

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

MEMORANDUM

**TO:** JEFFERSON COUNTY PLANNING COMMISSION  
**FROM:** JENNIFER BROCKMAN, DIRECTOR OF PLANNING  
**DATE:** FEBRUARY 18, 2011  
**SUBJECT:** FEBRUARY 22, 2011 PLANNING COMMISSION MEETING

Please find attached the following documents for consideration at the February 8, 2011 Planning Commission meeting.

**Documents provided:**

- **February 22, 2011 agenda.**

1. Approval of minutes for the February 8, 2011 meeting.

**Documents provided:**

- **Draft minutes for the February 8, 2011 meeting.**

2. Discussion and vote on Finding of Fact and Conclusions of Law for the denial of a requested time extension for Far Away Farms.

**Documents provided:**

- **Findings of Fact for Far Away Farms**

3. Citizen Communications

4. Request for postponement.

5. Concept Plan Review for Paynes Ford Station (PC File #10-12). This property is located at the intersection of Paynes Ford Road and Bowers Road. This project consists of A residential subdivision to include a total of 36 residential lots, a residue parcel, open space parcel, storm water management parcel, right-of-way dedications and internal roadways on 141.6 acres located in Tax District: Middleway; Tax Map: 6; Tax Parcel: 8.

**Documents provided:**

- **Staff Report.**
- **Concept Plan for Paynes Ford.**
- **Review agency comments.**

6. Discussion and vote regarding Draft Policy Neutral Zoning Ordinance Amendments and the possible scheduling of a public hearing.

**Documents provided:**

- **Memo**
- **Comments by Ms. Morgan Etters**

If you have any questions or any items are missing; please contact the office at (304) 728-3228 from 9:00 a.m. to 5:00 p.m. Thank you.

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
February 22, 2011

**Planning Commission meetings are located in the Old Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM**

1. Approval of minutes for the February 8, 2011 meeting.
2. Discussion and vote on Finding of Fact and Conclusions of Law for the denial of a requested time extension for Far Away Farms.
3. Citizen Communications.
4. Request for postponement.
5. Concept Plan Review for Paynes Ford Station (PC File #10-12). This property is located at the intersection of Paynes Ford Road and Bowers Road. This project consists of A residential subdivision to include a total of 36 residential lots, a residue parcel, open space parcel, storm water management parcel, right-of-way dedications and internal roadways on 141.6 acres located in Tax District: Middleway; Tax Map: 6; Tax Parcel: 8.
6. Discussion and vote regarding Draft Policy Neutral Zoning Ordinance Amendments and the possible scheduling of a public hearing.

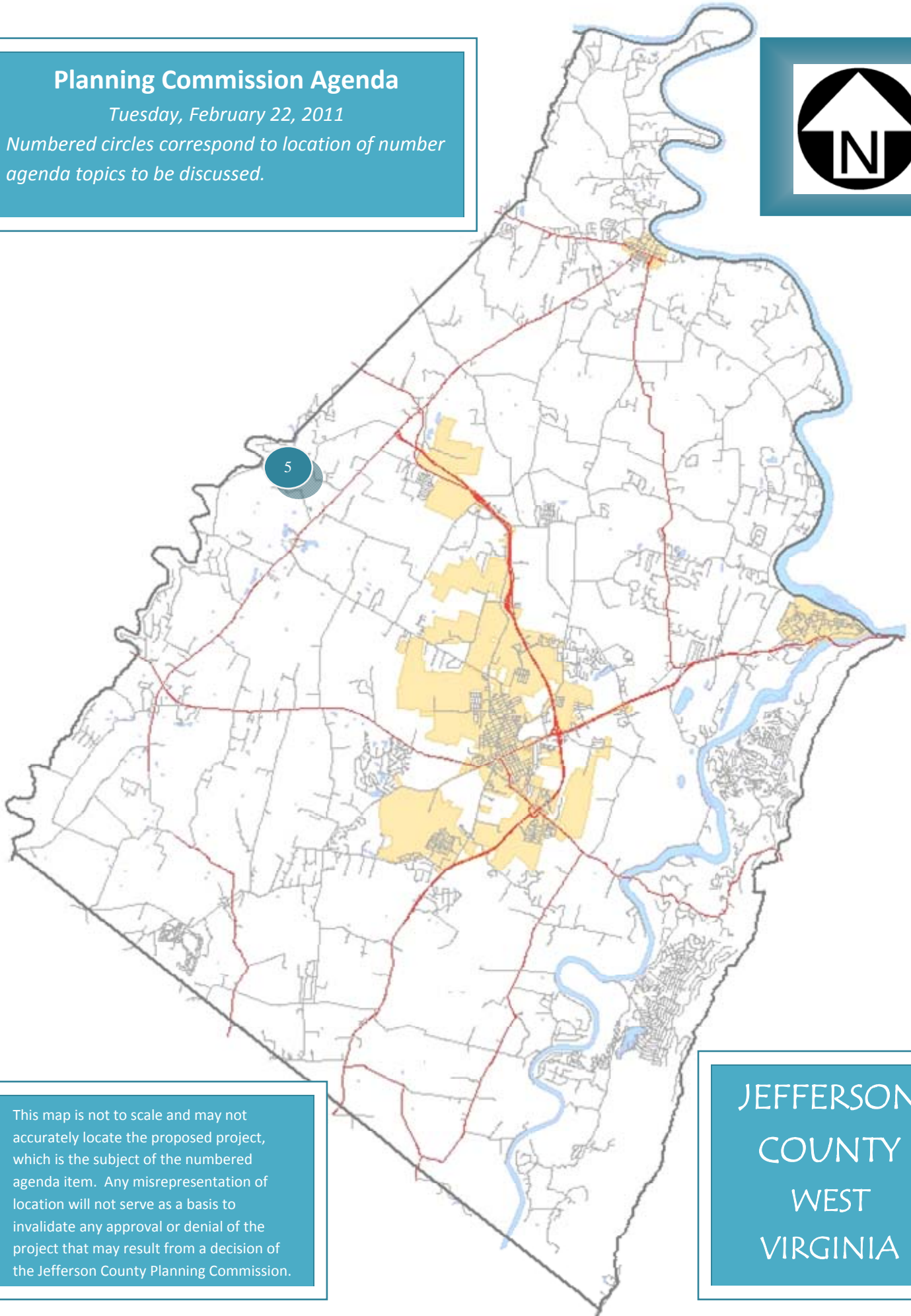
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address is [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org) and our website is [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

Minutes and video recordings of past meetings, Subdivision Regulations, Zoning Ordinance, and the Comprehensive Plan can be found on the website. The office has a file on each project as well as aerial photos of the county. Minutes and audio recordings of older meetings not on the website are available for review in the office.

# Planning Commission Agenda

Tuesday, February 22, 2011

Numbered circles correspond to location of number agenda topics to be discussed.



This map is not to scale and may not accurately locate the proposed project, which is the subject of the numbered agenda item. Any misrepresentation of location will not serve as a basis to invalidate any approval or denial of the project that may result from a decision of the Jefferson County Planning Commission.

JEFFERSON  
COUNTY  
WEST  
VIRGINIA

MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
FEBRUARY 8, 2011

The Jefferson County Planning Commission met on Tuesday, February 8, 2011, with the following Commission members present: Thomas Trumble, President; Daniel Hayes, Vice-President; Morgan Etters, Secretary; Gene Taylor, Kelly Baty, and Arnold Dailey. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Steve Barney, Zoning Administrator; Jonathon Saunders, County Engineer; and Julie Quodala, Office Manager.

John Maxey, Walt Pellish, and Eric Smith were absent with notification.

Mr. Dale Manuel attended the meeting in Mr. Pellish's absence but abstained from all voting that took place.

