

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

Phone: (304) 728-3228
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Email: planningdepartment@jeffersoncountywv.org

MEMORANDUM

TO: JEFFERSON COUNTY PLANNING COMMISSION
FROM: JENNIFER BROCKMAN, DIRECTOR OF PLANNING
DATE: FEBRUARY 19, 2010
SUBJECT: FEBRUARY 23, 2010 PLANNING COMMISSION MEETING

Please find attached the following documents for consideration at the February 9, 2010 Planning Commission meeting.

1. February 23, 2010 Planning Commission meeting agenda.
2. Engineering staff report.
3. Resignation letter from Lynne Deming.
4. Draft minutes from the January 26, 2010 Planning Commission meeting.
5. Draft minutes from the February 16, 2000
6. Rezoning request from Potomac Professional Services, LLC.
7. Mailed correspondence from the Harpers Ferry National Park Service regarding Rezoning request.
8. E-mail correspondence from Gil Garcia regarding Rezoning request.
9. Staff report regarding Rezoning request.
10. Staff recommended motion regarding Rezoning request.
11. Variance request for Walls Nursery.
12. Staff report for Walls Variance.
13. Engineer's report regarding Walls Variance.

14. Town Run Commons. *No documentation was provided by legal.*

15. Proposed Fee Changes Memo and Charts.

16. Blue Ridge Mountain Grant Citizen's Committee Memorandum.

17. Draft Annual Report.

18. Planning and Zoning staff schedule.

19. PPC memos.

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

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
February 23, 2010

PUBLIC MEETING PROCEDURE:

The President shall identify the matter before the Planning Commission (PC) and ask for a presentation by the applicant or the applicant's representative followed by staff's presentation and recommendation.

Once the applicant has finished speaking, the President shall ask for public comments. As a member of the public, once you are recognized by the President, please come to the podium, state your name, provide any credentials that you believe are appropriate, and make a brief presentation. If you agree with a previous speaker, you may simply say so.

The President may limit the presentation time of speakers.

Once the public comments are completed, the applicant may respond to the public comments.

PC members may ask questions at any time.

A copy of any document or exhibit used by a speaker in his or her address to the PC must be left with the PC and will become part of the official public file on the matter at hand. The applicant or a representative of the applicant may have the opportunity to view the document or material.

Once all speakers have finished, the PC will discuss and then vote on a motion 1) to approve, disapprove, or impose conditions on the application to comply with the Subdivision Ordinance if the application is a final plat; or 2) to approve, disapprove, or approve with conditions a variance request; or 3) to accept or not accept a Community Impact Statement (CIS). The Community Impact Statement is an informal step in the subdivision process and an applicant may proceed with the subdivision proposal whether or not the Planning Commission accepts the CIS.

Public hearings are located in the Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street at 7:00 PM

1. Election of Planning Commission Secretary.
2. Approval of minutes for January 26, 2009 meeting.
Approval of minutes for February 16, 2009 workshop.
3. Citizen Communications.
4. A call for postponements.
5. Public Hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Harpers Ferry, Map: 9, Parcel: 37 and 37.2. This property is located at the intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah Professional Center, LLC, to change the zoning to Residential/Light Industrial/Commercial.
6. Request by Suzanne Walls Trust for a variance to decrease the length of the deceleration lane from the original site plan for Walls Nursery (PC file #S04-16). This property is located on the southerly side of Route 36 (Old Cave Rd.) approximately 1/3 mile southeast of its intersection with Route 340 Bypass at the end of Edward Lane within the existing Cave Quarter Estates Subdivision. This property is designated as Tax District: 7, Map: 2, Parcel: 2.6. (Subdivision Ordinance, Article 4.8b and 8.2a)
7. Reconsideration of vote on Town Run Commons Variance.
8. Discussion and possible vote on departmental fees.

AGENDA
JEFFERSON COUNTY PLANNING COMMISSION
FEBRUARY 23, 2010
PAGE 2 OF 2

9. Blue Ridge Mountain Community Plan.
 - Citizen's Committee.
10. Director's Report. (Ms. Brockman will not be in attendance at this meeting due to a Leadership Jefferson trip to Charleston.)
11. Reports from Legal Counsel and legal advice to PC.
12. County Commission Liaison Report.
13. Planning Commission Exchange.
14. President's Report.
 - Discussion and vote on Annual Report.
15. Actionable Correspondence.
16. Non-Actionable Correspondence.

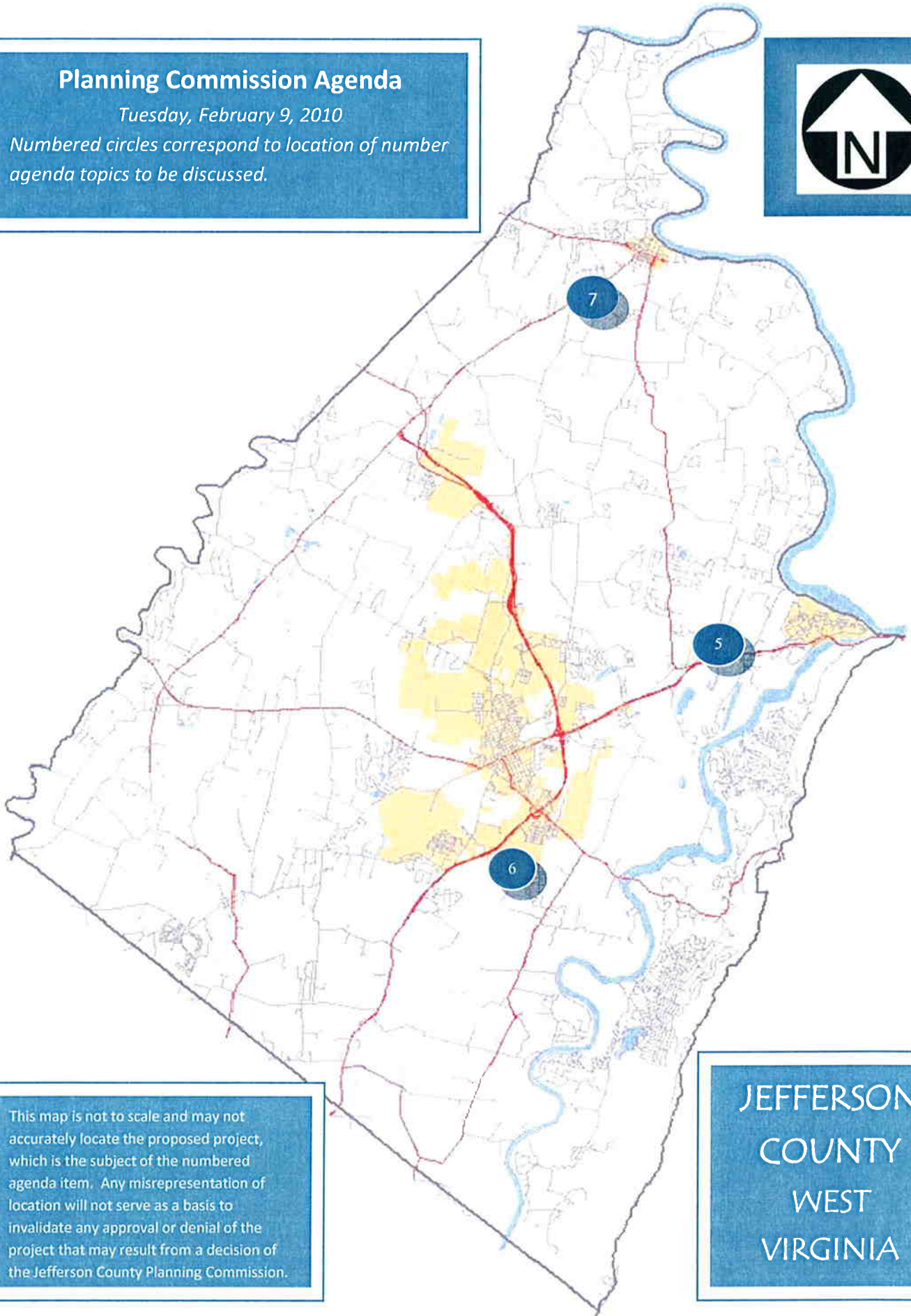
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address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

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

Planning Commission Agenda

Tuesday, February 9, 2010

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

Engineer's Report

Planning Commission Meeting

February 23, 2010

- Agenda item #1. Election of Officers.
- Agenda item #2. Approval of minutes.
- Agenda item #3. Citizen Communications.
- Agenda item #4. A call for postponement.
- Agenda item #5. Public Hearing for Zoning Map Amendment (Rezoning).
- To amend a zoning map is a zoning issue. The county engineer defers to the Zoning Administrator for a recommendation.
- Agenda item #6. Request by Suzanne Walls Trust for a variance to decrease the length of the deceleration lane from the original site plan for Walls.
- Please refer to attached report.
- Agenda item #7. Reconsideration of vote on Town Run Commons Variance.
- To extend the time to bond is a planning issue. The county engineer defers to the county planner on a recommendation.
- Agenda item #8. Discussion and possible vote on departmental fees.
- Agenda item #9. Blue Ridge Mountain Community Plan.
 - Citizen's Committee.
- Agenda item #10. Director's Report.
- Agenda item #11. Reports from Legal Counsel and legal advice to PC.
- Agenda item #12. County Commission Liaison Report.
- Agenda item #13. Planning Commission Exchange.
- Agenda item #14. President's Report.
 - Discussion and vote on Annual Report

Agenda item #15. Actionable Correspondence.

Agenda item #16. Non-Actionable Correspondence.

Lynne Deming

915 Hidden Hollow Drive

Kearneysville, WV 25430

January 15, 2010

RECEIVED

JAN 20 2010

Jefferson County Commission

Jefferson County Commission

Lyn Widmyer, President

124 E. Washington Street

Charles Town, WV 25414

Dear President Widmyer,

Please accept this letter as notification of my resignation from the Jefferson County Planning Commission effective immediately.

I appreciate the opportunity provided me to represent the residents of Jefferson County in carrying out the duties of the Planning Commission.

Very sincerely,



Lynne Deming

EXP - 3/31/12

MINUTES
JEFFERSON COUNTY PLANNING COMMISSION
JANUARY 26, 2010

The Jefferson County Planning Commission met on Tuesday, January 26, 2010, with the following Commission members present: John Maxey, President; Robert Reynolds, Vice President; Frances Morgan, John Sidor, Steve Alemar, Arnold Dailey and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jennifer Snyder, Zoning Administrator; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Julie Quodala, Planning and Zoning Office Manager and Amy Puetz, Office Assistant.

Ms. May was absent with notification.

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

1. **Election of Planning Commission Secretary:** Because the Planning Commission was not provided a letter of resignation from Ms. Deming, this item was tabled until the Planning Commission meeting to be held on February 9, 2010.

Mr. Dailey entered the room at 7:05 PM.

Ms. Snyder entered the room at 7:07 PM.

2. **Approval of minutes for the January 12, 2010 meeting:** Mr. Reynolds moved to approve the minutes of January 12, 2010. Mr. Sidor seconded the motion. Motion carried 6 for and 1 abstention (Mr. Dailey).

Approval of minutes for the January 19, 2010 workshop: Mr. Reynolds moved to approve the minutes of the January 19, 2010 workshop. Mr. Alemar seconded the motion which carried 6 for and 1 abstention (Mr. Sidor).

3. **Citizens Communication:** None.
4. **Request for postponement:** None. Mr. Maxey requested that the wording for this item be changed due to comments from citizens stating that the item is unclear.
5. **Director's report:** At staff recommendation, Mr. Maxey rearranged the agenda to hear item #6 before this item to allow for the arrival of the Director.
6. **Discussion and possible vote on Planning and Zoning Departmental fees:** A draft of the departmental fees and a timeline for adopting such was handed out to the Commissioners. Mr. Maxey requested consideration on holding a public hearing for the fee structure.

Ms. Brockman entered the room at 7:10 PM.

Ms. Snyder reviewed the proposed departmental fees and both Ms. Snyder and Ms. Brockman answered questions from the Commissioners. Discussion ensued. Ms. Morgan called for a point of order. Mr. Trumble asked for a rejoinder and explained that he would like to have described how the fee structure offsets departmental cost. Ms. Morgan asked Mr. Maxey to rule on the point of order. Mr. Maxey stated that the discussion was not out of order, however, he determined the conversation had been drawn out. Mr. Maxey directed Mr. Saunders to present the Engineering and Permit fees.

Ms. Morgan left at 7:23 PM due to a scheduling conflict.

Mr. Saunders presented the Engineering fees. Ms. Snyder clarified the documents for the Planning Commission. Ms. Snyder and Ms. Brockman entertained additional questions from the Commissioners. A discussion ensued on the format the fees document needed to be composed in to present to the County Commission. It was determined that further discussion occur and an item be placed on the February 23, 2010 meeting agenda.

7. **Director's Report:** (This item was moved from agenda item #5.)
 - a. *Annual Report and Work Plan:* Ms. Brockman stated that the Annual Report was close to completion and offered to e-mail a copy to the Planning Commission when a draft is complete. Ms. Brockman brought to the attention of the Commissioners a letter from the County Commission inviting the Planning Commission to a meeting on February 4, 2010, at 7 PM to discuss Fiscal Year 2011, accomplishments of 2010, a work plan, and any initiatives to be pursued as funds allow.
 - b. *Budget Report:* Ms. Brockman stated that on Thursday, January 28, 2010, she would attend a work session with the County Commission on the budget and she hoped to receive direction on the expectations of the pending budget report.
 - c. Mr. Maxey suggested that the sub-committee, which was appointed at the January 26, 2010 meeting, meet again to discuss the Annual Report, Work Plan, and Budget. The sub-committee asked to meet with Ms. Brockman on February 1, 2010 at 9:30 AM.
 - d. *Request for Proposal (RFP) for Blue Ridge Mountain Study Grant:* A draft of the RFP was handed out by Mr. Rivard. Mr. Maxey requested a finalized copy be e-mailed to the Planning Commission. Ms. Brockman asked that the Planning Commission contact the office with any comments or suggestions to assist in finalizing the document. Mr. Maxey asked that a final copy be available for vote at the February 9, 2010 Planning Commission meeting.

8. **Report from Legal Counsel and Legal Advice to PC:** Mr. Groh approached the Commission and recommended the Commission go into executive session due to potential litigation. Mr. Reynolds moved to go into executive session. Mr. Alemar seconded the motion which carried unanimously. Staff left the room and executive session began at 8:07 PM.

Mr. Sidor motioned to close executive session. Mr. Dailey seconded the motion which carried unanimously. Executive session closed at 8:15 PM

Mr. Reynolds moved that, on the advice of Legal Counsel, consideration of the Town Run Commons Findings of Fact be deferred until the meeting to be held February 9, 2010 to give Legal Counsel the opportunity to meet with Ms. Brockman. Mr. Alemar seconded the motion which carried unanimously.

