



Agenda

Jefferson County Planning Commission

Tuesday, March 12, 2024 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,
Public Participation is available in-person only.
The meeting will be broadcast live via ZOOM for viewing purposes only.**

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

ZOOM Broadcast Information*: Meeting ID: 851 7873 2013
Meeting Link: <https://us02web.zoom.us/j/85178732013>

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

1. **Approval of Meeting Minutes:** February 20, 2024
2. **Request for postponement.**
3. **Public Workshop:** Concept Plan for Hunter Valley Apartments; Approximately 138 1-2 bedroom apartments with associated parking. Property Owner/Applicant: ILA Properties, Inc.; Property Location: SW Side of RT 115, Kearneysville, WV; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-1-SP).
4. **Public Hearing:** Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required site plan screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents. Property Owner: Beallair Homes, LLC; Applicant: Piedmont Design Group, LLC; Property Location: Vacant Lot on Beallair Manor Dr., Harpers Ferry, WV; Parcel ID: 04010ARESA0000; Size: 46.18 acres; Zoning District: Residential Growth (File: 24-2-PCV).

There is no public comment for the following items.

5. **Waiver Request** from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement. Property Owner/Applicant: Richard and Melissa Boswell; Property Location: 149 Pleasant Acres Ct, Kearneysville, WV 25430; Parcel ID: 07000800010017; Size: 1 acre; Zoning District: Rural (File: 24-6-PCW).
6. **WITHDRAWN by Staff: Waiver Request** from Section 24.108C to extend the maximum vesting period for a Concept Plan of two years (which expired 5/11/23). Property Owner: DLGA LLC; Applicant: Greenway Engineering Inc. / Zach Judy; Property Location: 2282 Summit Point Rd, Summit Point, WV 25446; Parcel ID: 06001600100000; Size: 25 acres; Zoning District: Rural (File: 24-7-PCW).
7. **Waiver Request** from Section 20.203 of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. Property Owner: Rolling Ridge Foundation Inc.; Applicant: Opequon Quaker Camp at Rolling Ridge Conservancy / David Hunter; Property Location: 671 Floc Way, Harpers Ferry, WV 25425; Parcel ID: 06002400040001; Size: 296.72 acres; Zoning District: Rural (File: 24-8-PCW).

8. Waiver Request from Section 20.201A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50' access easement. The applicant is proposing to utilize an existing 30' access easement instead of the required 50' access easement. Property Owner/Applicant: Susquehanna Properties LLC; Property Location: 21 Bella CT, Charles Town, WV 25414; Parcel ID: 02001700190000; Size: 0.879 acres; Zoning District: Residential/Light Industrial/Commercial (File: 24-9-PCW).

9. Discussion and Possible Action: Draft amendments to the Bylaws of the Jefferson County Planning Commission for discussion and possible action:

- a. Section 2.4 "Committees" related to public notice and records for Planning Commission Committee and Subcommittee meetings.
- b. Section 5.1 "Voting" related to the use of a video conferencing program for regular and special meetings.

10. Discussion and Possible Action: Draft amendment to Section 24.300 of the Subdivision Regulations related to allowing public comment on waiver applications under consideration by the Planning Commission.

11. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

12. Planner's Memo

13. President's Report

14. Actionable Correspondence

15. Non-Actionable Correspondence

- Email from Roberta N. Meade-Curry dated February 25, 2024 Re: Language for DarkSky-Light Pollution Initiative
 - Email from Noah February 25, 2024 Re: Old Standard Quarry
 - Email from Karen Twigg Sagisi dated March 1, 2024 Re: Training from DarkSky Bolivar-Harpers Ferry
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Draft Meeting Minutes
Jefferson County Planning Commission
February 20, 2024

The Jefferson County Planning Commission met on February 20, 2024 at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Steve Stolipher, County Commission Liaison; Wade Louthan, Secretary; Jack Hefestay; Tim Smith and Aaron Howell. J. Ware was present via Zoom.

Matt Knott, Vice President was absent with notice.

Donnie Fisher was absent without notice.

Staff members present included Jennifer Brockman, Chief County Planner; Alexandra Beaulieu, Deputy Director & Zoning Administrator; Jonathan Saunders, County Engineer; Luke Seigfried, County Planner; Nathan Cochran, Prosecuting Attorney; and Michelle Evers, Planning Clerk.

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

1. Election of Planning Commission Officers

Mr. Hefestay nominated Mr. Shepp for President; Mr. Louthan seconded the motion. No other nominations were submitted. Mr. Shepp was elected president by unanimous consensus.

Mr. Louthan nominated Mr. Howell for Vice President; Mr. Smith seconded the motion. No other nominations were submitted. Mr. Howell was elected president by unanimous consensus.

Mr. Shepp nominated Mr. Louthan for Secretary; Mr. Howell seconded the motion. No other nominations were submitted. Mr. Louthan was elected Secretary by unanimous consensus.

2. Approval of Meeting Minutes: January 24, 2024

Mr. Shepp stated the minutes stand approved without objection.

3. Request for postponement. None

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

Mr. Howell recused himself from the meeting.

Mrs. Brockman provided an overview of the staff report.

The applicant's representative, Todd Abe, with Piedmont Design Group, LLC, explained the nature of the request to the Planning Commission.

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

Mr. Stolipher made a motion to approve the 90-day extension, as requested. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Howell rejoined the meeting.

There is no public comment for the following items.

- 5. Discussion and Action:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the subject parcels from Rural to Residential Growth (RG) is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Property Owner: Arcadia Land Inc.; Property Location: Vacant parcels, which are a part of the Harvest Hills Subdivision, located east of the intersection of Flowing Springs Rd and Brass Harness Drive. Tax District: Shepherdstown (09), Tax Map: 24; Parcels: 12 & 13; comprised of 94.63 acres (P12) and 257.62 acres (P13). Zoning District: Rural (File: 23-5-Z).

Mrs. Brockman provided an overview of the staff report and staff recommendations. 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. For this reason, staff found the requested Residential Growth Zoning to be consistent with the Comprehensive Plan.

Mr. Cochran recused himself from the meeting.

The applicant’s representative Dan Murphy, with Greenway Engineering, stated to the Planning Commission that he had nothing further to present. Mr. Shepp asked staff clarifying questions and expressed the opinion that the Residential Growth Zoning Category does not restrict the development to low density development. 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*.

Ms. Brockman noted that the Jefferson County Zoning Ordinance does not have a zoning category that limits residential development to low density single family developments.

Mr. Shepp made a motion that the requested Zoning Map Amendment for the Harvest Hills/Arcadia properties is not consistent with the *Envision Jefferson 2035 Comprehensive Plan*. Mr. Hefestay seconded the motion, which carried unanimously.

Mrs. Brockman noted that the *2035 Envision Jefferson Comprehensive Plan* had recommended additional residential zoning categories which were never implemented and stressed the need to implement the recommendations of the current *2045 Comprehensive Plan* when it is approved..

Mr. Cochran rejoined the meeting.

- 6. Waiver Request** from 20.203A.2a of the Subdivision Regulations to waive the requirement of a Concept Plan for a proposed Concrete Plant; and, from Section 20.203B to allow the proposed Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: Chris Stiles, Diamond Concrete, LLC; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-2-PCW).

7. **Waiver Request** from Section 20.203B of the Subdivision Regulations to allow the proposed Asphalt Plant to process as a modified Site Plan. Property Owner: Millville Quarry, Inc.; Applicant: W-L Construction and Paving, Inc. / Mike Thomas; Property Location: 165 Bradstone Lane, Harpers Ferry, WV 25425; Parcel ID: 04001100220000; Size: 272.16 acres; Zoning District: Industrial Commercial (File: 24-3-PCW).

Mrs. Brockman provided an overview of the staff reports for Agenda Items 6 (new concrete plant) and 7 (new asphalt plant).

The applicant's representative, Joe Knechtel, with Potesta & Associates, explained the nature of the request for Agenda Items 6 and 7 to the Planning Commission and discussed the fact that the new plants are proposed to be located in an area that is already impervious and covered by the site-wide NPDES permit.

Mrs. Brockman and Mr. Saunders provided staff recommendations. Mr. Saunders stated that if the Planning Commission were inclined to approve this request that they either approve processing a Limited Site Plan with no conditions; or that they approve a waiver that allows them to process under the "No Site Plan" provisions of the subdivision regulations with a sketch that shows the immediate area around the improvements including topography; Erosion and Sediment Control, if necessary; Stormwater flow; stockpiles; setbacks; and a handicap parking spot for the maximum shift of 3 employees, as noted in the application.

Mr. Stolipher made a motion for Agenda Item 6, to waive the Concept Plan, and to process under the "no site plan" provisions of the Subdivision Regulations with topography, setbacks, stockpiles, ADA parking, and sediment control. Mr. Howell seconded the motion, which carried unanimously.

Mr. Stolipher made a motion for Agenda Item 7 to allow the project to process under the "no site plan" provisions of the Subdivision Regulations with topography, setbacks, stockpiles, ADA parking, and sediment control. Mr. Howell seconded the motion, which carried unanimously.

8. **Waiver Request** from Section 22.208 and Appendix B Section 10.6 to remove the requirement of a sidewalk along the frontages of the property at this time. Property Owner: DALB INC; Property Location: 73 Industrial Blvd, Kearneysville, WV 25430; Parcel ID: 02000200010007; Size: 2 acres; Zoning District: Industrial Commercial (File: 24-5-PCW).

Mrs. Brockman provided an overview of the staff report and recommended that if the Planning Commission was inclined to approve the waiver that a 10' pedestrian easement be provided by deed or plat for the potential future development of a pedestrian walkway along the entire frontage of both Wiltshire Road and Industrial Boulevard.

The applicant's representative, Brooke Perry, with Integrity Federal Services, explained the nature of the request to the Planning Commission, stating that even the 10' pedestrian easement would be difficult along Industrial Boulevard due to the location of the parking lot, but could be created on Wiltshire Boulevard.

Mr. Hefestay made a motion to approve the waiver request, as presented by the applicant. Mr. Ware seconded the motion, which carried unanimously.

9. **Review and Discuss** County Commission direction for the Planning Commission to review Section 8.20 of the Zoning Ordinance pertaining to Solar Energy Facilities and provide

recommended edits to the County Commission based on projects submitted thus far (see 12/21/23 CC Meeting Minutes).

Ms. Beaulieu explained the request from the County Commission to the Planning Commission regarding approved solar projects. Ms. Beaulieu provided staff recommendations that would require Solar Energy Facilities to process a Site Plan which would require posting a construction bond for site improvements such as landscaping and stormwater management.

The Planning Commission asked clarifying questions.

Ms. Beaulieu explained the current process and confirmed that the solar projects that have already obtained approvals under the current regulations would be grandfathered and permitted to continue under the current Zoning Ordinance. Ms. Beaulieu stated that any new regulations or standards adopted in the future would apply only to new proposals.

The Planning Commission provided suggestions to staff to increase buffer screen and setback requirements.

Mr. Shepp made a motion for staff to draft site plan requirements for Solar Farms and to bring it back to the Planning Commission for review. Mr. Hefestay seconded the motion, which carried unanimously.

Mr. Shepp also requested for Staff to reach out to Blake Solar to schedule a tour of the Solar Facility with the Planning Commission.

10. Discussion and Recommendation: FY24 1st and 2nd Quarter Quarterly Report to County Commission.

Mrs. Brockman provided an overview of the FY24 1st and 2nd Quarter Quarterly Report.

Mr. Louthan made a motion to approve the FY24 1st and 2nd Quarter Quarterly Report and forward it to the County Commission. Mr. Hefestay seconded the motion, which carried unanimously.

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

Ms. Beaulieu provided an overview of the proposed budget for fiscal year 2024/2025 for the Department of Engineering, Planning, and Zoning. Ms. Beaulieu also explained the proposed updates to application fees that process through the Office of Planning and Zoning.

Mr. Hefestay made a motion to approve the proposed budget for fiscal year 2024/2025 for the Department of Engineering, Planning, and Zoning. Mr. Louthan seconded the motion, which carried unanimously.

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

Mr. Seigfried discussed his request to have a Joint County Commission and Planning Commission meeting regarding the Comprehensive Plan Update status, Goals, and Objectives in the spring.

Mr. Shepp directed staff to submit an agenda request for a Joint County Commission and Planning Commission meeting on April 4, 2025.

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

Mrs. Brockman explained to the Planning Commission the current policy and current Bylaw requirements related to ZOOM Planning Commission meetings. Mrs. Brockman asked the Planning Commission if they were interested in having staff draft an amendment to the by-laws regarding applicants attending meetings via ZOOM.

Mr. Shepp made a motion for staff to draft an amendment which allows the Planning Commission members to attend meetings via ZOOM, and under special circumstances to allow everyone to attend Planning Commission meetings via ZOOM, for the Planning Commission's consideration at their March meeting. Mr. Hefestay seconded the motion, which carried unanimously.

14. Reports from Legal Counsel

- a. Discuss and review Jefferson County Circuit Court Civil Action No. 2021-C-109 (RE: PC File #21-2-Z – Jefferson Orchards Rezoning).
- b. Review and discuss Jefferson County Circuit Court Civil Action No.'s 2021-C- 33 through 37 and Jefferson County Circuit Court Civil Action No.'s 2021- C-46 through 50, and WV Supreme Court No.'s 21-0727, 21-0728, and 21-0731 and Jefferson County Circuit Court Civil Action No. 2023-C-112 (RE: PC File #ZTA19-03 Solar Energy Facilities text amendment).
- c. Jefferson County Circuit Court Case #CC-19-2022-C-81 (RE: PC File #ZTA22-01 Solar Energy Facilities text amendment).
- d. Discuss and review for possible action Jefferson County Circuit Court Civil Action No. 2023-C-48 (RE: PC File #21-8-SP Berryville Pike Telecommunications Tower).
- e. Update from Legal Counsel regarding County Commission actions on December 21, 2023 including obtaining ethics opinion regarding committee.

Mr. Cochran discussed the response he received for Item E under 'Reports from Legal Counsel' to the Planning Commission regarding the opinion of the WV Ethics Commission on Planning Commission Committees and/or Sub-committees. Mr. Cochran provided staff with a copy to be placed in today's meeting minutes.

Mr. Stolipher stated that he also reached out the WV Ethics Commission on Planning Commission Committees and/or Sub-committees and will provide a copy of the informal decision to staff to be placed in today's meeting minutes (attached).

Mr. Stolipher made a motion to join in the County Commission's request for a formal decision from the WV Ethics Commission regarding the Planning Commission's Committees and/or Sub-committees. Mr. Hefestay seconded the motion, which carried unanimously.

15. Planner's Memo

Mrs. Brockman informed the Planning Commission that staff went to visit Shepherd Village located in Shepherdstown. Mrs. Brockman made staff recommendation regarding the *2045 Comprehensive Plan*.

Mr. Shepp made a motion for staff to reach out to the Shepherd Village and invite them to speak at a future Planning Commission meeting. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Seigfried reminded the Planning Commission of the required 2-hour annual training and discussed various ways to accomplish this requirement.

16. President's Report

- a. **Discussion and Possible Action:** Regarding potential amendment to Division 24.300 of the Subdivision Regulations regarding Waiver Process

Mr. Shepp made a motion to request staff to draft an amendment to the Subdivision Regulations to would permit public testimony during the Waiver process for the Planning Commission's consideration at their March meeting. Mr. Hefestay seconded the motion, which carried unanimously.

- b. **Discussion and Possible Action:** Regarding potential policy related to Planning Commission Committee and Subcommittee Meetings

Mr. Shepp made a motion to request staff to draft a policy to make all committee and subcommittee meetings open to the public with an agenda and meeting minutes for the Planning Commission's consideration at their March meeting. Mr. Stolipher seconded the motion, which carried unanimously.

17. Actionable Correspondence

18. Non-Actionable Correspondence

1. Mike Wiltshire dated February 2, 2024.
2. Tim Wiltshire dated February 2, 2024.

Mr. Shepp made a motion to adjourn the meeting at 8:27 pm. Mr. Hefestay seconded the motion, which carried unanimously.

These minutes were prepared by Michelle Evers, Planning Clerk.

RECEIVED

FEB 20 2024

OMAO 2024-01

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING

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>

- **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](#)]
- **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.jeffersoncountywv.org/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
Office of the Jefferson County Prosecuting Attorney
Nathan P. Cochran, Assistant Prosecuting Attorney
West Virginia State Bar Number 6142
Post Office Box 729
Charles Town, West Virginia 25414
304-728-3346 Telephone
304-728-3353 Facsimile

From: [Steve Stolipher](#)
To: [Jennifer Brockman](#); [Alexandra Beaulieu](#); [Planning Department](#)
Subject: WV Ethics, Informal Decision
Date: Wednesday, February 21, 2024 8:42:05 AM

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

Please include this in last nights minutes.

Thanks,

Steve Stolipher

Commissioner, Jefferson County

Jefferson County Commission

124 East Washington Street

PO Box 250

Charles Town, WV 25414

C: 304.283.0614

F: 304.725.5611

www.jeffersoncountywv.org

From: [Roush, John E](#)
Sent: Monday, February 12, 2024 3:10 PM
To: [Steve Stolipher](#)
Subject: Re: Open Meetings Act Question

Dear Mr. Stolipher,

W. Va. Code 6-9A-2(5) provides in pertinent part:

"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.

A gathering of a subcommittee, which:

- (a) does not comprise a quorum,
- (b) does not make, or
- (c) deliberate toward a decision on a matter that requires official action

does not meet the definition of a "meeting" pursuant to the Open Governmental Proceedings Act. Accordingly, such a gathering of the subcommittee need not be noticed or conducted in public pursuant to the Open Governmental Proceedings Act.

I hope this is helpful.

John Everett Roush, Esq.
Staff Attorney
West Virginia Ethics Commission

Our next virtual training on the Ethics and Open Meetings Acts will be held on May 9 at noon. The training is open to all, and one hour of CLE and CPE credits are available. Please feel free to attend and invite public servants in your agency. Individual training sessions may be available for large groups. Email Kimberly.b.weber@wv.gov for an invite.

This electronic message transmission contains information from the West Virginia Ethics Commission that may be confidential or privileged. The information is intended for the use of the individual or entity named above. If you are not the intended recipient, be aware that any disclosure, copying, distribution, or use of the contents of this message is prohibited. If you have received this electronic transmission in error, please notify us by telephone at (304) 558-0664 immediately.

On Mon, Feb 12, 2024 at 2:45 PM Steve Stolipher <stolipherjcc@gmail.com> wrote:

John,

Below is question concerning the open meetings act.

If the Jefferson County Planning Commission appoints a committee to gather information and report back to the board, does the committee have to notice their meeting?

- The Planning Commission is a body of 9 members the committee is a body of 3 members.
- The committee does not vote or make decisions. They gather

information for the Planning Commission.

- The committee does not deliberate towards a decision nor do they make policy.

I look forward hearing back from you. Please let me know if you have any questions.

Thanks,

Steve Stolipher

Commissioner, Jefferson County

Jefferson County Commission

124 East Washington Street

PO Box 250

Charles Town, WV 25414

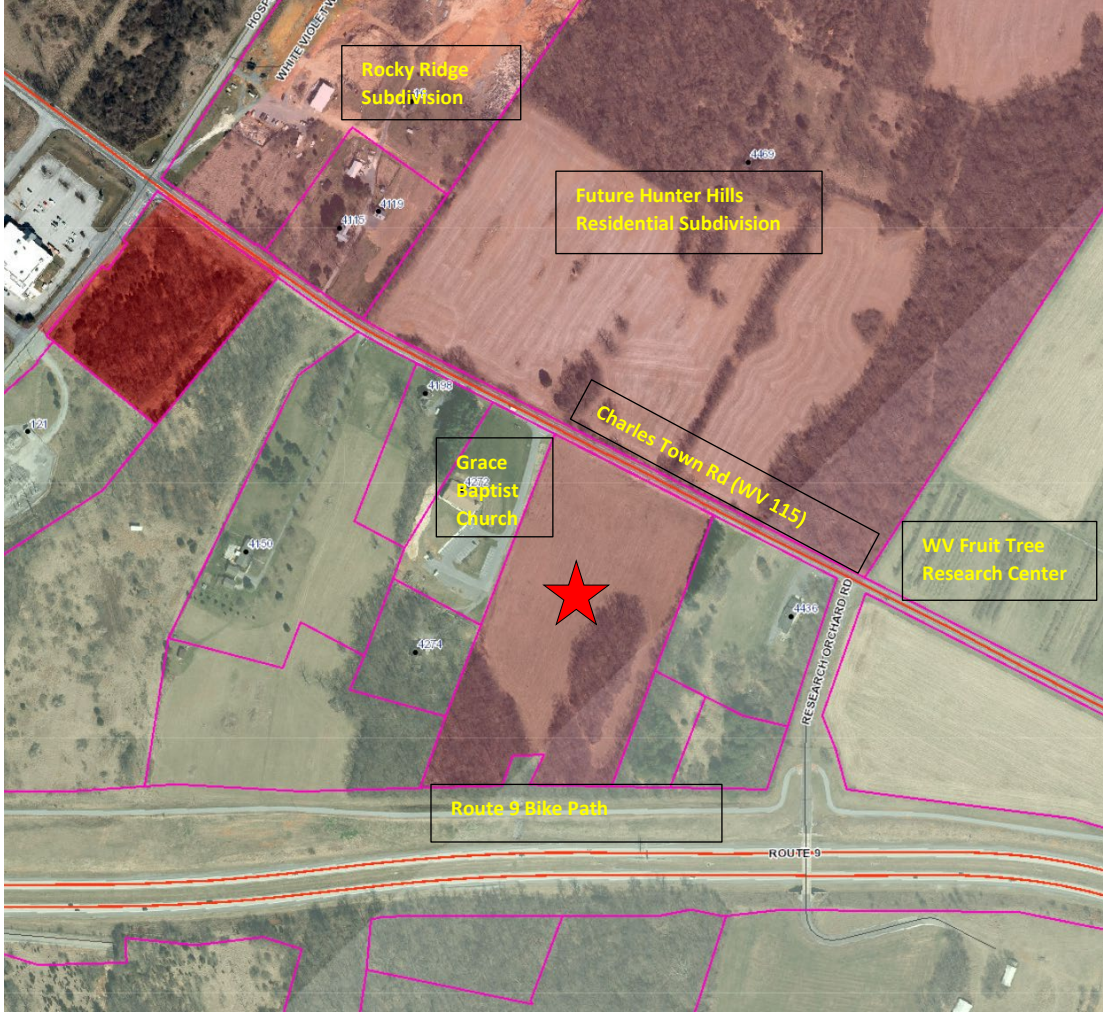
C: 304.283.0614

F: 304.725.5611

www.jeffersoncountywv.org

Staff Report
 Jefferson County Planning Commission
 March 12, 2024
Hunter Valley Apartments Concept Plan Workshop (File: 24-1-SP)

Item # 3: Public Workshop: Concept Plan for Hunter Valley Apartments to include approximately 138 1-2 bedroom apartments with associated parking (File: 24-1-SP).

Property Owner	ILA Properties, Inc.
Consultant	P.J. Raco Consulting LLC / Paul Raco
Parcel Information & Zoning District	<p>Vacant Parcel on the SW Side of RT 115, Kearneysville; Parcel ID: 07000200020002; Size: 12.8 acres; Zoning District: Residential-Light Industrial-Commercial</p> 
Adjacent Zoning	<i>North:</i> Residential-Light Industrial-Commercial; <i>East, South and West:</i> Rural
Proposed Activity	Approximately 138 1-2 bedroom apartments with associated parking.
Previous Approvals	None.

