

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
August 9, 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 the minutes for the July 26, 2011 meeting.
2. Citizen Communications.
3. Request for postponement.
4. Public Hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 15, portions of Parcels: 47 and 56. This property is currently zoned Rural and Residential/Light Industrial/Commercial zoning is being requested. The property is adjacent to both the current Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres. David and Catherine Hott are the owners.
5. Concept Plan Review for Harvest Pointe Community Church (PC File #S11-02). This property is located on the north side of WV Route 51 approximately 4 miles west of Charles Town. This project consists of a 48,918 sq. ft. of total floor area in 5 phases including a picnic pavilion, recreation areas, a chapel, a prayer garden, and a fountain in the outdoor area. The indoor area is proposed to consist of a worship area, classrooms and a nursery, a large gathering area, a coffee bar and café area, and administrative offices with conference rooms. The property is located in Tax District: Middleway; Tax Map: 20 Tax Parcel: 7.13.
6. Concept Plan Review for Jefferson Asphalt Products (PC File #S11-12). This property is at 9390 Middleway Pike on WV Route 51 near Tuscowilla Hills. This project consists of a 60 ft. by 70 ft. single story office building and a 60 ft. by 100 ft. maintenance shop. The property is located in Tax District: Charles Town; Tax Map: 13 Tax Parcel: 7.
7. Concept Plan Review for Verizon Wireless - Leetown (PC File #S11-13). This property is at 6000 Paynes Ford Road, Kearneysville. This project consists of a proposed telecommunication facility that will consist of a 100 ft. by 100 ft. leased area, within which a 50 ft. by 50 ft. compound consisting of a 120 ft. silo structure, a 12 ft. by 30 ft. equipment shelter, an electrical backboard, and a mesa cabinet will be installed. The property is located in Tax District: Middleway; Tax Map: 7 Tax Parcel: 6.
8. Urban Tree Canopy Goals Public Comment Discussion and Possible Vote.
9. Reports from Legal Counsel and legal advice to PC.
10. Director's Report.
11. County Commission Liaison Report.
12. Planning Commission Exchange.
  - Report from the Health Department Meeting Liaison.
  - Report from the Public Service District Meeting Liaison.
  - Report from the Parks and Recreation Meeting Liaison.

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- Report from the Jefferson County Development Authority Meeting Liaison.
- Report from the Water Advisory Committee Meeting Liaison.

13. President's Report.

14. Actionable Correspondence.

15. Non-Actionable Correspondence.

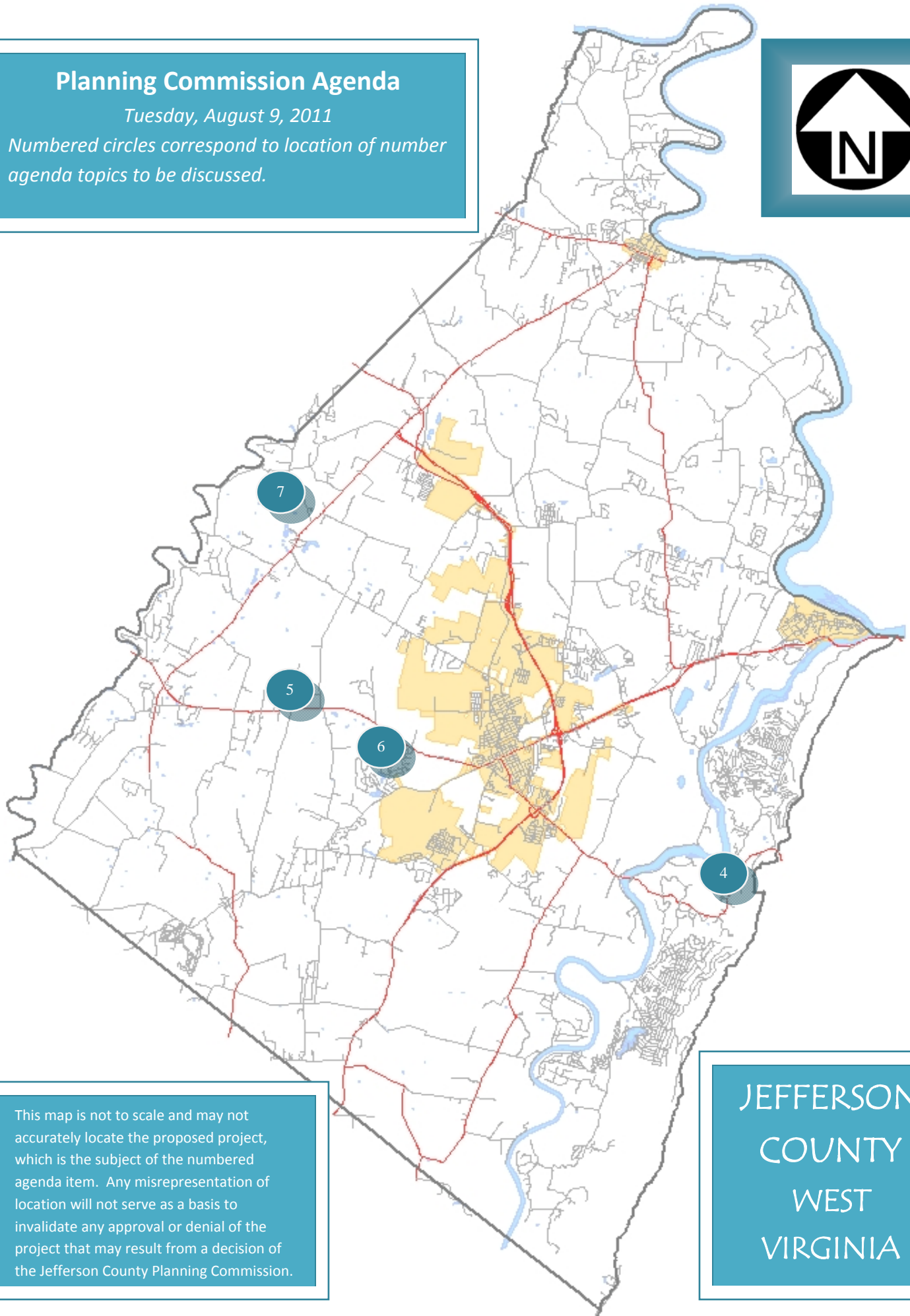
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address 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, August 9, 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  
JULY 26, 2011

The Jefferson County Planning Commission met on Tuesday, July 26, 2011, with the following Commission members present: Daniel Hayes, President; Morgan Ethers, Secretary; Gene Taylor, Kelly Baty, Ed Burns, Eric Smith, and Walt Pellish. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Stephanie Grove, Assistant Prosecuting Attorney; and Amy Puetz, Planning Clerk.

Mr. Arnold Dailey and Mr. Paul Taylor were absent with notification.

Mr. Hayes called the meeting to order at 7:00 PM.

1. **Approval of the minutes for the July 12, 2011 meeting.**

Mr. Pellish moved to approved the July 12, 2011 Planning Commission Meeting minutes. Mr. Burns seconded the motion which carried 5 for and 1 abstention (Mr. Baty).

2. **Citizens Communication:** None.

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

4. **Old Business**

- **Report back to the Planning Commission regarding the Hott property processing options.**

Ms. Brockman reported that staff had held a meeting with applicants for the Hott property rezoning request to discuss processing options of Rezoning versus a Conditional Use Permit (CUP). She notified the Planning Commission that the applicants had chosen to continue with the rezoning process and not process as a CUP.

5. **Declaration of Violation for Robert Schelin of the Jefferson County Improvement Location Permit Ordinance for no Improvement Location Permit for a shed on property designated as Parcel 40 on Tax Map 7 in the Shepherdstown District as found in Deed Book 826 at Page 676.**

Mason Carter, Ordinance Compliance Officer, requested a declaration of violation for Robert Schelin for a violation of a shed built on the property without a permit. Mr. Carter presented photographs as support for his request. Mr. Burns moved to declare a violation against Robert Schelin. Mr. Pellish seconded the motion which carried unanimously.

Mr. Hayes called to hear agenda item #7 before agenda item #6.

7. **Discussion and possible vote on Amendments to Articles 4A and Section 2.2 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries.**

Mr. Barney reviewed the comments made at the June 28, 2011 Planning Commission Meeting when a public hearing regarding these amendments was held. Mr. Barney presented a chart of 8 issues with the amendments describing the current language in the ordinance, the

public comment that was made, and staff's recommendation of changes that could be made to satisfy those requests:

- Comment #1: In Section 4A.5.1.2, a WV Department of Highways (WVDOH) Highway Entrance Permit is required with plan submittal. Public comment addressed the concern that the WVDOH did not have different requirements for small home businesses and large commercial businesses. Mr. Barney reported that staff feels that the intent of this section was to address whether or not an existing or proposed access to a state road was permitted and that the entrance permit should be for the residential use, not the business use.
  - Mr. Pellish moved to strike Section 4A.5.i.2 completely from the amendments. Mr. Burns seconded the motion which carried unanimously.
- Comment #2: Section 4A.5.e allowed no more than twelve business-related vehicle visits per day and no more than sixty visits per week. Public comment requested that the weekly number of vehicle visits be maintained while the daily visits be more flexible. Mr. Barney suggested revising the section to increase the limit of the Cottage Industry to 15 visits per day and the Home Occupation Level 2 (Section 4A.4.e) to 5 visits per day provided that the weekly limit would not be exceeded.
  - Mr. Smith moved that 4A.4.e and 4A.5.e be amended as suggested by staff. Mr. Pellish seconded the motion that carried 6 for and 1 opposed (Mr. Baty).
- Comment #3: Section 4A.6 stated "It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to research any private agreements relation to the subject property, contact the Homeowner's Association (HOA), or seek the advice of a surveyor, engineer or attorney. Public comment requested that the County require written approval from each HOA board prior to review of a Cottage Industry or Home Occupation application. Mr. Barney reported that the Jefferson County legal counsel had advised that HOA approval could not be used as a condition of County approval and that no change would be recommended.
  - No change was made by the Planning Commission.
- Comment #4: Public comment addressed public notification of a Home Occupation or Cottage Industry application. A request was made at the June 28, 2011 meeting that the property be posted with a placard for 30 days prior to approval to allow neighbors to appeal the request. Mr. Barney explained that a 30 day posting requirement would significantly delay a Zoning Certificate process and that staff was unsure how the appeal process would function as the appeal would have to be based on whether or not the land use meets the requirements of the Zoning Ordinance and not just personal issues or preferences. Mr. Barney did suggest that if the Planning Commission does provide an amendment to require posting for a Zoning Certificate, that the posting be limited to 14 days not 30 days.
  - No change was made by the Planning Commission.

- Comment #5: Section 4A.5.j explained that a site plan is required if the combined gross floor area of a new building, an addition, and/or an existing accessory structure to be used as a Cottage Industry exceeds 1,500 square feet but is less than 3,000 square feet. Public comment requested that the square footage to trigger a site plan be increased to 3,000 or 5,000 square feet. Mr. Barney replied that any other non-residential development (other than a Cottage Industry) requires a site plan at 250 square feet and he recommended no change.
  - No change was made by the Planning Commission.
- Comment #6: Sections 4A.3.e, 4A.4.e and 4A.5.e detail the amount of traffic visits allowed for each level of Home Occupations and for Cottage Industry. Public comment asked that a clause be added to allow more traffic during an open house event such as an art studio tour. Mr. Barney stated that staff believes that the existing language is adequate as Section 4A.2, Exempt Activities, explains that participation in an event conducted yearly or twice-yearly with multiple locations do not constitute a Home Occupation or Cottage Industry and do not require a Zoning Certificate. Mr. Barney recommended no change although he did state that if the Planning Commission would opt to make this change, that Section 4A.2(3) have language added that states, “Such an event need not comply with the vehicular trip limits established by this article”.
  - Mr. Burns moved to add the staff recommended comment to Section 4A.2(3). Mr. Pellish seconded the motion. Discussion ensued regarding if the added language would benefit the amendment or cause confusion. The motion failed 0 for, 5 opposed, 2 abstention (Mr. G. Taylor and Mr. Burns).
- Comment #7: Section 4A.1.g explained that no outdoor storage of any kind is permitted. Public comment requested that outdoor storage be allowed. Mr. Barney explained that since the intent of the requirement was to preserve the residential appearance of the property that staff would be comfortable amending the section to read, “No outdoor storage of any kind, *visible from a public or private right-of-way or vehicular access easement*, is permitted”.
  - Mr. Smith moved to accept staff recommended language. Mr. Burns seconded the motion. Mr. Hayes offered a friendly amendment to add the words *property line* after the word right-of-way. Mr. Burns and Mr. Smith accepted the friendly amendment. The motion passed 6 for and 1 opposed (Mr. Baty).
- Comment #8: Section 4A.5.l discussed a setback of 25 feet for accessory structures used for a Cottage Industry. Public comment suggested that the setbacks should be consistent with the standard zoning district setbacks of the Zoning Ordinance. Mr. Barney reasoned that an accessory structure for a Cottage Industry may generate greater noise than an accessory structure used for residential purposes and therefore, a greater setback should apply. He recommended no change to the amendment.
  - No change was made by the Planning Commission.

Mr. Smith moved to accept the amendments with the above approved changes to send to the County Commission. Mr. Pellish seconded the motion which carried 6 for and 1 opposed (Mr. Baty).

**6. Discussion and possible vote on Proposed Text Amendment to Section 20.203 Minor Site Development, Section 20.204 Major Site Development, and Division 26.200 Definition of Terms, regarding the maximum square footage requirements for a Minor Site Plan in each Zoning District.**

Mr. Rivard explained the changes made to the amendments as a result of discussions by the subcommittee and public comment. He clarified that Section 20.203.2 was amended to state "*Section 20.203, Sub-Sections (1) and (3) do not apply to this provision*" and that the definitions for section B of both definitions of Minor Site Plan and Site Plan, Minor were amended to state "*Sub-Sections A and C of this definition do not apply to this provision*".

Ms. Eppers moved to recommend to the County Commission the amendments dated July 25, 2011 as written. Mr. Smith seconded the motion which carried unanimously.

**8. Public Workshop regarding the Urban Tree Canopy Plans and Goals for Jefferson County.**

Ms. Brockman introduced Ms. Dawn Childs, Planning and Zoning Office Manager. She also introduced Doug Griffith, Intern tasked with drafting the Urban Tree Canopy Plans and Goals.

Ms. Brockman described the Urban Tree Canopy Plans and Goals project and the next steps in the process of approving the document. She reported that the Water Advisory Committee requested that the public workshop be left open for a week to allow for written public comment. Mr. Hayes agreed to leave the public workshop open to public comment until August 5, 2011 for discussion at the August 9, 2011 Planning Commission meeting.

Mr. Burns requested that staff write a letter of thanks to Doug Griffith so that he can include that with his resume.

**9. Discussion of Planning Commission Bylaws.**

Ms. Brockman suggested that this item be postponed since staff had not had the opportunity to discuss this issue with Mr. Stephan Groh, Assistant Prosecuting Attorney. Mr. Pellish distributed his comments regarding allowing a Planning Commissioner to vote via phone. Mr. Hayes rescheduled this discussion to the September 13, 2011 Planning Commission meeting.

Mr. Hayes called for a break at 9:02 PM. Mr. Hayes called the meeting to order at 9:07 PM.

**10. Reports from Legal Counsel and legal advice to PC.**

Mr. Smith moved to go into executive session to discuss legal matters. Mr. Burns seconded the motion which carried unanimously. The executive session began at 9:09 PM.

Mr. Burns moved to come out of executive session. Mr. Smith seconded the motion which carried unanimously. Regular session resumed at 9:18 PM.

Mr. Burns moved to proceed with the order as presented by Counsel in executive session and to authorize Mr. Hayes as President to sign the order. Ms. Ethers seconded the motion which carried unanimously.

**11. Director's Report.**

Ms. Brockman presented the 4<sup>th</sup> quarterly report and explained the history behind the reason for these reports.

Ms. Brockman discussed upcoming amendments to the Zoning Ordinance and the priority in which staff suggested they be handled. Mr. Hayes suggested moving forward with amendments for a recreational overlay district along the Shenandoah and Potomac Rivers with provisions for camping, river access points, and other tourist features. Mr. Hayes also supported initiating an amendment which would create new zoning categories.

Ms. Brockman reported that a list of upcoming Subdivision Regulation Amendments was being compiled. Mr. Hayes asked that the list be presented at the September 13, 2011 Planning Commission meeting.

**12. County Commission Liaison Report.** None.

**13. Planning Commission Exchange.** Mr. Baty reported on the recent Water Advisory Committee meeting.

**14. President's Report.** None.

**15. Actionable Correspondence.** None.

**16. Non-Actionable Correspondence.** None.

Mr. Burns moved to adjourn the meeting at 9:47 PM. Mr. Smith seconded the motion which carried unanimously. An audio recording and a video recording of the meeting may be found on our website. These minutes were prepared by Amy Puetz, Planning Clerk.

**A Motion Recommending Approval of a  
Rezoning for Hott Property  
August 9, 2011**

**Whereas**, David and Catherine Hott has requested rezoning of property known as the Hott Property; and

**Whereas**, The property is identified as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District, cumulatively consisting of 59 acres; and

**Whereas**, The applicant is requesting a portion of Parcels 47 and 56, comprising of 42 acres, be rezoned from Rural to Residential-Light Industrial-Commercial as shown in the exhibit below; and

**Whereas**, The remaining 17 acres will remain Rural; and

**Whereas**, The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

**Whereas**, The Planning Commission finds that the requested rezoning is in conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

**Whereas**, The Planning Commission further finds that there has not been major changes of an economic, physical or social nature within the area involved which were not anticipated when the Comprehensive Plan was adopted; and

**Whereas**, Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report attached; and

**Now therefore be it moved**, that the Jefferson County Planning Commission recommends approval of the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District.

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.

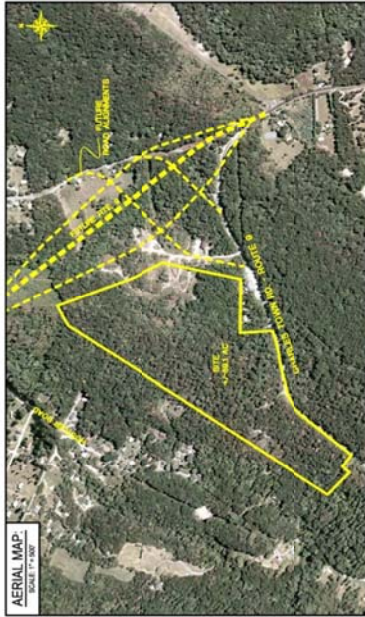
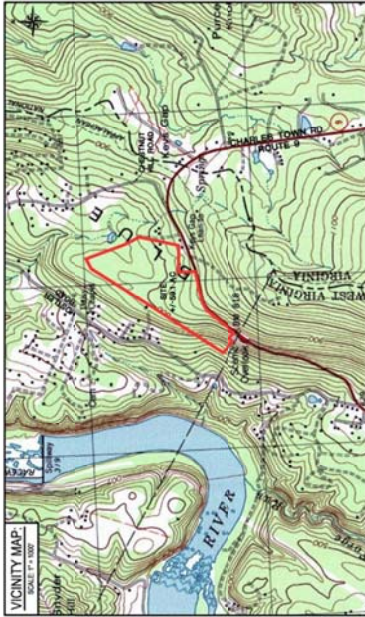
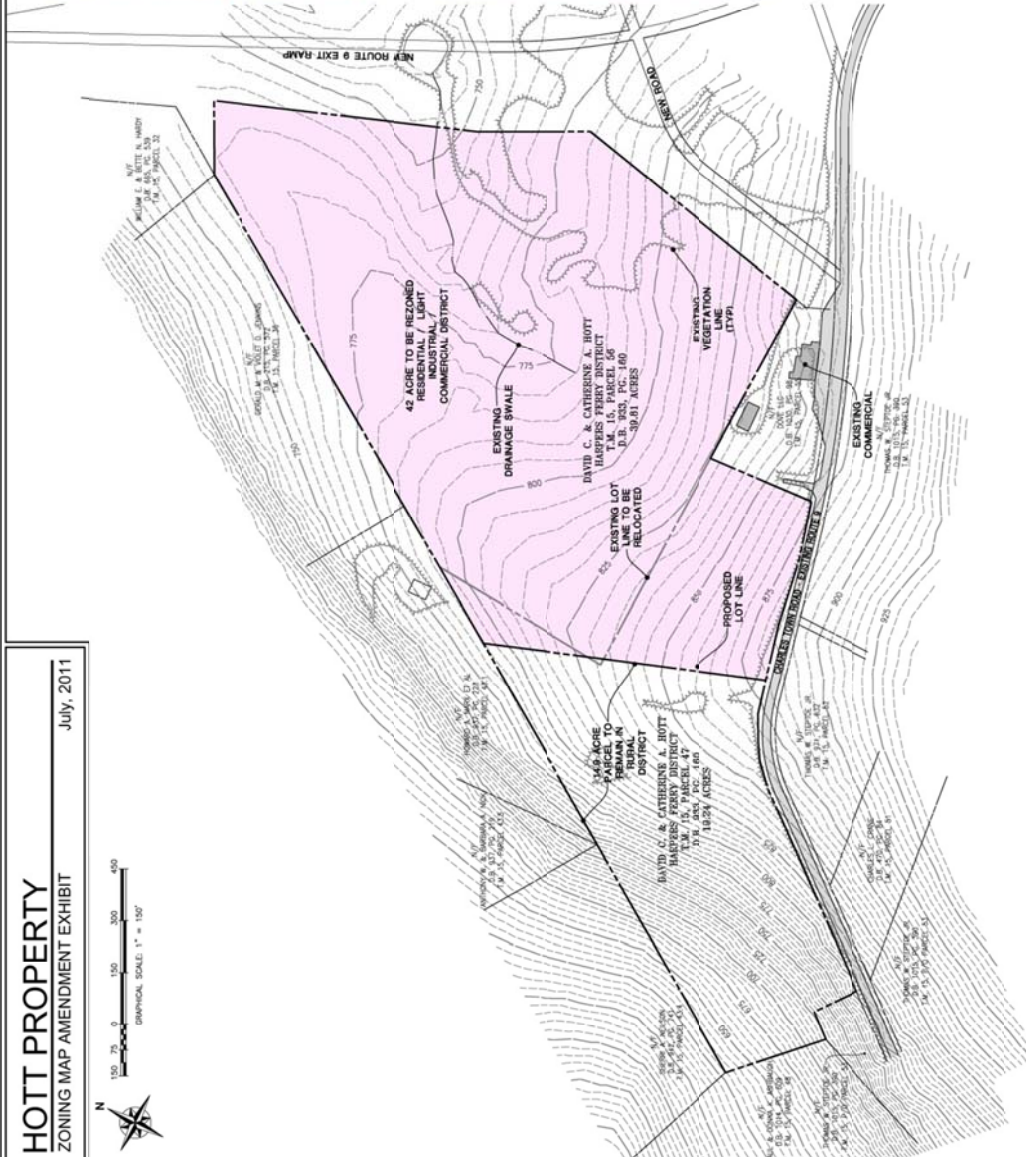
Recommended \_\_\_\_\_ this \_\_\_ day of August  
By vote of the Jefferson County Planning Commission  
By a vote of \_ Yes \_ No

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Daniel Hayes, Commission President

# HOTT PROPERTY ZONING MAP AMENDMENT EXHIBIT

July, 2011



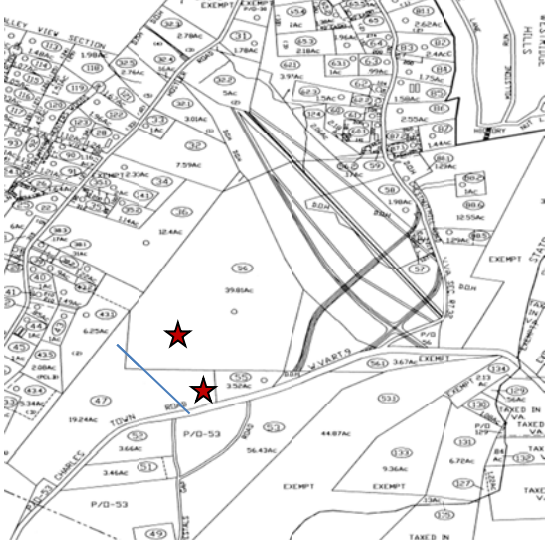

- GENERAL NOTES:**
1. PROPERTY LOCATED IN THE RURAL ZONING DISTRICT.
  2. THE PROPERTY IS LOCATED IN THE HARPERS FERRY DISTRICT ON TAX MAP 15, PARCELS 47 AND 56 (D.S. 933, P.G. 160).
  3. TRACT SIZE = 59 ACRES.
  4. LOT AND BLOCK INTERVALS, TOPOGRAPHY INTERPOLATED FROM USGS TOPOGRAPHY.
  5. AVIATION ROUTE 8 ALIGNMENT AND ASSOCIATED ROADWAY ALIGNMENTS ARE APPROXIMATE AND BASED ON JEFFERSON COUNTY TAX MAP INFORMATION.

# Staff Report

## Jefferson County Planning Commission Meeting

### August 9, 2011

Item #4 Request for Zoning Map Amendment (Rezoning) by David and Catherine Hott for property designated as Tax District: Harpers Ferry, Map 15, portions of Parcels 47 and 56, from the Rural Zoning District to the Residential/Light Industrial/Commercial Zoning District. The property is adjacent to both the current Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres.

APPLICANT:	David and Catherine Hott
OWNER :	David and Catherine Hott
DEVELOPER:	n/a
SURVEYOR/ENGINEER:	William H. Gordon & Associates
PROPERTY LOCATION:	
LEGAL DESCRIPTION:	District: Harpers Ferry, Map: 15, portions of Parcels: 47 and 56
	
	Rural
CURRENT ZONING DISTRICT:	

SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> Rural <i>South:</i> Rural <i>East:</i> Rural <i>West:</i> Rural
LOT AREA:	42 Acres
PRIOR CASES:	None
VARIANCE(S):	None
REQUEST ZONING DISTRICT:	Residential/Light Industrial/ Commercial Zoning District
Requested Planning Commission Action:	Recommend approval or not approval of the proposed rezoning (map amendment) to the County Commission.

## Introduction and Purpose

David and Catherine Hott, owners of the subject properties which are located along Route 9 on the Mountain directly adjacent to and behind Torlones Restaurant, have requested that 42 acres of their properties detailed below be rezoned from the Rural Zoning District to the Residential/Light Industrial/ Commercial Zoning District. The parcels are identified as Tax Map 15, Parcels 47 and 56 of the Harpers Ferry District. Parcel 47 is approximately 19.24 acres and Parcel 56 is approximately 39.81 acres. All of Parcel 56 and part of parcel of 47 is being requested for rezoning. A total of 42 acres is proposed for rezoning and the remaining acreage will remain Rural (Image 1).

The properties are located at the southwest corner of the new Route 9 and existing Route 9 and have an existing access to the existing Route 9. The new Route 9 being constructed is directly to the east of the parcels proposed for rezoning. No direct connection to new Route 9 will be created for the subject properties now or in the future. The parcels are currently zoned Rural and are wooded and vacant. With the exception of the Village of Mannings, which is approximately 1 mile away, the entire mountain is zoned Rural (Image 2). The applicant has requested rezoning of the 42 acres from Rural to Residential-Light Industrial-Commercial. The remaining approximately 17 acres will remain Rural and the applicant is planning to build their home on that land. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

## Statutory Authority and Requirements

The West Virginia State Code Section 8A-7-9 provides that a locally adopted zoning ordinance and its maps may be amended by the County Commission with the advice of

the Planning Commission. Article 12 of the County Zoning Ordinance also requires that the “procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended.” As concerns 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)**] This subsection of the State Code also states that, “If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.”

## **Scope of this Assessment**

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Staff believes that there have not been major changes of an economic, physical or social nature, within the area involved, which were not anticipated when the comprehensive plan was adopted and which would have “substantially” altered the basic characteristics of the area. This belief is limited to the proposal to rezone the subject site.