Mr. Trumble called the meeting to order at 7:04 PM.

**1. Approval of minutes for the December 14, 2010 meeting.**

Ms. Brockman explained that staff reviewed the audio recording of the meeting and revised the minutes to expand on the discussion that took place regarding Far Away Farms. Mr. Hayes moved to approve the minutes of the December 14, 2010 meeting as amended. Mr. Taylor seconded the motion which carried 4 for and 2 abstentions (Mr. Dailey and Ms. Etters).

**Approval of minutes for the January 18, 2011 Planning Commission Workshop.**

Mr. Hayes moved to approve the minutes of the January 18, 2011 Planning Commission Workshop. Mr. Taylor seconded the motion which carried 4 for and 2 abstentions (Mr. Dailey and Ms. Etters).

**Approval of minutes for the January 25, 2011 meeting.**

Mr. Taylor moved to approve the minutes of the January 25, 2011 meeting. Mr. Hayes seconded the motion for the purpose of discussion. Mr. Hayes stated that there were two references to Ms. Morgan, who is no longer liaison to the Planning Commission, which needed to be changed to Ms. Morgan Etters. Ms. Brockman stated that Mr. Pellish had also provided her with comments stating that on page 3, item #7, it should be clarified that he supported Mr. Maxey's comments of needing water quality testing results on a quarterly basis and that he was not making comment regarding the funding of the water sampling project. Ms. Brockman explained that Mr. Pellish would like the sentence moved within the paragraph to accurately reflect his support. Mr. Taylor accepted the discussed amendments. The motion carried 4 for and 2 abstentions (Mr. Hayes and Mr. Baty).

**2. Citizens Communication:** None.

**3. Request for postponement:** None.

**4. Presentation by Mr. Fred Blackmer regarding the resubmission of the Mannings Incorporation petition.**

Mr. Fred Blackmer, resident of Jefferson County, gave a presentation to the Planning Commission on the intent to file a petition to incorporate Mannings. He reviewed the events

involved with the previous petition that was filed in 2009. Mr. Blackmer stated that short time frames did not allow for time to properly educate the public in order to conduct a fair public hearing. He reported that, in from 2009 through December 2010, he had taken part in a series of meetings with interested petitioners and residents to provide a better understanding of what the incorporation of Mannings would mean for citizens. Mr. Blackmer stated that his intention for the presentation was to notify the Planning Commission that another petition would be submitted and to give staff and Planning Commissioners time to review the old material before the new material is submitted. This would allow for a thorough review of all material within the short time frame from the submittal of the petition to the decision by the governing body. He expressed that he would like there to be as much information as possible given to the public to allow for a fair hearing. He offered to meet with staff to discuss any concerns.

There was a discussion on what role the Planning Commission has in the review of the petition. Ms. Brockman explained that legal had been contacted and asked what part the Planning Commission has in the process of the proposed petition. She reported that, although legal had not responded at the time, she believed that the Planning Commission would only advise the County Commission regarding whether the creation of a new municipality was in the best interest of the county from a land use perspective. Mr. Hayes moved that staff meet with Mr. Blackmer at staff's convenience to discuss the future application to incorporate Mannings. Mr. Taylor seconded the motion. Mr. Trumble offered a friendly amendment that Ms. Brockman consult with legal staff to review the process make sure that anything that is done by the Planning Commission does not prejudice the final result and that everyone, not just the applicants, are given the opportunity to submit information. Mr. Hayes accepted the friendly amendment and added that staff should also consult with legal to ascertain the Planning Commission's role in the process of the petition. Mr. Trumble clarified the motion stating that staff should work with the representatives of Mannings to collect data, review all data collected, review the process with legal counsel to ensure that no prejudice could be construed, and that the staff, with the aid of legal counsel, outline the overall process for incorporation. Mr. Hayes added that the staff should check with legal to ensure that early review of the documents would not create prejudice. Mr. Blackmer asked that any comments, conversations, or documentations submitted by him be considered as public record. The motion carried unanimously.

**5. Discussion regarding filing a petition to rezone Federal Lands.**

Ms. Brockman reminded the Planning Commission that this item was placed on the agenda as requested at the December 14, 2010 meeting to revisit whether to resubmit a petition to rezone Federal Lands after the original submission was found to be insufficient by the County Commission in December 2010.

Mr. Paul Rosa, representing the Harpers Ferry Conservancy, stated that he had not heard any legal reason that the original petition was found deficient. Mr. Rosa cited reasons he believed that the petition was sufficient. He reminded the Planning Commission that a copy of a petition that he had drafted was included in their packets. He reported that this draft included more information on how the request was compatible with The Comprehensive Plan. He asked that the Planning Commission move forward and resubmit the petition.

Mr. Pellish asked if any of the Federal Government landowners had requested to be rezoned to which Ms. Brockman replied no. There was discussion regarding the options of action to take with respect to the petition and what the proper process of each of those actions would be.

Mr. Hayes moved to postpone the reconsideration of the resubmission of the petition to rezone Federal Lands indefinitely. Mr. Dailey seconded the motion. Mr. Trumble clarified that this motion in no way takes away a property owners right to request to rezone their land. The motion carried 4 for and 2 against (Ms. Etters and Mr. Baty).

**6. Discussion and possible scheduling of Public Hearing for Proposed Text Amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan Process in Business or Industrial Parks.**

Mr. Rivard presented his staff report. He explained that any site plan greater than 5,000 square feet is processed as a major site plan which requires multiple additional steps and two public hearings. He reported that this has become a concern recently for projects in existing business or industrial parks due to the time it takes to process. Mr. Rivard clarified that the amendment would allow projects of any size located in the business or industrial park areas, in a preapproved subdivision with master planned roads and storm water management to process under a minor site plan which would allow for a quicker process.

Mr. Mark Dyck, President of the Jefferson County Development Authority, voiced a strong support of this amendment. Mr. Tom Bayuzik, Director of the Jefferson County Development Authority, reiterated support and described the benefits of the amendment to Jefferson County allowing businesses to process faster.

Mr. Hayes moved to schedule the public hearing for this amendment for March 8, 2011. Ms. Etters seconded the motion which carried unanimously.

**7. Discussion and possible scheduling of Public Hearing on Planning Commission initiated Zoning Text Amendments and Zoning Map Amendments policy.**

Ms. Brockman stated that Legal Counsel was the co-author of these amendments and that the Planning Commission may want to postpone this discussion in his absence. Mr. Hayes moved to postpone discussion until legal counsel is present. Mr. Baty seconded the motion which carried unanimously.

**8. Review of Revised Land Development Fees.**

Mr. Rivard presented the revisions made to the draft Land Development Fees since the last meeting. There was discussion regarding waiving fees for County owned properties and non-profit organizations and whether it should be an all inclusive statement or on a case by case basis. Ms. Etters moved to recommend the Draft Land Development Fees as written to County Commission. Mr. Baty seconded the motion which carried unanimously.

**9. Update on US 340 Plan.**

Ms. Brockman reported that progress had been made on existing conditions maps. She stated that someone had volunteered his services to facilitate the kick-off meeting at no cost to

Jefferson County and that the Principle of C.W. Shipley Elementary School had allowed use of the school for the kick-off meeting to be held Saturday, March 26, 2011.

**10. Update on Urban Tree Canopy Grant.**

Ms. Brockman explained what the Urban Tree Canopy Grant entails and that currently the project participants were working with municipalities to adopt Urban Tree Canopy goals. She stated that there would be a tree planting event projected for the middle of March to the end of April, where trees would be planted in 7 locations in the County.

