



## Amended Agenda

Jefferson County Planning Commission

Tuesday, September 9, 2025 at 7:00 PM

# MEETING POSTPONED DUE TO TECHNICAL DIFFICULTIES

**By order of the Jefferson County Planning Commission,  
the September 9, 2025 Planning Commission meeting was postponed due to technical  
difficulties. All items have been moved to the September 23, 2025 meeting.**

**In-Person Meeting Location:** County Commission Meeting Room located in the main level of the Jefferson County Government Complex (entrance on East side of the building)  
393 North Lawrence Street, Charles Town, WV 25414

**ZOOM Broadcast Information\***: Meeting ID: 844 6291 5155  
Meeting Link: <https://us02web.zoom.us/j/84462915155>

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

1. **Item Postponed to September 23, 2025: Approval of Meeting Minutes:** August 12, 2025 meeting
2. **Request for postponement**

**The following items are open for public comment**

3. **Item Postponed to September 23, 2025: Concept Plan Public Workshop for the Ghazwa's Forest Subdivision.** The proposal consists of a Major Residential Subdivision with 81 lots and associated infrastructure. Property Owner: IG Totonji Holding, LLC. Developer: Golden Eagle Group, Inc. Property Location: Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV. Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Residential Growth (File #25-28-SD).
4. **Item Postponed to September 23, 2025: Public Hearing:** Request for a Waiver from Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street. Property Owner: IG Totonji Holding, LLC. Developer: Golden Eagle Group, Inc. Property Location: Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV. Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Residential Growth (File #25-24-PCW).
5. **Item Postponed to September 23, 2025: Public Hearing:** Waiver request from Section 20.203B.1.a to increase the maximum footprint of an addition from 1200 square feet to 1700 square feet to allow a proposed expansion to process without a site plan. Property Owner: Executive Emergency Lighting LLC. Property Location: 21 Southpaw Ln, Shepherdstown, WV. Parcel ID: 09014BWAT10000; Size: ~2.4 acres; Zoning District: Rural (File #25-23-PCW).
6. **Item Postponed to September 23, 2025: Public Hearing:** Request by the applicant via the Amended Completeness Determination Policy Signed 2/27/25 and waiver from Section 24.113, Section 24.113G, and Section 24.113H of the Subdivision Regulations to allow for the Planning Commission to deem the Preliminary Plat of the proposed Media Farm Subdivision (25-5-SD) as essentially complete. Property

Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #: 25-25-PCW).

7. **Item Postponed to September 23, 2025: Public Hearing:** Waiver from Section 20.102B of the Subdivision Regulations to allow site grading to commence prior to site plan approval for the proposed Media Farm Subdivision (25-5-SD). Property Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #25-26-PCW).
8. **Item Postponed to September 23, 2025: Public Hearing:** Waiver request from Section 24.115C of the Subdivision Regulations to allow for the Final Plat of the proposed Media Farm Subdivision (25-5-SD) to process concurrently with the Preliminary Plat. Property Owner: Harvest Homes, LLC. Property Location: 261, 278, and 391 Media Farm Lane, Ranson, WV. Parcel IDs: 02000400110000, 02000400130000, 0200040010001. Combined Size: ~126 ac. Zoning District: Residential Growth (File #25-27-PCW).
9. **Item Postponed to September 23, 2025: Public Hearing:** Proposed Amendment to Section 24.113, “Major Subdivision Preliminary Plat – Application Submission and Completeness Review”, Section 24.122, “Major Site Plan Application – Submission and Completeness Review”, and Division 26.200, “Definition of Terms”, of the Jefferson County Subdivision and Land Development Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection (File #STA 25-01).

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

10. **Item Postponed to September 23, 2025: Discussion and Action on the Cochran Properties (General Commercial) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the combined 51.57 acre Four Seas of WV, LLC properties from Rural (R) to General Commercial (GC) is consistent with the *2045 Comprehensive Plan*. (File #25-3-Z)
11. **Item Postponed to September 23, 2025: Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the creation of the new Rural Residential zoning district.
12. **Item Postponed to September 23, 2025: Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the creation of the new Residential Commercial zoning district.
13. **Item Postponed to September 23, 2025: Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the updates to the Office/Commercial mixed use zoning district.
14. **Item Postponed to September 23, 2025: Discussion and Possible Action:** Staff discussion regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 8.20 and Appendix C and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

## 15. Reports from Legal Counsel

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- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

**16. Planner's Memo**

**17. President's Report**

**18. Actionable Correspondence**

**19. Item Postponed to September 23, 2025: Nonactionable Correspondence**

- a. Todd Milliron
  - b. David Tabb
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## Draft Meeting Minutes

Jefferson County Planning Commission

August 12, 2025

The Jefferson County Planning Commission met on August 12, 2025, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President; Aaron Howell, Vice President; Wade Louthan, Secretary; Cara Keys, County Commission Liaison; Tim Smith; Donnie Fisher; Bruce Chrisman; and Daniel Hayes were present in person. J Ware was present via ZOOM.

Staff members present included Luke Seigfried, Chief County Planner; Jonathan Saunders, County Engineer; Andy Beall, Zoning Administrator, Nathan Cochran, County Attorney; and Colin Uhry, County Planner.

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

### 1. Approval of Meeting Minutes: July 8, 2025 and July 22, 2025 meetings

Mr. Shepp moved the minutes were approved as amended, which carried unanimously.

### 2. Request for postponement

None.

### 9. Reports from Legal Counsel:

Mr. Cochran requested Agenda Item 9 be discussed at the beginning of the meeting in executive session. Mr. Shepp motioned to bring the meeting into executive session at 7:01 pm. Mr. Chrisman seconded the motion, which carried unanimously.

Mr. Shepp motioned to bring the meeting out of executive session at 7:56 pm. Mr. Fisher seconded the motion, which carried unanimously.

The following items are open for public comment.

### 3. Public Hearing for the Birdhill Meadows Preliminary Plat.

The proposal consists of the following: Construction of 104 Single-Family Detached Homes, Construction of 76 Townhomes, and Construction 39 Villas. The proposed site improvements will include stormwater management facilities, roadway infrastructure, and public utilities. Property Owner: Jefferson Orchards, Inc. Property Location: Vacant parcel located .35 miles northeast of the intersection of Charles Town Road and Kearneysville Pike, Kearneysville, WV. Parcel ID: 07000300290000; Size: 194.72 acres; Zoning District: Residential Growth (File #24-12-SD).

Mr. Shepp introduced Agenda Item #3.

Mr. Seigfried provided an overview of the staff report for File # 24-12-SD.

Mr. Mark Dyck and Ms. Brooke Perry, the project consultants from Integrity Federal Services, were present in person. Mr. Dyck and Ms. Perry explained the history of the project, emphasizing meeting all proffers and notifying adjoining property owners of the subdivision.

Mr. Shepp opened the floor for public comment. The following members were signed up to provide public comment: John Doyle, Susie Wimer, Nichole Chapman, Gerald Hatcher, Kendra Clark, Karen Glennon, Rebecca Thomson, Lynn Delles, Guliana Brognar, Ron Grosieur, David Tabb, Ruth Hatcher, Mary Gee, Colin Stine, William Kelly Baty, Karen Freer, Christine Wimer

Mr. Shepp closed the floor for public comment.

Mr. Dyck provided responses to all the public comments provided for the proposed subdivision, including putting further emphasis on what was an established proffer when the Concept Plan was approved. Mr. Dyck also noted that the applicant has reached out to all adjacent property owners offering multiple varieties of a six foot fence to each adjoiner, not reaching out to Mr. Mason as there is a significant wooded area between the subject property and the property owned by the applicant. Mr. Shepp, Mr. Smith, and Mr. Hayes expressed concern regarding the lack of communication to Mr. Mason regarding fencing, as fencing can exclude people from crossing property lines better than wooded areas. Mr. Hayes questions if not reaching out follows the proffers set during the Concept Plan stage, Mr. Dyck noted Mr. Mason's property is not included in the approved proffer.

Mr. Fisher and Ms. Keys expressed concern where the south end of the proposed Skibbereen Avenue would access via the directly adjacent Light-Industrial zoned parcel (07000300350000). Mr. Dyck noted establishing all entrances was not a proffer of the subdivision of the Concept Plan stage. Mr. Smith questioned when the representatives anticipated establishing Skibbereen Avenue for the subdivision, Mr. Dyck explained it would be included in Phase 2 of the project.

Mr. Smith questioned when the Concept Plan for the Light-Industrial zoned parcel adjacent to the property would be submitted, as the proposed Skibbereen Avenue would span across the project and connect to Northport Avenue, Mr. Dyck was unable to provide a definite answer, as that question is dependent on contracts and leases of the property to owners.

Ms. Keys expressed interest in postponing decision for up to 45 days to gain additional information regarding the proposed subdivision, the Planning Commission asked staff for their recommendation of the project.

Mr. Seigfried stated staff found the subdivision proposal to be complete and provided the Planning Commission with the four action options they would be able to take.

Mr. Smith questioned the consultants on whether they would be willing to accept the proffer of continuing the fence along the Eastern side of the property so Mr. Mason's property is covered, Mr. Dyck agreed to the proffer.

Mr. Howell moved to find the Preliminary Plat of the Birdhill Meadows Subdivision as complete with the following condition of approval:

- The eastern fence be extended to continue along Mr. Mason's property lines

Mr. Hayes seconded the motion, which carried seven in favor and one against (Ms. Keys).

There is no public comment for the following items.

- 4. Discussion and Action on the Cochran Properties (Residential /Light-Industrial/ Commercial) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the combined 51.57 acre Four Seas of WV, LLC properties from Rural(R) to Residential-Light Industrial-Commercial (RLIC) is consistent with the *2045 Comprehensive Plan*. (File #25-3-Z)

Mr. Shepp introduced Agenda Item #4

Mr. Seigfried provided an overview of the staff report for File # 25-2-Z.

Mr. Todd Heck and Mr. Chris Stephenson, consultants from Morris & Ritchie Associates, Inc., and Mr. Brett Cochran, property owner, were present in person. Mr. Stephenson explained the nature of the request.

Mr. Shepp made note that the Planning Commission is only giving a recommendation to the County Commission and are not approving or denying the rezoning request.

Mr. Seigfried provided the recommendation from staff stating the rezoning request is not consistent with the 2045 Comprehensive Plan.

Mr. Hayes questioned if proffers can be put on the rezoning request, Mr. Cochran (attorney) and Mr. Shepp noted only County Commission would be able to make proffers.

Mr. Hayes moved to find the rezoning proposal consistent with the 2045 Comprehensive Plan, the motion died due to lack of a second.

Mr. Fisher moved to find the rezoning proposal inconsistent with the 2045 Comprehensive Plan, Mr. Howell seconded the motion, which carried seven in favor and one against (Mr. Hayes).

- 5. Discussion and Possible Action:** Draft amendment to the Zoning and Land Development Ordinance regarding the creation of new Rural Residential and Residential Commercial zoning districts and updates to the Office/Commercial mixed use zoning district.

Mr. Shepp introduced Agenda Items #5

Mr. Seigfried provided an overview of the draft text amendment, including discussions regarding parking standards for the Rural Residential district, density in the Residential-Commercial district, and further updates to the Office-Commercial district.

The Planning Commission directed staff to treat all three zoning districts as separate text amendments and will hold three separate public hearings for each zoning district. Mr. Shepp also directed staff to bring back final draft copies of the three proposed text amendments to schedule a public hearing, these draft copies will be discussed and the public hearing will be scheduled at the September 9, 2025 Planning Commission meeting.

- 6. Discussion and Possible Action:** Staff discussion regarding a proposed text amendment to revise language on Solar Energy Facilities in the Zoning & Land Development Ordinance Section 2.2, Section 4.13, and Section 8.20 and add specific requirements for Solar Energy Facilities to the Subdivision & Land Development Regulations.

Mr. Shepp introduced Agenda Items #6

Mr. Beall provided an overview of the Zoning Administrator's Memo and requested clarifying direction regarding processing. The Planning Commission noted that solar facilities following natural land contours without on-site electric storage and no grading would be processed as a Major Site Plan, while the process would be a principally permitted use in the Industrial/Commercial zoning district and require a Conditional Use Permit in the Rural zoning district.

- 7. Discussion and Approval:** Planning and Zoning 4<sup>th</sup> Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
- **Discussion and Amendment:** Planning and Zoning 2<sup>nd</sup> Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
  - **Discussion and Amendment:** Planning and Zoning 3<sup>rd</sup> Quarterly Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*
- 8. Discussion and Approval:** Planning and Zoning Annual Report for FY 2024-2025 for the County Commission. *(To be distributed at the meeting)*

Mr. Shepp introduced Agenda Items #7 and #8

Mr. Seigfried provided the Planning Commission with a summary of the 4<sup>th</sup> Quarterly Report for FY 2024-2025 and provided updated totals for the Zoning & Land Development Fees Collected section of the 2<sup>nd</sup> and 3<sup>rd</sup> Quarterly Reports for FY 2024-2025. As well as the Annual Report to be sent to the County Commission.

Ms. Keys moved to provide the County Commission with a copy of the FY 2024-2025 Annual Report for approval, Mr. Louthan seconded the motion, which carried unanimously.

**9. Reports from Legal Counsel**

- a. Discussion on Jefferson County Circuit Court Case # CC-19-2025-C-93 (RE: Sidewinder Enterprises, LLC v. Jefferson County Planning Commission) with legal counsel.

This item was discussed at the beginning of the meeting.

**10. Planner's Memo**

Mr. Seigfried provided the Planning Commission an update regarding the scheduled text amendment public hearing for Historic Resources Protections (STA25-01), reminded the Planning Commission of the training session scheduled for the September 23, 2025 Regularly Scheduled meeting, and noted that Colin Uhry has been promoted from Planning & Zoning Clerk to County Planner and hiring for a new Planning Clerk is ongoing.

**11. President's Report**

None.

**12. Actionable Correspondence**

None.

**13. Non-Actionable Correspondence**

David Tabb

Mr. Hayes motioned to adjourn the meeting at 10:10 pm. Mr. Fisher seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, County Planner.

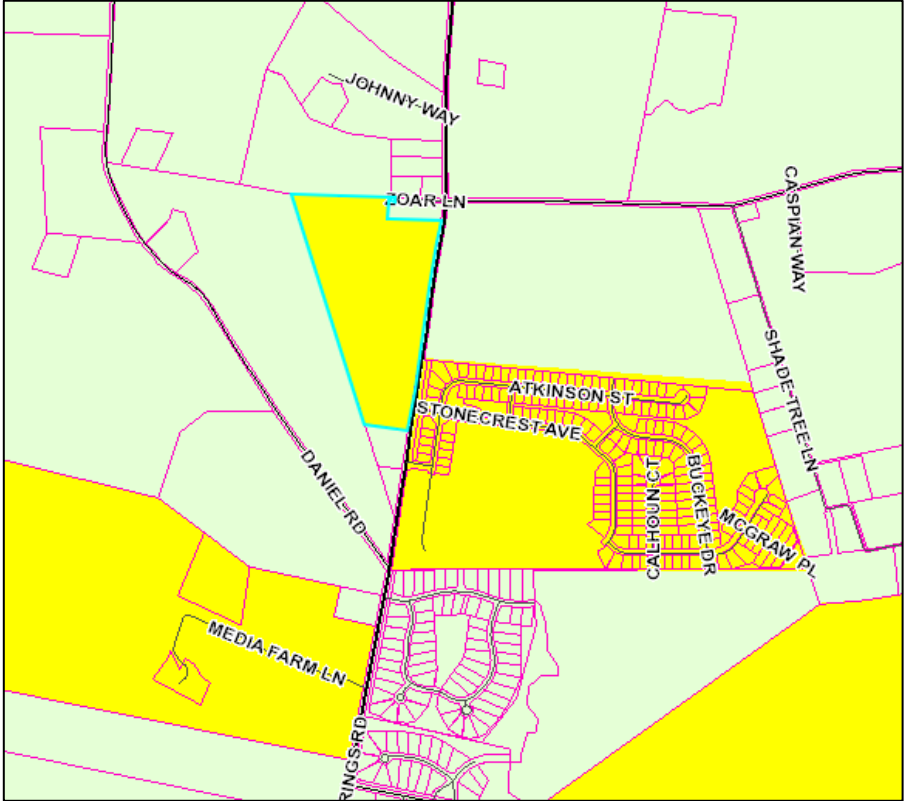
**Staff Report**

Jefferson County Planning Commission Meeting

September 9, 2025

**25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop**

**Item #3: Public Workshop:** A Concept Plan for the Ghazwa's Forest Subdivision. The proposal consists of a Major Residential Subdivision with 81 lots and associated infrastructure.

Owner:	IG Totonji Holding LLC
Developer:	Golden Eagle Group, Inc.
Consultant:	Integrity Federal Services
Parcel Information:	<p align="center">Vacant lot located on the Southwest corner of Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV. Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Rural</p> 
Adjacent Zoning:	<p align="center"><i>North, South, and East: Rural</i> <i>West: Residential Growth and Rural</i></p>
Proposed Request:	Ghazwa's Forest Major Residential Subdivision is proposed to consist of 81 residential single-family lots and associated infrastructure on ~31 acres.
Previous Approvals:	07/08/2025: County Commission approved Zoning Map Amendment (25-1-Z) for this property from Rural to Residential Growth.
Concept Plan Status:	<p>Submitted: 07/25/25  Sufficiency Letter, with conditions: 07/30/25  Second Review Submitted: 08/25/205</p>

# Staff Report

Jefferson County Planning Commission Meeting

September 9, 2025

## 25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop

### Introduction and Summary of Request

The applicant is proposing the development of a Major Subdivision consisting of 81 single-family detached lots. The subdivision will be served by public water and sanitary sewer service systems. The property is located west of Route 7, southwest of the Flowing Springs Road and Zoar Lane intersection.

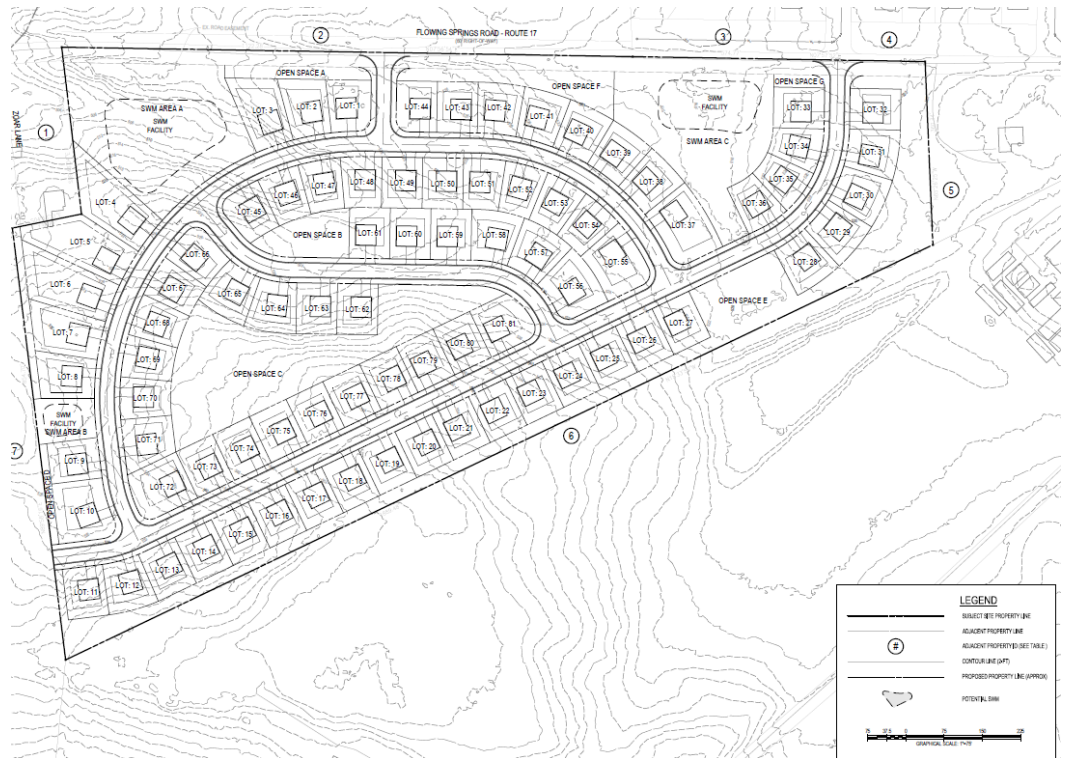
The overall density for this development is 0.39 dwelling units per acre for the entire 31.48 acre property. The minimum lot area for single-family detached dwellings served by public water and sewer in the Residential Growth zone is 6,000 square feet with a required area per dwelling unit of 10,000 square feet. The minimum lot area for single-family detached dwellings served by public water or sewer in the Residential Growth zone is 20,000 square feet.

All Major Residential Subdivisions require processing a Concept Plan as well as a Preliminary and Final Plats. The proposed residential lot area is a total of 16.42 acres with 5.14 acres of common area. An additional 5.28 acres will be for internal road ROW with 3.47 acres for stormwater management and the remaining 1.17 acres in an existing prescriptive ROW.

### Access

Ghazwa's Forest proposes two access points to Flowing Springs Road (WV 17), which is sufficient based on the requirements of Section 21.102C of the Subdivision Regulations.

Additionally, Sec. 21.102D of the Subdivision Regulations requires that "where the adjoining land is vacant, the subdivision shall provide stub streets to the property line". The property is adjacent to Lot 2 of the Hockensmith Minor Subdivision, which is currently vacant.



Sec. 22.208 of the Subdivision Regulations requires sidewalks along at least one side of the streets in this subdivision. This level of detail is not typically reflected on a Concept Plan.

### Cul-de-Sac

The proposed layout does not feature any utilized cul-de-sacs.

### Open Space

The Concept Plan indicates that this Plan proposes 5.14 acres of common space to satisfy open space requirements.

## Staff Report

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### 25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop

#### Waivers/Variances

The applicant is requesting a waiver of Section 21.101A of the Subdivision Regulations for the proposed subdivision, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street. This waiver is also being considered at tonight's Planning Commission meeting.

#### **Subdivision Category**

The subdivision associated with this Concept Plan is governed by the Subdivision Regulations. Section 20.202 of the Subdivision Regulations states that any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure is classified as a Major Subdivision. Ghazwa's Forest Subdivision is processing as a Major Subdivision.

Major Subdivisions require the processing of a Concept Plan (Sections 24.110 - 24.112), which requires a Public Workshop; a Preliminary Plat (Sections 24.113 – 24.115), which requires a Public Hearing; posting of a surety/bond for all improvements (Division 24.500); and a Final Plat (Section 24.116 – 24.188), which is administratively reviewed and approved.

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

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

	<b>Description</b>	<b>Status</b>
<b>1. General Location</b>	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2. Concept Plan</b>	In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3. Zoning Information</b>	a) Zoning District in which the proposed subdivision is situated. b) Density calculations. c) Site resource map	Provided
<b>4. Proposal Description</b>	A written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.	Provided on Concept Plan

**Staff Report**

Jefferson County Planning Commission Meeting

September 9, 2025

**25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop**

<p><b>5. Traffic Impact Data</b></p>	<p>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.</p>	<p><u>WV DOT ADT Counts</u>  Flowing Springs Rd: 5,822;  <u>Nearest Key Intersection:</u>  Flowing Springs Rd &amp; Old Country Club Rd;  <u>Problem Area within 1 mile:</u>  #4 Flowing Springs Road / Job Corps Road</p>
<p><b>Traffic Study</b></p>	<p>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.</p>	<p>The applicant has indicated that the project will not exceed 100 peak hour trips. A Traffic Impact Study (TIS) may be required following the direction of the West Virginia Division of Highways.</p>
<p><b>6. Agency Reviews</b></p>	<p>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.</p>	<p>Letters to required agencies provided. No responses have been received.</p>
<p><b>D. Department</b></p>	<p>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.</p>	<p>Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Subdivision.</p>
<p><b>E. /F. WVDOH</b></p>	<p>The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. The WVDOH shall determine whether a traffic impact study will be required during the preliminary plat stage.</p>	<p>WV DOH Highway Entrance Permit will be required for the entrance. Staff defers to WV DOH regarding the TIS.</p>
<p><b>G. Public Service</b></p>	<p>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.</p>	<p>The subdivision will be served with public water and a mixture of sewer and septic.</p>
<p><b>H. Recommended Conditions</b></p>	<p>All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.</p>	<p>See below</p>

**Staff Report**

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**25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop**

<b>I. Approval</b>	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete, with minor outstanding comments.
<b>J. Effect</b>	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper and the applicant shall post notice on the property in accordance with the Subdivision Regulations.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

**Concept Plan Review**

1. External Agency Reviews

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

2. Staff Recommendation related to Concept Plan

County staff recommends that Planning Commission provide the following direction to the applicant in the preparation of a preliminary plat.

- a. Utilize Open Space E as active open space on with furniture for pedestrians to enhance the usefulness of these areas.
- b. Provide pedestrian access to Open Space C between Lot 71 and Lot 72 to provide dual access to Open Space C and establish a pedestrian trail.
- c. Provide details of what equipment or amenities will be included in the active recreation areas.

An adjoining property owner has asked for the following commitments in the interest of protecting the historic Zoar home, which is a Class II historic resource. The full letter from Sarah Grove is included in the agenda packet.

- a. Pre- and post-construction blasting surveys, plus monitoring of Zoar home during blasting within 500 feet.
- b. Adding about 15,000 sq. ft. to the back of the Zoar property to protect the schoolhouse foundation.
- c. Addressing drainage problems on the east edge of the property.
- d. Extending water and sewer to the property line on the south side of the Zoar house.

Planning Commission could also ask the developer which side of the streets sidewalks will be installed.

The Subdivision Regulations state that unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed Major Subdivision to be “complete” based on the information provided related to the criteria above.

## Staff Report

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September 9, 2025

### 25-28-SD Ghazwa's Forest Subdivision Concept Plan Public Workshop

Additionally, it should be noted that the following standards will need to be addressed prior to approval of the Subdivision:

- a. WV DOH review and approval of the required entrance permits will be required in conjunction with the Subdivision's Preliminary and Final Plat.
- b. Utility and WV Health Department approval of the extension of public water, sanitary sewer service, and septic systems to this property will be required in conjunction with the Preliminary and Final Plat.

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

### 3. Planning Commission Direction

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

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

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

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

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

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

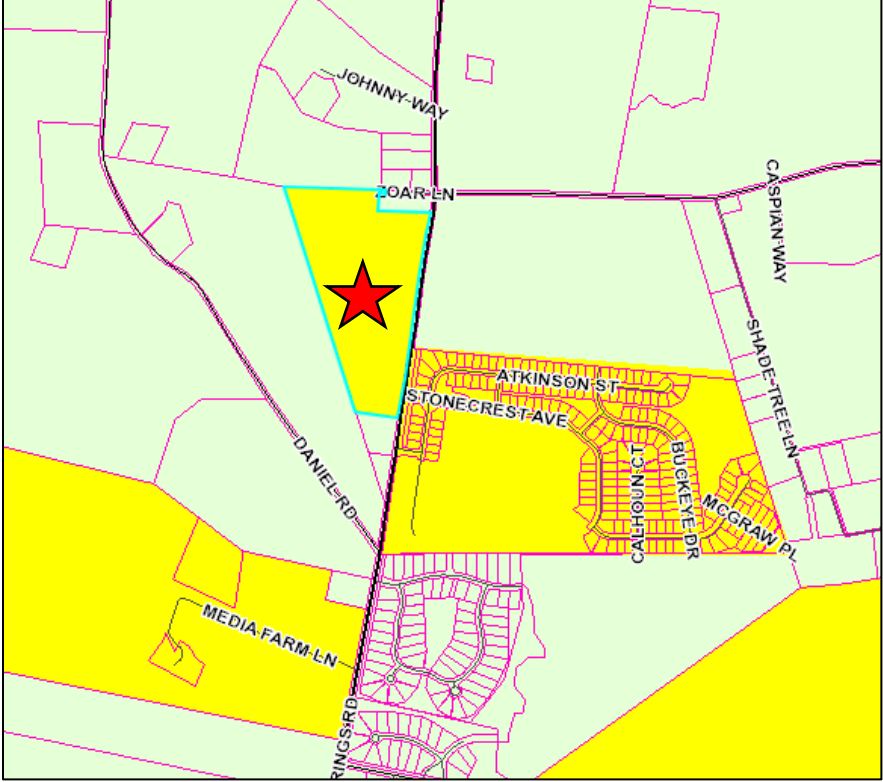
### ATTACHMENTS:

- N/A

Staff Report  
 Jefferson County Planning Commission Meeting  
 September 9, 2025

**Ghazwa’s Forest Block Length Waiver Request (File # 25-24-PCW)**

**Item #4** Request for a Waiver from Article 21, Section 21.101A, which requires that blocks shall not, in most instances, exceed six lots in length on one side of the street.

Owner/Applicant	IG Totonji Holding LLC
Developer:	Golden Eagle Group, Inc.
Consultant	Integrity Federal Services, Inc. / Attn: Brooke Perry
Property Location & Information	<p style="text-align: center;">Vacant lot located on the Southwest corner of          Flowing Springs Road and Zoar Lane, Shenandoah Junction, WV.          Parcel ID: 02000300090004. Size: 31.48 ac. Zoning District: Rural</p> 
Adjacent Zoning	<p style="text-align: center;"><i>North, South, and East: Rural</i>  <i>West: Residential Growth and Rural</i></p>
Proposed Activity	The Ghazwa’s Forest Subdivision Concept Plan is proposed to consist of 81 lots and associated infrastructure.
History	<p>07/08/2025: County Commission approved Zoning Map Amendment (25-1-Z) for this property from Rural to Residential Growth.          07/25/2025: Applicant has submitted the Subdivision Concept Plan for review at the September 9, 2025 Planning Commission Meeting          07/30/2025: Staff found the Concept Plan to be sufficient for hearing, direction pending by the Planning Commission</p>

Staff Report  
Jefferson County Planning Commission Meeting  
September 9, 2025

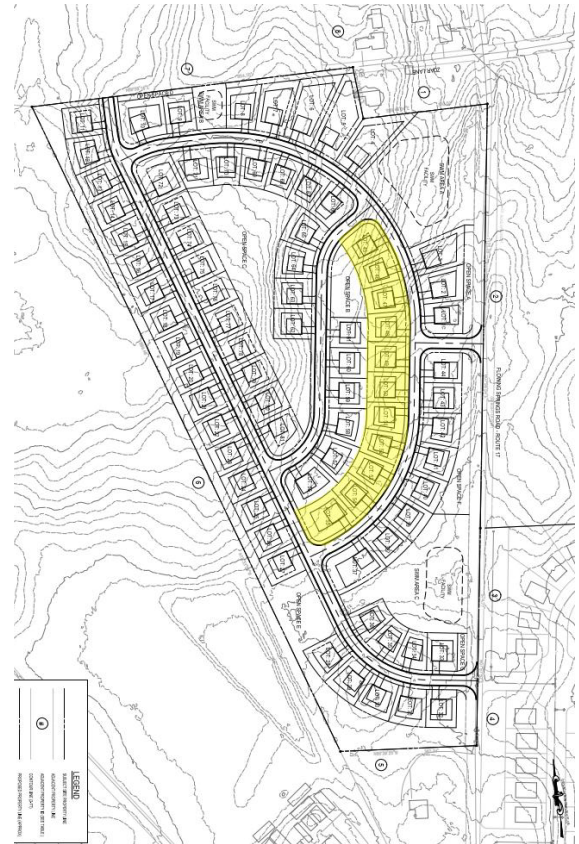
**Ghazwa’s Forest Block Length Waiver Request (File # 25-24-PCW)**

**Summary of the Project:**

Applicant is pursuing one waiver that will impact the design of the Concept Plan submission for the Ghazwa’ Forest Subdivision (25-28-SD). The property is located on the Southwest corner of Flowing Springs Road and Zoar Lane. A Concept Plan was originally submitted on July 25, 2025 and was deemed sufficient on July 30, 2025.

**Summary of the Request:**

The applicant is requesting a waiver of this section to allow block lengths of greater than 6 lots on one side of the street. Section 21.101A of the Jefferson County Subdivision and Land Development Regulations states that blocks “shall not, in most instances, exceed *six lots in length on one side of the street*” (emphasis added). It further states that the length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. There is some provision for longer blocks in rural subdivisions if there are topographic constraints, but only if there are no more than nine total lots in the subdivision and the lots are over  $\frac{3}{4}$  acre in land area each. This proposed development is zoned Residential Growth and these criteria do not apply.



**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 Report  
Jefferson County Planning Commission Meeting  
September 9, 2025

**Ghazwa's Forest Block Length Waiver Request (File # 25-24-PCW)**

**Staff Comments:**

Generally blocks are defined as areas of land bounded by streets, other transportation features and/or public open spaces. The length of blocks influence the interconnectivity of neighborhoods and the walkability of communities. The standard width of the lots found within the blocks can also impact the length of the blocks.

**Staff Recommendation:**

Planning and Zoning staff recommends that the waiver be granted to allow block lengths up of more than six (6) lots on one side of the street, with the condition that pedestrian connectivity be provided to common open space areas as much as possible. The Concept Plan speaks to several points regarding connectivity and open space. The request could result in a more flexible subdivision design that integrates open space and parkland into the development while providing adequate interconnectivity to adjoining lots.



# CONCEPT PLAN GHAZWA'S FOREST SUBDIVISION

JEFFERSON COUNTY FILE NUMBER: 25-28-SD  
CHARLES TOWN TAX DISTRICT (2)  
JEFFERSON COUNTY, WEST VIRGINIA  
TAX MAP 3, PARCEL 9.4;  
D.B. 1192 PG. 436

OWNER:  
IG TONONJI HOLDING, LLC  
505 HUNTMAR PARK DR, SUITE 245  
HERNDON, VA 20170  
(703)787-0426

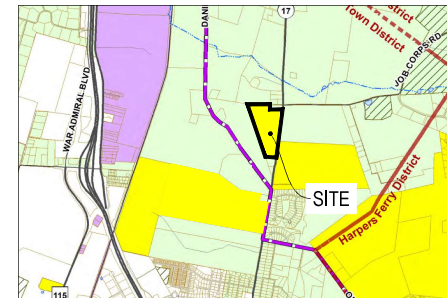
APPLICANT:  
GOLDEN EAGLE GROUP, INC.  
505 HUNTMAR PARK DR, SUITE 245  
HERNDON, VA 20170  
(703)787-0426



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VICINITY MAP  
SCALE: 1"=200'



**CONCEPT PLAN REVIEW CHECKLIST NOTES:**

- B.1. SEE GENERAL LOCATION MAP THIS SHEET FOR ZONING DISTRICTS WITHIN 500' OF THE SUBJECT PROPERTY.
- B.2. A CONCEPT PLAN ON 24x36 WHITE PAPER CAN BE FOUND ON SHEET 2.  
- SEE SHEET 2 FOR THE LAYOUT OF LOTS, RECREATION AREAS AND ROADS.  
- BUILDING AREAS WILL BE CONVENED TO EACH SINGLE FAMILY DETACHED LOT WITHIN BUILDING SETBACK LINES.  
- ACTUAL BUILDING FOOTPRINTS WILL VARY WITH INDIVIDUAL HOME DESIGN.
- B.3. ZONINGS INFORMATION:  
a. THE SUBJECT PROPERTY IS LOCATED IN THE RESIDENTIAL GROWTH ZONING DISTRICT.  
b. DENSITY CALCULATIONS:  
OVERALL SITE - 257 LOTS PER ACRE (81 LOTS / 31.48 ACRES + 257 LOTS/ACRE)  
RESIDENTIAL LOT AREA - 4.93 NET DWELLING UNITS PER ACRE (81 UNITS / 16.42 ACRES + 4.93 DU/A)  
PARKING CALCULATIONS:  
SINGLE FAMILY DETACHED REQUIRED:  
DRIVEWAY ONLY  
c. SEE SHEET 2 FOR THE PROPERTY'S "SITE RESOURCES":  
- TOPOGRAPHIC INFORMATION PROVIDED PURSUANT TO USGS TOPOGRAPHICAL QUADRANGLE MAP INFORMATION.  
- CONTOURS SHOWN AT 2' INTERVALS.  
- THE SITE IS WOODED, WITH NO WATER COURSES OR WETLANDS, THERE ARE NO KNOWN HILLSIDES, SINKHOLES OR QUARRIES LOCATED IN THE AREA OF DEVELOPMENT. IT IS POSSIBLE THAT SOME OF THESE FEATURES MAY EXIST AND ARE CONCEALED BY EXISTING VEGETATION OR ARE OUTSIDE THE AREA PROPOSED FOR DEVELOPMENT. ALL STATE, FEDERAL AND LOCAL REGULATIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.  
- NO DEVELOPMENT WILL OCCUR WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 2255A.4 OF THE JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT REGULATIONS. FEMA MAP 54037013C IDENTIFIES THE PROPERTY TO BE LOCATED OUTSIDE OF THE FLOOD ZONE, ZONE X.  
B.4. PROPOSAL DESCRIPTION: THE DEVELOPMENT OF THIS PARCEL PROPOSES 81 RESIDENTIAL LOTS ON 31.48 ACRES. THE LAND CURRENTLY RESIDES IN THE RESIDENTIAL GROWTH ZONING DISTRICT. ALL LOTS WILL BE SERVED BY PUBLIC WATER AND PUBLIC SEWER. AVERAGE LOT SIZE WILL BE APPROXIMATELY 0.2 ACRES EACH.  
B.5. TRAFFIC IMPACT DATA  
a. FLOWING SPRINGS ROAD (CD, RT, 17)  
WOODCH ROUTE (E) - 14400/10000  
AVERAGE DAILY TRIPS - 5,822  
DATA SOURCE - WOOD CHAMBER OF HIGHWAYS, TRAFFIC ENGINEERING DIVISION, TRAFFIC MONITORING UNIT  
DATA SOURCE YEAR - 2023  
b. TRIP GENERATION FOR DETACHED SINGLE FAMILY UNITS BASED ON SECTION 24.110(B)(5) OF THE SUBDIVISION AND LAND DEVELOPMENT REGULATIONS ARE AS FOLLOWS:  
SINGLE FAMILY, 81 LOTS  
PEAK HOUR TRIPS:  
81 DETACHED UNITS) X 0.70 = 567  
AVERAGE DAILY TRIPS:  
81 (SINGLE FAMILY DETACHED UNITS) X 6 = 486  
c. THE NEAREST KEY INTERSECTION AS DEFINED IN THE CONCEPT PLAN CHECKLIST IS THE INTERSECTION OF FLOWING SPRINGS ROAD (OR, 17) AND OLD COUNTY CLUB ROAD (OR 24).  
d. HIGHWAY PROBLEM AREA #4 - FLOWING SPRINGS ROAD / US CORPS ROAD, AS DEFINED BY THE 2045 JEFFERSON COUNTY COMPREHENSIVE PLAN, IS WITHIN A ONE (1) MILE RADIUS OF THE PROPERTY.  
e. PURSUANT TO SECTION 24.110(B), OF THE SUBDIVISION REGULATIONS, THE PROPOSED DEVELOPMENT GENERATES LESS THAN 100 TRIPS IN THE PEAK HOUR, AND THEREFORE WILL NOT REQUIRE A TRAFFIC IMPACT STUDY IN ACCORDANCE WITH WOODCH CRITERIA.  
B.6. AGENCY REVIEW LETTERS WILL BE SENT TO THE REQUIRED REVIEW AGENCIES AS REQUIRED BY THE CONCEPT PLAN REVIEW CHECKLIST. A COPY OF THE LETTERS ARE INCLUDED AS PART OF THIS SUBMISSION.  
B.7. A LIST OF ALL ADJOINING PROPERTIES AND OWNERS' ADDRESSES ARE INCLUDED AS PART OF THIS SUBMISSION. PROPERTY OWNERS INFORMATION IS PROVIDED PURSUANT TO JEFFERSON COUNTY ASSESSORS RECORDS SEE TABLE LOCATED ON SHEET 2 FOR ADJACENT PROPERTY OWNER INFORMATION.

**PROJECT DESCRIPTION:**

THE SUBJECT PARCEL CONSISTS OF 31.48 ACRES AND PROPOSES 81 RESIDENTIAL LOTS. THE LAND CURRENTLY RESIDES IN THE RESIDENTIAL GROWTH ZONING DISTRICT. THE LOTS WILL BE SERVED BY PUBLIC WATER AND SEWER. ALL LOTS ARE PROPOSED TO BE SINGLE FAMILY DETACHED UNITS. LOTS WILL BE AN AVERAGE OF APPROXIMATELY 8,839 S.F. (0.2 ACRES) EACH. THE MINIMUM LOT SIZE PROVIDED IS 7,648 S.F. (0.16 ACRES). THE TOTAL OF 81 LOTS WILL NOT BE EXCEEDED.

AT THE REVENING PUBLIC HEARING ON JULY 4TH 2025 A DEED RESTRICTION WAS DISCUSSED LIMITING DENSITY TO AN OVERALL DENSITY OF 2.6 UNITS PER ACRE, AND A COMMITMENT OF NO TOWNHOMES OR MULTIFAMILY UNITS. THIS DEED RESTRICTION IS IN THE PROCESS OF BEING RECORDED. THE PROPOSED SUBDIVISION ADHERES TO THIS RESTRICTION.

THE PLANS IS A CONCEPT PLAN, NOT A FINAL LAYOUT. LOT SIZES, ENTRANCES, VARIANCES & WARNERS, IF NEEDED, WILL BE FINALIZED AT PRELIMINARY PLAT DESIGN PURSUANT TO THE ORDINANCE STANDARDS, HOUSE UTILITY, AND SWM LOCATIONS ARE ILLUSTRATIVE AND WILL BE FINALIZED WITH THE NECESSARY APPROVALS AND SHOWN ON THE PRELIMINARY PLAT.

**ZONING ORDINANCE SUMMARY:**

ZONING REQUIREMENTS:  
CURRENT ZONE: RESIDENTIAL GROWTH  
PROPOSED USE: SINGLE-FAMILY DETACHED DWELLINGS (81 LOTS)

USE REQUIREMENTS	REQUIRED	PROMISED
AREA PER DWELLING UNIT:	10,000 S.F.	16,929 S.F.
LOT AREA:	6,000 S.F. (MIN)	7,648 S.F. (MIN)
LOT WIDTH:	80'	80'

Proposed Setbacks				
Land Use	Front	Side	Street Side	Rear
SFD	25-ft	12-ft	15-ft	20-ft

LAND AREAS		AREA (AC)
RESIDENTIAL LOT AREA		16.42
PROPOSED INTERNAL ROAD RIGHT-OF-WAY		5.28
EX. PRESCRIPTIVE RIGHT-OF-WAY		1.17
OPEN SPACE		5.14
SWM AREA		3.47
TOTAL		31.48

**JEFFERSON COUNTY - COMPLETE LIST OF WAIVERS/VARIANCES**  
(TABLE 1.1-2)

ORDINANCE	SECTION OF ORDINANCE	DESCRIPTION OF WAIVER OR VARIANCE	DATE GRANTED
SUBDIVISION	21.01A	BLOCK LENGTH	25-24PCW_TBD

PARKLAND Density - DUA		
Dwellings	Residential Lot Area	Dwelling Units Per Acre
81	16.42	81 / 16.42 = 4.93
Parkland Requirements		
	Required % of Site	Provided Land Area (AC)
Total Open Space	7% (31.48 x 0.07 = 2.2 AC)	5.14 +/-
Active (60% total)	40% (2.2 x 0.4) = 0.88	2.14 +/-
Passive (60% total)	60% (2.2 x 0.6) = 1.32	3.00 +/-

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SCALE: \_\_\_\_\_

REVISIONS

JEFFERSON COUNTY COMMENTS

COVER SHEET

**GHAZWA'S FOREST SUBDIVISION  
CONCEPT PLAN**

TABLE 1.1-2 (TABLE 1.1-2)  
CHARLES TOWN TAX DISTRICT (2)  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ. \_\_\_\_\_  
VERT. \_\_\_\_\_

DATE: JULY 2025

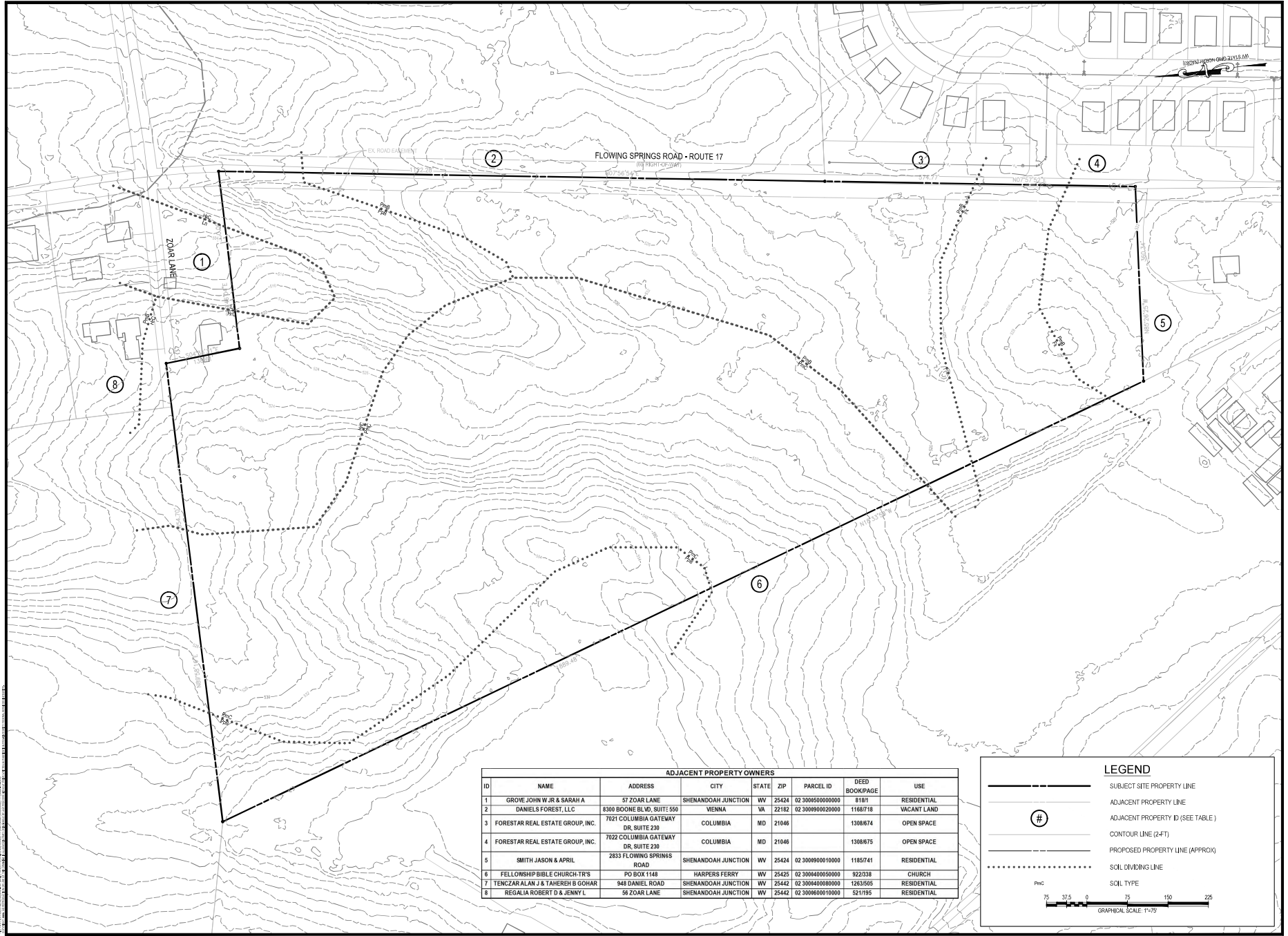
JOB: 51074101

DRAWN: ABJ/ARE CHECK: JFG

CADD: \_\_\_\_\_

NCS: \_\_\_\_\_

SHEET: \_\_\_\_\_



ADJACENT PROPERTY OWNERS								
ID	NAME	ADDRESS	CITY	STATE	ZIP	PARCEL ID	DEED BOOK/PAGE	USE
1	GROVE JOHN W JR & SARAH A	57 ZOAR LANE	SHENANDOAH JUNCTION	WV	25424	02 3006500000000	8187	RESIDENTIAL
2	DANIELS FOREST, LLC	8380 BOONE BLVD, SUITE 550	VIENNA	VA	22182	02 3006900020000	11687/8	VACANT LAND
3	FORESTAR REAL ESTATE GROUP, INC.	7021 COLUMBIA GATEWAY DR, SUITE 230	COLUMBIA	MD	21046		1308674	OPEN SPACE
4	FORESTAR REAL ESTATE GROUP, INC.	7022 COLUMBIA GATEWAY DR, SUITE 230	COLUMBIA	MD	21046		1308675	OPEN SPACE
5	SMITH JASON & APRIL	2833 FLOWING SPRINGS ROAD	SHENANDOAH JUNCTION	WV	25424	02 3006900010000	1185741	RESIDENTIAL
6	FELLOWSHIP BIBLE CHURCH-TR'S	PO BOX 1148	HARPERS FERRY	WV	25425	02 3004400050000	922338	CHURCH
7	TENCZAR ALAN J & TAHEREH B GOHAR	948 DANIEL ROAD	SHENANDOAH JUNCTION	WV	25442	02 3004400080000	1263565	RESIDENTIAL
8	REGALIA ROBERT D & JENNY L	56 ZOAR LANE	SHENANDOAH JUNCTION	WV	25442	02 3006600010000	521195	RESIDENTIAL

**LEGEND**

- SUBJECT SITE PROPERTY LINE
- ADJACENT PROPERTY LINE
- ① ADJACENT PROPERTY ID (SEE TABLE)
- CONTOUR LINE (2-FT)
- PROPOSED PROPERTY LINE (APPROX)
- SOIL DIVIDING LINE
- SOIL TYPE

PnC

GRAPHICAL SCALE: 1"=75'

0 75 150 225

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SEAL:

NO.	REVISIONS

EXISTING CONDITIONS PLAN

**CHAZWA'S FOREST SUBDIVISION CONCEPT PLAN**

PROJECT PREPARED BY: CHARLES TOWN ENGINEERS (P.E. 00173) JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1"=75' VERT: 1"=15'

DATE: JULY 2025

JOB: 51054101

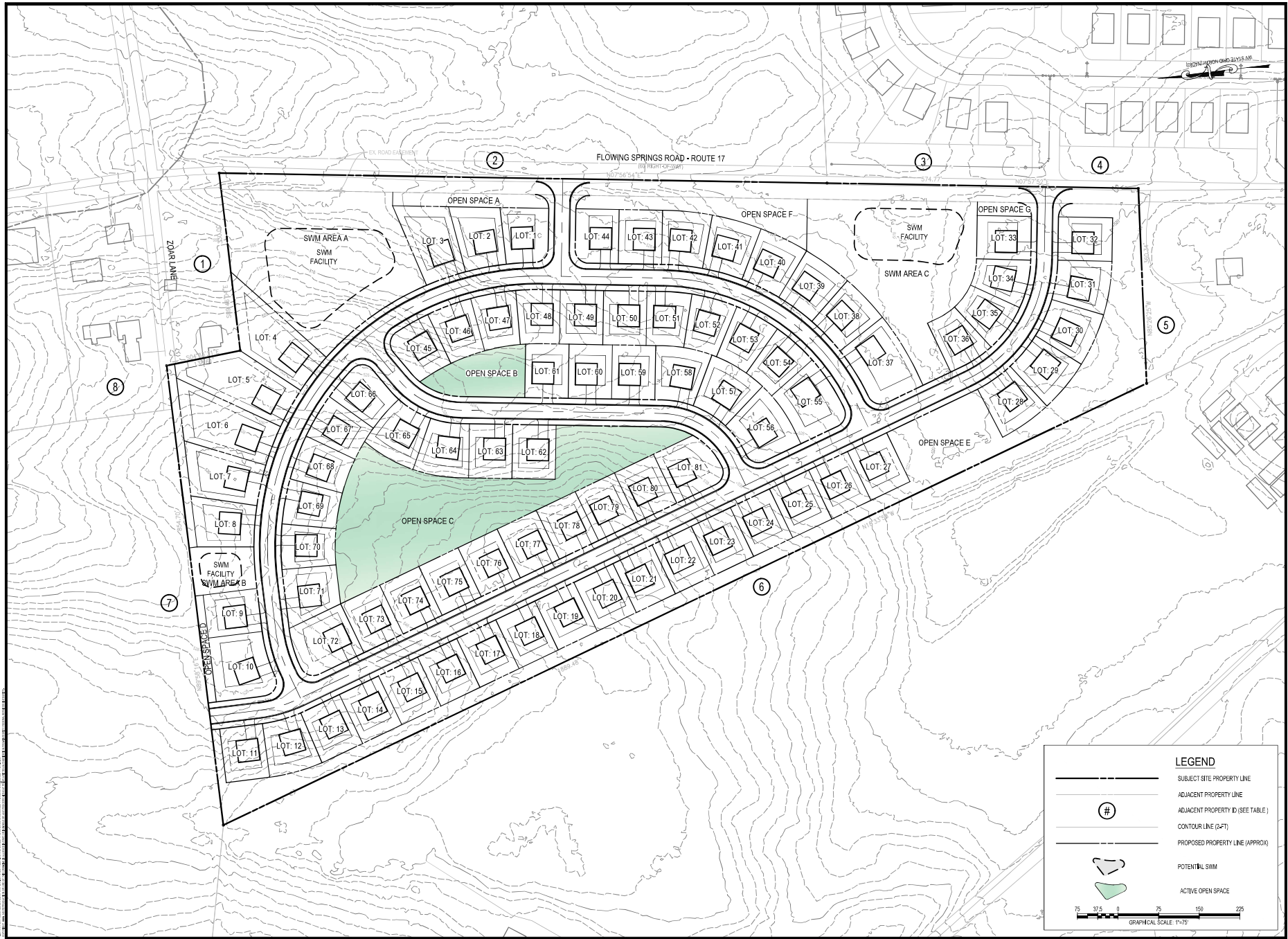
DRAWN: ABJ/ARL CHECK: JFG

CADD:

NCS:

SHEET:

2 OF 3



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SCALE:

REVISIONS

NO.	DATE	DESCRIPTION

OVERALL SITE LAYOUT  
**CHAZWA'S FOREST SUBDIVISION**  
 CONCEPT PLAN  
 PREPARED BY: CHARLES TOWNSEND, P.E., C.E.  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1"=75'  
 VERT: 1"=25'

DATE: JULY 2025  
 JOB: 51054101  
 DRAWING APPAREL CHECK: JFG  
 CADD:  
 NCS:  
 SHEET: **3 OF 3**

**LEGEND**

- SUBJECT SITE PROPERTY LINE
- ADJACENT PROPERTY LINE
- ADJACENT PROPERTY ID (SEE TABLE)
- CONTOUR LINE (±FT)
- PROPOSED PROPERTY LINE (APPROX)
- POTENTIAL SWM
- ACTIVE OPEN SPACE

75 37.5 0 75 150 225  
 GRAPHICAL SCALE 1"=75'





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

File #: 25-28-SD  
 Fees Paid: \$500  
 Staff Int.: CAU  
 Date Received: 7-25-25

Email: [planningdepartment@jeffersoncountywv.org](mailto: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: \_\_\_\_\_

## Planning Department

---

**From:** Planning Department  
**Sent:** Tuesday, September 2, 2025 9:41 AM  
**To:** 'zoar01@frontier.com'  
**Subject:** RE: Concerns Regarding Ghazwa's Forest Subdivison (File: 25-28-SD)

Good morning,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet for the upcoming September 9, 2025 Planning Commission meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, September 5, 2025.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning, & Zoning  
Jefferson County, WV  
304-728-3228

---

**From:** zoar01@frontier.com <zoar01@frontier.com>  
**Sent:** Tuesday, September 2, 2025 8:39 AM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Subject:** Concerns Regarding Ghazwa's Forest Subdivison (File: 25-28-SD)

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

Good Morning,

I am writing to express my concerns regarding the proposed concept plan for the Ghazwa's Forest Subdivision along Flowing Springs Road.

I live at 57 Zoar Lane in an historic property which is listed on the Jefferson County Historical Register.

I am attaching copies of previous agreements we had with the developer to ensure the historical property and structure were not damaged during the construction of a development.

Thank you for your time in considering my concerns to protect this wonderful historic property.

Sincerely,  
Sarah A. Grove  
301-988-1324  
[zoar01@frontier.com](mailto:zoar01@frontier.com)

Date: September 1, 2025  
To: Planning Commission  
From: Sarah A. Grove  
Subject: Ghazwa's Forest Subdivision (File: 25-28-SD)

I am writing to express my concerns regarding the proposed concept plan for the Ghazwa's Forest Subdivision.

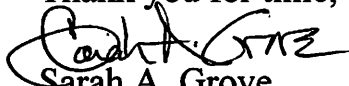
I live at 57 Zoar Lane in a historic property which is listed on the Jefferson County Historical Register. The Zoar Baptist Church was built in 1800 from stone excavated on the property. The church was later converted to a private residence.

The previous times development on the adjacent property was proposed, we had written agreements with the property owner regarding stipulations to protect the historical integrity of the Zoar property (Copies attached). To include:

- a. They will conduct and pre- and post-construction blasting survey and will monitor the Zoar home during blasting within 500 feet of the property in order to ensure the stone structure of Zoar is not damaged.
- b. They will add about 15,000 square feet to the back of the Zoar property. This is to protect the foundation of the Zoar School house located on their property.
- c. They will be sensitive to the drainage problem on the east edge of the Zoar property.
- d. Extend water and sewer to property line on south side of the Zoar house.

I am requesting the current developer honor the long standing written previous commitments in order to preserve the historical integrity of the Zoar property.

Thank you for time,



Sarah A. Grove

301-988-1325

[Zoar01@frontier.com](mailto:Zoar01@frontier.com)

Encls – Previous written agreements

Frontier Mail Collaboration Suite

zoar01@frontier.com

RE: Daniel's Forest Project

Wednesday, January 27, 2010 11:02:16 AM

From: znagy@buckeyedevelopment.net

To: zoar01@frontier.com

John,

I have spoken with Ed Smariga and confirmed the validity of the Memorandum of Agreement dated 10/5/01 that you reference. Furthermore, the preliminary plat for Daniels Forest notes these items as preconditions. Now that the preliminary plat for the entire development has been approved, we will be recording the 192 lots in phases. The first phase is for 24 lots on the east side of Flowing Springs Rd. We will convey the "about 15,000 sf" to you at the time where we plat the lots effecting that part of the development on the west side of Flowing Springs Rd. Given the current state of the housing market, I cannot give you a firm timetable as to when that will occur.

Please let me know if you have any questions.

Zoltan Nagy  
Buckeye Development

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

From: zoar01@frontier.com [mailto:zoar01@frontier.com]

Sent: Sunday, January 24, 2010 6:44 PM

To: znagy@buckeyedevelopment.net

Subject: Daniel's Forest Project

Hi Zoltan:

I enjoyed meeting and talking with you on Thursday, January 21st at the zoning board meeting in Charles Town.

We discussed the addition of a buffer zone to the Zoar property.

I have a Memorandum of Agreement, dated October 5, 2001 signed by Edward G. Smariga outlining 4 items that we agreed upon concerning the Daniel's Forest Project and my adjoining property of Zoar. At this time I am particularly interested in item #2 "We will add about 15,000 sf to your property". Please let me know how we can move forward with this part of the agreement.

You suggested I send you an email concerning this matter.

Would appreciate your review and reply by return email,

John Grove  
57 Zoar Lane  
Shenandoah Junction, WV  
304-725-7305

-----  
This message has been scanned for Spam and Viruses by The JaBITCo Group, Inc.



# Buckeye Development, LLC

125 South Carroll Street, Suite 150

Frederick, Maryland 21701

Tel: (301) 696-0900

Fax: (301) 696-0529

October 5, 2001

John Grove

RE: Daniel's Forest MEMORANDUM OF AGREEMENT

Dear John;

We enjoyed meeting with you and look forward to possibly working with you on this project. Enclosed is a copy of the sketch plans for the revised portion of the site that we are proposing. This is based upon your support of the project.

We offer the following:

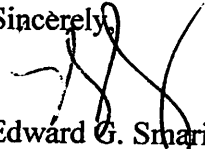
1. We will conduct a pre- and post-construction blasting survey and will monitor your home during blasting within 500 feet of your property.
2. We will add about 15,000 sf to your property.
3. We will be sensitive to the drainage problem on the east edge of your property.

4. *Extend walls to property line on south side of house.*

Please do not hesitate to call our office if you have any questions regarding this letter.

We thank you for your consideration and look forward to speaking with you.

Sincerely,

  
Edward G. Smariga  
Managing Member  
Buckeye Development LLC

AGREED

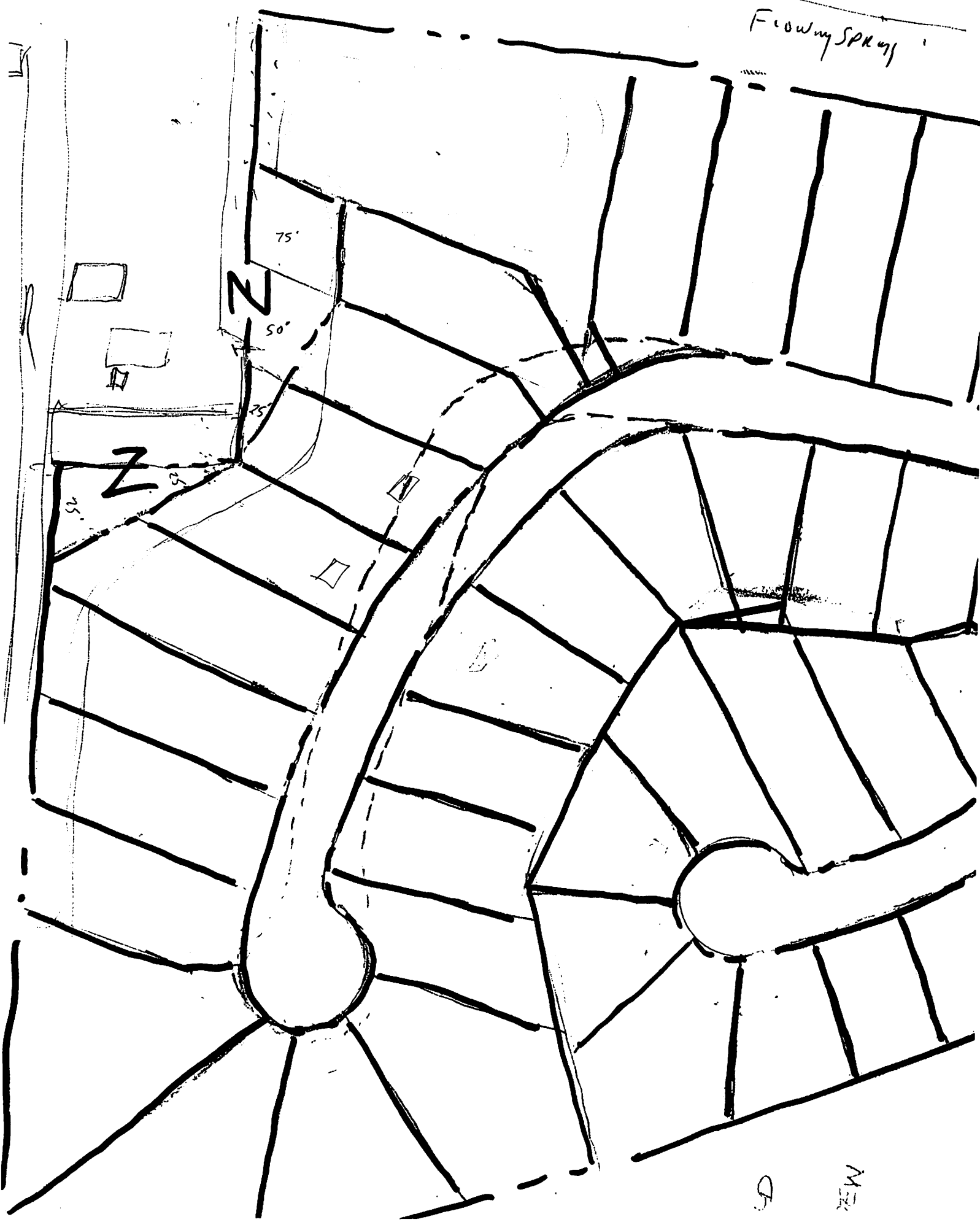
  
John Grove

date

*10/10/01*

*FSB*

Flowing Springs



SP  
NEW



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

File #: 25-24-PCW  
 Mtg Date: 9-9-25  
 Date Rec'd: 8-18-25  
 Fees Paid: 150  
 Staff Int: TAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: IG TONTOJI HOLDING, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: (703) 787-0426 Email: iktotonji@goldeneaglegroup.net

**Applicant Contact Information**

Applicant Name: GOLDEN EAGLE GROUP, INC. Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: 505 HUNTMAR PARK DR STE 245, HERNDON, VA 20170  
 Phone Number: (703) 787-0426 Email: iktotonji@goldeneaglegroup.net

**Consultant Information**

Name: BROOKE PERRY  
 Business Name: INTEGRITY FEDERAL SERVICES, INC.  
 Mailing Address: 148 S. QUEEN STREET, SUITE 201, MARTINSBURG, WV 25401  
 Phone Number: (304) 725-8456 Email: bperry@ifs-ae.com

**Physical Property Details**

Physical Address: FLOWING SPRINGS RD (Rt. 17) Vacant Lot:   
 Tax District: 2 Map No: 3 Parcel No: 9.4  
 Parcel Size: 31.48 Deed Book: 1192 Page No: 436  
 Zoning District: Residential Growth

**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 21.101.A. (Block Length): Allow block lengths longer than 6 lots.

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

Section 21.101.A. (Block Length): Allow block lengths longer than 6 lots.

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

SEE ATTACHED

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

Property Owner Signature

Date

8/18/25

Property Owner Signature

Date

**Notification Requirements**

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

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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

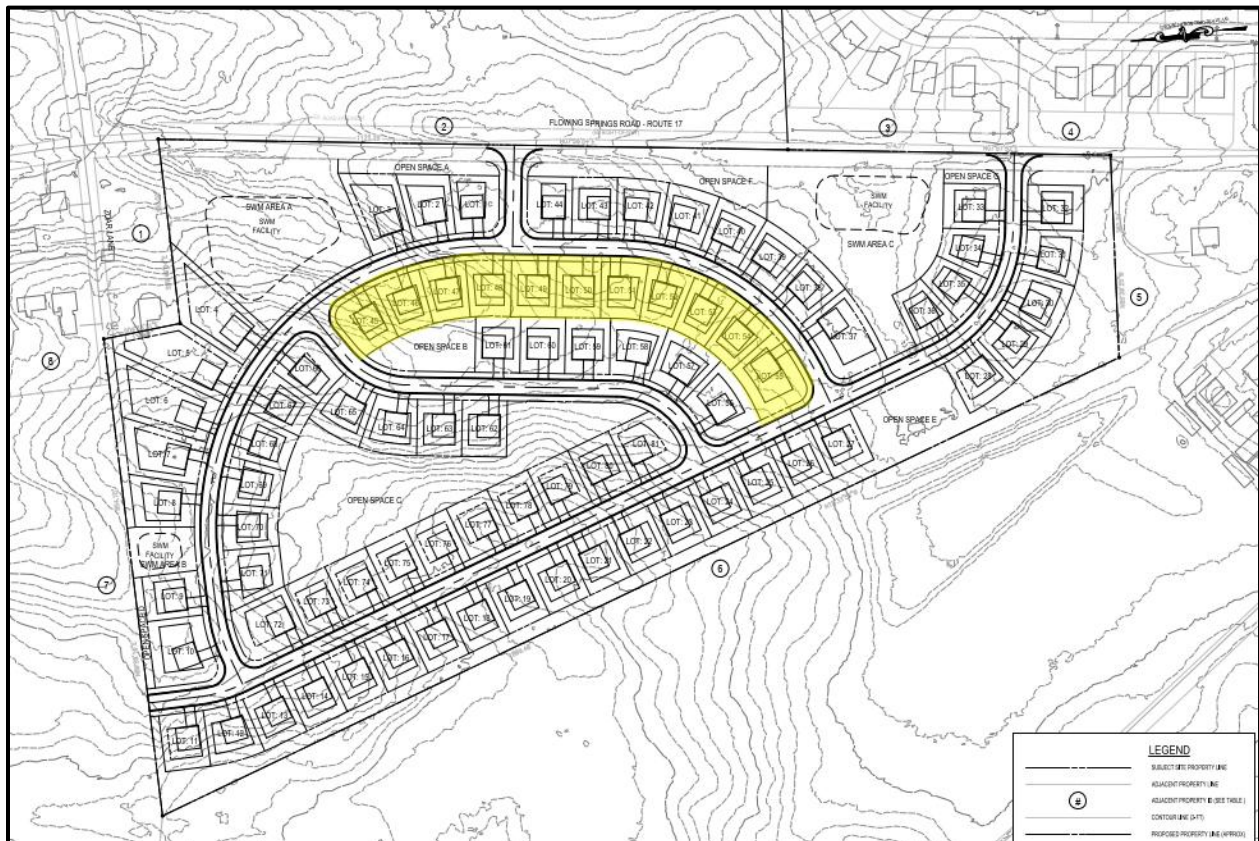
# Ghazwa's Forest Subdivision

## Waiver Request Addendum (Block Length)

August 18, 2025

### What Section of the Subdivision Regulations are you requesting to waive.

**Section 21.101.A. Block Length.** *The blocks shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for buildings of the type proposed, zoning requirements, fire access, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over ¾ acre in land area each.*



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

It is requested that blocks may include up to 11 lots on one (1) side of the street for single-family detached units in the indicated location. The Ordinance states that block length requirements are not applicable to lots located along the perimeter of the property or lots abutting open space. Block lengths shall only apply to blocks interior to the community. Blocks are defined as "An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots".

The waiver request affects 11 of the 81 total proposed lots in the Ghazwa's Forest Subdivision. Granting this waiver will allow a block length of 11 lots along the proposed internal subdivision road. This provides an increased open space area at Open Space B, and approximately 6,650 Square Feet less impervious surface by requiring one less internal subdivision road. No additional lots will be gained from this proposed waiver. The benefits seen are an increase in open space and less impervious surface, and therefore decreased stormwater runoff volumes as compared to the development of this subdivision without the granting of this waiver request.

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

The increased block length allows for flexibility in the design of the proposed community. A rigid block structure based on the number of lots as opposed to actual distances can create an excessive number of roads. The topographic consideration of the site necessitates more curvilinear streets, rather than a typical grid structure.

The proposed increased block length facilitates an increase to Open Space B and reduces the length of roadways by 250 linear feet. This reduces the overall right of way area by 12,500 S.F. This reduction in roadway leads to a reduction in imperviousness by approximately 6,650 S.F. This road right-of-way does not serve any additional benefit to the community, and its removal would result in a community of better character with more contiguous open space and less stormwater runoff.

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

The number of lots proposed in a block will not impact the public's health, safety or welfare nor will it impact adjacent property owners and/or residents' rights.

The Ordinance states that block lengths shall only apply to blocks interior to the community. This waiver request affects 11 of the total 81 proposed lots for this community. The affected lots do not share a property line with any adjacent property owners. These lots are surrounded entirely by internal subdivision right of way and other Ghazwa's Forest lots that are not subject to the waiver.

Public health, safety or welfare is not impacted by the number of lots provided within a single block. The Subdivision Ordinance states that *the length of a block shall be determined with due regard to the provision of adequate sites for buildings, fire access, emergency service, and polices protection.* Blocks located within a grid system provide interconnections within a community for these emergency responders and these interconnections are maintained in the design of the proposed subdivision. The lots will provide adequate sites for the proposed unit types and no modifications to the required building setbacks are being requested.

Adjacent uses to the Ghazwa's Forest Subdivision include Single-Family Residential, Flowing Springs Road (Rt. 17), Fellowship Bible Church, and vacant land. The proposed subdivision is compatible with the adjacent residential properties and provides an open space buffer along the church and vacant land. The design proposes an internal subdivision roadway that is respective of the topography of the site. Waivers

of the same nature have historically been approved for other recent subdivisions such as Stonecrest, located across Flowing Springs Road from the site, as well as Magnolia Springs, Kings Crossing, Birdhill Meadows, Route 340 mixed use, and Crosswinds.

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

The intent of the Ordinance is to control block length and provide more connectivity. The metric used by the Ordinance to control block length is number of lots. The variable in this method of measurement is that lot widths will vary and there is no maximum lot width requirement. Therefore, a block of six (6) two hundred (200) foot wide lots is the exact same length as a block of fifteen (15) eighty (80) foot wide lots.

As discussed in response to the public health & safety section of this document, proposed blocks will provide adequate building sites, fire access, emergency service, and police protection. The actual length of the block does not necessarily change, just the number of units allowed within that block. Granting this waiver will not provide any overall increase to the number of units proposed for the subdivision.

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

The proposed block structure and length allows for the protection of existing natural resources, reduces excessive streets/impervious areas and will create a community in harmony with surrounding neighborhoods. No waiver to the required lot widths or setbacks are proposed.

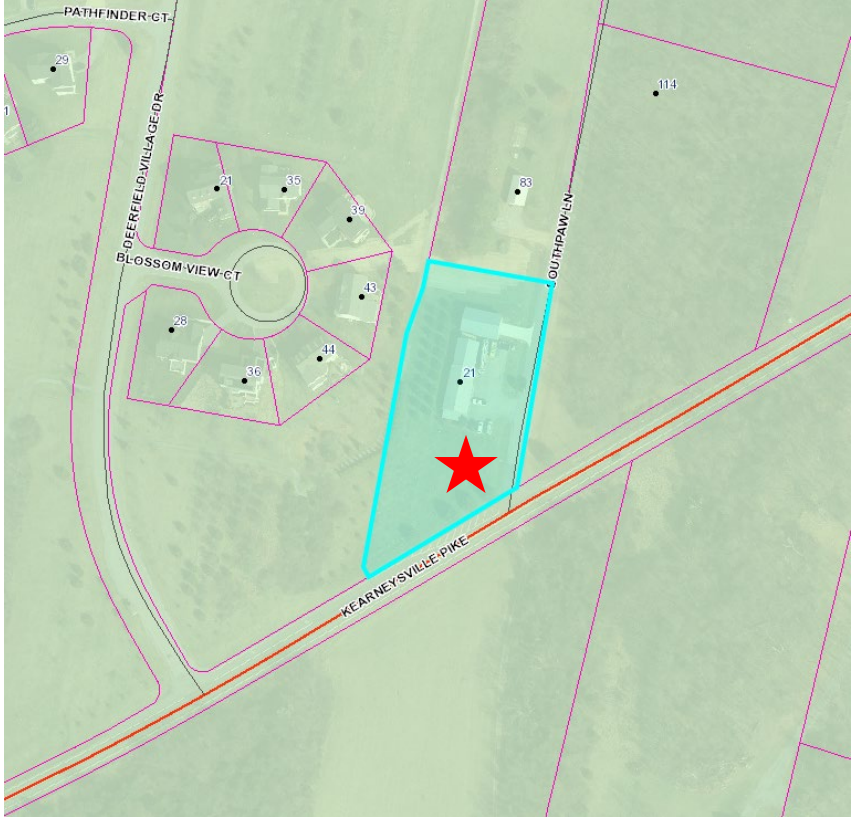
The proposed increased block length facilitates an increase to Open Space B and reduces the length of roadways by 250 linear feet. This reduction in roadway leads to a reduction in imperviousness by approximately 6,650 S.F. This road right-of-way does not serve any additional benefit to the community, and its removal will result in a community of better character with more contiguous open space and less stormwater runoff.



Staff Report  
 Jefferson County Planning Commission Meeting  
 September 9, 2025

**Executive Emergency Lighting Site Plan Waiver (File: 25-23-PCW)**

**Item #5:** Waiver request from Section 20.203B.1.a to increase the maximum footprint of an addition from 1200 square feet to 3180 square feet to allow a proposed expansion to process without a site plan.

Property Owner:	Executive Emergency Lighting LLC / Attn: Raymond Muth & Danny Thomas
Applicant:	Same as owner
Parcel Information & Zoning District:	<p style="text-align: center;">Wilmoth Construction Subdivision, Lot 1          21 Southpaw Lane, Shepherdstown, WV          Parcel ID: 09014BWAT10000; Size: 1.54 ac; Zoning District: Rural</p> 
Surrounding Zoning:	<i>North, South, East, West: Rural</i>
Proposed Activity	Addition to increase footprint of a privately owned business
Approvals:	<p>2024/10/24: BZA approved a Conditional Use Permit allowing for an expansion of an existing emergency vehicle outfitting and retrofitting professional office. (File #: 24-7-CUP)</p> <p>2022/01/27: BZA approves variance to waive a site plan. (22-4-ZV)</p> <p>2022/01/27: BZA approves CUP to expand an existing emergency vehicle outfitting and retrofitting professional office. The proposal consists of constructing a new 1,500 square foot building to house vehicles and a workshop for the outfitting work (File 22-1-CUP).</p> <p>2018/06/13: Staff reissues CUP to reflect Change in Use / New Tenant.</p>

Staff Report  
 Jefferson County Planning Commission Meeting  
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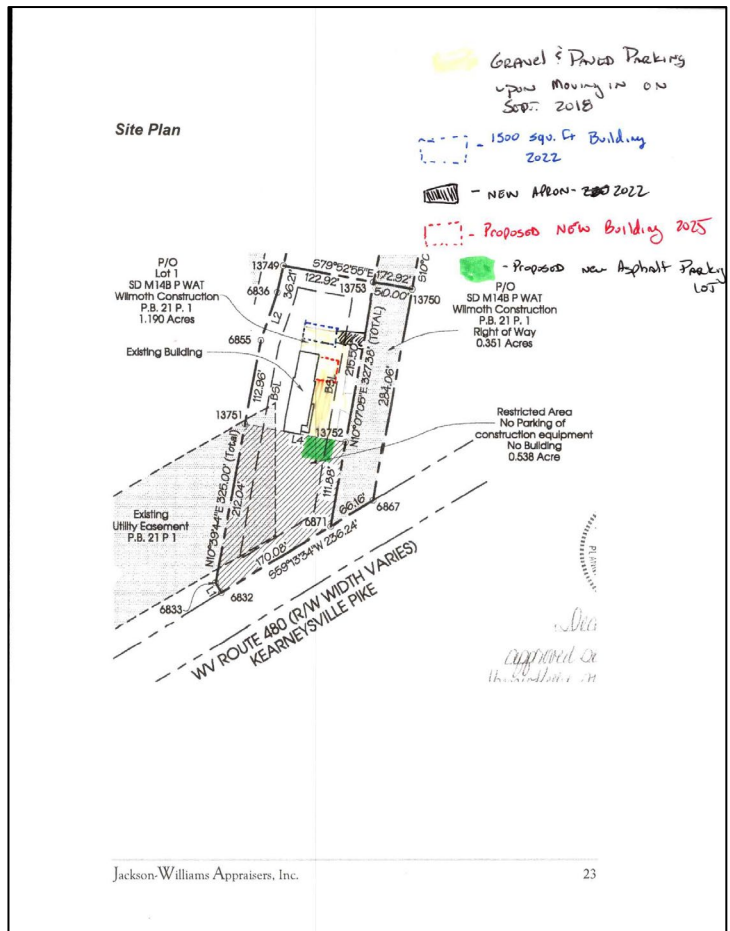
**Executive Emergency Lighting Site Plan Waiver (File: 25-23-PCW)**

	2017/02/01: Staff reissues CUP to reflect new Property Owner name. 2012/03/07: Wilmoth Construction Subdivision recorded in <a href="#">PB 24, PG 69</a> 2007/06/26: PC approved four variances related to the two-lot non-residential subdivision processing requirements. 2007/05/17: BZA approved CUP for a two-lot nonresidential subdivision (File: Z07-01) 2004/04/13: PC approved Deerfield Village Water and Wastewater Treatment Plant (File: S04-01) 2004/05/24: Deerfield Village subdivision plat recorded in <a href="#">PB 21 @ PG 1</a> 2003/06/10: PC approved variance request to allow Lot 1 to have direct access onto Route 480. 2003/03/11: PC approved CUP for a 48-lot single family residential subdivision (File: Z02-07)
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**Summary of Request**

The applicant is seeking to increase the maximum footprint of an addition from 1200 sq/ft to 3180 sq/ft of a proposed expansion to process without a site plan. During a preproposal conference in 2025, staff informed the applicant that a site plan would be required for the addition of impervious area for an improved expansion of the business. This information was further provided in a memo provided to the applicant.

The current parking lot is approximately 14,861 sq. feet and is along Southpaw Lane. The applicant is currently requesting to remove and relocate parking to allow for a 990 sq/ft expansion and to process under a “No Site Plan” criteria and establish a 35x20 asphalt parking lot to the south side of the development. A “Limited Site Plan” or “No Site Plan” are processed through administrative approval; as such, the applicant is seeking a waiver of site plan, which requires approval from the Planning Commission. The Applicant has stated they are prepared to meet the setbacks for this property but are also aware that if the standards cannot be complied with, a Zoning Variance application may be submitted for review by the Board of Zoning Appeals. The BZA previously granted a Conditional Use Permit for the expansion of this property, the applicant is now requesting processing as a “No Site Plan”



**Executive Emergency Lighting Site Plan Waiver (File: 25-23-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.”

**Staff Comments/Recommendation**

The applicant is proposing a 28’ by 35’ building for storage of vehicles out of the weather and 700 square feet asphalt pavement to move the parking back for a larger drive isle for larger vehicles. A zoning variance was granted allowing the applicant to increase the No Site Plan criteria of 1200 square feet to 1500 square feet of structure and an 1120 SF driveway. The approved site plan S04-01 only show the 2 existing maintenance building and none of the newer buildings. The approved site plan is the base document for the No Site Plan. Therefore, the applicant can apply for a No Site Plan criteria based from that document. What is physically existing but not shown on the site plan is a 1500 SF Structure and 1120 SF of driveway. The combined total for what is physically existing and what is

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**Executive Emergency Lighting Site Plan Waiver (File: 25-23-PCW)**

proposed not shown on the site plan is 2200 SF of structure and 1820 SF of disturbance. The applicant is meeting the disturbance criteria but is exceeding the structure requirement by 1000 SF.

As it applies to SWM, runoff from a roof or asphalt pavement is calculated in the same manor. If the applicant were to provide a Limit Site Plan, the SWM calculation would not change if the building was replaced by asphalt pavement. If asphalt pavement was proposed, the applicant would meet the No Site Plan criteria and a Limited Site Plan would not be needed.

Therefore, engineering would recommend approval if the applicant agrees to submit a No Site Plan sketch showing the improvement, and explaining the situation. If the waiver is approve, future development of the site allowable under the No Site Plan process is limited to 3180 SF of disturbance.

If Planning Commission is inclined to grant the waiver with conditions, staff would recommend that Planning Commission add as a condition of approval the following:

1. The Owner/Developer must process a Site Plan for any additional structures or expansion of parking on the site.
2. No outdoor storage of equipment, tools, or materials in the area adjacent to 480.
3. No further expansion of vehicular parking or building construction in the area adjacent to 480.

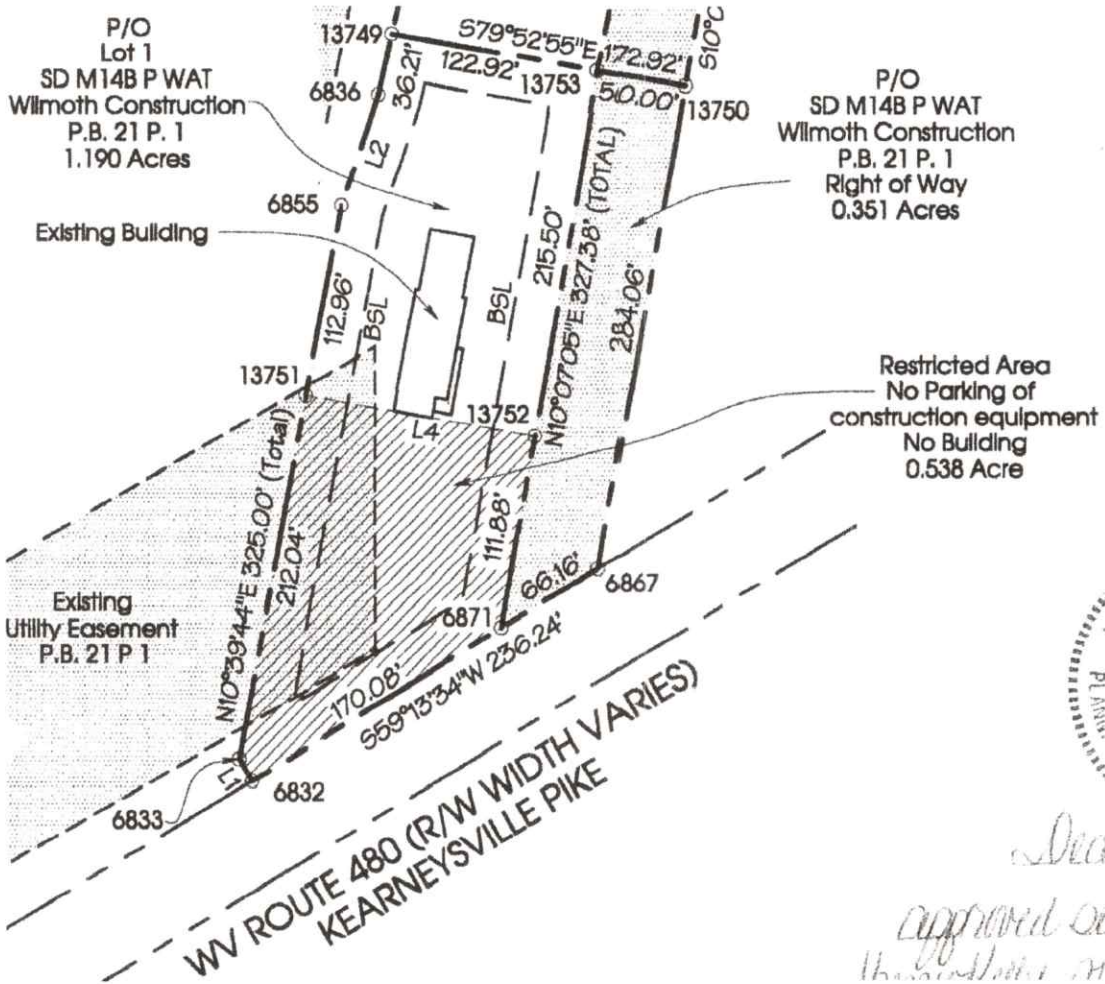
**Waiver Requirements**

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

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

**Site Plan**

*Original*



*Dea*  
*Approved on*  
*11/10/2011*

EXISTING  
GRAVEL AREA  
2018



Proposed New  
Building

EXISTING  
PARKING

Proposed Paving Area

Site Plan

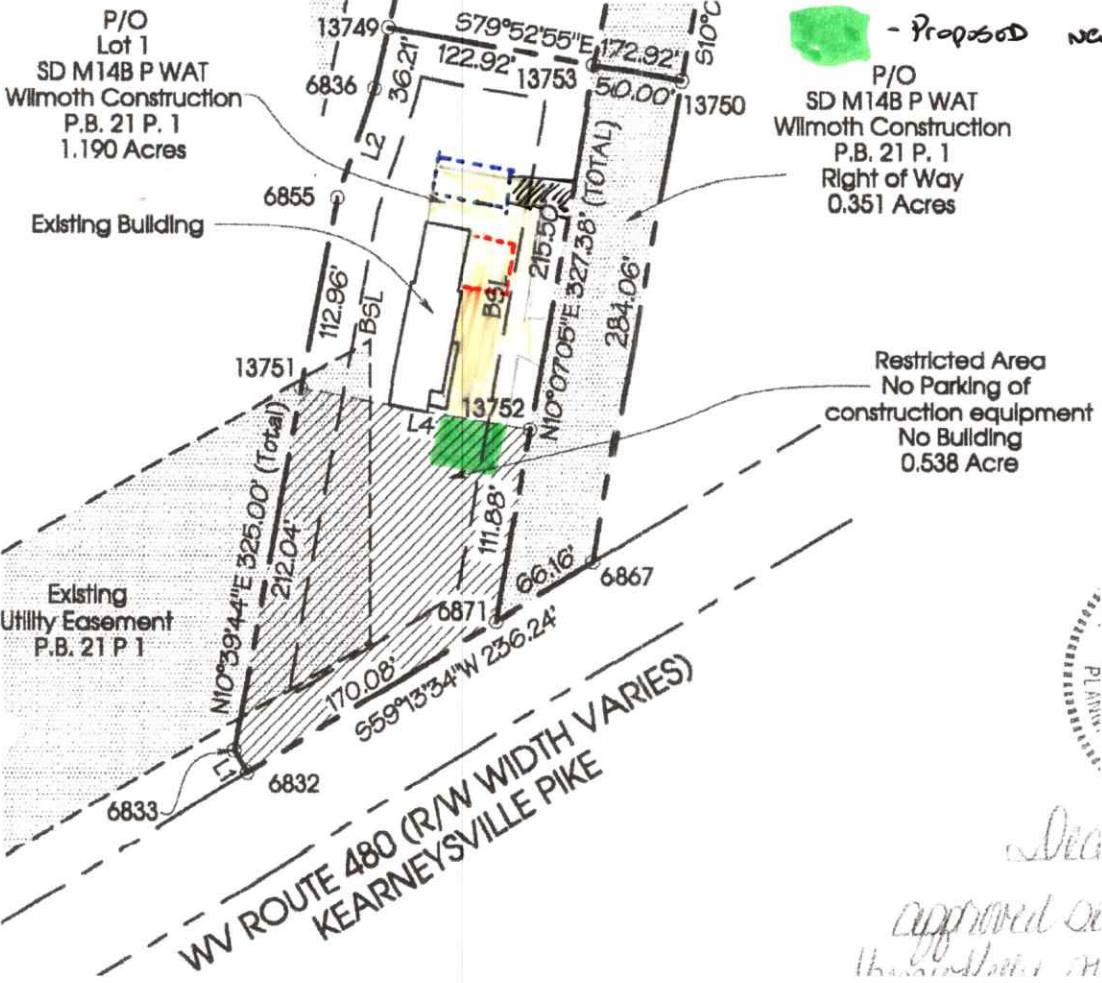
GRAVEL & PAVED PARKING  
UPON MOVING IN ON  
SEPT. 2018

1500 sq. ft Building  
2022

NEW APRON- 2022

Proposed New Building 2025

Proposed new Asphalt Parking  
Lot



Dec  
 approved on  
 the 10th day of 2018

Executive Emergency Lighting LLC

21 Southpaw Lane

Shepherdstown, WV 25443

304-870-4420

Site Plan Explanation

August 15, 2025

In September of 2018 we moved into the building @ 21 Southpaw Lane. This building was previously held by Wilmoth Construction. The parking area to the West of the Building was asphalt, and to the North an area of gravel parking approximately 35' x 60' existed.

In 2022, we built a larger building onto the existing gravel area to the North. The only portion of the building that not sit on existing gravel was an area 6' x 50'. An access ramp to the new building was added that was an area of 16'x32' not on the current gravel area. This new facility increased the square footage of area not on the original site by 812 sq. ft.

The 2025 proposed addition will sit entirely on the existing paved parking area. This will impact the non- disturbed soil zero percent. The proposed additional parking area to the South of the existing parking lot would be 35'x20'. This would add to the disturbed soil square footage by 700 sq. ft.

In total, the square footage of soil that has or will be built on that was not previously building, pavement or gravel prior to 2018 will be 1512 sq. ft total.

I have attached a drawing depicting all the previous and current proposed changes to the site.

Thank you,



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

File #: 25-23-PCW  
 Mtg Date: 9-9-25  
 Date Rec'd: 9-19-25  
 Fees Paid: 1150  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: Raymond Muth  
 Business Name: Executive Emergency Lighting  
 Mailing Address: 21 Southpaw Lane, Shepherdstown, WV 25443  
 Phone Number: 304-870-4420 Email: raymuth.eel@gmail.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: 21 Southpaw Lane, Shepherdstown, WV 25443 Vacant Lot:   
 Tax District: 09 Shepherdstown Map No: 14 B Parcel No: 09 14BWAT1000000  
 Parcel Size: 2.40 Deed Book: 1267 Page No: 303  
 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?**  
 Site plan waiver

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

We would like to build a 980 square foot building to increase our working space. This building is proposed to be built over the existing parking lot paved/gravel area already in existence when owned by Wilmoth Construction. The additional parking area of 720 sq. ft. will allow adequate parking to enable better flow in the parking lot area.

**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.**

A majority of our business is with the local emergency responder community. Allowing us to increase our working space, will enable us to work more efficiently on their vehicles and allow a faster turn around time. Thus getting the units back in service quicker. With the additional bay space, any vehicle that is here for work, will be inside, thus more secure.

**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 only additional land that will be disturbed will be for the additional parking. This will enable the employees and any vehicle dropped off for service be safely in the allotted parking areas on the property and not affect the travel lanes of 21 Southpaw in any ways.


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

The building and changes to original site plan area is less than 1600 sq. ft.

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

If the site plan waiver is granted. We will be able to proceed with the expansion and total upgrades to the facility. We will be modernizing the front of the building with stone to be less of garage look and fit in better with the surrounding sites. This is the final steps of our business model to provide and safe, clean and professional atmosphere.

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

8/2/25  
Date

Property Owner Signature

Date

**Notification Requirements**

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

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

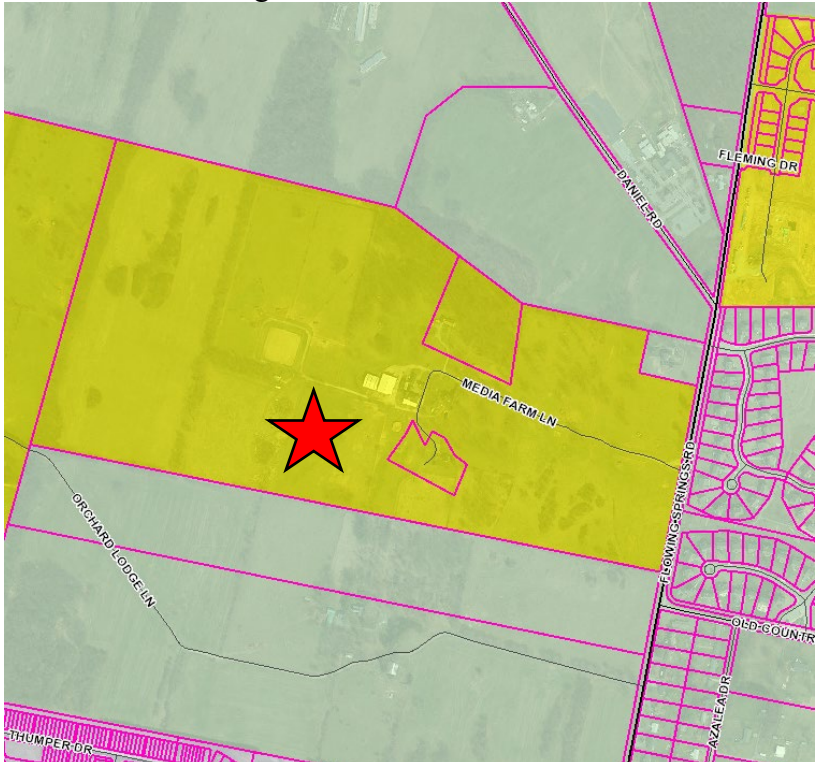
Date: \_\_\_ / \_\_\_ / \_\_\_

Staff Report  
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 September 9, 2025

**Media Farm Waiver Requests (File: 25-25-PCW, 25-26-PCW, 25-27-PCW)**

**Items #6, #7, and #8:**

- Nature of Request 1: Request by the applicant via the Amended Completeness Determination Policy Signed 2/27/25 and waiver from Section 24.113, Section 24.113G, and Section 24.113H of the Subdivision Regulations to allow for the Planning Commission to deem the Preliminary Plat of the proposed Media Farm Subdivision (25-5-SD) as essentially complete.
- Nature of Request 2: Waiver from Section 20.102B of the Subdivision Regulations to allow site grading to commence prior to site plan approval for the proposed Media Farm Subdivision (25-5-SD)
- Nature of Request 3: Waiver from Section 24.115C of the Subdivision Regulations to allow for the Final Plat of the proposed Media Farm Subdivision (25-5-SD) to process concurrently with the Preliminary Plat.

Property Owner:	Harvest Homes, LLC
Consultant:	P.J. Raco Consulting, LLC / Attn: Paul Raco
Parcel Information & Zoning District:	<p>261, 278, and 391 Media Farm Lane, Ranson; Size: ~126 acres;          Parcel ID: 02000400110000, 02000400130000, 02000400110001;          Zoning District: Residential Growth</p> 
Surrounding Zoning:	<i>North, South, and East: Rural; West: Residential Growth</i>
Proposed Activity	Single neighborhood access off Flowing Springs Road

Staff Report  
 Jefferson County Planning Commission Meeting  
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**Media Farm Waiver Requests (File: 25-25-PCW, 25-26-PCW, 25-27-PCW)**

History:	<p>04/10/1945: Lot created via <a href="#">DB 162 / PG 429</a></p> <p>02/22/2018: Lots sold to Media Farms Stable, LLC via <a href="#">DB 1201 / PG 626</a></p> <p>12/5/2024: Lots rezoned from Rural to Residential Growth</p> <p>03/25/2025: Planning Commission approved Concept Plan for proposed subdivision (25-5-SD)</p> <p>03/25/2025: Planning Commission approved Waiver from Section 2.3.A.3 of Appendix B of the Subdivision Regulations to allow for the use of a single entrance for the proposed subdivision (25-6-PCW)</p> <p>03/25/2025: Planning Commission approved Waiver from Section 2.2G of Appendix B and Section 22.206.B.2 of the Subdivision Regulations to allow a 99 lot installation to utilize two primary, disconnected, cul-de-sacs that allows for more than 24 lots to be served (25-7-PCW)</p>
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**Summary of the Request:**

Applicant is pursuing three waivers that will impact the processing and intake for the Media Farm Subdivision. The property is located east of Charles Town and Ranson along Route 340. A Concept Plan was originally approved in 2018 but the approval has since expired.