The format for this assessment includes quotes, in italics from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, *“Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals.”* In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be

considered the professional opinion of staff; no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

## **Rezoning Conditions Agreed to by the Applicant**

The applicant has agreed to apply some conditions to the rezoning request. The applicant and Staff have had a discussion regarding conditions that the applicant is willing to abide by in this rezoning request. Staff cannot and has not compelled conditions upon the applicant. Below are the agreed upon conditions:

- Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
- Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Emphasis will be placed on controlling soil erosion and establishing a vegetated cover that will reduce erosion potential.
- Tree canopy coverage of 20% over the entire property that is subject to the rezoning. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
- Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
- Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
- No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
- Entrances to buildings shall front the street to which the building is oriented.
- Dumpster enclosures shall match buildings in color and like material.
- Outdoor storage areas shall be screened from view of all right of ways.
- LED message board signs or streaming signage are prohibited.
- The only use proposed to be restricted is residential activity. None of the remaining uses in the district are proposed to be restricted. Applicant has stated

that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The site would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.

- Applicant shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

## Relevant Comprehensive Plan Elements and Commentary

One of the weaknesses of the 2004 Comprehensive Plan is that there is not a future land use map and not all areas of the County are adequately addressed. There are sections of the plan that clearly discuss the growth potential of certain areas of the County. However, there are other areas of the County, where future impacts and opportunities seem evident, and the document is silent relative to future planning implications in those areas.

Where the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan..." is difficult to comply with where the document provides minimal or no guidance. It is possible to speculate that if the plan does not address areas or locations of the County, that the plan might have anticipated those areas would not fundamentally change from their condition in 2004.

### Transportation Components from the Comprehensive Plan

Since the 2004 Comprehensive Plan does note in several places within the text that new Route 9 is proposed to be built, Staff cannot conclude "...that there have been major changes of an economic, physical or social nature within the area involved, which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area." All the changes that have occurred in that location were anticipated, as it relates to transportation improvements. While the road improvement is discussed from a transportation perspective, the writers of the Comprehensive Plan did not contemplate the land use impact that this new transportation feature would have on the adjacent properties.

The new and nearly complete Route 9 will assist in alleviating some of the current traffic volume on the existing Route 9. The Comprehensive Plan does acknowledge existing problems with the current Route 9 (pg. 30). All of the existing traffic concerns on Route 9 are not located near this property. In the Plan Policies on page 8, the Comprehensive Plan states "*This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.*" The new transportation infrastructure may reduce traffic on the existing Route 9, providing for

potential new development to occur with improvements in that location. Since access to this site is from the existing Route 9, turn movements into this site may be safer and less congested with the new Route 9 coming on line. Aside from recognizing that the four-lane Route 9 is proposed, the Comprehensive Plan provides little guidance on how that might impact future growth in this area.

### Environmental Comments from the Comprehensive Plan

The Comprehensive Plan notes the follow environmental elements that apply to this rezoning request:

- *Plan recommends that Jefferson County natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds (pg. 8).*
- *Promote growth and development that are both economically and environmentally sound (pg. 19).*
- *Promote the conservation of the natural, cultural, and historical resources and the preservation of the County's scenic beauty (pg. 19).*
- *Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan (pg. 52).*
- *The protection of scenic vistas has been the subject of public comment during this process (pg. 52).*
- *Should the County identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).*

The noted sections above highlight the elements that need to be considered when planning for the future and for any potential development. Resources that exist today are difficult to replace once lost. Jefferson County is shaped by its natural, cultural and historic resources. If not planned for properly, Jefferson County could become as indistinct from many other communities and lose features that make it different from other places. Preservation of the natural resources on this property is important. As noted above, the need to provide "...development that are both economically and environmentally sound..." is important to provide that balance. That balance is not a lofty goal, it is a reality that can be accomplished.

As noted above the applicant is willing to provide some tree preservation on the site and supplement the site with additional canopy tree plantings to achieve a 20% canopy cover. The tree preservation and new trees is not only important for how this site looks from the existing and new Route 9, but how the Mountain looks when viewed from a distance or below. The Mountain has a unique development pattern. Considering there are approximately 3,191 houses in that geographical area, when looking up the Mountain, the viewer sees very little disturbance and primarily only trees are visible. The retention of existing trees and vegetation would allow for the scenic views from below to be maintained. Additionally, if done properly, the preservation of existing trees within the development could provide immediate environmental and aesthetic value, ensuring that development and the environment would coexist. While the 20% is a minimum, it is hoped that the 42 acres would possibly exceed that requirement to maintain a healthy forest cover that currently exist on nearly all of the land east of the Shenandoah River and also maintain the character of the Mountain.

This condition the applicant has presented is in keeping with the draft Urban Tree Canopy Goals and Plan under consideration for adoption this Fall. Goals that might be relevant to this proposal include “Develop implementable land use policies which encourage the retention of existing tree canopy coverage on steep slopes and in riparian buffer areas.” Further, the Urban Tree Canopy Goals and Plan outline this recommendation, “Consider developing implementation recommendations that build upon this planning effort and the 2008 Green Infrastructure Assessment analysis as a part of the 2014 Comprehensive Plan Update, particularly developing land use policies that will help to assure minimizing the fragmentation of the identified core forest areas that contain large patches of intact forest”. It is hoped that any development in this heavily forested areas of the County would strive to meet these proposed goals.

### Lighting and Signage Comments from the Comprehensive Plan

The Comprehensive Plan details lighting and signage on page 58 outlining that:

- *“With the growth of commercial and residential development in the County in the 1990s, the issue of commercial lighting and business signs has been raised as an issue by elements of the community, with the concern that a proliferation of such utilities will damage the rural character of the County and the small town character of its municipalities.”*
- *“Measures can be codified in the Ordinances which reduce the amount of glare, through the use of full cut-off light fixtures and revised sign regulations that permit businesses sufficient exposure without turning commercial areas into “neon orchards”. Due to property rights and enforcement volume concerns, this Plan specifically does not address lighting maintained by homeowners.”*
- *“Often referred to as a “night sky ordinance”, amendments can be codified that address parking lot and other forms of commercial lighting, as well as illuminated signage, so that the County can maintain its rural nighttime environment.”*

The applicant has agreed to reduce light and glare for the structures built on the property by directing light down by the use of shields and louvers. This condition should reduce the effect of lighting up the Mountain and casting light on to surrounding properties, particularly those at a lower elevation. A photometric plan shall be required with each site plan ensuring that no more than 0.5 foot candles can be measured at the property line. There are very few commercial establishments on the Mountain, and most stores close in the early evening hours. The applicants willingness to not turn an otherwise residential community into a brightly lighted center is in keeping with the nature of the Mountain. In addition, the applicant has stated that LED message board signs or streaming signage will not be permitted.

### Economic Growth and Development Comments from the Comprehensive Plan

Economic growth and development are discussed on page 63 of the Comprehensive Plan and the following points that relate to this rezoning are outlined:

- *Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.*
- *In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.*
- *While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.*

While retail and commercial activity in the County has a tendency to detract from the urban cores, where appropriate infrastructure is present, there are limited situations where this type of activity is acceptable. The Mountain is unique in its development patterns and difficulty in its ability to access retail and commercial services. Currently

there are limited commercial services east of the Shenandoah and the distance to commercial services currently requires indirect travel to those locations. The proposed development is in relatively close proximity to existing housing and population. The impact on existing retail and commercial activity in the County would be limited.

The applicant has applied to rezone to the Residential-Light Industrial-Commercial District. The Comprehensive Plan on page 71 outlines a few recommendations related to this Zoning District; one of those recommendations is noted here:

- *A second, less pressing issue is whether property that is in this district, but part of a larger tract under common ownership should be required to submit a concept plan for the development of the entire tract as part of the application for development of the initial phase of the project. By policy statement, the Planning Commission does ask for a concept plan, but it is nonbinding and advisory only. Requiring the approval of a concept plan (subject to revision if circumstances and needs change) would allow the Planning Commission to view how the development as a whole would affect the area and how the initial phase would coordinate with the proposed build out concept.*
- *RECOMMENDATION 3.20: A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.*

Taking into account the numerous uses in this district; the recommendation outlined above is reasonable. The variety of uses and intensity of uses is broad. While not to the extent intended in the Comprehensive Plan, the applicant has made an effort to provide some level of detail of how the uses will develop based on architectural details, landscaping preservation and screening and lighting standards. The broadness of this request reinforces previously expressed public concern regarding the need for additional zoning districts to allow for additional land use options, which the Planning Commission has determined to be a high priority in the upcoming Zoning Ordinance text amendment process.

### Blue Ridge Mountain Communities Area Watershed Common Vision

During the summer and fall of 2010, the Planning Staff, with the assistance of a consulting firm, held 3 extensively publicized and well attended outreach meetings for stakeholders and citizens of the Mountain. The purpose of these meetings was for stakeholders of the Mountain discuss with the Planning Staff and formulate their vision for the Mountain. At its core, these meetings asked the same question, "What is your vision for the Mountain in 20 years?" It was a productive and rewarding outreach that has resulted in a group of concerned and caring citizens who are trying to address concerns or build on strengths of the Mountain. It should be noted that this Visioning

effort was a first step toward the development of a Watershed Plan or Small Area Plan for the Mountain that will be tied to the 2014 County Comprehensive Plan. As such, the comments and recommendations of the Visioning document should be awarded similar weight as the policy statements in the 2004 Comprehensive Plan as it reflects the Vision for this area of the County.

A common and yet pervasive concern from those meetings was "...the potential need for new future regulations to protect the watershed and Mountain residents, as well as to preserve the personal property rights enjoyed by Mountain residents (pg. 3 of the Common Vision)." This dichotomy was understood by many participants who understood the difficulty and necessity of protecting property rights while understanding the need for possible regulatory requirements. Expressed clearly in the Vision, "Some participants of the visioning process felt that providing options may inspire residents to maintain and improve water quality, while still allowing for positive landowner choices (pg. 3 of the Common Vision)."

By offering some conditions to the rezoning, the applicant has begun to supply some of the balance between property rights and preservation that the public is seeking. The proposed conditions provide an opportunity for a balance of regulatory control and potentially more land use rights if an approval is granted to the applicant. Currently, all property owners in the County have property rights and specific permitted uses within the zoning district that they are in; it's the level and intensity of uses that the owner may want to increase by applying for a rezoning or a Conditional Use Permit. The major weakness of the Residential-Light Industrial-Commercial District is that while it is the least intense district in the zoning code allowing for commercial uses, it permits such a wide range of uses as to be overindulgent. This is a real and legitimate concern to those citizens wouldn't mind having some additional uses in their neighborhood, but the intensity of uses is significant in the Residential-Light Industrial-Commercial District.

An equally strong feeling among the Blue Ridge Mountain stakeholders who participated in the Visioning process is that "Residents and stakeholders participating in this process want to see the Mountain retain its character and natural beauty (pg. 3 of the Common Vision)." They further noted that they "...want to see current tree canopy preserved. The Mountain topography, trees, and vegetation serve to mitigate soil erosion and runoff. Protected natural features also maintain the current beauty and quality of life and create opportunities for recreation and tourism (pg. 3 of the Common Vision)." Again, the dichotomy between the need to protect property rights while also wanting to maintain the feel of the mountain in its rural wooded environment was expressed by many participants. Those who have moved to the Mountain area of the County truly appreciate, care for and respect the Mountain for its unique natural and geographic features. Embodied within this is a feeling of self-sufficiency. The melding of the two elements creates for a unique culture that is not often expressed elsewhere.

Hence they take great pride in feeling the need to protect their area from activity that might impact the character and natural beauty of the Mountain and yet allow some reasonable use of the land.

During the outreach meetings, discussion was presented on future activity on the Mountain and the potential for increased intensity of land use. The residents noted that “Looking to the future, residents seek the preservation of the natural feel and wooded landscape on the Mountain that contrasts with the urbanized feel of the neighborhoods in the valley (pg. 3 of the Common Vision).” Relative to commercial development, it was noted that “Although there was not a consensus among participants on this specific issue, some residents would like to see some commercial development in the future. The types of development suggested, which should possibly be discussed in more detail during future planning efforts, included small market stores, a gas station, a hardware store, and parks and recreational opportunities (pg. 3 of the Common Vision).” It is important to note the concern of “urbanized feel” is associated with commercial development that disrespects the natural features of the Mountain also applies to residents who move to the wooded environment and clear cut a building lot to create an urban lawn.

Some of the concessions proposed in the conditions by the applicant, such as landscaping, lighting and architectural elements, could assist in retaining some character of the community.

### ***Staff Recommendation***

As noted earlier, this staff report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan as required by state law. While it is arguable that the 2004 Comprehensive Plan is not specific enough to provide direction regarding the proposed rezoning, the Blue Ridge Mountain Communities Area Watershed Common Vision indicates the need for some neighborhood commercial services to be provided in a convenient and a well-balanced manner.

Therefore, staff believes that the Planning Commission and County Commission could reasonably conclude that the requested rezoning from Rural to Residential-Light Industrial-Commercial is in conformance with a locally adopted plan, provided that the applicant’s recommended conditions are a part of the approval process. Based on the unique development patterns of the Mountain, and being geographically removed other retail centers, the ability to have this type of use is not unreasonable and will not adversely affect other retail centers in the County. This unique condition provides the ability to support this rezoning in this location.

Through an effort on the part of the applicant to provide some conditions on the rezoning, there are elements which allow the rezoning to be more palatable. The applicant has stated that the conditions outlined above will be added as a deed

restriction to the property. The architectural limits on the amount of building materials provide assurance that structures will have some level of detail to the design. While not required, the applicant should consider using certain architectural features that present a stone/wood lodge, cabin, chalet, and other rustic wood elements on structures to be in keeping with and highlighting the higher elements in the Mountains built environment. If required as a part of the rezoning approval, the applicant(s) would be required to provide architectural building elevations as a part of the site plan process showing they have met the design criteria. All outdoor storage shall be screened from view and dumpster enclosures shall match buildings in color and like material.

The applicant's commitment to offer preservation of existing trees and planting of new canopy trees to achieve a minimum of 20% tree canopy coverage is consistent with an effort to maintain the character of the Mountain and reduce the urbanized feel of the development. Mountain stakeholders noted strongly the need to retain the mountains natural and existing character on the Mountain. While the proposed area for rezoning is large at 42 acres, it is expected that future lot sizes will be based on the need for onsite septic areas, internal road, parking areas, building setbacks and other site constraints. The combination of these elements may reduce the number of possible buildings and lots on this site.

It should be noted that at the recommendation of the Planning Commission, Staff met with the applicant to discuss the option of pursuing a Conditional Use Permit (CUP). The applicant stated that they did not want to pursue the option of a CUP. While a CUP may have been the best way to proceed with this type of conditionally approved process, the conditioned rezoning has the net effect of resulting in the desired outcome.

With the conditions noted in this report, it is reasonable to approve the request.

Image 1

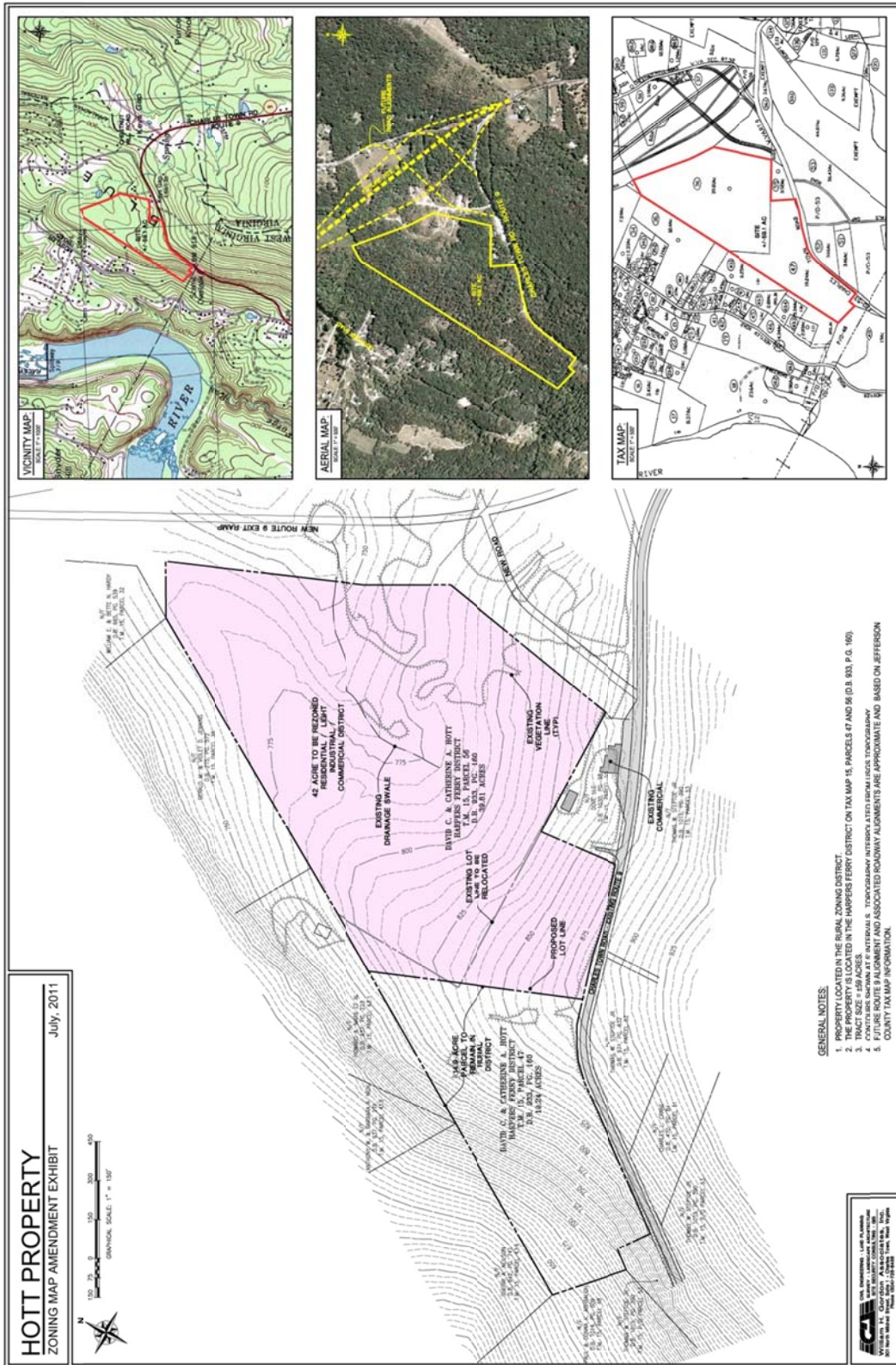
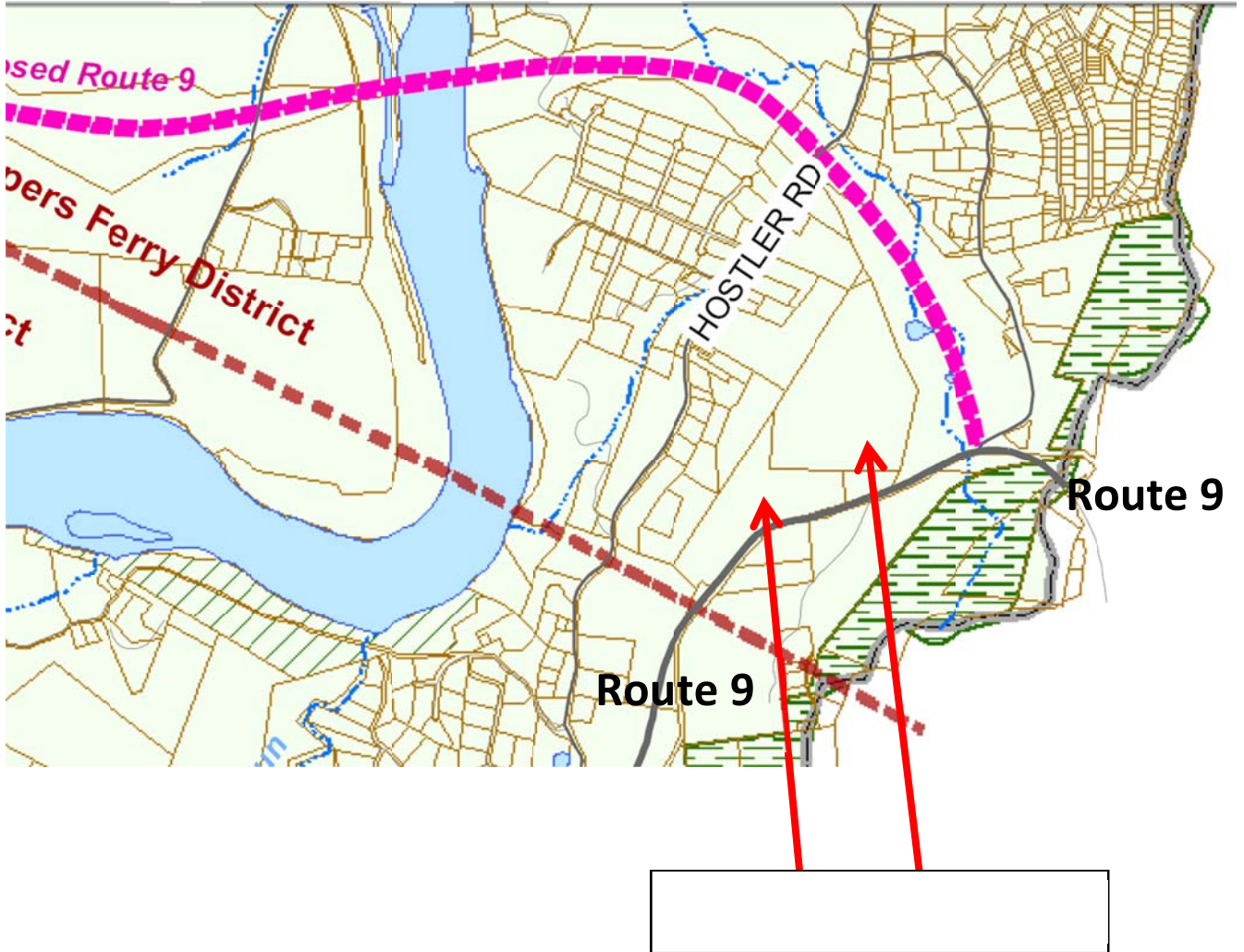


Image 2





July 26, 2011

Jennifer M. Brockman, AICP  
Jefferson County Commission  
Director of Planning & Zoning  
P.O. Box 338  
Charles Town, WV 25414

**RECEIVED**  
JUL 29 2011  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

RE: David C. and Catherine A. Hott petition for Rezoning Map 15 Parcels 47 and 56

Dear Ms. Brockman:

The Appalachian Trail Conservancy (ATC) is submitting the following comment on the petition for rezoning submitted by David C. and Catherine A. Hott for their parcels 47 and 56, Map 15, in Jefferson County.

The current zoning for those parcels is the Rural designation. This designation is entirely suitable for the location, topography, and cultural aspects of Blue Ridge Mountain.

The Appalachian Trail Conservancy recognizes the changes in land cover resulting from the four-laning of State Route 9 and the interchange complex for ingress and egress at the Virginia State Line. The changes have both positive and negative impacts on the Hott parcels.

ATC recognizes and embraces the Common Vision prepared by the residents of Blue Ridge Mountain in the "Blue Ridge Communities Common Vision Document". ATC requests that the Planning and Zoning Commission heed to the message from the people that the Commission and the people worked to create. The following have been excerpted from the Common Vision document as they pertain directly to the rezoning petition:

3.1 Respect for Mountain residents' property rights while in pursuit of maintenance and improvement of water quality: Residents and stakeholders continually expressed that they would like to see that existing laws, rules, and regulations are considerably and properly enforced. As such, any newly proposed rules or regulations need to respect the balance between law and property rights.

3.2 Protection of the Mountain's unique natural features and social resources to preserve its quality of life: Protected natural features also maintain the current beauty and quality of life and create opportunities for recreation and tourism.

3.2.2 Social resources: Social resources to be fostered include the following: Personal and community responsibility, love of the Mountain, willingness and passion

3.3 Preservation of the existing development pattern that makes the Mountain so attractive to its residents: Looking to the future, residents seek the preservation of the

natural feel and wooded landscape on the Mountain that contrasts with the urbanized feel of the neighborhoods in the valley. Although there was not a consensus among participants on this specific issue, some residents would like to see some commercial development in the future. The types of development suggested, which should possibly be discussed in more detail during future planning efforts, included small market stores, a gas station, a hardware store, and parks and recreational opportunities.

3.5 Use of stormwater best management practices for new construction on the Mountain to mitigate erosion and protect water quality: The use of stormwater BMPs will minimize stormwater runoff and reduce pollutants in ground and surface water. The goal is to have no negative effect on the Shenandoah or the Chesapeake Bay. Participants suggested applying these practices to new development so that, for example, any new development would be in appropriate areas.

The Hott petition for rezoning to the Residential-Light Industrial-Commercial use is not acceptable in view of the Common Vision. Because the uses for Residential-Light Industrial-Commercial are not classified nor designated in the current ordinance, there is no assurance that the development under this classification would be an asset and appropriate for Blue Ridge Mountain and Jefferson County, especially at this highly visible location, a first impression of Blue Ridge Mountain and Jefferson County. The type of development identified by the Common Vision (Sec 3.3 above) is not congruent with the type of commercial activity proposed by Hott.

The Appalachian National Scenic Trail traverses Blue Ridge Mountain in close proximity to the Hott parcels, and these parcels are in the viewshed of the Trail as it crosses State Route 9. The Appalachian National Scenic Trail was relocated to the spine of Blue Ridge Mountain because of the natural and scenic qualities of the area, and its rural character. Unrestricted commercial development would be a detriment to the Trail in this area and would add to the impending aural and visual blight that will emanate from the new Route 9.

With respect to the Hott request, The Appalachian Trail Conservancy would not be opposed to the issuance of a conditional use permit. This permit would provide for the Development Review System to be followed, which would address the Common Vision components of Section 3.1, 3.2, 3.2.2, and 3.3, and the values of the Appalachian National Scenic Trail experience. This would be the responsible alternative for both the Planning Commission and the Hotts.

Thank you for the time and attention to this comment.

Sincerely,



Carlen M. Emanuel, CF  
Land Protection Manager

cc: file

*Katherine Austin  
144 Wild Dogwood Lane  
Garpers Ferry WV 25425*

**RECEIVED**  
AUG 03 2011  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Faxed to: 304-728-8126

August 4, 2011

Jennifer M. Brockman, AICP  
Jefferson County Commission  
Director of Planning & Zoning  
P.O. Box 338  
Charles Town, WV 25414

RE: David C. and Catherine A. Hott petition for Rezoning Map 15 Parcels 47 and 56

Dear Ms. Brockman:

I am submitting the following comment on the petition for rezoning submitted by David C. and Catherine A. Hott for their parcels 47 and 56, Map 15, in Jefferson County to rezone their property from Rural to Residential-Light Industrial-Commercial.

The zoning for those parcels has been the Rural designation, which suits the location, topography, and cultural aspects of its location on the Blue Ridge Mountain. There have been substantial changes to the land and topography because of the construction of the new four-lane State Route 9 and the new interchange complex at the Virginia State line. I recognize that these changes impact on the Hott parcels. However, rather than granting their petition to rezone to Residential-Light Industrial-Commercial, I urge you instead issue a conditional use permit for the following reasons.

The Hott petition for rezoning to the Residential-Light Industrial-Commercial use is not acceptable, even in light of the changes to the parcel. The uses for Residential-Light Industrial-Commercial are not classified nor designated in the current ordinance, there is no assurance that the development under this classification would be an asset and appropriate for Blue Ridge Mountain and Jefferson County, at one of the most highly visible locations in the county. Moreover, this location is the first impression that visitors have who come from Virginia over the Ridge.

Moreover, uncontrolled and unplanned commercial or other development does not comport with the "Blue Ridge Communities Common Vision Document" (Vision Document), which was a product of the Planning Commission and the citizens of the Blue Ridge Mountain. The Vision Document requires that development on the Mountain respects the balance between law and property rights. See Vision Document at ¶ 3.1. As stated in the Vision Document, the Mountain residents seek the preservation of the natural feel and wooded landscape on the Mountain. See Vision Document at § 3.3. While some commercial development is desirable, the Vision Document clearly expressed the residents' intent that development be discussed and considered in detail during future planning efforts and that the County not provide the property owners with a

Page 2

zoning change giving them carte blanche authority to build (or destroy) whatever they wished. See Vision Document at ¶ 3.3.