**11. Reports from Legal Counsel and legal advice to Planning Commission.**

Ms. Brockman reminded the Planning Commission that a copy of the Findings of Fact and Conclusions of Law regarding Far Away Farms was provided to them at their seats at the beginning of the meeting. There was discussion on whether there was a quorum since Mr. Dailey and Ms. Eppers would be abstaining. Mr. Trumble requested that this item be postponed until legal counsel could be present. Mr. Hayes suggested a spelling change to the first word on the second line, on the second page from “fort” to “forth”.

**12. Director’s Report.**

- **Activity Reports.** The activity reports were provided in the agenda packets.
- **Update on Annual Report/Work Plan/Budget Subcommittee.**

Ms. Brockman reported that the Subcommittee would be meeting February 9, 2011 at 4 PM. Mr. Trumble asked if Mr. Maxey would be present at that meeting to which Ms. Brockman responded, “no”. Mr. Trumble stated that he would prefer to postpone the meeting until which time Mr. Maxey could be present since the Annual Report is a summary of the events that happened while Mr. Maxey was President of the Planning Commission. Ms. Brockman confirmed that she would reschedule the meeting.
- **Upcoming County Commission Agenda items.**
  - Ms. Brockman reported that the Second Quarterly Report on Fiscal Year 2011 Work Plan was sent to County Commission as a packet agenda item, not for presentation.
  - Ms. Brockman stated that the Wireless Telecommunications Ordinance Amendment Public Hearing was rescheduled to February 24, 2011 at 7 PM.
  - Ms. Brockman explained that the Public Hearing to Amend the County Zoning Map to consider Urban Growth Boundaries for Harpers Ferry and Bolivar rescheduled to February 17, 2011 at 7 PM.
- **Upcoming Planning Commission meetings.**

Ms. Brockman reminded the Planning Commission that the Concept Plan for Payne’s Ford Station and the finalization of the Policy Neutral Zoning Ordinance Amendments for Public Hearing were on the agenda for the February 22, 2011 meeting.

**13. County Commission Liaison Report.** None.

**14. Planning Commission Exchange.**

- **Report from the Health Department Meeting Liaison.** Ms. Brockman stated that Ms. Frances Morgan was the liaison to this meeting and that someone else could be assigned.

Mr. Trumble asked that the Planning Commissioners volunteer if there is any interest to be a liaison for the Health Department meetings.

- **Report from the Public Service District Meeting Liaison.** Mr. Hayes stated he was unable to attend the last Public Service District Meeting. He reported that he was able to speak with Mr. Joe Hankins and Ms. Sue Lawton. During their discussion, Mr. Hayes found that the Public Service District is waiting on notification from PSC concerning the Flowing Springs Wastewater Treatment Plant and that an additional public hearing was scheduled for May 3<sup>rd</sup>, 2011.
- **Report from the Jefferson County Development Authority Meeting Liaison.** None.
- **Report from the Water Advisory Committee Meeting Liaison.** None.

**15. President's Report.**

Mr. Trumble distributed a copy of the Planning Commission bylaws and requested that the bylaws be an item for discussion for the next regularly scheduled meeting to be held March 8, 2011.

**16. Actionable Correspondence.** None.

**17. Non-Actionable Correspondence.** A letter from Mr. Pete Kubic was presented recommending changes to the existing Subdivision Ordinance regarding size limitations in industrial parks. Mr. Hayes suggested that Mr. Kubic be invited to the public hearing for the Text Amendment for Section 20.203 and Definition of Major Site Plan and Minor Site Plan Process in Business or Industrial Parks to be held March 8, 2011.

Ms. Brockman presented an e-mail between her and Mr. Roger Ethier regarding the results of the mountain water samples.

Mr. Trumble adjourned the meeting at 8:55 PM. A detailed transcript of the meeting, which was recorded by Julie Quodala, Office Manager, may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.

## **Before the Planning Commission of Jefferson County, West Virginia**

**In the Matter of: The Request by Far Away Farm, LLC for tolling of Deadlines and/or a Variance to Extend the expiration Date of the Community Impact Statement until March 2, 2015**

On the 14<sup>th</sup> Day of December, 2010, the applicant, Far Away Farm, LLC, appeared and requested a tolling of the expiration date of the previously issued Community Impact Statement until March 2, 2015. In the alternative, the applicant requested a variance of the expiration date until the same date.

Prior to consideration the formal requests, applicant's counsel Nathan Cochran, Esquire, asked certain members of the Planning Commission recuse themselves because of their involvement in a lawsuit filed by the Planning Commission against the applicant. He specifically requested Mr. Maxey, Mr. Taylor, Mr. Trumble, Mr. Baty, Ms. Ethers, and Ms. Morgan recuse themselves. After an executive session to receive legal advice, each member individually declined to recuse themselves upon the record.

The Staff report was presented. The professional planning staff recommended denying the request for tolling until March 2, 2015 but recommended an extension July 1, 2012 as consistent with other recent extensions.

The Planning Commission then heard from the applicant on the merits of its requests for tolling and/or a variance to extend the expiration date of its Community Impact Statement. The heart of applicants request is that litigation caused delays to the project which justifies tolling of the deadlines on a day-for-day basis. During questioning, the applicant stated that it had made no progress on the project beyond the initial Community Impact Statement (CIS) and stated that the on-going litigation prevented further progress even during the periods of time in which

litigation was not pending. Without waiving the claim for tolling, the applicant went on to set forth the basis for a variance addressing each of the four variance criteria as follows:

- “1) The request is not contrary to public interest and that there would be public expense and time if the project had to start again from the beginning and that the development of the property had not been proven to violate any historic issues.
- 2) A literal enforcement of this Ordinance would result in an unnecessary hardship financially for the developer and require additional expense to the County.
- 3) The request is not the result of a self-imposed hardship due to the time in legal Proceedings which the applicant did not initiate.
- 4) The spirit of the Ordinance will be observed and substantial justice done because Far Away Farms had followed all the requirements presented to them in order to be allowed to proceed with the development.”

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

After questioning the applicant and after discussion and deliberation, the Planning Commission by unanimous vote, DENIED the tolling request because the applicant failed to convince the Planning Commission tolling of deadlines was justified. Furthermore, the Planning Commission DENIED the applicants request for a variance because the applicant failed to meet its burden to demonstrate that the request for variance satisfied all four variance requirements. Specifically, the applicant did not prove that granting the variance was in the public interest since granting the variance would allow the development to proceed under 30-year-old subdivision regulations that do not conform with the current subdivision regulations.

Entered this 8<sup>th</sup> day of February, 2011 the Jefferson County Planning Commission by

---

John Maxey, President

# STAFF REPORT

## Jefferson County Planning Commission Meeting

February 22, 2011

Item #5 Request by Paynes Ford Station for a Major Subdivision Concept Plan Public Workshop for a proposed subdivision (PC File #S10-12). (Subdivision Regulation 24.108)

|                         |   |
|-------------------------|---|
| APPLICANT:              | Paynes Ford Station   |
| OWNER :                 | David Ralson and Ronald Slonaker  |
| DEVELOPER:              | n/a   |
| SURVEYOR/ENGINEER:      | William H. Gordon Associates, Inc.  |
| PROPERTY LOCATION:      | Intersection of Paynes Ford Road and Bowers Road  |
| LEGAL DESCRIPTION:      | District: Middleway; Map: 6; Parcel: 8  |
|                         |   |
| ZONING DISTRICT:        | Zoning Map Designation:<br>Rural  |
| SURROUNDING PROPERTIES: | Zoning Map Designation:<br>North: R                      South: R<br>East: R                        West: R |
| LOT AREA:               | 141.55 acres  |
| PROPOSED ACTIVITY:      | Residential Subdivision consisting of 36 lots and a residue parcel  |

The submitted Concept Plan, by Paynes Ford Station, is for a major subdivision requiring a Major Concept Plan Public Workshop. The site is located at the intersection of Paynes Ford Road and Bowers Road with a small portion of the parcel protruding into Berkeley County. The area within Berkeley County has been approved for 17 lots. The proposed subdivision in Jefferson County is for 36 lots and a residue parcel consisting of 110.81 acres.

