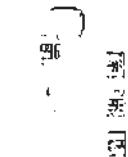
FREE Delivery

Thursday, Dec. 28

FREE Amazon Day Delivery

Set Amazon Day as your default delivery option and get money back

[Change delivery day](#)



Forehead Thermometer, Baby and Adults Thermometer with Fever Alarm, LCD Display and Memory Function, Ideal for Whole Family

\$15.99 FREE Shipping & FREE Returns

Business Price ▼

Qty: 2 ▼

Sold by: ebuyworld

Add gift options

Item arrives in packaging that shows what's inside. To hide it, choose Ship in Amazon packaging.

[Ship in Amazon packaging](#)

Place your order

By placing your order, you agree to the Amazon Business Accounts Terms and Conditions and Amazon's privacy notice.

Order Summary

Subtotal (5 items):	\$121.74
Shipping & handling:	\$0.00
Total before tax:	\$121.74
Estimated tax to be collected:	\$7.32
Order total:	\$129.06

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Alex Beaulieu, Deputy Director

Department or Organization: Office of Planning & Zoning

Commission Meeting Date: March 7, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Request for a full refund of an application fee related to an appeal of an administrative decision. Appellants withdrew application after the fees were deposited.

Please provide a description of your request or presentation, including any background information:

Appellants Douglas and Carol Rockwell and Robert and Wanda Aitcheson submitted an Appeal of an Administrative Decision on 11/29/2023. The appellants subsequently withdrew the application on 01/02/2024, prior to any public notice requirements being completed; therefore, Staff is recommending a full refund of the \$100 application fee.

Type of Request: (Funding/Hiring): Funding (Reimbursement)

Funding/Salary/Hourly Amount: \$100.00

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

I move to recommend a full refund of the \$100 fee related to an application that was voluntarily withdrawn.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information:

Phone Number:

Email Address:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

Please see attached email correspondence with the appellants to verify that the application was withdrawn.

*Note that County Staff do not have the authority to write checks. Reimbursements of any project fees require approval from the County Commission before the Finance Office will issue the reimbursement. Staff submits a billhead with the reimbursement request along with a copy of the approved meeting minutes. This means that most reimbursements take approximately 6-8 weeks to process.

Zoning

From: Robert Aitcheson <bob.aitch46@gmail.com>
Sent: Tuesday, January 2, 2024 4:02 PM
To: Zoning
Cc: Doug Rockwell
Subject: Re: Zoning Appeal - 24-1-AP

Follow Up Flag: Follow up
Flag Status: Completed

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

The Aitcheson's do not intend to pursue this appeal.
Bob Aitcheson

On Tue, Jan 2, 2024 at 1:50 PM Carol Rockwell <cdrockwell@hotmail.com> wrote:
The Rockwells do not intend to pursue the appeal. Doug

From: Zoning <Zoning@jeffersoncountyvfv.org>
Sent: Tuesday, January 2, 2024 10:44 AM
To: 'Robert Aitcheson' <bob.aitch46@gmail.com>; 'Carol Rockwell' <cdrockwell@hotmail.com>
Subject: Zoning Appeal - 24-1-AP

Good morning,

In light of the County Commission's action on December 21, 2023 to invalidate the action of the Commission on September 7 to repeal Section 8.20 of the Zoning Ordinance, do you intend to move forward with the appeal of my decision to issue a Zoning Certificate to Rippon Energy Facility? Please let me know as soon as possible. The legal ad is due tomorrow.

Sincerely,

Alexandra Beaulieu

Deputy Director & Zoning Administrator

Department of Engineering, Planning, & Zoning

Jefferson County, WV

304-728-3228

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Becky Burns, Office Manager

Department or Organization: Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1st Choice: March 7, 2024

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): Building Permit Fee Requests

- 1) James & Angela O'Brien - Permit #23-651WD
- 2) Jacob Keckley – Permit #23-364WD

Please provide the County Commission with a description of your request or presentation, including any background information:

- 1) James & Angela O'Brien applied for a building permit for an addition and deck to their home on 7/12/2023. They have asked that their permit be revoked and fees be refunded at this time. Staff recommends that \$654.00 of the building permit fee be refunded (see attached memo).
- 2) Jacob Keckley applied for a building permit for a deck on 4/25/2023. He is asking that his permit be revoked and his fees be refunded. Staff recommends that \$93.60 of the building permit fee be refunded (see attached memo).

Is this a funding request? Y/N YES

If so, how much? \$747.60 Permit Fee Refunds

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

- 1) Move to approve a partial refund of the building permit fee for James & Angela O'Brien in the amount \$654.00; and, to close the permit application file.
- 2) Move to approve a partial refund of the building permit fee for Jacob Keckley in the amount of \$93.60; and, to close the permit application file.

Attach supporting documents for request, or request may be denied.

If not attached, explain: Staff Memo Seeking Fee Reimbursements

Is equipment needed? Projector Y/N Click here to enter text. Internet/Wi Fi Y/N Click here to enter text.

Telephone for conference call Y/N Click here to enter text.

Contact information: Becky Burns

Email address: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning & Zoning
Office of Engineering, Building Permits & Inspections
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257

Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: EDWINA BENITES, ACTING COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: REBECCA F. BURNS, OFFICE MANAGER
DEPARTMENT OF ENGINEERING, PLANNING & ZONING

DATE: FEBRUARY 29, 2024

SUBJECT: JAMES & ANGELA O'BRIEN PERMIT FEE REFUND REQUEST
PERMIT #23-651WD

The Commission has authorized permit fees be refunded in the past when petitioned by the owner of the property based on recommendations from this office. James & Angela O'Brien applied for a building permit for an addition and deck to their home and paid a permit fee of \$824.00. Due to unforeseen circumstances, they are not proceeding with the addition and deck at this time.

The fee was computed as follows: a base fee of \$170.00, plus \$654.00 square footage fee, for a total permit fee of \$824.00. In this instance, we recommend all fees be refunded with the exception of the \$170.00 base fee, which is considered the building plan review fee. Therefore, the recommended refund for permit #23-651WD is \$654.00.

If you have any questions please give me a call.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Engineering, Planning & Zoning
Office of Engineering, Building Permits & Inspections
116 East Washington Street
P.O. Box 716
Charles Town, West Virginia 25414

Phone: 304-728-3257
Fax: 304-728-3953

Email: engineering@jeffersoncountywv.org

MEMORANDUM

TO: EDWINA BENITES, ACTING COUNTY ADMINISTRATOR
JEFFERSON COUNTY COMMISSION

FROM: REBECCA F. BURNS, OFFICE MANAGER
DEPARTMENT OF ENGINEERING, PLANNING & ZONING

DATE: FEBRUARY 29, 2024

SUBJECT: JACOB KECKLEY PERMIT FEE REFUND REQUEST
PERMIT #23-364WD

The Commission has authorized permit fees be refunded in the past when petitioned by the owner of the property based on recommendations from this office. Jacob Keckley applied for a building permit for a deck to his home and paid a permit fee of \$168.60. He no longer wants to construct the deck at this time.

The fee was computed as follows: a base fee of \$75.00, plus \$93.60 square footage fee, for a total permit fee of \$168.60. In this instance, we recommend all fees be refunded with the exception of the \$75.00 base fee, which is considered the building plan review fee. Therefore, the recommended refund for permit #23-364WD is \$93.60.

If you have any questions please give me a call.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Roger Goodwin, Chief County Engineer**

Department or Organization: **Department of Engineering, Planning & Zoning**

Estimation of amount of time needed for appointment: **10 minutes**

Date Requested – 1st Choice: **March 7, 2024**

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Request Approval of Employment Offer to Fill the Position of Building Inspector in the Department of Engineering, Planning & Zoning.**

Please provide the County Commission with a description of your request or presentation, including any background information:

The Office of Building Permits & Inspections needs fill a vacation building inspector position. Funding is provided in the FY 2024 budget for the position. Under West Virginia state code, building inspectors are required to pass exams and become certified in various aspects of the building code within 24 months. They are also required to complete continuing education on an annual basis.

The Director of Engineering, Planning & Zoning is requesting approval of an offer of employment to fill the position of Building Inspector in the Department of Engineering, Planning & Zoning – Office of Building Permits & Inspections, at an annual salary of \$49,000.

The request is an FY 2024 budget neutral action. No additional funding is needed.

Is this a funding request? **No; funding is already provided in the FY 2024 Engineering, Planning & Zoning Department budget.**

If so, how much?

Motion Requested: **Yes**

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Move to approve the offer of employment, at \$49,000 per year, to fill the position of Building Inspector in the Department of Engineering, Planning & Zoning – Office of Building Permits & Inspections.

Attach supporting documents for request, or request may be denied. **See attached job description.**

If not attached, explain:

Is equipment needed? Projector Y/N No Internet/Wi Fi Y/N No Telephone for conference call Y/N No

Contact information:

Email address: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

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Jefferson County, West Virginia
Job Description
Revised 01/31/2011

Position Title:	Building Inspector	Grade Level:	IV
Department	Engineering Department – Office of Permits and Inspections	Date:	
Reports to:	Chief County Engineer	FLSA Status:	Non-Exempt

Statement of Duties: Employee is responsible for administrative, technical and inspection work related to the enforcement and interpretation of the building code and ordinances to ensure the health, safety and welfare of the public. Employee is required to perform all similar or related duties.

Supervision Required: Under the general supervision of the Chief County Engineer, the employee is familiar with the work routine and uses initiative in carrying out recurring assignments independently in accordance with specific instructions. The supervisor provides additional, specific instruction for new, difficult, or unusual assignments including suggested work methods as necessary. The employee is expected to recognize instances which are out of the ordinary and which do not fall within existing instructions; the employee is then expected to seek advice and further instructions. Reviews and checks of the employee's work are applied to an extent sufficient to keep the supervisor aware of progress, and to insure that completed work and methods used are technically accurate and that instructions are being followed. In many cases, the work is self checking, for example, requiring accounts to balance before proceeding.

Supervisory Responsibility: Employee is not regularly required to supervise employees.

Confidentiality: Employee has access to department files.

Accountability: Consequences of errors or poor judgment may include adverse public relations, missed deadlines, monetary loss, legal repercussions, labor/material costs, and/or injury to self or others.

Judgment: Numerous standardized practices, procedures, or general instructions govern the work and in some cases, may require additional interpretation. Judgment is needed to locate, select, and apply the most pertinent practice, procedure, regulation or guideline.

Complexity: The work consists of a variety of duties which generally follow standardized practices, procedures, regulations or guidelines. The sequence of work and/or the procedures followed vary according to the nature of the transaction and/or the information involved, or sought, in a particular situation.

Work Environment: Work requires some agility and physical strength to move in and about construction work sites, over rough terrain, or standing or walking for most of the work period. Employee is exposed to outdoor work, confined spaces and high places, toxins or fumes, equipment and machinery, traffic, electricity, radiation, biohazards, loud noises, emotional stress, and risk of personal injury.

Engineering Department - Office of Permits and Inspections
Building Inspector
01/31/2011

Jefferson County, West Virginia
Job Description
Revised 01/31/2011

Nature and Purpose of Public Contacts: Relationships are primarily with co-workers and the public involving frequent explanation, discussion or interpretation of practices, procedures, regulations or guidelines in order to render service, plan or coordinate work efforts, or resolve operating problems. Other regular contacts are with service recipients and employees of outside organizations such as vendors, banks and/or developers/ contractors. More than ordinary courtesy, tact and diplomacy may be required to resolve complaints or deal with hostile, uncooperative or uninformed persons. Employee may furnish news media with routine information such as meeting agendas or departmental procedures.

Occupational Risks: Essential functions regularly present potential risk of injuries from improper exposure which could result in loss of time from work. Examples of injury include burns from chemicals, steam or fire, severe muscular strains from working with extremely heavy material, falls from heights in excess of three feet and illness from exposure to communicable diseases. Special safety precautions, training, or protective clothing such as gowns, coats, gloves, glasses, hats or boots may be required.

Essential Functions:

The essential functions or duties listed below are intended only as illustrations of the various type of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position.

1. Review residential permit applications for compliance with the residential building code. This includes but is not limited to: single family dwelling units, duplex dwelling units, swimming pools, decks, car ports, detached garages, storage buildings, chimneys and additions.
2. Performs residential and commercial building inspections to ensure work is being performed and inspected structure meets with minimum requirements of applicable codes and ordinances; records findings of same as required.
3. Meets with builders, contractors, owners, and the public to explain the permit application and inspection process, and building code requirements, and answer questions regarding same.
4. Establishes and maintains harmonious work relationships.
5. Coordinate and prioritize daily inspection schedules, pull permit files at the end of each day to prepare for the following day's inspections.
6. Ensure the safe operation, cleanliness and maintenance of county vehicles. Keep vehicle filled with fuel, and deliver vehicle to county garage for servicing.

Engineering Department - Office of Permits and Inspections
Building Inspector
01/31/2011

Jefferson County, West Virginia
Job Description
Revised 01/31/2011

7. Investigates citizen complaints related to building code violations.
8. Enforces codes by giving instructions, issues warnings and/or "Stop Work Orders" when necessary.
9. Authorizes Use and Occupancy Certificates.
10. Updates results of each day's inspections into the computer database to ensure accurate and complete recording of inspection status.
11. Attends training courses to remain aware of industry regulations, obtains building code certifications and continuing education requirements as required by state law.
12. Participates in building code and permit application process question and answer meetings held by Planning, Zoning and Engineering for the building industry.

Recommended Minimum Qualifications:

Education and Experience: Minimum of five (5) years of building construction and/or inspection experience; or any equivalent combination of education, training and experience which provides the required knowledge, skills and abilities to perform the essential functions of the job. In addition, successful completion of the training and examinations required to be certified as an Inspector by the International Code Council and the West Virginia State Fire Marshal (WV State Code, Title 87-7-3).

Special Requirements:

Valid Motor Vehicle Operator's License and Building Code Inspector and Plans Examiner Certifications (W.V. State Fire Marshal, W.V. State Code, Title 87-7).

Knowledge, Abilities and Skill

Knowledge: Knowledge and understanding of building construction trades and terminology, International Building Codes, and building construction processes and methods.

Abilities: Ability to work independently; ability to deal with public tactfully and effectively. Ability to establish and maintain effective working relationships with department staff, contractors doing business for the town as well as state regulatory authorities. Ability to carry out essential functions under hazardous or inclement weather conditions in a safe manner. Ability to establish and maintain a work reporting system and other related records. Ability to deal effectively with disgruntled members of the public. Ability to read and interpret construction drawings and blue prints.

Skill: Basic math skills, computer keyboarding skills for data entry, proficient written and oral

Engineering Department - Office of Permits and Inspections
Building Inspector
01/31/2011

Jefferson County, West Virginia
Job Description
Revised 01/31/2011

communications skills.

Physical and Mental Requirements

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the position's essential functions

Physical Skills: Work requires moderate intermittent physical strength and effort daily, such as, lifting heavy objects, carrying the object(s) and stacking them or placing them in a vehicle or storage area. In addition, pulling, pushing, standing or walking for the full work day may also be involved. A great deal of physical effort must be exerted at this level. Travel, particularly during adverse weather conditions and troublesome road conditions and at times during the evening, is required.

Motor Skills: Duties may involve assignments requiring application of hand and eye coordination with finger dexterity and motor coordination. Examples may include operating a personal computer, using power tools or climbing a ladder.

Visual Skills: Visual demands require the employee to constantly read and interpret documents for general understanding and analytical purposes; employee also routinely reviews non-written materials (e.g. maps and blueprints). Color vision required for this position.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin
Department or Organization: Engineering, Planning & Zoning

Estimation of amount of time needed for appointment: 5 minutes
Date Requested – 1st Choice: March 7, 2024
If a specific date is needed, please provide reason for specific date: Click here to enter text.
Date Requested – 2nd Choice: Click here to enter text.

Subject (*Wording to be placed on agenda*): Two Bond Release requests

1. D.R. Horton, Inc. – Stonecrest Subdivision, Section One (File #22-11-SD) complete bond release as bond is being re-secured by Forestar Real Estate Group, Inc., with a new performance bond.
2. DR Acquisitions, LLC – Sheridan Estates Subdivision, Phases 1 & 2 (Files #00-33 & #05-26) complete bond release.