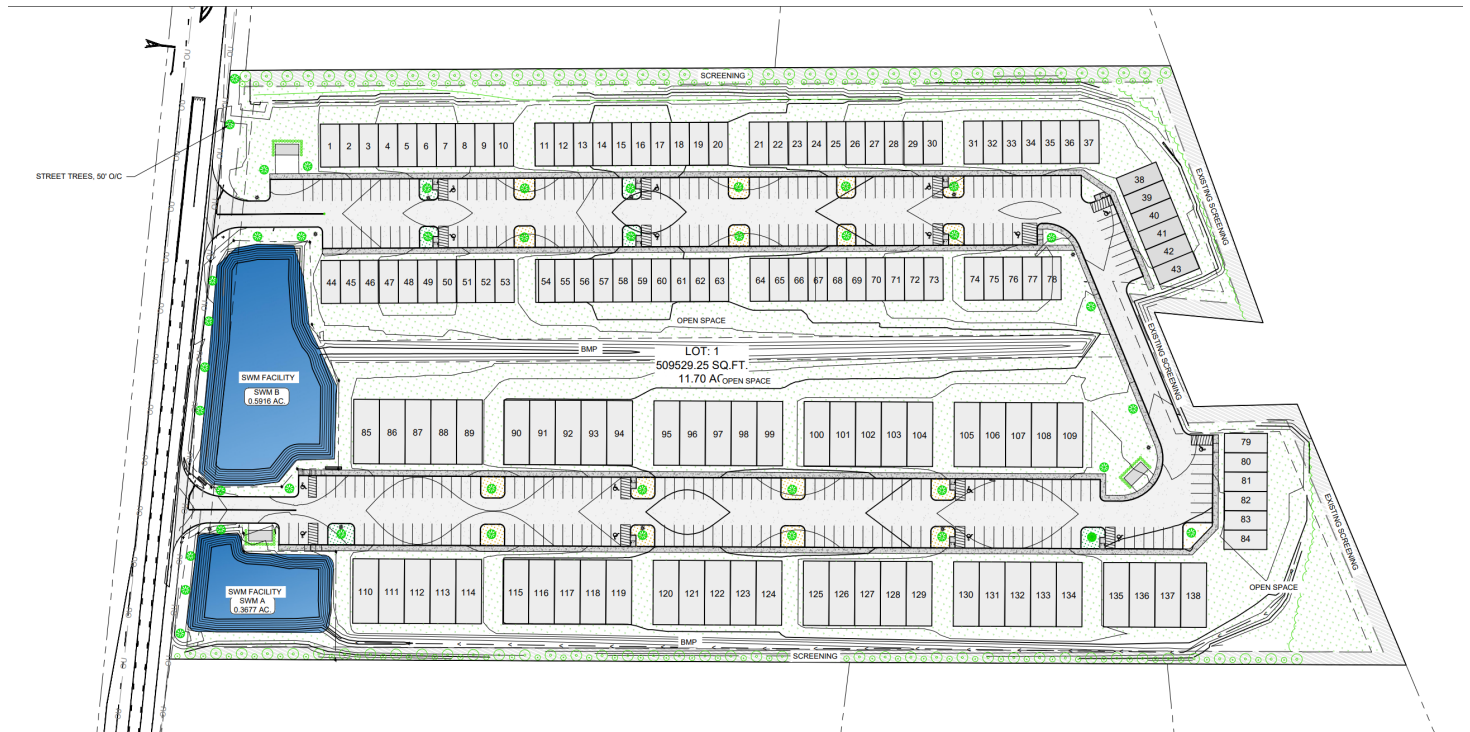
Introduction and Summary of Request

This 12.8-acre property is located on the south side of Charles Town Road (WV 115) just east of Grace Baptist Church, near the Berkley County line, and backs to the Route 9 bike bath that runs along the north

Staff Report
Jefferson County Planning Commission
March 12, 2024
Hunter Valley Apartments Concept Plan Workshop

side of WV 9 from Currie Road in Ranson to Grapevine Road in Martinsburg, WV. The applicant is proposing an apartment complex consisting of a combination of 1 and 2 bedroom units totaling approximately 138 apartments in 21 buildings.

The property is zoned Residential-Light Industrial-Commercial. The proposed use falls under “Dwelling, Multi-Family” as defined in Article 2 of the Zoning Ordinance. Per Appendix C, a Multi-Family Dwelling is a Principal Permitted Use in the Residential-Light Industrial-Commercial zoning district.



Hunter Valley Concept Plan

The overall density for this development is 10.9 dwelling units per gross acre for the entire 12.65-acre property. In accordance with Section 4.12 of the Zoning Ordinance, the maximum impervious surface coverage for interior streets, parking areas, and residential structures shall not exceed 50 percent of the gross land area. The Concept Plan documents that the proposed impervious land coverage does not exceed this requirement. All multi-family development is required to be served by a public water and sewer system. All multi-family developments proposing over 10 units require processing a Concept Plan as well as a Minor Site Development, which is administratively processed.

Access

The Hunter Valley Apartments Concept Plan proposes two access points to WV 115, allowing traffic to move through the development in a continuous manner.

Interconnectivity with adjoining properties

Sec. 21.201 of the Subdivision Regulations states that it is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. It further requires that the Department of Engineering, Planning, & Zoning review site plans to ensure that, where interconnections can be made or where adjoining properties

Staff Report
Jefferson County Planning Commission
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Hunter Valley Apartments Concept Plan Workshop

have provided for interconnections, the site plan makes the connections. In this case, because the adjoining property to the rear is WV 9, the only connection could be made to the east and west, which are not currently proposed.

Pedestrian Circulation/Sidewalks/Bike paths

Sec. 21.204 of the Subdivision Regulations requires all proposed site plans to provide a safe, efficient, and attractive pedestrian environment including access to adjoining properties. This Section further requires crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings with traffic calming measures encouraged in any locations where pedestrian crossings are proposed. There is no connection to adjoining properties proposed nor sidewalks along the frontage of the property.

Sec. 22.208 of the Subdivision Regulations requires that sidewalks shall be provided along at least one side of streets in all zone districts. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. The Concept Plan shows sidewalks on in front of all proposed apartment buildings through the complex.

Open Space

Section 21.105 of the Subdivision Regulations requires that 15% of any development with a density of over ten (10) units per acre be reserved for open space or parkland. The Concept Plan currently proposes 11.7 acres of Open Space which exceeds this requirement. This Section also states that up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial Zoning District.

Section 4.12 of the Zoning Ordinance requires multi-family developments to includes a common open space oriented to the interior of the development, consisting of land suitable for passive and active recreational use, which is reflected on the Concept Plan

Waivers/Variances

The applicant is not currently requesting any waivers or variances.

Site Plan Category

The site development associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.203A(4) of the Subdivision Regulations states that apartment or multi-family development projects which propose 10 units or more require the applicant to process a Concept Plan with a public workshop and then finish processing as a Minor Site Plan which is administratively approved. It has been determined that this development shall process as a Minor Site Development, with a Concept Plan.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review

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

Staff Report
Jefferson County Planning Commission
March 12, 2024
Hunter Valley Apartments Concept Plan Workshop

	Description	Status
1. General Location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided
3. Zoning Information	a) Zoning District in which the proposed development is located. b) Density calculations. c) Site resource map d) Use designation for all adjoin and confronting parcels	Provided
4. Proposal Description	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on the Concept Plan
5. Traffic Impact Data	a) Average Daily Trip (ADT) figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.	Provided on Concept Plan: ADT WV 115: 5,046 <u>Trip Generation - 138 Apts:</u> ADT: 966 trips Peak Hour Trips: 82.8 VH
6. Traffic Study	A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the Site Plan.	Note on Concept Plan stating that the WV DOH has indicated that if all road improvements related to Hunter Hills are installed, no add'l improvements will be required.
7. Agency Reviews	The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.	Letters to required agencies provided. No responses have been received.
D. Department	The Department review shall include the following: 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the Concept Plan submission and any zoning issues the developer shall address in a Site Plan submittal. 2. Staff opinion as to whether the plan meets the Site Plan criteria of these Regulations. The Department shall review the Concept Plan for modifications that would improve the plan.	Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Minor Site Development.

Staff Report
 Jefferson County Planning Commission
 March 12, 2024
Hunter Valley Apartments Concept Plan Workshop

E./F. WVDOH	WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.106.B.5.	Note on Concept Plan indicates that the WV DOH stated that if all road improvements related to Hunter Hills are installed, no add'l improvements will be required.
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	This project is proposed to be served by Berkeley County Water and Sanitary Sewer Service Districts. Final design will occur with the Site Plan.
H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below

Concept Plan Review

1. External Agency Reviews

No external agency comments have been received.

2. Staff Recommendation related to Concept Plan

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

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Hunter Valley Apartments, to be located on the south side of WV 115 to be "complete" based on the information provided; however, the following standards will need to be addressed prior to approval of the Site Plan:

- a. Based on the Subdivision Regulations, as noted above, the site plan will process as a Minor Site Development. As a part of a Minor Site Plan, the following design requirements shall be addressed on the site plan:
 - i. Interconnectivity with adjoining properties for both pedestrian and roads needs to be addressed.
- b. WV DOH approval for the proposed entrance and written confirmation that no TIS is required in conjunction with the Site Plan.
- c. Water and sanitary sewer utility permits from the Berkeley County Water and Sanitary Sewer Districts and the WV DHHR state permit will be required in conjunction with the Site Plan.

Staff Report
Jefferson County Planning Commission
March 12, 2024
Hunter Valley Apartments Concept Plan Workshop

3. Planning Commission Direction

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

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

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

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

“The Planning Commission shall direct the preparation of a Site Plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

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



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

File #: 24-1-SP
 Fees Paid: N/A
 Staff Int.: ME
 Date Received: 1/26/2024

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Subdivision or Site Development Application

Application Type Concept Plan Final Plat (major/minor) Redline Revision
 Preliminary Plat Site Plan

Project Name: _____
 Description: _____

Primary Contact Phone Number (must be a direct line number) _____

Property Owner Information

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

Applicant Information Same as Owner:

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

Registered WV Engineer or Surveyor or Consultant Information

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

Physical Property Details Vacant Lot:

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

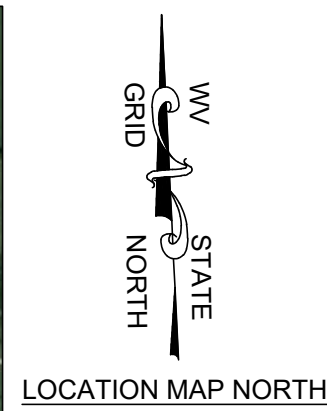
Additional Parcels (if any)

Physical Property Details Vacant Lot:

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

Physical Property Details Vacant Lot:

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



HUNTER VALLEY CONCEPT PLAN JEFFERSON COUNTY, WV

OWNER / APPLICANT
ILA PROPERTIES INC.
C/O JOSHBEEN GREWAL
4115 CHARLES TOWN RD.
KEARNEYSVILLE WV, 25430
571-438-3612
ADMIN@JGBUILDERS.COM

PREPARED BY
ILA PROPERTIES INC.
C/O TREVOR LLOYD
4115 CHARLES TOWN RD.
KEARNEYSVILLE WV, 25430
304-989-1723
TREVOR@JGBUILDERS.COM

CONCEPT PLAN GENERAL NOTES:

1. SEE EXISTING CONDITIONS SITE MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY
2. SEE THIS SHEET FOR "SITE RESOURCES" FOR ADJACENT PROPERTY INFORMATION.
3. A PROPOSED LAYOUT PLAN CAN BE FOUND ON SHEET 2
4. ACTUAL BUILDING FOOTPRINTS MAY VARY WITH FINAL ARCHITECTURAL DESIGN.
5. SEE THIS SHEET FOR "SITE RESOURCES"
6. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
7. PROPOSED CONCEPT INCLUDES 139 UNITS, OPEN SPACE, STORMWATER MANAGEMENT AREAS AND THE CONSTRUCTION OF ASSOCIATED UTILITIES. SIDEWALKS SHALL BE PROVIDED AS SHOWN. NO RESTRICTIVE COVENANTS/CONDITIONS/RESTRICTIONS ARE PROPOSED AT THIS TIME BUT MAY BE PROVIDED AT TIME OF FINAL PLAT.
8. WATER SERVICE WILL BE PROVIDED BY BERKELEY COUNTY WATER SERVICE DISTRICT.
9. SANITARY SEWER SERVICE WILL BE PROVIDED BY BERKELEY COUNTY SANITARY SERVICE DISTRICT.

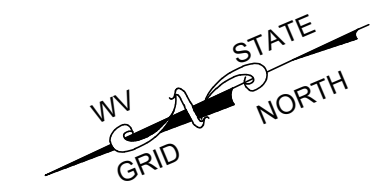
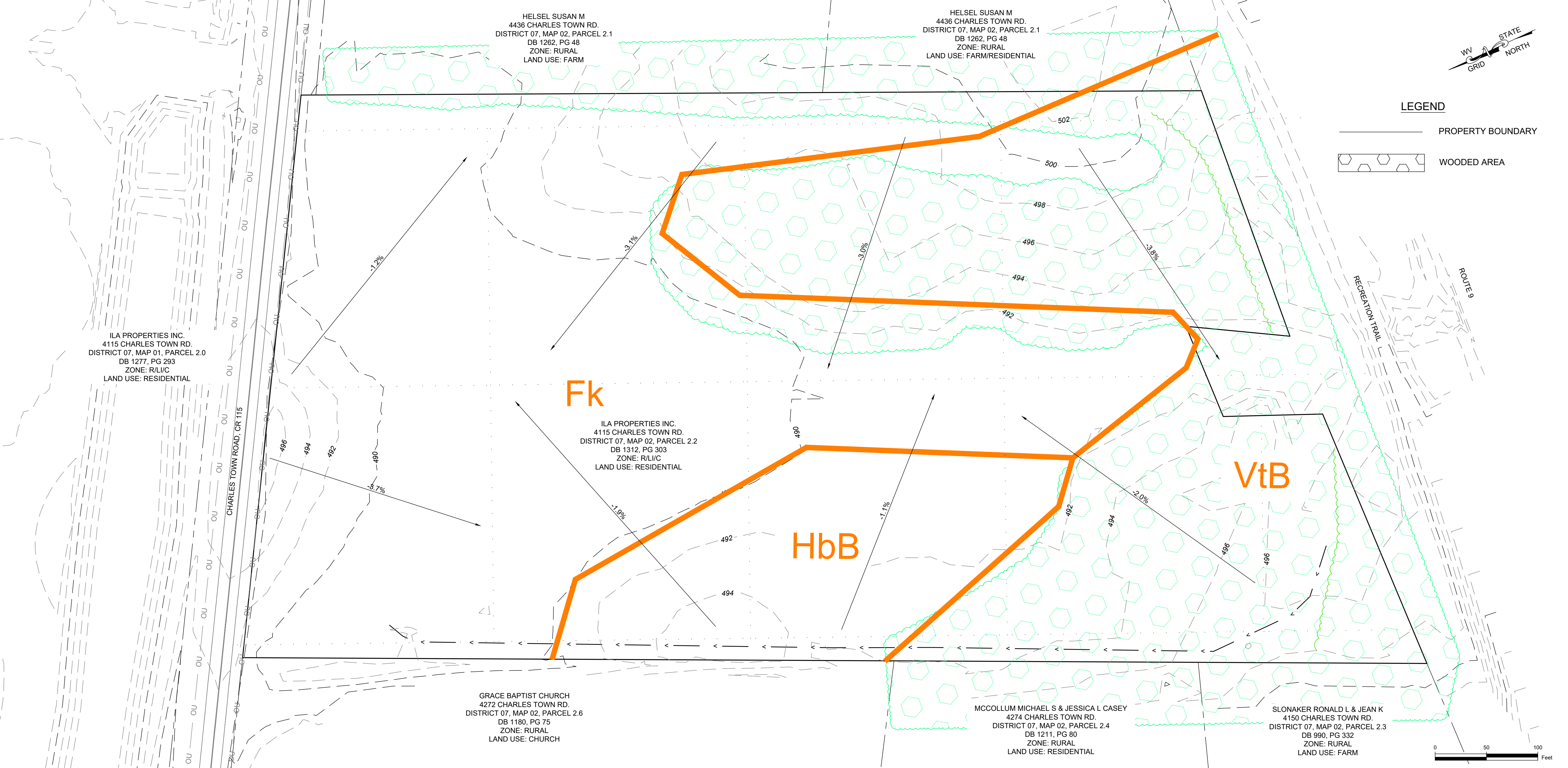
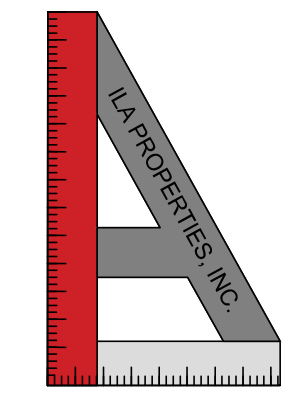
CONCEPT PLAN RESOURCE NOTES:

1. AVERAGE SLOPE: 2.5%
2. FLOODPLAIN - PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD PLAIN AS PER F.I.R.M. FLOOD INSURANCE RATE MAP NUMBER 54037C0020E EFFECTIVE DATE 07/07/09.
3. HIGHWAY PROBLEM AREAS - THERE ARE NO KNOWN HIGHWAY PROBLEM AREAS WITHIN ONE MILE OF THE SITE.
4. SENSITIVE AREAS - THERE ARE NO KNOWN SENSITIVE AREAS INCLUDING SINKHOLES, WETLANDS, STREAMS, AND SEVERE SLOPES WITHIN THE SCOPE OF THE PROJECT. DEVELOPMENT OF THE SITE WILL COMPLY WITH ALL APPLICABLE GUIDELINES AND STANDARDS FOR THE REUSE AND REDEVELOPMENT OF ENVIRONMENTALLY COMPROMISED SITES, AS ESTABLISHED BY THE W.V.D.E.P. AND THE E.P.A.
5. HISTORICAL USE - FARM LAND/PASTURE. THERE ARE NO KNOWN EXISTING OR PROPOSED CEMETERIES OF HISTORIC STRUCTURES ON THE NATIONAL REGISTER WITHIN 100 FEET OF THE SITE.
6. EXISTING SOIL DATA - SOIL AND GEOLOGICAL DATA SOILS MAPPING HAS BEEN TAKEN FROM JEFFERSON COUNTY, WEST VIRGINIA SOIL SURVEY BY THE NATIONAL CARTOGRAPHY CENTER AND GEOSPATIAL CENTER FORT WORTH TEXAS.

TRAFFIC IMPACT NOTES:

1. INFORMAL CONSULTATION WITH WV DOH OFFICIALS FOR THIS PROJECT INDICATED NO DOH ROAD IMPROVEMENTS WOULD BE NECESSARY IF THE ROAD IMPROVEMENTS FOR THE HUNTER HILLS DEVELOPMENT ARE COMPLETED. REFERENCE DOH PERMIT 05-2023-0590 FOR FULL DETAILS OF PLANNED ROAD IMPROVEMENTS.
2. ADT: 138 TOWNHOMES X 7 (DAILY TRAFFIC MULTIPLIER) = 966
3. PEAK HOUR: 138 TOWNHOMES X 0.6 (PEAK HOUR TRAFFIC) = 82.8
4. ROUTE 115 ADT: 5046 (PER WVDOH AADT MAP, 2017)
5. TWO KEY INTERSECTIONS ARE NOTED ON THE VICINITY MAP. ROUTE 115/SHORT ROAD AND ROUTE 115/ROUTE 480.

SOILS LEGEND			
MAP UNIT SYMBOL	MAP UNIT NAME	ACRES IN AOI	% OF AOI
Fk	FUNKSTOWN SILT LOAM	8.2	49.9%
HbB	HAGERSTOWN SILT LOAM, 3% - 8% SLOPES	2.4	14.7%
VtB	VERTREES-ROCK OUTCROP COMPLEX, 3% - 8% SLOPES	5.8	35.4%
TOTAL AOI		16.3	100.0%



LEGEND	
	PROPERTY BOUNDARY
	WOODED AREA

ILA PROPERTIES, INC
4115 CHARLES TOWN ROAD
KEARNEYSVILLE, WV 25430

HUNTER VALLEY SUBDIVISION
CONCEPT PLAN
DISTRICT 07, MAP 02, PARCEL 2.2
DB 1312, PG 303
CONCEPT SHEETS.DWG

DRAWN BY: G. SEPP
CHECKED BY: T. LLOYD
SCALE: AS SHOWN
DATE: December 28, 2023

EXISTING CONDITIONS
SHEET NUMBER:
1 OF 2

HUNTER VALLEY

CONCEPT PLAN

JEFFERSON COUNTY, WV

ZONING SUMMARY:

ZONING DISTRICT:
RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL (R-LI-C)
(ADMINISTERED UNDER RESIDENTIAL GROWTH (RG) DISTRICT)

LAND USE:
RESIDENTIAL

LAND USE SUBTYPE:
PUBLIC / CENTRAL WATER AND SEWER

LOT AREA:
MIN. LOT AREA 20,000 SF
EXISTING LOT AREA 551,314 SF 12.65 AC

BUILDING HEIGHT:
MAX BUILDING HEIGHT 40 FT

SETBACKS:

BUILDING FRONT 25 FT
BUILDING SIDE 12 FT (EXTERIOR)
STREET SIDE 15 FT
REAR 30 FT

PARKING/DRIVE AISLE FRONT 15 FT
PARKING/DRIVE AISLE SIDE 12 FT
PARKING/DRIVE AISLE REAR 15 FT

SCREENED BUFFERS FRONT 15 FT
SCREENED BUFFERS SIDE 12 FT
SCREENED BUFFERS REAR 15 FT

SECTION 4.12 DESIGN STANDARDS:

- COMMON OPEN SPACE SHALL BE ORIENTED TO THE INTERIOR OF THE DEVELOPMENT AND SHALL CONSIST OF LAND SUITABLE FOR PASSIVE AND ACTIVE RECREATIONAL USE. NO MORE THAN 50 PERCENT OF LAND DEDICATED TO RECREATIONAL USE SHALL BE WITHIN THE 100 YEAR FLOODPLAIN.
- IMPERVIOUS SURFACE COVERAGE FOR INTERIOR STREETS, PARKING AREAS, AND RESIDENTIAL STRUCTURES SHALL NOT EXCEED 50 PERCENT OF THE GROSS LAND AREA.
- TOT LOT OR PLAY AREAS SHALL BE VENTRALLY LOCATED IN AREAS CONVENIENT TO RESIDENTIAL BUILDINGS AND AT LEAST 25 FEET FROM ANY STREET RIGHT-OF-WAY.

SECTION 21.205 OF SUBDIVISION REGULATIONS:

15% OF THE LAND IS REQUIRED TO BE RESERVED FOR OPEN SPACE (10 ACRES X 15% = APPRX. 1.5 ACRES) UP TO 60% MAY BE MET WITH PASSIVE OPEN SPACE AND THE REST HAS TO BE ACTIVE RECREATION AND WILL BE DETAILED ON THE SITE PLAN.