Prior to scheduling this proposal on the Planning Commission agenda for a public workshop, two requirements of the 2008 Amended Subdivision Regulations were required to be met by the applicant.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

February 22, 2011

On November 30, 2010, the applicant submitted an application referred to in the Subdivision Regulations as a “Major Subdivision Concept Plan Submission.” Staff had 10 days to review the content of the submission. This review was only to ensure that the appropriate items were submitted, not to review the quality of the submission documents. Listed below are the required items at this stage of the process. Please note, the applicant has provided the required information and meets the submittal requirements. The application was deemed “sufficient.”

1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
3. **Zoning Information.** This shall include:
  - a. Determination of the zoning district in which the proposed subdivision or development project is situated.
  - b. Density calculations.
  - c. Site resource map.
4. **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.
5. **Traffic Impact Data.** This shall include:
  - a. Average Daily Trip figures for the adjoining or accessible State road.
  - b. Trip generation figures based on the following table:

| <u>USE</u>           | <u>PEAK HOUR</u> | <u>AVERAGE DAILY</u> |
|----------------------|------------------|----------------------|
| <u>Single family</u> | <u>0.8</u>       | <u>8.0 per d.u.</u>  |
| <u>Detached</u>      | <u>0.7</u>       | <u>6.0 per d.u.</u>  |
| <u>Townhouse</u>     | <u>0.6</u>       | <u>7.0 per d.u.</u>  |
| <u>Mobile Home</u>   | <u>0.6</u>       | <u>5.0 per d.u.</u>  |

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway 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.
    - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.
6. **Other Data.** Any other data or information the applicant believes will assist in the review.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

February 22, 2011

### 7. **Other Reviews.** Any other staff or agency reviews of the plans.

After determining the submission was sufficient within the allotted 10 days, the application was formally received on December 16, 2010. A letter was sent to the applicant notifying them that they could advance to the next step in the process, a Major Subdivision Concept Plan Completeness Review. Within a 45 day period, that began on December 16, 2010, the concept plan was required to be scheduled for a public workshop at a regularly scheduled Planning Commission Meeting. Staff scheduled the applicant's public workshop for the February 22, 2011 Planning Commission Meeting. During the time period between formal receipt of the application and the public workshop, the Major Subdivision Concept Plan Completeness Review process takes place. Listed below are the requirements in the Major Subdivision Concept Plan Completeness Review process:

- A. **Department and Agency Reviews.** The Department and appropriate reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department 14 days prior to the scheduled public workshop.
- B. **Review Content.** The Department and agency reviews shall address the areas indicated in C through F below and any other areas of concern to the agencies.
- C. **Department.** The Department review shall include the following:
  - 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
  - 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- D. **WVDOH.** When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- E. **Traffic Impact.** The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact.
- F. **Public Services.** 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

# STAFF REPORT

## Jefferson County Planning Commission Meeting

February 22, 2011

system that shall be proposed by the developer to best meet the County's needs in that area of the County.

- G. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plan should be denied.
- H. **Approval.** 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.
- I. **Effect.** 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 at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.

The Planning and Zoning Department Staff find the Paynes Ford Station concept plan complete based on the information provided related to the criteria above and the conditions outlined in the Conditional Use Permit (CUP) that was granted on September 15, 2010. The applicant has listed all of the CUP conditions on the concept plan and has either addressed the conditions within the submitted concept plan or listed when those conditions will be met in future submittals.

As part of the CUP approval, a 100 foot buffer along Highland Meadows was required and has been shown. The applicant has requested that that 100 foot buffer not restrict the use of agricultural uses in that buffer. Staff believes that the 100 foot buffer is to separate residential uses and not to limit agricultural uses.

Additionally, outside agencies have responded. Of the agencies specifically asked to respond, WVDOH, Berkeley County Public Service Sewer District, Berkeley County Public Service Water District and Jefferson County Historic Landmarks Commission all responded. The Jefferson County Health Department has not responded.

The Jefferson County Public Service District has released this project to the Berkeley County Public Service Sewer District and Berkeley County Public Service Water District for service of this site. The Berkeley County Public Service Sewer District and the Berkeley County Public Service Water District has agreed to supply this site due to their proximity to the property.

The West Virginia Department of Highways has approved an entrance permit for the proposed project at this location, under the condition that a \$25,000 performance bond is posted. No indication of a traffic study report or additional traffic improvements were mentioned.

The Jefferson County Historic Landmarks Commission responded stating they do not believe the project will have any adverse affect on any historic resources in Jefferson County.

With these early, but significant items addressed, the concept plan proceeds to the scheduled public workshop.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

February 22, 2011

The Major Subdivision Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. The Subdivision Regulations outline how to proceed. First, the applicant makes a short presentation. Second, Staff explains outside agency comments and whether the plan has met the standards of the Zoning Ordinance. Third, public comment is solicited.

After 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 Major Subdivision Concept Plan Direction outlined in the Subdivision Regulations. This direction shall be provided within 14 days, either at the Planning Commission Meeting after the Major Subdivision Plan Public Workshop is closed, the next Planning Commission meeting or at a special Planning Commission meeting.

The Planning Commission shall direct the applicant to prepare a preliminary plat. The applicant shall take into consideration the input from the Departments of Planning and Zoning, all outside agencies, public comment and Planning Commission remarks when forming their preliminary plat. The purpose of this review is to guide the developer so that when the preliminary plat applicant is formally received by the staff, there should not be a whole range of issues being raised for the first time. At time of submission of the Major Subdivision Preliminary Plat Application the applicant shall cite conditions and demonstrate if they have been met or otherwise addressed as outlined under Major Subdivision Concept Plan Direction in the Subdivision Regulations.

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

# Jefferson County Public Service District

---

January 3, 2011

Chris Thiel  
Director of Engineering  
Berkeley County Public Service Water District  
P.O. Box 737  
Martinsburg, WV 25402

Re: Water and Sewer Service for Paynes Ford Station, Section 2

Hello Chris:

I am forwarding to you a request for information from Jefferson County Departments of Planning and Zoning (County) for water and sewer service availability for Paynes Ford Station, Section 2. It is my understanding that Berkeley County Public Service Water District (BCPSWD) currently provides water service for Paynes Ford Station. We would appreciate your consideration to provide water service for this new section of this development.

Thanks very much for your help. Should additional information be necessary, please feel free to contact me. I hope the New Year brings health, wealth, and happiness to all of the people at BCPSWD.

Sincerely,



Susanne Lawton  
General Manager

cc: D. Chad Wallen, Project Manager, William H. Gordon Associates Inc.  
Zane Summerfield, Engineer, Pentree Inc.  
James V. Kelsh, Esquire

enc: copy of letter from Jefferson County Department of Planning and Zoning  
copy of letter from William H. Gordon Associates Inc with maps

# Jefferson County Public Service District

---

---

January 3, 2011

Curtis Keller  
General Manager  
Berkeley County Public Service Sewer District  
65 District Way  
P.O. Box 944  
Martinsburg, WV 25404

Re: Water and Sewer Service for Paynes Ford Station

Hello Curtis:

I am forwarding to you a request for information from Jefferson County Departments of Planning and Zoning (County) for water and sewer service availability for Paynes Ford Station. Consistent with the June 3, 2003 Service Territory Agreement between Jefferson County Public Service District (JCPSD) and Berkeley County Public Service Sewer District (BCPSSD), as it is currently not feasible for JCPSD to provide sewer service to Paynes Ford Station, the decision about sewer service availability for Paynes Ford Station, as well as for Quail Ridge II, the Berkeley/Jefferson Industrial Park and Chapel View, currently remains that of BCPSSD. Any service requests outside of these developments but within Jefferson County will be addressed directly by JCPSD unless the Board of JCPSD agrees to a variance of our service area.