Please provide the County Commission with a description of your request or presentation, including any background information:

1. Complete release of Performance Bond #PB0561200128 with Philadelphia Indemnity Insurance Company for D.R. Horton, Inc. – Stonecrest, Section One (File #22-11-SD), the project is being re-secured by Forestar Real Estate Group – Stonecrest Subdivision, Section One (File #22-11-SD) with Performance Bond #4468699 with SureTec Insurance Company, Houston, TX.
2. Complete release of Performance Bond #100206529 with Merchants Bonding Company (Mutual), Des Moines, IA construction bond surety for DR Acquisitions, LLC – Sheridan Estates Subdivision, Phases 1 & 2 (Files #00-33 & #05-26)

Is this a funding request? Y/NO
If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

1. I authorize a complete release of Performance Bond #PB0561200128 with Philadelphia Indemnity Insurance Company, Bala Cynwyd, PA, in the amount of \$12,181,816.00 for D.R. Horton, Inc. – Stonecrest Subdivision, Section One (File #22-11-SD).
2. I authorize a complete release of Performance Bond #100206529 with Merchants Bonding Company (Mutual), Des Moines, IA, in the amount of \$301,920.00 for D.R. Acquisitions, LLC – Sheridan Estates Subdivision, Phase 1 & 2 (Files #00-33 & #05-26).

Attach supporting documents for request, or request may be denied:

Construction Bond Release Letter

Bond Release Request Report

Site Map

Is equipment needed? Projector Y/NO Internet/Wi Fi Y/NO Telephone for conference call Y/NO

Contact information:

Email address: engineering@jeffersoncountywv.org Phone Number: 304-728-3257

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT
Steve Stolipher

March 7, 2024

VICE PRESIDENT
Jane Tabb

Mr. Noah William Pierce, Attorney-in-Fact
Philadelphia Indemnity Insurance Company

COMMISSIONER
Tricia Jackson

One Bala Plaza, Suite 100
Bala Cynwyd, PA 19004

COMMISSIONER
Jennifer Krouse

RE: Performance Bond No. PB0561200128 Philadelphia Indemnity Insurance Company
dated August 9, 2023, Construction Bond Surety for D.R. Horton, Inc. – Stonecrest
Subdivision, Section One (File #22-11-SD).

COMMISSIONER
Pasha Majdi

Dear Mr. Pierce:

The Jefferson County Commission authorizes a complete release of \$12,181,816.00 from the construction bond for D.R. Horton, Inc. – Stonecrest Subdivision, Section One (File #22-11-SD). The construction bond is being re-secured for the full amount by Forestar Real Estate Group, Inc., with SureTec Insurance Company - Performance Bond No. 4468699. This project is located on the east side of Route 17-Flowing Springs Road across from its intersection with Route 18-Daniel Road. All site work remains to be completed under the new construction bond by Forestar Real Estate Group, Inc.

In summary, you are hereby authorized to fully release the above referenced Performance Bond No. PB0561200128 originally issued to D.R. Horton, Inc., for \$12,181,816.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning - Office of Engineering at (304) 728-3257 if you have any questions.

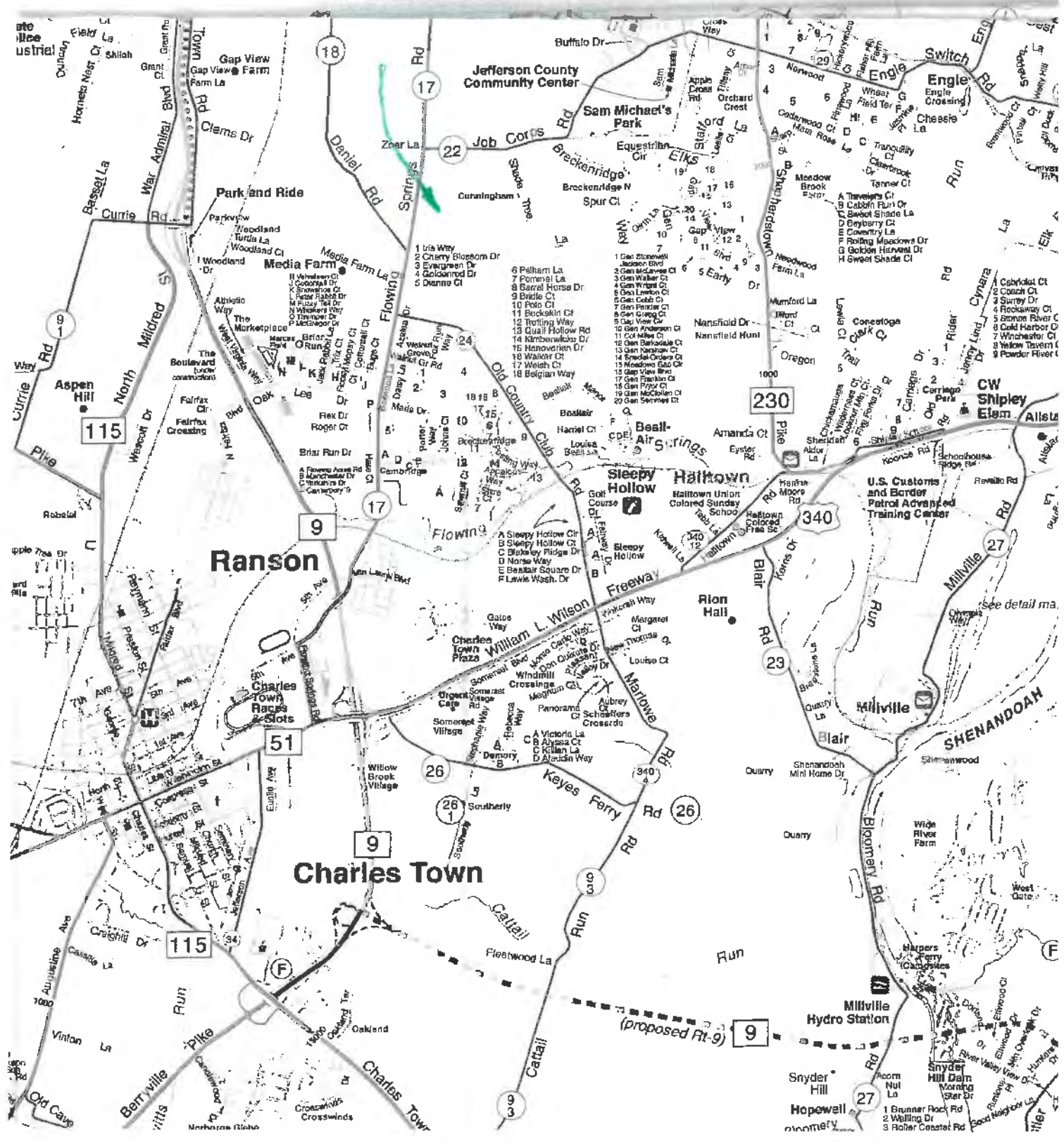
Sincerely,

Steve Stolipher, President
Jefferson County Commission

SS:rfb

cc: Ms. Karen P. Gill
Land Development Administrator
Forestar Group, Inc.
7021 Columbia Gateway Drive, Suite 320
Columbia, MD 21046
Department of Engineering, Planning & Zoning
Office of Engineering

Mr. Dwayne Hill
Division President
D.R. Horton, Inc.
137 Mitchells Chance Road, Suite 300
Edgewater, MD 20137



Jefferson County Community Center

Sam Michael's Park

Park and Ride

Media Farm

Ranson

Charles Town Races & Slots

Charles Town

Sleepy Hollow

Haltown

Rion Hall

Charles Town Plaza

William L. Wilson Freeway

Marlowe

U.S. Customs and Border Patrol Advanced Training Center

Milville

SHENANDOAH

Millville Hydro Station

Snyder Hill

Hopewell

1 Brunner Rock Rd
2 Welling Dr
3 Roller Coastal Rd

(proposed Rt-9)

see detail ma.



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

March 7, 2024

PRESIDENT
Steve Stolipher

Mr. Adam T. Grap, Attorney-in-Fact
Merchants Bonding Company (Mutual)
P. O. Box 14498

VICE PRESIDENT
Jane Tabb

COMMISSIONER
Tricia Jackson

Des Moines, IA 50306-3498

COMMISSIONER
Jennifer Krouse

RE: Performance Bond No. 100206529 dated December 1, 2023 Construction Bond Surety for DR Acquisitions, LLC - Sheridan Estates Subdivision, Phases 1 & 2 (Files #00-33 & #05-26).

COMMISSIONER
Pasha Majid

Dear Mr. Grap:

The Jefferson County Commission authorizes a complete release of the remaining \$301,920.00 from the construction bond amount for DR Acquisitions, LLC – Sheridan Estates Subdivision, Phases 1 & 2 (Files #00-33 & #05-26). This project is located on the north side of Route 340/13-Shipley School Road and U.S. Route 340 at 0.10 miles east of Shepherdstown Pike-Route 230. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the amount of the above referenced Performance Bond, originally issued in the amount of \$301,920.00. Please contact the Jefferson County Department of Engineering, Planning & Zoning – Office of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Steve Stolipher, President
Jefferson County Commission

SS:rfb

cc: **Cole Friese, Land Development Associate**
DR Acquisitions, LLC
7945 Wormans Mill Road
Frederick, MD 21701
Department of Engineering, Planning & Zoning
Office of Engineering

BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 02 / 07 / 2024 J.C.P.C. File No. 05 - 26

Consultant/Engineer/Firm Name: DR Acquisitions, LLC

Mailing Address: 7945 Wormans Mill RD

City: Frederick State: MD Zip: 21701

Contact Person: Matt Stare Phone: 240-401-0043

Project/Subdivision Name: Sheridan Estates

Section/Phase: Phase II Lots: 1-38; 79-108; 110-131; 133-159;

160-178

Review Comments:

The bond ~~release~~/reduction is Approved as Submitted. The bond release/reduction request is Denied.

Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

Bonding Policy & Unit Cost Figures attached for your use.

Comments: _____

Approved for:
Bond Release
By [Signature] 2-7-24
County Engineer Date

Original Bond Amt. \$ 1,738,198 + 15% Cont \$ 260,730 = Total Original Bond Amt. \$ 1,998,928

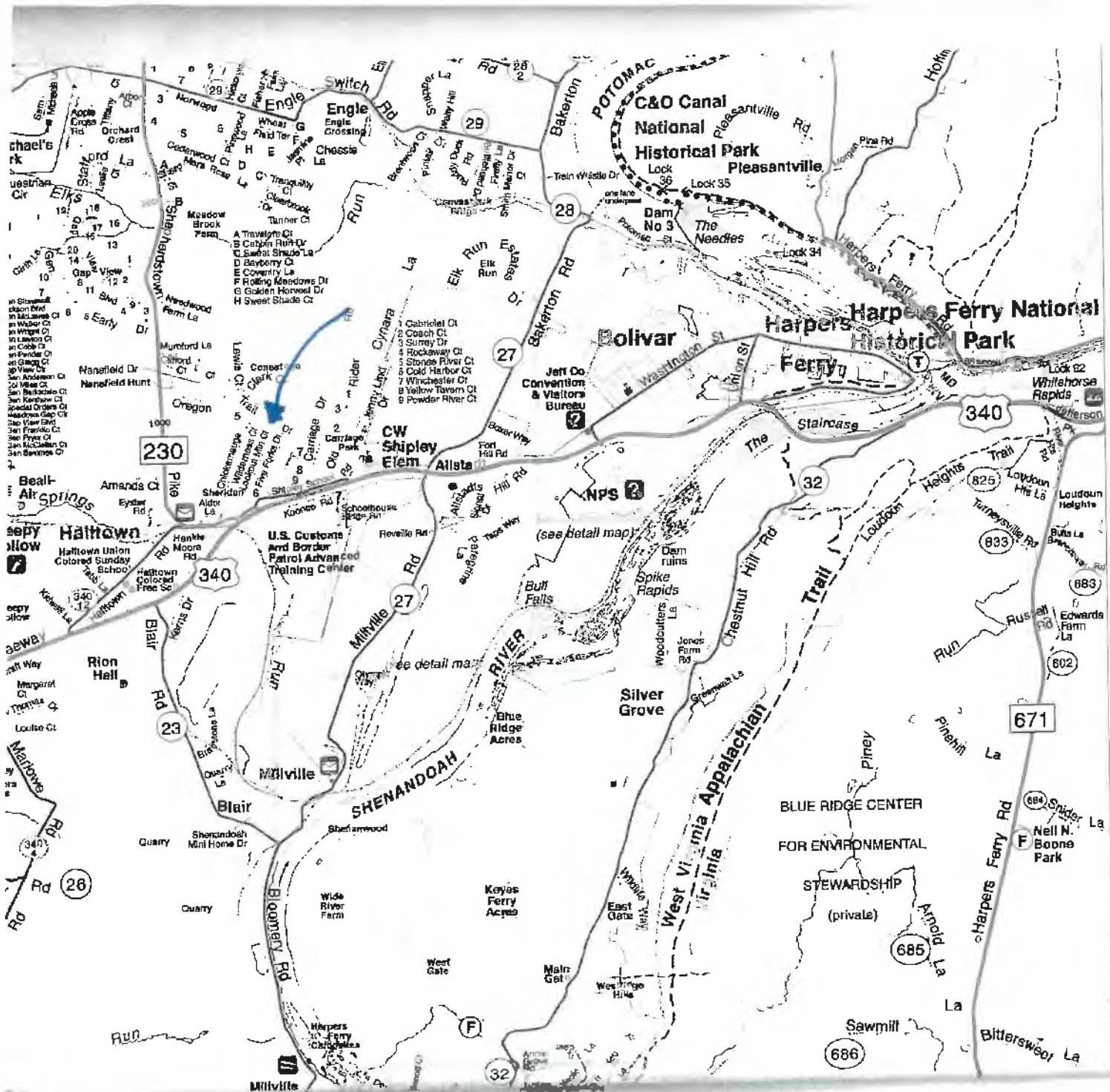
Total Current Bond Amount \$ 301,920.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Will Smith [Signature] Title: L.D.I.

Signature: [Signature] Date: 02 / 07 / 2024



BLUE RIDGE CENTER
FOR ENVIRONMENTAL
STEWARDSHIP
(private)

685

686

684 Spader La
F Nell N. Boone Park

683

683

602

671

Harpers Ferry Rd

Bittersweet La

Arnold La

Sawmill

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Roger Goodwin, Chief County Engineer

Department or Organization: Department of Engineering, Planning, and Zoning

Estimation of amount of time needed for appointment: 5-10 minutes




Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Approval of Appointees to the Jefferson County Building Code Board of Appeals**

Please provide the County Commission with a description of your request or presentation, including any background information:


-  In May 2016, the WV State Fire Commission adopted an amendment to the State Building Code which established the standards necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout the State.
-  Section 113.3 of the Rule provides for a Building Code Board of Appeals consisting of five members (with up to 3 alternates) who are qualified by experience and training to pass on matters pertaining to building construction, including but not limited to a WV Registered Professional Architect or Engineer, WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical, or Fire Protection Contactor.
-  Staff has identified five appointees who are qualified to serve on the Jefferson County Building Code Board of Appeals and is requesting the appointment of the individuals indicated in recommended motion below.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

-  *I move to approve the appointments of Peter Kubic of Kubic Construction, Tim Offut of Todd Electric Inc., Alicia McCormick, PE, of AF McCormick Structural Engineering, Tim McClenahon of Copital Builders WV, Inc., and Jeff Whitacre, AIA, of Architecture Two Thousand, each for a term of two years, expiring July 1, 2026.*

Attach supporting documents for request, or request may be denied

-  2016 Amendment to the Building Code, Jefferson County Building Code Board of Appeals Bylaws

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable

**WEST VIRGINIA
SECRETARY OF STATE
NATALIE E. TENNANT
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

FILED

2016 MAY -3 P 3 28

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: West Virginia State Fire Commission TITLE NUMBER: 87

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 4

TITLE OF RULE BEING AMENDED: State Building Code

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

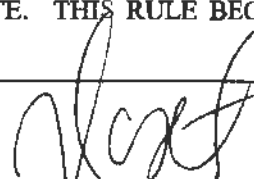
TITLE OF RULE BEING PROPOSED: _____

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) HB 4060

SECTION 64-6-3(b), PASSED ON March 12, 2016

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: Monday, August 1, 2016



Authorized Signature

87CSR4

**TITLE 87
LEGISLATIVE RULE
STATE FIRE COMMISSION**

**SERIES 4
STATE BUILDING CODE**

FILED
2016 MAY -3 P 3 28
OFFICE WEST VIRGINIA
SECRETARY OF STATE

§87-4-1. General.

1.1. Scope. -- This rule establishes the standards considered necessary by the State Fire Commission for the safeguarding of life and property and to ensure compliance with the minimum standards of safe construction of all structures erected or renovated throughout this state.