9. **County Commission Liaison Report:** None.

10. **Planning Commission Exchange:**

- a. Discussion and Vote on scheduling a joint meeting with PSD. Mr. Reynolds suggested deferring consideration on a joint meeting until the Planning Commission has finalized their recommendation for a work plan.

Mr. Maxey called for a break to allow staff to change the CD at 8:27 PM. Mr. Maxey called meeting back to order at 8:28 PM.

Mr. Maxey agreed with Mr. Reynolds on deferring consideration.

- b. Mr. Sidor suggested reviewing files in regards to the Rezoning hearing to be heard at the February 9, 2010 meeting. Discussion ensued on the process of rezoning, reviewing of files, and assurance that the application had been properly advertised.

Mr. Reynolds gave notice that he would be absent for the February 9, 2010 meeting.

- c. Mr. Maxey inquired into the the status of the Subdivision Regulation Amendments. Ms. Snyder presented a timeline and stated that she hoped to have a draft copy of the amendments to the Commission by the February 9, 2010 meeting. A was proposed for February 16, 2010, to discuss the amendments and changes that were made to the amendments which were presented at the January 19, 2010 workshop.

11. **President's Report:** None.

12. **Actionable Correspondence:** None.

13. **Non-Actionable Correspondence:** None.

Mr. Trumble moved to adjourn at 8:38 PM. Mr. Reynolds seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #___. These minutes were prepared by Amy Puetz, Office Assistant.

DRAFT MINUTES

JEFFERSON COUNTY PLANNING COMMISSION
WORKSHOP
FEBRUARY 16, 2010

The Jefferson County Planning Commission met on Tuesday, February 16, 2010 with John Maxey, President presiding. Frances Morgan, Ellen May, Tom Trumble, and Stephen Alemar were present. Staff members present were Jennifer Brockman, Planning and Zoning Director; Jennifer Snyder, Zoning Administrator; Seth Rivard, Planner; Jonathon Saunders, Engineer; and Amy Puetz, Office Assistant.

Mr. Maxey called the meeting to order at 6:13 PM.

Jennifer Snyder presented the Planning Commission with handouts entitled "Summary of Amendments to the Subdivision Regulation adopted October 9, 2008 (Definitions and Appendices only)" and "Density Note for Plats".

Mr. Trumble entered the room at 6:33 PM.

Ms. Snyder reviewed possible amendments to the Subdivision Regulations with the Planning Commission. The Planning Commission asked Ms. Brockman, Ms. Snyder, Mr. Rivard, and Mr. Saunders questions and gave comment throughout the presentation.

Ms. Morgan left the room at 6:58 PM.

The meeting ended at 8:42 p.m. A detailed transcript of this meeting can be found on CD # ____ & _____. These minutes were prepared by Amy Puetz, Office Assistant.



RECEIVED

DEC 22 2009

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

November 24, 2009

Jefferson County Planning and Zoning Department
116 East Washington Street
Charles Town, WV 25414

Attn: Ms. Jennifer M. Brockman, AICP
Director of Planning and Zoning

Re: **Zoning Map Amendment Request**

Dear Ms. Brockman,

Pursuant to the recent election results in association with the proposed adoption of new zoning ordinances and districts, Potomac Professional Services, LLC (Potomac), on behalf the property Owner Shenandoah Professional Center, LLC, would like to formally request a Zoning Map Amendment for the following property within Jefferson County, West Virginia.

Article 12, Map and Text Amendments, of the current Jefferson County Zoning Ordinances requires the following information for any petition for a zoning map amendment.

1. Substantiation for the Request
 - a. Current Zoning: Residential Growth (R-G)
 - b. Requested Zoning: Residential/Light Industrial/Commercial (R-L-G)
 - c. The property is located at the intersection of Rt. 340 and Bakerton Rd and is visible from Rt. 340 heading north and south. The Shenandoah Professional Center, a professional office building, is currently an operational commercial use on the property. The Shenandoah Professional Center was approved as a commercial use under a Conditional Use Permit, approved on January 14, 2003. With public input and concerns, the building was renovated from an 1800's era farmhouse to a historically correct, updated professional office building which is an impressive site along the route from Harpers Ferry to Charles Town.

The undeveloped rear property, referred to on the recorded plat as Lot 2, is currently approved as a single family lot, but with any proposed development would need to adhere to the current entitlement process within Jefferson County.

Through planning for the recent zoning ordinance election, the property was proposed by the County to be rezoned to General Commercial due to its proximity to a high traffic roadway and viable commercial potential. The requested zoning map amendment stays consistent with the intent of the County Commissioners and their vision for the future needs of Jefferson County.

- d. The property is in a location that is beneficial for commercial growth within the County. This proposed zoning amendment would provide the County with a concentrated area of potential commercial development along a major traffic corridor, in lieu of spot development.
2. Tax District, Map and Parcel Number
 - a. Harpers Ferry District, TM 9, Parcel 37 & 37.2
 3. Deed Book Reference
 - a. DB 996, Page 552, Lot 1 and 2
 4. Plat or Sketch pursuant to Section 7.4(b)
 - a. See attached
 5. Tract Size
 - a. Lot 1 – 1.491 acres, Lot 2 – 8.185 acres, Total = 9.676 acres
 6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - i. This proposed zoning change from residential to a predominately commercial zone stays consistent with the 2004 Jefferson County Comprehensive Plan in that growth was encouraged in areas where water, sewer, schools, and other public facilities are available, and the encouragement and support of commercial and industrial to provide a diversified and sound local economy.

The location of this property is consistent with the 2004 Comprehensive Plan in all of the aforementioned ways, as well as being adjacent to a major roadway feeding Jefferson County.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.
 - i. Although this request is believed to be consistent with the current Comprehensive Plan adopted in 2004, the area has undergone significant growth since that time that has increased traffic on primary and secondary roadway systems. The influx of home sales

between 2005 through 2007 was primarily driven from buyers who are commuting to and from the Washington DC/Metropolitan area, thus significantly taxing the major roadway systems, especially the Rt. 340 Corridor running from Maryland to West Virginia. In addition, the recent approval of table games at the Charles Town Race Track is expected to increase traffic even more throughout the region.

This significant growth and impact to the major roadways has emphasized the need to centralize the potential commercial uses on or in close proximity to the major road networks for easy access and increased visibility.

If you have any further questions or comments, please contact the undersigned at 1(304) 725-3712, ext. 217.

Sincerely,

POTOMAC PROFESSIONAL SERVICES, LLC

On behalf Owner, Shenandoah Professional Ctr, LLC

A handwritten signature in black ink, appearing to read 'Matthew R. Powell', with a large, stylized flourish at the end.

Matthew R. Powell
Vice President Development



United States Department of the Interior

NATIONAL PARK SERVICE
Harpers Ferry National Historical Park
P.O. Box 65
Harpers Ferry, West Virginia 25425

IN REPLY REFER TO:

L1425 (HAFE)

February 3, 2010

Mr. John Maxey, President
Jefferson County Planning Commission
P.O. Box 338
Charles Town, WV 25414

RECEIVED
FEB 12 2010
JEFFERSON COUNTY
PLANNING, ZONING AND RESOLUTIONS

Dear Mr. Maxey:

This is in response to the petition to rezone the property designated as: Harpers Ferry Tax District, Map 9, Parcels 37 and 37.2, and sometimes referred to as the former Fritts Mansion property. The 9.7-acre property, located near the intersection of Route 340 and Bakerton Road near Harpers Ferry, is currently zoned Residential Growth. The owners, Shenandoah Professional Center, LLC, have requested a change in the zoning to Residential/Light Industrial/Commercial. The National Park Service (NPS), as an adjacent property owner with significant holdings, welcomes the opportunity to comment on this matter.

While the NPS supports planned economic growth in the county that is consistent with the policies and recommendations outlined in the 2004 Comprehensive Plan, the rezoning of the Fritts Mansion property is not consistent with what we believe are the goals and objectives of the county as documented in the Plan. Rezoning to Residential/Light Industrial/Commercial, which would allow intensive development and commercial use, will have a significant adverse impact on the historic values inherent in the adjoining lands managed by the National Park Service.

The rezoning of the Fritts property is not compatible with the Plan as follows:

1. It is not consistent with the vision for the County that seeks to *shape growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community* (page 8). The majority of the Fritts property is zoned Residential Growth and the visual appearance of the property and its surroundings supports this designation. Even the current commercial operation, conducted on the adjacent parcel out of the former residence, maintains a residential appearance. Additional commercial/industrial development, however, would adversely affect the views from multiple historic and rural lands where the NPS is developing visitor hiking/walking trails and outdoor interpretive exhibits.
2. It does not *[p]romote the conservation of the natural, cultural, and historical resources and the preservation of the scenic beauty* (page 19). The Fritts property is mostly undeveloped and largely retains its rural-residential appearance. It is located within the core battlefield area of the park between Bolivar Heights and School House Ridge, areas of national significance as part of the 1862 Harpers Ferry Battlefield. The former Ott property and former Harpers Ferry Caverns property that adjoins the Fritts property to the north and west were acquired by the Park pursuant to the Harpers Ferry National Historical Park Revision Act of 2004 which was the culmination of nearly 20 years of local, regional, and national efforts to protect the nationally significant resources of School House Ridge. While Shenandoah Professional Center, LLC, is to be commended for the restoration of the adjacent 19th-century structure, additional commercial or


industrial uses of the Fritts property would be out of scale and context with the character of the surrounding rural landscape and the history that occurred there.

3. It is not consistent with Recommendation 3.01 (page 24). Potential commercial or industrial uses conflict with the surrounding uses which are predominantly rural lands maintained by the NPS for their historic rural-agricultural setting. The NPS strives to maintain the agricultural appearance of the surrounding battlefield properties by leasing approximately 350 acres for use by area farmers.
4. It is not consistent with the Plan (page 32), as more intensive development at this intersection would likely exacerbate the county's greatest transportation problem, which is a bottleneck through the Harpers Ferry water gap. It is also inconsistent with Recommendation 3.25 (page 73), which suggests a Historic Gateway Special Study Area. The Plan states, *...the purpose of the study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where development does not cause visual blight and major traffic problems along the eastern corridor to the State.* We are not aware that such a study has been implemented.
5. The Plan acknowledges that history tourism is a significant element of Jefferson County's economy (page 56). According to economic surveys, the Park and its visitors provide total direct spending in the local area amounting in the tens of millions of dollars. We believe these benefits numbers will only continue to increase, as visitors stay longer to experience the historic sites on School House Ridge. However, commercial or industrial development of the Fritts property will significantly impact the rural appearance and historic values of the property. It will mar the historic and scenic views from adjacent parklands where hundreds of millions of dollars of investment have been made to attract tourists and businesses. We expect visitor use to decline if the scenery from a visitor's or prospective business owner's survey of community amenities would be no different than what they may have left in a suburban environment.

In summary, the NPS supports planned growth in the County and adjacent to the park; however, any such development should be compatible with the County's long-range goals to preserve rural-agricultural lands and to preserve historic resources both of which are inherent in adjacent park lands. Therefore the NPS does not support the petition to rezone the Fritts property.

Thank you for the opportunity to comment on this important matter.

Sincerely,



Rebecca L. Harriett
Superintendent

cc: Members, Jefferson County Planning Commission:

Arnold Daily, Jr.
Ellen May
Robert Reynolds
Thomas Trumble
Stephen Alemar
John Sidor
Frances Morgan, County Commissioner

Amy Puetz

From: JCC [info@jeffersoncountywv.org]
Sent: Wednesday, February 03, 2010 12:07 PM
To: apuetz@jeffersoncountywv.org
Subject: Fw: Planning Commission Agenda 2-9-10

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

From: "gil narro garcia" <gilnarrogarcia@comcast.net>
Sent: 2/3/2010 11:19:18 AM
To: planningdepartment@jeffersoncountywv.org
Cc: HFMayor@aol.com, info@jeffersoncountywv.org
Subject: Re: Planning Commission Agenda 2-9-10

Here you go again. The request for the public hearing on your agenda: "This property is located at the

intersection of Route 340 and Bakerton Rd. and is a total of 9.676 acres. This property is currently zoned Residential Growth and a request has been made by the owners, Shenandoah

Professional Center, LLC, to change the zoning to Residential/Light Industrial/Commercial." denied.

The property in question is an important drainage area for ground water--that is why it is mostly always wet! Also, the property is right on the Bakerton road entrance to the HFN Park. Give me a break! You must demand that an environmental study done by an independent and reliable firm--and I'm not thinking Snyder--before you even consider a public hearing on a zoning change. Finally, you must take into consideration the floodgates you're opening when you start changing residential to commercial zoning on a piecemeal basis, especially on the declared "Main Street" (Hwy 340) designation by the J. County Commission.

Your record of disrespect and disregard for citizens is well established by your approval of the denuding and destruction of the Allstadt Farm land behind the flea market. Most seriously, you've kept citizens in the dark about what the developers are doing to that land.

I have copied the County Commission because this matter is very serious and you appear unable to handle it properly and with regard to the community and the environment.

Gil Narro Garcia

881 Elk Run Dr.

Harpers Ferry WV

304-535-2235

Staff Assessment

Shenandoah Professional Services Rezoning Application

Submitted By:

Jefferson County Department of Planning and Zoning

Prepared for:

Jefferson County Planning Commission

&

The Jefferson County Commission

Request at a Glance:

Applicant: Potomac Professional Services, LLC on behalf of Shenandoah Professional Center, LLC

Address: 36 Bakerton Road, Harpers Ferry, WV 25425

Current Zoning: Residential Growth

Proposed Zoning: Residential-Light Industrial-Commercial

Acreage: 9.676 on two contiguous parcels

Background

The property at 36 Bakerton Road, Harpers Ferry, WV, known as the Shenandoah Professional Center, was approved on January 14, 2003 for a Conditional Use Permit (CUP). At that time the property was a single parcel. On February 7, 2006 the property was subdivided into two parcels. One parcel, which is 1.491 acres, has the historic house which is used for offices. The residue parcel is 8.185 acres and is primarily vacant with the exception of some ruins of an old barn.

The original application for the CUP requested that both office use and a self storage facility be permitted. The office use was approved and the self storage facility was not approved since it was not in keeping with the character of the area.

Introduction and Purpose

Shenandoah Professional Services has requested rezoning of this property, which is the purpose of this report. The property is located at the corner of Bakerton Road and Route 340. Access to the property is from Bakerton Rd. The site is located to the west of the Town of Bolivar. Much of the property is surrounded by lands owned by the National Park Service, which is part of the Harpers Ferry Park. While this property and property to the north, south, west and east are zoned Residential Growth, a great deal of this property is owned by the National Park Services. It is not anticipated or proposed to be developed under this zoning classification. *Map 1* shows the National Park Service Property and *Map 2* shows the current zoning for those parcels.