I will also forward the County's request to Berkeley County Public Service Water District for a decision for water service availability for Paynes Ford Crossing as JCPSD currently does not have the ability to provide water service to this area and they currently serve the first section of this development.

Thanks very much for your help. Should additional information be necessary, please feel free to contact me. I hope the New Year brings health, wealth, and happiness to all of the people at BCPSSD.

Sincerely,



Susanne Lawton  
General Manager

cc: D. Chad Wallen, Project Manager, William H. Gordon Associates Inc.  
Zane Summerfield, Engineer, Pentree Inc.  
James V. Kelsh, Esquire

enc: copy of letter from Jefferson County Department of Planning and Zoning  
copy of letter from William H. Gordon Associates Inc with maps

# Jefferson County Public Service District

---

---

January 3, 2011

Steve Barney  
Zoning Administrator  
Jefferson County Departments of Planning and Zoning  
116 East Washington Street  
P.O. Box 338  
Charles Town, WV 25414

Re: Water and Sewer Service for Paynes Ford Station (PC File # 10-12)

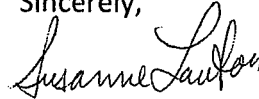
Dear Mr. Barney:

Due to a June 3, 2003 Service Territory Agreement between Jefferson County Public Service District (JCPSD) and Berkeley County Public Service Sewer District (BCPSSD), the sewer service availability for this development will be a decision by BCPSSD. By a copy of this letter and your request for information on the development, BCPSSD has been informed of the request. We have also informed Berkeley County Public Service Water District so they have the opportunity to comment on the availability of water as they currently provide water service for the existing phase of Paynes Ford Station and JCPSD does not have water service available in the area.

JCPSD is grateful to County Staff for including us in your "Completeness Review" process. When each request is received, we will answer with the best information we have, which may, as in this case, include a suggestion for other service providers. Please continue to send the requests to us and we will assure the proper water and sewer service utilities are notified.

Should additional information be necessary, please feel free to contact me.

Sincerely,



Susanne Lawton  
General Manager

cc: Zane Summerfield, Engineer, Pentree Inc.  
James V. Kelsh, Esquire  
D. Chad Wallen, CLA, William H. Gordon Associates Inc.



**William H. Gordon Associates, Inc.**

301 North Mildred Street, Suite 1

Charles Town, WV 25414

304-725-8456 Phone

304-728-0117 Fax

---

December 28, 2010

Jefferson County Public Service District  
340 Edmond Road  
Suite A  
Kearneysville, WV 25430

To Whom It May Concern,

Per the request of the Jefferson County Departments of Planning & Zoning, enclosed you will find a copy of the Concept Plan for Paynes Ford Station Section 2, for your review and comment.

Paynes Ford Station (Section 2) is a proposed residential subdivision on 141.5+/- acres in Jefferson County, West Virginia. As proposed, Paynes Ford Station Section 2 is comprised of 37 single family lots, 1 residue parcel and common areas for open space, storm water management & internal roadways. Access to this subdivision will be provided from WV Route 3 (Mount Zion Road/Paynes Ford Road) and through the existing Section 1 of Paynes Ford Station in Berkeley County, West Virginia.

Please contact me at the addressed listed above or at (304)725-8456 with any questions, comments or for additional information. Thank you in advance for your time and consideration in reviewing the Concept Plan for Paynes Ford Station Section 2.

Sincerely,

A handwritten signature in black ink that reads "D. Chad Wallen". The signature is written in a cursive, flowing style.

D. Chad Wallen, C.L.A.  
Project Manager

**JEFFERSON COUNTY, WEST VIRGINIA**

**Departments of Planning & Zoning**

116 East Washington Street  
P.O. Box 338  
Charles Town, West Virginia 25414

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

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

December 16, 2010

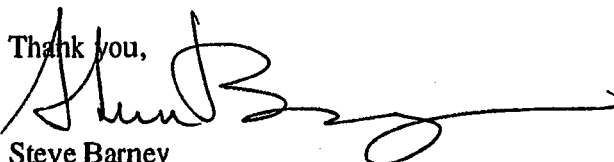
Jefferson Orchards Inc.  
c/o David Ralston and Ronald Slonaker  
P.O. Box 700  
Kearneysville, WV 25430

Dear Mr. Ralston and Mr. Slonaker:

This letter will confirm that the Concept Plan that was submitted for Paynes Ford Station (PC File #10-12) project has been declared sufficient for review. There are no fees required. Below is a timeline for the next steps in the process:

- ❖ The Completeness Review will begin on December 16, 2010.
- ❖ The Concept Plan material and a copy of this letter detailing the timeline will need to be submitted to the reviewing agencies by December 28, 2010. Those agencies include:
  - West Virginia Department of Transportation, Division of Highways
  - West Virginia Department of Environmental Protection
  - Jefferson County GIS/Addressing Office
  - Jefferson County Health Department
  - Jefferson County Public Service District
  - Jefferson County Historic Landmarks Commission
- ❖ Reviewing agency comments will need to be submitted to the Planning and Zoning Department no later than February 1, 2011. If the Planning and Zoning Department receives no reply from the reviewing agency, the department will assume approval.
- ❖ The Department will place an advertisement for the public workshop in the February 2, 2011 edition of the Spirit of Jefferson Advocate.
- ❖ A public notice sign (supplied by the Department) detailing the time and date of the public workshop will need to be posted on the property by the applicant no later than February 8, 2011.
- ❖ The public workshop will be held at a Planning Commission meeting on February 22, 2011.

If you have any questions please feel free to contact our office.

Thank you,  
  
Steve Barney  
Zoning Administrator

SR/jth

cc: William H. Gordon Associates

# Jefferson County Public Service District

---

January 3, 2011

Steve Barney  
Zoning Administrator  
Jefferson County Departments of Planning and Zoning  
116 East Washington Street  
P.O. Box 338  
Charles Town, WV 25414

RECEIVED  
JAN 3 2011  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Re: Water and Sewer Service for Paynes Ford Station (PC File # 10-12)

Dear Mr. Barney:

Due to a June 3, 2003 Service Territory Agreement between Jefferson County Public Service District (JCPSD) and Berkeley County Public Service Sewer District (BCPSSD), the sewer service availability for this development will be a decision by BCPSSD. By a copy of this letter and your request for information on the development, BCPSSD has been informed of the request. We have also informed Berkeley County Public Service Water District so they have the opportunity to comment on the availability of water as they currently provide water service for the existing phase of Paynes Ford Station and JCPSD does not have water service available in the area.

JCPSD is grateful to County Staff for including us in your "Completeness Review" process. When each request is received, we will answer with the best information we have, which may, as in this case, include a suggestion for other service providers. Please continue to send the requests to us and we will assure the proper water and sewer service utilities are notified.

Should additional information be necessary, please feel free to contact me.

Sincerely,



Susanne Lawton  
General Manager

cc: Zane Summerfield, Engineer, Pentree Inc.  
James V. Kelsh, Esquire  
D. Chad Wallen, CLA, William H. Gordon Associates Inc.