DENSITY:

TOTAL LOT AREA 551,314 SF
PERMITTED AREA PER DWELLING UNIT 2,000 SF
MAX DWELLING UNITS 275 UNITS
PROPOSED DWELLING UNITS 138 UNITS

HUNTER VALLEY TABULATION

APARTMENT UNIT / TYPE	PARKING PER UNIT	PARKING REQUIRED	PARKING PROVIDED
138 UNITS 2 BEDROOM	1.50	207.00	283.00

NOTES:

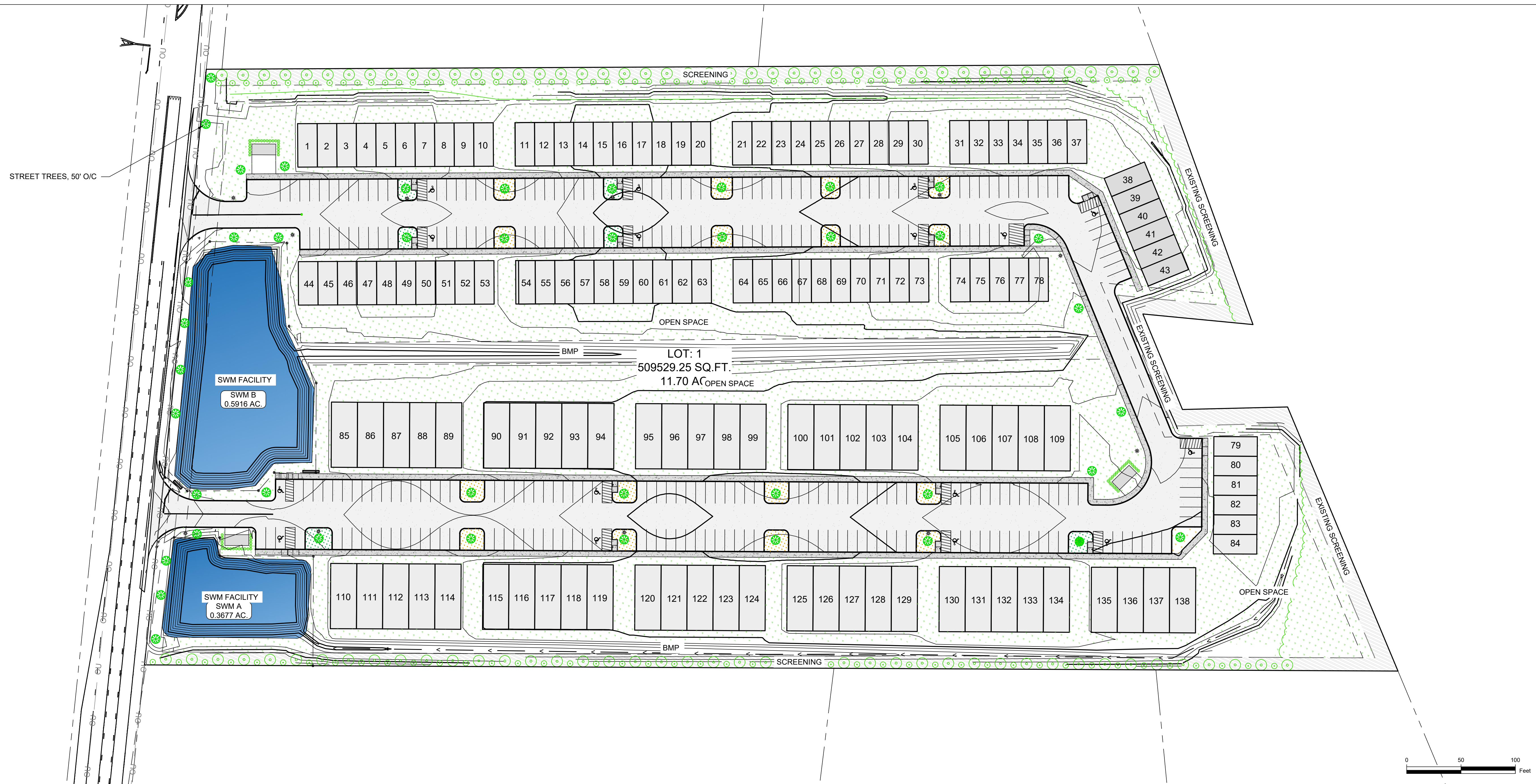
PROPOSED PARKING ISLAND LOCATIONS SUBJECT TO FINAL DESIGN

12 ADA PARKING SPACES SHOWN (SUBJECT TO FINAL DESIGN)

THE PROJECT MAY BE ALL 1 BR OR ALL 2 BR OR A MIX OF 1 AND 2 BR, BUT PARKING AND THE IMPACT HAVE BEEN PROVIDED FOR THE MAXIMUM OF ALL 2 BR.

LAND COVERAGE			
	SF	AC	%
MAX LAND COVERAGE ALLOWED	275735	6.3300	50
PROPOSED LAND COVERAGE	275299	6.3200	50

PER SECTION 4.12.B IMPERVIOUS SURFACES COVERAGE IS BASED ON RESIDENTIAL STRUCTURES, PARKING AREAS, AND INTERIOR STREETS.



ILA PROPERTIES, INC

4115 CHARLES TOWN ROAD
KEARNEYSVILLE, WV 25430

HUNTER VALLEY SUBDIVISION
CONCEPT PLAN

DISTRICT 07, MAP 02, PARCEL 2.2
DB 1312, PG 303
CONCEPT SHEETS.DWG

DRAWN BY: G. SEPP

CHECKED BY: T. LLOYD

SCALE: AS SHOWN

DATE: December 28, 2023

PROPOSED
CONDITIONS
SHEET NUMBER:

2 OF 2

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

251 Caperton Blvd.
Martinsburg, WV 25403
Telephone: 304.267.4600 & FAX: 304.267.3864

To Whom It May Concern:

INTENT TO SERVE PUBLIC WATER FOR SUBDIVISIONS AND/OR LAND DEVELOPMENTS

Property Owner: ILA Properties Inc.
c/o Joshbeen Grewal
4115 Charles Town Rd.
Kearneysville, WV 25430

Phone 571-438-3612

Property Location Mill Creek District Tax Map 2 Parcel 2.2
Property Address: TBD
Description of Proposed Project: Residential 138 Townhomes

Has public water service. Water main of adequate size exists in the public right-of-way adjoining the property. All lots must have frontage on public main in order to have water service. All lots of proposed subdivision/land development that do not have frontage on an existing water main will require a mainline extension for water service. As the details of the project are reviewed and hydraulic model evaluations are determined, additional infrastructure provisions, onsite and offsite, may be required to ensure adequate service to existing customers as well as the proposed development.

Requires a mainline extension for public water service to and/or within the proposed subdivision/land development. Interior of proposed subdivision/land development will require a mainline extension for water service. The Developer shall execute an alternate mainline extension agreement with the District for the above noted project which must be approved by the Public Service Commission of West Virginia. Location of main of adequate size to serve subdivision/ land development to be determined by District. All mainline extensions shall be completed in accordance with the Berkeley County Public Service District Developer Policy, Procedures and Standards for Water Systems.

A hydraulic analysis is required to ensure adequate fire flow is available for the type and spacing of the residential units proposed. The hydraulic analysis will be completed by the District's Consultant.

This Intent to Serve Public Water is only an intent to serve water. Water service is not guaranteed until a tap application (i.e., a formal request for immediate and continuous service) is approved for an individual lot(s). This Intent to Serve Public Water does not convey District acceptance or approval of the proposed project for permitting by State or other regulatory agencies.

This Intent to Serve Public Water expires one year from date of issue.

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

By: Robin Shade
Its: District Representative

Date: February 12, 2024

FOR PLAN REVIEW PURPOSES ONLY. NOT TO BE USED TO OBTAIN BUILDING PERMIT.



Charles Town Utility Board

661 S. George Street, Suite 101 Charles Town, WV 25414
Phone: (304) 725-2316 ♦ Fax: (304) 725-7150 ♦ Web: www.ctubwv.com

UTILITY BOARD

CHAIRMAN
*City of Charles
Town City Manager
John
Nissel*

VICE
CHAIRMAN
*City of Ranson
Mayor
Duke
Pierson*

TREASURER
*Thomas
Stocks*

SECRETARY
*Ashley
Stottlemeyer*

BOARD
MEMBER
*Jefferson
Whitten*

BOARD
MEMBER
*Heidi
Parker*

UTILITY
MANAGER
*Kristen
Stolipher*

March 5, 2024

ILA Properties, Inc
Attn: Joshbeen Grewal
4115 Charles Town Road
Kearneysville, WV 25430

Re: Water and Sewer Service for Hunter Valley Apartments

Dear Mr. Grewal:

Pursuant to the Charles Town Utility Board (CTUB) meeting on February 28, 2024, the Board consents to allow Berkeley County Public Water Service District (BCPSWD) and Berkeley County Public Sewer Service District (BCPSSD) to provide public water and sewer service to the above-mentioned property. An extension of CTUB public water and sewer would be extensive given that the closest point of connection is a couple miles away from the subject property.

Should you have any questions, please do not hesitate to contact me.

Regards,

Kristen Stolipher
Utility General Manager

BERKELEY COUNTY
PUBLIC SERVICE SEWER DISTRICT

P.O. Box 944
Martinsburg, WV 25402
Phone: (304) 263-8566
Fax: (304) 267-7478



Curtis B. Keller, General Manger

Board of Directors:
John Kunkle, Chairman
John E. Myers, Secretary
Gregory S. Rhoe, Treasurer

March 7, 2024

Via E-Mail

Trevor Lloyd
ILA Properties, Inc.
4115 Charles Town Road
Kearneysville, WV 25430

Re: Intent to Serve –Hunter Valley

Dear Mr. Lloyd:

This letter is to provide notice of the Berkeley County Public Service Sewer District's intention to serve the parcel of land, located in the Middleway District, Tax Map 2, Parcel 2.1. The proposed project will serve 138 Townhomes. All design and construction of on-site and off-site line extensions will be the responsibility of the property owner.

The District will provide sanitary sewer service to the project and may enter into a COVA Agreement with the developer for construction of the necessary improvements, which may include both on-site and off-site improvements. Individual applications will need to be completed and payment of the tap fee may be required before construction of the project on the lot(s) will be permitted.

This Intent to Serve Approval Letter is to be used by Berkeley County Building Department for Building Permit Application. Sewer service is not guaranteed until a formal request for immediate and continuous service is approved for each individual lot/building.

If you have any questions, please feel free to call my office at 304-263-8566.

Sincerely,

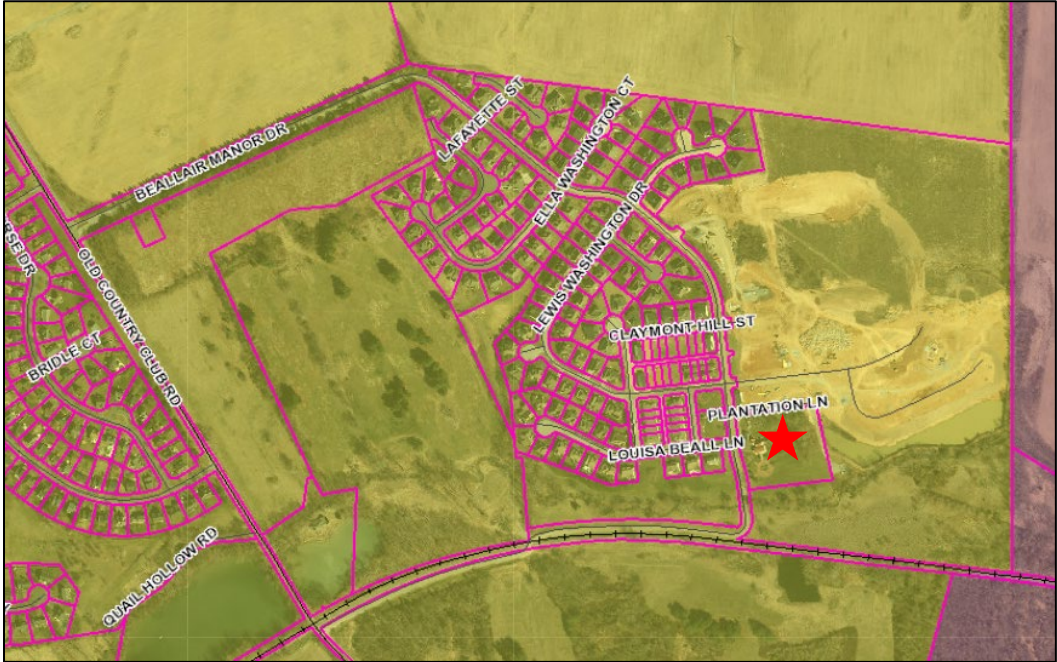
A handwritten signature in blue ink that reads "Rodney Hanes".

Rodney Hanes
Assistant General Manager

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Beallair Subdivision Pool Variance Request (File: 24-2-PCV)

Item #4: Variance request from Section 11.2.e.1 of the 1979 Subdivision Ordinance to waive the required site plan screening and landscaping for the proposed pool and community center property located within the Beallair development to serve the residents.

Owner:	Beallair Homes, LLC.
Applicant:	Piedmont Design Group, Todd Abe
Property Location & Information:	<p>Beallair Community Conservancy Lot, corner of Beallair Manor Dr. & Plantation Ln, Parcel ID: 04010ACOMM0000; Size: 3.31 acres; Zoning District: Residential Growth</p> 
Adjacent Zoning:	North, South, West, East: Residential Growth
File #23-10-SP:	Beallair Community Pool and Club House Site Plan currently under review
<p>Subdivision History Community of Beallair Subdivision (PC Files 02-36, 05-41, 08-21, 19-16-SD, 21-31-SD, 22-15-SD) Note: This project fell under the 2010 SB 595 (WV State Code), which allowed an extension of the entire project. Further extensions relating to SB595 were approved as follows: 07/13/10 (PC), 06/21/12 (CC), 08/08/14 (CC), and 03/13/17 (CC). Approvals related to the full development are found in the Attachment to this report.</p>	

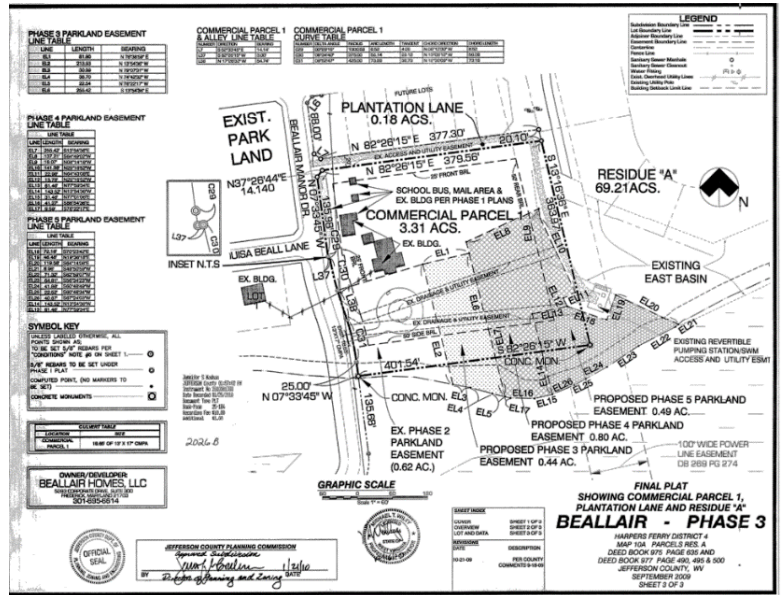
Background/Request

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

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

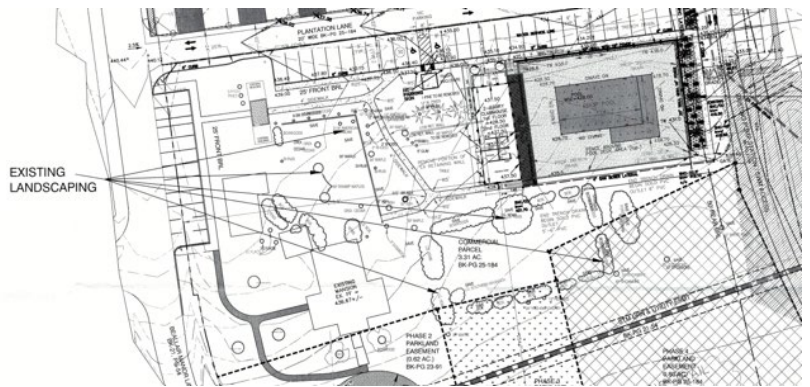
Beallair Subdivision Pool Variance Request (File: 24-2-PCV)

The Beallair Subdivision Community Impact Statement includes the provision for the use of the historic Beallair house, the surrounding historic outbuildings, and the formal gardens and grounds, as a community center and club house facility for the residents of the community. This 3.3-acre property has become the property of the homeowners association, known as the Beallair Community Conservancy Inc., and is on a separate platted lot. The CIS states that by dedicating the house for the club house facility for the HOA, the historic home will be preserved and well-maintained. This community club house facility is intended to be available for use by the Homeowners for meetings, special events and visiting. The CIS also states that in addition to the existing historic house and grounds, which will be preserved, a swimming pool added to this lot. In addition to the creation of this community center and pool, the grounds adjacent to Flowing Springs Run will be set aside as a park for the subdivision community use and the adjacent wetlands will remain and be protected by natural buffers.



The site plan for the proposed outdoor pool and associated two-story clubhouse is currently under review by staff. Because this project started in 2002, it is being reviewed for compliance with the 1979 Jefferson County Subdivision Ordinance. Article 11 of this Ordinance provides the requirements of all Non-Residential Subdivisions, with Section 11.2 detailing the Site Plan Requirements. Per Section 11.2e.1 of the Subdivision Ordinance, the Site Plan requires “screening in the form of either vegetation or opaque fencing will be provided on properties used for commercial, industrial, institutional or other non-agricultural or non-residential uses along property lines which adjoin properties used or zoned for any residential use” and that the vegetative screening shall comply with County’s Standard Details.

This Subdivision Variance is requesting to waive this buffer requirement because the pool is intended to be an integral part of the neighborhood and needs to be incorporated into the community instead of being buffered from it. The application further states that abundant landscaping already exists on the site and will be retained and that the applicant intends to meet the required parking and access landscaping.



Recommendation:

Staff agrees that it is reasonable to allow this pool and clubhouse to be integrated into the Beallair community and to allow the existing and proposed landscaping to satisfy the requirement so the Subdivision Ordinance.

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Beallair Subdivision Pool Variance Request (File: 24-2-PCV)

ATTACHMENT:

<u>Subdivision History and Previous Approvals:</u>		
File #	Project Name	Recording Info
02-36-SD	Beallair Phase I, Lots 1-49 and Residue Parcels A, B, C, D & E	PB 21, PG 54
05-41-SD	Beallair Phase II, Lots 50-133, Residue Parcel A	PB 23, PG 91
	• 05/15/14: Minor plat change: revise and update drainage areas	PB 25, PG: 457
	• 05/23/16: Minor plat change: revise easements and access on Lot 103	PB 25, PG 563
	• 08/23/16: Minor plat change: revise setbacks and model home note	PB 25, PG 589
	• 08/16/17: Minor plat change: revise setbacks	PB 25, PG 641
	• 02/05/20: Minor plat change: convert TH to SF	PB 26, PG 170
	• Minor plat change: removal of platted walking trails (23-9-MPC)	Pending
08-21-SD	Beallair Commercial Parcel 1, Plantation Ln and Residue Parcel A	PB 25, PG 184
19-16-SD	Beallair Phase 4A, Lots 134-159 and Residue Parcel A	PB 26, PG 216
21-31-SD	Beallair Phase 3, Lots 203-233, 273-275, 283-304 Open Space SWM-1 and Residue Parcel A	PB 26, PG 351
	• 01/13/23: Minor plat change: revise the front setback for Lots 214, 215 & 217 located on a cul-de-sac (23-1-MPC)	PB 26, PG 484
22-15-SD	Beallair Phase 4 & 5 Preliminary Plat for Lots 160-202, 234-272, 276-282; <u>Phase 4B - Final Plat for Lots 160 - 164, 244 - 272, and Residue A*</u>	FP Approved by PC 12-12-23 but not recorded
<i>23-10-SP</i>	<i>Beallair Community Pool and Club House Site Plan</i>	<i>Pending</i>
Subdivision Variances: (PC approved the following variances, under the 1979 Subdivision Ordinance)		
Mtg. Date	Request	
03/25/03:	<ul style="list-style-type: none"> • Reduce finished road width from 20' to 15' for one-way rear access drives w/ no shoulders; • No curb & gutter in alleys; or, the one-way rear access drives; • Allow an inverted crown for drainage in one-way rear access drives; • Allow two (2) side-by-side, on-site parking spaces; • Reduce ROW width from 50' to 44' in the main road passing through the TND villa areas; • Reduce one-way rear access drives from 50' to 20' to serve the garages. 	
03/23/04:	<ul style="list-style-type: none"> • Min. finished road width from 24' to 15' for rear access drives; • No curbs included with the rear access drives; • No sidewalks on the one-war rear access drives; • A reduction from 3' to 2.5' for the back of the curb from the edge of the pavement; • No buffer screening between common areas & adjoining single family lots. 	
09/12/06:	Request to extend the 24-month provision for a period of 12 months to 09/12/07.	
08/26/08:	Request to extend the 24-month provision for a period of 12 months to 08/26/09.	
06/02/20:	Request to extend the 24-month provision for a period of 24 months to 7/1/22.	
02/13/24:	Request to extend the requirement to bond and record Beallair, Phase 4B Final Plat to 6/9/24.	

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Beallair Subdivision Pool Variance Request (File: 24-2-PCV)

Zoning Variances: (BZA approved the following variances from the Zoning Ordinance)	
Mtg. Date	Request
07/19/12:	Reduce the rear setback from 20' to 17' for a 12' x 16' screened porch (ZV12-24).
07/24/14:	Reduce the rear setback from 20' to 3' to construct a deck.
04/28/16:	Reduce the rear setback from 20' to 10' to construct a deck (ZV16-09).
07/28/16:	Reduce rear setback from 20' to 12' for Lots 112, 127, and 128 (ZV16-12).
07/28/16:	Allow a staffed model home on Lot 111 (ZV16-13).
10/27/16:	Allow a staffed model townhome on Lot 51 (ZV16-21).
03/23/17:	Allow a staffed model townhome on Lots 50-67 (ZV17-02).
09/28/17:	Reduce front setback from 25' to 10' along Clover Leaf Way for Lots 50-67 (ZV17-14).
09/28/17:	Reduce the 25' front setback to the following: to 10' along the S boundary for Lots 283-289; to 10' along the E boundary for Lot 283; to 10' along the N boundary for Lots 290-296; 10' along the E boundary for Lot 296; to 10' along the S boundary for Lots 297-304; to 18' along the E boundary for Lot 297 (ZV17-15).
09/27/18:	Reduce the rear setback from 20' to 18' to allow for a home (ZV18-14).
04/25/19:	Allow a staffed model home on Lot 68 (19-7-ZV).
05/23/19:	Reduce front setbacks from 25' to 20'; side setbacks from 12' to 10' and rear setbacks from 20' to 15' for Lots 68-72, 78, 106-108, 118, 121-124, and 129 (19-10-ZV).
01/23/20:	Reduce front setback from 25' to 20', the side setback from 12' to 10', and, the rear setback from 20' to 15' for lots 134-159 (19-33-ZV).
01/25/24:	Reduce the rear setback from 20' to 18' for a screened in porch (24-2-ZV).
03/28/24:	Eliminate required buffer along property lines (24-10-ZV) and parking setback along property lines (24-11-ZV) (BZA mtg: 3/28/24)
Zoning Variances: (BZA denied the following variance)	
06/23/22:	Reduce the front setback from 25' to 15'; the side setback from 12' to 10'; and the rear setback from 20' to 10' for Lots 203-233 & 273-275 for Phase 3 of Beallair (22-22-ZV).



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 #: 24-2-PCV
 Mtg Date: 3/12/24
 Date Rec'd: 2/16/24
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

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

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

Subdivision Ordinance Variance Request

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

Property Owner Information

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

Applicant Contact Information

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

Consultant Information

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

Physical Property Details

Physical Address: The Community of Beallair - Plantation Lane Vacant Lot:
 Tax District: Harpers Ferry Map No: 10A Parcel No: COMM
 Parcel Size: 3.31 acres Deed Book: 25 Page No: 184
 Zoning District: Jefferson County

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

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

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

11.2.e.1

Briefly Describe the Nature of Your Variance Request:

The property is bound by open space and right of ways. This site plan is part of the community as the amenity is located within the interior of the community. Screening or landscaping the property lines isn't desirable as detailed in the subdivision ordinance. Abundant landscaping exists on the lot and shall be retained as much as possible given the proposed site plan required clearing. Parking and access landscaping requirements will be satisfied. We ask that section 11.2.e.1 of the subdivision ordinance be waived so as to honor the community feeling rather than isolating it from the subdivision with screening.

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

The community is part of an approved CIS. It is a private amenity for the community residents and guests only.

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

The site is bound by access roads and parking. Landscaping or screening would impeded access and overall community appearance definition. It would set apart the amenity from the community.