**Request # 1:** (File: 25-25-PCW) Request by the applicant via the Amended Completeness Determination Policy Signed 2/27/25 and waiver from Section 24.113, Section 24.113G, and Section 24.113H of the Subdivision Regulations to allow for the Planning Commission to deem the Preliminary Plat of the proposed Media Farm Subdivision (25-5-SD) as essentially complete.

**Request # 2:** (File: 25-26-PCW) Waiver from Section 20.102B of the Subdivision Regulations to allow site grading to commence prior to site plan approval for the proposed Media Farm Subdivision (25-5-SD).

**Request # 3:** (File: 25-27-PCW) Waiver from Section 24.115C of the Subdivision Regulations to allow for the Final Plat of the proposed Media Farm Subdivision (25-5-SD) to process concurrently with the Preliminary Plat.

**NOTE:** *These are three separate waivers that will require separate action by the Planning Commission but are included in the same staff report.*

**25-25-PCW Waiver Request #1 for Section 24.113, Section 24.113G, and Section 24.113H and request from the Amended Completeness Determination Policy (Completeness)**

**Summary of the Request:**

The applicant has submitted the Preliminary Plat for the Media Farms Major Subdivision. Staff has performed the first review and has provided comments on the submission for the applicant. The applicant has not resubmitted at this time. The Preliminary Plat was deemed “sufficient” on July 2, 2025. Staff has not deemed the application complete due to outstanding comments.

In accordance with Section 24.113 of the Subdivision Regulations and a policy passed by the Planning Commission on 6/13/23, the applicant has requested that the application be reviewed by the Planning Commission to determine if it is complete or essentially complete for the purpose of scheduling the

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**Media Farm Waiver Requests (File: 25-25-PCW, 25-26-PCW, 25-27-PCW)**

Preliminary Plat Public Hearing and approval by the Planning Commission. There are currently outstanding comments from staff that are noted below.

**Subdivision Requirements Related to Preliminary Plat Completeness**

Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

A. Submission. The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.

B. Submission Contents. The submission shall contain the following elements in the number of copies indicated.

1. Preliminary Plat. A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, Plan & Plat Standards.
2. Density Calculation and Site Resource Map. This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. General Location. A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. Preliminary Engineering Plans. An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. Preliminary Landscape Plans. A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
6. Transportation Impact Study. If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
7. Well and Septic Systems. Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. Feasibility of Water and Sewer Systems. Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for

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oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.

9. Special Engineering. Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. Historic Resource Preservation. A Phase I archaeological study is required. A historic resources impact study shall also be included.

11. Proposal Description. This shall be 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.

12. Stormwater Management Plan and Narrative. A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.

13. Identified Concerns. A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.

14. Names. Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.

15. Other Data. Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.

16. Other Agency Reviews. Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.

C. Review Content. The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.

D. Department Review. 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 preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.

E. WVDOH. The WVDOH approval is required prior to final Preliminary Plat approval by Staff.

F. Public Services. The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the

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proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.

- G. Recommended Conditions. All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. Approval. If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

**Staff Comments:**

The Subdivision Regulations require the review of the submitted application and plat and plans by the Department of Engineering, Planning and Zoning as well as the WVDOH and the relevant Public Utility Agency. The Department is required to determine whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues and/or variances that can be identified at the Preliminary Plat submission. The Department is also required to provide a written opinion as to whether the Preliminary Plat meets the site planning criteria specified in Articles 21 and 22 of the Subdivision Regulations and whether the Concept Plan was fulfilled.

This staff report serves as the staff's written determination that the Preliminary Plat is not complete at this time, as required by the Subdivision Regulations.

**Outstanding Staff Comments for Review #1 (Applicant has not submitted for a second review):**

If Planning Commission is inclined to deem the application complete or essentially complete, staff would recommend that the staff comments returned to the applicant for the first review of the application be resolved prior to stamping the Preliminary Plat as approved as a condition of a completeness determination. A list of the unresolved comments can be found below:

1. Update the vicinity map to provide a missing road name.
2. Provide the utility provider letters for Water and Sewer to demonstrate that appropriate agreements between the Public Service District and the developer are in place.
3. Note on the plat or plan the West Virginia Department of Environmental Protection (DEP) permit numbers for all DEP approvals required for the project.
4. Provide the location and elevation of benchmarks used in the survey of the existing conditions.
5. Show adjoining road pavement widths and route numbers for the existing conditions.
6. Identify the DEQ mentioned on page 8.
7. Provide details for the mountable berm on page 15.
8. Update the minimum flare radius to the required 30' for the Preliminary Plat.
9. Update the minimum SSD to the required 175' for the road plan.
10. Update all slopes under 1.5% to have the required 2' flat bottom ditch line for the road plan.

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11. State the section of roadway that applies for the road details.
12. State depth of ditch line for the road details.
13. Provide a list of driveway culverts, the culverts must meet the required minimum size of 15".
14. Provide dimensions of outlet protection to ensure roadway culvert pipes and storm drain outfalls have outfall protection designed in accordance with the stormwater management regulations.
15. Provide grass swale detail for water quality; the provided spreadsheet includes grass swale but not infiltration.
16. Provide testing from the WVSWM&DGM Appendix B (Infiltration and Soil Testing), IN-6.1 (Karst Terrain), and IN-3 (Feasibility Criteria and Design Considerations - Contributing Drainage Area). Note: last project to perform testing failed. In the event testing were to fail, infiltration would not be allowed and a new SWM design will be needed.
17. Provide details on the active components of the open space.
18. Clarify how Common Space B is accessed.

**Planning Commission Action Required**

Section 23.202 of the Subdivision Regulations states that a developer may request that Planning Commission review a Preliminary Plat for completion even if the Department determines that the application is not complete. Additionally, the Planning Commission has traditionally reviewed an application for Completeness prior to June 13, 2023 when the completion determination was delegated to staff. Per Sec. 24.113 Major Subdivision Preliminary Plat - Application Submission and Completeness Review.

Section 24.113(H) further directs the Planning Commission review of Preliminary Plat and states that if the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

Upon deeming the application complete, the Planning Commission shall schedule a Public Hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat within 45 days. The Commission's next regular meeting on October 14, 2025 will satisfy this requirement and notice has been posted to meet the 21-day notice requirement, provided the Planning Commission agrees to this date.

The Planning Commission must vote to accept or deny the application as complete (see below).

- I. Effect. After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, Major Subdivision Preliminary Plat - Public Hearing. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

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The completeness review is a separate step from the Public Hearing process, if Planning Commission finds the application complete; a Public Hearing will be scheduled within the next 45 days following public notice for the Preliminary Plat to receive public comments.

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**25-26-PCW Waiver Request #2 for Section 20.102B (Early Grading)**

**Summary of the Request:**

The subject property, located along Flowing Springs Rd, has a pending Preliminary Plat for a Major Subdivision. Grading cannot begin until the Final Plat is approved.

As a Major Subdivision, the proposed subdivision must process a Concept Plan, Preliminary Plat, and Final Plat. The required Concept Plan was presented on March 25, 2025 to the Planning Commission along with a waiver of entrance requirements and cul-de-sac service. The applicant has requested that Planning Commission review the Preliminary Plat to be deemed complete. This request is for Planning Commission consideration as part of this meeting. There are outstanding staff comments for the Preliminary Plat.

This request is to permit the applicant to be permitted to begin early grading following posting of the bond and Preliminary Plat approval but prior to the final approval of the Final Plat.

**Subdivision Regulation Requirements:**

Section 20.102B of the Subdivision Regulations requires that before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan. This request is to waive this requirement and to allow the grading to be initiated after the bond is posted and the Preliminary Plat is approved, but prior to the administrative approval of the Final Plat.

**Staff Comments/Recommendation:**

Many jurisdictions allow separate grading permits provided that the Erosion and Sediment Control ESC plan are approved by the County and bonded. These plans will receive such approval for all Erosion and Sediment Control measures and will be inspected by the County prior to site earthwork. There will be minimal earth work for the ESC installation. The Jefferson County Planning Commission has allowed early grading plans in the past.

The applicant has indicated that allowing this project to begin grading prior to final approval of the Final Plat will be helpful in allowing the project timeline goals to be achieved.

Staff recommends approval of the waiver request with the following conditions:

- a. A grading permit is issued to allow the owner to perform site grading in preparation for the roadway and other earth work improvements. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading permit and a NPDES permit is obtained; and

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- b. The Owner/Developer assumes all risk for “jump-starting” the project and understands that the final Preliminary Plat design approved by the Planning Commission might necessitate some changes and additional construction cost; and
- c. Provide bonding of all proposed site improvements related to sediment and erosion control/SWM pertaining to the permit.

Please be aware that if the county were to call in the bond, the site will only be stabilized (vegetation growth established for the site) and NOT brought back to original site conditions.

**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.

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**25-27-PCW Waiver Request #3 for Section 24.115C (Final Plat Processing)**

**Summary of the Request:**

The applicant is requesting a waiver of Section 24.115C to allow the Final Plat to begin processing prior to approval or conditional approval of the Preliminary Plat. Final Plat review and approval is performed administratively by staff.

**Sec. 24.115 Major Subdivision Preliminary Plat – Approval<sup>6</sup>**

C. Effect. The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

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Section 24.116 Major Subdivision Final Plat - Application - Submission and Completeness Review<sup>4 & 6</sup>

The submission of a final recordable plat, bonding estimate, and application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. Approval of the Final Plat shall be administrative, pursuant to Section 24.116E.

**Waiver Requirements:**

The applicant has provided a 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 Comments:**

In Sec. 24.115.C, the subdivision regulations allow the applicant to proceed to prepare a final plat, final engineering, and final landscape plan following approval (with or without conditions) of the Preliminary Plat. By having the Final Plat follow approval of the Preliminary Plat it allows public comment at the public hearing to be given, proffers to be accepted, and avoid duplication of work during review of the project.

**Staff Recommendation:**

Planning and Zoning staff recommends that waiver 25-27-PCW be denied. Staff must conclude a sufficiency review within 10 days of submission and a completeness review within 45 days of submission. This review requires staff to find if the Final Plat is consistent with the approved Preliminary Plat or has met the conditions of the conditionally approved Preliminary Plat. In the event that the Preliminary Plat is modified during this time period, a Final Plat may need to be modified and this would not restart the 45 day review period. The current Preliminary Plat application has outstanding staff comments including missing permits.

Should this waiver be granted and a Final Plat is submitted, staff may not have a Preliminary Plat to review consistency with. Additionally, Staff can only approve a Final Plat if it is consistent with all

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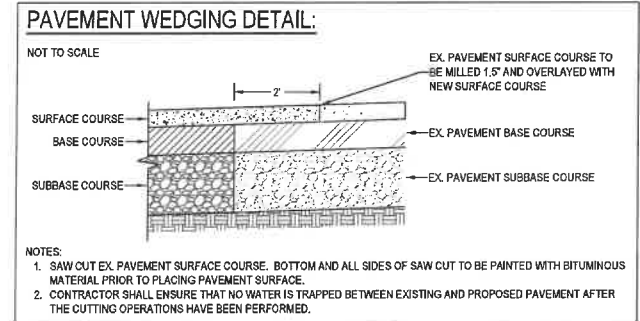
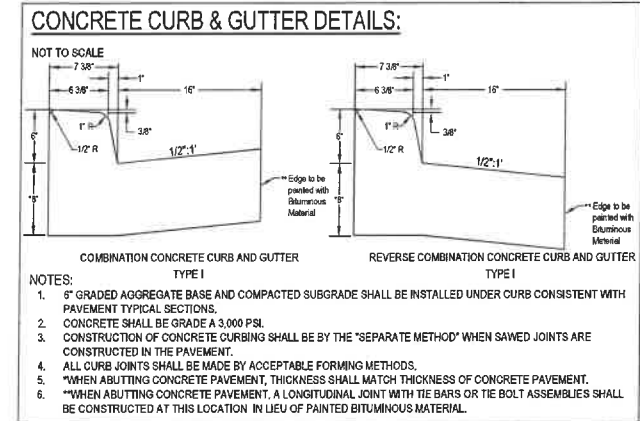
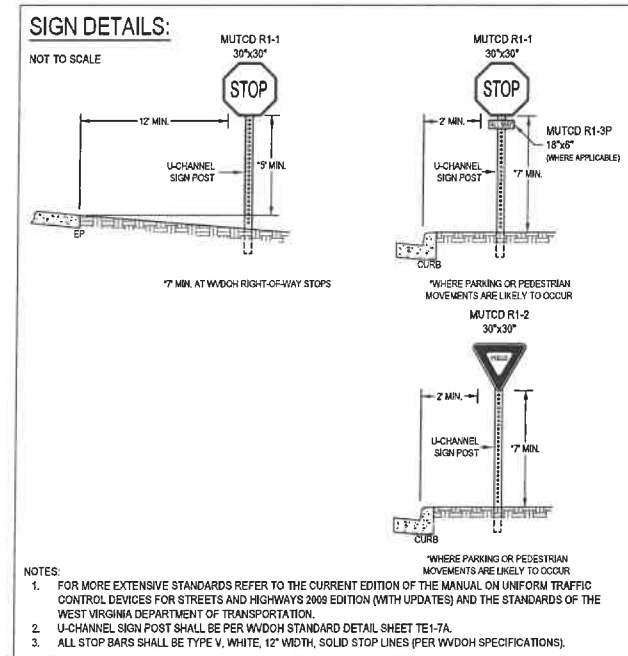
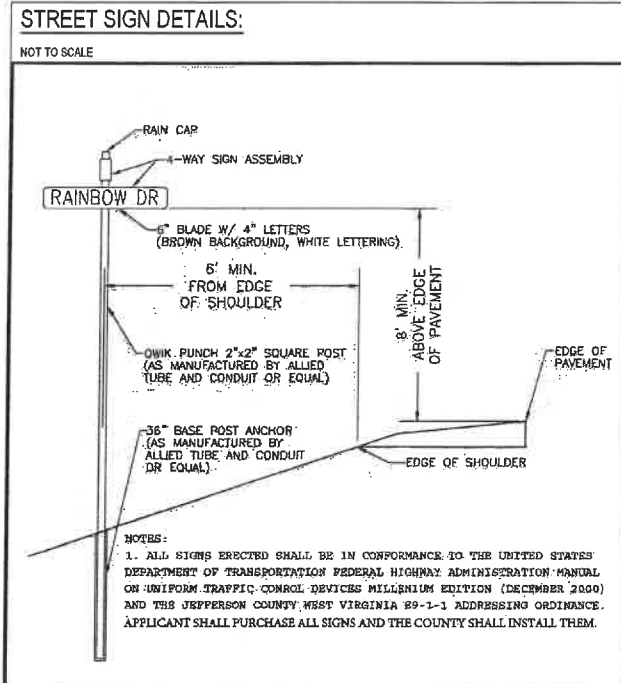
other requirements of the Subdivision Regulations and the Zoning Ordinance. In the event that outside agency approvals are not completed within the 45 day completeness review, the application will sit incomplete and unable to proceed until these requirements are filled.

If Planning Commission is inclined to grant the waiver with conditions, staff would recommend that Planning Commission add as a condition of approval the following:

1. Owner/Developer accepts all risks for beginning processing prior to approval of the Preliminary Plat and understands that the final Preliminary Plat design approved by the Planning Commission might necessitate some changes and additional construction cost.
2. Owner/Developer waives the 45 day completeness review of the Final Plat.







### SELECT ROAD PAVEMENT SECTIONS FROM DETAIL R-05B AS FOLLOWS:

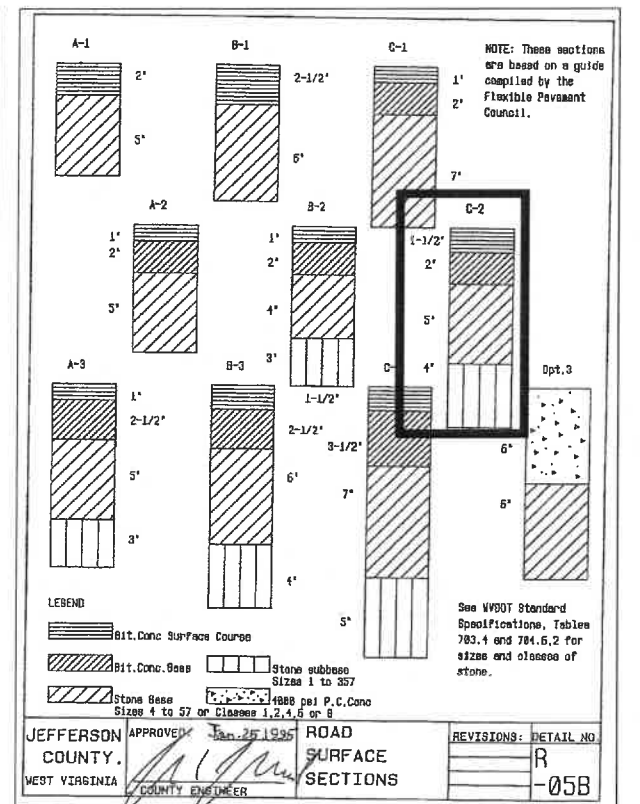
1. Check Soils Survey to determine soils series of soil to be used in the subgrade.
2. Determine the Subgrade Support Class of the soils series from the table below.

SUBGRADE SUPPORT CLASS	SOILS SERIES
A (good - excellent)	Berke and rock land and Vesikert when Vesikert when shale content is high (4% or greater retained on the No. 4 screen).
B (medium)	Ashlan, Berke, Blairton, Breddock, Dakab, Edgemont, Huntington, Laidig, Landes, Lindside, Melvin, Monogahela, and Vesikert, and Frankston when shale content is medium to high.
C (poor)	Benevola, Chilhowie, Clifton, Guffield, Frankston, Fedrick, Hogerstown, Opagon

3. Select the appropriate road section based on the proposed use of the pavement and the Subgrade Support Class.

USE	ROAD SECTION
Residential driveways and small parking lots with 50 stalls or less and no trucks	A-1, B-1, C-1
Subdivision roads and large parking lots	A-2, B-2, C-2
State road widening, industrial parking lots, and truck driveways	A-3, B-3, C-3

JEFFERSON COUNTY, WEST VIRGINIA APPROVED: Jan 25, 1995 COUNTY ENGINEER SURFACE SECTION SELECTION REVISIONS: DETAIL NO. R -05A



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REVISIONS

GENERAL DETAILS

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1; (D.B. 1330; P.G. 743); PARCEL 19 (D.B. 1331; PG. 1)

CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ. VERT.:

DATE: MAY 2025

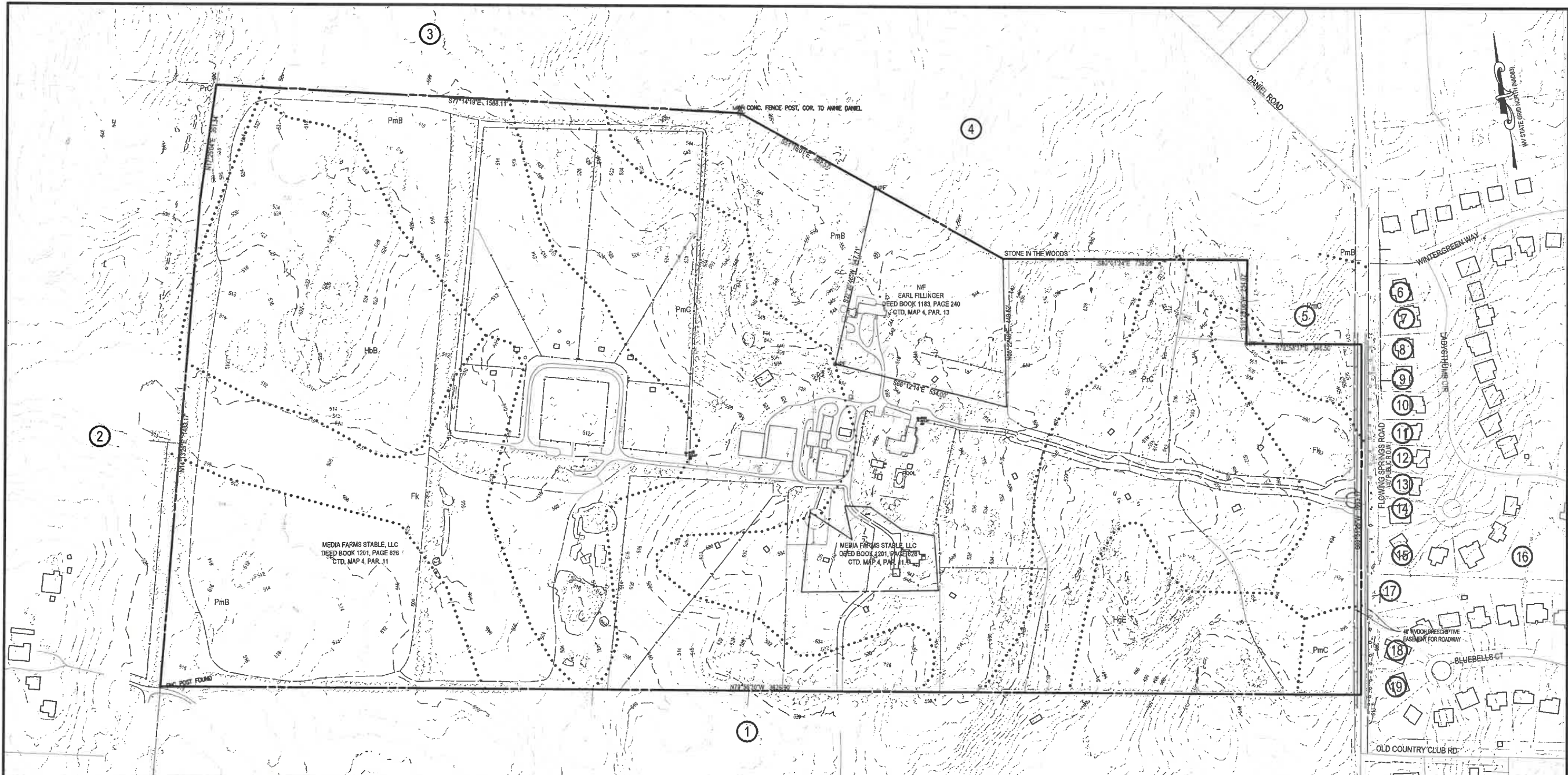
JOB: 5100-0101

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CADD: C-GI-501.DWG

NCS:

SHEET: 3 OF 75



ADJACENT PROPERTY OWNERS									
ID	NAME	ADDRESS	CITY	STATE	ZIP	PARCEL ID	DEED BOOK/PAGE	USE	ZONING
1	MCDONALD ANGUS W ET AL	220 ORCHARD LODGE LN	CHARLES TOWN	WV	25414	02 4001400000000	1321736	ACTIVE FARM	RURAL
2	MCDONALD ANGUS W - TR	220 ORCHARD LODGE LN	CHARLES TOWN	WV	25414	02 4001000000000	11311629	ACTIVE FARM	RESIDENTIAL GROWTH
3	DANIEL, JILL & SCOTT W & FRANCIS W III-TRS	281 MEDIA FARM LN	RANSON	WV	25438	02 4001100000000	12011626	ACTIVE FARM	RURAL
4	MCDONALD ANGUS W ET AL	220 ORCHARD LODGE LN	CHARLES TOWN	WV	25414	02 4001200000000	1321736	ACTIVE FARM	RURAL
5	BROUGHMAN JONATHAN A & ARIANA	2587 FLOWING SPRINGS RD	RANSON	WV	25438	02 4001100020000	12423549	RESIDENTIAL	RURAL
6	MARCOS ROLANDO J & BRENDA L BONANO	20 LADYSTHUMB CIR	CHARLES TOWN	WV	25414	02 4G0023000000000	1251222	RESIDENTIAL	RURAL
7	MISSIMER JASON L & CRYSTAL	28 LADYSTHUMB CIR	CHARLES TOWN	WV	25414	02 4G0024000000000	1273127	RESIDENTIAL	RURAL
8	KESSEL ADRIAN B & NICOLE A	60 LADYSTHUMB CIR	CHARLES TOWN	WV	25414	02 4G0025000000000	123457	RESIDENTIAL	RURAL
9	NEMETHY ADAM J & YUKIE U	64 LADYSTHUMB CIR	CHARLES TOWN	WV	25414	02 4G0026000000000	1250127	RESIDENTIAL	RURAL
10	YATES CHERYL D	88 LADYS THUMB CIR	CHARLES TOWN	WV	25414	02 4G0027000000000	1235267	RESIDENTIAL	RURAL
11	KRICHTEN GARRICK C & KELLY A KUZAS	100 LADYSTHUMB CIR	CHARLES TOWN	WV	25414	02 4G0028000000000	1249366	RESIDENTIAL	RURAL
12	THOMPSON CHAD W & JENNIFER R	112 LADYS THUMB CIR	CHARLES TOWN	WV	25414	02 4G0029000000000	1292283	RESIDENTIAL	RURAL
13	FOLEY COREY & WAYNE CAMPBELL JR	10 CHALICEFLOWER CT	CHARLES TOWN	WV	25414	02 4G0030000000000	1243490	RESIDENTIAL	RURAL
14	FRANKLIN TRAVIS M & MARIA R	32 CHALICEFLOWER CT	CHARLES TOWN	WV	25414	02 4G0031000000000	124548	RESIDENTIAL	RURAL
15	GERSTEIN JUAN C V	36 CHALICEFLOWER CT	CHARLES TOWN	WV	25414	02 4G0032000000000	1253195	RESIDENTIAL	RURAL
16	RODERICK PLANES LLC	0 PO BOX 777	FREDERICK	MD	21705	2 4G0SWN200000000	952565	OPEN SPACE	RURAL
17	ASPEN GREENS PROPERTY OWNERS ASSOCIATION INC	256 HIGH ST	MORGANTOWN	WV	26505	2 4G0SWM000000000	12768	OPEN SPACE	RURAL
18	EICHELMAN ROBERT J JR & SHARON S	122 BLUEBELLS CT	CHARLES TOWN	WV	25414	02 4G0009000000000	1217690	RESIDENTIAL	RURAL
19	CANADAY JEREMIE M & STARSHA M	126 BLUEBELLS CT	CHARLES TOWN	WV	25414	02 4G0008000000000	1245470	RESIDENTIAL	RURAL

**LEGEND**

- SUBJECT SITE PROPERTY LINE
- MAJOR CONTOUR (10-FT)
- - - MINOR CONTOUR (2-FT)
- - - CONTOUR LINE (2-FT GIS)
- SOIL TYPE

GRAPHICAL SCALE: 1"=150'

150 75 0 150 300 450

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NO.	REVISIONS

EXISTING CONDITIONS

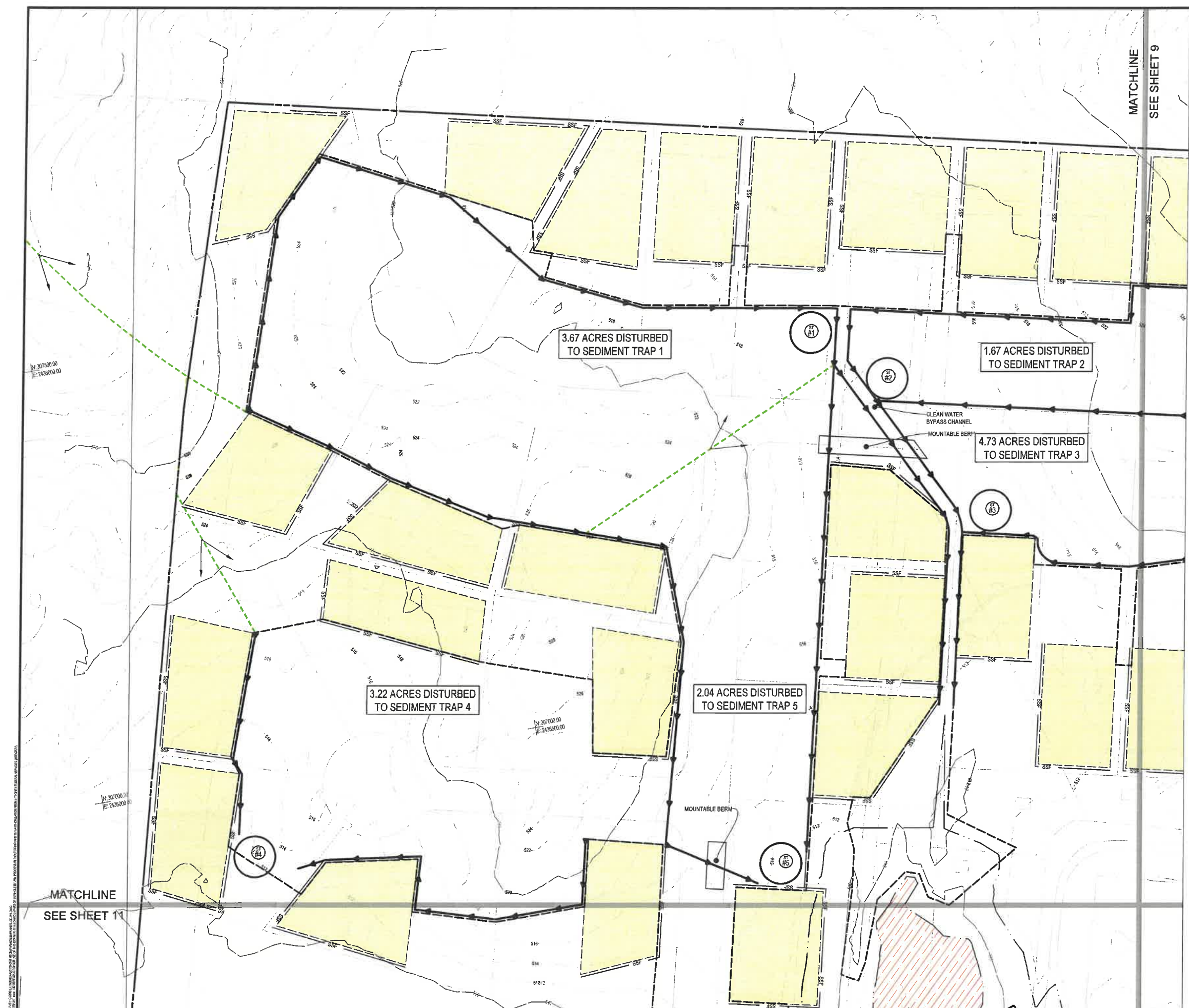
**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=150'
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SHEET:	5 OF 75



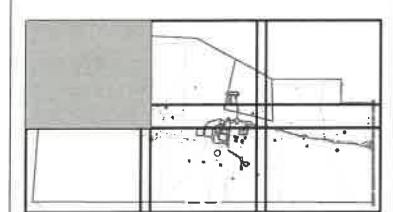




**EROSION & SEDIMENT CONTROL LEGEND**

KEY	SYMBOL	DESCRIPTION
CE	[Symbol]	TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
SSF	[Symbol]	SUPER SILT FENCE
DD	[Symbol]	TEMPORARY DIVERSION DIKE
ST #1	[Symbol]	TEMPORARY SEDIMENT TRAP
ST #2	[Symbol]	TEMPORARY SEDIMENT TRAP
ST #3	[Symbol]	TEMPORARY SEDIMENT TRAP
PS	[Symbol]	PERMANENT SEEDING
	[Symbol]	DRAINAGE DIVIDE
	[Symbol]	LIMITS OF CONSTRUCTION TOTAL = 91.19 ACRES
	[Symbol]	SEPTIC FIELD, INCLUDED IN LOD FOR DEQ PERMITTING AND E&S CONTROL; BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.55 ACRES
	[Symbol]	FUTURE INFILTRATION ZONE

KEY MAP  
(NOT TO SCALE)



MATCHLINE  
SEE SHEET 9

MATCHLINE  
SEE SHEET 11

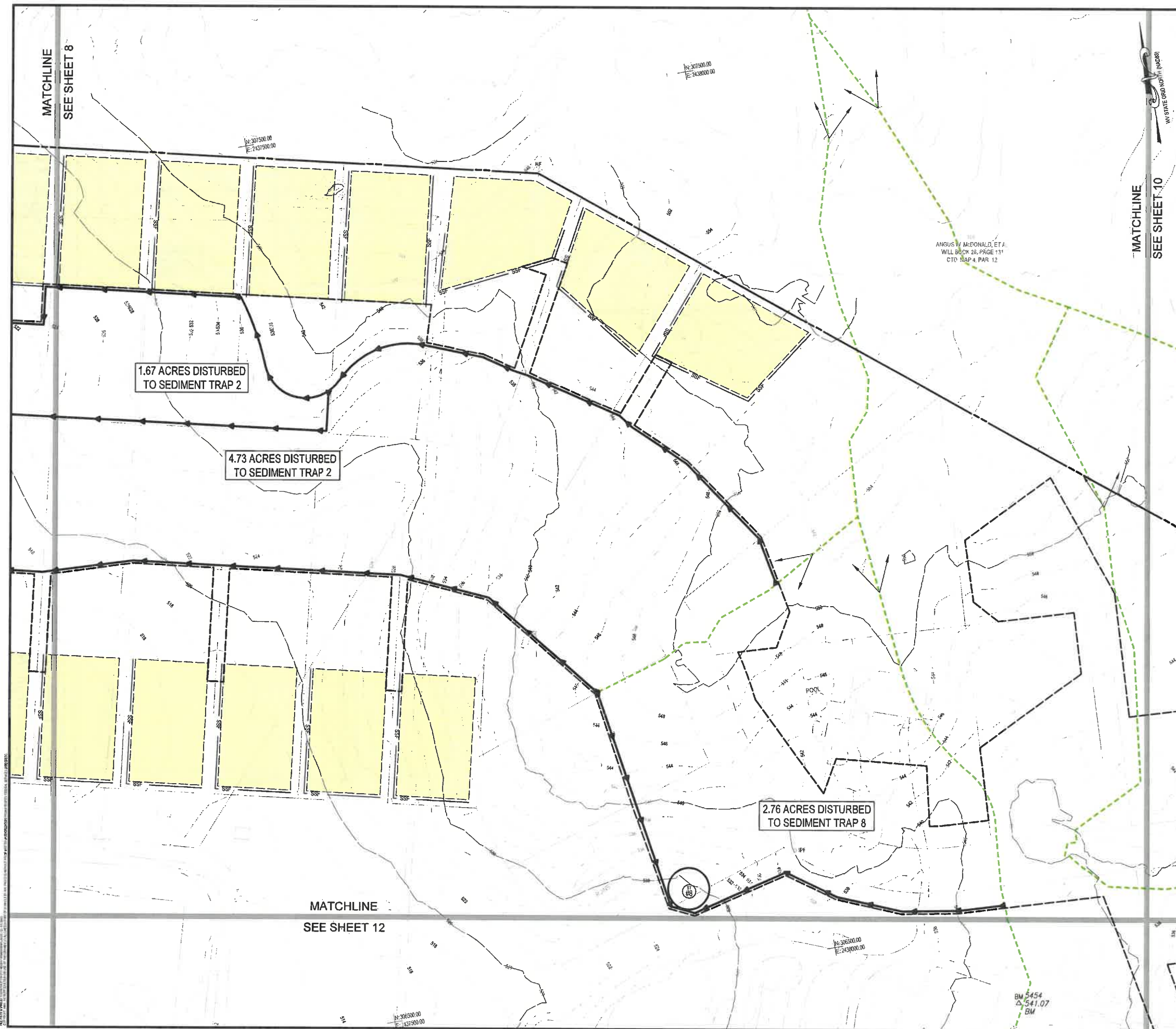
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REVISIONS

EROSION & SEDIMENT CONTROL PLAN - PHASE 1  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ:  
 VERT:  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPC  
 CADD: C-GC-101.DWG  
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**8 OF 75**



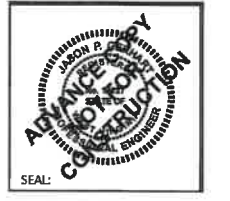
**EROSION & SEDIMENT CONTROL LEGEND**

KEY	SYMBOL	DESCRIPTION
CE		TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
SSF		SUPER SILT FENCE
DD		TEMPORARY DIVERSION DIKE
ST #1		TEMPORARY SEDIMENT TRAP
ST #2		TEMPORARY SEDIMENT BASIN
PS		PERMANENT SEEDING
		DRAINAGE DIVIDE
		LIMITS OF CONSTRUCTION TOTAL = 91.19 ACRES
		SEPTIC FIELD, INCLUDED IN LOD FOR DEQ PERMITTING AND EAS CONTROL, BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.95 ACRES
		FUTURE INFILTRATION ZONE

**KEY MAP**  
(NOT TO SCALE)



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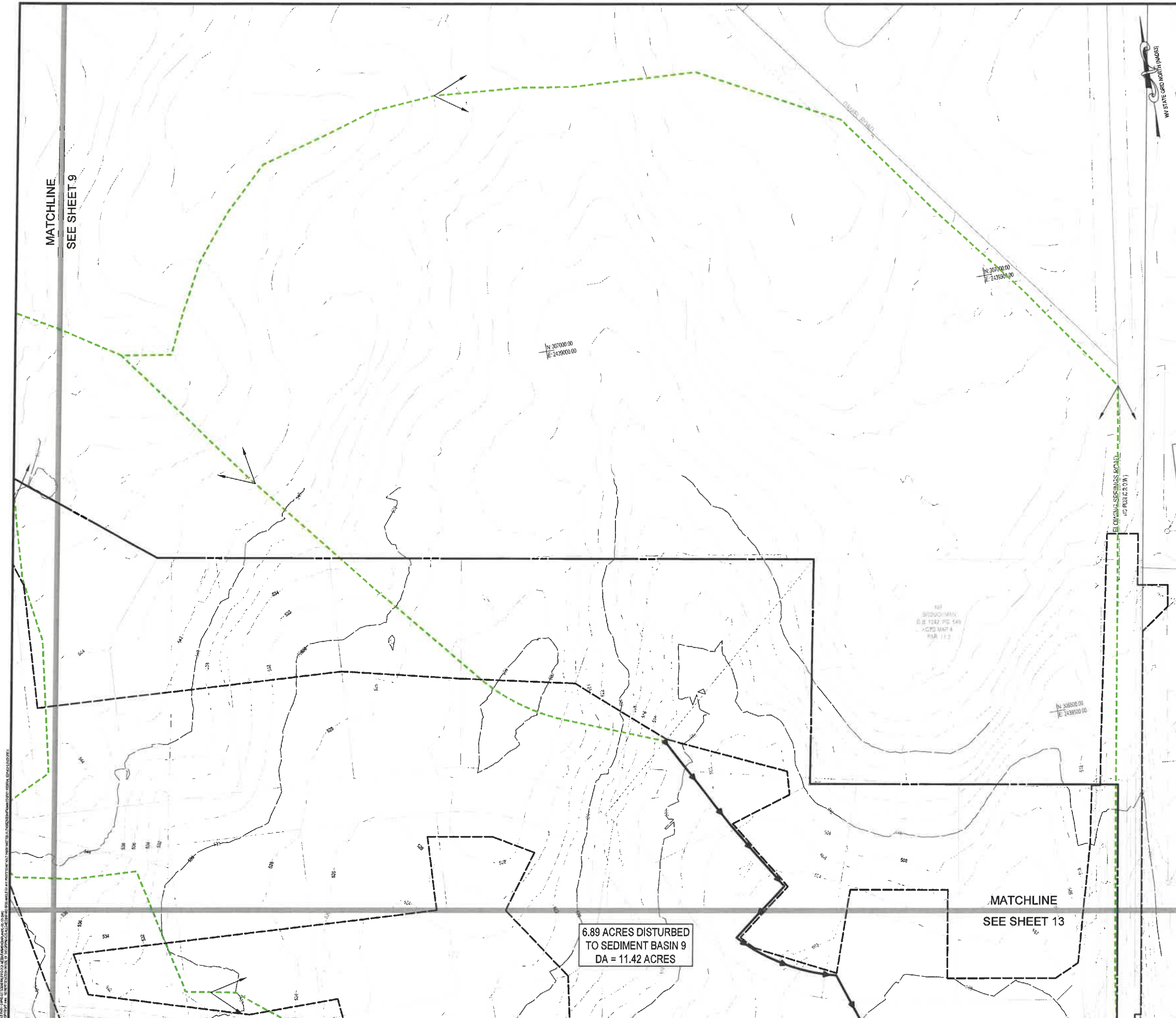


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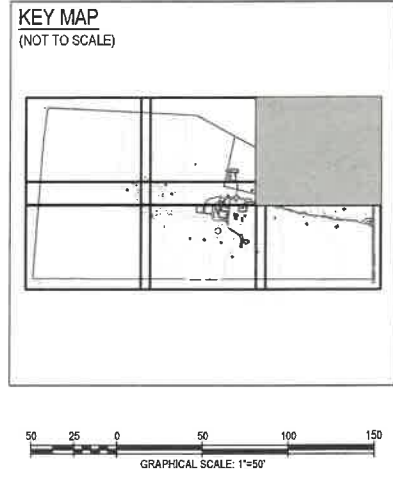
NO.	DATE	DESCRIPTION

EROSION & SEDIMENT CONTROL PLAN - PHASE 1  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.C. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE: MAY 2025	
JOB: 5100-0101	
DRAWN: JCH	CHECK: JPG
CADD: C-GC-101.DWG	
NCS:	
SHEET:	
9 OF 75	



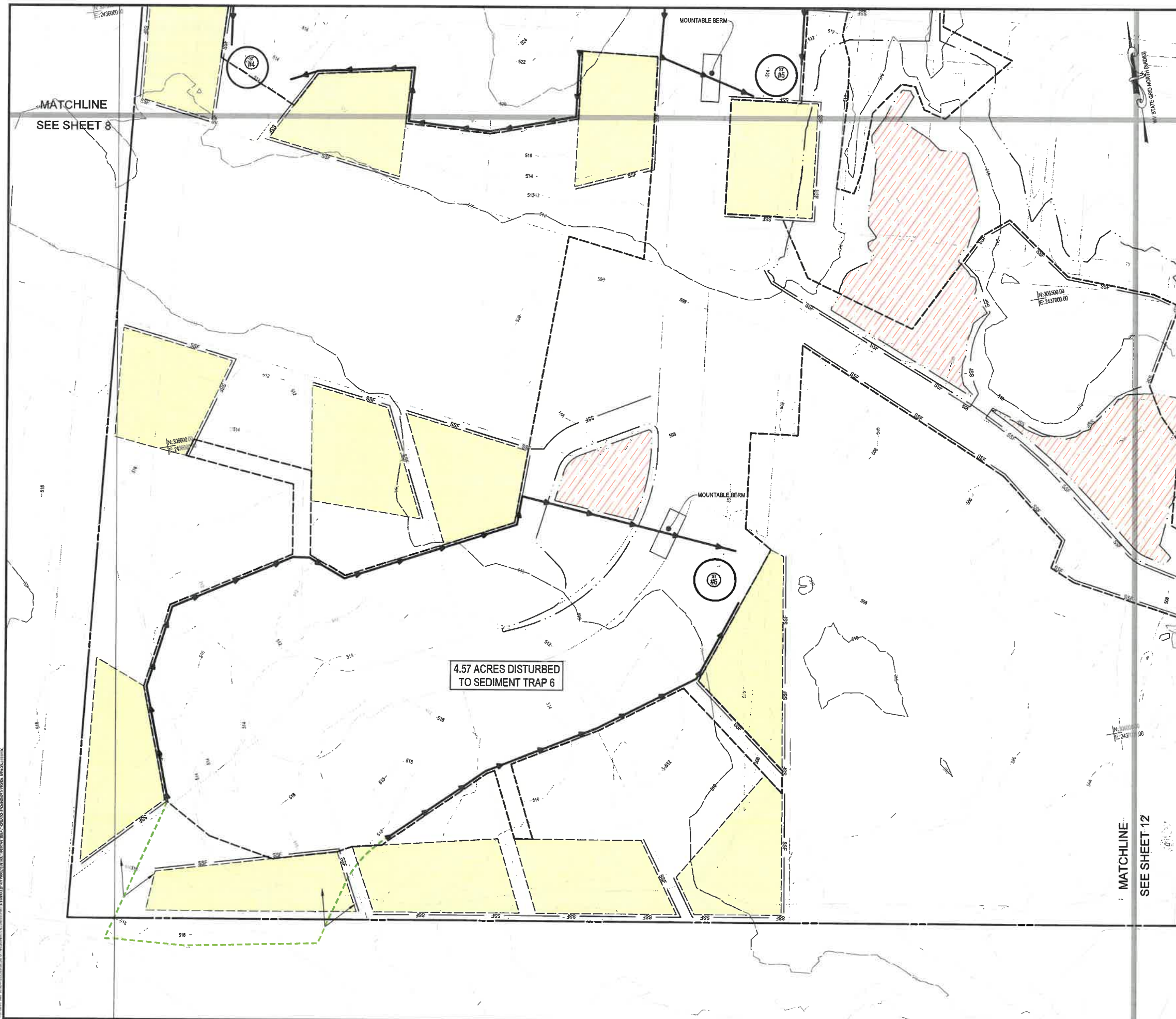
KEY	SYMBOL	DESCRIPTION
(CE)		TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
(SFF)		SUPER SILT FENCE
(DD)		TEMPORARY DIVERSION DIKE
(ST)		TEMPORARY SEDIMENT TRAP
(SB)		TEMPORARY SEDIMENT BASIN
(PS)		PERMANENT SEEDING
		DRAINAGE DIVIDE
		LIMITS OF CONSTRUCTION TOTAL = 91.19 ACRES
		SEPTIC FIELD, INCLUDED IN LOD FOR DEQ PERMITTING AND ESS CONTROL; BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.55 ACRES
		FUTURE INFILTRATION ZONE



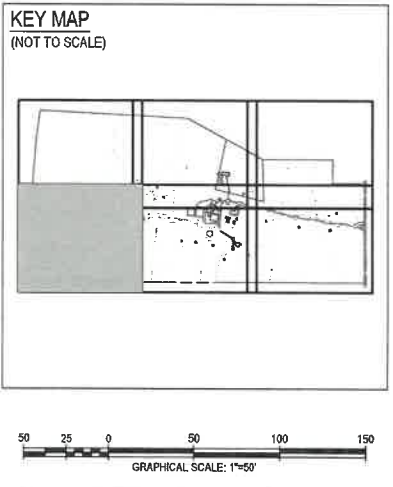
NO.	REVISIONS

EROSION & SEDIMENT CONTROL PLAN - PHASE 1  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
	VERT: 1"=50'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-GC-101.DWG
NCS:	
SHEET:	10 OF 75



EROSION & SEDIMENT CONTROL LEGEND		
KEY	SYMBOL	DESCRIPTION
CE		TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
SSF		SUPER SILT FENCE
DD		TEMPORARY DIVERSION DIKE
ST		TEMPORARY SEDIMENT TRAP
SB		TEMPORARY SEDIMENT BASIN
PS		PERMANENT SEEDING
		DRAINAGE DIVIDE
		LIMITS OF CONSTRUCTION TOTAL = 91.19 ACRES
		SEPTIC FIELD, INCLUDED IN LOD FOR DEQ PERMITTING AND EAS CONTROL, BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.55 ACRES
		FUTURE INFILTRATION ZONE



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**ADVANCED CONSTRUCTION**

SEAL:

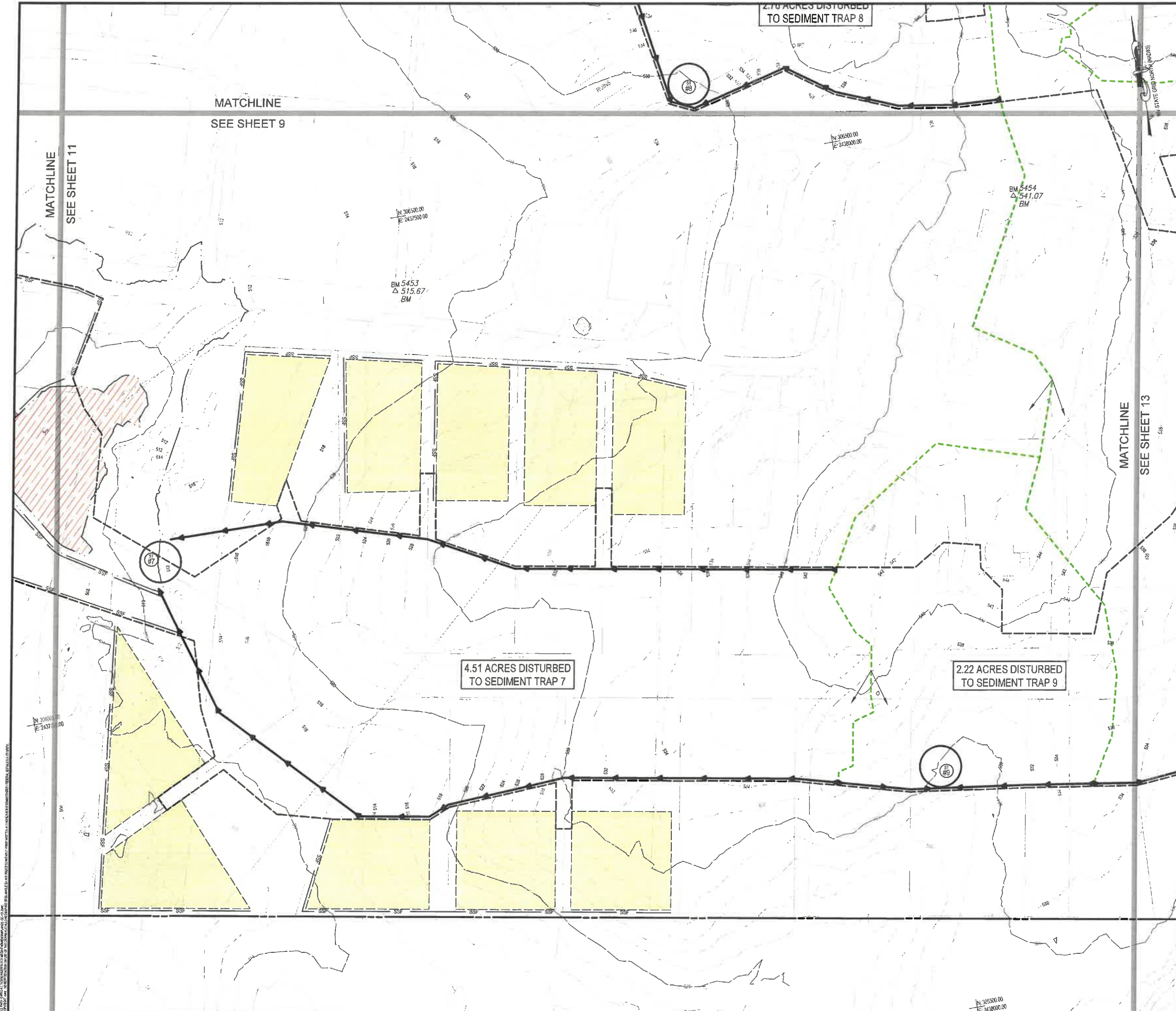
REVISIONS

EROSION & SEDIMENT CONTROL PLAN - PHASE 1

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

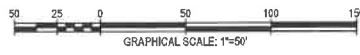
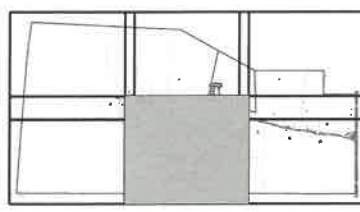
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330; P.G. 743); PARCEL 13 (D.B. 1331; PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-GC-101.DWG
NCS:	
SHEET:	11 OF 75



EROSION & SEDIMENT CONTROL LEGEND		
KEY	SYMBOL	DESCRIPTION
CE		TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
SSF		SUPER SILT FENCE
DD		TEMPORARY DIVERSION DIKE
ST#1		TEMPORARY SEDIMENT TRAP
SB		TEMPORARY SEDIMENT BASIN
PS		PERMANENT SEEDING
		DRAINAGE DIVIDE
		LIMITS OF CONSTRUCTION TOTAL = 51.19 ACRES
		SEPTIC FIELD, INCLUDED IN LOO FOR DEQ PERMITTING AND E&S CONTROL, BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.55 ACRES
		FUTURE INFILTRATION ZONE

KEY MAP  
(NOT TO SCALE)



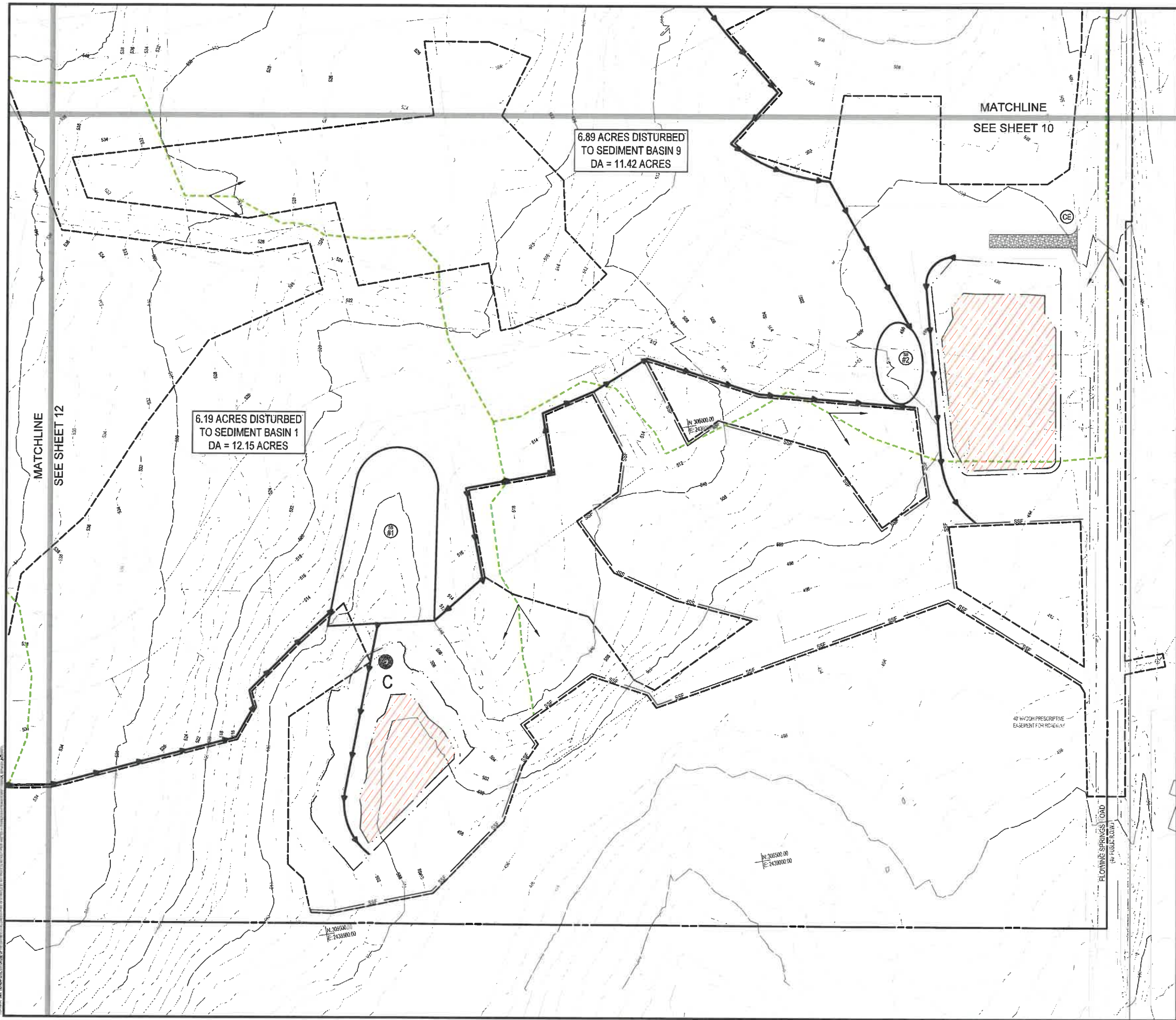
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 STATE OF WEST VIRGINIA

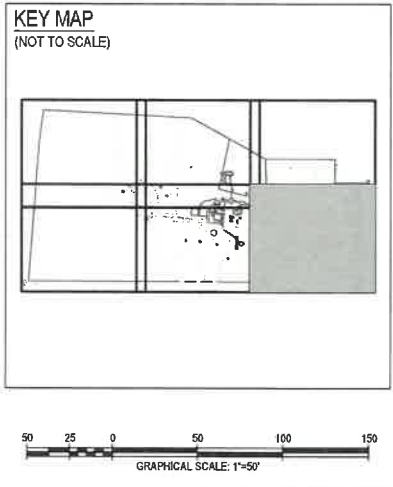
REVISIONS

EROSION & SEDIMENT CONTROL PLAN - PHASE 1  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
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CHECK:	JPG
CADD:	C-GC-101.DWG
NCS:	
SHEET:	12 OF 75



EROSION & SEDIMENT CONTROL LEGEND		
KEY	SYMBOL	DESCRIPTION
CE		TEMPORARY STABILIZED CONSTRUCTION ENTRANCE
SSF		SUPER SILT FENCE
DD		TEMPORARY DIVERSION DIKE
#1		TEMPORARY SEDIMENT TRAP
#1		TEMPORARY SEDIMENT BASIN
PS		PERMANENT SEEDING
		DRAINAGE DIVIDE
		LIMITS OF CONSTRUCTION TOTAL = 91.19 ACRES
		SEPTIC FIELD, INCLUDED IN LOD FOR DEC PERMITTING AND EAS CONTROL, BUT NO DISTURBANCE PERMITTED EXCEPT FOR INSTALLATION OF SEPTIC. TOTAL = 15.55 ACRES
		FUTURE INFILTRATION ZONE



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EROSION & SEDIMENT CONTROL PLAN - PHASE 1

**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAN**

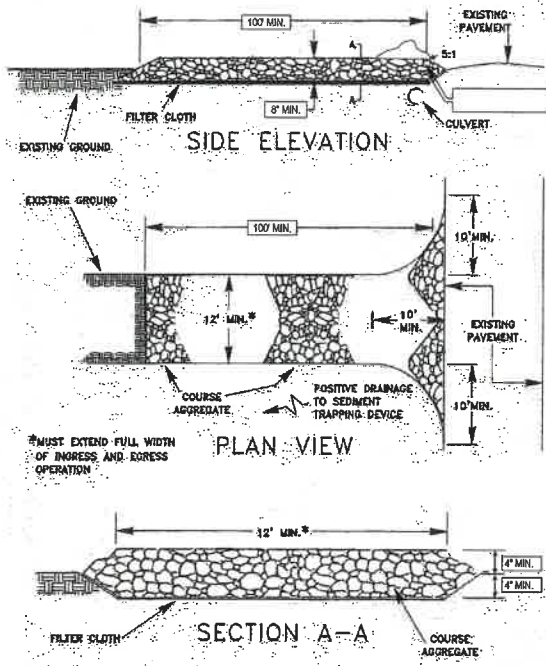
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
TAX MAP 04; PARCEL CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:	VERT:
DATE:	MAY 2025	
JOB:	5100-0101	
DRAWN:	JCH	CHECK: JPG
CADD:	C-GC-101.DWG	
NCS:		
SHEET:	13 OF 75	



FIGURE 3.02.1

### STONE CONSTRUCTION ENTRANCE

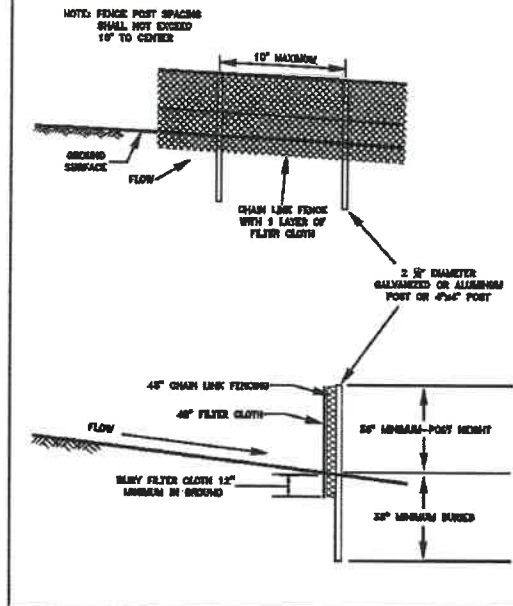


SOURCE: CHAPTER Area 185 Modified Standards for Sub Grades and Drainage, Virginia, and Va. DSWC

CE

FIGURE 3.28.1

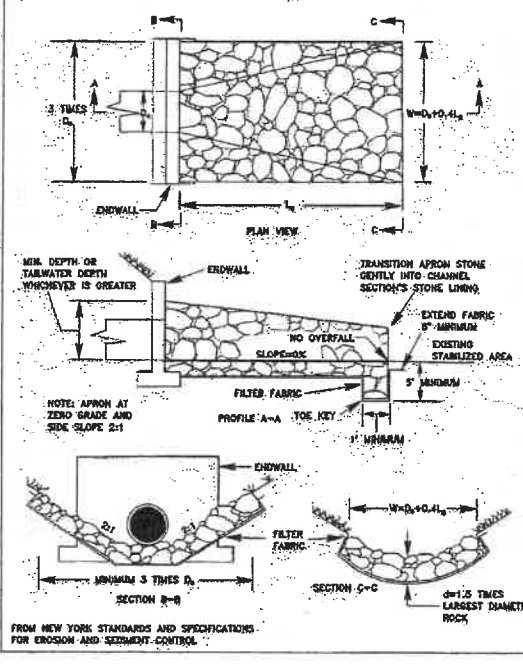
### SUPER SILT FENCE



SSF

FIGURE 3.17.5

### OUTLET PROTECTION

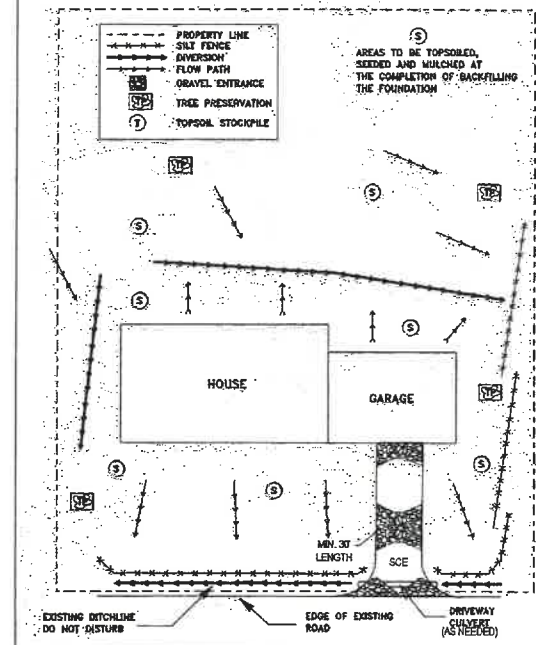


FROM NEW YORK STANDARDS AND SPECIFICATIONS FOR EROSION AND SEDIMENT CONTROL

OP

FIGURE 5.1

### INDIVIDUAL HOUSE LOT SEDIMENT CONTROL PLAN

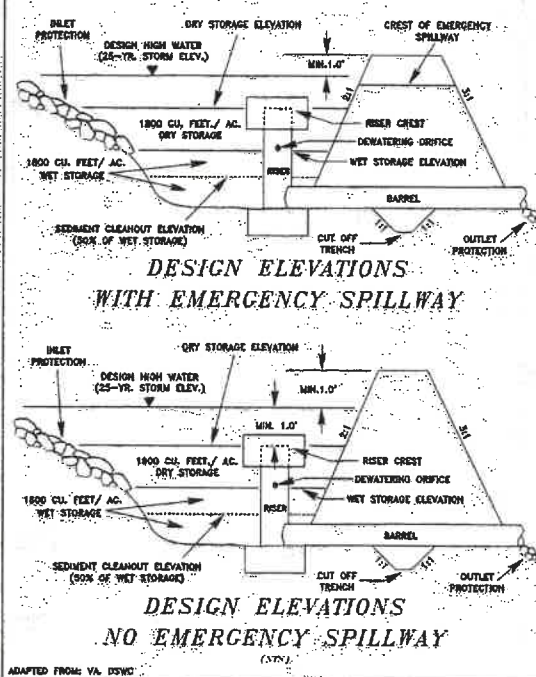


NOTES:  
 1. FINAL LIMITS OF CONSTRUCTION SHALL BE DETERMINED DURING HOUSE SITING.  
 2. AREAS OF DISTURBANCE ARE TO BE TOPSOILED, SEEDING AND MULCHED AT THE COMPLETION OF BACKFILLING THE FOUNDATION.

DD

FIGURE 3.30.2

### SEDIMENT BASIN

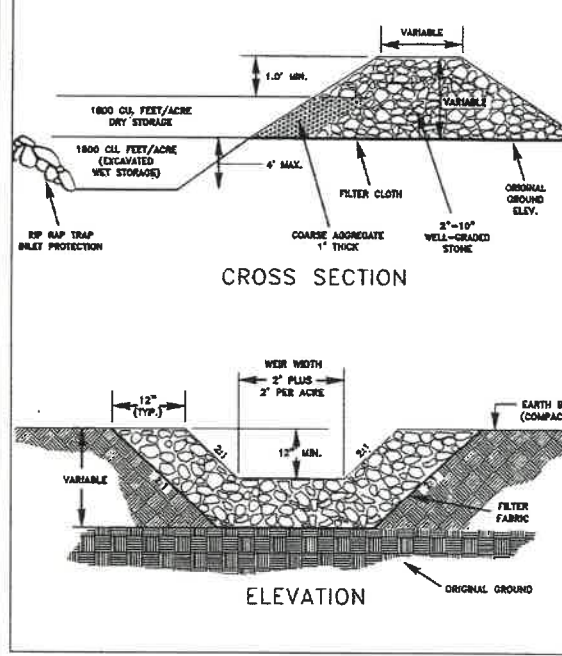


ADAPTED FROM VA. DSWC

SB

FIGURE 3.29.1

### ROCK OUTLET SEDIMENT TRAP

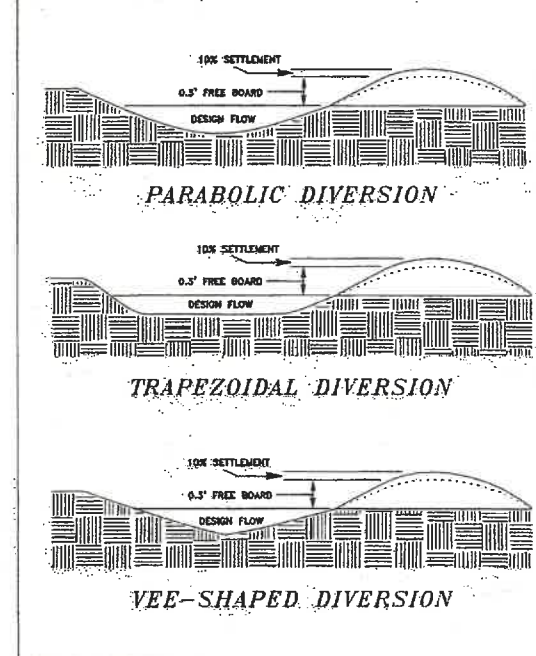


3.29-6

SB

FIGURE 3.15.1

### TYPICAL DIVERSIONS



Source: VIRGINIA DCR-DSWC

NOTES:  
 \* MINIMUM CONSTRUCTED DEPTH SHALL BE 1.5' (2:1 SIDE SLOPES)

DD

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**ADVANCED EROSION CONTROL CONSTRUCTION**  
 SEAL:

NO.	REVISIONS

**EROSION & SEDIMENT CONTROL DETAILS**  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1930, P.G. 743); PARCEL 13 (D.B. 1931, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-GC-501.DWG
NCS:	
SHEET:	15 OF 75

TEMPORARY STONE OUTLET SEDIMENT TRAP COMPUTATIONS																								
TRAP ID NO.	TOTAL DRAINAGE AREA (AC.)	TOTAL DRAINAGE AREA (SQ. FT.)	STORAGE REQUIRED (CU. FT.)	STORAGE PROVIDED (CU. FT.)	WET STORAGE					DRY STORAGE					TRAP DESIGN ELEVATIONS					EMBANKMENT			STONE WEIR	
					DEPTH (D1) (FT.)	AREA (A1) (SQ. FT.)	VOLUME REQ'D (V1) (CU. FT.)	VOLUME PROV'D (V1) (CU. FT.)	APPROX. BOTTOM DIMENSION (FT. x FT.)	DEPTH (D2) (FT.)	AREA (A2) (SQ. FT.)	MINIMUM AREA REQ'D (SQ. FT.)	VOLUME REQ'D (V2) (CU. FT.)	VOLUME PROV'D (V2) (CU. FT.)	APPROX. SURFACE DIMENSION (FT. x FT.)	BOTTOM OF TRAP (FT.)	CLEANOUT LEVEL (FT.)	TOP OF WET STORAGE (FT.)	TOP OF DRY STORAGE (FT.)	ELEVATION (FT.)	HEIGHT (FT.)	TOP WIDTH (FT.)	WEIR WIDTH (FT.)	10-YR DISCHARGE (CFS)
1	3.70	161,070.73	13,312	14,016	2.0	3,200	6,666	5,440	40.0 x 80.0	2.0	5,376	3,456	6,666	8,676	66.0 x 96.0	± 562.60	± 563.50	± 564.50	± 566.50	± 568.25	3.75	3.00	9.40	
2	1.67	72,662.61	6,005	18,728	3.0	3,483	3,003	8,882	43.0 x 81.0	2.0	6,363	480	3,003	9,846	63.0 x 101.0	± 561.50	± 563.00	± 564.50	± 566.50	± 568.25	3.75	3.00	6.34	
3	4.73	206,242.85	17,046	18,300	2.5	3,200	8,822	8,800	40.0 x 80.0	2.5	8,000	3,818	8,822	11,600	80.0 x 100.0	± 562.00	± 563.25	± 564.50	± 567.00	± 568.76	4.26	4.00	11.47	
4	3.22	140,323.03	11,967	13,232	2.5	3,200	5,798	8,800	40.0 x 80.0	1.5	5,376	4,531	5,798	8,432	66.0 x 96.0	± 562.00	± 563.25	± 564.50	± 566.00	± 567.75	3.25	3.00	8.44	
5	2.04	86,121.89	7,332	10,704	2.0	2,925	3,668	4,973	76.0 x 39.0	1.5	4,717	1,963	3,668	5,732	89.0 x 53.0	± 562.60	± 563.50	± 564.50	± 566.00	± 567.75	3.25	3.00	6.07	
6	4.67	199,140.48	16,458	16,728	3.0	3,483	8,229	8,882	43.0 x 81.0	2.0	6,363	4,746	8,229	9,846	63.0 x 101.0	± 561.50	± 563.00	± 564.50	± 566.50	± 568.25	3.75	3.00	11.14	
7	4.61	196,607.42	16,249	16,300	2.5	3,200	8,124	8,800	40.0 x 80.0	2.5	8,000	3,299	8,124	11,500	60.0 x 100.0	± 562.00	± 563.25	± 564.50	± 567.00	± 568.76	4.26	4.00	11.03	
8	2.76	120,008.81	9,918	13,232	2.5	3,200	4,969	8,800	40.0 x 80.0	1.5	5,376	3,412	4,969	6,432	66.0 x 96.0	± 562.00	± 563.25	± 564.50	± 566.00	± 567.75	3.25	3.00	7.51	
9	2.22	96,527.58	7,977	13,232	2.5	3,200	3,969	8,800	40.0 x 80.0	1.5	5,376	2,118	3,969	6,432	66.0 x 96.0	± 562.00	± 563.25	± 564.50	± 566.00	± 567.75	3.25	3.00	6.43	

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NO.	DESCRIPTION

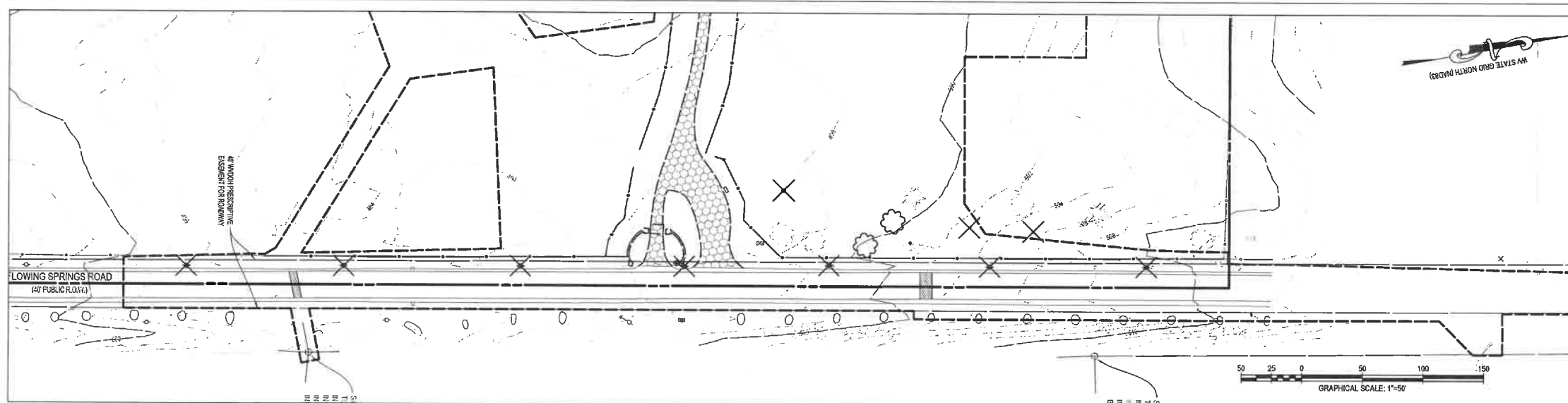
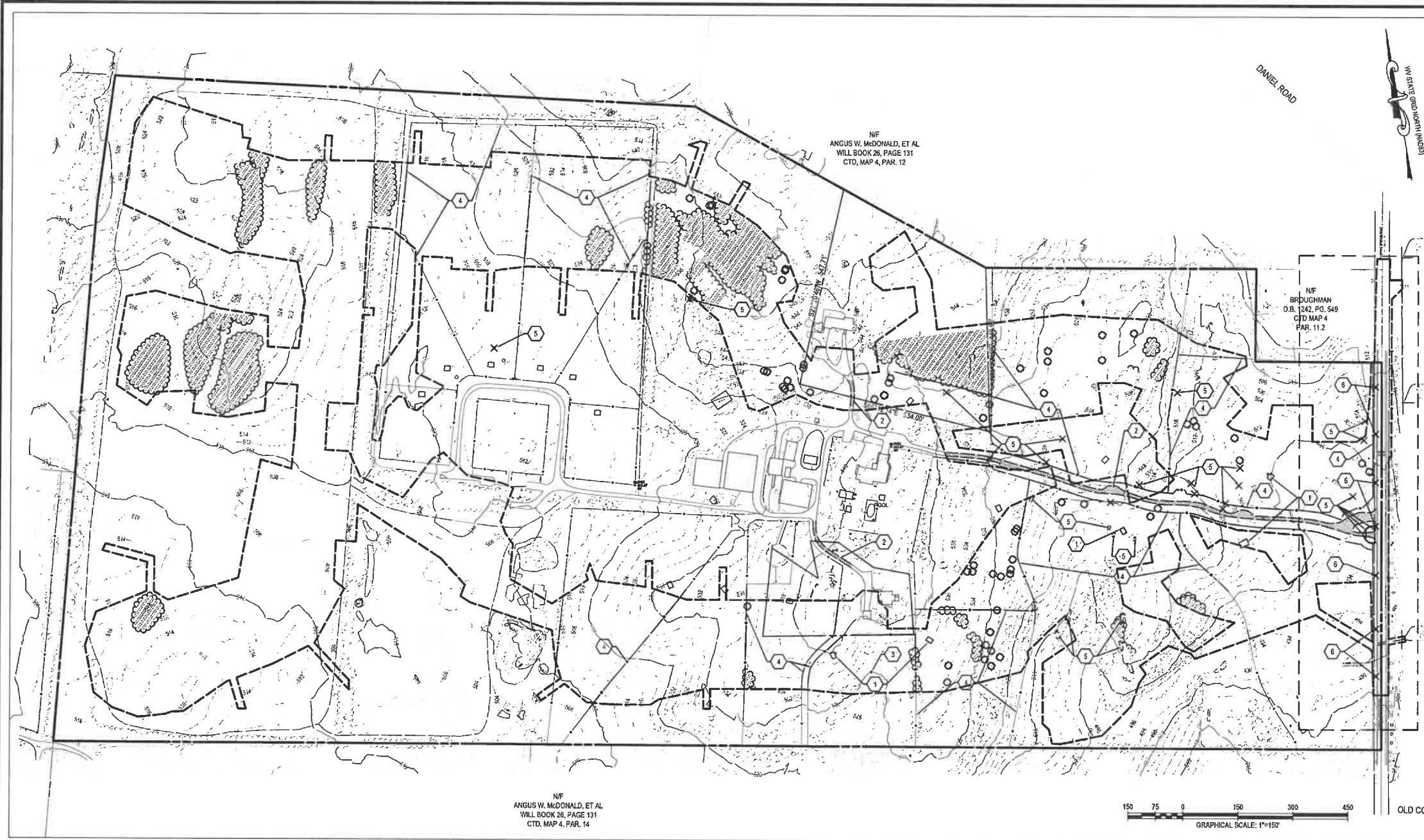
EROSION & SEDIMENT CONTROL CALCULATIONS

**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1; (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.:  
VERT.:  
DATE: MAY 2025  
JOB: 5100-0101  
DRAWN: JCH CHECK: JPC  
CADD: C-GC-501.DWG  
NCS:  
SHEET: 16 OF 75

PLAT NO. 5100-0101 (PARTIAL) 11.1 & 11.1.1 (D.B. 1330, P.G. 743) PARCEL 13 (D.B. 1331, PG. 1) CHARLES TOWN TAX DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA



DEMOLITION PLAN INSET  
SCALE: 1"=50'

DEMOLITION KEYNOTE LEGEND:

KEY	DESCRIPTION
1	DEMOLISH AND REMOVE EXISTING BUILDINGS, STOODS, STEPS, PORCHES, AND ASSOCIATED FOOTINGS
2	REMOVE OR RECYCLE ON-SITE EX. PAVEMENT/CONCRETE, INCLUDES ALL PAVEMENT COURSES AND AGGREGATE BASES.
3	REMOVE EXISTING UNDERGROUND OR OVERHEAD UTILITY LINES, LIGHT AND POWER POLES AND ASSOCIATED PULL BOXES, HAND HOLES, AND METERS
4	REMOVE EXISTING BARRIERS, GUARDRAIL, FENCES, POST AND ASSOCIATED FOOTINGS AND ANY OTHER MISCELLANEOUS SITE FEATURES
5	REMOVE EXISTING MAIL BOXES, SIGNS, SIGN POST AND MISCELLANEOUS SITE ITEMS (i.e. CHAIN LINK FENCE, STORM RIP-RAP, GUARD RAIL, ETC.)
6	RELOCATE EXISTING POWER POLES, OVERHEAD OR UNDERGROUND UTILITY LINES AND ASSOCIATED PULL BOXES, HAND HOLES, AND METERS
7	REMOVE EXISTING ROCK OUTCROP

DEMOLITION LEGEND:

	REMOVE EX. BUILDING
	REMOVE & DISPOSE OF (OR RECYCLE) EX. ASPHALT PAVEMENT, INCLUDES ALL ASPHALT AND AGGREGATE BASE COURSES.
	REMOVE & DISPOSE OF (OR RECYCLE) EX. CONCRETE PAVEMENT, INCLUDES ALL AGGREGATE BASE COURSES.
	MILL & OVERLAY EX. ASPHALT PAVEMENT
	REMOVE EX. VEGETATION (CLEARING & GRUBBING)
	REMOVE EX. UTILITY LINE
	TERMINATE DEMOLITION OF EX. UTILITY LINE
	SAW CUT EX. ASPHALT
	REMOVE EX. FEATURE

NOTES:  
1. THE DEMOLITION PLAN IS A GENERAL GUIDE OF WHAT NEEDS TO BE DEMOLISHED, IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO IDENTIFY ALL ITEMS THAT REQUIRE DEMOLITION TO COMPLETE THE PROPOSED CONSTRUCTION.  
2. SITE FEATURES SHOWN IN BOLD TO BE REMOVED.

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**ADVANCED CONSTRUCTION**  
SEAL: JASON P. [Signature]

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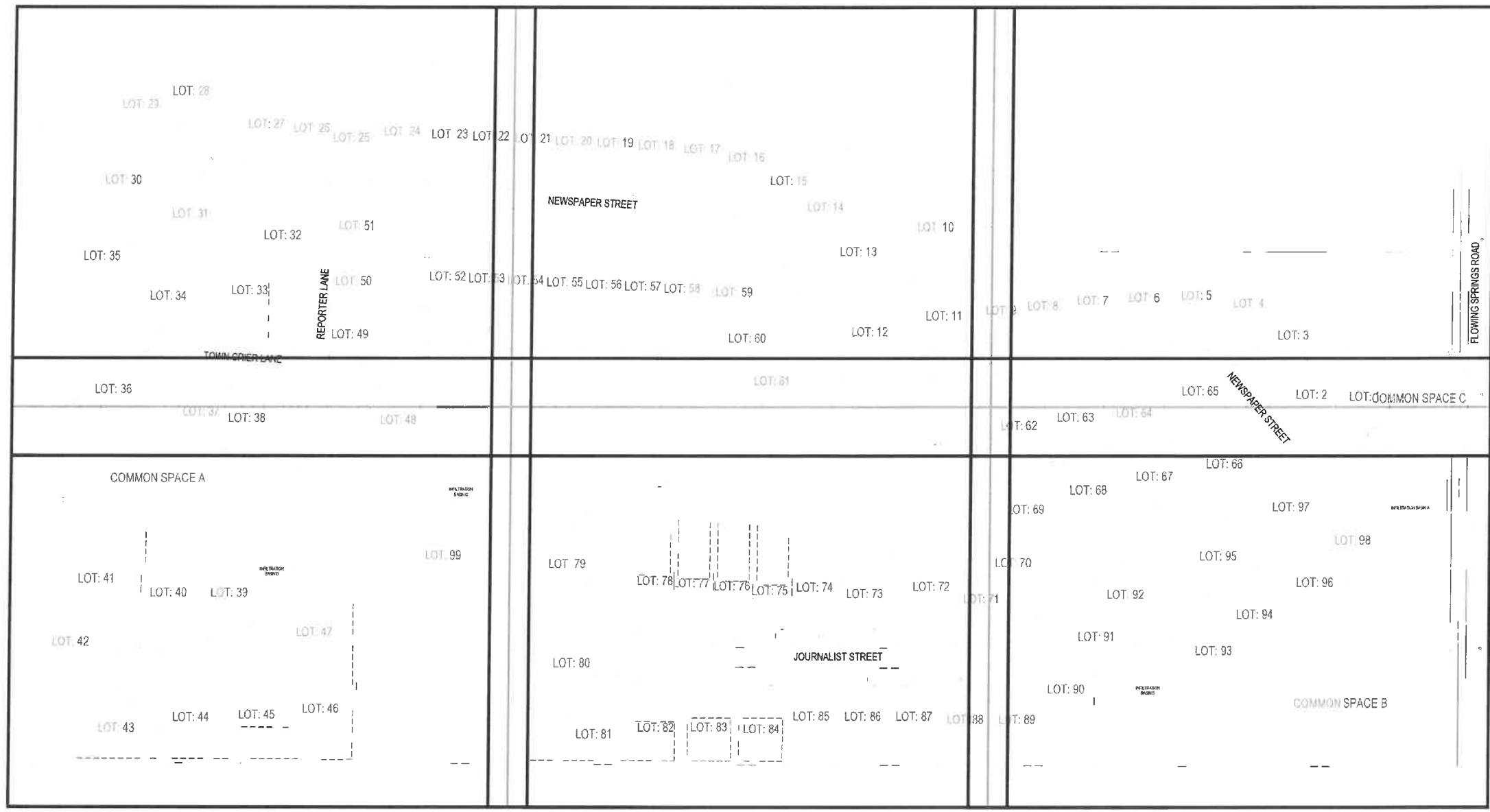
DEMOLITION PLAN  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
	VERT: 1"=50'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CD-101.DWG
NCS:	
SHEET:	17 OF 75

SHEETS 25, 31 & 19

SHEETS 26, 32 & 20

SHEETS 27, 33 & 21



SHEETS 28, 34 & 22

SHEETS 29, 35 & 23

SHEETS 30, 36 & 24

DATE: 5/1/2025

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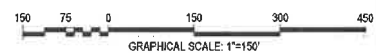
SEAL: JASON P. MASON, P.E., License No. 17186, State of West Virginia

NO.	DATE	DESCRIPTION

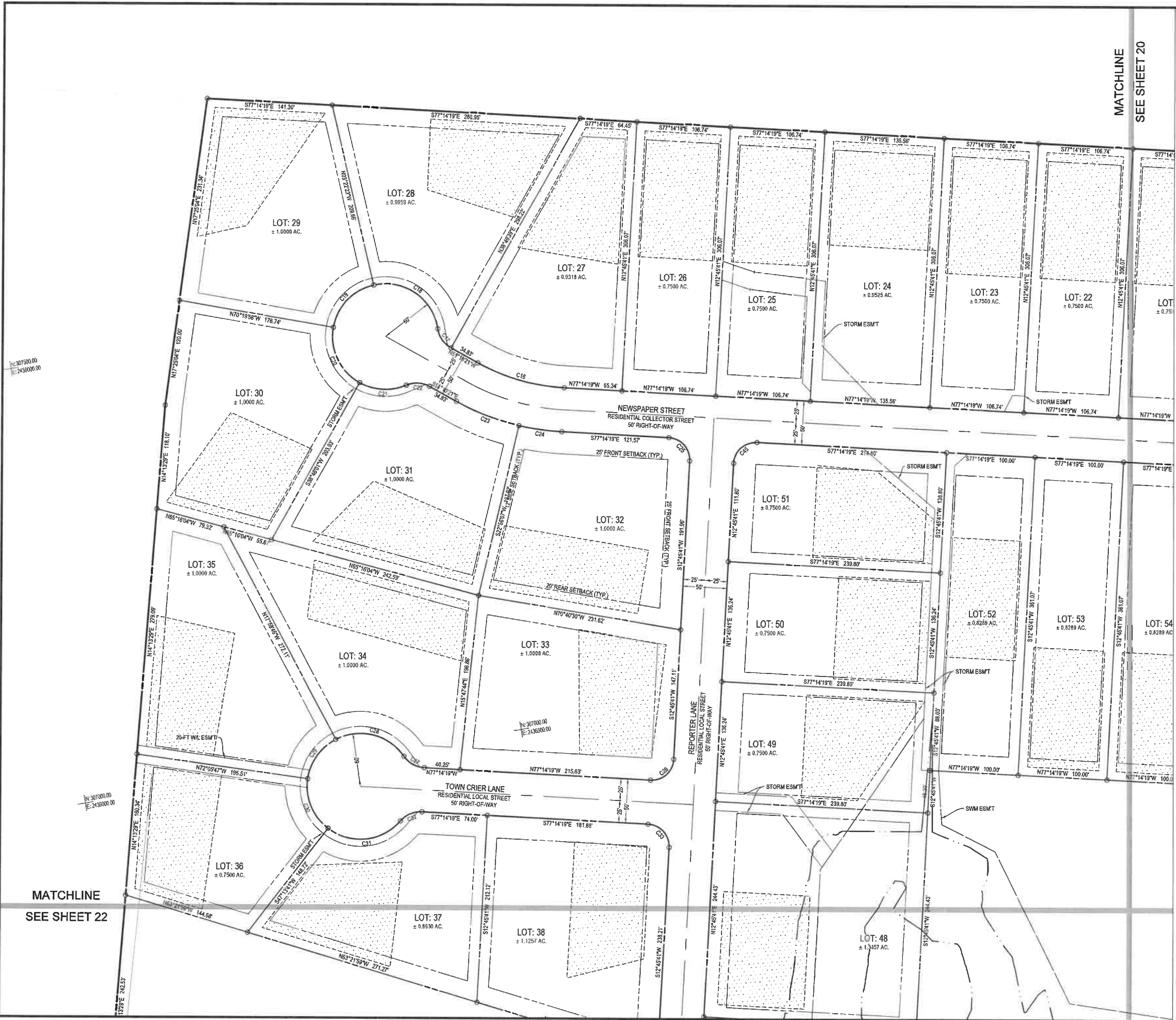
OVERALL KEY MAP

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1 (DB, 1350, P.G. 743); PARCEL 13 (DB, 1351, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA



SCALE:	HORIZ: 1"=150'
	VERT: 1"=150'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CS-001.DWG
NCS:	
SHEET:	18 OF 75



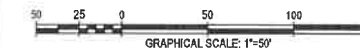
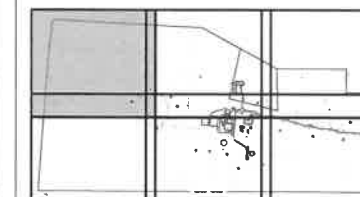
**LEGEND**

- SEPTIC RESERVE AREA (10,000 SF MIN.)
- OBSERVATION HOLE
- PERC HOLE
- EX 5/8" REBAR UNLESS OTHERWISE NOTED
- PROPERTY CORNER (IRON REBAR TO BE SET)
- CONCRETE MONUMENT (TO BE SET)
- PROPOSED BUILDING SETBACK

**CURVE TABLE**

CURVE #	RADIUS	ARC LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
C16	225.00	102.36	52.082	101.48	N64°12'20"W
C17	30.00	27.40	14.739	26.46	N25°00'27"W
C18	60.00	98.99	64.942	88.14	N66°09'28"W
C19	60.00	70.12	39.653	66.20	S53°08'49"W
C20	60.00	74.25	42.719	69.60	S15°49'59"E
C21	60.00	54.74	29.439	52.66	S77°22'04"E
C22	30.00	27.40	14.739	26.46	S77°20'19"E
C23	275.00	76.29	38.395	76.03	S59°07'01"E
C24	275.00	48.83	24.460	48.77	S72°09'09"E
C25	25.00	39.27	25.000	36.36	S32°14'19"E
C26	25.00	39.27	25.000	36.36	S57°49'41"W
C27	30.00	27.40	14.739	26.46	N51°04'25"W
C28	60.00	86.99	53.150	79.57	N56°39'38"W
C29	60.00	56.67	30.649	54.59	S44°57'44"W
C30	60.00	63.54	35.114	60.61	S12°26'09"E
C31	60.00	90.89	56.736	82.45	S86°10'19"E
C32	30.00	27.40	14.739	26.46	N76°36'47"E
C33	25.00	39.27	25.000	36.36	S32°14'19"E
C45	25.00	39.27	25.000	36.36	N57°45'41"E

**KEY MAP**  
(NOT TO SCALE)



MATCHLINE  
SEE SHEET 20

MATCHLINE  
SEE SHEET 22

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SEAL:

NO.	DESCRIPTION	DATE

NO.	DESCRIPTION	DATE

PRELIMINARY PLAT

**MEDIA FARM SUBDIVISION**

**PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)

CHARLES TOWN TAX DISTRICT

JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
	VERT: N/A
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CV-101.DWG
NCS:	
SHEET:	19 OF 75





### LEGEND

- SEPTIC RESERVE AREA (10,000 SF MIN.)
- OBSERVATION HOLE
- PERC HOLE
- EX 5/8" REBAR UNLESS OTHERWISE NOTED
- PROPERTY CORNER (IRON REBAR TO BE SET)
- CONCRETE MONUMENT (TO BE SET)
- PROPOSED BUILDING SETBACK

### CURVE TABLE

CURVE #	RADIUS	ARC LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
C3	275.00	18.94	9.475	18.94	N25° 27' 28"W
C4	275.00	79.14	39.845	78.87	N35° 40' 32"W
C5	275.00	82.64	41.636	82.33	N52° 31' 45"W
C6	275.00	91.87	46.419	91.54	N70° 43' 11"W
C7	275.00	32.40	16.217	32.38	N83° 40' 32"W
C52	225.00	249.62	139.413	237.02	S56° 19' 03"E

### KEY MAP

(NOT TO SCALE)

GRAPHICAL SCALE: 1"=50'

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 SEAL: [Signature]

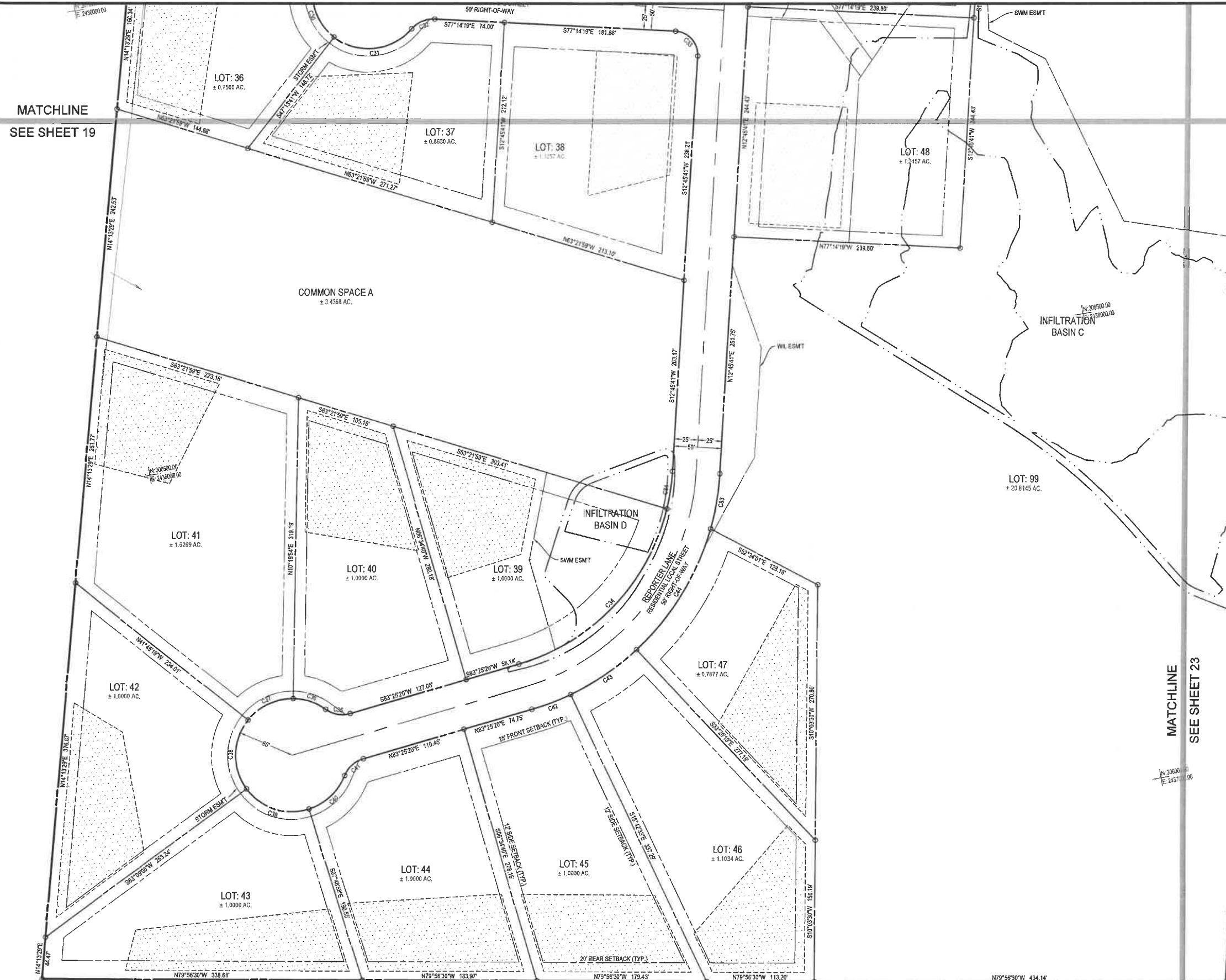
### REVISIONS

NO.	DATE	DESCRIPTION

PRELIMINARY PLAT  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1"=50'  
 VERT: N/A  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CV-101.DWG  
 INCS:  
 SHEET:  
**21 OF 75**

MATCHLINE  
SEE SHEET 19



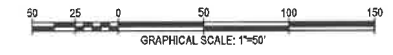
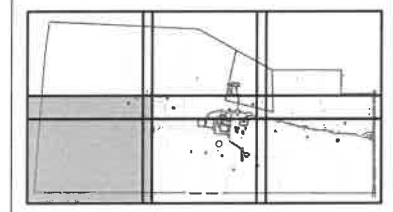
**LEGEND**

- SEPTIC RESERVE AREA (10,000 SF MIN.)
- OBSERVATION HOLE
- PERC HOLE
- EX 5/8" REBAR UNLESS OTHERWISE NOTED
- PROPERTY CORNER (IRON REBAR TO BE SET)
- CONCRETE MONUMENT (TO BE SET)
- PROPOSED BUILDING SETBACK

**CURVE TABLE**

CURVE #	RADIUS	ARC LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
C34	225.00	237.34	131.055	226.49	S53° 12' 10"W
C35	30.00	27.40	14.739	26.46	N70° 24' 48"W
C36	90.00	37.09	18.160	36.50	N61° 57' 23"W
C37	90.00	54.56	29.320	52.89	S74° 17' 17"W
C38	90.00	78.64	46.118	73.13	S10° 41' 54"W
C39	90.00	74.32	42.773	69.66	S82° 19' 58"E
C40	90.00	93.50	28.677	51.75	N56° 38' 17"E
C41	30.00	27.40	14.739	26.46	N57° 19' 28"E
C42	275.00	43.83	21.960	43.78	N78° 59' 24"E
C43	275.00	84.62	42.646	84.28	N65° 28' 34"E
C44	275.00	151.37	77.654	149.46	N40° 53' 34"E
C45	275.00	69.34	29.785	59.22	N18° 58' 34"E
C46	225.00	40.14	20.124	40.09	S17° 52' 21"W

**KEY MAP**  
(NOT TO SCALE)



MATCHLINE  
SEE SHEET 23

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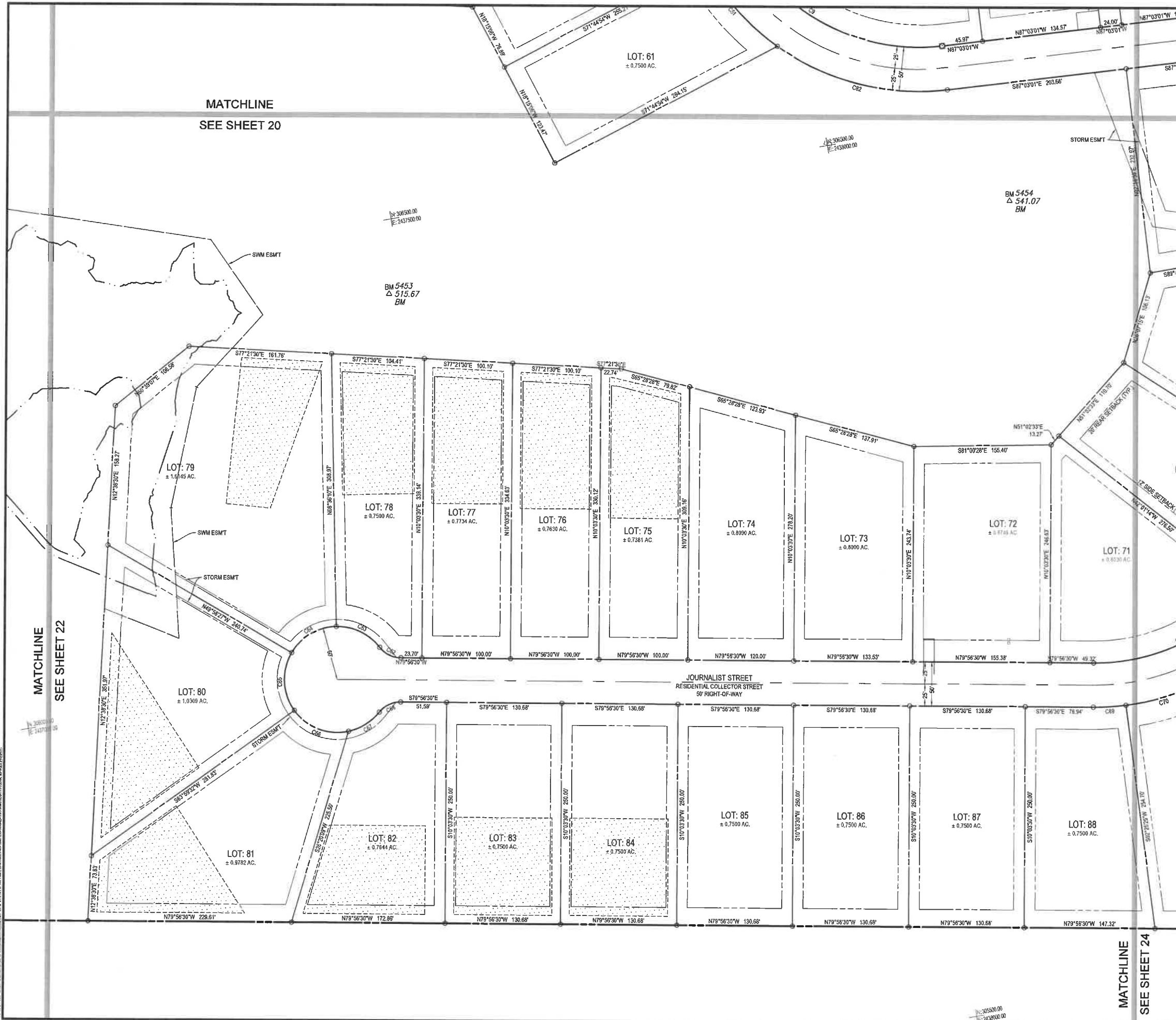
**AMERICAN CONSTRUCTION**  
 REGISTERED PROFESSIONAL ENGINEER  
 SEAL

NO.	DATE	REVISIONS

PRELIMINARY PLAT  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1"=50'  
 VERT: N/A  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CV-101.DWG  
 NCS:  
 SHEET:  
**22 OF 75**

THE STATE OF WEST VIRGINIA DEPARTMENT OF LAND, AIR AND WATER RESOURCES HAS REVIEWED THIS PLAT FOR CONFORMANCE WITH THE PROVISIONS OF THE SUBDIVISION PLAT ACT AND HAS FOUND IT TO BE IN ACCORDANCE WITH THE ACT. THE STATE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON. THE ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAT AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION THEREON.