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

**Division of Highways**

Office of the District Engineer/Manager  
District Five

P. O. Box 99 • Burlington, West Virginia 26710-0099 • (304) 289-3521

January 12, 2011

RECEIVED  
JAN 18 2011  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

William H Gordon Associates, Inc  
D Chad Wallen  
North Mildred Street, Suite 1  
Charles Town WV 25414

Dear Mr. Wallen:

Request for Permit  
Paynes Ford Station 2

Your request for a permit for Paynes Ford Station Section 2 was received in my office on 1/3/11. My records indicate that Paynes Ford Station Section 1 has not been completed and the permit has expired as of 10/31/09. If your records show differently please forward proper documentation. Before an extension will be given to Section 1, revised drawings will need to be supplied. The revisions will need a typical showing Filter Fabric, 12" class 1 stone 4" HMA base course and 2" of wearing. A \$25,000 surety bond will also be required. Please respond to this office in writing with your desires for Section 1. We will not issue a permit for Section 2 until Section 1 is properly addressed.

Once Section 1 is properly addressed, the checklist provided will need to be addressed for Section 2. After reviewing Permit 5-08-0822 for Section 1, there is a statement in the attachment about a turning lane if further sections are added. Our Traffic Engineering Technician will be looking into whether the turning lane will be required with the addition of Section 2.

If you have any further questions please feel free to contact me at 304-289-2284 or at e-mail [larry.a.alt@wv.gov](mailto:larry.a.alt@wv.gov)

Sincerely,

Larry Alt  
Permit Reviewer

LAA

cc: Permit File / Jefferson County Planning (Steve Barney)  
Larry Alt/Rick Shobe/

WVDOH District Five Major Highway Entrance Permit Checklist (Subdivision, Commercial, Industrial)

All submittals for a highway entrance permit shall be made in accordance with the May 2004 WVDOH Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-Of-Way. The submittal/review procedure for a Major Highway Entrance Permit will generally be as follows:

1. **Concept Submittal** — To be used in conjunction with a meeting between WVDOH and Consultant to determine the need for a Traffic Impact Study and/or improvements to state highway.
2. **Traffic Impact Study** - If required per section 15.1 of the May 2004 WVDOH Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-Of-Way. The final determination for the need for a traffic impact study will be made by District Five Traffic Engineer at the concept submittal meeting.
3. **Preliminary Plan** ——— To be submitted for review by WVDOH upon resolution of comments from traffic impact study submission.
4. **Storm Water Management Report** ————— To be submitted for review by WVDOH with preliminary plans if any part of the project site drains to a state highway. Also need to look at potential impacts to downstream drainage structures that are part of state highway system.
5. **Final Plan** ————— To be submitted for approval upon resolution of comments from preliminary plan and storm water management submissions.

**CONCEPT SUBMITTAL (2 COPIES)**

| INCLUDED | DESCRIPTION   |
|----------|---|
|          | 1. Overall plan view, with contours, of propose subdivision/commercial/industrial property showing proposed entrances and internal road system. |
|          | 2. Show <u>all</u> phases of development for the entire property, including any areas of future expansion.                                      |
|          | 3. Show any proposed improvements (widening, turning lanes, vertical grade improvements, etc.) to State highway, if known at time of submittal. |
|          | 4. Show all existing entrances (both sides of highway) with distances from proposed entrances.  |

**TRAFFIC IMPACT STUDY (5 COPIES + CD)**

*to be determined*

| INCLUDED | DESCRIPTION  |
|----------|--|
|          | 1. Prepare in accordance with Traffic Engineering Directive 106-1 and the May 2004 WVDOH Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-Of-Way.  |
|          | 2. Submit five (5) securely bound hard copies and one (1) digital copy on CD of preliminary Traffic Impact Study (TIS) including all analyses for review.                            |
|          | 3. Upon resolution of comments from preliminary TIS, Submit five (5) securely bound hard copies and one (1) digital copy on CD of final Traffic Impact Study including all analyses. |

*Paynes Ford Station*

WVDOH District Five Major Highway Entrance Permit Checklist (Subdivision, Commercial, Industrial)

PRELIMINARY PLAN SUBMITTAL (2 COPIES)

| INCLUDED | DESCRIPTION  |
|----------|--|
|          | At preliminary plan submittal, stake location of proposed entrances. If any improvements are being made to the State highway, paint centerline stationing on highway.                                |
|          | Include the following items in the submittal.  |
|          | 1. Provide copy of Deed and/or Plat for property.  |
| ✓        | 2. Include an overall plan view, with contours, of proposed subdivision/commercial/industrial property showing proposed entrances and internal road system.  |
| ✓        | 3. Show <u>all</u> phases of development for the entire property, including any areas of future expansion.   |
| ✓        | 4. Show location on portion of WVDOH county map. Scale: 1" = 1 mile  |
| ✓        | 5. Show proposed storm water management structures.  |
| ✓        | 6. Show and label all existing property lines.   |
| ✓        | 7. Label and show dimensions of State highway right-of-way.  |
| ✓        | 8. Show and dimension existing travel lanes, turning lanes, shoulders, curbs, etc.   |
|          | 9. Show stationing of State highway in accordance with established mileposts.  |
| ✓        | 10. Show posted speed limit of all State highways.   |
| ✓        | 11. Show distance from proposed entrances to nearest highway intersection.   |
| ✓        | 12. Show all existing entrances (both sides of highway) with distances from proposed entrances.  |
|          | 13. Show existing signs and traffic control devices.   |
|          | 14. Show and label existing utilities within the project area.   |
|          | 15. Show existing and proposed guardrail.  |
| ✓        | 16. Show plan view of all proposed entrances, show and dimension all radii.  |
| ✓        | 17. Show profile of proposed entrances, starting from centerline of State highway.   |
| ✓        | 18. Include typical sections for proposed entrances.   |
| ✓        | 19. Show any proposed improvements (widening, turning lanes, vertical grade improvements, etc.) to State highway. Provide 2' min wide paved shoulders.   |
| ✓        | 20. Proposed improvements to be designed in accordance with listed references. Geometric design to be in accordance with WVDOH Design Directives DD 601, DD 603, & DD610.                            |
| ✓        | 21. Include plan and profile of proposed improvements to State highway. <i>4.25'</i>   |
| ✓        | 22. Show sight distances to the left and right, and left turn in, 3.5' eye height and 3.5' object height.  |
|          | 23. If widening or otherwise improving State highway, provide cross-sections of State highway at 50' max intervals, and at existing and proposed entrances.  |
| ✓        | 24. Plan sheets shall be at 1"=20' scale. Profile sheets shall be 1"=20' scale horizontal, and 1"=5' scale vertical. Cross sections shall be 1"=10' scale horizontal and vertical. <i>All Sheets</i> |
|          | 25. Include typical sections for proposed improvements to State highway.   |
| ✓        | 26. Use WVDOH asphalt pavement mixes and appropriate nomenclature.   |
| ✓        | 27. Subgrade, aggregate base, & asphalt base and wearing course types and thicknesses to be provided by WVDOH. <i>12" Stone (1 1/2") 4" <del>Base</del> 2" wearing</i>                               |
| ✓        | 28. Fabric for separation to be used under aggregate base course.  |
| ✓        | 29. Show existing and proposed highway drainage structures (with elevations).  |
| ✓        | 30. Show direction of flow of all streams, channels, ditches and swales.   |
| ✓        | 31. Include analysis & design of all drainage structures in accordance with WVDOH Drainage Manual.   |
| ✓        | 32. Include traffic control plans for all phases of work.  |
| ✓        | 33. Include proposed pavement marking and signage plans as per WVDOH Standard Details Book Volume 2,   |
| ✓        | 34. Show and label limits of proposed right-of-way conveyances to the WVDOH.   |
|          | 35. For clarity of the plans, do not show spot elevations, proposed water/sewer lines, landscaping, erosion/sediment control details, etc.   |