In addition, the Hott property is very close to the Appalachian National Scenic Trail and, in fact, is part of the view from the Trail. Unrestricted commercial development in this area would be a detriment to the Trail.

Consequently, I believe that a conditional use permit would be the responsible alternative for both the Planning Commission and the Hotts.

Thank you for the time and attention to this comment.

Sincerely,



Katherine Austin  
Resident, Blue Ridge Mountain.



William H. Gordon Associates, Inc.  
301 North Mildred Street, Suite 1  
Charles Town, WV 25414  
304-725-8456 Phone  
304-728-0117 Fax

**RECEIVED**

**MAY 24 2011**

**JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING**

April 11, 2011

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

On this 11<sup>th</sup> day of April, 2011 David C. Hott and Catherine A. Hott hereby petition the County Commission of Jefferson County, West Virginia to amend the zoning designation for lands adjacent to both current Route 9/Charles Town Road and new Route 9. It is requested that the current zoning designation of Rural be amended to the Residential-Light Industrial-Commercial zoning designation as defined in the Jefferson County Zoning and Land Development Ordinance. The property consists of approximately 59 acres and is located in the Harpers Ferry Tax District of Jefferson County as identified on Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160).

The subject property is ideally situated to provide greatly needed commercial services to Jefferson County residents who live east of the Shenandoah River. Residents who live in these areas face a round trip of up to 20 miles to access basic commercial services that are in close proximity to the majority County residents. This lack of basic commercial services has a significant impact on the environment as residents are forced to drive to find these services. An average family making three trips to Charles Town a week would travel an additional 3,000 miles every year. The provision of commercial use needs to be balanced with the rural nature of the area. While it may not be appropriate to have commercially zoned lands throughout this area it is hard to argue that a commercial development located at the only new Route 9 interchange east of the Shenandoah River will not be a significant asset to residents in the area.

The development plan for the property would be for service commercial and employment based projects. The service commercial properties could be developed in close proximity to the new Route 9, while the employment based project would be located further into the site and fully screened from the adjacent roads. The level of development will be limited by the ability of well and drain fields to service the new uses, no plans exist to extend public water and sewer to the site that would permit higher density development of the property.

The zoning map amendment is also being requested due to the proximity of the property to the interchange on new Route 9. It is the only property with direct access to both the interchange and the existing Route 9 which will continue to be an important road in this area. The properties location next to both existing and new Route 9 provides excellent vehicular infrastructure for the development of the site. The use of existing infrastructure in the development of land can significantly reduce future costs for maintenance of this infrastructure.

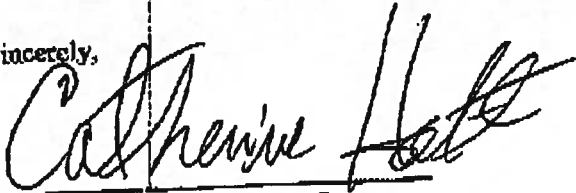
The value of the property for appropriate commercial development is further enhanced by the topography of the site. The majority of the land has a slope of less than 10% and can be developed without significant earthwork that would be expected for a property in this area.

The Jefferson County Comprehensive Plan does not do an adequate job in addressing the proposed rezoning request. The plan provides little detail on the area and only identifies Route 9, a primary access to Jefferson County, as a local service road. It is clear though, that the comprehensive plan understands the need to provide services to its residents and in turn the value of these commercial services to the local economy. The comprehensive plan also understands that Jefferson County must continue to grow. A zoning amendment to Residential-Light Industrial-Commercial is compatible with the 2004 Jefferson County Comprehensive Plan as it will provide new commercial development that will help diversify the economy, increase the County's tax base and provide employment opportunities.

The proposed rezoning will not result in the development of strip highway commercial uses. The site has significant separation from the new Route 9 and is not suitable for this poor form of development. The proposed uses will be to provide local commercial services and employment, not high density strip development. As part of the rezoning process the applicant looks forward to discussing the project with neighbors, the County Commission and Planning Commission. This input will be critical in refining the proposed development and making it an integral component of this community.

Under the provisions of WV Code 8A-7-9, David C. Hott and Catherine A. Hott petition the Jefferson County Commission to rezone the parcels identified above from the Rural District to the Residential-Light Industrial-Commercial District.

Sincerely,



Catherine A. Hott, Property Owner



David C. Hott, Property Owner

**A Motion Recommending Direction regarding a  
Concept Plan for Harvest Pointe Community Church  
August 9, 2011**

**Whereas**, Harvest Pointe Community Church is proposing a 48,918 square foot structure; and

**Whereas**, The property is located at corner of Highway 51 and Rose Hill Drive, Charles Town, WV 25414 and is identified as Parcel 7.13 as shown on Tax Map 20 of the Middleway Tax District, cumulatively consisting of 17.456 acres; and

**Whereas**, The Planning Commission is required to hold a public workshop regarding the concept plan as outlined in Section 24.121 of the Subdivision and Land Development Regulations; and

**Whereas**, The Planning and Zoning Department Staff finds the Harvest Pointe Community Church concept plan complete and in conformance with the Subdivision and Land Development Regulations.

**Now therefore be it moved**, that the Jefferson County Planning Commission gives the above mentioned direction for the concept plan for property identified in the Jefferson County Tax Map as Parcel 7.13 as shown on Tax Map 20 of the Middleway Tax District.

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.

Direction given this 9 day of August 2011  
By vote of the Jefferson County Planning Commission

---

Planning Commission President

Daniel Hayes

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Item #5 Request by Harvest Pointe Community Church for a Major Site Plan Concept Plan Public Workshop for a proposed church addition (PC File #S11-02). (Subdivision Regulation 24.119)

APPLICANT:	Harvest Pointe Community Church
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	PC DiMagno Engineers-Surveyors
PROPERTY LOCATION:	Highway 51 and Rose Hill Dr.
LEGAL DESCRIPTION:	District: Middleway; Map 20; Parcel 7.13
ZONING DISTRICT:	Zoning Map Designation: Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R</i> <i>South: R</i> <i>East: R</i> <i>West: R</i>
LOT AREA:	17.456 acres
PROPOSED ACTIVITY:	Church (48,918 square feet)

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

### 1. Summary of Request

Harvest Pointe Community Church proposes to construct a 48,918 square feet church over the course of 5 phases. These five phases will occur over a significant period of time, presumably, 10-15 years. The interior amenities will include a sanctuary, a multipurpose room, classrooms, nursery, coffee bar and café area, and administrative offices. The outside activities include a picnic pavilion, recreation areas, a chapel, a prayer garden and a fountain.

The site is located at the corner of Highway 51 (Middleway Pike) and Rose Hill Drive. Applicant is not proposing to use Rose Hill Drive; rather, the site will have access directly to Route 51. Church representatives have met with the neighbors of the Rose Hill subdivision and the homeowners would prefer that Rose Hill Drive is used only for existing users. The Department of Highways will have to approve a separate entrance for the church use onto Highway 51. Directly to the east and adjacent to this property is a little utilized road named Hartack Lane. The applicant is proposing to use this road as secondary access in the future. Applicant is aware and agrees that upgrades to that road shall be required when use of that access begins.

Applicant proposes that the five phases of this site will be implemented as follows:

- Phase 1
  - Two story building with 7,734 sq. ft. on lower level and 4,027 sq. ft. on the upper level for a total of 11,761 sq. ft. Initially, the second floor will not be finished. A worship center, nursery, preschool and classrooms will be a part of this construction. A total of 124 parking spaces are proposed to handle these uses.
- Phase 2
  - This phase will result in a 7,626 sq. ft. addition for a new worship center, a coffee bar, a children/youth worship area, additional preschool space, extra restrooms, and more classroom space. A picnic pavilion, walking track, small chapel and prayer garden may be added at this time. Parking will be increased to accommodate these new and expanded uses.
- Phase 3
  - This activity of expansion will focus heavily on adding educational space. This addition will result in a two story structure with 7,015 sq. ft. on the lower level, and 6,908 on the upper level. Like Phase 1, this phase may not result in the upper story being finished in when the facility initially opens. Again, parking will be increased to accommodate this education space.
- Phase 4
  - This will result in the final layout of the worship center to adjust to the anticipated growth and internal reconfigurations that have occurred over time.
- Phase 5
  - The final expansion will add a new administrative wing of 3,367 sq. ft. Previous administrative space will be converted to conference rooms and adult ministry space.

### 2. Site Plan Category

The Subdivision and Land Development Regulations require that a site plan for a proposed non-residential development exceeding the following to be processed as a major site plan if it does not meet either of the following categories identified in Section 20.203:

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

- (1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site;
- (2) Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less;

As a proposed structure of 48,918 square feet, the proposed development does not meet either of the categories listed above; and, as such, fits the category of a major site plan.

### 3. Staff Determination of Application Sufficiency

The Subdivision and Land Development Regulations require that, prior to the scheduling of a Concept Plan public hearing before the Planning Commission, staff must determine that the plan submitted by the applicant is “sufficient” – i.e. meeting all requirements of section 24.119. These requirements are described below, with the current review status for the Harvest Pointe Community Church application noted in the right column:

Required Item	Description	Status
<b>1.</b> General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2.</b> Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3.</b> Zoning Information	This shall include: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	Provided
<b>4.</b> 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.	Provided
<b>5.</b> Traffic Impact Data	This shall include: <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>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.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> <li>e) In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current</li> </ul>	Provided

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

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

Following submission of a Concept Plan, staff has 10 days to review a submittal and determine whether or not the application is sufficient. If found insufficient, the applicant is notified of the deficiencies.

After a few revisions of previous submissions, staff determined that the Harvest Pointe Community Church Concept Plan application was “sufficient” on June 1, 2011. 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 working day period, that began on June 1, 2011, 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 August 9, 2011 Planning Commission Meeting.

#### 4. Concept Plan Completeness Review

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:

Process Requirement	Description	Status and Comment
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.	Planning and Zoning Department review complete. See below regarding agency comments.
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.	See below.
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 site plan submittal. 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these	Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

	Regulations. The Department shall review the concept plan for modifications that would improve the plan.	
<b>D. WVDOH</b>	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 site plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	No letter has been received from the WVDOH to date.
<b>E. Traffic Impact</b>	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	Staff determined that the traffic impact data submitted by the applicant is sufficient.
<b>F. Public Services</b>	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.	The Jefferson County Public Service District has submitted a letter (attached).
<b>G. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below.
<b>H. 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.
<b>I. 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 at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a public hearing consistent with this requirement.

### 5. External Agency Reviews

The Jefferson County Public Service District (PSD) has submitted a letter (included in the Planning Commission packet) noting the following:

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

- The applicant has indicated that the development will be served by a septic system and as such will need a permit from Jefferson County Health Department.

With the exception of the PSD, no other outside review agencies have responded. Agencies had until July 26, 2011 to provide a response.

### 6. Staff Recommendation

The Planning and Zoning Department Staff finds the Harvest Pointe Community Church concept plan complete based on the information provided related to the criteria above. The applicant has either addressed the conditions within the submitted concept plan or listed when those conditions will be met in future submittals. The applicant is aware that a traffic study will need to be submitted as part of the site plan process for Phase 1 based on the traffic volume created with this use.

Staff does not support the church use having its own access onto Highway 51. The basis for this recommendation is that there is a dedicated point of access from Rose Hill Drive, which was approved for this lot when it was created as part of Rose Hill Subdivision. Highway 51 is a heavily trafficked road with unsafe sight distances and many bends in the road. Additional access points onto Highway 51 would not be conducive in this situation. Since Hartack Lane is also available, there is the ability for a secondary entrance and exit which is appropriate for a use of this size.

The church use is proposed to be constructed on Lot 8 of the Rose Hill Subdivision. When this subdivision, including Lot 8, was being proposed and developed, the Community Impact Statement (CIS) and all related public notices for this project noted that this development was for single family homes only. However, when the final plat for the Rose Hill Subdivision was recorded, the single family restriction was not noted on the final plat. Since the final plat was approved without this note, this may make the previous mentioned restrictions invalid.

### 7. Planning Commission Direction

The Major Subdivision Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. 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 has met 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 Major Site Plan 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 hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

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

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

# Jefferson County Public Service District

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June 23, 2011

Seth Rivard, Planner  
Jefferson County Dept of Planning and Zoning  
PO Box 338  
116 East Washington Street  
Charles Town, WV 25414

**RECEIVED**  
**JUN 24 2011**  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Re: Harvest Pointe Community Church  
Concept Plan Review

Dear Seth:

The concept plan for the Harvest Pointe Community Church (the church) shows that the church's wastewater disposal needs will be served by a septic system. Since there is no public sewer available in the area where the church will be located, a septic system permit from Jefferson County Department of Health will be necessary for this system.

Feel free to contact me with any questions about this project or others.

Sincerely,



Susanne Lawton  
General Manager

Cc: Bill Zaleski, Sanitarian,  
Jefferson County Department of Health  
James E. Hutzell  
P.C. DiMagno, Engineers & Surveyors



# JEFFERSON COUNTY 9-1-1 ADDRESSING OFFICE

Jeffrey A. Polczynski • Director of Communications  
116 East Washington Street • Mason Building • Suite 201  
Charles Town, WV 25414-0208  
Telephone: (304) 724-6759 • FAX: (304) 724-8992  
gis@jeffersoncountywv.org



---

From: Jessica Gormont – GIS Technician  
Date: June 17, 2011  
Subject: Harvest Pointe Community Church – Concept Plan  
DPZE File: S11-02

---

- 1) The main entrance of the proposed construction appears to be best accessed from Hartack Lane. As such, if the plat is approved as submitted, the new church will likely be assigned an address off of Hartack Lane.
- 2) Please note, the adjacent road to the west of the parcel labeled incorrectly on the plat. This road is officially "Rose Hill Drive". Please correct the label on all future plats.

NOTE: When submitting future plans, our office only requires a plat submission for review unless otherwise requested. All other reports and plans may be omitted.

If you have questions or comments, please respond via phone, fax, or e-mail to:

Jessica Gormont  
GIS Technician – GIS/Addressing Office  
Office: 304.724.8986  
Fax: 304.724.8992  
jgormont@jeffersoncountywv.org



**A Motion Recommending Direction regarding a  
Concept Plan for Jefferson Asphalt  
August 9, 2011**

**Whereas**, Jefferson Asphalt is proposing a 4,200 square foot office and 6,000 square foot shop;  
and

**Whereas**, The property is located at corner of 9390 Middleway Pike (Highway 51), Charles  
Town, WV 25414 and is identified as Parcel 7 as shown on Tax Map 13 of the Middleway Tax  
District, cumulatively consisting of 34.27 acres; and

**Whereas**, The Planning Commission is required to hold a public workshop regarding the  
concept plan as outlined in Section 24.121 of the Subdivision and Land Development  
Regulations; and

**Whereas**, The Planning and Zoning Department Staff finds the Jefferson Asphalt concept plan  
complete and in conformance with the Subdivision and Land Development Regulations.

**Now therefore be it moved**, that the Jefferson County Planning Commission gives the above  
mentioned direction for the concept plan for property identified in the Jefferson County Tax Map  
as Parcel 7 as shown on Tax Map 13 of the Middleway Tax District.

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.

Direction given this 9 day of August 2011  
By vote of the Jefferson County Planning Commission

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Planning Commission President


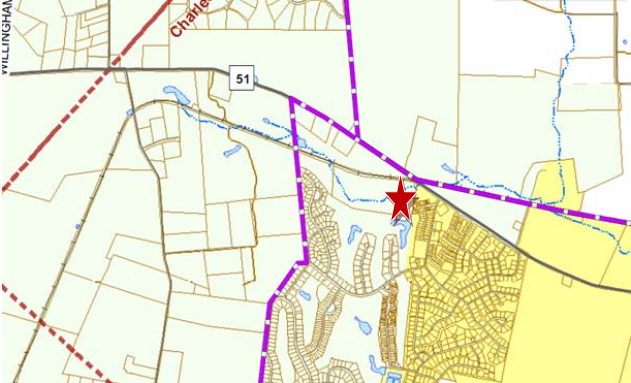
Daniel Hayes

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Item #6 Request by Jefferson Asphalt for a Major Site Plan Concept Plan Public Workshop for a proposed office building and maintenance shop (PC File #S11-12). (Subdivision Regulation 24.119)

APPLICANT:	Jefferson Asphalt Products
OWNER:	Same
DEVELOPER:	Same
SURVEYOR/ENGINEER:	D.A. Stansbury Engineering
PROPERTY LOCATION:	9390 Middleway Pike on WV Route 51 near Tuscowilla Hills.
LEGAL DESCRIPTION:	District: Charles Town; Map: 13; Parcel: 7 
ZONING DISTRICT:	Zoning Map Designation: Rural 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R</i> <i>South: R</i> <i>East: RG</i> <i>West: R</i>
LOT AREA:	34.27 acres
EXISTING STRUCTURES:	Multiple existing buildings that collectively consist of 12,600 square feet

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

PROPOSED ACTIVITY:	New office facility consisting of 4,200 sq. ft. and a shop area of 6,000 sq. ft.
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### 1. Summary of Request

Jefferson Asphalt proposes to construct an office building consisting of 4,200 square feet and a shop building of 6,000. The applicant is proposing to build this office space in the near future, while the shop is expected to be built later as part of Phase 2. Additional parking is shown for the expanded uses and the required stormwater management is being designed for build out of Phases 1 and 2.

### 2. Site Plan Category

The Subdivision and Land Development Regulations require that a site plan for a proposed non-residential development exceeding the following to be processed as a major site plan if it does not meet either of the following categories identified in Section 20.203:

- (1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site;
- (2) Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less;

As a site plan of 10,200 square feet (in addition to the multiple existing buildings that collectively consist of 12,600 square feet), the proposed development does not meet either of the categories listed above; and, as such, fits the category of a major site plan.

### 3. Staff Determination of Application Sufficiency

The Subdivision and Land Development Regulations require that, prior to the scheduling of a Concept Plan public hearing before the Planning Commission, staff must determine that the plan submitted by the applicant is “sufficient” – i.e. meeting all requirements of section 24.119. These requirements are described below, with the current review status for the Jefferson Asphalt application noted in the right column:

Required Item	Description	Status
<b>1.</b> General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
<b>2.</b> Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .	Provided
<b>3.</b> Zoning Information	This shall include: <ul style="list-style-type: none"> <li>a) Determination of the zoning district in which the proposed subdivision or development project is situated.</li> <li>b) Density calculations.</li> <li>c) Site resource map.</li> </ul>	Provided
<b>4.</b> 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	Provided

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

	option selected if the development is residential.	
<b>5. Traffic Impact Data</b>	<p>This shall include:</p> <ul style="list-style-type: none"> <li>a) Average Daily Trip figures for the adjoining or accessible State road.</li> <li>b) Trip generation figures</li> <li>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.</li> <li>d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.</li> <li>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.</li> </ul>	Provided
<b>6. Other Data</b>	Any other data or information the applicant believes will assist in the review.	Provided
<b>7. Other Reviews</b>	Any other staff or agency reviews of the plans.	Provided

Following submission of a Concept Plan, staff has 10 days to review a submittal and determine whether or not the application is sufficient. If found insufficient, the applicant is notified of the deficiencies.

After a few revisions of previous submissions, staff determined that the Jefferson Asphalt Concept Plan application was “sufficient” on June 3, 2011. 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 working day period, that began on June 3, 2011, 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 August 9, 2011 Planning Commission Meeting.

#### 4. Concept Plan Completeness Review

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:

<b>Process Requirement</b>	<b>Description</b>	<b>Status and Comment</b>
<b>A. Department and Agency Reviews</b>	The Department and appropriate reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department 14 days	Planning and Zoning Department review complete. See

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

	prior to the scheduled public workshop.	below regarding agency comments.
<b>B. Review Content</b>	The Department and agency reviews shall address the areas indicated in C through F below and any other areas of concern to the agencies.	See below.
<b>C. Department</b>	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> <li>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 site plan submittal.</li> <li>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.</li> </ol>	Staff has determined that the requirements of the Zoning Ordinance and Subdivision and Land Development Regulations are met in the proposed Concept Plan.
<b>D. WVDOH</b>	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 site plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	The WVDOH has submitted a letter (attached).
<b>E. Traffic Impact</b>	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	Staff determined that the traffic impact data submitted by the applicant is sufficient.
<b>F. Public Services</b>	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.	The Charles Town Utility Board has submitted a letter (attached).
<b>G. Recommended Conditions</b>	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	See below.
<b>H. 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	Planning staff accepts the Concept Plan as complete.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

	that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	
<b>I. 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 at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a public hearing consistent with this requirement.

### 5. External Agency Reviews

The West Virginia Department of Highways has submitted a letter (included in the Planning Commission packet) stating:

- The existing entrance permit will be sufficient and no upgrades are necessary to the entrance

The Historic Landmarks Commission has submitted a letter (included in the Planning Commission packet) stating:

- No historical resources will be affected.

The Charles Town Utility Board has submitted a letter (included in the Planning Commission packet) stating:

- The Charles Town Utility Board can furnish water and sewer to this site.

With the exception of the above noted agencies, no other outside review agencies have responded. Agencies had until July 26, 2011 to provide a response.

### 6. Staff Recommendation

The Planning and Zoning Department Staff finds the Jefferson Asphalt concept plan complete based on the information provided related to the criteria above. The applicant has either addressed the conditions within the submitted concept plan or listed when those conditions will be met in future submittals.

### 7. Planning Commission Direction

The Major Subdivision Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. The Subdivision and Land Development Regulations outline the procedure:

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan has met 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 Major Site Plan 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 hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

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

It should be noted, that the direction provided to the applicant in the 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.

**D.A.Stansbury Engineering**

3 Sue Court Suite B  
Martinsburg, WV 25401  
304-263-5591o/304-671-4766m

May 27, 2011

Seth Rivard. Planner  
Jefferson County  
Charles Town, WV 25414

RE: Jefferson Asphalt Products

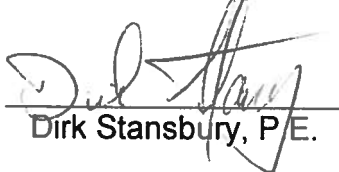
Dear Mr. Rivard,

The contact list of agencies has been received and action taken is as follows:

1. WV DoH- Copy of permit attached.
2. WV DEP- contact with Megan Grose of the DEP has been made.
3. Addressing- Contact has been made.
4. JC Health Dept. is not involved in this as this has public utility service and no food service is proposed.
5. JCPSD- Not contacted, but the City's letter is attached.
6. Historic Landmarks- information sent to Mr. Allen.

If there are any questions please contact me at the numbers above.

Respectfully,



Dirk Stansbury, P.E.

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

June 3, 2011

D. A. Stansbury Engineering  
3 Sue Court, Suite B  
Martinsburg, WV 25405

✓ = DONE / ATTACHED  
N/A

Dear Mr. Stansbury:

This letter will confirm that the Concept Plan that was submitted for Jefferson Asphalt Products Facility (PC File #S11-12) project has been declared sufficient for review. There are no fees required at this time. Below is a timeline for the next steps in the process:

- ❖ The Completeness Review will begin on June 6, 2011.
- ❖ The Concept Plan material and a copy of this letter detailing the timeline will need to be submitted to the reviewing agencies by June 13, 2011. 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~~ N/A STATE ATTACHED
  - ✓ ~~Jefferson County Public Service District~~ City of Charles Town
  - ✓ Jefferson County Historic Landmarks Commission
- ❖ Reviewing agency comments will need to be submitted to the Planning and Zoning Department no later than July 28, 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 July 13, 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 July 26, 2011.
- ❖ The public workshop will be held at a Planning Commission meeting on August 9, 2011.

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

Thank you,

  
Seth Rivard  
Planner

SB/arp

cc: Jefferson Asphalt Products, LLC

**D.A.Stansbury Engineering**

3 Sue Court Suite B  
Martinsburg, WV 25401  
304-263-5591o/304-671-4766m

June 13, 2011

Mr. John Allen  
Jefferson County Historic Landmarks Commission  
PO Box 23  
Charles Town, WV 25414

RE: Jefferson Asphalt Products Site Plan

Dear Mr. Allen

Please find attached the plan for a new office at the existing Jefferson Asphalt Products facility. As you may be aware, Jefferson Asphalt has operated its paving and construction operation from this site for many decades. Their management and logistics office has been inadequate for years and would like to improve that situation with the construction of a new office building.

In addition to the office, we are proposing to a maintenance building capable of servicing the company's construction vehicles. The larger equipment sometimes needs to be worked on outside in the open.

No land will be disturbed that is not already part of the operations. The new facilities will not change the operations of Jefferson Asphalt it will only improve the efficiency of the operations.

If there are any questions please contact me at the numbers above.

Respectfully,

\_\_\_\_\_  
Dirk Stansbury, P.E.

cc Seth Rivard  
Jefferson Asphalt Products.



# City of Charles Town

## Utility Board

832 South George Street, P.O. Box 359, Charles Town, WV 25414  
Phone: (304) 725-2316 ♦ Fax: (304) 725-4313 ♦ Web: [www.charlestownwv.us](http://www.charlestownwv.us)

---

February 11, 2011

CHAIRMAN

*Cary  
Rawlings*

UTILITY  
BOARD

*William  
Kline*

*Pete  
Kubic*

*Frank  
McCluskey*

*Kristen  
Ringstaff*

UTILITY  
MANAGER

*Jane E.  
Arnett*

Dirk Stansbury, P.E.  
3 Sue Court, Suite B  
Martinsburg, WV 25405

Re: Jefferson Asphalt Products

Mr. Stansbury,

The Charles Town Utility Board can furnish water service to the above referenced location. In addition, sewer service is available based on the previously approved Environmental Health Services permit dated June 11, 2002. Please keep in mind that a water meter will not be installed by the Charles Town Utilities until completion and final inspection of the water service line and payment of fees as described at [www.charlestownwv.us](http://www.charlestownwv.us)

If you have any questions, please contact me at 725-2316, ext. 13.

Sincerely,

Jane E. Arnett

# State of West Virginia

## OFFICE OF ENVIRONMENTAL HEALTH SERVICES

350 CAPITOL STREET, ROOM 313

CHARLESTON, WEST VIRGINIA 25301-3713

TELEPHONE 304-558-2981

### PERMIT

(Water)

PROJECT: Jefferson Asphalt Products

PERMIT NO.: 18,801

LOCATION: Charles Town

COUNTY: Jefferson

DATE: 4-29-2011

THIS IS TO CERTIFY that after reviewing plans, specifications, application forms, and other essential information that

**Charles Town Utility Board  
832 South George Street  
Charles Town, West Virginia 25414**

is hereby granted approval to: install approximately 1,360 LF of 6" water line and all necessary valves and appurtenances.

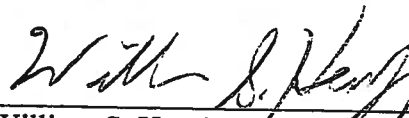
Facilities are to serve one (1) commercial customer (Jefferson Asphalt Products).

**NOTE: This permit is contingent upon all new water line being disinfected, flushed and bacteriologically tested prior to use.**

The Environmental Engineering Division of the **OEHS-Kearneysville District Office, (304) 725-9453**, is to be notified when construction begins.

Validity of this permit is contingent upon conformity with plans, specifications, application forms, and other information submitted to the West Virginia Bureau for Public Health.

FOR THE DIRECTOR



William S. Herold, Jr., P.E., Assistant Manager  
Infrastructure and Capacity Development  
Environmental Engineering Division

WSH:plk

pc: DA Stansbury Engineering  
Ingrid Ferrell, PSC-Engineering Division  
Amy Swann, PSC  
Jefferson County Health Department  
OEHS-EED Kearneysville District Office



William H. Gordon Associates, Inc.  
301 North Mildred Street, Suite 1  
Charles Town, WV 25414  
304-725-8456 Phone  
304-728-0117 Fax

**RECEIVED**

**MAY 24 2011**

**JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING**

April 11, 2011

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

On this 11<sup>th</sup> day of April, 2011 David C. Hott and Catherine A. Hott hereby petition the County Commission of Jefferson County, West Virginia to amend the zoning designation for lands adjacent to both current Route 9/Charles Town Road and new Route 9. It is requested that the current zoning designation of Rural be amended to the Residential-Light Industrial-Commercial zoning designation as defined in the Jefferson County Zoning and Land Development Ordinance. The property consists of approximately 59 acres and is located in the Harpers Ferry Tax District of Jefferson County as identified on Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160).