MATCHLINE  
SEE SHEET 20

MATCHLINE  
SEE SHEET 22

MATCHLINE  
SEE SHEET 24

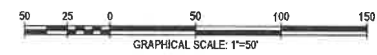
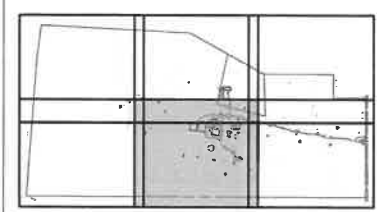
**LEGEND**

- SEPTIC RESERVE AREA (10,000 SF MIN.)
- OBSERVATION HOLE
- PERC HOLE
- EX 5/8" REBAR UNLESS OTHERWISE NOTED
- PROPERTY CORNER (IRON REBAR TO BE SET)
- CONCRETE MONUMENT (TO BE SET)
- PROPOSED BUILDING SETBACK

**CURVE TABLE**

CURVE #	RADIUS	ARC LENGTH	DELTA	CHORD LENGTH	CHORD BEARING
C62	30.00	27.40	14.739	26.46	N53°46'30"W
C63	60.00	56.32	30.430	54.26	N54°30'10"W
C64	60.00	61.31	33.632	58.07	S69°19'52"W
C65	60.00	69.19	39.014	66.42	S7°01'32"W
C66	60.00	69.76	39.426	66.90	S99°18'57"E
C67	60.00	41.52	21.630	40.70	N67°33'08"E
C68	30.00	27.40	14.739	26.46	N73°53'38"E
C69	275.00	36.64	18.349	36.62	S83°49'32"E

**KEY MAP**  
(NOT TO SCALE)



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**ADVANCED PROJECT CONSTRUCTION**  
 CIVIL ENGINEERING  
 SEAL: \_\_\_\_\_

REVISIONS

NO.	DESCRIPTION

PRELIMINARY PLAT  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, P.G. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1"=50'  
 VERT: N/A  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CV-101.DWG  
 NCS:  
 SHEET: 23 OF 75





### LEGEND

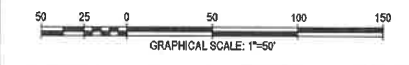
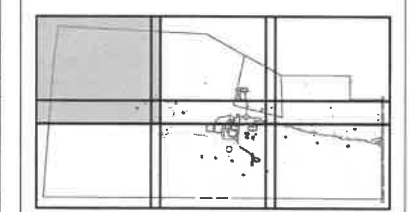
- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)

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**ADVANCED CONSTRUCTION**  
SEAL: [Signature]

REVISIONS

**KEY MAP**  
(NOT TO SCALE)

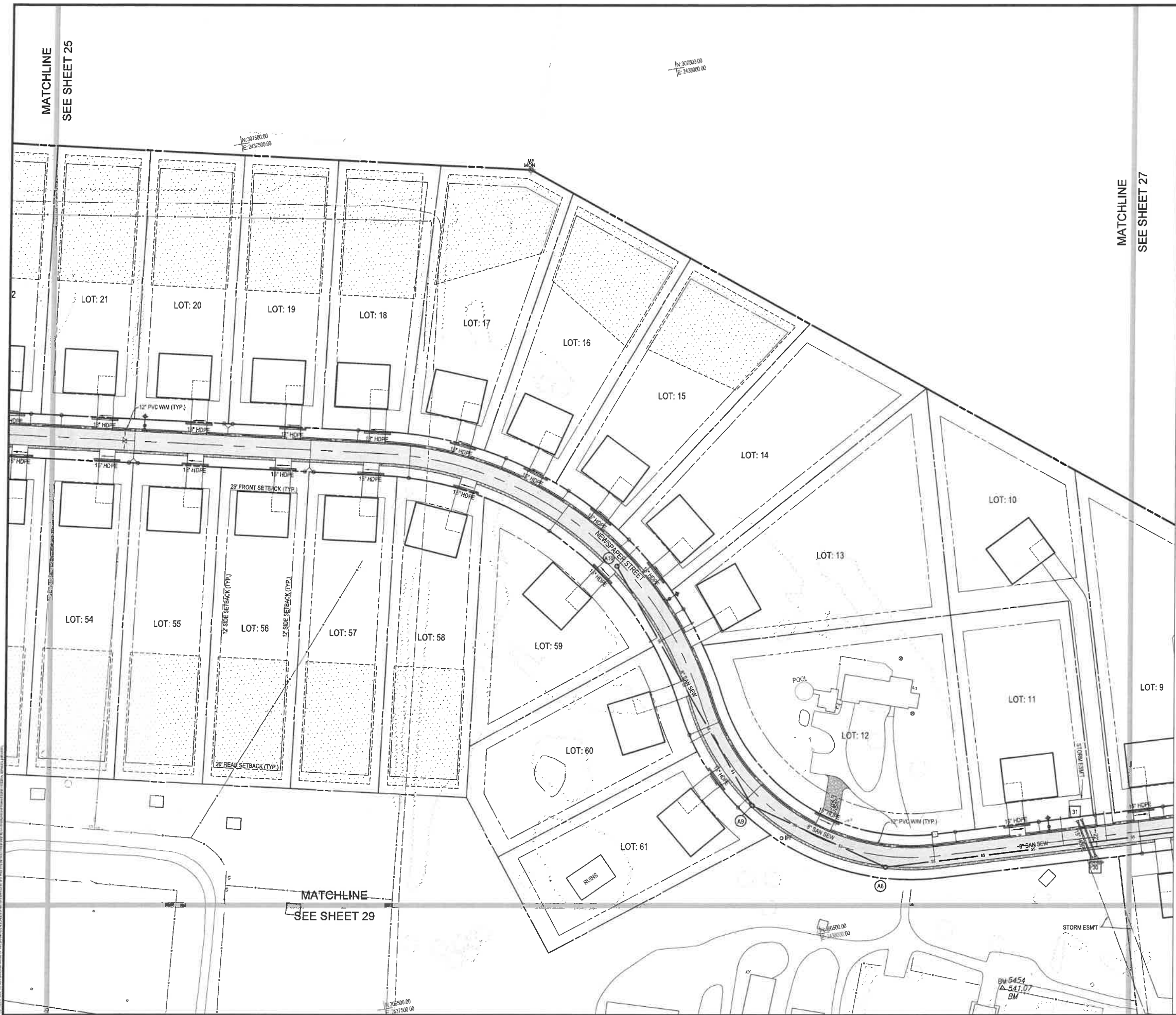


MATCHLINE  
SEE SHEET 26

MATCHLINE  
SEE SHEET 28

WY STATE GRID NORTH (FUSION)  
  
 SITE & UTILITY PLAN  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

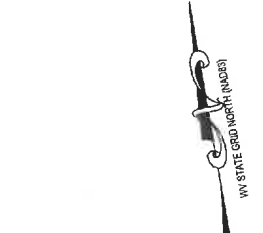
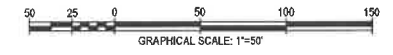
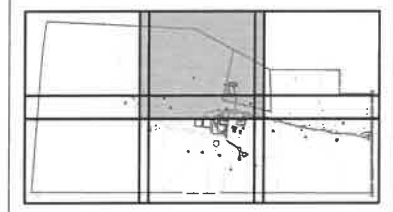
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DATE:	MAY 2025	
JOB:	5100-0101	
DRAWN:	JCH	CHECK: JFG
CADD:	C-CS-101.DWG	
NCS:		
SHEET:	25 OF 75	



**LEGEND**

- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)

**KEY MAP**  
(NOT TO SCALE)



MATCHLINE  
SEE SHEET 25

MATCHLINE  
SEE SHEET 27

MATCHLINE  
SEE SHEET 29

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REVISIONS

SITE & UTILITY PLAN  
**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAT**  
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330; P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

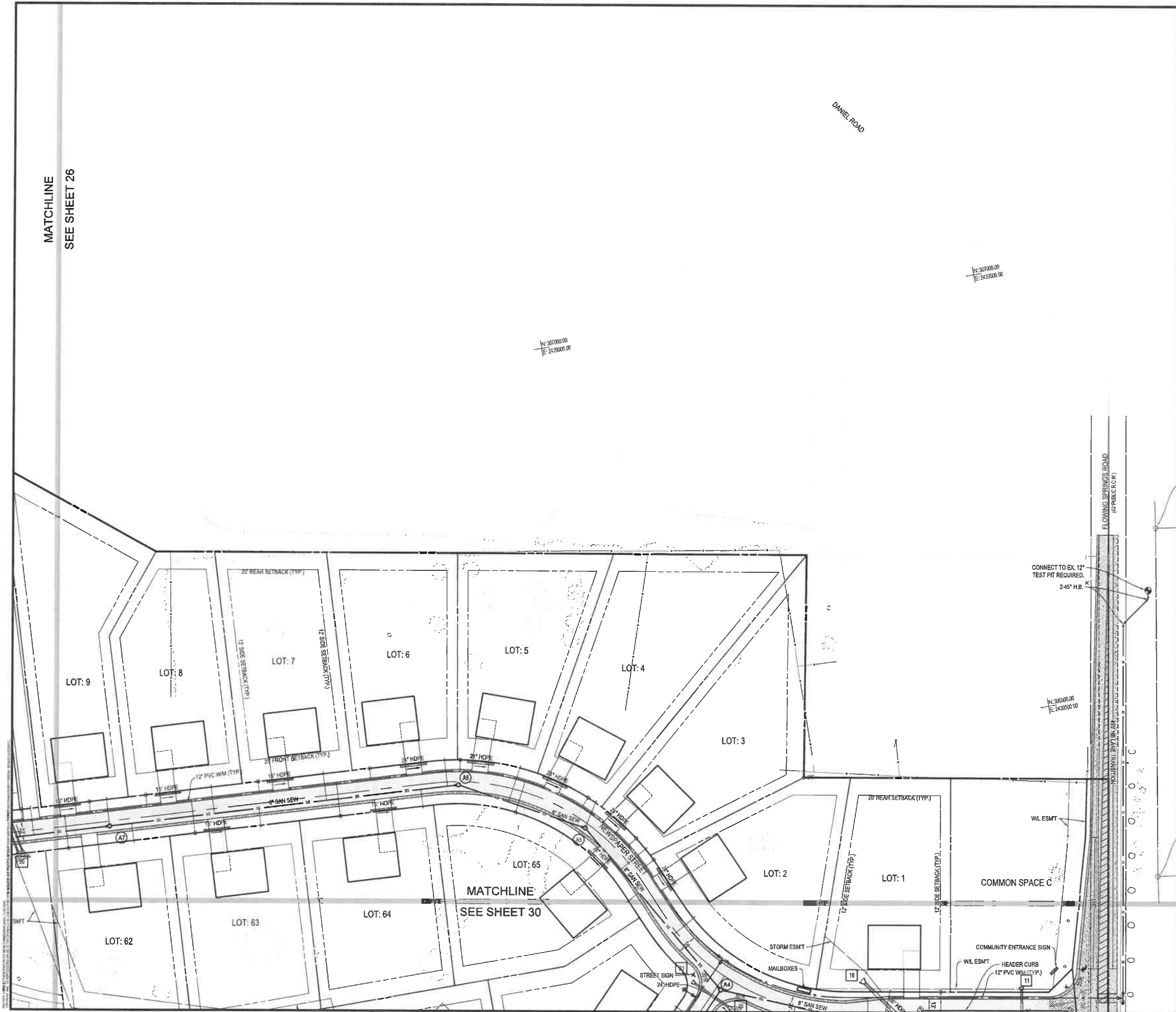
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	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CS-101.DWG
NCS:	
SHEET:	26 OF 75

MATCHLINE  
SEE SHEET 26

N: 30700.00  
E: 2436500.00

N: 30700.00  
E: 2436500.00

N: 306500.00  
E: 2438500.00



### LEGEND

- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- - - 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)

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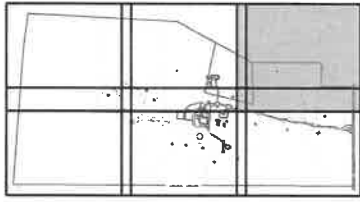
ADVANCE COPY  
REGISTERED PROFESSIONAL ENGINEER  
JASON R. GIBSON  
11305 W. STATE ROAD NORTH (PHASE)  
SEAL

REVISIONS

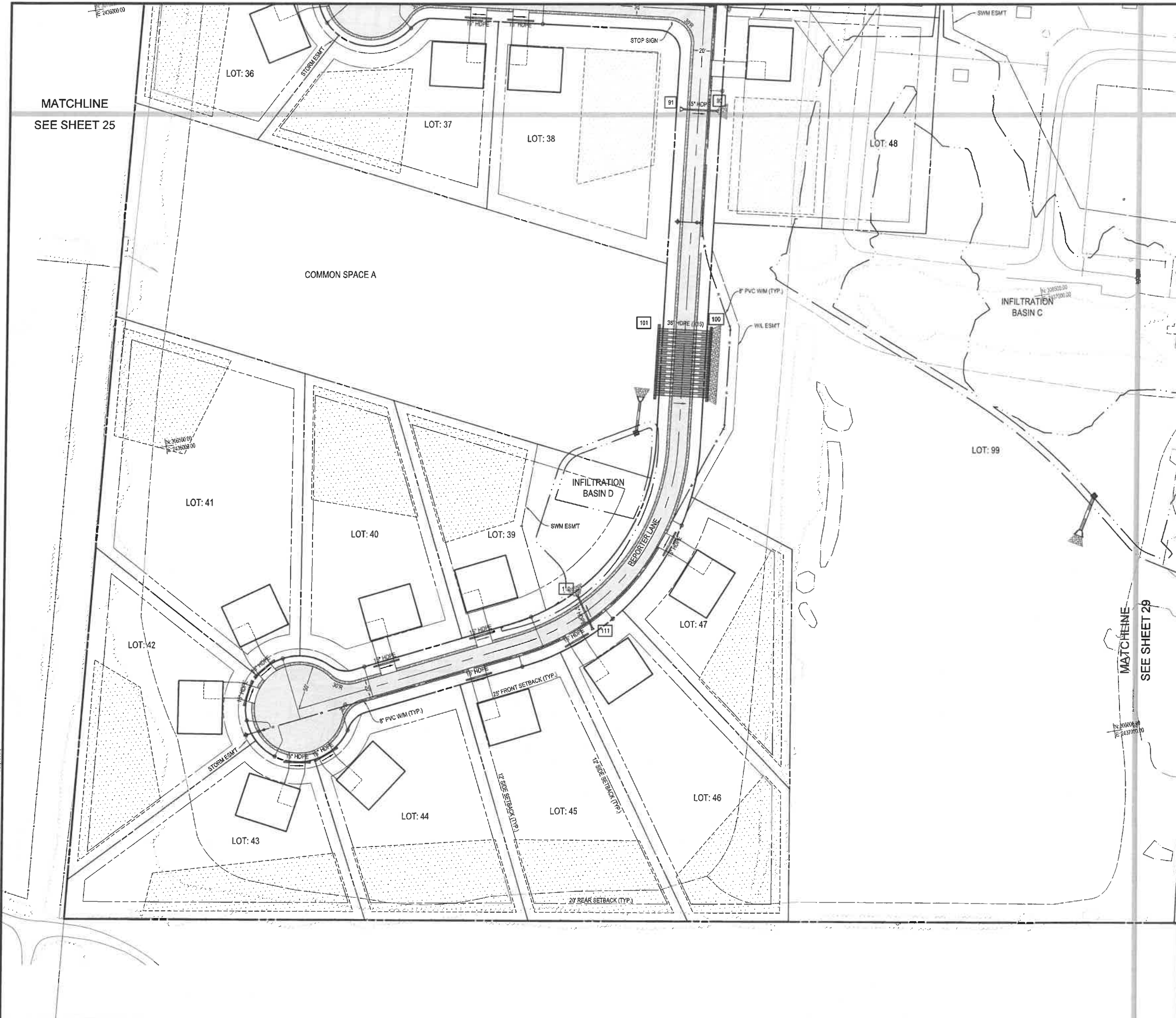
SITE & UTILITY PLAN  
**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAN**  
TAX MAP 04; PARCEL 11.8.14.1 (D.B. 1830, P.C. 743), PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.:	VERT.:
DATE: MAY 2025	
JOB: 5100-0101	
DRAWN: JCH	CHECK: JPG
CADD: C-CS-101.DWG	
NCS:	
SHEET:	

KEY MAP  
(NOT TO SCALE)



SCALE: 1"=50'



MATCHLINE  
SEE SHEET 25

**LEGEND**

- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)

**KEY MAP**  
(NOT TO SCALE)

50 25 0 50 100 150  
GRAPHICAL SCALE: 1"=50'

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REVISIONS

NO.	DESCRIPTION

SITE & UTILITY PLAN  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAT**  
 TAX MAP 04; PARCEL 11 & 11.1 (DB. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: \_\_\_\_\_  
 VERT: \_\_\_\_\_

DATE: MAY 2025

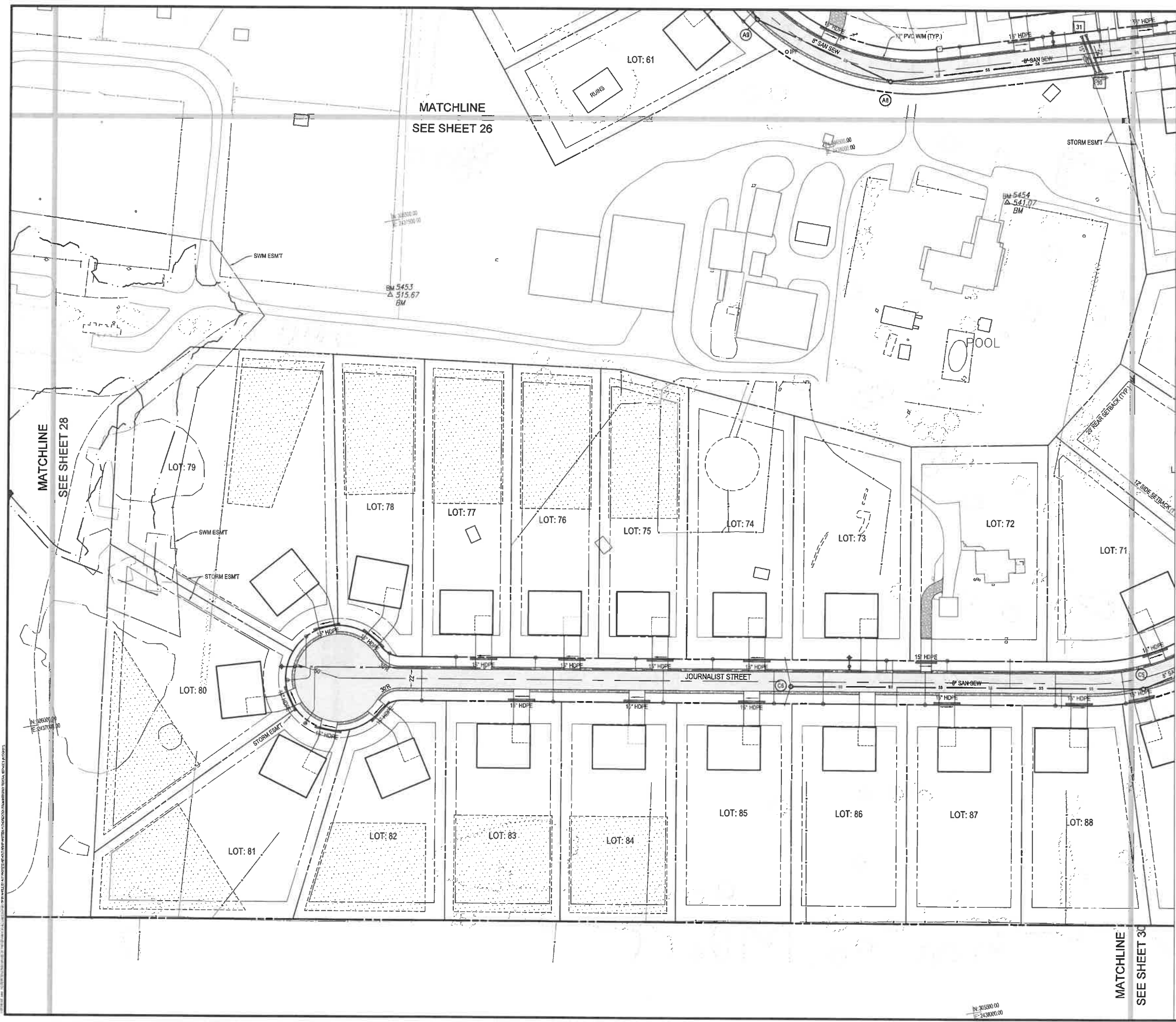
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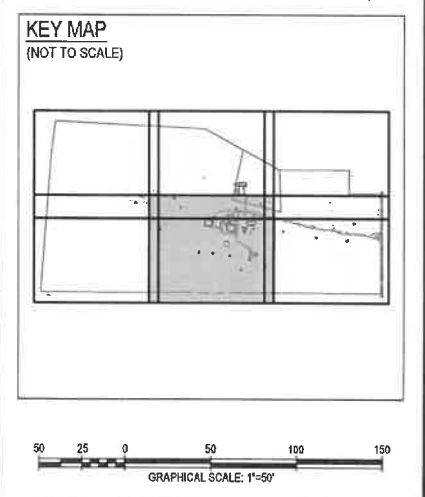
NCS: \_\_\_\_\_

SHEET: \_\_\_\_\_



### LEGEND

- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)



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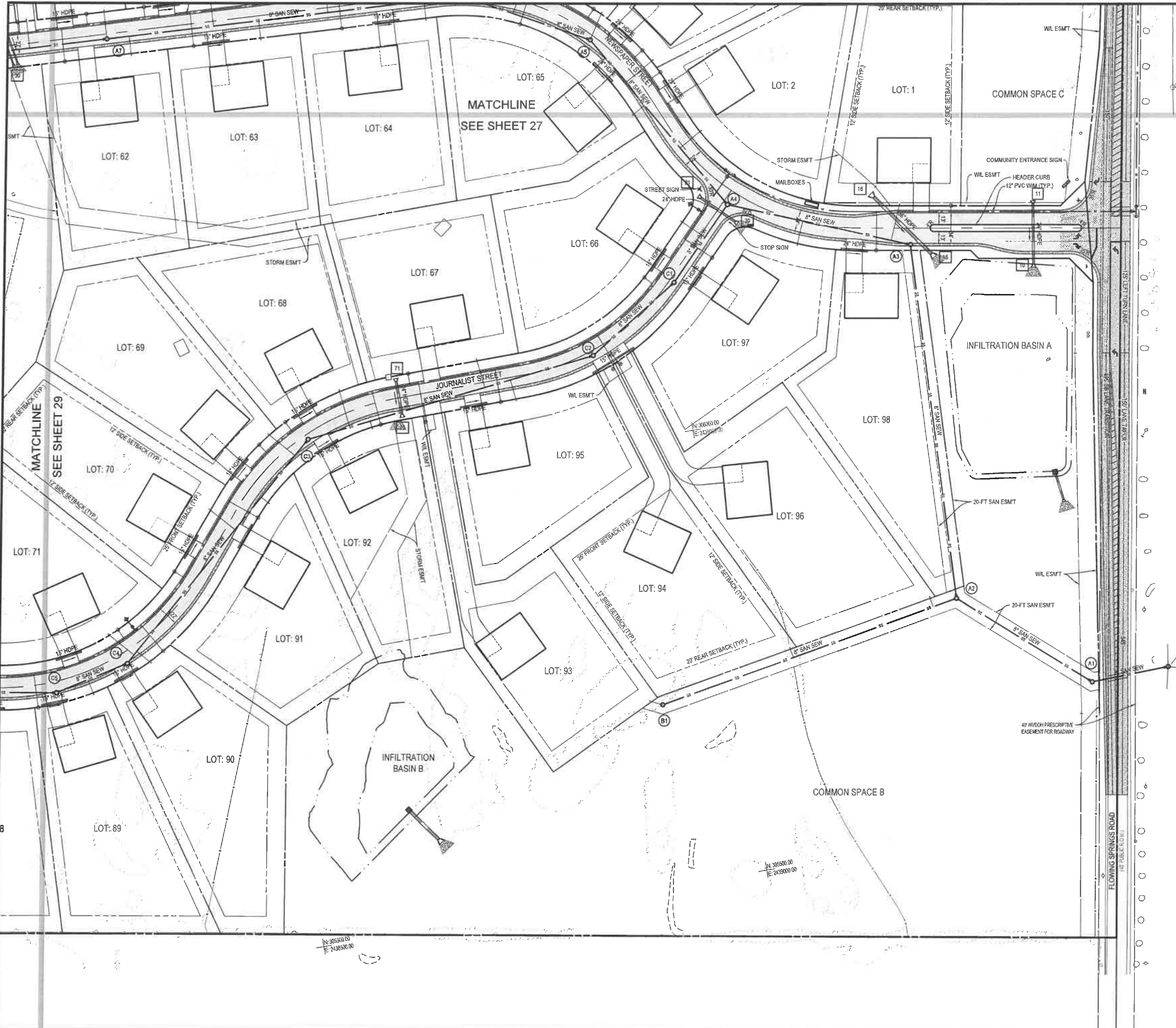
**ADVANCED CONSTRUCTION**  
 JASON D. ...  
 SEAL:

### REVISIONS

NO.	DESCRIPTION

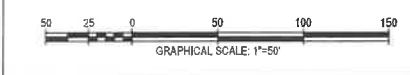
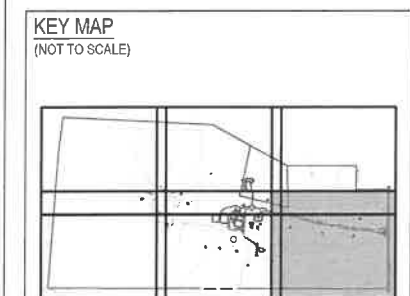
SITE & UTILITY PLAN  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CS-101.DWG
NCS:	
SHEET:	29 OF 75



**LEGEND**

- LIMITS OF GRADING
- ASPHALT PAVEMENT, SEE PAVEMENT SECTIONS
- 3-FT GRAVEL SHOULDER
- SEPTIC RESERVE AREA (10,000 SF MIN.)



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**APPROVED FOR CONSTRUCTION**

SEAL: \_\_\_\_\_

NO.	DESCRIPTION

SITE & UTILITY PLAN

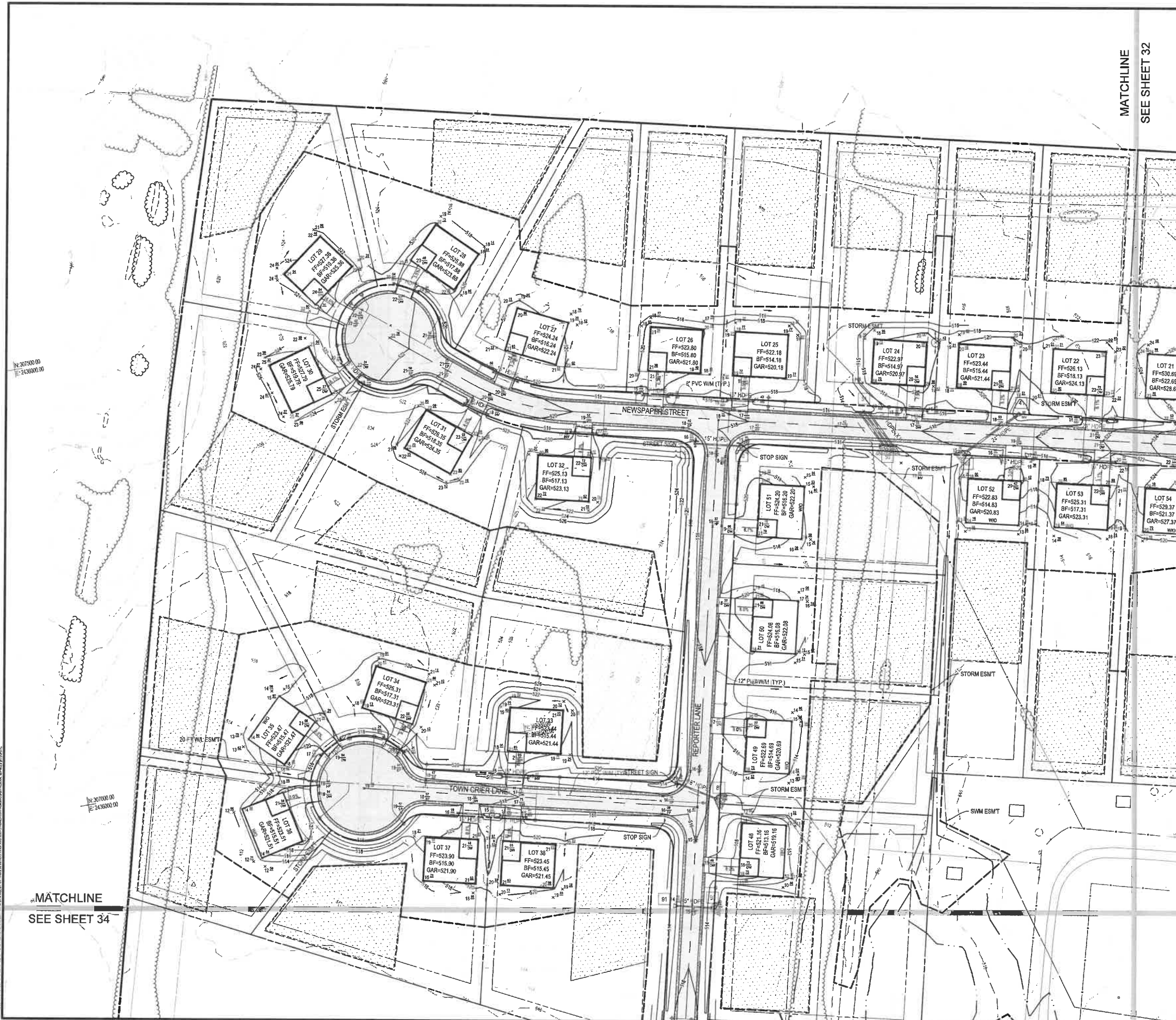
**MEDIA FARM SUBDIVISION**

**PRELIMINARY PLAN**

TAX MAP 04; PARCEL 11 & 11. (D.B. 1330; P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: _____
	VERT: _____
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CS-101.DWG
NCS:	
SHEET:	30 OF 75

THE PLAN IS PREPARED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SUBDIVISION MAP ACT AND THE SUBDIVISION MAP ACT REGULATIONS, WEST VIRGINIA.



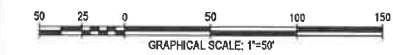
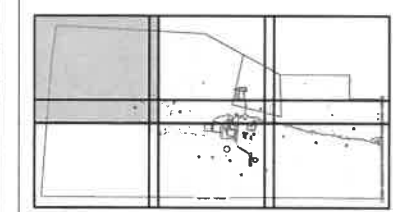
MATCHLINE  
SEE SHEET 32

MATCHLINE  
SEE SHEET 34

**LEGEND**

- LIMITS OF GRADING
- EX 10-FT CONTOUR
- EX 2-FT CONTOUR
- PROP 10-FT CONTOUR
- PROP 2-FT CONTOUR

**KEY MAP**  
(NOT TO SCALE)



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**ADVANCED CONSTRUCTION**  
 CIVIL ENGINEERING  
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NO.	REVISIONS

**GRADING PLAN**  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CADD:	C-CG-101.DWG
NCS:	CHECK: JPG
SHEET:	31 OF 75

**LEGEND**

- - - LIMITS OF GRADING
- ~ ~ ~ EX 10-FT CONTOUR
- ~ ~ ~ EX 2-FT CONTOUR
- ~ ~ ~ PROP 10-FT CONTOUR
- ~ ~ ~ PROP 2-FT CONTOUR

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ADVANCE CONSTRUCTION

CONSTRUCTION MANAGEMENT

SEAL:

REVISIONS

No.	DATE	DESCRIPTION

GRADING PLAN

**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 749); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ:      VERT:

DATE: MAY 2025

JOB: 5100-0101

DRAWN: JCH      CHECK: JPG

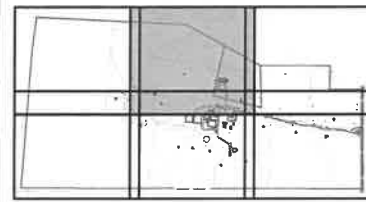
CADD: C-CG-101.DWG

NCS:

SHEET:

32 OF 75

KEY MAP  
(NOT TO SCALE)



MATCHLINE  
SEE SHEET 33

MATCHLINE  
SEE SHEET 31

MATCHLINE  
SEE SHEET 35

NF  
ANGUS W. McDONALD, ET AL  
WILL BOOK 28, PAGE 131  
CTD, MAP 4, PAR. 12

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### LEGEND

- LIMITS OF GRADING
- ~ EX 10-FT CONTOUR
- ~ EX 2-FT CONTOUR
- ~ PROP 10-FT CONTOUR
- ~ PROP 2-FT CONTOUR

**KEY MAP**  
(NOT TO SCALE)

**SCALE:** HORIZ: 1"=50'  
VERT: 1"=50'

**DATE:** MAY 2025  
**JOB:** 5100-0101  
**DRAWN:** JCH **CHECK:** JPG  
**CADD:** C-CG-101.DWG  
**NCS:**  
**SHEET:** 33 OF 75

MATCHLINE  
SEE SHEET 32

N 307000.00  
E 2439500.00

N 307000.00  
E 2439500.00

NIF  
BROUGHMAN  
D.B. 1242, PG. 549  
CTD MAP 4  
PAR. 11.2

CONNECT TO EX. 12"  
TEST PIT REQUIRED.  
2.45' H.B.

N 306500.00  
E 2438500.00

MATCHLINE  
SEE SHEET 36

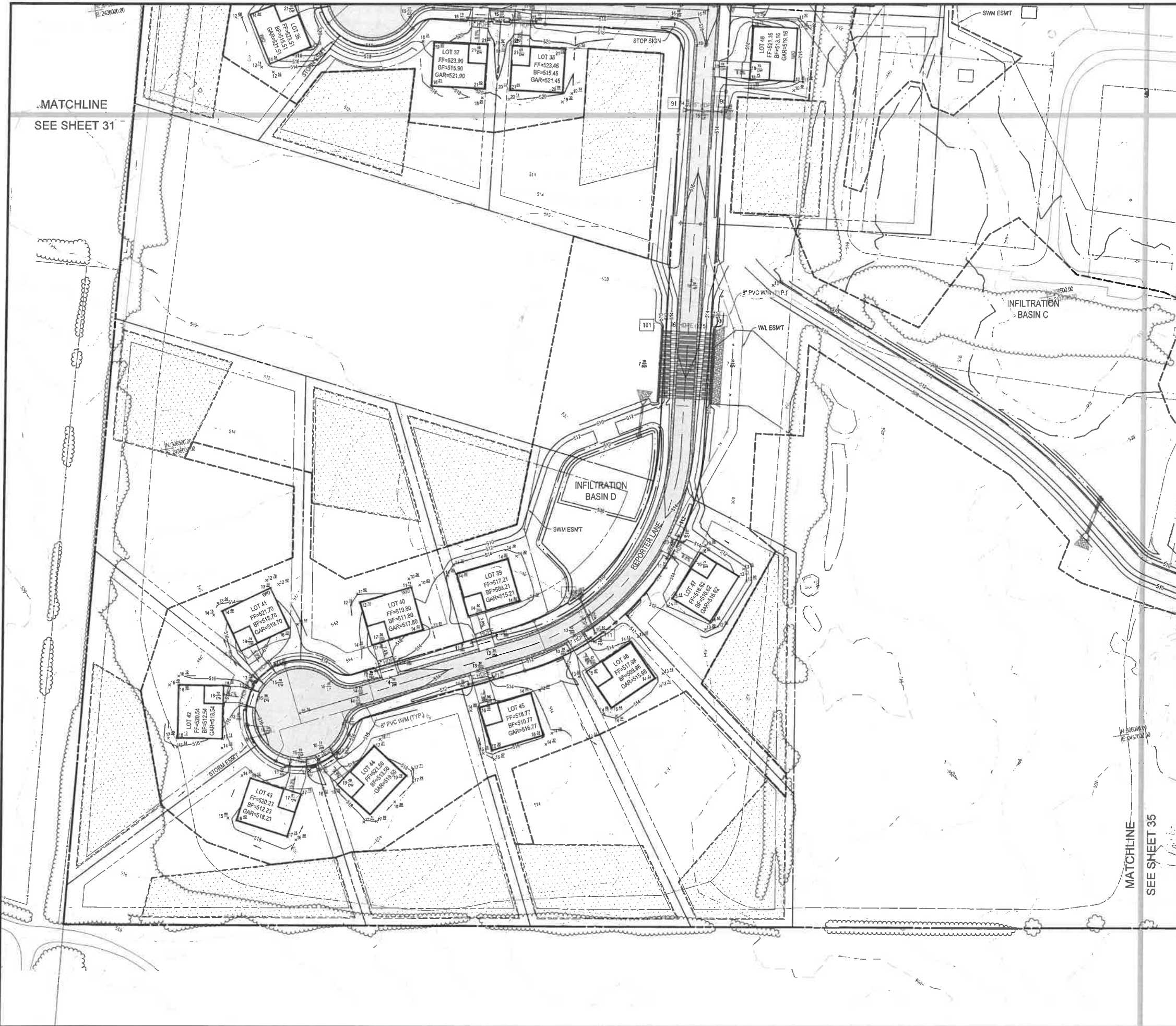
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**ADVANCE CONSTRUCTION**  
SEAL

NO.	REVISIONS

GRADING PLAN  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 749); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
	VERT: 1"=50'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CG-101.DWG
NCS:	
SHEET:	33 OF 75



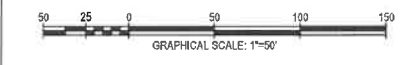
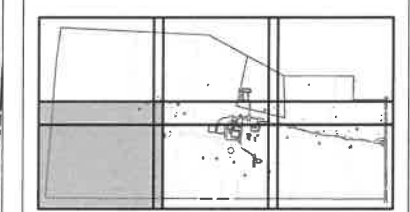
MATCHLINE  
SEE SHEET 31

MATCHLINE  
SEE SHEET 35

**LEGEND**

- LIMITS OF GRADING
- - - EX 10-FT CONTOUR
- - - EX 2-FT CONTOUR
- - - PROP 10-FT CONTOUR
- - - PROP 2-FT CONTOUR

KEY MAP  
(NOT TO SCALE)



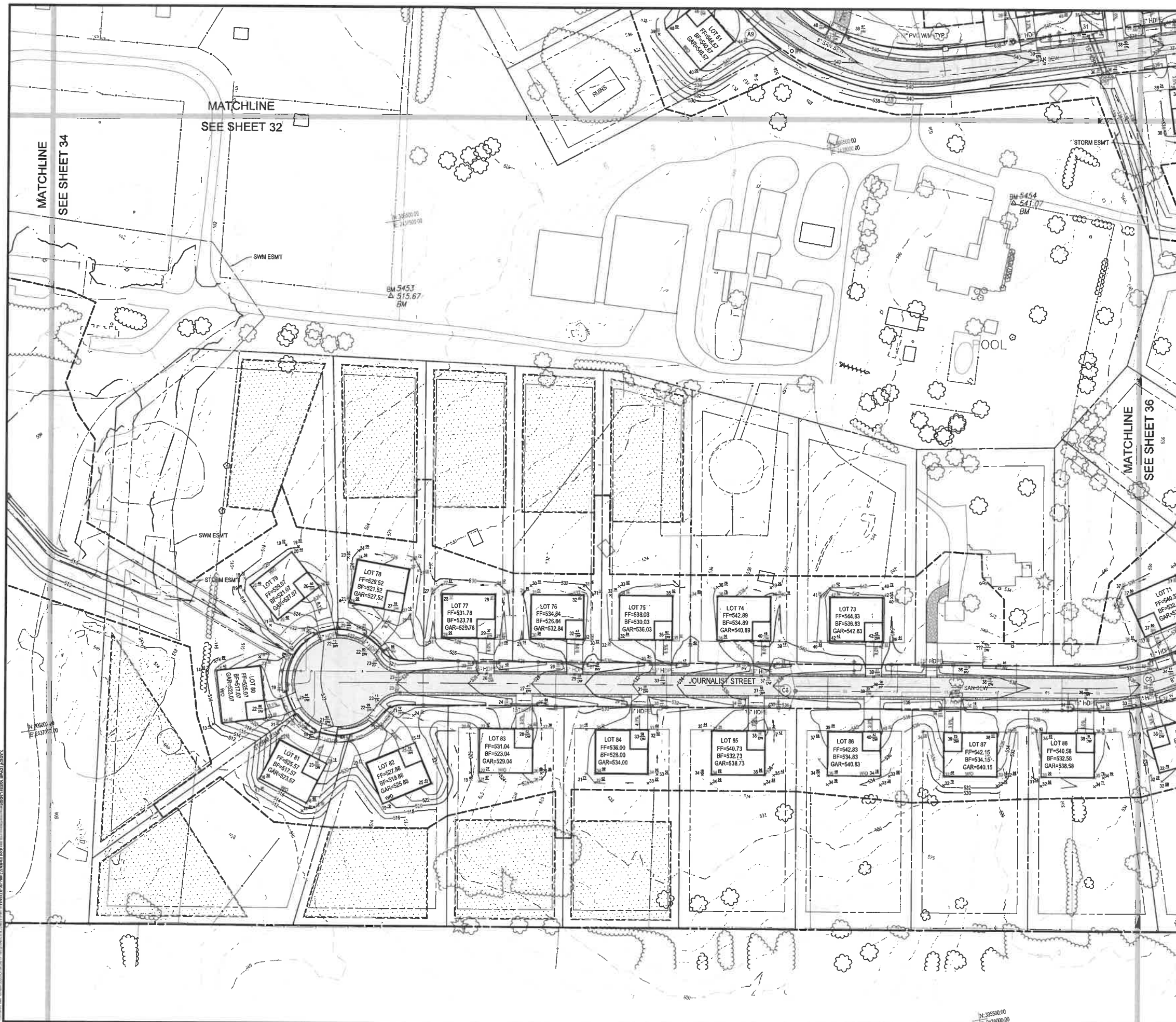
**INTEGRITY FEDERAL SERVICES**  
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NO.	REVISIONS

GRADING PLAN  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 713, PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CG-101.DWG
NCS:	
SHEET:	34 OF 75



**LEGEND**

- LIMITS OF GRADING
- EX 10-FT CONTOUR
- EX 2-FT CONTOUR
- PROP 10-FT CONTOUR
- PROP 2-FT CONTOUR

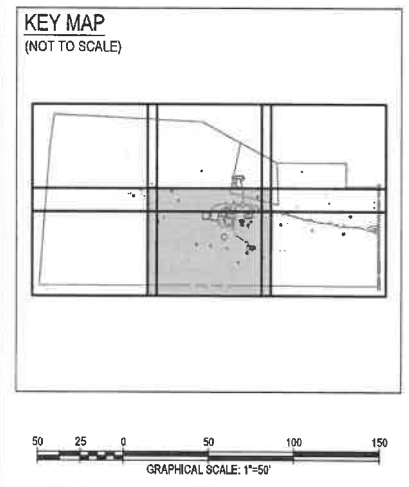
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**ADVANCED CONSTRUCTION**  
 PROFESSIONAL ENGINEER  
 SEAL:

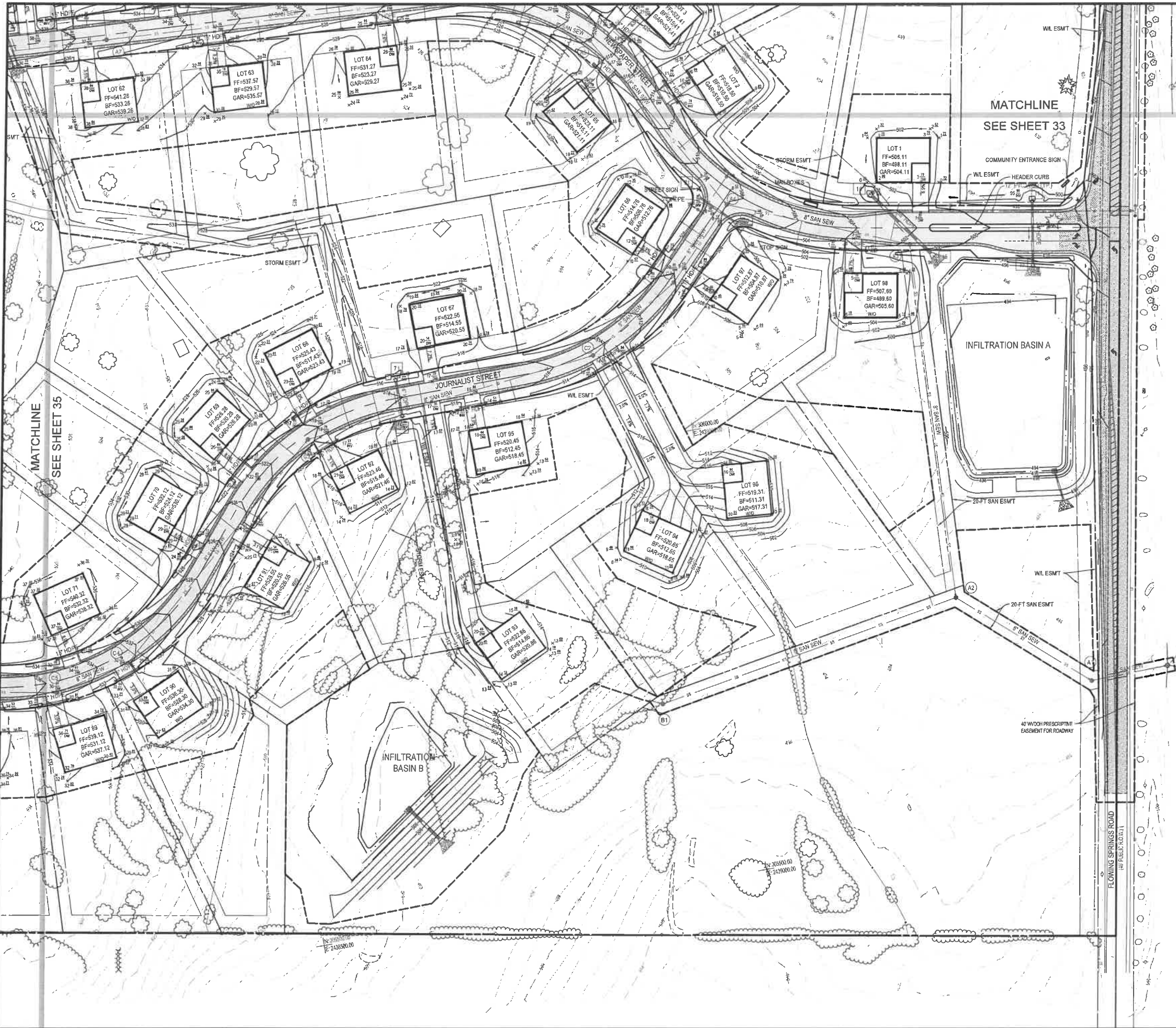
REVISIONS

NO.	DESCRIPTION

GRADING PLAN  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04 PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 4331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA



SCALE:	HORIZ:
	VERT:
DATE: MAY 2025	
JOB: 5100-0101	
DRAWN: JCH	CHECK: JPG
CADD: C-CG-101.DWG	
NCS:	
SHEET:	
35 OF 75	



**LEGEND**

- LIMITS OF GRADING
- ~ EX 10-FT CONTOUR
- ~ EX 2-FT CONTOUR
- ~ PROP 10-FT CONTOUR
- ~ PROP 2-FT CONTOUR

**KEY MAP**  
(NOT TO SCALE)

50 25 0 50 100 150  
GRAPHICAL SCALE: 1"=50'

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**APPROVED FOR CONSTRUCTION**  
 SEAL: \_\_\_\_\_

REVISIONS

NO.	DESCRIPTION

GRADING PLAN  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1, (S. 1300, P.G. 743, PARCEL 13 (D.B. 1311, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.: \_\_\_\_\_  
 VERT: \_\_\_\_\_

DATE: MAY 2025

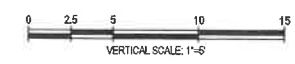
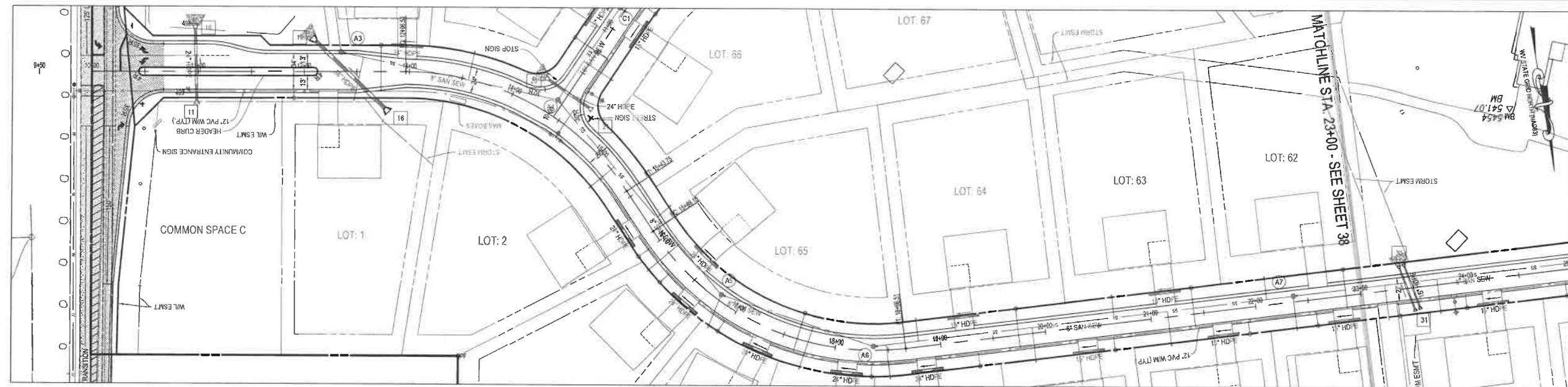
JOB: 5100-0101

DRAWN: JCH CHECK: JPG

CADD: C-CG-101.DWG

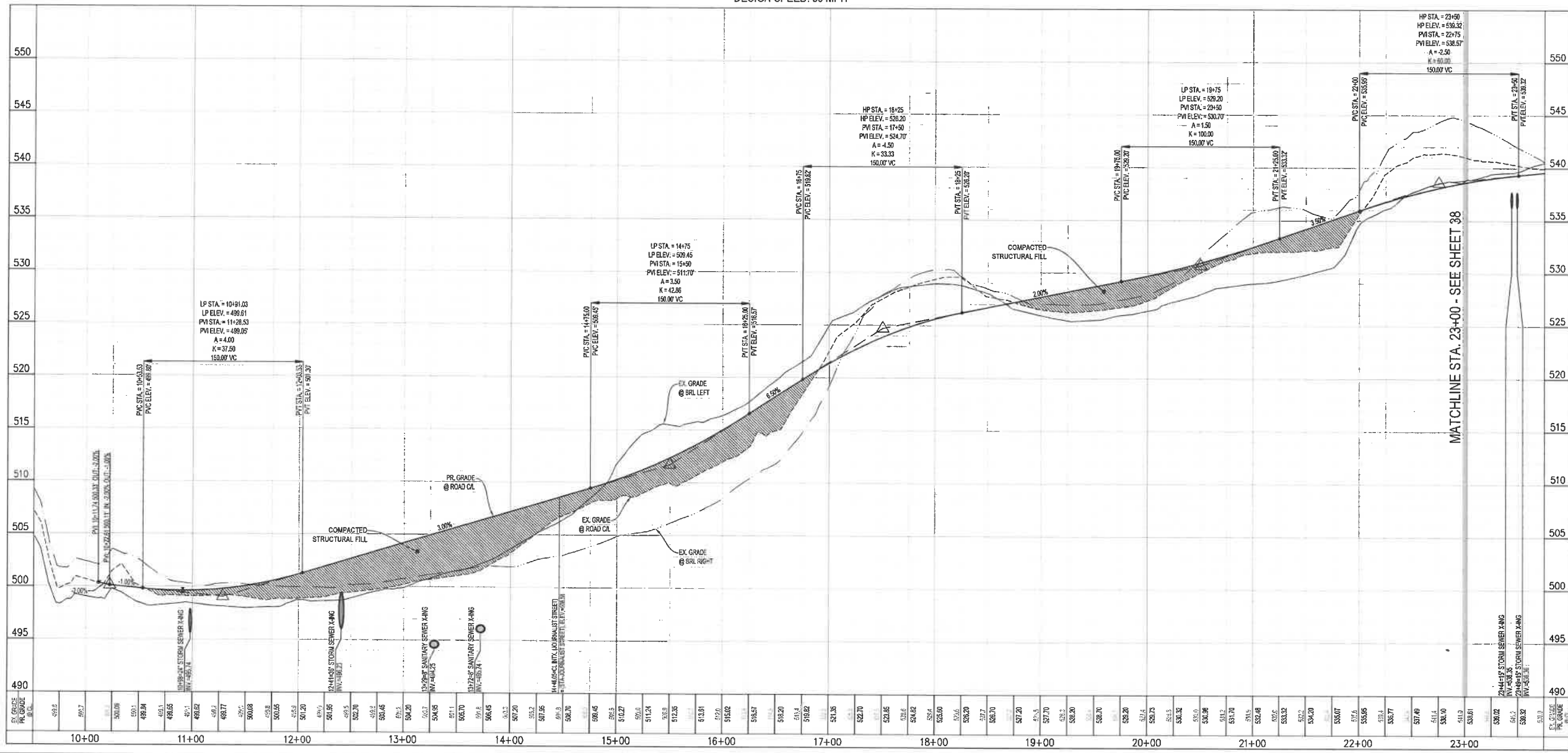
NCS: \_\_\_\_\_

SHEET: 36 OF 75



NEWSPAPER STREET (STA. 10+00 - 22+00)

50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH



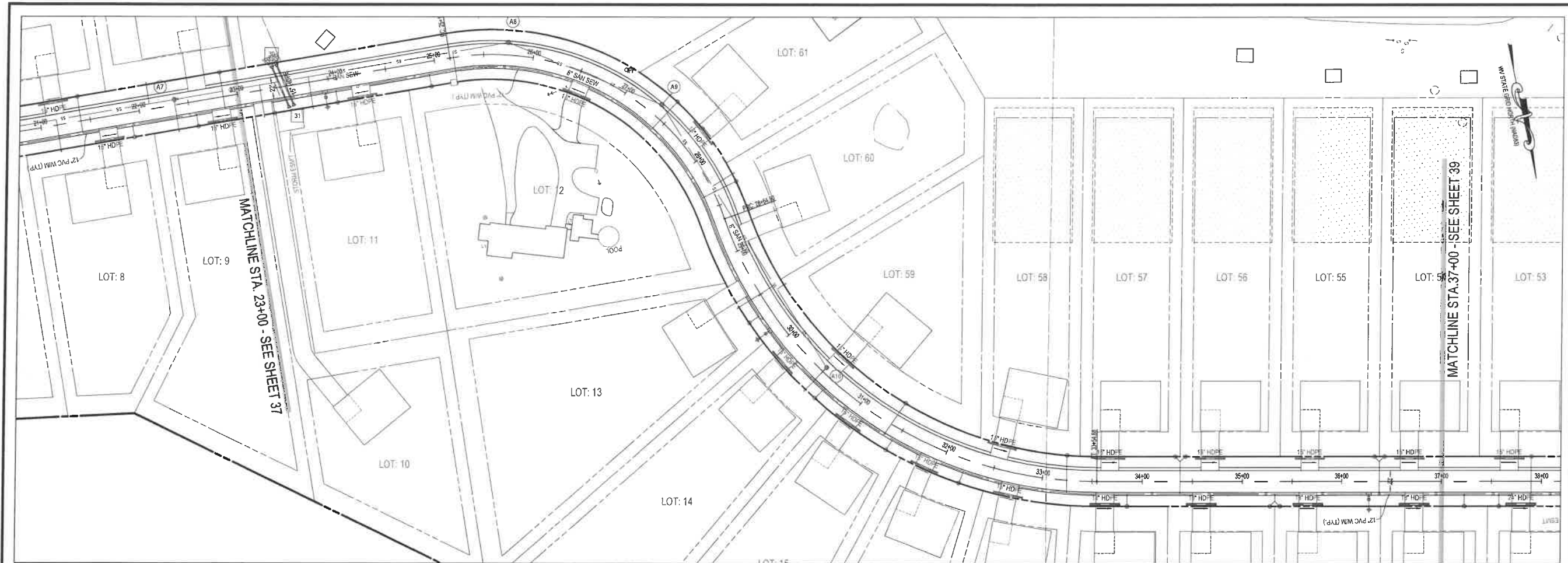
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**APPROVED FOR CONSTRUCTION**  
 PROFESSIONAL ENGINEER  
 SEAL:

NO.	REVISIONS

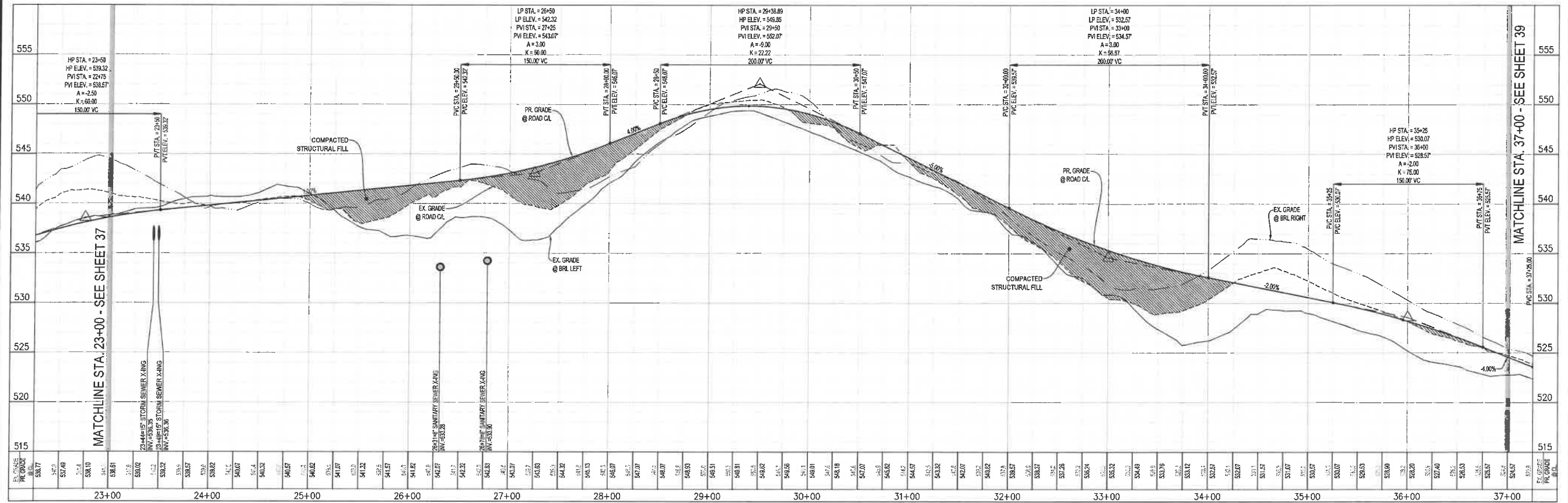
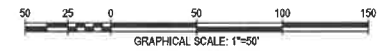
ROAD PLAN & PROFILE - NEWSPAPER STREET  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.:
	VERT.:
DATE: MAY 2025	
JOB: 5100-0101	
DRAWN: JCH	CHECK: JPG
CADD: C-CT-201.DWG	
NCS:	
SHEET:	



**NEWSPAPER STREET (STA. 22+00 - 35+00)**

50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH



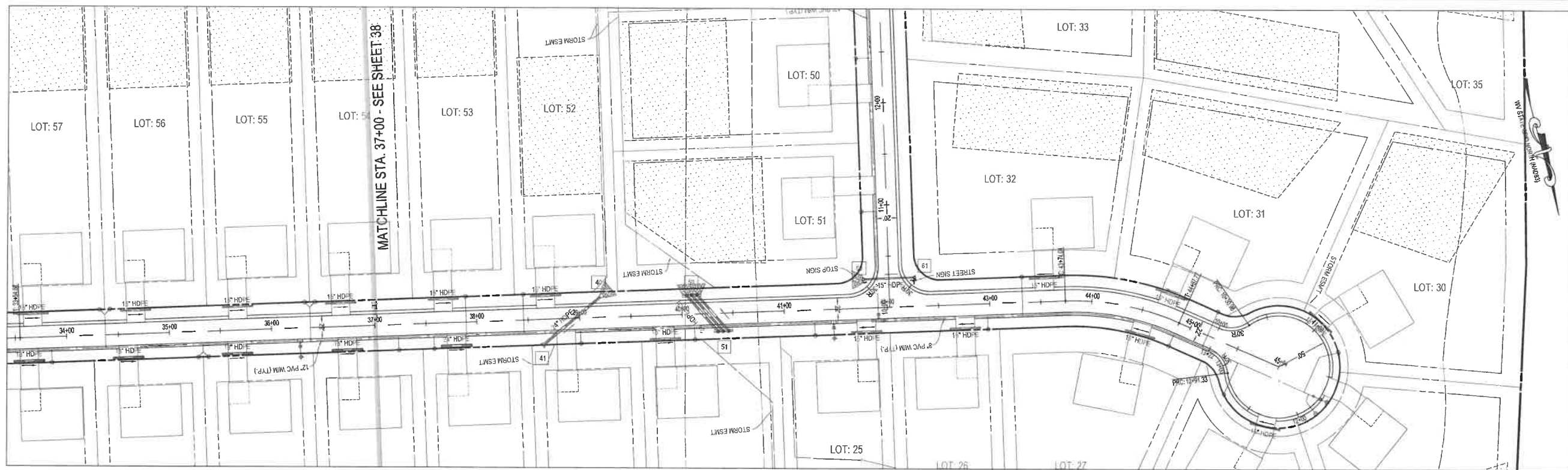
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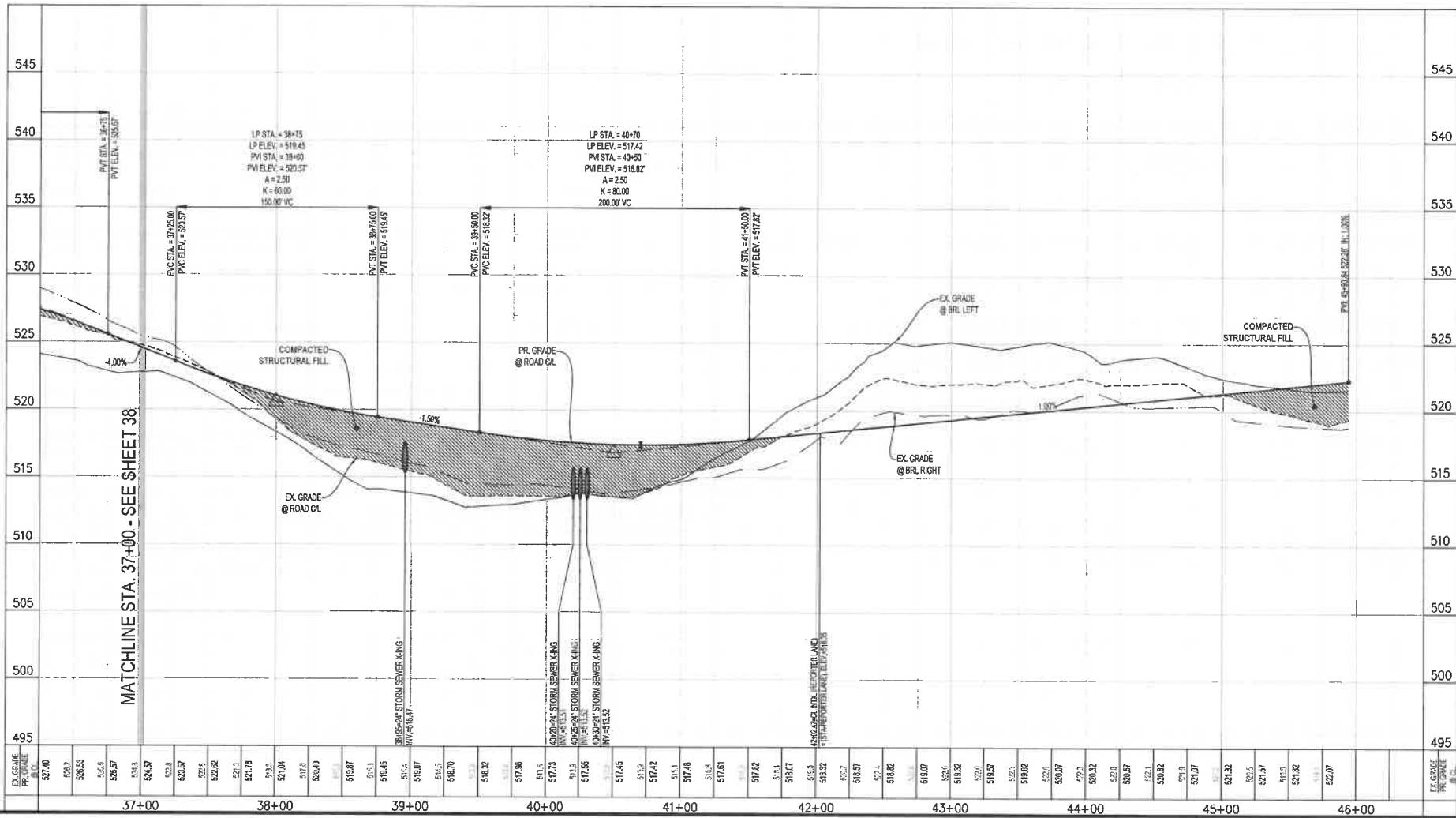
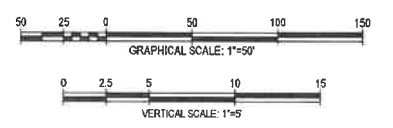
NO.	REVISIONS

ROAD PLAN & PROFILE - NEWSPAPER STREET  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCELS 11 & 11.1 (D.B. 1300, P.G. 763, PARCEL 13 (D.B. 1301, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

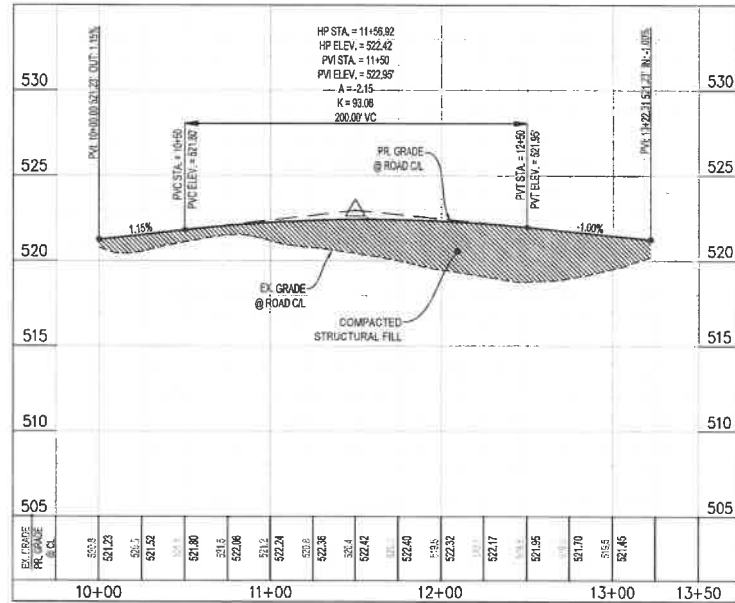
SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-201.DWG
NCS:	
SHEET:	38 OF 75



**NEWSPAPER STREET (STA. 35+00 - 45+94)**  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



**NEWSPAPER STREET CUL-DE-SAC (STA. 10+00 - END)**  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



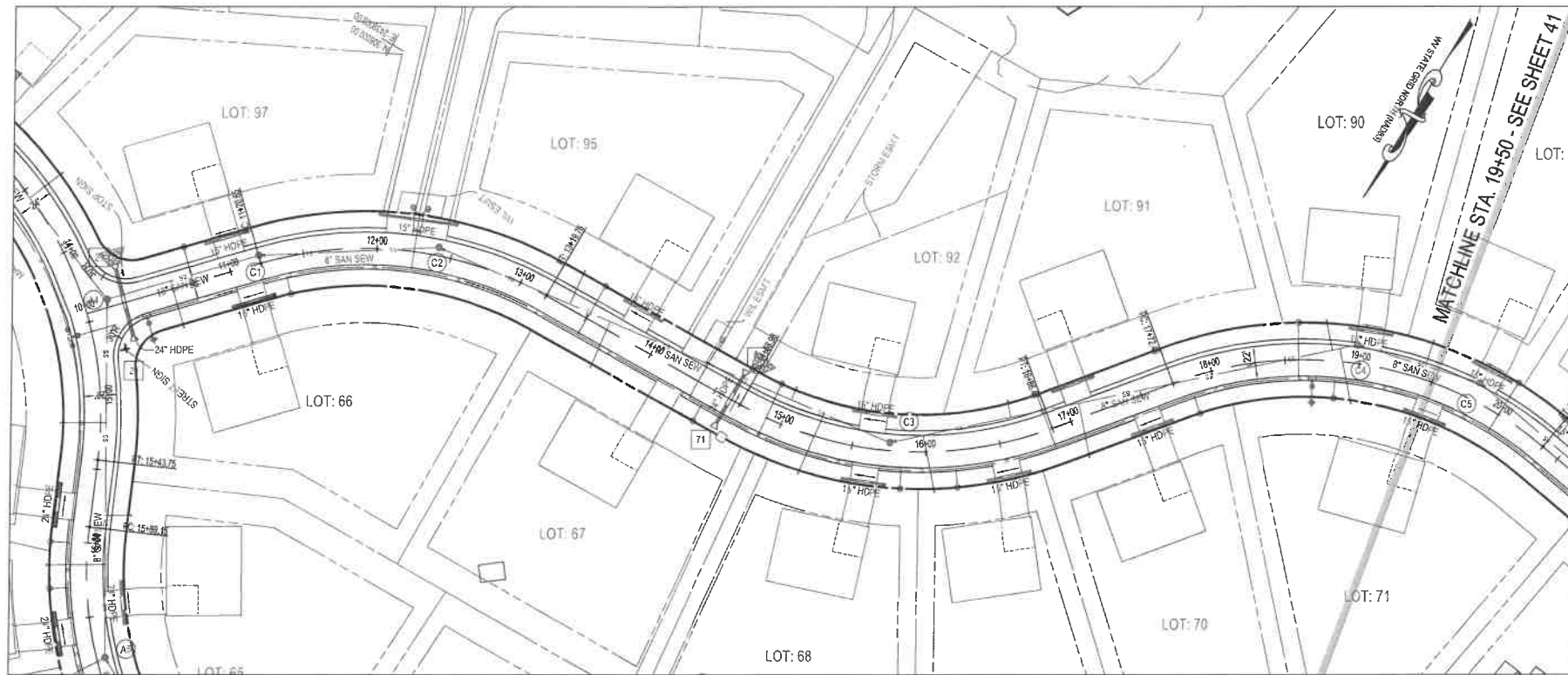
REVISIONS

ROAD PLAN & PROFILE - NEWSPAPER STREET

**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAT**

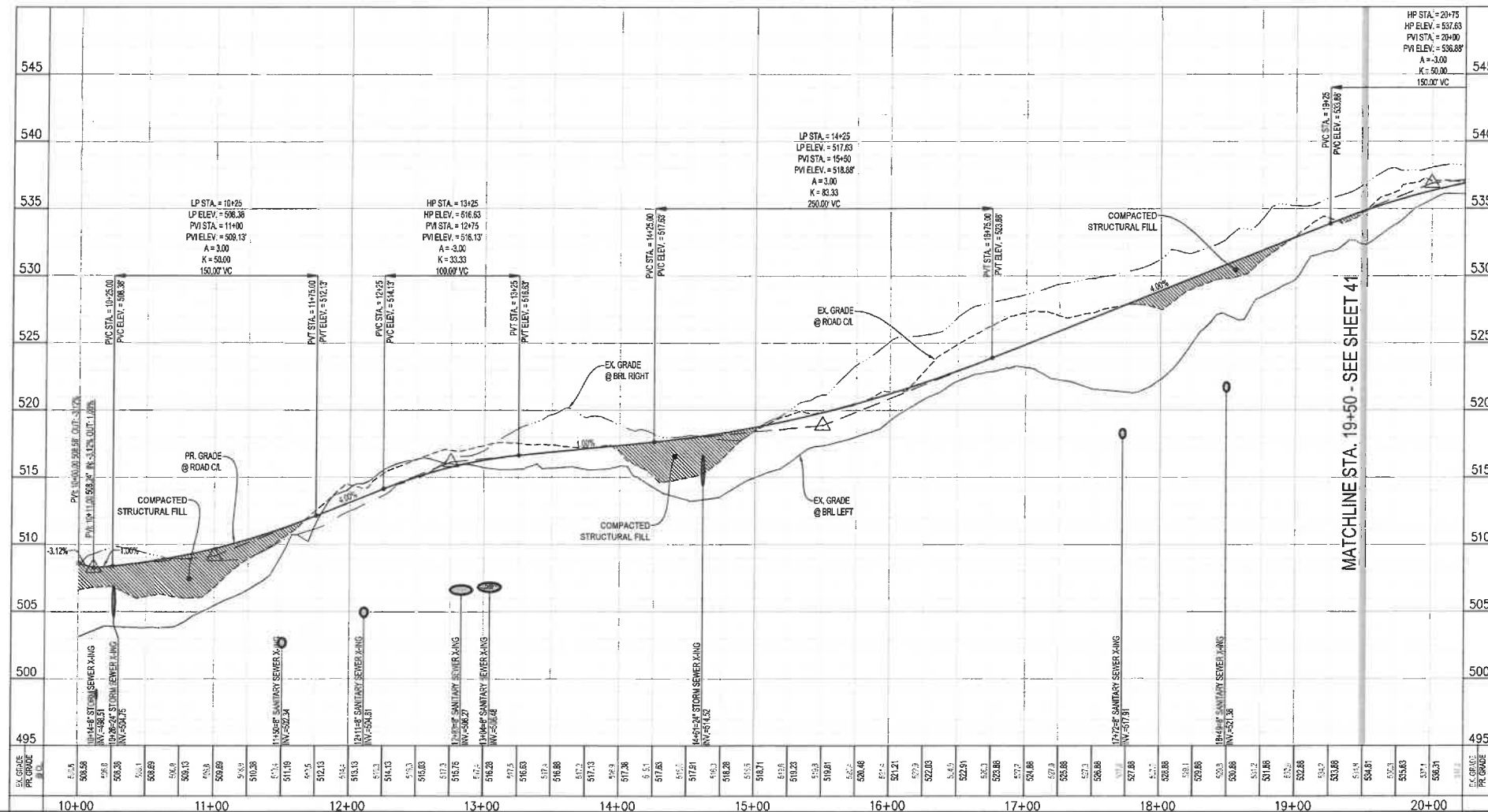
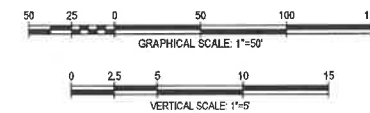
TAX MAP 04; PARCEL 11 & 11.1; (D.B. 1330, P.G. 743), PARCEL 19 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-201.DWG
NCS:	
SHEET:	
<b>39 OF 75</b>	



**JOURNALIST STREET (STA. 10+00 - 19+00)**

50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH



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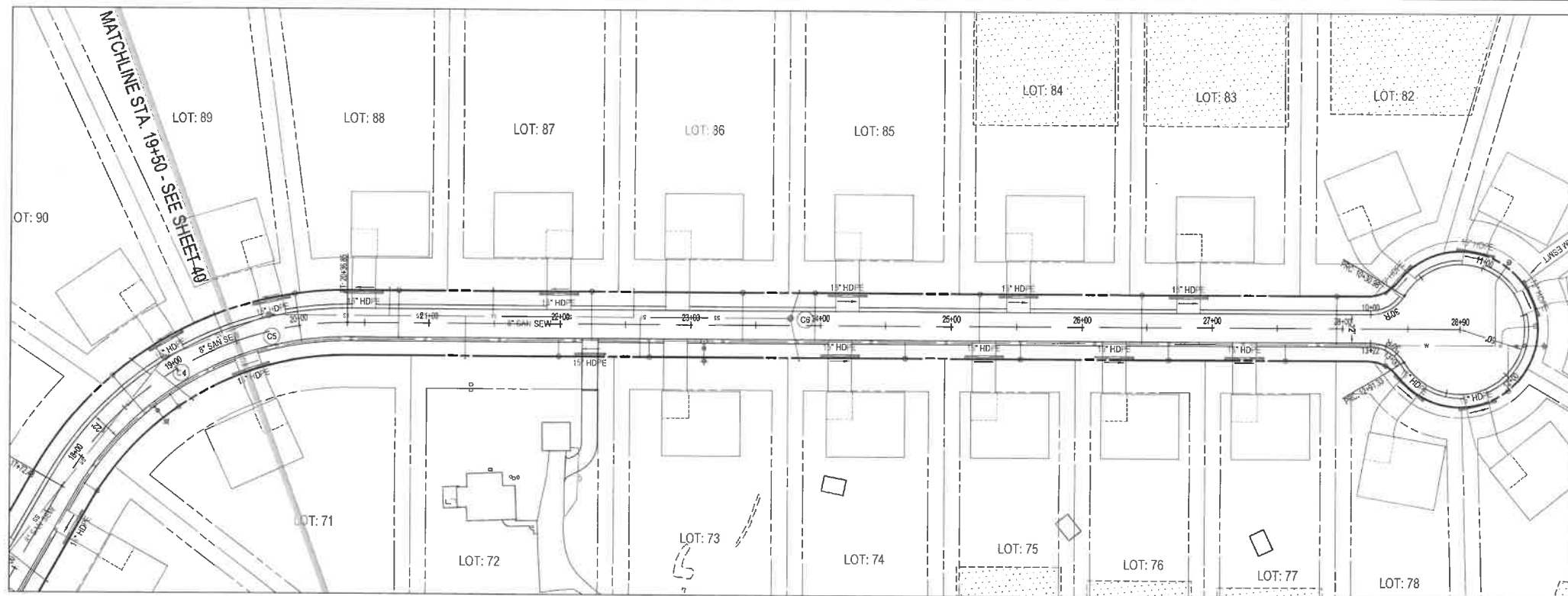
**ADVANCED CONSTRUCTION**  
 SEAL: [Signature]

NO.	REVISIONS

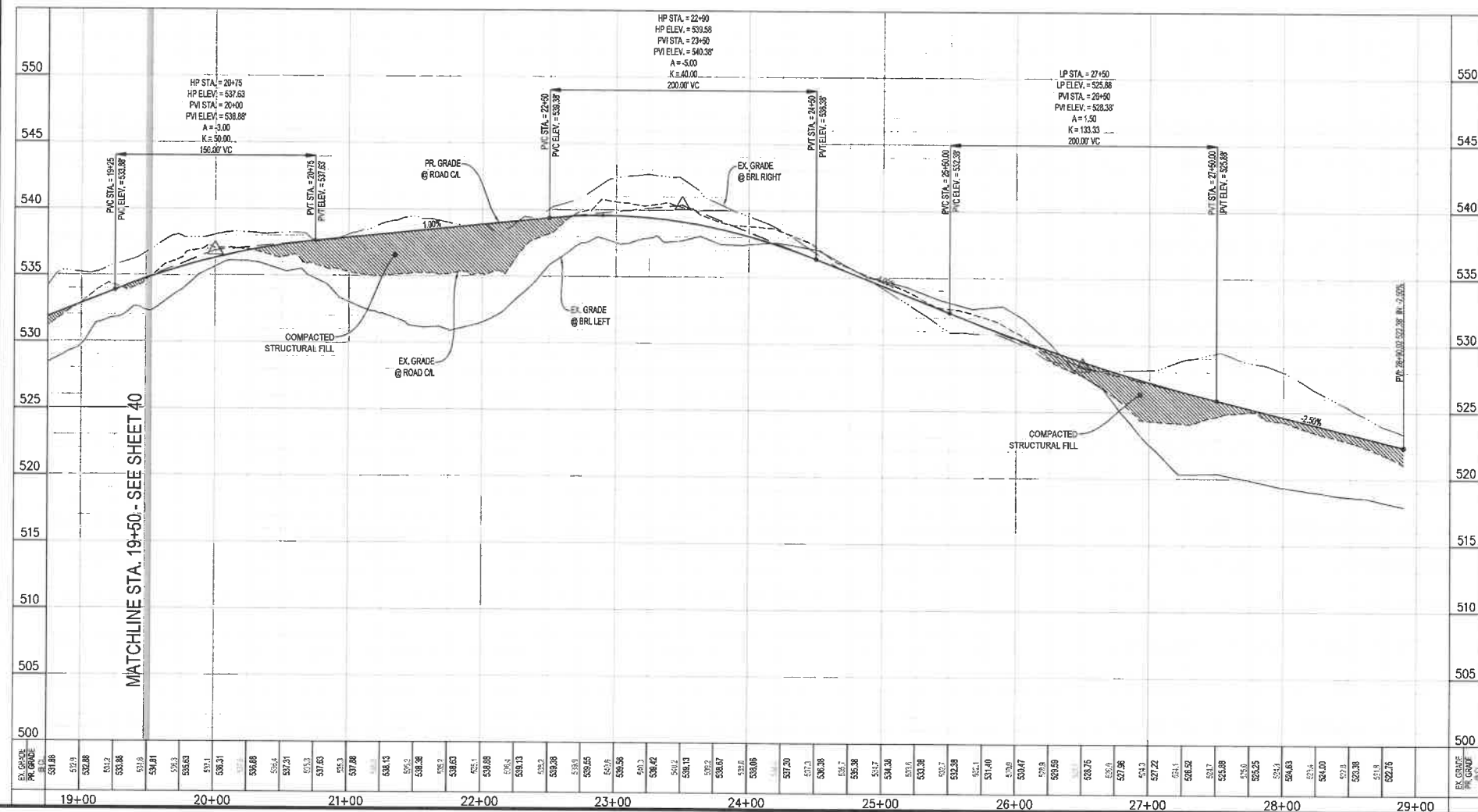
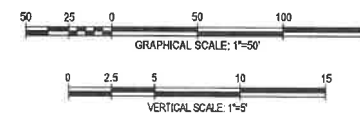
ROAD PLAN & PROFILE - JOURNALIST STREET  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1300, P.G. 743), PARCEL 13 (D.B. 1311, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1\"/>
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPC  
 CADD: C-CT-201.DWG  
 SHEET: 40 OF 75

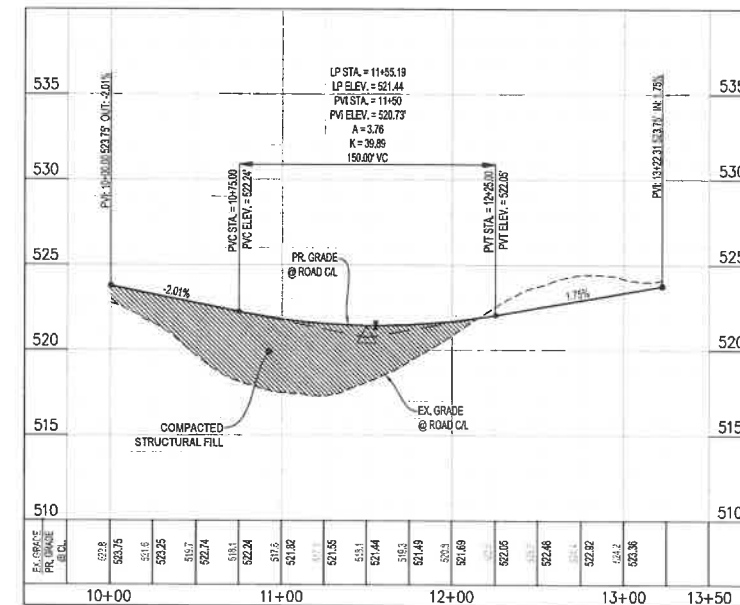
THIS PLAN AND PROFILE WERE PREPARED BY THE DESIGNER AND THE DESIGNER IS NOT RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DESIGNER HAS CONDUCTED A VISUAL CHECK OF THE INFORMATION PROVIDED HEREON AND HAS FOUND IT TO BE ACCURATE. THE DESIGNER HAS CONDUCTED A VISUAL CHECK OF THE INFORMATION PROVIDED HEREON AND HAS FOUND IT TO BE ACCURATE.