09/22/06

mark All Entrances in field with Blue & Gold Ribbon 3/4

WVDOH District Five Major Highway Entrance Permit Checklist (Subdivision, Commercial, Industrial)

STORM WATER MANAGEMENT REPORT (1 COPY)

| INCLUDED | DESCRIPTION  |
|----------|--|
| ✓        | 1. Required if any part of the project site drains to a state highway.   |
| ✓        | 2. WVDOH policy is <u>no</u> increase in peak discharge to any state highway.                                      |
|          | 3. Need to also look at potential impacts to downstream drainage structures that are part of state highway system. |
| ✓        | 4. The minimum design storm for determining the peak discharge is the 25-year storm.                               |
|          | 5. Interstate and Trunkline routes require the use of the 50-year storm for determining the peak discharge.        |
|          | 6. If a floodplain study is required, WVDOH policy is <u>no</u> increase in the 100-year water surface elevation.  |

once Preliminary Plan Accepted  
FINAL PLAN SUBMITTAL (4 COPIES)

| INCLUDED | DESCRIPTION  |
|----------|--|
|          | To be submitted for approval upon resolution of comments from preliminary plan and storm water management submissions. Include the following items in the submittal.               |
| ✓        | 1. Four (4) copies of the final plans. <i>Signed &amp; stamped</i>   |
| ✓        | 2. Include revision date(s) on plan sheets as needed.  |
| ✓        | 3. Four (4) copies of blank, signed WVDOH form MM-109. Must use double-sided 8 1/2" x 14" form.  |
| ✓        | 4. If any proposed highway improvements extend beyond limits of existing State right of way, the applicant shall establish new right of way limits beyond the area of improvement. |
| ✓        | 5. Additional right of required for proposed improvements shall be dedicated to the WVDOH.   |
| ✓        | 6. Applicant shall provide metes and bounds description and plat depicting additional right of way area with the final plan submittal.   |
| ✓        | 7. Right of way plat and description are to be prepared in accordance with WVDOH right of way standards contained in WVDOH Design Directives DD 301 and DD 312.                    |

① Once in the final Plan Stage a surety Bond amount will be set.

② Permit will not be issued until Bond is received

DESIGN REFERENCES

Note: Publications 1 to 10 are available on-line at:

[www.transportation.wv.gov/highways/engineering/Pages/publications.aspx](http://www.transportation.wv.gov/highways/engineering/Pages/publications.aspx)

1. WVDOH Manual on Rules and Regulations for Constructing Driveways on State Highway Rights-Of-Way, dated May 2004.
2. WVDOH Standard Specifications Roads and Bridges, dated 2000, as revised by the most current Supplemental Specifications.
3. WVDOH Design Directives, dated January, 1 2004, as revised by the addendums.
4. WVDOH Standard Details Book Volume 1, dated January 1, 2000.
5. WVDOH Standard Details Book Volume 2, dated January 1, 1994.
6. WVDOH Typical Sections & Related Details, dated January 1, 2000.
7. WVDOH Manual on Temporary Traffic Control for Streets and Highways, 2006 Edition.
8. WVDOH Traffic Engineering Directives, dated February 22, 2005.
9. WVDOH Sign Fabrication Manual, dated September 2005.
10. WVDOH Erosion and Sediment Control Manual, dated March 1, 2003, as revised by the addendums.
11. WVDOH Drainage Manual, dated 1984.
12. AASHTO Policy on Geometric Design of Highways and Streets, dated 2004 (Green Book).
13. AASHTO Roadside Design Guide, dated 2002.
14. FHWA Manual on Uniform Traffic Control Devices for Street and Highways, 2003 edition.
15. WVDOH County Highway Maps can either be purchased on-line at:  
[www.transportation.wv.gov/highways/programplanning/gti/Pages/availablemaps.aspx](http://www.transportation.wv.gov/highways/programplanning/gti/Pages/availablemaps.aspx)

or, they are available for download as a PDF file at:

[www.transportation.wv.gov/highways/programplanning/gti/Pages/WVCountyMaps.asp](http://www.transportation.wv.gov/highways/programplanning/gti/Pages/WVCountyMaps.asp)

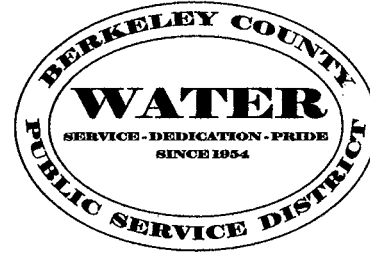
16. Copies of the Encroachment Permit Form MM-109 can be obtained from the WVDOH District Five Headquarters Office, or at any WVDOH County Maintenance Headquarters.

The MM-109 form is also available on-line as a PDF file. Be sure to follow the directions at the bottom of the web page for printing the form correctly, as it must be submitted as a 8 ½" x 14" double-sided form:

[www.transportation.wv.gov/highways/maintenance/Pages/EncroachmentPermits.aspx](http://www.transportation.wv.gov/highways/maintenance/Pages/EncroachmentPermits.aspx)

**Berkeley County Public Service Water District**  
83 Monroe Street  
P.O. Box 737  
Martinsburg, WV 25402-0737  
www.berkeleywater.org  
Phone (304) 267-3855  
Fax (304) 267-3864

*Scott &  
Send to Kim @ County  
Eng. office  
File - Dev & Case*



January 7, 2011

Jefferson County Public Service District  
340 Edmond Road, Suite A  
Kearneysville, WV 25430

Attn: Susanne Lawton, General Manager

Re: Water Service for Paynes Ford Station, Section 2

Dear Susanne,

This is to confirm that the Berkeley County Public Service Water District (District) has agreed to provide water service to Paynes Ford Station. This commitment dates from 2002, at which time the District agreed to serve the entire development, a total of 218 residential units.

We currently have approved plans for installation of water mains for 17 homes in Paynes Ford Station Section 1. The next phase, comprising 37 lots, is within the scope of the overall project that the District has already agreed to serve.

If you have any questions, please call me.

Sincerely,  
BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

Christine E. Thiel, P.E.  
District Engineer



RECEIVED  
JAN 25 2011  
JEFFERSON COUNTY  
PLANNING AND ZONING  
PLANNING AND ENGINEERING

Mr. Steve Barney  
Zoning Administrator  
Jefferson County Planning and Zoning  
P.O. Box 338  
Charles Town, WV 25414

January 23, 2011

Mr. Barney,

The Jefferson County Historic Landmarks Commission has reviewed the concept plan submitted by William H. Gordon Associates for the proposed residential subdivision called Paynes Ford Station. After review of the submitted materials, it is the view of the landmarks commission that the proposed development would have no adverse affect to the historic resources on the subject property or those on adjacent parcels.

Thank you for the opportunity to review the project.

Sincerely,

A handwritten signature in black ink, appearing to be 'J C Allen, Jr.', written in a cursive style.

John C. Allen, Jr.  
Chairman, JCHLC

Cc: Chad Wallen, William H. Gordon Associates

## Jefferson County Zoning and Land Development Ordinance

Questions and Comments by: Morgan Etters

Pages 4 – 6

- Will Table of Contents' Articles be written as "Article X", "Article X:", or "Article X."? Formatting fluctuates throughout the Table of Contents.

Pages 36 – 37

- Is a greater indentation needed on C.2.a through f?
- Should C.2.f.i through iv be C.2.f.1 through 4? This structure is found in other areas and I don't remember lower case roman numerals being used anywhere else.
- Is a greater indentation needed on C.4.a through b?

Page 39

- Should sentence in paragraph B read, "AMENDED TWICE BY ACT OF THE COUNTY COMMISSION,.....?" If so the word "times" should be removed.