The subject property is ideally situated to provide greatly needed commercial services to Jefferson County residents who live east of the Shenandoah River. Residents who live in these areas face a round trip of up to 20 miles to access basic commercial services that are in close proximity to the majority County residents. This lack of basic commercial services has a significant impact on the environment as residents are forced to drive to find these services. An average family making three trips to Charles Town a week would travel an additional 3,000 miles every year. The provision of commercial use needs to be balanced with the rural nature of the area. While it may not be appropriate to have commercially zoned lands throughout this area it is hard to argue that a commercial development located at the only new Route 9 interchange east of the Shenandoah River will not be a significant asset to residents in the area.

The development plan for the property would be for service commercial and employment based projects. The service commercial properties could be developed in close proximity to the new Route 9, while the employment based project would be located further into the site and fully screened from the adjacent roads. The level of development will be limited by the ability of well and drain fields to service the new uses, no plans exist to extend public water and sewer to the site that would permit higher density development of the property.

The zoning map amendment is also being requested due to the proximity of the property to the interchange on new Route 9. It is the only property with direct access to both the interchange and the existing Route 9 which will continue to be an important road in this area. The properties location next to both existing and new Route 9 provides excellent vehicular infrastructure for the development of the site. The use of existing infrastructure in the development of land can significantly reduce future costs for maintenance of this infrastructure.

**A Motion Recommending Direction regarding a  
Concept Plan for Verizon Wireless Leetown Concept Plan  
August 9, 2011**

**Whereas**, Verizon Wireless is proposing to construct a 120' Wireless Telecommunications Tower designed as a silo structure, in addition to a 50' x 50' fenced compound area, a 12' x 30' equipment shelter, and other associated improvements; and

**Whereas**, The property is located at 6000 Paynes Ford Rd and is identified as Parcel 6 as shown on Tax Map 7 of the Middleway Tax District; and

**Whereas**, The Planning Commission is required to hold a public hearing regarding the concept plan as outlined in Section 4B.7 of the Zoning and Land Development Ordinance; and

**Whereas**, The Planning and Zoning Department Staff finds the Verizon Wireless Leetown Concept Plan to be:

- complete and in conformance with the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance; and
- consistent with the 2004 Jefferson County Comprehensive Plan; and

(If applicable) **Whereas**, the following conditions will be applied:

1. ....(By a vote of \_\_Yes \_\_ No)
2. ....(By a vote of \_\_Yes \_\_ No)
3. ....(By a vote of \_\_Yes \_\_ No)

**Now therefore be it moved**, that the Jefferson County Planning Commission gives the above mentioned direction for the concept plan for property identified in the Jefferson County Tax Map as Parcel 6 as shown on Tax Map 7 of the Middleway Tax District.

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.

Direction given this 9<sup>th</sup> day of August 2011  
By vote of the Jefferson County Planning Commission

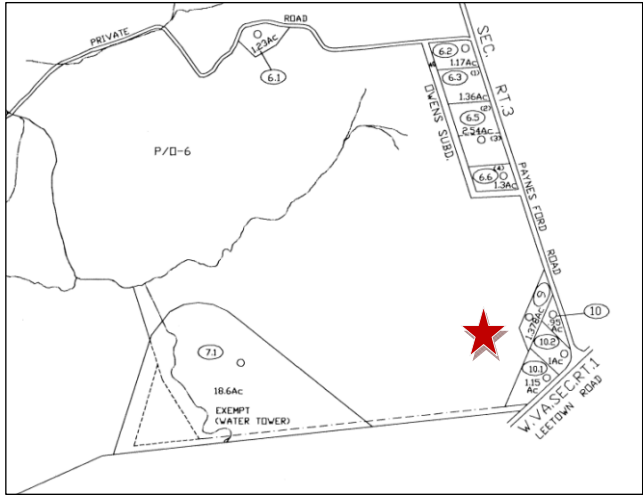

\_\_\_\_\_  
Planning Commission President  
Daniel Hayes

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Item #7 Request by Verizon Wireless for a Concept Plan Public Workshop for a proposed Wireless Telecommunications Tower (PC File #S11-13). (Subdivision Regulation 24.119, Zoning and Land Development Ordinance Regulation Section 4B.7)

APPLICANT:	Verizon Wireless c/o Network Building and Consulting
OWNER:	Billy and Marian Owens
DEVELOPER:	Verizon Wireless c/o Network Building and Consulting
SURVEYOR/ENGINEER:	Lavelle & Associates, Inc.
PROPERTY LOCATION:	6000 Paynes Ford Rd.
LEGAL DESCRIPTION:	District: Middleway; Map: 7; Parcel: 6 
ZONING DISTRICT:	Zoning Map Designation: Rural 
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North: R                      South: R</i> <i>East: R                        West: R</i>
LOT AREA:	202 acres
PROPOSED ACTIVITY:	Wireless Telecommunications Tower with compound area

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

### 1. Summary of Request

Verizon Wireless proposes to construct a 120' Wireless Telecommunications Tower designed as a silo structure, in addition to a 50' x 50' fenced compound area, a 12' x 30' equipment shelter, and other associated improvements.

It should be noted that the standard Zoning and Land Development Ordinance height requirement for a tower is 100'. However, per Section 4B.7, a silo used to support antennas shall not exceed 120'. As such, the height of the proposed tower complies with the ordinance.

### 2. Article 4B Purpose Statement

Section 4B.1 of the Zoning and Land Development Ordinance that regulates Wireless Telecommunications Towers states that:

“The purpose of Article 4B, Wireless Telecommunication Facilities, is to balance the needs of residents of and visitors to Jefferson County for reliable access to wireless telecommunication networks and services with the community’s desire to preserve the County’s rural, historic and agricultural character and the quality of its residential neighborhoods.”

With respect to towers designed as silos, this Section also states [emphasis added]:

“It is Jefferson County’s intent to: . . .

E. Encourage the location of new Wireless Telecommunication Towers, to the greatest extent possible, in areas where the adverse impact on the community will be minimal; and ***by encouraging the use of camouflage or concealment to create structures such as silos***, faux trees and flagpoles that mimic elements that typically are found on Jefferson County’s agricultural landscape and that appear in scale and context with their surroundings.”

### 3. Site Plan Category

Article 4B of the Zoning and Land Development Ordinance requires that a site plan for a proposed Wireless Telecommunications Tower be processed as a minor site plan. The ordinance also requires submittal and Planning Commission review of a Concept Plan, prior to submittal of a site plan.

The Ordinance specifies that submittal and review of a Concept Plan for a tower shall follow the review process and timeline established in Sections 24.119 – 24.122, with certain exceptions.

### 4. Staff Determination of Application Sufficiency

Prior to the scheduling of a Concept Plan public hearing before the Planning Commission, staff must determine that the plan submitted by the applicant is “sufficient” – i.e. meeting all relevant requirements of the Subdivision and Land Development Regulations and Section 4B.7 of the Zoning and Land Development Ordinance.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Because wireless towers have unique characteristics that distinguish them from other types of development (such as height and visual impact), the Ordinance specifies submittal requirements that are different from a standard Concept Plan. These requirements are as follows:

Zoning Ordinance Required Item	Description	Comment
a. Dimensions, use, and setbacks	Outside dimensions, use, and setbacks of all existing and proposed buildings, structures, towers, antennas, utility lines, driveways, and parking areas.	Meets ordinance requirements.
b. Height	Height of the proposed tower measured from ground level at the center of the proposed structure, 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.	120' height of a silo meets requirements of 4B.7.
c. Elevations and cross-section	Elevations and Cross-Section: Display topography with all proposed facilities including tower, equipment shelter and existing buildings.	Meets ordinance requirements.
d. Antenna features	Number, size and location of proposed and existing antennas; number of co-locations possible.	Meets ordinance requirements.
e. Method of camouflage	Method of camouflage (if any).	While camouflage is not a requirement of the ordinance, the applicant has chosen to design the tower as a silo.
f. Historic structures	Locations of known historic structures.	Map provided. See page 9 of attachments.
g. Development Schedule	A description of the anticipated construction and installation schedule.	Desired start in September/October 2011, completion by end of 2011 or first quarter of 2012.
h. FCC Compliance	Documentation verifying compliance with applicable Federal Communications Commission (FCC) standards and requirements to provide the proposed services.	Provided. See page 25 of attachments.
i. Design criteria	Narrative addressing the design criteria of Section 4B.7.	Provided. See page 3 of attachments.
j. Balloon test information	Dates, address list, and notice for Balloon Test.	Provided
k. Balloon test exhibits	Balloon Test exhibits as required in subsection G of Section 4B.7.	Provided. See pages 10-24 of attachments.
l. Propagation maps	Propagation maps as required in subsection F of Section 4B.7.	Provided. See pages 6-8 of attachments.
m. Additional information	Any other relevant information.	No additional information provided
n. Preferred Structures and Locations Policy	Additional application requirements of subsection H (Preferred Structures and Locations Policy)	See discussion below, and see page 5 of attachments.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Other required elements for a Wireless Telecommunications Tower Concept Plan are the same as for a site plan submittal as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A, with the exception of Subsections 1.3A.20-22, 24-29, 31-35.

### 5. Concept Plan Sufficiency and Completeness Review

Following submission of a Concept Plan, staff has 10 days to review a submittal and determine whether or not the application is sufficient. If found insufficient, the applicant is notified of the deficiencies.

Staff determined that the Concept Plan application was “sufficient” on July 8, 2011.

During the time period between formal receipt of the application and the public workshop, the Concept Plan Completeness Review process takes place. Sec. 24.120 provides the standard requirements for Completeness Review. Staff found the Concept Plan to be complete.

### 6. External Agency Reviews

Agency reviews are not applicable per Section 4B.7. As required by this section, staff notified the Jefferson County Historic Landmarks Commission of the application filing.

### 7. Planning Commission Public Hearing Scope of Review

For a Wireless Telecommunications Tower, the Concept Plan public hearing is the only Planning Commission meeting during which the Planning Commission reviews the proposed plan. The scope of the public hearing includes the following:

1. A demonstration of need as required by Article 4B;
2. Neighborhood compatibility;
3. Impact on cultural and historic resources;
4. Visual mitigation;
5. The submittal and design criteria of Article 4B;
6. The compatibility of the facility proposal with the Comprehensive Plan; and
7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B.

These criteria are individually analyzed below.

#### **1. A demonstration of need as required by Article 4B**

The purpose of the “demonstration of need” requirement is for the applicant to demonstrate that the proposed tower is necessary for coverage purposes, at the proposed height and at the proposed location. Implicit in this requirement is a demonstration that there are no other feasible alternatives to building a tower, such as co-location of antennas on an existing structure.

The applicant has addressed this criteria as follows:

##### a. Submittal of propagation maps

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

Propagation maps depict cell coverage with and without a proposed tower. These maps, which are prepared by a radio frequency engineer, must be submitted with a tower application.

The “before” and “after” maps submitted show a significant, projected increase in coverage in the Leetown area. (See pages 6-8 of attachments to this report.)

### b. Narrative addressing Preferred Structures and Locations Policy

Section 4B.7 establishes the County’s policy regarding preferred types of wireless antenna support structures, as well as preferred locations for new wireless facilities. The County’s stated first priority for wireless antenna placement is co-location. (This policy statement indicates a County preference, rather than a requirement).

The proposed tower application is for a new tower, not for a co-location. In the narrative submitted with the application, under the “General Justification” section, the applicant notes that the adjacent USDA property has an existing water tank. However, Verizon’s RF engineer deemed the structure inadequate to provide the required service coverage, in terms of both height and engineering.

The application also notes that there are no existing electrical transmission towers within ¼ mile of the property. As required, the applicant has submitted an “Affidavit of Co-location,” stating that the available co-location areas on the proposed tower will be made available to other carriers unless structural or other factors render co-location unfeasible.

Regarding proposed structures, the County’s stated preference for structures, in order of priority, is:

- Silos
- Other Alternative Structures
- Monopoles
- Lattice Towers

The proposed tower is designed as a silo, which is identified as the County’s first preference.

Regarding preferred locations for new towers, it is the County’s policy to encourage location in the following areas, in descending order of priority:

- The Industrial - Commercial District
- Non-residential areas screened by existing vegetation and located outside of the Industrial - Commercial District

Staff notes that the proposed tower location is outside of the Industrial - Commercial District, in the Rural District. Existing vegetation may screen the tower to the south and west.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

### 2. Neighborhood compatibility

Adjacent land uses include residential uses to the east, located approximately 800' from the site of the proposed tower. Land area to the north and west is sparsely populated. To the south, the adjacent land use is the USDA National Center for Cool and Cold Aquaculture.

The Zoning and Land Development Ordinance does not provide explicit standards for neighborhood compatibility.

### 3. Impact on cultural and historic resources

As required, the application includes a map showing nearby historic resources. The nearest resource shown on the map is located at the intersection of Leetown Road and Paynes Ford Road, approximately ¼ mile from the proposed compound area.

The site for the proposed tower is not located in the Harpers Ferry Overlay District or within 1 mile of the Appalachian Trail.

### 4. Visual mitigation

The proposed tower is designed as a silo, with all antennas located on the interior of the structure.

The application states, "There is a 4'-6' earth berm on the east side of the proposed compound, between the compound and Leetown Road. Due to the presence of the berm, along with the large distance between the compound and Leetown Road, and varying topography, Verizon is not proposing to install any landscaping around the outside of the tower."

### 5. The submittal and design criteria of Article 4B

Article 4B states that the required submittal elements for a Wireless Telecommunications Tower Concept Plan shall be the same as for a site plan as established in the Subdivision and Land Development Regulations, Appendix A, Sec. 1.3A (with certain exceptions). In addition, other elements are required, such as elevations and cross-section, locations of known historic structures, Balloon Test exhibits, and other information. Staff finds the application complete with regard to the required submittal elements.

Design criteria (height, color, fall zone, lighting and marking, fencing and other elements) are established in Section 4B.7.J. Staff finds that the proposed tower design meets these criteria.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

### 6. The compatibility of the facility proposal with the Comprehensive Plan

#### a. Applicant's Analysis:

The applicant has provided a Justification Statement regarding the project's consistency with the Comprehensive Plan. The Statement identifies the following goals and policies of the Plan:

- Page 8, Plan Policy: *"This Plan encourages economic development so that residents can live and work in the County."*
- Page 19, Statement of Goals: *"encourage and support commercial . . . activities to provide a diversified and sound local economy."* The application narrative also notes that telecommunications facilities "provide an avenue by which residents could have the ability to 'tele-commute'".
- Pages 64-65, Recommendation 3.18: *"Identification, as technology and other factors change and evolve, of issues that present a deterrent to successful economic development. These issues currently include:  
    "a. The need for additional infrastructure in terms of water, sewer, natural gas and telecommunications . . .  
    Although telecommunications infrastructure and access to broadband internet access has improved dramatically during the past few years, surpassing the capacity of some neighboring counties, continual upgrading to state of the art facilities is a necessity if success in high tech attraction is to be achieved."*

#### b. Staff Analysis

The Comprehensive Plan includes little discussion of telecommunications facilities, and the applicant's analysis has captured the majority of those references.

One additional, significant mention of cell towers is included in Chapter 3, "Natural Resources" section, page 52:

*The protection of scenic vistas has been the subject of public comment during this process. During the life of the 1994 Plan, which stated that scenic vistas should be protected through the purchase of easements, the Circuit Court voided the issuance of a Improvement Location Permit (ILP) for a telecommunications tower near Alstadt's Hill, based on non-conformance with the Comprehensive Plan, although no easements were in place.*

*The County should identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard.*

Because the proposed tower is in the form of a silo, it appears to be compatible with the adjacent agricultural landscape.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

### **7. Any relevant information presented by any person that addresses the purpose and intent of Article 4B**

To date, staff has not received any written comments from members of the public regarding this application.

The Planning Commission may consider testimony at the public hearing regarding the purpose and intent of Article 4B.

### **8. Staff Recommendation**

The Planning and Zoning Department Staff finds the Verizon Wireless Leetown Telecommunications Tower concept plan to be:

- Complete based on the information provided related to the required criteria outlined in the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance; and
- Consistent with the Comprehensive Plan

### **9. Planning Commission Direction**

The Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan. 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 has met 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:

- Review the proposed Tower for compliance with the standards in Article 4B and, if applicable, provide direction in the form of conditions relevant to the scope of the public hearing and/or unique characteristics of the proposed development site, to be addressed in the Department's approval of the site plan; and
- Determine, by a majority vote, that the Concept Plan application complies with this article, and that the application is consistent with the Comprehensive Plan.

The Commission has the option of providing direction at the same meeting during which the Concept Plan public hearing takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public hearing is closed.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

August 9, 2011

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

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

It should be noted, that the direction provided to the applicant in the 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.

Should the Planning Commission vote to find the application consistent with the Comprehensive Plan, the applicant will submit a minor site plan to Planning, Zoning and Engineering Department for administrative review and approval. The site plan shall address the conditions identified by the Planning Commission.

1

**Jefferson County Dept. of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
P. O. Box 338  
Charles Town, WV 25414

**CONCEPT PLAN APPLICATION FORM**

Property Owner (s): Billy and Marion Owens

Mailing Address: 6000 Paynes Ford Rd.  
Kearneysville, WV 25430

Phone Number: Michael Owens 304-671-3868

Deed Book Reference: Deed Book #: 996 Page #: 499

Tax Map Reference: District: Middleway Map: 7 Parcel: 6

Zoning District:  Rural  R-G  R-LI-C  I/C  VLG Parcel Size: 202 acres±

Name of Subdivision or Site Plan: Verizon Wireless - Lectown

Physical Location of Subdivision or Site: 6000 Paynes Ford Rd.  
south area of parcel

Name(s) of Developer(s): Verizon Wireless, c/o Network Building and Consulting

Mailing Address of Developer(s): Attn: Harold Bernadzikowski  
7380 Coca Cola Dr., Suite 106  
Hanover, MD 21076

Phone Number of Developer(s): (w) 410-712-7092 (c) 410-530-0937

Name of Registered Engineer(s) or Surveyor(s): Lavelle and Associates, Inc.

Mailing Address of Engineer(s) or Surveyor(s): Attn: Randy Litwin  
5732 Industry Lane  
Frederick, MD 21704

Phone Number of Engineer(s) or Surveyor(s): 301-695-9722

**RECEIVED**

**JUN 24 2011**

**JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING**

#1-And Review Print

This application and a copy of the concept plan must be submitted to the Jefferson County Planning Department in order to determine sufficiency. Once it is determined that sufficiency has been met, you will receive a call requesting payment be submitted. Once the Jefferson County Planning Department receives payment the review period will begin. Checks should be made payable to the *Jefferson County Commission*. (Please refer to Sections 24.105 & 24.106, as well as Appendix A Section 1.1 of the Subdivision Regulations for Concept Plan requirements.)

X *Billy J Owens*  
Signature of Property Owner 6/20/11

X *Donald Bernadyszewski*  
Signature of Developer 6/20/11 Agent for Verizon Wireless

Office Use Only

Sufficiency:

- General Location Map
- Concept Plan
- Zoning Information
- Proposal Description
- Traffic Impact Data (optional)
- Additional Data \_\_\_\_\_
- Additional Agency Review \_\_\_\_\_
  
- Phone Call Date: \_\_\_\_\_ Time: \_\_\_\_\_
- Payment Received Date: \_\_\_\_\_ Received by: \_\_\_\_\_

1-1-11 8:11 AM

81-112

**CONCEPT PLAN APPLICATION S-11-13**  
**Verizon Wireless – “Leetown”**  
**6000 Paynes Ford Road**  
**Narrative**

**Project Description:**

The proposed telecommunication facility will consist of a 100' x 100' leased area, within which a 50' x 50' fenced compound will be installed. Within the compound will be a proposed 120' silo structure, a 12' x 30' equipment shelter, an electrical backboard, and a mesa cabinet. The compound will be accessed by a driveway that will connect to the existing gravel road that extends off of Leetown Road and runs to the parcel behind the subject parcel. Antennas will be mounted inside the proposed silo structure. There is a 4'-6' earth berm on the east side of the proposed compound, between the compound and Leetown Road. Due to the presence of the berm, along with the large distance between the compound and Leetown Road, and varying topography, Verizon is not proposing to install any landscaping around the outside of the compound.

**Plan Requirements and Design Criteria:**

- The Concept Plan was prepared in accordance with the plan requirements outlined in Section 1.3A, subsections 1-19, 23, and 30. Applicant notes that subsection #23 asks for the WVDOH access permit # to be placed on the plan; however, Article 4B.7.B.3 states that Concept Plan applications shall be exempt from WVDOH review (24.120D). Applicant is currently working with WVDOH regarding the sufficiency of the existing access onto Leetown Road and will submit applicable documentation and permit # information with the future minor site plan application.
- 4B.7.B.2.e, Method of Camouflage – applicant is proposing a silo structure with antennas mounted inside the structure.
- 4B.7.B.2.g, Construction Schedule – Verizon Wireless is intending to construct the facility as soon as possible, with a desired start in September/October and completion by end of 2011, or in first quarter of 2012.
- 4B.7.B.2.h, Documentation of FCC Compliance – a letter from Verizon Wireless' RF Engineer has been included with the application packet, documenting that Verizon Wireless operates in compliance with FCC requirements.
- 4B.7.B.2.j, Balloon Fly information – a copy of the notification letter, list of recipients, and receipt from the Post Office for the postage on the letters is included with this application packet. A copy of the certification of advertisement in the local newspaper is also included.
- 4B.7.B.2.k, Balloon Test exhibits – a copy of the photosimulations of the proposed silo structure are included with this application.
- 4B.7.B.2.l, Propagation Maps – Verizon's RF Engineer has provided propagation maps showing the coverage conditions without and with the proposed facility.
- 4B.7.E, proof of eligibility – A copy of Verizon's licenses for this region are included in the application packet.

**Demonstration of Need (4B.7.D and F):**

The propagation maps provided by Verizon Wireless show that currently there is very sparse to no coverage between the “Kearneysville” and “Middleway” sites. The Kearneysville site is approximately

3.8 miles to north/northeast of the proposed Leetown facility, and Middleway is approximately 3.03 miles to the south/southwest. The installation of the proposed "Leetown" facility will fill in that service gap, as demonstrated on the "with" propagation map. The proposed Leetown facility is necessary for Verizon to complete the service connection with those other sites, which are part of the overall county-wide system that Verizon is trying to develop and implement. Without this facility, the system will not be fully developed in terms of providing complete coverage in this area for the user base.

**Justification Statement:**

- Compatibility with the Comprehensive Plan
  - One of the Plan Policies cited on page 8 is "to encourage economic development so that residents can live and work in the County." There is also a Statement of Goals on page 19, one of which states "encourage and support commercial...activities to provide a diversified and sound local economy. Telecommunication facility networks provide an avenue by which residents could have the ability to "tele-commute", which has become a fairly common practice within the extended Balt-Wash region. Tele-commuting would reduce the number of worker trips made into or out of Jefferson County. In addition, the availability of a complete and viable wireless system is a highly desirable amenity for businesses that are looking to locate or expand within Jefferson County, especially for businesses that fall into the "technology" sector.
  - In the "Economic Development" section, Agriculture (page 60), second column, 3<sup>rd</sup> and 5<sup>th</sup> paragraphs, discusses the trend of farms being "second occupations" and "vulnerable to conversion to non-farm use". The subject property is a farm and the installation of the proposed telecommunication facility will provide an additional revenue stream for the owner and thereby lessen the possibility that the owner might need to sell or develop the farm. In addition, the telecommunication facility will only utilize a very small portion of the land acreage and thereby preserve the use of the majority of the land for farming and agricultural activities. It should also be noted that the use of a silo structure will allow the proposed facility to blend in with the existing agricultural use of the property.
  - Recommendation 3.18 (pages 64-65) includes a paragraph at the top of page 65, that states: *"Identification, as technology and other factors change and evolve, of issues that present a deterrent to successful economic development. These issues currently include: (a) The need for additional infrastructure in terms of water, sewer, natural gas, and telecommunications."* The Plan further states: *"Although telecommunications infrastructure and access to broadband internet access have improved dramatically during the past few years, surpassing the capacity of some neighboring counties, continual upgrading to state of the art facilities is a necessity if success in high tech attraction is to be achieved."* The proposed telecommunication facility is part of Verizon's overall plan for a wireless service network, which includes cellular, PCS, and the new fourth generation (4G) LTE service. This facility represents exactly the kind of wireless infrastructure upgrade mentioned in the Plan.
  - The Comprehensive Plan has an entire section dedicated to Historic Preservation. The proposed telecommunication does not include the removal, demolition, or alteration of any historic site or structure. Although the facility may be visible from vicinal historic sites, since the facility is a stealth design (silo) with the antennas to be mounted on the inside, the facility should not be considered a negative impact on any historic site. Verizon Wireless is also coordinating with the SHPO for their review and comment on the proposed facility.



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June 21, 2011

Verizon Wireless  
9000 Junction Drive  
Annapolis Junction, MD 20701  
301-512-2415  
Luke.Neiswander@verizonwireless.com

Jefferson County Department of Planning and Zoning  
Attn: Steve Barney  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

RE: Verizon Wireless  
Leetown Cell Site  
6000 Paynes Ford Road  
Kearneysville, WV 25430

To Whom It May Concern:

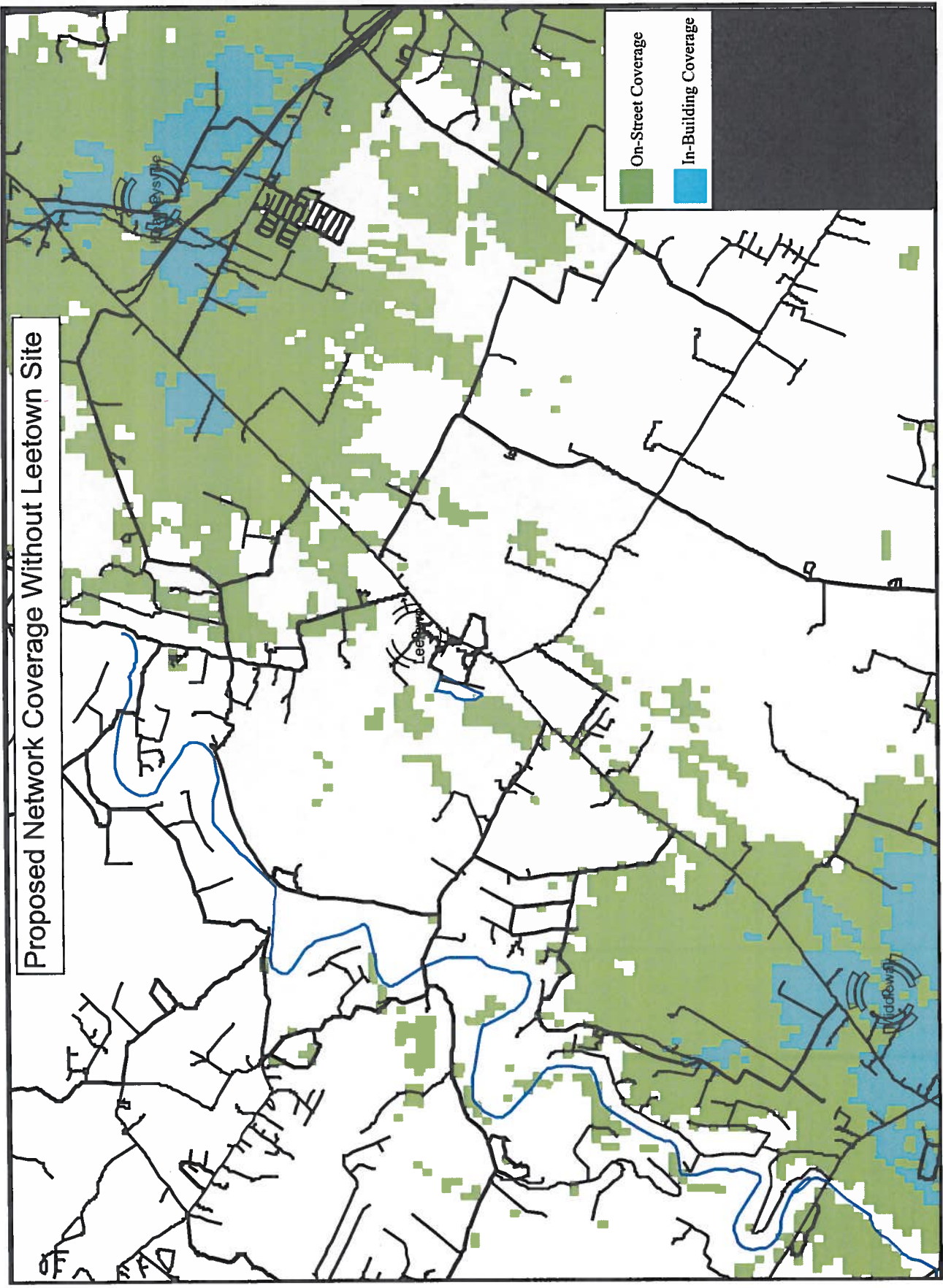
The LTE coverage plot submitted represents signal strength of -100 dBm RSRP for outdoor coverage and -85 dBm RSRP for indoor coverage. These coverage plots were created using Geoplan, which is a Proprietary RF Design tool used by Verizon Wireless. These predictions were created based using our intended site location, RAD center, and equipment parameters. None of the parameters in Geoplan were adjusted to make a greater need than necessary appear on the submitted coverage plot.