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

This amenity is part of the original approved CIS.

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

The CIS will be honored. The community improvements will be constructed as expected by existing and future residents.

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

Property Owner

Date

Property Owner

Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared and posted by the Staff. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

3/12/24

2/27/24

2/27/24

Public Hearing Date

Date Placard Posted

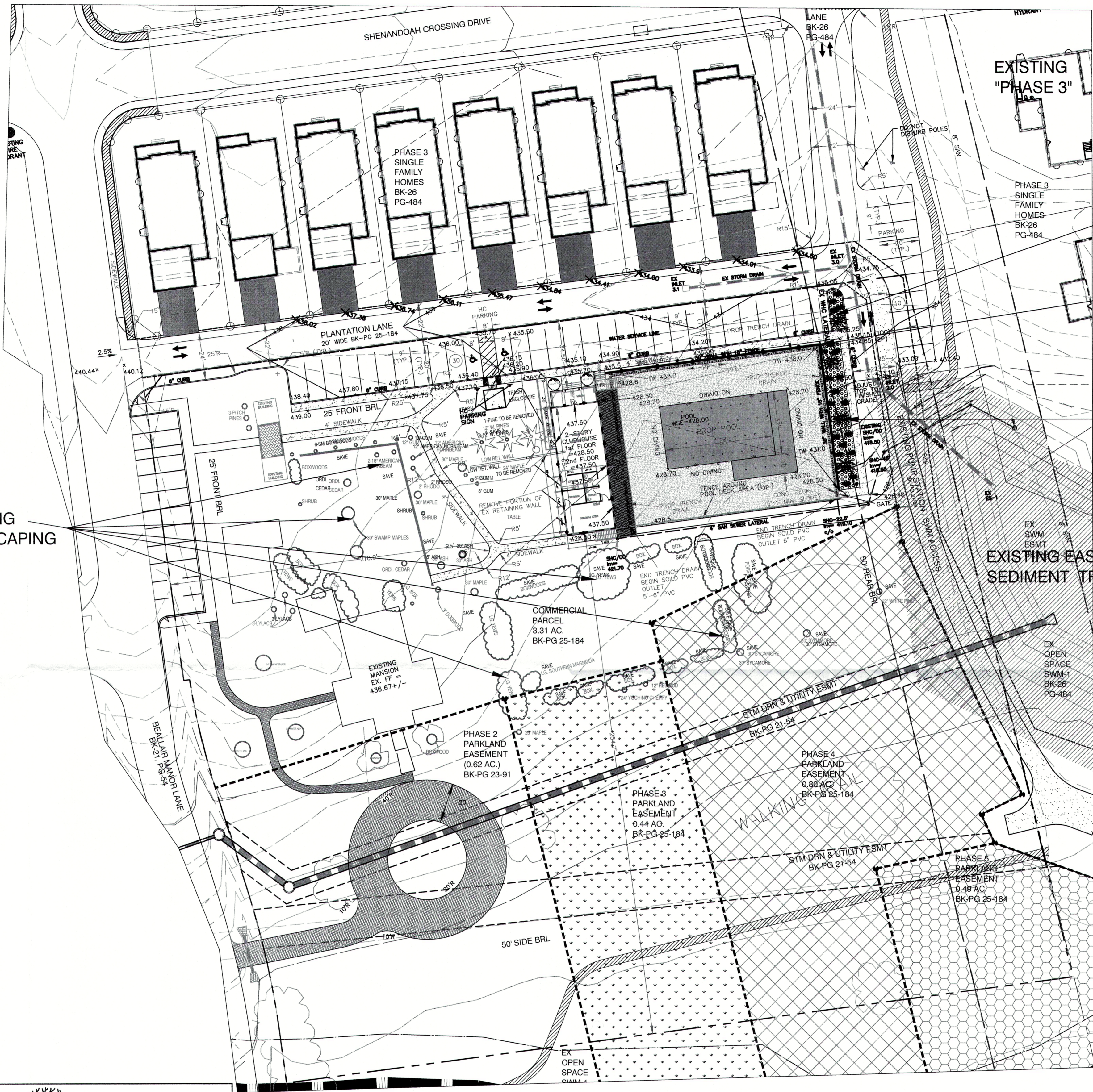
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



LANDSCAPING
 (140 SQ. FT.)
 1-TREE
 4-SHRUBS

WALL
 HT = VARIES

LANDSCAPING
 (680 SQ. FT.)
 3-TREE
 14-SHRUBS

EXISTING
 LANDSCAPING

EXISTING EAST
 SEDIMENT TRAP

LANDSCAPING REQUIREMENTS (5% OF PARKING AREA)	
PARKING AREA	7200 SQ.FT
SPACES 9FT x 20FT	40
DRIVE AISLE	180
WIDTH	15FT
LENGTH	360FT
DRIVE AISLE AREA	5400 SQ.FT
REQUIRED TOTAL AREA X 5%	12600
PROVIDED	650
SQ.FT	ACRES
12600	0.05
630	0.014463



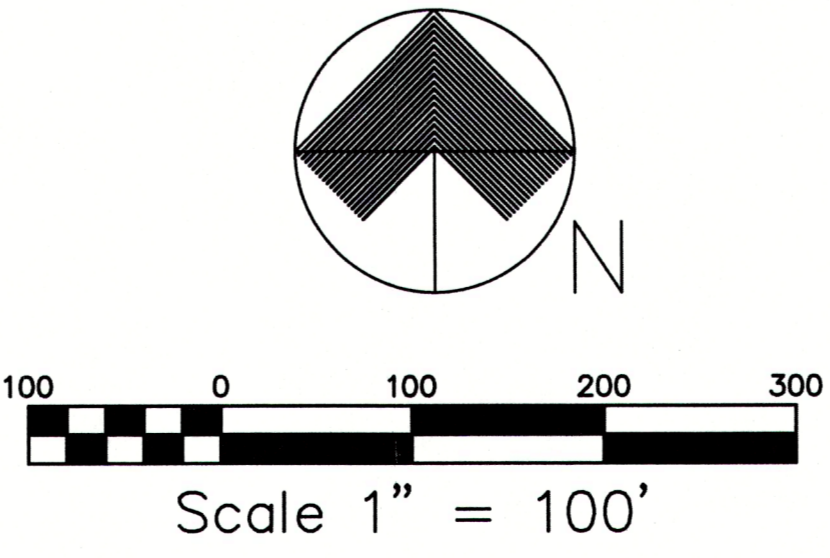
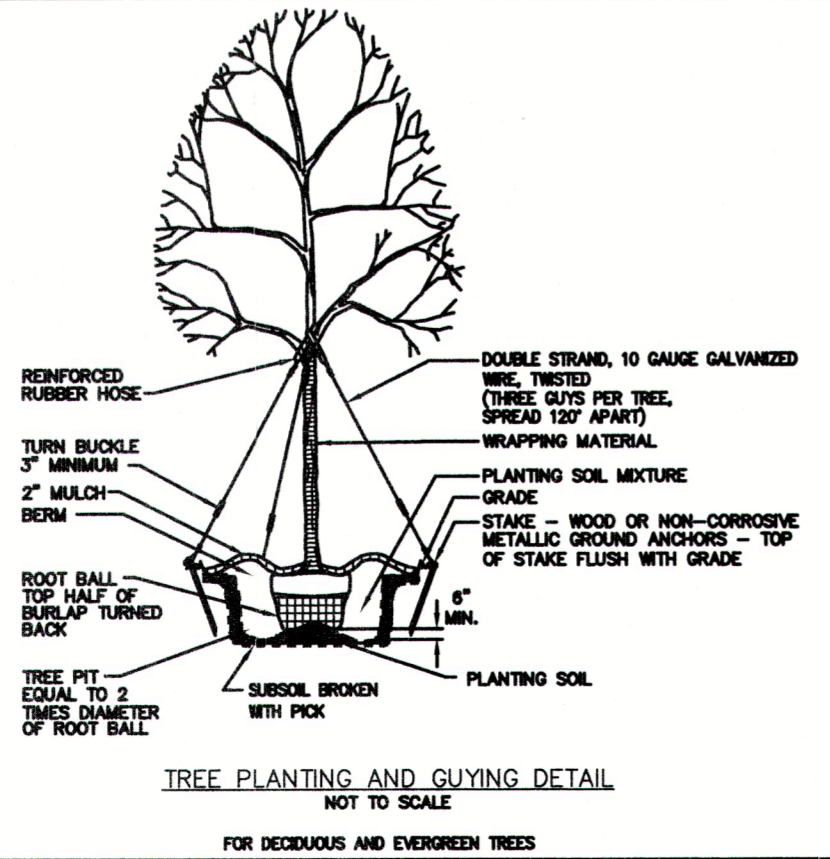
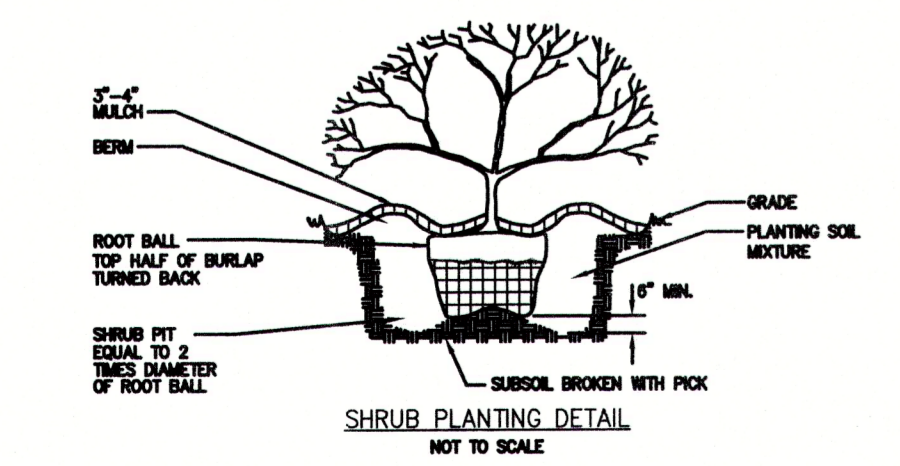
KEY	QUANTITY	BOTANICAL / COMMON NAME	REMARKS
4	4	Ilex opaca 'Savannah'	6ft HT @ Planting; B&B
18	18	Euonymus alatus 'Compacta'	2ft HT @ Planting; 1gal container

NOTES:

1. Protect existing utilities, paving and other facilities from damage caused by landscaping operations.
2. Plant names indicated comply with "Standard Plant Names" as adopted by the latest edition of the American Joint Committee of Horticultural Nomenclature. Names of varieties not listed, conform generally with names accepted by the nursery trade. Provide stock true to botanical name and legibly tagged.
3. Comply with sizing and grading standards of the latest edition of "American Standard for nursery Stock". A plant shall be dimensioned as it stands in its natural position.
4. All plants shall be nursery grown under climatic conditions similar to those in the locality of the project for a minimum of two years.
5. Stock furnished shall be at least the minimum size indicated. Larger stock is acceptable, at no additional cost, and providing that the larger plants will not be cut back to size indicated. Provide plants indicated by two measures so that only a maximum of 25% are of the minimum size indicated and 75% are of the maximum size indicated.
6. A complete list of plants, including a schedule of sizes, quantities and other requirements is shown on the drawings. In the event that quantity discrepancies or material omissions occur in the plant materials list, the planting plans shall govern.
7. Perform cleaning during installation of the work and upon completion of the work. Remove from site all excess materials, soil, debris and equipment. Repair damage resulting from planting operations.

THE COMMUNITY OF BEALLAIR POOL AND CLUBHOUSE
 SE CORNER BEALLAIR MANOR DRIVE AND PLANTATION LANE
 PROPERTY OF
 BEALLAIR COMMUNITY CONSERVANCY INC.
 DB1215 / PC228
 TAX MAP D10A, P10 PARCEL COMM
 HARPERS FERRY ELECTION DISTRICT
 JEFFERSON COUNTY, WV

LANDSCAPING
 PLAN FOR PARKING, POOL AND
 CLUB HOUSE DESIGN



No grading, excavating, removal or destruction of topsoil, trees or other vegetative cover or construction activity shall result in point or non-point loading of suspended matter such that turbidity standards spelled out in the Water Resources Board legislative rules are violated. Said standards state that turbidity shall not exceed 10 NTU'S over background turbidity when the background is 50 NTU'S or less, or have more than a 10 percent increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTU's. This limitation shall be determined by measuring stream quality directly above and below the area where drainage from such activity enters the affected stream. Any earth disturbance activity continuously or intermittently carried on by the same or associated persons on the same stream or tributary segment shall be allowed a single net loading increase.

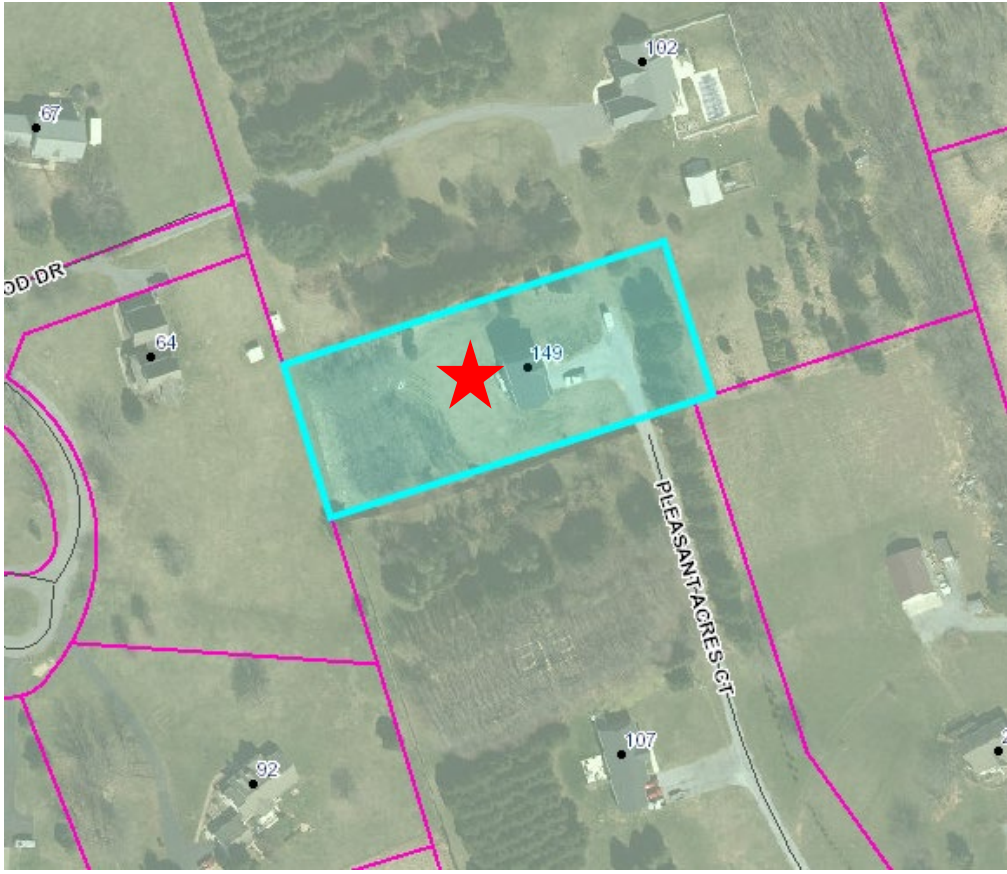
DATE:	REVISION DESCRIPTIONS	SCALE	N/A
		DESIGNED BY: JTA	CHECKED BY: MTW
		APPROVED BY: M.V.	
		6 of 8	
		DATE: AUGUST 2023	

PIEDMONT
 Design Group, LLC
 5283 Corporate Drive
 Suite 300
 Frederick, MD 21703
 301-695-5514
 PLANS AND DETAILS ARE EXCLUSIVE PROPERTY OF PIEDMONT DESIGN GROUP, LLC. UNAUTHORIZED USE OF THESE PLANS IS STRICTLY PROHIBITED. © COPYRIGHT 2023
 Beallair Pool Design

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Boswell (FT Restriction) Waiver Request (File #: 24-6-PCW)

Item # 5: Waiver from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement.

Owner/Applicant:	Richard & Melissa Boswell III
Parcel Information and Zoning District:	149 Pleasant Acres Ct, Kearneysville, WV 25430 Parcel ID: 07000800010017; Size: 1 acre; Zoning District: Rural
	
Surrounding Zoning:	North, East, West, & South: Rural
Proposed Activity	Waiver from Section 20.201B2 of the Subdivision Regulations, pertaining to the 5-year Family Transfer requirement.
Approvals:	04-19-21: Richard Boswell III Family Transfer Minor Subdivision, File: 21-9-SD (PB26/PG226)

Summary of the Request

The applicant is requesting permission to be able to transfer or sell the property before the five-year “family transfer” restriction under which it was created, due to the unexpected death of one of the applicant’s sons and divorce of the other son.

Background of Property

In 2009, an 18 acre parcel was subdivided under the two lots and a residue every 5 years provision of the Zoning Ordinance (Section 5.7D.3) and then, in 2019, an additional 2 lots were divided under this same provision. Therefore, in 2021, when the Boswell’s wanted to create a lot for their sons from the Residue

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

Boswell (FT Restriction) Waiver Request (File #: 24-6-PCW)

parcel, the only process available to use for a Minor Subdivision was the Family Transfer provision. Every Family Transfer in Jefferson County includes the following language on the plat and the Transfer Deed:

“This lot cannot be transferred again for at least five (5) years; except as another family transfer of land. Any transferal of this lot Page 12 within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.”

This Family Transfer Subdivision was approved in April 2021 and the new house for their sons was constructed in 2021. Because the lot was created through the Family Transfer Minor Subdivision process (Section 20.201B of the Subdivision Regulations), the lot could not be transferred again for at least 5 years (April 2026) and could not be further subdivided except as another family transfer.

Zoning and Subdivision Requirements

The provisions related to Family Transfers are found in both the Zoning Ordinance and the Subdivision Regulations. The Zoning Ordinance determines if a Family Transfer can occur and defines “family” for the purpose of Family Transfers.

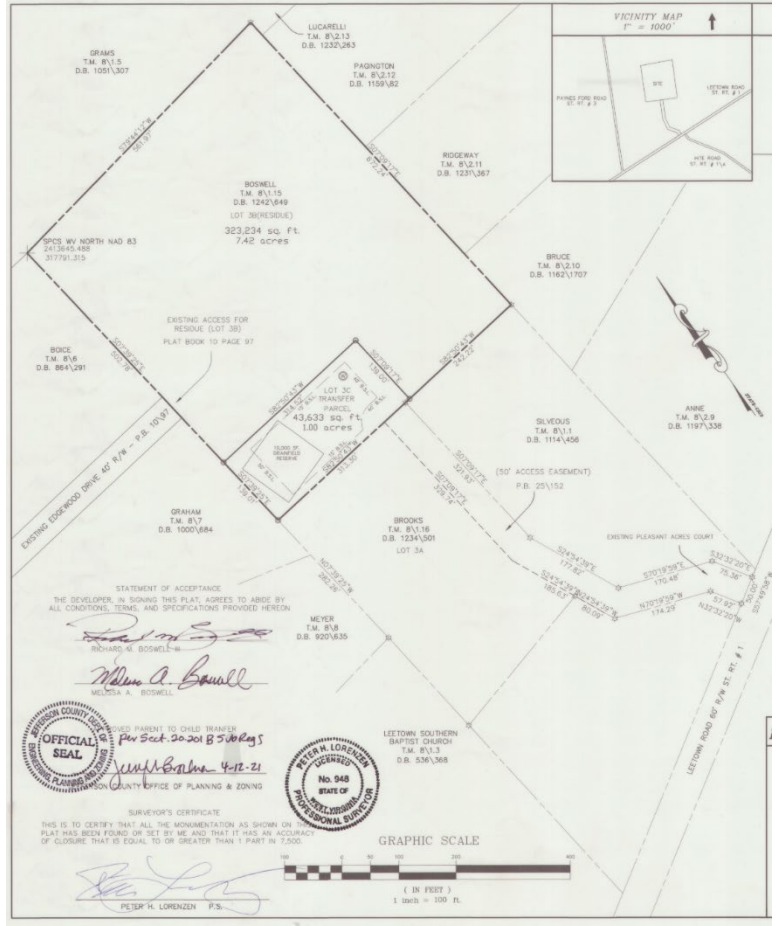
The definitions section of the Zoning Ordinance states:

“For the purpose of Family Transfers as permitted in Section 5.7 of this Ordinance and in Section 20.201 of the Subdivision and Land Development Regulations, family members shall be defined as persons related by birth, adoption or marriage and shall be limited to parent-to-child, child-to-parent, spouse to spouse, sibling to sibling, grandparent to grandchild and grandchild to grandparent. Unrelated individuals jointly owning property are not eligible to utilize the Family Transfer provisions of this Ordinance.”

The Zoning Ordinance also requires all family transfers to process in accordance with the minor subdivision provision of the Subdivision and Land Development Regulations.

Section 20.201 “Minor Subdivisions” of the Subdivision Regulations (excerpt below), states that subdivisions are those that do not require the development of new off-tract infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas, and result in the creation of five (5) residential lots or less, or two (2) nonresidential lots or less, including the parent parcel or residue, from contiguously owned parcels of record may process as Minor Subdivisions.

Subsection B “Family Transfers” details the process by which family transfer subdivisions can be processed. This subsection requires a Deed that identifies the relationship between the grantor and



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grantee (in accordance with the Zoning definition) and documents that the recipient has not yet received a previous family transfer. It also requires a note in both the deed and on the plat that states:

“The lot transferred is to be used for a single-family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another family transfer of land. Any transferal of this lot within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.”

Waiver Requirements

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

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

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

Staff Discussion

The applicants processed this Family Transfer subdivision with the full intent of complying with the requirements of the Zoning Ordinance and the Subdivision Regulations and intended to have their sons live on this property longer than the five-year requirement. The unexpected passing of one of their sons and the divorce of the other son has made it difficult for the son to continue to live on this property and the parents are not in a position to continue to own the second lot and house.

While staff would not generally support a waiver of this requirement, staff believes that under these particular circumstances that were beyond the control of Mr. Boswell, a waiver of the five-year requirement is reasonable.



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 #: 24-6-PCW
 Mtg Date: 3/12/24
 Date Rec'd: 1/25/24
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Richard Boswell III and MELISSA Boswell
 Business Name: _____
 Mailing Address: 102 Edgewood Drive, Kearneysville WV 25430
 Phone Number: 301-991-3454 Email: rickboswell@gainrealty.com

Applicant Contact Information

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

Consultant Information

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

Physical Property Details

Physical Address: 149 Pleasant Acres Court, Kearneysville WV Vacant Lot:
 Tax District: 7 Map No: 8 Parcel No: 1.00017
 Parcel Size: 1 acre Deed Book: 1259 Page No: 651
 Zoning District: Rural

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

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

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

Family Transfer Provision 20.201B

Briefly Describe the Nature of Your Waiver Request:

Ordinance specifies that property must be held for 5 years original grantor or grantee- Original transfer and creation of family lot date 4-19-21. The lot was created then a home built on it for my son & his wife along with an extra room for my other son. My son transferred ownership back to me so I could finance the construction of a home for him which he was going to pay be back for. However, my son and his wife seperated and filed for divorce, prior to this my other son no longer resided in home as he passed away unexpectdly. I would like to sell the home with an exemption of 5 year wait period.

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

Design and home are completed. I would not like to maintain any longer, I'm in my 60's and have a heart condition. I would like to see another young family start their lives here.

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

If not granted I will continue to maintain property and it will be vacant. Causing physical and financial strain for me.

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

If granted we kept with the intent of ordinance by living in dwelling as a family, until parts of family dissolve no longer making it feasible.

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

This will allow another family an opportunity to start their lives in a newer home. Additionally, it will help contribute to the maintenance of shared road easement.