JOURNALIST STREET (STA. 19+00 - 28+15)  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



JOURNALIST STREET CUL-DE-SAC (STA. 10+00 - END)  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



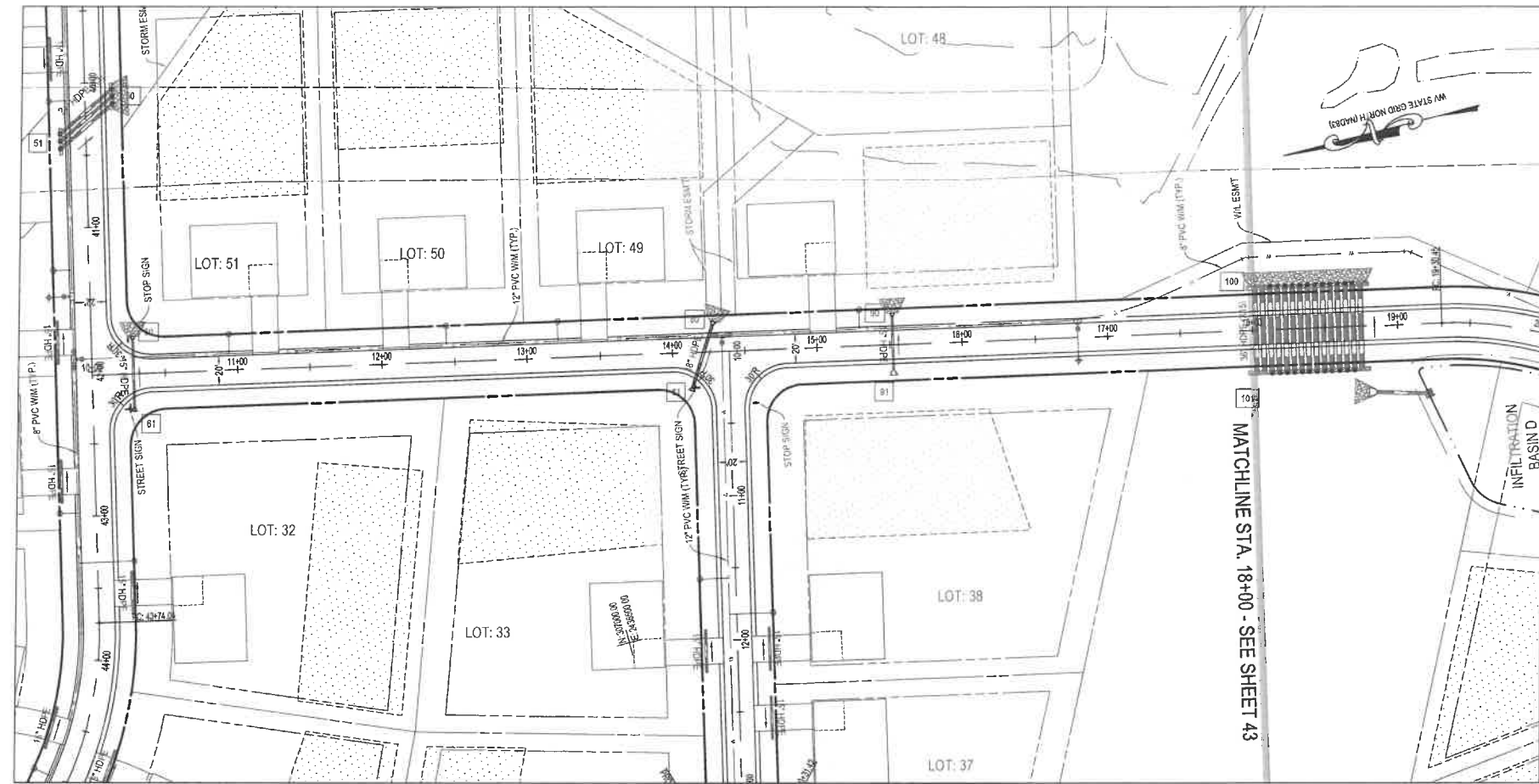
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**ADVANCED CONSTRUCTION**  
 PROFESSIONAL ENGINEERING  
 SEAL:

NO.	DESCRIPTION	DATE

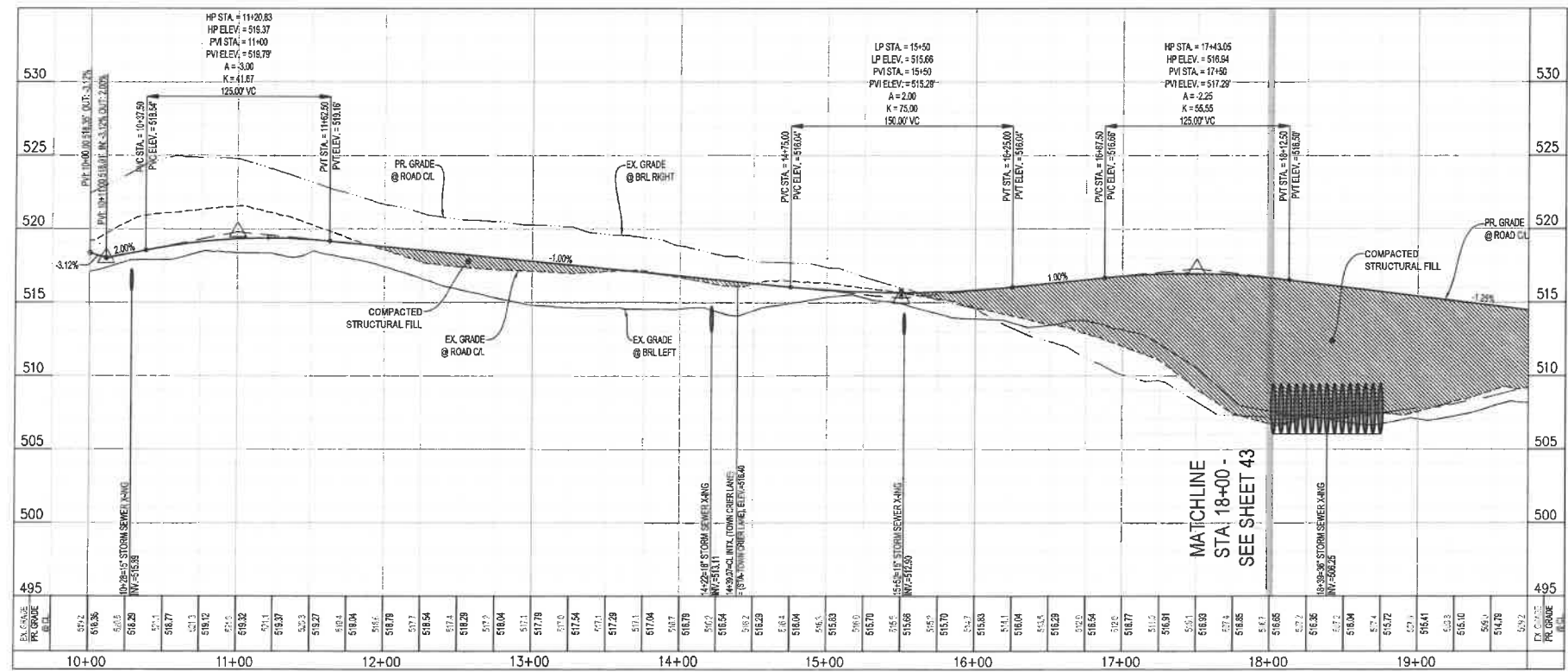
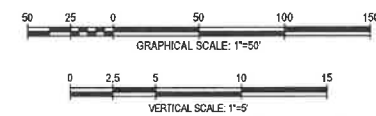
ROAD PLAN & PROFILE - JOURNALIST STREET  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1; (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
DATE:	VERT.:
JOB:	MAY 2025
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-201.DWG
NCS:	
SHEET:	



**REPORTER LANE (STA. 10+00 - 18+00)**

50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH



**INTEGRITY FEDERAL SERVICES**  
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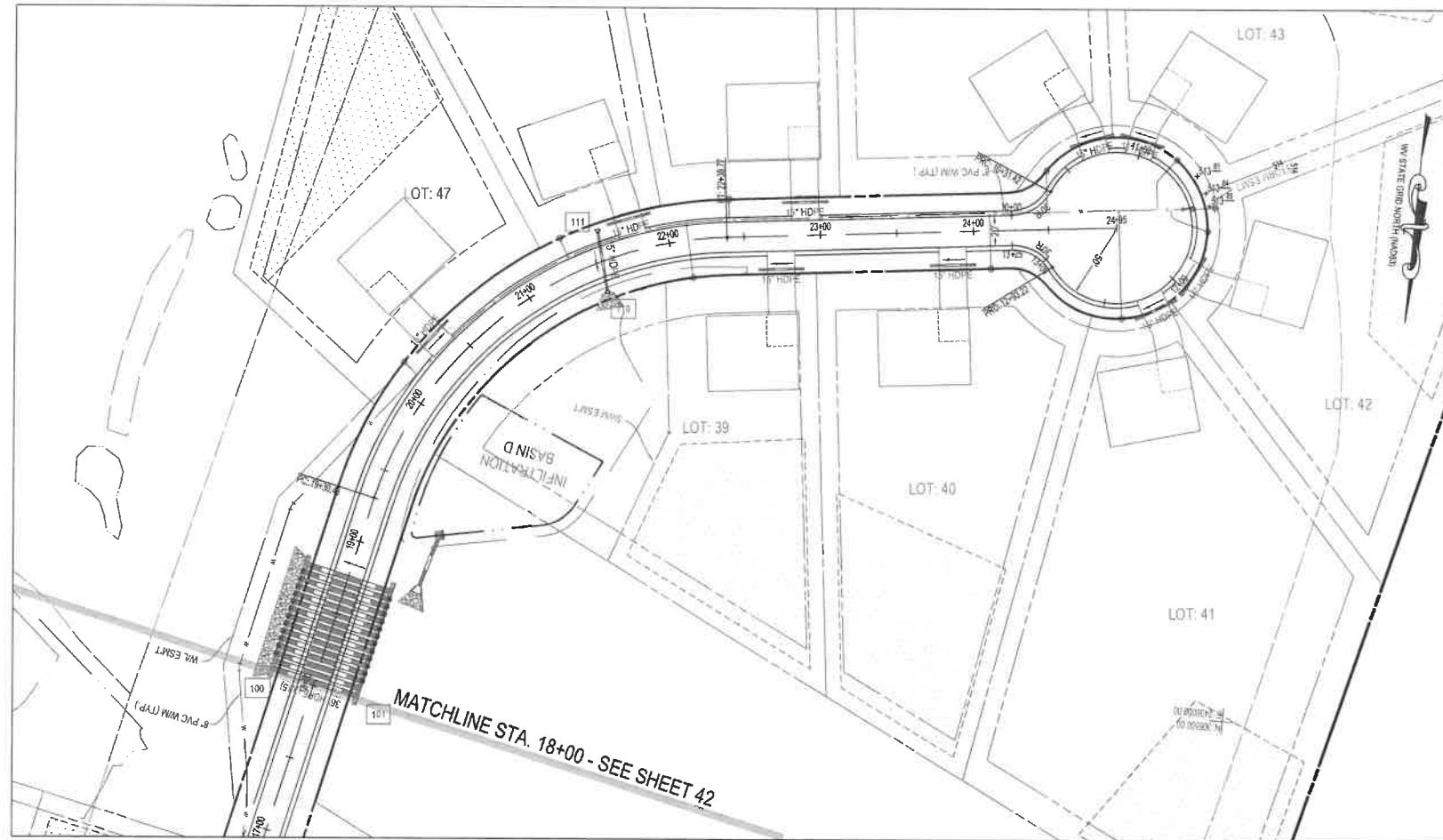


NO.	REVISIONS

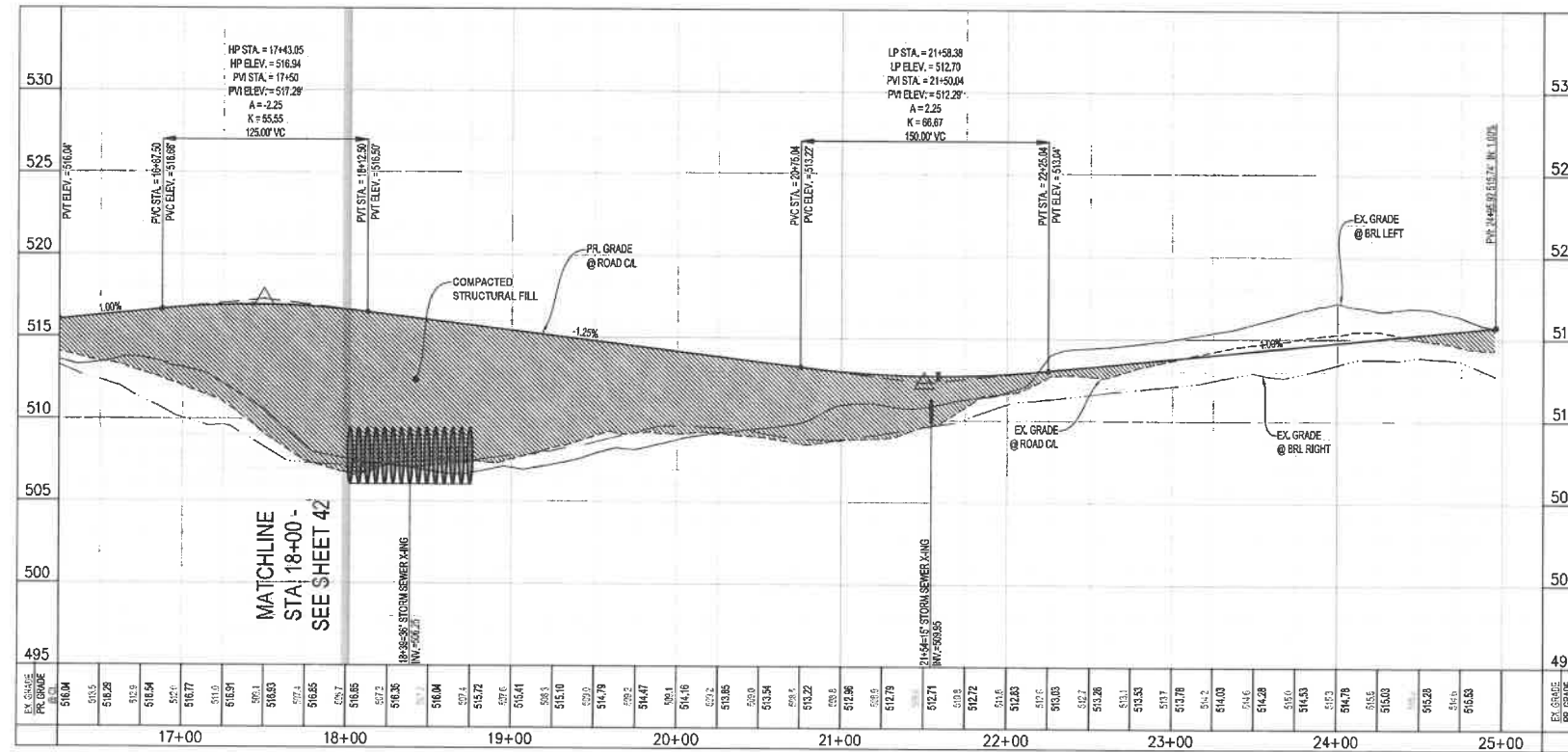
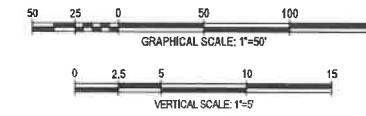
ROAD PLAN & PROFILE - REPORTER LANE  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
TAX: MAP 04; PARCEL 11 & 11.1 (DB. 1830); P.C. 743; PARCEL 13 (DB. 1351, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-201.DWG
NCS:	
SHEET:	42 OF 75

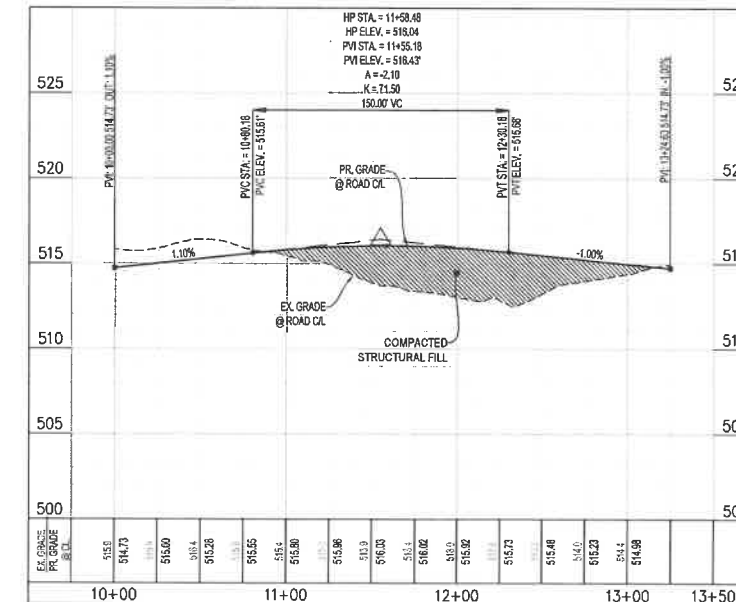
THE PLAN AND PROFILE OF THIS PROJECT HAVE BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF WEST VIRGINIA. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, BUT I AM PROVIDING MY BEST PROFESSIONAL JUDGMENT AND SERVICE. I AM NOT PROVIDING ANY GUARANTEE OR WARRANTY OF ANY KIND, BUT I AM PROVIDING MY BEST PROFESSIONAL JUDGMENT AND SERVICE.



**REPORTER LANE (STA. 10+00 - 24+95)**  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



**REPORTER LANE CUL-DE-SAC (STA. 10+00 - END)**  
 50' RIGHT-OF-WAY  
 RESIDENTIAL LOCAL STREET  
 DESIGN SPEED: 30 MPH



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**ADVANCED CONSTRUCTION**  
 SEAL: \_\_\_\_\_

NO.	DESCRIPTION	DATE

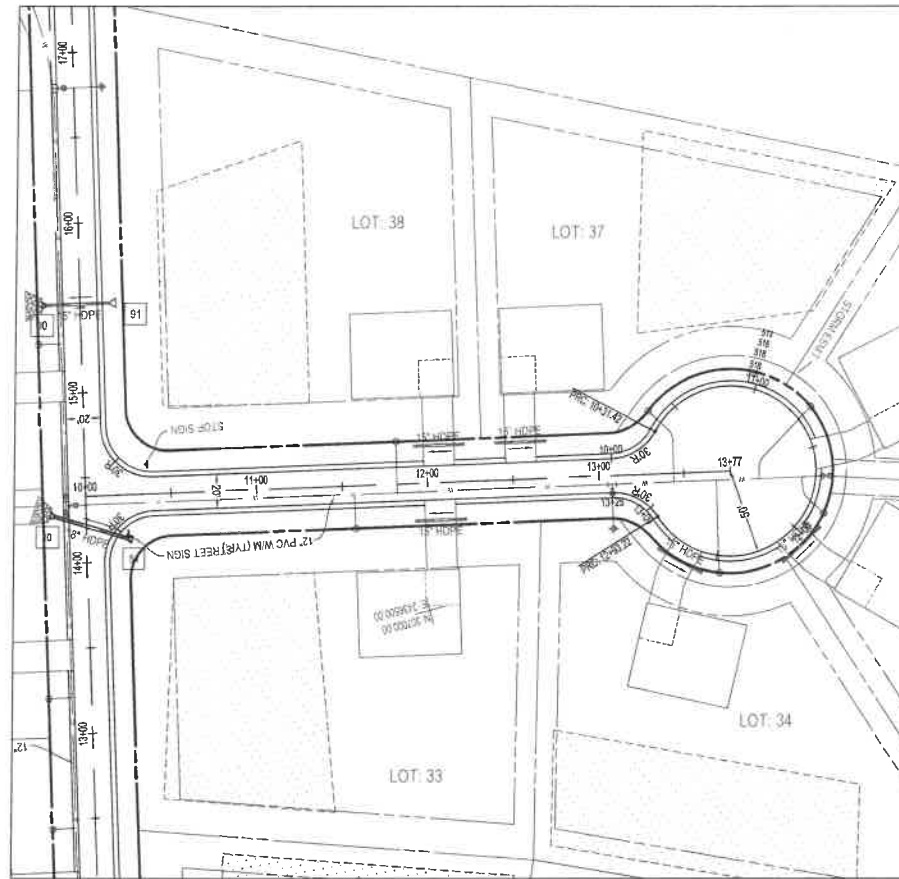
ROAD PLAN & PROFILE - REPORTER LANE

**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**

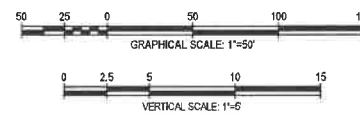
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: _____
	VERT: _____
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-201.DWG
NCS:	
SHEET:	

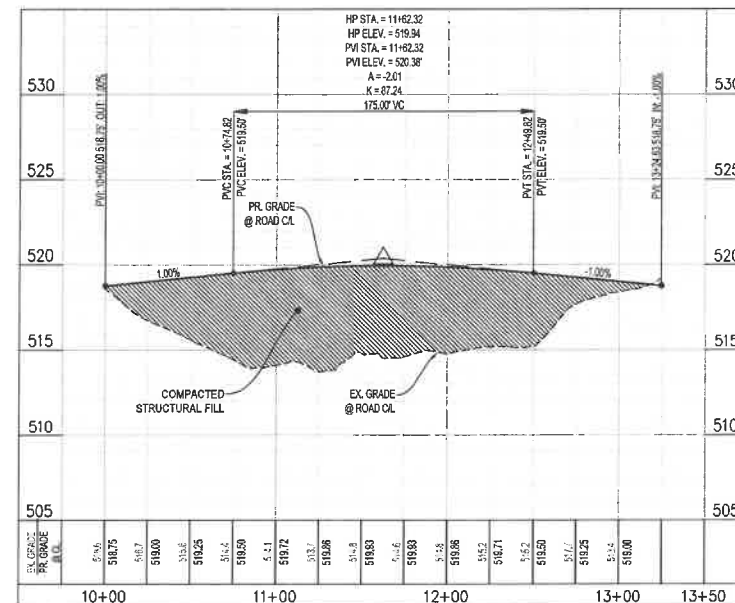
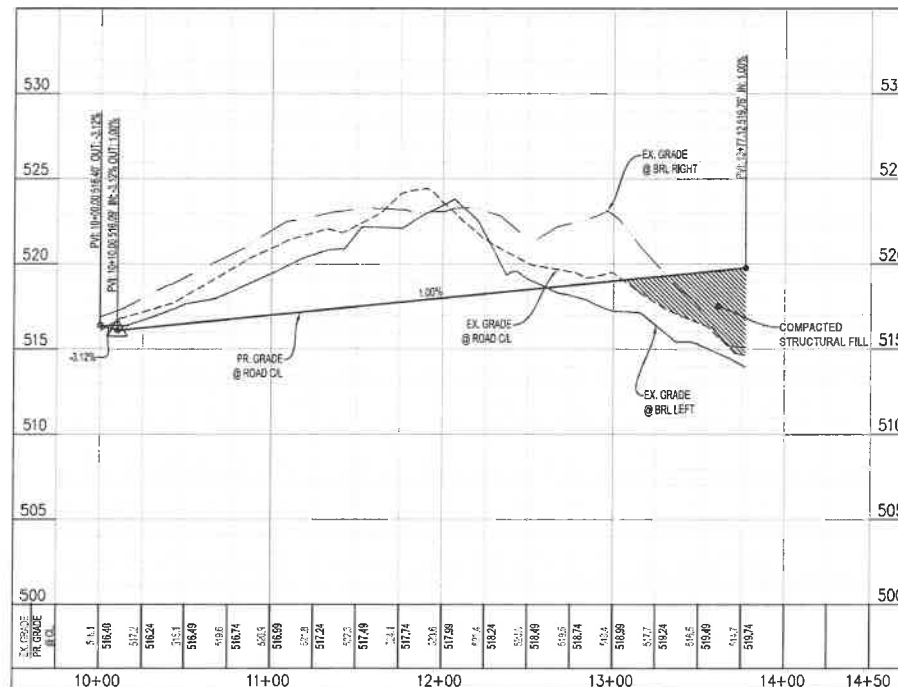
THE STATE OF WEST VIRGINIA, COUNTY OF JEFFERSON, PARCEL 11 & 14, (D.B. 1330), P.C. 749, PARCEL 13 (D.B. 1331, PG. 1)  
CHANGES TO THE PRELIMINARY PLAN AND PROFILE FOR TOWN CRIER LANE AND TOWN CRIER LANE CUL-DE-SAC, GRADES, PROFILES  
DRAWN AND CHECKED BY: JCH



TOWN CRIER LANE (STA. 10+00 - 13+77)  
50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH



TOWN CRIER LANE CUL-DE-SAC (STA. 10+00 - END)  
50' RIGHT-OF-WAY  
RESIDENTIAL LOCAL STREET  
DESIGN SPEED: 30 MPH

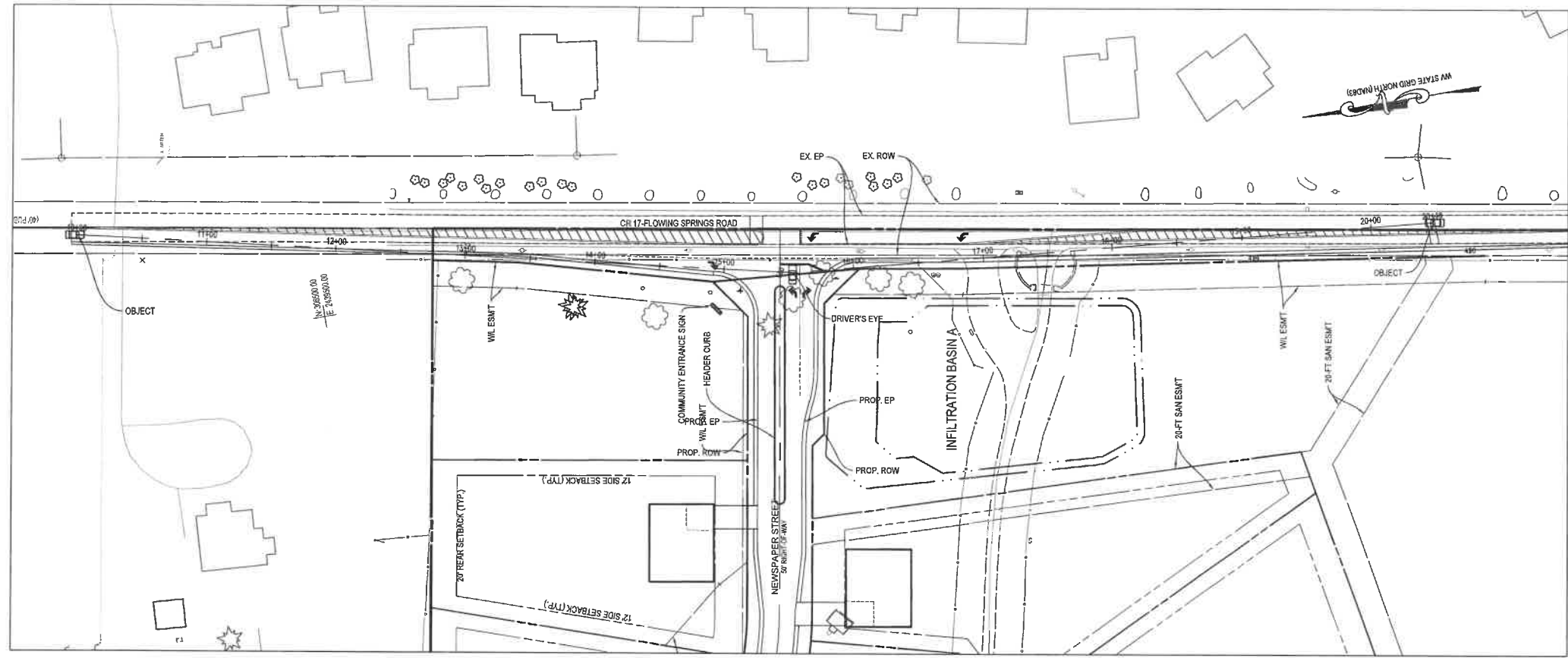


REVISIONS	

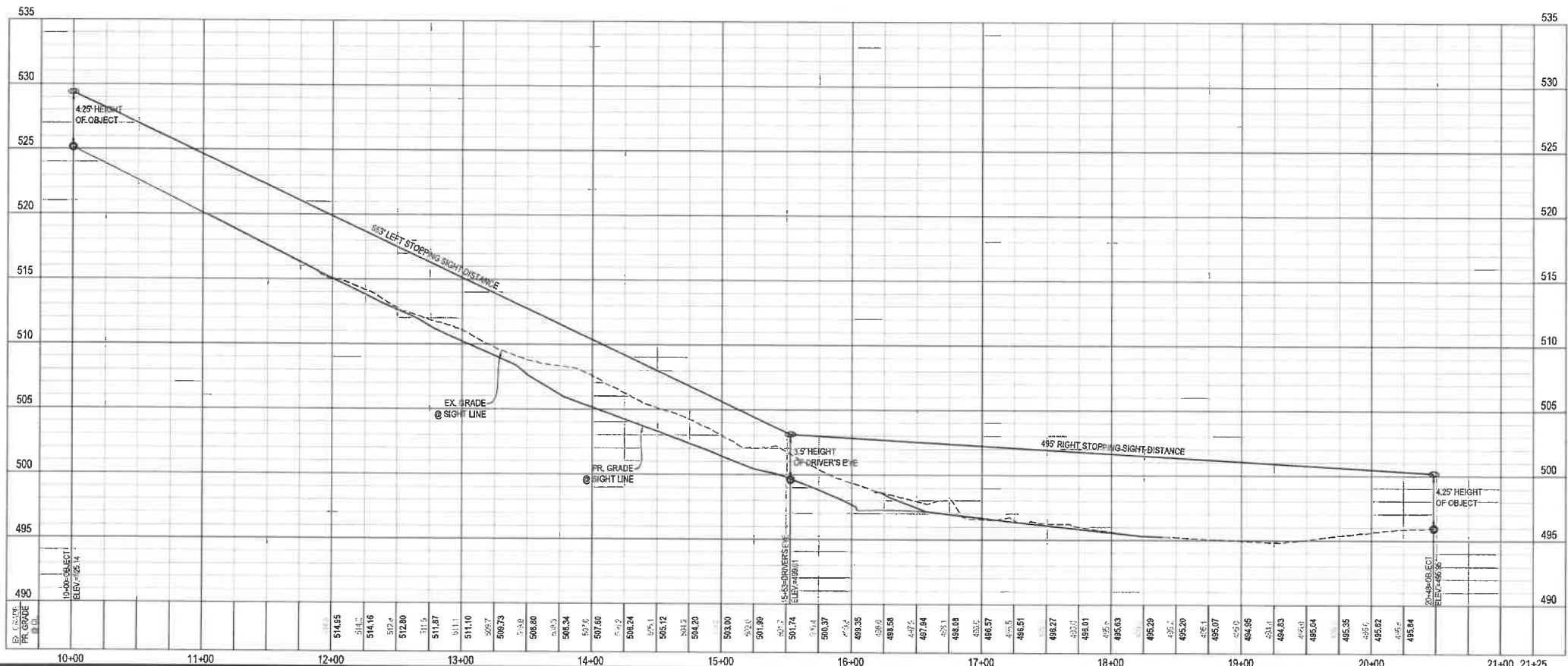
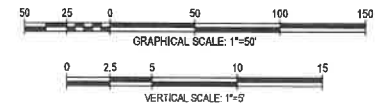
ROAD PLAN & PROFILE - TOWN CRIER LANE  
**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAN**  
TAX MAP 04; PARCEL 11 & 14 (D.B. 1330), P.C. 749; PARCEL 13 (D.B. 1331, PG. 1)  
CLAWLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.:  
VERT.:  
DATE: MAY 2025  
JOB: 5100-0101  
DRAWN: JCH CHECK: JPG  
CADD: C-CT-201.DWG  
NCS:  
SHEET:  
44 OF 75

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**NEWSPAPER STREET SIGHT DISTANCE PLAN & PROFILE**  
**POSTED SPEED = 50 MPH**  
 UP GRADE AT 0% = 495' REQUIRED (+/- 2% ACTUAL)  
 DOWN GRADE AT 6% = 553' REQUIRED (+/- 4% ACTUAL)



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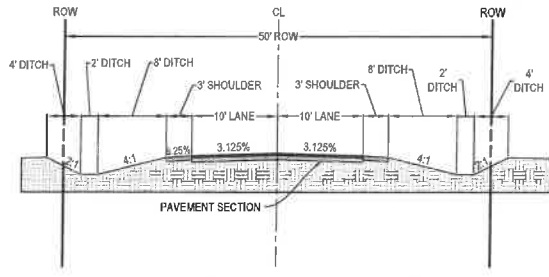
NO.	REVISIONS

SIGHT DISTANCE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

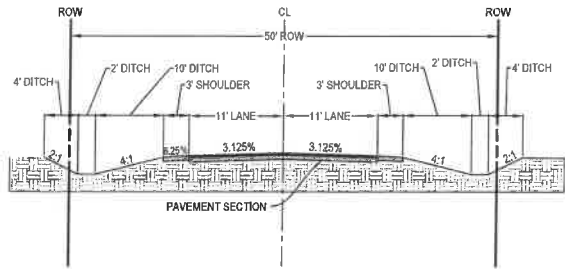
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 VERT: \_\_\_\_\_  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CT-202.DWG  
 SHEET: 45 OF 75

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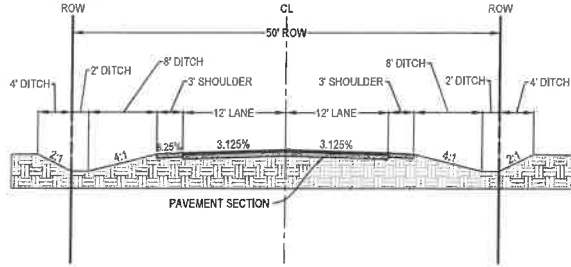
TYPICAL STREET SECTIONS: RESIDENTIAL LOCAL STREET (MAX 25 LOTS)  
SCALE: 1"=10'



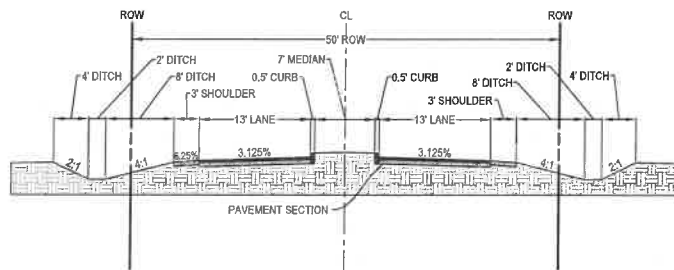
TYPICAL STREET SECTIONS: RESIDENTIAL COLLECTOR STREET (GREATER THAN 25 LOTS)  
SCALE: 1"=10'



TYPICAL STREET SECTIONS: NEWSPAPER STREET - ENTRANCE LANE  
SCALE: 1"=10'



TYPICAL STREET SECTIONS: NEWSPAPER STREET - "BOULEVARD" ENTRANCE  
SCALE: 1"=10'



**GENERAL NOTES:**

- ALL TRAFFIC CONTROL SHALL BE THE RESPONSIBILITY OF THE DEVELOPER. TRAFFIC CONTROL SIGNS AND MAINTENANCE OF TRAFFIC SHALL COMPLY WITH THE STANDARDS OF THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, STANDARD TEMPORARY TRAFFIC CONTROL CASE #6 FROM THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION DIVISION OF HIGHWAYS, 2008 MANUAL ON TEMPORARY TRAFFIC CONTROL FOR STREETS AND HIGHWAYS SHALL BE UTILIZED FOR THIS PROJECT.
- EXISTING PAVEMENT SHALL BE SAW CUT TO TIE IN NEW ENTRANCE APRON.
- NO LANE CLOSURES ARE PERMITTED BETWEEN THE HOURS OF 6:00-9:00 AM & 3:00-6:00 PM.
- SEE THIS SHEET FOR DETAILS SHOWING CASES FROM THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, MANUAL ON TEMPORARY TRAFFIC CONTROL FOR STREETS AND HIGHWAYS, 2008 EDITION.
- CONTRACTOR SHALL CONTACT KENNETH CLOHAN AT WVDOH (KENNETH.CLOHAN@WV.GOV OR 304-260-4382) PRIOR TO ANY PAVEMENT MARKINGS OR SIGNAGE BEING INSTALLED.
- CONTRACTOR SHALL CONTACT KEVIN McDONALD AT WVDOH (KEVIN.MCDONALD@WV.GOV) AT LEAST 48 HOURS PRIOR TO BEGINNING WORK WITHIN WVDOH RIGHT-OF-WAY (AFTER OBTAINING APPROVED PERMITS).
- CONTRACTOR SHALL CONTACT TOM CALDWELL AT WVDOH (TOM.M.CALDWELL@WV.GOV OR 681-320-2039) FOR UTILITY PERMITS.

**MAINTENANCE OF TRAFFIC NOTES:**

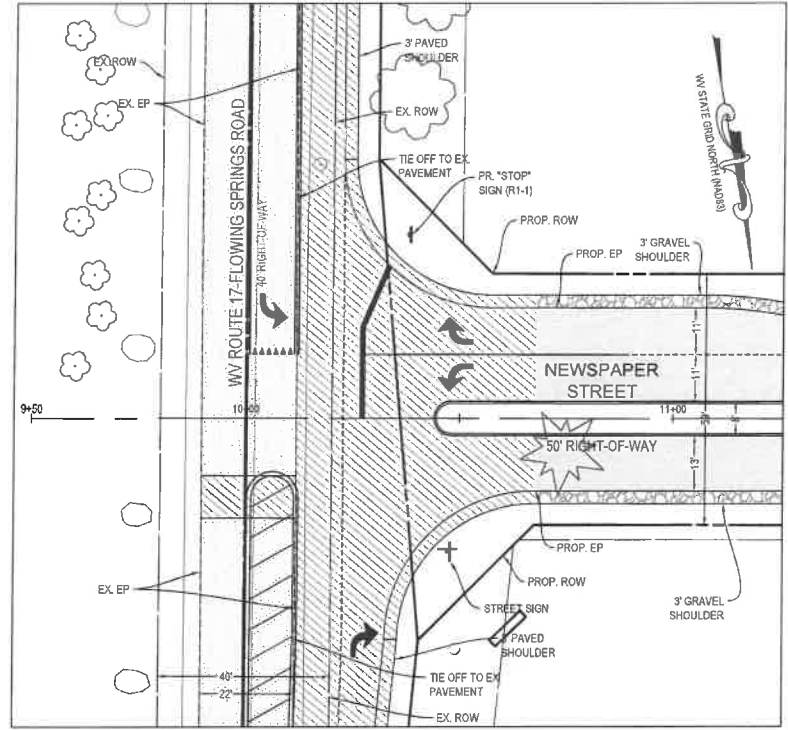
- TRAFFIC CONTROL, SAFETY MEASURES, AND MAINTENANCE OF TRAFFIC SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF EACH OF THE FOLLOWING AND ANY REVISION THERETO:
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS FOR ROADS AND BRIDGES (2017) (WITH LATEST UPDATES REFERRED TO AS THE SUPPLEMENTAL SPECIFICATIONS (2020)).
  - THE WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, MANUAL ON TEMPORARY TRAFFIC CONTROL FOR STREETS AND HIGHWAYS, 2008 EDITION.
  - MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS, 2009 EDITION (WITH UPDATES).
  - THE AASHTO ROADSIDE DESIGN GUIDE, 4TH EDITION.
- REFLECTIVE SHEETING ON TEMPORARY TRAFFIC CONTROL DEVICES SHALL BE OF NEW CONDITION AT THE BEGINNING OF THE PROJECT LIFE. NIGHT VISIBILITY AND LEGIBILITY SHALL BE MAINTAINED.
- ACCESS TO ALL HOUSES AND BUSINESSES SHALL BE MAINTAINED AT ALL TIMES.
- FLAGGER: WHEN WORK IS PERFORMED AT NIGHT WITH A FLAGGER, THE FLAGGER STATIONS SHALL BE ADEQUATELY ILLUMINATED.
- TEMPORARY TAPE: ANY TEMPORARY TAPE SHALL BE MECHANICALLY APPLIED. SOLID LINES SHALL HAVE A 2' GAP EVERY FIFTY FEET.
- EXISTING SIGNS AND DELINEATORS: ANY SUCH EXISTING FACILITIES RELOCATED, REMOVED, OR DAMAGED BY THE CONTRACTOR SHALL BE REPLACED TO ITS ORIGINAL CONDITION BY THE CONTRACTOR AT THEIR EXPENSE, UNLESS REPLACED BY FINAL SIGNING.
- WHEN COVERING EXISTING SIGNS, THE CONTRACTOR HAS THE OPTIONS OF USING:
  - HEAVY DUTY BLOCK OVERLAY (PLASTIC OR BURLAP TYPE)
  - THIN WOOD OVERLAY (E.G. PLYWOOD)
  - TAKING SIGNS DOWN AND RE-INSTALLING WHEN APPROPRIATE
  - ANY DAMAGES CAUSED BY ABOVE NAMED SHALL BE REPAIRED/REPLACED TO ITS ORIGINAL CONDITION AT CONTRACTOR'S EXPENSE.
- ANY TEMPORARY CONCRETE BARRIER SHALL HAVE TYPE 6" X 12" 8-1 DELINEATORS (WHITE OR YELLOW AS APPROPRIATE) FACING TRAFFIC AT 20 FOOT CENTERS.
- TYPE 'S' LIGHTS SHALL BE INSTALLED ON ALL LEAD-IN SIGNING AND BARRICADES.
- FINAL LOCATIONS OF THE TRAFFIC CONTROL DEVICES SHALL BE ESTABLISHED IN THE FIELD.
- RESTORE ANY PAVED, LANDSCAPED, CURBED, & SIDEWALK AREAS DISTURBED DURING CONSTRUCTION ACTIVITIES TO ITS ORIGINAL CONDITION.

**DROP OFF GUIDANCE NOTES:**

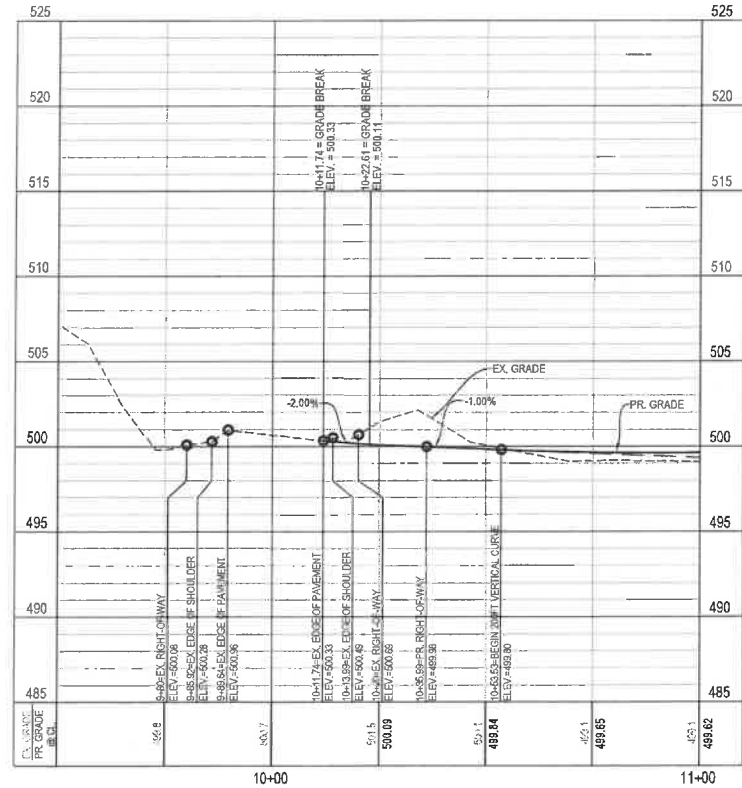
- ALL EXCAVATION MUST BE FILLED WITH A SAFE SLOPE ADJACENT TO TRAFFIC AT THE END OF EACH WORK DAY OR WHEN LANE CLOSURES ARE NOT IN PLACE.

**SIGNING & PAVEMENT MARKING NOTES:**

- ALL PROPOSED SIGNING, TEMPORARY AND PERMANENT, AND PAVEMENT MARKING SHALL BE IN ACCORDANCE WITH THE MOST CURRENT EDITION OF EACH OF THE FOLLOWING AND ANY REVISION THERETO:
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS DESIGN GUIDE FOR SIGNING.
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS SIGN FABRICATION DETAILS (REFERRED TO AS THE SIGN FABRICATION MANUAL).
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS STANDARD SPECIFICATIONS FOR ROADS AND BRIDGES (2017) (WITH LATEST UPDATES REFERRED TO AS THE SUPPLEMENTAL SPECIFICATIONS (2020)).
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS STANDARD DETAILS BOOK, VOLUME II, SIGNING, SIGNALS, LIGHTING, MARKINGS AND ITS.
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS TRAFFIC ENGINEERING DIRECTIVES REGARDING SIGNING.
  - THE WEST VIRGINIA DIVISION OF HIGHWAYS MANUAL ON TEMPORARY TRAFFIC CONTROL FOR STREETS AND HIGHWAYS 2009 EDITION).
  - MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES FOR STREETS AND HIGHWAYS 2009 EDITION (WITH UPDATES)
  - AASHTO STANDARD SPECIFICATIONS FOR STRUCTURAL SUPPORTS FOR HIGHWAY SIGNS, LUMINAIRES AND TRAFFIC SIGNALS (REFERRED TO AS THE AASHTO SUPPORT SPECIFICATIONS).
- ALL PAVEMENT MARKINGS SHALL BE WVDOH TYPE II OR V PAVEMENT MARKINGS, UNLESS OTHERWISE NOTED.
- PROPOSED SIGN LOCATIONS ARE APPROXIMATE AND SHALL BE MODIFIED IN THE FIELD TO AVOID CONFLICT WITH UNDERGROUND UTILITIES OR OTHER OBSTRUCTIONS, AND TO COMPLY WITH STANDARDS REFERENCED IN GENERAL NOTE 1.
- EXISTING STRIPING SHOWN IS APPROXIMATE. ANY EXISTING PAVEMENT MARKINGS, WHICH WILL CONFLICT WITH PROPOSED PAVEMENT MARKINGS, SHALL BE COMPLETELY ERADICATED.
- LIMITS SHOWN OF PROPOSED MARKINGS ARE APPROXIMATE AND SHALL BE MODIFIED IN THE FIELD TO INSURE THAT PROPOSED PAVEMENT MARKINGS CONTINUE UNTIL EXISTING PAVEMENT MARKINGS CAN BE MATCHED.
- NO MARKINGS SHALL BE PLACED ON EXPANSION JOINTS ON STRUCTURES OR ON LONGITUDINAL CONSTRUCTION JOINTS UNLESS SO DIRECTED BY THE ENGINEER.
- POST REMOVAL FOR GROUND MOUNTED SIGNS ON EXISTING BREAKAWAY SUPPORTS SHALL INCLUDE EITHER CONCRETE REMOVAL OF THE EXISTING STUB(S) OR THE CUTTING OFF OF THE EXISTING STUB(S) TO A MINIMUM OF SIX (6) INCHES BELOW GROUND AND THE RESTORATION OF THE GROUND TO ITS ORIGINAL CONDITION.
- REFER TO APPROVED TRAFFIC SIGNAL PLAN FOR PROPER LOCATIONS OF STOP LINES AND CROSSWALKS WHEN APPLICABLE.
- CONTRACTOR SHALL ENSURE THAT ANY SIGNS TO BE RELOCATED ARE IN GOOD CONDITION. IF EXISTING SIGNS ARE DAMAGED NEW SIGNS SHALL BE RELOCATED PER THIS PLAN AND SPECIFICATIONS INCLUDED HEREIN.
- REFER TO WVDOH STANDARD DETAILS BOOK VOLUME II, DETAILS TEM-1, TEM-2, AND TEM-3 FOR PAVEMENT MARKING SPECIFICATIONS.
- IF APPLICABLE, ALL PAVEMENT MARKINGS SHALL BE REDONE WHEN FINAL PAVING IS COMPLETED.
- CONTRACTOR SHALL CONTACT WVDOH DISTRICT 5 TRAFFIC ENGINEER PRIOR TO PLACEMENT OF ANY STOP SIGNS AND/OR STOP BARS ON DEVELOPMENT APPROACHES TO WVDOH ROADWAYS, TO ENSURE THESE ARE PROPERLY PLACED IN THE FIELD.



NEWSPAPER STREET  
PLAN & PROFILE  
50' RIGHT-OF-WAY  
DESIGN SPEED: 30 MPH  
POSTED SPEED: 25 MPH



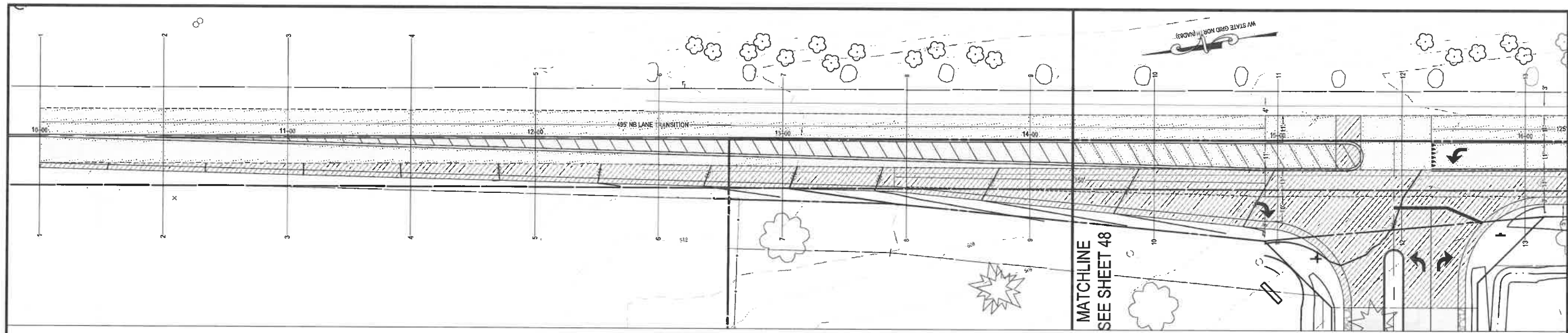
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**APPROVED FOR CONSTRUCTION**  
SEAL: [Professional Engineer Seal]

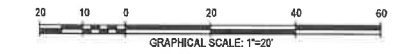
NO.	REVISIONS

SITE ENTRANCE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
TAX MAP 04, PARCEL 1 & 11, (D.B. 1930, P.G. 749), PARCEL 13 (D.B. 1931, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

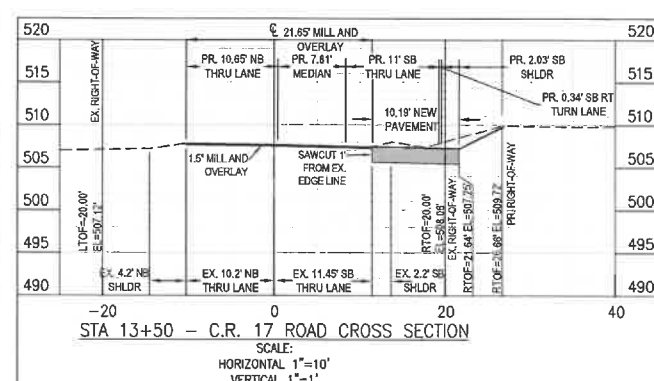
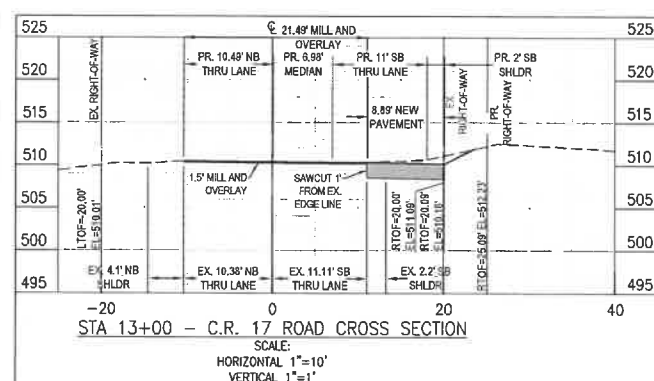
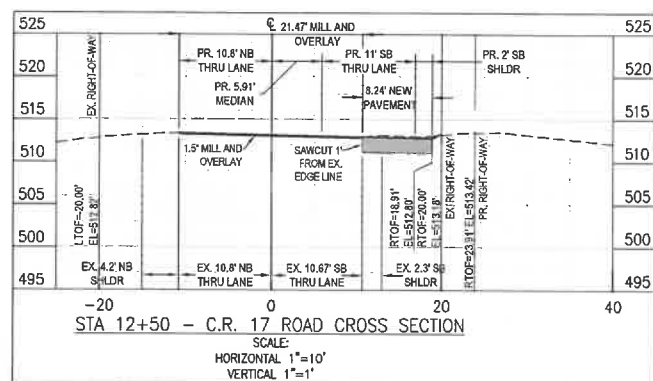
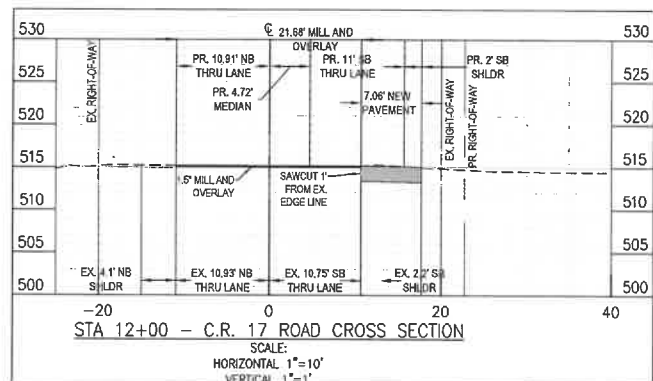
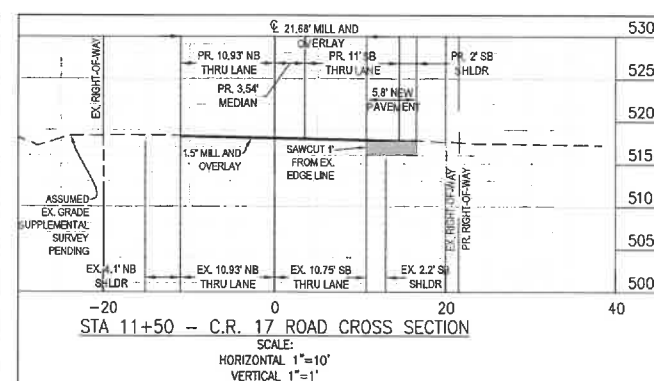
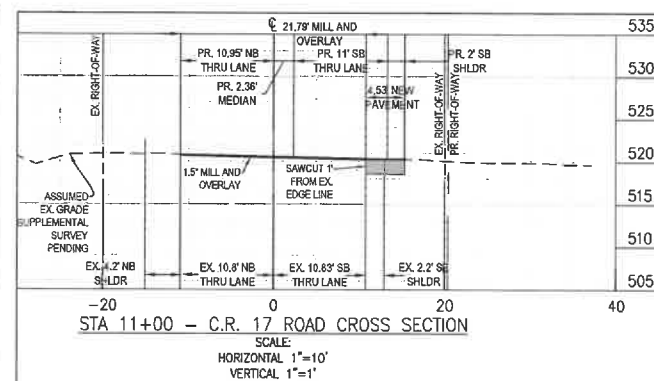
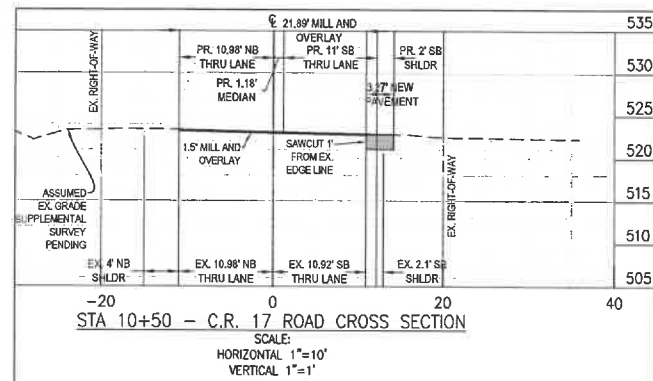
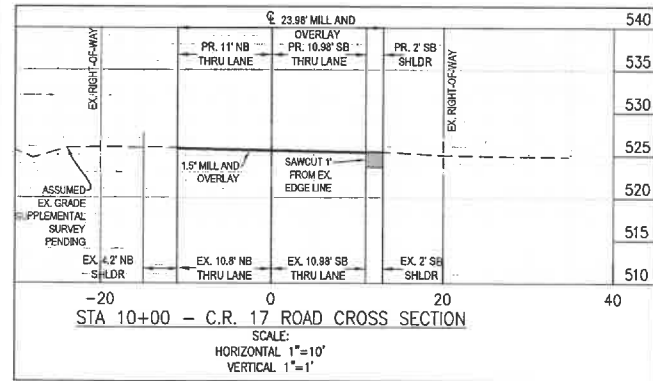
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DATE: MAY 2025  
JOB: 5100-0101  
DRAWN: JCH CHECK: JPG  
CADD: C-CT-203.DWG  
NCS:  
SHEET:  
46 OF 75



**FLOWING SPRINGS RD. CR17**  
 40' RIGHT-OF-WAY  
 POSTED SPEED: 50 MPH



MATCHLINE  
SEE SHEET 48



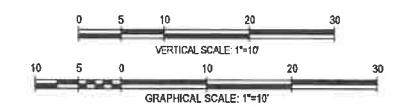
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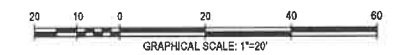
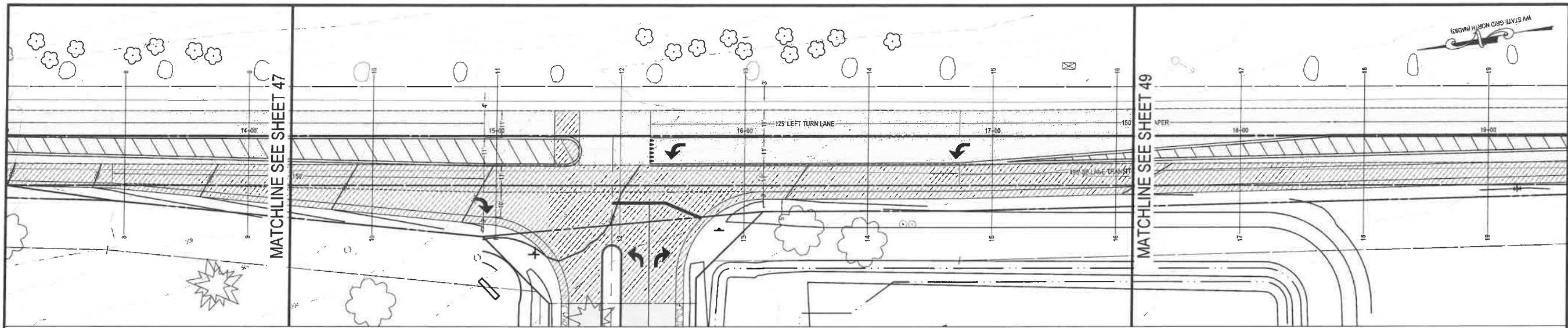


NO.	REVISIONS

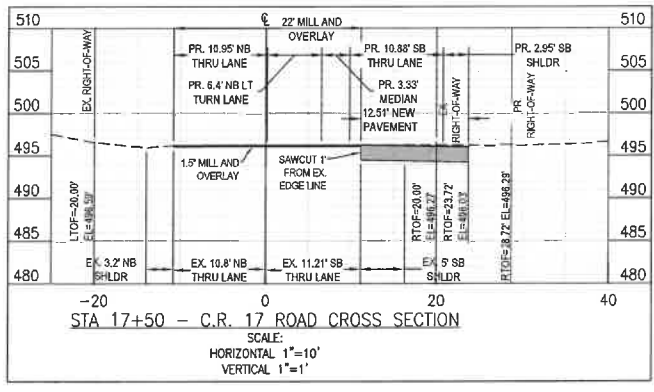
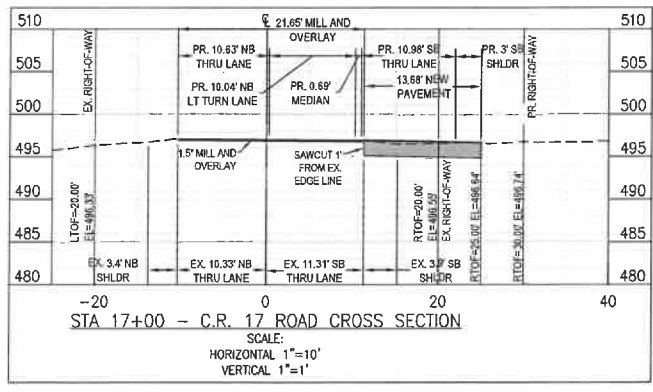
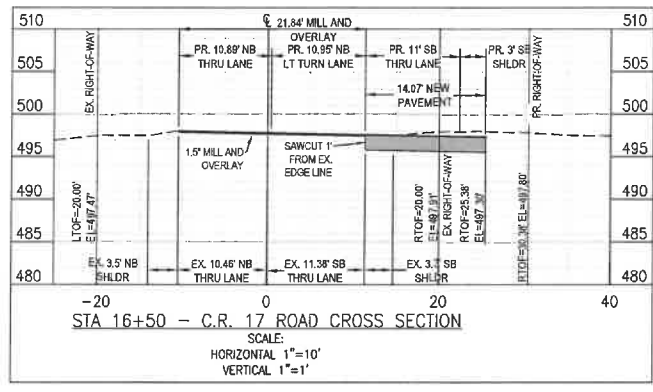
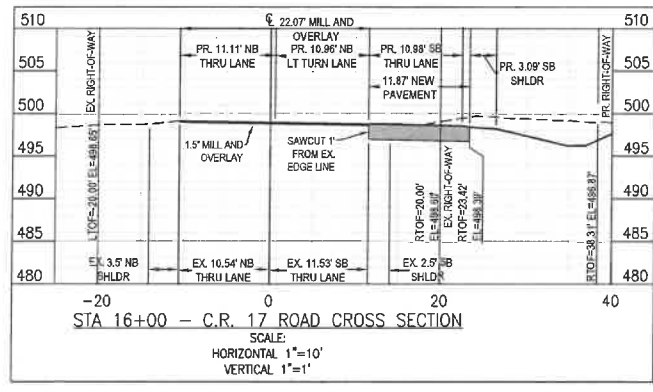
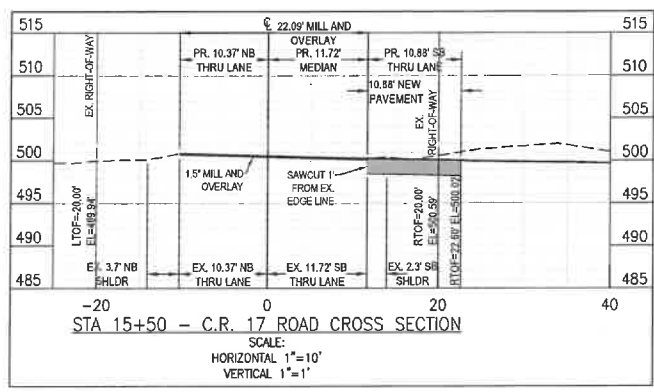
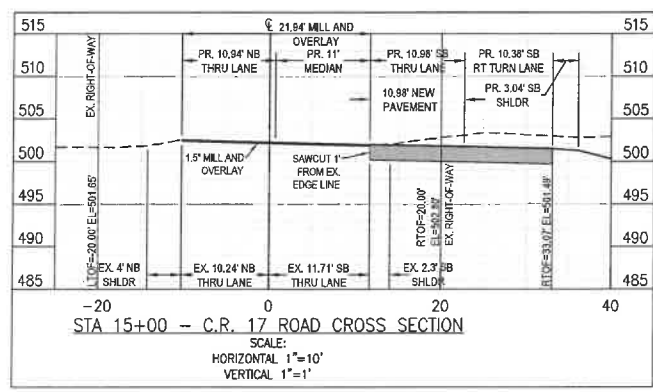
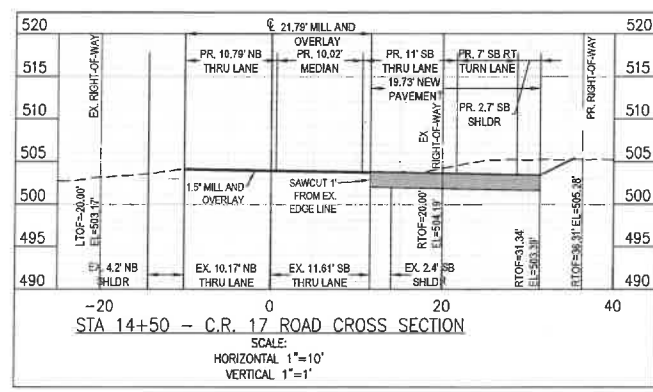
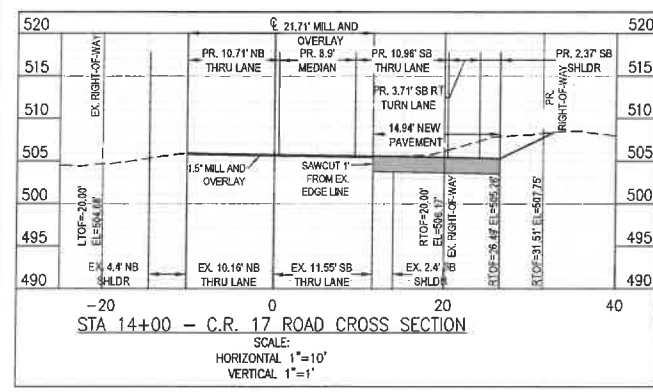
WVDOH CROSS SECTIONS  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (DB, 1300, P.G. 743), PARCEL 13 (DB, 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-401.DWG
NCS:	
SHEET:	47 OF 75





**FLOWING SPRINGS RD. CR17**  
 40' RIGHT-OF-WAY  
 POSTED SPEED: 50 MPH



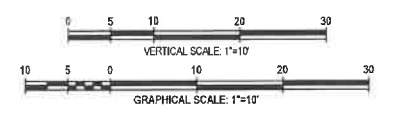
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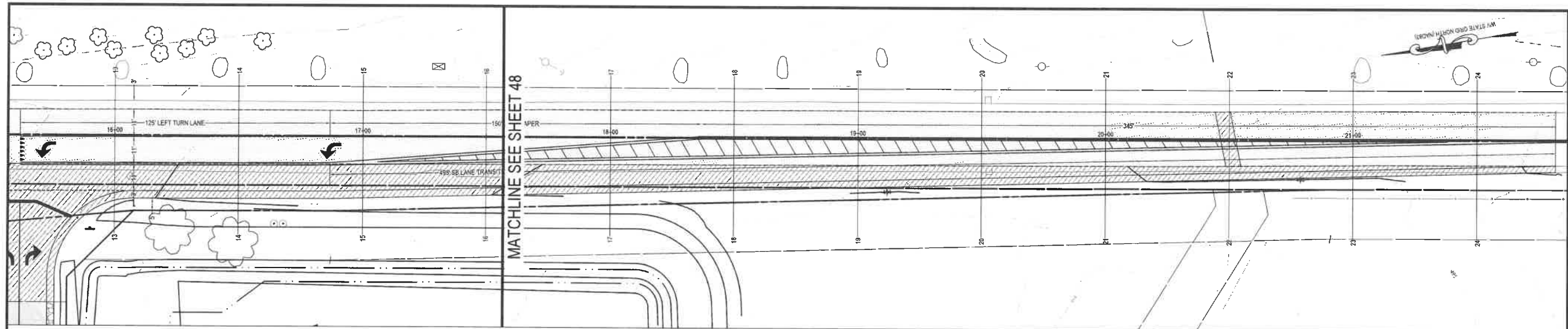
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 PROFESSIONAL ENGINEER  
 SEAL:

NO.	REVISIONS

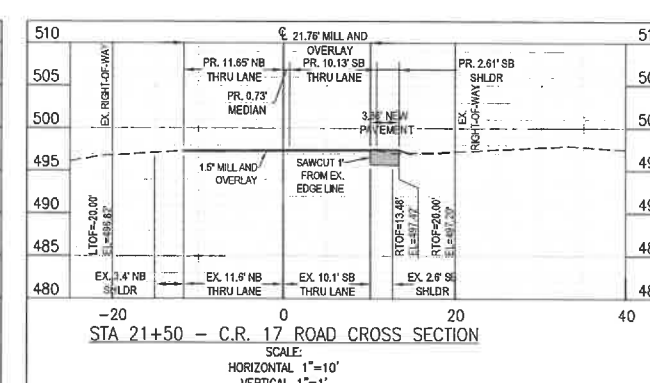
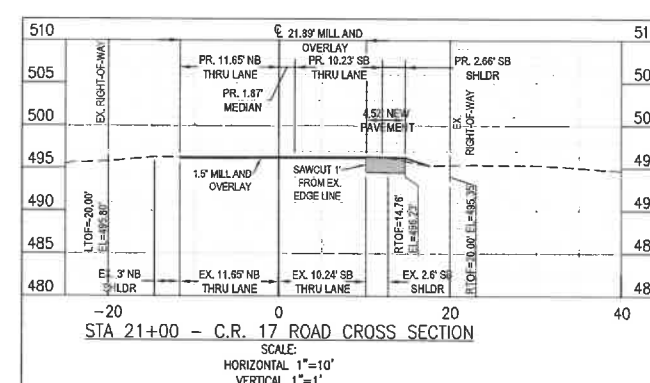
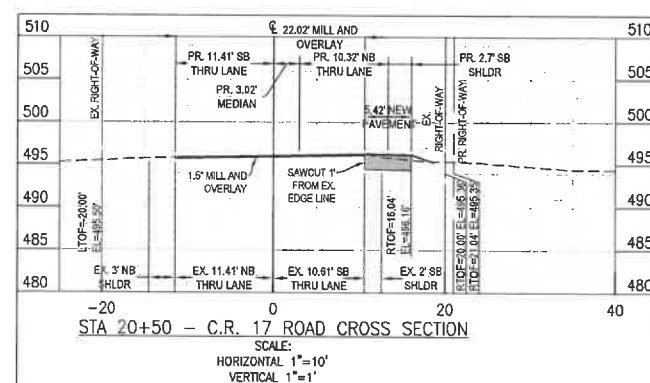
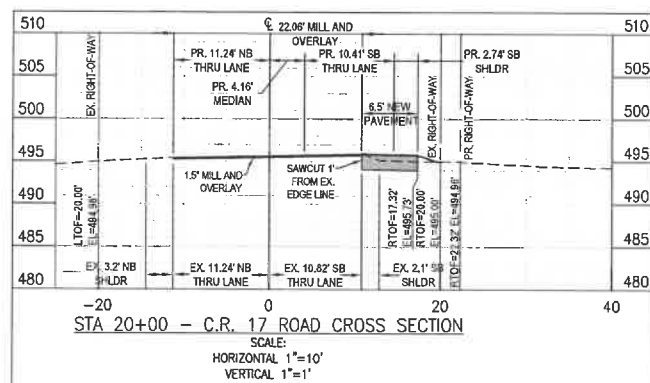
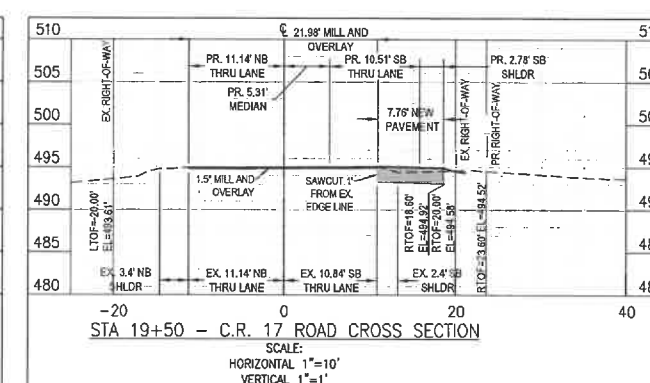
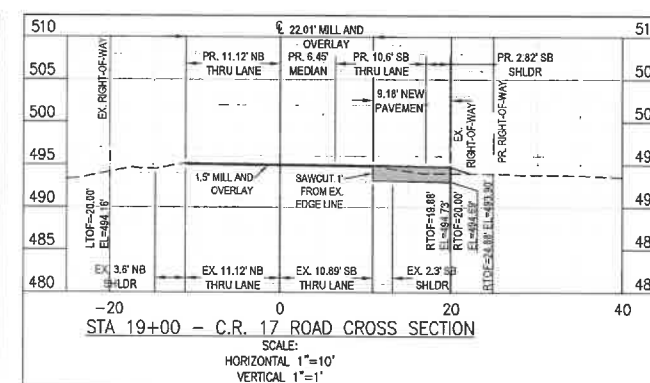
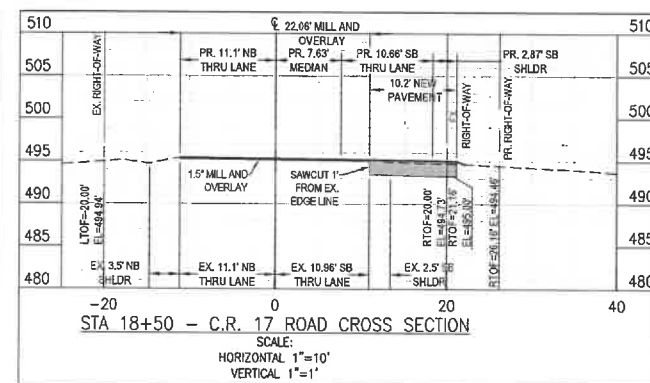
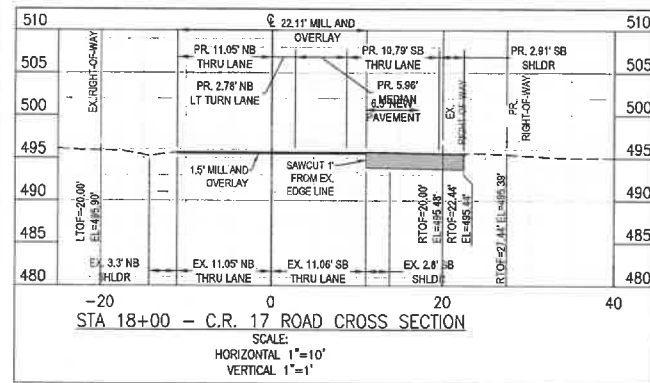
WDDOH CROSS SECTIONS  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.10; B. 1630, P.G. 743; PARCEL 18 (P.B. 1331, P.G. 1)  
 CHARLES TOWN, TAX DISTRICT 1  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: \_\_\_\_\_  
 VERT: \_\_\_\_\_  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CT-401.DWG  
 NCS:  
 SHEET: **48 OF 75**





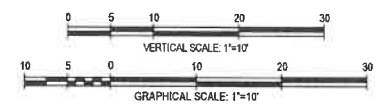
FLOWING SPRINGS RD. CR17  
40' RIGHT-OF-WAY  
POSTED SPEED: 50 MPH

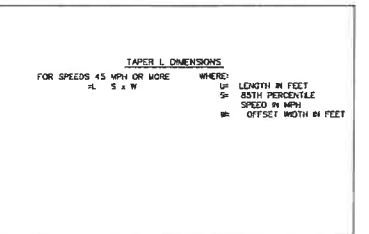
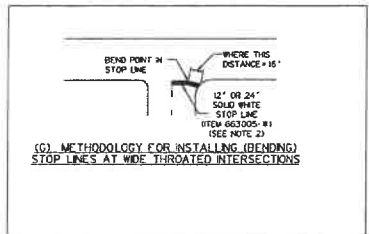
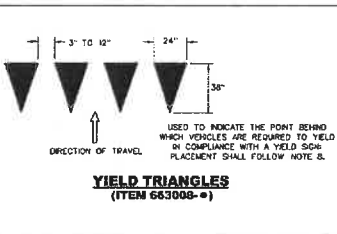
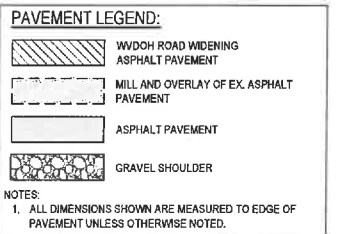
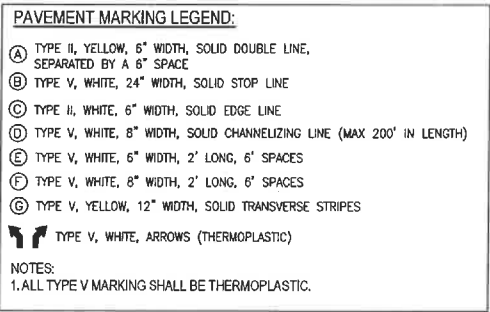
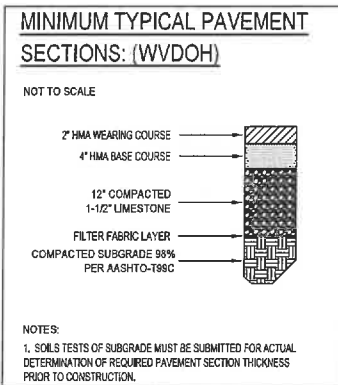
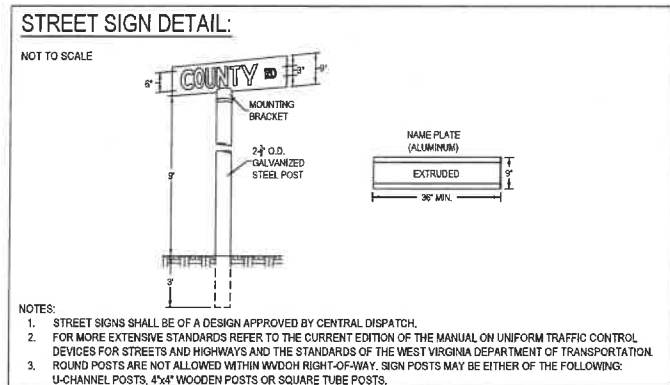
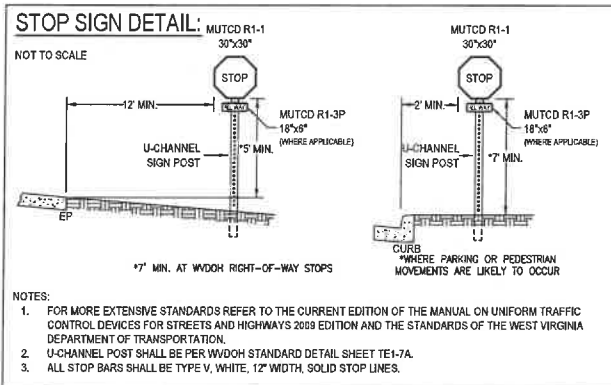
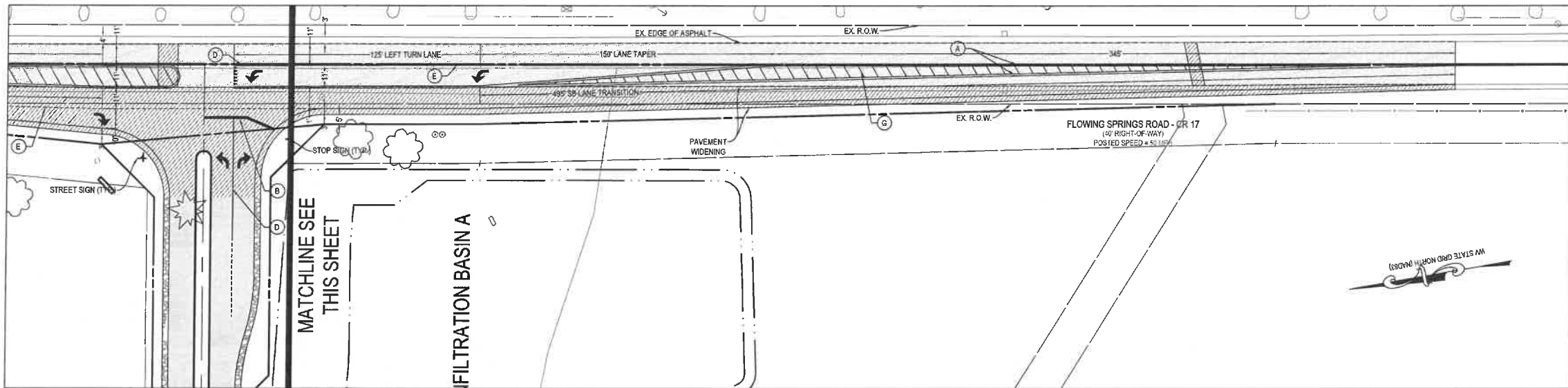
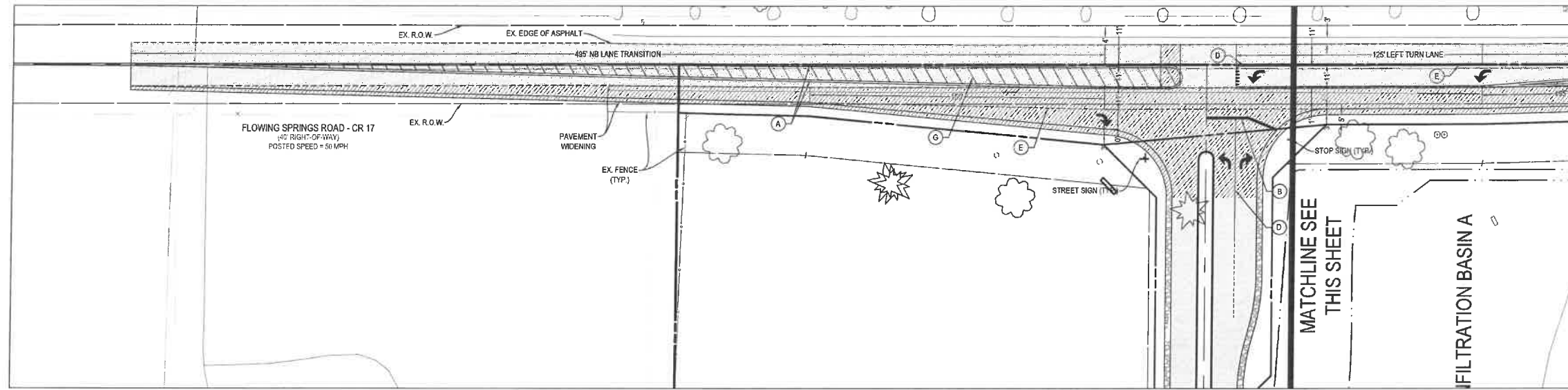


NO.	REVISIONS

WDOH CROSS SECTIONS  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAT**  
TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 745), PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CT-401.DWG
NCS:	
SHEET:	49 OF 75





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NO.	REVISIONS

WVDOT PAVEMENT MARKING & SIGNAGE PLAN

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.:  
VERT.:

DATE: MAY 2025

JOB: 5100-0101

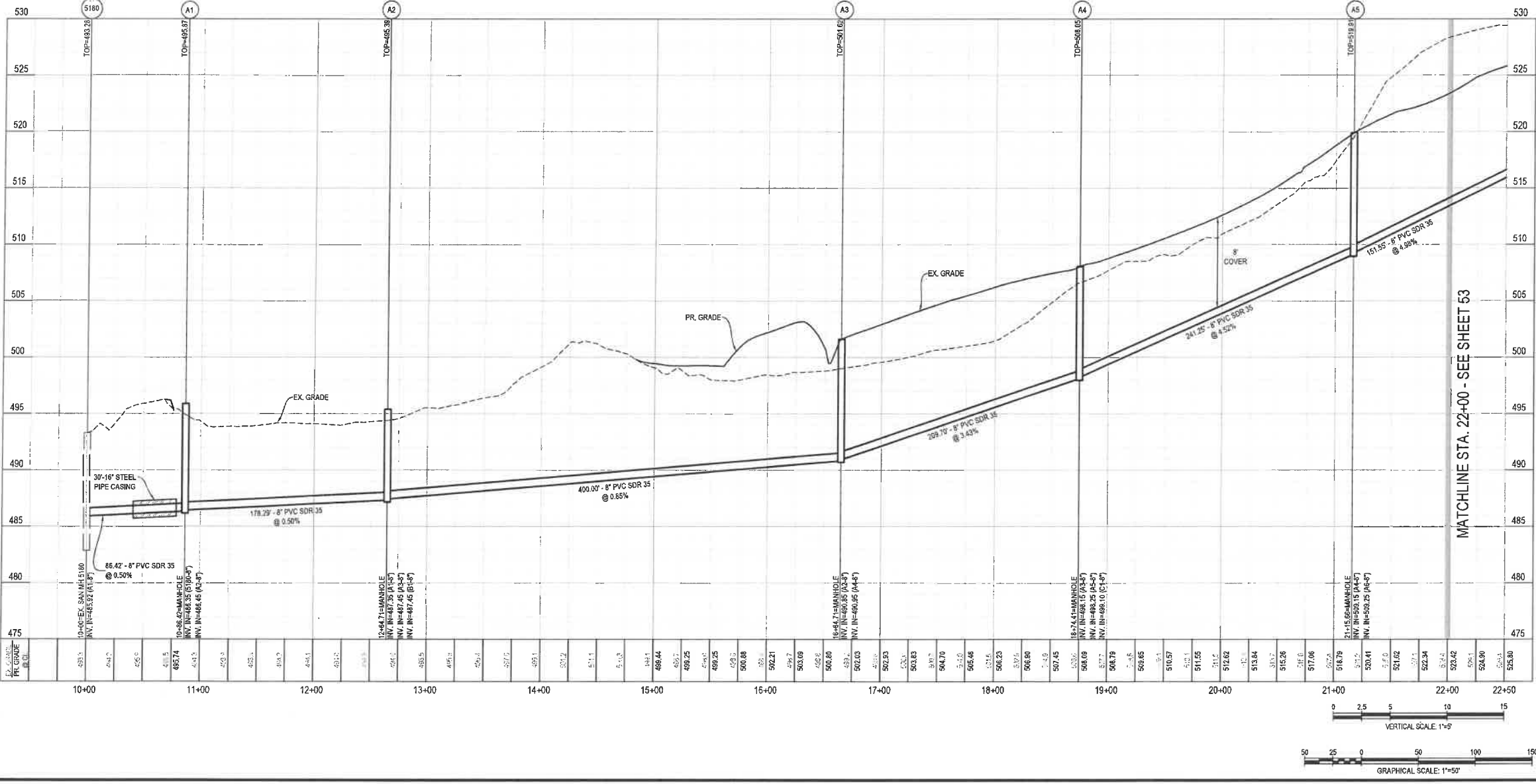
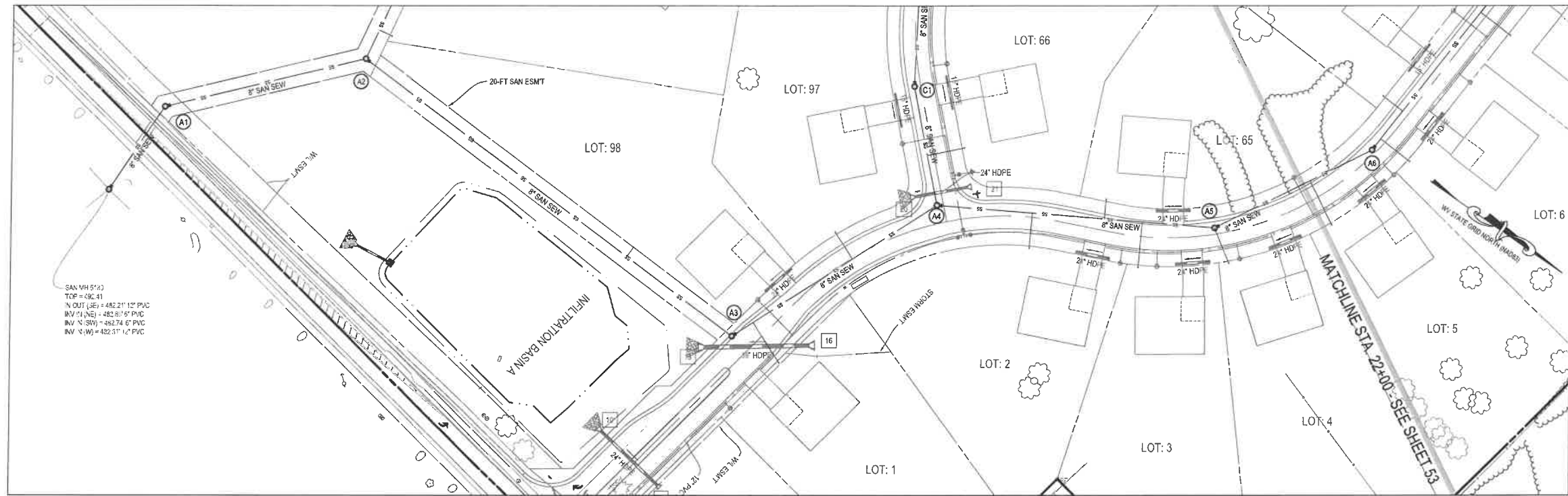
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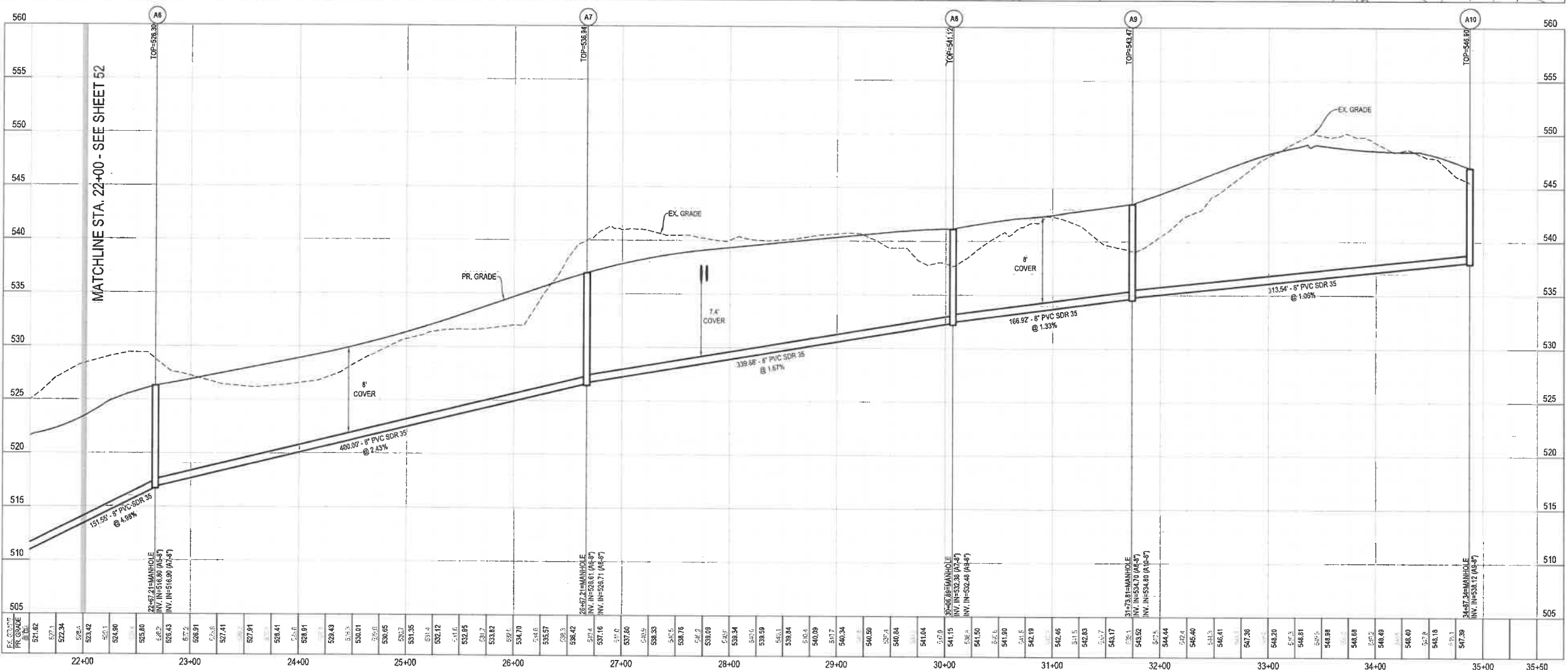
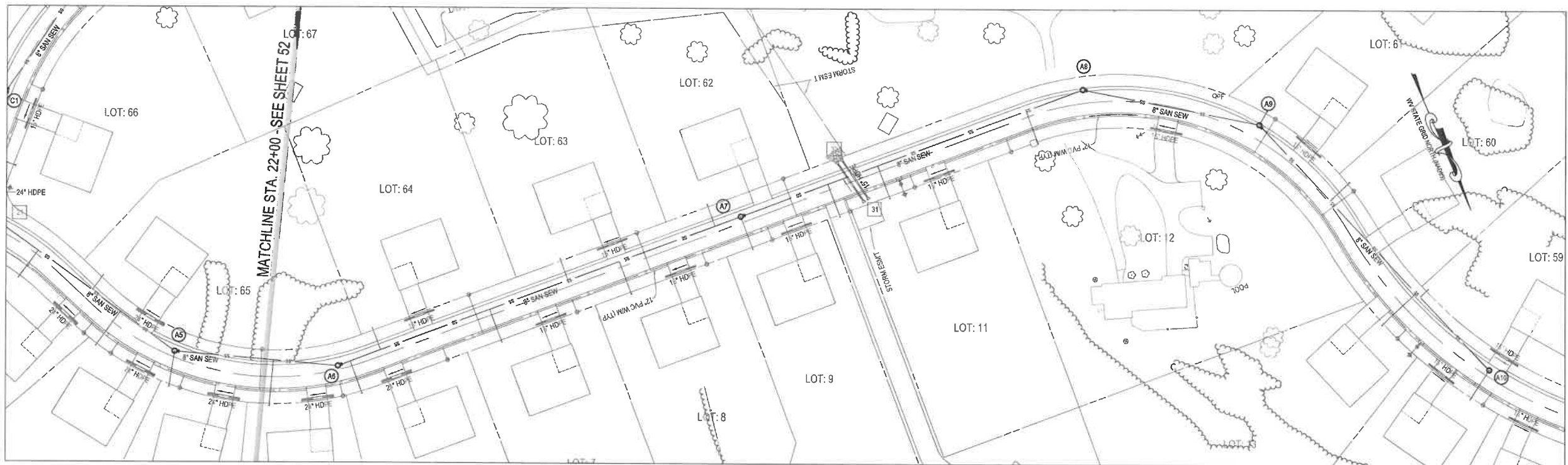
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50 OF 75





NO.	REVISIONS

SANITARY SEWER PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04, PARCEL 14 & 11 (D.B. 1930), PARCEL 743, PARCEL 13 (D.B. 1931, PG. 1)  
 CHARLES TOWN, HARRIS TRIC  
 JEFFERSON COUNTY, WEST VIRGINIA

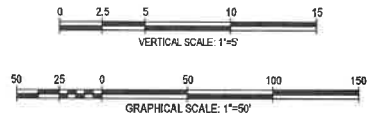


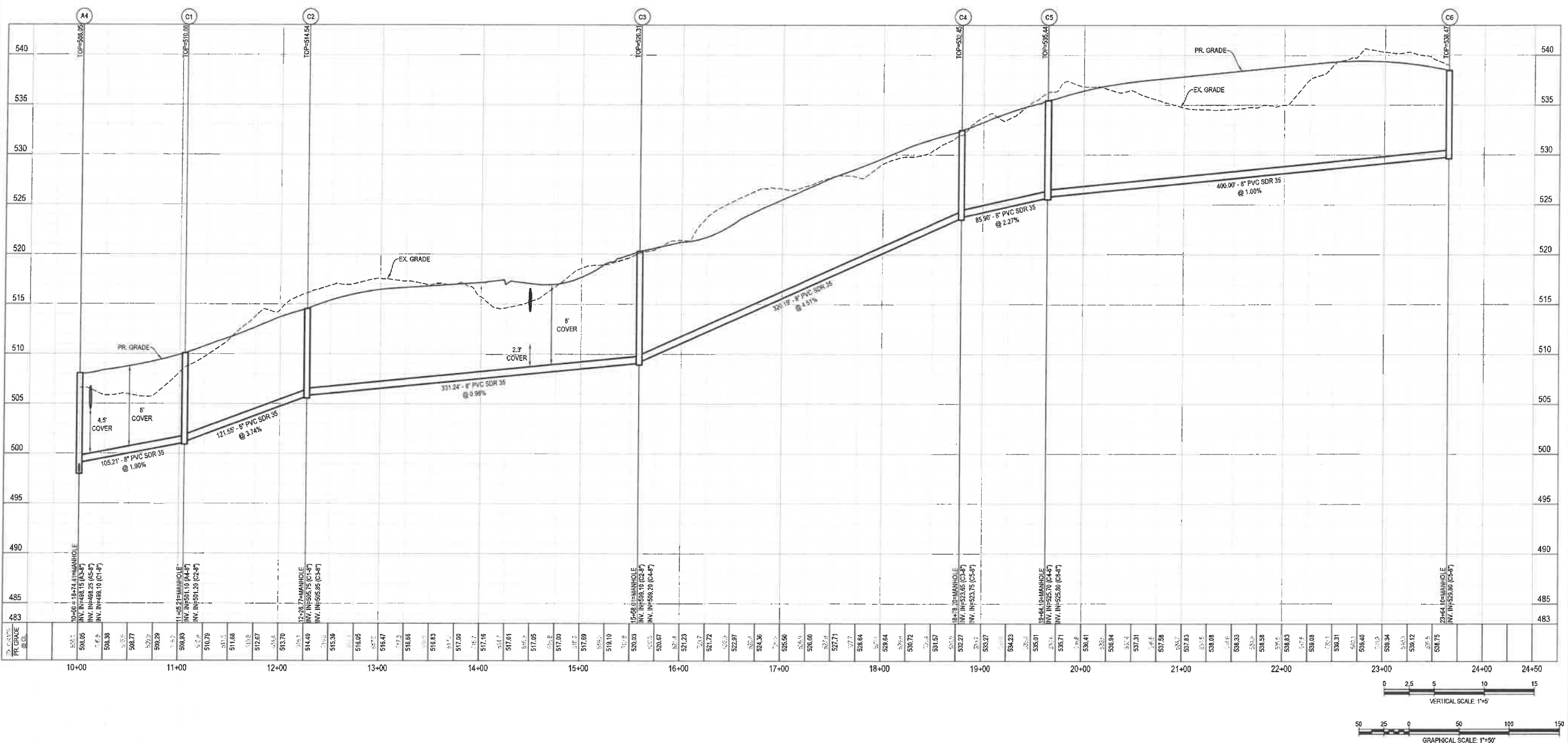
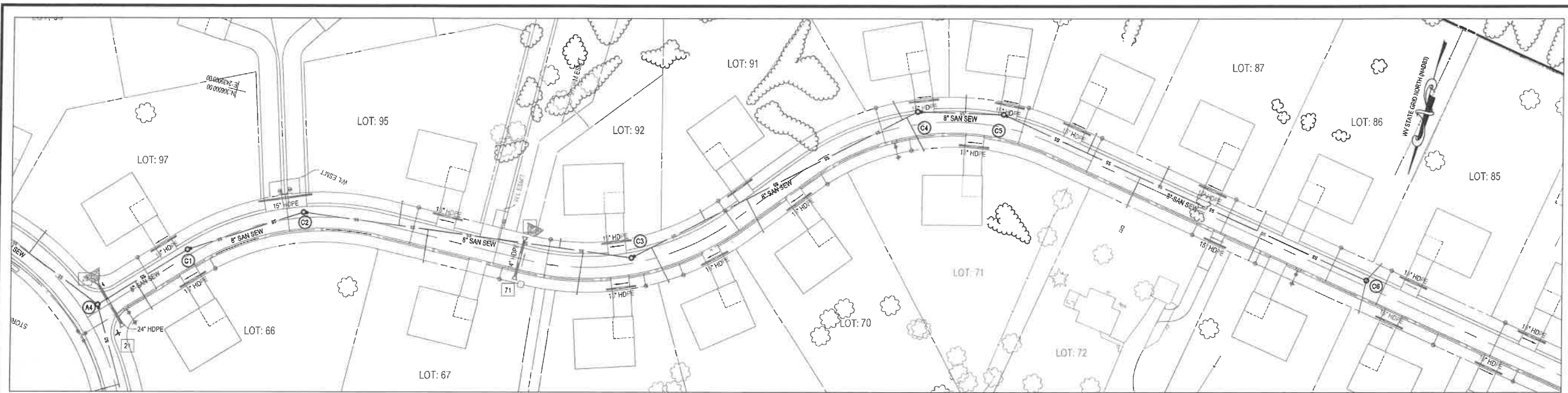
SEAL

NO.	DATE	REVISIONS

SANITARY SEWER PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'	VERT: 1"=5'
DATE:	MAY 2025	
JOB:	5100-0101	
DRAWN:	JCH	CHECK: JPG
CADD:	C-CU-210.DWG	
NCS:		
SHEET:	53 OF 75	





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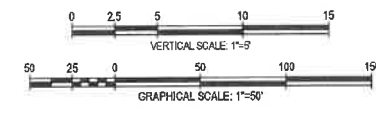
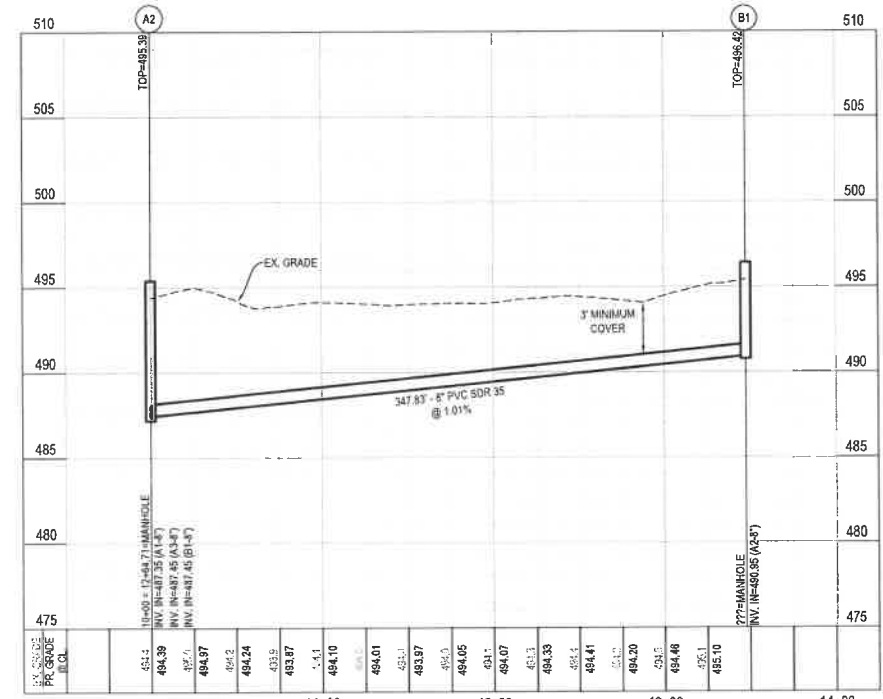
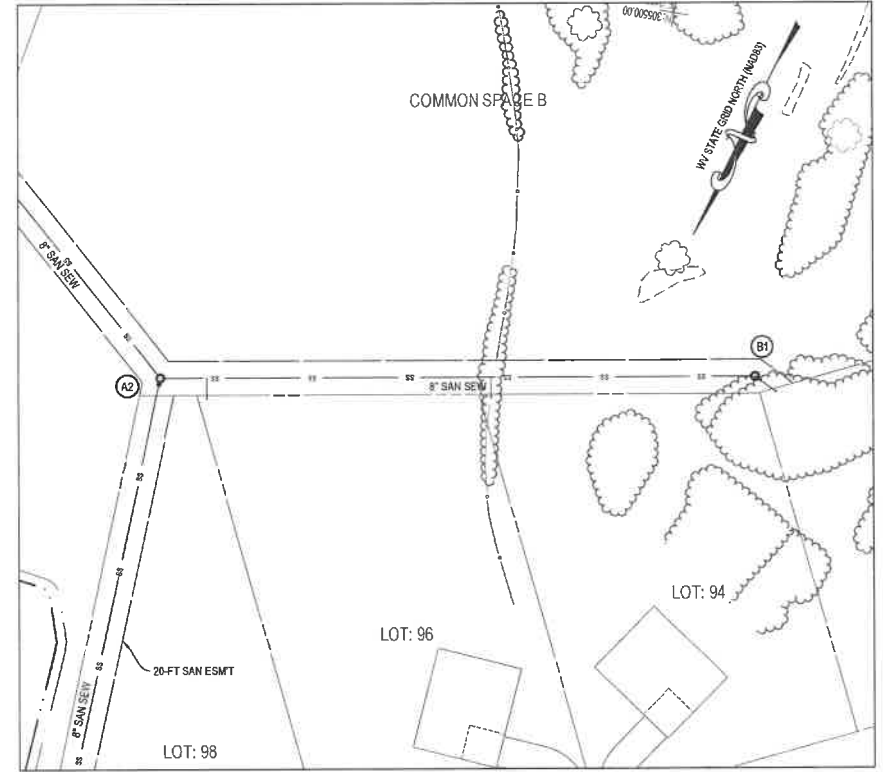


NO.	REVISIONS

**SANITARY SEWER PLAN & PROFILE**  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04, PARCEL 11 & 11.0.B, 1933, P.G. 749, PARCEL 13 (D.B. 1391, PG. 1)  
 CHARLES TOWN, TAX DISTRICT 1  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
	VERT: 1"=5'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-210.DWG
NCS:	
SHEET:	54 OF 75

1. This drawing was prepared by the author for the specific project and site conditions shown on the drawings. It is not to be used for any other project or site conditions without the express written consent of the author.