The property is identified on the Jefferson County Tax Map as two parcels. They include parcel 37, as shown on Tax Map 9, consisting of 1.491 acres and parcel 37.2, as shown on Tax Map 9, consisting of 8.185 acres. The property is zoned Residential Growth.

The applicant has requested rezoning of the entire subject property from Residential Growth to Residential-Light Industrial-Commercial. 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 12.1(a) provides that the boundaries of zoning districts may be amended by the County Commission with the advice of the Planning Commission. 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 goes on to state 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. It assumes that no major changes of an economic, physical or social nature within the area involved have occurred, that were not anticipated when the comprehensive plan was adopted, such that they would “substantially” alter the basic characteristics of the area. This assumption is also limited to the proposal to rezone subject site.

The format for this assessment includes citation of specific provisions of the Comprehensive Plan, which are identified by page number in the following section of this report, followed by staff commentary regarding the degree to which staff believes the provision has significance in determining consistency between the rezoning application and the Plan document. 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.

Relevant Comprehensive Plan Elements and Commentary

The following section is formatted to provide the page number on which the plan language and/or subsections can be located, followed by the language contained in the body of the plan document. Each reference is then followed by staff commentary where considered appropriate. When language in the Plan is considered more important, text is shown in bold for additional emphasis. Staff commentary is italicized throughout this section of the assessment.

Page 8: Jefferson County – A Vision

Ironically, the natural beauty and rural setting of Jefferson County, the qualities that are so attractive to new residents, are the very qualities that are most threatened by a rapid pace of growth. Farming is no longer the driving economic force in our county and in the mid 1980s, new residents from other places outnumbered long time residents for the first time. With houses coming at a far faster pace than jobs, Jefferson County is facing a future as just another bedroom community in the larger metropolitan area.

The intent of this plan is not to recreate or recapture the past but to shape future growth in a manner that preserves the most important features of Jefferson County: the rural landscape, the natural beauty of the rivers, the rolling terrain and the strong sense of community. **Perhaps the biggest challenge of all is to provide an economic base that provides enough job opportunities to allow people to both live and work here.** Jefferson County is home to people of different income levels and professions-from crafts people to mill workers to employees of national consulting firms. The rising cost of housing threatens this diversity.

Staff Comment:

This provision notes that the intent of the plan is to shape growth in a manner that preserves the most important features of the County including the rural landscape and natural beauty of its rivers. Text in bold, however, states that providing jobs also represents a challenge if the County is to allow people to both live in work in the County. It may be important to note that jobs can be provided in a number of alternative County locations. Rural landscapes and beautiful rivers can only be preserved where they exist. Once these rural landscapes and vistas are developed, they are lost forever.

Page 8 – Plan Policies

This plan encourages new development patterns that foster mixed-use neighborhoods, so that a sense of community begins at the subdivision level.

- **The Plan recommends that Jefferson County’s natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds.**
- **This plan encourages economic development so that residents can live and work in the County.**

Staff Comment

Employment centers can be provided in a number of alternative County locations where it is appropriate for more intense uses. While providing economic opportunities, the plan recognizes the importance to protect natural resources.

- **This Plan recognizes existing population centers as the focus of new, more intense development and the importance of working with municipalities to assure a pattern of development consistent with the Plan vision.**

Staff Comment

This policy indicates that new, more intense development should be located within or adjacent to the Towns. Rezoning the parcels included in this request to Residential-Light Industrial-Commercial will result in a more intense development currently not located in that area. There are a variety of permitted uses in the proposed new zoning category which allows for more intense uses.

- **The Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.**

Staff Comment

This policy is designed to insure provisions of adequate infrastructure concurrent with development that may require it. Such resources are limited at the subject location. The policy statement is also designed to minimize sprawl from existing urban core areas to rural areas, such as where the subject property is located. Transportation issues will be addressed further, under the topic of transportation.

Page 12 – The Role of the Comprehensive Plan

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 of the land use proposals.

Staff Comment

This provision of the plan restates the notion, expressed earlier in this report, that the nature and intent of its recommendations will sometimes be in conflict. As such, the document provides some flexibility in interpretation.

Page 19 – Statement of Goals

A list of general goals was adopted as guidelines for the preparation of the 1986 Comprehensive Plan. These goals were readopted, unchanged and incorporated into the 1994 Comprehensive Plan. These goals have been adopted in the 2004 Comprehensive Plan as well.

- **Encourage growth and development in areas where sewer, water, schools and other public facilities are available or can be provided without unreasonable cost to the community.**
- Promote growth and development that are both economically and environmentally sound.
- Promote the maintenance of an agriculture base in the County at a level sufficient to encourage the continued viability of farming in all its various forms.
- **Encourage and support commercial, industrial, and agriculture activities to provide a diversified and sound local economy.**
- **Promote the conservation of the natural, cultural, and historical resources and the preservation of its scenic beauty.**
- **Advocate the maintenance and improvements of transportation systems so that people and goods can move safely and efficiently throughout the County.**
- Promote a diversity of housing within the County.
- Support and protect private property rights while supporting and protecting overall public health, safety and general welfare.

- Promote a Planning and Zoning process that is understandable and straightforward, with ample opportunity for meaningful public input.
- **Promote pedestrian friendly, livable communities.**
- Promote inter-entity and inter-agency collection and exchange of information and cooperation on planning.

Staff Comment

With the Goals unchanged for over 20 years, there continues to be a common held vision that they are important to the County. While the Goals are important to the community, they do appear to reflect conflicting values. However, encouraging and supporting residential, commercial and light industrial developments can be accomplished in a number of ways and in a number of alternative locations in the County that are more appropriate. With the current economic decline, there are a large number of residential and commercial vacancies, in existence now, that can promote this kind of development. Adding to a saturated market is not smart growth policy. While the proposed rezoning has a mixed use element conceptually built into it, there is not enough property to provide a work and housing mix. As a result, this will be an auto dependent rezoning that is not in keeping with pedestrian friendly, livable communities. Such activity has been established elsewhere in the County.

Since there are existing and additional locations that can provide this type of activity, the natural resources, cultural and historic preservation (the Harpers Ferry Park and viewsheds) of the scenic beauty can only occur where these features or resources are present.

Pages 26-28 – Transportation Planning

With the increase in population in the last three decades, Jefferson County's roads have had to bear the combined burden of increased traffic volume and heavier commercial vehicles. As a result, the deficiencies of the highway and road systems have become more critical. Inadequate funding and increases in transportation demand are conditions which probably will be facing the people of Jefferson County indefinitely.

Staff Comment:

The notion that inadequate funding and increased transportation demands are conditions the County will probably face indefinitely is ominous. The staff acknowledges that there is an existing bottleneck along Route 340, which is a major transportation route through the County. Rezoning this parcel of land to Residential-Light Industrial-Commercial use may aggravate this

condition. While this development by itself may or may not generate a lot of traffic, allowing this type of development to sprawl along Route 340 could result in increased congestion.

Page 26 – Transportation – General Goals

In order to realize the vision stated above, general goals are set forth as follows:

1. Reduce the occurrence and severity of roadway traffic accidents by encouraging the West Virginia Department of Transportation, Division of Highways to reduce or eliminate conditions which cause them.
2. **Encourage the West Virginia Department of Transportation, Division of Highways to take measures to provide for and maintain efficient roadway traffic flow.**
3. **Find creative solutions to both funding and legislative limitations, in order to solve transportation problems.**
4. Seek a coordinated transportation plan among all levels of government that provides for coordinated transportation planning and funding of highways, streets, commuter rail service, public transit, car/van pooling, park & ride facilities, bike paths, pedestrian access, and technological improvements to the transportation system in the County.
5. Encourage alternate forms of transportation within the County, such as pedestrian trails and bike paths, provided they are feasible and prove beneficial.
6. Encourage the State and Federal government to increase public transit service to the County, provided it is feasible and proves beneficial.

Page 27 – Planning for a Responsible Transportation Network

The transportation component of the 1994 Comprehensive Plan focused on problem areas, and general traffic volume. In general, maintenance and improvement of the existing road network are the responsibility of the State, homeowners associations and individual owners. Residents are often concerned about the volume and speed of traffic on neighborhood roadways and the state highways. This is perceived as both a safety and quality-of-life issue.

During the Comprehensive Plan process, citizens have expressed concerns with some of the roads in the County. The County has reached a critical turning point as undeveloped land is becoming committed to new subdivision and development. As more and more land is developed future transportation improvements may become more difficult and more costly. Therefore, it is prudent for the State and County to plan for the future needs now, while the land is available and the improvements can be more easily made, or at least the land can be reserved during the development process for future improvements.

RECOMMENDATION 3.05: The County should solicit the assistance and cooperation of both the State and Federal governments to create and execute a coordinated comprehensive transportation management plan. This plan must have its primary goal, the efficient flow of people, goods and services in support of both economic development and quality of life. It must be coordinated with all modalities of transportation that interface with the County. The

plan must be comprehensive and systematic in its scope, encompassing all of the major components of transportation including roads, pedestrian and bike paths, public transit and telecommuting. The transportation section of the comprehensive plan should incorporate the Metropolitan Planning Organization (MPO) - traffic study, upon its completion.

Staff Comment:

The Comprehensive Plan reflects the growth in traffic volumes along the Route 340 corridor from 1996 to 2002. It is clearly the most heavily trafficked route. The West Virginia Department of Transportation traffic counts, from 2008 show 38,000 average daily trips (ADT) at WV 26 and 29,400 near Bakerton Rd. This recommendation suggests the need for a US 340 corridor study, that should include an access management component.

Page 32 – Highway Problem Areas

Table T-2 is an update of Table 42, "Summary of Traffic Problems in Jefferson County, WV", which is presented in the 1994 Comprehensive Plan. This table provides a text description of highway problem area locations.

Some problem areas have been addressed by the WVDOH and are removed from the list. These include but are not limited to the replacement of a one-lane bridge with a two-lane bridge, and the installation of signals and gates at several at-grade crossings.

However, there remain numerous locations with poor sight distance, sharp curves, inadequate road shoulders, encroaching fixed objects, hidden entrances, unsafe intersections, and roadways subject to periodic flooding. These locations are generally depicted on the Highway Problem Areas Map on page 30.

Staff Comment:

Page 30 of the Plan (titled Highway Problem Areas) identifies the Route 340 corridor as having problem areas, but does not identify the intersection at Bakerton Road as a problem area. There is an accompanying table on page 31 of the plan which lightly details this issue, but it fails to mention the single lane sections. These single lane sections are where the bottlenecks occur along portions of the Route 340 corridor.

While a single more intense non-residential development may not have a significant negative impact on US 340, setting the precedent for allowing this type of development without a comprehensive corridor management plan, sets the state for an accumulation of minor negative effects that could result in a major problem.

Pages 32 and 33 – The Harpers Ferry Water Gap

The County is faced with a traffic flow bottleneck in the form of a major river crossing through a narrow gorge and National Park. US 340, which is a four lane limited access highway from Frederick, MD to Sandy Hook, narrows to two lanes as it crosses the Potomac River into Virginia. This road remains two lanes as it winds its way through the Shenandoah-Potomac River water gap at Harpers Ferry and crosses the Shenandoah River at Bolivar. At Bolivar, this highway again widens to four lanes for the approach to and from Charles Town. Due to employment trends in the region, US 340 is the busiest highway used to access Jefferson County. On Fridays, commuter traffic has been known to back up from the Potomac River Bridge as far as Brunswick, Maryland as county residents return from their jobs in Maryland and Washington. Holiday travel can also create weekend backups at this bottleneck. Ways to correct this problem have been discussed. Several options to increase the capacity of this section of highway are to: widen the bridge/highway to four lanes, double deck the bridge/highway, or build an alternate by-pass highway. Given the major river crossings, coordination is necessary between the States of West Virginia, Maryland and Virginia, the impact on the National Park, and the design difficulties and high cost, it is unlikely that one of these solutions will be implemented in the foreseeable future. Therefore, another option is for future transportation planning efforts to study the benefits and feasibility of options that may decrease commuter traffic along this section of highway. These options may include park & ride facilities that are coordinated with public transportation, and encouraging telecommuting, etc.

Staff Comment:

This focuses specifically on the two-lane roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes, however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impact on the National Park. The solutions offered in the form of park and ride facilities, public transportation and telecommuting are commendable. However, staff does not expect these alternatives to fix this problem, but rather sees these alternatives as band-aids at best.

The new Route 9 is not expected to solve the traffic concerns on Route 340, as the traffic on Rt. 9 has a different commuting pattern and direction than that of Route 340. Again, while the proposed development alone may or may not have a significant negative effect on Route 340, the County needs to consider the potential accumulation of these effects. Without a detailed site plan for a specific use, the impact is hard to predict.

Page 34

Recommendation 3:08: Reduce dependence on the automobile for both intra-County and inter-County travel by:

- a. **Where feasible and beneficial, encourage the West Virginia Department of Transportation, Division of Highways to install "park and ride" facilities along its rights of way on US 340 and WV 9;**
- c. **Provide incentives for alternative transportation such as commuter rail, bike path, park & ride, public transit, and telecommuting, etc.**

Staff Comment:

These recommendations may work in some areas of the County and may be beneficial to some extent, particularly along WV 9 or other roadways, but can only be expected to provide limited benefits in relieving congestion along Route 340..

Page 41 – Water and Service

Due to the prohibitive overall cost to provide water and sewer service to the entire County, developing in this format county-wide is not feasible. Land areas that are outside of the regions that can reasonably be expected to be served by water and sewer facilities should be developed at lower densities, with properties employing wells and drain fields. The issue of well and septic use in relation to the County's development patterns is discussed in greater detail in the section of this chapter entitled "Jefferson County - 2020" where issues of residential densities are addressed and coordinated.

Staff Comment:

This planning concept encourages that dense or intense development be located where existing water and sewer facilities can be extended to serve them, rather than building new water and sewer systems in rural County locations. This is a fundamental principle of smart growth. Since the area is generally surrounded by National Park property, it is unlikely that this area could develop at the intensity required to support this type of infrastructure.

Page 48 – Natural Resources

In terms of environmental resources, Jefferson County suffers from an embarrassment of riches. Located in the shadow of the Blue Ridge at the confluence of two major rivers, Jefferson County is also one of the most agriculturally productive counties in the State of West Virginia. If we are not careful, we could squander these resources. Effective planning is essential to preserving these resources for use and enjoyment of future generations.

Page 52 – Other Natural Resources

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.

Caves are generally located on private or protected property, and are beyond the purview of this Plan. Wildlife corridors have not been studied in detail as part of the preparation of this Plan, however effective clustering of rural residential development should have no impact on this element of the environment.

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.