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

Property Owner Signature

1/24/2024
Date

Property Owner Signature

1/24/24
Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

Planning Commission Determination

Approved

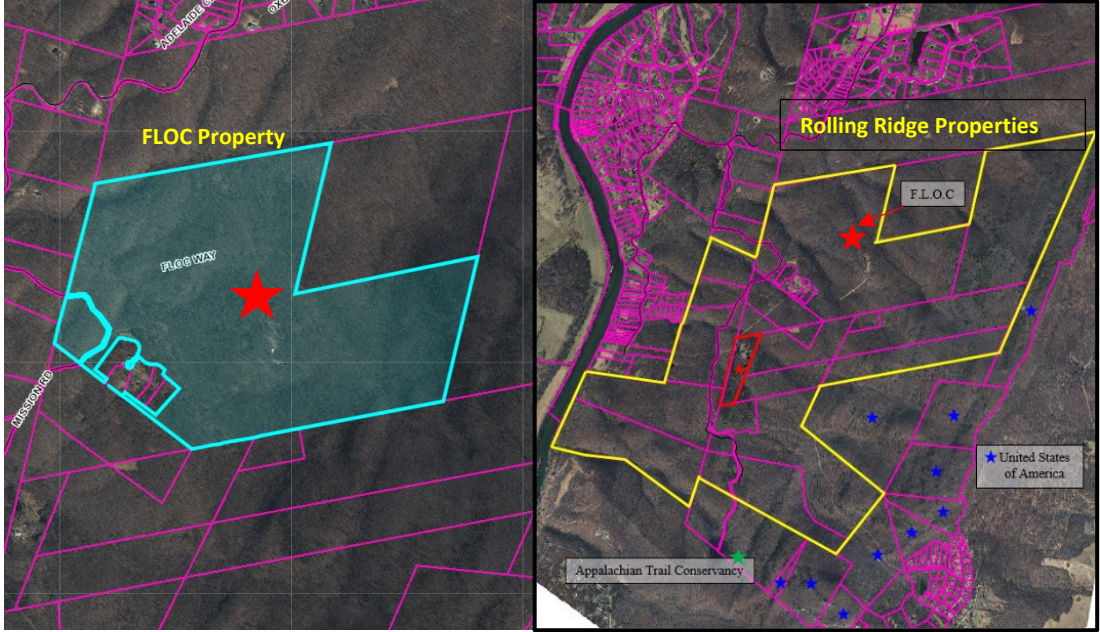
Denied

Date: ___ / ___ / ___

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Rolling Ridge Conservancy (SP) Waiver (File: 24-8-PCW)

Item #7: Waiver from Section 20.203 of the Subdivision Regulations that requires the proposed summer camp project to process as a Minor Site Development.

Property Owner:	Rolling Ridge Foundation Inc.
Applicant:	Opequon Quaker Camp at Rolling Ridge Conservancy / David Hunter
Parcel Information and Zoning District:	<p style="text-align: center;">671 Floc Way, Harpers Ferry, WV 25425 Parcel ID: 06002400040001; Size: 296.72 acres; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, East, South, and West: Rural</i>
Proposed Activity	Renovating, upgrading, and expanding the existing summer camp facility previously utilized by the For the Love of Children (FLOC).
Approvals:	The proposed use is considered nonconforming, as it was established prior to the adoption of zoning in Jefferson County. While the FLOC summer camp program ceased operating in 2019, the Zoning Administrator determined that since Rolling Ridge has continued to manage their programming and conservation efforts overall, part of which includes summer camp programs for children, that the nonconforming status has been maintained.

Background and Summary of Request

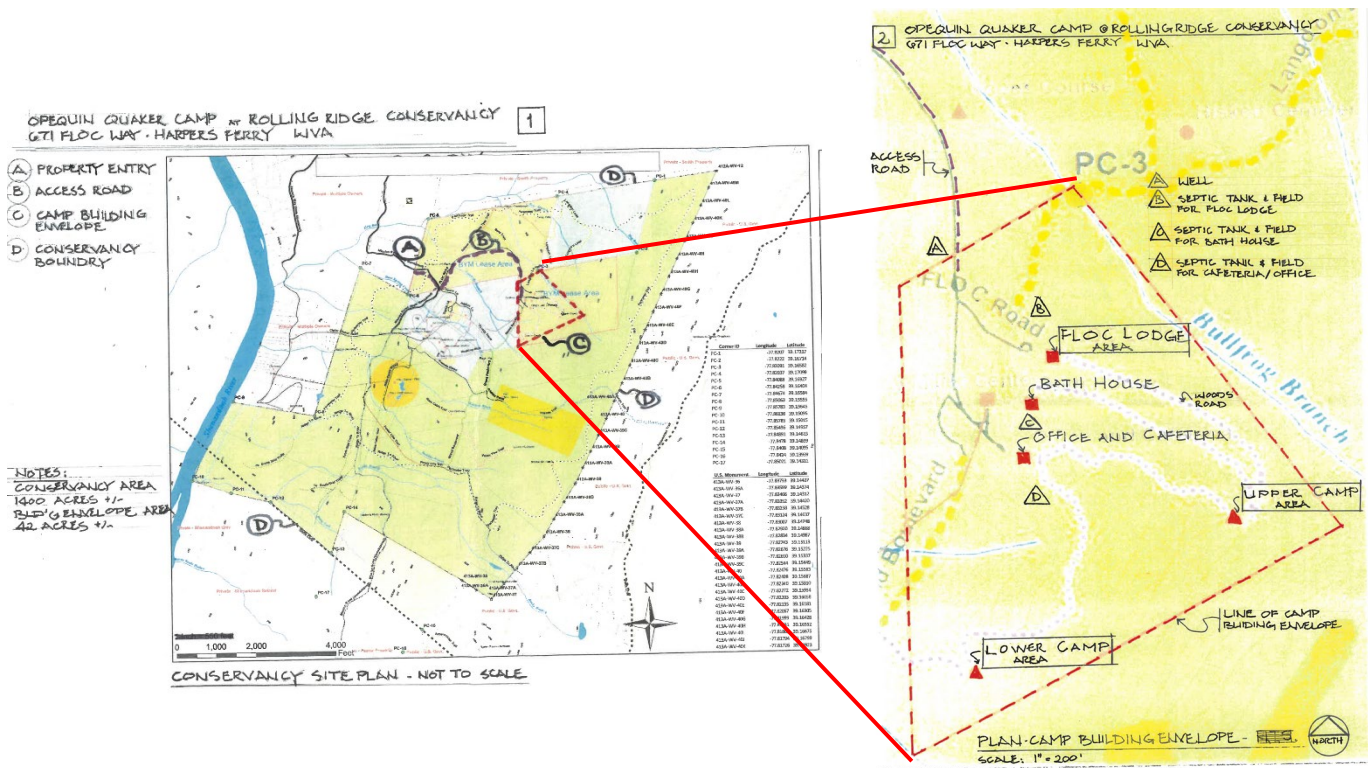
The applicant is proposing to establish an Opequon Quaker Camp (the Baltimore Yearly Meeting Camping Program) on the site of the former For the Love of Children (FLOC) camp by the summer 2024. The proposed lease area is a 256-acre portion of this 1600+ acre property, most of which are under conservation easements or subject to conservation deed restrictions. The proposed camp includes removing eight 12' x 16' cabins and replacing them with eight 16' x 24' cabins, and adding two tent platforms for use by staff.

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

Rolling Ridge Conservancy (SP) Waiver (File: 24-8-PCW)

There is an existing lodge that will continue to be utilized. There are three septic tanks/septic fields which serve the existing bath/shower house (no toilets), lodge, and kitchen/dining hall.

The location of this proposed project is the former FLOC property. FLOC ceased operations around 2019; however, the property remains part of the Rolling Ridge foundation, which has operated continuously. Part of the Rolling Ridge Foundation objectives is to provide summer camp programs for children. As such, the proposed Opequon Quaker Camp at Rolling Ridge Conservancy would be permitted as part of the nonconforming use of the 1,600+ acre properties that Rolling Ridge manages.



As noted in the application, the cabins, toilets and storage that are being removed total 2,512 sq. ft. while the new cabins, toilets, storage and tent platforms to be constructed total 4,792 sq. ft., an increase of 2,277 sq. ft. in structures. Additionally, the proposed improvements to and widening of the existing driveway includes an additional 12,672 sq. ft. of impervious area. This is a combined additional disturbed area of nearly 15,000 sq. ft. As noted in the Subdivision Regulations excerpt below, because the proposed increase in disturbed area and new structures exceeds the requirements of a “No Site Plan”, the proposed project requires processing a Limited Site Plan for administrative review.

The applicant is requesting that the Planning Commission waive the required Site Plan based on the small scale of 15,000 additional sq. ft. of improvements and new impervious on a 256-acre portion of a 1,600+ acre property owned by Rolling Ridge Conservancy, which is largely forested and undisturbed. Staff does not have the authority to administratively waive this requirement.

Rolling Ridge Conservancy (SP) Waiver (File: 24-8-PCW)

Summary of Subdivision Regulation Requirements

“Sec. 20.203 Minor Site Development

B. Site Plan Classifications

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

1. No Site Plan or Stormwater Management Plan. No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:

- a. The footprint of the addition or the new structure is less than 1,200 square feet; and
- b. No additional parking is required per Zoning Ordinance standards; and
- c. The disturbed area is no more than 5,000 square feet.

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

2. Limited Site Plan

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

- a. An addition to an existing structure, or, ancillary to an existing use; and
- b. The footprint does not exceed 3,000 square feet or 35% of the existing structure, whichever is smaller.
- c. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.

3. Full Site Plan

Any development which does not meet all of the criteria for a limited site plan shall meet all the requirements of these Regulations.”

Waiver Requirements

Division 24.300 of the Jefferson County Subdivision and Land Development Regulations states that waivers from the minimum standards in these Regulations, as well as process and procedural waivers, may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- (1) That the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- (2) That the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

Rolling Ridge Conservancy (SP) Waiver (File: 24-8-PCW)

- (3) That the waiver, if granted, will be in keeping with the intent and purpose of these Regulations;
and
- (4) That the waiver if granted will result in a project of better quality and/or character.

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

Staff Comments/Recommendation

The purpose of a site plan is to ensure that a site is developed in a manner that protects the health, safety, and welfare of the public. The Zoning Ordinance and Subdivision Regulations require that the following elements are reflected in a site plan:

- Stormwater Management
- Buffering and landscaping
- Adequate parking is installed (number of parking spaces, dimensions, etc.)
- Setbacks from property lines and roads

A site plan also requires that a construction bond be posted for all site improvements (e.g. Stormwater management, landscaping, parking, roads, etc.). In the event that a developer is unable to complete a project, the bond is available to the County to either complete the project or return the site to its original condition.

While the proposed improvements to this camp and the increased impervious areas do trigger the requirement for a Limited Site Plan, it does seem reasonable to allow the redevelopment and expansion of this existing camp within a large wilderness area to occur without processing a site plan, provided that they meet all Building Permit, Health Department, WV DOH, and State Fire Marshall requirements and receive a Zoning Certificate to reflect the change in tenant. The nature of the type of development proposed should have a minimal disturbance and therefore should not create Stormwater issues and is planned to be located in areas that are well buffered and surrounded by existing forested areas.



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 #: 24-8-PCW
 Mtg Date: 3/12/24
 Date Rec'd: 2/20/24
 Fees Paid: 100
 Staff Int: ME
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Rolling Ridge Conservancy
 Business Name: _____
 Mailing Address: 671 Floc Way, Harper's Ferry WV 25425
 Phone Number: 304-867-9846 Email: info@rollingridgeconservancy.org

Applicant Contact Information

Applicant Name: David Hunter, Camp Property Manager ^{Baltimore Yearly Meeting} Same as owner:
 Business Name: Opeacon Quaker Camp at Rolling Ridge Conservancy
 Mailing Address: 17100 Quaker Lane, Sandy Spring MD 20860
 Phone Number: 240-285-5186 Email: david.hunter@bym-rst.org

Consultant Information

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

Physical Property Details

Physical Address: 671 Floc Way, Harper's Ferry WV 25425 Vacant Lot:
 Tax District: 6-Kabletown Map No: 24 Parcel No: 4
 Parcel Size: 296.72 Deed Book: 400 Page No: 184
 Zoning District: Rural

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

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

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

Section 4.10 of The Zoning Ordinance requiring a site plan for "all commercial... Development"

Briefly Describe the Nature of Your Waiver Request:

See Appendix #1

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

See Apendix #2

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

See Apendix #3

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

See Apendix #4

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

See Apendix #5

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

Christina Piccolo 2/16/24

Property Owner Signature

Date

Property Owner Signature

Date

Chair, Rolling Ridge Conservancy board of Trustees

(aka Rolling Ridge Foundation) Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___

Baltimore Yearly Meeting

of the Religious Society of Friends
17100 Quaker Lane
Sandy Spring, Maryland 20860-1296

301/774-7663
800/962-4766
Fax: 301/774-7087
bym@bym-rsf.org
<http://www.bym-rsf.org>

APENDIX TO PLANNING COMISSION WAVER REQUEST

From: Baltimore Yearly Meeting
Regarding: Opequon Quaker Camp at Rolling Ridge Foundation
Location: Rolling Ridge Conservancy
Submitted: February 19, 2024

GENERAL INFORMATION

Site Address: 671 FLOC Way, Harper's Ferry WV 25425
Approximate Lease area: 256 acres
Approximate Building envelope: 42.5 Acres

	Building Square footage to be removed	Building Square footage to constructed	Net Square footage gain/lost
Cabins, Toilets and Storage	2,512	4,024	1,512
Tent Platforms (2)		768	2280
Disturbed area square footage	Existing Driveway	Improved Driveway	
	44,352	57,024	12,672

- 1) **Briefly describe the nature of your Waiver Request.** We are requesting to have the requirement for a site plan as described in the Subdivision and Land Development Regulations Article 21 and required in the Zoning and Land Development Ordinance Article 4.10 waved. We believe there is justification for this request since the net impervious area increase created by proposed buildings will be just 2280ft² on a site that is 256, mostly forested, acres. Additional disturbed area will be limited to driveway improvements. The Driveway for the property is approximately 0.6 miles and will be widened from an average width of 14 feet to an average width of 18 feet adding about 12,672 Ft² of gravel surface.

The lease area is surrounded Rolling Ridge Conservancy which consists of over 1600 of mostly wooded acres most of which are under conservation easements or subject to

Friends in Maryland, Virginia, West Virginia, Pennsylvania and the District of Columbia

conservation deed restrictions. The entire 256 acre lease area for the camp is under a conservation easement with the Appalachian Trail Conservancy.

All of our facilities are in the interior area of the 256 acre lease area so setbacks should not be a problem. There is an abundance of setback space between our facilities and our nearest neighbors

Existing parking in the parking areas below the Dining hall/Kitchen/Administrative Offices building, in front of the FLOC Lodge and in the bus parking area is more than sufficient to our needs.

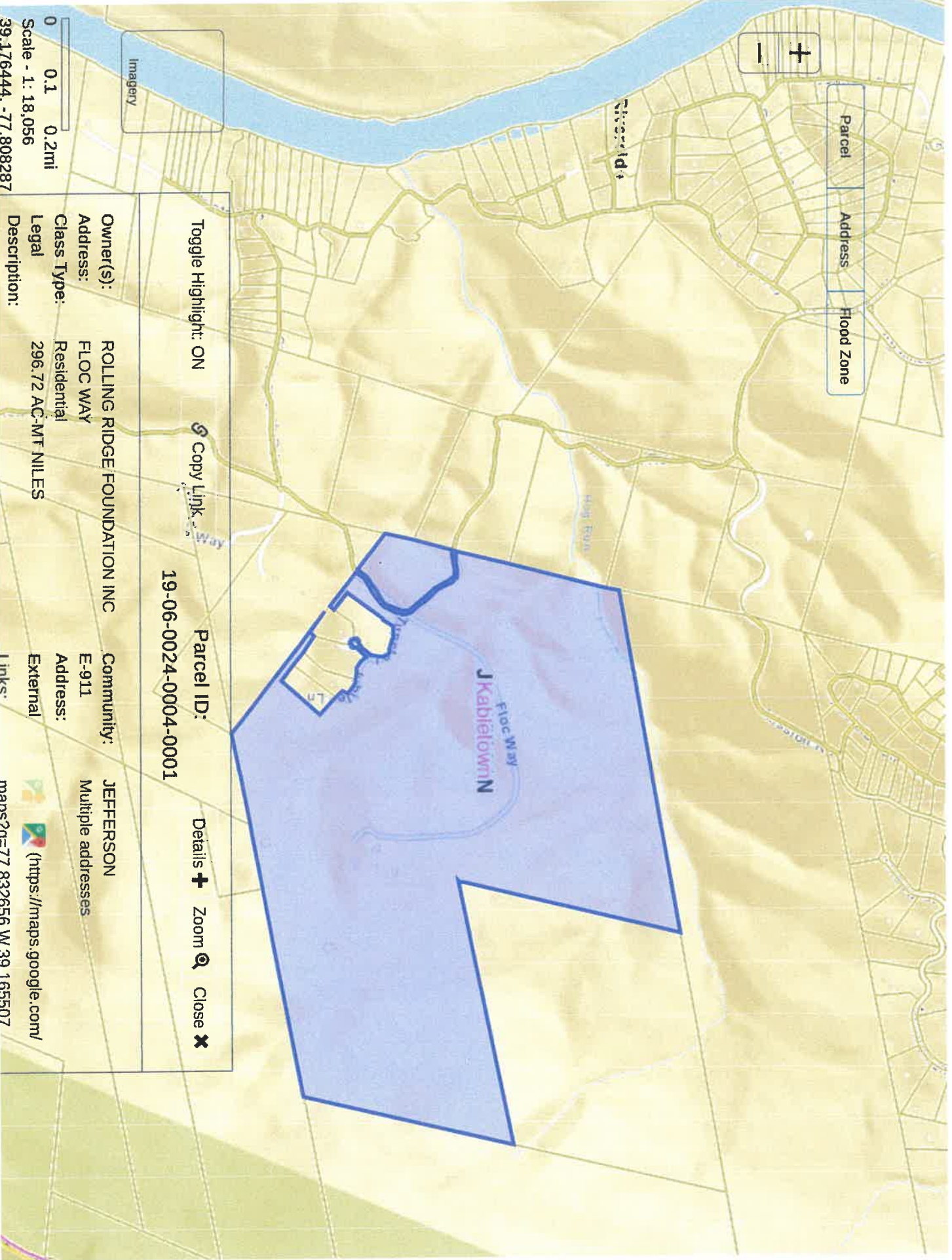
- 2) **Explain how the design of the project will provide public benefit in the form of reduction of County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.** Our program is dedicated to offering young people time in the outdoors and in wilderness areas. As we develop the site we will never do anything to diminish our campers wilderness experience. Rolling Ridge Conservancy's hiking trails, which run through our lease area, are open to the public offering county residents a place where the outdoors can be enjoyed.

The site is accessed via Mission Road and traffic patterns should not change significantly when compared to previous uses of the land. Neighbors may notice a slight increase in traffic on parent drop off and pick up days (6 or 8 days each camping season, less than 60 trips per day). Any use of the property in fall, winter, or spring will involve many fewer trips.

- 3) **Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.** The FLOC (For the Love Of Children) Outdoor Education Center facility (the site in question) began operations in the 1970s and continued until 2019. Baltimore Yearly Meeting Camping Program will be moving to the site in the summer of 2024. The difference between the FLOC program and the Baltimore Yearly Meeting camping program will be negligible for people living in the area. The facilities are well clustered and on the interior portions of the property so they are well away from the property boundaries. Setbacks will not be an issue. Traffic patterns and daily trips will not differ significantly from what they have been in the past when FLOC was running their summer camping programs. We will continue to work with the Jefferson County Health Department, Planning Department and Building Permits department to insure the safety of our campers, employees, and the general public and to insure that county ordinances and regulations are being followed.
- 4) **Explain how the waiver, if granted, will be in keeping with the intent and purpose of the Ordinance.** The mission of our Camping Program will help the Rolling Ridge Conservancy fulfill theirs is stated mission. County residents will enjoy the benefits of

preserved green space at Rolling Ridge by allowing this simple, seasonal and low impact use of the property. Using the property as a summer camp and retreat is consistent with the properties zoning designation as a "Rural."

- 5) **Explain how the waiver, if granted, will result in a project of better quality and/or character.** We are a religious non-profit with 501c3 designation. We prefer to dedicate our limited resources to providing exceptional spiritual, outdoor experiences for the young people who participate in our program. Receiving a waiver to a site plan prepared by civil engineers will free up resources to better serve our young people.