1.2. Authority. -- W. Va. Code §29-3-5b.

1.3. Filing Date. -- May 3, 2016.

1.4. Effective Date. -- August 1, 2016.

1.5. Incorporation of Other Documents. -- This rule does not include a reprinting of all the requirements imposed by statute or by the incorporation of various nationally recognized standards and codes cited in Subsection 4.1 of this rule. For ascertaining these additional standards and requirements, it is necessary to make reference to the other documents.

§87-4-2. Definitions.

2.1. "ANSI" means American National Standards Institute, 25 West 43rd St., Fourth Floor, New York, NY 10036.

2.2. "ASTM" means American Society of Testing and Materials.

2.3. "Fire Commission" means the thirteen (13) appointed members of the West Virginia State Fire Commission.

2.4. "Fire Marshal" means the West Virginia State Fire Marshal and/or his or her designated representatives.

2.5. "ICC" or "International" means International Code Council.

2.6. "Local jurisdiction" means municipal, county, or other local government.

2.7. "NFPA" means National Fire Protection Association.

2.8. "State Building Code" means the entire contents of this rule and the referenced

national standards and codes.

2.9. "State Fire Code" means the entire contents of the State Fire Code, 87CSR1, and the referenced standards and codes.

§87-4-3. Conflicts.

3.1. Whenever there is a conflict between the State Fire Code and the State Building Code, the State Fire Code takes precedence.

3.2. Whenever there is a conflict between the International Plumbing Code requirements of the State Building Code and the rules of the West Virginia State Department of Health and Human Resources, the rules of the Department of Health and Human Resources take precedence.

3.3. Whenever there is a conflict between the State Building Code and statutory laws of the State of West Virginia, the laws of the State of West Virginia take precedence.

§87-4-4. National Standards and Codes.

4.1. The standards and requirements as set out and as published by the International Code Council, and American National Standards Institute, and the National Fire Protection Association as listed in this subsection, have the same force and effect as if set out verbatim in this rule.

4.1.a. The 2015 edition, International Building Code, with the following exceptions:

4.1.a.1. Provided; that the section entitled "Fire Prevention" and identified as Section 101.4.5 is deleted and not considered to be a part of this rule.

4.1.a.2. Further provided that the entire subsection entitled "Qualifications" and identified as Section 113.3 is deleted and replaced with the following:

"Section 113.3. Board of Appeals

113.3 Qualifications. The board of appeals shall consist of five members, with up to three alternates, who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. They may include, but are not limited to, a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor, with at least 10 years experience, five of which shall be in responsible charge of work. No less than one of the members of such Board of Appeals shall be a WV Registered Professional Architect or Engineer, or a WV Licensed General Building, Residential, Electrical, Piping, Plumbing, Mechanical or Fire Protection Contractor."

4.1.b. The 2015 edition of the International Plumbing Code.

4.1.c. The 2015 edition of the International Mechanical Code.

4.1.d. The 2015 edition of the International Fuel Gas Code, with the following exception:

4.1.d.1. Section 404.10 Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.e. The 2015 edition of the International Property Maintenance Code. This code may be rejected at the option of the local jurisdiction.

4.1.e.1. *Provided*, that Section 110.3 Failure to Comply, shall be modified as follows:

“Unless authorized by W.Va. Code §8-12-16, or absent the express consent of the owner, if the owner of a premises fails to comply with a demolition order within the time prescribed, the legal counsel of the jurisdiction shall institute appropriate action in the Circuit Court of the County in which the property is located against the owner of the premises where the structure is or was located seeking an Order causing the structure to be demolished and removed. Thereafter, the local jurisdiction, through an available public agency or by contract or arrangement with private persons, shall demolish and remove the structure and the costs thereof, as well as all fees and costs incurred in the legal action, shall be a lien upon such real estate.”

4.1.e.2. This code may be adopted by the local jurisdiction without requiring adoption of the other national codes and standards listed in this rule.

4.1.f. The 2009 edition of the International Energy Conservation Code for residential buildings.

4.1.g. The ANSI/ASHRAE/IESNA Standard 90.1-2007 edition for commercial buildings.

4.1.h. The 2015 edition of the International Residential Code for One and Two Family Dwellings, with the following exceptions:

4.1.h.1. Chapter 11 of the 2015 edition of the International Residential Code for One and Two Family Dwellings, Seventh Printing, entitled “Energy Efficiency”, is exempt from this rule.

4.1.h.2. Section G2415.12 (404.10) Minimum Burial Depth. Underground piping systems shall be installed a minimum depth of 12 inches (305 mm) below grade. If the minimum depth cannot be maintained, the piping system shall be installed in conduit or shielded in an approved manner.

4.1.h.2. Section R311.7.5 Stair Treads and Risers

4.1.h.2.A. 311.7.5.1 Riser Heights -- The maximum riser height shall be eight and one-quarter (8 ¼) inches.

4.1.h.2.B. 311.7.5.2 Tread Depth -- The minimum tread depth shall be nine (9) inches.

4.1.h.3. Section R403.1.7.1: Building Clearances From Ascending Slopes is not applicable to this rule.

4.1.h.4. Section R403.1.7.2: Footings Setbacks From Descending Slope Surfaces is not applicable to this rule.

4.1.i. The 2009 ICC/ANSI A117.1 American National Standards for Accessibility & Usable Buildings & Facilities.

4.1.j. The 2015 International Existing Building Code, with the following exception:

4.1.j.i. Omit reference to International Fire Code and substitute NFPA Life Safety Code 2015 edition.

4.1.k. The 2014 edition of the National Electric Code, NFPA 70.

4.1.l. The 2015 edition of the International Swimming Pool and Spa Code.

4.2. Wherever referenced in the several ICC codes adopted above, any reference to the International Fire Code should be substituted with the NFPA Life Safety Code 2015 edition.

4.3. Whenever a certificate of occupancy is required of a commercial structure greater in size than 7,600 feet, the project documents shall be designed by an Architect licensed by the WV Board of Architects, or a Professional Engineer licensed by the WV State Board of Registration for Professional Engineers.

§87-4-5 Fire Protection of Floors in Residential Buildings

5.1 New One and Two Family Dwellings over one level in height, New One and Two Family Dwellings containing a basement, and New One and Two Family Dwellings containing a crawl space containing a fuel burning appliance below the first floor, shall provide one of the following methods for fire protection of floors: (1) A 1/2 inch (12.7 mm) gypsum wallboard membrane, 5/8 inch (16 mm) wood structural panel membrane, or equivalent on the underside of the floor framing member; (2) Wood floor assemblies using dimension lumber or structural composite lumber equal or greater than 2 inch by 10 inch (50.8 mm by 254 mm) nominal dimension, or other approved floor assemblies demonstrating equivalent fire performance; or (3) An Automatic Fire Sprinkler System as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One and Two Family Dwellings: *Provided*, That floor assemblies located directly over a space protected by an automatic sprinkler system as set forth in section R313.1 or R313.2 of the 2015 edition of the International Residential Code for One

and Two Family Dwellings are exempt from this requirement.

5.2. Townhouses meeting the Fire Resistant Construction Standard R302.2 will be treated as New One and Two Family Dwellings and shall comply with Section 5.1 above.

§87-4-6. Exceptions.

6.1. The following structures are not subject to inspection by local jurisdictions:

6.1.a. Group U utility structures and storage sheds comprising an area not more than 200 sq. ft. which have no plumbing or electrical connections and are used only for residential storage purposes. (Examples include sheds that are for the residential storage of lawnmowers, tools, bicycles or furniture.) Not included are those utility structures and storage sheds which have plumbing or electrical connections are a non-residential use or for the storage of explosives or other hazardous or explosive materials.

§87-4-7. Adoption by Local Jurisdiction.

7.1. Each local jurisdiction adopting the State Building Code shall notify the State Fire Commission in writing. The local jurisdiction shall send a copy of the ordinance or order to the State Fire Marshal, West Virginia State Fire Commission, 1207 Quarrier Street, 2nd floor, Charleston, West Virginia 25301, within thirty (30) days of adoption.

7.2. Each local jurisdiction which adopts the State Building Code is responsible for the enforcement of the building code as provided in West Virginia Code 7-1-3n and 8-12-13.

7.3. Throughout the national codes, adopted in subsection 4.1 of this rule, there are discretionary provisions or amendments which require further action by the adopting local jurisdiction in order to adapt these codes to various local conditions. The appendices are not a part of the code and must also be adopted by the local jurisdiction to be enforceable. It is therefore the intent of this rule to further authorize each local jurisdiction to further complete, by order or ordinance, those respective areas which are indicated to be completed by the adopting "jurisdiction" and any of the appendices the local jurisdiction wishes to adopt.

7.4. Within the penalty sections of each of the national codes, adopted in Section 4.1 of this rule, there is a penalty for imprisonment. The provision of imprisonment for any violation of this rule is optional with each adopting local jurisdiction.

7.5. Each of the national codes adopted in subsection 4.1 of this rule provides for a separate appeals board. However, the intent and requirements for an appeal board may be met with the creation by the local jurisdiction of a single appeals board for the entire "State Building Code."

7.6. Each local jurisdiction adopting the State Building Code shall comply with the requirements set forth in Title 87, Series 7 "Standards for the Certification and Continuing Education of Municipal, County, and Public Sector Building Code Officials, Building Code Inspectors and Plans Examiners."

7.7. The local jurisdiction shall submit an annual report to the State Fire Commission indicating the number of employees in their respective code enforcement department, their job title, whether the employee is or is not certified by the State Fire Commission in their respective discipline, as well as a verification that the entity has adopted the current version of the State Building Code. The municipality, county or local governmental entity, shall also report what ICC codes are being enforced respectively.

7.8. This annual report shall be filed with the State Fire Commission no later than the thirtieth day of June of each year.

7.9. All questions of interpretation and enforcement of the State Building Code are delegated to the local jurisdiction unless expressly provided by State Code, by this Rule, or by the incorporated codes and standards referenced in this Rule.

§87-4-8. Existing Building Codes.

8.1. All building codes previously adopted by local jurisdictions are null and void.

BY-LAWS

BUILDING CODE – BOARD OF APPEALS JEFFERSON COUNTY, WEST VIRGINIA

(Adopted September 20, 2016)

ARTICLE I - Purpose

The purpose of the Jefferson County Building Code – Board of Appeals (hereinafter referred to as the "Board of Appeals") is set forth in Chapter One, "Administration," of the building codes adopted by Jefferson County, West Virginia.

ARTICLE II - The Board of Appeals

Section 1 - Name of the Board of Appeals

The official name of the Board of Appeals shall be the "Jefferson County Building Code Board of Appeals."

Section 2 - Board Members

The Board shall consist of five members, with experience and training in building construction, appointed by the Jefferson County Commission.

Section 3 – Terms of Service

Board member terms of service shall be for two years, beginning on July 1 of the year appointed; unless appointed to fill an unexpired term of a former board member.

ARTICLE III - Election of Officers and their Duties

Section 1 - Election of Officers

A meeting shall be held annually in the month of July where the Board of Appeals shall elect a President, Vice-President, and a Secretary. The officers may not succeed themselves for more than two consecutive terms.

Nomination of officers should be made from the floor and the election shall follow immediately thereafter. A candidate receiving a majority vote of the entire membership of the board shall be declared elected, and shall serve for one year or until his/her successor shall take office. Vacancies in offices shall be filled immediately by regular election procedures.

Section 2 – President

The President shall preside at all meetings and appeal hearings conducted by the Board of Appeals. The President shall call special meetings of the Agency when required, and shall transmit appeal hearing reports in accordance with the requirements of the applicable building code. The president shall, in general, act as a spokesperson for the Board of Appeals.

Section 3 - Vice-President

The Vice-President shall serve as President in the absence or disability of the President. In the event of the death or resignation of the President, the Vice-President shall perform the President's duties until such time as the Agency shall elect a new President.

Section 4 – Secretary

The Secretary shall serve as President in the absence or disability of both the President and the Vice-President.

Section 5 - Additional Duties

The President, Vice-President, and Secretary shall perform such other duties and functions as, from time to time, may be required by the Board of Appeals or by its by-laws.

Section 6 – Appropriations & Expenditures

The County Commission shall appropriate funds as the County Commission deems necessary to carry out the duties of the Board of Appeals. Requests for the expenditure of funds by the Board of Appeals shall only be made if approved by the Building Code Official and the County Commission.

Section 7 – Ex-Officio Members

The Building Code Official shall be an ex-officio member and shall not have a vote in deliberations.

ARTICLE IV - MEETINGS

Section 1 - Regular Meetings

The only regular meeting of the Agency shall be held in the month of July of each year. The purpose of the meeting shall be to elect new officers

and to act on other administrative matters of the Board of Appeals.

Section 2 - Special Meetings

Special meetings of the Agency may be called by the President or two members upon written request to the Building Code Official. The Building Code Official shall send a written notification (via regular USPS mail and/or email) of the meeting to all Board of Appeals members at least five business days in advance of the scheduled date. The written notice shall set the date, time, and place of the meeting.

Section 3 – Quorum

A majority of the voting members shall constitute a quorum. No action of the Board of Appeals is official, however, unless authorized by a majority of the Board of Appeals members present at a regular or properly called special meeting.

Section 4 - Order of Business

The order of business shall be generally governed by ROBERTS RULES OF ORDER, revised.

Section 5 - Voting Members

All members of the board are voting members, except ex-officio members.

Section 6 – Absentees

All voting members are expected to attend each meeting and appeals hearing. In the event a member is absent from more than three (3) meetings and/or appeals hearings in a term year (exclusive of absences for emergencies, sickness, death in the member's family or other reasonable excuse), the Secretary may be directed by a majority of the voting members to inform the County Commission, by written notice, of said absences.

Section 7 - Public Notice of Meetings

All meetings shall be open to the public. The date, time, place, and agenda shall be posted on the Jefferson County website and the bulletin board in front of the County Court House, at least five business days before the meeting, and may be identified as "tentative." Said posting shall be updated as needed.

Section 8

All meetings shall also be held in accordance with the "Sunshine Law" and the "Open Government Proceedings Law".

ARTICLE V – Building Code Appeal Hearings – Rules & Procedures

Section 1 – Appeal Hearing Procedures

- a) All building code appeal hearings shall be held pursuant to the Jefferson County Building Code Ordinance and the West Virginia State Code.
- b) Appeal hearing requests shall be submitted to the Building Code Official in writing at the Department of Planning, Zoning and Engineering – Office of Building Permits & Inspections. The written request shall be submitted on the required form(s) in the manner prescribed by the Building Code Official.

Section 2 – Board Notice of Appeal Hearings

The Building Code Official shall send written (letter or email) notification of a building code appeal hearing request to all Board of Appeals members at least five business days in advance of the scheduled date. The written notice shall set the date, time, and place of the appeal hearing.

Appeals shall be heard within ten business days of receipt of a written appeal request; unless, the appellant requests a hearing date beyond the ten day time period and/or waives the ten day time period requirement.

Section 3 - Public Notice of Appeal Hearings

All appeal hearings shall be open to the public. A notice of appeal hearing, setting the date, time, and place, shall be posted on the Jefferson County website and the bulletin board in front of the County Court House, at least five business days before the hearing. Said posting shall be updated as needed.

Section 4

All appeal hearings shall also be held in accordance with the "Sunshine Law" and the "Open Government Proceedings Law".

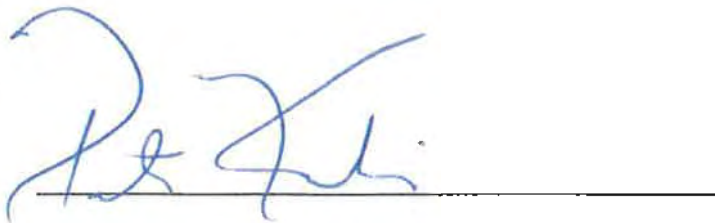
ARTICLE VII - Amendments to By-Laws

Section 1 - Amendments to By-Laws

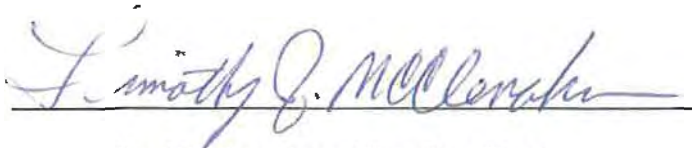
Amendment to the By-Laws may be made by a majority vote of the members, at any regular meeting of the Board of Appeals, or at any special meeting of the Board of Appeals, when the proposed amendment has been set forth in the notice of such meeting. Such notice must be given (30) days prior to any meeting. All amendments shall be approved by the Jefferson County Commission before going into effect.

By-Laws Adopted on September 20, 2016

By:

A handwritten signature in blue ink, appearing to read "Pete Kubic", written over a horizontal line.