Sincerely,

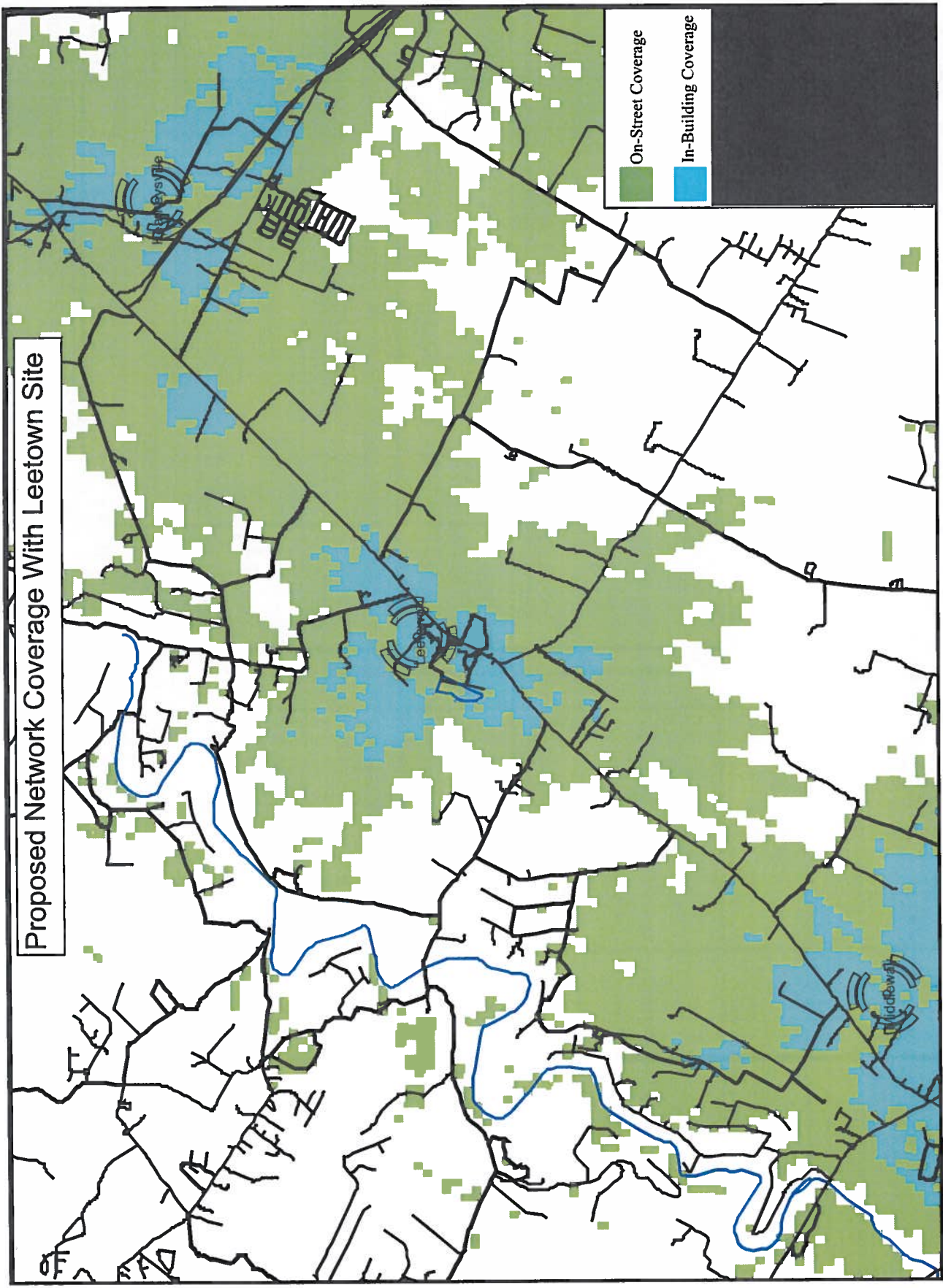
A handwritten signature in black ink, appearing to read "Luke Neiswander", with a long horizontal flourish extending to the right.

Luke Neiswander  
RF Design Engineer, Verizon Wireless

Proposed Network Coverage Without Leetown Site



Proposed Network Coverage With Leetown Site



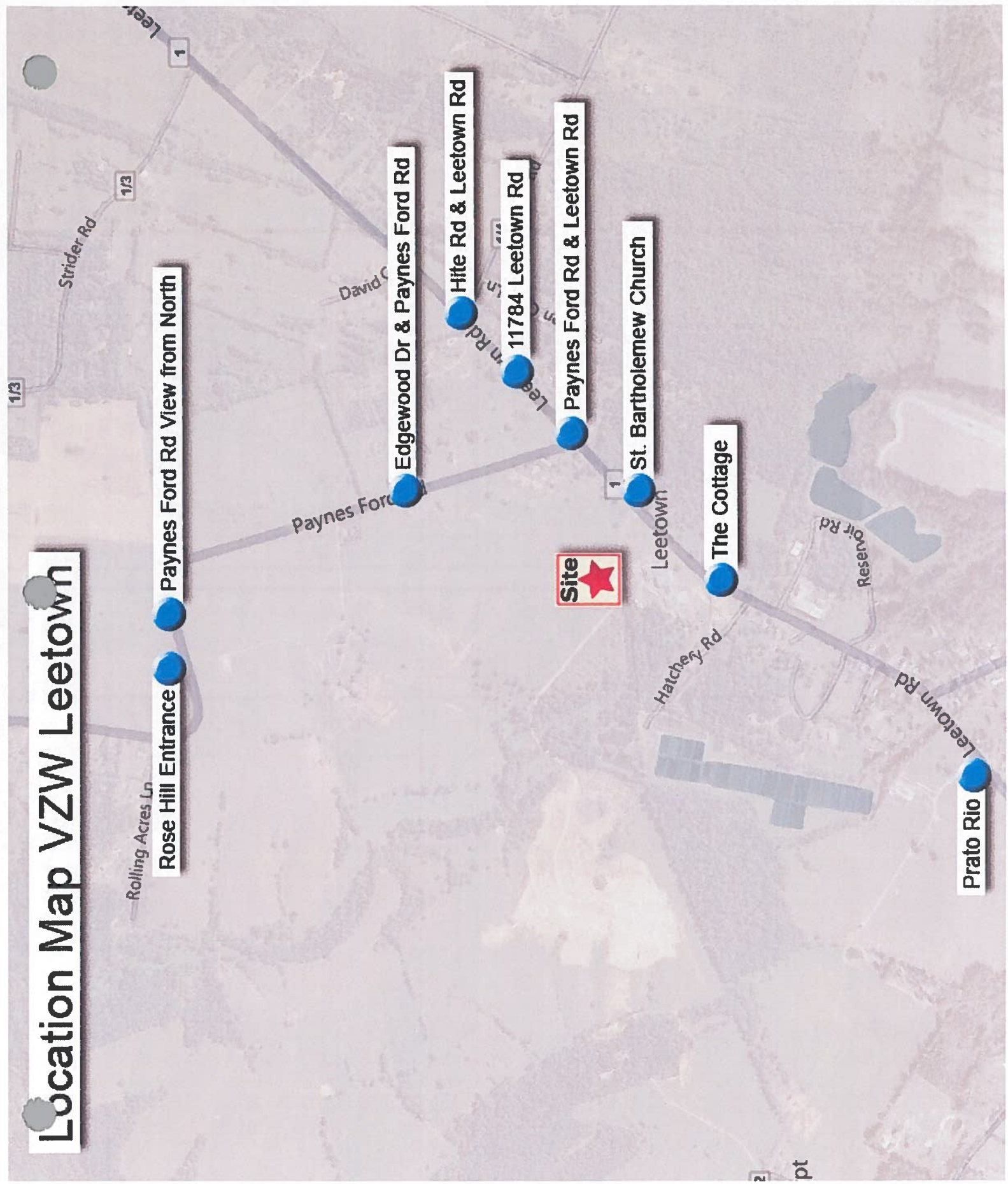
The Jefferson County Historic Landmarks Commission

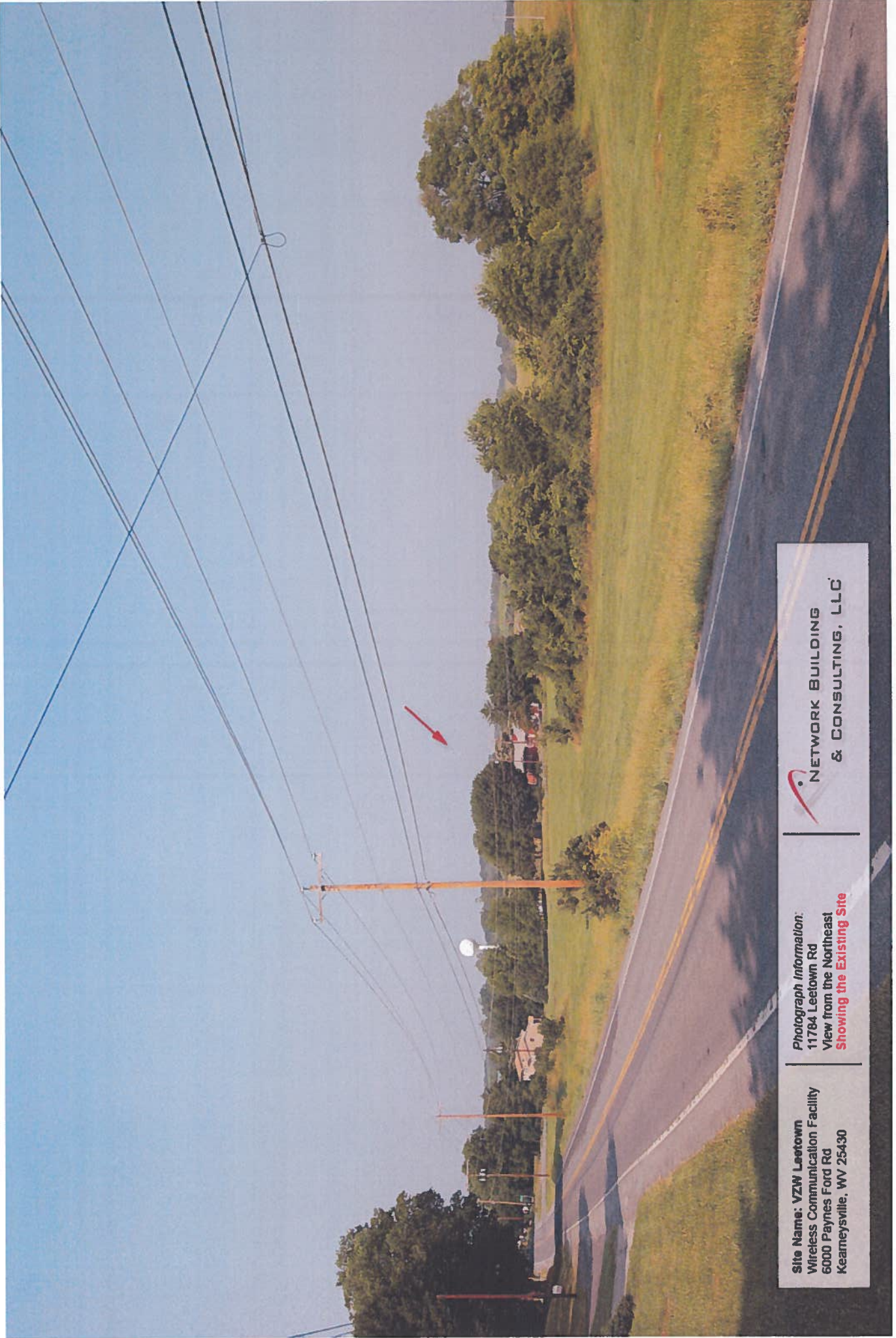


Internet




# Location Map VZW Leetown

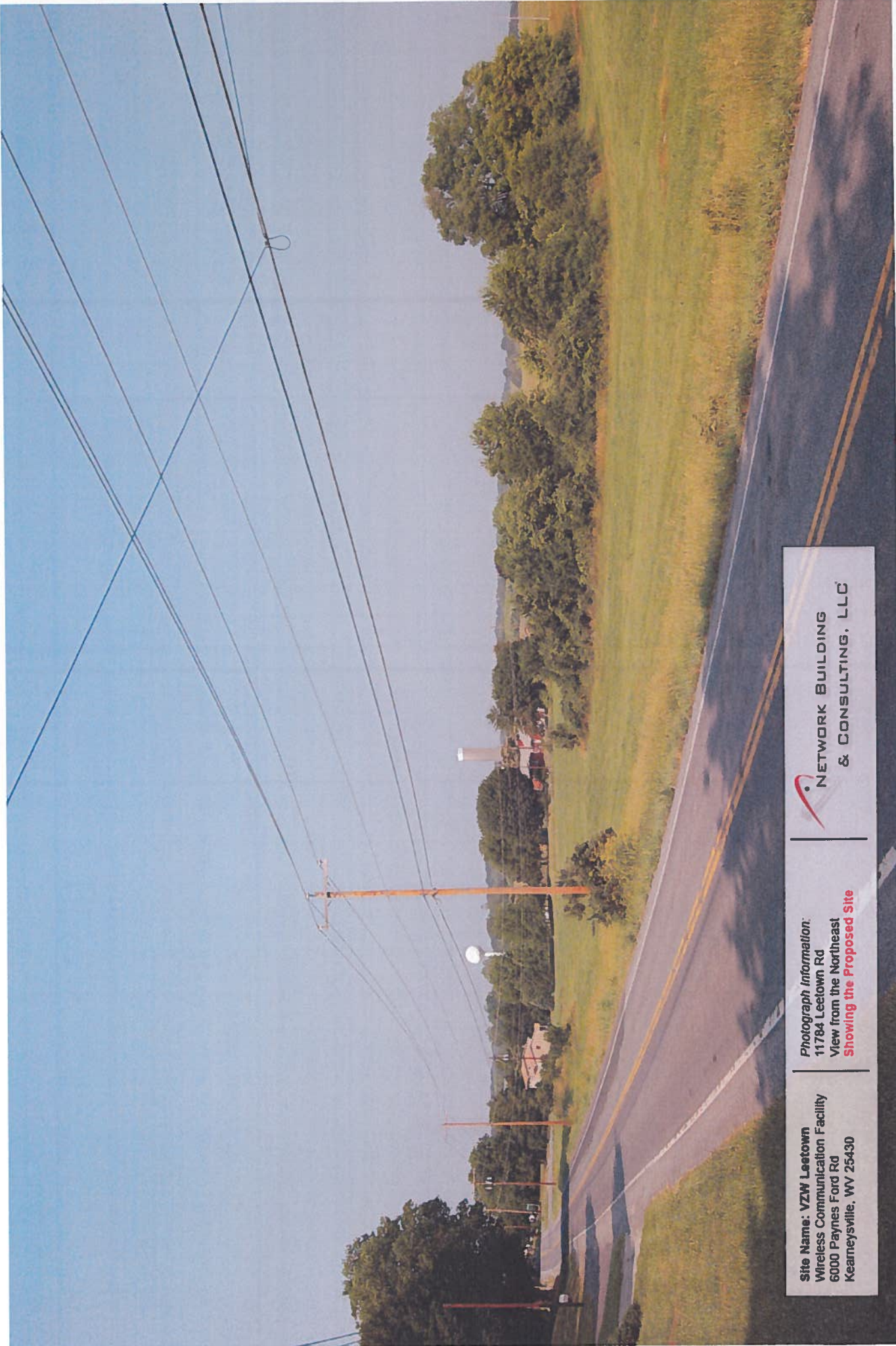




**Site Name: VZW Leetown**  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Keameysville, WV 25430


**Photograph Information:**  
11784 Leetown Rd  
View from the Northeast  
**Showing the Existing Site**

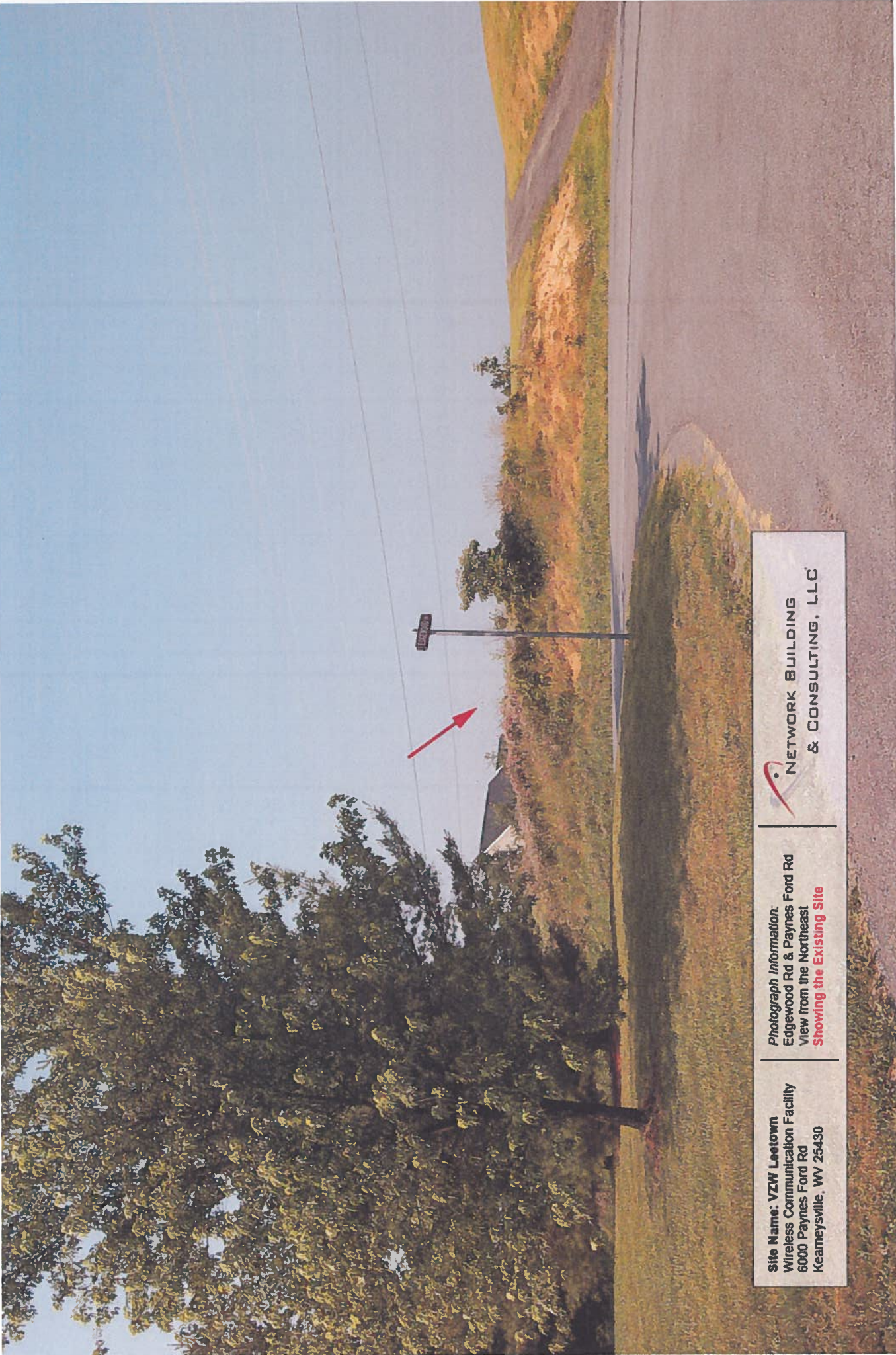
 **NETWORK BUILDING  
& CONSULTING, LLC**



Site Name: VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430

Photograph Information:  
11784 Leetown Rd  
View from the Northeast  
**Showing the Proposed Site**

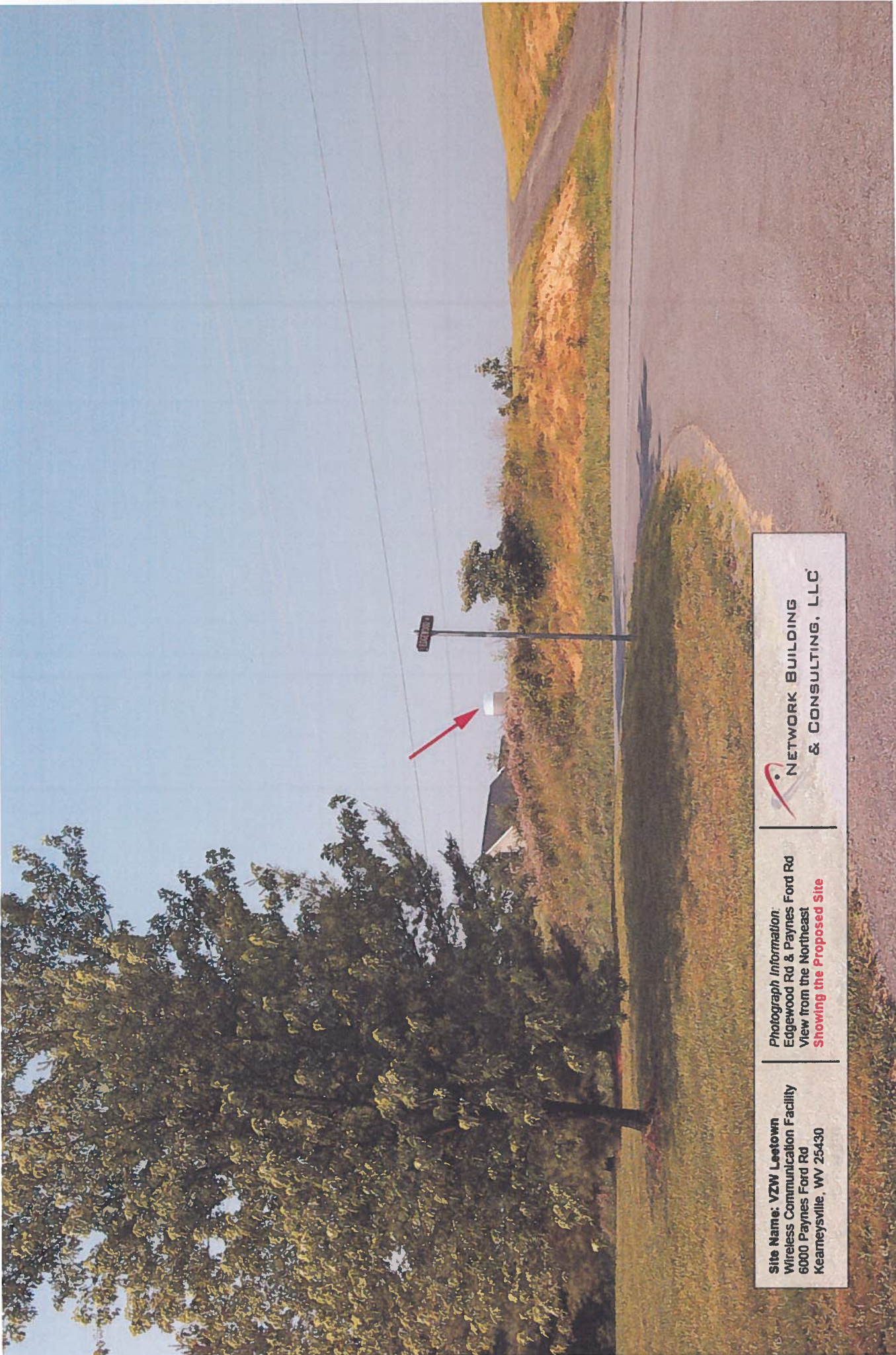
 NETWORK BUILDING  
& CONSULTING, LLC



**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430

*Photograph Information:*  
Edgewood Rd & Paynes Ford Rd  
View from the Northeast  
**Showing the Existing Site**

**NETWORK BUILDING  
& CONSULTING, LLC**



**Site Name:** VZW Leetown  
 Wireless Communication Facility  
 6000 Paynes Ford Rd  
 Kearneysville, WV 25430

---

*Photograph Information:*  
 Edgewood Rd & Paynes Ford Rd  
 View from the Northeast  
**Showing the Proposed Site**


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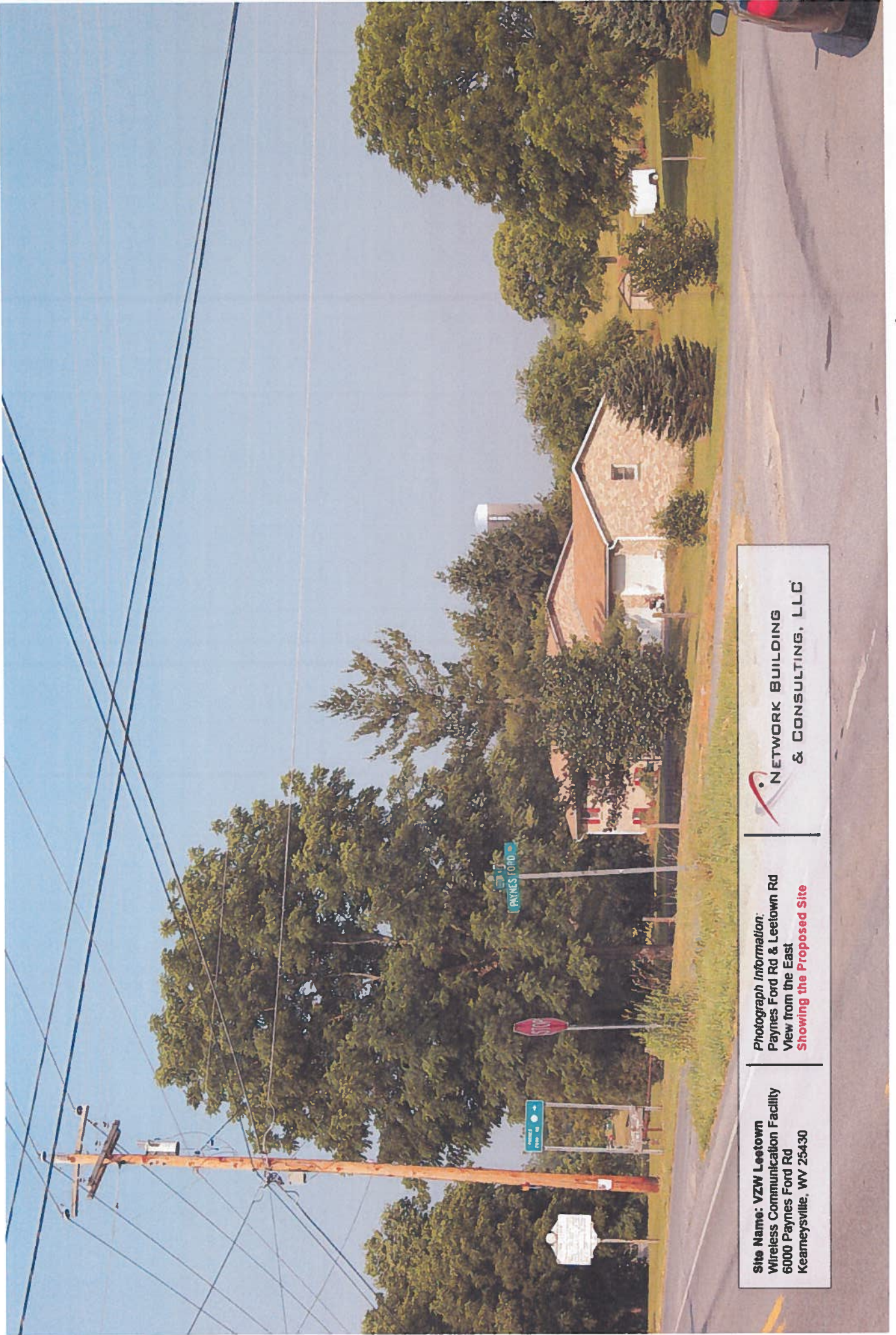
 **NETWORK BUILDING  
 & CONSULTING, LLC**