Parcel Address Flood Zone

+

-

Toggle Highlight: ON

Copy Link

Parcel ID: 19-06-0024-0004-0001

Details +

Zoom

Close X

Imagery

0 0.1 0.2mi

Scale - 1: 18,056

39.176444, -77.808287

Owner(s): ROLLING RIDGE FOUNDATION INC
 Address: FLOC WAY
 Class Type: Residential
 Legal: 296.72 AC-MT NILES
 Description:

Community: JEFFERSON
 Address: E-911
 External: Multiple addresses
 Links: (https://maps.google.com/mans?n=77 832656 W 39 165507

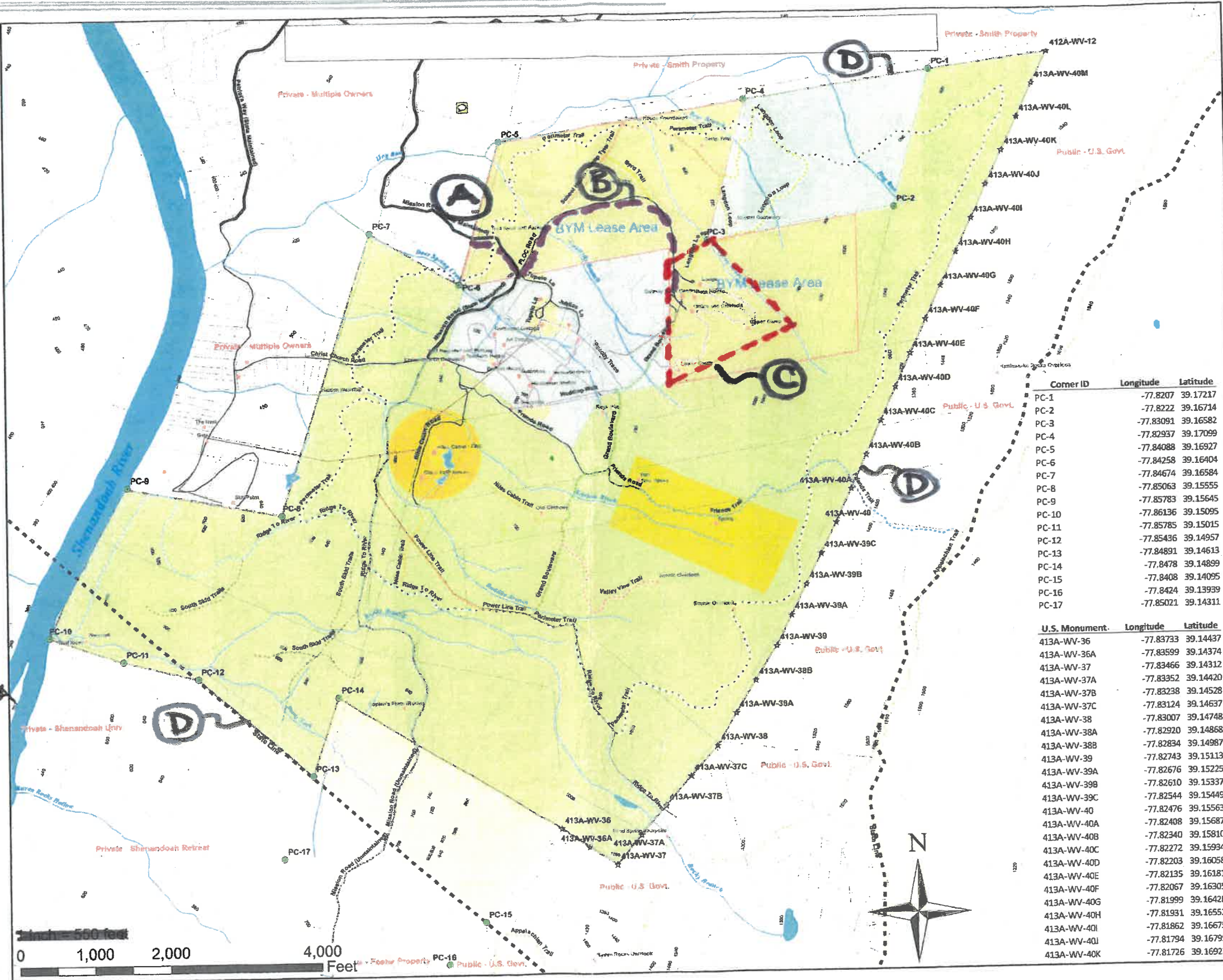
OPEQUIN QUAKER CAMP AT ROLLING RIDGE CONSERVANCY

GTI FLOC WAY · HARPERS FERRY WVA

1

Map Created by Jeff Feaga
September, 2021

- A** PROPERTY ENTRY
- B** ACCESS ROAD
- C** CAMP BUILDING ENVELOPE
- D** CONSERVANCY BOUNDARY



- ### Legend
- Property Corners (No Official Survey)
 - ☆ Rolling Ridge U.S. Survey Monuments
 - Points of Interest
 - Houses and Structures
 - Historical Sites
 - Above ground power line
 - Streams
 - WV VA State Line
 - 2018 Tax Map Parcel Boundaries
 - Rolling Ridge Boundary (1,598 ac.)
 - Raven Rock WV (ATC owned)
 - Raven Rock VA (ATC owned)
 - FLOC Parcel (RR purchase underway)
 - Ponds
 - Clearings
 - Niles Cabin Area Footprint (26 acres)
 - Friends Wilderness Area (50 acres)
 - Alt. FLOC Lease Area (239 acres)
 - Alt. Study Retreat Lease (119 acres)

Corner ID	Longitude	Latitude
PC-1	-77.8207	39.17217
PC-2	-77.8222	39.16714
PC-3	-77.83091	39.16582
PC-4	-77.82937	39.17099
PC-5	-77.84088	39.16927
PC-6	-77.84258	39.16404
PC-7	-77.84674	39.16584
PC-8	-77.85063	39.15555
PC-9	-77.85783	39.15645
PC-10	-77.86136	39.15095
PC-11	-77.85785	39.15015
PC-12	-77.85436	39.14957
PC-13	-77.84891	39.14613
PC-14	-77.8478	39.14899
PC-15	-77.8408	39.14095
PC-16	-77.8424	39.13939
PC-17	-77.85021	39.14311

U.S. Monument	Longitude	Latitude
413A-WV-36	-77.83733	39.14437
413A-WV-36A	-77.83599	39.14374
413A-WV-37	-77.83466	39.14312
413A-WV-37A	-77.83352	39.14420
413A-WV-37B	-77.83238	39.14528
413A-WV-37C	-77.83124	39.14637
413A-WV-38	-77.83007	39.14748
413A-WV-38A	-77.82920	39.14868
413A-WV-38B	-77.82834	39.14987
413A-WV-39	-77.82743	39.15113
413A-WV-39A	-77.82676	39.15225
413A-WV-39B	-77.82610	39.15337
413A-WV-39C	-77.82544	39.15449
413A-WV-40	-77.82476	39.15563
413A-WV-40A	-77.82408	39.15675
413A-WV-40B	-77.82340	39.15810
413A-WV-40C	-77.82272	39.15934
413A-WV-40D	-77.82203	39.16058
413A-WV-40E	-77.82135	39.16181
413A-WV-40F	-77.82067	39.16305
413A-WV-40G	-77.81999	39.16428
413A-WV-40H	-77.81931	39.16552
413A-WV-40I	-77.81862	39.16675
413A-WV-40J	-77.81794	39.16799
413A-WV-40K	-77.81726	39.16923

- ### Legend 2 - Trails
- Trails**
- Perimeter Trail
 - Grand Boulevard
 - Ridge To River
 - Langdon Loop
 - Friends Trail
 - Power Line Trail
 - Byrd Trail
 - School House - Camp Tyler Trail
 - Mission Road (unmaintained)
 - Valley View Trail (unmarked)
 - South Skid Trails (unmarked)
 - Niles Cabin Trail (private use)
 - Study Retreat Trails (private use)
 - Appalachian Trail

Property corners notated with PC-# were not officially surveyed. These corners were instead identified and recorded with a hand held GPS with an accuracy of plus or minus 20 to 30 feet. Monuments such as an iron pin or a rock pile were identified at nearly every corner, with exception to PC-10 and PC-11. Some metal pins were identified along straight runs between corners, but their coordinates were not recorded.

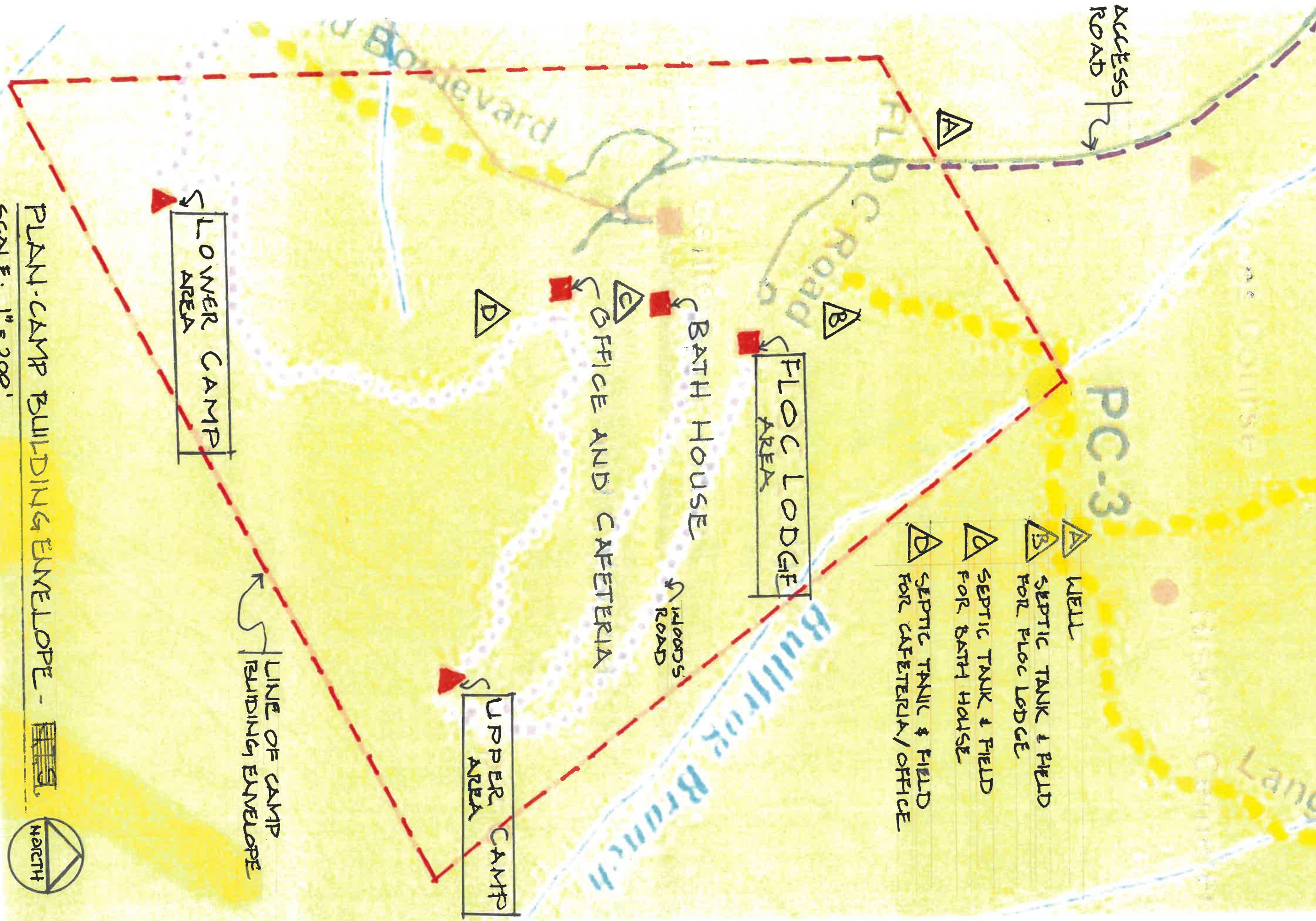
Rolling Ridge U.S. Monuments were surveyed by the National Park Service and the coordinates were provided to Rolling Ridge Conservancy.

General notes about ownership of adjacent properties are provided in crimson-colored text. Exact bounds or parcel boundaries are not shown.

NOTES:
CONSERVANCY AREA
 1400 ACRES +/-
BLD'G ENVELOPE AREA
 42 ACRES +/-

CONSERVANCY SITE PLAN - NOT TO SCALE

2 OPERAUN QUAKER CAMP @ ROLLING RIDGE CONSERVANCY
671 FLOC WAY - HARBERS FERRY LVA



Access Road

PC-3

A

B

C

D

A WELL

B SEPTIC TANK & FIELD FOR FLOC LODGE

C SEPTIC TANK & FIELD FOR BATH HOUSE

D SEPTIC TANK & FIELD FOR CAFETERIA/OFFICE

FLOC LODGE AREA

BATH HOUSE

OFFICE AND CAFETERIA

WOODS ROAD

UPPER CAMP AREA

LOWER CAMP AREA

LINE OF CAMP BUILDING ENVELOPE

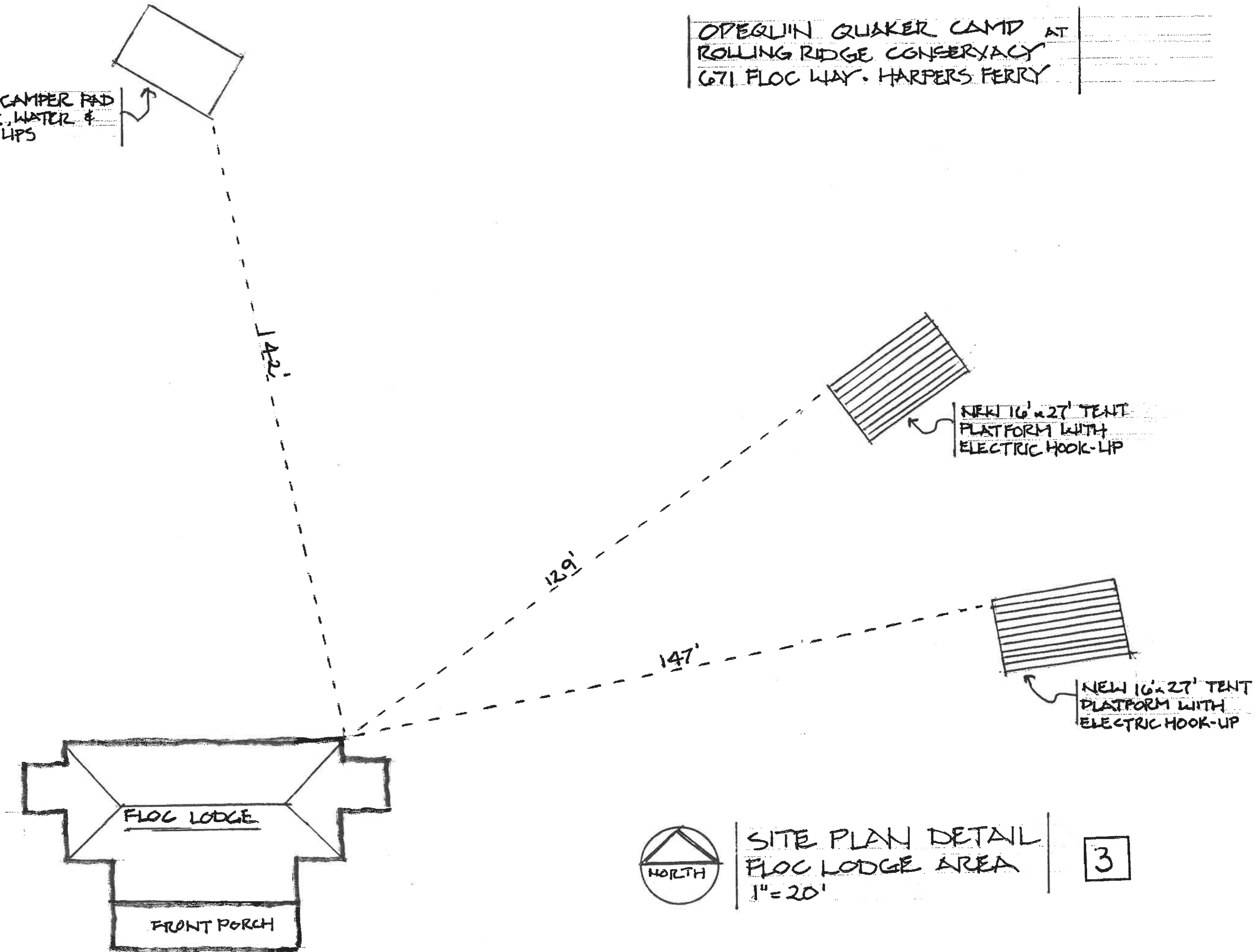
PLAN - CAMP BUILDING ENVELOPE -

SCALE: 1" = 200'



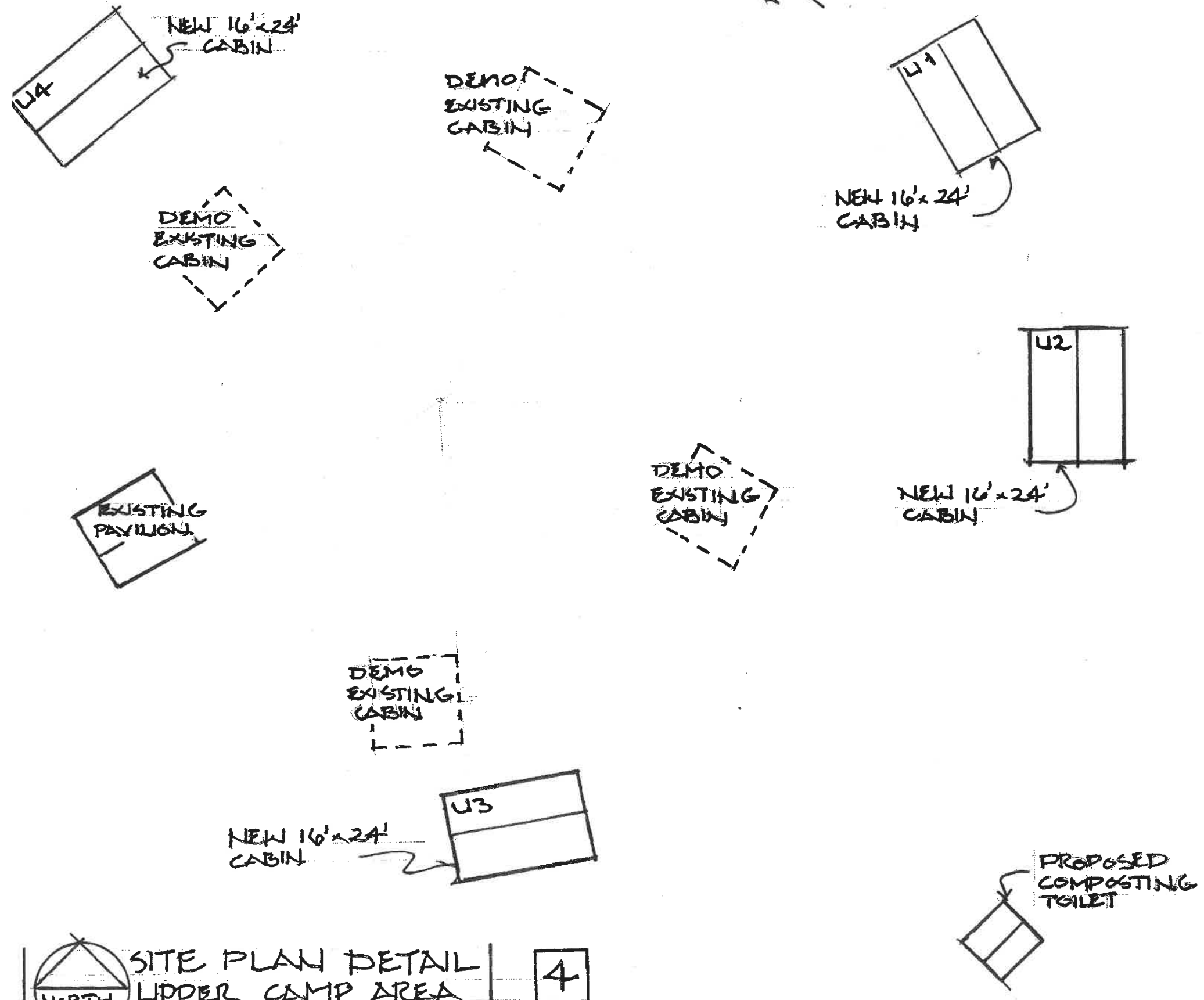
OPEQUIN QUAKER CAMP AT
ROLLING RIDGE CONSERVACY
671 FLOC WAY. HARPERS FERRY

NEW GRAVEL CAMPER PAD
WITH ELECTRIC, WATER &
SEPTIC HOOK-UPS



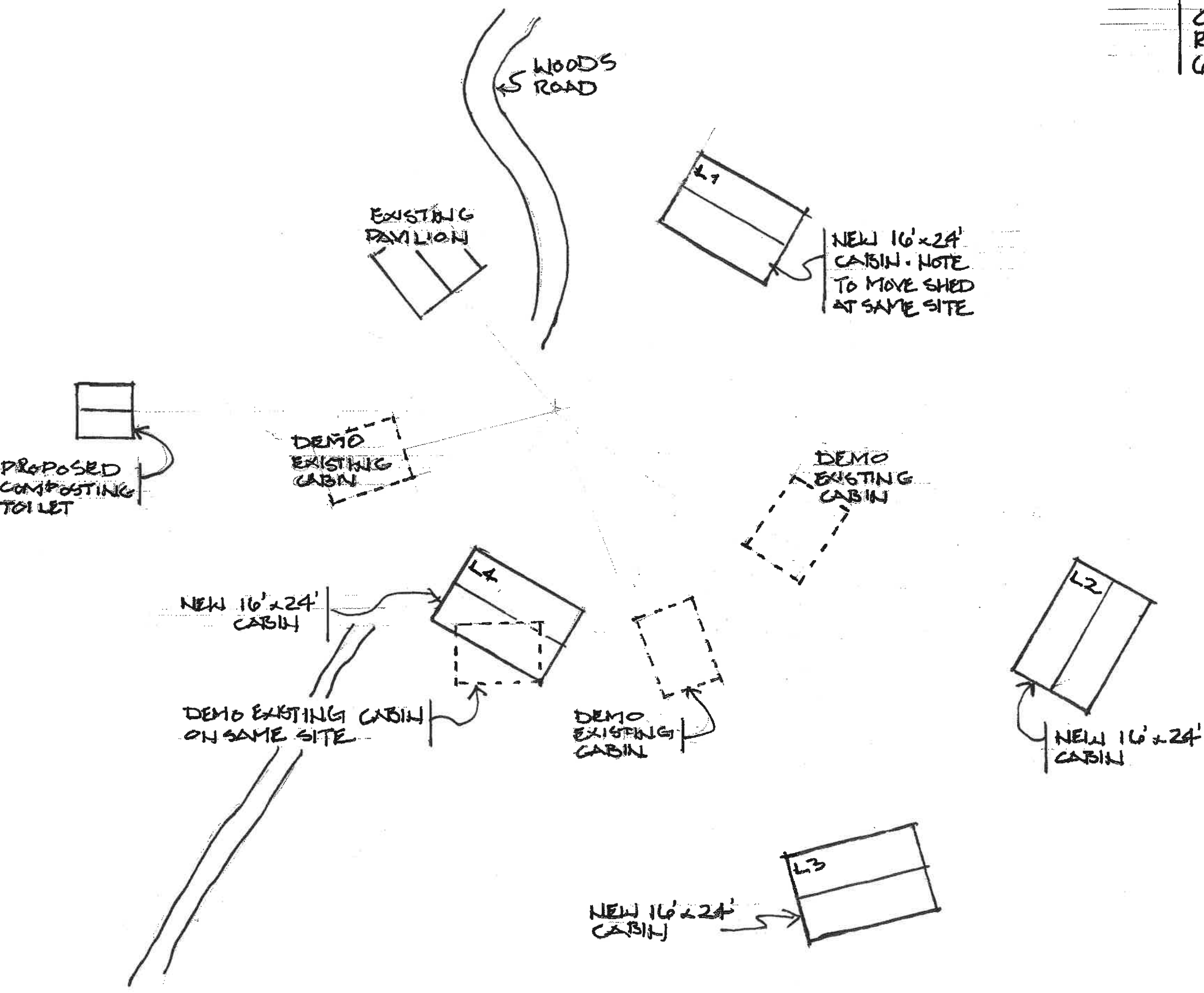
OPEQUIN GLAKER CAMP AT
ROLLING RIDGE CONSERVANCY
671 FLOC WAY · HARPERS FERRY

WOODS ROAD



NORTH
SITE PLAN DETAIL
UPPER CAMP AREA
1" = 20'
4

OPEQUIN QUAKER CAMP AT
ROLLING RIDGE CONSERVANCY
671 FLOC WAY · HARRERS FERRY

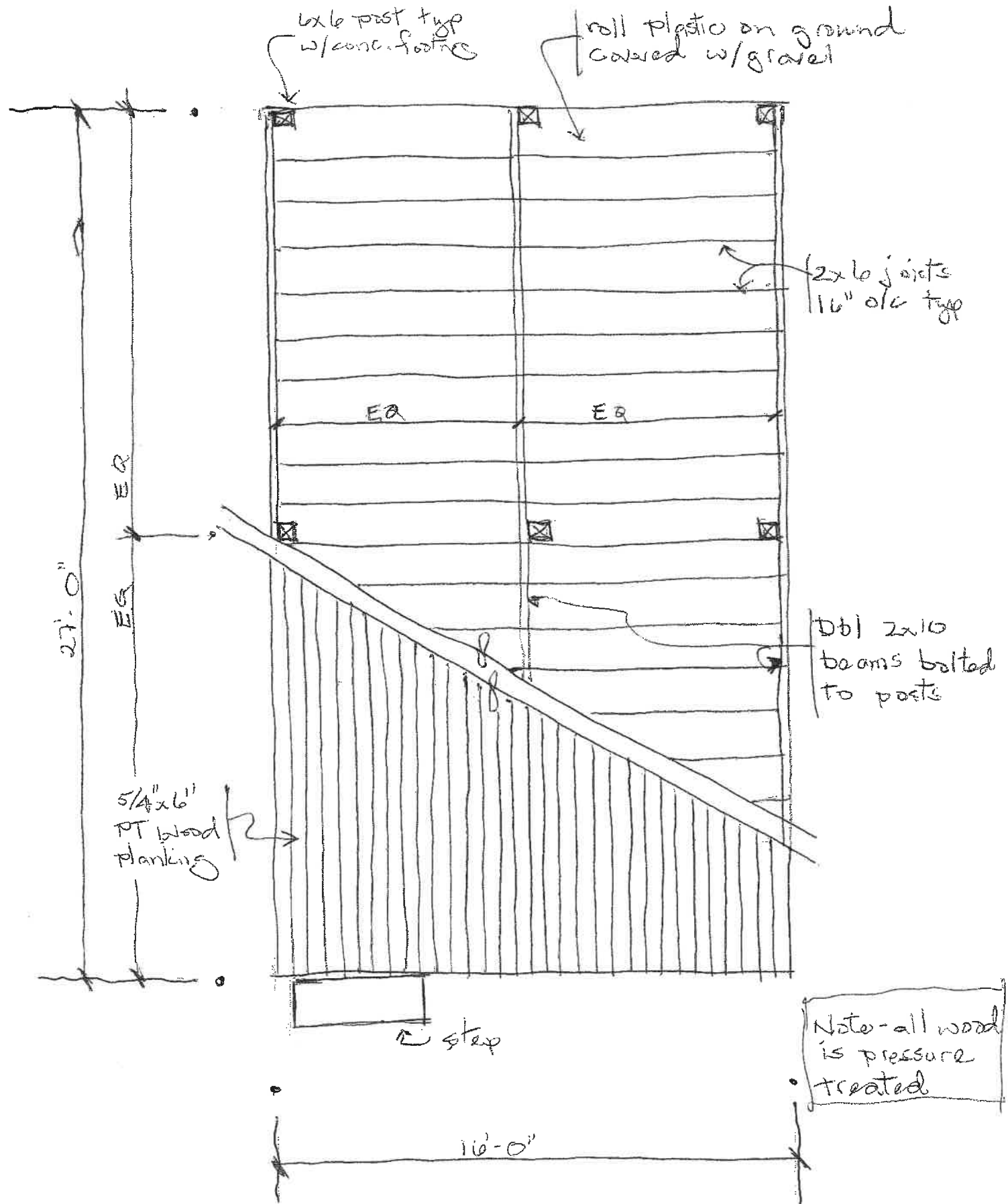


SITE PLAN DETAIL
LOWER CAMP AREA
1" = 20'