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SANITARY SEWER PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLESTOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ:	VERT:
DATE: MAY 2025	JOB: 5100-0101
DRAWN: JCH	CHECK: JPG
CADD: C-CU-210.DWG	NCS:
SHEET:	55 OF 75



REVISIONS	

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**  
 TAX MAP 04, PARCEL 11 & 11.1 (S.B. 1303, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN, TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:	
	VERT:	
DATE:	MAY 2025	
JOB:	5100-0101	
DRAWN:	JCH	CHECK: JPG
CADD:	C-CU-510.DWG	
NCS:		
SHEET:	56 OF 75	

**DROP CONNECTIONS**

SIZE OF SEWER	TYPE A MAX DROP	TYPE A MIN DROP	TYPE B MIN DROP
8"	3'-0"	1'-0"	3'-0"
10"	4'-0"	2'-0"	4'-0"
12"	6'-0"	2'-6"	6'-0"
15"	6'-0"	2'-6"	6'-0"

**NOTES:**  
 1. PRECAST MANHOLE SHALL BE MANUFACTURED IN ACCORDANCE WITH ASTM C 478 UTILIZING TYPE II PORTLAND CEMENT.

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**DROP MANHOLE DETAIL**  
 STANDARD DETAIL NO. **S-8**  
 NOT TO SCALE  
 SEPTEMBER 2015

**MANHOLE FRAME AND COVER ANCHOR FOR FRAME & COVER DETAIL**  
 IN PAVED ROAD SURFACE AREAS AND SHOULDERS OF ROAD

**CHARLES TOWN UTILITY BOARD**  
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**MANHOLE FRAME & COVER ANCHOR FOR FRAME & COVER DETAIL**  
 STANDARD DETAIL NO. **S-7**  
 NOT TO SCALE  
 SEPTEMBER 2015

**PRECAST MANHOLE W/ ECCENTRIC TOP DETAIL**

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**PRECAST MANHOLE W/ ECCENTRIC TOP DETAIL**  
 STANDARD DETAIL NO. **S-6**  
 NOT TO SCALE  
 SEPTEMBER 2015

**SEWER LINE TRENCH DETAIL**

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**SEWER LINE TRENCH DETAIL**  
 STANDARD DETAIL NO. **S-1**  
 NOT TO SCALE  
 SEPTEMBER 2015

**TYPE A TRENCH REPAIR ASPHALT PAVEMENT W/ FLOWABLE FILL**  
 NOT TO SCALE

**TYPE B TRENCH REPAIR ASPHALT PAVEMENT**  
 NOT TO SCALE

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**TYPE A & B TRENCH REPAIR DETAIL**  
 STANDARD DETAIL NO. **S-26**  
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**PIPE CASING DETAIL**

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**PIPE CASING DETAIL**  
 STANDARD DETAIL NO. **S-24**  
 NOT TO SCALE  
 SEPTEMBER 2015

**NEW LATERAL CONNECTION DETAIL**

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**NEW LATERAL CONNECTION DETAIL**  
 STANDARD DETAIL NO. **S-13**  
 NOT TO SCALE  
 SEPTEMBER 2015

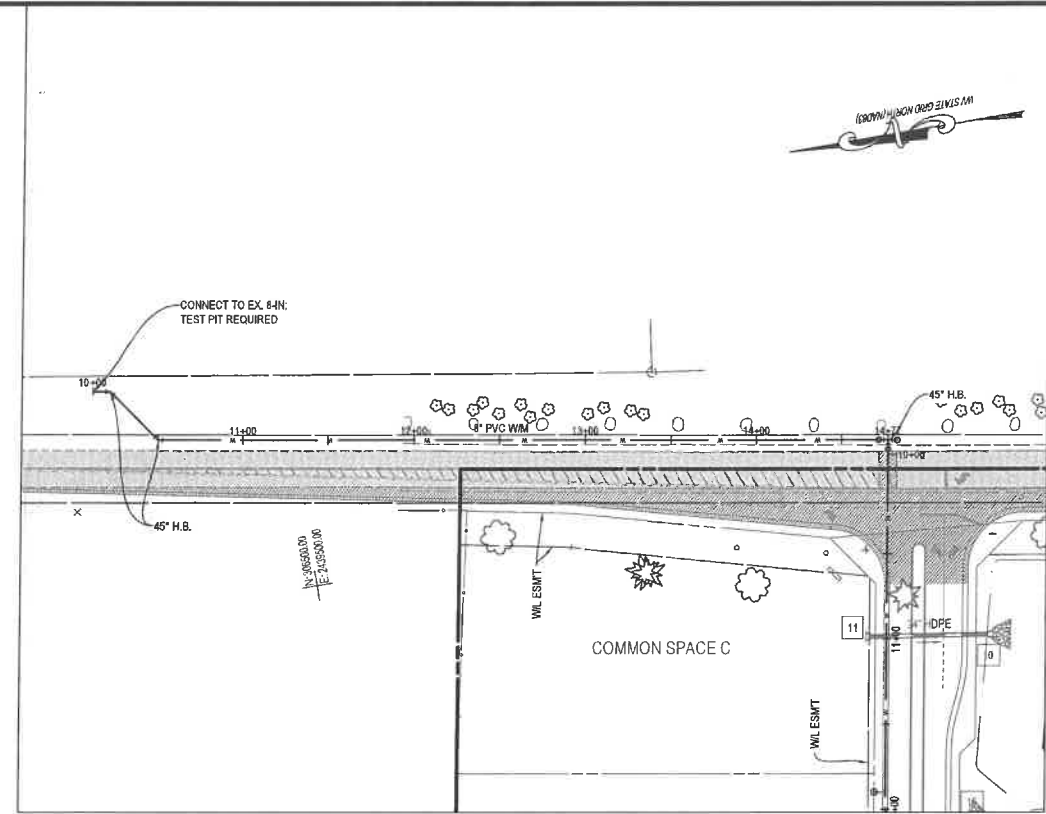
**MANHOLE FRAME AND COVER DETAIL**

**CHARLES TOWN UTILITY BOARD**  
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 PHONE: (304) 725-2310 • FAX: (304) 725-4313

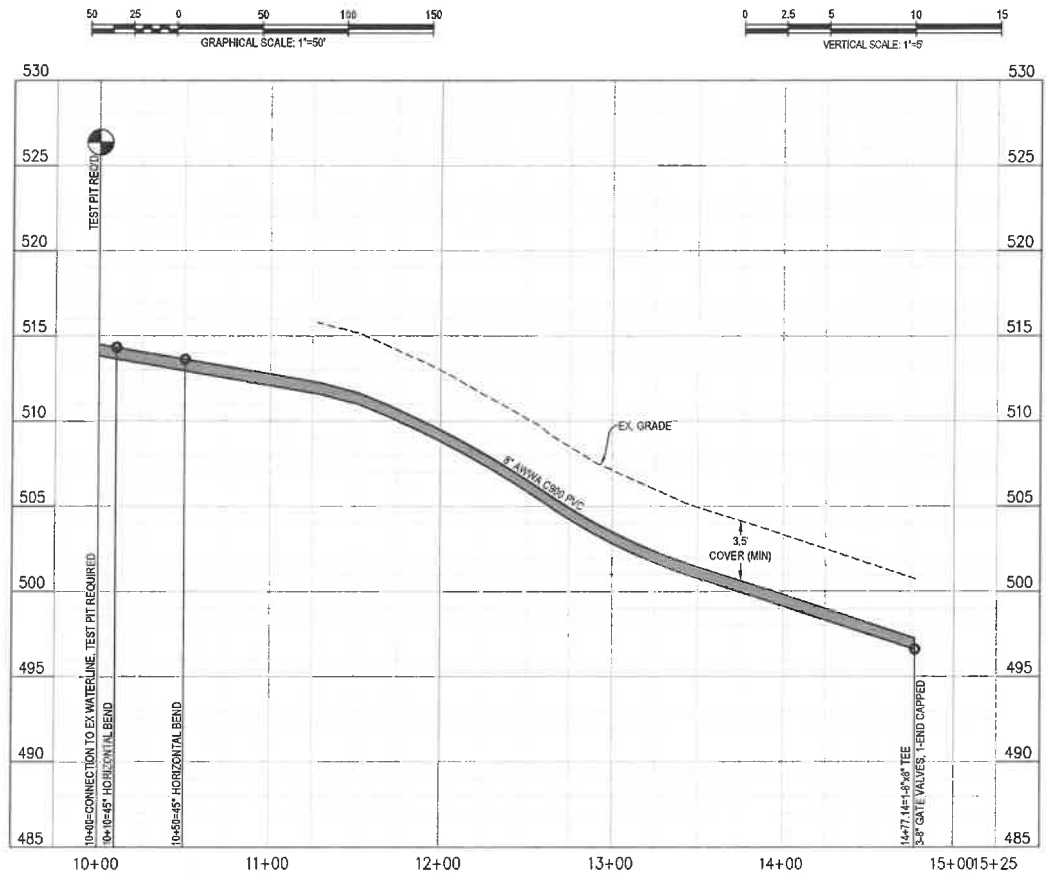
**MANHOLE FRAME & COVER DETAIL**  
 STANDARD DETAIL NO. **S-7**  
 NOT TO SCALE  
 SEPTEMBER 2015



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FLOWING SPRINGS RD WATERMAIN



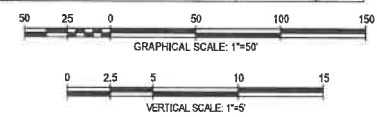
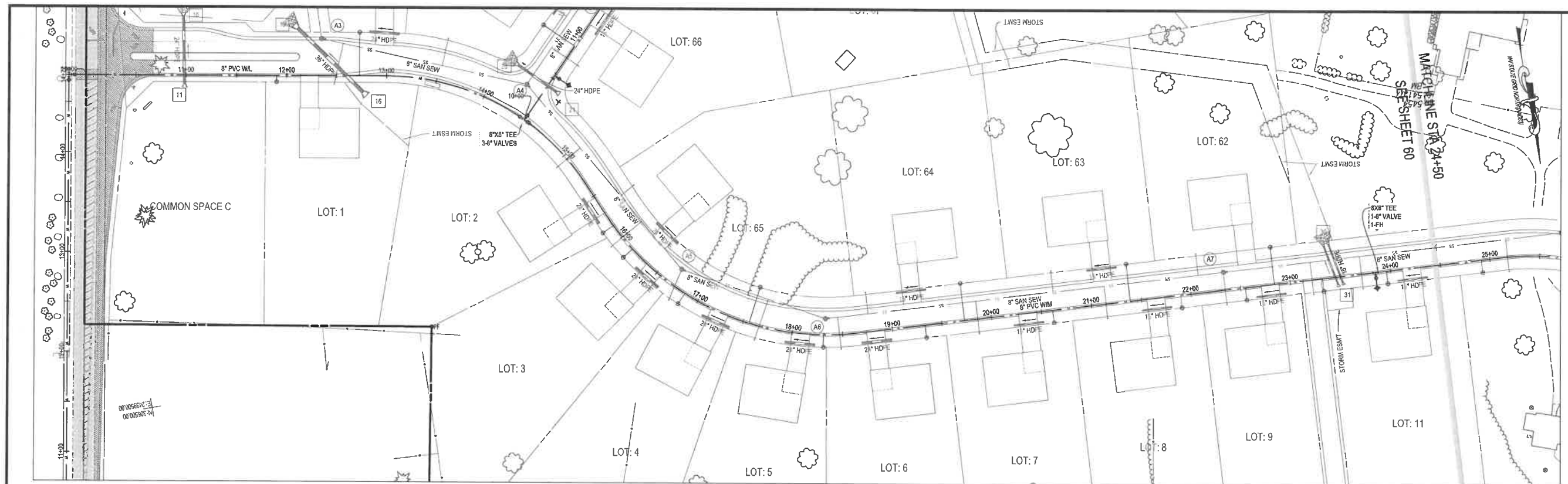
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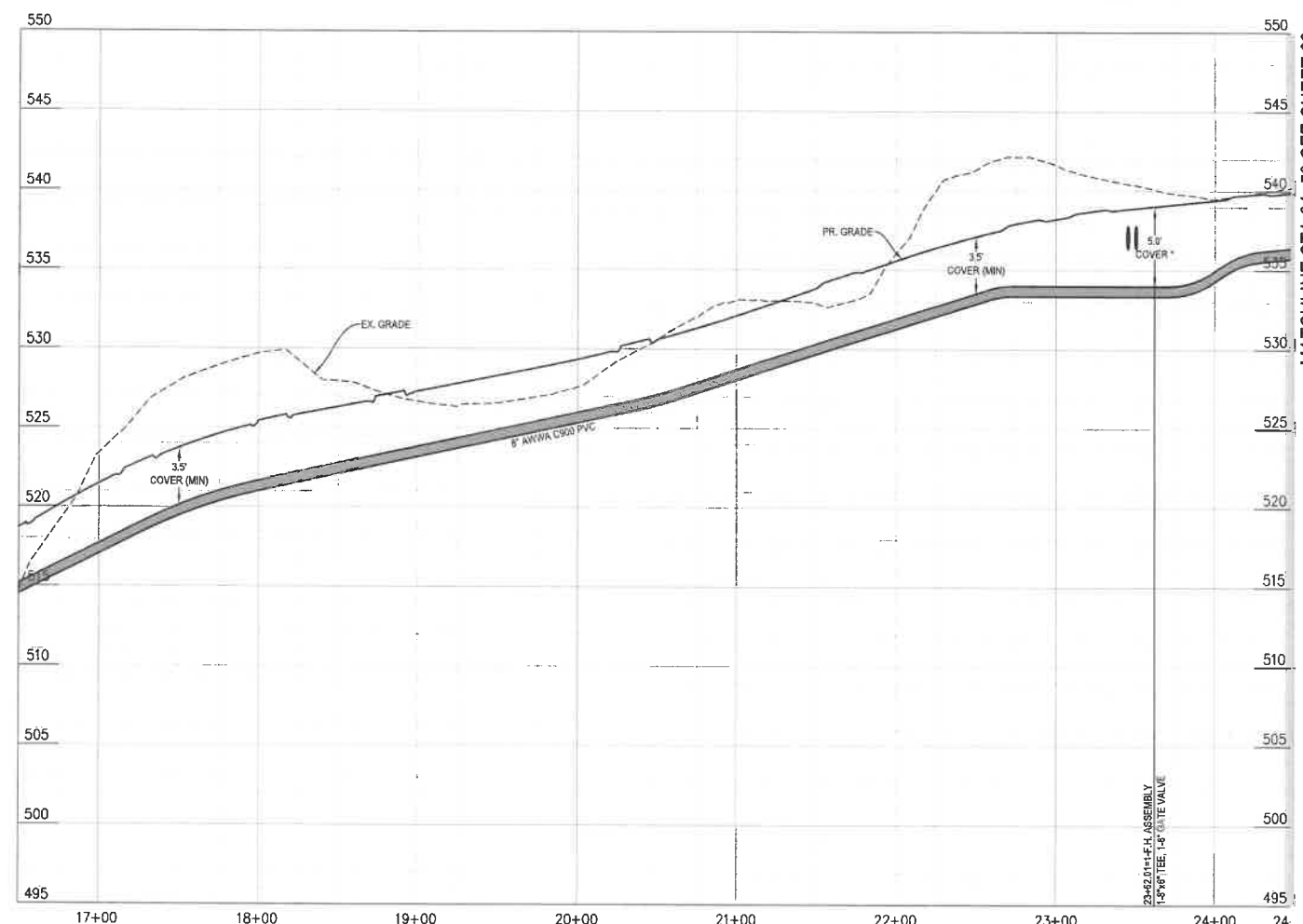
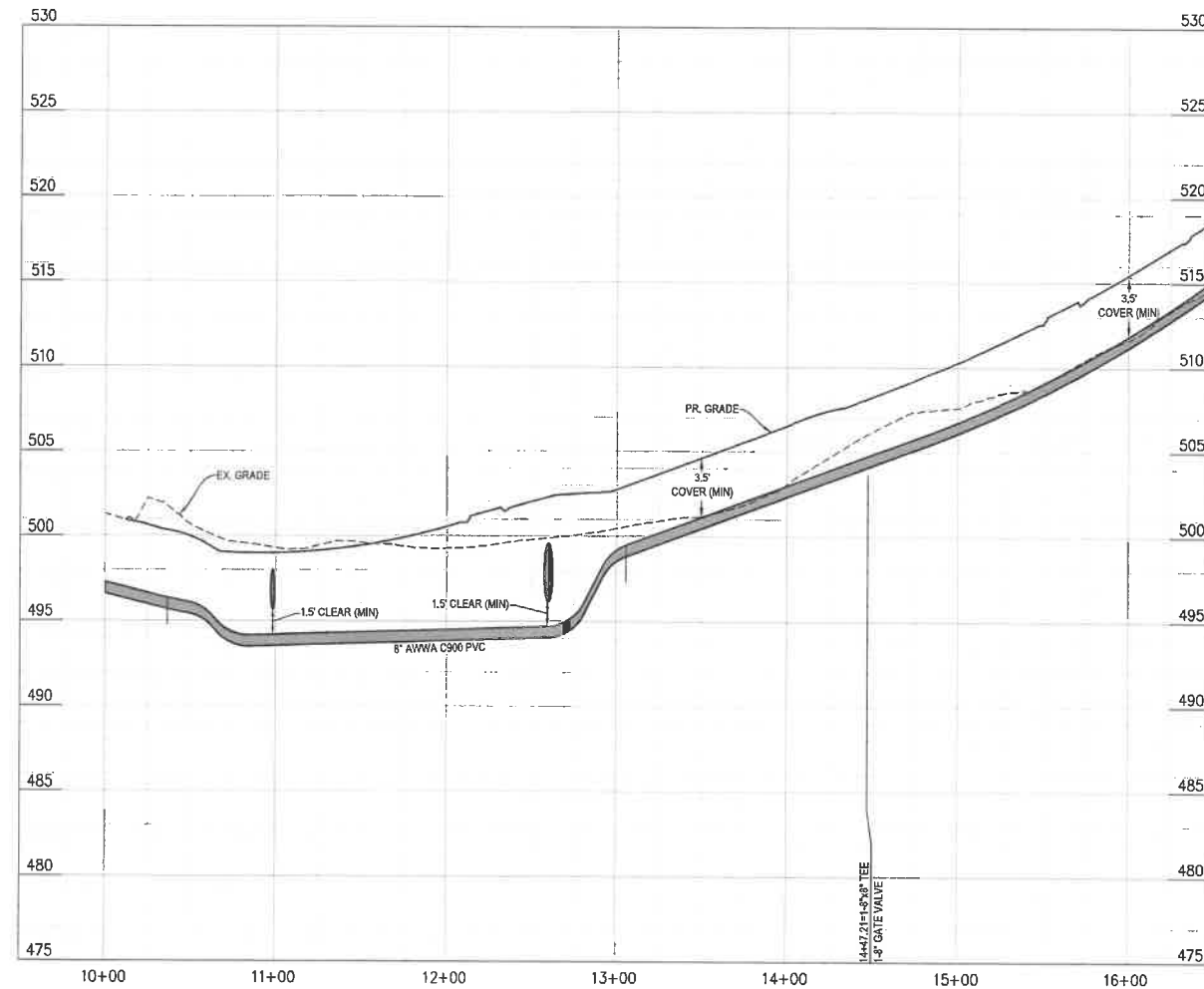
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 14 (D.B. 1300, P.G. 749); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	58 OF 75



NEWSPAPER STREET WATERMAIN



\* 5' COVER IS PROVIDED WHERE FIRE HYDRANTS ARE TO BE LOCATED TO MAINTAIN COVER ON PIPE TO CROSS UNDER ROADSIDE DITCH TO THE FIRE HYDRANT ASSEMBLY

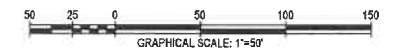
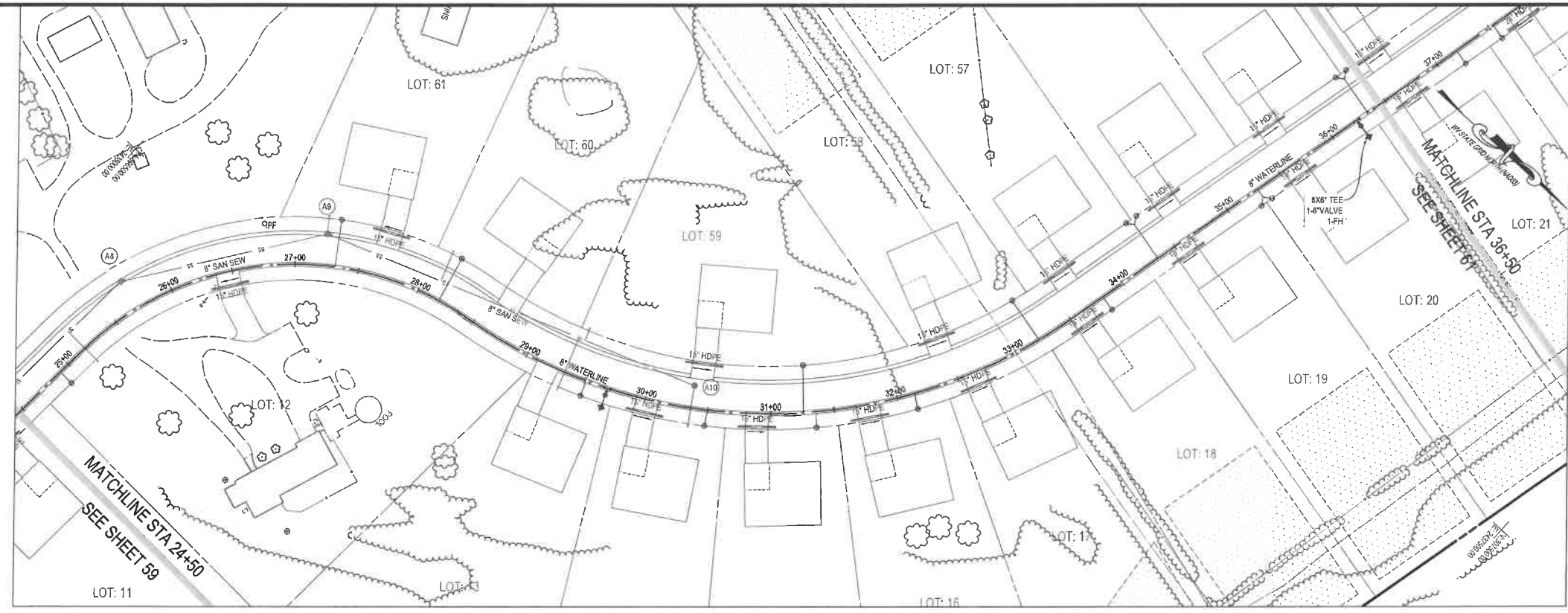
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**ADVANCED CONSTRUCTION**  
 PROFESSIONAL SEAL

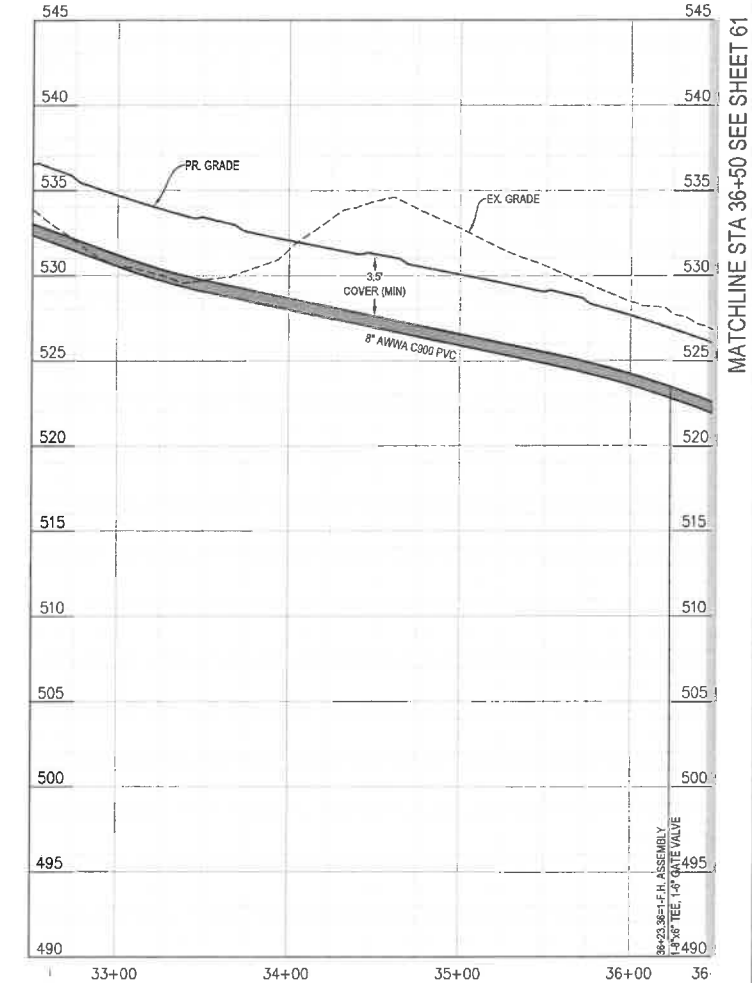
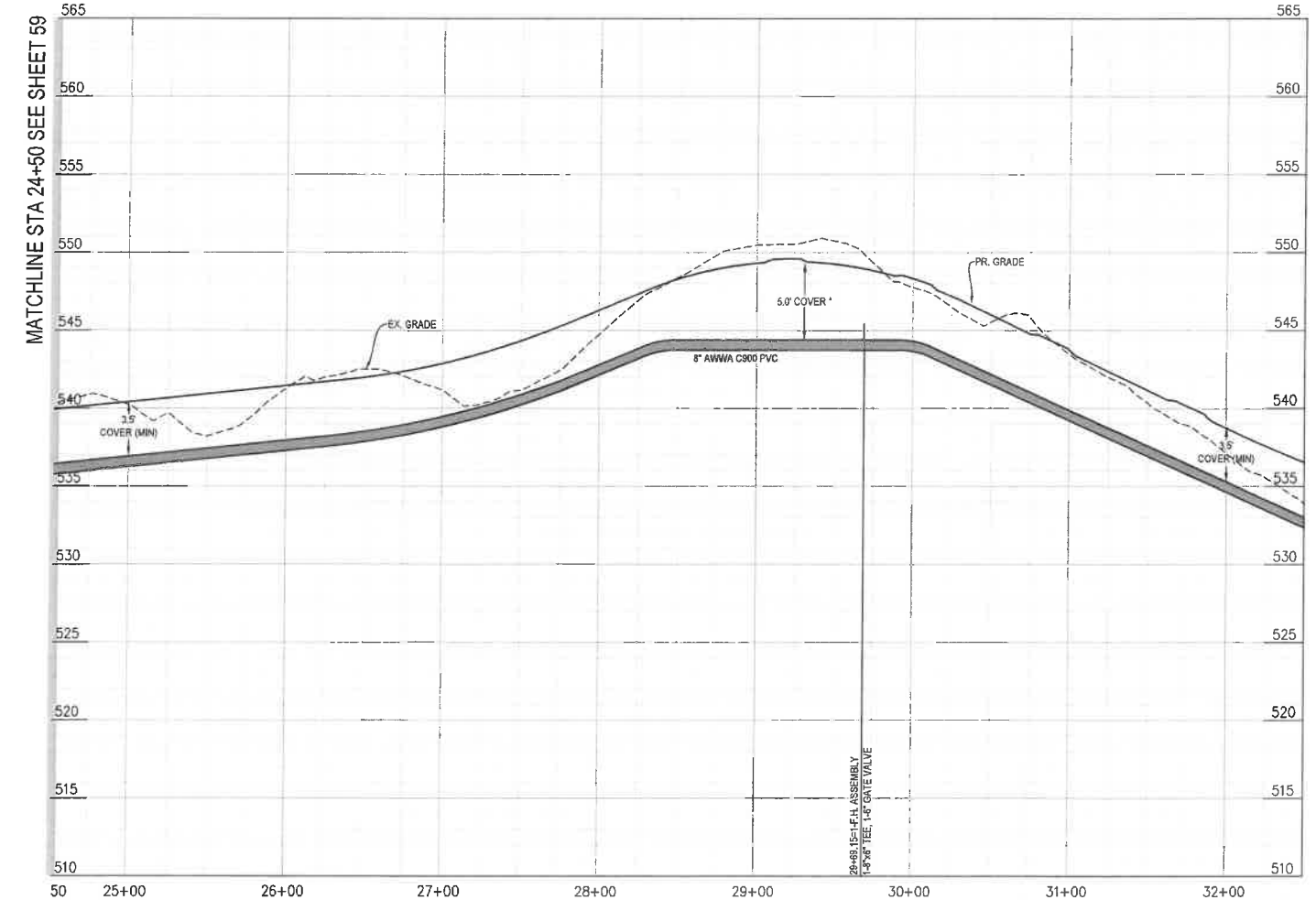
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	59 OF 75



NEWSPAPER STREET WATERMAIN



\* 5' COVER IS PROVIDED WHERE FIRE HYDRANTS ARE TO BE LOCATED TO MAINTAIN COVER ON PIPE TO CROSS UNDER ROADSIDE DITCH TO THE FIRE HYDRANT ASSEMBLY

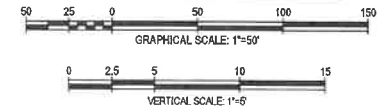
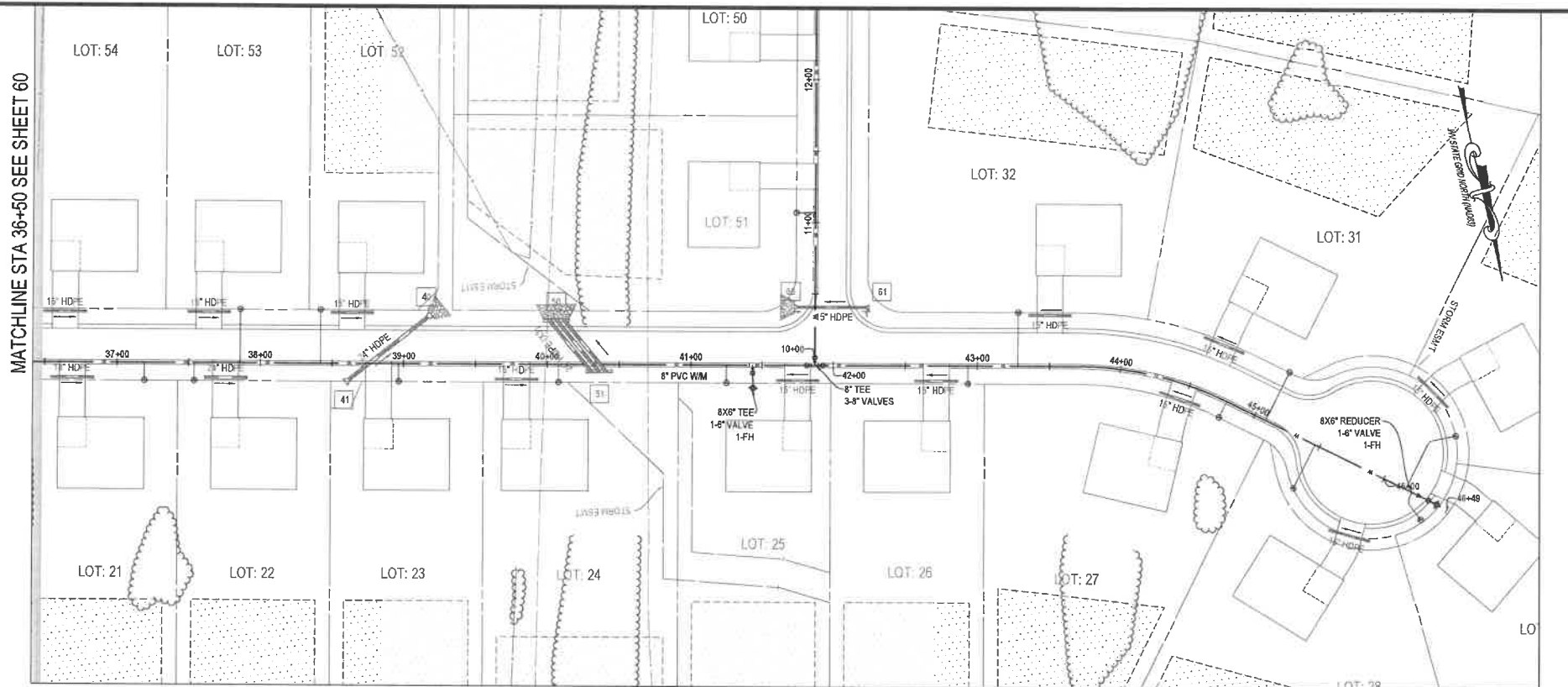
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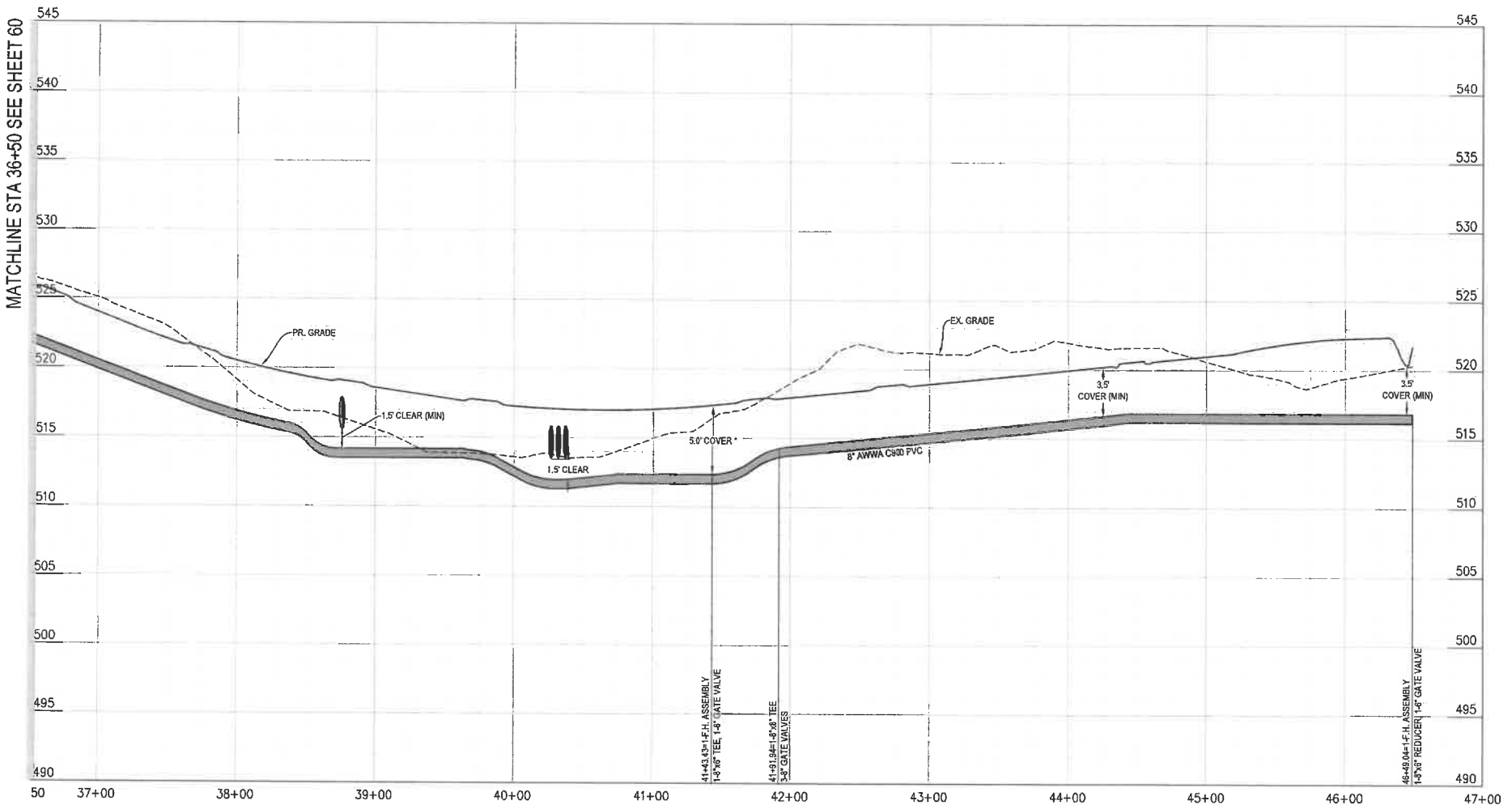
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 19 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
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DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
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SHEET:	



NEWSPAPER STREET WATERMAIN



\* 5' COVER IS PROVIDED WHERE FIRE HYDRANTS ARE TO BE LOCATED TO MAINTAIN COVER ON PIPE TO CROSS UNDER ROADSIDE DITCH TO THE FIRE HYDRANT ASSEMBLY

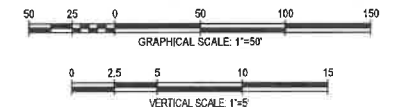
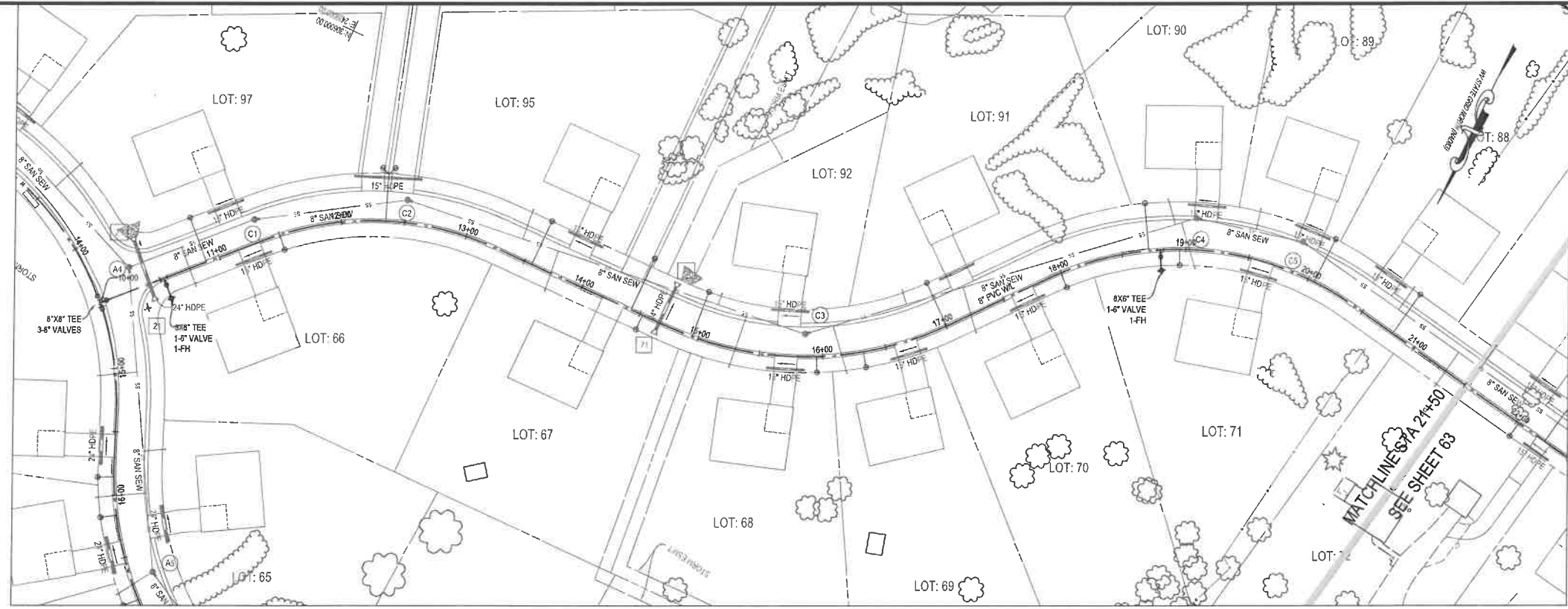
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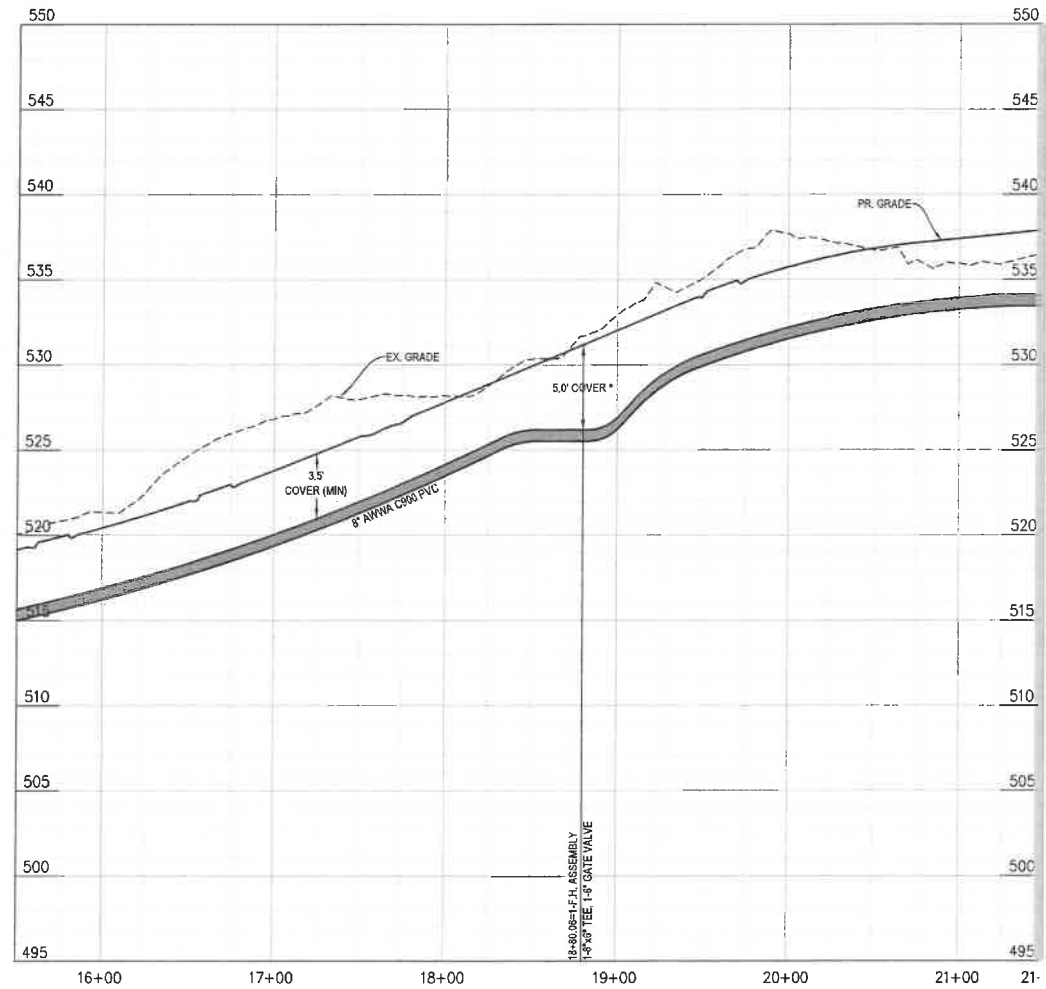
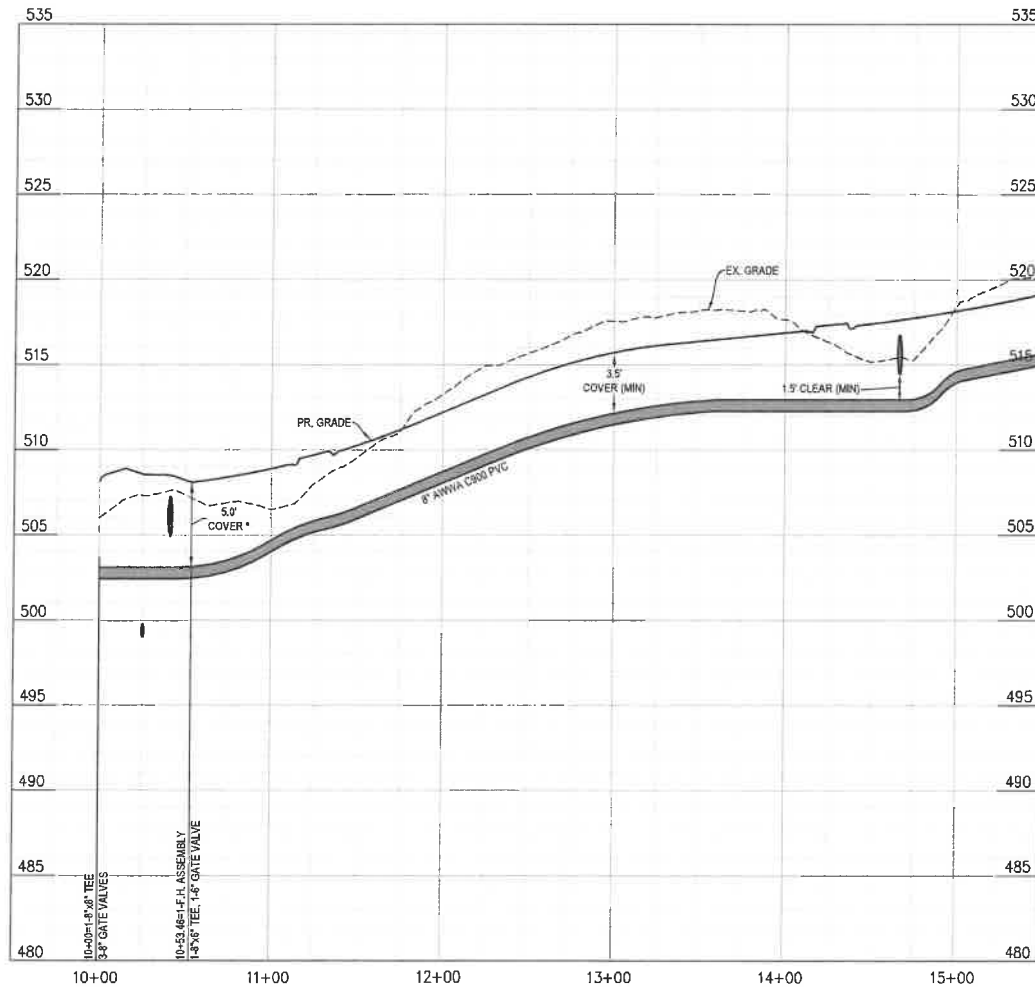
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
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DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	



JOURNALIST STREET WATERMAIN



\* 5' COVER IS PROVIDED WHERE FIRE HYDRANTS ARE TO BE LOCATED TO MAINTAIN COVER ON PIPE TO CROSS UNDER ROADSIDE DITCH TO THE FIRE HYDRANT ASSEMBLY

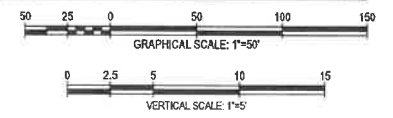
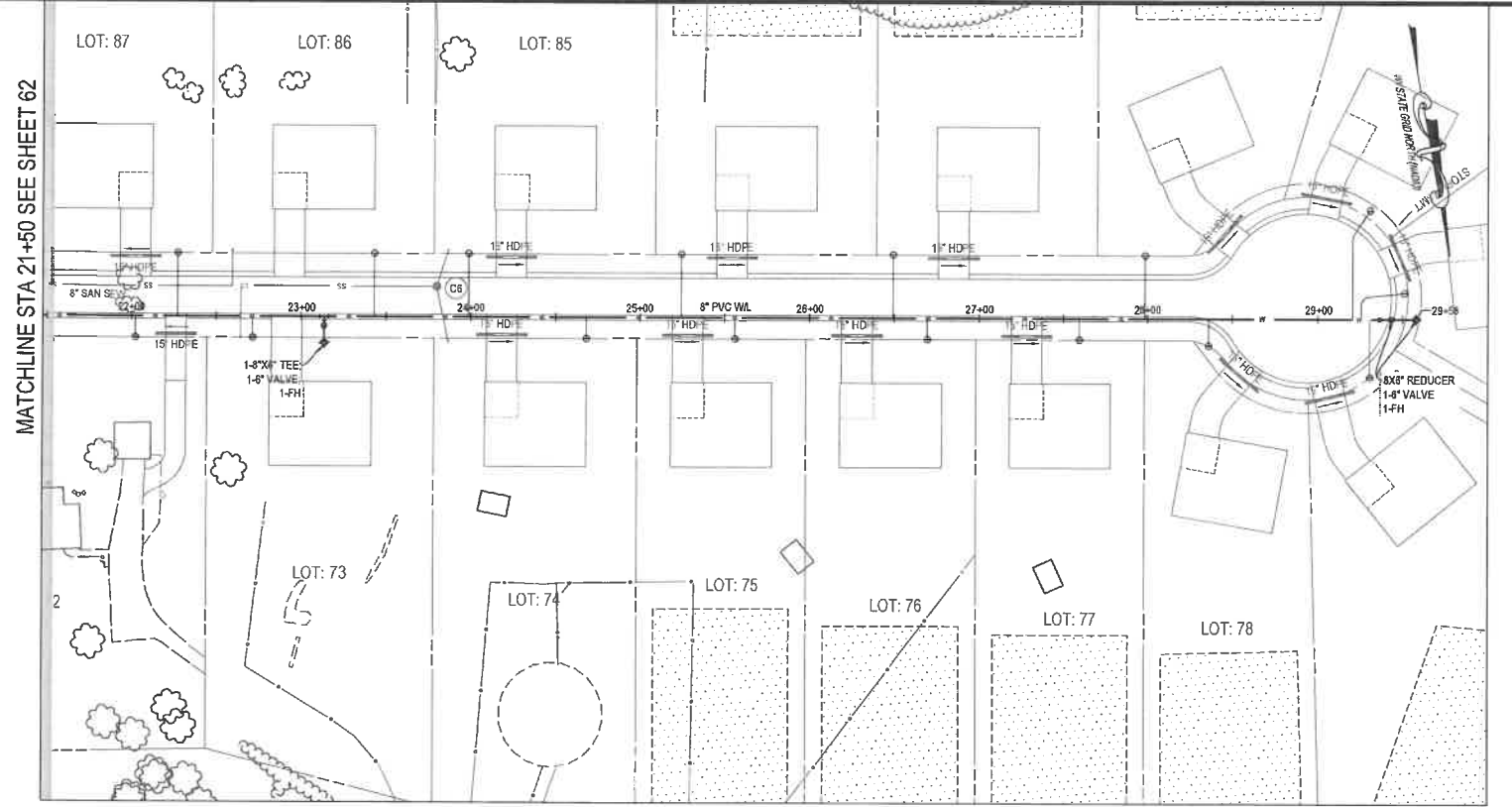
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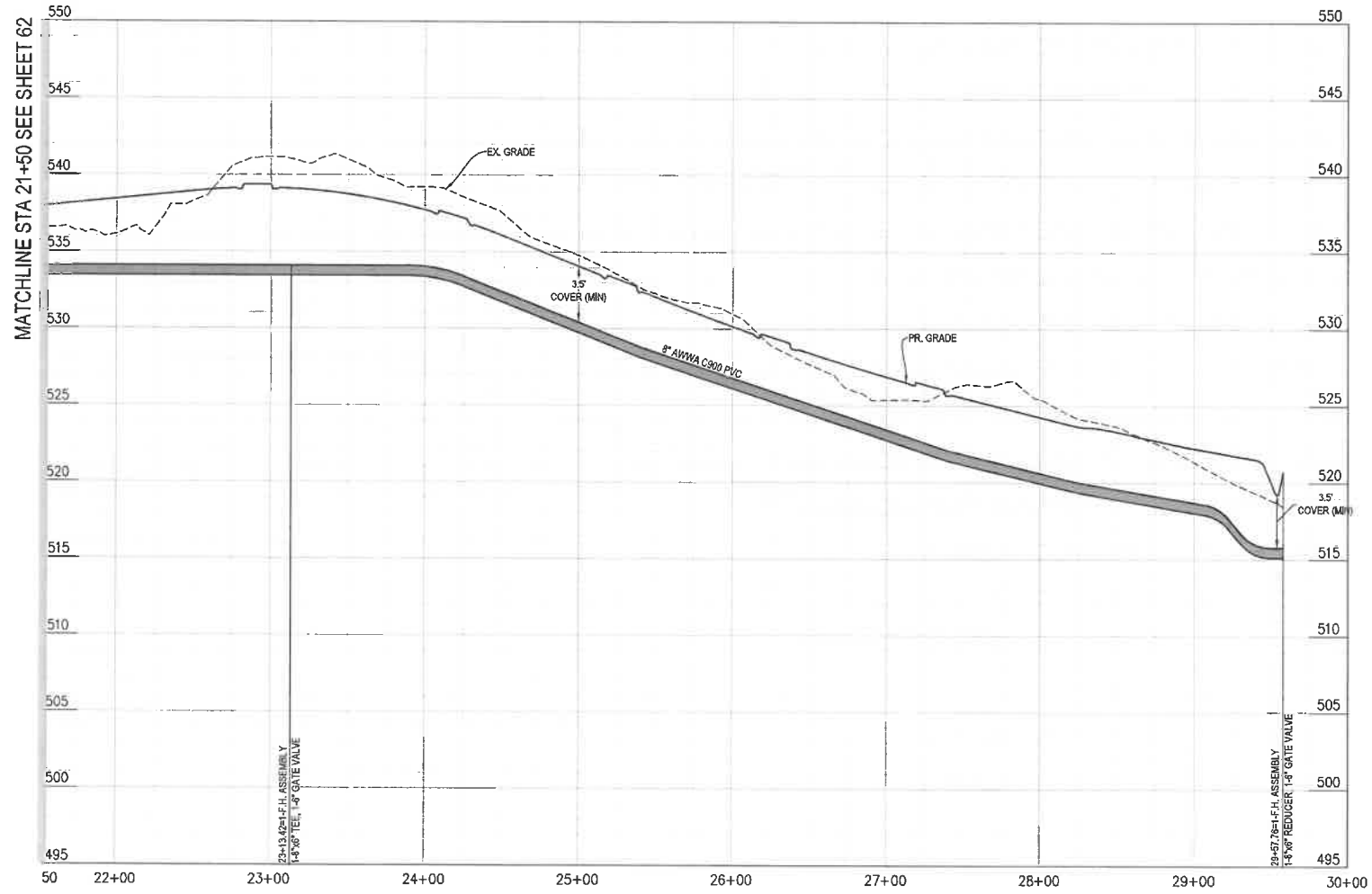
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WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1320, P.C. 743); PARCEL 13 (D.B. 1331, P.C. 1)  
 CHARLES TOWN FAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=50'
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DATE:	MAY 2025
JOB:	5100-0101
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CADD:	C-CU-230.DWG
NCS:	
SHEET:	62 OF 75



JOURNALIST STREET WATERMAIN



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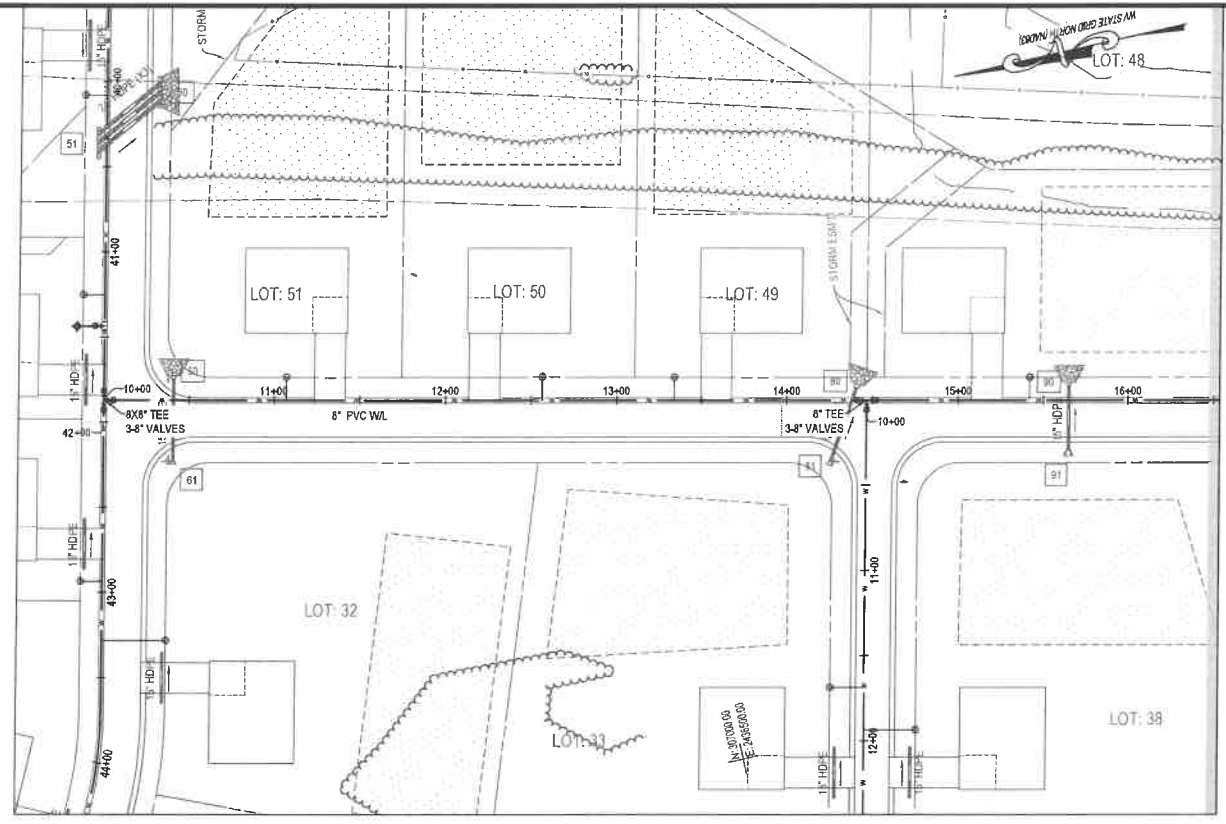
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

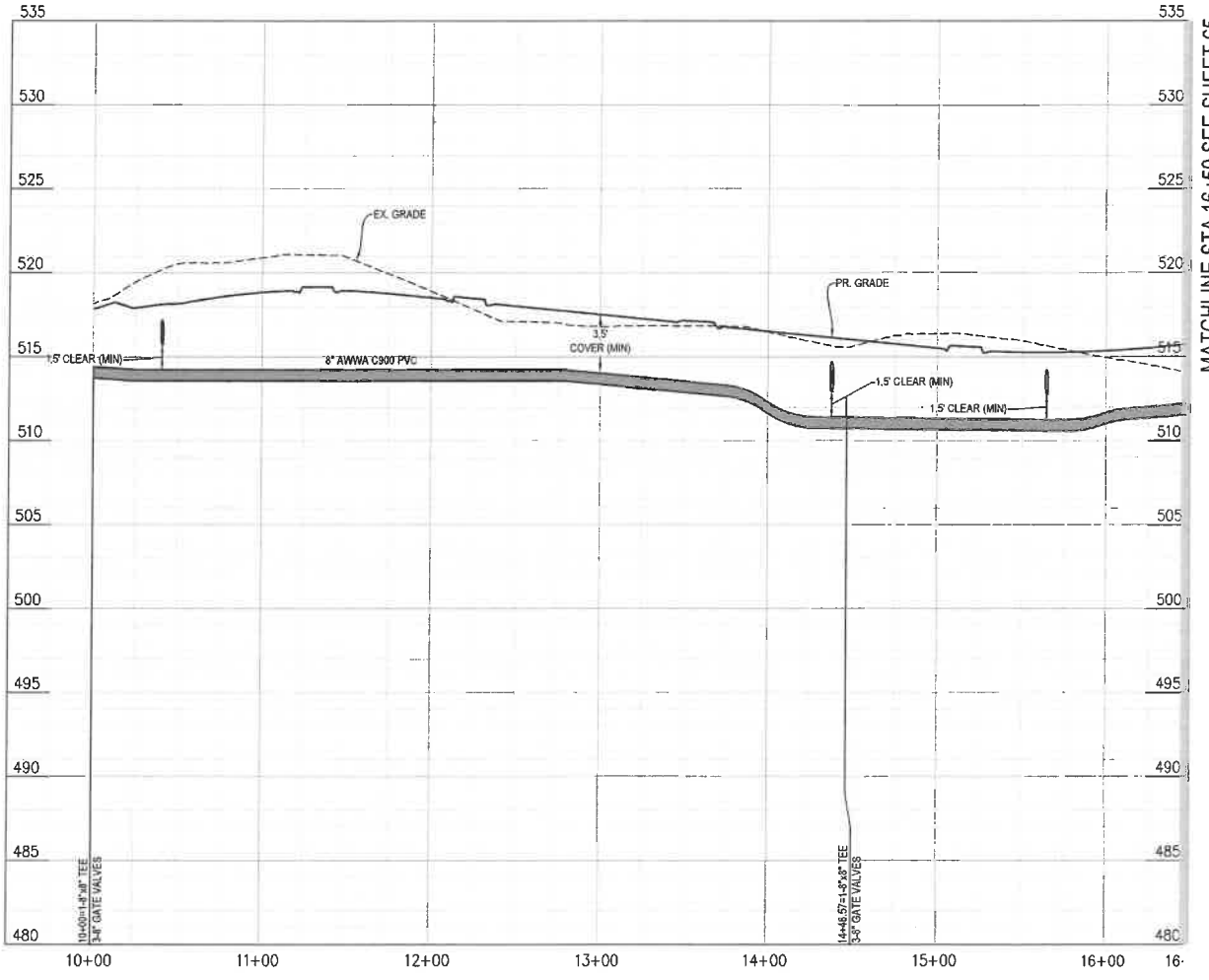
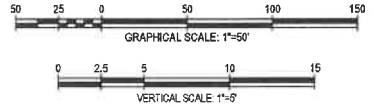
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	VERT:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	63 OF 75

PLANNING & DESIGN SERVICES, INC. 1000 UNIVERSITY DRIVE, SUITE 100, MARTINSBURG, WV 25401  
 304-293-8888 WWW.PDSINC.COM

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REPORTER LANE WATERMAIN



MATCHLINE STA 16+60 SEE SHEET 65

MATCHLINE STA 16+60 SEE SHEET 65

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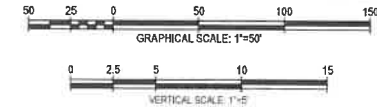
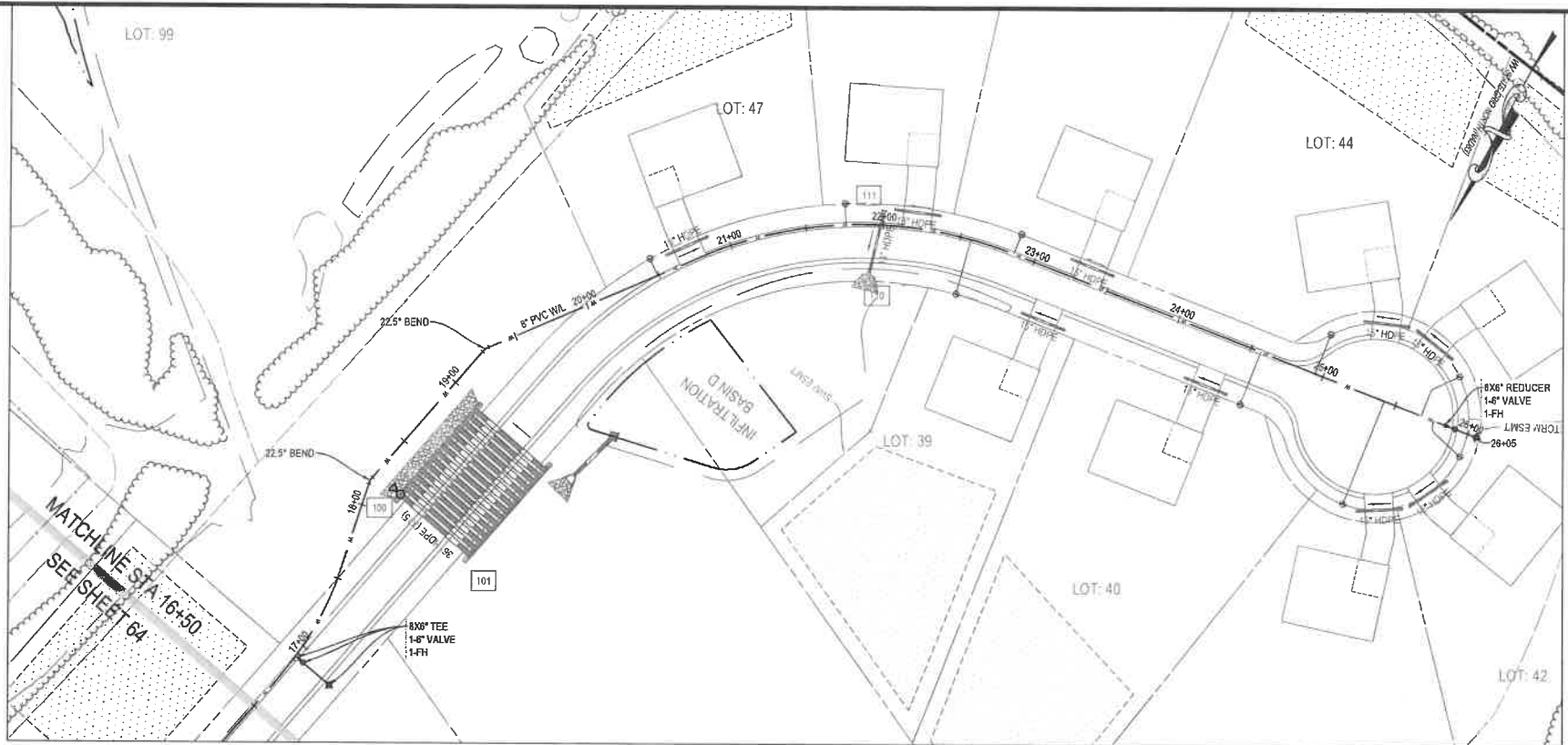
NO.	REVISIONS

WATERLINE PLAN & PROFILE

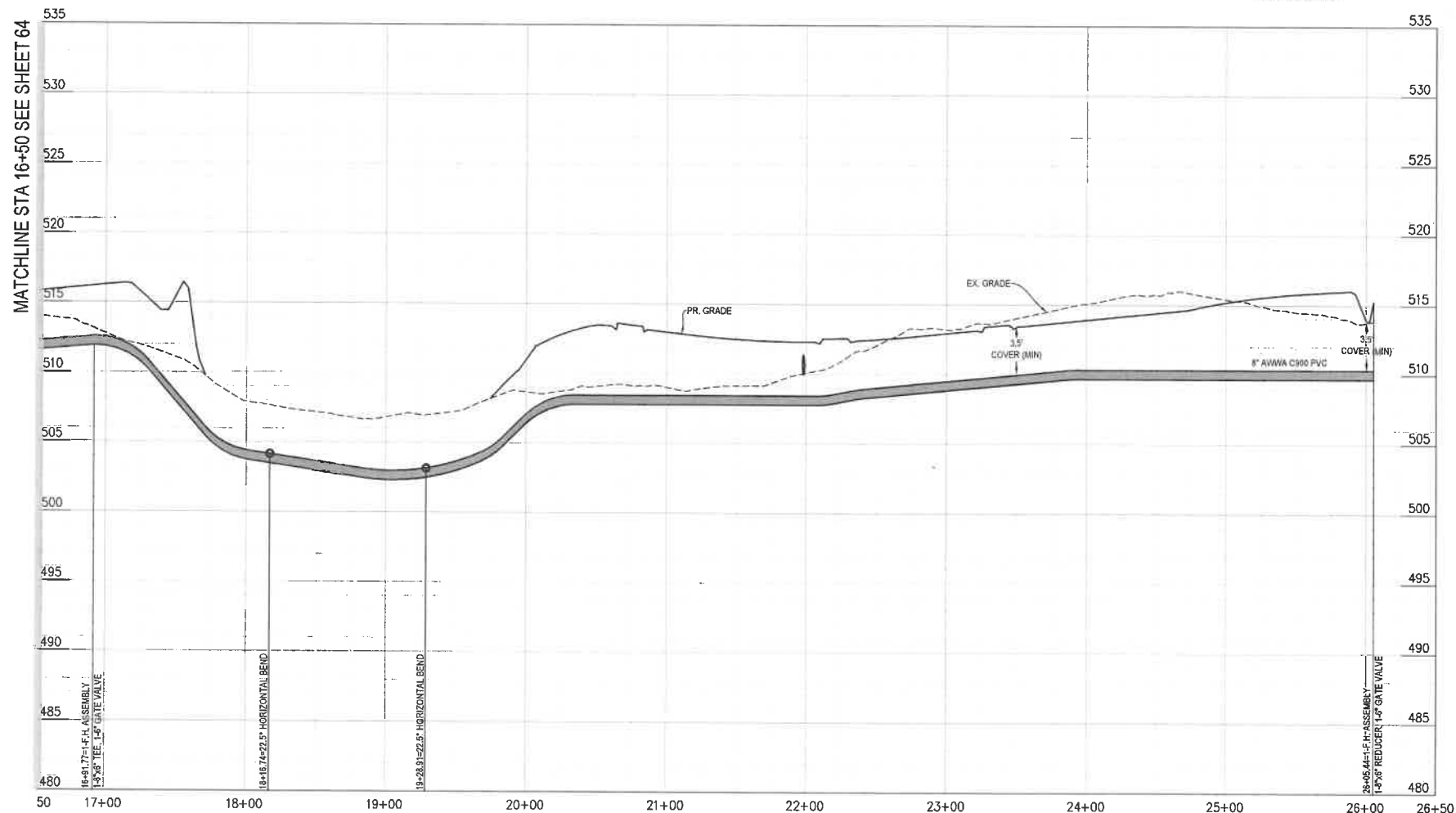
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**

TAX MAP 04, PARCEL 11 & 11.1 (D.B. 1320, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	64 OF 75



REPORTER LANE WATERMAIN



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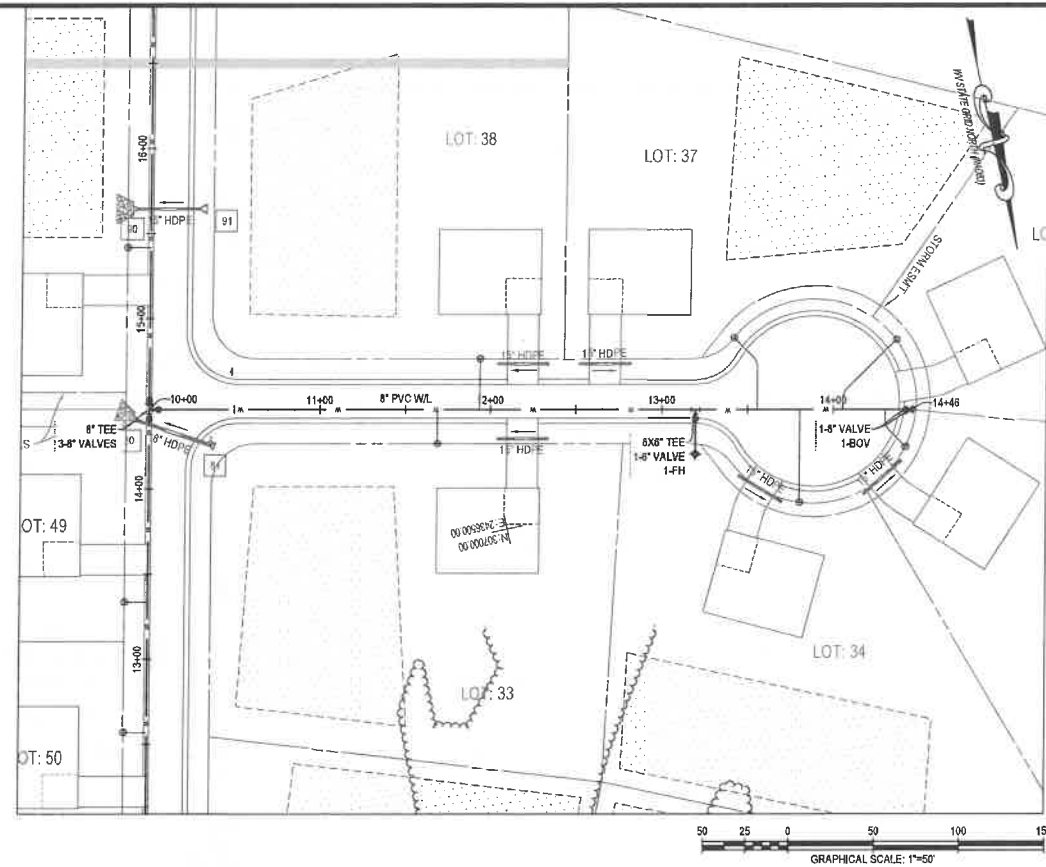
NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION**  
**PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

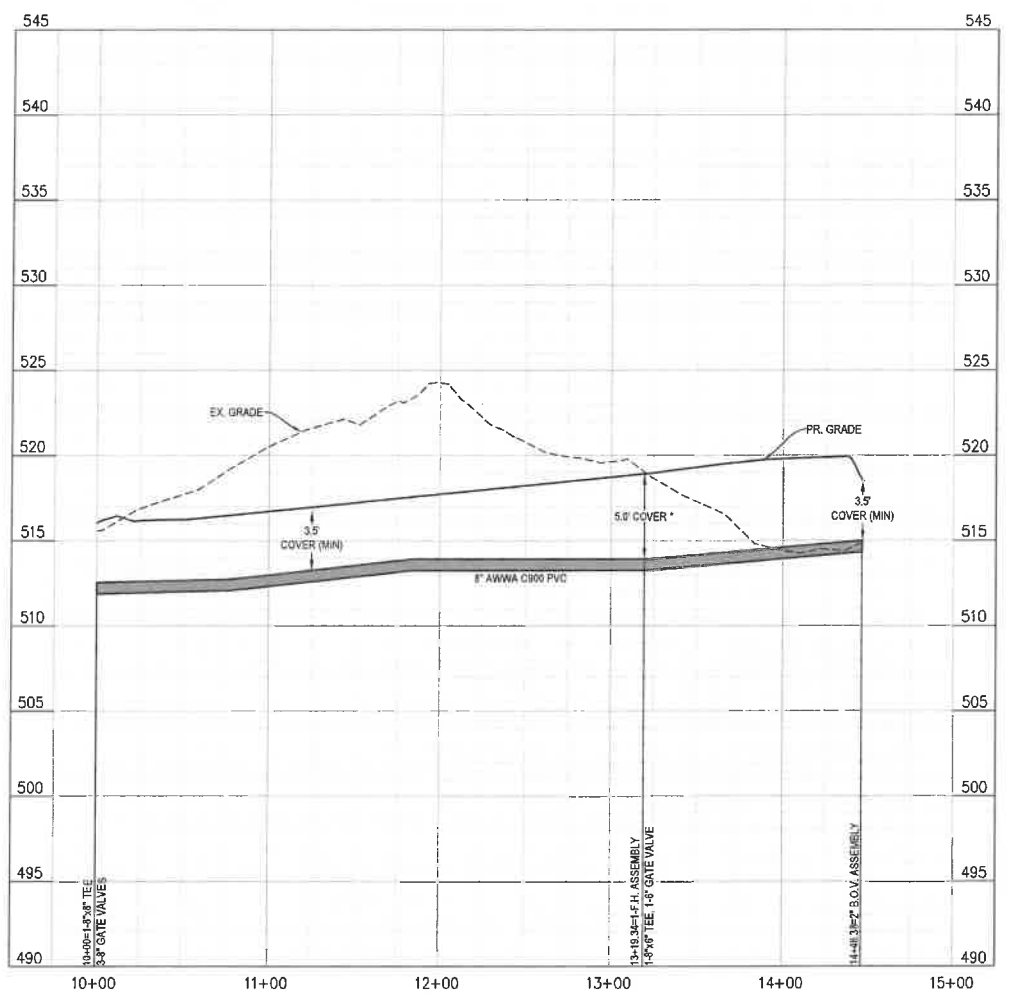
SCALE:	HORIZ.: 1"=50'
	VERT.: 1"=5'
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CU-230.DWG
NCS:	
SHEET:	65 OF 75

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ALL DIMENSIONS UNLESS OTHERWISE NOTED ARE IN FEET AND DECIMALS THEREOF. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED. ALL DIMENSIONS SHALL BE TO CENTERLINE UNLESS OTHERWISE NOTED.



TOWN CRIER LANE WATERMAIN



\* 5' COVER IS PROVIDED WHERE FIRE HYDRANTS ARE TO BE LOCATED TO MAINTAIN COVER ON PIPE TO CROSS UNDER ROADSIDE DITCH TO THE FIRE HYDRANT ASSEMBLY

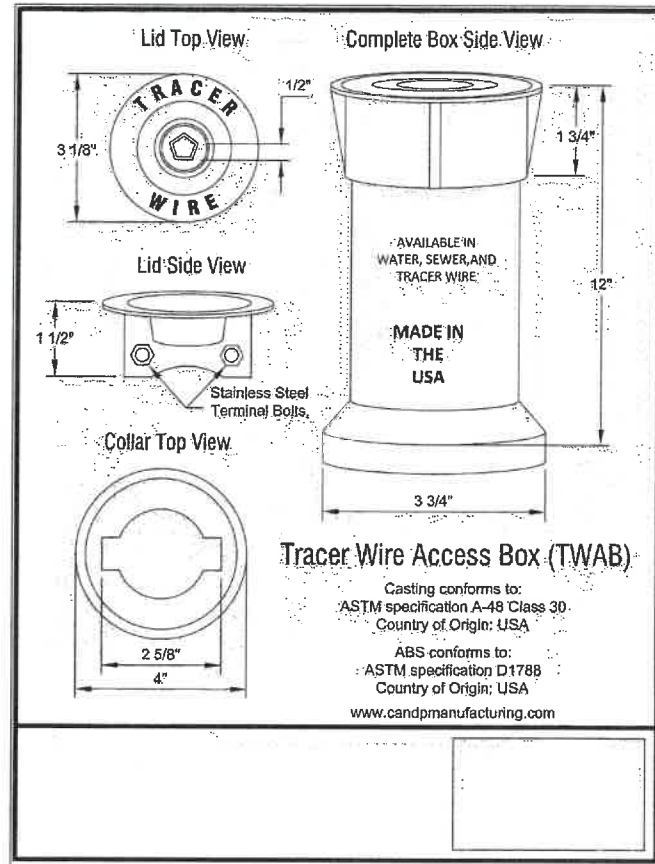
**INTEGRITY FEDERAL SERVICES**  
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**ADVANCED CONSTRUCTION**  
 PROFESSIONAL ENGINEER  
 SEAL:

NO.	REVISIONS

WATERLINE PLAN & PROFILE  
**MEDIA FARM SUBDIVISION PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1320, P.G. 718), PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ.:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-U-230.DWG
NCS:	
SHEET:	
66 OF 75	



**K-T**  
Kris-Tech Wire Co. Copper Clad Steel Tracer Wire

**Scope:** Single conductor copper clad steel, HMWPE (high molecular weight polyethylene) insulated tracer/corator wire. Together with the high strength of steel, the electrical and corrosion resistant properties of copper and the rugged properties of HMWPE this product is suitable for direct burial use in wet and dry locations, designed to carry an electrical signal for use in locating underground non-metallic pipes. Versions available in 30 volt, 600 volt and 1000 volt.

**Applicable Standards and Tests:** ASTM B-227, B-969, B-9109-910M all for Copper Clad Steel. ASTM D-1248, ICEA S-70-547, ICEA S-61-402/NEMA WC5, ICEA S-65-650/NEMA WC70, UL 63, UL 1991. All products are spark tested at 7500 VAC unless otherwise specified.

**Conductors:** The single conductors 21% conductivity copper clad steel, dead soft annealed (DSA), stress relieved (SR), high strength (HS) and extra high strength (EHS). Other conductivities and break strengths available by request.

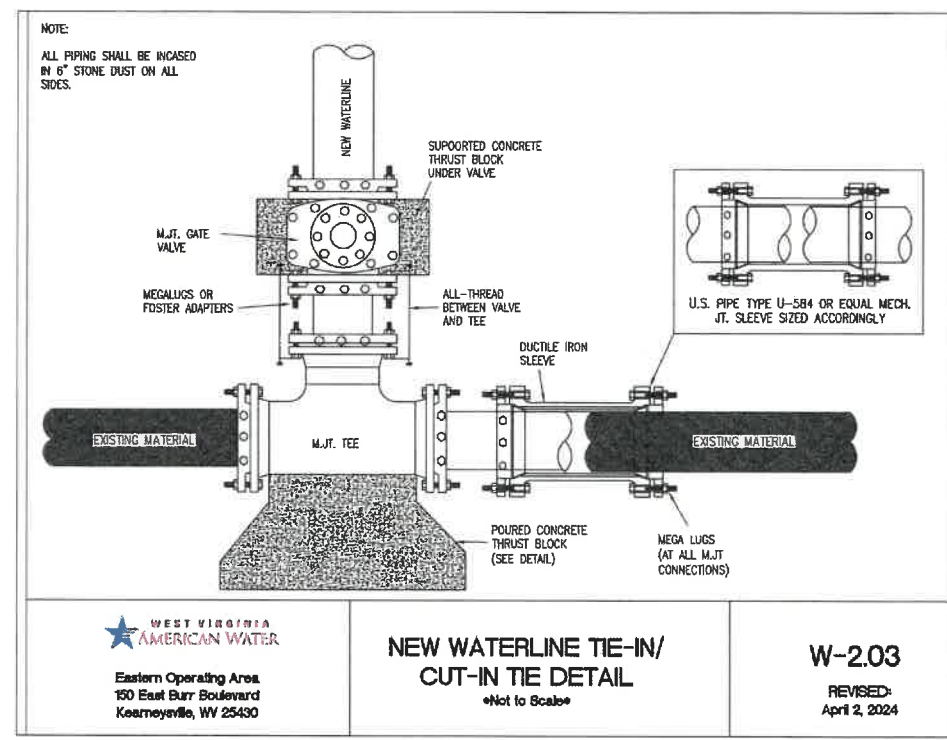
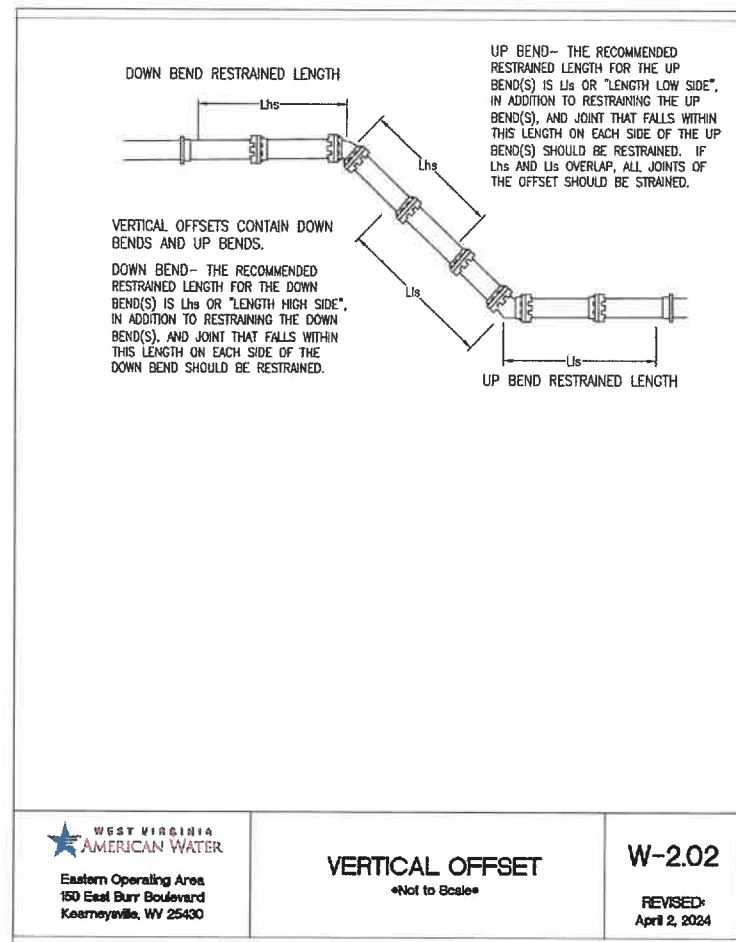
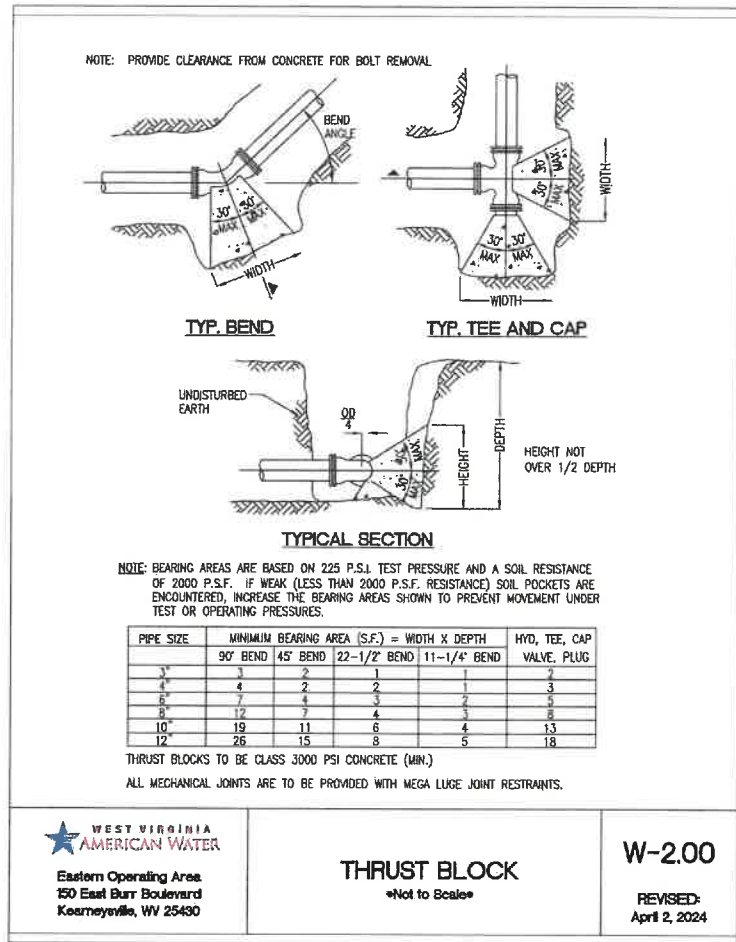
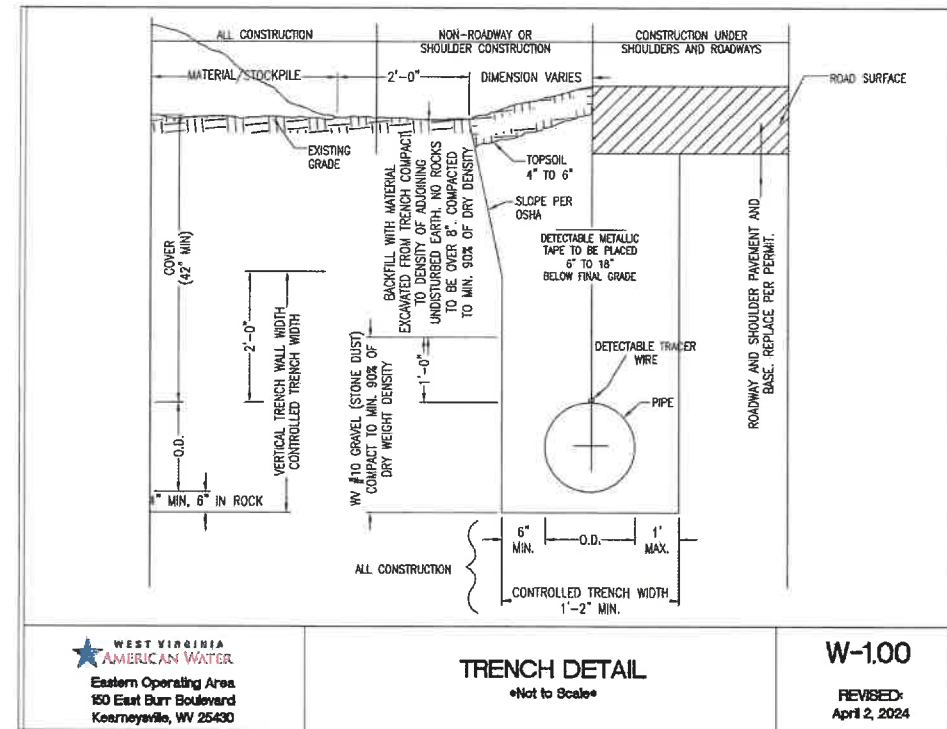
**Insulation:** Concentrically applied HMWPE insulation in accordance with UL93. High Density HMWPE is available upon request.

**Identification and Packaging:** Custom and standard print legends are available. 500 foot packed coils, or 2500 foot spools are standard and packaged and labeled with product name, description, AWG, and manufacturer. Custom lengths, non-standard colors, AWG and custom packaging are available by request.

AWG	Breaking Points (DSA/SR/HS/EHS)	Bending Radius (inches)	Insulation Thickness (inches) 30-650/1KV	Nominal Overall Diameter (inches)	Approx. Shipping Weight (Lbs./MFT)
18	63 / 79 / NA / NA	0.94	0.035 / 0.045 / 0.050	0.107 / 0.13 / 0.15	7.16 / 13
16	99 / 125 / NA / NA	0.58	0.030 / 0.045 / 0.050	0.117 / 0.14 / 0.17	10.13 / 16
14	161 / 187 / 331 / NA	0.72	0.030 / 0.045 / 0.050	0.127 / 0.15 / 0.18	15 / 18 / 21
12	256 / 303 / 558 / 1185	0.80	0.030 / 0.045 / 0.050	0.14 / 0.17 / 0.20	22 / 25 / 29
10	408 / 473 / 887 / 1940	0.88	0.030 / 0.045 / 0.050	0.16 / 0.19 / 0.22	34 / 37 / 41
8	628 / 990 / 1005 / 2785	1.00	0.030 / 0.045 / 0.050	0.19 / 0.22 / 0.25	51 / 55 / 60

P. (315) 339 5268 • F. (315) 339 5277 • sales@kristechwire.com • www.kristechwire.com

Spec: Tracer-CCS  
Issued: 05/23/19  
Supersedes: 11/21/18



REVISIONS

NO.	DATE	DESCRIPTION

WATERLINE DETAILS

**MEDIA FARM SUBDIVISION PRELIMINARY PLAT**

TAX MAP 04-PARCEL 11 & 11.1 (D.B. 1330, P.G. 743), PARCEL 13 (D.B. 1331, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ. VERT.

DATE: MAY 2025

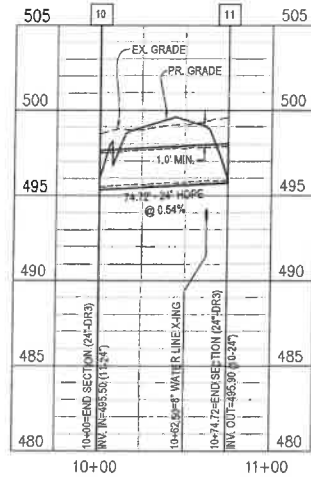
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DRAWN: JCH CHECK: JPG

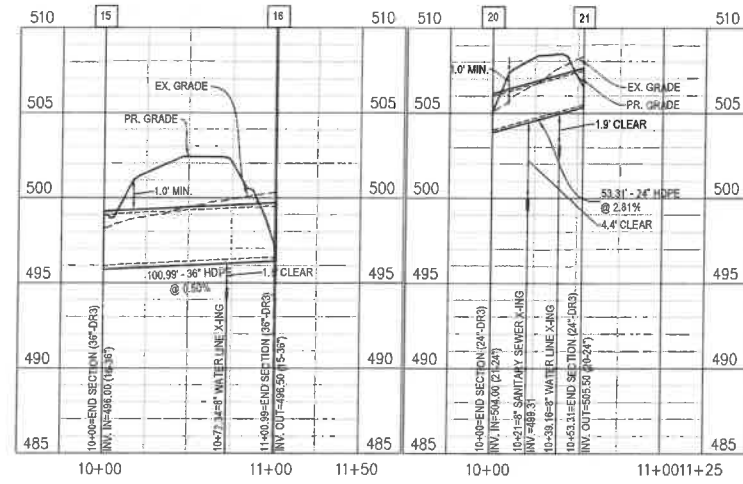
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NCS:

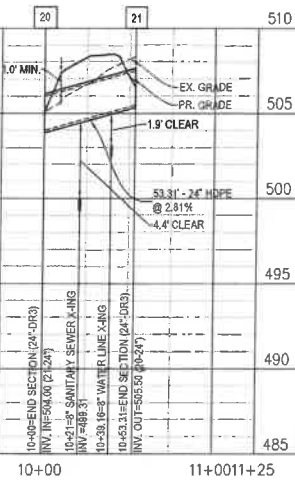
SHEET: 67 OF 75



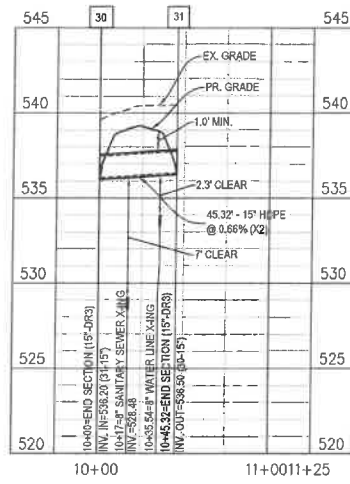
CULVERT 10-11 PROFILE



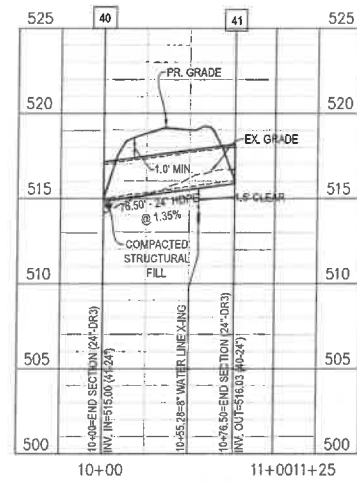
15-16 PROFILE



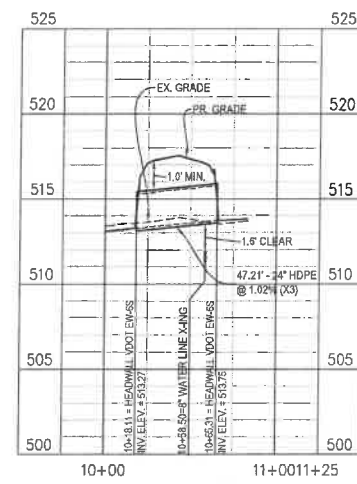
20-21 PROFILE



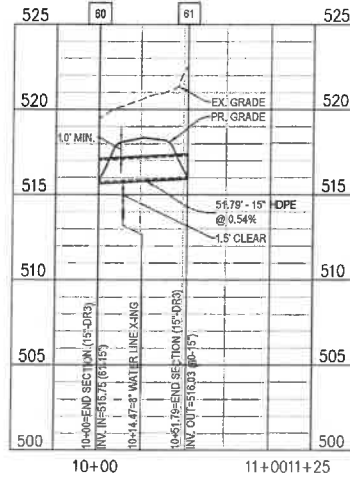
30-31 PROFILE



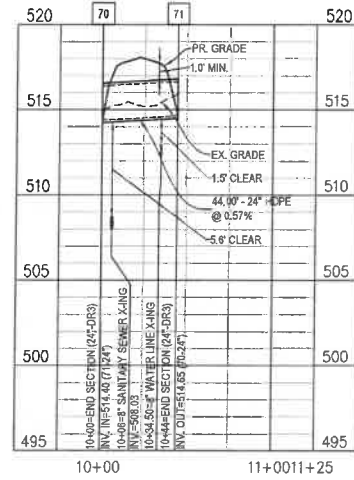
40-41 PROFILE



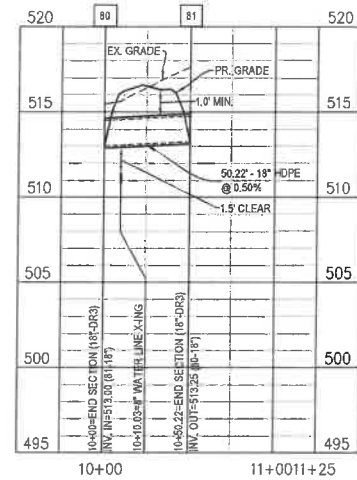
50-51 PROFILE



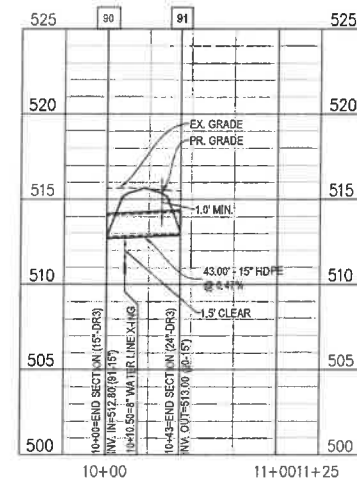
60-61 PROFILE



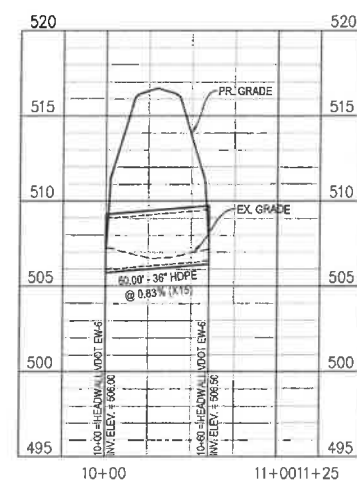
70-71 PROFILE



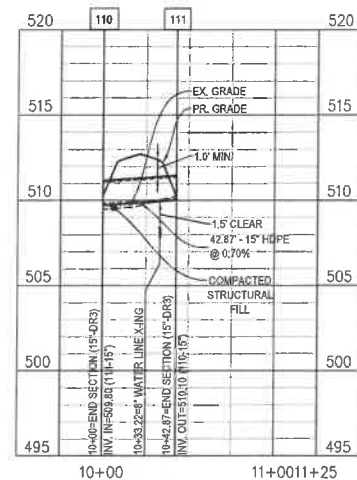
80-81 PROFILE



90-91 PROFILE



100-101 PROFILE



110-111 PROFILE

NOTE:  
SEE SITE & UTILITY PLAN FOR PLAN VIEW

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NO.	REVISIONS

ROADWAY CULVERTS

**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAN**

TAX MAP 04; PARCELS 11 & 11.1; (S. B. 1380; P. G. 743); PARCEL 13 (D.B. 1381, PG. 1)  
CHARLES TOWN TAX DISTRICT  
JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ: 1" = 50'  
VERT: 1" = 5'

DATE: MAY 2025

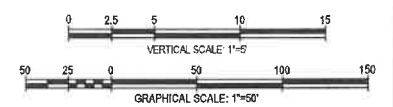
JOB: 5100-0101

DRAWN: JCH CHECK: JPG

CADD: C-CU-260.DWG

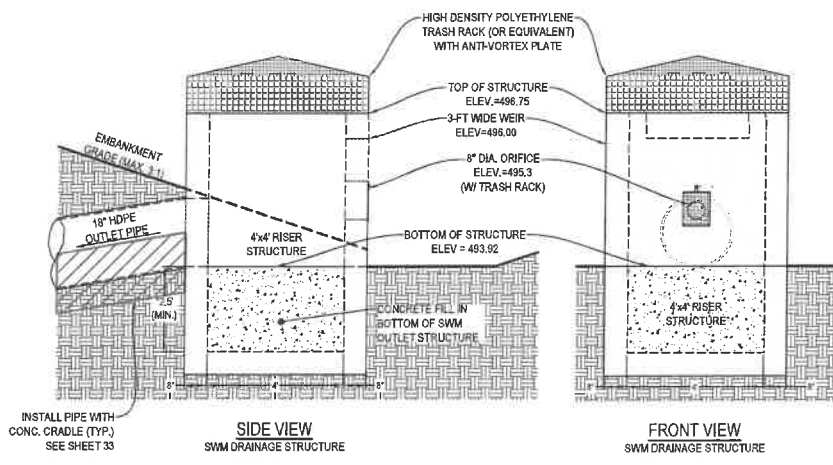
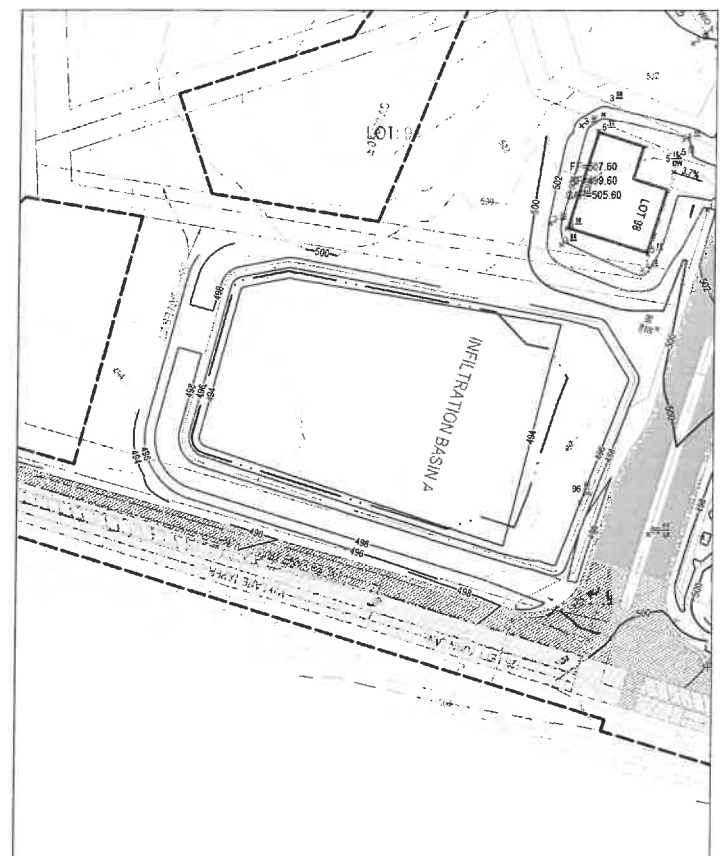
NCS:

SHEET:  
68 OF 75



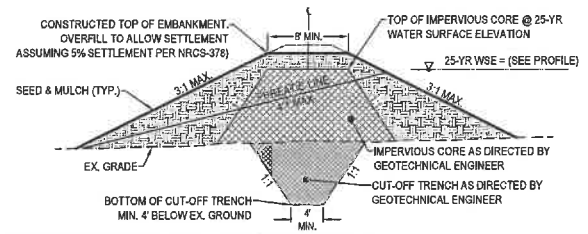


WV STATE GRID NORTH (NAD83)

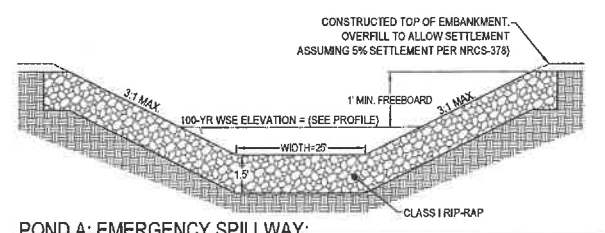


NOTES:  
1. STRUCTURAL DESIGN OF RISER STRUCTURE, IF NOT IN CONFORMANCE WITH DETAILS AS SHOWN, SHALL BE SUBMITTED BY CONTRACTOR TO JEFFERSON COUNTY PLANNING & ENGINEERING FOR APPROVAL.