Pete Kubic, President

A handwritten signature in blue ink, appearing to read "Tim McClenahan", written over a horizontal line.

Tim McClenahan, Vice-President

Board Members:

Pete Kubic, President
Tim McClenahan, Vice-President
Tim Offutt, Secretary
Alicia McCormick, PE
Sara Lambert, AIA

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Luke Seigfried, County Planner

Department or Organization: Engineering, Planning, and Zoning

Commission Meeting Date: March 7, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Quarterly status report of the 2045 Comprehensive Plan Update.

Please provide a description of your request or presentation, including any background information:

Planning Commission is now preparing the Action Items for the Comprehensive Plan update and the Future Land Use map. Both the draft Action Items and Future Land Use map will be presented for public comment at the 5th and final public input meeting this May. The Mapping the Future of Jefferson County input meeting and survey has now concluded. A total of 112 comments were received about traffic safety, land use, and new bike-pedestrian paths across the County. The full report can be found on the County website.

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

N/A

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Luke Seigfried

Phone Number: (304) 728-3228

Email Address:

complan2045@jeffersoncountywv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

2045 COMPREHENSIVE PLAN UPDATE

Mapping the Future of Jefferson County

On January 23rd, the Planning Commission hosted a public input meeting and survey to collect comments about land use and traffic safety across the county. At this meeting, a map survey was opened for two weeks and the County received 112 comments. Staff has compiled and summarized these comments below.



Municipality Related Comments

- Support annexations of unincorporated pockets into Charles Town and Ranson
- Opinions are divided on attracting “big box” stores
- Interest in Shepherdstown waterfront opportunities



County Land Use Comments

- Considerable concern was voiced over the County’s watersheds related to water quality and quantity
- Criticism regarding the loss of open space in the County to solar facilities
- Scrutiny of traffic congestion on narrow roads



Transportation Safety Spots

- Strong support for safe paths and sidewalks for students going to school
- Several locations including the Shepherdstown Pike and Flowing Springs road intersection were identified that would benefit from traffic circles
- Additional trouble spots were mentioned that matched the Highway Problem Areas map



Bike-Pedestrian Path Suggestions

- Shenandoah Springs-Patrick Henry Connector
- Old Standard Quarry Scenic Path
- Luther Jones Connector Path
- Harpers Ferry North Path

The full report can be viewed on the County website on the 2045 Comprehensive Plan page.

JEFFERSON COUNTY COMMISSION AGENDA REQUEST FORM

Name: Luke Seigfried, County Planner

Department or Organization: Engineering, Planning, and Zoning

Commission Meeting Date: March 7, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Request a Joint Session of the County Commission and Planning Commission to discuss the direction of the 2045 Comprehensive Plan Update.

Please provide a description of your request or presentation, including any background information:

The purpose of this meeting is for County Commission and Planning Commission to discuss the updates Planning Commission is drafting for the 2045 Comprehensive Plan update. Staff will also explain the public hearing and adoption process of the Comprehensive Plan. The text and action items of the Comprehensive Plan Update are currently being prepared and it is important for Planning Commission to be able to address any questions that County Commission has prior to the public hearings and workshops.

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

I move to schedule a Joint Session with the Jefferson County Planning Commission on April 4th, 2024 at 1:00 p.m. for discussion of the 2045 Comprehensive Plan Update.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Luke Seigfried

Phone Number: (304) 728-3228

Email Address:

complan2045@jeffersoncountywv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Laura Kuhn**

Department or Organization: **Fleet & Facilities Management**

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1st Choice: **March 7, 2024**


If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*):

Request for Approval of President's Signature on Permit Application for Electrical Inspection

Please provide the County Commission with a description of your request or presentation, including any background information:

 **Due to storm damage, a new electrical pole and electrical box had to be installed on North Samuel Street to restore power to the old maintenance/mailroom building. The City of Charles Town now handles all electrical inspections within the city limits. In order to proceed with the electrical inspection, a permit application must be submitted. The permit application requires the signature of the property owner, so I am requesting approval for the County Commission President to sign the application so that we may proceed with the inspection.**

Is this a funding request? Y/N **NO**

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Move to approve the President's signature on the permit application in order for the City of Charles Town to perform an electrical inspection on the new pole and electrical box on North Samuel Street.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector **Y/N** Internet/Wi Fi **Y/N** Telephone for conference call **Y/N**

Contact information: Laura Kuhn

Email address: LKuhn@jeffersoncountywv.org

Phone Number: 304-728-3355

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

not applicable



City of Charles Town
 Department of Community Development
 Division of Building Inspection & Code Compliance



101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
 Phone: (304) 724-3248 ♦ Fax: (304) 725-1014 ♦ Web: www.charlestownwv.us

**2018 International Building Code or 2018 International Residential Code with
 Adopted West Virginia Amendments.**

TO OBTAIN A BUILDING PERMIT, THE FOLLOWING ITEMS ARE NEEDED:

All Commercial projects are required to have approved plan(s) submission through the State Fire Marshal's Office PRIOR to submitting plans to the City of Charles Town. An approval letter from the State Fire Marshal must accompany all such building permit applications to the City.

1. Completed application.
2. Two (2) sets of detailed construction drawings; designed to current code standards:
 - a. Plumbing plans, riser diagrams
 - b. Mechanical plans, manual J
 - c. Electrical plans with load calculations and panel schedules
 - d. Truss drawings, if used.
3. Sizes and U values of windows and doors.
4. R values of insulation in ceilings, walls & floors.
5. House location survey with setbacks delineated and labeled, metes and bounds, all easements, parking and driveway areas, scale, north arrow, date, tax map and parcel number, deed book and page, record plat application number (where applicable), lot size, lot width, lot coverage percentage, house and all accessory structure dimensions and distances from property lines, adjoining street name(s), and a WV Licensed Engineer or Surveyor's seal and signature.
6. Signed owner affidavit (If applicant is not the owner).
7. All fees paid. (See fee schedule).

Would you like to apply for a permit online?

 Go to www.mygovernmentonline.org
 Click on Permits & Licensing
 First time users will need to create an account.

REQUIRED INSPECTIONS:

1. Footers, before placement of concrete;
2. Foundation, a Wall Check survey is required to be approved by zoning prior to framing schedule.
3. Damp proofing/drain tile (Prior to backfill);
4. Slabs, before placement of concrete (Radon for habitable spaces);
5. Framing, rough plumbing, mechanical and electrical
6. Insulation (before drywall);
7. Final

Inspectors may make unscheduled visits at any time during normal business hours.

A Use and Occupancy Permit will be issued after all final inspections have been successfully completed and documented.

SCHEDULING INSPECTIONS:

To schedule an inspection, please call: 304-724-3249 or submit an online request through the MyGovernmentOnline portal.

Be prepared to provide the following information:

1. Permit Number;
2. Address of Job Site;
3. Type of Inspection;
4. Requested inspection date;
5. Name of person requesting inspection.

NOTE: All inspection requests for the next working day must be called in no later than 3:00 p.m. This office reserves the right to change the time deadline for next-day inspections. All inspections will be completed within 48 hours. No appointments will be made.

CERTIFICATION: By signing below, the applicant acknowledges that all property restriction and easement information has been submitted to the City, and that all information is accurate.

I HAVE READ AND UNDERSTAND THE ABOVE INFORMATION:

_____ (Print Name)

_____ (Signature)

_____ (Date)

Property Information: LOCATION OF WORK → (Address)	104 North Samuel Street Charles Town
Subdivision Name:	N/A
Property Owner Name:	Jefferson County Commission
Owner Mailing Address: Owner Email Address:	Jefferson County Commission Fleet & Facilities Management 128 Industrial Blvd Kearneysville, WV 25430 LKuhn@jeffersoncountywv.org
Applicant Name, if different	Laura Kuhn, Director of Fleet & Facilities Management
Applicant Email Address:	LKuhn@jeffersoncountywv.org
Property Lot Number and Tax Map	
Parcel Type: Residential – R Commercial -C Industrial – I Other - O	O - County Government
Owner Phone Number(s) Applicant Phone Numbers(s)	304-728-3355

Total Cost of Improvement: (Must include all materials and labor)	\$ 8500
Building	\$
Electrical	\$ 8500
Mechanical (HVAC)	\$
Other	\$



City of Charles Town
Department of Community Development
Division of Building Inspection and Code Compliance

101 East Washington Street, P.O. Box 14, Charles Town, WV 25414
Phone: (304) 724-3248 • Fax: (304) 725-1014 • Web: www.charlestownwv.us

OWNER AFFIDAVIT

I, Jefferson County Commission, hereby authorize Laura Kuhn
(Owner Name- Print) (Applicant Name)

to act as my agent in regards to obtaining necessary permits required to construct

Electrical Pole & Box on my property known as 104 N. Samuel St, Charles Town
(Type of Structure) (Physical Address)

in Charles Town, West Virginia.

Owner's Signature:

Date:

Current List of Codes Adopted by the City of Charles Town:

Building	International Building Code 2018
Building	International Residential Code 2018
Fire	NFPA 101 2021
Mechanical	International Mechanical Code 2018
Plumbing	International Plumbing Code 2018
Residential Energy	International Energy Conservation Code 2015
Commercial Energy	ANSI/ASHRAE/IESNA 90.1.10
Fuel Gas	International Fuel Gas Code 2018
Electrical	NEC 2020
Accessibility	IBC 2018
Handicap	ANSI 2009
Pool	International Swimming Pool and Spa Code 2018

CONTRACTORS LICENSING INFORMATION

Check HERE if the Contractor has a current City Business License.

All contractors and subcontractors/trades are required to obtain a City of Charles Town business license as a prerequisite prior to the start of any work. Contact the City Finance Department to obtain a City business license or email businesslicense@charlestownwv.us

All information below must be completed to process the permit.

	NAME OF CONTRACTOR	ADDRESS	Phone	WV LICENSE # / CITY #
Applicant (not owner)				N/A
Architect				N/A
General Contractor				
Excavation				
Concrete				
Carpentry				
Electrical	G&TTT	100 Pit Lane, Martinsburg	304-263-2818	WV-010406 M01265
Plumbing				
Sewer				
Mechanical				
Roofing				
Masonry				
Drywall or Lathing				
Sprinkler				
Paving				
Fire Alarm				

BUILDING PERMIT TYPE

(Only complete areas that pertain to your project)

PERMIT TYPE:

- BUILDING (B)
 MECHANICAL (M)
 PLUMBING (P)
 ELECTRICAL (E)
 OTHER (O)

IMPROVEMENT TYPE:

- NEW CONSTRUCTION (1)
 ADDITION (2)
 ALTERATION (3)
 REPAIR REPLACEMENT (4)
 DEMOLITION (5)
 RELOCATION (6)
 FOUNDATION ONLY (7)
 ACCESSORY STRUCTURE (SHED) (8)
 DECK(9)
 FENCE(10)
 SIDEWALK / DRIVEWAY (11)
 MECHANICAL(12)
 PLUMBING (13)
 ROOF / SIDING (14)
 ELECTRICAL (15)

 OTHER (15)

PROPOSED USE:

ASSEMBLY

- THEATRE (1)
 NIGHT CLUB (2)
 RESTAURANT (3)
 OTHER ASSEMBLY
 CHURCH (4)
 BUSINESS (5)
 EDUCATIONAL (GRADES 1-12) (6)
 DAY CARE FACILITY (7)
 POST HIGH SCHOOL (8)

FACTORY

- MODERATE HAZARD (9)
 LOW HAZARD (10)
 HIGH HAZARD (11)

INSTITUTIONAL

- GROUP HOME (12)
 HOSPITAL (13)
 JAIL (14)
 MERCANTILE (15)

RESIDENTIAL

- HOTEL, MOTEL (16)
 MULTI-FAMILY (17)
 IRC TWO FAMILY (18)
 IRC SINGLE FAMILY (19)

STORAGE

- MODERATE HAZARD (20)
 LOW HAZARD (21)

- OTHER (22)

FRAME TYPE (CHECK ONE ONLY)

Steel (1)	Masonry (2)	Concrete (3)	Wood (4)	Other (5)
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EXTERIOR WALLS (CHECK ONE ONLY)

Steel (1)	Masonry (2)	Concrete (3)	Wood (4)	Other (5)
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(Only complete areas that pertain to your project)

	NO. FEET		NO. OF		SQ. FT. OF
Frontage*		Stories		Lot Area*	
Front Setback*		Bedrooms		Building Area*	
Rear Setback*		Full Baths		Accessory Structures: (storage buildings;sheds;pools;etc.)	
Left Setback*		Partial Baths		Living Area	
Right Setback*		Garages		Basement Area	<input type="checkbox"/> Finished <input type="checkbox"/> Unfinished
Elevation		Windows		Garage Area	<input type="checkbox"/> 1 story <input type="checkbox"/> 2 story
Building Height*		Fire Places		Office/Sales	
		Enclosed Parking		Deck/Porch/Stoop	
# OF RESIDENTIAL UNITS*		Outside Parking		Roof (# of squares)	

* Only needed for New Construction / Additions

ELECTRICAL INFORMATION

Total Service _____ AMPS	# of Circuits: _____ 2 WIRE _____ 3 WIRE _____ 4 WIRE	# of Service Outlets: _____ 110V _____ 220V
--------------------------	---	--

Only commercial applications need to complete electrical information below (if applicable)

	POWER DEVICES	OUTPUT/LOAD		POWER DEVICES	OUTPUT/LOAD
1			4		
2			5		
3			Total # of Motors		

PLUMBING PERMIT APPLICATION

Enter the Number of Fixtures Being Installed or Replaced

Tubs/showers		Drinking Fountains		Back Flow Preventers	
Shower Stalls		Floor Drains		Water Pumps	
Lavatories		Water Heaters		Roof Openings	
Toilets		Water Softeners		Parking Lot Drains	
Urinals		Sewage Ejectors		Inside Downspouts	
Sinks		Sump Pumps		Swimming Pools	
Laundry Tubs		Grease Traps		Other	
Dishwashers		Bidets		Fire Sprinklers (Y/N)	
Garbage Disposals				Lawn Sprinklers (Y/N)	

TOTAL FIXTURES

Public Water (Y/N)		Public Sewer (Y/N)	
Water Service Size _____ IN.	Water Meter Size _____ IN.	Avg. Daily Water Use _____ GPD	
Est. Start ____/____/____	Est. Finish ____/____/____	Est. Value \$ _____	

MECHANICAL PERMIT APPLICATION

Enter Number of New or Replacement Units

Forced Air Furnaces		Incinerators		Air Handling Units	
Unit Heaters		Boilers		Heat Pumps	
Gas/Oil Conversions		Coil Units		Air Cleaners	
Space Heaters		Window A/C Units		Humidifiers	
Gravity Furnaces		Split System A/C		Dehumidifiers	
Coal Stokers		A/C Compressors		Other	

Service Revisions	
Type of Heating Fuel (Check One)	Gas _____ Oil _____ Coal _____ Wood _____ Other _____
Est. Value \$ _____	

ADDITIONAL INFORMATION

Permit / Improvement Type: (If not listed above)		
Complete Description of Work:		
Damage to the County's building at 104 N. Samuel Street happened during a storm on July 14, 2023.		
The storm caused the electrical lines that were going to the building to be ripped from the bricks and unsecure.		
Due to the damage to the brick, we are unable to attach the lines back to the building. We needed to plant a pole and		
have a new electrical box installed. Our work order number with Potomac Edison is 767364360. Our electrical		
contractor is G& TTT WV-010406 and electrician is Robbie Tabler master electrician #M01265.		
Est. Start	2 / 2 / 24	Est. Finish 3 / 1 / 24
		Est. Value \$ 8500

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Mike Sine

Department or Organization: ESA

Commission Meeting Date: 3/07/2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

- 1) Employee Transfer
- 2) Analysis Report Update
- 3) EMS Salary Enhancement Funds

Please provide a description of your request or presentation, including any background information:

- 1) Transfer Beryl Dixon from part-time to full-time position with consideration for restoring Medical Leave balance.
- 2) Update on timeline or presentation of results of the Underserved Analysis Report.
- 3) Discussion and potential action on the disbursement of EMS Salary Enhancement Funds.

Type of Request: (Funding/Hiring): hiring

Funding/Salary/Hourly Amount: n/a

Name of Hire (if Applicable): Beryl Dixon

Grade/Step/Hours (PT/FT): FT

Start Date (beginning of pay period): 2/25/2024

Post Probationary Increase (if applicable): n/a

Any Additional Conditions of Employment or Funding Comments:

Ms. Dixon has been an employee for 7yrs, 5 of which were full-time. She reduced her status to part-time on 6/25/2023 to pursue educational opportunities. She wishes to return full-time and being less than 1 year since transferring to part-time requests to have her Medical Leave balance restored.