**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430


**Photograph Information:**  
Paynes Ford Rd & Leetown Rd  
View from the East  
**Showing the Existing Site**

 **NETWORK BUILDING  
& CONSULTING, LLC**



**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430


**Photograph Information:**  
Paynes Ford Rd & Leetown Rd  
View from the East  
**Showing the Proposed Site**

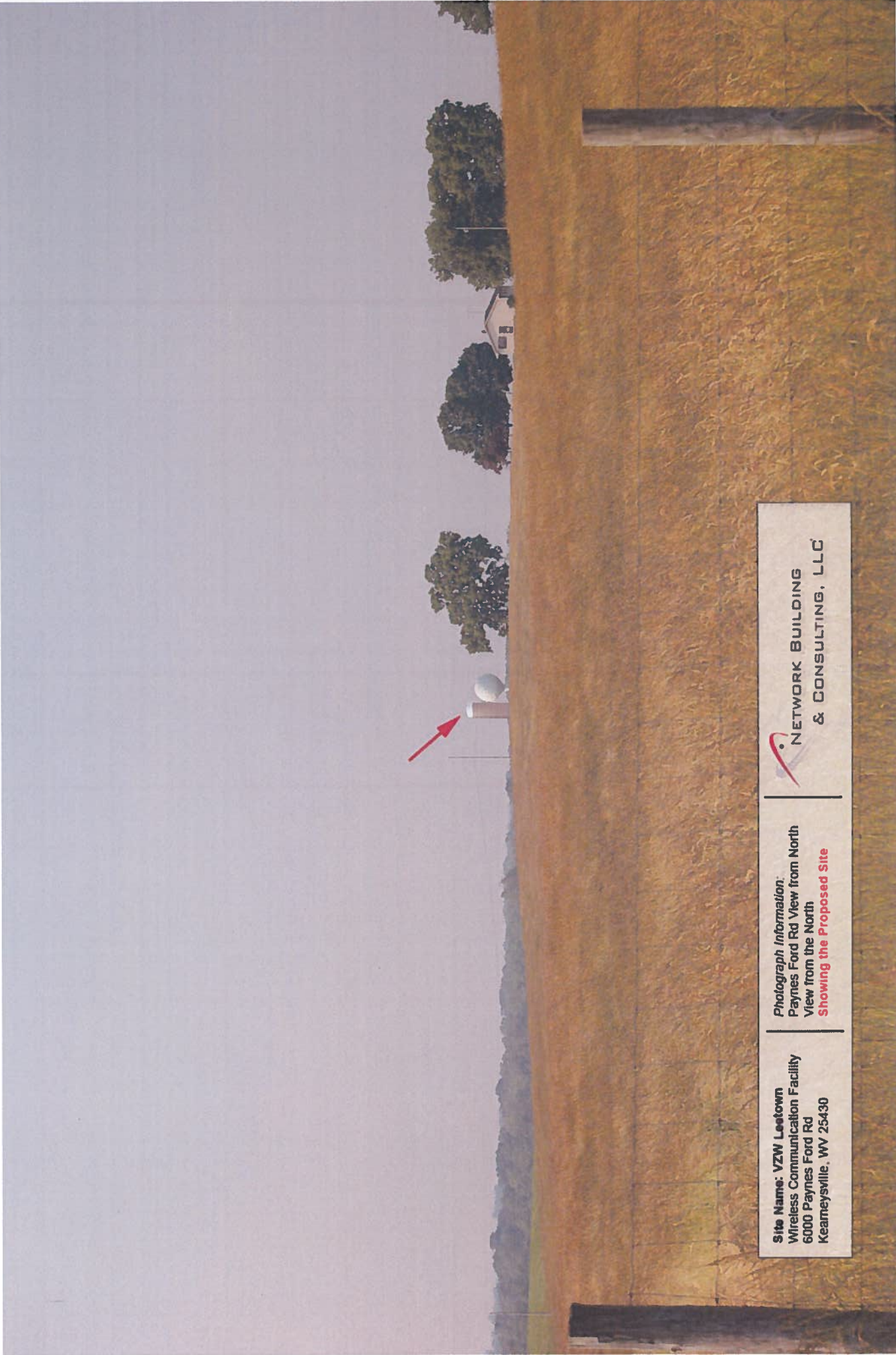
 **NETWORK BUILDING  
& CONSULTING, LLC**



**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430


*Photograph Information:*  
Paynes Ford Rd View from North  
View from the North  
**Showing the Existing Site**

 **NETWORK BUILDING  
& CONSULTING, LLC**



**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430

**Photograph Information:**  
Paynes Ford Rd View from North  
View from the North  
**Showing the Proposed Site**

 **NETWORK BUILDING  
& CONSULTING, LLC**



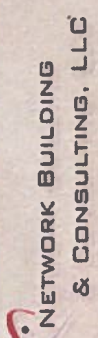
**Site Name: VZW Leetown**  
 Wireless Communication Facility  
 6000 Paynes Ford Rd  
 Kearneysville, WV 25430

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**Photograph Information:**  
 Plato Rfo  
 View from the Southwest  
 Showing the Existing Site  
 NOT VISIBLE

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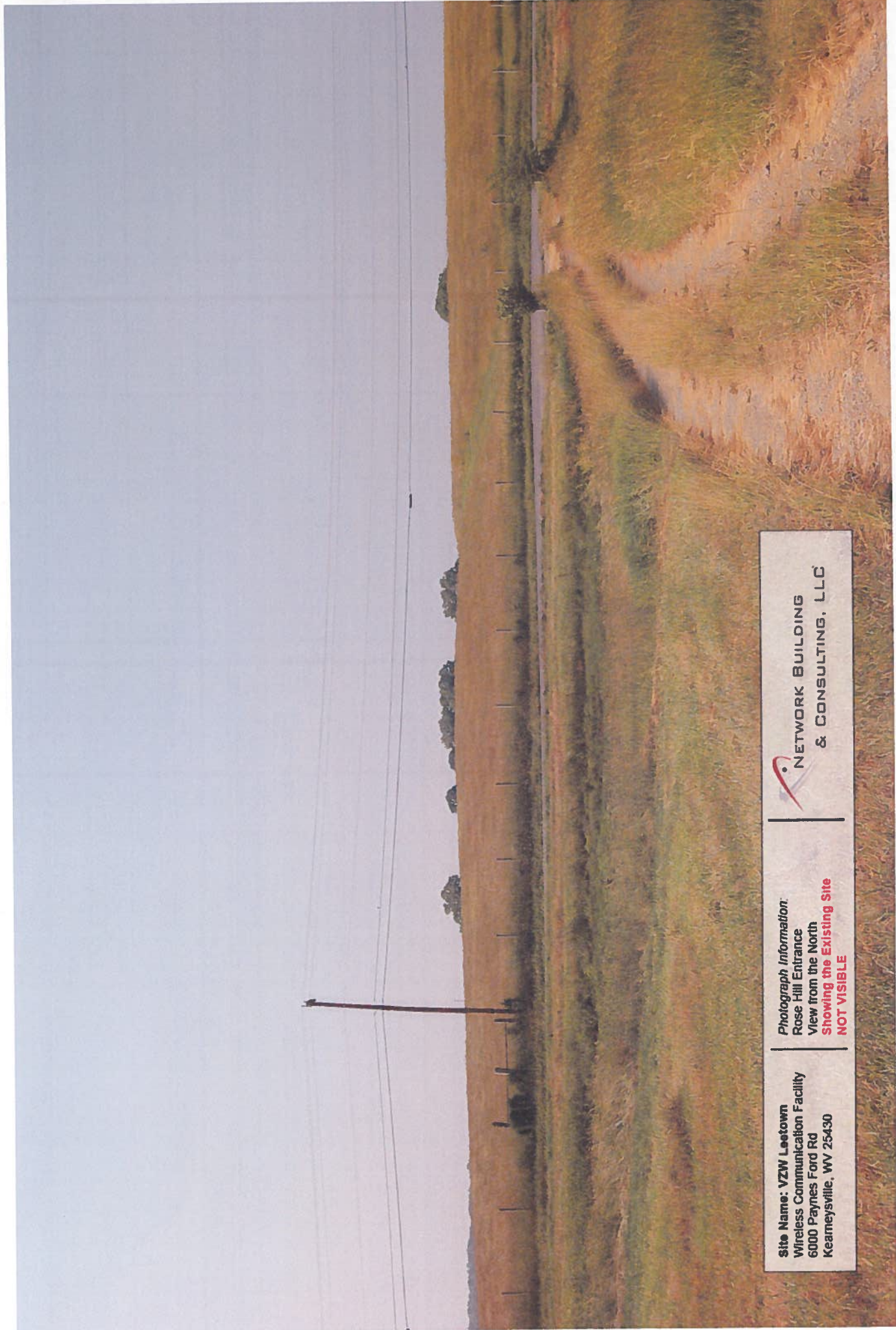
**NETWORK BUILDING & CONSULTING, LLC**



NETWORK BUILDING  
& CONSULTING, LLC

*Photograph Information:*  
Rose Hill Entrance  
View from the North  
**Showing the Existing Site  
NOT VISIBLE**


**Site Name:** VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Keameysville, WV 25430





**Site Name: VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Keameysville, WV 25430**


**Photograph Information:  
St. Bartholemew Church  
View from the Southeast  
Showing the Existing Site**

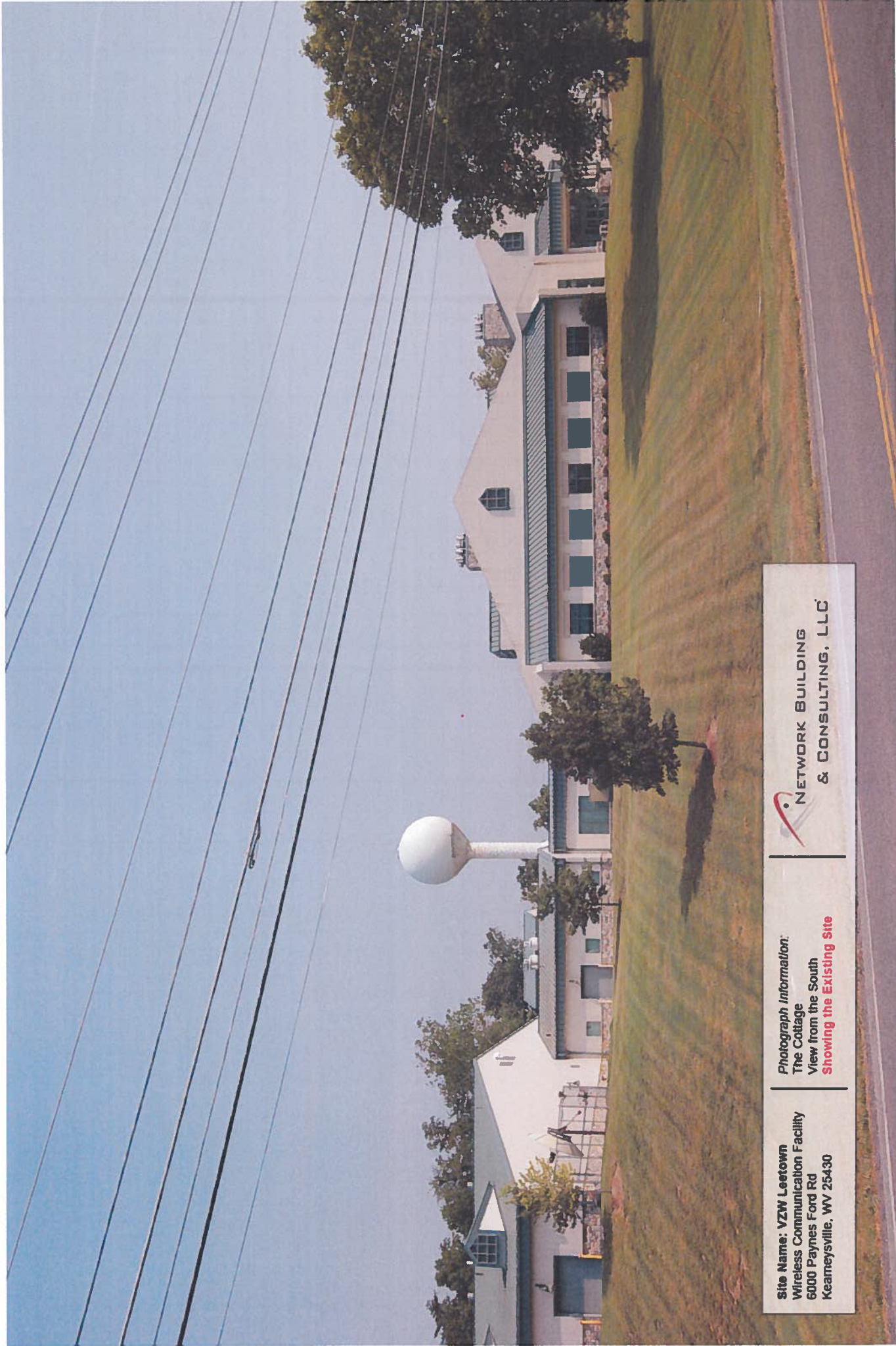
 **NETWORK BUILDING  
& CONSULTING, LLC**



**Site Name:** YZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430


**Photograph Information:**  
St. Bartholemew Church  
View from the Southeast  
**Showing the Proposed Site**

 **NETWORK BUILDING  
& CONSULTING, LLC**




Site Name: VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Keameysville, WV 25430

Photograph Information:  
The Cottage  
View from the South  
Showing the Existing Site

 NETWORK BUILDING  
& CONSULTING, LLC

Site Name: VZW Leetown  
Wireless Communication Facility  
6000 Paynes Ford Rd  
Kearneysville, WV 25430

Photograph Information:  
The Cottage  
View from the South  
Showing the Proposed Site

 NETWORK BUILDING  
& CONSULTING, LLC

25



June 21, 2011

Verizon Wireless  
9000 Junction Drive  
Annapolis Junction, MD 20701  
301-512-2415  
Luke.Neiswander@verizonwireless.com

Jefferson County Department of Planning and Zoning  
Attn: Steve Barney  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

RE: Verizon Wireless  
Leetown Cell Site  
6000 Paynes Ford Road  
Kearneysville, WV 25430

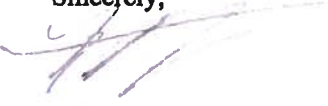
To Whom It May Concern:

Verizon Wireless operates a Personal Communication Service authorized by the Federal Communications Commission (FCC) to provide state of the art digital wireless communications in many parts of the nation, including Washington DC. Verizon Wireless' operations and network are licensed and regulated by the FCC.

The antennas, as proposed and designed for the above noted site, are in compliance with all applicable FCC requirements. In addition, the proposed site meets all applicable ANSI/IEEE C95.1-1992 exposure levels, as adopted by the FCC requirements.

Verizon Wireless is committed to compliance with all government regulations and standards. Please contact Verizon Wireless if you have any questions regarding this matter.

Sincerely,



Luke Neiswander  
RF Design Engineer, Verizon Wireless



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

May 3, 2011

Jefferson Asphalt Products  
9390 Middleway Pike  
Charles Town WV 25414

Dirk Stansbury  
3 Sue Court Suite B  
Martinsburg WV 25405

Dear Jefferson Asphalt and Mr. Stansbury

Your application for an entrance permit was received in this office and a field review conducted.

As a result of our review, it has been determined that the entrance has an existing permit # 5-02-0193. And that the construction of an office (60'x70') and shop (60'x100') will not affect the design of the current entrance. Therefore no further action is required.

Please place a copy of this letter with the original permit as an addendum to the permit, adding the new construction.

Should you have any questions please feel free to contact Larry Alt of this office at 304-289-2284.

Sincerely,

*Larry A. Alt*  
Larry A. Alt  
District Permit Reviewer

cc:  
Larry Alt  
Dirk Stansbury,  
Permit File

E.E.O./AFFIRMATIVE ACTION EMPLOYER

*James W. Powell*  
Title Permit Supervisor

BOND REQUIREMENT:  
BOND NO. \_\_\_\_\_ /DATE \_\_\_\_\_  
Attached  On File

INSPECTION REQUIREMENTS:  
Full Time  Part Time   
Periodic  Reimbursable  No Cost

REIMBURSABLE AUTHORIZATION NO. \_\_\_\_\_ PERMIT NO. 5-02-0193

*[Signature]*  
Signature and Title of Applicant  
Asst. District Engineer - Maintenance  
West Virginia Division of Highways

**APPROVED**  
MAR 19 2012  
W. VA. DEPT. OF HIGHWAYS  
District 5

BEFORE DIGGING OR OTHERWISE  
DISTURBING THE EARTH  
CALL: 1-800-245-4848  
TO NOTIFY MANY UNDERGROUND OWNERS  
2 DAYS NOTICE REQUIRED  
IT'S THE LAW IN WEST VIRGINIA

PERMIT TO ENTER UPON, UNDER, OVER OR ACROSS THE STATE ROADS OF THE STATE OF WEST VIRGINIA, AS PROVIDED FOR IN SECTION 6, ARTICLE 16, CHAPTER 17; SECTION 9, ARTICLE 16, CHAPTER 17; SECTION 8, ARTICLE 4, CHAPTER 17; WEST VIRGINIA CODE, 1931, AS AMENDED.

THIS PERMIT, Made this 15th day of March, 2002, between the WEST VIRGINIA DEPARTMENT OF TRANSPORTATION, DIVISION OF HIGHWAYS, a statutory corporation hereinafter called

DIVISION and Jefferson Asphalt Mail To: Mark Jerussi, PHRA  
208 Church Street, SE  
Leesburg, VA 20175

hereinafter called APPLICANT.

WITNESSETH

In consideration of the hereinafter set out covenants and in accordance with Section 6, Article 16, Chapter 17; or Section 9, Article 16, Chapter 17; or Section 8, Article 4, Chapter 17, of the Official Code of West Virginia, 1931, as amended, and the rules and regulations promulgated thereunder, APPLICANT does hereby apply to enter South Side

Circle Type of Route: I US (WV) SLS D Route No. 51 DOH Project No. \_\_\_\_\_ (if applicable);  
at 1.385 Mi. East of Co. 51/1 Mile Post 5.395

in Jefferson County, for the purposes hereinafter set forth and in accordance with the plans and specifications which are attached hereto and made a part hereof; To construct and maintain one 20' commercial approach stabilizing with a maximum size of 1 1/2" crusher run stone to a total depth of 8" compacted and 6" HLBC Base Crse., and 1" HLBC Wear. Crse. from the edge of pavement to the right of way line. This work shall be constructed and maintained so that water and debris will not flow or be tracked onto the roadway. Should this parcel further develop commercially, subdivide, or be located within a subdivision with internal access, this permit will be invalid. Applicant shall apply for a new permit to fit altered

APPLICANT further agrees to accept the conditions hereinafter set forth: conditions.

1. APPLICANT shall deposit with DIVISION the sum of \$ \_\_\_\_\_ in the form of a certified check, money order, or executed bond with surety satisfactory to DIVISION to cover any damage and inspection costs DIVISION may sustain by reason of the granting of this permit, including any expense incurred in restoring said highway to its original condition or the proper repair of any and all damages that may result within one (1) year from the date of the completion of said work.
2. APPLICANT agrees to reimburse DIVISION for inspection costs as follows:
  - A. For any inspection costs incurred under this permit.
  - B. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of water line under this permit.
  - C. At \$ \_\_\_\_\_ per linear foot for \_\_\_\_\_ feet of sewer line under this permit.
3. APPLICANT shall notify DIVISION at least 48 hours in advance of the date work will begin. Failure to comply will be cause for cancellation of this permit.
4. APPLICANT agrees to protect its employees, equipment and the users of the highway at all times in accordance with the current Division of Highways manual "Traffic Control For Streets and Highways Construction and Maintenance Operation".
5. APPLICANT agrees to comply with all applicable state and federal laws in the performance of work under this permit.
6. Supplementary conditions cited on the reverse side of this permit are understood and agreed to be a part hereof.
7. The work authorized under this permit shall be completed on or before the 30 day of September, 2002

RECOMMENDED:

James W. Powell  
Title Permit Supervisor

Robert [Signature] Signature and Title of Applicant

BOND REQUIREMENT:

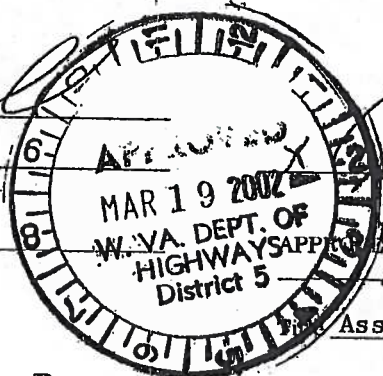
BOND NO. \_\_\_\_\_ /DATE \_\_\_\_\_  
Attached  On File

INSPECTION REQUIREMENTS:

Full Time  Part Time   
Periodic  Reimbursable  No Cost

REIMBURSABLE AUTHORIZATION NO. \_\_\_\_\_

PERMIT NO. 5-02-0193



Robert [Signature] Asst. District Engineer - Maintenance  
West Virginia Division of Highways

BEFORE DIGGING OR OTHERWISE  
DISTURBING THE EARTH  
CALL: 1-800-245-4848  
TO NOTIFY MANY UNDERGROUND OWNERS  
2 DAYS NOTICE REQUIRED

Thank you, Mr. Garcia, for your expressed interest in the referenced Urban Tree Canopy Project. Your input regarding this matter is very much appreciated. Be advised that all comments will be forwarded to the Planning Commission for consideration at their next meeting, which is scheduled on Tuesday, August 9, 2011 at 7:00 p.m. Please also note that additional subject input will be received by the Jefferson County Planning Department through Friday, August 5, 2011.

Meanwhile, should you have any questions, please don't hesitate to contact our office. I am happy to assist.

Christine Chalmers  
Office Clerk

Planning Department  
P.O. Box 338  
116 East Washington Street  
Charles Town, WV 25414  
(304) 728-3228

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

From: "gil narro garcia" <gilnarrogarcia@comcast.net>  
Sent 8/1/2011 3:58:07 PM  
To: planningdepartment@jeffersoncountywv.org  
Subject: Comments on Tree Canopy draft report

I've scanned the report. While it addresses a range of topics, it mostly focuses on overview statistics that do not offer much to the common reader. To this layperson though, the one fo the strongest recommendations is the following :

"Establish a policy that requires a developer to conserve a certain percentage of the exist-ing trees before construction or replace with trees native to the area in existing wooded are-as after construction with a goal of maintaining or increasing the tree canopy coverage for that property".

The most damaging factor over the 20 years we've lived in Jefferson County is the destruction of trees and woodlands every where. Little by little, the County is looking like a barren parking lot. Developers plow up and level mature trees and, to add insult to environmental injury, homeowners plant ordinary pines, bradford pears and other trees that add little to the natural look of the County. This must stop. If you enforce any regulation, this is the one.

The other recommendation that residents and developers plant native trees over ordinary imported or invasive trees AND shrubs is the second strongest one in this report.

Gil N Garcia

881 Elk Run dr.

Harpers Ferry,, WV 25425

July 26, 2011

Jefferson County Dept. of Planning & Zoning  
P. O. Box 338  
Charles Town, West Virginia 25414

Reference: Jefferson County East Gateway

I would like to suggest that Dogwood Trees and Evergreen Trees be planted in the median strip between Rt. 340 from the Bolivar Traffic Light to the Traffic Light at the intersection of Patrick Henry Way.

*Hilda E. Staubs*  
Hilda E. Staubs  
121 Elm St.  
Harpers Ferry, WV 25425

**RECEIVED**  
**JUL 29 2011**  
**JEFFERSON COUNTY**  
**PLANNING, ZONING AND ENGINEERING**

## Jennifer Brockman

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Friday, July 29, 2011 9:42 AM  
**To:** jbrockman@jeffersoncountywv.org; sbarney@jeffersoncountywv.org;  
srivard@jeffersoncountywv.org; dchilds@jeffersoncountywv.org  
**Subject:** Fw: Urban Tree Canopy-Comment

Planning Department  
P.O. Box 338  
116 East Washington Street  
Charles Town, WV 25414  
(304) 728-3228

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

From: "Humes Barbara" <bhumes1@comcast.net>  
Sent 7/28/2011 8:49:53 PM  
To: planningdepartment@jeffersoncountywv.org  
Subject: Urban Tree Canopy-Comment

I think that shopping centers and isolated places of business that put down a lot of asphalt for parking spaces should be required to provide intermittent shade trees (native varieties such as oak, magnolias, red bud, sassafras, hawthorne, black gum, etc.) Have you ever noticed that wherever there is a little bit of shade in a parking lot that car drivers gravitate there first? It would be a "selling point" for businesses to have welcoming shade trees that would attract customers. It would help to cool off the parking lot in the summer and would offer visual variety in the winter. The Urban Plan does not mention the need to put trees in shopping center parking lots.

We also need trees to help off-set the summertime heat of asphalt highways by planting trees in the median strips. Such tree planting would also create a protective buffer.

Barbara Humes  
304-535-2503

## Jennifer Brockman

---

**From:** Planning Department <planningdepartment@jeffersoncountywv.org>  
**Sent:** Friday, July 29, 2011 9:45 AM  
**To:** jbrockman@jeffersoncountywv.org; sbarney@jeffersoncountywv.org;  
srivard@jeffersoncountywv.org; dchilds@jeffersoncountywv.org  
**Subject:** Fw: comments re Urban Tree Canopy

Planning Department  
P.O. Box 338  
116 East Washington Street  
Charles Town, WV 25414  
(304) 728-3228

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

**From:** "Chris Kaufman" <chriskaufman@frontiernet.net>  
**Sent:** 7/28/2011 2:26:18 PM  
**To:** planningdepartment@jeffersoncountywv.org  
**Subject:** comments re Urban Tree Canopy

Just generally speaking, I'm all in favor of trees, as long as the cost is not crazily exorbitant, of course.

Not sure if this comment is even applicable, but... A couple months ago I got 5 seedlings very cheap via some county program, can't remember which one exactly (I picked up the seedlings from Jefferson High School, if that helps). Anyway, as a rookie gardener, I haven't had much success, despite some mulching and much watering -- only 1 of the 5 appears to be flourishing. I'm just thinking if they're going to be putting lots of new trees in the hands of incompetent homeowners such as myself, it might go much better if the trees were already a year or two old (if that's possible), I'd think the success rate would be much higher.