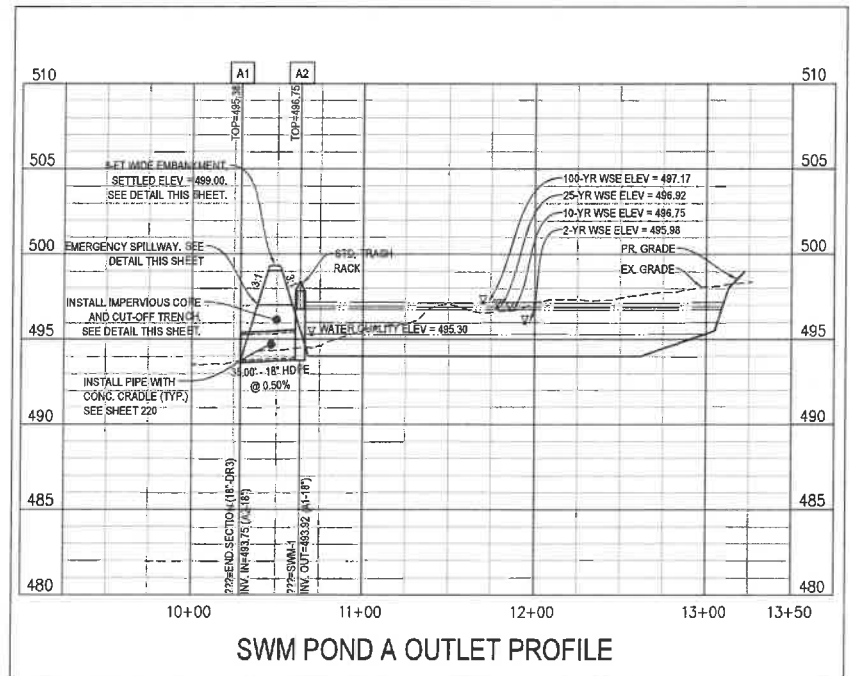
POND A: SIDE & FRONT VIEW OF SWM OUTLET STRUCTURE:  
NOT TO SCALE



POND A: SECTION THRU DAM EMBANKMENT:  
NOT TO SCALE



POND A: EMERGENCY SPILLWAY:  
NOT TO SCALE



SWM POND A OUTLET PROFILE

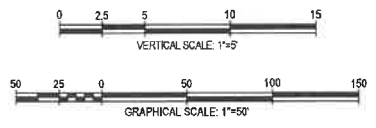
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 Marietta, GA 30067 • www.ifse.com

**ADVANCED CONSTRUCTION**  
 SEAL: \_\_\_\_\_

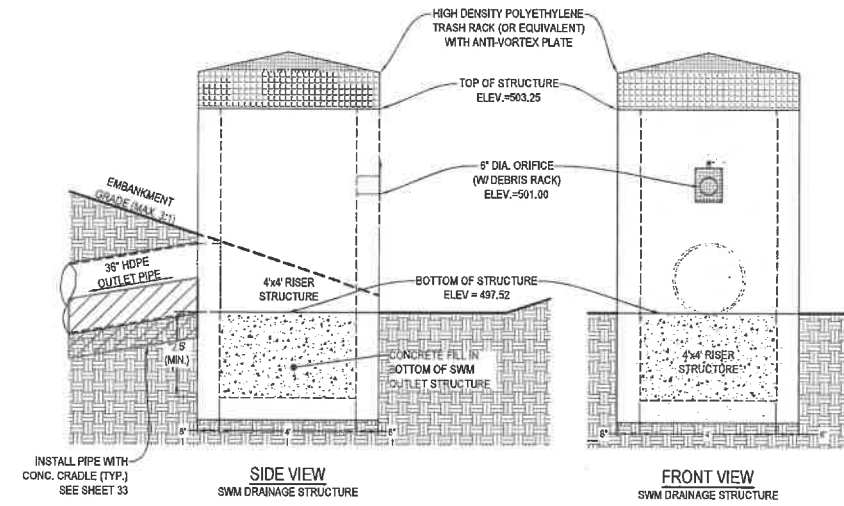
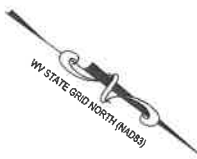
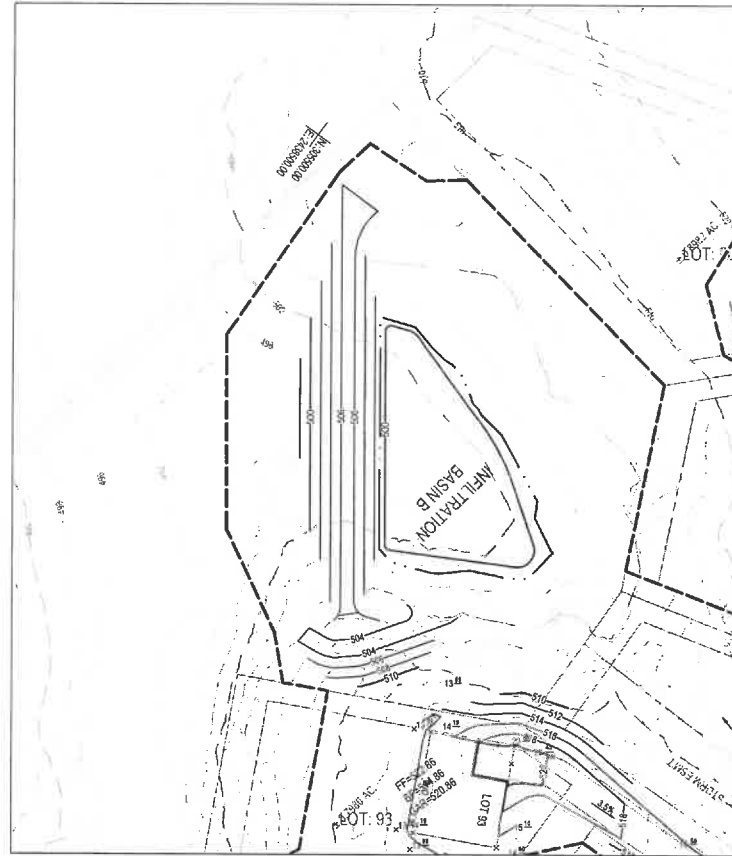
NO.	REVISIONS

SWM FACILITY DESIGN  
**MEDIA FARM SUBDIVISION  
 PRELIMINARY PLAN**  
 TAX MAP 04; PARCEL 11 & 11.1 (0.8 & 130.0 P.G. 749), PARCEL 13 (D.B. 1301, PG. 1)  
 CHARLES TOWN TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE: HORIZ.: \_\_\_\_\_  
 VERT.: \_\_\_\_\_  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CJ-101.DWG  
 NCS: \_\_\_\_\_  
 SHEET: \_\_\_\_\_

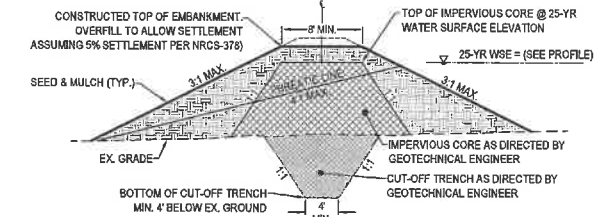


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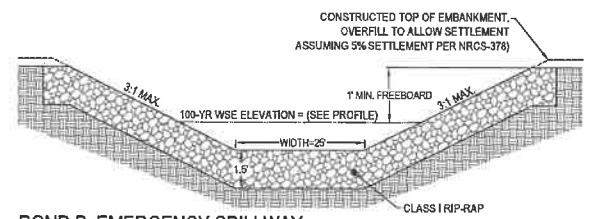


NOTES:  
 1. STRUCTURAL DESIGN OF RISER STRUCTURE, IF NOT IN CONFORMANCE WITH DETAILS AS SHOWN, SHALL BE SUBMITTED BY CONTRACTOR TO JEFFERSON COUNTY PLANNING & ENGINEERING FOR APPROVAL.

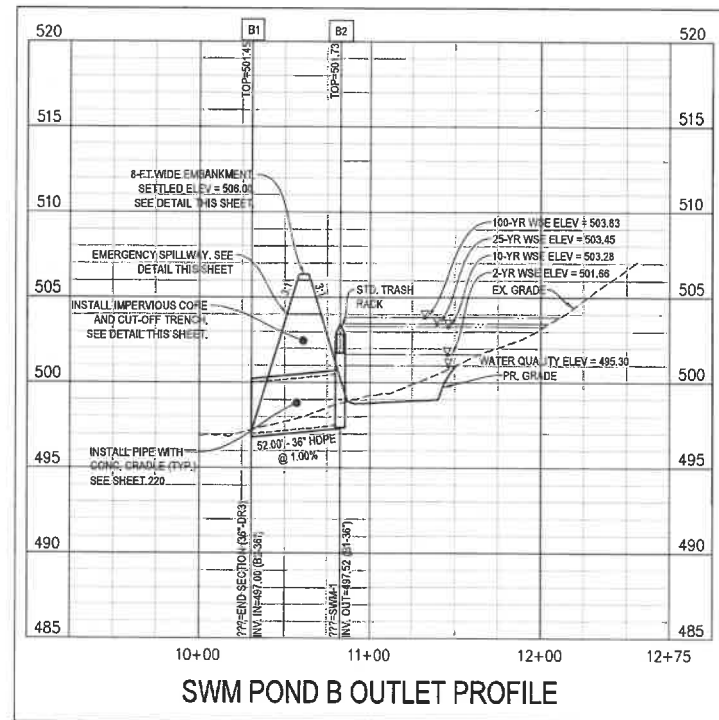
**POND B: SIDE & FRONT VIEW OF SWM OUTLET STRUCTURE:**  
 NOT TO SCALE



**POND B: SECTION THRU DAM EMBANKMENT:**  
 NOT TO SCALE



**POND B: EMERGENCY SPILLWAY:**  
 NOT TO SCALE

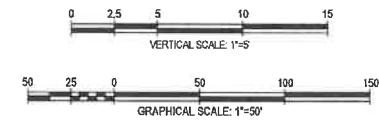


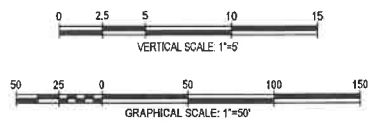
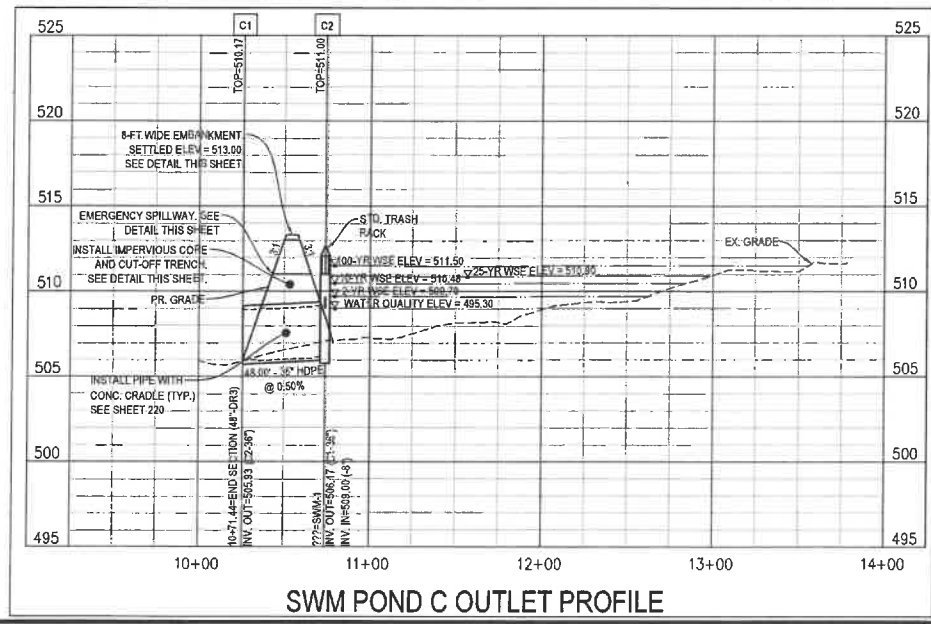
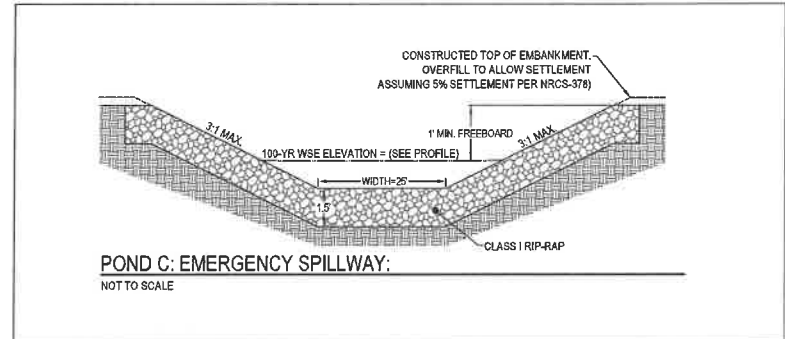
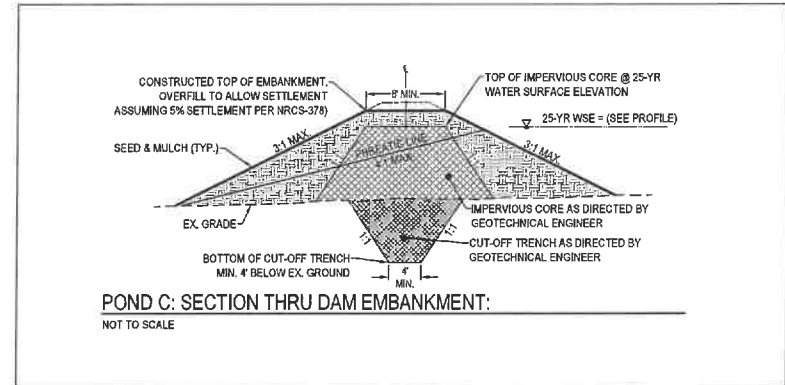
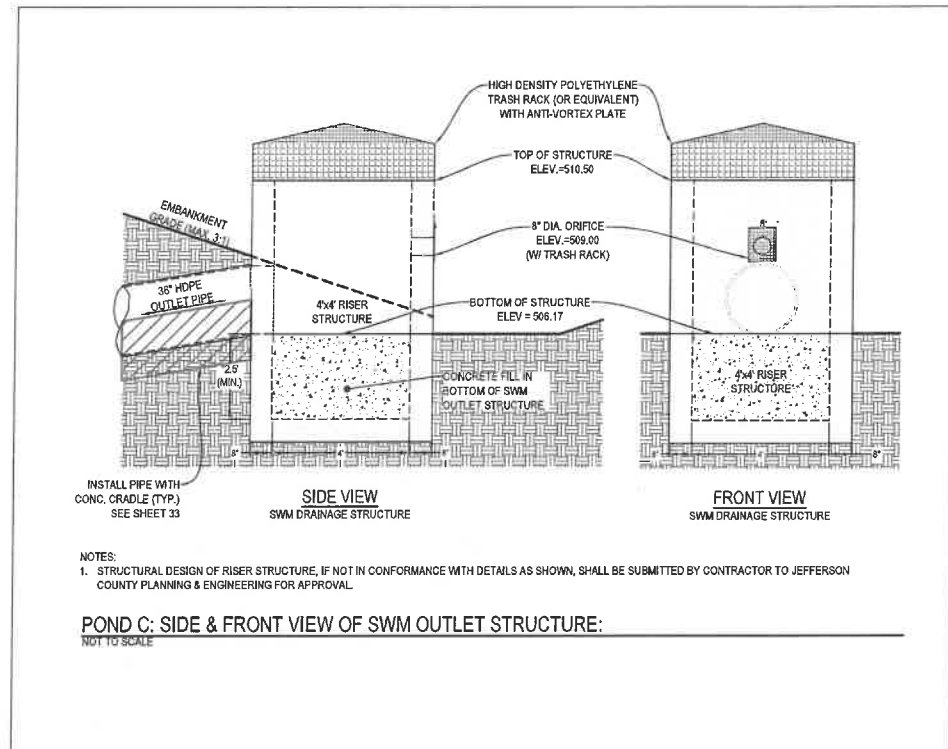
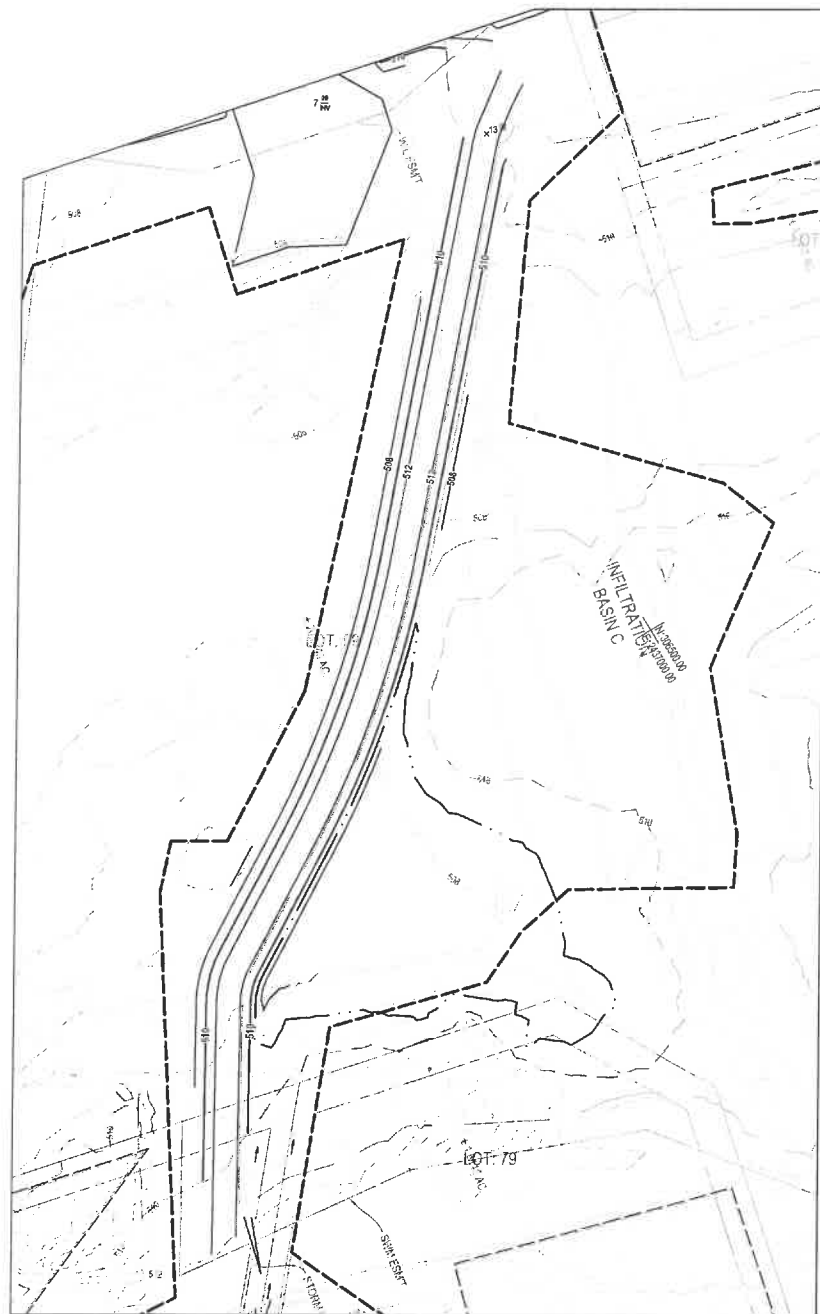
**SWM POND B OUTLET PROFILE**



NO.	REVISIONS

SCALE:	HORIZ.:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-GJ-101.DWG
NCS:	
SHEET:	





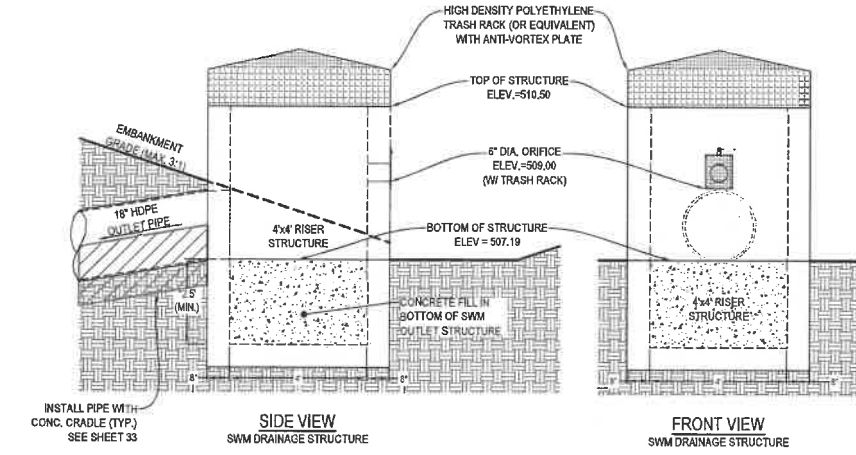
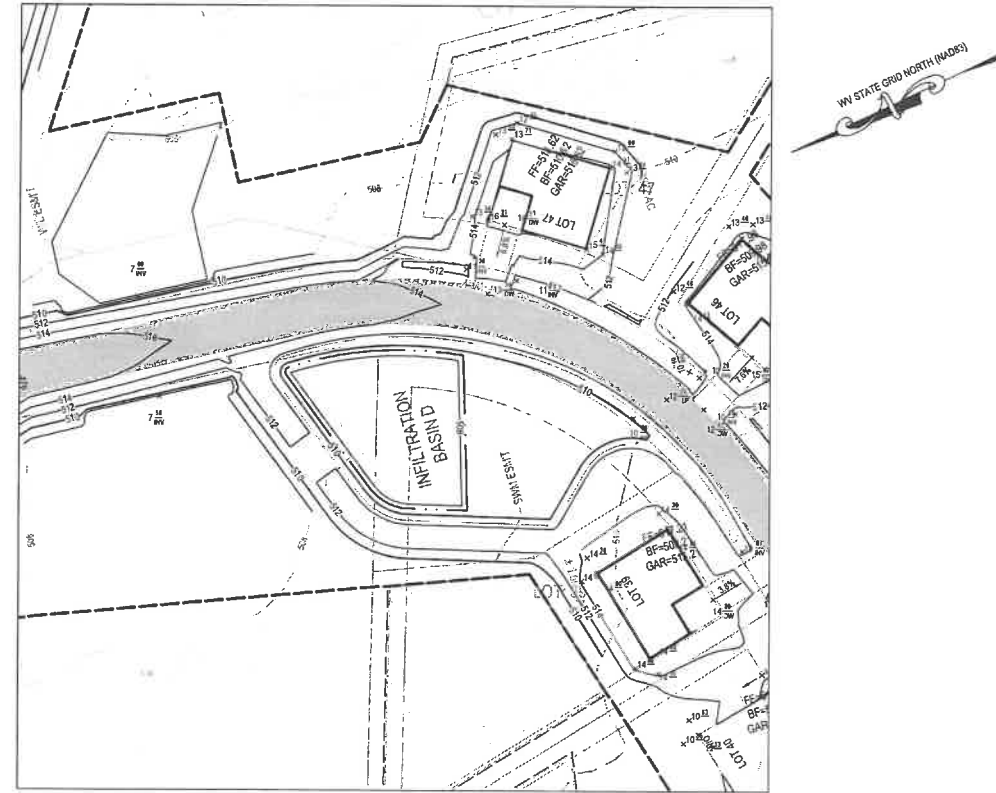
NO.	REVISIONS

SWM FACILITY DESIGN

**MEDIA FARM SUBDIVISION  
PRELIMINARY PLAN**

TAX MAP 04: PARCELS 11 & 11.1 (D.B. 1330, P.G. 763), PARCEL 13 (D.B. 1381, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

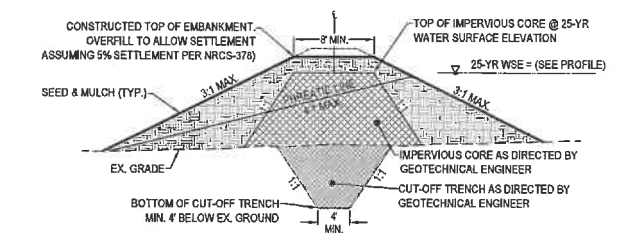
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 VERT.:  
 DATE: MAY 2025  
 JOB: 5100-0101  
 DRAWN: JCH CHECK: JPG  
 CADD: C-CJ-101.DWG  
 NCS:  
 SHEET:  
 72 OF 75



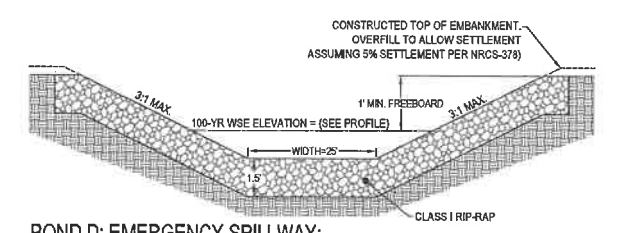
INSTALL PIPE WITH CONC. CRADLE (TYP.) SEE SHEET 33

NOTES:  
 1. STRUCTURAL DESIGN OF RISER STRUCTURE, IF NOT IN CONFORMANCE WITH DETAILS AS SHOWN, SHALL BE SUBMITTED BY CONTRACTOR TO JEFFERSON COUNTY PLANNING & ENGINEERING FOR APPROVAL.

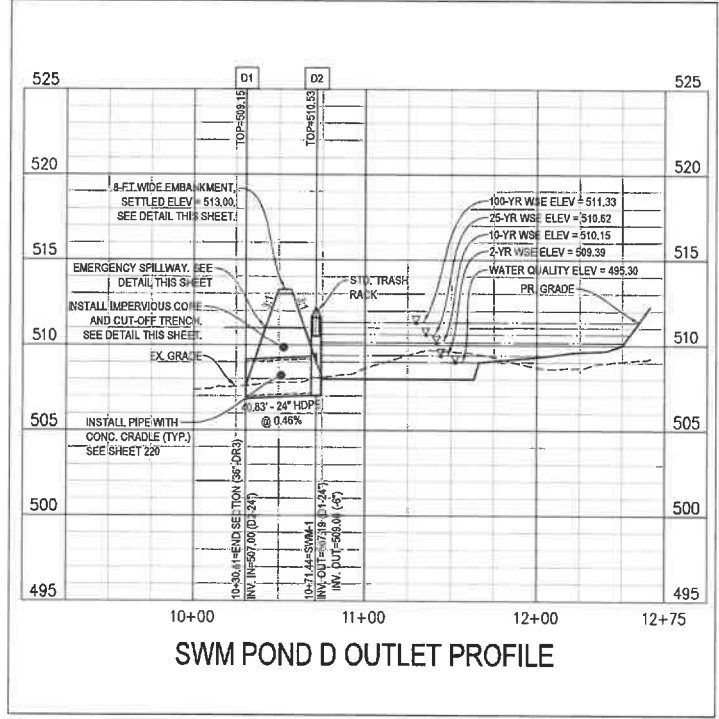
POND D: SIDE & FRONT VIEW OF SWM OUTLET STRUCTURE:  
 NOT TO SCALE



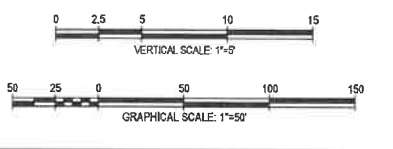
POND D: SECTION THRU DAM EMBANKMENT:  
 NOT TO SCALE



POND D: EMERGENCY SPILLWAY:  
 NOT TO SCALE



SWM POND D OUTLET PROFILE



**INTEGRITY FEDERAL SERVICES**

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING

148 S. Queen Street, Suite 201 • Phone: 304-725-8466  
 Martinsburg, WV 25401 • www.if-s.com

REVISIONS	

SWM FACILITY DESIGN

**MEDIA FARM SUBDIVISION**

**PRELIMINARY PLAN**

TAX MAP 04; PARCEL 11 & 11.1; (D.B. 1330, P.G. 743); PARCEL 13 (D.B. 1331, PG. 1)  
 CHARLES TOWN TAX DISTRICT  
 JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ:
	VERT.:
DATE:	MAY 2025
JOB:	5100-0101
DRAWN:	JCH
CHECK:	JPG
CADD:	C-CJ-101.DWG
NCS:	
SHEET:	

73 OF 75



### SWM-DR SWM DAM METAL PLATE DETAIL

NOTE: METAL PLATE MUST BE GALVANIZED TO FIT CIRCULAR UNITS WHERE APPLICABLE.

### CONCRETE CRADLE

PIPE SIZE INCHES	CRADLE BOTTOM WIDTH INCHES	CRADLE HEIGHT INCHES	CRADLE TOP WIDTH INCHES	INCREMENT IN CUBIC YARDS PER LINEAR FOOT OF PIPE
12	34	14	32	0.063
15	39	16.75	35.5	0.107
18	42	17.5	38	0.129
24	50	21	48	0.186
30	58	28	53	0.233
36	66	31	60	0.267
42	74	38	67	0.290

CONCRETE SHALL BE CLASS #3 BUT NOT LESS THAN #2.  
 \* \* F THE PIPE IS LAID IN AN EXCAVATED TRENCH THEN THE TRENCH WALLS MAY CONFORM TO THE TRENCH SHAPE OR THE TRENCH MAY BECOME THE CRADLE FORM.  
 CONCRETE CRADLE IS TO BE INSTALLED UNDER THE ENTIRE LENGTH OF CULVERT AT EACH STORMWATER MANAGEMENT BASIN. CONCRETE CRADLE IS TO BE PAID FOR AS MISCELLANEOUS CONCRETE AND SUBMITTED IN CUBIC YARDS FOR EACH PIPE LOCATION.

### METAL PLATE DETAIL (NET GALVANIZED)

### METAL PLATE DETAIL (NET GALVANIZED)

### STORMWATER MANAGEMENT (SWM) DETAILS

DEBRIS RACK, METAL PLATE, WATER QUALITY ORFICE, CONCRETE CRADLE (FOR SWM DRAINAGE STRUCTURES, SWM RISER PIPES AND SWM DAMS). VIRGINIA DEPARTMENT OF TRANSPORTATION.

ROAD AND BRIDGE STANDARDS SHEET 3 OF 5 REVISION DATE 11/16/05

SPECIFICATION REFERENCE 302

### SWM-1 CAST IN PLACE STORMWATER MANAGEMENT DRAINAGE STRUCTURE

NOTE: CAST-IN-PLACE CLASS #3 CONCRETE TO BE USED. MAXIMUM DEPTH GO TO BE 12'-0".

PIPE SIZE INCHES	12"	15"	18"	24"	30"	36"	42"
MINIMUM DEPTH	5'-0"	5'-3/4"	5'-6 1/4"	6'-2"	6'-7 1/2"	7'-2"	7'-8 1/2"
CU YDS. CONCRETE	2.865	2.773	2.878	3.078	3.624	3.437	3.998

INCREMENT PER FOOT OF ADDITIONAL DEPTH 1" = 0.461 CU YDS.

### STORMWATER MANAGEMENT (SWM) DETAILS

DEBRIS RACK, METAL PLATE, WATER QUALITY ORFICE, CONCRETE CRADLE. (FOR SWM DRAINAGE STRUCTURES, SWM RISER PIPES AND SWM DAMS). VIRGINIA DEPARTMENT OF TRANSPORTATION.

ROAD AND BRIDGE STANDARDS SHEET 1 OF 3 REVISION DATE 05/10 11/01

### SWM-DR DETAIL FOR DEBRIS RACK HOLDER

NOTE: COST OF DEBRIS RACK, METAL PLATE, AND DEBRIS RACK HOLDER TO BE INCLUDED IN THE BID PRICE FOR THE STORMWATER MANAGEMENT STRUCTURE.

### DETAIL FOR DEBRIS RACK (FOR WATER QUALITY ORFICE)

NOTE: COST OF DEBRIS RACK, METAL PLATE, AND DEBRIS RACK HOLDER TO BE INCLUDED IN THE BID PRICE FOR THE SWM DRAINAGE STRUCTURE.

NOTE: DEBRIS RACK MAY BE FABRICATED FROM WELDED 1/2" DIAMETER BARS OR 1/2" THICK HIGH DENSITY POLYETHYLENE. METAL COMPONENTS OF DEBRIS RACK MUST NOT BE GALVANIZED.

NOTE: DEBRIS RACK TO BE FINISHED AS SHOWN OR CONTRACTOR MAY SUBSTITUTE A EQUIVALENT DESIGN AS APPROVED BY THE ENGINEER.

NOTE: THE LOCATION OF THE DEBRIS RACK HOLDER MAY BE ADJUSTED FOR VARIATIONS IN CONCRETE. WHEN HOLDER BOLT IS LOCATED ON THE METAL PLATE, THE PLATE SHALL BE GALVANIZED TO THE DEBRIS RACK HOLDER AND ALL HARDWARE IS TO BE GALVANIZED.

### STORMWATER MANAGEMENT (SWM) DETAILS

DEBRIS RACK, METAL PLATE, WATER QUALITY ORFICE, CONCRETE CRADLE. (FOR SWM DRAINAGE STRUCTURES, SWM RISER PIPES AND SWM DAMS). VIRGINIA DEPARTMENT OF TRANSPORTATION.

ROAD AND BRIDGE STANDARDS SHEET 2 OF 5 REVISION DATE 11/05

### OUTLET PROTECTION

NOT TO SCALE

NOTE: 1. STONE QUALITY FOR RIP-RAP SHALL CONSIST OF FIELDSTONE OR ROUGH UNHEWN QUARRY STONE. THE STONE SHALL BE HARD, OF AN ANGULAR END AND OF A QUALITY THAT WILL NOT DISINTEGRATE ON EXPOSURE TO WATER OR WEATHERING. RECYCLED CONCRETE MAY BE USED PROVIDED IT HAS A DENSITY OF AT LEAST 150 POUNDS PER CUBIC FOOT AND DOES NOT HAVE ANY EXPOSED STEEL OR REINFORCING BARS.

NOTE: 2. IN ALL CASES, FILTER FABRIC SHALL BE PLACED BETWEEN THE RIP-RAP AND THE UNDERLYING SOIL TO PROTECT SOIL MOVEMENT INTO, THROUGH, AND UNDERNEATH THE RIP-RAP. THE MATERIAL MUST MEET OR EXCEED THESE REQUIREMENTS: THE PLASTIC FILTER CLOTH CAN BE WOVEN OR NON-WOVEN MONOFILAMENT YARNS AND SHALL MEET THESE BASE REQUIREMENTS: THICKNESS-22-65 MILS., GRAB STRENGTH-90-120 LBS. AND SHALL CONFORM TO ASTM D-1777 AND ASTM D-1682.

KEY IN 6"-9" RECOMMENDED FOR ENTIRE PERIMETER.

### SWM-DR DETAIL FOR DEBRIS RACK

NOTE: LOCKABLE ACCESS DOOR WITH A MINIMUM 2' x 2' CLEAR OPENING SHALL BE PROVIDED ON ALL TRASH RACKS.

### STORMWATER MANAGEMENT DETAILS TRASH RACK FOR SWM DRAINAGE STRUCTURES

VIRGINIA DEPARTMENT OF TRANSPORTATION.

ROAD AND BRIDGE STANDARDS SHEET 3 OF 5 REVISION DATE 11/05

SPECIFICATION REFERENCE 302

### INTEGRITY FEDERAL SERVICES

CIVIL ENGINEERING • LANDSCAPE ARCHITECTURE • PLANNING

148 S. Queen Street, Suite 201 Martinsburg, WV 25401

Phone: 304-792-8456 www.ifs-nc.com

AMERICAN SOCIETY OF CIVIL ENGINEERS

REGISTERED PROFESSIONAL ENGINEER

SEAL

REVISIONS

NO.	DESCRIPTION

### MEDIA FARM SUBDIVISION PRELIMINARY PLAT

TAX MAP 04; PARCEL 11 & 11.1 (D.B. 1330; P.G. 749); PARCEL 13 (D.B. 1331; P.G. 1)

CHARLES TOWN TAX DISTRICT JEFFERSON COUNTY, WEST VIRGINIA

SWM DETAILS

SCALE: HORIZ: VERT:

DATE: MAY 2025

JOB: 5100-0101

DRAWN: JCH CHECK: JPG

CADD: C-CJ-101.DWG

NCS: SHEET:

75 OF 75



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

File #: 25-25-PCW  
 Mtg Date: 9-9-25  
 Date Rec'd: 8-19-25  
 Fees Paid: \$150  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

**Property Owner Information**

Owner Name: Harvest Homes, LLC  
 Business Name: \_\_\_\_\_  
 Mailing Address: 67 Lutmans Lane, Suite 100, Shenandoah Junction, WV 25442  
 Phone Number: 304/702-2500 Email: Paul pjraco.consulting@gmail.com

**Applicant Contact Information**

Applicant Name: Harvest Homes, LLC Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: Same as Owner  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Consultant Information**

Name: Paul J Raco Consultant Engineer Connor Hill, P.E.  
 Business Name: P.J. Raco Consulting, LLC Integrity Federal Services  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 148 S Queen Street, Suite 201, Martinsburg, WV 25401  
 Phone Number: 304/676-8256 Email: pjraco.consulting@gmail.com

**Physical Property Details**

Physical Address: 261 Media Farm Lane, Charles Town, WV 25414 Vacant Lot:   
 Tax District: Charles Town Map No: 4 Parcel No: 11, 11.1, 13  
 Parcel Size: 119.05+-, 2+-, and 5.35 acres Deed Book: 1330 and 1331 Page No: 743 and 1  
 Zoning District: Residential Growth

**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?**

See Submitted Preliminary Plat for Sketch  
 Sections 24.113, 24.113G, 24.113H Acceptance of Preliminary Plat as Essentially Complete to advertise Public Hearing.

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

The 99 Lot Subdivision has run into a time sensitive situation beyond the owner/developer's control and is asking for the Waiver be placed on the September PC Agenda for the PC to declare that the last submitted preliminary Plat submittal is essentially complete in order to be placed on the October Planning Commission Agenda for a Public Hearing.

**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.**

There will be no change in design and the Development will continue at the current density if granted. There will be no County Maintenance Cost if this is granted

**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.**

It will have no adverse effect on Public Health, safety, or welfare, as all of the County Approvals and State Approvals will be in Hand before the Final Plat is approved for recording. Due to the time constraint by a situation not of the developer/owner's creation, the density will increase considerably if waiver is denied.

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

The Ordinance allows for the Planning Commission to both declare the Preliminary Plat to be essentially complete and for the Preliminary plat to be accepted as such to schedule a Public Hearing at the next meeting. Furthermore, the Ordinance allows for Conditional Approval for any outstanding required items and approvals if not received by the Public Hearing. So, it is consistent with the intent and actual provisions of the ordinance.

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

If granted, the development will continue to be processed as a low dense housing development.

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.

8-19-25

Property Owner Signature

Date

8-19-25

Property Owner Signature

Date

**Notification Requirements**

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

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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



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

File #: 25-26-PCW  
 Mtg Date: 9-9-25  
 Date Rec'd: 8-19-25  
 Fees Paid: \$158  
 Staff Int: CAU  
 List of Adjoiners:

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

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

**Planning Commission Waiver Request**

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

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**Applicant Contact Information**

Applicant Name: Harvest Homes, LLC Same as owner:   
 Business Name: \_\_\_\_\_  
 Mailing Address: Same as Owner  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

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 Business Name: P.J. Raco Consulting, LLC Integrity Federal Services  
 Mailing Address: P.O. Box 548, Charles Town, WV 25414 148 S Queen Street, Suite 201, Martinsburg, WV 25401  
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**Physical Property Details**

Physical Address: 261 Media Farm Lane, Charles Town, WV 25414 Vacant Lot:   
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 Parcel Size: 119.05+-, 2+-, and 5.35 acres Deed Book: 1330 and 1331 Page No: 743 and 1  
 Zoning District: Residential Growth

**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?**

See Submitted Preliminary Plat for Sketch  
~~Section 20.102 B Allow to begin Grading once the Preliminary Plat is approved and DEP Approval has been obtained and the Construction Bond is posted, with no other limitations at the Owner/Developer's own risk.~~

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

~~The 99 Lot Subdivision has run into a time sensitive situation beyond the owner/developer's control and is asking for the Waiver to allow early grading once the PP is Approved and DEP Approval has been granted, and the Bond has been posted. This has been granted in the past and the Applicant understands that it is at his own risk and the Bond will reclaim the site if necessary.~~

**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.**

There will be no change in design and the Development will continue at the current density if granted. There will be no County Maintenance Cost if this is granted

**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.**

It will have no adverse effect on Public Health, safety, or welfare, as all of the County Approvals have been obtained, the Bond is posted, and the County is inspecting all required components of the construction. Due to the time constraint by a situation not of the developer/owner's creation, the increase considerably if waiver is denied.

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

The County has allowed Early Grading in the past with the conditions that the Bond is posted, the DEP Permit has been issued, the County Inspect the Construction, the Erosion and Sediment Controls are in Place and it is at the Owner/Developer's own risk.

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

If granted, the development will continue to be processed as a low dense housing development.

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

8-19-25

Date

Property Owner Signature

8-19-25

Date

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Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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



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

File #: 25-27-PCW  
 Mtg Date: 9-9-25  
 Date Rec'd: 9-19-25  
 Fees Paid: \$150  
 Staff Int: TAU  
 List of Adjoiners:

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

Phone: (304) 728-3228  
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**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?**

See Submitted Preliminary Plat for Sketch  
 Sections 24.115C Allowance to Accept the Draft Final Plat for Processing while the Preliminary Plat is processing.

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

The 99 Lot Subdivision has run into a time sensitive situation beyond the owner/developer's control and is asking for the Waiver be placed on the September PC Agenda for the PC to allow the Staff to Accept and Process the Draft Final Plat while the PP is processing subject to being at the Developer's own risk that he may have to modify the Final Plat based on any changes made by the PC.

**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.**

There will be no change in design and the Development will continue at the current density if granted. There will be no County Maintenance Cost if this is granted

**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.**

It will have no adverse effect on Public Health, safety, or welfare, as all of the County Approvals and State Approvals will be in Hand before the Final Plat is approved for recording. Due to the time constraint by a situation not of the developer/owner's creation, the density will increase considerably if waiver is denied.

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

The Ordinance contains separate platting requirements from the preliminary plat. The Final Plat will have to meet all of those requirements even if the plat is modified at a later date by the PC So, it is consistent with the intent and actual provisions of the ordinance in that all approvals and all provisions of 24.116 (Final Plat Approval requirements) still have to be met.

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

If granted, the development will continue to be processed as a low dense housing development.

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

8-19-25  
Date

  
Property Owner Signature

8-19-25  
Date

**Notification Requirements**

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Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

**Planning Commission Determination**

Approved

Denied

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



# JEFFERSON COUNTY, WEST VIRGINIA

## Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor; P.O. Box 716

Charles Town, WV 25414

[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

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

Phone: (304) 728-3228

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### MEMO

**TO:** Planning Commission of Jefferson County  
**FROM:** Luke Seigfried, Chief County Planner  
**DATE:** September 9, 2025  
**RE:** Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations.

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At their June 8, 2025 meeting, Planning Commission proposed revising the Subdivision Regulations to further elaborate on establishing the necessary criteria regarding Historical Resource Protection. Staff had prepared a draft text for the Planning Commission to review and the Planning Commission voted to send the text to Public Hearing for review. The following amendment has been drafted by County Staff and is for the public's discussion and consideration.

**Note that Subdivision & Land Development Regulations Section 24.113.B.10 currently states:**

“(10) A Phase I archaeological study is required. A historic resources impact study shall also be included.”

#### Staff Reports and Comments

The Historic Landmarks Commission (HLC) has provided a letter with their recommendation to require subsurface testing and consultation with a licensed archaeologist in the drafting of this text amendment. The HLC also notes that the proposed language contradicts the West Virginia State Historic Preservation Office (SHPO) Guidelines and should be amended. The HLC has sent the Planning Commission letters in the past supporting the requirement of a Phase I archaeological study for Major Subdivisions and is included as an attachment.

A Phase I archaeological study is not defined in the Subdivision Regulations but the West Virginia State Historic Preservation Office (SHPO) has Guidelines for preparing the *Phase I, II, III Archaeological Investigations and Technical Report Preparation*. These *Guidelines* are for ensuring a project's compliance with Section 106 of the National Historic Preservation Act (NHPA). SHPO reviews state and federal projects for compliance with NHPA.

A historic resources impact study is not defined in the Subdivision Regulations and was added to the Subdivision Regulations in 2010.

The 2045 Comprehensive Plan does not speculate specifically on this requirement for Preliminary Plats. Objective 4.1 (see attached) “*Encourages the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.*” The requirement is not included for Minor or Major Site Plans. Staff has proposed changing the requirement for Major Subdivisions, adding the requirement for Major Site Plans, and adding a definition to the Subdivision Regulations.

## “Section 24.133 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The **staff Department** shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the **staff Department** shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70% of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
  3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Preliminary Engineering Plans.** An engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.<sup>6</sup>
  5. **Preliminary Landscape Plans.** A landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department.
  6. **Transportation Impact Study.** If required, TIS and materials agreed to at the Concept Plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review.
  7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
  8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer’s engineers. Capacity letters are required at completeness stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
  9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.

10. **Historic Resource Preservation.** ~~A Phase I archaeological study is required. A historic resources impact study shall also be included.~~ Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, phasing, and development option selected if the development is residential.
  12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Office of Engineering. This is a required element in the first submission or the submission will automatically be determined as incomplete.<sup>4</sup>
  13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
  14. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
  15. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
  16. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department Review.** 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 preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
  2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat approval by Staff.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the Preliminary Plat and application with the condition that the remaining items identified as necessary by these Regulations be completed prior to final Preliminary Plat approval.

**Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.114, *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.”

#### “Sec. 24.122 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. ~~The staff~~ ~~The Department~~ shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the ~~staff~~ ~~Department~~ shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Office of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Office of Planning and Zoning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
  1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
  2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
  3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
  4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Office of Engineering. If preliminary engineering plans satisfy the requirements of the Office of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
  5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Office of Planning and Zoning.
  6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
  7. **Water and Sewer Services.** This shall include a declaration of Public Service District’s approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
  8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.

9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
  10. **Historic Resource Preservation.** Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.
  11. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
  12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the major site plan to be reviewed by the Office of Engineering.<sup>4</sup>
  13. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
  14. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County GIS/Addressing Office, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.
  15. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
  16. **Additional Information.** The Department shall:
    - a. Review and approve all matters under its jurisdiction.
    - b. Issue a zoning compliance letter.
    - c. Certify that all proffers have been satisfied.
- C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:
1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
  2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
  3. **County Staff.** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.
- D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

## **Division 26.200 Definitions of Terms**

**Phase I Archaeological Study.** A study designed to identify and document historical and cultural resources within the entirety of the project area. The study is performed by a principal investigator who meets or exceeds the minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61 and includes a pedestrian survey. *(Source West Virginia State Historic Preservation Office)*

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.

### **Attachments**

- Historical Resource Protection - Draft Text Amendment
- 2045 Comprehensive Plan Historical Preservation Excerpt
- West Virginia State Historic Preservation Office Guidelines for Phase I, II, III Archaeological Investigations and Technical Report Preparation(Appendices removed)
- Historic Landmarks Commission Comment Letter

## Objective 4.1

Encourage the utilization of existing historic and agricultural areas for a variety of uses in ways that respect their historical function or setting.

1. Create a public art program working with municipalities that would encourage the installation of locally produced art in publicly owned facilities and sites.

CVB • Arts Council | Ongoing

2. Educate county residents and visitors about historic preservation efforts and current projects in Jefferson County.

HLC • CVB | Ongoing

3. Expand upon the existing interconnected marketing of the County's multiple historic resources and the National Historical Park to encourage visitation to multiple locations in the County.

HLC • CVB | Yearly

4. Encourage the ongoing documentation of Category 1 and 2 historic sites in the County.

HLC | Ongoing

## Objective 4.2

Encourage the adaptive reuse of existing structures.

1. Encourage the state legislature to include adaptive reuses of historic structures in the state code.

EO | Yearly

2. Develop and maintain a public catalog of existing non-residential structures that are adaptable for reconfiguration as housing or other uses.

P&Z • JCDA | Yearly

3. Revise existing Jefferson County land use requirements and site plan standards to promote adaptive reuse.

P&Z | 3-5 years

## Objective 4.3

Identify and implement feasible strategies to ensure short term rental compliance with local ordinances.

1. Perform a yearly review of short term rental offerings in the county and cross check adherence to local ordinances then work to bring offenders into compliance.

P&Z | Yearly

Please note this is not the full  
Guidelines for Phase I, II, III  
Archaeological Investigations and  
Technical Report Preparation, the  
appendices has not been included to  
reduce page count. The full document  
can be found at the West Virginia State  
Historic Preservation Office website.

**Guidelines for Phase I, II, and III Archaeological Investigations  
and Technical Report Preparation**

**Prepared by the West Virginia State Historic Preservation Office  
Written by Patrick Trader  
Edited by Joanna Wilson**

## Preface

The completion of Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation is due in large part to the efforts of two former Historic Preservation Office archaeologists. Development of the guidelines was initiated by Eric Voigt, author of the original WVSHPO survey and curation regulations. Working from this foundation, Patrick Trader composed the text and compiled the appendices for the current edition, developing a comprehensive and useful document.

The WVSHPO would like to recognize the many individuals that contributed to this process. Under the guidance of Susan Pierce, Director, several past and present members of the WVSHPO staff assisted in the development of these guidelines. They include Dr. Jeanne Day Binning, Jeff Davis, Andrea Keller, Lora Lamarre, Dr. Fred McEvoy, J.T. Sutton, Mark Whitby and Joanna Wilson. West Virginia Division of Highways staff members Rodney DeMott, Matt Wilkerson and Roger Wise provided comments and guidance. C. Michael Anslinger of Cultural Resource Analysts, Inc. reviewed an early draft and supplied many editorial comments.

These guidelines have been revised to allow consultants greater diversity in their approach to archaeological investigation in West Virginia. The WVSHPO hopes that this document serves to clarify its expectations, as well as to assist the consultant in developing survey and excavation strategies.

## I. Introduction

The following guidelines for archaeological and historical studies reviewed by the West Virginia State Historic Preservation Office (WVSHPO) were developed to assist researchers in conforming to the standards for cultural resource projects currently accepted by regulatory agencies and the professional archaeological community. These guidelines represent minimum standards and do not preclude innovative strategies. Alternative approaches or variations to approved scopes of work, however, **must be reviewed and approved by the State Historic Preservation Office prior to fieldwork**, and be justified by references to recognized literature regarding archaeological methods and techniques.

Included in these guidelines are professional qualifications for principal investigators, a guide for conducting literature reviews and site-file searches, current curation regulations, and provisions for encountering human skeletal remains. Also included are current state guidelines for conducting independent archaeological research and excavations.

The WVSHPO reviews projects to determine what effects, if any, they may have upon significant cultural resources as outlined within Federal and State laws and regulations. These include Section 106 of the National Historic Preservation Act (NHPA), as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties", the National Environmental Policy Act of 1969, The Archaeological and Historic Preservation Act of 1974, and West Virginia State Code 29-1-8, and its implementing regulations, Title 82, Series 2: "Standards and Procedures for Administering State Historic Preservation Programs". Other mandatory regulations include State Code 29-1-8a, "Protection of human skeletal remains, grave artifacts and grave markers; permits for excavation and removal; penalties", and its implementing regulations, Title 82, Series 3: "Standards and Procedures for Granting Permits to Excavate Archaeological Sites and Unmarked Graves". The WVSHPO also assists federal and state agencies in the review of and compliance with their cultural resource regulations, including the implementation of Programmatic Agreements, Memoranda of Agreement and Memoranda of Understanding.

As part of the review process, the WVSHPO may recommend archaeological investigations within a given project area or Area of Potential Effect (APE). The necessity for an archaeological investigation is based on the proximity of known archaeological sites within or near the project area, and the probability that archaeological sites might be found within a specific landform. Review of existing land conditions also contributes to this process of determination. If there is a moderate or high probability that archaeological sites may be found within a defined APE, then an archaeological investigation is recommended. The following guidelines have been developed to aid archaeologists in conducting such investigations in the State of West Virginia.

## II. Professional Qualifications

All consultants currently conducting archaeological investigations in the State of West Virginia are included in an approved list of consultants. To be included in this list, consultants must meet a series of minimum requirements in accordance with the Secretary of Interior's Professional Qualifications, 36 CFR Part 61. In order to be considered as Principal Investigator for archaeological investigations, a person must satisfy the following requirements:

MA/MS or Ph.D. in Archaeology or Anthropology  
or closely related field <sup>1</sup>

plus

At least 1 year full-time professional experience or  
equivalent specialized training in archaeological  
administration or management.

plus

At least 4 months of supervised field and analytic  
experience in general North American archaeology.

plus

Demonstrated ability to carry research to completion.

plus

At least one year of full-time experience  
at a supervisory level in the study of  
archaeological resources of the prehistoric  
or historic periods.

\_\_\_\_\_To request consideration for placement on the West Virginia State Historic Preservation Office consultants list, please submit current and detailed curriculum vitae for all principal investigators and field directors to the Senior Archaeologist at the West Virginia Division of Culture and History. Corporate or abbreviated vitae will not be accepted. All archaeological investigations must be conducted under the supervision of an archaeologist who meets the above

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<sup>1</sup> What constitutes a closely related field will be established on a case-by-case basis. Persons without degrees in anthropology or archaeology must submit additional documentation to certify the extent of their archaeological background. This may include demonstration of the amount of graduate level coursework in archaeology that has been completed.

qualifications.

### III. Archaeological Site File Searches

As of August 1, 1996, all consultants conducting archaeological investigations in review and compliance-related cultural resource inventory projects must conduct a literature review and site file search **prior** to initiating fieldwork. In the event of emergency situations, the conduct of a literature review prior to fieldwork may be waived. The consultant must still conduct the literature review after completion of fieldwork. The consultant must also bear in mind that additional archaeological investigations may be necessary following the literature review.

Literature reviews and site file searches must be conducted at the West Virginia Division of Culture and History/State Historic Preservation Office, located in the Cultural Center in Charleston, West Virginia. Consultants must contact the Survey Archaeologist and/or National Register Survey Coordinator at least 48 hours before scheduling a file search. This is necessary to ensure that appropriate WVSHPO staff are available to assist consultants. Office hours are Monday through Friday, 9 am to 12 pm and 1 pm to 4:30 pm. Walk-ins will not be permitted access to the files. The office is closed between 12 and 1 pm for lunch. There will be no exceptions.

All documents and site files must be removed and returned to the shelves by SHPO staff. Consultants will not be allowed access to these materials unless SHPO personnel are present. Documents may be copied upon approval of SHPO staff at a cost of \$0.25 per page. Copies will be free of charge to representatives of state and federal agencies, Historic Landmark Commissions, and Certified Local Governments.

In accordance with the Memorandum of Understanding between the West Virginia SHPO and the United States Forest Service - Monongahela National Forest, all consultants requesting information concerning archaeological sites on the National Forest property must contact the Forest Service Archaeologist in Elkins, West Virginia at 304/636-1800. This information will not be made available by the WVSHPO.

In order to monitor literature reviews and file searches, the WVSHPO has developed a form (see Appendix G) that **must** be filed with all technical reports generated for projects in compliance with Section 106 of NHPA. All file search requests will be assigned the individual WVSHPO File Reference (FR) number, if known. This form must be submitted by the Principal Investigator of each project as an appendix to each technical report. Failure to conduct the literature review and site file search, or to submit the form, will result in the rejection of the project report.

#### **IV. Section 106 and Cultural Resource Investigations**

Cultural Resource Investigations are conducted in stages commonly referred to as Phase I, II and III. A discussion of each phase follows.

##### **Phase I Investigation**

Phase I investigation consists of a combination of background research and fieldwork designed to identify resources and define site boundaries within a given project area or Area of Potential Effect (APE). During the Phase I investigation, the entirety of the project area must be studied. Locations not surveyed or only partially examined during a Phase I investigation will require additional work. For extensive projects, such as reservoirs or highway corridors, a sampling strategy (i.e. predictive model) may be employed at this stage **only** after consultation with the WVSHPO staff and with WVSHPO approval.

\_\_\_\_\_Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes. The use of specific field methods and techniques is dependent upon the type of ground cover present, the topographic setting, and the amount of observed disturbance in a given situation.

##### **Phase II Investigation**

Phase II archaeological investigation is conducted in order to test or evaluate an archaeological site's eligibility for inclusion in the National Register of Historic Places (NRHP). In order to facilitate the evaluation process, specific information should be recovered during a Phase II investigation. This information may include, but is not limited to: evaluating areas of moderate and high artifact densities, determining the vertical limits of the site, the presence of intact, sub-surface, and/or stratified deposits, site structure, and site formation processes. One of the more traditional and standard means of recovering this information is through the excavation of test units.

Following the completion of Phase II investigations, a consultant should be able to make a Determination of Eligibility (DOE) for all resources evaluated. The Criteria for Evaluation are outlined in the Department of Interior's regulations, 36 CFR Part 60: "National Register of Historic Places". Specific references to Criteria for Evaluation are found in 36 CFR 60.4. Additionally, the National Park Service has a series of publications regarding the evaluation of particular cultural resources, including archaeological sites, historic mining properties, and cemeteries (see Appendix A). Consultants should be aware that the determination of eligibility must also take into account "data gaps", or lapses in our understanding of area history and prehistory.

Phase II investigations consist of additional background research and fieldwork. Prior to the initiation of fieldwork, a detailed and concise scope of work must be submitted to WVSHPO for approval. The Phase II scope of work may be submitted as an appendix or addendum to the completed Phase I technical report. If, during the course of fieldwork, Phase II methods are

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found to be inadequate, the scope of work may be modified upon consultation with WVSHPO staff. In order to facilitate a DOE for an archaeological site, a member of WVSHPO staff may conduct an on-site evaluation to consult with the project sponsor and archaeological consultant.

\_\_\_\_\_Field investigations at the Phase II level are conducted to determine the horizontal and vertical limits of an archaeological site, and to retrieve spatial, temporal, and subsistence information about the site. Field investigations should be designed to retrieve the information necessary to determine the eligibility of a site without seriously impacting the contextual integrity of the resource. Therefore, a limited testing regimen should be developed upon consultation with the WVSHPO staff.

A number of field methods and techniques may be implemented during Phase II investigations. These include systematic, controlled surface collection, additional shovel tests, mechanical augering, hand-excavated test units, deep testing, mechanical removal of the plowzone, and use of remote sensing techniques.

### **Phase III Investigation**

\_\_\_\_\_Once an archaeological site is determined to be eligible for inclusion in the National Register, the effect a project may have on the property must be assessed. Avoidance of the property results in a determination of no effect. If the property cannot be avoided, and if any damage or disruption of the resource will result from implementation of the project, a determination of adverse effect is made. Phase III investigation, also known as data recovery, is one response to such a determination. Data recovery efforts are undertaken to mitigate the adverse effect by recovering significant data or information prior to disturbance or destruction.

When Phase III investigations are necessary, the lead federal agency must submit a detailed data recovery plan to the WVSHPO for review and comment. If the Phase III is to be undertaken in completion of Section 106 responsibilities, the Advisory Council on Historic Preservation (ACHP) must also be contacted. Briefly, the data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s). The data recovery plan must include a brief description of the Phase II finding and justification for the determination of eligibility, and should guide the level and effort of fieldwork to be conducted.

A number of field methods and techniques may be implemented during Phase III investigations, including hand excavated test units, deep testing, and mechanical removal of the plowzone and other sediments.

## V. Background Research

Background research is a necessary component to fieldwork and allows the researcher to form a basic understanding of the environmental, geological and cultural history of the region and project area. Preliminary background searches also serve as the basis for developing archaeological and historical contexts for the region under study. A thorough knowledge of previously recorded cultural resources and environmental characteristics of a region or project area allows the researcher to formulate predictions for the types of archaeological sites that might be encountered during fieldwork. Through a synthesis of this information, strategies for conducting fieldwork may be developed and implemented.

Background research **must** be conducted prior to the initiation of any fieldwork for this to be successful. Documents available at the WVSHPO include United States Geological Survey (USGS) quadrangle maps containing the location of known archaeological sites and previously surveyed project areas, and corresponding archaeological site form files. WVSHPO also maintains a library of cultural resource management technical reports produced for Section 106 projects conducted in the state, as well as county-wide historical survey files, National Register Files and Coal Heritage Survey files. There are a number of other research facilities available for use including the West Virginia State Archives in Charleston, the Institute for the History of Technology and Industrial Archaeology and the Geological and Economic Survey at West Virginia University in Morgantown, and the Eastern Coal Fields Archives in Bluefield. The West Virginia Archeological Society maintains a substantial collection of documents at the South Charleston Library as well. Researchers should contact local historical societies, libraries and courthouses for project-specific information, and should examine artifact collections held privately or in museums when possible.

Prior to initiating Phase II fieldwork, the consultant must conduct additional background research concerning the environmental, archaeological and historical background of the region. The consultant should conduct limited, comparative research on a regional level to identify potential data gaps in the area. A research design should be developed to serve as a guide to fieldwork. The research design should formulate specific questions to be addressed during fieldwork. Research questions should facilitate the determination of eligibility for the resource.

During Phase III investigations, the background research should be inclusive and concentrate on those aspects stipulated in the research design. For historic sites, the background research should include extensive document searches from such sources as local histories, deeds, diaries, correspondence, and journals. Again, the research design should formulate specific questions that can be addressed during fieldwork. Potential research questions may include, but

are not limited to, the following:

- How does the site fit into known regional settlement patterns?
- How did its inhabitants exploit locally available plant, animal and mineral resources?
- What resources were available?
- What are the temporal and/or cultural affiliations of the site?
- What is the research potential of this site?

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## **VI. Field Methods**

### **Pedestrian Survey**

A pedestrian survey is conducted over the entirety of the project area in order to determine the locations of above-ground resources (i.e. cemeteries, rockshelters, petroglyphs, pictographs, earthworks and foundation remnants) and to determine the nature of physical and environmental aspects of the project area. This method is most useful in situations where slopes exceed 20%. Pedestrian survey transects shall be spaced at 10-15m intervals to ensure proper ground surveillance. As survey is conducted, photographs of the survey area should be taken, and any above ground resources should be mapped.

### **Plow Stripping**

In project areas which have been previously cultivated, plow-stripping may be used in combination with shovel test probes. Plow-strips should be at least 2m wide and be placed at 15m intervals across the entirety of the project area.

### **Controlled Surface Collection**

A systematic, controlled surface collection may be conducted in areas with surface visibility greater than 75% (100% visibility is preferred). Areas which have been previously cultivated may be disked and/or plowed to create greater surface exposure.

The controlled surface collection should be conducted within a metric, grid-coordinate system superimposed upon the area to be evaluated. Collection units may be 1x1 m, 2x2 m or 5x5 m on a side, but one unit size must be used consistently. All collection units and artifact concentrations must be placed on a map accompanying the technical report. Alternatively, the investigator may map the x, y and z coordinates for diagnostic and other artifact classes, and map artifact concentrations using a total station theodolite or other surveying instrument.

Surface collection should be conducted to define the horizontal limits of a site, to increase the sample size of artifacts (particularly temporally diagnostic artifacts) and to facilitate the identification of moderate and high artifact densities across the site. The identification of these areas should guide the placement of hand-excavated units.

## Shovel Test Probes

When ground cover exceeds 25%, shovel test probes (STPs), must be used to locate cultural resources. Shovel tests are used to define areas of low, moderate and high artifact densities in order to guide the placement of excavation units. At a minimum, shovel test transects should:

a). adequately cover project corridors (e.g. follow a project centerline and both right-of-way limits for corridors); and

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b). be placed systematically on a metric grid or in transects on land parcels.

Shovel test transects should be placed at 10-15 m intervals over the entirety of the project area. Shovel test pits must be a minimum of .50 x .50 m in diameter and excavated into subsoil or at least 10 cm into archaeologically sterile sediments. All excavated soils must be passed through 1/4-inch mesh hardware cloth. Representative profiles and/or photographs of STPs, including Munsell descriptions, must be included in technical reports.

If an archaeological site is identified, a detailed plan map indicating the location of both positive and negative shovel test probes must accompany the report. For surveys with large APEs, the map should indicate locations where shovel testing occurred. These areas may be outlined with cross-hatching.

When slope gradients exceed 20%, the ground surface is flooded or waterlogged, or landscapes are extensively altered or disturbed, STPs will not be necessary. All areas not shovel tested must be fully documented by photographs and indicated on maps in the technical report.

When a positive STP occurs, subsequent shovel tests must be placed at 5 m intervals in all cardinal directions (radials) until two negative shovel tests in a row are encountered. Testing of positive radials is not necessary if site boundaries have been adequately defined through other methods.

When historic structures greater than 50 years of age are encountered, shovel tests must be placed around the perimeter of each structure in order to determine if historic archaeological deposits are present.

A distinction should be made between a *rock overhang* and *rockshelter*. A rock overhang is used to define absence of human occupation, while the term "rockshelter" is used when evidence of human occupation is identified. When rock overhangs are encountered during pedestrian survey, the floor should be inspected to determine the presence/absence of cultural materials. If cultural material is not evident on the floor, then a shovel test probe must be excavated to determine the presence of cultural materials.

## Remote-Sensing Techniques

Remote-sensing techniques are non-invasive means of identifying archaeological sites. They may include (but are not limited to) aerial photography, metal-detecting, magnetometry, electrical resistivity, electromagnetic conductivity surveying, and ground-penetrating radar.

False-color infrared aerial photographs have been used to detect village patterns, earthworks, foundation remnants and mounds. The use of metal detectors has also been successful in identifying and examining archaeological sites, particularly historic and military sites. The use of a metal detector or any other remote sensing technique should supplement rather than replace shovel testing, and must be coordinated with WVSHPO staff.

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The implementation of remote-sensing methods should be conducted by persons versed in their use and interpretation. Not every project area and/or site has the potential to produce results worth the expenditure of time and funding to conduct remote sensing. Consult with WVSHPO staff prior to implementing any such methods.

### **Deep Testing**

Deep testing is often necessary to determine if certain landscapes or topographic settings contain deeply buried archaeological deposits. Deep testing is also used to determine if deeply buried cultural deposits exist and to collect information on site structure and site formation processes. Appropriate landscapes include but are not limited to flood plains, terraces, and colluvial/alluvial fans.

During Phase I and II investigations, deep testing is conducted to determine the presence, absence, and nature of buried archaeological deposits. A variety of deep testing methods and techniques may be used, including backhoe trenching, hand-augering, truck-mounted borings to remove intact soil cores, and the examination of cut-bank profiles. The methods used depend upon the topographic setting, the size of the project area, and consultation with WVSHPO staff. Representative photographs and soil profiles, as well as detailed illustrations and descriptions of soil strata and composition, must be included in the technical report for any method chosen. Deep testing methods are used to supplement archaeological investigations, and are not a substitute for STPs or test units. The WVSHPO staff recommends that a professional geomorphologist be consulted during Phase II investigation to develop a geomorphological history and to define site formation processes within the project area. This information must be included in the final report.

The number and placement of backhoe trenches is dependent upon the landscape and should be determined in consultation with WVSHPO staff. Backhoe trenches should be excavated until Pleistocene or channel lag deposits are reached, if possible. Trenches should be excavated in such a way that soil strata may be examined, profiled, recorded, photographed and sampled safely. A complete and detailed profile of any trench must be included in the technical report, including the depth, length, and width of the trench. Additionally, the location of each backhoe trench must be mapped and included in the technical report. Photographs of profiles

must be taken with a photo board and vertical scale. The ground surface of the trench must be clearly visible in the photograph. It is the consultant's responsibility to ensure that all deep testing is performed in compliance with OSHA standards while attaining the necessary soils and resource information.

In order to correlate cultural and geomorphological data on landform and site formation processes, a .50 x .50 m test unit must be excavated along one wall of each backhoe trench. Units must be excavated in 10 cm arbitrary levels within artificial or natural soil strata. All excavated soils must be passed through a 1/4-inch mesh hardware cloth. Test units are not necessary for each backhoe trench, if soil columns are also being gathered.

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During Phase III investigations, deep testing is often conducted to facilitate and guide data recovery efforts. Identification of archaeological and geological strata in backhoe trenches can coordinate excavations of deeply buried deposits. Understanding the geomorphological development of the area is as significant as understanding the cultural development of the site. Again, the WVSHPO staff recommends that a professional geomorphologist be consulted.

### **Excavation Units**

#### Phase II Investigations

During a Phase II investigation, the placement of excavation units should be based on data gathered during the Phase I. Excavation units should also be placed so that the optimum amount of information is gathered without destroying the integrity of the site. Excavation units should be placed within a grid-coordinate system to ensure continuity. Units must be hand-excavated and at least 1x1 m on a side. Units may also be 1x2 m, or 2x2 m, but the unit size that is selected must be used consistently. Hand-excavated units should be excavated in 10 cm arbitrary levels within cultural or natural soil stratigraphy. In situations where soil strata are compacted or difficult to discern, an investigator may also use 5 cm arbitrary levels. All units must be excavated at least two levels (20 cm) below cultural deposits. All excavated sediments must be passed through 1/4-inch mesh hardware cloth. Two contiguous walls of each test unit must be troweled, profiled and photographed.

If cultural features or stratified cultural deposits are encountered during testing, an appropriate sampling strategy must be used. A detailed discussion concerning feature excavation and sampling strategies is found in the sections on **Feature Identification** and **Sampling Procedures**.

Test units placed near standing structures or foundation remnants may be excavated in the English System of measurement in accordance with current and acceptable historic archaeological excavation techniques. If structures and foundations are not evident, however, excavations should follow metric excavation techniques.

When rockshelters are evaluated, excavation strategy should take into consideration the types of site formation processes that developed these resources. Rockshelters represent a delicate and fragile archaeological resource, and contain sensitive environmental information. Because of the nature of deposition found in rockshelters, cultural deposits may be quite shallow, and may contain multiple occupation levels. The number and placement of test units within a rockshelter is dependent upon the size of the shelter to be tested. If possible, rockshelter deposits should be excavated in 5 cm arbitrary levels within cultural or naturally deposited sediments. If 5 cm levels are not possible, the investigator may wish to increase vertical control by obtaining x, y and z coordinates for diagnostic artifacts. If activity loci are defined, this method of vertical control may be used for other artifact classes. All soils should be passed through hardware cloth with mesh no larger than 1/4-inch, although mesh as fine as 1/8-inch may be used if necessary. At least one test unit should be placed outside the drip line of the shelter. Appropriate excavation of features and sampling strategies should follow those outlined below.

### Phase III Investigations

During Phase III investigation, test units should be placed in order to optimize data recovery. Phase II investigations and the data recovery plan should guide the placement of test units at the site. For example, the use of block excavations may facilitate access to deeply buried archaeological deposits. Test units should be used where the use of heavy machinery (such as belly pan scrapers) would negatively impact archaeological deposits. The data recovery effort should include testing of both high and low density areas.

### **Mechanical Removal of Plowzone and Other Sediments**

The mechanical removal of plowzone may be implemented only upon consultation and with the approval of WVSHPO staff, and should be stipulated in any scope of work or data recovery plan. Plowzone removal may be conducted in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone.

Plowzone removal may be used in previously cultivated areas to facilitate the identification of subsurface features. The degree of plowzone removal shall be determined by the intensity of the investigation effort. Plowzone removal during Phase II investigation should be as non-invasive as possible in order to protect the integrity of the site. Removal during data recovery efforts may be as extensive as necessary to identify subsurface features. It is also acceptable to mechanically remove sediments in order to reach buried archaeological deposits, if buried deposits are **known** to be overlain by culturally sterile soils (i.e. fill).

### Phase II Investigations

Following the removal of plowzone, the area should be shovel-scraped or trowel-scraped to expose a clean surface for inspection and identification of subsurface features. A detailed

discussion on feature excavation and sampling strategies is found in the sections titled **Feature Identification** and **Sampling Procedures**.

### Phase III Investigation

The mechanical removal of the plowzone may be implemented during Phase III investigations in areas that were subject to previous cultivation practices and that exhibit a **definable** plowzone. During Phase III investigations, plowzone removal may be conducted to expose large, contiguous areas of the surface in order to identify sub-plowzone features.

### **Feature Identification**

Once a subsurface feature has been identified (e.g. postmold, hearth, storage/trash pit, etc.), its location must be mapped according to the site grid-coordinate system. Each feature must be mapped in planview and photographed. Once the planview has been drawn, one-half of the feature must be excavated in order to determine its content and stratigraphic profile. Features may be excavated in halves or quarters along its long axis. If internal stratigraphy is evident,

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features should be excavated in 5-10 cm levels within stratified deposits or depositional episodes. One-half of each feature must be profiled and photographed. All profiles should have a north arrow, scale and key. Once the feature has been completely excavated, the basin should be photographed. All photographs should be taken with a photo board, vertical scale and north arrow.

### **Sampling Procedures**

During the course of Phase II and III excavations, appropriate samples must be taken to aid the investigator in gathering as much information about the archaeological site as possible. Samples gathered from test units and features should be removed below the plowzone level to reduce the risk of contamination. It is especially important to collect samples from enclosed environments such as rockshelters, the interiors of containers and vessels, and burials.

Collected samples should include charcoal (for radiocarbon dating and species identification), flotation, phytolith, pollen, and soil. Flotation samples should be at least 5-10 liters in size and taken from each level below plowzone. Flotation samples gathered from features may be up to 15 liters per excavated half, or the half itself may be taken for a flotation sample. If internal stratigraphy is evident within feature fill, then a flotation sample should be removed from each stratified deposit. The types of samples to be gathered depend upon a number of factors including preservation, funding and processing capabilities. Most samples must be processed and analyzed by specialists.

### **Recovery Methods**

The methods of recovering archaeological materials should be guided by the Phase II workplan or the data recovery plan. Methodology becomes particularly important when attempting to retrieve information on subsistence or settlement patterns. For example, dry and wet screening methods are both acceptable. Wet-screening, however, is less destructive to botanical and faunal materials. The technique chosen also depends upon soil types and conditions. All excavated soils should be screened through 1/4-inch mesh hardware cloth, although 1/8-inch and 1/16-inch mesh hardware cloth is also acceptable if smaller artifacts or ecofacts are expected to be recovered.

## **VII. Recordation and Documentation of Archaeological Sites**

An archaeological site may be defined as a locus of human activity that is manifested by the presence of artifacts. Examples of archaeological sites include isolated finds, petroglyphs, pictographs, rockshelters, village sites, cemeteries, prehistoric earthworks and mounds, historic earthworks and fortifications, farmsteads, industrial sites, foundations, and ephemeral scatters of prehistoric and historic debris.

When an archaeological site is identified, additional steps are necessary to determine its horizontal boundaries. During a pedestrian survey, site boundaries can be defined by reducing survey intervals between observation points (in a plowed field) or by implementing shovel test probes (in wooded or grassy areas). If a previously recorded site is known to be within an area it must be relocated and re-identified.

Proper recordation and documentation of historic or prehistoric archaeological sites requires representative photographs and/or profiles of STPs, and the placement of STPs on the site map. Representative photographs of identified sites must also accompany each site form and technical report.

A West Virginia Archaeological Site Form (see Appendix H) must be prepared for each identified site. A revised archaeological site form must be prepared for each relocated and re-identified site. A West Virginia Isolated Find Site Form (see Appendix I) must be completed for each isolated find, defined as a single artifact find. A West Virginia Cemetery Survey Form (see

Appendix J) must be prepared for each identified cemetery. If standing structures are identified within the boundaries of the project area, then a West Virginia Historic Property Form must be completed (see Appendix K).

Completed West Virginia Archaeological Site forms must include the following: a detailed site plan or sketch map (must include location of STPs), a USGS quadrangle map with site location noted, and representative photographs of the site. The USGS map must include a north arrow, scale, quad name, year and contour interval. Site sketch maps must include a north arrow and scale. The form should also include a discussion of artifact densities or percentages noted, as well as a discussion of all diagnostic artifacts recovered. If structural or foundation remnants are identified, a site plan or sketch map of each foundation must be included. Two copies of each site form must be submitted separately, one for the permanent site records and one as an appendix to the technical report. Site forms must be printed on acid-free paper. Incomplete forms will be returned for revision.

Permanent, trinomial site numbers will be assigned upon receipt of the **original** archaeological site form. Facsimile transmission of site forms is not acceptable. As stated in WVSHPO June 25, 1994 and March 23, 1998 letters, site numbers will **not** be assigned over the telephone. Archaeological site numbers will be assigned within three working days upon receipt of the form. Site numbers are not necessary for report submission.

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If a previously unrecorded site is identified during Phase II investigations, a West Virginia Archaeological Site Form must be prepared. An amended and revised archaeological site form should also be prepared for each site in which Phase II investigations have been completed. The form should include information concerning site size, archaeological components present, diagnostic artifacts recovered, and artifact density. The form should also include a map indicating the location of investigations and site boundaries.

### **VIII. Inclusion of West Virginia Historic Property Inventory Forms**

When historic buildings or structures are located within the area of potential effect or project area, no archaeological report is complete without their identification and evaluation. Although report text may include a description of the resources, the West Virginia Historic Property Inventory Form (see Appendix K) must be completed. Original forms must be submitted separately, and copies may be included in the bound report. If Phase I archaeological results dictate additional research at the Phase II level, evaluation of the standing structure(s) according to National Register Criteria may be postponed until that time. If not, full evaluation of the structure(s) must be submitted with the completed Phase I report. Full evaluation includes, at minimum, the following:

1. Historic Context: an explanation of the relationship of the resource to its setting and historic use. Include dates within which the property was in use;
2. Deed Research: identification of date of construction and property ownership;
3. Oral History: information obtained from local informants regarding ownership, use and significance of the property;

4. Brief Description: information regarding the appearance of the structure and materials used in its construction; and
5. Statement of Significance: in relation to National Register Criteria.

The WV SHPO relies upon National Register (NR) Bulletins for further guidance regarding application of the Criteria of Eligibility. Notable among these are NR Bulletin No. 15 “How to Apply the National Register Criteria for Evaluation”, NR Bulletin No. 24 “Guidelines for Local Survey: A Basis for Preservation Planning”, and NR Bulletin No. 21 “Defining Boundaries for National Register Properties.” The WV SHPO encourages early consultation regarding historic properties, and can provide further guidance upon request.

## **IX. Recommendations**

### **Phase I Investigation**

If data generated during a Phase I investigation clearly document the absence of cultural resources, or if identified cultural resources do not meet the criteria for eligibility to the National Register of Historic Places, then a recommendation of no additional work is appropriate. WVSHPO staff will provide additional recommendations to the lead agency regarding the eligibility of the resource and whether additional investigations are necessary.

In order to reach this conclusion, reasons for the determination of ineligibility must be clearly stated. For example, an isolated find usually does not meet the minimum Criteria for inclusion in the National Register and will require no additional investigation. The recordation and documentation of such a site exhausts its research potential, therefore the project will have no effect on the site.

If the research potential for a particular site has not been exhausted at the Phase I level, further archaeological investigations may be necessary. A number of factors and questions may

be considered at this point, including site integrity, presence/absence of intact stratigraphic deposits, subsurface features and/or ecofactual materials, site location, and topographic setting.

If the eligibility of an archaeological resource cannot be determined upon completion of Phase I investigations, then avoidance or Phase II testing may be recommended. If avoidance is not a viable option, then Phase II investigations must proceed.

### **Phase II Investigation**

At the close of Phase II investigation, the investigator must provide recommendations regarding the eligibility of the resource(s) for inclusion in the National Register of Historic Places. Following these recommendations, the federal agency responsible for the undertaking, in consultation with the WVSHPO, makes a final determination of eligibility. If the WVSHPO disagrees with the report's recommendations, or determines that the report is incomplete or insufficient, further Phase II investigations may be required in order to make an accurate determination.

If the resource is recommended to be not eligible for inclusion in the National Register of Historic Places, and the consulting parties concur, then no further archaeological investigations are considered necessary. Monitoring during construction activities may be recommended to ensure that a qualified archaeologist is on site in the event that archaeological deposits or features are discovered.

If the resource is recommended as eligible to the National Register and the consulting parties concur, the agency responsible must determine what effect the undertaking will have on the resource. In accordance with 36 CFR 800.5, the responsible agency must apply the Criteria of Effect. Once a resource has been determined to be eligible, two options may be exercised:

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- 1). Avoidance  
or
- 2). Mitigation

If a resource can be avoided, then the undertaking will have no effect on the National Register eligibility of the resource (36 CFR 800.4(d) as defined in 800.16(i)). If avoidance is possible, stipulations must be established to ensure that the resource will not be harmed. Avoidance measures may require fencing or monitoring activities.

If avoidance is not an option, then the undertaking will have an adverse effect on the resource in accordance with 36 CFR 800.5(a)(1). A finding of adverse effect requires resolution under 36 CFR 800.6, including involvement of consulting parties and the Advisory Council on Historic Preservation. Consultation results in the development of a Memorandum of Agreement outlining the methods to be used in the resolution of the adverse effect.

Phase III data recovery is usually recommended in response to a determination of adverse effect. Once data recovery efforts have been recommended as a mitigative response, a detailed data recovery plan must be submitted for review and comment to the WVSHPO and the Advisory Council on Historic Preservation. The WVSHPO will respond with written comments within thirty days of receipt of the data recovery plan.

## **X. Determination of Eligibility**

A number of factors must be considered in order to make eligibility recommendations. The investigator must be able to answer the following questions: Does the data recovered answer research questions posed in the scope of work? More importantly, does the site have the potential to address research questions not answered?

The quality of significance is of paramount importance in any determination of eligibility for inclusion in the National Register. There are four Criteria of Eligibility, and a resource must meet at least one of these to be considered eligible (NR Bulletin No. 15). Briefly, these Criteria are:

- A. Association with events that have made significant contributions to broad patterns

- of history;
- B. Association with the lives of persons significant to our past;
- C. Embodiment of distinctive and significant characteristics of a type, period or method of construction;
- D. Having yielded, or having the potential to yield, significant information important to prehistory or history.

Archaeological sites are most often determined eligible under Criterion D, but may qualify under any or all of the Criteria above. For instance, a Civil War battlefield site may be eligible under Criterion A for its association with a pivotal conflict. Archaeological properties may also be classified as individual sites or as historic or prehistoric districts (NR Bulletin No. 36). It is important to keep the overall context of the site in mind when presenting a determination of eligibility.

There are several variables to consider when making recommendations concerning the eligibility of an archaeological site. These include the following:

- 1). Integrity
- 2). Site Type
- 3). Temporal and Cultural Affiliation

Archaeological sites are complex and the variables noted above are interrelated. Generally, an archaeological site is not considered eligible on the merits of one variable alone. In addition to these variables, the researcher should be familiar with the literature covering the area under study. This includes a familiarity with the so-called "gray literature" found in preservation offices and universities. A discussion of each variable follows.

A. Integrity - The integrity of an archaeological site is one of the most important variables to consider when determining the eligibility of a resource. Integrity refers to the level of site preservation as well as to the quality of information recovered from that site. The site must possess relatively intact deposits, even if such deposits lie beneath a plowzone or

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other surface disturbance. As well, the site must provide spatially, temporally, and functionally diagnostic information (NR Bulletin No. 36).

B. Site Type - The type of site under investigation also contributes to the eligibility of a resource. It is important to consider the data that may be retrieved from a site and how that information may contribute to the understanding of similar site types in the state. Sites that address "data gaps", or areas where little or no documented archaeological research exists, are also potentially eligible. For example, little is known about historic grist mills in the western portion of the state, any information that can be gathered from such a site will contribute significantly to our knowledge of the archaeological record.

- C. Temporal or Cultural Affiliation - The age or temporal affiliation of a site is another important factor to consider. Some archaeological investigations have focused on sites from a specific temporal or cultural affiliation, to the exclusion of others. Again, sites that address such “data gaps” must be carefully considered.

## **XI. Data Recovery Plan**

The data recovery plan must include an overview of previous investigations that were conducted for the archaeological resource(s) in question. The data recovery plan must include a brief description of the Phase II finding and justification for the determination of National Register eligibility. The plan must also discuss the research potential of the archaeological site(s) under study. The investigator must develop a research design that is tailored to the specific site type, and formulated to gain optimum information from the archaeological site. The development of research questions or topics may guide the research design. Research

questions may include such topics as placement of the site into regional subsistence and settlement patterns, or development of data regarding raw material procurement and trading networks.

A detailed discussion of field and laboratory methods should follow the introduction and research design. A field methods and technique section should discuss an excavation plan, including the size and number of test units and total square meters to be excavated. This section should indicate whether test units are to be excavated in arbitrary or natural levels, or arbitrary levels within natural or archaeological strata. It should also include unit level depth, in centimeters for prehistoric sites or inches for historic sites. As well, this section should discuss recovery techniques and what size hardware cloth mesh will be used. If large-scale mechanical stripping is to occur, the total area of exposure must be determined and included in this section.

The field methods section should also be concerned with the sampling strategy to be used. Because of the time and funding required, it is not always possible to excavate an entire site. In these instances, the site must be sampled in order to properly mitigate an adverse effect. Phase II investigations should be used to determine areas in which to concentrate data recovery efforts. This section must include the types of samples to be taken (e.g. radiocarbon, flotation, and soil), how they are to be recovered, and sample size. Methods for identification, excavation, and sampling of features must also be discussed.

A laboratory methods section should discuss the types of analysis to be used and how analysis is to be conducted. It should also discuss any special methods that may be used (e.g. residue or use-wear analysis, etc.). The data recovery plan should also contain discussion of the identification and treatment of human skeletal remains. In accordance with 36 CFR 79: "Curation of Federally Owned and Administered Archeological Collections", the data recovery plan must discuss the treatment and disposition of artifactual materials and associated documents.

Finally, the data recovery plan must include information about public access to data generated by the project. This may consist of setting up public displays or providing copies of reports to local public libraries, landmark commissions, historical societies or schools. Other means may include public lectures, videos, web sites, or traveling exhibits. The manner in which public access is provided should be developed in consultation with the sponsor and WVSHPO. Any revisions or amendments to the data recovery plan must be reviewed and approved by the WVSHPO and the ACHP prior to commencement of work.

## **XII. Report Format**

Cultural resource reports for different stages of project development should adequately reflect the level of investigation completed. The following format outline is intended to serve as a guide to the types of information that should be included in each report. Certain sections may not be applicable to Phase I or Phase II investigations. The Society for American Archaeology

style guides should be used in preparing any report. Two copies of the report, one with original photographs and on acid-free paper, must be submitted to WVSHPO for review and comment.

During Phase I, II and III investigations, expedient review is often necessary in order to accommodate various state and federal agency project schedules. To facilitate these reviews, WVSHPO has (on a case by case basis) agreed to accept variations to technical reports, including Management Summaries, Addendum Reports and Letter Reports. For projects where no cultural resources or isolated finds are identified, Abbreviated Reports are acceptable. The formats for Management Summaries, Addendum Reports and Abbreviated Reports are found below. The numbers and letters referenced are defined in the Standard Technical Report Format.

### **Management Summaries**

In order to expedite the review of a project, Management Summaries are acceptable with the understanding that a completed Phase I or Phase II report is still required. At the minimum a Management Summary should include:

- Title Page
- Introduction, 3 a-c (Standard Technical Report Format)
- Environmental Setting, 4 d
- Field Techniques, 7
- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations
- Conclusions
- References Cited
- Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Addendum Reports**

If Phase I investigations are an extension or amendment to a previously submitted and reviewed project, an Addendum to the existing report may be prepared in lieu of a standard Phase I report and should include:

- Title Page
- Introduction, 3 a-c
- Environmental Setting, 4 d
- Field Techniques, 7

- Results/Inventory of Resources, 9 a (1,2,4,5,6); and b (1,3,4,5,7)
- Composite Assemblage, 10 c
- Recommendations

Conclusions  
References Cited  
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Abbreviated Technical Reports**

If no cultural resources have been identified during a Phase I Investigation, an Abbreviated Technical Report is acceptable for submission and must include:

Title Page  
Introduction, 3 a-c  
Environmental Setting, 4 c-d  
Field Techniques, 7 a-c, and h  
Results 9 a (1-5)  
Recommendations  
Conclusions  
References Cited  
Signed copy of Cultural Resources Files and Library User Registration and Research Record Form

### **Standard Technical Report (Phase I, II and III Investigations)**

#### **1. Title Page:**

- a. Title of report including name and location of project;
- b. Author(s);
- c. Principal Investigator(s), affiliation, address, phone number and signature (mandatory);
- d. Name, address and phone number of client;
- e. Lead state/federal agency and contract/permit number(s);
- f. Date of report; and
- g. WVSHPO-assigned FR number, if known (should be placed in upper right hand corner of report to facilitate tracking).

2. **Abstract/Management Summary:** Should not exceed two pages, and should include:
  - a. Brief description of the project and purpose of investigation; and
  - b. Precise summation of report's findings, conclusions and recommendations.
3. **Introduction:** Discuss the purpose of the project, results and possible impacts to archaeological sites, including the following information:
  - a. Project sponsor, permit/contract numbers and include statutory regulations under which project is being conducted;
  - b. Detailed description of project area or area of potential effect (APE), specific project location (including county, town, or township), number of acres surveyed, reason for conducting project, how project areas were investigated, and potential impact on cultural resources. Locate the project area geographically on a state or county map, and include the project area on a 7.5' USGS quadrangle. Include the name and date of the USGS map. Construction or project planning maps may also be included. Each map must include a north arrow and key;
  - c. Dates of the investigation and personnel involved in the project; and
  - d. Disposition of field notes, artifacts and other materials.
4. **Environmental Setting:** This should be a detailed description of the project area environment, focusing on its resource utilization potential and factors affecting the preservation of archaeological sites. This should include past and present disturbances within the project area. This section should also discuss the ecological methods and techniques used to model past environments. At a minimum the following information should be included:
  - a. Physiographic province and local features of the landscape, including discussions of drainage, soils, hydrology, geomorphology, and geology;
  - b. Regional/local Pleistocene and Holocene environmental overview (if appropriate);
  - c. Modern environmental setting (historic environment and land use patterns, etc); and
  - d. Current land use pattern in project area.
5. **Previous Archaeological Investigations and Background Overview:** This section should include a statement that a site file search has been conducted at WVSHPO. An overview of previous archaeological investigations should include the names of investigators, institutions, dates of work, research purposes, methods, and results. A USGS 7.5' map indicating the locations of previously recorded archaeological sites

within a one mile radius must be included. Other information to be included:

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- a. Location and nature of any publications, manuscripts, field notes and collected materials;
  - b. Informants and their addresses;
  - c. Listing of all known resources located within a one-mile radius of the project area, including all National Register properties and historic properties within and adjacent to a project area. (All previously identified archaeological sites and historic properties must be located on the appropriate USGS 7.5' quadrangle map, including the current project area); and
  - d. Concise synopsis of the prehistoric and historic cultural record for the project area and the surrounding region.
6. **Research Design:** Include a discussion on the expected archaeological potential for the project area and research objectives. This section should focus on the relation of the investigations to state, regional, and national archaeological, architectural and historical studies. Discuss the hypotheses and implications to be tested, including techniques (field and laboratory) used to test implications. Include discussions on the limitations of the research design.
7. **Field Techniques:** This section should be presented so that reviewers and future researchers may reconstruct what was done and why. Present a detailed discussion and evaluation of field techniques employed, including types of information collected, sampling techniques, artifact retrieval, and provenience recording measures. Include the following information:
- a. Field maps (should include locations of all areas investigated, including pedestrian and subsurface surveys);
  - b. Surface-survey techniques: Describe and justify in detail techniques used in the project area and on specific sites. Document surface conditions, survey intervals, and collection methods;
  - c. Subsurface techniques: Document shovel test and other subsurface methods used, including STP intervals and dimensions, and recovery methods used;
  - d. Remote-sensing techniques: Describe and evaluate;
  - e. Test units: Describe test units, discussing size, depth, types of levels used and screen mesh size. Specific information about individual units should be discussed in the

results section;

- f. Backhoe trenches: Describe backhoe trenches, methods used, discussing length, width depth and location. Specific information about individual backhoe trenches should be discussed in the results section;

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- g. Features: Describe methods used to excavate features. Specific information about individual features should be discussed in the results section; and

- h. Note all constraints on the investigation (e.g. limited access, poor visibility, landowner restrictions and weather conditions).