Page 40

- Noticed numbers under J are a different font or size.

Page 42 – 43

- Noticed numbers under Section 4.6, Paragraph A and B are a different font or size.

Page 45

- Under D.1 there is a comment regarding Screening details. Is there any details?

Page 47

- Under Section 4.14, subsection A, there is a comment about 300'/500' conflict in River Buffer. Will the 300' replace the 500'?

Page 59 – 60

- Do the numbered subsections under B, D, and G need a greater indent?

Pages 66 – 68

- Should lower case roman numerals be replaced with standard numbers? I noticed it was changed in most spots.

Page 88

- Section 7.5, subsection B needs to be rewritten. Is very confusing as written. Is paragraph intention something like:
  - After staff review the adjacent property owners will be notified, by staff, of the date, time, and place of Compatibility Assessment Meeting. This notification will be by mail and a posted sign on the property. The sign will be prepared by staff and posted by the applicant. Included on the sign will be proposed development information, along with the date, time, and location of Compatibility Assessment Meeting. The property shall be posed conspicuously by a zoning notice sign no less than twenty-eight (28) inches by twenty-two (22) inches in size and at least fifteen (15) days prior to the hearing. The project shall also be advertised in a newspaper with local circulation at least fifteen (15) days in advance. [AMENDED BY ACT OF THE COUNTY COMMISSION ON MAY 4, 1989.]

Page 94

- Should Section 8.1 subsections be uppercase letters instead of numbers?

Page 95 – 96

- Should Section 8.7 subsections be uppercase letters instead of numbers?

## Christine Chalmers

---

To: PLANNING COMMISSION  
Subject: RE: WEEKLY CALENDAR

### MONDAY, FEBRUARY 07, 2011

10:00 am JENNIE & SETH – MEETING WITH GRANT SMITH & CARLIN EMANUEL  
RE: CONSERVATION EASEMENTS  
2:00 pm JENNIE, STEVE & SETH – MEETING WITH JOE HANKINS

### TUESDAY, FEBRUARY 08, 2011

9:00 am - 10:00 am JENNIE & JULIE – MEETING WITH DOUG / RE: UTC  
10:00 am – 11:15 am STAFF MEETING  
1:30 pm – 2:45 pm JENNIE & SETH – WEEKLY PLANNING MEETING  
3:00 pm – 4:30pm JENNIE & STEVE – WEEKLY ZONING MEETING  
TENTATIVE - TBD JENNIE – UTC MEETING  
7:00 pm PLANNING COMMISSION MEETING

INTERN DOUGLAS GRIFFITH – WORK / 9:00 am – 4:00 pm

### WEDNESDAY, FEBRUARY 09, 2011

9:30 am JENNIE – MEETING WITH TIM BOYDE, ROGER & TODD  
10:00 am STEVE, SETH & JONATHAN – LISKEY M/S PPC WITH ED JOHNSON  
11:00 am STEVE & JONATHAN – MEETING WITH JASON (WHGA) /  
RE: BLOOMERY DISTILLERY  
2:00 pm – 3:30 pm STEVE, SETH & JONATHAN – M/S PPC WITH JOHN BUTLER

### THURSDAY, FEBRUARY 10, 2011

9:00 am - COUNTY COMMISSION MEETING

INTERN DOUGLAS GRIFFITH – WORK / 1:00 pm – 4:00 pm

### FRIDAY, FEBRUARY 11, 2011

9:30 am – 10:30 am JENNIE, STEVE & SETH – WEEKLY “IRF” UPDATE MEETING  
10:00 am JENNIE, SETH & JULIE – MEETING WITH JILL KEIHN / RE: GRANT SUPPORT (NFWF)  
AFTERNOON JENNIE, SETH & JULIE – US 340 PLANNING MEETING

## Christine Chalmers

---

To: PLANNING COMMISSION  
Subject: RE: WEEKLY CALENDAR

### MONDAY, FEBRUARY 14, 2011

1:00 pm JENNIE – APPOINTMENT WITH TIM BOYD  
4:00 pm JENNIE & JULIE – PC SUBCOMMITTEE MEETING -  
RE: ANNUAL REPORT / BUDGET / WORKPLAN  
7:00 pm – 8:00 pm JENNIE – MEETING IN HARPERS FERRY / UTC

SETH – OUT / RE: SEMINAR

### TUESDAY, FEBRUARY 15, 2011

9:15 am - 10:45 am JENNIE & STEVE – WEEKLY ZONING MEETING  
10:45 am – NOON JENNIE & SETH – WEEKLY PLANNING MEETING  
1:00 pm – 3:00 pm JENNIE – ENV. STUDIES CLASS – “INTERVIEW” / LOCATION: SHEPHERD UNIVER.  
3:00 pm JULIE – MEETING WITH MARK SCHIAVONE & TODD FAGAN/RE: GLOBAL DATA  
3:00 pm – 4:00 pm STEVE & SETH – MEETING / RE: SOILS  
7:00 pm – 8:00 pm JENNIE – RANSON TC / RE: UTC MEETING

INTERN DOUGLAS GRIFFITH – WORK / 9:00 am – 4:00 pm

### WEDNESDAY, FEBRUARY 16, 2011

10:00 am – 1:30 pm JENNIE – HEPMPO (TAC) MEETING (FIRE STATION CONFERENCE ROOM)  
LOCATION: HAGERSTOWN REGIONAL AIRPORT  
10:00 am STEVE, SETH, JONATHAN & BECKY – MEETING WITH PETER CORUM  
11:00 am STEVE, SETH & JONATHAN – SITE PLAN PPC / ROSALIND WELSH  
RE: CHILDS ROAD CHURCH OF GOD GARAGE ADDITION  
1:00 pm STEVE, SETH & JONATHAN – SITE PLAN PPC / MATTHEW GROVE & HARRY BYRD  
RE: HAWTHORN ASSOC., LLC  
2:00 pm STEVE, SETH & JONATHAN – SITE PLAN PPC / MYRA FIRESTONE; RE: BED & BREAKFAST  
3:00 pm STEVE, SETH & JONATHAN – SITE PLAN PPC / MATT KNOTT; RE: RIVER RIDERS  
3:00 pm JENNIE & JULIE – MEETING WITH MARK SCHIAVONE, SALLY GRAN & VIVIAN

### THURSDAY, FEBRUARY 17, 2011

9:00 am - COUNTY COMMISSION MEETING  
10:00 am – NOON JENNIE – MEETING / RE: RANSON-CHARLES TOWN PROJECT @ RANSON CITY HALL  
12:30 pm – 1:30 pm STAFF MEETING  
2:00 pm – 3:15 pm JENNIE – SMARTCODE @ WORK WEBINAR, MIAMI 21 / LOCATION: RANSON CITY HALL  
4:00 pm – 5:30 pm JENNIE, JULIE & SETH – 340 CORRIDOR TECHNICAL ADVISORY COMMITTEE MEETING  
7:00 pm – 9:00 pm JENNIE & JULIE – COUNTY COMMISSION MEETING / RE: PH on UGB  
LOCATION: LIBRARY CONFERENCE ROOM

INTERN DOUGLAS GRIFFITH – WORK / 1:00 pm – 4:00 pm

### FRIDAY, FEBRUARY 18, 2011

10:00 am JULIE – MEETING WITH MARK SCHAIVONE & TODD FAGAN / RE: GLOBAL DATA  
2:00 pm STEVE & SETH – MEETING WITH JOHN HINES / RE: BASEMENT BREWERY

JENNIE – OUT / RE: NOON MEETING IN MORGANTOWN WITH CHRISTOPHER M. FLETCHER, AICP