Staff Comment:

Natural features are given top priority in the 2004 Comprehensive Plan. The text shown in bold provides substantial support for the need to protect the "scenic vistas" both in this plan and in the 1994 Comprehensive Plan. Most of the site is visible from various areas of the National Park. Considering the property's location in relation to the national historic buildings and park, the views may be considered more important than the development proposed. Staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered more important and would require easements to protect the view.

Page 55 and 56 – Historic Preservation

Jefferson County is an area rich in historical and archaeological interest. It has arguably been referred to as the most historic rural county in America. As part of our country's first western frontier, it was settled by Europeans before 1720 and was inhabited by Native Americans for several thousand years before.

Surveyed by a young George Washington and host to seven Washington family homes and three Revolutionary War generals' residences, Jefferson County's rich early history in the areas of transportation, farming, the military and industry are still evident in the structures and other resources that survive. **As one of the major areas of military maneuver and the site of the John Brown Insurrection, the County's place at one of the crossroads of the Civil War forever links it to many of the important events that occurred during our Nation's greatest test of endurance.**

Given its size and population, Jefferson County has been fortunate in the amount of historic preservation projects that have been implemented around the County. The effort to preserve the fire engine house of the Harpers Ferry Armory (a.k.a. "John Brown's Fort) in the late 1890s is among some of the earlier concerted efforts at preserving a historic building in the United States. From Harpers Ferry National Historical Park to the historic districts of Shepherdstown and Middleway, Jefferson Countians can be proud of the number of historic resources that have been preserved here.

Currently, 5 districts and 58 sites in the County are listed on the National Register of Historic Places. "Traveller's Rest", the home of General Horatio Gates, is the County's only officially designated National Historic Landmark.

Over the years, a "windshield survey" of historic and vernacular buildings was created. This inventory was an initial effort, and is outdated, incomplete and should not be used as a working document nor a model for a new inventory.

History tourism is a significant element of Jefferson County's economy. Harpers Ferry, the Appalachian Trail, Shepherdstown, Antietam and the C&O Canal all serve to draw visitors to the County and surrounding area. The Jefferson County Landmarks Commission was reestablished in 1980 to be a central clearinghouse for preservation activities in the County, from reviewing nominations to the National Registers of Historic Places, to restoring and interpreting the Peter Burr Farm, to providing input regarding developments.

While there have been many preservation "success" stories in Jefferson County, the issue has not been without controversy in recent years. Disagreements over such projects as the proposed demolition of the circa 1920 Jefferson County Jail have highlighted such issues as the responsibility of governments as stewards of historic structures, the use of appropriate government bodies in advisory roles, identification of preservation priorities, and long term preservation planning.

Regardless of the successes of the past, as an increasing number of tracts are developed for residential, commercial or industrial uses, existing unprotected historic resources become endangered. Existing processes should be evaluated for their ability to address this growing issue.

RECOMMENDATION 3.13: The County should examine existing land use regulations and Planning Commission resources and explore regulation amendments and policies that encourage preservation of historic resources. Some amendments and policies the County may want to investigate may include:

- a. Rewarding the retention and restoration of historic buildings during the subdivision process with limited increased density to offset the expense of preservation.
- b. Re-evaluating zoning restrictions on the adaptive reuse of historic buildings county-wide in order to encourage their continued occupancy and maintenance.
- c. Requiring documentation of significant structures that are to be removed due to development activity.

RECOMMENDATION 3.14: The County should promote the establishment of a county-wide inventory of structures built before 1900 and of sites with archeological potential, inspections being conducted only with the approval of affected landowners. This inventory should be readily available to the public and should be used as a planning tool and as a means of evaluating historic resources and of determining preservation priorities.

Staff Comment:

This element of the 2004 Comprehensive Plan underscores the importance of the County's history, as central to its identity and as a key component of the County's economy. Heritage Tourism is an important component to the Jefferson County economy. Since Heritage Tourism is so important, the Historical National Park and it's surroundings should be protected. Although, it has not been determined that an event of historical significance happened on the subject property, such events did take place in the vicinity. While the applicant has taken great strides and should be commended in restoring the existing home to offices, the remaining acreage is open for use. Considering that mini-storage units where once proposed on the site, there is a need for caution as to what could be placed on that property regardless of what has occurred. It is important to remember that the proposed zoning allows a variety of uses.

Page – 63 – Business and Industry

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.

Staff Comment:

Language in this section of the plan, particularly that shown in bold text, notes the possible adverse impacts commercial development on the fringe of town can have on traditional downtown central business districts. There is some evidence of underutilization of buildings located in the commercial core in Charles Town and Ranson presently. Rezoning of the subject property may lead to development which could be in direct competition with downtown commercial businesses.

Page 66

History, culture and scenic beauty combine to make Jefferson County an attractive area for travel and tourism. The area's proximity to the major population centers of Baltimore and Washington enhances this potential. Local attractions include Harpers Ferry, Shepherdstown, the Contemporary American Theater Festival, Charles Town Races and Slots, Summit Point Raceway, the Mountain Heritage Arts and Crafts Festival, the Washington Heritage Trail, white water rafting, etc. Two existing organizations are primarily responsible for encouraging the expansion of the tourism industry and an increase in visitors - the Jefferson County Chamber of Commerce and the Jefferson County Convention and Visitors Bureau. The JCDA can be most useful in assisting with the location and expansion of destination oriented tourist facilities. It should be noted, however, that current labor force constraints will make it difficult to provide large quantities of employees to fill any significant numbers of tourism/service sector jobs, which are predominantly entry level, minimum wage positions. Current commuters and probable future residents are not a source of employees for these jobs.

Staff Comment:

This section of the Plan underscores the importance of heritage tourism to the economy and notes the cultural and scenic features that drive locally based tourism's economic engine. Staff notes that care should be taken when reviewing rezoning that might jeopardize the efforts to nurture the tourism economy or reduce interest in visitation to tourist offerings.

Page 71 – Residential Growth-Light Industrial-Commercial

This zone, commonly referred to as the "mixed use" zone, permits uses of a light industrial and commercial nature, as well as a spectrum of residential and institutional uses ranging from single-family dwelling units to multi-family apartments and group homes. Residential uses must conform to the standards set forth in the Residential Growth District, but industrial and commercial uses are required to conform to a set of specific performance criteria, which include numerical measurements of several factors for uses that may have nuisance effects on adjacent uses.

There are two issues regarding this district that should be studied as part of planned amendments to the Zoning Ordinance. First, most ordinances that have "mixed use" zones require certain minimum percentages of land usage in residential, commercial and dedicated open space. Jefferson County's Ordinance doesn't. Land in this district can be developed entirely for commercial or residential use or any combination thereof.

Land zoned for commercial and industrial use makes up approximately 5% of the County, which is almost evenly split between the I-C District and the mixed use district. **With needing to maximize its potential for commercial development to offset the demands of residential development every mixed use property developed entirely for residential use is a lost opportunity for much needed commercial development. For this reason, discussion should be held during the zoning amendment process regarding whether such standards should be incorporated into the ordinance or left to be determined by the market.**

Staff Comment:

While this district is defined as mixed used, it does not require any mixing of uses, it merely allows for the possibility. The district allows two vague uses as permitted by right, "Commercial Uses" and "Uses of light industrial." These two terms allow for some interpretation of what they mean and what is permitted. As such, there are a variety of uses could be proposed on the subject property, each of which could have very different impacts.

Page 72 – Historic Gateway Special Study Area

The US 340 corridor from the Shenandoah River bridge to the Charles Town bypass serves many purposes. It is the major transportation spine in the eastern part of the County. It is from this road that one views the panorama of the rest of the County from Alstadt's Hill. It serves as a collector for several secondary State highways which serve significant numbers of houses and businesses, and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this road, as are development pressures.

This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing

developments indistinguishable in character, and commercial development rivaling "strips" in nearby larger cities.

US 340 is the main transportation spine through the County. As such, it is only appropriate and logical that the bulk of the development that incurs happens along this corridor. As such, the purpose of this study is not to turn US 340 into an undeveloped parkway. Rather, it is stated here that the purpose of this study is to identify ways to ensure that the residential and commercial development that occurs along this corridor is designed and constructed in such a way where the development does not cause visual blight and major traffic problems along the eastern entrance corridor to the State. Buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of this study.

RECOMMENDATION 3. 2 5 : The County should study the US 340 corridor, including land use, viewscape, economic development and traffic design and management in order to create an effective strategy for the long term management of this important mixed-use corridor.

Staff Comments:

The study recommended for the 340 Corridor has yet to be undertaken, but the current rezoning proposal underscores its importance. This section appears to be in conflict with itself. On one hand the section notes that views are important in this key County gateway location. However, the section also points out that development along the corridor is logical and the intent of the study would not be to create an "undeveloped parkway." Nevertheless the section specifically states that the purpose of such study is to assure that future development does not cause "visual blight" and "major traffic problems" along the eastern entrance to the State (and County). Again, while this rezoning is for 9.676 acres of property, the expansion and potential for traffic and visual blight is possible without careful consideration of the Corridor as a whole. It is imperative that the activity on this Corridor be reviewed very closely due it being the "most identifiable and visible artery in the County."

Staff Recommendation

The applicant has provided documentation in support of their request for rezoning and has demonstrated consistency of the proposed rezoning with certain limited provisions contained in the Comprehensive Plan.

However, staff recommends denial of this application. While staff recognizes some conflict between various plan goals and objectives, we believe such conflicts are inherent in a

document of this nature. As noted on page 12 of the Plan, “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.”

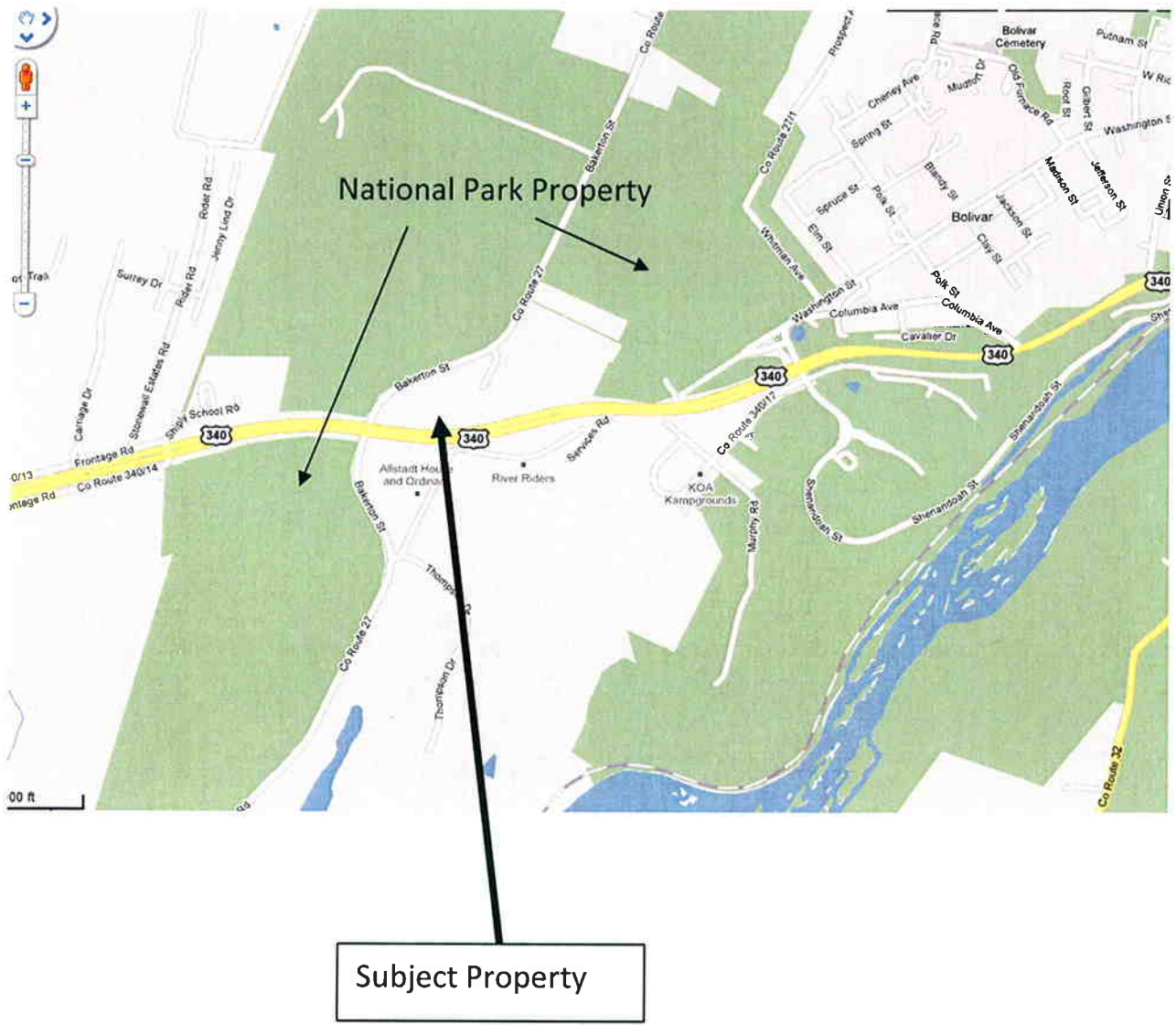
A number of policies, objectives and recommendations provided in the plan, when taken together, provide a compelling argument for denial of this rezoning application. They include:

- While the plan may acknowledge growth along Route 340 that occurs over time, such development should extend from existing core areas and not be located in the middle of a rural area with no services appropriate for this type of activity.
- Pages 32 and 33 of the Comprehensive Plan discuss the Harpers Ferry Water Gap. This discussion focuses specifically on the two-land roadway condition through the Shenandoah-Potomac River Water Gap at Harpers Ferry. It documents the history of back-ups and suggests that alternative ways to correct the problem have been discussed. It notes however, that a solution is not likely in the short term (if ever) due to design difficulties, high cost and impacts on the National Park. For these reasons staff cannot recommend a rezoning that can only create additional pressures on limited highway capacity in this area. As noted in this report, the proposed change of zoning could result in higher traffic patterns than currently allowed in the existing zoning.
- Page 72 of the Comprehensive Plan identifies the Route 340 Corridor as an area that should be targeted for special study. It notes that the corridor serves as a collector for several secondary state highways which serve significant numbers of houses and businesses and it serves as the eastern gateway to West Virginia. Traffic is ever increasing on this route. This segment of US 340 is the most identifiable and visible artery in the County. Without effective study and management, this corridor could deteriorate into a strip of housing developments indistinguishable in character and commercial development rivaling “strips” in nearby larger cities. The Plan recommends study of the US 340 corridor, including land use, viewsapes, economic development, traffic design and management in order to create an effective strategy for a long term plan of this important Corridor. The Plan notes that buffers, landscaping requirements, traffic and access design, sign regulation and aesthetic highway improvements are all examples of issues that could be discussed as part of the study. Staff agrees with the Comprehensive Plan recommendations and believes such a study should precede any rezoning with the corridor.
- The 2004 and 1994 Comprehensive Plans provide substantial discussion of the need for protection of “scenic vistas”(see page 52). This issue has also been raised over the years