8. **Laboratory Methods and Artifact Curation:** This section should involve a detailed discussion of laboratory methods used to analyze and curate artifacts, and should include the following:

- a. Describe classificatory or typological schemes used in artifact description and analysis. Give rationale for selection;
- b. Discuss all metric and non-metric techniques used to process and analyze artifacts and other archaeological materials;
- c. Note means of chronological determination for artifact assemblages (e.g. relative or radiometric);
- d. Describe any specialized samples that were recovered and how they were processed and analyzed (e.g. flotation, radiocarbon, faunal, botanical, pollen, soils, residue analysis, lithics, ceramics or skeletal remains). Discuss size of samples taken; and
- e. Include information regarding the future location of the curated artifacts and documents.

9. **Results/Inventory of Resources:**

- a. Results: Discuss the results of fieldwork, including surface and subsurface investigations.
  - 1. Maps should include the location of all STPs, auger probes, backhoe trenches, collection blocks, test units and features. All maps must include a north arrow scale, and legend;
  - 2. Representative profiles of STPs, auger probes, backhoe trenches, and test units

must be in the report. All profiles must include a scale and legend;

feature  
are  
quality  
preferred, but color

3. Representative photographs of the project area, excavation unit profiles, profiles, and backhoe trenches must be included. Photographs must have a photo board, scale, and legend. Photographs of backhoe trenches must include a vertical scale. All captions must include the direction from which photos taken. Original photographs, halftones or their equivalents, and high-scanned images are acceptable. Black-and-white photos are preferred, but color are also acceptable;

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4. Describe the number of STPs, test units, auger probes, and backhoe trenches excavated. Discuss the total area excavated in square meters. If large areas were exposed through plowzone removal, indicate the amount of area in square meters;

5. Describe soils identified in STPs, test units and backhoe trenches, including texture, composition, and Munsell. Include a discussion on geomorphology and site formation processes. Discuss depth or limits of cultural deposits at site;

6. Indicate the depths at which artifacts were encountered within STPs and their overall density across the site;

7. Include planview and profile drawings of identified features with the appropriate scale and legend. Discuss and describe identified feature types (e.g. postmolds, hearths, basin-shaped pits, etc.). Information on length, width, and depth may be presented in table format;

8. Artifact densities per unit and unit level should be presented, as well as distribution of artifact types per unit and unit level. Unit and feature descriptions should include total artifacts and artifact types recovered;

9. Discuss comparisons in the variability between test unit and feature artifact frequencies across the site; and

10. Discuss the occupational history of the site.

b. Inventory of Resources: Discuss all of the cultural resources (i.e. archaeological and architectural) identified during the investigation. Clear, concise descriptions of the resource should include:

1. Maps: Include the location of all identified sites on USGS quadrangle. Sketch or site maps should include the location of all positive/negative STPs, as well as foundations, structures, earthworks, and gravestones;

2. Photographs: Include representative photographs of all resources identified;
3. Site number;
4. Site size and boundaries;
5. Site location, including verbal location description and UTM Coordinates;
6. Site setting, including landform, elevation, soils, and nearest water source;

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collection,  
artifacts

7. Discussion and description of artifacts recovered from STPs, surface test units and backhoe trenches. Discuss the number and types of artifacts recovered from each site, including the overall artifact density across the site; and

8. For historic sites include a discussion on archival research conducted for the site. Include chain of title, deeds, manifests and other inventories.

10. **Composite Assemblage:** This section should present the results of artifact and sample analysis, including:

- a. Definitions of analytical units used (e.g. used flake, shatter, biface, projectile point);
- b. Metric observations on artifacts recovered (i.e. length, width, thickness, weight, etc);
- c. Complete inventory of all artifacts and other materials recovered from field investigations with appropriate provenience information;
- d. Photographs and/or drawings of representative artifact types and diagnostic artifacts, including key and scale;
- e. Description and discussion of specialized analysis conducted (e.g. faunal and botanical);
- f. If variable densities are noted (e.g. define activity areas), discuss the variation in artifact types recovered at the site from one area to the next;
- g. If multiple occupations or components are identified; discuss variability in artifact density and types among and between components; and
- h. Discuss intersite variability, comparing the artifact assemblage between site and

similar sites in the region.

11. **Evaluation of Research:** Discuss and evaluate research goals and questions addressed in the research design, including:

- a. Data reliability;
- b. Relation of analysis to stated goals;
- c. Synthesis and comparison of analytical results;
- d. Integration of ancillary data;

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e. Identification and discussion of the data in terms of regional and local history and prehistory; and

f. Address future research questions.

12. **Recommendations:** This section must be a concise statement concerning the eligibility of identified resource(s). Information must contain adequate information so that proper management decisions can be made. The following recommendations may be made:

A. No cultural resources present - no additional work (Abbreviated Report is acceptable)

B. Cultural resources present:

1. Resource is not eligible to the National Register - No Effect determination

2. Eligibility of resource is indeterminable - Phase II testing recommended

3. Resource is considered eligible to the National Register and project will have Adverse Effect:

- a. Develop Memorandum of Agreement, stipulating mitigative measures; and
- b. Develop data recovery plan to be implemented

4. Resource is considered eligible to the National Register and project will have no effect, through:

- a. Avoidance; or
- b. Preservation in Place

13. **Conclusions:** Succinct summation of project, findings, recommendations and effect determination.
14. **References Cited/Bibliography:** Must conform to the following Society for American Archaeology guidelines: **Editorial Policy, Information For Authors, And Style Guide For American Antiquity and Latin American Antiquity**, revised August 1996.
15. **Appendices**
  - a. Project correspondence;
  - b. Full reports on ancillary studies (may be placed within main body of report);
  - c. Artifact inventories;
  - d. Site forms (must also be submitted separately);
  - e. Current curriculum vitae of principal investigators and field directors; and
  - f. Signed copy of Cultural Resources Files and Library User Registration and Research Record Form.

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**Appendix A - Reference Materials**



June 4, 2025

Planning Commission Members,

First and foremost, we would like to thank you for carefully considering our letter and the staff of the Jefferson County Zoning and Planning Office for the opportunity to review and comment on the proposed amendments to the Subdivision and Land Development Regulations concerning Historic Resource Protection, as discussed during the April 29, 2025 Planning Commission meeting.

After reviewing the proposed amendment we are concerned that the term “Phase I Archaeological Study” remains unacceptably vague and misleading.

**“Historic Resource Preservation. Submit a Phase I archaeological study in accordance with the West Virginia State Historic Preservation Office Guidelines for Phase I, II, and III Archaeological Investigations. A site file search, cultural resource investigation, literature review, and documentation of archaeological sites are required. Subsurface studies are not required under this section.”<sup>1</sup>**

If the revised language currently being proposed is intended to clarify the requirement for Historic Resource Preservation, it has not done so. A Phase I archeological study is defined in Section IV of the WVSHPO Guidelines as consisting of “a combination of background research and fieldwork designed to identify resources and define site boundaries within the given project area or Area of Potential Effect.”<sup>2</sup> The guidelines go on to state that “Phase I fieldwork consists of a number of methods including pedestrian survey, excavation of shovel test probes, remote sensing, and deep testing of appropriate landscapes.”<sup>3</sup>

While this text might be interpreted to mean that a pedestrian survey could in and of itself satisfy the WVSHPO requirement for Phase I fieldwork, this would only be the case in situations of large-scale disturbance, for example if the property to be developed had previously been graded and paved and the disturbance could be adequately documented via pedestrian reconnaissance.

In Section VI of the Guidelines, six field methodologies are presented.

**Pedestrian Survey:** This methodology involves a controlled walkover of the project area “in order to determine the locations of above-ground resources (i.e. cemeteries, rockshelters,

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<sup>1</sup> Proposed Amendment to Section 24.113.B.10 of the Subdivision & Land Development Regulations, pg. 3.

<sup>2</sup> West Virginia Historic Preservation Office (WVSHPO), *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, Patrick Trader & Joanna Wilson, pg. 3.

<sup>3</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 3.

petroglyphs, pictographs, earthworks and foundation remnants) and to determine the nature of physical and environmental aspects of the project area. This method is most useful in situations where slopes exceed 20%.<sup>4</sup> In practice this means that the entirety of every project area must be examined through pedestrian survey as part of a Phase I survey, and that pedestrian survey is generally acceptable as the sole field method only in areas in which slopes exceed 20%. The proposed Historic Preservation Text Amendment states that “documentation of archaeological sites are required,” however, Pedestrian Survey as a standalone methodology is not able to identify most archeological sites (as reflected in the use of the term “above-ground resources” and the list of sample resource types which are documented in pedestrian survey) and is not sufficient to satisfy the WVSHPO Guidelines for Phase I survey as a standalone methodology. Because it does not involve subsurface testing or collect artifacts, it cannot fulfill the Phase I’s function to “identify resources and define site boundaries within the given project area” as these tasks are not possible without the collection of artifacts from accurately mapped locations within the project area.

**Plow Stripping:** “In project areas which have been previously cultivated, plow-stripping may be used in combination with shovel test probes.”<sup>5</sup> This methodology uses limited controlled surface collection to supplement shovel testing, as described. By definition, this methodology of utilizing surface collection on a portion of a project area does not meet the requirements for Phase I fieldwork unless it is supplementing a shovel testing survey.

**Controlled Surface Collection:** This methodology involves the examination of the ground surface in a controlled fashion (i.e. by using a grid system to ensure that all areas are investigated and finds are appropriately mapped) to recover exposed artifacts. This requires “surface visibility greater than 75% (100% visibility is preferred). Areas which have been previously cultivated may be disked and/or plowed to create greater surface exposure.”<sup>6</sup> This field methodology, in combination with Pedestrian Survey, is sufficient to satisfy the WVSHPO requirements for Phase I fieldwork in project areas which meet the surface visibility requirement. As noted in the Plow Stripping notation above, when surface visibility is not sufficient within the entire project area, shovel testing is required in areas with reduced visibility to meet the Phase I fieldwork requirement.

**Shovel Test Probes:** The WVSHPO Guidelines state that “when ground cover exceeds 25%, shovel test probes (STPs) must be used to locate cultural resources.”<sup>7</sup> This is the standard methodology used to fulfill the Phase I survey requirement to “identify resources and define site boundaries within the given project area.” The WVSHPO Guidelines provide details on how STPs are used to perform these functions. The guidelines also state that “where slope gradients exceed 20%, the ground surface is flooded or waterlogged, or landscapes are extensively altered or disturbed, STPs will not be necessary;”<sup>8</sup> rather, in locations where these conditions apply, pedestrian survey is the appropriate methodology. The WVSHPO Guidelines also stress that

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<sup>4</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>5</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>6</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>7</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 6.

<sup>8</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

“when historic structures greater than 50 years of age are encountered, shovel tests must be placed around the perimeter of each structure in order to determine if historic archaeological deposits are present.”<sup>9</sup> This indicates that even in locations in which STPS may not normally be excavated, for example in areas of 20% or greater slopes or in areas with 75% or better surface visibility which were otherwise surface collected, etc., STPs must still be excavated around any historic structures encountered.

**Remote Sensing and Deep Testing:** These methodologies are not employed in typical Phase I surveys and when used, are done in consultation with WVSHPO staff. The Guidelines state that “the use of a metal detector or any other remote sensing technique should supplement rather than replace shovel testing, and must be coordinated with WVSHPO staff.”<sup>10</sup>

In summary, a Phase I survey that meets WVSHPO guidelines must consist of a pedestrian survey **PLUS** a data-gathering methodology, typically involving shovel testing or, in situations where surface visibility is 75% or greater, controlled surface collection. Shovel testing is required in the vicinity of every historic structure regardless of surface visibility.

As currently written, the proposed language specifies that the Phase I survey must meet WVSHPO guidelines but also that subsurface testing is not required. In order to meet these two stipulations, 100% of every project area would need to have 75% or greater ground surface visibility (as through plowing or disking) and a controlled surface collection performed. This does not reflect the reality of most areas being developed in Jefferson County.

Moreover, relying solely on surface-level review methods without additionally requiring subsurface investigation, has already led to the permanent loss of significant historical and cultural resources within the county. These are not hypothetical risks; they are well-documented, quantifiable losses that could have been prevented. Once a site is disturbed or destroyed, the opportunity to study and understand it is gone forever.

We therefore strongly urge the Planning Commission to require a Phase Ib archaeological survey for all subdivisions. This recommendation represents a responsible, established planning approach, already in place in jurisdictions such as Loudoun and Fairfax Counties, where development has continued successfully alongside strong preservation measures. There is no credible evidence that such requirements have impeded economic growth or investment in those communities.

The decision before the Planning Commission is not a matter of choosing between preservation and progress, it is a matter of choosing between responsible planning and irreversible loss. Failing to proactively identify and protect our shared archaeological and cultural heritage is a short-sighted policy decision with permanent consequences.

Accordingly, we oppose the proposed amendment in its current form and respectfully urge the Planning Commission to adopt stronger, more precise language, such as that found in Section 7.810 “Archaeological Survey” of Loudoun County’s *Facilities Standards Manual*, included below, and to

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<sup>9</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

<sup>10</sup> WVSHPO, *Guidelines for Phase I, II, and III Archaeological Investigations and Technical Report Preparation*, pg. 7.

require that Phase Ib archaeological surveys be conducted in addition to Phase Ia surveys for all subdivisions in Jefferson County.

If the Planning Commission intends to proceed with a requirement limited only to surface-level investigation, we request that the Jefferson County Historic Landmarks Commission be formally consulted, and that a qualified archaeological professional be engaged to assist in redrafting the proposed amendment to ensure that it aligns with established archaeological standards and accurately reflects the terminology and intent of the WVSHPO Guidelines.

Sincerely,

*A.R.*

Addison Reese  
Historic Landmarks Commission Chair

*David Carroll*

David Carroll  
Historic Landmarks Commissioner, Archaeologist



# **Facilities Standards Manual**

**As amended through  
January 1, 2025**

## 7.800 ARCHAEOLOGY

### 7.810 ARCHAEOLOGICAL SURVEY

The purpose of an archaeological survey is to identify the locations of existing archaeological and historic resources, including cemeteries, burial grounds, and graves on a property subject to the application.

- A. All archaeological surveys required by this Section shall be conducted by a qualified professional meeting the Qualification Standards as set forth in “the Secretary of the Interior’s [Standards and Guidelines for Archaeology and Historic Preservation](#)” as defined in 36 CFR 61, Appendix A.
- B. Archaeological survey and reporting shall meet the standards set forth in the [Virginia Department of Historic Resources \(VDHR\)](#) “Guidelines for Conducting Historic Resources Survey in Virginia.”
- C. A Phase I archaeological survey is required for areas of proposed subsurface disturbance, including, but not limited to, the house/outbuilding footprints, drainfields, roads and paved areas, sidewalks, utility lines, borrow pits, staging areas, and stockpiling areas, but is recommended for the entire property. If areas of proposed subsurface disturbance are changed to include areas not previously tested, additional Phase I Archaeological testing of the non-tested areas will be required. A reconnaissance level (“walkover”) survey of any area of the property not subject to the Phase I Archaeological Survey shall be conducted to identify potential cemeteries, burial grounds, and/or graves. The results of the reconnaissance level survey shall be provided with the Phase I archaeological report.
- D. If the Phase I Archaeological Survey is limited only to areas of proposed subsurface disturbance or if multiple Phase I Archaeological Surveys are submitted for an application, a separate sheet for informational purposes only and not for recordation shall be submitted at a maximum 1:2400 scale (1 inch = 200 feet) delineating existing parcel boundaries, proposed development layout, and boundaries of the Phase I Archaeological Survey testing areas.
- E. The Director may approve a Phase I Archaeological Management Summary Report, in lieu of the reporting required by VDHR’s “Guidelines for Conducting Historic Resources Survey in Virginia,” if the Phase I archaeological survey does not result in the identification of archaeological sites, or results in the identification of archaeological resources that are determined by the consultant to warrant no further archaeological investigation. The Phase I Archaeological Management Summary Report must include the following:
  1. A brief description of the property with a vicinity map.

2. The testing methodology and rationale, including a summary of previously identified sites in the vicinity and results of historic map research.
  3. A topographic map of project area showing areas tested, with the shovel test locations delineated.
  4. The results of fieldwork including artifact inventory and brief description of any identified sites.
  5. The rationale for site recommendations if applicable.
  6. Results of the reconnaissance level survey.
- F. The Director may waive or modify the requirement for Phase I archaeological survey and reporting after determining that a site has little or no potential for cultural resources based on a finding such as (a) the site has been subject to prior significant grading or ground disturbance beyond normal agricultural use, or (b) the site contains environmental characteristics (such as slopes, wetlands, hydric soils) that would have rendered previous human occupation reasonably unlikely. Variations (WAIV) of the requirement for the reconnaissance level survey shall not be permitted.

#### 7.820 PRESERVATION OF HISTORIC CEMETERIES, BURIAL GROUNDS, AND GRAVES

- A. In order to preserve existing cemeteries, burial grounds, and graves for human remains, all preliminary plats of subdivision, and all site plans and construction plans and profiles if not previously provided with a preliminary plat of subdivision, shall include a professionally prepared archaeological delineation of the perimeter boundary of all burials if any cemeteries, burial grounds, or graves are identified during the archaeological survey. The delineation shall be conducted in accordance with standard archaeological practices, such as, but not limited to, shallow mechanical trenching extending outward from location of the visible areas of the identified cemetery, burial ground, or grave to remove topsoil so that soil discolorations indicative of burials may be viewed, or systematic probing with rods to detect differences in soil compaction indicative of burials. The perimeter boundary of the cemetery, burial ground, or grave shall be delineated five (5) feet from the edge of the identified burials, and any future burial locations if applicable.
- B. The cemetery, burial ground, or grave and associated buffer area as required by the Zoning Ordinance shall be located within an easement granted to Loudoun County in a form approved by the County. The perimeter boundary of a cemetery, burial ground, or grave as determined by the archaeological delineation and the associated easement shall be indicated on the site plan, construction plans or profiles, preliminary plat of subdivision, and associated plat applications as required by Chapter 8. A digital file of the boundary of the cemetery, burial ground, or grave

prepared in accordance with the Office of Mapping and Geographic Information Digital Data Submission Guidelines for Cemeteries shall be submitted prior to approval of the site plan, construction plans or profiles, or preliminary plat of subdivision.

- C. Unimproved pedestrian access to the cemetery, burial ground, or grave shall be provided on the site plan, construction plans or profiles, preliminary plat of subdivision, and associated plat applications as required by Chapter 8, either by a minimum of 15 feet of frontage on a street or by an access easement that shall be a minimum of 15 feet wide from a street or other point of public ingress.
- D. Prior to any land disturbance, protective barriers, such as Super Silt Fence as shown in Figure 3, or welded wire fence as shown in Figure 6, shall be installed along the limits of clearing and grading proximate to the cemetery, burial ground, or grave.
- E. Subsections A. through D., above, shall not preclude exhumation and re-interment of burials in accordance with the Code of Virginia. The plan approved by the Virginia Department of Historic Resources for such exhumation and re-interment shall be provided to the County Archaeologist prior to exhumation.

#### 7.830 CEMETERY, BURIAL GROUND, AND GRAVE TREATMENT PLAN

A Treatment Plan shall include the following:

- A. A map depicting the perimeter boundary of the cemetery, burial ground, or grave; all associated burial site elements (such as fences, walls, gates, landscape features, plantings associated with burials, fieldstones, and tombstones); the required and proposed Cemetery, Burial Ground, and Grave Buffers; existing vegetation to be preserved or conserved and proposed landscaping, opaque barriers, or hardscaping; proposed grading; proposed pedestrian access easement; and existing and proposed surrounding uses.
- B. An inventory of existing burial site elements depicted on the map and their condition.
- C. A description of the existing vegetation to be preserved or conserved, or removed, treatment of invasive species excluding any species planted in association with burials, and any proposed landscaping within the buffer.
- D. A description of the physical demarcation of the perimeter boundary.
- E. A description of any proposed opaque barriers, fencing, or hardscaping.
- F. A description of any proposed interpretive signage documenting the cultural and historical significance of the cemetery, burial grounds, or graves.

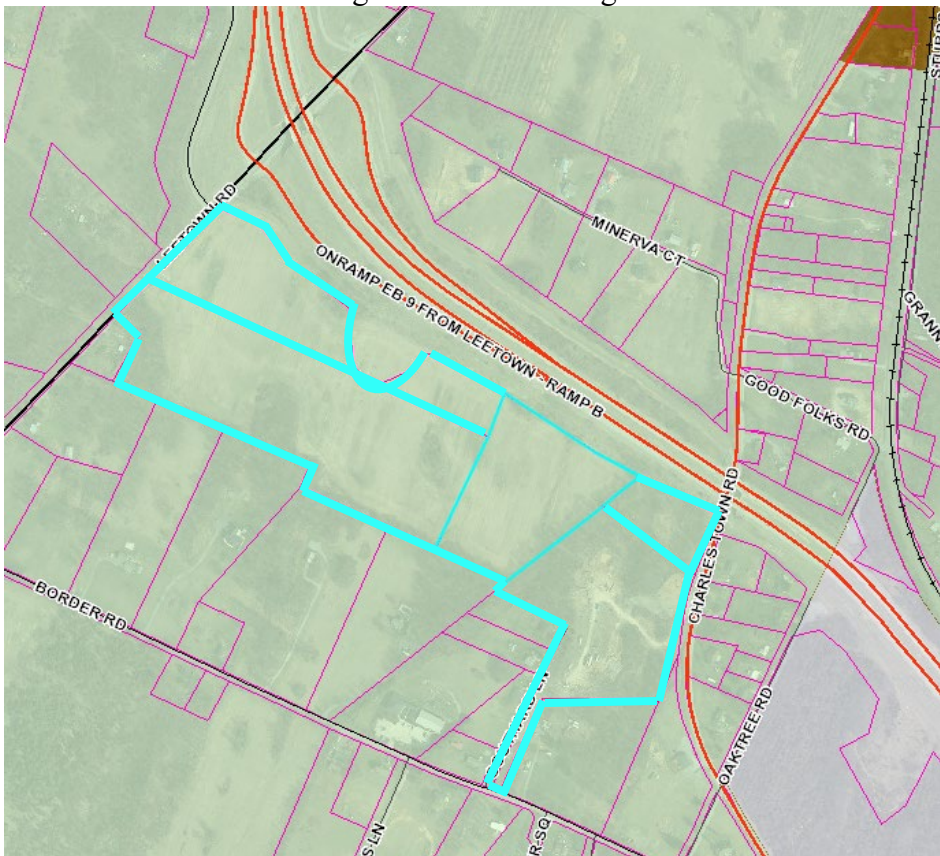
- G. A description of how the modified buffer will achieve the purpose and intent of the required Cemetery, Burial Ground, and Grave Buffers, and address how the cemetery, burial ground, or grave and its historic context is being preserved through alternative mitigation techniques.



**Staff Report**  
 Jefferson County Planning Commission Meeting  
 August 12, 2025

**Four Seas (GC) Rezoning Request (25-3-Z)**

**Item # 10: Discussion and Action on the Cochran Properties (General Commercial) Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the combined 51.57 acre Four Seas of WV, LLC properties from Rural(R) to General Commercial (GC) is consistent with the *2045 Comprehensive Plan*.

Property Owner:	Four Seas of WV, LLC
Applicant:	Brett Cochran
Consultant:	Morris & Ritchie Associates, INC / Attn: Todd Heck
Parcel Information:	<p style="text-align: center;">Vacant lots spanning between          Leetown Road to Charles Town Road, Kearneysville, WV          Tax district #7, Tax Map #5, Parcels 10.3, 10.4, 10.7, 12.14, &amp; 12.15          Combined Acreage: 51.28 ac. Zoning District: Rural</p> 
Surrounding Properties:	<i>North, South, East, West: Rural</i>
Current Use:	Vacant Lots
Proposed Request	To rezone the total 51.57 acres from Rural to General Commercial
Planning Commission Responsibility:	To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>2045 Comprehensive Plan</i>
Staff Finding:	Staff finds that request is <b>consistent</b> with the <i>2045 Comprehensive Plan</i> Future Land Use Guide

**Staff Report**  
Jefferson County Planning Commission Meeting  
August 12, 2025

**Four Seas (GC) Rezoning Request (25-3-Z)**

**Applicant’s Request**

The applicant is requesting to rezone approximately 51.28 acres from Rural (R) to General Commercial (GC).

The first petition for these subject parcels was to request the Residential-Light Industrial-Commercial zoning district. The request came before Planning Commission on August 12, 2025 and was found inconsistent with the *2045 Comprehensive Plan*. The County Commission held a Public Hearing on September 4, 2025 and asked the applicant if they would be amenable to pursuing the General Commercial (GC) Zoning District. With the agreement of the applicant, the County Commission has asked the Planning Commission to evaluate if a General Commercial (GC) Zoning Map Amendment for the same subject parcels is consistent with the *Comprehensive Plan*.

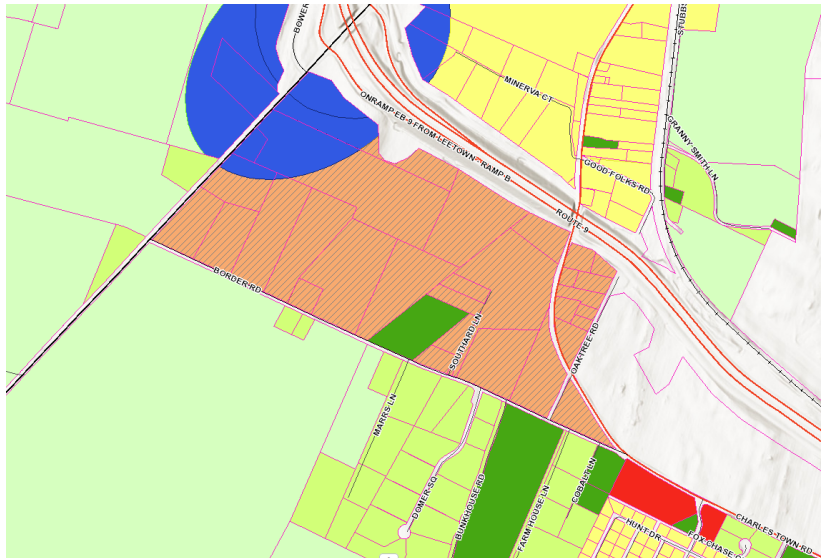
**Neighboring Uses**

The properties under consideration for this Zoning Map Amendment are adjacent to residential uses and Route 9.

**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *2045 Comprehensive Plan* and provides a staff recommendation for the Planning Commission’s consideration based on relevant sections and elements of the *Plan*.

Staff’s professional recommendation is that the request is **consistent** with the *2045 Comprehensive Plan* because the subject properties are located in a Preferred Growth Area and the subject parcels are designated as Residential or Commercial on the Future Land Use Guide.



On the Future Land Use Guide, the subject parcels are designated “Residential or Commercial” which can include the uses permitted in the General Commercial Zoning District. The subject parcels are located in the Route 9 Preferred Growth Area (PGA). The owner-initiated rezoning to General Commercial (GC) would allow for a variety of commercial uses including, driving ranges, commercial storage, gas stations, and hotels. It should be noted that a Zoning Map Amendment is not confined to a specific project. The applicant is pursuing the proposed Zoning Map Amendment to develop the subject parcels within a newly expanded Preferred Growth Area.

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

**Staff Report**  
Jefferson County Planning Commission Meeting  
August 12, 2025

**Four Seas (GC) Rezoning Request (25-3-Z)**

**Zoning Map Amendment Public Hearing Process**

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

**Relevant 2045 Comprehensive Plan Elements and Commentary**

The 2045 *Comprehensive Plan* consists of both goals and recommendations in text format, as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the 2045 *Comprehensive Plan*.

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

One of the themes of the 2045 *Comprehensive Plan* is Quality Land Use and Growth Management for Jefferson County. This theme identifies seven Preferred Growth Areas (PGA) as areas considered viable for higher intensity development. Preferred Growth Areas were identified based on access to infrastructure including water, sewer, and transportation. Preferred Growth Areas are generally intended to develop using the County’s development standards.

***Residential or Commercial***

**Primary Uses:** This land use classification is for Suburban Residential and Neighborhood Commercial level development. Developments can include mixed use projects, a mix of residences and convenience businesses, or solely office, commercial, and residential uses that should connect to the pedestrian and auto transportation networks of adjacent properties. It includes gyms, convenience stores, townhomes, commercial and residential uses on adjoining lots, and mixed use projects with commercial ventures on ground level and residences on additional floors.

**Intensity:** Residences and commercial uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.

Preferred Growth Areas were first identified in the *Envision Jefferson 2035 Plan* and are now part of the current 2045 *Comprehensive Plan*. The subject parcel is located within the Route 9 PGA and is expected to develop.

**2. Land Use Map Classifications**

The “Residential Commercial” classification is for a mix of various developments such as mixed-use projects, commercial developments, office or business space, and higher density residential developments such as townhomes or multifamily dwellings. (pg. 113). Water and sewer are expected to be available at the location as urban level commercial and/or residential density is expected.

**3. Proposed Zoning District – General Commercial (GC)**

The purpose of the General Commercial (GC) District (Section 5.12 of the Zoning Ordinance) is “to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions” (complete description attached). The *Water & Sewer Service Areas* map found in the 2045 *Comprehensive Plan* identifies both



Courtesy: JC Office of Planning and Zoning

**Staff Report**  
Jefferson County Planning Commission Meeting  
August 12, 2025

**Four Seas (GC) Rezoning Request (25-3-Z)**

water and sewer in the vicinity but not currently at the subject parcels.

**Staff Discussion and Recommendation**

The subject parcels have been zoned Rural since zoning went into to effect in 1988. The subject parcels are essentially vacant. There are no historical sites, floodplains, or conservation easements located on any of the subject parcels.

The *2045 Comprehensive Plan* includes a Future Land Use Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The *2045 Comprehensive Plan* states that “land use classifications, utilized on the Existing Land Use Map and Future Land Use Guide, are intended to provide guidance to the Planning and County Commission when considering owner-initiated zoning map amendments (rezoning requests).” (pp. 111). The *Plan* further states, “Use of the Future Land Use Guide is to be in combination with the recommendations of this Plan when considering owner initiated zoning map amendments.” (pp. 10). The *Plan* does not initiate any zoning map amendments and only provides recommendations to guide development including identifying Preferred Growth Areas.

Based on these recommendations of the *2045 Comprehensive Plan* related to the Future Land Use Guide and text, staff finds that the proposed General Commercial (GC) zoning category for the 51.57+/- acres included in this application is **consistent** with the *2045 Comprehensive Plan*.

**Planning Commission Action Required**

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

The public hearing has been scheduled for October 16, 2025 at a time to be determined. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this hearing.

**Attachments:**

- Section 5.12 of the Zoning Ordinance – General Commercial (GC) District
- Appendix B of the Zoning Ordinance
- Appendix C of the Zoning Ordinance
- 2045 Comprehensive Plan Excerpts from Quality Land Use and Growth Management Development (pg. 12, 14-16) and Land Use Guide Classifications (pg. 113)
- 2045 Comprehensive Plan FLU Guide Route 9 Preferred Growth Area
- 2045 Comprehensive Plan 2024 Highway Problem Areas Map
- 2045 Comprehensive Plan Water & Sewer Service Areas Map

# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, June 16, 2022

5. Buildings shall be oriented toward the street with one or more entrances facing the principal street adjacent to a building.
6. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### **Section 5.12 General Commercial (GC) District<sup>27, 32</sup>**

- A. Purpose. The purpose of this district is to provide for general destination business uses, which provide a broad range of commercial products and services necessary for large regions. The uses in this district may be characterized by medium-to-large buildings (including retail stores of up to 100,000 square feet of gross floor area for an individual building as per the definition of Retail Store, Large in this ordinance), more intensive commercial activity, and more vehicular traffic than would be permitted for uses in the NC district.
- B. Location. This zoning category is intended for use on properties:
  1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
  1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>32</sup>
  2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>
- D. Site Development Standards
  1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
  2. A development that complies with all requirements of Section 5.11E may be developed in accordance with the requirements of Section 5.11D(2-6) and the front setback requirements for the Neighborhood Commercial District as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards.
- E. Additional Requirements
  1. Commercial and Industrial uses are subject to the requirements for such uses in Article 8.

### **Section 5.13 Highway Commercial (HC) District<sup>27, 32</sup>**

- A. Purpose. The purpose of this district is to provide appropriate locations for high-intensity, motor-vehicle oriented commercial uses fronting on major roadways. The uses in this district may be characterized by a broad scale of building sizes, which may include very large buildings that exceed 100,000 square feet of gross floor area for an individual building and which may have a greater impact on surrounding areas as a result of significant truck traffic and other factors. This district may include land uses that are more intensive than other commercial districts and incompatible with nearby adjacent residential uses.
- B. Location. This zoning category is intended for use on properties:

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>⊖</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
						Front	Side	Rear	Front	Side	Rear	Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC) **	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25		15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)	
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25		15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)	
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use		25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)	
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial <sup>¥</sup>	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⊖</sup>	See I-C District		25	See IC District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac ***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 <sup>£</sup>	10 <sup>⊖</sup>	See IC District									
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by “ac” (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⊕ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⊖ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⊖ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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

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

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

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

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

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

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

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

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

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

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

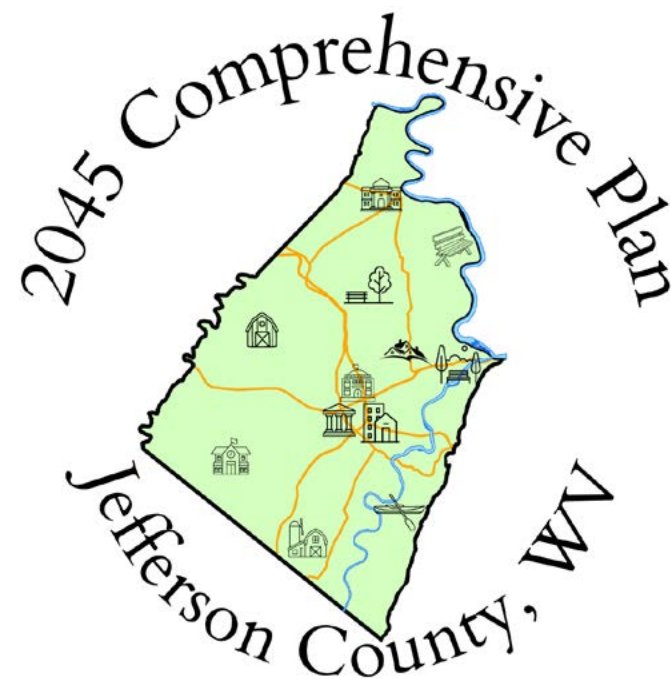
RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

# 2045 Comprehensive Plan

Jefferson County, West Virginia



There are eight recognized unincorporated villages in Jefferson County. All of the villages develop under County regulations. Each municipality has defined boundaries. Within town limits, the municipalities have certain taxation powers, are given jurisdiction over land-uses, and may provide services such as policing. Areas located outside of the established town limits are considered unincorporated.

## Villages of Jefferson County

- Bakerton
- Kearneysville
- Leetown
- Middleway
- Mannings
- Rippon
- Shenandoah Junction
- Summit Point

The Future Land Use Guide and the Zoning Map are different. The categories on each may bear some similarities, but the maps themselves are not the same. This Plan does not call for County initiated zoning map amendments, as it is anticipated that all zoning map amendments will be owner initiated. All property owners within Jefferson County have the right to request a zoning map amendment. The Planning Commission reviews all zoning map amendment requests and makes a recommendation to County Commission regarding whether if a given request is or is not consistent with the Future Land Use Guide and relevant text of this Plan. Following a public hearing regarding the request and with the advice of the Planning Commission, County Commission must act as the governing body and determine if the request is consistent or inconsistent with the Comprehensive Plan or otherwise meets the requirements of WV Code 8A.

## Urban Growth Boundary (UGB)

According to §8-6-4a of the West Virginia Code, Urban Growth Boundaries (UGBs) are...“an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective

## Preferred Growth Areas (PGA)

In addition to the defined UGBs, a series of additional Preferred Growth Areas (PGAs) were identified in the Envision Jefferson 2035 plan and have been incorporated into the *2045 Comprehensive Plan*. These areas are outside the UGBs where water and sewer services are either currently available or could be made available, and are generally intended to develop using the County's development standards. Individual PGAs may also have other community services and facilities that are currently available or could be made available in the next two decades. The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.

**The proposed PGAs are (in no particular order):**

### **A. Shepherdstown PGA**

This PGA is located south and west of Shepherdstown and defined predominately by existing zoning, residential and commercial development, and access to water and sewer services. It encompasses an area on either side of WV 45 past the west end of Old Martinsburg Road to Venice Way and to the south along the west side of WV 480. This area is included within Shepherdstown's Growth Management Boundary (GMB) and is the primary area outside of Shepherdstown that this Plan anticipates developing at an urban level even if it remains in the unincorporated area.

### **B. US 340 East PGA**

Much of this area between Charles Town, Ranson, Harpers Ferry and Bolivar is already zoned for a wide range of commercial and residential uses. Water and sewer facilities exist along several segments of this corridor, particularly within the nodes where development is proposed to take place. The easternmost segment of the PGA could eventually be included as part of a Bolivar UGB.

### **C. US 340 South PGA**

Parts of the area from Rippon to the Clarke County Line along US 340 have been zoned for Industrial and Commercial uses prior to the Future Land Use Guide and are conducive for further growth based on the road infrastructure, including the ongoing US 340 widening and realignment, which is reflected in the Future Land Use Guide.

### **D. Route 9 PGA**

This area between Kearneysville and the Berkeley County line has the potential to access water, sewer, and natural gas services from Berkeley County, allowing more intense business park/commercial uses to develop along the County line. The intersection of Route 9 and Leetown Pike is characteristic of a commercially oriented highway interchange, and Kearneysville could develop small businesses and residential uses compatible with the village district. As part of the *2045 Comprehensive Plan*, the Route 9 PGA has been extended to include properties south of Route 9 down to Border Rd.

### **E. Middleway PGA**

Adjacent to the historic village of Middleway located between Charles Town and Inwood is a vacant industrial facility with existing water, sewer, and natural gas utilities which might serve the village area after some improvements. The vacant facility could be redeveloped for a variety of office or business uses and the historic Middleway area could allow development in a pattern and scale compatible with the village district.

### **F. Shenandoah Junction PGA/School Based Growth Area**

This area abuts the Ranson UGB and includes the village of Shenandoah Junction, TA Lowery Elementary School, Wildwood Middle School, Jefferson High School, and the existing Duffields train stop. This PGA allows the development of walkable neighborhoods around these schools. Planning growth around existing schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails.

## **G. Residential PGA**

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The Envision Jefferson 2035 Plan determined that some areas where a concentration of existing or approved residential development exist and are outside of the Urban Growth Boundary (UGB) should be identified as a Residential PGA. This includes properties currently zoned for Residential Growth (RG) or have a vested development right to develop. This core residential area is bounded by Old Country Club Road, Flowing Springs Road, Job Corps Road, and Shepherdstown Pike to the railroad tracks.

The land use classifications on the Future Land Use Guide were developed throughout the planning process and may not relate precisely to a single zoning classification. These land use classifications are intended to provide guidance to the County and Planning Commissions when considering owner initiated zoning map amendments (rezoning requests). According to West Virginia State Code Chapter 8A, as amended, the County Commission can approve any zoning ordinance map or text amendment by finding that the request is consistent with the Comprehensive Plan.

# Land Use Guide Classifications

## Office or Commercial

**Primary Uses:** The Office or Commercial category is intended to support a mix of business and office uses. Developments can include mixed use projects, a mix of office or commercial buildings, or solely an office or commercial use.

**Intensity:** Commercial or office uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments. Access to public transit is encouraged.



Courtesy: JC Office of Planning and Zoning

## Neighborhood Commercial

**Primary Uses:** The Neighborhood Commercial classification is for small scale commercial uses that are compatible with residential uses. Developments in this classification should serve the convenience needs of residential neighborhoods and commercial developments within walking distance and should connect to the pedestrian and auto transportation networks of adjacent properties.

**Intensity:** Neighborhood commercial uses may be served by on-site well and septic systems or public water and/or sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

## Residential or Commercial

**Primary Uses:** This land use classification is for Suburban Residential and Neighborhood Commercial level development. Developments can include mixed use projects, a mix of residences and convenience businesses, or solely office, commercial, and residential uses that should connect to the pedestrian and auto transportation networks of adjacent properties. It includes gyms, convenience stores, townhomes, commercial and residential uses on adjoining lots, and mixed use projects with commercial ventures on ground level and residences on additional floors.

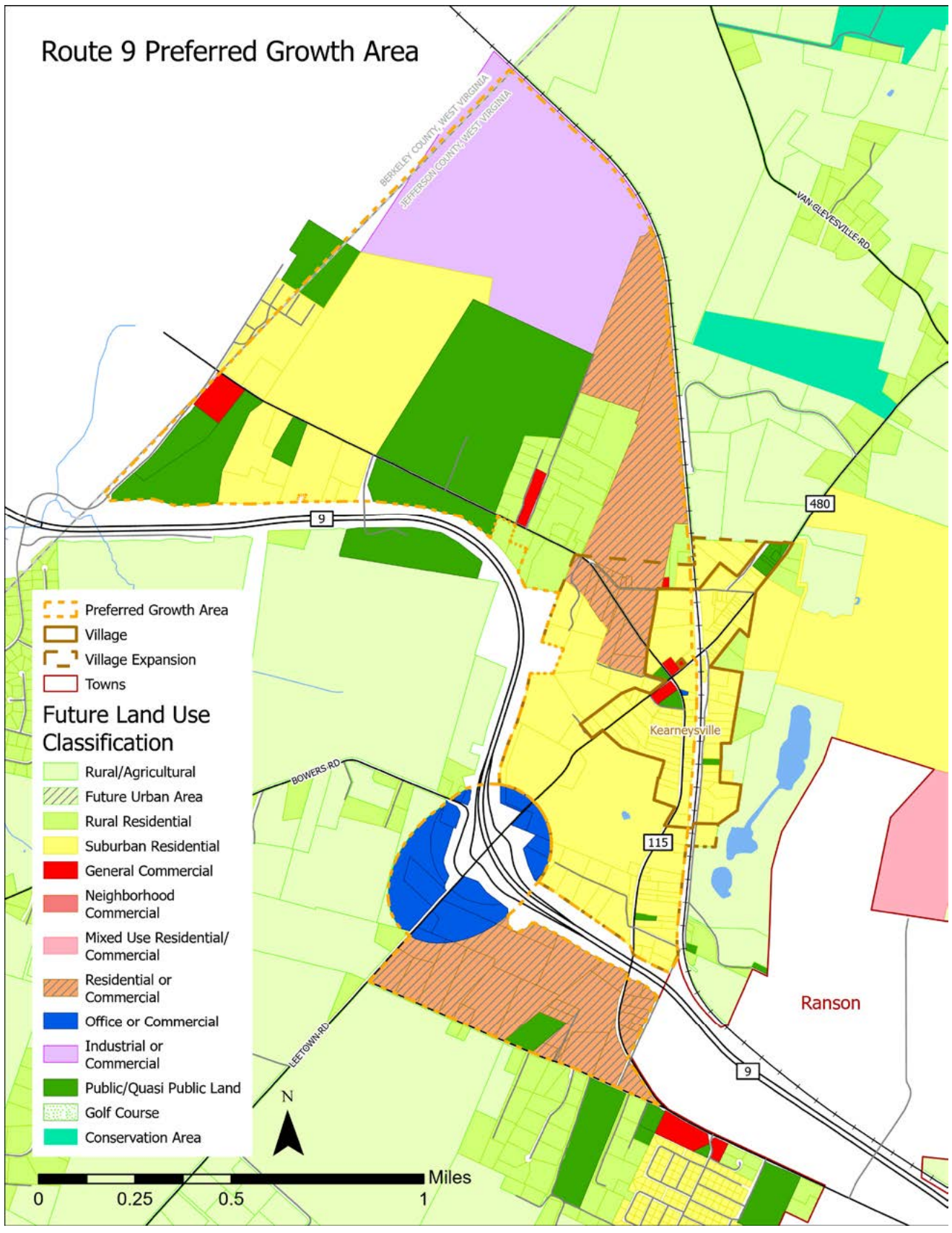
**Intensity:** Residences and commercial uses are served by public water and sewer system.

**Mobility:** Pedestrian, bicycle, and auto orientated access are prioritized along with interconnectivity to adjacent neighborhoods and commercial developments.



Courtesy: JC Office of Planning and Zoning

# Route 9 Preferred Growth Area



- Preferred Growth Area
- Village
- Village Expansion
- Towns

## Future Land Use Classification

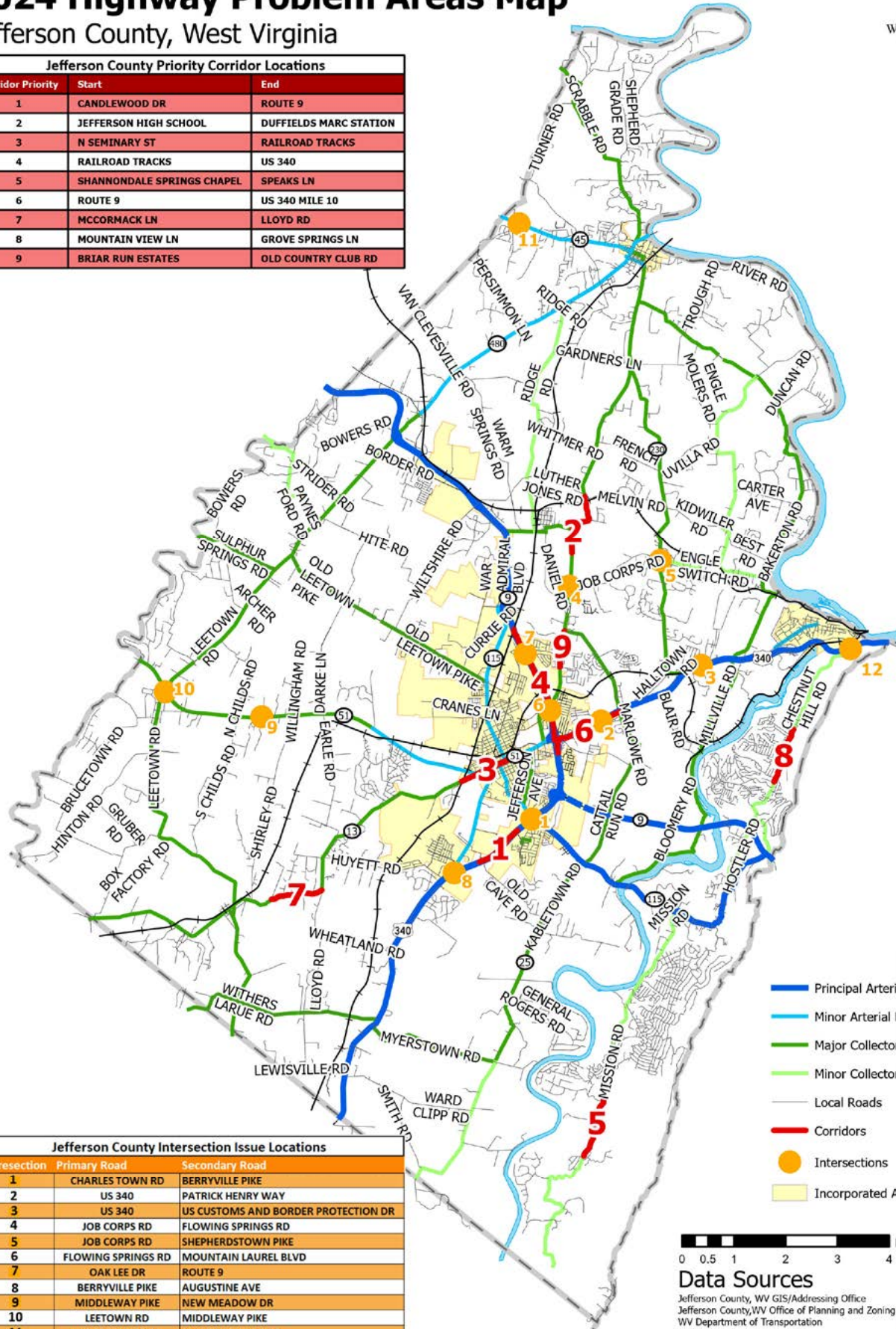
- Rural/Agricultural
- Future Urban Area
- Rural Residential
- Suburban Residential
- General Commercial
- Neighborhood Commercial
- Mixed Use Residential/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course
- Conservation Area

# 2024 Highway Problem Areas Map

Jefferson County, West Virginia



Jefferson County Priority Corridor Locations		
Corridor Priority	Start	End
1	CANDLEWOOD DR	ROUTE 9
2	JEFFERSON HIGH SCHOOL	DUFFIELDS MARC STATION
3	N SEMINARY ST	RAILROAD TRACKS
4	RAILROAD TRACKS	US 340
5	SHANNONDALE SPRINGS CHAPEL	SPEAKS LN
6	ROUTE 9	US 340 MILE 10
7	MCCORMACK LN	LLOYD RD
8	MOUNTAIN VIEW LN	GROVE SPRINGS LN
9	BRIAR RUN ESTATES	OLD COUNTRY CLUB RD



Jefferson County Intersection Issue Locations		
Intersection	Primary Road	Secondary Road
1	CHARLES TOWN RD	BERRYVILLE PIKE
2	US 340	PATRICK HENRY WAY
3	US 340	US CUSTOMS AND BORDER PROTECTION DR
4	JOB CORPS RD	FLOWING SPRINGS RD
5	JOB CORPS RD	SHEPHERDSTOWN PIKE
6	FLOWING SPRINGS RD	MOUNTAIN LAUREL BLVD
7	OAK LEE DR	ROUTE 9
8	BERRYVILLE PIKE	AUGUSTINE AVE
9	MIDDLEWAY PIKE	NEW MEADOW DR
10	LEETOWN RD	MIDDLEWAY PIKE
11	WINEBRENNER RD	MARTINSBURG PIKE
12	US 340	CHESTNUT HILL RD

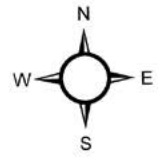
- Principal Arterial Roads
- Minor Arterial Roads
- Major Collector Roads
- Minor Collector Roads
- Local Roads
- Corridors
- Intersections
- Incorporated Areas



**Data Sources**  
 Jefferson County, WV GIS/Addressing Office  
 Jefferson County, WV Office of Planning and Zoning  
 WV Department of Transportation  
 WV Department of Highways  
 HEPMP0 Map Created: September 2024

# Water & Sewer Service Areas

## Jefferson County, WV



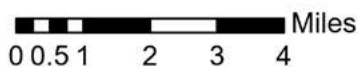
Disclaimer: All service areas are approximate, based on the area maps provided by the Utility Companies shown. Areas are current as of map publication; all service areas may be extended at any time. For detailed boundaries, please contact the Utility Company that provides service for that area.



### Service Areas

#### Company, Type

- Berkeley County Water, Water & Sewer
- Charles Town Utility Board, Sewer Only
- Charles Town Utility Board, Water Only
- Charles Town Utility Board, Water & Sewer
- Harpers Ferry Water Works, Water & Sewer
- American Water, Water Only
- American Water, Water & Sewer
- Shepherdstown Water Department, Water Only
- Shepherdstown Water Department, Water & Sewer
- Preferred Growth Area (EJ2035)
- Municipality Growth Boundary



Map created by Office of GIS and Addressing  
Jefferson County, West Virginia, July 2024  
Data Sources:  
Jefferson County, WV GIS/Addressing Office  
Jefferson County, WV Office of Planning and Zoning  
Jefferson County, WV Assessor's Office



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

File #: 25-3-Z  
 Fees Paid: \$ \_\_\_\_\_

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

Phone: (304) 728-3228

**Zoning Map Amendment (Rezoning)**

**A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.\***

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

**Property Owner Information**

Owner Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Applicant Contact Information**

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

**Consultant Information**

Consultant Name: \_\_\_\_\_  
 Business Name: \_\_\_\_\_  
 Mailing Address: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_ Email: \_\_\_\_\_

**Physical Property Details**

Physical Address: \_\_\_\_\_ Vacant Lot:   
 Parcel ID: \_\_\_\_\_ (Tax District / Map No. / Parcel No.)  
 Parcel Size: \_\_\_\_\_ Deed Book: \_\_\_\_\_ Page No: \_\_\_\_\_

**Current Zoning District (please check one)**

- |   |   |
|---|---|
| <input type="checkbox"/> Residential Growth (RG)                          | <input type="checkbox"/> General Commercial (GC)                |
| <input type="checkbox"/> Industrial Commercial (I-C)                      | <input type="checkbox"/> Highway Commercial (HC)                |
| <input checked="" type="checkbox"/> Rural (R)*                            | <input type="checkbox"/> Light Industrial (LI)                  |
| <input type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI)                  |
| <input type="checkbox"/> Village (V)                                      | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC)                     | <input type="checkbox"/> Office/Commercial Mixed-Use (OC)       |

**Proposed Zoning District:** \_\_\_\_\_

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

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**Substantiation for the Request**

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

---

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

---

See attached

---

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

---

See attached

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

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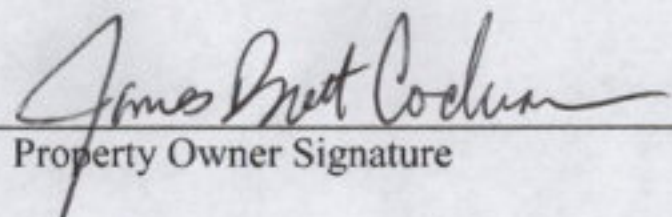
See attached

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

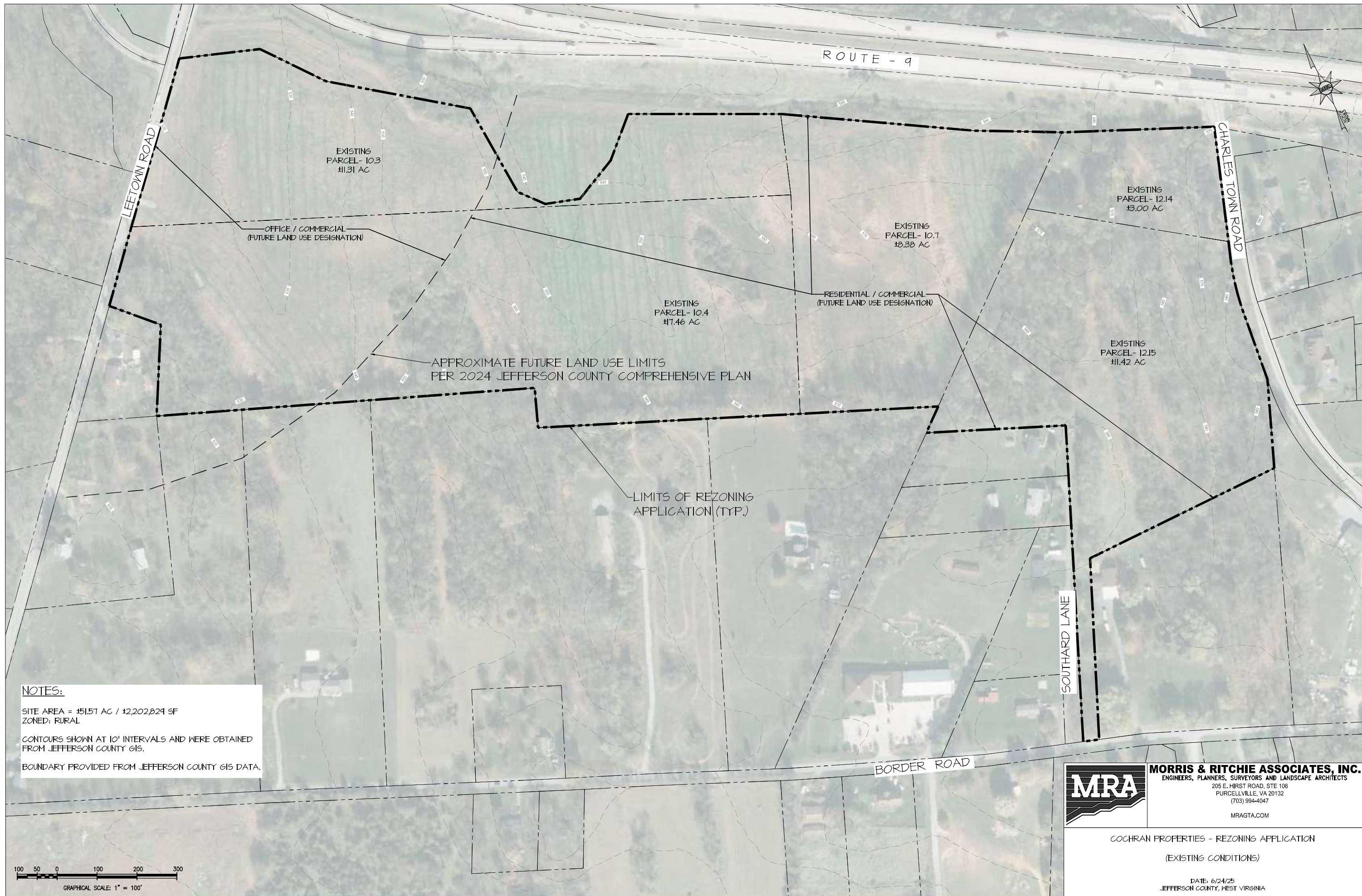
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**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

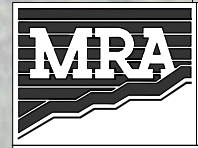
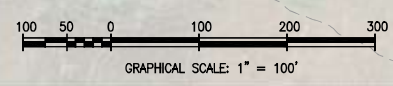
 6.22.2025  
Property Owner Signature Date

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Property Owner Signature Date



**NOTES:**  
 SITE AREA = 151.51 AC / 12,202,829 SF  
 ZONED: RURAL  
 CONTOURS SHOWN AT 10' INTERVALS AND WERE OBTAINED FROM JEFFERSON COUNTY GIS.  
 BOUNDARY PROVIDED FROM JEFFERSON COUNTY GIS DATA.

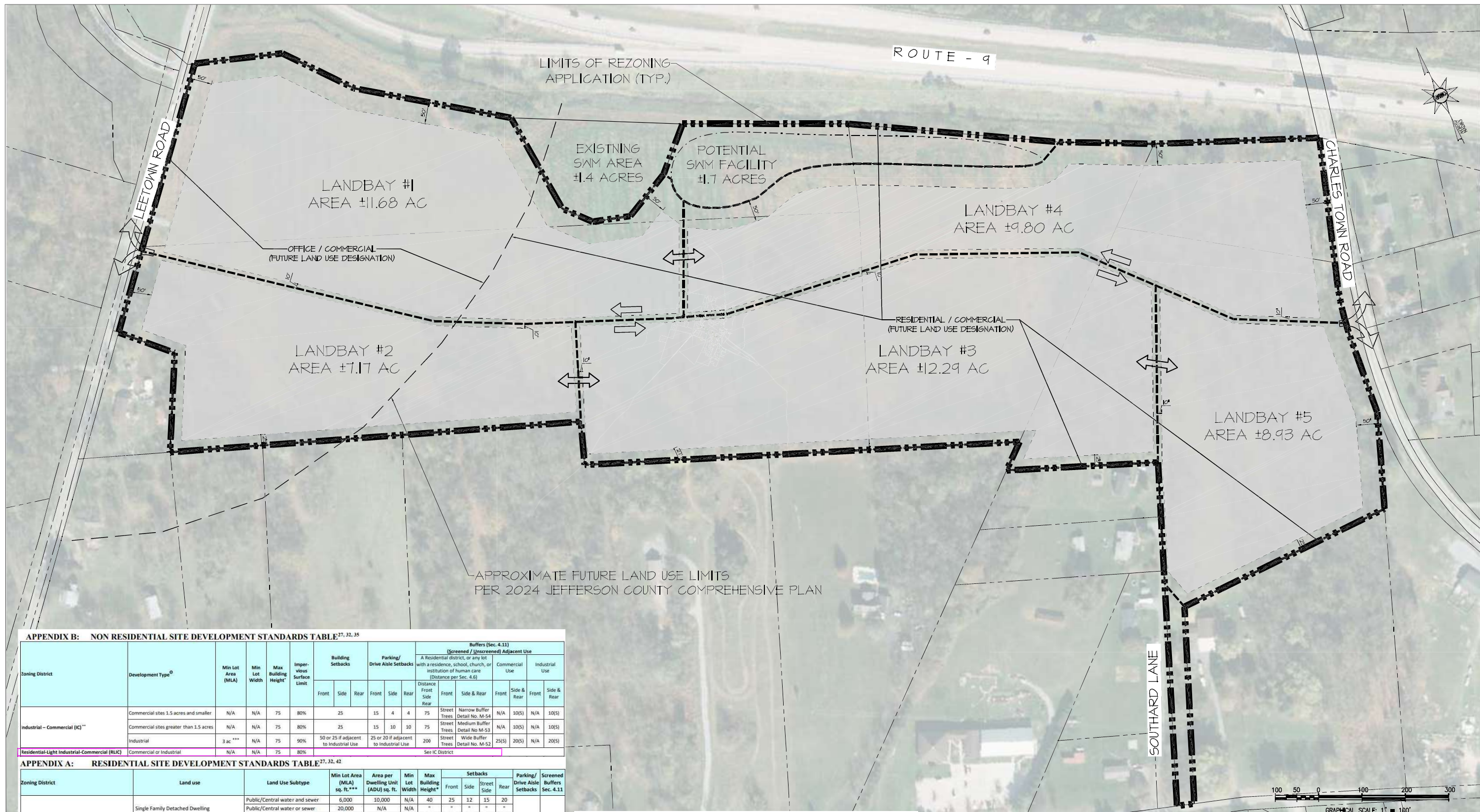


**MORRIS & RITCHIE ASSOCIATES, INC.**  
 ENGINEERS, PLANNERS, SURVEYORS AND LANDSCAPE ARCHITECTS  
 205 E. HIRST ROAD, STE 106  
 PURCELLVILLE, VA 20132  
 (703) 994-4047  
 MRAGTA.COM

COCHRAN PROPERTIES - REZONING APPLICATION

(EXISTING CONDITIONS)

DATE: 6/24/25  
 JEFFERSON COUNTY, WEST VIRGINIA



APPROXIMATE FUTURE LAND USE LIMITS PER 2024 JEFFERSON COUNTY COMPREHENSIVE PLAN

APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>

Zoning District	Development Type <sup>®</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Impermeable Surface Limit	Building Setbacks		Parking/Drive Aisle Setbacks		Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use						
						Front	Rear	Front	Rear	Distance Front Side Rear	Distance Side & Rear	Commercial Use	Industrial Use			
Industrial-Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25	15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25	15	10	10	75	Street Trees	Medium Buffer Detail No. M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac ***	N/A	75	90%	50 or 25 if adjacent to Industrial Use	25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District										

APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 42</sup>

Zoning District	Land Use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/Drive Aisle Setbacks	Screened Buffers Sec. 4.11	
							Front	Side	Street Side	Rear			
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A	
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"			
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"			
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20			
	Duplex Dwelling Unit	Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20			
	Townhouse Dwelling <sup>21</sup>	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"			
		Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20			
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear	
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	"	12	N/A	N/A	
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	"	12			
		Under 30,000 sq. ft.	N/A	N/A	N/A	40	20	8	"	12			
Rural (R) (See Sec. 5.7)	Dwellings	Over 2 acres	40,000	N/A	100	45	40	15	"	12	N/A	N/A	
		Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	"	12	N/A	N/A
			30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	"	12	N/A	N/A
			Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	"	12	N/A	N/A
Village (V)	Cluster Subdivision		See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses		See RG District <sup>®</sup>										

- NOTES:**
- SITE AREA = 51.57 AC / 2,202,829 SF
  - PROPOSED ZONING: RLIC (RESIDENTIAL-LIGHT INDUSTRIAL-COMMERCIAL)
  - THE NUMBER, SHAPE, SIZE OF THE LANDBAYS ARE SUBJECT TO CHANGE.
  - THE LOCATIONS OF INTERNAL ACCESS POINTS BETWEEN LANDBAYS ARE ILLUSTRATIVE AND LOCATIONS ARE SUBJECT TO FINAL DESIGN.
  - SEE THE RESIDENTIAL & NONRESIDENTIAL DEVELOPMENT STANDARDS TABLES FOR ANTICIPATED LANDBAY REQUIREMENTS.

**MORRIS & RITCHIE ASSOCIATES, INC.**  
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205 E. FIRST ROAD, STE 106  
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(703) 994-4047  
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COCHRAN PROPERTIES - REZONING APPLICATION  
(CONCEPT PLAN)  
DATE: 6/24/25  
JEFFERSON COUNTY, WEST VIRGINIA



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

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

Phone: 304-728-3228

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**MEMORANDUM**

TO: Jefferson County Planning Commission  
FROM: Luke Seigfried, Chief County Planner  
DATE: September 9, 2025  
RE: Draft Subdivision Regulation Amendments for Proposed Rural Residential Zoning District

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**Background**

Jefferson County Zoning Ordinance and Subdivision Regulations currently work together for development standards and other requirements. At the August 12, 2025 Planning Commission meeting, staff was directed by the Planning Commission to create a final draft copy of the Rural Residential Zoning District for the Planning Commission to view and send to public hearing. The Rural Residential draft also currently allows for tri-plexes and quad-plexes, meaning that in some cases dwellings per acre could increase from 4.35 dwellings per acre with single-family structures or duplexes to 7.06 for triplexes and 7.58 dwellings per acre with quadplexes. The total number of dwellings is determined based on the sliding scale located at Section 5.18 of the Zoning Ordinance. The Green Space definition also confirms that green space residue parcels created through cluster subdivisions can be used for agricultural purposes. Attached are the final updates staff has made to STA25-03 and ZTA25-03 for the creation and inclusion of the Rural Residential Zoning District.

The purpose of the proposed Rural Residential zoning district is to provide a location for low and medium density uses while preserving the rural character of the County and revitalize the cluster subdivision process. By using these clustering requirements for the Rural Residential district, open space is preserved in the community while concentrating residential development in a defined area. This serves to focus infrastructure and service areas while reducing residential sprawl. The 2045 Comprehensive Plan recommends clustering as the preferred method of rural development to retain open space.

At the February 22, 2024 Board of Zoning Appeals meeting, the Board directed staff to submit a letter to the Planning Commission that they review the Green Space requirements for a Cluster Subdivision and clarify whether the Green Space requirement was to be included in a single lot or can be split between multiple lots within the subdivision. At the April 9, 2024 Planning Commission meeting, the request for a text amendment was denied on the grounds that the Zoning Ordinance will not be changed until the 2045 Comprehensive Plan was approved. As the 2045 Comprehensive Plan was approved and adopted on February 25, 2025, clustering clarification in the Zoning Ordinance can be reviewed alongside the proposed Rural Residential zoning district.

**List of Sections to Amend in the Subdivision and Land Development Regulations (STA25-03)**

---

1. **Section 20.201** – Minor Subdivisions
  - i. Minor changes to the overall text to include Rural Residential in the Minor Subdivision process, also fixed a spelling error.
2. **Section 20.203C** – Minor Site Development – Site Plan Exception

- i. Minor edits to the overall text to include Rural Residential in the Minor Site Development process.
- 3. Section 21.105C - Requirements for Parkland – Design**
  - i. Addition and edits to Table 21.105 and accompanying text to include Rural Residential and revisions to the “Density in Units per Acre of Residential Land Area.”
- 4. Section 22.208A & Section 22.208B – Sidewalks**
  - i. Minor edits to the overall text to include Rural Residential in the Location and Modification of sidewalks requirements.
- 5. Appendix B, Division 5.1 – Requirements for Townhomes – Minimum Requirements and Standards**
  - i. Inclusion of Rural Residential, Triplex, and Quadplex requirements for the Minimum Requirements and Standards for Townhomes, including linking to the Zoning and Land Development Regulations.

**List of Sections to Amend in the Zoning and Land Development Ordinance (ZTA25-03)**

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- 1. Table of Contents, Zoning and Land Development Ordinance – Rural Residential (RR) District**
- 2. Article 2: Definitions – Clustering; Dwelling, Quadplex; Dwelling, Triplex; Green Space**
  - i. Creation of definitions and addition of Section 5.5 (Rural Residential) where applicable.
- 3. Section 4.10B - Site Plan Requirements**
  - i. Inclusion of duplex, triplex, and quadplex dwelling units.
- 4. Section 5.1 – Establishment of Districts**
  - i. Addition of Rural Residential to the list of current Zoning Districts.
- 5. Section 5.5 - Rural Residential (RR) District**
  - i. Addition of the Rural Residential zoning district to the Zoning Ordinance, including the purpose of the district, location qualifications, permitted uses, site development standards, and additional requirements.
- 6. Section 5.7 – Rural (R) District**
  - i. Update to include the 2045 Comprehensive Plan, addition and update of clustering standards for subdivisions to process under, limit the required green space to a single parcel of land for cluster subdivisions, and further clarify that family transfers are not entitled to land designated as Green Space.
- 7. Section 6.3 – Conditional Use Permit**
  - i. Inclusion of Rural Residential.
- 8. Section 8.14 – Special Event Facilities**
  - i. Inclusion of Rural Residential.
- 9. Section 9.5 – Projections Into Yards**
  - i. Inclusion of Rural Residential, Triplexes, and Quadplexes, removal of the language limiting all projections into the rear setback to just townhomes.
- 10. Section 10.5 – Signs Requiring a Special Exception Permit**
  - i. Inclusion of Rural Residential.
- 11. Section 11.2 – Residential Parking Standards**
  - i. Inclusion of Residential Parking Standards.
- 12. Appendix A: Residential Site Development Standards Table**
  - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.
- 13. Appendix B: Non Residential Site Development Standards Table**
  - i. Inclusion of the Rural Residential Zoning District, Duplex, Triplex, and Quadplex dwelling units all added.
- 14. Appendix C: Principal Permitted and Conditional Uses Table**

- i. Inclusion of the Rural Residential Zoning District, Triplex, and Quadplex dwelling units added, establishment of what is permitted, not permitted, and a conditional use.

### **Next Steps**

---

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendments, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendments to the County Commission or make additional revisions to the amendment prior to recommendation.

Attached Pages of STA – Page 11-13, 15, 25-26, 36-37, 145

Attached Pages of ZTA - Page 6, 18, 22, 26, 53, 73, 75-77, 79-80, 82, 95, 104-105, 114-115, 119-120, 124, 132, 134, 136-139

Attached Letter from the Board of Zoning Appeals to the Planning Commission



**Sec. 20.201 Minor Subdivisions**

*Minor 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. Such subdivisions are approved by the staff. Further subdivision of a parent parcel beyond the maximum lots allowed to be created via the minor process after October 5, 1988 shall be classified as a Major subdivision and processed accordingly, unless a waiver is applied for and approved by the Planning Commission. A list of all deed transfers since October 5, 1988 shall be submitted with each plat.<sup>8</sup>

**A. Residential<sup>8</sup>**

All minor residential subdivisions shall conform with the following:

1. A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. All lots, regardless of the zoning district, shall have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than 5 lots to either:
  - a. A WV DOH road right-of-way or easement; or
  - b. A road in a major ~~subdivision~~ subdivision that meets county roadway design standards (Table 2.2-1)

However, in the Rural District or Rural Residential District, lots having a minimum road frontage of 200 feet may have a single access onto an existing WV DOH right-of way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining property lines may be required if the distance between the driveways is less than 200 feet

3. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.

**B. Family Transfers<sup>8</sup>**

When family transfers are provided for in a specific zoning district, such transfers shall conform with the following:

1. The Deed shall identify the relationship between the grantor and grantee; and document that the recipient has not yet received a previous family transfer.
2. State in the deed and on the plat:
 

“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.”

3. All lots shall have motor vehicle access via a 50’ access easement, provided that the access easement serves no more than twelve (12) family transfer lots, to either:
  - a. A WV DOH right-of way or easement; or
  - b. A road in a major subdivision that meets county roadway design standards (Table 2.2-1)

However, lots having a minimum road frontage of 200 feet may have single access on an existing WV DOH right-of-way or easement or a road in a major subdivision that meets county roadway design standards (Table 2.2-1). Shared driveway access on the adjoining lines may be required if the distance between the driveways is less than 200 feet.

4. Potable water and sanitary sewer service shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health or letters of water and sewer availability, as applicable.
5. As used in this subsection, the word “transfer”, as it relates to the five year provision, shall not include:
  - a. Deeds to Trustees to secure a debt, except that no foreclosure can be had there-under except at public auction and this provision must appear in the deed of trust;
  - b. Judicial sales or tax sales;
  - c. Mortgages;
  - d. Deeds of partition under or pursuant to an order of Court;
  - e. Real estate transferred by will or intestacy.
  - f. Each individual eligible to receive a family transfer as defined in the Jefferson County Zoning and Land Development Ordinance shall receive only one such exempt lot within the County after July 19, 1979.
  - g. Parents who are married are entitled to only one such family transfer parcel.

**C. Non-Residential**

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential land use is permitted in the Rural Zoning District [or the Rural Residential Zoning District](#), such site development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. Additionally, any commercially zoned property may have a one-time exemption to divide off one lot ~~utilizing~~ [utilizing](#) the minor non-residential provisions providing that no off-site utilities are required and future connections to adjacent lots are provided. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:<sup>8</sup>



1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District [or Rural Residential District](#).
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

**Sec. 20.202 Major Subdivision**

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five residential lots or more than two non-residential lots and/or requires the development of new off-tract infrastructure or the extension of existing off-tract infrastructure. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.<sup>8</sup>

**Sec. 20.203 Minor Site Development<sup>1, 3, 4, 6, 8</sup>**

*Minor Site Developments* are those proposals that do not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure.

**A. Minor Site Development Determination**

1. Minor Site Developments are determined using the criteria in this Section. Existing single family structures used as a single family residence and existing agricultural structures are not included in the square footage computations below. Building(s), both new and additions to existing, where new structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively.
2. Building(s), both new and additions to existing, where all new structures or new additions to structures located on the parcel total more than 5,000 and less than 250,000 square feet gross floor area (GFA) on any site shall:
  - a. Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.



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.<sup>2</sup>

**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.

**C. Site Plan Exception<sup>8</sup>**

All non-residential agricultural uses or principal permitted uses in the Rural District [or Rural Residential District](#) that require the construction of a structure other than a residence or other than a structure for private agricultural use that is not intended for public use may utilize this Site Plan Exception. All Minor Site Developments in the Rural District shall be classified per Section 20.203.B<sup>4</sup> and shall meet all requirements of the Site Plan Classification except for the following:

- a. **Parking Areas and Access Drives.** Parking areas and access drives (except for the concrete apron) are not required to be asphalt or concrete paved but shall have at least 6" of stone/gravel and be graded in a manner that ensures water will not pool on the primary parking area. No curbs and gutters will be required provided the development conforms to the requirement of Section 2.

If the development is of a size or nature that requires the provision of handicapped parking spaces, such spaces shall be paved with asphalt or concrete and a similar paved surface accessing the front of the structure from the parking pad shall be required as detailed in Appendix B, Sec. 2.5(G), *Off Street Parking Standards*.

- b. **Rural Storm Drainage and Management.** Development which is proposed in the Rural [or Rural Residential](#) zoning districts which wishes to take advantage of this Exception is required to utilize Low Impact Development (LID) techniques and provide stormwater management (quantity and quality) for the additional impervious area only. [Gravel is considered an impervious surface.](#)



width may not be narrower than the minimum at any point within the building envelope. The applicant may define *building* envelopes more restrictively than minimum yard setbacks on the *final plat*.

- 3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and, provided the provisions of 2 above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
  - 4. Acute lot corners shall have angles of no less than sixty (60) degrees. Lot corners of less than sixty (60) degrees may be accepted by the County Engineer for lots along road turnarounds.
- C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, *panhandle lots*, or shared easements may be considered to provide access in those situations. They shall not be used simply to avoid more streets.

**Sec. 21.105 Requirements for Parkland**

This Section is designed to satisfy needs for park facilities in future neighborhoods.

- A. **Visual Access.** Visual access to parkland shall be encouraged from both lots and streets.
- B. **Greenways.** Parkland shall be designed to provide greenways along drainage corridors, streams, or in accordance with a County trail plan. The landscaping along corridors shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.
- C. **Design.**
  - 1. Parkland shall be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas shall be avoided. Landscaping may be required to enhance the value of such spaces where they cannot be avoided, and staff may require the concentration of required plant material. The reservation of land for park and recreation purposes shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield, or similar use.
  - 2. Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners' associations in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for neighborhood park and recreation purposes shall be clearly identified on the final plat and shall be for the use and enjoyment of property owners within the subdivision. Land reserved for greenways and trails for public use shall be clearly identified on the Final Plat. The County Commission may accept donation of all or a portion of parkland, greenways, or trails for use by the public.
  - 3. Open spaces/parkland shall be designed to provide areas of focus within the development. In the Rural District, such spaces shall [be provided in accordance with Table 21.105 for developments following the Clustering provisions found in Section 5.7.D.2 of the Zoning and Land Development Ordinance](#) ~~be minimal unless a~~



~~Conditional Use Permit (CUP) has been obtained.~~ In the Residential-Light Industrial-Commercial, ~~and~~ Residential Growth Districts, ~~and~~ Rural Residential Districts, open spaces/parkland shall be provided in accordance with Table 21.105. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial, ~~and~~ Residential Growth Districts, ~~and~~ Rural Residential Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

Table 21.105 Parkland Requirements for R-LI-C, <del>RR</del> & RG Districts and <del>Cluster</del> Development in the Rural District <del>with an approved CUP</del>	
Density in Units per Acre of Residential Land Area	% of Land to be Reserved for Open Space
Less than 2 units per acre	No land required
2- <del>4</del> <u>3.99</u>	4%
4- <del>6</del> <u>5.99</u>	7%
6 to 10	10%
<del>10+</del> <u>More than 10 units per acre</u>	15%

D. **Overlapping Easements.** Easements over environmentally sensitive resources shall not have other easements over the land that would result in the disturbance of the land, with the following exceptions:

1. Pedestrian *access easements* may be permitted anywhere.
2. In order to provide appropriate services, utility and drainage easements may be permitted along any side and rear lot lines of adjoining lots designated for development but shall be minimized in open space areas.cacal

**Division 21.200 Site Plan Components**

**Sec. 21.201 Access and Interconnection**

The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the State's roads is governed by WVDOH, which is responsible for the review of the site plan for access to the adjoining road network. 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. The following governs the review of access and interconnection:

- A. **Access.** The West Virginia Division of Highways (WVDOH) shall review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.
- B. **Interconnections.** The Department of Engineering, Planning, & Zoning shall review the site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Site plans may be required to be modified to make the connections or to ensure that the interconnections



## Sec. 22.205 Non-Residential Streets

The standards contained in Appendix B, Section 2.2, *Streets*, shall govern all non-residential street construction.

## Sec. 22.206 Cul-de-Sacs

- A. **General.** Cul-de-sac streets shall be carefully managed to ensure they are not over-used. Connectivity is preferred.
- B. **Where permitted.** Cul-de-sac streets may be used if:
  - 1. Natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient;
  - 2. Cul-de-sac streets serve no more than 24 lots or are no more than 800 feet in length, whichever results in a shorter street segment; and
  - 3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
    - a. Two lots or fewer are situated between them; and
    - b. The distance between them, measured along street centerlines, is more than 650 feet.
- C. **Dimensional standards.** All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as may be provided for in Appendix B, Section 2.2, *Streets*. Cul-de-sac standards are listed in Appendix B, *Engineering Standards*, Table 2.2-1, *Roadway Design Standards*.

## Sec. 22.207 Private Roads

Private roads shall be permitted in accordance with this Section.

- A. **Private Roads.** Private roads may be developed if all of the following are demonstrated:
  - 1. A homeowner's association is created that will be responsible for the ownership and maintenance of the road.
  - 2. The plat and all lot plans in the subdivision contain a note that indicates that the County shall not take ownership or be responsible for maintenance of private roads.
- B. **Gated Communities.** No gated communities shall be permitted.

## Sec. 22.208 Sidewalks

- A. **Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District [or Rural Residential District](#) when residential density in the proposed development is less than three (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential subdivisions and/or site plans. Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.<sup>4</sup>



- B. **Modification of sidewalk requirements.** Sidewalk requirements may be altered or waived if a pedestrian circulation plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission. These trade-offs may be permitted:
  - 1. In developments located in the Residential-Light Industrial-Commercial (R-LI-C), Village (V), [Rural Residential \(RR\)](#) and Residential Growth (RG) Districts where lots are greater than one-quarter (1/4) acre in land area to allow off-street trails in lieu of sidewalks, thereby meeting the needs of walkers and cyclists; or
  - 2. In order to implement the County's Parks and Recreation Master Plan, as set out in sub-section D, below.
- C. **Completion of sidewalk networks within the subdivision or site development**
  - 1. In general, sidewalks shall be constructed concurrent with street construction, with special provisions to protect their condition and integrity during the process of building construction. However, this requirement may be waived at the discretion of the Planning Commission if reasonable assurances are provided that:
    - a. Sidewalk segments across individual lots will be constructed after buildings are constructed on the individual lots, but before they are occupied; and
    - b. The timing and phasing of development will result in the completion of the sidewalks on each street segment prior to release of any required construction bond amount for such improvement. Sidewalks shall be installed along street corridors on a priority basis in areas where they are not currently available.
- D. **Trails and bikeways**
  - 1. On-street bikeways and off-street bicycling and jogging trails shall be developed in accordance with the County's Parks and Recreation Master Plan to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, public libraries, community centers, major employment centers, and shopping areas.
  - 2. Stream corridors present opportunities for future off-street bicycle and pedestrian trails to connect with existing or new sidewalks and as means of extending the County's trail system and shall be considered for trail system development in all subdivisions where such opportunities are presented.
  - 3. In all major subdivisions, a dedicated detached trail or bikeway shall be provided along the public right-of-way for the entire width of the property. This trail or bikeway would be required to be constructed once the County trail plan is established.

### **Sec. 22.209 Street Lighting**

The developer of any subdivision shall be required to install street lighting when lots are less than 15,000 square feet according to the following standards:

- A. **Underground Wires.** Street lighting shall be via underground distribution.



systems or subdivisions served by a central water system that has at least 60,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi).

- 9. Fire hydrants shall be installed at each street intersection with additional hydrants installed where necessary to provide fire hydrants at a maximum spacing interval of 500 feet or ISO standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
- 10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman’s Association.
- 11. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.
- 12. Fire service, dry hydrants, and cisterns (underground water storage tanks), where installed, shall meet the specifications and standards as established by the Jefferson County Office of Emergency Management; and shall be acceptable to the Chief County Engineer.

**Sec. 3.2 Utilities**

All utility transmission lines (e.g., electric, phone, cable, water, sewer, etc.) and service lines within the subdivision or site development project shall be underground.

**Division 4.0 Stormwater Management and Erosion & Sediment Control<sup>4</sup>**

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All requirements and processes for Stormwater Management and Erosion & Sediment Control for Jefferson County are contained within the Jefferson County Stormwater Management Ordinance. Development within the County, meeting the criteria described in the Stormwater Management and Erosion & Sediment Control, must conform to the standards set therein.

**Division 5.0 Requirements for Townhouses**

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**Section 5.1 Minimum Requirements and Standards**

- A. The requirements and standards of Division 5.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 5.0 are in addition to the requirements for subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 5.0, then the requirement of Division 5.0 shall apply.
- C. [For developments in the Rural Residential District, Division 5.0, Section 5.3 shall have fewer requirements for triplex and quadplex projects. All triplex and quadplex developments are exempt from Appendix B, Section 5.3A.4. In the event of a conflict between Division 5.0, Section 5.3 and the Zoning Ordinance, the Zoning Ordinance shall prevail.](#)

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Campsite <sup>31</sup>	Generally means an area where an individual, family, or group can pitch or place a camping unit; a campground may contain many campsites.
Campsite Pad <sup>31</sup>	An area within a campsite intended for the exclusive occupancy by a camping unit or units under the control of a camper.
Car Wash <sup>27</sup>	A structure, or portion thereof, containing facilities for washing motor vehicles by hand or by using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam-cleaning or similar mechanical device.
Caretaker Residence <sup>23, 31</sup>	A permanent or temporary residential structure that is secondary or accessory to the primary use of the property for the use of a caretaker or security guard.
Cell on Wheels“COW” <sup>22</sup>	A portable self-contained cell site that can be moved to a location and set up to provide personal wireless services on a temporary or emergency basis. A COW is normally vehicle-mounted and contains a telescoping boom as the antenna support structure.
Change of Use <sup>23,32</sup>	Any use which is different than the previous use of a building or land.
Church <sup>23</sup>	A building or site wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes synagogue, temple, mosque, or other such place for worship and religious activities.
Clustering <sup>5, 23, 32</sup>	Grouping structures in closely related groups at higher densities than normally permitted in certain areas in order to preserve other areas as parks, recreational areas or sensitive natural areas. Overall density of the total parcel does not change unless otherwise provided for in this Ordinance. See <a href="#">Section 5.5 and</a> Section 5.7 for minimum area per dwelling unit and minimum lot area.
Co-location <sup>10, 22</sup>	For purposes of regulating commercial wireless telecommunication facilities, co-location means the placement of additional antennas or antenna arrays on an existing or approved telecommunication tower or support structure (or alternative structure), or otherwise sharing a common location by two or more FCC licensed providers of personal wireless services. Co-location includes antennas, combiners, transmitters, receivers and related electronic equipment, cabling, wiring, equipment enclosures and other components or improvements associated with a wireless telecommunication facility.
Commercial Agricultural Enterprise <sup>17, 21</sup>	<p>Farm operations which will:</p> <ul style="list-style-type: none"> <li>A. Contribute in a substantial way to the area’s existing agricultural economy; and</li> <li>B. Help maintain agricultural processors and established farm markets. When determining whether a farm is a part of a commercial agricultural enterprise, not only what is produced, but how much and how it is marketed shall be considered.</li> </ul>

Dry Cleaning and Laundry Services <sup>27</sup>	The use of a site for customer drop-off and pickup of clothing or fabrics, to be laundered or dry-cleaned at an offsite location. This use does not include use of a site as a Dry Cleaning and Laundry Facility.
Dwelling Unit <sup>7, 23</sup>	One room, or rooms connected together, constituting a separate, independent housekeeping establishment for owner occupancy, or rental or lease on a weekly, monthly, or longer basis, occupied by no more than one family, and containing no more than one independent food preparation area together with facilities for sleeping and bathing.
Dwelling, Detached	A building containing only one single family dwelling unit surrounded by yards or other open area on the same zoning lot.
Dwelling, Duplex <sup>23</sup>	A combination of no more than two single-family dwelling units, with each individual dwelling unit located on its own legal lot, and sharing a common lot line and a common vertical wall.
Dwelling, Multi-Family <sup>23</sup>	A building containing three or more dwelling units, which may include rental or condominium residential units.
<u>Dwelling, Quadplex</u>	<u>A combination of four single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
Dwelling, Single Family, Small Lot <sup>27</sup>	A single-family detached dwelling meeting the site development standards for a Dwelling, Single Family, Small Lot (as required by this Ordinance).
Dwelling, Single Family <sup>23, 32</sup>	A detached building containing not more than one dwelling unit and not occupied by more than one family. A Single Family Dwelling shall include modular, manufactured and mobile homes as defined herein.
Dwelling, Townhouse	One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement floor to roof.
<u>Dwelling, Triplex</u>	<u>A combination of three single-family dwelling units, with each individual dwelling unit located on its own legal lot and sharing common lot lines and vertical walls with the other units.</u>
Dwelling, Two-Family	A building located on one zoning lot containing not more than two dwelling units, arranged one above the other or side by side, and not occupied by more than two families.
Easement	A lawfully acquired right or privilege to use a parcel of land or a portion thereof for a specified purpose. An easement is retained by a person other than the owner of the land parcel.
Electric Vehicle Charging Station <sup>27, 32</sup>	A public or private parking space that is served by battery charging station equipment that has as its primary purpose the transfer of electric energy (by conductive or inductive means) to a battery or other energy storage device in an electric vehicle. Electric Vehicle Charging Stations at single family

Glare	The effect produced by brightness sufficient to cause annoyance, discomfort, or lessen visual performance and visibility.
Golf Course <sup>27</sup>	A facility for the playing of golf. A golf course may include a clubhouse with restrooms and locker rooms; may provide additional services customarily furnished such as swimming, outdoor recreation, and related retail sales; and may include a restaurant as an accessory use.
Governmental User <sup>22</sup>	Federal, state or local governments, or agencies or instrumentalities thereof, volunteer fire departments or rescue squads which operate radio systems (including microwave) requiring an FCC license, and which employ those facilities exclusively for intra-governmental or inter-governmental public service, public safety or administrative purposes.
Green Space <sup>32</sup>	<p>Land required to be set aside under <a href="#">Section 5.5 Cluster Provisions and Section 5.7 Cluster Provisions</a>, for the purpose of retaining active or passive farmland, wooded or forested areas, significant natural or environmentally sensitive features, historic structures and/or core battlefields, and parks. Green space may include open space as defined herein.</p> <p>Land indicated as green space in a cluster development shall be permitted to maintain one single family dwelling unit, and an accessory agricultural dwelling unit (if it meets the qualifications), and may be in private ownership or a homeowner's association.</p>
Grocery Store <sup>27</sup>	An establishment in which most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products, and which carry a broader range of merchandise than convenience stores.
Grooming Services, Animal <sup>32</sup>	Any place or establishment, public or private, where animals are bathed, clipped, or combed for the purpose of enhancing their aesthetic value or health and for which a fee is charged. Such use may be considered accessory to a Kennel or Veterinary Clinic, and may be included in a Shopping Center.
Gross Floor Area <sup>27</sup>	The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed as provided in the Jefferson County Subdivision and Land Development Regulations.
Group Residential Facility <sup>23</sup>	A facility which is owned, leased or operated by a behavioral health service provider and which: (1) Provides residential services and supervision for individuals who are developmentally disabled or behaviorally disabled; (2) is occupied as a residence by not more than eight individuals who are developmentally disabled and not more than three supervisors or is occupied as a residence by not more than twelve individuals who are behaviorally disabled and not more than three supervisors; (3) is licensed by the Department of Health and Human Resources; and (4) complies with the State Fire Commission for residential facilities. Per Chapter 17 of the West Virginia Code, as amended, a Group Residential Home shall be a permitted residential use of property for the purposes of zoning and shall be a permitted use in all zones or districts.

2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

#### **Section 4.7 Essential Utility Equipment**

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements<sup>39</sup>**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site plan submittal is not required for single-family, [duplex, triplex, and quadplex](#) dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.<sup>27</sup>

- A. Commercial Development<sup>27</sup>
  1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space buffer or a 15 foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS**

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

- RG Residential Growth District
- RR Rural Residential
- I-C Industrial-Commercial District
- R Rural (Agricultural) District
- R-LI-C Residential-Light Industrial-Commercial District
- V Village District<sup>23</sup>
- NC Neighborhood Commercial<sup>27</sup>
- GC General Commercial<sup>27</sup>
- HC Highway Commercial<sup>27</sup>
- LI Light Industrial<sup>27</sup>
- MI Major Industrial<sup>27</sup>
- PND Planned Neighborhood Development<sup>27</sup>
- OC Office / Commercial Mixed-Use<sup>27</sup>

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County’s official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk’s office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

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

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district

2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>32</sup>

## **Section 5.5** ~~Reserved~~<sup>23</sup> Rural Residential (RR) District

### A. Purpose

The purpose of this district is to provide a location for low and medium density residential uses. Residential development in this district shall preserve the rural character of the County by encouraging clusters of residences, minimizing the use of prime agricultural land, and restricting commercial and industrial uses. This district is not generally served with public water or sewer facilities, however, lots that are served have different restrictions as specified in Appendix A.

### B. Location

This zoning category is intended for use on properties:

1. Outside of the Preferred Growth Areas (PGAs) as shown on the Comprehensive Plan's Future Land Use Guide.
2. In rural lots intended to be subdivided into clustered residences.

### C. Permitted Uses

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

### D. Site Development Standards

Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.

#### 1. Clustering

##### a. Purpose and Intent

- i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the Rural Residential District to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space.
- ii. To provide for a well planned development while minimizing the use of prime agricultural land.

##### b. Lot Area, Setbacks and Other Requirements

- i. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

- ii. One (1) lot may be subdivided for every two and a half (2.5) acres.
- iii. A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.
- iv. The required green space shall be maintained on a single parcel of land.
- v. For every additional 5% green space preservation, the following sliding scale may be utilized:

<u>55% green space</u>	<u>1 lot per 2.25 acres</u>
<u>60% green space</u>	<u>1 lot per 2 acres</u>
<u>65% green space</u>	<u>1 lot per 1.75 acres</u>
<u>70% green space</u>	<u>1 lot per 1.5 acres</u>
<u>75% green space</u>	<u>1 lot per 1.25 acres</u>
- c. Minimum Lot Sizes
  - i. For single-family dwellings and duplex dwellings, minimum lot size shall be 40,000 square feet for lots that will be served by individual wells and septic systems; 20,000 square feet for lots that will be served by a central water OR central sewerage system; and 10,000 square feet for lots that will be served by both a central water AND central sewerage system.
  - ii. For triplex and quadplex dwellings, minimum lot size shall be 7,000 square feet for lots served by both a central water AND central sewerage system. A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 square feet.
- d. Maximum Lot Size
  - i. The maximum size of a lot served by central water AND sewer shall be 1 acre.
  - ii. The maximum size of a lot served by central water OR sewer shall be 2 acres.
  - iii. The maximum size of a lot not served by central water OR sewer shall be 2 acres.
- e. Setbacks shall be 25' front, 12' sides, and 20' rear.
- f. Clusters of three (3) or more lots shall not be along an existing public road.
- g. All cluster developments of five (5) or more lots shall be served by an internal road having direct access to a public road identified as a Major Collector or a Minor or Principal Arterial on the Comprehensive Plan's Highway Problem Areas Map.
- h. Procedures
  - i. Concept Plan. For the subdivision of tracts eligible for cluster lots, a concept plan must be submitted pursuant to the requirements of the Jefferson County Subdivision and Land Development Regulations.
  - ii. The Concept Plan for a proposed Cluster Development can be combined with the required submittal and process requirements for a Concept Plan for a Major Subdivision as outlined

in the Subdivision Regulations, provided that the Concept Plan includes all requirements of the Concept Plan in the Subdivision Regulations and includes the necessary soils and topographic data, together with a written narrative, required for the analysis listed below.

- iii. The Staff shall review and make a recommendation to the Planning Commission regarding the proposed design and layout of the proposed Cluster Development. Staff shall consider the following when reviewing the Cluster Concept Plan:
    - (a) Soils: The cluster plan should minimize the use of the higher quality soils (class I, II and III as designated in the soils classification study) and maximize the use of steeper sloped areas, areas of poorer soils and areas which are otherwise less productive for agricultural uses.
    - (b) Surrounding land use and zoning: The cluster plan shall consider the existing land uses and zoning in the vicinity. Generally, new lots which are adjacent to existing development or residential zoning are preferred to creating an isolated cluster of new houses.
  - iv. If the concept plan is approved by the Planning Commission, the applicant may then proceed with platting of the clustered development in accordance with the Jefferson County Subdivision and Land Development Regulations and the approved concept plan. The plat shall bear a statement indicating “The land lies within an approved rural residential development and no further subdivision of the remaining land is permitted unless the property is placed in another zone or further subdivision is allowed by ordinance or regulation”.
2. If the development rights under Subsections 5.5D.1 above have not been utilized, any property that was a lot of record as of October 5, 1988 may create three (3) total lots (including the residue) during any five year period. Such application may process as a Minor Subdivision, in accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.5D.1 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.

#### E. Additional Requirements

No residential structure shall exceed 25 feet in height except as provided in Section 9.2.

### **Section 5.6 Industrial - Commercial (IC) District<sup>23, 32</sup>**

The purpose of this district is to provide locations for manufacturing, processing, and commercial uses which may require extensive transportation and central or public water and sewer services. It is not the purpose of this district to encourage the use of land within the district for retail services; however, it is anticipated that there may be areas or locations where retail services can be reasonably and logically considered due to their relationship with other uses existing within the district, as well as their relationship with the district boundary line or the configuration of the property and the relative scale of the project.

#### A. Principal Permitted and Conditional Uses<sup>23, 32</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table and this section.<sup>27, 32</sup>

- b. Adequate provision shall be made for storage and collection of refuse. Refuse containers are subject to Section 4.11F.<sup>27</sup>
  - c. Permeable areas of the site shall be planted with ground cover, shrubs and trees.
  - d. Lighting shall be provided for all parking areas which will receive night use. Such lighting shall be directed to the parking area and be shielded to prevent adverse glare on adjacent public highways, streets and properties.
2. Industrial Design Standards
- a. Impervious site coverage (parking areas, building areas and other paved surfaces) shall not be greater than 90% of the gross area of the site.<sup>23</sup>
  - b. Adequate provision shall be made for storage and collection of refuse, subject to Section 4.11F.<sup>27</sup>
  - c. Permeable areas of the site shall be planted with ground cover, shrubs or trees if subject to Section 4.6.