Chris Kaufman, Harpers Ferry resident

## Jennifer Brockman

---

**From:** Frank Rodgers <frodgers@cacaponinstitute.org>  
**Sent:** Tuesday, July 26, 2011 11:41 AM  
**To:** 'Jennifer Brockman'; btkacz@aol.com; 'Wendy Maddox'; hheyser@shepherdstown.us; 'Katie See'; 'Joe Cosentini'; 'Scott Coyle'; 'Sarah Kleckner'; clerk@harpersferrywv.us; 'Kevin Carden'; 'Laura Whittington'; 'Helen Dettmer'; 'Ron Nichols'; 'Joe Anderson'  
**Cc:** 'Tim Boyde'; 'Herb Peddicord'; WGRIFF01@shepherd.edu; 'Steve Barney'; 'Seth Rivard'; 'Dawn Childs'; 'Michael Schwartz'; ci@cacaponinstitute.org  
**Subject:** RE: Urban Tree Canopy Plan and Goals Working Draft

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**Categories:** Red Category

Jennie,

Congratulations to everyone. The draft looks very good. I have only a few suggestions:

1. in the Methodology and Data section change percentage "available for additional trees" to "potentially available for additional trees".
2. Perhaps the "policies" for property owners watering could be down played to "recommendation"
3. Harpers Ferry, Ranson, & Shepherdstown could follow Charles Towns recommendation and add "all new street plantings will have root barriers or root deflectors..."
4. please consider adding, especially for Harpers Ferry & Shepherdstown, an assessment of the impacts from established trees & tree roots on sidewalks, streets, and public infrastructure to develop recommendations to mitigate negative impacts of trees and maximum preservation of tree canopy.

Jennie, I will send more detailed language (suggested) by separate email.

P.S. The USDA Forest Service has announced funding for the WV Division of Forestry & Cacapon Institute partnership for "WV UTC Assessment and Enhancement in the Potomac Basin". This will allow us to continue our work in Jefferson and reach out to other counties. Your example is surely a contributing motive in the Forest Service's decision.

Sincerely,

Frank Rodgers  
Director of Education & Outreach  
ISA Certified Arborist MA-4468A  
Cacapon Institute  
PO Box 68, High View WV 26808  
304-856-1385 / [www.cacaponinstitute.org](http://www.cacaponinstitute.org)  
Protecting rivers and watersheds since 1985

---

**From:** Jennifer Brockman [mailto:jbrockman@jeffersoncountywv.org]  
**Sent:** Monday, July 25, 2011 3:05 PM  
**To:** btkacz@aol.com; 'Wendy Maddox'; hheyser@shepherdstown.us; 'Katie See'; 'Joe Cosentini'; 'Scott Coyle'; 'Sarah Kleckner'; clerk@harpersferrywv.us; 'Kevin Carden'; 'Laura Whittington'; 'Helen Dettmer'; 'Ron Nichols'; 'Joe Anderson'  
**Cc:** 'Tim Boyde'; 'F. Rodgers'; 'Herb Peddicord'; WGRIFF01@shepherd.edu; 'Steve Barney'; 'Seth Rivard'; Dawn Childs; 'Michael Schwartz'  
**Subject:** Urban Tree Canopy Plan and Goals Working Draft  
**Importance:** High

Jefferson County Municipal Representatives:

Chapter 3. Pages 5-7.

At each mention of percentage "available for additional tree canopy" change to "potentially available for additional tree canopy".

Chapter 4-9. Pages 8, 10,11,13,16 & 17.

Replace "Develop policies recommending that landowners water all new trees in the first three year of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases)" with:

"Develop recommendations and disseminate educational material supporting landowners and HOA's proper maintenance and care of trees (e.g. recommended watering schedules, stake & wire removal, and mulching). Seek commitment of property owners and HOA's for tree care, especially during the critical first three years after planting. "

Chapter 4-9. (Chapter 6, Page 11). **Other municipalities should adopt this recommendation.**

Change "Develop local policies providing all new street planting will have root barriers or root deflectors to prohibit sidewalk lifting and will incorporate the correct soil type to encourage tree longevity" to

"Develop local policies to ensure all new street and sidewalk work takes into consideration the potential for additional tree plantings, that existing street trees are protected wherever possible, and that new street tree pits and plantings follow current best management practices (e.g. root barriers & root deflectors to reduce root-sidewalk conflict, installation of engineered soils, storm water management techniques to maximize water infiltration to tree pits)."

Chapter 4-9. Consider adding to all:

"Assess existing and established trees' impacts, and potential impacts, on roads, sidewalks and public infrastructure and develop plans to mitigate tree-utility conflicts and establish policies to preserve tree canopy and protect tree health wherever possible."

# Counties of the Chesapeake Bay

Jefferson  
County, WV

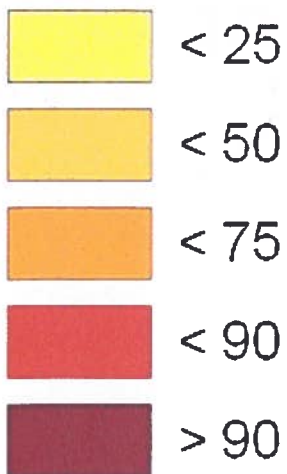
PA

MD

WV

VA

## USDA Forest Service Planting Priority Index



Chesapeake Bay  
Watershed Boundary

3 August 2011

R. Neal Peterson  
PO Box 1011  
Harpers Ferry, WV 25425

Jennifer Brockman  
Planning Commission  
Jefferson County Commission

SUBJECT: URBAN TREE CANOPY

Dear Ms. Brockman:

Below I enumerate my responses to the Draft Proposal of the UTC. I am writing from a position of some knowledge, as I serve on the Tree Committee of Harpers Ferry. These comments are my own. Later in August the Tree Committee itself will provide its response. It is natural that in a review the comments will be critical, describing what can be seen as flaws and shortcomings. Please take my comments in the spirit of constructive criticism.

1. I find it curious that in a document whose title is Urban Tree Canopy Plan and Goals, so much of the content is devoted to the whole county --- a county which is vastly rural. Why is the word Urban used, if you are throwing a net to catch the entire rural county? Please explain.
2. I presume that the base justification for the tree planting program is concern for water quality in the Chesapeake Bay. But let's now force the reader to make assumptions. Please have the document make clear the fundamental purpose behind its creation and adoption.
3. The document must reveal authorship. Anonymous is unacceptable. Every report, article, proposal, etc. is written by live human beings. No ghost writing allowed. If sections of the document are lifted from elsewhere, then that needs to be acknowledged and described.
3. I call into question the analytic validity of Figure 1 from the USFS National Planting Priority Index. As a native West Virginian who has traveled much of the state, it is not believable that the Northern Panhandle and Wayne Co., WV, are in highest need of more trees. Nor is it believable that Jefferson and Berkeley Counties are much different from Clarke Co., VA, which is in a lower percentile. It is not believable that Kanawha Co. needs more trees than Loudon Co.
4. Degradation of water quality in streams arises from upon discrete issues, that are point sources and non-point sources. It is correct to target parking lots and highways, on a case by case basis, for the remediation of improper storm water runoff. Riparian edges likewise are a

3 August 2011

R. Neal Peterson  
PO Box 1011  
Harpers Ferry, WV 25425

Jennifer Brockman  
Planning Commission  
Jefferson County Commission

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2. I presume that the base justification for the tree planting program is concern for water quality in the Chesapeake Bay. But let's now force the reader to make assumptions. Please have the document make clear the fundamental purpose behind its creation and adoption.
3. The document must reveal authorship. Anonymous is unacceptable. Every report, article, proposal, etc. is written by live human beings. No ghost writing allowed. If sections of the document are lifted from elsewhere, then that needs to be acknowledged and described.
3. I call into question the analytic validity of Figure 1 from the USFS National Planting Priority Index. As a native West Virginian who has traveled much of the state, it is not believable that the Northern Panhandle and Wayne Co., WV, are in highest need of more trees. Nor is it believable that Jefferson and Berkeley Counties are much different from Clarke Co., VA, which is in a lower percentile. It is not believable that Kanawha Co. needs more trees than Loudon Co.
4. Degradation of water quality in streams arises from upon discrete issues, that are point sources and non-point sources. It is correct to target parking lots and highways, on a case by case basis, for the remediation of improper storm water runoff. Riparian edges likewise are a

major diffuse source of sedimentation and chemical runoff. You get my drift: other concerns might be industrial plants, sewage treatment plants, septic tanks, overfertilization of lawns and cropland.

5. Please reduce bureaucratic verbiage, some of which borders on gobbledygook. Please look on pg.2 at “developing rural areas.” Does that mean farmland and woodland converted to housing &/or commercial buildings? Please look on pgs. 9 (and other pages) at the phrase “revenue streams.” This is a trendy but what is meant is sources of revenue, not streams.

6. The section on the numerous benefits of trees to communities is too speculative and lacking in rigorous reason. In most of the urban setting trees are incapable of reducing sedimentation – since there are few above ground streams in cities, and most trees are confined to lawns and streetside planting. Nor can those same urban trees increase soil organic matter since their leaves are swept up and carted away; urban trees are seldom in a site where they reduce soil erosion; grass does a better job of that.

7. In the same section you mention “increased air movement.” How is that possible? In the very next sentence you state that trees serve as a windbreak. Contradiction. What does it do?

8. An examination of benefits must include an examination of costs. One cost worth mentioning is the damage to power lines from falling limbs and trees; and the cost of pruning to prevent that from happening. The document is too one-sided in promoting the value of trees; for instance on pg.3 it says they enhance community aesthetics and increase recreational opportunities. But in fairness it must be admitted that open un-treed spaces are vital to recreation and aesthetics. We are not advocating that we urban dwellers live in dense forest.

9. On page 3 you say that various studies have shown --- but you can make claims like that without citing the reference.

10. On pg.5 I see a description of 59% of total land area in Jefferson Co. as available for additional tree canopy. Please remove and revise this sentence. It is misleading. There is not economic justification for presuming that high quality ag land should ever be turned back to forest. Please consult with ag extension and other ag professionals who will give you figures on the number of acres that are Class I and Class II ag land. Ask them what class of land is best suited to trees. The remainder of the bottom of pg.5 should then be revised in light of the revision I request. Top of pg.6 is similarly affected.

11. On pg.8 the second paragraph: 10 years is too long for periodic review. It should be 5 years.

12. I do not understand what is being said on different pages where the sentences read “Increase overall county tree canopy by 2 to 40 percent by 2030.” [*on other pages the exact numbers vary but follow the same pattern.*] The range from 2-40 is so enormous I am left with no sense of anything concrete being proposed.

13. There is a broad issue across pages 8-18 of how to increase tree planting. [*and by the way, in many places where you say increase tree canopy, what you mean is increase tree planting ... watch out for bureaucratise and gobbledeygoo.*] A general exhortation to plant will accomplish nearly nothing. You must think about methods and incentives. Incentives do not always mean monetary incentives; be creative and effectual. But be certain that there will be no bump-up in the number of trees planted, and no change from the existing trend if no new incentives (and disincentives) are instituted. Municipalities can come onboard and plant more trees on public land, through programs like the one you are initiating. But this program as so far designed and described will not encourage private landowners to plant. And (!) the vast majority of land in Jefferson County is in private hands.

14. Page 8: what is “strategic restoration.” That is as clear as mud to me.

15. On page 8 and elsewhere you make mention of handout pamphlets and news releases. My experience with government and 60+ years of living have taught me that pamphlets & news releases are extremely passive means of reaching people. They are relatively ineffective. You must study what works in the realm of reaching people, catching their attention, imparting information, and resulting in final persuasion. Pamphlets are probably a waste of money. From what I know, the most effective is face-to-face events with people of status and respect – community leaders

16. On pg.9 the second sentence: “develop a mechanism for making tree canopy assessment data available.” Be concrete. This is too vague and rosy. It is like saying “develop a method for bringing world peace.”

17. Page 9 and elsewhere: where you discourage the planting (and spread) of invasive species [*which I applaud*] you then encourage the planting of native species. Please amend that to say desirable native species or appropriate native species. Recall that we have in our region a number of trees that can be as invasive as non-native, for example, Silver Maple and Box Elder.

18. Late on page 9, I recommend policies that require the conservation of topsoil, and its return to disturbs building sites from which it has been removed.

19. On page 9 and other pages, where you say “consider developing”. Please. That is about as weak a statement as one can make. Just say “Develop implementation procedures.”

NOW ON THE SECTION ABOUT HARPERS FERRY, PAGES 13-14, OF ESPECIAL CONCERN TO ME AS I AM A MEMBER OF THE TREE COMMITTEE.

20. Pg.8 second paragraph: Change 10 to 5 – the number of years that goals should be reviewed.

21. Add a sentence more or less as follows: “Secure the cooperation of the Harpers Ferry Tree Committee to be the government body pursuing the goals outlined below.”

22. Does the town of Harpers Ferry have any streams that are not treed in their riparian edge, their buffer? If not (and I think not), then the sentence about increasing tree canopy coverage along key riparian buffers (streams) that directly enter the Shenandoah and Potomac Rivers has no relevance.

23. Once again: it means nothing to me, the educated reader, what “conservation and strategic restoration of forest and stream corridors is.”

24. “Develop policies ... through educational materials (handout pamphlets and news releases).” Once again, I say that this approach is too passive; something active and convincing must be done.

Well, that is the end of my comments. I apologize if I have let slip through any typos and grammatical errors. Please look for what is helpful in my comments and do not take personally criticisms of the proposal. I am glad that something is being done, and only hop to improve it.

Sincerely,

R. Neal Peterson

## Jennifer Brockman

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**From:** Seth Rivard <srivard@jeffersoncountywv.org>  
**Sent:** Friday, July 22, 2011 12:27 PM  
**To:** Jennie Brockman  
**Subject:** FW: Urban Tree Canopy Comments

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

FYI.

---

**From:** Mark Dyck [mailto:MDyck@whga.com]  
**Sent:** Friday, July 22, 2011 11:07 AM  
**To:** Seth Rivard  
**Subject:** Urban Tree Canopy Comments

Seth,

This is my morning to get you some feedback.

In general I like the document, my biggest concern is trying to optimize the goals until it becomes cost prohibitive.

1. "all new street plantings will have root barriers or root deflectors.... and will incorporate the correct soil type to encourage tree longevity." I know the intent is to do the best for the tree, but it can be better handled through species selection and location. This statement will significantly increase the cost of planting a tree and will slow the achievement of tree canopy goals. I don't know that root barriers can do anything to help with the root system of a tree once it gets to be really big.
2. It is important to set realistic goals for the tree canopy. Is the goal for Ranson by 2030 to plant 28,122 trees (258 acres x 109 trees per acre) or to achieve 20% canopy. The two are not the same.
3. 109 tree per acre is a lot in a urban condition, would this be gross area or net area after roads, buildings etc.
4. 50% coverage in a residential zone would probably work out to every lot being 75% under canopy. I would need to have 9 trees on my lot in Huntfield (I have 6 and there is not a lot of room left).
5. Translate the objectives into financial commitments that the municipalities will need to make.
6. War memorial park is about 11.6 acres in size, to achieve 50% canopy 632 trees would be needed in the park, it would be interesting to see how many new trees would be required.

Try to keep things simple, and within the financial parameters that a normal person could manage.

Mark

# Urban Tree Canopy Plan and Goals

Jefferson County, West Virginia



May 2011



## **Acknowledgments**

This project was made possible by the efforts of the following people and organizations, to whom we owe our sincere gratitude:

Herb Peddicord, West Virginia Division of Forestry, Watershed Forester

Frank Rodgers, Cacapon Institute, Director of Education and Outreach

Katie See, City of Charles Town, City Planner

Sarah Kleckner, City of Ranson, Planning Director

Jarlath O'Neill Dunne and the University of Vermont Spatial Analysis Lab

Jefferson County GIS Office

All of the individuals that contributed their time and efforts to the Spring 2011 tree planting projects.

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## Background

In 2009, Jefferson County, West Virginia (WV), with the assistance of the WV Potomac Tributary Strategy Implementation Team (WV Trib Team), began an Urban Tree Canopy (UTC) assessment project. The County, in its effort to foster wider acceptance of voluntary best management practices (BMPs) for urban tree conservation and plantings, first needed an UTC assessment to determine the extent and location of tree canopy. One important benefit to preserving and extending the tree canopy is that it will reduce excessive storm water runoff. Jefferson County's efforts, in conjunction with its five municipalities, will help WV meet the state's commitment to the Chesapeake Bay Program (CBP) goal to have "at least 5 local jurisdictions ... in each state ... complete an assessment of urban forests, adopt a local goal to increase urban tree canopy and encourage measures to attain the established goal."

Coincidentally, at the same time Jefferson was conducting a tree canopy assessment, the U.S. Forest Service published its first National Planting Priority Index. Jefferson and Berkeley Counties (WV) rank in the highest percentile and are among the highest priority counties within the Chesapeake Bay watershed (Figure 1).

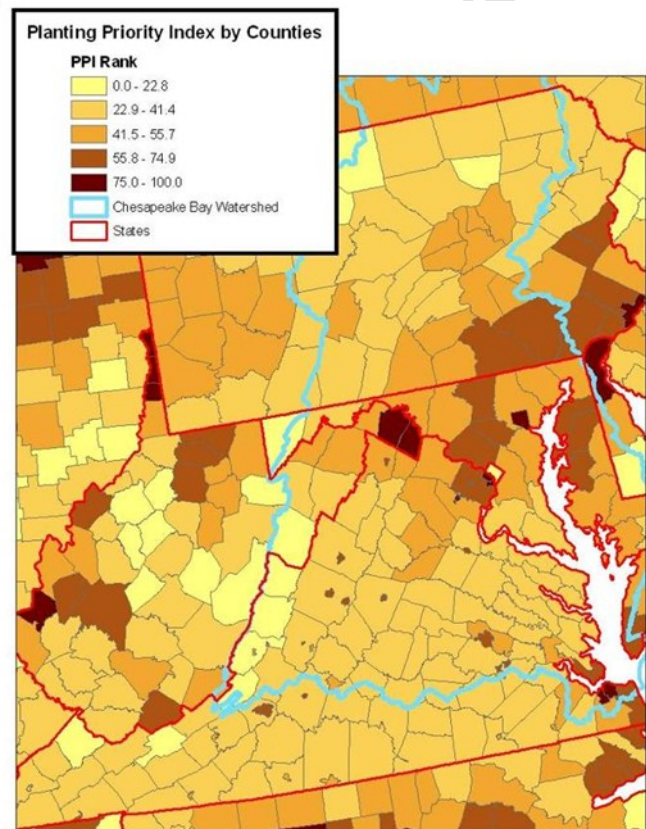


Figure 1.

## Purpose

Tree canopy is the layer of leaves, branches, and stems of trees that cover the ground when viewed from above. "Urban", as defined by the U.S. Census Bureau, is any census block with a population of 500 people per square mile, or the entirety of any incorporated municipality with a single census block meeting that criteria. Urban Tree Canopy (UTC), therefore, is the study of the tree canopy in and around populated areas. Expanding the UTC provides many benefits to communities, including improved water quality, reducing stormwater runoff, saving energy, lowering city temperatures, reducing air pollution, enhancing property values, providing wildlife habitat, facilitating social and educational opportunities, as well as providing aesthetic benefits.

County and Municipal leaders and public officials in Jefferson County are keenly aware and engaged in efforts to reduce stormwater runoff for the sake of protecting local watersheds and the larger Chesapeake Bay watershed. Trees intercept rain water and have the potential to reduce stormwater runoff by up to 75% for the grounds under their canopy. Establishing a UTC Plan and Goals that will be adopted by each of the municipalities and the County Commission is a crucial component of Jefferson County's effort to reduce stormwater runoff and improve the County's green infrastructure.

Trees provide urban and developing rural areas with a wide variety of tangible and intangible benefits. A well developed and preserved tree canopy helps communities preserve, protect, and enhance the natural and built environment and assists in reducing excess stormwater runoff. Additionally, tree canopy helps to mitigate the impact of impervious surfaces and protects local and regional waters, such as the Chesapeake Bay. Trees are an asset that appreciate in value over time because they are living and growing. They do, however, require regular maintenance and protection to ensure that the value continues to grow as they reach maturity. Some municipalities have formed Tree Committees and/or hired an arborist to assist with this critical maintenance component.

There are numerous benefits to communities that value trees and work toward implementation of maintaining, improving, and increasing tree canopy. These benefits fall into the following categories:

### Environmental/Ecological

- Improve air quality by absorbing pollutants such as carbon dioxide, carbon monoxide, ozone, sulfur dioxide and particulates. In turn, trees produce oxygen.
- Improve the quality of our water and our waterways by reducing sedimentation, absorbing excess nutrients and other pollutants, reducing stream channel erosion and reducing water temperatures
- Reduce stormwater runoff and flooding via interception and evapo-transpiration and by promoting infiltration,
- Improve soil quality by adding organic matter and reducing soil erosion.
- Habitat for wildlife and preservation of native ecosystems
- Reduce the urban heat island effect by shading surfaces, dissipating heat through evaporation, and increasing air movement.

### Economic

- Decrease energy costs by shading in the summer (reducing air conditioning costs) and serving as a windbreak in the winter (reducing heating costs).
- Reduce construction and maintenance costs by decreasing costs related to clearing, grading, paving, mowing, and stormwater management.
- Increase property values – The presence of trees and landscaping can increase residential property values up to 20%. Rental rates of commercial properties are also positively affected.
- Stimulate consumer patronage and spending – Consumers shop longer and more often in retail areas shaded by trees. One study reports that consumers are willing to pay up to 11% more for products purchased in shops along tree-lined streets as opposed to shops lacking surrounding trees.

### Community/Social

- Increased recreational and educational opportunities.
- Provide shade and block UV radiation
- Buffer wind and noise
- Enhance community aesthetics.

Various studies have also shown that:

- Trees can reduce the stress response of both the human body and mind in conditions in which urban stressors are present
- A greener school environment can decrease symptoms of Attention Deficit-Hyperactivity Disorder and reduce the number of violent or aggressive acts among children.

A Jefferson County UTC assessment was completed by the University of Vermont's (UVM) Spatial Analysis Laboratory in January 2010, while under contract to Jefferson County. This County-wide study, the largest of its kind in the U.S., utilizes the U.S. Forest Service's premier UTC assessment protocol. By combining existing Light Detection and Ranging (LiDAR, U.S. Geological Survey, 2005) and high resolution color infrared imaging data (National Agricultural Imagery Program, 2007), the UVM high resolution land cover data, from which the UTC assessment was derived (<1 meter resolution, U. Vermont 2009) is more than 95% accurate, approximately 20% more accurate than assessments that use only color infrared. The results are currently under review and being edited by the Jefferson County Department of Planning and Zoning. Results of the UTC assessment have been presented to the Jefferson County "Round Table" (an informal assembly of elected officials and leaders) and to the various planning and public officials and interested public.

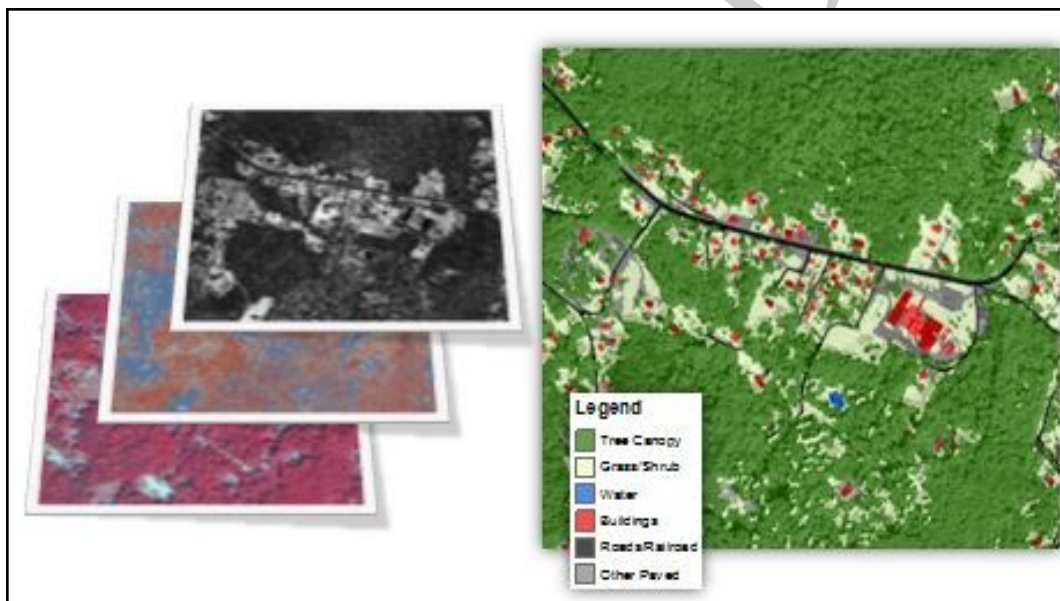


Figure 2. 2007 color infrared imagery and 2005 LiDAR data were combined by the University of Vermont's Spatial Analysis Lab to produce the high resolution land cover data utilized by Jefferson County for the Urban Tree Canopy assessment.

The UTC assessment delineates the percentage of tree canopy (TC), amount of impervious surface and amount of area open to possible tree canopy. The analysis of Jefferson County, based on high resolution aerial imagery sufficient to enumerate single trees, revealed a tree canopy of about 50,600 acres (termed Existing TC) that corresponds to 38% of all land within the county. The UVM assessment also found that 59% (79,000 acres) of the county was available for tree canopy but currently lacked canopy coverage (termed Possible TC). Possible TC includes non-canopy vegetation (e.g., grass/shrubs), bare earth, and certain paved surfaces (e.g., driveways, sidewalks, parking lots) that, under the right circumstances, could be modified to increase tree cover. Areas termed Not Suitable refer to roads, bodies of water, structures, and other locations where tree canopy coverage is impractical. Due to much of Jefferson County being devoted to agriculture, the county's Existing TC generally occurs in scattered patches. The largest, most contiguous patches occur east of the Shenandoah River in the Blue Ridge Mountain area. Note that agricultural land-cover types were not specifically mapped as part of this project, but are included in the Grass/Shrubs land-cover category.

## Chapter 3

## Tree Canopy Analysis Methodology and Data

While the UTC assessment shows in high resolution where tree canopy does and does not exist, it does not specifically identify or recommend where additional trees can be planted. The specific site recommendations and planting specifications are being prioritized in this Plan and goals are being established for the County and each of the municipalities. American Forests, the nation's oldest non-profit conservation organization dedicated to protecting and restoring forest ecosystems, recommends overall tree canopy coverage of 40% for metropolitan areas east of the Mississippi River. This recommendation is commonly referred to by the U.S. Forest Service, West Virginia Division of Forestry, and the Chesapeake Bay Program. The following is a brief summary of the TC data derived for the County and each of the municipalities from the analysis:

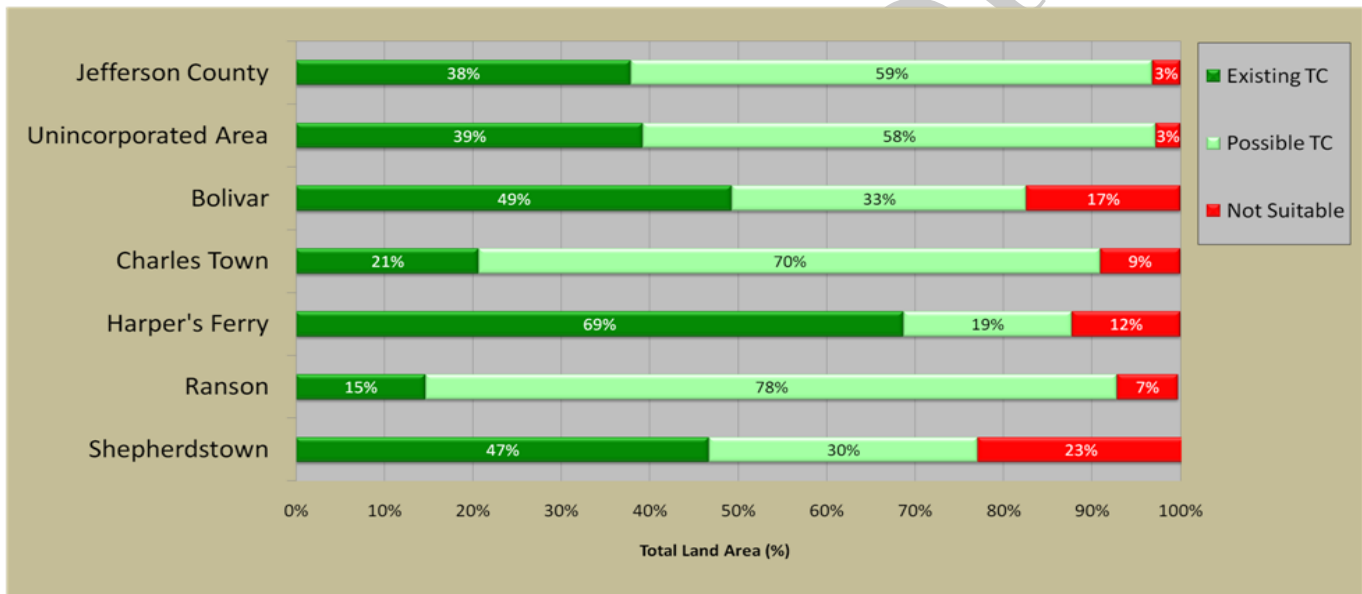


Figure 3. Tree Canopy data for Jefferson County, West Virginia

### Jefferson County, WV Tree Canopy Facts:

- Jefferson County Total Land Area = 133,661 acres
- Total Tree Canopy Area = 50,603 acres
- 38% of the total land area of Jefferson County is identified as tree canopy.
- 59% of the total land area of Jefferson County is available for additional tree canopy.
- 3% of the total land area of Jefferson County is unsuitable for tree planting.
- To increase Tree Canopy by 1% (to 39%), an additional 1,525 acres would be required to be planted in trees.
- To increase Tree Canopy by 2% (to 40%), an additional 2,861 acres would be required to be planted in trees.
- To increase to 40% Tree Canopy over a 10 yr span, 286 acres per year would have to be forested (assuming zero loss during that time span).
- To increase to 40% Tree Canopy over a 20 yr span, 143 acres per year would have to be forested.