Recommended Motion (type out wording of the motion you would like the Commission to approve):

Move to transfer Beryl Dixon from part-time to full-time FF/Paramedic III position at her current pay rate and restore her previous Medical Leave balance of 255.87 hours. This is to be effective 2/25/2024.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Mike Sine

Phone Number: 3047283287

Email Address: msine@jccsa.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Mike Sine

Department or Organization: ^{ESA}

Commission Meeting Date: 3/07/2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

4) Promotion of parttime employee

Please provide a description of your request or presentation, including any background information:

4) Due to newly aquired certification, promote Corey Wash from FF/AEMT II to FF/Paramedic II.

Type of Request: (Funding/Hiring): Promotion

Funding/Salary/Hourly Amount: n/a

Name of Hire (if Applicable): Corey Walsh

Grade/Step/Hours (PT/FT): PT

Start Date (beginning of pay period):

Post Probationary Increase (If applicable): n/a

Any Additional Conditions of Employment or Funding Comments:

Recommended Motion (type out wording of the motion you would like the Commission to approve):

Move to promote Corey Walsh from FF/AEMT II to FF/Paramedic II with a new pay rate of \$26.76/hr. This is to be effective 12/31/2023.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Mike Sine

Phone Number: 3047283287

Email Address:

msine@jcesa.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Nathan Cochran

Department or Organization: Prosecuting Attorney's Office

Commission Meeting Date: March 7, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Report by legal counsel

Please provide a description of your request or presentation, including any background information:

See attached

Type of Request: (Funding/Hiring): N/A

Funding/Salary/Hourly Amount: N/A

Name of Hire (if Applicable): N/A

Grade/Step/Hours (PT/FT): N/A

Start Date (beginning of pay period): N/A

Post Probationary Increase (If applicable): N/A

Any Additional Conditions of Employment or Funding Comments:

N/A

Recommended Motion (type out wording of the motion you would like the Commission to approve):

N/A

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi Conference/Video No

Contact Information: Jaymee Houser

Phone Number: 304-728-3318

Email Address:

jhouser@jcpawv.org

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

- a. Discussion of minor boundary issue between Berkeley and Jefferson Counties.
- b. Consider matters involving or affecting the construction, planning, purchase, sale, or lease of property.

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Name: Jane Tabb

Department or Organization: JC Farmland Protection Board

Commission Meeting Date: March 7, 2024

Special Meeting Date (if necessary):

Subject (wording to be placed on agenda):

Pe. mission to advertise job position - Director of Farmland Protection Board program

Please provide a description of your request or presentation, including any background information:

Type of Request: (Funding/Hiring):

Funding/Salary/Hourly Amount:

Name of Hire (if Applicable):

Grade/Step/Hours (PT/FT):

Start Date (beginning of pay period):

Post Probationary Increase (If applicable):

Any Additional Conditions of Employment or Funding Comments:

The position will be funded by the Farmland Protection Board.

Recommended Motion (type out wording of the motion you would like the Commission to approve):

I move to grant permission to advertise the Director of Farmland Protection position.

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Internet/Wi Fi: Conference/Video No

Contact Information: Jane Tabb

Phone Number: 304.725.4325

Email Address:

Vinemont.farm@gmail.com

**JEFFERSON COUNTY COMMISSION
AGENDA REQUEST FORM**

Additional Comments Page:

Jefferson County Farmland Protection Board

Executive Director

OUR MISSION:

“Agriculture is an integral and viable part of the County's economy, landscape, natural resources, and sense of community.” Jefferson County Commission, 2000

The mission of the Jefferson County Farmland Protection Board is to protect productive farmland for future generations in order to maintain the long-term viability of agriculture in Jefferson County.

We accomplish our work through holding purchased and donated conservation easements, collaborating with like-minded organizations, and providing community outreach and education to raise awareness about farmland protection.

WHO WE ARE:

Jefferson County, the eastern-most county in West Virginia, is experiencing a high rate of conversion of agricultural land to other uses. The county comprises over 212 square miles in the Eastern Panhandle of the state, which places us within the Washington/Baltimore metropolitan statistical area. The area is served by Interstate 81, US Routes 340 and 9, and the Amtrak and MARC rail systems. Our program was established in 2002, and presently we hold 58 easements with 6,840 acres of land.

WHAT WE DO:

Using locally generated funds (a percentage of Real Estate Transfer Tax income) combined with Federal funds (NRCS, ABPP and others) the Jefferson County Farmland Protection Program (JCFPP) purchases permanent easements on qualifying properties. These easements protect the agricultural, environmental and scenic attributes of the property and, most importantly, enable and support the continued agricultural use of the land. To date, several easement clusters have emerged over the years, creating and protecting large agriculturally productive areas in the county. Through our stewardship program, we monitor our protected properties to ensure the continued integrity of the conservation easement.

THE OPPORTUNITY:

The incoming Executive Director will have the opportunity to build on the history and success of the Program and, in particular, manage the growing stewardship responsibilities that the size and scope of the program have created. In addition, the successful candidate will work with the JCFP Board to continue to solicit, evaluate and purchase easements on agricultural properties in the County.

The annual operating budget of \$230,000.00 includes management of 1 full time staff member whose focus is on stewardship of existing easements (this position is shared with the neighboring Berkeley County Farmland Protection Board). Locally collected Transfer Tax funds and private donations typically generate upwards of 1 million dollars for easement purchases as well as providing the Program's operating budget. When an agricultural property

meets certain criteria, Transfer Tax funds can be combined with matching Federal funds for the purchase of such easements.

The Executive Director actively protects and advocates for the local funding stream as well as identifies and pursues other potential funding sources to maintain the viability and purchasing power of the Program.

Although primarily an office job, the Executive Director often works in the field (Jefferson County) conducting site visits for documentation and/or monitoring of properties.

As the public face of the program the Executive Director interacts with landowners already in the program; those seeking to apply, and the general public in a variety of local and state forums.

We envision the successful candidate to be competent and versatile in using social media and other appropriate venues to disseminate information about the program. In addition, he/she must be comfortable dealing with individual landowners to explain the program and walk them through what can be a complicated submission process.

Qualifications for Candidates:

First and foremost, the Candidate for this position should be self-directed, highly self-motivated, and possess a strong work ethic and initiative.

As the public face and spokesperson for the Program, the Candidate must have:

- strong interpersonal skills and ability to work with constituents (landowners), contractors, board of directors and county council. They will benefit from a knowledge of Jefferson County.
- skills for initiating face-to-face, telephone, and written outreach
- skill, comfort and confidence in public speaking.
- competence in all applicable social media platforms used for marketing and information sharing.
- strong technical writing skills as well as the ability to write clear, concise and interesting copy for public consumption.

As the business manager for the Program, the Candidate must have:

- administrative and organizational skills appropriate for running a complex business.
- ability to coordinate and direct contracted work for finances, legal services, etc.
- ability to manage complex, often multi-year timelines.
- ability to work independently.
- ability to manage budgets, resources and general financial business processes.
- ability to effectively manage, supervise and evaluate JCFPB employee(s).
- working knowledge of GIS and other land mapping software.

- commitment to the goals outlined in the JCFPB Strategic Plan (available on the website).

Ideal candidates will have the following:

- Bachelor's degree is required; graduate degree in a related field is preferred.
- Genuine interest in Jefferson County Farmland Protection Program's mission of preserving the agricultural resources and rural character of the county.
- Knowledge of the agricultural community and culture and awareness of issues and concerns affecting landowners and their property.
- Knowledge of conservation issues and the benefits of land preservation, particularly with regard to agricultural/farm use.
- Knowledge of NRCS FRPP and ACEP/ALE easements, including the application and acquisition process for ACEP/ALE.
- Knowledge of the Department of Interior's American Battlefield Protection Program and their application and acquisition process.
- Minimum of five years of relevant, demonstrable management experience is required, including successful financial management, board relations and a proven capacity to motivate, mentor and lead staff.

In addition, attributes of patience, perseverance and commitment to preservation of the agricultural way of life and environment are key qualities for the future Executive Director. Easement applicants, predominantly long time, family farmers/landowners, have many questions and often require patient shepherding through the many aspects of the application process (as brief as two years or as long as five). Likewise, successive owners of protected properties will require careful and tactful guidance to ensure that they understand and uphold the conservation values protected under the easement.

Compensation:

JCFPB offers a competitive pay rate, commensurate with experience, and flexible work environment. As per JCFPB's personnel policy, full-time staff are eligible for State sponsored health and retirement benefits as well as paid leave. This position is expected to be compensated between \$65,000 - \$80,000.

To Apply:

Please email your cover letter, names and contact information of three profession references, and resume to Jefferson@wvfp.org. Applications will be accepted until COB, (DATE) Please do not send photographs. Additional information about the Jefferson County Farmland Protection program as well as a complete job description can be found at wvfp.org/Jefferson.

Equal Opportunity

The Jefferson County Farmland Protection Board celebrates, supports, and thrives on our differences to benefit our staff, our mission, and our community. We are an equal opportunity

workplace and do not discriminate based on race, color, religion, sex, gender identity, national origin, political affiliation, sexual orientation, marital status, disability, genetic information, age, parental status, military service, or other non-merit factors.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name:

Department or Organization: **Jefferson County Commission**

Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: **March 7, 2024**

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Determination of FY25 Tax Levy Rate**

Discussion/Action to determine levy rate of Class I Property for FY25

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N. Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION

JEFFERSON COUNTY, WEST VIRGINIA CALCULATING REDUCED LEVY RATE 2024 - 2025

CLASS	ROLL BACK VALUE (Column D)	X	WEIGHTING	=	WEIGHTED ASSESSED VALUE
Class 1	\$ _____	X	0.01	=	\$ _____ 0
Class 2	3,661,148,300	X	0.02	=	73,222,966
Class 3	1,092,716,152	X	0.04	=	43,708,646
Class 4	502,372,789	X	0.04	=	20,094,912
Total All Classes	\$ 5,256,237,241		(Total WAV)		\$ 137,026,524

Assessor's Valuation % per PVC: 1.85%
 Previous year's projected \$ 17,652,288 102.85% % \$ 18,155,378

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (Total WAV)**
 (use 4 decimal places here) \$ 0.1325

The result of this division is then multiplied x 100 (use 2 decimal places here)
 and this will = the Class 1 Levy Rate in cents per \$100 of assessed value 13.25

The Class 2, 3, and 4 Levy Rates are determined by multiplying the Class 1 Rate as follows:

Class 1 Rate 13.25 ¢ X 2 = 26.50 **Class 2 Rate:**

Class 1 Rate 13.25 ¢ X 4 = 53.00 **Class 3 & 4 Rate:**

DO NOT USE RATES IN EXCESS OF 2 DECIMAL PLACES

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (TOTAL WAV)** USE 4 DECIMAL POINTS HERE **0.1325**

JEFFERSON COUNTY, WEST VIRGINIA CALCULATING REDUCED LEVY RATE Maximum with Hearing 2024 - 2025

CLASS	ROLL BACK VALUE (Column D)	X	WEIGHTING	=	WEIGHTED ASSESSED VALUE
Class 1	\$ _____	X	0.01	=	\$ _____ 0
Class 2	<u>3,661,148,300</u>	X	0.02	=	<u>73,222,966</u>
Class 3	<u>1,092,716,152</u>	X	0.04	=	<u>43,708,646</u>
Class 4	<u>502,372,789</u>	X	0.04	=	<u>20,094,912</u>
Total All Classes	\$ <u>5,256,237,241</u>		(Total WAV)		\$ <u>137,026,524</u>

Assessor's Valuation % per PVC: 1.85%
 Previous year's projected \$ 17,652,288 111.85% % \$ 19,744,084

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (Total WAV)**
 (use 4 decimal places here) \$ **0.1430**

The result of this division is then multiplied x 100 (use 2 decimal places here)
 and this will = the Class 1 Levy Rate in cents per \$100 of assessed value **14.30**

The Class 2, 3, and 4 Levy Rates are determined by multiplying the Class 1 Rate as follows:

Class 1 Rate 14.30 ¢ X 2 = **28.60** **Class 2 Rate:**

Class 1 Rate 14.30 ¢ X 4 = **57.20** **Class 3 & 4 Rate:**

DO NOT USE RATES IN EXCESS OF 2 DECIMAL PLACES

Divide by the **TOTAL WEIGHTED ASSESSED VALUE (TOTAL WAV) USE 4 DECIMAL POINTS HERE** **0.1441**

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Edwina Benites, Interim County Administrator

Department or Organization: **Jefferson County Commission**






Estimation of amount of time needed for appointment:

Date Requested – 1st Choice: March 7, 2024

If a specific date is needed, please provide reason for specific date:

Date Requested – 2nd Choice:

Subject (*Wording to be placed on agenda*): **Interim County Administrator Reports**

-  **Circuit Clerk's Office printers**
-  **TIF Attorney**
-  **Opioid Settlement Plan**
-  **Approval of Budget Dates**
-  **Impact Fee Study**

Please provide the County Commission with a description of your request or presentation, including any background information:

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request:

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

Attach supporting documents for request, or request may be denied.

If not attached, explain:

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information:

Email address:

Phone Number:

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION



JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 Fax: (304) 725-7916

Web: www.jeffersoncountywv.org

PRESIDENT
Steve Stolipher

VICE PRESIDENT
Jane Tabb

COMMISSIONER
Tricia Jackson

COMMISSIONER
Jennifer Krouse

COMMISSIONER
Pasha Majdi

To: Commissioner Tricia Jackson
Commissioner Jennifer Krouse
Commissioner Pasha Majdi
Commissioner Steve Stolipher
Commissioner Jane Tabb

From: Edwina Benites-LM, interim county administrator

Date: March 1, 2024

Re: Interim County Administrator Report, March 7, 2024

Summary:

- A. Circuit Clerk's office printers
- B. TIF lawyer
- C. Opioid settlement plan
- D. Budget dates approval
- E. Impact Fee Study

A. Circuit Clerk's office printers:

At the February 15, 2024, Commission meeting, I was tasked with assisting the Circuit Clerk in the purchase of two printers. I worked with the Circuit Clerk and our IT department to identify and order printers. Once the Circuit Clerk approved the printers, they were purchased and shipped to her office.

B. TIF lawyer

On September 7, 2023, the Jefferson County Commission tasked the county administrator with hiring outside counsel to advise regarding the Hill Top House and tax increment financing (TIF).

On January 18, 2024, the Commission provided additional guidance to the interim county administrator stating that I provide letters of engagement for review before hiring a TIF attorney. The Commission additionally requested that the engagement letters detail any interested firm's business before the County Commission.

On February 15, 2024, the Commission voted 5-0 to hire Spilman, Thomas & Battle and requested that I set up a time for the attorney to present and answer the Commission's questions. I signed the engagement letter and updated both parties. Spilman, Thomas & Battle will present and answer questions at the March 21, 2024, Commission meeting.

Interim County Administrator
Edwina Benites

C. Opioid Settlement plan

The State and many local governments will receive significant opioid settlement funds. The County was allocated \$1,190,509.59 in opioid settlement funds. The County transferred the funds into a CDAR account to accrue interest- according to votes taken on February 1st and 15th. The funds will be available September 1.

To be good stewards of these funds, the County will host a public workshop to (1) understand the opioid crisis in Jefferson County; (2) understand how the opioid settlement funds can be used; and (3) receive constituent input on priority funding areas.

I have contacted our attorney, the Health Department, the prosecutor's office, and the Sheriff's office to provide presentations. I am also coordinating with the municipalities.

Suggest motion:

- Motion to host a public hearing on the opioid crisis and use of opioid settlement funds on April 15, 2024, at 6:00 pm.

D. Budget dates approval

Suggested motion: Motion to approve the following public meetings to consider the budget:

- March 12, 14, and 19 beginning at 9:30 am for Budget Workshops
- March 19 at 6:00 pm for a Community Forum for the Public Hearing of the Budget

Attachment 1- FY25 Budget Process Calendar

E. Impact Fee study:

At the February 15, 2024, Commission meeting, the Commission directed the interim county administrator to obtain a proposal from Tischler Bise to review impact fees, with a special emphasis on school and emergency service impact fees.

Tischler Bise submitted a proposal.

While Jefferson County Policies and Procedures Bidding and Contract Policy (#318) does not include a bidding procedure for services such as impact fee review, the Commission may choose to place the study out for bid. I have attached a sample request for proposals (RFP) should the Commission choose to pursue an other-than-sole-source contract for the impact fee study.