### **Section 5.7 Rural (R) District<sup>23, 32</sup>**

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not served with public water or sewer facilities, although certain size developments processed under the cluster provision of Section 5.7D(2) may choose to do so. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7D. The ~~Envision Jefferson 2035 2045~~ Comprehensive Plan recommends that the ~~cluster provision of the Zoning Ordinance~~ utilization of cluster subdivisions be the preferred method of residential development in the Rural zoning district.<sup>8, 23, 32</sup>

#### **A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

- 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
- 2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

#### **B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>**

- 1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.<sup>27</sup>
- 2. Commercial and Light Industrial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>23</sup>
- 3. Any building or feeding pens in which farm animals are kept shall comply with distance requirements specified in Section 4.6 and the requirements for barns and feeding pens specified in Article 8. Also, any buildings used to store manure shall comply with distance requirements specified in Section 4.6A.<sup>23</sup>

#### **C. Height Regulations**

No structure shall exceed 45 feet in height except as provided in Section 9.2.<sup>32</sup>

#### **D. Maximum Number of Lots Allowed**

All parcels of land that were on record as of October 5, 1988 are entitled to subdivide for single family detached residences based on Subsections 5.7D.1, 5.7D.2 or 5.7D.3 below.

A property owner may use a combination of these Subsections, provided that the number of lots are prorated by density. The density rights for any rural development shall be based on the parcel of record as of October 5, 1988 utilizing the following alternatives:<sup>8, 32</sup>

1. A property owner may create one (1) lot for every 15 acres with a minimum lot size of three (3) acres.<sup>17, 21</sup>
  - a. Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.<sup>32</sup>
  - b. A property owner may transfer rights to adjacent parcels which are owned by the same entity.<sup>17, 21</sup>
2. Clustering
  - a. Purpose and Intent
    - i. To encourage the conservation of farmland in the Rural Zoning District by planning the residential development allowed in the zone to provide for the best obtainable siting, access and location of lots on a tract while retaining a portion of the property as green space<sup>32</sup>.
    - ii. To provide for a well planned development while minimizing the use of prime agricultural land.
  - b. Requirements
    - i. One (1) lot may be subdivided for every five (5) acres.<sup>17, 21, 23, 32</sup>
      - (a) Maximum number of lots allowed (density) shall be computed using acreage on record as of October 5, 1988. Any divisions which have occurred since that time shall be subtracted from the maximum number of lots allowed.<sup>32</sup>
      - (b) A minimum of 50% of the property shall be retained as green space and shall contain no further development rights unless the property is placed in another zone or further subdivision is allowed by ordinance. A note to this effect shall be placed on all cluster subdivision plats.<sup>32</sup>
      - (c) [The required green space shall be maintained on a single parcel of land.](#)
      - (d) For every additional 5% green space preservation, the following sliding scale may be utilized:<sup>32</sup>

55% green space	1 lot per 4.5 acres
60% green space	1 lot per 4 acres
65% green space	1 lot per 3.5 acres
70% green space	1 lot per 3 acres
75% green space	1 lot per 2.5 acres
    - ii. The residue of a lot divided utilizing either 5.7D.1 or 5.7D.2 prior to the date of adoption of this amendment on March 16, 2017, shall have additional rights based on the provisions of this Subsection, provided that the total lots developed shall not exceed one lot per five acres based on the parent parcel on October 5, 1988 and all other provisions of this Subsection are complied with.<sup>32</sup>

accordance with the Subdivision Regulations, and shall be exempt from density limitations provided that all subdivision requirements are satisfied. Applications which exceed this number during any five year period shall process under Subsection 5.7D.1 or 5.7D.2 above. Only the residue or parent parcel may qualify under this provision once the original subdivision takes place. All lots that qualify under this section must meet subdivision requirements.<sup>32</sup>

4. Subdivisions involving transfers of land between family members known as “Family Transfers”, as defined in Article 2, shall not be subject to the density requirements of this section. All lots that qualify under this section must meet subdivision requirements. Family transfers are not entitled to occur in land designated as “Green Space”, as defined in Article 2 or to further subdivide except as another Family transfer.<sup>32</sup>
5. Once the maximum number of lots are created under 5.7D, the property cannot be further subdivided unless the Ordinance is amended to allow such.
6. Notwithstanding any other provision contained in Article 5, Section 5.7D, if a property was previously subdivided under the one (1) lot per ten (10) acre provision after October 5, 1988 and before this Ordinance was amended on March 1, 2018, then the property may continue to subdivide, or finish subdividing, utilizing the property’s remaining development rights as they existed at the time(s) when the subdivision was previously processed. These vested rights may be shown on a previously approved Preliminary or Final Plat, Concept Plan, or Community Impact Statement, or otherwise contained within the property’s subdivision files within the Department of Engineering, Planning, and Zoning.<sup>34</sup>

### **Section 5.8 Residential-Light Industrial-Commercial (R-LI-C) District<sup>1</sup>**

The purpose of this district is to guide high intensity growth into the designated growth area. Light industrial uses are defined in Section 2.2. All other perceived light industrial uses shall be referred to the Jefferson County Development Authority for a recommendation on whether a use is a light industrial or heavy industrial use. The final decision on use classification shall be made by the Zoning Administrator.<sup>23</sup>

#### **A. Principal Permitted and Conditional Uses<sup>23, 27, 32</sup>**

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

#### **B. Standards<sup>23</sup>**

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

#### **C. Site Development Standards<sup>23, 27, 40</sup>**

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must

## Section 6.2 Variances<sup>32</sup>

The Board of Zoning Appeals shall consider requests for variances from the terms of the Ordinance.<sup>23</sup>

- A. The Board shall approve a variance request if the Board finds that a variance:
  1. Will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
  2. Arises from special conditions or attributes which pertain to the property for which a variance is sought and which were not created by the person seeking the variance;
  3. Would eliminate an unnecessary hardship and permit a reasonable use of the land; and
  4. Will allow the intent of the Zoning and Land Development Ordinance to be observed and substantial justice done.<sup>17, 21</sup>
- B. The owner or authorized representative of the owner of the property which is the subject of a variance request shall complete and sign forms provided for this purpose by the Board, and shall pay the associated fees. The variance request shall be filed with the Board in the Office of Planning and Zoning.
- C. Notification for a variance must be conducted according to the requirements of Section 6.1B.
- D. A public hearing must be conducted according to the requirements of Section 6.1C and such hearing may be continued according to the requirements of Section 6.1D.

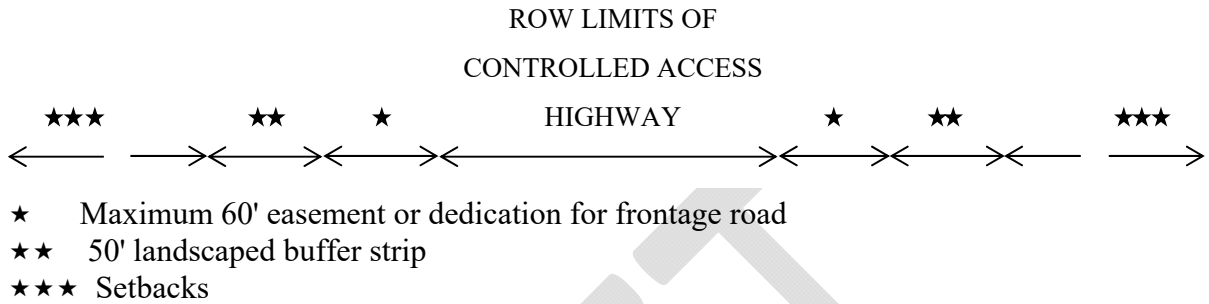
## Section 6.3 Conditional Use Permit<sup>32</sup>

The Board of Zoning Appeals shall have the authority over the issuance or denial of a conditional use permit for uses listed as “Conditional Uses (CU)” in each zoning district. The Board shall have the authority to impose such reasonable conditions and restrictions as are directly related to and incidental to the proposed conditional use permit.<sup>2, 32</sup>

- A. The Board shall consider each Conditional Use Permit request that is filed in accordance with this Ordinance and the procedural requirements of the Board of Zoning Appeals. The Board may require reasonable conditions or special requirements which allows for the proper integration of the proposed uses into the community and are directly related to and incidental to the proposed conditional use permit. The following General Standards shall be considered in approving or denying the CUP:
  1. The proposed use is compatible with the goals of the adopted Comprehensive Plan.
  2. The proposed use is compatible in intensity and scale with the existing and potential land uses on the adjoining and confronting properties, and poses no threat to public health, safety and welfare.
  3. The proposed site development shall be such that the use will not hinder nor discourage the appropriate development and use of adjacent land and buildings.
  4. Neighborhood character and surrounding property values shall be safeguarded by requiring implementation of the landscaping buffer requirements found in Appendix B and Section 4.11 of this Ordinance.
  5. Commercial and Industrial Uses shall be in conformance with Section 8.9 of this Ordinance.
  6. For properties in the Rural [and Rural Residential](#) zoning districts, roadway adequacy shall be assessed by the Comprehensive Plan’s Highway Road Classification Map. If a rural [or rural residential parcel](#) is not shown as commercial on the Future Land Use Guide or does not front on a Principal Arterial, Minor Arterial, or Major Collector road (as identified in the Comprehensive Plan), the applicant shall submit trip generation data, including Average Daily and Peak Hour

A fifty (50) foot wide landscape buffer strip will be provided along all limited access highways. Said buffer shall be adjacent to the frontage road. In the case where existing roads not adjacent to controlled access highway serve as frontage road the landscape buffer may be placed against the highway right-of-way.

All front setbacks (building and parking lot) are to be measured from the landscape buffer. (See diagram)



This provision shall also apply to any ramps or access roads connecting to a controlled access highway within ½ mile of a controlled access highway.<sup>5</sup>

**Section 8.10 Model Homes/Sales Offices<sup>23</sup>**

Model homes with a staffed sales office for sales exclusively within the residential subdivision in which they are located are permitted provided that they are contained on the first lot on either or both sides of any road/right-of-way that enters the subdivision; provided also that they are so designated on the preliminary and final plats during the subdivision process.

Model homes with a staffed sales office in any other location within the subdivision must be approved or denied by the Board of Zoning Appeals after a public hearing advertised for 15 days.<sup>17, 21</sup>

Model homes without staffed sales offices are permitted internally within the subdivision.<sup>12</sup>

**Section 8.11 Petroleum Products Refining or Storage<sup>23</sup>**

Petroleum refining or storage (above ground in tanks) requires adherence to all state and federal laws, as well as National Fire Underwriters Codes.

**Section 8.12 West Virginia Legal Fireworks<sup>23</sup>**

Sales of fireworks are permitted in the Industrial-Commercial, Residential-Light Industrial-Commercial, General Commercial, Highway Commercial, Highway Commercial, Light Industrial, and Major Industrial zoning districts provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8, 27</sup>

**Section 8.13 Dormitory<sup>23</sup>**

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

**Section 8.14 Special Event Facilities<sup>39</sup>**

The purpose of this sections is to create a process by which a property owner in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts may establish a Special Event Facility. A Special Event Facility in any other zoning district may process in accordance with Appendix C.

- A. An Agricultural Special Event Facility is permitted in any zoning district on a parcel with an existing farm and shall operate accessory to the property owner’s primary residence or caretaker’s residence. The minimum acreage required is five acres.
1. An Agricultural Special Event Facility may be established on a separate legal lot of record adjoining a parcel with farm use status, as long as it is under the same ownership.
  2. An Agricultural Special Event Facility on a parcel of less than 20 acres shall process a Concept Plan, subject to a Public Workshop before the Planning Commission, in accordance with the Subdivision and Land Development Regulations.
    - a. If a Concept Plan is not required, the following documentation shall be submitted as part of the Zoning Certificate application:
      - i. A sketch reflecting the layout of the proposed special event facility shall be submitted to ensure compliance with setbacks and parking. The sketch should delineate the property location, any existing or proposed buildings affiliated with the land use, the parking area, signs, the event tent(s), location of portable restrooms, and the location of any vendors.
      - ii. A traffic control plan shall be submitted to address traffic flow for ingress and egress to ensure that traffic will not create a backup onto public or private roads.
  3. All aspects of the land use, excluding parking, but including any new structures and any outdoor components such as event tents, portable restrooms, etc., shall be setback 75 feet from all property lines. Parking shall be setback 25’ from all property lines.
  4. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee who does not reside on premises. Parking may occur on grass if the applicant can demonstrate that the parking will occur on usable ground and can identify how handicapped accessibility (if applicable) will be addressed.
  5. The land use shall comply with Section 8.9A.1 and shall apply the Residential Growth District standard to all adjacent lots.

If the subject parcel associated with an approved Agricultural Special Event Facility loses the associated “farm use” classification through the Assessor’s Office, the property owner may apply for a Special Exception in accordance with Article 6 to continue operating the land use.

B. A Special Event Facility is a facility that operates independent from any other use on the property.

1. In the Rural, [Rural Residential](#), Village, and Residential Growth zoning districts, a Special Event Facility shall process a Conditional Use Permit in accordance with Article 6.
  - a. The minimum lot size shall be five acres. Site development standards shall comply with Appendix B.
  - b. Parking shall be provided at a ratio of one parking space for each two guests allowed on site and one parking space for each permanent employee.
  - c. In addition to the criteria set forth in Article 6, Section 6.3, the Board shall evaluate the following:
    - i. Proposed frequency;
    - ii. Number of attendees (maximum building capacity);

## **ARTICLE 9: EXCEPTIONS**

### **Section 9.1 General**

The regulations specified in this ordinance shall be subject to the following exceptions, modifications and interpretations.

### **Section 9.2 Building Height Limitations**

Building height limitations shall not apply for public utilities, agricultural uses, communication poles and towers, chimneys, steeples, water tanks, electric generating plants, electric transforming or switching equipment, flagpoles, fire or observation towers, monuments, or to tanks, ventilating fans, air conditioning equipment or similar equipment required to operate and maintain the building, hospitals, schools, colleges and public buildings. Commercial wireless communications facilities shall comply with Article 4B.<sup>7, 10, 22</sup>

### **Section 9.3 Lot Area Modification**

In any district where a single-family dwelling is permitted, a dwelling may be erected on any lot or parcel of record, despite the fact that the lot or parcel does not meet the minimum area requirements of this Ordinance, provided:

- A. The lot or parcel was lawfully created in compliance with the applicable subdivision regulations in effect at the time the lot was created; and<sup>23</sup>
- B. Health Department regulations can be met.

### **Section 9.4 Setback Modifications**

- A. Where the average setback line of at least two (2) existing buildings on lots which are on the same side of the street or road within 200 feet of the lot in question is less than the minimum setback prescribed by this ordinance, the minimum setback line shall be the average setback line of all buildings within 200 feet of the proposed building. However, in no case shall the setback line be less than 35 feet from the centerline of any abutting road or street.
- B. A structure may be located on a common side or rear lot line of contiguous property owned by the same entity. Provided, however, that the structure shall only be a single family dwelling or an accessory structure. Also provided, however, that the contiguous lots shall be treated as one lot for all purposes by the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations.<sup>5, 23</sup>
- C. Subdivision signs, school bus shelters and/or mailboxes do not have to comply with setback restrictions provided they are shown and approved on the preliminary or final plat in the subdivision process. In subdivisions approved prior to this amendment, subdivision signs, school bus shelters and/or mailboxes can be built as shown on the plat or be replaced in the same general location.<sup>12, 23</sup>

### **Section 9.5 Projections Into Yards<sup>8</sup>**

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four feet; provided that such projections are not over ten feet in width. All roof overhangs may extend into any required yard not more than two feet; provided that the primary structure is located entirely within the appropriate setback.<sup>23</sup>
- B. Fences and walls over six feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>
- C. In the [Rural Residential](#), Residential - Light Industrial - Commercial District and Residential Growth District, on [triplex, quadplex, and](#) townhouse lots with a lot depth of 110 linear feet or less

and/or a lot area of 3,500 square feet or less, the rear setback of a deck ~~for a townhouse~~ (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to ten feet if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

**Section 9.6 Accessory Structures**

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding 150 square feet, shall be five feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

**Section 9.7 Other Exceptions<sup>3</sup>**

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

Residential Growth District<sup>23</sup>

Single Family Residences

Over 40,000 square feet --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 40,000 sq. ft.--	20' front,	10' side	and	12' rear
Under 30,000 square feet --	20' front,	8' side	and	12' rear

Rural Agricultural and Industrial Commercial

Single Family Residences

Over 2 acres --	40' front,	15' side	and	50' rear
40,000 sq. ft. to 2 acres --	25' front,	12' side	and	12' rear
30,000 sq. ft. to 39,999 sq. ft. --	20' front,	10' side	and	12' rear
under 30,000 sq. ft. --	20' front,	8' side	and	12' rear

For all lots under 40,000 square feet side and rear setbacks for residential accessory structures shall be 6'.

### C. Electronic Signs

Electronic signs located in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall require a Special Exception Permit unless included as part of a Conditional Use Permit application per Section 10.6. Electronic signs shall conform to the criteria outlined in Section 10.7.

### Section 10.6 Conditional Use Permit (CUP) Signs<sup>36</sup>

Signs associated with a Conditional Use Permit application shall be assessed by the Board of Zoning Appeals as part of the CUP process per Section 6.3. Any deviation from the provisions of this section shall require consideration and approval by the Board as part of the CUP application. Signs approved by the Board shall adhere to the following:

- A. There shall be a minimum of 300 feet between signs when located in the commercial/industrial zoning districts.
- B. There shall be a minimum of 1,000 feet between signs when located in the rural/residential zoning districts; however, a minimum of 300 feet between signs may be permitted provided the adjacent land use is a commercial/industrial land use.
- C. Signs shall comply with the front yard setback provisions in the districts in which they are permitted.
- D. In addition to the provisions herein, electronic signs accessory to a CUP application shall conform to the criteria outlined in Section 10.7.

### Section 10.7 Electronic Signs<sup>36</sup>

Electronic Signs are permitted in any commercial and/or industrial district. Electronic Signs located in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall process as a Special Exception before the Board of Zoning Appeals per Section 6.5. Any electronic sign accessory to a Conditional Use Permit application shall comply with Section 10.6 and the criteria outlined in this section. When permitted, Electronic Signs shall conform to the following criteria:

- A. The message or image shall be static, displayed for a minimum of 15 seconds and shall not be animated by scrolling, flashing, or other similar non-static displays.
- B. The message or image change shall occur simultaneously for the entire electronic sign face without any special effects. The time to complete the change from one message to the next is a maximum of one second.
- C. Electronic signs shall contain a default mechanism that will cause the sign to revert immediately to a black screen if a malfunction occurs.
- D. An electronic sign may not be animated, play video or audio messages, or blink in any manner.
- E. Electronic signs shall not exceed a maximum illumination of 3,000 nits during daylight hours and a maximum of 100 nits for the time period between ½ hour before sunset and ½ hour after sunrise as measured from the sign's face at maximum brightness.
  1. The applicant shall provide written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified above, and the intensity level is protected from end-user manipulation by password protected software or other appropriate methods.
  2. The change from 3,000 nits to 100 nits shall be controlled by an automatic dimmer control system.
- F. There shall be only one electronic sign on each parcel of land. Off-premises electronic signs shall be subject to Section 10.5A.

1. Community announcements, emergency alerts, weather, and time related messages are generally permitted and shall not be considered an off-premises sign.
- G. Electronic Signs shall not be located within 300 feet of a traffic light.
- H. Electronic signs shall not be located within 200 feet of the property line of a parcel with a residential structure. This setback does not apply to mixed-use buildings or residential structures located on the same parcel as a commercial development.
- I. Electronic signs proposed to locate adjacent to a lot in the Rural, [Rural Residential](#), Residential Growth, or Village zoning districts, or adjacent to residential structures in any zoning district, shall be oriented perpendicular to residential frontages. Electronic signs shall not be parallel to any residential structures in any zoning district.
- J. Electronic signs adjacent to lots in the Rural, [Rural Residential](#), Residential Growth, and Village zoning districts shall automatically shut-off by 10:00 p.m. and shall not turn on until 6:00 a.m.

Electronic signs shall be FCC certified as required by Federal Law. A valid copy of the FCC Manufacturers Testing Certificate shall be submitted to the Office of Planning and Zoning as part of the Zoning Certificate application.

**Section 11.2 Residential Parking Standards<sup>2</sup>**

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per residential uses as follows:

<u>Type of Residences</u>	<u>Parking Requirements</u>
Single Family Detached	Driveway Only
Single Family Attached (Duplex or Two-Family)	Driveway Only <sup>23</sup>
Single Family Attached (Triplex, Quadplex, Townhouse)	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 5.0 <sup>23</sup>
Multi-Family	See the Jefferson County Subdivision and Land Development Regulations, Appendix B, Division 6.0 <sup>23</sup>

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**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 42</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft.***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
		Public/Central water or sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Duplex Dwelling Unit	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
		<u>Triplex, Quadplex, Townhouse Dwelling</u> <sup>42</sup>	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20	
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A	N/A
		30,000 sq. ft. to 40,000 sq. ft.	N/A	N/A	N/A	40	20	10	‡	12		
Under 30,000 sq. ft.		N/A	N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
Cluster Subdivision	See RG District											
Rural Residential (RR)	<u>Single-Family Detached Dwelling</u>	<u>Public/Central water and sewer</u>	<u>10,000</u>	<u>N/A</u>	<u>N/A</u>	<u>25</u>	<u>25</u>	<u>12</u>	‡	<u>20</u>	<u>N/A</u>	<u>N/A</u>
		<u>Public/Central water or sewer</u>	<u>20,000</u>	<u>N/A</u>	<u>N/A</u>	"	"	"	‡	"	<u>N/A</u>	<u>N/A</u>
		<u>No Public/Central water or sewer</u>	<u>40,000</u>	<u>N/A</u>	<u>N/A</u>	"	"	"	‡	"	<u>N/A</u>	<u>N/A</u>
	<u>Duplex, Triplex, Quadplex Dwelling Units</u>	<u>Public/Central water and sewer</u>	<u>7,000<sup>Q</sup></u>	<u>N/A</u>	<u>N/A</u>	<u>25</u>	<u>25</u>	<u>12**</u>	‡	<u>20</u>	<u>N/A</u>	<u>N/A</u>
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District <sup>φ</sup>										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'.

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses. All dimensions are in feet unless otherwise indicated.

φ In the RR, RLIC and RG districts, triplex, quadplex, and townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck ~~for a townhouse~~ may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

Q A triplex or quadplex dwelling unit having two common walls with other triplex or quadplex dwelling units may have a reduced minimum lot size of 4,500 sq. ft.

\* Maximum height subject to Section 9.2C

\*\* Exterior side only.

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>ⓐ</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
						Front	Side	Rear	Front	Side	Rear	A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use	
												Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
<u>Rural Residential (RR)</u>	<u>Commercial or Industrial**</u>	<u>See NC District</u>																
Village (V)	Commercial <sup>¥</sup>	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>	See I-C District	25	See IC District							
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>										
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

¥ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⓪ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⓪ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

ⓐ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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

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

<b>Industrial</b>														Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	<u>NP</u>	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	<u>NP</u>	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	<u>NP</u>	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	<u>NP</u>	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	<u>NP</u>	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	<u>NP</u>	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	<u>NP</u>	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	<u>NP</u>	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	<u>NP</u>	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	<u>NP</u>	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>														<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	<u>NP</u>	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>														
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>														
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	<u>NP</u>	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>														<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	<u>CU</u>	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	<u>NP</u>	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	<u>CU</u>	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	<u>CU</u>	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	<u>CU</u>	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	<u>CU</u>	CU	P	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RR</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>														<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	<u>NP</u>	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	<u>P</u>	CU	P	NP	P	Sec. 8.3

Brewpub	P	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	<a href="#">NP</a>	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	<a href="#">CU</a>	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	<a href="#">CU</a>	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	<a href="#">NP</a>	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	<a href="#">NP</a>	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	<a href="#">CU</a>	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	<a href="#">NP</a>	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	<a href="#">NP</a>	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	<a href="#">NP</a>	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	<a href="#">CU</a>	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	<a href="#">CU</a>	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	<a href="#">NP</a>	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Non-Profit Commercial Uses	P	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	<a href="#">CU</a>	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	CU	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b><a href="#">RR</a></b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>														<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	CU	<a href="#">CU</a>	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	<a href="#">NP</a>	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	<a href="#">CU</a>	CU	P	P	CU	

Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	<u>P</u>	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	NP	Sec. 8.20					
Special Event Facility	P	P	P	P	NP	P	P	CU	<u>CU</u>	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	<u>NP</u>	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	<u>CU</u>	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>														
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	<u>CU</u>	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	<u>CU</u>	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	<u>NP</u>	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	<u>CU</u>	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>														
Accessory Uses	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use

R Rural

RR Rural Residential

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

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



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

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

Phone: 304-728-3228

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**MEMORANDUM**

TO: Jefferson County Planning Commission  
FROM: Luke Seigfried, Chief County Planner; and Charles Cain, Planning Intern  
DATE: September 9, 2025  
RE: Draft Subdivision Regulations and Zoning Ordinance Amendments – Proposed Residential Commercial District (File # STA25-04 & ZTA25-04)

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**Background**

Jefferson County Zoning Ordinance currently contains the Residential – Light Industrial – Commercial (RLIC) district, which allows a broad range of uses and is one of few alternatives for many developments with commercial land use. The new Residential Commercial District are intended as an alternative to RLIC. The amendment was introduced at the June 10, 2025 meeting alongside the Office Commercial Updates (File # ZTA 25-05) but rescheduled to the August 12, 2025 meeting, where the Planning Commission expressed interest in processing the three Zoning District Text Amendments separately. The following proposal is for a simplified residential and commercial zoning option consistent with Objective 1.1 and 1.2 of the 2045 Comprehensive Plan.

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**Sections of the Subdivision Regulations to Amend**

1. Section 21.105 – Parkland Requirements
2. Section 22.208B – Sidewalk Modifications

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**Sections of the Zoning Ordinance to Amend**

1. Table of Contents
2. Section 4.6 - Distance Requirements
3. Section 5.1 – List of Districts
4. Section 5.9 – Residential Commercial (RC) District
5. Section 9.5 – Projections Into Yards
6. Appendix A: Residential Site Development Standards Table
7. Appendix B: Non Residential Site Development Standards Table
8. Appendix C: Principal Permitted and Conditional Use Table

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**Next steps**

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

## **Attached Documents and Information**

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1. Research for the Residential Commercial district and amendments to OC.
2. Descriptions of changes to the Zoning Ordinance and their alignment with the 2045 Comprehensive Plan.
3. An updated draft of amendments to the zoning ordinance.

## **Research and Details about Residential Commercial Mixed Use**

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### **1. Creation of new Residential Commercial (RC) district**

The primary function of a new Residential Commercial district is to provide an alternative to using the Residential-Light Industrial-Commercial (RLIC) for mixed commercial and residential developments. The RLIC District is simply too permissible with principally permitted uses to be an effective zoning tool. By having different choices to re-zone for high-intensity land use, key issues with mixed-use development in Jefferson County can be addressed. An American Planning Association (APA) report concerning commercial corridor development by Luis Nuñez states “Industrial uses typically generate the greatest number of land-use compatibility concerns” (p. 19). This is a relevant concern for RLIC because it permits residential and commercial uses, but it also permits all light industrial uses. In simple terms, the Residential Commercial district should be designed to accommodate the “R-C” parts of RLIC.

RLIC also permits every type of housing, including mobile home parks and model home sales. These two uses of land are not typically compatible with other types of residences, and many residential areas may not be desirable around permitted industrial uses even with large setbacks. Residential Commercial and Residential Growth are both appropriate alternatives for high-density housing and other appropriate commercial uses (by CUP in Residential Growth).

Washington County, MD establishes a series of Mixed-Use overlay districts, one of which is named ‘MXC Mixed-Use Commercial’ which is intended to “permit a mixture of residential uses and limited commercial development to provide goods and services necessary to the neighborhood” (Zoning Ordinance §16.0.b, 2018) but must be approved first under a master plan. This process is detailed in their Zoning Ordinance §16.5 and includes further stipulations for the characteristics of the proposed development. These requirements indicate that significant effort is required to use this overlay. Master plans and other special requirements will not be in place for Residential Commercial.

The MXC overlay is applied to residential and business districts, meaning it has a broad range of allowed uses. RC will allow a similar range of uses to RLIC, but it disallows all light industrial uses and restricts some commercial uses to conditional or not permitted, due to size or compatibility with residential areas. Combining these more restrictive permitted uses with buffer requirements of Neighborhood Commercial and Industrial-Commercial ensures adequate separation between uses and limits on intensity (impervious surface limit, height limit). Several provisions in Washington County’s ordinance are relevant and appropriate to be included in RC, including buffer requirements and specific mixed-use requirements. Taking some aspects of existing Jefferson County zoning districts and some from MXC will result in increased flexibility of land use and hopefully more adoption of this district in areas designated as Residential Commercial on the Future Land Use Guide.

### **2. Alignment with 2045 Comprehensive Plan**

The creation of Residential Commercial (RC) is justified by Objective 1.1.3 which establishes the need for a district with residential and commercial land uses. Planned Neighborhood Development and RC Mixed-Use, which allow mixed-use development and both residential and commercial uses, are less than 1% of land in Jefferson County. RLIC is 2% of land in Jefferson County.

Since Residential Commercial are two districts that can support multiple uses, re-zonings will eventually accomplish Objective 1.2.1, avoiding future use of RLIC.

## References

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- Clarke County, VA, Code of Clarke County Chapter 200, Article I §4.1.3 (2025).
- Frederick County, VA County Code Part II §165-705 (2023).
- Loudoun County, VA Zoning Ordinance, Chapter 2, §2.03.04 (2023).
- Majors, C., Hill, J. R., Stewart, C., & Tovey, J. D. Planned Unit Developments and Overlay Zoning.
- Newburn, D. A., & Berck, P. (2006). Modeling Suburban and Rural-Residential development beyond the urban fringe. *Land Economics*, 82(4), 481–499. <https://doi.org/10.3368/le.82.4.481>
- Nuñez, L. (2021). *Commercial corridor redevelopment Strategies*.
- Shenandoah County, VA, County Code Part II §165-12.1 (2023).
- Washington County, MD, Zoning Ordinance §16 (2018).

## Description of Changes to Subdivision Regulations

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### 1. Section 21.105 – Parkland Requirements

Addition of Residential Commercial to both the text and Table 21.105.

### 2. Section 22.208B – Sidewalk Modifications

Addition of Residential Commercial to the provided list of zoning districts to allow off-street trails in lieu of sidewalks on lots greater than one-quarter (1/4) acre.

## Description of Changes to Zoning Ordinance

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### 3. Section 4.6 – Distance Requirements

Commercial Uses located in the Residential Commercial District have a 50 foot setback, Planning Commission may waive this requirement.

### 4. Section 5.1 – List of Districts

Addition of Residential Commercial.

### 5. Section 5.9 – Residential Commercial (RC) District

The section number has changed from the originally proposed **5.19** in June to **5.9**.

Addition of the Residential Commercial zoning district to the Zoning Ordinance, including the purpose of the district, location qualifications, permitted uses, site development standards, and additional requirements.

### 6. Section 9.5 – Projections into yards – Added RC to list

This is an exception allowing decks from townhouses or triplex/quadplex to extend 10 more feet into a setback, Residential Commercial added to list of districts.

### 7. Appendix A – Inserted site development standards for RC

Site development standards have been introduced, they are the same as RG for residential uses. RG has a 40-foot height limit.

8. **Appendix B** – Inserted site development standards for non-residential uses in RC, fixed a typo. These development standards are similar to Neighborhood Commercial but refer to Industrial-Commercial for some setbacks and other requirements. There is a 45-foot height limit for non-residential uses.
9. **Appendix C** – Inserted permitted uses of RC district, added RC to list of districts under table. RC allows most residential uses, most institutional uses, no industrial uses, and has a mix of permitted and conditional use for commercial uses.

### **Additional Notes**

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1. Although new mixed-use or commercial options may exist in the future, the RLIC zoning district still allows more land uses than the new Residential Commercial district and cannot be removed as around 2% of Jefferson County is currently zoned as RLIC. As developers or landowners may still want the increased options offered by RLIC, it will be the Planning Commission's and County Commission's responsibility to discourage or restrict rezoning to RLIC, as well as ensuring that Residential Commercial and other alternatives are known to landowners.
2. Based on the direction provided by the Planning Commission, both proposed text amendments for the Subdivision Regulations and Zoning Ordinance are processing concurrently, which will lead to both Public Hearings at the same Planning Commission meeting.

Attached changes to STA – Page 25-26, 37

Attached pages of ZTA – Page 6, 53, 73, 90-91, 130, 132, 134-137

Section 4B.7	Wireless Telecommunication Towers <sup>35</sup>	65
Section 4B.8	Maintenance & Removal Bonds	70
Section 4B.9	Abandonment & Removal	71
ARTICLE 5:	DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS	73
Section 5.1	Establishment of Districts <sup>1</sup>	73
Section 5.2	Boundaries of Districts	73
Section 5.3	District Maps	73
Section 5.4	Residential Growth (RG) District	73
Section 5.5	Reserved <sup>23</sup>	75
Section 5.6	Industrial - Commercial (IC) District <sup>23, 32</sup>	75
Section 5.7	Rural (R) District <sup>23, 32</sup>	76
Section 5.8	Residential-Light Industrial-Commercial (R-LI-C) District <sup>1</sup>	79
Section 5.9	<del>Reserved<sup>23</sup></del> Residential Commercial (RC) District	80
Section 5.10	Village (V) District <sup>8, 23, 32, 35</sup>	81
Section 5.11	Neighborhood Commercial (NC) District <sup>27, 32</sup>	82
Section 5.12	General Commercial (GC) District <sup>27, 32</sup>	84
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2. Uses permitted within the Protection Radius include Residential Uses as listed in Appendix C, barns, and residential accessory structures as defined by this Ordinance. Existing structures (which existed prior to the adoption of this text amendment) within the protection radius may be converted to a non-residential use in accordance with Appendices B & C and shall comply with applicable district regulations as required by Article 5.

H. A commercial use (not including parking) located in the Residential Commercial District shall be located at least 50 feet from a land use identified in Section 4.6B.1-3. The Planning Commission may waive this requirement for developments proposing a mix of residential and commercial land uses.

#### **Section 4.7 Essential Utility Equipment**

Essential utility equipment, as defined in Section 2.2, shall be permitted in any district, as authorized and regulated by law and ordinances of Jefferson County, it being the intention hereof to exempt such essential utility equipment from the application of this Ordinance. Wireless telecommunication towers, however, shall conform to the requirements of Article 4B.<sup>7, 22</sup>

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this Ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within 35 feet of the intersection of the two street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements<sup>39</sup>**

- A. Submittal and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23, 26</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. Site Plan submittal is not required for any Agricultural Use defined in Article 2. Agricultural Uses which are open to the public (Agricultural Special Event Facility, Farm Market, etc.) established on parcels of less than 20 acres shall process a Concept Plan in accordance with the Subdivision and Land Development Regulations.
- D. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- E. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

Buffer yard requirements are as shown in Appendix A and B of this Ordinance, and are summarized in this section.<sup>27</sup>

- A. Commercial Development<sup>27</sup>
  1. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a 50 foot or greater unscreened green space

**ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES;  
DISTRICT REGULATIONS**

**Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

RG	Residential Growth District
I-C	Industrial-Commercial District
R	Rural (Agricultural) District
R-LI-C	Residential-Light Industrial-Commercial District
V	Village District <sup>23</sup>
NC	Neighborhood Commercial <sup>27</sup>
GC	General Commercial <sup>27</sup>
HC	Highway Commercial <sup>27</sup>
LI	Light Industrial <sup>27</sup>
MI	Major Industrial <sup>27</sup>
PND	Planned Neighborhood Development <sup>27</sup>
OC	Office / Commercial Mixed-Use <sup>27</sup>
<u>RC</u>	<u>Residential Commercial</u>

**Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

**Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

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

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district

## B. Standards<sup>23</sup>

1. Industrial uses permitted in this district shall be of types that require daily water use of no more than 0.25 gallons per gross square feet of floor space.
2. Light industrial and commercial uses are subject to the standards for such uses in Article 8 of this Ordinance.<sup>23, 27</sup>
3. Impervious surface coverage shall not exceed eighty (80) percent of the gross land area.<sup>27</sup>

## C. Site Development Standards<sup>23, 27, 40</sup>

1. All sections of this Ordinance applying to the Residential Growth District with the exception of Section 5.4A will apply to residential uses in this District.<sup>27</sup>
2. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. All commercial or industrial uses must be in compliance the requirements for such use in Article 8. In addition, a site plan, if required, must demonstrate that traffic patterns created by Commercial or Light Industrial uses (1) will not use adjacent residential roads for through traffic and (2) will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5, 7, 23, 27</sup>
3. Proposed uses in this zone are exempt from the distance requirements in Sections 4.6A-B if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7, 27</sup>

## Section 5.9 **Reserved<sup>23</sup>** Residential Commercial (RC) District

### A. Purpose

The purpose of this district is to permit varied residential uses, including detached single-family residences and higher-density mixed-use buildings, in the same areas as low- to medium-intensity commercial uses, where the commercial uses are appropriate in scale, designed and landscaped or buffered in a way that ensures compatibility with neighboring land uses.

### B. Location

This zoning category is intended for use on properties:

1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use guide; or
2. In locations where the appropriate land use category is designated on the future land use guide (and related text) in the most recently adopted Comprehensive Plan.

### C. Permitted Uses

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

### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.

2. Buffer Requirements and other site development standards are stated in Appendix A for residential use and Appendix B for non-residential uses.
3. For a non-residential use abutting a commercial or industrial use at a side lot line:
  - i. No side yard building setback is required, unless required by Building Code or other law or regulation.
  - ii. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
4. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - i. A rear yard building setback may be reduced to 10 feet
  - ii. Section 4.11A-B does not apply to the rear property line

#### E. Additional Requirements

1. A residential structure having no attached or included commercial use, excluding permitted Home Occupations, shall not exceed 40 feet in height.
2. A non-residential land use in this district may include residential uses on building levels located above the ground floor.
3. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security, which may include isolating residential areas from commercial areas like loading docks.

#### **Section 5.10 Village (V) District**<sup>8, 23, 32, 35</sup>

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries. This district is generally intended to be served with public or private water and sewer facilities based on proposed lot sizes.

Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27</sup>

##### A. Principal Permitted Uses

1. Residential Land Uses
  - a. Refer to Appendix A for site development standards. If applicable, reduced building setbacks may be permitted in accordance with Article 9.
2. Non-Residential Land Uses in Existing Structures
  - a. Building setbacks, parking and drive aisle setbacks, distance requirements, and landscape buffers are not required when a proposed land use is to be located within an existing structure.
  - b. When additional parking for an existing structure is required, a Site Plan shall be submitted. Setbacks shall be as required in Section 5.10A.2(a) with the exception that a four (4) foot screened buffer shall be required along the side and rear property lines. The screening may be either vegetative (existing or planted) or opaque fencing and may be placed anywhere within the four (4) foot buffer. At the time of the planting, vegetation shall be at least six (6) feet in height. No structures, vehicular parking, or stored materials shall be permitted within the side and rear yard buffers.

**APPENDIX A: RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 42</sup>**

Zoning District	Land use	Land Use Subtype	Min Lot Area (MLA) sq. ft. ***	Area per Dwelling Unit (ADU) sq. ft.	Min Lot Width	Max Building Height*	Setbacks				Parking/ Drive Aisle Setbacks	Screened Buffers Sec. 4.11
							Front	Side	Street Side	Rear		
Residential Growth (RG)	Single Family Detached Dwelling	Public/Central water and sewer	6,000	10,000	N/A	40	25	12	15	20	N/A	N/A
		Public/Central water or sewer	20,000	N/A	N/A	"	"	"	"	"		
		No Public/Central water or sewer	40,000	N/A	N/A	"	"	"	"	"		
	Small Lot Single-Family Detached Dwelling	Public/Central water and sewer	3,200	7,500	35	40	20****	5	10	20		
		Public/Central water and sewer	3,200	7,500	N/A	40	25	15**	15	20		
	Duplex Dwelling Unit	Public/Central water or sewer	N/A	10,000	N/A	"	"	"	"	"		
		Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Townhouse Dwelling <sup>42</sup>	Public/Central water and sewer	1,400	3,500	N/A	40	25	12**	15	20		
	Multi-Family Dwelling (See Section 4.12)	Public/Central water and sewer	20,000	2,000	N/A	40	25	12**	15	30	12 side 15 front 15 rear	12 side 15 front 15 rear
		Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 40,000 sq. ft.	N/A	N/A	N/A	40	25	12	‡	12	N/A
30,000 sq. ft. to 40,000 sq. ft.			N/A	N/A	N/A	40	20	10	‡	12		
Under 30,000 sq. ft.	N/A		N/A	N/A	40	20	8	‡	12			
Rural (R) (See Sec. 5.7)	Dwellings		40,000	N/A	100	45	40	15	‡	50	N/A	N/A
	Single-Family Dwelling with setbacks not previously stipulated by Planning Commission	Over 2 acres	N/A	N/A	N/A	45	40	15	‡	50		
		40,000 sq. ft. to 2 acres	N/A	N/A	N/A	45	25	12	‡	12		
		30,000 sq. ft. to 39,999 sq. ft.	N/A	N/A	N/A	45	20	10	‡	12		
		Under 30,000 sq. ft.	N/A	N/A	N/A	45	20	8	‡	12		
	Cluster Subdivision	See RG District										
Village (V)	Residential uses	See RG District										
Residential-Light Industrial-Commercial (RLIC)	Residential uses	See RG District <sup>ϕ</sup>										
Industrial-Commercial (IC)	Residential uses	See Rural setbacks for lots not previously stipulated by the Planning Commission.										
Residential Commercial (RC)	Residential uses	See RG District <sup>ϕ</sup>										
Neighborhood Commercial (NC)	Residential uses	See RG District										
General Commercial (GC)	Residential uses	See RG District										
Highway Commercial (HC)	Residential uses	N/A										
Light Industrial (LI)	Residential uses	N/A										
Major Industrial (MI)	Residential uses	N/A										
Office / Commercial Mixed Use (OC)	Residential uses	See RG District										
Planned Neighborhood Development (PND)	Residential uses	See RG District. Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).										

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

For all lots approved prior to Sept. 1, 1989, lots under 40,000 sq. ft. side & rear setbacks for residential accessory structures shall be 6'. NOTE: In RG district side & rear setbacks for accessory structures under 144 sq. ft. shall be 6'.

See Article 8 of the Zoning and Land Development Ordinance for building setbacks for certain land uses.

All dimensions are in feet unless otherwise indicated.

ϕ In the RC, RLIC and RG districts, townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse may be reduced to 10', if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

‡ See setback requirements noted in Sec. 2.2, definition of "Lot, Corner."

\* Maximum height subject to Section 9.2

\*\* Exterior side only.

\*\*\* The balance square footage between the ADU and the MLA shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.

\*\*\*\* The front setback for a Small lot single-family detached dwelling may be reduced to 10' if the front yard does not contain a driveway.

**APPENDIX B: NON RESIDENTIAL SITE DEVELOPMENT STANDARDS TABLE<sup>27, 32, 35</sup>**

Zoning District	Development Type <sup>⓪</sup>	Min Lot Area (MLA)	Min Lot Width	Max Building Height*	Imper-vious Surface Limit	Building Setbacks		Parking/ Drive Aisle Setbacks			Buffers (Sec. 4.11) (Screened / Unscreened) Adjacent Use							
											A Residential district, or any lot with a residence, school, church, or institution of human care (Distance per Sec. 4.6)			Commercial Use		Industrial Use		
											Distance Front Side Rear	Front	Side & Rear	Front	Side & Rear	Front	Side & Rear	
Industrial – Commercial (IC)**	Commercial sites 1.5 acres and smaller	N/A	N/A	75	80%	25			15	4	4	75	Street Trees	Narrow Buffer Detail No. M-54	N/A	10(S)	N/A	10(S)
	Commercial sites greater than 1.5 acres	N/A	N/A	75	80%	25			15	10	10	75	Street Trees	Medium Buffer Detail No M-53	N/A	10(S)	N/A	10(S)
	Industrial	3 ac***	N/A	75	90%	50 or 25 if adjacent to Industrial Use			25 or 20 if adjacent to Industrial Use			200	Street Trees	Wide Buffer Detail No. M-52	25(S)	20(S)	N/A	20(S)
Residential-Light Industrial-Commercial (RLIC)	Commercial or Industrial	N/A	N/A	75	80%	See IC District												
Rural (R)	Churches	2 acres	200	45	N/A	25	50	50	See IC District for commercial sites			N/A	50(U) or 15 (S)		N/A	10(S)	N/A	10(S)
	Schools, Grades K-12	K-4: 10 ac+ 5-8: 20 ac+ 9-12: 30 ac+	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Hospitals	10 ac	500	45	N/A	100						N/A	N/A		N/A	N/A	N/A	N/A
	Other Rural principal permitted uses	40,000	100	45	N/A	40	50	50				N/A	See I-C District for commercial or industrial use; Otherwise, N/A					
	Commercial or Industrial**	See IC District																
Village (V)	Commercial <sup>‡</sup>	N/A	N/A	35	N/A	25	10	40	See IC District									
	Industrial**	See IC District			35	See IC District												
Residential Growth (RG)	Commercial or Industrial**	See IC District			35	See IC District												
Neighborhood Commercial (NC)	Commercial	N/A	N/A	35	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>	See I-C District		25	See IC District						
Residential Commercial (RC)	Commercial	N/A	N/A	45	70%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>	See I-C District		50	See I-C District						
General Commercial (GC)	Commercial	N/A	N/A	75	80%	20	10	25	See IC District									
Highway Commercial (HC)	Commercial	N/A	N/A	75	80%	25	25	25										
Light Industrial (LI)	Commercial or Industrial	N/A	N/A	75	80%	25	25	25										
Major Industrial (MI)	Commercial	N/A	N/A	75	90%	25	10	50										
	Industrial	3 ac***	N/A	75	90%	25	50	50										
Office/Commercial Mixed Use (OC)	Commercial	N/A	N/A	75	80%	15 min 25 max	10 <sup>£</sup>	10 <sup>⓪</sup>										
Planned Neighborhood Development (PND)	Commercial	3 acres	See GC District Note: Planning Commission may amend development standards for developments in the PND District (see Article 5).															

The requirements in this table are in addition to any other applicable requirements in the text of this Ordinance. In the event of a conflict with the text, this table shall prevail.

All dimensions are in feet unless otherwise indicated by "ac" (acres).

\* Maximum building height is subject to Sec. 9.2.

\*\* If land use(s) approved via the Conditional Use process in accordance with this Ordinance.

\*\*\* MLA for Industrial uses does not apply if the site is located in an approved Industrial Park [Source: Sec. 5.6E]

\*\*\*\* Schools in Rural district: Plus one (1) additional acre for every 100 pupils. Minimum lot size for Vocational Schools shall be based on State of West Virginia Code. If a sewer treatment plant and retention ponds are required, acreage shall be increased accordingly.

‡ Non-Residential Site Development in an existing structure in the Village District shall comply with Section 5.10A.2.

‡ Setback may be reduced if adjacent to industrial use.

⓪ For an industrial use, no structures, stored materials, or vehicular parking shall be permitted within the buffer yard. For a commercial use, no structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers.

⓪ A rear yard setback may be reduced to 10' for a non-residential use abutting a commercial or industrial use at a rear lot line

⓪ Churches in any district: (1) are treated as a commercial use on a lot of greater than 1.5 acres in determining buffer requirements and parking/drive aisle setbacks; (2) building setbacks are 25' (front) and 50' (side/rear); and (3) distance requirements do not apply.

£ For a non-residential use abutting a commercial or industrial use, no side yard setback is required, unless required by Building Code or other law or regulation.

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	<u>RC</u>	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>														
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	<u>P</u>	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	<u>CU</u>	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	<u>P</u>	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	<u>NP</u>	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>														
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	<u>P</u>	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	<u>P</u>	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>														
Airport	NP	NP	NP	P	P	NP	NP	<u>NP</u>	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	<u>P</u>	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	<u>P</u>	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	<u>P</u>	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	<u>P</u>	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	<u>NP</u>	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	<u>P</u>	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	<u>NP</u>	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	<u>P</u>	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	<u>P</u>	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	<u>P</u>	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	<u>P</u>	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	<u>CU</u>	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	<u>P</u>	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	<u>P</u>	P	P	P	NP	NP	
<b>Land Use</b>														
	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	<u>RC</u>	R	RG	RLIC	IC	V	Additional Standards
<b>Industrial</b>														
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	<u>NP</u>	NP	NP	NP	P	NP	Sec. 8.9

Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	<a href="#">NP</a>	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	<a href="#">NP</a>	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	<a href="#">NP</a>	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	<a href="#">NP</a>	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	<a href="#">NP</a>	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	<a href="#">NP</a>	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	<a href="#">NP</a>	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	<a href="#">NP</a>	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	<a href="#">NP</a>	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	<a href="#">NP</a>	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	<a href="#">NP</a>	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>														<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	<a href="#">NP</a>	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>														
Adult Uses	NP	NP	NP	NP	NP	NP	NP	<a href="#">NP</a>	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>														
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	<a href="#">NP</a>	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>														<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	<a href="#">P</a>	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	<a href="#">P</a>	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	<a href="#">P</a>	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	<a href="#">P</a>	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	<a href="#">CU</a>	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	<a href="#">CU</a>	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	<a href="#">CU</a>	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	<a href="#">CU</a>	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	<a href="#">NP</a>	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	<a href="#">P</a>	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	<a href="#">CU</a>	CU	CU	P	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b><a href="#">RC</a></b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>														<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	<a href="#">CU</a>	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	<a href="#">P</a>	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	<a href="#">P</a>	P	CU	P	NP	P	Sec. 8.3
Brewpub	P	P	P	P	NP	P	P	<a href="#">CU</a>	CU	CU	P	P	CU	Sec. 8.5

Business Equipment Sales and Service	CU	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	<u>NP</u>	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	<u>NP</u>	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	<u>CU</u>	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	<u>NP</u>	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	<u>CU</u>	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	<u>NP</u>	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	<u>CU</u>	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	<u>P</u>	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	<u>NP</u>	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	<u>CU</u>	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	NP	<u>P</u>	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	<u>NP</u>	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	<u>P</u>	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	<u>NP</u>	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	<u>NP</u>	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	<u>CU</u>	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	<u>CU</u>	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	<u>CU</u>	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	<u>CU</u>	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	<u>CU</u>	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	<u>CU</u>	CU	CU	CU	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b><u>RC</u></b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>														<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	P	<u>CU</u>	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	NP	<u>P</u>	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	<u>P</u>	CU	CU	P	P	CU	
Retail Store, Large	NP	CU	P	CU	NP	CU	NP	<u>CU</u>	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	<u>P</u>	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	<u>P</u>	P	P	P	NP	P	Sec. 8.16

Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	See Section 8.20					NP	Sec. 8.20
Special Event Facility	P	P	P	P	NP	P	P	<a href="#">CU</a>	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	<a href="#">CU</a>	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	<a href="#">P</a>	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>														
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	<a href="#">NP</a>	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	<a href="#">CU</a>	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	<a href="#">P</a>	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	<a href="#">CU</a>	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	<a href="#">P</a>	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	<a href="#">P</a>	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	<a href="#">NP</a>	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>														
Accessory Uses	P	P	P	P	P	P	P	<a href="#">P</a>	P	P	P	P	P	

NC Neighborhood Commercial  
GC General Commercial  
HC Highway Commercial  
[RC Residential Commercial](#)  
LI Light Industrial  
MI Major Industrial  
PND Planned Neighborhood Development

OC Office / Commercial Mixed-Use  
R Rural  
RG Residential Growth District  
RLIC Residential-Light Industrial-Commercial District  
IC Industrial-Commercial District  
V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

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





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

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

Phone: 304-728-3228

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**MEMORANDUM**

TO: Jefferson County Planning Commission  
FROM: Luke Seigfried, Chief County Planner; and Charles Cain, Planning Intern  
DATE: September 9, 2025  
RE: Draft Zoning Ordinance Amendment – Proposed Office Commercial District Updates (File # ZTA25-05)

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**Background**

Jefferson County Zoning Ordinance currently contains the Residential – Light Industrial – Commercial (RLIC) district, which allows a broad range of uses and is one of few alternatives for many developments with commercial land use. The proposed amendments to the Office Commercial District is intended as an alternative to RLIC. The amendment was introduced at the June 10, 2025 meeting alongside the proposed Residential Commercial District (File # STA25-04 & ZTA 25-04) but rescheduled to the August 12, 2025 meeting, where the Planning Commission expressed interest in processing the three Zoning District Text Amendments separately. The following proposal is for an update to the Office Commercial portion of the Zoning Ordinance and its connectivity to the Subdivision Regulations.

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**Sections of Zoning Ordinance to Amend**

1. Section 5.17 Office / Commercial (OC) Mixed-Use
2. Appendix C: Permitted and Conditional Uses Table

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**Next steps**

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

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**Attached Documents and Information**

1. Research for and amendments to the Office Commercial district.
2. Descriptions of changes to the Zoning Ordinance and their alignment with the 2045 Comprehensive Plan.
3. An updated draft of amendments to the zoning ordinance.

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**Research and Details about Residential Commercial and Office / Commercial Mixed Use**

**1. Amendments to Office / Commercial (OC) Mixed-Use District**

The name of the district, **Office / Commercial (OC) Mixed-Use District** is confusing; its stated primary purpose is to provide “employment centers”, but is also called “mixed-use” and does allow a few mixed uses.

Amendments made to Office Commercial were done in the intent of pushing the district toward “mixed-use” and less toward “office / commercial” because Jefferson County will likely benefit more from and see more demand for mixed-use dense development in the future rather than office building developments.

Given the size of towns in Jefferson County and their general rural character, this district may be better suited to incorporate more residential use and less office and higher-intensity commercial space. A general issue pertaining to mixed uses are the standards for interaction between different uses. Specific buffer requirements and other requirements for design depend on which uses of land abut which other uses of land. These concerns are addressed in Section 5.17D Site Development Standards and 5.17E Additional Requirements in the Zoning Ordinance.

Amendments to Office Commercial (OC) district are intended to provide another option for residential, commercial and office space in mixed-use developments. Washington County, MD has another mixed use overlay, Mixed-Use Employment (MXE), which is permitted to overlay onto local business districts, industrial parks and ORT (office parks, health centers, and university research offices). MXC does not allow employment space, but MXE mandates a lot of it, meaning it is not well-aligned with the kind of development Jefferson County has right now. The OC district’s balance of residential, commercial and employment use is somewhere between the previously mentioned MXC overlay and MXE. To find this balance, the requirements for the Transition Community Center (TCC) from Loudoun County, VA’s Zoning Ordinance can be used. “Transition” zones in Loudoun County mean districts sitting between rural and suburban districts. Table 02.03.04-1 in the TCC description allows the following mix of uses: 0-30% residential or mixed, 65%-96% non-residential, and minimum 4% institutional (p. 86). These percentages indicate that the current OC requirements are strict and thus have been lowered from 75% to 65% non-residential, and 50% to 35% office use.

## **2. Alignment with 2045 Comprehensive Plan**

The further is justified by Objective 1.1.3 which establishes the need for a district with residential and commercial land uses. Planned Neighborhood Development and Office Commercial Mixed-Use, which allow mixed-use development and both residential and commercial uses, are less than 1% of land in Jefferson County. RLIC is 2% of land in Jefferson County.

More permissible requirements for developments and more encouragement of mixed-use structures and residences can ensure that land in Office Commercial is truly mixed-use and not a combination of land uses next to each other. This means Office Commercial will help realize the intent of Objective 1.1.3. Since this and Residential Commercial are two districts that can support multiple uses, re-zonings will eventually accomplish Objective 1.2.1, avoiding future use of RLIC.

For the Office / Commercial (OC) Mixed-Use District, amendments can bring this district closer to helping accomplish Objective 1.1.3, as the district has not yet been used. The Comprehensive Plan establishes a timeline of 1-2 years to create these zoning districts. That is achievable, but a rezoning to the OC district is unlikely to happen in the same timeline because it is intended for dense, urban land uses and much of the County is suburban or rural. This fact gives Staff and the Planning Commission additional time to consider changes to OC.

## **References**

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Clarke County, VA, Code of Clarke County Chapter 200, Article I §4.1.3 (2025).

Frederick County, VA County Code Part II §165-705 (2023).

Loudoun County, VA Zoning Ordinance, Chapter 2, §2.03.04 (2023).

Majors, C., Hill, J. R., Stewart, C., & Tovey, J. D. Planned Unit Developments and Overlay Zoning.

Newburn, D. A., & Berck, P. (2006). Modeling Suburban and Rural-Residential development beyond the urban fringe. *Land Economics*, 82(4), 481–499. <https://doi.org/10.3368/le.82.4.481>

Núñez, L. (2021). *Commercial corridor redevelopment Strategies*.

Shenandoah County, VA, County Code Part II §165-12.1 (2023).

Washington County, MD, Zoning Ordinance §16 (2018).

## **Description of Changes to Zoning Ordinance**

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### **1. Section 5.17 – Office / Commercial Mixed-Use**

The purpose statement has changed to clarify district is more of a mixed-use district rather than one focused on office buildings and employment centers. Another statement added is to prioritize pedestrians in developments. The reduced parking requirements (already in the ordinance) provide support for this idea. A statement prioritizing resident security and comfort has been added about mixed-use buildings.

The minimum percentage of non-residential use and of office use have been reduced from 75 to 65 and from 50 to 35 percent, respectively.

### **2. Appendix C: Permitted and Conditional Uses Table**

Revision of what uses are permitted, not permitted, or a conditional use in the Office Commercial District

## **Additional Notes**

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1. Although new mixed-use or commercial options may exist in the future, the RLIC zoning district still allows more land uses than the updated Office Commercial district and cannot be removed as around 2% of Jefferson County is currently zoned as RLIC. As developers or landowners may still want the increased options offered by RLIC, it will be the Planning Commission's and County Commission's responsibility to discourage or restrict rezoning to RLIC, as well as ensuring that Office Commercial and other alternatives are known to landowners.
2. Based on the direction provided by the Planning Commission, both proposed text amendments for the Subdivision Regulations and Zoning Ordinance are processing concurrently, which will lead to both Public Hearings at the same Planning Commission meeting.
3. The Rural Residential District amendments (File # STA 25-03 & ZTA25-03) being further along in the process than Residential Commercial may result in changes to some sections that are relevant to Residential Commercial amendments, before Residential Commercial is finalized. These changes will be reflected in future Planning Commission meetings and public hearings depending on whether or not the Rural Residential amendments pass.

- ii. Approval of the Preliminary PND Plan;
  - iii. Approval of any modifications to the Subdivision and Land Development Regulations and the Zoning Ordinance; such modifications being associated with the Preliminary PND Plan; and
  - iv. Establishment of any conditions of approval applied by the County Commission.
4. If a request to amend the zoning map designation of a tract to a PND district is approved, the applicant may submit applications for the development of the property as a PND development.
- a. Compliance with Other Ordinances. With the exception of any modifications granted by the County Commission, all applicable requirements of the Zoning Ordinance, the Subdivision and Land Development Regulations, and all other County ordinances must be met, including but not limited to any applicable site plan and subdivision requirements.
  - b. Consistency with Preliminary PND Plan. All applications submitted for the site must be consistent with the requirements of the approved Preliminary PND Plan and shall clearly state any modifications granted.
  - c. Any modifications to the Zoning Ordinance or the Subdivision and Land Development Regulations approved by the County Commission are associated with and indivisible from the approved Preliminary PND Plan.
5. Amendment. Minor changes to a Preliminary PND Plan may be reviewed and approved administratively if the Office of Planning and Zoning determines that such changes are consistent with the purpose and general character of the Preliminary PND Plan. An applicant's request for revisions determined substantive by Staff shall follow the approval process for a Preliminary PND Plan as described in this Article. Substantive changes include but not are limited to changes that would exceed one or more of the percentages noted in a-c below.
- a. A change in total square footage of the development by  $\pm 10\%$
  - b. A change in the area of any land use by  $\pm 10\%$
  - c. A change in the residential density by  $\pm 5\%$

**Section 5.17 Office / Commercial (OC) Mixed-Use District<sup>27, 32</sup>**

- A. Purpose. The purpose of the OC district is to allow for well-designed employment centers in conjunction with providing multiple options for dense residential uses and some commercial uses. Developments in the OC district contain a mix of land uses, primarily oriented to commercial and office uses but also allowing multi-family and attached single-family residential uses. Developments are oriented to principal streets, contain substantial public space and streetscaping, allow for and prioritize pedestrian movement within the site and between adjacent sites, and meet the design standards provided for this district.
- B. Location. This zoning category is intended for use on properties:
  - 1. In the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or
  - 2. In locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan.
- C. Permitted Uses
  - 1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.

2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>32</sup>

#### D. Site Development Standards

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance.
2. For a non-residential use abutting a commercial or industrial use at a side lot line:
  - a. No side yard building setback is required, unless required by the Building Code or other law or regulation.
  - b. Section 4.11A-B does not apply to the side property line that abuts a commercial or industrial use.
3. For a non-residential use abutting a commercial or industrial use at a rear lot line:
  - a. A rear yard building setback may be reduced to 10 feet.
  - b. Section 4.11.A-B does not apply to the rear property line.
4. Section 4.11.A-C does not apply to the front lot property line.
5. Vehicular parking requirements shall be 80% of the required number of parking spaces indicated in Article 11 of this Ordinance.
6. On-street vehicular parking spaces located within 100 feet of the property where the development is located may compose up to 50% of the number of required parking spaces indicated in Article 11 of this Ordinance.

#### E. Additional Requirements

1. Of the gross floor area of land uses in a development in this district, at least ~~75%~~65% shall be non-residential uses, and at least ~~50%~~35% shall be office uses.
2. Buildings fronting a principal street must be at least 2 stories in height.
3. For buildings containing a non-residential use, a minimum of 75% of the total gross floor area located on the ground floor of buildings in a development in this district shall be composed of non-residential space.
4. Where mixed-use buildings are planned, appropriate measures should be taken to prioritize resident security and comfort, which may include isolating residential areas from areas like commercial loading docks.
5. Any off-street parking shall be located in the rear or on the side of buildings and may not be located between a street and the front façade of a building.
6. For new development or the substantial redevelopment of an existing site, a fifteen-foot-wide pedestrian zone is required, consisting of a ten-foot-wide landscaped buffer yard measured from the edge of the right-of-way (or from the back of the adjacent street curb) and five-foot-wide sidewalks. If the Comprehensive Plan or the Subdivision and Land Development Regulations identify the property location as appropriate for a trail in lieu of a sidewalk, a trail may be installed.
7. One bicycle parking space shall be provided for each ten vehicular parking spaces. Said bicycle spaces shall not be located within the required sidewalk or in a manner that impedes pedestrian access to the building and may be located within the landscape buffer area provided that it occupies

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards
<b>Residential Uses</b>													
Accessory Agricultural Dwelling Unit	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.15
Dwelling, Single Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Single Family, Small Lot	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Two Family	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	
Dwelling, Duplex	CU	NP	NP	NP	NP	P	NP	NP	P	P	NP	P	
Dwelling, Townhouse	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Dwelling, Multi-Family	CU	NP	NP	NP	NP	P	P	NP	P	P	NP	CU	
Day Care Center, Small	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	
In-Law Suite	NP	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.15
Mixed Use Building	P	NP	NP	NP	NP	P	P	NP	CU	P	NP	P	
Mobile Home Park	NP	NP	NP	NP	NP	NP	NP	NP	P	P	NP	NP	
Model Homes/Sales Office	P	CU	NP	NP	NP	P	NP	P	P	P	NP	NP	Sec. 8.10
<b>Home Uses</b>													
Home Occupation, Level 1	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Home Occupation, Level 2	P	NP	NP	NP	NP	P	P	P	P	P	P	P	Art. 4A
Cottage Industry	P	NP	NP	NP	NP	P	NP	P	P	P	P	P	Art. 4A
<b>Institutional Uses</b>													
Airport	NP	NP	NP	P	P	NP	NP	CU	NP	CU	CU	NP	
Airfield, Private/Helipad	NP	NP	NP	NP	NP	NP	NP	CU	NP	CU	CU	NP	
Church <sup>38</sup>	P	P	P	P	CU	P	P	P	P	P	CU	P	
Convention Center	NP	P	P	P	CU	P	P	CU	CU	P	CU	NP	
Cultural Facility	P	P	P	P	CU	P	P	P	P	P	P	P	
Day Care Center, Large	P	P	P	P	CU	P	P	CU	P	P	P	CU	
Electric Vehicle Charging Station	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Elementary or Secondary School	P	P	CU	CU	NP	P	P	P	P	P	NP	CU	
Essential Utility Equipment	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 4.7
Group Residential Facility	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Group Residential Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
Heliport	NP	CU	CU	P	P	CU	CU	NP	NP	CU	CU	NP	
Hospital	NP	P	P	P	CU	P	P	P	P	P	NP	NP	
Nature Center and Preserve	NP	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	
Nursing or Retirement Home	CU	P	P	P	NP	P	P	CU	P	P	NP	CU	
Park	P	P	P	P	NP	P	P	P	P	P	NP	P	
Performing Arts Theater	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Preschool	P	P	CU	CU	CU	P	P	P	P	P	NP	CU	
Public Safety Facility	P	P	P	P	P	P	P	P	P	P	P	P	
Publicly Owned Facility	P	P	P	P	P	P	P	P	P	P	P	CU	
Recycling Drop-Off Center	CU	P	P	P	P	P	P	NP	NP	P	P	NP	
Residential Care Home	P	P	P	NP	NP	P	CU	P	P	P	NP	P	
School, College or University	NP	P	P	P	NP	P	P	CU	CU	P	NP	NP	
School, Vocational or Professional	NP	P	P	P	NP	P	P	CU	CU	P	P	NP	
Vocational and Training Facility for Adults	P	P	P	P	P	P	P	P	P	P	NP	NP	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Industrial</b>													Sec. 8.9
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP	

Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	** NP	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP	
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP	
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP	
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP	
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP	
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP	
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP	
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP	
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11
<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													<b>Sec. 8.9</b>
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	<sup>P</sup> <u>CU</u>	CU	CU	P	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	CU	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Bed and Breakfast	P	NP	NP	NP	NP	P	NP	P	CU	P	NP	P	Sec. 8.3

Brewpub	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.5
Business Equipment Sales and Service	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	
Building Maintenance Services	CU	P	P	P	P	P	P	CU	CU	P	P	CU	
Building Materials and Supplies	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Campground <sup>31</sup>	CU	P	NP	NP	NP	P	NP	P	CU	P	P	CU	Sec. 8.17
Car Wash	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Commercial Blood Plasma Center	NP	P	P	P	NP	CU	CU	CU	CU	CU	P	CU	
Commercial Uses	NP	NP	NP	NP	NP	NP	NP	NP	**	P	P	CU	Sec. 8.9
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Contractor with Outdoor Storage	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Convenience Store	CU	P	P	P	CU	P	NP	CU	CU	CU	P	CU	Sec. 5.8C (RLIC only)
Convenience Store, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Country Inn	P	P	P	P	NP	P	P	CU	CU	P	P	P	
Crematorium, Pet <sup>37</sup>	NP	P	NP	P	NP	NP	NP	P	NP	P	P	CU	Sec. 8.19
Custom Manufacturing	P	P	P	P	P	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Dry cleaning and Laundry Facility	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Equipment Rental, Sales, or Service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Exterminating Services	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Florist	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Food Preparation	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gambling Facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	CU	Sec. 4.4G
Gas Station	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Gas Station, Large	NP	CU	P	P	CU	CU	CU	CU	CU	P	P	CU	
Gas Station, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Golf Course	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Grocery Store	P	P	P	P	CU	P	<del>NP</del> <u>P</u>	CU	CU	P	P	CU	
Horse Racing Facility	NP	NP	NP	P	NP	NP	NP	CU	CU	P	P	CU	
Hotel/Motel	NP	P	P	P	NP	P	P	CU	CU	P	P	CU	
Kennel	NP	P	P	P	CU	P	P	P	CU	P	P	CU	Sec. 8.4
Medical/Dental/Optical Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Medical/Dental/Optical Office	NP	P	P	P	CU	P	P	CU	CU	P	P	CU	
Mobile Home, Boat and Trailer Sales	NP	P	P	P	CU	P	NP	CU	CU	CU	P	CU	
Movie Theater	NP	P	P	P	NP	P	<del>NP</del> <u>CU</u>	CU	CU	P	P	CU	
Nightclub	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Non-Profit Community Centers	P	P	P	P	CU	P	CU	P	CU	P	P	CU	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	CU	CU	P	P	CU	
Pawn Shop Services	NP	P	P	P	NP	P	NP	CU	CU	P	P	CU	
Personal Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Professional Office, Small	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Restaurant	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Restaurant, Fast Food	CU	P	P	P	CU	P	P	CU	CU	CU	P	CU	
<b>Land Use</b>	<b>NC</b>	<b>GC</b>	<b>HC</b>	<b>LI</b>	<b>MI</b>	<b>PND<sup>1</sup></b>	<b>OC</b>	<b>R</b>	<b>RG</b>	<b>RLIC</b>	<b>IC</b>	<b>V</b>	<b>Additional Standards</b>
<b>Commercial Uses continued</b>													<b>Sec. 8.9</b>
Restaurant, Fast Food, Drive-Through <sup>40</sup>	NP	P	P	P	CU	CU	<del>P</del> <u>CU</u>	CU	CU	P	P	CU	
Restaurant, Fast Food, Limited	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Retail Sales and Services, General	NP	P	P	P	NP	P	<del>NP</del> <u>CU</u>	CU	CU	P	P	CU	
Retail Sales Limited	P	P	P	P	NP	P	P	CU	CU	P	P	CU	

Retail Store, Large	NP	CU	P	CU	NP	CU	NP	CU	CU	CU	CU	CU	
Shipping and Mailing Services	P	P	P	P	CU	P	P	CU	CU	P	P	CU	
Short Term Rental <sup>41</sup>	CU	NP	NP	NP	NP	P	NP	P	P	P	NP	P	Sec. 8.16
Solar Energy Facility <sup>43</sup>	NP	See Section 8.20				NP	NP	NP	Sec. 8.20				
Special Event Facility	P	P	P	P	NP	P	P	CU	CU	P	P	CU	Sec. 8.14
Storage, Commercial	NP	P	P	P	CU	P	NP	CU	CU	P	P	CU	
Veterinary Services	P	P	P	P	CU	P	P	P	CU	P	P	CU	
Wireless Telecommunications Facilities	P	P	P	P	P	P	P	P	P	P	P	P	Art. 4B
<b>Agricultural Uses*</b>													
Agricultural Uses, as defined in Article 2	P	P	P	P	P	P	P	P	P	P	P	P	
Agricultural Repair Center	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Agricultural Tourism	P	P	P	P	P	P	P	P	P	P	P	P	
Crematorium, Livestock <sup>37</sup>	CU	CU	CU	CU	CU	CU	CU	P	CU	CU	CU	CU	Sec. 8.19
Farm Brewery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Winery or Distillery	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.5
Farm Market	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.6
Farmer's Market	P	P	P	NP	NP	P	NP	P	CU	P	NP	CU	Sec. 8.6
Farm Vacation Enterprise	P	P	P	P	P	P	P	P	P	P	P	P	
Feed and/or Farm Supply Center	CU	P	P	P	P	P	P	P	CU	P	P	NP	
Horticultural Nurseries and Commercial Greenhouses	P	P	P	P	P	P	P	P	CU	P	P	NP	
Landscaping Business	P	P	P	P	P	P	P	P	CU	P	P	NP	
Rental of Existing Farm Building for Commercial Storage Structure must have existed for 5 years	NP	P	P	P	P	P	P	P	CU	P	P	NP	
Special Event Facility, Agricultural	P	P	P	P	P	P	P	P	P	P	P	P	Sec. 8.14
<b>Accessory Uses</b>													
Accessory Uses	P	P	P	P	P	P	P	P	P	P	P	P	

NC Neighborhood Commercial

OC Office / Commercial Mixed-Use

GC General Commercial

R Rural

HC Highway Commercial

RG Residential Growth District

LI Light Industrial

RLIC Residential-Light Industrial-Commercial District

MI Major Industrial

IC Industrial-Commercial District

PND Planned Neighborhood Development

V Village District

P Permitted Uses

NP Not Permitted Uses

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

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

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

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





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

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

Phone: (304) 728-3228

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**MEMO**

**TO: Planning Commission**  
**FROM: Andy Beall, Zoning Administrator**  
**DATE: September 9, 2025**  
**RE: Solar Energy Facility Text Amendment**

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The 6-year history of the development of the current Solar Energy Facility language found in Section 8.20 of the Jefferson County Zoning and Land Development Ordinance is detailed in the following pages. In April 2025, Planning Commissioner Hayes presented a draft of a proposed text amendment which restricts the districts in which solar energy facilities would be permitted, requires submittal of a site plan, and increases setbacks, buffers, and landscaping. The County Commission had previously expressed concern about the quality and quantity of Solar Facilities that have been approved and requested that the Planning Commission review Section 8.20 of the Zoning Ordinance and provide recommended edits based on the projects submitted thus far.

The Planning Commission voted unanimously at their regular meeting on August 12, 2025 to direct staff to further amend Section 8.20 of the Jefferson County Zoning and Land Development Ordinance for the following:

- 1) Restrict Solar Energy Facilities to the Major Industrial, Light Industrial, and Industrial/Commercial zoning districts as principally permitted and the Rural district as a conditional use. The UGB and PGA have been removed as contributing factors.
- 2) Solar Energy Facilities to Process a Major Site Plan Concept Plan.
- 3) Increase Setbacks/Buffers/Landscaping

It should be noted that unless any of the currently approved five Solar Facilities expire, the solar projects that have already obtained approvals under the current regulations would be grandfathered and permitted to continue under the current Zoning Ordinance requirements. Any new regulations or standards adopted in the future would apply only to new proposals.

**Next Steps:**

These amendments will be reviewed by the Planning Commission during a regular meeting. If the Planning Commission chooses to move forward with the proposed text amendment, a public hearing will be required before the Planning Commission. Following a public hearing, the Planning Commission can recommend the amendment to the County Commission or make additional revisions to the amendment prior to recommendation.

**The history of the current Solar Energy Facility language found in  
Section 8.20 of the Jefferson County Zoning and Land Development Ordinance:**

**ZTA19-03:**

- 12-10-19: Landowner petition requesting that the Planning Commission consider a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural Zoning District only as a Conditional Use.
- 02-11-20: The PC appointed a subcommittee and directed the subcommittee to draft a text amendment to allow solar energy facilities as a Principal Permitted Use. The Planning Commission specifically directed the committee to develop requirements to address fencing, screening, and decommissioning of solar energy facilities.
- 06-02-20: PC Public Hearing on ZTA19-03 including language to allow solar energy facilities as a Principal Permitted Use in multiple Zoning Categories and requiring a Concept Plan, Zoning Certificate, Building Permits, and Decommissioning Plan.
- 06-23-20: PC set recommended draft ZTA19-03 text amendment to CC for their consideration.
- 09-11-20: CC Public Hearing on recommended version of ZTA19-03 text amendment.
- 10-01-20: CC approved ZTA19-03 text amendment with an effective date of November 16, 2020.  
[11-14-20 Temporary Restraining Order filed;  
12-10-20 Agreed Order vacating ZTA 19-03 and directing reconsideration by the PC (vacated by vote of the County Commission.)]
- 02-09-21: PC held Public Hearing to received public input on ZTA19-03. The PC closed the hearing and called a special meeting for 02-23-21 to allow additional time to review the written comments submitted.
- 02-23-21: PC determined that allowing solar facilities as a principal permitted use was consistent with the Comprehensive Plan and noted that if there were any conflicts with the Plan, there had been changes of a social nature, which support alternative energy. The PC directed Legal Counsel to draft Findings of Fact and Conclusions of Law for their review during the March meeting.
- 03-09-21: PC made a recommendation to the CC that the proposed text amendment is consistent with the Comp Plan, and noted that if there were any conflicts with the Plan, that there had been changes of a social nature, which support alternative energy.
- 03-18-21: CC received the Planning Commission's recommendation draft ZTA19-03 and scheduled a Public Hearing for April 12, 2021 @ 6:00 PM.
- 04-12-21: CC held PH on ZTA19-03 and voted to approve the text amendment with minor edits based on public input.
- 08-16-21: Judge McLaughlin issued a decision on Civil Case #CC-19-2021-C-33 which overturned Zoning Text Amendment ZTA19-03.

**Envision Jefferson Comprehensive Plan Amendment:**

- 09/02/21: CC directed the PC to develop an amendment to the Comprehensive Plan to clarify that solar facilities be recognized as a principal permitted use throughout the rural and residential zoning districts in accordance with WV Code 8A-3-11.

- Comp Plan Amendment Discussions: 9/28/21 Workshop; 10/5/21 Work Session; 10/12/21 discussion
- 12/7/21: PC Comprehensive Plan Solar Facility Text Amendment Public Hearing
- 12/14/21: PC voted to forward recommended Comp Plan text amendment re: solar facilities in the rural and residential districts to County Commission.
- 02/03/22: CC Comprehensive Plan Solar Facility Text Amendment Public Hearing
- 04/05/22: CC recommended a final revision to the draft amendment to the Envision Jefferson 2035 Comprehensive Plan. Pursuant to State Code, their revised draft was forwarded to the Planning Commission for final approval.
- 04/12/22: PC formally accepted the CC's recommended revisions to the draft amendment, which included the following revision to the Infrastructure and Technology Recommendations on Page 93 of the Comprehensive Plan:
 

“Encourage public entities to utilize alternative and renewable energy sources for a variety of energy needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process (Recommendation 8).”

Following their approval to accept the proposed amendment to the Comprehensive Plan, the Planning Commission directed Staff to revise the previous text amendment to the Zoning Ordinance to incorporate provisions in accordance with the Comprehensive Plan, as amended.

#### **ZTA22-01:**

- 04/19/22: PC Special Meeting to review the draft of the text amendment to the Zoning Ordinance (File ZTA22-01).
- 05/17/22: PC Public Hearing on the draft ZTA22-01.
  - The draft amendment included provisions to allow Solar Energy Facilities to process as a Permitted Use on parcels located within the Urban Growth Boundary and Preferred Growth Area as identified on the Future Land Use Guide in the Envision Jefferson 2035 Comprehensive Plan. The amendment also includes provisions to allow Solar Energy Facilities to process as a Conditional Use on parcels located outside of the Urban Growth Boundary and Preferred Growth Area.
  - ZTA22-01 proposed revisions to Article 2, Section 2.2, Terms Defined; Article 8, Supplemental Use Regulations, [creation of new Section 8.20, Solar Energy Facilities]; and Appendix C, Principal Permitted and Conditional Uses Table.
  - PC recommended the proposed text to the CC for their review and approval.
- 06/09/22: CC Public Hearing on the recommended draft text amendment ZTA22-01. Motion to approve did not pass.
- 06/16/22: CC voted to reconsider ZTA22-01 which was approved as presented at the Public Hearing, effective immediately.

[07/07/23: CC by vote of 2-1 repealed the Solar Energy Facility provisions of the Zoning Ordinance without the required public hearing process.

12/21/23: Moved to rescind action of CC on 7/7/23 regarding the Solar Text Amendment and further requested that the PC review Section 8.20 of the Zoning Ordinance and provide recommended edits based on the projects submitted thus far.]

**ZTA25-02:**

- 08/12/2025: PC directed staff to further amend the Solar Energy Facility ordinance (8.20) to restrict districts in which they are permitted, include the Major Site Plan Concept Plan process, and to increase buffers, setbacks, and landscaping. The following is that amendment:

## Section 8.20 Solar Energy Facilities<sup>43</sup>

Solar Energy Facilities shall process as a Principal Permitted Use in ~~areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan~~ **the Light Industrial (LI), Major Industrial (MI), and Industrial - Commercial (IC) zoning districts.** Solar Energy Facilities shall process as a Conditional Use in ~~areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA)~~ **the Rural (R) zoning district.**

All projects shall process a **Major Site Plan** Concept Plan in accordance with the requirements listed below. ~~under Subsection B.~~ For projects that require processing a Conditional Use Permit, a **Major Site Plan** Concept Plan shall process subsequent to the Board of Zoning Appeals approval.

~~For projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second the phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full buildout of the entire Solar Energy Facility project. A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.~~

### A. Site Plan Required

~~A major Full Site Plan shall be required for all new Solar Energy Facilities, as well as for Major Modifications additions above and beyond the approved Major Site Development to an existing Facility or Accessory Components resulting in a substantial change to the Facility or Accessory Components. In addition to the site plan review requirements of the Subdivision and Land Development Regulations, the site plan shall include all elements of a Concept Plan as established in Subsection B, and shall address conditions established by the Planning Commission in its review of the Concept Plan.~~

### B. Concept Plan Submittal and Public Hearing Required

~~In addition to the requirements for a Major Site ~~plan~~ Development, a proposed Solar Energy Facility shall require the submittal of a Concept Plan, subject to the following requirements:~~

- ~~1. Required elements for a Solar Energy Facility Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Section 1.3A, with the exception of Subsections 20-21, 23, 25-26, 28-29, 31-32.~~
- ~~2. The following additional elements must be submitted:~~
  - ~~a. Outside dimensions, use, and setbacks of all existing and proposed structures, panels, fences, and accessory components.~~
  - ~~b. Fence details if fencing is used as part of or in lieu of screening, including material, height, color, and design.~~
  - ~~c. Height of the proposed solar panels (14' max) measured from ground level to maximum tilt, and height comparison to any nearby buildings or trees, or other applicable structures and natural landforms part of the site's background and foreground landscape.~~

- d. Elevations and Cross-Section: Display topography with all proposed facilities including structures, panels, and accessory components.
  - e. Screening Cross-Sections at the property lines adjacent to residences, roads, and sensitive uses to demonstrate compliance with visual screening requirements.
  - f. Visual Impact Assessment or line-of-sight renderings for properties and roads within 500 feet of the facility boundary.
  - g. Number, size and location of proposed panels and accessory components.
  - h. Buffer Plan showing:
    - i. Location, width, and extent of all required landscape buffers.
    - ii. Species, height, and spacing of proposed vegetation.
    - iii. Existing vegetation is to be preserved and how it contributes to the required screening.
    - iv. Opacity calculations demonstrating 75% opacity at planting and 90% within 2 years.
  - i. Maintenance Plan for landscaping, including irrigation (if applicable), replacement timelines, and responsible parties.
  - j. Locations of known historic structures, districts, and markers within 500' of the proposed site.
  - k. A description of the anticipated construction and installation schedule.
  - l. Narrative addressing the design criteria of this section.
  - m. Propagation maps as required in Subsection G of this Section.
  - n. Any other relevant information.
3. Submittal and review of a ~~Major~~ Full Site Plan with a Concept Plan shall follow the review process and timeline established in Section 24.119 – 24.124 of the Subdivision and Land Development Regulations.

### C. Process for Solar Energy Facilities as a Conditional Use

- 1. Projects which will occur on properties located ~~in the Rural zoning district outside of the UGB/PGA areas as delineated on the Future Land Use Guide~~ shall process a Conditional Use in accordance with Article 6.
- 2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
  - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels **and accessory components** from the external property lines.
  - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
- 3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application

for a **Major Site Plan Development with a** Concept Plan, pursuant to the criteria listed below under subsection D.

D. Process for Solar Energy Facilities as a Principal Permitted Use

1. A **Major Site Plan Development with a** Concept Plan, pursuant to the Major Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; **and must include the following additional details for all Solar Energy Facilities:**~~except that after the Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:~~
  - ~~a. Property or Properties Location;~~
  - ~~b. Access Points;~~
  - ~~c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan; and~~
  - ~~d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."~~
    - a. **Location and dimensions of all proposed solar arrays, structures, fences, and access roads.**
    - b. **Buffer Plan showing:**
      - i. **Location, width, and extent of all required landscape buffers.**
      - ii. **Species, height, and spacing of proposed vegetation.**
      - iii. **Existing vegetation is to be preserved and how it contributes to the required screening.**
      - iv. **Opacity calculations demonstrating 75% opacity at planting and 90% within 2 years.**
    - c. **Screening Cross-Sections at the property lines adjacent to residences, roads, and sensitive uses to demonstrate compliance with visual screening requirements.**
    - d. **Fence details if fencing is used as part of or in lieu of screening, including material, height, color, and design.**
    - e. **Maintenance Plan for landscaping, including irrigation (if applicable), replacement timelines, and responsible parties.**
    - f. **Visual Impact Assessment or line-of-sight renderings for properties and roads within 500 feet of the facility boundary.**

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project.

E. Decommissioning Outline

1. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or

operating plan, and a general plan for removal of the Solar Energy Facility.

2. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
3. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
4. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

F. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.
2. Setbacks
  - a. Solar Panels
    - i. Front, Side, and Rear Setbacks shall be ~~400~~ 300 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
    - ii. The above referenced setback may be decreased to ~~50~~ 150 feet provided it includes an eight foot high opaque buffer within the setback area comprised of three rows of evergreen trees that are at least eight feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
    - iii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.
  - b. Accessory components, excluding solar panels and underground utilities.
    - i. Front, side, and rear setbacks shall be ~~25~~ 150 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
3. Landscaping and Buffer Standards
  - a. ~~Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from the structures/uses herein and is not required to be provided along the entire length of the common property line.~~
  - b. ~~The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used~~

~~in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.~~

~~e. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of section 4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.~~

- a. Solar Panels shall provide a minimum 50-foot-wide vegetative buffer. This buffer shall contain a staggered triple row of native evergreen trees that are a minimum of 8 feet in height at the time of planting and are spaced to provide a minimum 75% visual opacity year-round within two years of installation.
- b. No clear-cutting shall occur within the buffer zone unless specifically approved by the Zoning Administrator. Buffer vegetation shall be located as close as practicable to the solar panels while maintaining long-term survivability and effectiveness. The use of fast-growing species in combination with slower-maturing native trees is encouraged to ensure immediate impact and long-term screening.
- c. An 8-foot-tall opaque fence may be used in lieu of or in addition to vegetative buffering. Fences must be dark-colored, non-reflective, and in compliance with the setbacks provided in Section 8.20F.2.b.i.

#### 4. Maintenance Requirements

- a. A landscape maintenance agreement must be submitted with the Concept Plan and recorded with the property deed. This agreement must outline the property owner's responsibility to inspect, replace, and maintain vegetative buffers to ensure continued compliance.
- b. Dead, diseased, or dying plant material shall be replaced within 60 days of identification, with plantings that meet or exceed the initial installation size and opacity requirements.
- c. Failure to maintain the buffer shall constitute a zoning violation and be subject to enforcement action, including fines and potential suspension of operational permits.

#### 5. Security and Access

- a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten feet.
  - i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.
  - ii. Upon three business days' notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

G. A Zoning Certificate based on an approved Major Site Plan Concept Plan is required prior to

initiating any use regarding Solar Energy Facilities.

In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

#### H. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. ~~Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.~~

#### I. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.
2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.
3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.
4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.
5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or terrain features.
6. Onsite lighting shall be the minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.
7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.
8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.
9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.

11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.
14. Buffer Enforcement: All landscape buffers must be fully installed prior to final inspection and operation of the facility. Temporary fencing or screening may be required to meet initial opacity standards.
15. Ongoing Maintenance: Landscape screening shall be maintained in good health and shall meet the required visual opacity thresholds throughout the life of the facility. The Planning and Zoning Department shall have the authority to inspect screening at any time and require replacement or remediation if the buffer is compromised.
16. Financial Surety: A performance bond, escrow, or letter of credit equal to 125% of the total buffer installation cost shall be required to ensure completion and survival of all screening elements for a period of five (5) years following final approval.
17. Annual Certification: The operator shall submit an annual affidavit or third-party inspection report verifying compliance with landscape and screening requirements, including a photographic record from designated locations.
18. Violation: Failure to maintain required screening shall constitute a zoning violation and may result in daily fines, suspension of use permits, or other enforcement measures until compliance is restored. Less than 10% of the soil can be disturbed on a site for development of solar farm facilities. This includes utilities, roadways, accessories, fencing, batteries, and solar panels.

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

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PN Planned Neighborhood

D Development

P Permitted Uses

NP Not Permitted Uses

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

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

OC Office / Commercial Mixed-Use

R Rural

RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District

processed as a CU

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

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

Land Use	NC	GC	HC	LI	MI	PND <sup>1</sup>	OC	R	RG	RLIC	IC	V	Additional Standards	
<b>Industrial</b>													Sec. 8.9	
Heavy Equipment Repair	NP	NP	CU	CU	P	NP	NP	NP	NP	NP	P	NP		
Heavy Industrial Uses	NP	NP	NP	NP	P	NP	NP	NP	NP	NP	P	NP	Sec. 8.9	
Light Industrial Uses	NP	NP	NP	P	P	NP	NP	NP	NP	**	P	P	NP	Sec. 8.9
Manufacturing, Heavy	NP	NP	NP	CU	P	NP	NP	NP	NP	NP	P	NP		
Manufacturing, Limited	NP	P	P	P	P	CU	NP	NP	NP	P	P	NP		
Printing and Publishing	NP	P	P	P	P	P	P	NP	NP	P	P	NP		
Salvage Yards	NP	NP	NP	NP	CU <sup>2</sup>	NP	NP	NP	NP	NP	CU <sup>2</sup>	NP	Sec. 4.4L	
Shooting Range, Indoor	NP	CU	CU	P	P	NP	NP	CU	NP	CU	P	NP		
Shooting Range, Outdoor	NP	NP	NP	CU	CU	NP	NP	CU	NP	NP	CU	NP		
Slaughterhouses, Stockyards	NP	NP	NP	NP	CU	NP	NP	CU	NP	NP	CU	NP		
<b>Solar Energy Facility</b>	<b>NP</b>	<b>NP</b>	<b>NP</b>	<b>P</b>	<b>P</b>	<b>NP</b>	<b>NP</b>	<b>CU</b>	<b>NP</b>	<b>NP</b>	<b>P</b>	<b>NP</b>	<b>Sec. 8.20</b>	
Transportation Terminal	NP	P	P	P	P	P	P	NP	NP	CU	P	NP		
Vehicle Storage	NP	NP	NP	P	P	NP	NP	NP	NP	NP	P	NP		
Warehousing and Distribution, General	NP	NP	NP	CU	P	NP	NP	NP	NP	CU	P	NP		
Warehousing and Distribution, Limited	NP	P	P	P	P	CU	P	NP	NP	P	P	NP		
<b>Industrial Manufacturing &amp; Processing</b>													<b>Sec. 8.9</b>	
Acid or heavy chemical manufacturer, processing or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Bituminous concrete mixing and recycling plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Cement or Lime Manufacture	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Commercial Sawmills	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Concrete and ceramic products manufacture, including ready mixed concrete plants	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Explosive manufacture or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Foundries and/or casting facilities	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Jails and Prisons	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.7	
Mineral extraction, mineral processing	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP		
Petroleum products refining or storage	NP	NP	NP	NP	CU	NP	NP	NP	NP	NP	CU	NP	Sec. 8.11	

<b>Adult Uses</b>													
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP	NP	NP	P	NP	Sec. 4.4K, Sec. 8.1
<b>Recreational Uses</b>													
Hunting, Shooting, Archery and Fishing Clubs, public or private	NP	NP	NP	CU	CU	NP	NP	P	NP	NP	NP	NP	Sec. 8.8
<b>Commercial Uses</b>													
Antique Shop	P	P	P	P	NP	P	NP	CU	CU	P	P	P	<b>Sec. 8.9</b>
Appliance Sales	NP	P	P	P	CU	P	NP	CU	CU	P	P	NP	
Art Gallery or Artist Studio	P	P	P	P	NP	P	P	CU	CU	P	P	P	
ATM	P	P	P	P	NP	P	P	CU	CU	P	P	CU	
Automobile repair, sales and service	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile parts, supplies and tire stores	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, indoor	P	P	P	P	P	P	NP	CU	CU	P	P	CU	
Automobile, light truck and light trailer rentals, outdoor	NP	P	P	P	P	P	NP	CU	CU	P	P	CU	
Bail Bond Services	NP	P	P	P	CU	NP	NP	CU	CU	CU	P	CU	
Bank	P	P	P	P	CU	P	P	CU	CU	P	P	P	
Bank with Drive-Through Facility	CU	P	P	P	CU	P	P	CU	CU	P	P	CU	

# Solar Text Amendment 2025 Overview

- The following are the highlights of the proposed amendment:

## 1) Permitted Use

In 2022, a text amendment was made to the Envision 2035 Comp Plan which included allowing solar energy facilities as principally permitted uses within the UGB and PGA and as conditional uses in all other districts.

This amendment to Appendix C restricts solar energy facilities to the Industrial districts as principally permitted uses and the Rural districts as a conditional use. Solar Energy Facilities would not be permitted in the other zoning districts.

## 2) Major Site Plan Requirement

Section 8.20 of the Zoning Ordinance has been amended to require Solar Energy Facilities to process a Major Site Plan Concept Plan. As such, a Public Hearing would be required as well as posting a construction bond for site improvements such as landscaping and storm water management which would give the County more authority over ensuring the proposed design elements are constructed per the plans.

## 3) Setback/ Buffer/Landscaping

One of the issues that the Planning Commission and staff have received the most concern about relates to the relationship between the solar panels and neighboring residential developments. Section 8.20 has been amended to include increases in the landscape buffer/ screening, and setbacks for solar panels and all accessory components.





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

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## Planner's Memorandum Planning Commission Meeting August 12, 2025

### 1) Department of Engineering, Planning and Zoning County Offices Contact Information

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

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

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

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

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

### 2) Upcoming PC meetings

- Next Regular Meeting - Virtual training: **September 23, 2025**
  - 7:00 pm Planning Commission Meeting(yearly training)
- Regular meeting date: **October 14, 2025**
  - 7:00 pm Planning Commission Meeting



# Nonactionable Correspondence

## Planning Department

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**From:** Planning Department  
**Sent:** Wednesday, August 13, 2025 4:52 PM  
**To:** 'Todd Milliron'  
**Subject:** RE: JC Planning Commission - Rural Residential Amendment

Good afternoon,

Please note that our office is in receipt of your email and your comments will be included in the Planning Commission packet for the upcoming September 9, 2025 Planning Commission meeting. This packet will be made available on the County's [webpage](#) by close of business on Friday, September 5, 2025.

Thank you,

Jennilee Hartman, Zoning Clerk  
Office of Planning, & Zoning  
Jefferson County, WV  
304-728-3228

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**From:** Todd Milliron <tmillironwv@gmail.com>  
**Sent:** Monday, August 11, 2025 10:04 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Cc:** Todd Milliron <tmillironwv@gmail.com>  
**Subject:** JC Planning Commission - Rural Residential Amendment

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

Dear Planning Commissioners,

This message is in regards to the impending rural residential zoning designation for Jefferson County and the application of duplexes, triplexes and quadplexes. From my understanding of this latest ordinance change from rural, to rural residential, lots greater than 2.5 acres may be subdivided to accommodate the above noted structures.

Section 5.5.D.1.b.v; "green space", it appears that lots 2.5 acres or more can be subdivided to 1.25 acres of which, to maintain 75% green space the buildable area is ~13,600 SF. If this is correct, several of these structures may be applied to this acreage (?). From my previous building experience, the average footprint for a quadplex is ~2,500 SF (multi-story), or in this case 5.5 units for every 1.25 acres.

My daily commute consists of traversing 3 miles across county roads before reaching Rt. 340 when passing 10 sizable farms ranging from 30 acres to well exceeding 100 acres. If I were to apply the above condition for an average size 40-acre farm, with public water and sewer, that parcel may now contain 176 quadplexes.

Would you confirm if this is the intent of the proposed amendment? If so, in my opinion, this does not meet the intended rural character proposed in the 2045 Comprehensive Plan.

Respectfully submitted,

Todd Milliron

Jefferson County Resident

Public Comment for Jefferson County Planning Commission  
meeting for August 12, 2025

RECEIVED

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

AUG 12 2025

JEFFERSON COUNTY PLANNING  
ZONING & ENGINEERING

**PUBLIC COMMENT –**

Now come David Tabb, and submit a document with an affidavit attached.

**Item #3 - Birdhill Meadows**

1. Stormwater management – Is there enough retention? Is fencing included? Are all the stormwater proposals required to be in place, at the beginning, to include all five phrases?
- 2.1. Highway study and approvals. *“Do no harm”* with increased traffic someone will die.
- 2.2. Emergency Services – in an emergency is there enough room to get equipment in or out?
3. There should be Sidewalks on both sides.
4. Are the setbacks on property and max number of buildings, per street, within the regulations?

Your obligation is to preserve our natural resources: *“Do not push your water onto others”*; *“Do no harm to anyone”*. The increased runoff is the developer’s responsibility – don’t give them a variance. If you do now, it’s the Commission’s problem.

**Items 4-6**

Text amendment to rules/laws is not in the Planning Commission’s job description. Why would you want the liability?

The Blake Solar Project, at RT 115, has already been fined close to \$200,000. You were told a year in advance this would happen. Shut these projects down if they are not in compliance.

At minimum, when any text amendment is requested, notice to the public to include public hearings is required.

The public is here to help. Let us help instead of only giving us three (3) minutes.

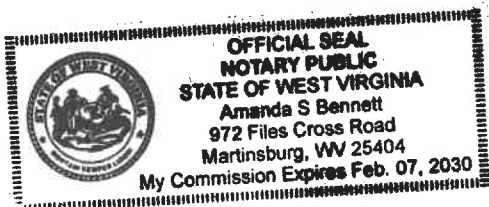
**AFFIDAVIT:**

*David C. Tabb came and appeared before me, the undersigned notary, Amanda S. Bennett, resident of Berkeley Co., in the State of West Virginia made his statement and affidavit upon affirmation of belief that the facts set forth are true and correct to the best of his knowledge.*

DATED this 12 day of August, 2025

  
\_\_\_\_\_  
David C. Tabb

Sworn and subscribed before me this 12 day of August, 2025



  
\_\_\_\_\_  
Notary