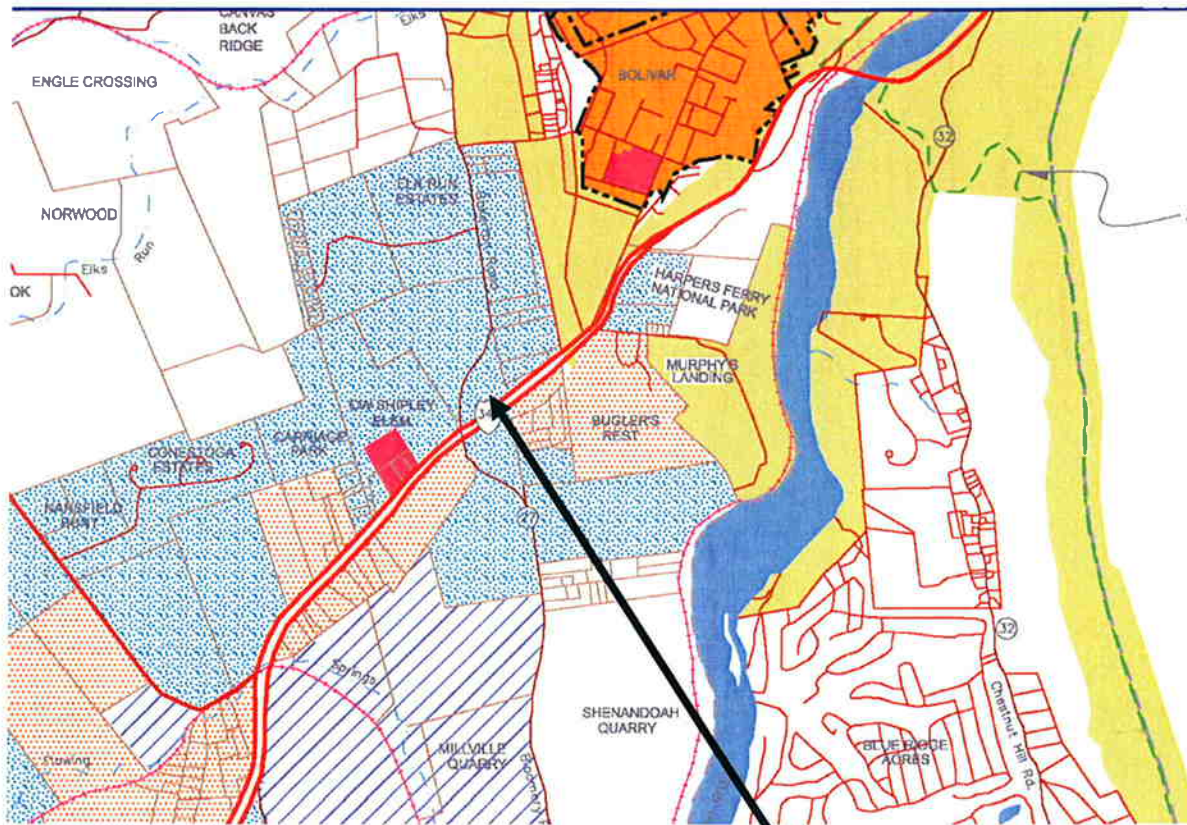
with plan updates. As such, it is a scenic vista with County, State and National significance. Rezoning the site for Residential-Light Industrial-Commercial use places scenic vistas at risk.

- The site is visible from various areas of the National Park. Considering the subject property's proximity to national historic lands, the views may be considered more than attractive natural features and scenic vistas. They are a part of a greater story in the nation's history worthy of interpretation. For both reasons, staff suggests that any development of the site, with or without rezoning, identify key locations where components of the viewshed may be considered most important and explore providing for purchase of easements on those portions.
- As noted previously, some of the Plan's goals appear to reflect conflicting values. However, staff believes some goals can be achieved in a number of ways, while others are location dependent. The example identified earlier in this report was the goal of encouraging and supporting commercial and industrial development and providing jobs in the County which can be accomplished in a number of ways and in a number of alternative locations within the County. Such a goal need not be implemented on the subject property. However, conservation of natural resources, cultural and historic resources (the Harpers Ferry Park and viewsheds) and preservation of scenic beauty can only occur where these features or resources are present.

Map 1



Map 2



Districts

- Residential-Growth
- Industrial-Commercial
- Rural
- Residential-Light Industrial-Commercial
- Village

Subject Property

**A Motion Recommending Denial of a
Rezoning for Shenandoah Professional Center, LLC Property
February 23, 2009**

Whereas, Potomac Professional Services, LLC. has requested rezoning of property known as the Shenandoah Professional Center LLC; and

Whereas, The property is located at 36 Bakerton Road, Harpers Ferry, WV 25425 and is identified as Parcels 37 and 37.2 as shown on Tax Map 9, cumulatively consisting of 9.676 acres; and

Whereas, The applicant is requesting rezoning from Residential Growth to Residential-Light Industrial-Commercial; 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

Whereas, The Planning Commission finds that the requested rezoning is not in conformance with the adopted 2004 Comprehensive Plan as outlined in the staff report; and

Whereas, The Planning Commission further finds 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

Whereas, Staff recommends a denial 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 _____ the request for rezoning from Residential Growth to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 37 and 37.2 as shown on Tax Map 9.

Recommended _____ this ___ day of February 2010
By vote of the Jefferson County Planning Commission
By a vote of _ Yes _ No

John Maxey, Commission President

RECEIVED

JAN 12 2010

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

JEFFERSON COUNTY PLANNING COMMISSION
VARIANCE REQUEST

I/We request a variance from the provisions of the Jefferson County Subdivision and/or Salvage Yard Ordinance.

Property Owner(s): SUZANNE L. WALLS TRUST

Address: 16333 HAMILTON STATION RD
WATERFORD VA 20197

Phone Number: 703-850-3393 (cell)

Location of Property: 4272 CHARLES TOWN ROAD
KEARNEYSVILLE WV 25430

Lot Size: 4.23 ACRES

Deed Book Reference: Deed Book Number 990, Page Number 336

Tax Map Reference: District MIDDLEWAY, Map 2, Parcel 2.6

Zoning District: RURAL / AGRICULTURAL

Section of Ordinance: 4.8.B and 8.2A #20.C (old regs)

Briefly describe (in your own words) by specific reference to a sketch (in accordance with the following paragraph) of the lot the nature of your variance request.

WE REQUEST A VARIANCE IN THE LENGTH OF THE
DECELERATION LAWE BECAUSE THERE IS A UTILITY
POLE THAT PREVENTS US FROM PAVING TO THE
SPECIFICATIONS IN OUR ORIGINAL SITE PLAN.
SUCH A CHANGE WILL HAVE NO SAFETY IMPACT
TO THE PUBLIC.

Sketch on a separate 8-1/2" x 11" sheet of paper the shape and location of the lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide a vicinity map of the area.

Please note variances to the Subdivision Ordinance must comply with Article 17 of the Ordinance; and, variances from the Salvage Yard Ordinance must comply with Article 6 of the Ordinance. To justify your variance request, please address the following items:

1. The request is not contrary to the public interest. _____

SHORTENING THE DECELERATION LANE POSES NO SAFETY THREAT TO THE PUBLIC

2. A literal enforcement of the Ordinance will result in unnecessary hardship. THERE IS A UTILITY POLE

PREVENTING THE DECELERATION LANE FROM BEING BUILT.

ACCORDING TO THE PLAN. STATE DOT APPROVED AND ISSUED PERMIT #5-04-0551.

3. The request is not the result of a self-imposed hardship.

THE POLE HAS BEEN IN PLACE FOR YEARS AND WAS NOT INCLUDED IN THE SITE PLAN.

4. The spirit of this Ordinance will be observed and substantial justice done. WE ARE TRYING VERY HARD TO BE COMPLIANT.

SEE MARCH 13, 2007, LETTER ^{NOTES} FROM ROGER GOODWIN'S SUPPORT OF THIS REQUEST


Signature of Property Owner

Signature of Property Owner

For official use only: Amount of fees paid _____

Date of meeting/public hearing _____

Official/Administrative body _____

Posting requirements _____

Advertising dates _____

Official Signature and Seal _____

Effective 6/72 Subdivision Ordinance - 8/94 Salvage Yard Ordinance

S04-16



S04-16

304-725-8456 Phone
304-728-0117 Fax

March 13, 2007

Jefferson County
Department of Planning, Zoning & Engineering
110 E. Washington Street
P.O. Box 338
Charles Town, WV 25414



Attn: Mr. Roger L. Goodwin, P.E.

RECEIVED

MAR 14 2007

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Re: Walls Nursery (JCPC File No. S04-16) Redline Revisions

Dear Mr. Goodwin:

Per our meeting and subsequent discussions in regard to the Walls Nursery Project, we are submitting two sets of redline revisions for your review and approval.

The following is a brief summary of the items on the plan that were constructed differently than what was depicted on the approved plans for this project. For the purpose of clarity I will address these items in the order in which they appeared in your comment letter, dated November 13, 2006, regarding the As-Built Plans that were submitted for your review. All items discussed below are highlighted on the redline revision sheet(s) and flagged with a number which corresponds to the applicable comment hereon.

Comment 1. The edge of pavement at the entrance radius is not as shown on the site plan.

Response: The pavement radius at the entrance to site was constructed larger than what was illustrated on our approved site plan. Per the discussion in our meeting on March 06, 2007; as this radius is in excess of that which was shown on our plans this item will not be an issue as is not detrimental to the functionality of this site.

Comment 2. The deceleration lane and taper is not constructed as shown on the site plan.

Response: Due to unfavorable conditions in the field, the deceleration lane was constructed differently than what was shown on the approved plans. For reasons of public safety, this lane was constructed to a shorter length in order to avoid conflicts with the existing utility pole. Per the discussion in our meeting on March 06, 2007, either WHGA or our client Mr. Jerald Walls will be requesting a variance on the length of this deceleration lane, to which you indicated you would provide favorable support of this request. Thank you in advance for your support on this item.

Comment 3. The entrance drive, parking lot and turn around drive are not built to the elevations/grades shown on the site plan.

Response: The deviation in elevations/grades from those shown on the site plan are not detrimental to the site in such a way that they would inhibit or impair the functionality for which they are intended. No adverse impact is created upon this site due to these elevation/grade differences.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning, Zoning & Engineering
104 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

Phone: 304-728-3228
Fax: 304-728-8216

Email: dpze@jeffersoncountywv.org

November 13, 2006

 **FILE**

William H. Gordon Associates, Inc.
332 West Washington Street, Suite 4
Charles Town, WV 25414

COPY

Attn: Ms. Kristen Ringstaff, Senior Project Engineer

Re: Walls Nursery (JCPC file no. S04-16) As-Built Survey

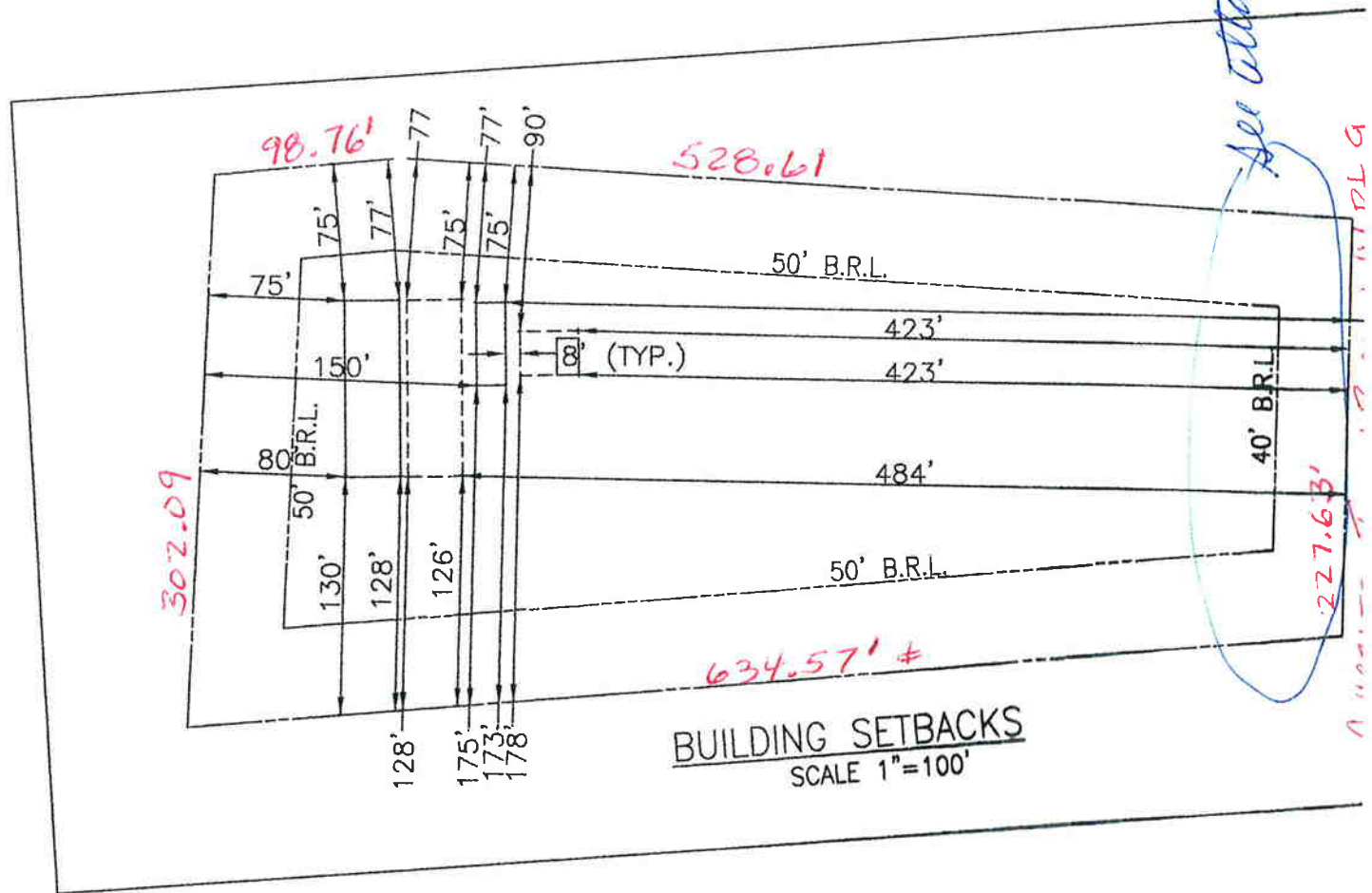
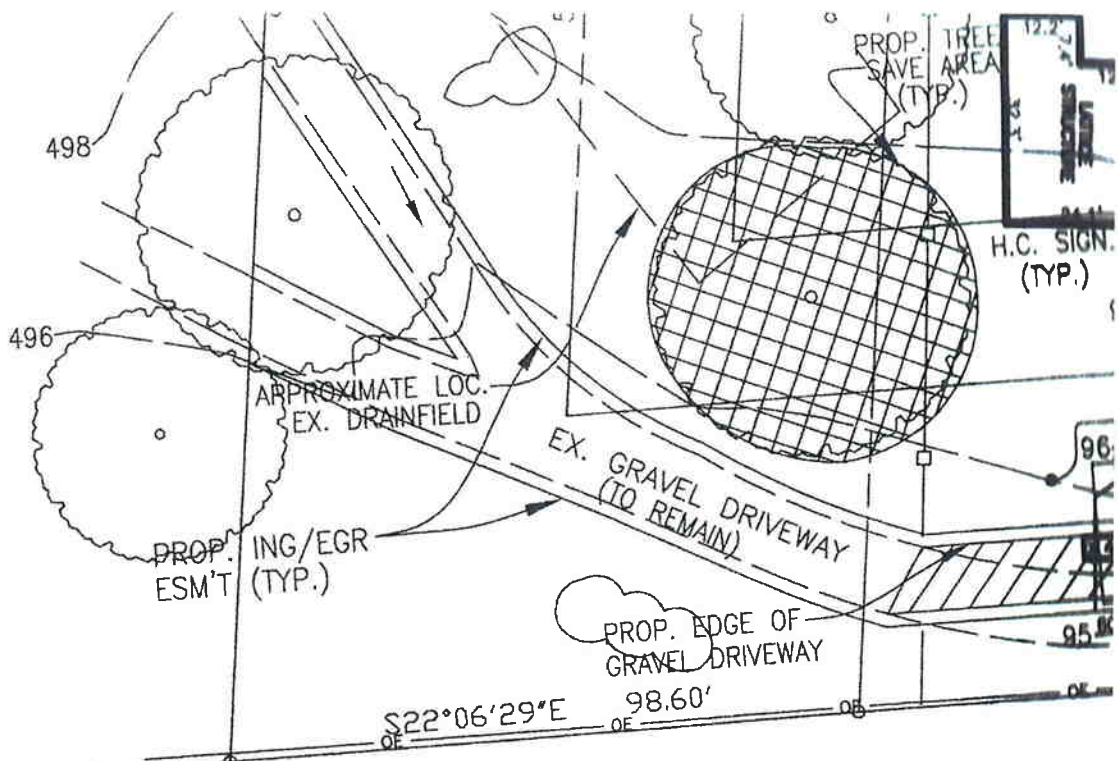
Dear Ms. Ringstaff:

I reviewed your as-built plans for Walls Nursery and observed that the following work does not appear to be in accordance with the approved site plan:

1. The edge of pavement at the entrance radius is not as shown on the site plan.
2. The deceleration lane and taper is not constructed as shown on the site plan.
3. The entrance drive, parking lot, and turn-around drive are not built to the elevations/grades shown on the site plan.
4. The pedestrian sidewalk from the parking lot to the sales office is not built in the location shown on the site plan and does not appear to be less than the maximum grade of 5%. This is important for handicapped accessibility.
5. Both storm drainage culverts are not located as shown on the site plan.
6. The storm water management pond and control structure are not constructed per the site plan. You provided a new pond routing/analysis and indicate that the required storage volume is provided and the "post development flows are less than the pre-development flows."

However, the as-built plan shows that the top of berm is approximately 2 feet lower than the design elevation. As a result, it appears that the 100-year storm event water surface elevation overtops the berm.

504-16



504-16

CHARLES TOWN ROAD
WV. ROUTE 9
(VARIABLE R.O.W.)

BM #1
ELEV. 489.06

TALBOT WALLS &
SUE WALLS
TM. 2, PAR 2.6
D.B. 990, PG. 336

LIMITS OF CLEARING

APPROX. LOC.
OF PROP. SIGN

6' DRY
RIP-RAP

EX. EP

(TO BE VACATED)

+ 90.45

488.75
18° SIM

20'

TO BE
REMOVED

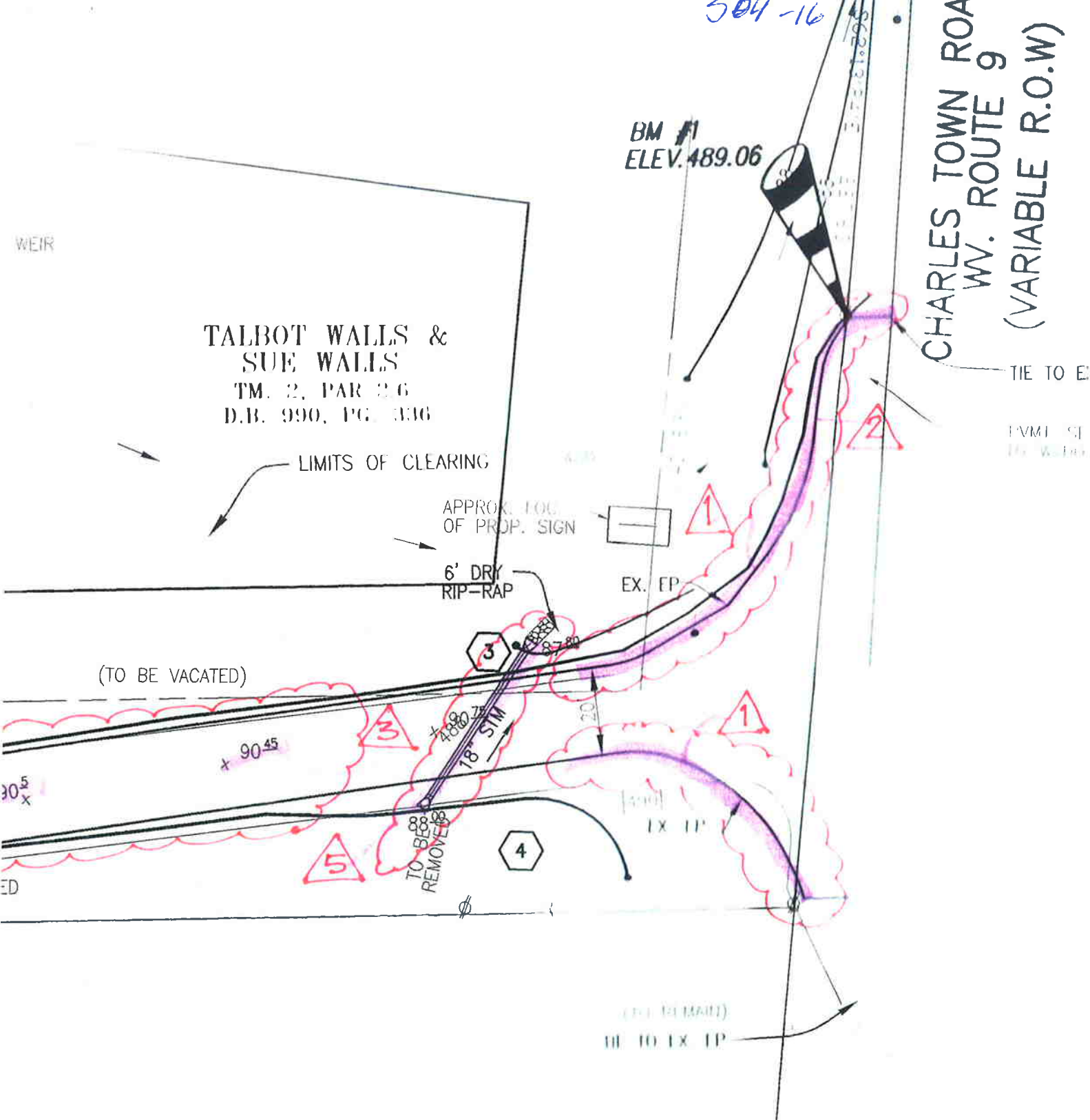
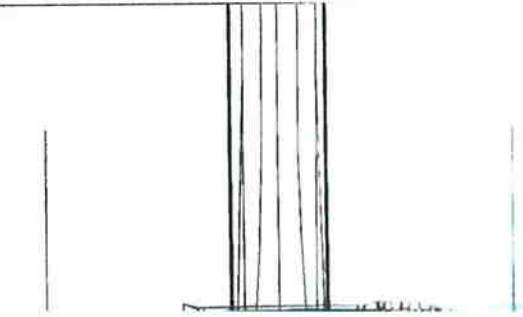
EX IP

(TO REMAIN)
TIE TO EX IP

TRUCK TURN AROUND

NOTE:

THIS PLAN REPRESENTS



304-16

WALL'S NURSERY
ROGER GOODWIN - KIRK DAVIS

2.13.07

1. RED LINES - REC'D

"ERIK SPENCER"
304-725-8456

A. RED LINE MUST BE HIGH LIGHTED!

NOT CLEAR OF "RED LINE WORK"

"NEED TO BE HIGHLIGHTED"

B. NO DECEL. LANE

2. NEED MTG w/ ERIK SPENCER

3. FIELD INSPECTION

A) SEE

B) ROUGH GRADING

C) SUB-GRADE FOR ROADWAY

D) STONE BASE

E) OCTOBER FIELD INSPECTION - KIRK

PHOTOS INCLUDED

4. CERTIFICATION OF SWM BY ERIK SPENCER

NOV. 8TH 2006

5. NOVEMBER 8TH, FIELD INSPECTION BY ROGER (SEE ATTACHED REPORT)

✓ 6. CALL FOR MTG WITH ENGINEERS

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning, Zoning & Engineering

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

204-16

Email: dpze@jeffersoncountywv.org

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

SEPTEMBER 8, 2004

TO: ALL MEMBERS OF THE SUBDIVISION REVIEW PANEL AND THE MEMBERS OF THE JEFFERSON COUNTY PLANNING & ZONING COMMISSION

FROM: PAUL J. RACO, EXECUTIVE DIRECTOR *Paul J. Raco*

SUBJECT: SUBDIVISION WORK SESSION

The next work session of the Subdivision Review Panel will be held on Friday, September 17, 2004, in the Charles Town Library meeting room located at 200 East Washington Street at the entrance located on Samuel Street in Charles Town, West Virginia.

The following projects will be considered.

~~#04-08~~

10:00 A.M. - PRELIMINARY PLAT REVIEW - CAVE QUARTER ESTATES
SUBDIVISION, SECTION C, LOTS 48-51 & RESIDUE LOTS A & B

The property is located on the southerly side of Route 36 (Old Cave Road) approximately 1/3 mile southeast of its intersection with Route 340 Bypass at the end of Edward Lane within the existing Cave Quarter Estates Subdivision. It is to consist of 4 single family lots on 2.5 acres with 2 residue lots consist of 170 acres. Mark Roper is the owner/developer.

11:00 A.M. - SITE PLAN REVIEW - WALLS NURSERY


The property is located on the south side of Route 9 (Charles Town Road) approximately 1000 feet east of the Berkeley County line. It is to consist of a commercial greenhouse/nursery operation. Jerry Walls is the owner/developer.

We look forward to having as many members of the Subdivision Review Panel present as possible. Planning Commission files on subdivisions may be reviewed anytime during normal business hours.

Staff Report
 Jefferson County Planning Commission Meeting
 February 9, 2010

Walls Nursery Site Plan PC File # S04-16

Item #6: Request by Suzanne Walls Trust for a variance to decrease the length of the deceleration lane from the original site plan for Walls Nursery (PC file #S04-16). (Subdivision Ordinance, Articles 4.8b and 8.2a)

APPLICANT:	Suzanne Walls Trust
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	William H. Gordon and Associates
PROPERTY LOCATION:	This property is located on the southerly side of Route 36 (Old Cave Rd.) approximately 1/3 mile southeast of its intersection with Route 340 Bypass at the end of Edward Lane within the existing Cave Quarter Estates Subdivision.
LEGAL DESCRIPTION:	District: Middleway; Map: 2; Parcel: 2.6 
ZONING DISTRICT:	2002 Zoning Map: Rural
SURROUNDING PROPERTIES:	2002 Zoning Map North: Rural South: Rural West: Rural
LOT AREA:	Site area: 3.91 acres
PROPOSED DENSITY:	An office building and three greenhouses.
PERMIT APPROVALS:	
Health Department	Permit No.: DW-19-0405-163
Dept. of Highways	Permit No.: 5-04-0551
APPROVALS:	
Community Impact Statement	N/A
Preliminary Plat	N/A
Site Plan	Staff Review Meeting: 09/17/04 PC Approval: 12/14/04
Final Plat	N/A
Variance History	N/A
OTHER APPROVALS:	N/A

Due to the nature of this variance request, Staff defers to the County Engineer for recommendation.

Engineering Report for Walls Nursery – 02/09/2010

Request:

Suzanne L. Walls Trust has requested a variance from the JEFFERSON COUNTY SUBDIVISION ORDINANCE (1979), Section 4.8 B and 8.2 A for the Walls Nursery on Route 9, near the Jefferson and Berkeley County line. Just to note, deceleration lanes are also mentioned in Sec. 11.2 B5.

According to section 8.2 A, a deceleration lane is required if the speed limit is 45 MPH or greater on the road being accessed. For this particular section of Route 9, where this project accesses the roadway, the speed limit is 55 MPH.

Situation:

The variance is being requested because there is an existing utility pole located in the deceleration lane taper. The approved Preliminary Plat shows it as a bench mark and was not clearly labeled as a utility pole. Please refer to attachment B.

In about March of 2007, W.H. Gordon and Associates, on behalf of the owners, submitted a redline revision showing the changes due to the utility pole. Please refer to attachment A. Please note that the redline revision has been approved pending the approval of this variance.

Also on attachment B, I have drawn, in red, where the edge of pavement would be from the redline revision compared to the preliminary plat layout. As you can see, the redline revision layout covers almost all the preliminary plat layout except for 120 foot taper.