## **Chapter 3** **Tree Canopy Analysis Methodology and Data**

### Unincorporated Areas of Jefferson County, WV Tree Canopy Facts:

Unincorporated Total Land Area = 123,986 acres

Total Tree Canopy Area in Unincorporated Areas = 48,613 acres

39% of the total land area of Unincorporated Areas is identified as Tree Canopy.

58% of the total land area of Unincorporated Areas is available for additional Tree Canopy.

3% of the total land area of Unincorporated Areas is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 40%), an additional 981 acres would be required to be planted in trees.

### Bolivar, WV Tree Canopy Facts:

Bolivar Total Land Area = 276 acres

Total Tree Canopy Area in Bolivar = 136 acres

49% of the total land area of Bolivar is identified as Tree Canopy.

33% of the total land area of Bolivar is available for additional Tree Canopy.

18% of the total land area of Bolivar is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 50%), an additional 2 acres would be required to be planted in trees.

### Charles Town, WV Tree Canopy Facts:

Charles Town Total Land Area = 3,669 acres

Total Tree Canopy Area in Charles Town = 759 acres

21% of the total land area of Charles Town is identified as Tree Canopy.

70% of the total land area of Charles Town is available for additional Tree Canopy.

9% of the total land area of Charles Town is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 22%), an additional 48 acres would be required to be planted in trees.

## **Chapter 3**                      **Tree Canopy Analysis Methodology and Data**

### Harpers Ferry, WV Tree Canopy Facts:

Harpers Ferry Total Land Area = 335 acres

Total Tree Canopy Area in Harpers Ferry = 230 acres

69% of the total land area of Harpers Ferry is identified as Tree Canopy.

19% of the total land area of Harpers Ferry is available for additional Tree Canopy.

12% of the total land area of Harpers Ferry is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 70%), an additional 4.5 acres would be required to be planted in trees.

### Ranson, WV Tree Canopy Facts:

Ranson Total Land Area = 5,168 acres

Total Tree Canopy Area in Ranson = 759 acres

15% of the total land area of Ranson is identified as Tree Canopy.

78% of the total land area of Ranson is available for additional Tree Canopy.

7% of the total land area of Ranson is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 16%), an additional 53 acres would be required to be planted in trees.

### Shepherdstown, WV Tree Canopy Facts:

Shepherdstown Total Land Area = 227 acres

Total Tree Canopy Area in Shepherdstown = 106 acres

47% of the total land area of Shepherdstown is identified as Tree Canopy.

30% of the total land area of Shepherdstown is available for additional Tree Canopy.

23% of the total land area of Shepherdstown is unsuitable for tree planting.

To increase Tree Canopy by 1% (to 48%), an additional 3 acres would be required to be planted in trees.

## **Chapter 4 Recommendations and Goals for Jefferson County**

This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The County's and Municipalities' overall Goals should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand the recommendations.

- Increase Overall County Tree Canopy by 2 percent to 40 percent by 2030 as recommended by the American Forests organization, the USDA Forest Service and the WV Division of Forestry.  
[NOTE: April 2008 Green Infrastructure Assessment stated that "Trees in the landscape are so important no matter how big the patch is, that the county should strive to maintain at least 45% forest cover on a watershed basis at minimum, and 51% in watersheds of exceptional value."].
- Increase Overall Tree Canopy in the unincorporated areas of the County by 1 percent to 40 percent by 2030.
- Develop a strategy to add Tree Canopy Coverage along key US and State transportation routes that serve as Gateways to the County and provide an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers.
- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity (source: 2008 Green Infrastructure Assessment).
- Increase Tree Canopy coverage within active agricultural operations along streams and creeks that drain farmland to reduce sedimentation and nutrient loading in receiving streams and rivers.
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).
- Review the land coverage data to identify key areas lacking Tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, gateways, etc.

## **Chapter 4 Recommendations and Goals for Jefferson County**

- Investigate revenue streams to fund updating the tree canopy assessment every 5 – 10 years in order to monitor and evaluate progress towards goal.
- Develop a mechanism for making the tree canopy assessment data available to the public for future use in reforestation efforts.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).
- Investigate revenue streams or programs to assist with the removal of invasive species and replacement with native species appropriate to the planting location.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection, including more detailed landscaping plan requirements which detail plant species; encourage native species; require design which integrates landscaping design with stormwater management plans; etc.
- Adopt policies that ensure that tree planting and reforestation efforts restrict the use of invasive species and promote the use of native species throughout the County.
- Establish a policy that requires a developer to conserve a certain percentage of the existing trees before construction or replace with trees native to the area in existing wooded areas after construction with a goal of maintaining or increasing the tree canopy coverage for that property
- Develop local land use policies which employ best management techniques to preserve trees and minimize damage from construction activities such as trenching, soil compaction, and soil clearing and grading.
- Develop implementable land use policies which encourage the retention of existing tree canopy coverage on steep slopes and in riparian buffer areas; pursue ordinance amendments that implement such policies.
- Consider developing implementation recommendations that build upon this planning effort and the 2008 Green Infrastructure Assessment analysis as a part of the 2014 Comprehensive Plan Update, particularly developing land use policies that will help to assure minimizing the fragmentation of the identified core forest areas that contain large patches of intact forest .
- Establish a county-wide Jefferson County Tree Committee to focus on implementing the provisions of this plan and to pursue grant opportunities related to increasing urban tree canopy coverage throughout the County.

This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The following goals are specific to Bolivar and should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand on the recommendations.

- Increase Bolivar's Tree Canopy by 1% to 50% (two additional acres) by 2030.
- Consider appointing a tree committee and pursuing Tree City USA status.
- Develop locally adopted policies that focus on the retention and improvement of existing tree stands including a develop tree maintenance policy and incentives for appropriate tree trimming and maintenance practices.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection.
- Develop a strategy to add Tree Canopy Coverage along US 340 that serves as Gateway to the County and provides an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers.
- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity.
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).
- Review the land coverage data to identify key areas lacking tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, and gateways; etc.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).
- Investigate revenue streams or programs to assist with the removal of invasive species and replacement with native species appropriate to the planting location.

## **Chapter 6                      Recommendations and Goals for Charles Town**

This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The following goals are specific to Charles Town and should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand on the recommendations.

- Increase Charles Town Tree Canopy by 1% to 22% (48 additional acres) by 2030.
- Maintain the Town's "Tree City USA" status.
- Improve tree planting/shade tree ordinances and policies including provisions for street tree maintenance, improvement and replacement.
- Develop local policies providing that all new street plantings will have root barriers or root deflectors to prohibit sidewalk lifting and will incorporate the correct soil type to encourage tree longevity.
- Maintain the city's tree maintenance program for tree care including pruning street trees and ensuring that all new tree plantings are selected to provide species diversity and maximum benefits for shade and stormwater mitigation. Include times for watering, weeding and periodic tree health assessment using current arboricultural standards in the maintenance schedule.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection.
- Develop a strategy to add Tree Canopy Coverage along US 340 and State Route 9 and other routes that serve as Gateways to the community and provide an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers, such as Evitt's Run.
- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity (source: 2008 Green Infrastructure Assessment).
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).

## **Chapter 6**      **Recommendations and Goals for Charles Town**

- Review the land coverage data to identify key areas lacking Tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, and gateways; etc.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).
- Investigate revenue streams or programs to assist with the removal of invasive species and replacement with native species appropriate to the planting location.

## **Chapter 7**                      **Recommendations and Goals for Harpers Ferry**

This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The following goals are specific to Harpers Ferry and should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand on the recommendations.

- Maintain the Town's "Tree City USA" status.
- Develop locally adopted policies that focus on the retention and improvement of existing tree stands including a develop tree maintenance policy and incentives for appropriate tree trimming and maintenance practices.
- Build upon the existing high percentage of tree canopy coverage with a goal of maintaining zero net loss of canopy by protecting and properly maintaining existing tracts of urban forests.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection.
- Develop a strategy to add Tree Canopy Coverage along US 340 and key state transportation routes that serve as Gateways to the community and County and provide an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers.
- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity (source: 2008 Green Infrastructure Assessment).
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).
- Review the land coverage data to identify key areas lacking Tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, and gateways; etc.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).

## **Chapter 7**      **Recommendations and Goals for Harpers Ferry**

- Investigate revenue streams or programs to assist with the removal of invasive species and replacement with native species appropriate to the planting location.

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This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The following goals are specific to Ranson and should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand on the recommendations.

- Increase Ranson's Tree Canopy by 5% to 20% (258 additional acres) by 2030.  
[NOTE: The American Forests organization, the USDA Forest Service and the WV Division of Forestry recommend a goal of 40 percent tree coverage and the County's 2008 Green Infrastructure Assessment stated that the county should strive to maintain at least 45% forest cover on a watershed basis at minimum, and 51% in watersheds of exceptional value.]
- Develop policies that implement specific recommended average tree coverage percentages by zoning district such as 50% coverage in residential zones, 25% coverage in mixed use zones, 15% coverage in business districts.
- Establish a tree committee to pursue Tree City USA status and to implement a comprehensive street tree planting initiative.
- Develop local land use policies and regulations that encourage the use of well designed and located tree plantings that promote economic development and vitality.
- Develop policies that ensure that all large contiguous areas of impervious surfaces are required to be planned to incorporate well placed, appropriately sized groupings of tree plantings that provide shade, stormwater quality management/detention, and provide a pleasant vehicular and pedestrian experience.
- Develop a plan and program to continue to increase tree canopy on appropriate areas of municipal parks and public lands utilizing citizen volunteers and outreach programs.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection.
- Continue to maintain and plant trees in a nursery area in Ranson, in order to provide a future source of inexpensive native trees for planting along the streets and in other areas around the Municipality.
- Establish economic value/compensatory value of the existing street trees through a professional inventory and utilize this data to draft planting requirements in new retail, employment and industrial areas within the Municipality.
- Develop a strategy to add Tree Canopy Coverage along key US and State transportation routes that serve as Gateways to the community and provide an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers.

- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity (source: 2008 Green Infrastructure Assessment).
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).
- Review the land coverage data to identify key areas lacking Tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, and gateways; etc.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).
- Investigate revenue streams or programs to assist with the removal of invasive species and replacement with native species appropriate to the planting location.

## **Chapter 9      Recommendations and Goals for Shepherdstown**

This Tree Canopy Plan sets forth recommendations for tree canopy goals for the unincorporated areas of the County as well as specific goals for each municipality that address their specific needs. The following goals are specific to Shepherdstown and should be utilized in setting priorities related to tree canopy improvement and taken into consideration in a variety of local land use decisions.

The goals and recommendations outlined in this plan are intended to be considered and implemented over a twenty year planning period. They should be reviewed at least every 10 years and/or in conjunction with locally adopted Comprehensive Plans which may rely on these Goals and expand on the recommendations.

- Reactivate the Town's "Tree City USA" status.
- Maintain and improve the health of existing trees along streets, public rights-of-way and in parks.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting, tree canopy retention and forest protection, especially on steep slopes and in riparian areas.
- Review and consider amending Subdivision Regulations and Site Plan development standards to improve policies regarding tree planting and tree and forest protection.
- Update recommended tree list to encourage planting of appropriate native trees and enhance diversity.
- Update Shepherdstown Tree Inventory to incorporate German Street streetscape plantings and other changes in trees along streets, public rights-of-way and in parks.
- Collaborate with the Shepherd University Faculty Tree Committee to increase Shepherdstown's overall Tree Canopy by 3% to 50% (7 additional acres) by 2030.
- Develop a strategy to add Tree Canopy Coverage along key US and State transportation routes that serve as Gateways to the City and County and provide an entryway to visitors and residents alike.
- Increase Tree Canopy coverage along key riparian buffers within watersheds that contain primary streams that directly enter the Shenandoah and Potomac Rivers.
- Employ both conservation and strategic restoration of Forests and Stream Corridors to serve as a framework for protection of groundwater, surface water, habitat, and landscape connectivity (source: 2008 Green Infrastructure Assessment).
- Develop an education and outreach program in cooperation with all jurisdictions and the County Extension Service to promote the planting of native tree species on private property through landowner incentive programs; pursue grants to fund such a program.
- Develop policies recommending that landowners water all new trees in the first three years of planting with a commitment by the property owner, through educational materials (handout pamphlets and news releases).

## **Chapter 9 Recommendations and Goals for Shepherdstown**

- Review the land coverage data to identify key areas lacking Tree canopy to help prioritize areas to be planted including, but not limited to, additional school site; infilling vacant lots; slowing the flow of stormwater into public areas: such as parking lots, streets, public parks, HOA open space areas; pathways/trails, public buildings, and gateways; etc.
- Develop local regulations that ensure that appropriate size and species of trees are located in areas under overhead utility lines and in areas with similar growth restrictions (i.e.: trees that grow over 15 feet tall at maturity should not be planted under the conductor zone on wood pole 138 Kv transmission lines).

## **Chapter 10                      Planting Priorities and Project Implementation**

This Plan and its Goals are a part of a larger effort to improve water quality within the Chesapeake Bay Watershed, while providing other benefits that increased Tree Canopy provide to a community. This plan was prepared through an Urban Tree Canopy (UTC) Grant awarded to the Jefferson County Commission, in partnership with the Cities of Ranson and Charles Town, by the WV Division of Forestry in 2010.

This grant allowed the County to build on the 2009 TC assessment effort to work towards two primary tasks:

- a. Utilizing the data from the study conducted by the University of Vermont containing land coverage analysis to develop an urban tree canopy assessment and create a long term management plan, setting Urban Tree Canopy Goals for the County and the five municipalities within the County; Bolivar, Charles Town, Harpers Ferry, Ranson and Shepherdstown (this document).
  
- b. Plan and execute multiple Spring 2011 tree planting events in priority areas using grant and matching funds to purchase trees, site preparation and planting and other related planting supplies including: mulch, stakes and ties, watering bags, hoses and tanks.

The development of the Plan and Goals is intended to lay the groundwork for future grants and projects to work towards improving and increasing the UTC within Jefferson County and its municipalities in years to come. In addition to the Plan and Goals, this grant provided for the following plantings that occurred in the Spring of 2011 “kicking off” this County-wide planning effort.

### **2010 Forestry UTC Grant Activities**

County and municipal planners, working with the WV Tributary Team, developed specific planting plans for the Spring of 2011. In addition to planning plantings to maximize the environmental benefits of trees, all plantings will also be developed for the purpose of outreach and public education on the value of trees. In an effort to foster wider acceptance of voluntary best management practices (BMPs) for urban tree conservation and plantings, public plantings under the grant included an educational component to encourage private citizens to “reforest” their own properties and/or plant shade trees.

The following priority areas were identified to implement the current grant, which was limited to public lands within urban areas. These sites were chosen, based on the UTC assessment, for their lack of adequate tree canopy in relation to their potential for planting and for maximum stormwater runoff mitigation. Tree planting sites considered included public school grounds, transportation corridors and public parks. Specific planting plans were developed for each of the eight plantings that occurred, with both functionality and aesthetics in mind. All trees planted were native species to the area.

## **Chapter 10                      Planting Priorities and Project Implementation**

### Priority Planting Areas

**Schools** offer a unique opportunity for public education through involvement of the students, parents and teachers. The grounds at a number of **Jefferson County Public Schools** were identified with an insufficient tree canopy. The environmental, ecological and social benefits of trees on school grounds will serve to enhance the learning environment for both students and faculty. Plantings occurred in March and April 2011 utilizing these grant funds at the following schools:

- Jefferson High School
- CW Shipley Elementary School
- Page Jackson Elementary School
- Driswood Elementary School
- North Jefferson Elementary School

**Shepherd University** was also a target site for increased tree canopy. Through grant funds, the University received 86 trees, which were planted by volunteers in a highly publicized tree planting event.

**Road right-of-ways (ROW)** often offer potential for tree plantings, if located in such a way as to not interfere with public safety or highway operations. Road ROW plantings are highly visible and demonstrate the benefit of cost savings from reduced mowing, the aesthetic value of trees and their ability to reduce stormwater runoff. Examples of areas that might be appropriate for road right-of-way plantings include the new Route 9 corridor (which has a limited landscaping plan along the bike trail), Route 51 and the urbanized portion of US 340 east of Charles Town and Ranson. For the purpose of utilizing the 2010 grant funds, no road right-of-ways were chosen for a tree planting; however, plantings in these areas continue to be a priority for the County and municipalities.

**Public parks** that have aging and/or insufficient tree canopy can be ideal locations to engage public volunteers in planting projects, as they are visible and the communities are often invested in the park areas. Park plantings, in addition to providing the environmental benefits of shade and cooler ambient temperature, offer an opportunity to demonstrate proper planting techniques to the general public and disseminate information on the benefits of trees to encourage citizens to plant trees on private property. While parks typically have more tree canopy and open green space than other “urban” areas might, focusing on maximizing the extent of the tree canopy in parks helps to increase the net tree canopy for a municipality. Charles C. Marcus Field in Ranson and Willingham Knolls Park in Charles Town were chosen for a “double planting event”, as a part of this grant funding cycle -. These plantings were widely advertised to ensure maximum public involvement and outreach.

Approximately 450 trees of 26 different native species were planted in the Spring 2011 under this grant. Utilizing a forestry standard of 109 trees per acre, this is the equivalent of an increase in the Tree Canopy of approximately 4 acres.

Next Steps

The County and each municipality will work to implement the goals established in this document and develop local regulations to ensure that the goals are reached and community benefits are maximized. The Urban Tree Canopy Working Group should meet annually to report back to each other progress made and to collaborate on upcoming tree planning and planting efforts in each jurisdiction.

Grants should be pursued to allow future tree plantings on private and public properties. A program should be developed to implement the utilization of grant funds and to document the use of such funds towards the recommended tree canopy coverage goals.

The Tree Committees that have been established should coordinate their Public Outreach and Education efforts to make the most effective use of these efforts and to ensure that the goals of this plan is being communicated to the public in a consistent manner.

## **Appendix A: Resources**

The following resources can be utilized to find information on proper tree planting techniques, tree care and upkeep, native tree species, tree identification, local tree projects and events, benefits of trees, urban forestry, and much more.

Cacapon Institute

<http://www.cacaponinstitute.org/>

Chesapeake Bay Program – West Virginia

<http://www.wvca.us/bay/>

International Society of Arboriculture – Trees are Good

<http://www.treesaregood.org>

Potomac Valley Audubon Society

<http://www.potomacaudubon.org/>

Watershed Forestry Resource Guide

<http://www.forestsforwatersheds.org/>

West Virginia Conservation Agency

<http://www.wvca.us>

West Virginia Department of Agriculture

<http://www.wvagriculture.org>

West Virginia Department of Environmental Protection

<http://www.dep.wv.gov>

West Virginia Division of Forestry

<http://www.wvforestry.com/>

West Virginia Division of Natural Resources

<http://www.wvdnr.gov>

West Virginia Natural Resources Conservation Service

[www.wv.nrcs.usda.gov](http://www.wv.nrcs.usda.gov)

West Virginia University Extension Service

<http://ext.wvu.edu/>

U.S. Department of Agriculture Plants Database

<http://www.plants.usda.gov/java/>

## **Appendix A: Resources**

Charles Town Tree Board  
PO Box 14  
Charles Town, WV 25414  
304-725-2311 ext 231  
304 725-1014 (fax)

Scott Coyle – Chair

Harpers Ferry Tree Committee  
1000 Washington Street  
PO Box 217  
Harpers Ferry WV 25425  
304-535-2206  
<http://hftrees.org/default.aspx>

Kevin Carden - Chair

Shepherdstown Tree Commission  
c/o Town Clerk  
Corporation of Shepherdstown  
Po Box 248  
Shepherdstown, WV 25443  
Phone: 304-876-2398

Borys Tkacz - Chair

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Department 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)  
[zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

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

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**Director's Report**  
**August 9, 2011**  
**Planning Commission Meeting**

- 1) Activity Report (attached)
- 2) Regional Staff activities:
  - a) WIP II Meeting (8/3/11)
  - b) WIP II Chesapeake Bay Summit Meeting (scheduled for 8/31/11)
- 3) Saturday, September 17, 2011 Next US 340 Public Meeting, Charles Town Library Basement Meeting Room, 10 am
- 4) Upcoming CC agenda items:
  - a) Recommended Text Amendment for certain portions of the Subdivision and Land Development Regulations regarding maximum square footage requirements for a Minor Site Plan in each Zoning District (*submitted for 8/18/11*)
  - b) Recommended Text Amendment for Articles 4A and Section 2.2 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries (*submitted for 8/18/11*)
  - c) Recommended Text Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance regarding the process of amending the zoning map and/or text (*submitted for 8/18/11*)
  - d) Recommended Text Amendment to Article 24 of the Subdivision and Land Development Regulations regarding time frames and noticing requirements for processing procedures (*submitted for 8/18/11*)
  - e) 4<sup>th</sup> Quarterly Report/Annual Report FY 2010-11 (*submitted for 8/18/11*)
- 5) Upcoming PC meetings:
  - a) No second meeting scheduled for August at this time
  - b) September 13, 2011
    - Discussion of PC Bylaws
    - Discussion of upcoming Subdivision Regulation Amendments

## Christine Chalmers

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**To:** PLANNING COMMISSION  
**Subject:** WEEKLY CALENDAR

### MONDAY, JULY 25, 2011

9:30 am JENNIE, STEVE, SETH – SUB-COMMITTEE MEETING WITH WALT & ED  
3:00 pm – 5:00 pm JENNIE – “WAC” MEETING  
4:00 pm - 5:00 pm SETH & AMY – INFO UPDATE MEETING

### TUESDAY, JULY 26, 2011

10:00 am - NOON JENNIE, STEVE, SETH, DAWN & AARON – TAZ MEETING  
1:30 pm – 3:30 pm TAZ MEETING CONTINUED  
3:30 pm – 4:30 pm JENNIE, SETH & AMY – WEEKLY PLANNING MEETING  
4:30 pm – 6:00 pm JENNIE & STEVE – WEEKLY ZONING MEETING  
7:00 pm JENNIE, STEVE, SETH & AMY - PLANNING COMMISSION MEETING

### WEDNESDAY, JULY 27, 2011

9:30 am - DAWN & AARON – MEETING IN “GIS” OFFICE  
10:00 am – 11:00 am STEVE/JENNILEE OR SETH/AMY & JONATHAN – SITE PLAN PPC /  
RE: ANIMAL WELFARE SOCIETY WITH ANNE-MARIE KOHLHEPP  
11:30 am – 1:30 am JENNIE – QUARTERLY PARTNERSHIP MEETING @ HOLLYWOOD CASINO  
2:30 pm – 3:30 pm STAFF MEETING

### THURSDAY, JULY 28, 2011

9:00 am COUNTY COMMISSION MEETING  
11:00 am & 1:30 pm JENNIE – COUNTY COMMISSION APPOINTMENT TIMES  
12:15 pm JENNIE – TMDL PHASE II INFORMATION EXCHANGE  
2:00 pm – 3:00 pm JENNIE, STEVE, DAWN, MIKE, TODD, TORI, CHARLOTTE & AARON – MEETING  
RE: DIGITAL DOCUMENT MANAGEMENT – IN GIS OFFICE  
3:30 pm – 5:00 pm JENNIE, STEVE, SETH & DAWN – MEETING WITH TODD / RE: 340 CORRIDOR

### FRIDAY, JULY 29, 2011

(DAN SZEKERES)  
9:30 am – 11:00 am JENNIE, STEVE, SETH, DAWN & AARON – CONFERENCE CALL / RE: METROQUEST  
NOON – 1:30 pm JENNIE, STEVE & SETH – PLANNERS POLYPHONY  
2:00 pm JENNIE, STEVE, SETH & DAWN – WEEKLY “AARON” MEETING  
3:30 pm JENNIE & DAWN – WEEKLY UPDATE MEETING

**Christine Chalmers**

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**To:** PLANNING COMMISSION  
**Subject:** RE: WEEKLY CALENDAR

**MONDAY, AUGUST 01, 2011**

9:00 am – 10:00 am STEVE & JENNILEE – MEETING WITH JOE STALEY /  
RE: "TRAIL OF TEARS DRIVE" PROPERTY  
10:00 am – 10:30 am DAWN & CHRISTINE – "TOUCH-BASE" MEETING  
11:00 am – 11:30 am DAWN & JENNILEE – "TOUCH-BASE" MEETING  
1:30 pm – 2:00 pm DAWN & STEVE – "TOUCH-BASE" MEETING  
2:30 pm – 3:00 pm DAWN & SETH – "TOUCH-BASE" MEETING

**TUESDAY, AUGUST 02, 2011**

10:00 am – 11:00 am JENNIE & STEVE – INFORMATION MEETING WITH NANCE BRISCOE  
1:00 pm – 2:00 pm STAFF MEETING  
2:00 pm – 3:30 pm JENNIE & STEVE – WEEKLY ZONING MEETING  
3:30 pm – 4:30 pm JENNIE & SETH – WEEKLY PLANNING MEETING  
7:00 pm JENNIE – RANSON RENEWED WORKSHOP @ RANSON CITY HALL

**WEDNESDAY, AUGUST 03, 2011**

8:00 am – 9:30 am JENNIE – DEPARTMENT HEAD MEETING WITH TIM BOYDE  
9:30 am – 11:30 am JENNIE - WIP II DEVELOPED LANDS WORKGROUP MEETING #4  
10:00 am – 11:00 am DAWN, JENNILEE & AMY – TRAINING SESSION/ RE: DEEDS  
10:00 am – 11:00 am STEVE/JENNILEE, SETH/AMY, JONATHAN & MIKE – SITE PLAN PPC  
w/ PETER CORUM & LISA McCAULEY - MORGAN GROVE MARKET OPTIONS  
3:30 pm – 4:30 pm JENNIE, STEVE, SETH & DAWN – WEEKLY "AARON" MEETING

**THURSDAY, AUGUST 04, 2011**

9:00 am COUNTY COMMISSION MEETING  
10:00 am – 10:30 am DAWN, AMY & CHRISTINE – UPDATE INFORMATION REQUEST FORM  
2:00 pm – 4:00 pm DAWN, STEVE & JENNILEE – UPDATE FORMS: ZONING VARIANCE, SEASONAL USE,  
APPEAL/APPEAL OF DECISION FORMS, ZONING CERTIFICATION & "CUP" FORM

**FRIDAY, AUGUST 05, 2011**

**PLANNING COMMISSION PACKET DAY**

10:00 am JENNIE & DAWN – WEEKLY UPDATE MEETING  
1:30 pm JENNIE, STEVE, SETH & DAWN – MEETING / RE: LAND USE SCENARIOS