Suggested motion: Motion to task Planning, Zoning, and Engineering with creating and soliciting a request for proposals for an impact fee study for all the existing entities. The school system will be responsible for its portion of the study.

Attachment: 2- 2024-02-26 Impact Fee Recalculation RFP- Draft

Jefferson County Commission
FY25 Budget Process Calendar
 Revised 02/16/2024

FY 25 Schedule	Task
	Budget Director to compile estimate of revenues
	More accurate property valuations are available. Budget Director to adjust projected revenues
Tuesday, February 6, 2024	Budget Charge from Commissioners
Mid January 2024	Preliminary health insurance renewal rates available
Tuesday, January 16, 2024	Budget reports distributed to departments (per auditor's office should be done no later than the 1st week of February)
Friday, February 9, 2024	Department Heads to return budgets to Budget Director (per regulation must be done by March 2nd)
Friday, February 9, 2024	Elected Officials to return budgets to Budget Director (per regulation must be done by March 2nd)
Monday, February 26, 2024	Budget Binders distributed to Commissioners
Tuesday, February 21, 2024 - CANCELLED	Tuesday evening Budget 101 (6:30 PM)
February 27, & 28, 2024	Need to schedule two to three full days of individual department budget presentations to the Commissioners
Thursday, February 29, 2024	Assessor to certify value of real and personal property (per regulation must be done by March 3rd)
	Final health insurance renewal rates obtained
March 12, 14 & 19, 2024	Budget Workshop for Commissions
Tuesday, March 19, 2024	Schedule community forum for public hearing of budget (per regulation must be done between March 7th and March 28th)
Thursday, March 21, 2024	Currently, this is an evening regular session. Commissioners adopt budget (per regulation must be done by March 29th) or Special Session on Tuesday, March 26, 2024.
	Budget must be published by March 28th each year in the local paper of record.
	Health insurance renewal rates/options presented to Commissioners
Tuesday, April 16, 2024	Commissioners reconvene and consider any objections, and proceeds with the laying of property tax levy rates (per regulation must be done by April 16th, the 3rd Tuesday of April) – Normally a 9:30 meeting
Friday, April 19, 2024	Budget Director to forward the levy order to the State Auditor's Office (per regulation must be done within 3 days of the 3rd Tuesday in April)

REQUEST FOR PROPOSALS

2024

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

SPECIFICATIONS AND INSTRUCTIONS



**Jefferson County Commission
Jefferson County, West Virginia
P.O. Box 250
Charles Town, WV 25414**

Jefferson County Commission
Jefferson County, West Virginia

REQUEST FOR PROPOSALS
For
2024 RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

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DRAFT

**JEFFERSON COUNTY COMMISSION
JEFFERSON COUNTY, WV
NOTICE**

REQUEST FOR PROPOSALS

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

Notice is hereby given that sealed proposals will be received at the Engineering Department – Office of Impact Fees, until **10:00 AM, Friday, April 5, 2024**, local prevailing time, for furnishing all labor, materials and equipment, and performing all work necessary and incidental to: Recalculation of Impact Fees & Fee Schedule Update, in accordance with the specifications and contract documents within.

There will be no pre-proposal meeting. All questions regarding this RFP shall be submitted in writing to the Jefferson County Engineering Department - Office of Impact Fees no later than **4:00pm on Friday, March 22, 2024**. Questions received after that time will not be addressed. Questions should be emailed to Michelle Mason, Impact Fees Program Specialist, at mmason@jeffersoncountywv.org. All submitted questions and the County's written response to each will be available as an addendum on or before **Friday, March 29, 2024**.

Potential bidders are responsible for contacting the Jefferson County Engineering Department – Office of Impact Fees at 304-728-3331 or mmason@jeffersoncountywv.org to request a copy of the addendum. Bidders must acknowledge receipt of all addenda on the County proposal form, which shall be submitted with the proposal package.

Proposals shall be addressed and mailed to the:

Jefferson County Engineering Department
Office of Impact Fees
P.O. Box 716
Charles Town, WV, 25414

Or hand delivered or shipped to the physical address of:

Jefferson County Engineering Department
Office of Impact Fees
116 East Washington Street, Suite 100
Charles Town, WV 25414

and shall be labeled:

Jefferson County Impact Fees – 2024 Fee Schedule Update Proposal

Proposals shall be received by **10:00 AM, Friday, April 5, 2024**. One original and two copies of the full proposal package must be provided. They will be opened and the prices read aloud at that time in the Jefferson County Engineering Department conference room. Any Proposer who wishes his proposal to be considered is responsible for making certain that his proposal is received in the Engineering

Department by the proper time. No oral, telegraphic, electronic, facsimile, or telephonic proposals or modifications will be considered unless specified. Proposals received after the scheduled Submittal Deadline will be returned unopened. Proposals must bear original signatures and figures.

Any questions regarding this project should be addressed to:

Jefferson County Engineering Department
Office of Impact Fees
P.O. Box 716
Charles Town, WV 25414

Attn: Michelle Mason, Impact Fees Program Specialist

Phone: (304) 728-3331

Email: mmason@jeffersoncountywv.org

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INSTRUCTIONS TO PROPOSER

ACCEPTANCE PERIOD. Unless otherwise specified herein, proposals shall be valid and honored for a period of Ninety (90) calendar days from the submittal deadline date.

ADDENDA ACKNOWLEDGMENT. Each proposal shall include specific acknowledgment in the space provided of receipt of all addenda issued during the solicitation period. Failure to acknowledge may result in the proposal being rejected as not responsive.

AUTHORIZED SIGNATURES. Every proposal must be signed by the person or persons legally authorized to bind the Proposer to a contract for the execution of the work. Upon request of the Jefferson County Commission, any agent submitting a proposal on behalf of a Proposer shall provide a current power of attorney certifying the agent's authority to bind the Proposer. If an individual makes the proposal, his or her name, signature, and post office address must be shown. If a firm or partnership makes the proposal, the name and post office address of the firm or partnership and the signature of at least one of the general partners must be shown. If a corporation makes the proposal, the proposal shall show the name of the state under the laws of which the corporation is chartered, the name and post office address of the corporation and the title of the person signing on behalf of the corporation. Upon request of the Jefferson County Commission, the corporation shall provide a certified copy of the bylaws or resolution of the board of directors showing the authority of the officer signing the proposal to execute contracts on behalf of the corporation.

AWARD OF PROPOSAL. Award will be made to the Proposer offering the most advantageous proposal after consideration of all Evaluation Criteria set forth below. The criteria are not listed in any order of preferences. The Jefferson County Commission will evaluate all proposals received in accordance with the Evaluation Criteria. The Jefferson County Commission reserves the right to establish weight factors that will be applied to the criteria depending upon order of importance. Weight factors and evaluation scores will not be released until after award of proposal. The Jefferson County Commission shall not be obligated to accept the lowest priced proposal, but will make an award in the best interests of the Jefferson County Commission after all factors have been evaluated.

CANCELLATION OF SOLICITATION. The Jefferson County Commission may cancel this solicitation at any time.

COMPLIANCE WITH LAWS. All proposals shall comply with current federal, state, and other laws relative thereto.

DEFINITION OF TERMS. For the purposes of this RFP, the following definitions will be used:

1. *Contract*—The entire and integrated written contract/agreement between the Owner and Contractor which shall consist of the Request for Proposal, all Addenda, the RFP Terms and Conditions, the Proposal, any written Change Order modifications, and Performance Bond(s). The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.
2. *Contractor* – Same as Successful Proposer.

3. *May* – Indicates something that is not mandatory, but permissible.
4. *Owner* - The Jefferson County Commission, the entity with whom Contractor has entered into the Contract/Agreement and for whom the Work is to be performed.
5. *Proposal* – The offer made by the Proposer.
6. *Proposer* – The person or firm making the offer to the Owner to perform work.
7. *RFP* – Acronym for “Request for Proposal”.
8. *Shall/Must* - Indicates a mandatory requirement.
9. *Should* – Indicates something that is recommended but not mandatory.
10. *Submittal Deadline* – The date and time on or before which all proposals must be submitted.
11. *Successful Proposer* – The person, contractor, or firm to whom the award is made.

DOCUMENTS TO BE RETURNED WITH PROPOSAL. Failure to completely execute and submit the required documents before the Submittal Deadline may render a proposal non-responsive. The documents that must be returned by the Submittal Deadline are listed on the form entitled "Proposal Documents To Be Returned" and attached hereto.

INK OR TYPEWRITTEN. All information, prices, notations, signatures, and corrections must be in ink or typewritten. Mistakes may be crossed out and corrections typed or printed adjacent to the mistake and initialed in ink by the person signing the proposal.

NOMENCLATURES. The terms Successful Proposer, Successful Contractor, and Contractor may be used interchangeably in these specifications and shall refer exclusively to the firm with whom the Jefferson County Commission enters into a contract because of this solicitation.

NON-COLLUSION AFFIDAVIT. Proposers are required to submit a Non-Collusion Affidavit with their Proposals. See attached Affidavit. If there is reason to believe that collusion exists among the Proposers, the Jefferson County Commission may refuse to consider proposals from participants in such collusion.

OPENING OF PROPOSALS. All proposals, irrespective of irregularities or informalities, will be opened and the names of the Proposers and proposed prices will be publicly read aloud at the Submittal Deadline. All interested persons are invited to be present at the opening and reading of proposals.

POSTPONEMENT OF OPENING. The Jefferson County Commission reserves the right to postpone the Submittal Deadline and opening of proposals any time before the date and time announced in the Request For Proposals or subsequent addenda.

PRICE DISCREPANCIES. In the event that there are unit price items in a proposal schedule and the "amount" indicated for a unit price of an item does not equal the product of the unit price and quantity listed, the unit price shall govern and the amount will be corrected accordingly. If there is more than one item in a proposal schedule, and the total indicated for the schedule does not agree with the sum of prices of the individual items, the prices given for the individual items shall govern and the total for the schedule will be corrected accordingly. The Proposer will be bound by said corrections.

PRICES. All Proposals shall give the prices proposed, both in writing and in figures, shall give all other information requested herein, and shall be signed by the Proposer's authorized representative. Proposal prices shall include everything necessary for the completion and fulfillment of the contract.

PROPOSAL FORMS/SUBMITTAL. Proposals should be clearly labeled and submitted in a sealed envelope or box bearing the name of the Proposer, RFP number, and Submittal Deadline. Proposer's authorized representative must properly initial any erasures or alterations of any kind. Proposals that contain omissions or improper erasures or irregularities may be rejected. No oral, electronic, telegraphic, or telephonic proposals or modifications will be considered.

Forms. Proposals must be submitted on preprinted forms supplied in this RFP.

Copies. Proposers shall submit one (1) original proposal marked "MASTER", and the two (2) identical copies on or before the Submittal Deadline.

Discrepancies. If discrepancies are found between the original and copy or copies, the original "MASTER" will provide the basis for resolving such discrepancies. If one document is not clearly marked "MASTER", the Jefferson County Commission reserves the right to use the original as the Master.

PROPOSAL CONTENT. Proposer must describe in detail how he will meet the requirements of this RFP, and may provide additional related information with his proposal. The proposal should be presented in a format that corresponds to, and references, the sections outlined in the Specification or Scope of Work, and should be presented in the same order. Responses to each section and subsection should be labeled to indicate which item is being addressed. Proposals should be straightforward and concise. Emphasis should be concentrated on conforming to the RFP instructions, responding to the RFP requirements, and on providing a complete and clear description of the offer. If a complete response cannot be provided without referencing supporting documentation, you must provide such documentation with the proposal indicating where the supplemental information can be found.

The Jefferson County Commission is not liable for any costs incurred by Proposers before entering into a formal contract. Costs of developing the proposals or any other such expenses incurred by the Proposer in responding to the RFP, are entirely the responsibility of the Proposer, and shall not be reimbursed in any manner by the Jefferson County Commission.

PROPOSAL MODIFICATIONS. Any Proposer who wishes to make modifications to a proposal already received by the Jefferson County Commission must withdraw his proposal in order to make the modifications. Withdrawals must be made in accordance with the terms and conditions of this solicitation (see Proposal Withdrawal). All modifications must be made in ink, properly initialed by Proposer's authorized representative, executed, and submitted in accordance with the terms and conditions of this solicitation. It is the responsibility of the Proposer to ensure that modified or withdrawn proposals are resubmitted before the Submittal Deadline.

PROPOSAL REJECTION OF. The Jefferson County Commission reserves the right to reject any or all Proposals or any part of a Proposal. The Jefferson County Commission reserves the right to reject the Proposal of any Proposer who previously failed to perform adequately for the Jefferson County Commission or any other governmental agency. The Jefferson County Commission expressly reserves the right to reject the Proposal of any Proposer who is in default on the payment of taxes, licenses or other monies due to Jefferson County.

PROPOSAL WITHDRAWAL. Proposers' authorized representative may withdraw proposals only by written request received by the Office of Impact Fees, Impact Fees Program Specialist, before the Submittal Deadline.

PROPOSER'S BACKGROUND. Proposer must provide a company profile. Information shall include:

- a. Company ownership and whether a sole proprietorship, partnership, or corporation. If incorporated, the state in which the company is incorporated and the date of incorporation.
- b. Location of the company offices.
- c. Number of employees both locally and nationally.
- d. Office location(s) from which employees will be assigned to the project.
- e. Name, address, and telephone number of the Proposer's point of contact for a contract resulting from this RFP.
- f. Company background/history demonstrating why the Proposer is qualified to provide the services described in this RFP.
- g. Length of time Proposer has been providing services described in this RFP. Please provide a brief description.
- h. Resumes for key staff to be responsible for performance of the scope of work of any contract resulting from this RFP.

Proposer must include in his proposal a complete disclosure of any alleged significant prior or ongoing contract failures, any civil or criminal litigation or investigation pending which involves the Proposer or in which the Proposer has been judged guilty or liable. Failure to comply with the terms of this provision will disqualify any proposal. The Jefferson County Commission reserves the right to reject any proposal based upon the Proposer's prior history with the Jefferson County Commission or with any other party, which documents, without limitation, unsatisfactory performance, adversarial or contentious demeanor, significant failure(s) to meet contract milestones or other contractual failures.

PROPOSER'S REFERENCES. Proposers should provide a minimum of five (5) references from similar projects performed for any local government clients within the last five years. Information provided shall include:

- Client/Business name; and
- Project description; and
- Project dates (starting and ending); and
- Client/Business project manager name and telephone number.

PUBLIC RECORDS. Under West Virginia State Code §29B, Freedom of Information, the information and materials received by the Jefferson County Commission in connection with an RFP response shall be deemed to be public records subject to public inspection upon award, recommendation for award, or 10 days after bid opening, whichever occurs first. However, under West Virginia State Code, §29B-1-4, Exemptions, certain exemptions to the public records law are statutorily provided. If the Proposer

believes any of the information contained in his or her response is exempt from the Public Records Law, then the Proposer must, in his or her response, specifically identify the material which is deemed to be exempt and cite the legal authority for the exemption; otherwise, the Jefferson County Commission will treat all materials received as public records.

QUALIFICATION OF PROPOSERS. Each Proposer shall be skilled and regularly engaged in the general class or type of work called for under the contract for no less than three (3) years. The Proposer's experience shall be set forth and submitted on the form provided herewith. It is the intention of the Jefferson County Commission to award a contract to a Proposer who furnishes satisfactory evidence that the Proposer has the requisite experience, ability, sufficient capital, facilities, and plant to enable the Proposer to prosecute the work successfully and properly, and to complete it within the time specified in the contract. To determine the degree of responsibility to be credited to the Proposer, the Jefferson County Commission will weigh any evidence that the Proposer has performed satisfactorily other contracts of like nature, magnitude and comparable difficulty and comparable rates of progress. In selecting the lowest responsive and responsible Proposer, consideration will be given not only to the financial standing but also to the general competency of the Proposer for the performance of the work covered and/or specified in the contract documents. To this end, each Proposal shall be supported by a statement of the Proposer's experience on the form entitled "Proposer's Statement of Relevant Experience", which is a part of the contract documents.

QUESTIONS AND COMMENTS. All questions regarding this RFP must be submitted in writing to the Jefferson County Engineering Department - Office of Impact Fees, no later than **4:00pm on Friday, March 22, 2024**. Questions received after that time will not be addressed. Questions should be emailed to mmason@jeffersoncountywv.org. All submitted questions and the County's written response to each will be available as an addendum on or before **Friday, March 29, 2024**. Potential bidders are responsible for contacting the Jefferson County Engineering Department – Office of Impact Fees at (304) 728-3331 or mmason@jeffersoncountywv.org to request a copy of the addendum. Bidders must acknowledge receipt of all addenda on the County proposal form which will be submitted with the proposal package.