Findings:

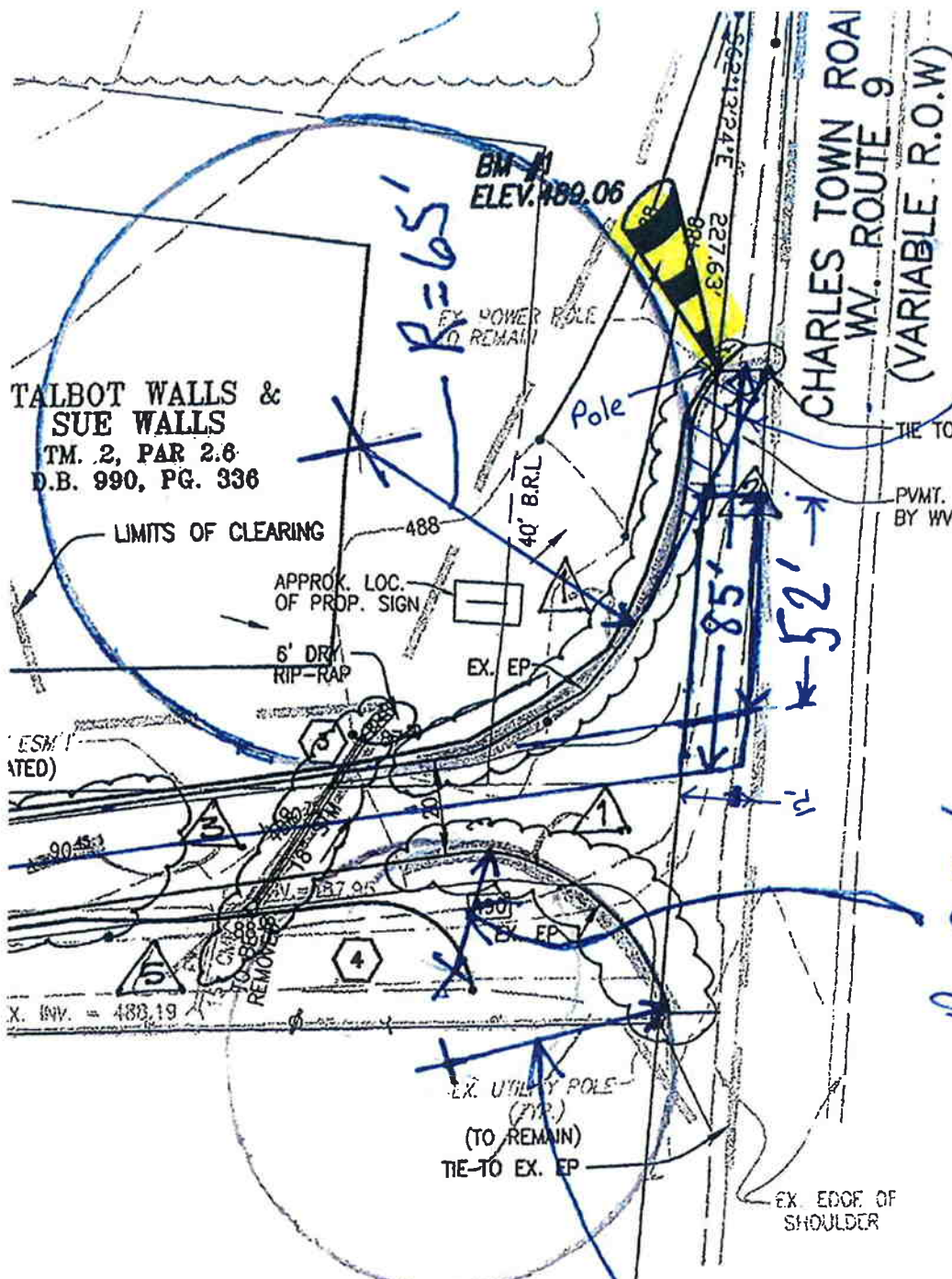
That being said, the question is how this will affect public safety, and who is liable.

It all depends on the affect of new Route 9. According to the WVDOH Area Engineer, this roadway should be open in late spring or early summer of 2010. When the new Route 9 opens, the traffic will be drastically reduced and should eliminate the requirement of the deceleration lane for Walls Nursery. The Engineering Department supports this reasoning.

Now, what about the liability? According to Section 4.8B, the county has a right to require such improvement unless superseded by the WVDOH in writing. There is no documentation, received by this office, verifying the denial or acceptance of the existing access layout.

Conclusion:

Due to the new Route 9 opening and liability of the situation, it is the opinion of the county engineer to grant this variance with the stipulation that the applicant must provide documentation from the WVDOH stating acceptance of the existing layout for the access to Walls Nursery.



Attachement



2 to 1 slope
Unusable pavement
due to pole

N/F

HUNTER, JAMES O.
ANN H. AND EARNE

T.M. 1, PAR. 2

PVMT. SECTION TO BE DETERMINED BY WVDOT AT THE TIME OF CONSTRUCTION USE: FARM

TALBOT WALLS &
SUE WALLS
T.M. 2, PAR 2.6
D.B. 990, PG. 336

BM #1
ELEV. 489.06

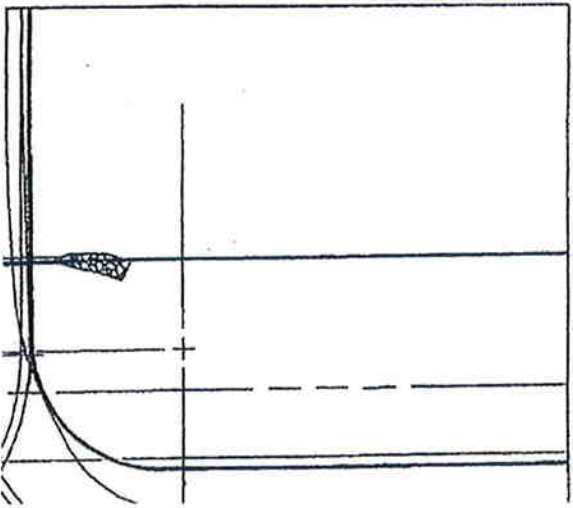
CHARLES TOWN ROAD
WY. ROUTE 9
(VARIABLE R.O.W.)

Redline Revision

NOTE:

THIS PLAN REPRESENTS THE AS-BUILT CONDITION OF TI

N AROUND

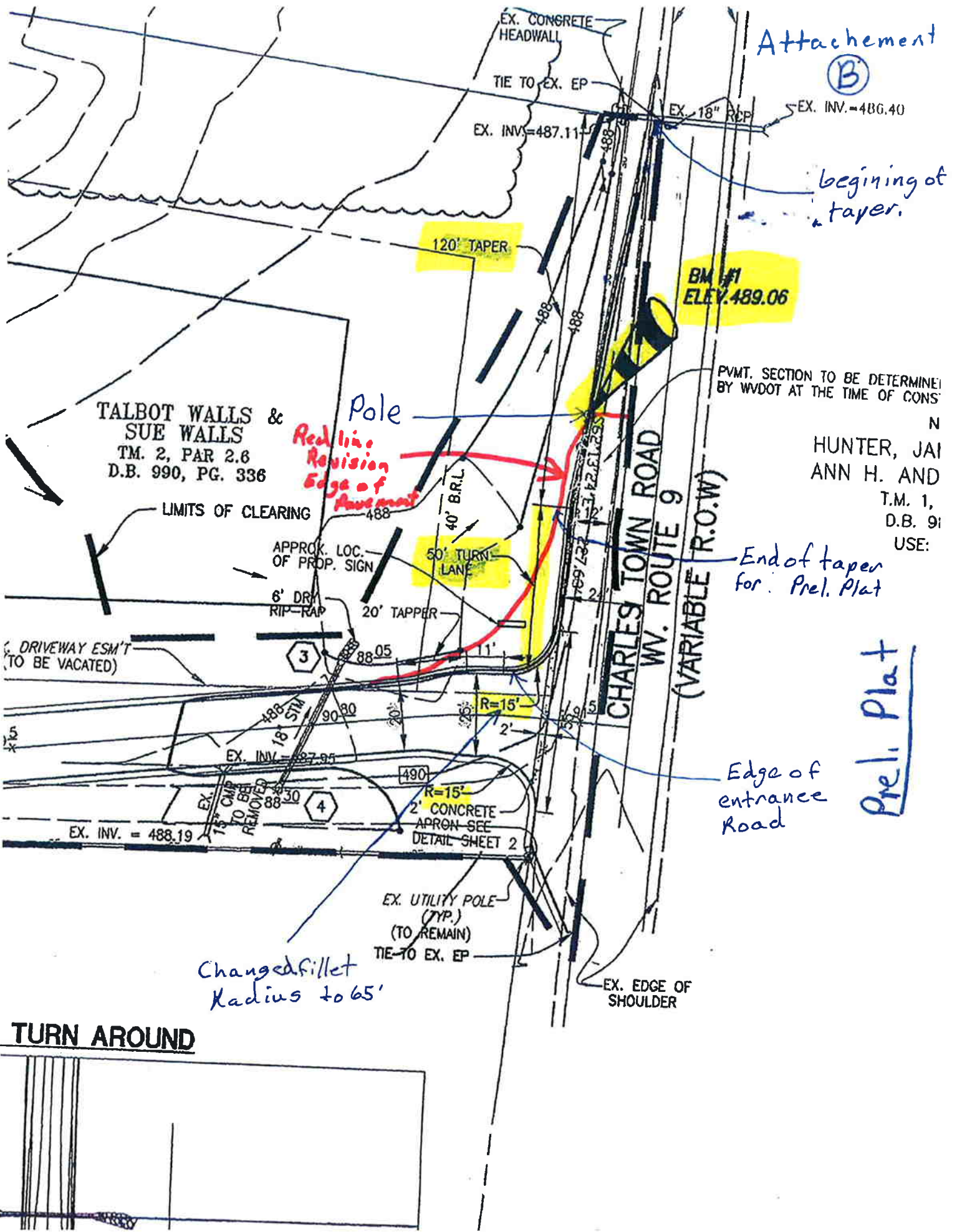


R=47'

R=25'

85'
52'

Attachement
(B)



JEFFERSON COUNTY, WEST VIRGINIA

Department of Planning & Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

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

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

MEMORANDUM

Date: February 19, 2009
To: Planning Commission
From: Jennie Brockman, Planning & Zoning Director
RE: Proposed Fee Changes

History

In November 2008, the proposed Zoning Ordinance and proposed Subdivision Regulations went into effect. On November 25, 2008, a draft Processing Fees document for Planning, Zoning & Engineering was presented by Planning & Zoning Staff to the Planning Commission for their review and consideration. On December 9, 2008, the Planning Commission adopted a resolution to recommend a final draft of the Processing Fees be forwarded to County Commission for their consideration and requested that said fees be reviewed on an annual basis.

In January 2009, the proposed Zoning Ordinance had a stay and the departments reverted to using the 1988 Zoning Ordinance. A new draft Processing Fees document was initiated, but a review of how the old Zoning Ordinance and new Subdivision Regulations would interact took priority.

During FY2010's budget process, Mark Schiavone, Director of Capital Planning & Management, asked Roger Goodwin, Chief County Engineer, to look at the fees charged by his department for land development projects and building permits. The intent was to consider raising fees in order to raise additional revenue. Through April and May 2009, Roger Goodwin and Jennilee Hartman, Senior Planning Clerk, completed extensive research into fees charged for similar tasks in surrounding jurisdictions, such as Berkeley County, WV; Clarke County, VA; Fredrick County, VA; Washington County, MD; and Fredrick County, MD. The City of Ranson, the City of Martinsburg, the City of Charles Town, and the City of Hagerstown were also consulted. Due to the wide variety in processes as well as fees, this research provided more of a "big picture" view of how land development was being handled in our area than a side-by-side comparison of fees charged.

Also during the month of April, the Planning Commission drafted specific recommendations for presentation to the County Commission as part of the Annual Report and Budget Statement. The decision tree included in this material expressed an understanding that changes in the fee structure would have to occur once the County Commission set a date for the referendum. A joint meeting to discuss the Planning Commission's Report was tentatively scheduled for May 17, 2009, but the County Commission chose to delay scheduling the joint meeting until the new Director was hired. Both the Planning & Zoning and Engineering departments moved locations over the next two months.

On May 21, 2009, Roger Goodwin presented his draft fee schedule to the County Commission. At that meeting, the Commissioners placed the matter on the following week's agenda for a combined report with the Planning Commission. May 28, 2009 was Ms. Brockman's first appointment in front of the

County Commission since being hired. She addressed staff vacancies and scheduling the joint Planning Commission/County Commission meeting for July 6, 2009. At the joint meeting, the group agreed that Planning & Zoning should work with Engineering to review all land development fees and establish a timeline for revising those fees.

Throughout August and September, Ms. Brockman and related Staff were engaged in filling the vacancies within the department, orienting her with the issues related to the necessary referendum, organizing public education on the zoning ordinance differences, bringing her up-to-speed on serious conflicts between the 1988 Zoning Ordinance and the newly adopted Subdivision Regulations, handling outside counsel concerns that the County Commission had, discussions regarding the Urban Growth Boundary enabled by the state, and researching how land development review extensions were being handled in surrounding jurisdictions.

In October, after prompting during a County Commission meeting, Mr. Goodwin again forwarded to Planning & Zoning the draft fee schedule he had presented to the County Commission in May. At that time, Mr. Goodwin and Ms. Brockman agreed that waiting until the referendum occurred in the first week of November was the most sensible course of action. Once the referendum was held, the 1988 Zoning Ordinance was re-established and shortly thereafter Judge Steptoe's decision to remove the amendments from April 2005 was reversed. Staff now had a clearer course of action and immediately began work on clarifying the issues that had been raised over the year previous, while working with the mismatched documents. Of key importance, is the conflict between the processing of subdivisions and site plans within the Subdivision Regulations and the new ability to handle either of these types of developments via a minor process. Thus, the previously created fee schedules contained holes which could not be fixed until Staff had the opportunity to meet with the Planning Commission in regards to amendments. This work began in January and is currently underway. Presented in this document is the culmination of fees from the Planning, Zoning and Engineering Departments, which now addresses those serious issues. Please note, a general methodology for setting fees was utilized, but due to the differences between the Planning & Zoning functions and the Engineering & Building Permit functions, the actual process for calculating staff involvement differed slightly.

Methodology

As mentioned above, during 2009, research was conducted by Staff to obtain a "big picture" look at how Jefferson County's fee schedule compared with the surrounding area. While there was no consistency among the jurisdictions in cost or tasks to be charged for, what was evident was that Jefferson County's fees appeared to be some of the lowest in the area. In order to create a more realistic fee schedule for our county, the following was taken into consideration.

In the first step of estimating costs, we determined both the personnel involved and estimated the time involved in the processing and reviewing of land development submissions. For Engineering and Building Permits, this also included an estimation of time for administration and inspections once the submission is approved. In estimating the time involved we considered the economy of scale that results from processing and administering a Major Subdivision (i.e., 100 lot subdivision) versus a Minor Subdivision (i.e., 5 lot subdivision); or a Limited Site Plan versus a Full Site Plan. The cost for each type of personnel is based on a rate of 2x the hourly wage. This is to cover salary, fringe benefits and overhead associated with each project. For both residential and non-residential subdivisions (and apartment/rental unit site plans for Engineering and Building Permits), we tried to establish a base or minimum fee plus an additional fee to be charged as the size of the project grows. As such, the total permit fee cost per lot/unit decreases, as the number of lots/units increases and the economies of scale are realized.