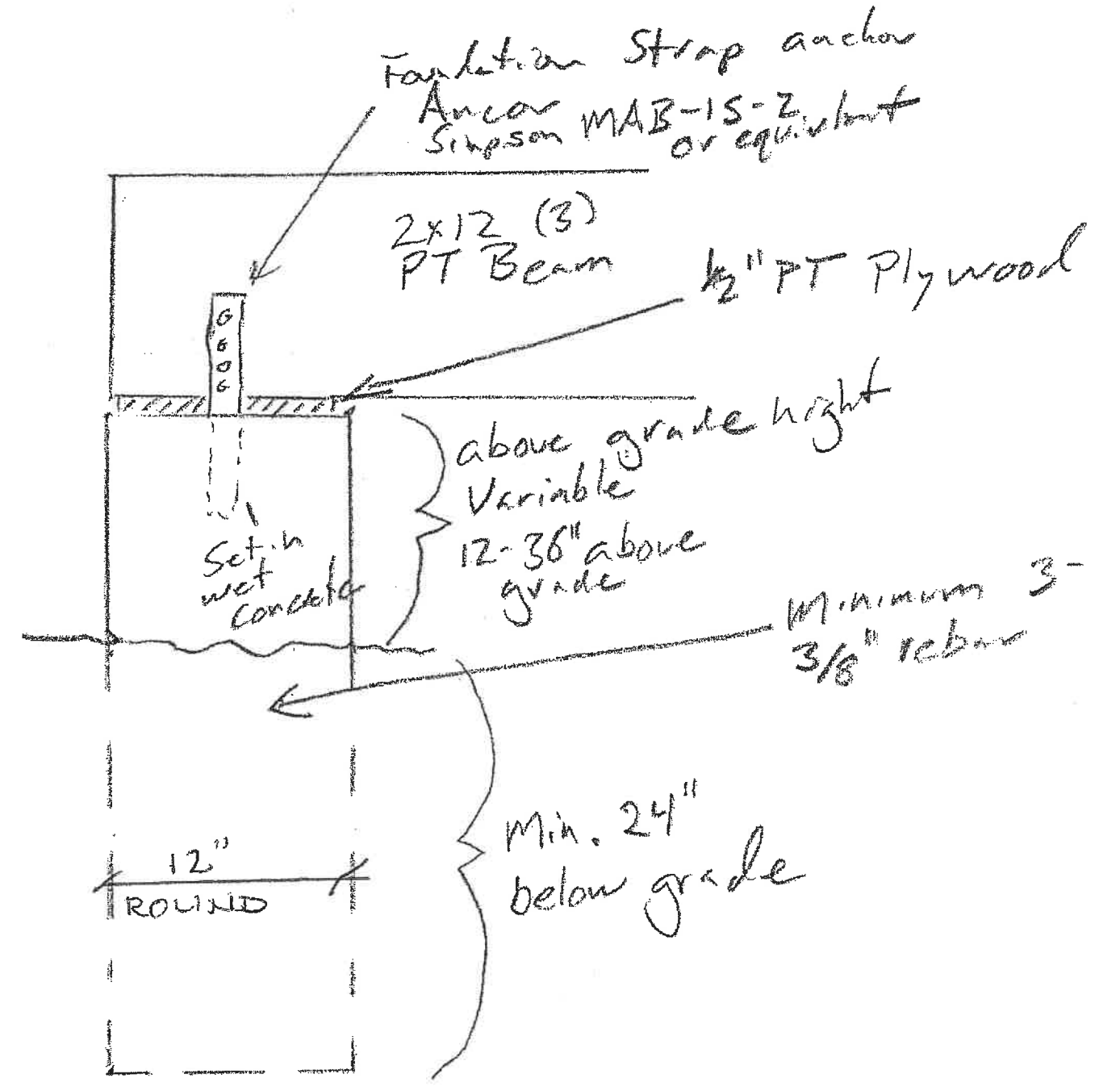
5

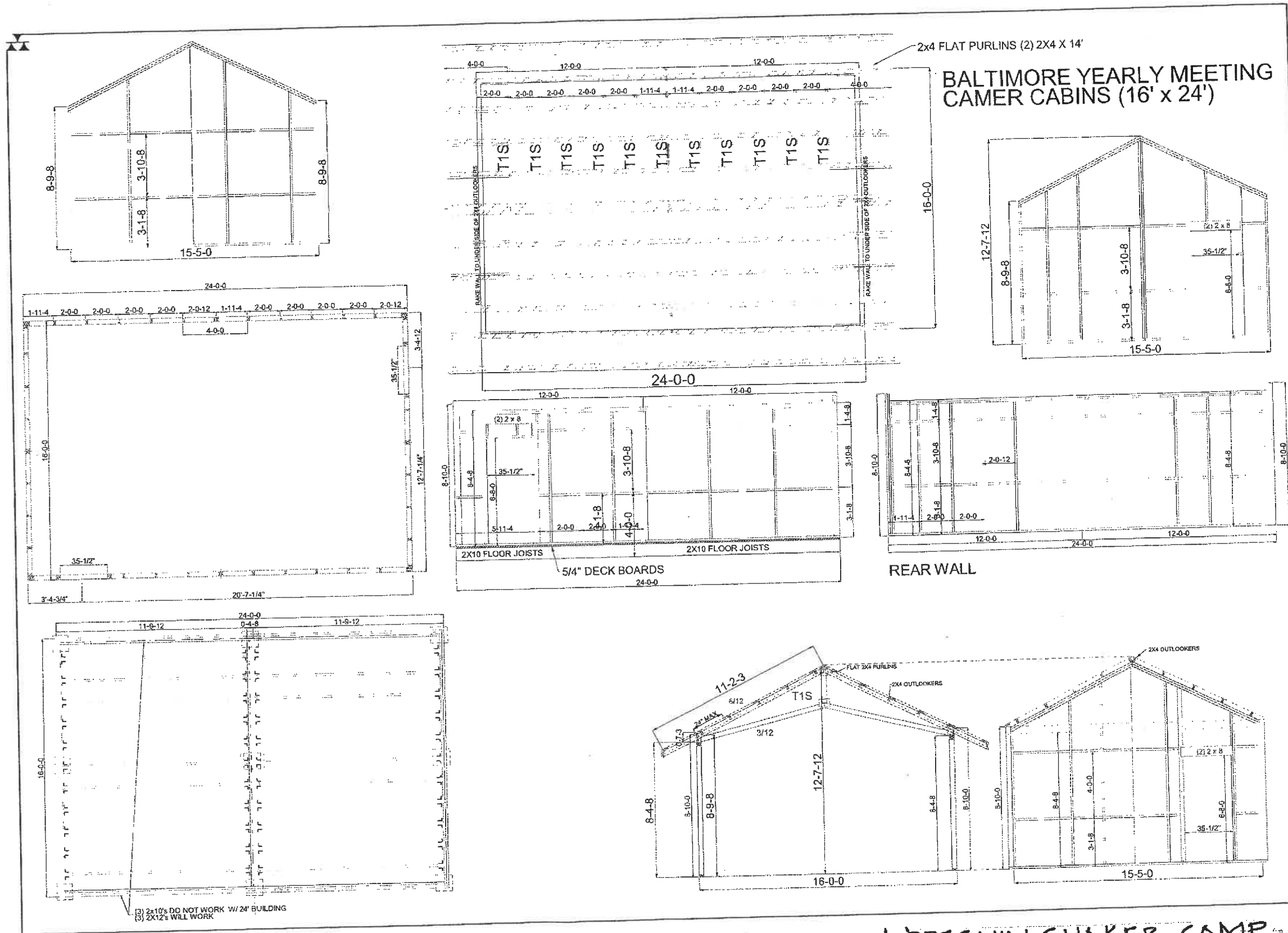
BYM
TYP. TENT PLATFORM



6 OPEGLIN QUAKER CAMP AT ROLLING RIDGE CONSERVANCY

TYPICAL CABIN
Pier and anchor Detail
NOT TO SCALE





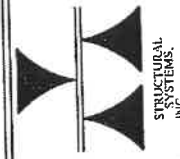
BALTIMORE YEARLY MEETING CAMER CABINS (16' x 24')

REVISIONS	DATE	REMARKS

THIS IS A TRUSS PLACEMENT DIAGRAM ONLY. These trusses are designed as individual building components to be incorporated into the building design at the discretion of the building designer. The building designer is responsible for the placement and permanent bracing of the roof and floor system and for the correct placement, bearing, design and construction of the roof and floor system. For general guidance regarding bracing, consult "Bracing of Wood Trusses" available from the American Forest Products, 350 D'Orville Drive, Madison, WI 53717.

2055 LADING CONDITIONS		FLOOR TRUSSES	
UP WIND IN	1	UP WIND IN	4
UP WIND OUT	2	UP WIND OUT	5
DOWN WIND IN	3	DOWN WIND IN	6
DOWN WIND OUT	4	DOWN WIND OUT	7
WIND FROM ALL SIDES	5	WIND FROM ALL SIDES	8
WIND FROM ALL SIDES	6	WIND FROM ALL SIDES	9
WIND FROM ALL SIDES	7	WIND FROM ALL SIDES	10
WIND FROM ALL SIDES	8	WIND FROM ALL SIDES	11
WIND FROM ALL SIDES	9	WIND FROM ALL SIDES	12
WIND FROM ALL SIDES	10	WIND FROM ALL SIDES	13
WIND FROM ALL SIDES	11	WIND FROM ALL SIDES	14
WIND FROM ALL SIDES	12	WIND FROM ALL SIDES	15

STRUCTURAL SYSTEMS, INC.
 201 POPLAR AVE.
 THURMONT, MD
 1-800-800-7414



TYPICAL CABIN DRAWINGS
 NOT TO SCALE

7

OPEGLIN QUAKER CAMP AT
 ROLLING RIDGE CONSERVANCY



COMPOSTING TOILET INFO

Model M54 Base Specification Sheet

NSF Certification

The Clivus Model M54 is certified by the National Sanitation Foundation under Standard #1 (day-use, park).

Capacity

M54 VOLUME

Solids storage capacity: 81 cubic feet; 604 US gallons

Liquid storage capacity: 40 cubic feet; 300 US gallons

Daily capacity at average temp. >65°F: 60 visits

Annual capacity at average temp. >65°F: 22,000 visits

Specifications and Materials

DIMENSIONS

Composter Base

Length: 118"; Width: 65"; Height: 48"

MATERIALS

Composter Base

Composter Base is rotationally molded high-density linear polyethylene resin that conforms with the following specifications:

- Density (ASTM TEST 4883): 0.942 g/cm³
- Tensile Strength at Yield (ASTM D638): 2,950 psi
- Dart Impact (-40°C, 250 mils thickness): 108 ft-lbs
- Env't. Stress Crack Resistance, 100% Igepal (D1693): 550 hrs

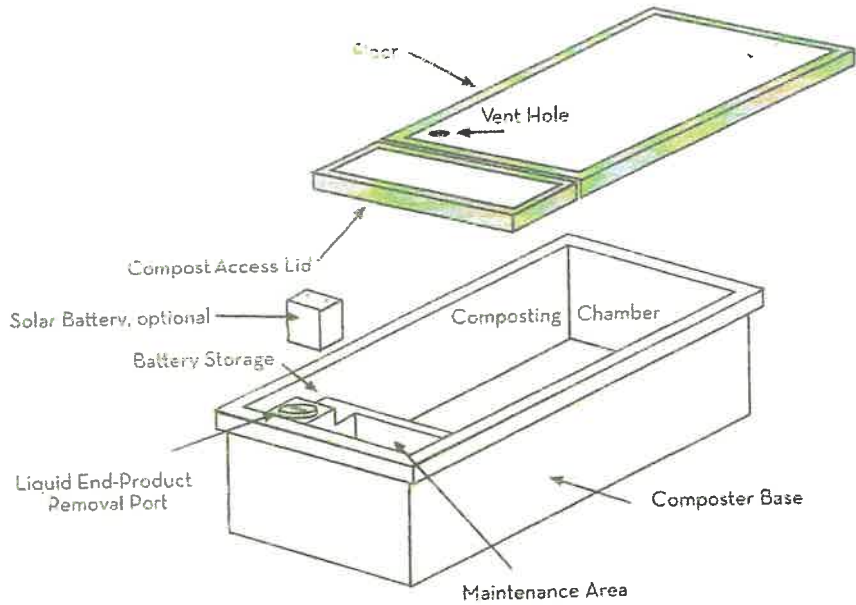
VENTILATION

DC: 12V fan. Maximum free air is 100 cfm. Power input is 5 watts. CSA & UL approved. DC fan is powered by an optional photo-voltaic system customized for location and site requirements. Call for quotation. AC fan also available.

TOILETS

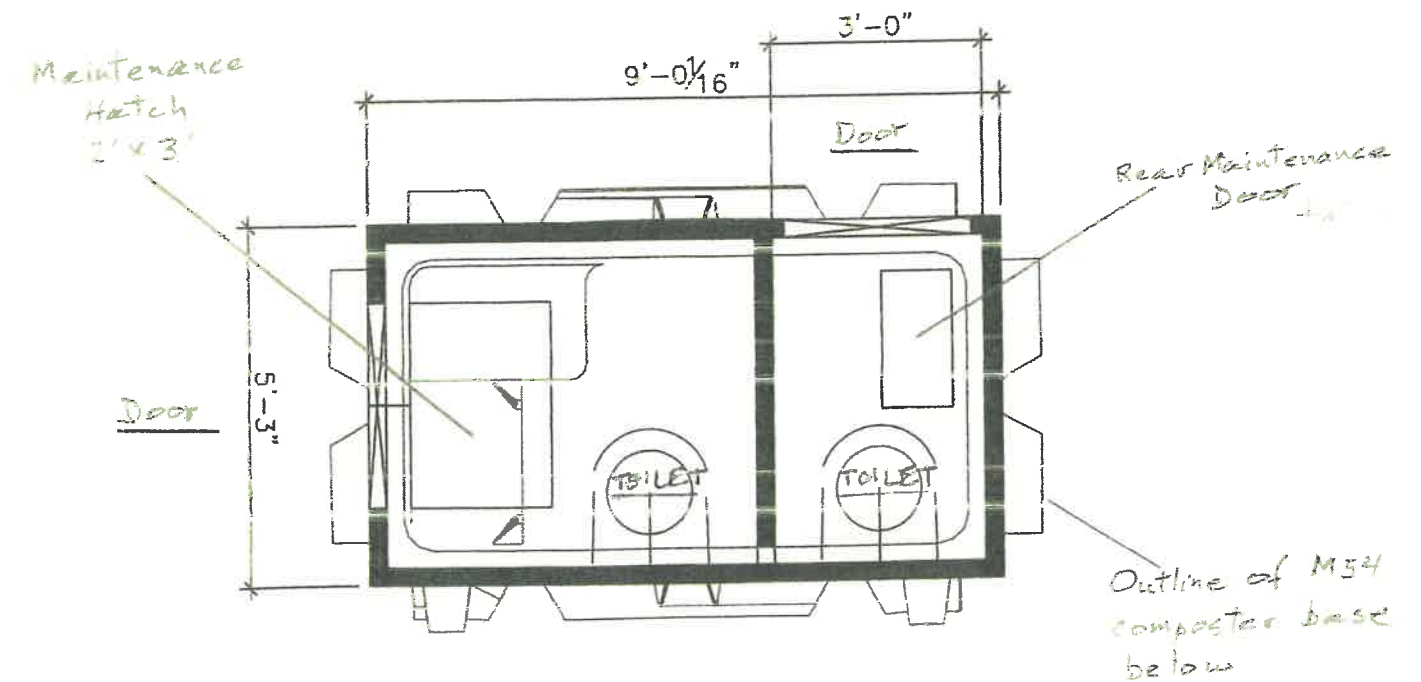
Waterless toilets constructed of impact resistant fiberglass with sanitary white finish. Seat and lid are made of plastic; the liner is rotationally molded polyethylene. Grab bars and toilet paper holder included.

Toilet Height: 18"; Width: 18.5"; Length: 24.25"



Filters are one piece, foam core sandwich panel, see Drawings

8 OPEQUIN QUAKER CAMP AT ROLLING RIDGE CONSERVANCY

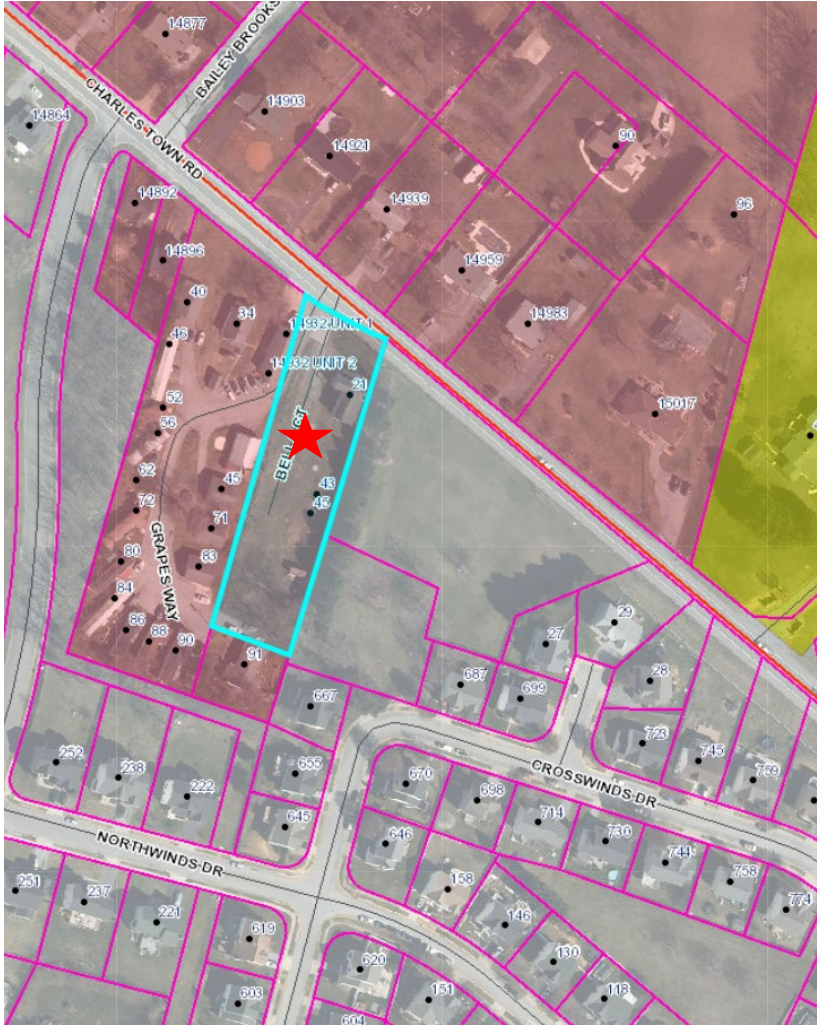


FLOOR PLAN COMPOST TOILETS
M-54 BASE 1/2 TOILETS N.T.S.

Staff Report
 Jefferson County Planning Commission Meeting
 March 12, 2024

Doug Porter (Access) Waiver (File: 24-9-PCW)

Item # 8: Waiver from section 20.201A.2, which requires all lots in Minor Subdivision to have motor vehicle access via a 50’ access easement. The applicant is requesting to utilize an existing 30’ access easement for a two lot subdivision, instead of the required 50’ access easement.

Applicant/Owner:	Susquehanna Properties, LLC / Doug Porter
Consultant:	Pete Lorenzen, Surveyor
Property Location & Information:	<p style="text-align: center;">21 Bella CT, Charles Town, WV 25414; Parcel ID: 02001700190000; Size: 0.879 acres; Zoning District: Residential-Light Industrial-Commercial</p> 
Surrounding Zoning:	<i>North, South, and West:</i> Residential Growth; <i>East:</i> City of Charles Town
Proposed Activity:	Minor two lot subdivision utilizing an existing 30’ access easement instead of the required 50’ access easement.
History:	Reconsideration of Waiver of Limited Site Plan for construction of a two story apt structure (modified layout): File # 22-18-PCW: Approved 10/11/22 Waiver of Limited Site Plan for construction of a two story apt structure: File # 22-18-PCW: Approved with condition re: engineering evaluation 9/13/22

Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

Doug Porter (Access) Waiver (File: 24-9-PCW)

Summary of the Request:

The applicant is requesting a waiver from Section 20.201A.2 of the 2008 Subdivision Regulations, which requires all lots in Minor Subdivisions to have motor vehicle access via a 50' access easement. The applicant is proposing to divide the property into two lots and is requesting to utilize an existing 30' access easement along the northern boundary of the property. Since the construction of the two story duplex, this access easement/drive has been named Bella Court.

Because the property is zoned Residential-Light Industrial-Commercial and has not been subdivided since October 5, 1988, the subject parcel has the right to create two lots through a Minor Subdivision process, provided it meets all Subdivision Regulation requirements.

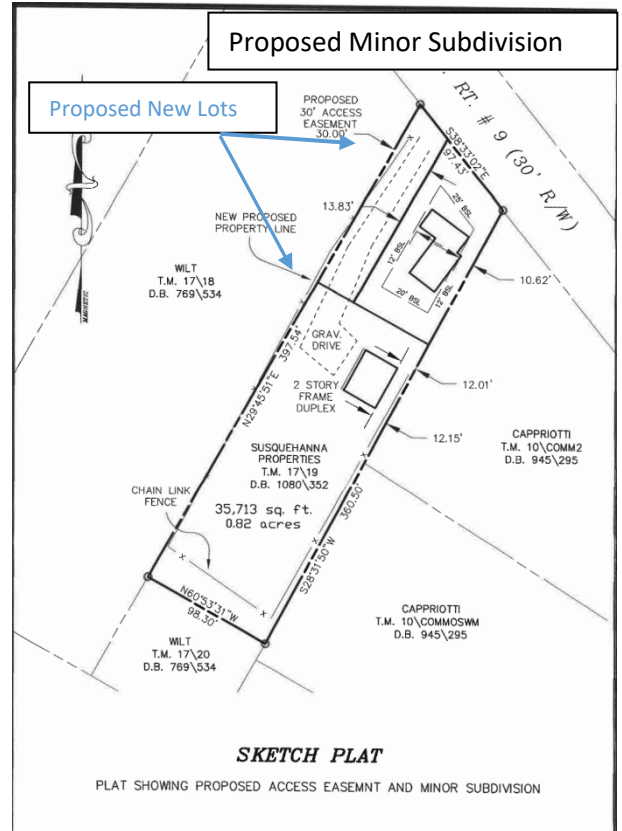
Because of the width of the property and the fact that the existing house occupies approximately 67 feet of the property, including the required 12' side setbacks, the existing drive/easement is restricted to 30' in width. If the easement is any wider, it will impact the setbacks for the existing home. The duplex was constructed on the property with the single family home and now the property owner would like to divide the two structures onto two lots.