REJECTION OF PROPOSALS, WAIVER OF INFORMALITIES. The Jefferson County Commission reserves the right to reject any or all proposals, or any part of a proposal. The Jefferson County Commission reserves the right to waive any informality with any proposal submission. The Jefferson County Commission reserves the right to reject the proposal of any Proposer who previously failed to perform adequately for the County or any other governmental agency. The Jefferson County Commission expressly reserves the right to reject the proposal of any Proposer who is in default on the payment of taxes, licenses, or other monies due the Jefferson County Commission or the State of West Virginia.

SELL OR ASSIGN. The successful Proposer shall not have the right to sell, assign, or transfer any rights or duties under this contract without the specific written consent of the Jefferson County Commission.

SIGNATURES. An individual who is authorized to bind the Proposer must sign the proposal.

SUBMITTAL DEADLINE. The Submittal Deadline is **10:00 AM, Friday, April 5, 2024**. Proposals must arrive in the Jefferson County Engineering Department – Office of Impact Fees, 116 East Washington Street, Suite 100, Charles Town, WV 25414. **The receiving time in the Engineering Department will be the governing time for acceptability of proposals.**

TAXES, EXEMPT. The Jefferson County Commission is exempt from Federal Excise and State Sales Tax. If requested, the Jefferson County Commission will furnish exemption certificates when the successful bidder submits invoices for payment.

TERMS OF THE OFFER. The Jefferson County Commission reserves the right to negotiate final contract terms with any Proposer selected. The contract between the parties will consist of the RFP together with any modifications thereto, the awarded Proposer's proposal, and all modifications and clarifications that are submitted at the request of the Jefferson County Commission during the evaluation and negotiation process. In the event of any conflict or contradiction between or among these documents, the documents shall control in the following order of precedence: the final executed contract, the RFP, any modifications and clarifications to the awarded Proposer's proposal, and the awarded Proposer's proposal. Specific exceptions to this general rule may be noted in the final executed contract. Proposer understands and acknowledges that the representations above are material and important, and will be relied on by the Jefferson County Commission in evaluation of the proposal. Proposer misrepresentation shall be treated as fraudulent concealment from the Jefferson County Commission of the facts relating to the proposal.

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TERMS AND CONDITIONS

ASSIGNMENT OF RIGHTS OR OBLIGATIONS. Except as noted hereunder, Successful Proposer may not assign, transfer or sell any rights or obligations resulting from this solicitation without first obtaining the specific written consent of the Jefferson County Commission.

ATTORNEY FEES. In the event a suit or action is instituted in connection with any controversy arising out of this contract, the prevailing party shall be entitled to receive, in addition to its costs, such sum as the court may adjudge reasonable as to attorney's fees and costs.

AUTHORITY OF THE COUNTY. Subject to the power and authority of the Jefferson County Commission as provided by law in this contract, the Jefferson County Commission shall in all cases determine the quantity, quality, and acceptability of the work, materials and supplies for which payment is to be made under this contract. The Jefferson County Commission shall decide the questions that may arise relative to the fulfillment of the contract or the obligations of the contractor hereunder.

CANCELLATION OF THE CONTRACT. *Without cause*, the Jefferson County Commission may cancel this contract at any time with thirty (30) days written notice to the supplier/contractor. *With cause*, the Jefferson County Commission may cancel this contract at any time with ten (10) days written notice to the Proposer. Cancellation for cause shall be at the discretion of the Jefferson County Commission and shall be, but is not limited to, failure to supply the materials, or service specified within the time allowed or within the terms, conditions or provisions of this contract. The successful Proposer may not cancel this contract without prior written consent of the Jefferson County Commission President.

CHANGES IN WORK. The Jefferson County Commission may, at any time work is in progress, by written order, make alterations in the terms of work as shown in the specifications, require the performance of extra work, decrease the quantity of work, or make such other changes as the Jefferson County Commission may find necessary or desirable. The Contractor shall not claim forfeiture of contract by reasons of such changes by the Jefferson County Commission. Changes in work and the amount of compensation to be paid to the Contractor for any extra work as so ordered shall be determined in accordance with the unit prices of contractor's proposal.

COMPLIANCE WITH OR DEVIATION FROM SPECIFICATIONS. Proposer hereby agrees that the material, equipment or service offered will meet all the requirements of the specifications in this solicitation unless deviations from them are clearly indicated in the Proposer's response. Proposer may submit an attachment entitled "Exceptions to Specifications", which must be signed by Proposer's authorized representative. An explanation must be made for each item in which an exception is taken, giving in detail the extent of the exception and the reason for which it is taken. Proposals failing to comply with this requirement will be considered non-responsive. Submittal of brochure or other manufacturer literature is desirable but may not be a substitution for this requirement.

CONTRACT INCORPORATION. This contract embodies the entire contract between the Jefferson County Commission and the Contractor. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein. No changes, amendments, or modifications of any of the terms or conditions of the contract shall be valid unless reduced to writing and signed by both parties. The complete contract shall include the entire contents of the RFP solicitation, all addenda, all of Proposer's successful submittal, supplemental

agreements, change orders, performance bond(s), and any and all written agreements which alter, amend or extend the contract.

CONTRACT TIME. The time limit for completing the work is One-Hundred and Twenty (120) calendar days from the date when the Notice to Proceed is delivered to the Contractor. Time is of the essence for all time limits for completion and readiness for final payment. The time limit shall only be extended by issuance of a Change Order issued by the Jefferson County Commission.

COOPERATION BETWEEN CONTRACTORS. The Jefferson County Commission reserves the rights to contract for and perform other or additional work on or near the work covered by these specifications. When separate contracts are let within the limits of any one project, each contractor shall conduct his work so as not to interfere with or hinder the progress or completion of the work being performed by other contractors. Contractors working on the same project shall cooperate with each other as directed. Each contractor involved shall assume all liability, financial or otherwise, in connection with his contract and shall protect and save harmless the Jefferson County Commission from any and all damages or claims that may arise because of inconvenience, delays, or loss experienced by him because of the presence and operations of other contractors working within the limits of the same project.

COORDINATION WITH AGENCIES. The Contractor shall be responsible for coordinating their work and activities with the proper regulatory agencies necessary in carrying out the scope of work. Contractor shall coordinate the work and activities during each agency's normal business hours and have their representative on site at the proper times.

DAMAGE. The contractor shall be held responsible for any breakage, loss of the Jefferson County Commission's equipment or supplies through negligence of the contractor or his employee while working on the Jefferson County Commission's premises. The contractor shall be responsible for restoring or replacing any equipment, facilities, etc. so damaged. The contractor shall immediately report to the Jefferson County Commission any damages to the premises resulting from services performed under this contract. Failure or refusal to restore or replace such damaged property will be a breach of this contract.

DEFINITIONS:

1. *Change Order*—A document which is signed by Contractor and Owner and authorizes an addition, deletion, or revision in the Scope of Work or an adjustment in the Contract Price or the Contract Times, issued on or after the Effective Date of the Agreement.
2. *Contract*—The entire and integrated written contract/agreement between the Owner and Contractor which shall consist of the Request for Proposal, all Addenda, the RFP Terms and Conditions, the Proposal, any written Change Order modifications, and Performance Bond(s). The Contract supersedes prior negotiations, representations, or agreements, whether written or oral.
3. *Contractor*—Individual or entity with whom the Owner has entered into the Contract/Agreement as a result of this request for proposal.
4. *Notice of Award*—The written notice by Owner to the Successful Proposer/Bidder stating that upon timely compliance by the Successful Proposer/Bidder with the conditions precedent listed therein, Owner will sign and accept the Proposal/Agreement.

5. *Notice to Proceed*—A written notice given by Owner to Contractor fixing the date on which the Contract Times will commence to run and on which Contractor shall start to perform the Work under the Proposal/Agreement.
6. *Owner*—The Jefferson County Commission, the entity with whom Contractor has entered into the Proposal/Agreement and for whom the Work is to be performed.
7. *Proposal* – The offer made by the Proposer.
8. *Proposer* – The person or firm making the offer to perform work.
9. *Shall/Must* - Indicates a mandatory requirement.
10. *Should* – Indicates something that is recommended but not mandatory.

FORMATION OF CONTRACT. Proposer’s signed Proposal and these Terms and Conditions and Jefferson County Commission’s written acceptance shall constitute a binding contract.

INSURANCE REQUIREMENT. Within ten (10) consecutive calendar days of receipt of Notice of Award of contract, the Successful Proposer must furnish the Jefferson County Commission with the Certificates of Insurance proving coverage as specified in “*Proposer’s Statement of Insurance Coverage*” and naming the Jefferson County Commission, its officers and agents, Additional Insured by endorsement.

LAWS GOVERNING CONTRACT. This contract shall be in accordance with the laws of the state of West Virginia. The parties stipulate that this contract was entered into in the county of Jefferson, in state of West Virginia. The parties further stipulate that the county of Jefferson, West Virginia, is the only appropriate forum for any litigation resulting from a breach hereof or any questions risen here from.

PAYMENT FOR SERVICES. The Contractor shall submit an invoice to request payment for work completed. The invoice shall, at a minimum, include Contractor name, address, date, a description of the work completed for the payment period, amount of invoice for the payment period, the original contract amount, the total invoiced to date and the balance of contract amount remaining.

Contractor shall invoice for work on a regular periodic monthly basis. Payment terms are Net 30 days from receipt of invoice. Partial payments for work may be made by the Jefferson County Commission as work progresses, less a 10% retainer, which amount will be due upon final payment. Final payment will not be made until all work is 100% complete and all deliverables under the Scope of Work are provided and found to be satisfactory by the Jefferson County Commission.

REJECTION OF WORK. Contractor agrees that the Jefferson County Commission has the right to make all final determinations as to whether the work has been satisfactorily completed.

RIGHTS RESERVED.

- (a) **Rejection of Work.** Contractor agrees that the Jefferson County Commission has the right to make all final determinations as to whether the work has been satisfactorily completed.

- (b) Completion of Work. If Contractor fails to comply with the conditions of the contract, or fails to complete the required work or furnish the required materials within the time stipulated, the Jefferson County Commission reserves the right to purchase in the open market, or to complete the required work, at the expense of the Contractor.

SEVERABILITY. If any provisions or portion of any provision, of this contract are held invalid, illegal or unenforceable, they shall be severed from the contract and the remaining provisions shall be valid and enforceable.

SPECIFICATIONS. CHANGES TO. The parties shall not be bound by or be liable for any statement, representation, promise, inducement or understanding of any kind or nature not set forth herein or by written amendment. No changes, amendments, or modifications of any of the terms or conditions of the specification shall be valid unless reduced to writing and signed by both parties.

SPECIFICATIONS. DEFINITION. The term "specification" or "RFP specification" as used in this solicitation shall be interpreted to mean all the pages that make up this solicitation

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OBJECTIVES/SCOPE OF WORK

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

I. OBJECTIVE:

- A. The Jefferson County Commission is soliciting proposals from qualified firms to provide an update of the County's development impact fees report. The most recent analysis and update of the report, including potential fee schedule was completed in February, 2015. Impact fees are currently applied to all new residential and nonresidential development as appropriate, and allow the County to recoup the costs associated with the impacts of new development on County facilities and services.
- B. The County is seeking an updated analysis and calculation of impact fees for each of the following existing facilities/services categories:
 1. Schools,
 2. Law Enforcement (sheriff),
 3. Parks and Recreation (county parks),
 4. Emergency Services (ambulance)
 5. County Administrative Facilities (prosecutor's office building)
- C. Subsequent to the receipt of proposals and the selection of a consultant, and considering the cost to complete each analysis, the County will determine for which category(s) the calculation of an impact fee schedule will be requested. Therefore, proposals should provide a separate fee for completing the scope of work for each individual category should only that category be chosen for analysis. Additionally, a total fee should be provided representing the cost for completing the entire scope of work for all categories. **The County will choose only one consultant through this process, and will not contract with different consultants for analysis of individual categories.**
- D. The schedule(s) of impact fees must be legally defensible, and therefore must be calculated in accordance with West Virginia State Code Chapter 7, Article 20.

II. SCOPE OF WORK:

The impact fee final report, which will include fee schedules for each category selected by the County for analysis, shall be provided to the County within a time period not to exceed One-Hundred and Twenty (120) calendar days from the date of award of the contract, and shall contain all supporting information and methodologies used in calculating the impact fees. The County will select one or more of the following facilities/services categories for analysis and calculation of impact fees:

- Schools
- Law Enforcement
- Parks and Recreation
- Emergency Services
- County Administrative Facilities

The report must explicitly demonstrate that the methodology used to calculate the impact fees is in accordance with West Virginia State Code Chapter 7, Article 20. The report should address the following tasks as necessary to produce defensible fee schedules for each of the facilities/services categories selected by the County.

- A. **Land Use Assumptions.** Review and, if necessary, update annual projections of population, employment, housing, commercial, industrial, and other nonresidential square footage data for at least eight years.
- B. **Demand Factors and Levels of Service.** Review the demand factors that generate the need for new capital facilities. Evaluate existing levels of service. Determine the geographic service area for each category of service/facility for which impact fees will be calculated.
- C. **Review Capital Needs and Costs and Allocate to Growth.** Review the County's Capital Improvement Program and other pertinent information. Identify the capital needs and costs associated with anticipated growth.
- D. **Determine the need for and calculate credits to be applied against Capital Costs.** Credits should address potential issues of double payment and dedication of facilities by the developer.
- E. **Complete Impact Fee Methodology and Calculation.** The maximum justifiable fee for each category must be determined.
- F. **Conduct Funding and Cash Flow Analysis.** Should include an evaluation of anticipated funding sources independent of impact fees reflecting the Capital Improvement Plan.
- G. **Prepare Impact Fee Report.** The report should, at a minimum, contain the following information:
 - Executive Summary.

- Detailed description of methodologies used during the study and clearly outline the steps involved to calculate the various cost and credit components and the maximum justifiable fee schedules.
- Detailed description of all level of service standards and cost factors used and rationale.
- Detailed schedule of all proposed fees for each category of services/facilities, listed by land use type and activity.
- Other information which explains and justifies the recommended fee schedules.
- Following the County's review of the draft report, the consultant will make mutually agreed upon changes and provide ten (10) bound copies of the final report to the County. Additionally, the final report will be provided electronically in Microsoft Word or compatible format.

H. **Presentations/Meetings.** The consultant will attend two (2) public meetings as follows:

1. Prior to performing the impact fee calculations, the consultant shall conduct an on-site stakeholder's meeting to get input, hear concerns and answer questions with regard to data sources, level of service calculations, capital cost calculations and to discuss fee credits that should be taken into consideration. The purpose of the meeting will be to address potential issues and concerns prior to the consultant collecting data and performing the impact fee recalculations rather than having to address them after the fact.
2. Upon completion of the impact fee recalculations, the Contractor shall make a summary presentation of the analyses and conclusions contained in the study/report to the Jefferson County Commission, and to answer questions. The consultant will make revisions to the draft study/report from comments and input received at this meeting in order to complete the final draft of the study/report.

Additionally, the consultant will meet with or otherwise communicate with County staff as necessary during the course of the project; and meet with the impact fee entities as necessary to collect and obtain data required for the impact fees analyses and recalculation.

III. EVALUATION CRITERIA:

The County reserves the right to waive any and all formalities and to award the contract on the basis of competitive negotiations to the firm it deems most qualified based upon professional competency, technical merit, and experience with similar work and price.

The following criteria will be considered (not necessarily in the listed order) by the County in evaluating the proposals submitted and making this award:

The firm's background and relevant work experience as related to the scope of work.

1. The qualifications and suitability of experience of key staff members who will be assigned to tasks outlined in the scope of work.
2. Proven ability to complete similar studies in a timely fashion.
3. Quality of references of current and prior clients (Please list like projects completed or those in progress since 2019).
4. Cost to complete tasks outlined in the scope of work.
5. All interviews and presentations, which may be required.

Based upon the evaluation of proposals submitted, the County may require formal presentations before a review committee regarding qualifications, project approach, and the ability to provide the required services to best serve the needs of the Jefferson County Commission.

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PROPOSAL DOCUMENTS TO BE RETURNED

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

Proposals should be clearly labeled and submitted in a sealed envelope or box bearing the name of the Proposer and the RFP Project Name. Proposer's authorized representative must properly initial any erasures or alterations of any kind. Proposals that contain omissions or improper erasures or irregularities may be rejected. No oral, electronic, telegraphic, or telephonic proposals or modifications will be considered. The following documents must be completed and submitted on or before the Submittal Deadline for the Proposal to be considered complete:

1. Proposal Form
2. Non-Collusion Affidavit
3. Proposer's Statement of Insurance Coverage
4. Proposer Statement of Relevant Experience

Additional information to be provided:

1. Company ownership. If incorporated, the state in which the company is incorporated and the date of incorporation.
2. Location of the company offices.
3. Number of employees both locally and nationally.
4. Location(s) from which employees will be assigned.
5. Name, address, and telephone number of the Proposer's point of contact for a contract resulting from this RFP.
6. Company background/history and why Proposer is qualified to provide the services described in this RFP.
7. Length of time Proposer has been providing services described in this RFP. Please provide a brief description.
8. Resumes for key staff to be responsible for performance of any contract resulting from this RFP.
9. Fee schedule for appropriate staff to provide the required services.

Proposals must be submitted to the Office of Impact Fees. One original and two (2) copies of the completed "Proposal Form" must be submitted with the proposal.

PROPOSAL FORM

Jefferson County, West Virginia

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

To: Jefferson County Commission
P.O. Box 250
Charles Town, WV 25414

c/o Jefferson County Engineering Department
Office of Impact Fees
P.O. Box 716
116 East Washington Street, Suite 100
Charles Town, WV 25414

From: _____
Name of Proposer

Mailing Address

County, State, Zip Code

CONTRACTOR'S PROPOSAL

The undersigned Proposer agrees that he will contract with the Jefferson County Commission to provide all necessary labor, supervision, tools, and other means to do all the work and furnish all the materials specified in the contract in the manner and time therein prescribed, and that he will take as full payment the amount set forth herein.

RECALUCATION OF IMPACT FEES & FEE SCHEDULE UPDATE, in its entirety, all Addenda, and the following documents by this reference are hereby made a part of this proposal:

- a. Notice of Request For Proposals
- b. Instructions To Proposer
- c. Terms and Conditions
- d. Scope of Work
- e. Proposal Form
- f. Non-Collusion Affidavit
- g. Proposer's Statement of Insurance Coverage
- h. Proposer Statement of Relevant Experience
- i. Additional information provided by the Proposer as required

Proposer acknowledges receipt (if applicable) of Addenda Number(s) _____, _____, _____, and _____.

The cost of all labor, material, and equipment necessary for the completion of the work itemized, even though not shown or specified, shall be included in the unit price for the various items shown hereon. The Jefferson County Commission reserves the right to increase or decrease the quantity of any item or omit items as may be deemed necessary and the same shall in no way affect or make void the contract. When increases or decreases are made, appropriate additions or deductions from the contract total price will be made at the stipulated unit price.

A. The County may choose to proceed with impact fee analyses for fewer than the five, and potentially only one of the identified categories. For each of the categories below, please provide an individual cost proposal to complete all necessary work to develop a fee schedule for that one category, assuming that the analysis and fee calculation for only that category will be pursued:

1. Schools impact fee analysis/calculation:

Amount Bid \$ _____
Amount Bid in Words _____

2. Law Enforcement impact fee analysis/calculation:

Amount Bid \$ _____
Amount Bid in Words _____

3. Parks & Recreation impact fee analysis/calculation:

Amount Bid \$ _____
Amount Bid in Words _____

4. Emergency Services (ESA) impact fee analysis/calculation:

Amount Bid \$ _____
Amount Bid in Words _____

5. County Administrative Facilities impact fee analysis/calculation:

Amount Bid \$ _____
Amount Bid in Words _____

B. Cost proposal to complete the full scope of work, including analysis and calculation of fee schedules for all five identified categories. If the Proposer realizes an economy of scale by performing the scope of work for all five of the impact fee categories, then this **Full Scope Total Amount to complete the full scope of work for all five categories need not be equal to the sum of the individual category bid amounts provided above.**

Full Scope Total Amount Bid \$ _____

Full Scope Total Amount Bid in Words _____

Company Name of Proposer

Mailing Address (PO Box or Street Address)

City, State, Zip Code

Name of Authorized Representative

Signature

Title

Type of Business (Corp, Partnership, Sole Proprietorship)

Telephone Number

Facsimile Phone Number

NON-COLLUSION AFFIDAVIT

(To Be Completed, Notarized, and Submitted With Bid)

Jefferson County, West Virginia

RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

Jefferson County Commission
Jefferson County, West Virginia

“ _____, Proposer, being first duly sworn, deposes and says that he or she is Owner of the party making the foregoing bid that the bid is not made in the interest of, or on behalf of, any undisclosed person, partnership, company, association, organization, or corporation; that the bid is genuine and not collusive or sham; that the Bidder has not directly or indirectly induced or solicited any other Bidder to put in a false or sham bid, and has not directly or indirectly colluded, conspired, connived, or agreed with any Bidder or anyone else to put in a sham bid, or that anyone shall refrain from bidding; that the Bidder has not in any manner, directly or indirectly, sought by agreement, communication, or conference with anyone to fix the bid price of the Bidder or any other Bidder, or to fix any overhead, profit, or cost element of the bid price, or of that of any other Bidder, or to secure any advantage against the public body awarding the contract of anyone interested in the proposed contract; that all statements contained in the bid are true; and further, that the Bidder has not, directly or indirectly, submitted his or her bid price or any breakdown thereof, or the contents thereof, or divulged information or data relative thereto, or paid, and will not pay, any fee to any corporation, partnership, company association, organization, bid depository, or to any member or agent thereof to effectuate a collusive or sham bid.”

Proposer Name (Person, Firm, Corp.)

Address

City State Zip Code

Date of Signing: _____

Authorized Representative's Signature

Notary Signature/Seal

Authorized Representative's Name (Typed)

Authorized Representative's Title

**PROPOSER'S STATEMENT
Of
INSURANCE COVERAGE**

Jefferson County, West Virginia
RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

PROPOSER HEREBY CERTIFIES that the Proposer has reviewed and understands the insurance coverage requirements specified in the Request for Proposals – Recalculation of Impact Fees & Fee Schedule Update. Should the Proposer be awarded the contract for the work, Proposer further certifies that the Proposer can meet the specified requirements for insurance, and agrees to name the Jefferson County Commission as Additional Insured for the work specified and provide certificates of insurance for the insurance coverage.

Insurance Required:

- Workmen's Compensation and Employment Liability Insurance in compliance with statutory limits.
- Comprehensive General Liability Insurance including Products Completed, Contractual, Property, and Personal Injury coverage with combined single limits of \$1,000,000 per occurrence and in the aggregate.
- Professional Liability Insurance with a limit of \$1,000,000 per claim and in the aggregate.
- Automobile Liability Insurance including non-owned and hired automobiles with the limits listed below:
 - Bodily Injury \$500,000 each person
\$500,000 each occurrence
 - Property Damage \$100,000 each occurrence

Name of Proposer (Person, Firm, or Corporation)

Signature of Proposer's Authorized Representative

Name & Title of Authorized Representative (Typed)

Date of Signing

PROPOSER STATEMENT OF RELEVANT EXPERIENCE
Jefferson County, West Virginia
RECALCULATION OF IMPACT FEES & FEE SCHEDULE UPDATE

List five references which your firm provided impact fee analysis/calculation services for a Municipal, County, or other governmental unit within the last five years.

I hereby certify that I have performed the work listed below:

Name of Proposer: _____

Signature of Proposer: _____

DESCRIPTION	DATES	CONTRACT AMOUNT	CUSTOMER CONTACT	CUSTOMER TELEPHONE



Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

1st and 2nd Quarter Report for Planning and Zoning FY 2024 (July 1, 2023 – December 31, 2023)

Attached is an electronically generated report of all applications submitted and reviewed within the 1st and 2nd Quarters of FY2024. This data is being provided as a part of the 1st and 2nd Quarter Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

PLANNING COMMISSION ITEMS

Planning Commission Meetings:	11 Meetings
Comprehensive Plan Work Sessions:	9 Work Sessions
Comprehensive Plan Public Input Meetings:	2 Public Meetings
Subdivision Regulations Text Amendments	none this quarter
Zoning Ordinance Text Amendments	none this quarter
Zoning Map Amendments/Rezoning	none this quarter
Concept Plan Public Workshops	4

- #22-3-SP Concept Plan for the Church of the Ascension for a Minor Site Development proposal consisting of four phases, including a 12,000 sq ft proposed Church and 6,000 sq ft proposed Fellowship Hall.
Property Owner/Applicant: Church Of The Ascension;
Property Location: SE corner of Border Road and Bunkhouse Rd, Kearneysville, WV;
Size: 20.49 acres; Zoning District: Rural.
Public Workshop 09/12/23; PC approved a motion to approve the Concept Plan as presented.
- #23-8-SP Concept Plan for Valley Storage Shepherdstown Expansion for the expansion of the existing self-storage facility.
Owner/Applicant: Todd Snook; Property Location: 1744 Shepherd Grade Road, Shepherdstown;
Size: 10.07 acres; Zoning District: Rural
Public Workshop 08/08/23; the PC approved a motion to approve the Concept Plan with the proffers related to added landscaping and slats in fencing.
- #22-6-SP Amended Concept Plan for Canter Hollow Apartments (fka Miller Station Apartments); redesign of previously approved project (08-09-22) to consist of approximately 20 multi-family (apartment) buildings with approximately 150 units, associated parking, stormwater management facilities, and signage.

Applicant/Property Owner: Cantor Hollow, LLC; Property Location: Captain Chews Trace;
Combined Size: 10 acres; Zoning District: Residential/Light Industrial/Commercial
Public Workshop 07/25/23; the PC approved a motion to accept the Amended Concept Plan as presented with the previous conditions.

#23-14-SD Concept Plan for the Orchard Springs Major Residential Subdivision consisting of approximately 146 single-family homes and 122 townhouses.
Applicant/Property Owner: Alharmoosh Development Group LLC;
Property Location: 257 and 263 Ridge Road, Shenandoah Junction
Size: 75.17 and 1.05; Zoning District: Residential Growth.
Public Workshop 07/11/23; the PC approved a motion made a motion to approve the Concept Plan as presented with the condition of the applicant speaking with the DOH regarding a walking path across Warm Springs Road to T.A. Lowry Elementary School.

BOARD OF ZONING APPEALS (BZA) ITEMS

Board of Zoning Appeals Meetings:	6 meetings
Zoning Appeal of Administrative Application:	none this quarter

PLANNING & ZONING STAFF ITEMS

Pre-Proposal Conference (PPC) Meetings:	31 Total (16 Subdivision & 15 Site Plan)
Information Request Forms (IRFs) -- general inquiries from the public:	66 Total
Zoning and Land Development Fees Collected:	\$ 60,923.78

Regional Transportation Planning Meetings (all remote)	
Eastern Panhandle Transit Authority (EPTA) Board Meetings	7/17/23; 8/21/23; 9/18/23; 10/16/23; 11/20/23; 12/28/23
EPTA Committee Meetings	8/10/23; 8/15/23; 10/24/23; 12/15/23
Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings	08/16/23; 10/18/23
HEPMPO Congestion Management Plan (CMP) Meeting	11/7/23

Local and Regional Planning Meetings (all remote)	
WV APA Chapter Meeting;	9/12/23; 11/2/23
WV APA Legislative Committee Meetings (ZOOM)	8/4/23; 9/15/23; 10/6/23; 12/1/23
Safe Water Harpers Ferry and Elks Run Watershed Meeting (WV Rivers)	7/26/23; 12/12/23
Moulton Park Ribbon Cutting	8/22/23
Aquatic Feasibility Study Stakeholder Group	8/30/23
Eastern Panhandle GIS Users Meeting	9/28/23
Jefferson County Development Authority Tour of Meat Processing Facility	11/13/23

2045 Comprehensive Plan Update Meetings	
Presentation to AACAJC	07/05/23
Existing Land Use Map Review with Ranson Staff	07/10/23
Existing Land Use Map Review with Harpers Ferry Staff	07/52/23
Existing Land Use Map Review with Bolivar Staff	07/13/23
Existing Land Use Map Review with Charles Town Staff	07/14/23
Existing Land Use Map Review with Shepherdstown Staff	07/17/23
29 th African American Cultural & Heritage Festival	08/19/23
70 th County Fair	08/21-8/25/23
Agricultural Public Input Meeting	09/13/23

Objective Drafting Meeting with Jefferson County Parks and Recreation	09/15/23
Objective Drafting Meeting with Jefferson County Development Authority	09/15/23
2 nd Public Input Meetings	09/18/23
Objective Drafting Meeting with Jefferson County Development Authority	09/19/23
Joint Planning Commission and County Commission Meeting	10/05/23

**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 Earthwork 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.		
					Category Total:	3		
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 HARPER'S 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)		
					Category Total:	5		
	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, HARPER'S FERRY	Closed		26	623
	23-20-M	8/3/2023	REDDINGTON QUINTINA B & MATTHEW S	414 KIDWILER RD, HARPER'S 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		

Merger or Boundary Line Adjustment	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		
					Category Total:	20		
Planning Commission Variance (1979 Z)	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.		
					Category Total:	1		
Planning Commission Waiver	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.		
					Category Total:	7		
Site Plan	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		
	596-10	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		
				Category Total:	8			
Special Exception Permit	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		
					Category Total:	1		
Minor Plat Change	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
					Category Total:	4		

Subdivision	23-21-SD	7/10/2023	KENNETH L & GLENVILLE L SHADE	Sulphur Springs Rd, Middletown, 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)		
					Category Total:	13		
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.		
					Category Total:	1		
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.		
					Category Total:	1		
	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	106 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	SCHMITZIUS 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 Wizz	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 ELUNSOOK 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)		
					Category Total:	23		
Zoning Variance	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.		
				Category Total:	17		
				Grand Total:	104		

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 21, 2024, or as soon thereafter as the Commission may decide:

Jefferson County Parks and Recreation Commission: one unexpired term ending June 30, 2025

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 21, 2024 or as soon thereafter as the Commission may decide:

**Jefferson County Property Safety Ordinance Enforcement Agency
Board - two (2) two-year terms ending February 8, 2026**

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, by 12:00 pm on Friday, January 15, 2021.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, March 21, 2024, or as soon thereafter as the Commission may decide:

Jefferson County Building Commission - two five-year terms ending July 27, 2029

Per West Virginia State Code:

“No more than two thirds of the total number of members of the board of each commission shall be from the same political party and no member of any such board shall hold any office (other than the office of notary public) or employment under the United States of America, the state of West Virginia, any county or political subdivision thereof, or any political party. All members of any board shall be residents of the county for which appointed.”

Please note: Interested applicants must not have ties to any local financial agencies or institutions that may potentially bid on projects approved by the members of the Jefferson County Building Commission.

The Jefferson County Building Commission does not have a regular meeting scheduled and, instead, meets on an as-needed basis.

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 pm on the Monday prior to the proposed appointment date.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 4, 2024 or as soon thereafter as the Commission may decide:

Jefferson County Planning Commission - two (2) three-year terms ending March 31, 2027

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414, by 12:00 pm on Friday, January 15, 2021.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

The Jefferson County Commission proposes to select nominees to potentially serve on the following Authorities, Boards, Commissions, or Committees on Thursday, April 4, 2024, or as soon thereafter as the Commission may decide:

CHARLES TOWN UTILITY BOARD

Upon approval of the Ordinance authorizing the acquisition of the Jefferson County Public Service District sewer system, including the real and personal property, the Utility Board will continue to be comprised of five (5) members, each of which shall be appointed by the City Council. With respect to one (1) member of the Utility Board, the City Council will consider the recommendation of the County Commission for the individual to serve on the Utility Board as follows:

- a) The County Commission shall have the right to nominate not more than three (3) individuals to serve as a member of the Utility Board, each of whom shall satisfy all of the following criteria:
- (1) Resident of Jefferson County, West Virginia
 - (2) Customer of the Charles Town Utility Board served by the Assets of the former "District Sewer System," or extensions thereof; and,
 - (3) Customer of the Charles Town Utility Board paying the same prevailing sewer rate charged to the customers of the former "District Sewer System"

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 no later than 12:00 p.m. the Monday before the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.



Prepared For:

Jefferson County Commission
PO Box 206
Charles Town, WV 25414

January 1 – December 31, 2023

Total Contributions: \$60,000

Thank you for donating to Jefferson County Community Ministries. Through the generosity of people such as yourself we are able to help our neighbors who are less fortunate.

Keith A. Lowry

A handwritten signature in black ink that reads "Keith A. Lowry".

Executive Director

No benefit was bestowed upon this donor in exchange for this contribution...other than the joy of giving to an organization that supports programs for our Jefferson County neighbors. We are an exempt organization as described in Section 501(c)(3) of the Internal Revenue Code; EIN: 550690698