Approval of the waiver will result in two lots utilizing the existing 30' access easement containing the existing driveway.

Waiver Requirements:

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

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



Staff Report
Jefferson County Planning Commission Meeting
March 12, 2024

Doug Porter (Access) Waiver (File: 24-9-PCW)

Staff Recommendation:

Staff acknowledges that the applicant is unable to widen the existing 30' access from Charles Town Road through the proposed lot containing the existing house due to the width of the lot and the existing structure. The narrowness of the property combined with the setback requirements makes it difficult to divide the property without permitting the easement to continue at 30' in width.

If the Planning Commission determines to approve this waiver request, staff recommends that the motion limit the applicant to the two proposed Minor Subdivision lots on the 30-foot access easement.



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 #: 24-9-PCW
 Mtg Date: 3/12/24
 Date Rec'd: 2/20/24
 Fees Paid: \$100
 Staff Int: ME
 List of Adjoiners:

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

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

Planning Commission Waiver Request

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

Property Owner Information

Owner Name: Doug Porter
 Business Name: Susquehanna Properties
 Mailing Address: 470 Multnomah Ln, Harpers Ferry WV 25425
 Phone Number: 540-454-0002 Email: dporter789@comcast.net

Applicant Contact Information

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

Consultant Information

Name: None
 Business Name: _____
 Mailing Address: _____
 Phone Number: _____ Email: _____

Physical Property Details

Physical Address: 21 Belle Ct. 14956 Charles Town Rd. 25414 Vacant Lot:
 Tax District: Charles Town Map No: 17 Parcel No: 19
 Parcel Size: 1.82 Acres Deed Book: 1080 Page No: 351
 Zoning District: _____

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

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

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

20.201 A (2)

Briefly Describe the Nature of Your Waiver Request:

Provide access to rear lot with 30' Access easement instead of required 50'.

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

N/A

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

This is to divide an existing lot into 2 lots. The Access easement is to serve existing structures.

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

All structures are existing. The easement provides access to existing duplex

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

N/A

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

Doyle E. [Signature]

Property Owner Signature

3/20/24

Date

Property Owner Signature

Date

Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

2/27/24

Date Placard Posted

2/23/24

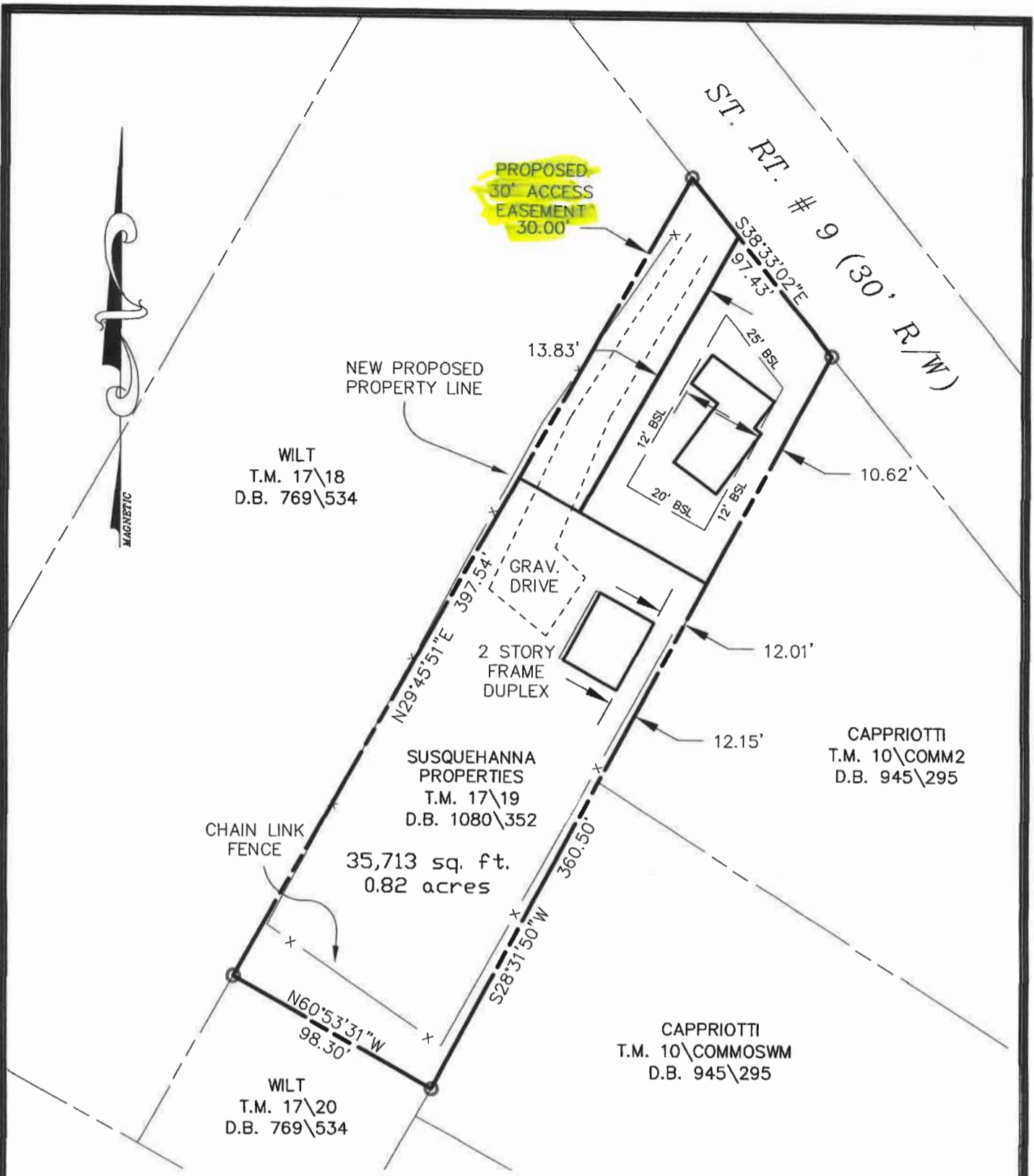
Date Adjoiners Mailed

Planning Commission Determination

Approved

Denied

Date: ___ / ___ / ___



SKETCH PLAT

PLAT SHOWING PROPOSED ACCESS EASEMNT AND MINOR SUBDIVISION

GRAPHIC SCALE



(IN FEET)

1 inch = 60 ft.

SURVEYED BY:

PETER H. LORENZEN P.S.
 SUMMIT POINT, W.V. 283-1276

BYLAWS OF THE JEFFERSON COUNTY PLANNING COMMISSION

Article I - General

Section 1.1 – References

As used throughout these Bylaws, “Planning Commission” shall refer to the Jefferson County Planning Commission, and “County Commission” shall refer to the County Commission of Jefferson County, both of Jefferson County, West Virginia. The term “item” as used herein shall refer to any matter before the Planning Commission for consideration or discussion, and shall be construed broadly.

Section 1.2 – Authority

These bylaws and its provisions are authorized by W.Va. Code § 8A-2-11, which empowers the Planning Commission, among other things, to “(2) Prescribe rules and regulations pertaining to administration, investigations and hearings[,]” provided that the same are adopted by the County Commission.

Section 1.3 – Severability

The invalidation of any provision or section of these Bylaws shall not invalidate any other provision or section of these Bylaws.

Section 1.4 – Amendments

These Bylaws may be amended at any regular meeting of the Planning Commission by a majority vote of the Planning Commission, and shall take effect upon adoption by the County Commission or at a date certain thereafter.

Article II - Organization

Section 2.1 – Membership

The Planning Commission, by ordinance previously adopted by the County Commission, shall be comprised of nine (9) members appointed by the County Commission pursuant to W.Va. Code § 8A-2-4.

Section 2.2 – Term of office

Upon appointment to the Planning Commission, a member shall serve a term of three years pursuant to W.Va. Code § 8A-2-4(g).

Section 2.3 – Powers and Duties

In addition to the powers and duties provided in these Bylaws, the Planning Commission shall have such other powers and duties as provided by law, including but not limited to W.Va. Code § 8A-2-11.

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)~~ four (4) members of the Planning Commission, and shall not consist of a quorum of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission. The purpose of the Committees is to act as a fact finding body for the use of the Planning Commission and no ~~final~~ action is to be taken by the Committees.

Notice for all Committee meetings shall be in writing, will include the date, time, and place of the Committee meeting as well as the purpose of the meeting. The notice shall, ~~and~~ be sent to all Committee members at least two days before the Committee meeting. A Committee meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a Committee meeting to be a video conference only meeting, in which case Planning Commission members, staff, and members of the public can attend via video conference.

Such Committee meetings shall be recorded, and such recordings and minutes shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

Article III - Officers

Section 3.1– Elections

At its first regular meeting each January, the Planning Commission shall elect a President, Vice President, and Secretary.

Section 3.2 – President

The President shall preside at all public hearings and meetings held by the Planning Commission. The President may call special meetings of the Planning Commission as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Planning Commission. The President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.3 – Vice President

During any absence of the President, the Vice President shall assume the duties and functions of President. The Vice President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.4 – Secretary

The Secretary shall perform such duties and functions as may from time to time be required by the Planning Commission.

Section 3.5 – Absence of President and Vice President

In the absence of both the President and Vice President, any present member may call to order a regular or special meeting of the Planning Commission, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of President and/or Vice President during said absence.

Section 3.6 – Replacing Officers

In the event of the death, resignation, or removal of an officer of the Planning Commission, the Planning Commission shall thereupon elect one of its members to complete the unexpired

term. A three-fifths majority of the total membership of the Planning Commission may, at any regular meeting, remove the President and/or the Vice President from office, provided that a new election to fill the remaining term(s) of office is immediately held.

Article IV - Meetings

Section 4.1 – Regular Meetings

The Planning Commission shall hold regular meetings on the second Tuesdays of each month at 7:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location.

An additional regular meeting may be called by the President or by two or more members of the Planning Commission for a specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda.

A regular meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a regular meeting to be a [video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.](#)

Section 4.2 – Special Meetings

A special meeting may be called by the President or by two or more members of the Planning Commission to be held on a different day and/or a different time than regular meetings.

Pursuant to W.Va. Code § 8A-2-7, notice for all special meetings shall be in writing, include the date, time and place of the special meeting as well as the purpose of the meeting, and be sent to all members at least two days before the special meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

On occasion, the Planning Commission President may call a special meeting to be a [video conference only meeting, in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.](#)

Section 4.3 – Recording of Meetings

All meetings of the Planning Commission shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

Section 4.4 – Agendas

An agenda shall be made available at least seven (7) days prior to the start of all regular and special meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Planning Commission if necessary. The Planning Commission may deviate from an agenda's order if necessary.

Section 4.5 – Quorum

In order to conduct a regular or special meeting, a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of

the Planning Commission shall be official or valid unless authorized by a majority of members present at a regular or special meeting.

An individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone or other electronic media with prior approval of the President and will count towards a quorum.

Section 4.6 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Planning Commission, Roberts Rules of Order, current edition, shall be the parliamentary authority of Planning Commission meetings.

Section 4.7 – Open Governmental Proceedings

All meetings and actions of the Planning Commission shall comply with the requirements of West Virginia’s open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

Section 4.8 – Training

All newly appointed Planning Commission members shall attend a two hour training session within 90 days of their appointment to the Planning Commission. Such training may be provided by the County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. The focus of this initial training will be to provide an orientation to the roles, responsibilities and duties of a Planning Commission member.

Annually, all PC members shall attend a two hour training session provided by County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. Staff shall make the Commissions members aware of local training opportunities and/or shall provide access to webinars to provide the Planning Commission members with a variety of training opportunities.

Planning Commission members shall be encouraged to attend local, regional, and/or national on-site or webinar planning training sessions. As the Planning and Zoning budget allows, assistance may be provided for registration for such training.

Section 4.9 - Attendance at Regular Meetings

Regular attendance of all Planning Commission members is critical to the effective functioning of the Planning Commission. Planning Commissioners shall strive to attend all Regular Meetings, either in person or via video conference, with notice. Accordingly, if a Commissioner, over a ny consecutive-six month period, misses six-three Regular Meetings with notice, or four-two Regular Meetings without notice, the Planning Commission may forward this information to the County Commission with the request that the County Commission consider removal from the Planning Commission due to a lack of interest.

Article V – Consideration of Items

Section 5.1 – Voting

A member must be or have been physically present at a meeting to vote on any item considered at said meeting. However, on occasion Planning Commission members may attend any meeting via video conference with notice to the Planning staff~~an individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone with prior approval of the President~~. The individual will count towards a quorum

and will have full voting privileges.

As noted in Section 4.1 and 4.2, on occasion, the Planning Commission President may also call a regular or special meeting to be a video conference only meeting in which case applicants, members of the public, Planning Commission members and staff can attend via video conference.

Voting via proxy is not permitted. Abstention shall not be permitted by a member who is otherwise entitled to vote on an item.

Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

Section 5.3 – Ex Parte Communications

For purposes of these Bylaws, ex parte communications consist of communications regarding the substance of an item that is or will be before the Planning Commission for consideration and/or discussion, when such communications are between one or more members of the Planning Commission and one or more individuals involved with the item. No member of the Planning Commission shall voluntarily and knowingly engage in ex parte communications without the authority of the Planning Commission. In the event that a member of the Planning Commission has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Planning Commission. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications in the context of these Bylaws.

Section 5.4 – Ex-Officio Member Voting

A member who is also a member of the County Commission is a full voting member of the Planning Commission. However, any such ex-officio member may elect not to vote as a member of the Planning Commission on items which will subsequently require action or consideration by the County Commission.

An ex-officio member may remain at the meeting and participate in discussion on an item on which they elected not to vote under this section.



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: Planning Commission of Jefferson County
FROM: Jennifer M. Brockman, AICP, Chief County Planner
DATE: March 12, 2024
RE: Proposed Amendment to Division 24.300 of the Subdivision Regulations

At their February 20, 2024, the Planning Commission proposed revising the Subdivision Regulations to open up waiver applications to public comment. The following amendment is for the Planning Commission's discussion and consideration.

Note that WV Code 8A-4-2(a)(13) only states "(13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;" and does not include the criteria or process noted below:

"Division 24.300 Waivers

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

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

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

- A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- B. **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
 1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications;

2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
3. A description of the specific portions of these Regulations for which relief is being sought;
4. A narrative describing how the proposed waiver will improve the public benefits; and
5. An accurate list of all properties and owners' addresses adjoining the subject property.

C. Public Notice. The applicant shall post the property fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled ~~meeting~~**Public Hearing**.

D. On the date of the scheduled Public Hearing, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed waiver to the Subdivision Regulations. The scope of this public hearing shall be limited to whether the application meets the criteria to modify the requirements of these Regulations and may be approved with conditions.

E. Action. The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.

F. Conditions of Approval. In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.

G. All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.”

If the Planning Commission chooses to move forward with this proposed text amendment, a Public Hearing will be required before both the Planning commission and the County Commission.



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

Email: zoning@jeffersoncountywv.org

Phone: (304) 728-3228

Fax: (304) 728-8126

Planner's Memorandum Planning Commission Meeting March 12, 2024

1) Engineering, Planning and Zoning County Offices Contact Information

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

BUILDING PERMITS & INSPECTIONS 304-725-2998 permits@jeffersoncountywv.org

IMPACT FEES 304-728-3331 - mmason@jeffersoncountywv.org

ENGINEERING 304-728-3257 - engineering@jeffersoncountywv.org

PLANNING & ZONING 304-728-3228 - planningdepartment@jeffersoncountywv.org, zoning@jeffersoncountywv.org

GIS & ADDRESSING 304-724-6759 - gis@jeffersoncountywv.org

2) Discussion of Possible Self-Evaluation Process

3) Upcoming PC meetings

Next Regular meeting date: **April 9, 2024**

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

Non-Actionable Correspondence

From: lignumx@aol.com
To: [CompPlan2045](#)
Cc: minifauna@yahoo.com
Subject: COMP PLAN UPDATE - LIGHT POLLUTION
Date: Saturday, March 2, 2024 3:17:18 PM
Attachments: [JEFFERSON COUNTY-WV-SAMPLE LANGUAGE-CP-Light pollution.docx](#)

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders. This email is intended for Luke Seigfried, County Planner

Dear Mr. Seigfried:

Thank you for taking a few moments with Ms. Di Salvo and myself on last Thursday.

We are pleased that the update to the Jefferson County Comprehensive Plan will be considering language for a DarkSky-Light Pollution Initiative.

I am following up with you regarding your request for some assistance to language that would be considered to be placed in the Comprehensive Plan 2045. Specifically addressing the DarkSky-Light Pollution livability objective.

I am sending you this information as a Planning Consultant with National Property Reports, Inc.

My background and education is architecture/interior design/historical preservation/lighting design/plans examiner/urban planner.

I am also a DarkSky Advocate with DarkSky International.

As a DarkSky Advocate, I can advocate for local lighting ordinances, and assist with getting municipal support for better outdoor lighting.

Understand I am not sending this information to you as a member of the local DarkSky Chapter.

The local chapter has elected to not become involved in legislation activities due to donor/sponsorship restrictions.

You will receive a letter from the local chapter, though, for outreach, awareness and education opportunities.

Please contact me at the phone number and email listed below if you have any questions, or need further assistance.

Look forward to working with Jefferson County WV.

Regards,

Roberta N. Meade-Curry, AICP

Planning Consultant - DarkSky Advocate

National Property Reports, Inc.

813-433-4025

lignumx@aol.com

Recommendations for Dark Sky related Action Items

Creating Livability - 14. iii. Explore International Dark Sky Association recommended standards to reduce light pollution.

Creating Livability - 14. iii. Explore ~~International Dark Sky Association~~ DarkSky International and Illuminating Engineering Society (IES) recommended standards to reduce light pollution.

1. Coordinate with DarkSky International (DSI) and local organizations to increase awareness of the impacts of light pollution and potential solutions to reduce light pollution.
2. Adopt a Light Pollution Ordinance to minimize light pollution as recommended by the DarkSky International and Illuminating Engineering Society (IES) and their current Model Lighting Ordinance Template (www.darksky.org).
3. Develop and implement outreach and public education programs to inform property owners and citizens about potential health, wildlife, and environmental impacts of light pollution, and ways to reduce those impacts.
4. Develop and implement outreach and public education programs to inform property owners and citizens about potential energy savings by reducing light pollution.
5. Establish energy efficient criteria and requirements/regulations for all capital projects that are funded with state or county resources, and new developments and new projects county wide.
6. Develop and implement a Street Lighting Master Plan to convert all existing street lighting to reduce light pollution and abide by DSI/IES recommended standards.

Definition of Light Pollution:

Any adverse effect of artificial light including, but not limited to, glare, light trespass, skyglow, energy waste, compromised safety and security, and impacts on the nocturnal environment.

(reference from current IDS/IES Model Lighting Ordinance – definitions)

From: [Noah Mehrkam](#)
To: [CompPlan2045](#)
Cc: [Noah Mehrkam](#)
Subject: Re: Future Plans for Old Standard Quarry
Date: Sunday, February 25, 2024 9:51:38 PM

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

Hi Luke,

The current ownership entity for Old Standard is Standard Land Company, LLC, which for almost ten years has entertained a number of offers for the property at least two related to RVs/camping and glamping. We continue to evaluate proposals as they materialize and I am committed to utilizing the property in a way that generates economic benefits including tourism jobs and expanded tax base, while leveraging the trail connections and historical and natural significance. As the current comp plan indicates the property is incredibly unique given:

- the historic significance,
- that it offers an opportunity to connect and expand two trails and unite disconnected portions of battlefield on the National Park,
- supports recreational opportunities on the mile long lake and
- provides river access along the 1.5 miles of Shenandoah River

We also continue to progress the site through the State DEP Brownfield Voluntary Remediation Program, including nearing a certificate of completion for the former quarry pit lake to enter the Program, which would result in about 95% of the property entering the program, most of which to a residential development standard.

I've recently heard from Lyn Widmyer who I've known a long time and to whom I indicated my interest in any and all proposals for trails. Any trail ideas would need to consider and help solve my current "warm season" trespassing problem at the quarry lake which is a major nuisance and difficult to deal with given the proliferation of the site among young suburbanites geo-pinning the site on social media. I've worked with the Sheriff's department and reserves, the State Police, as well as the NPS law enforcement division, as well as hired private security all with pretty minimal success deterring the intrusions.

So, I believe the most effective way to combat this nuisance is to create a viable business on the site with full time employees there that can manage amongst other things, trespassing.

As to my questions, I have one main question which is, would the current Comp Plan Update recommend any change in the uses or intensity of the zoning or loss of the "flexible development designation" that this and the former quarry to the west of the Customs training center were given? I am wholly opposed to any zoning that is less flexible, less dense, or intensive than the current R-LI-C. When Standard Land Company, LLC was granted that zoning, it was needed and granted in part because of the complexity of dealing with mitigating the former industrial uses on the site and coming up with a plan compatible with the surrounding national park land and onsite natural resources.

I have a to-do to write a letter to formally comment on the Comp Plan update. Will this become part of the official comments or should I send a formal letter?

From: [CompPlan2045](#)
To: [Jennifer Brockman](#); [Michelle Evers](#)
Subject: FW: Jefferson County Comprehensive Plan: Light Pollution
Date: Friday, March 1, 2024 9:38:23 AM

Best,
Luke

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

From: Karen Twigg Sagisi <karensagisi@gmail.com>
Sent: Friday, March 1, 2024 9:14 AM
To: CompPlan2045 <complan2045@jeffersoncountywv.org>; Roberta Meade <rnc40402@aol.com>
Subject: Jefferson County Comprehensive Plan: Light Pollution

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

Good Morning, Mr. Seigfried,
I am writing on behalf of DarkSky Bolivar-Harpers Ferry, an official chapter of DarkSky International. We are a local group dedicated to restoring the nighttime environment and protecting communities from the harmful effects of light pollution through outreach, advocacy, and conservation. One of our biggest concerns for our area is the exponential growth in population and new home construction and its impact on our nighttime sky. Light pollution directly impacts our environment including wildlife, plantlife, and human health. Additionally, unnecessary light wastes energy, money, and can be counterproductive in efforts to keep our communities safe in relation to crime.

DarkSky Bolivar-Harpers Ferry is part of a larger, international organization that offers educational resources, research, and connections to communities all over the globe who have implemented efforts to combat light pollution. We stand ready to offer our assistance to the Jefferson County Planning Commission as you work on a comprehensive plan to ensure a healthy, safe, and productive community for our neighbors.

DarkSky Bolivar-Harpers Ferry extends our heartfelt gratitude for your continued service to the citizens of Jefferson County. We look forward to hearing from you soon.

Sincerely,
Karen Twigg Sagisi
Chair and DarkSky Advocate
(619) 694-8873
www.bhfdarksy.org

Thanks for reaching out and I look forward to working with you as things evolve.

Sincerely,
Standard Land Company, LLC
Noah Mehrkam, Member
202-441-6156

On Feb 20, 2024, at 2:53 PM, CompPlan2045
<complan2045@jeffersoncountywv.org> wrote:

You don't often get email from complan2045@jeffersoncountywv.org. [Learn why this is important](#)

Good afternoon,
Jefferson County is working on the 2045 Comprehensive Plan Update and conversation has returned to the future of the Old Standard Quarry. In the previous Envision Jefferson 2035 Plan, the quarry was highlighted as a redevelopment area and I wanted to reach out and ask if you had any plans for the property?

I am new to the office but my colleagues have mentioned in the past you have looked at adding camping opportunities to the site. We have also received several public comments asking about potentially putting bike or walking trails in the area. As we prepare the 2045 Plan update it would be great to hear from you about what you have in mind for the quarry. Also, should you have any questions we could answer please let us know!

Best,
Luke

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