It was determined that most Minor/Limited Site Plans and Minor/Full Site Plans, require the same amount of work for each plan. Therefore, a single set fee established for each. Since the processing for

Major Site Plans is more extensive, Planning & Zoning set fees for each step. Engineering included costs associated with the size of the development as well.

Discussion

In establishing the fee schedule, we kept the process simple by not creating a system that requires the tracking of staff time or invoicing and collecting of additional fees. The fee schedule is based on the average time typically involved in a project from beginning to end. The fees are paid up front at each stage and, with few exceptions, no additional fees are anticipated. This reduces staff time for invoicing and collecting fees.

An exact comparison of fees, between the jurisdictions, is somewhat difficult because the basis for calculating fees varies. This makes it difficult to make an “apples to apples” comparison. In addition, the fee data does not reflect whether or not the intent of each jurisdiction is to fully cover the processing costs; or if the intent is to partially cover processing costs with the jurisdiction subsidizing part of the cost with tax/revenue sources.

Subdivisions Fees:

The proposed fees for Minor and Major and Residential and Non-Residential Subdivisions include a “base fee” plus a “per-lot-fee” that results in an increase in the total fee as the size of the subdivision increases. The fees appear to be reasonable compared to other jurisdictions.

Site Plan Fees:

Under the current fee schedule, a single fee is charged by the Planning, Zoning & Engineering Departments for site plan (commercial/industrial projects) projects, to cover all the work in processing the site plan under the land development ordinances. This fee also covers the work involved in processing a building permit application, reviewing the building plans and performing the building inspections under the Building Code Enforcement Ordinance. Table 1 has examples of fees charged on typical site plan projects under the current fee schedule. These fees appear low, considering the amount of work required by staff in processing them as both a land development project and then a building permit project. It appears that the fees generated by the larger volume of residential development in recent years and the fees generated by the larger site plan projects (i.e., Charles Town Races, Martins Grocery Store Expansion, etc.) may have been subsidizing the costs of processing smaller commercial site development projects.

Under the proposed fee schedule, there will be a site plan fee charged by Planning & Zoning and a separate site plan fee charged by Engineering. In addition, Engineering will charge a separate building permit fee for the structure on the site. Building permit fees are also under review and will be provided to the County Commission for their consideration.

Minor/Limited Site Plans are limited in scope, compared to a Minor/Full Site Plan or a Major Site Plan; however, all Minor/Limited Site Plans usually involve approximately the same amount of work in processing relative to each other. As a result, a set fee is proposed by both departments for Minor/Limited Site Plans. The fee is less than that proposed for a Major Site Plan.

For Major Site Plans, the amount of work involved in processing is relatively the same for typical projects. Therefore, a set fee is proposed for typical projects; however, when there is a project of larger magnitude, it will involve additional engineering review. The additional costs are accounted for by charging an additional engineering fee for projects that are greater than 4 acres in impervious area/disturbed area footprint. Due to the nature and scope of the Planning & Zoning Department’s review of site plans, the additional costs are not figured into their proposed fees.

Apartment/Multiplex/Condominium Site Plans require a “base fee” plus a “per-unit-fee” that results in an increase in the total engineering fee as the number of apartment units or condominium units

increases. Self-Storage Unit Site Plans include a “base fee” plus a “per sq.-ft. of building footprint fee” that results in an increase in the total engineering fee as the number of storage units increases. Due to the nature and scope of the Planning & Zoning Department’s review of these particular types of development, the additional costs were not figured into their proposed fees.

Cell Tower Site Plans are limited in scope and involve less work than to a Major Site Plan; however, all Cell Tower Site Plans involve approximately the same amount of work for processing. As a result, a set fee is proposed for Cell Tower Site Plans. Planning and Zoning assumed these fees under the Minor/Limited Site Plan category.

Summary & Fee Schedule

Since land development fees have not increased since January 2001, and in light of the recent decrease in development in Jefferson County resulting in a reduction in permit fee revenue, the Planning & Zoning Department and the Engineering Department were asked to consider increasing the land development fees.

Attached are proposed fee schedules for fees to be charged by the Planning & Zoning Department and the Engineering Department for land development projects in Jefferson County. The proposed fee schedule reflects an increase in fees charged by both departments for both subdivision and site plan projects. These fees are in addition to fees that will be charged for the building permit, if applicable.

The proposed fees are a starting point for discussion. We believe the proposed subdivision fees are reasonable. However, the increases in site plan fees are significant and probably warrant further discussion by staff, the Planning Commission, the County Commission and any other stakeholders; especially with regard to their potential impact on commercial and industrial site development and future economic growth in Jefferson County.

Attachments Provided

Table 1	Comparison of Site Plan Fees (Current vs. Proposed)
Table 2A	Calculator Current – Major Residential Subdivision
Table 2B	Calculator Proposed – Major Residential Subdivision
Table 3A	Calculator Current – Minor Residential Subdivisions
Table 3B	Calculator Proposed – Minor Residential Subdivisions
Table 4A	Calculator Current – Major Non- Residential Subdivision
Table 4B	Calculator Proposed – Major Non- Residential Subdivision
Table 5	Calculator – Minor Non-Residential Subdivision (no current process)
Table 6	Planning and Zoning Departments Proposed Land Development Fees (3 pages)
Table 7	Engineering Department Proposed Land Development Fees (3 pages)

Table 1
Site Plan
Current vs. Proposed Permit Fee Comparison***

File No.	Project Name	Total Current Fee	Proposed Engineering Fee	Proposed Building Permit Fee	Proposed P&Z Fee	Total Proposed Fees
S02-18	AT&T Wireless Cell Tower	\$1,474	\$3,500	\$750	\$1,000	\$5,250
S03-11	C.T. Self-storage (20,400 sq.-ft.)	\$7,496	\$6,672	\$4,172	\$3,000	\$13,844
S03-09	Cingular Wireless Cell Tower	\$1,250	\$3,500	\$750	\$1,000	\$5,250
S04-18	Long John Silver's Restaurant (1 ac)	\$1,007	\$5,300	\$976	\$1,000	\$7,276
S04-22	Jefferson Security Bank (2.41 ac)	\$1,796	\$5,300	\$2,455	\$3,000	\$10,755
S01-04	Ruby Tuesday's Restaurant (1.5 ac)	\$850	\$5,300	\$1,418	\$1,000	\$7,718
S05-08	Applebee's Restaurant (1.3 ac)	\$1,423	\$5,300	\$1,578	\$1,000	\$7,878
S05-09	Route 340 Business Center (7.95 ac)	\$9,631	\$5,300	\$8,861	\$1,000	\$15,161
S05-11	Martin's Grocery Store Expansion	\$15,313	\$5,300	\$10,873	\$3,000	\$19,173
S05-13	Rock Spring Church (14.5 ac parcel)	\$1,890	\$5,300	\$3,110	\$1,000	\$9,410
S06-11	Jefferson Crossing II Office Buildings Complex (3.54 ac)	\$4,888	\$5,300	\$5,876	\$3,000	\$14,176
	Total Fees =	\$47,018	\$56,072	\$40,819	\$19,000	\$115,891

*** Note: "Total Current Fee" is the combined fee charged by P, Z & E and **only** reflects building permit fees as required by Building Code. No site plan review fees were ever charged.

Current Major Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: **30**

Community Impact Statement Review			
Base Review Fee:			
Planning, Zoning & Engineering		\$250.00	
<i>(Lots: 1-50 = \$250; 51+ = \$1000)</i>			
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$0.00	30	\$0.00
Total Concept Plan Review Fee			
Planning, Zoning & Engineering			\$250.00
TOTAL FEE			
			\$250.00

Preliminary Plat Review			
Base Review Fee:			
Planning, Zoning & Engineering		\$300.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$400.00	30	\$12,000.00
Total Preliminary Plat Review Fee			
Planning, Zoning & Engineering			\$3,900.00
<i>(30% of total fee + base fee)</i>			
TOTAL FEE			
			\$3,900.00

Final Plat Review & Public Hearing			
Base Review Fee:			
Planning, Zoning & Engineering		\$300.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$400.00	30	\$12,000.00
Total Final Plat Review & Public Hearing Fee			
Planning, Zoning & Engineering			\$3,900.00
<i>(30% of total fee + base fee)</i>			
TOTAL FEE			
			\$3,900.00

Final Plat Recordation			
Base Review Fee:			
Planning, Zoning & Engineering		\$0.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$400.00	30	\$12,000.00
Total Final Plat Recordation Review Fee			
Planning, Zoning & Engineering			\$4,800.00
<i>(40% of total fee)</i>			
TOTAL FEE			
			\$4,800.00

Total Land Development Review Fees
 Planning, Zoning & Engineering

\$12,850.00

Proposed Major Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: 30

Concept Plan Review			
Base Review Fee:			
P & Z (Lots: 1-50 = \$750; 51-100 = \$1250; 101+ = \$1;			\$750.00
Engineering			\$300.00
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$0.00	30	\$0.00
Engineering	\$0.00	30	\$0.00
Total Concept Plan Review Fee			
Planning & Zoning			\$750.00
Engineering			\$300.00
TOTAL FEE			\$1,050.00

Preliminary Plat Review			
Base Review Fee:			
Planning & Zoning			\$500.00
Engineering			\$300.00
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$250.00	30	\$7,500.00
Engineering	\$175.00	30	\$5,250.00
Total Preliminary Plat Review Fee			
Planning & Zoning			\$8,000.00
Engineering			\$5,550.00
TOTAL FEE			\$13,550.00

Final Plat Review & Public Hearing			
Base Review Fee:			
Planning & Zoning			\$300.00
Engineering			\$300.00
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$150.00	30	\$4,500.00
Engineering	\$100.00	30	\$3,000.00
Total Final Plat Review & Public Hearing Fee			
Planning & Zoning			\$4,800.00
Engineering			\$3,300.00
TOTAL FEE			\$8,100.00

Final Plat Recordation			
Base Review Fee:			
Planning & Zoning			\$100.00
Engineering			\$0.00
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$50.00	30	\$1,500.00
Engineering	\$0.00	30	\$0.00
Total Final Plat Recordation Review Fee			
Planning & Zoning			\$1,600.00
Engineering			\$0.00
TOTAL FEE			\$1,600.00

Total Land Development Review Fees		
Planning & Zoning		\$15,150.00
Engineering		\$9,150.00
GRAND TOTAL		\$24,300.00

Current Minor Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: **3**

Final Plat Review			
Base Review Fee:			
P, Z & E			\$200.00
Department Per Lot Fee Total Lots Amount			
P, Z & E	\$200.00	3	\$600.00
Total Final Plat Review Fee (100%)			
P, Z & E			\$800.00
Optional Payment Schedule			
70% Final Plat Review Fee			\$560.00

Final Plat Recordation			
Base Review Fee:			
P, Z & E			\$200.00
Department Per Lot Fee Total Lots Amount			
P, Z & E	\$200.00	3	\$600.00
Total Final Plat Review Fee (100%)			
P, Z & E			\$800.00
Optional Payment Schedule			
30% Final Plat Recordation Fee			\$240.00

Preproposal Conference (Eligibility checklist):

Planning & Zoning	\$0.00
Engineering	\$0.00

Current Residential Subdivision P, Z & E Fee

Preproposal Conference Fee	\$0.00
Final Plat Review	\$560.00
Final Plat Recordation	\$240.00

Total P, Z & E Review Fees \$800.00

Proposed Minor Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: 3

Final Plat Review			
Base Review Fee:			
Planning & Zoning	\$250.00		
Engineering	\$500.00		
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$200.00	3	\$600.00
Engineering	\$100.00	3	\$300.00
Total Final Plat Review Fee			
Planning & Zoning			\$850.00
Engineering			\$800.00

Final Plat Recordation			
Base Review Fee:			
Planning & Zoning	\$50.00		
Engineering	\$0.00		
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$25.00	3	\$75.00
Engineering	\$0.00	3	\$0.00
Total Final Plat Recordation Review Fee			
Planning & Zoning			\$125.00
Engineering			\$0.00

Preproposal Conference (Eligibility checklist):

Planning & Zoning	\$100.00
Engineering	\$100.00

Proposed Residential Subdivision	P & Z Fee	Engineering Fee
Preproposal Conference Fee	\$100.00	\$100.00
Final Plat Review	\$850.00	\$800.00
Final Plat Recordation	\$125.00	\$0.00
Total P, Z & E Review Fees	\$975.00	\$900.00

Total P, Z & E Review Fees \$1,875.00

Current Major Non-Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: **30**

Community Impact Statement Review			
Base Review Fee:			
Planning, Zoning & Engineering		\$250.00	
<i>(Lots: 1-50 = \$250; 51+ = \$1000)</i>			
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$0.00	30	\$0.00
Total Concept Plan Review Fee			
Planning, Zoning & Engineering			\$250.00
TOTAL FEE			
			\$250.00

Preliminary Plat Review			
Base Review Fee:			
Planning, Zoning & Engineering		\$300.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$500.00	30	\$15,000.00
Total Preliminary Plat Review Fee			
Planning, Zoning & Engineering			\$4,800.00
<i>(30% of total fee + base fee)</i>			
TOTAL FEE			
			\$4,800.00

Final Plat Review & Public Hearing			
Base Review Fee:			
Planning, Zoning & Engineering		\$300.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$500.00	30	\$15,000.00
Total Final Plat Review & Public Hearing Fee			
Planning, Zoning & Engineering			\$4,800.00
<i>(30% of total fee + base fee)</i>			
TOTAL FEE			
			\$4,800.00

Final Plat Recordation			
Base Review Fee:			
Planning, Zoning & Engineering		\$0.00	
Department	Per Lot Fee	Total Lots	Amount
Planning, Zoning & Engineering	\$500.00	30	\$15,000.00
Total Final Plat Recordation Review Fee			
Planning, Zoning & Engineering			\$6,000.00
<i>(40% of total fee)</i>			
TOTAL FEE			
			\$6,000.00

Total Land Development Review Fees
 Planning, Zoning & Engineering \$15,850.00

Proposed Major Non-Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: 30

Concept Plan Review			
Base Review Fee:			
Planning & Zoning		\$1,000.00	
Engineering		\$300.00	
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$500.00	30	\$15,000.00
Engineering	\$0.00	30	\$0.00
Total Concept Plan Review Fee			
Planning & Zoning			\$16,000.00
Engineering			\$300.00
TOTAL FEE			\$16,300.00

Preliminary Plat Review			
Base Review Fee:			
Planning & Zoning		\$500.00	
Engineering		\$600.00	
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$400.00	30	\$12,000.00
Engineering	\$275.00	30	\$8,250.00
Total Preliminary Plat Review Fee			
Planning & Zoning			\$12,500.00
Engineering			\$8,850.00
TOTAL FEE			\$21,350.00

Final Plat Review & Public Hearing			
Base Review Fee:			
Planning & Zoning		\$300.00	
Engineering		\$400.00	
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$250.00	30	\$7,500.00
Engineering	\$225.00	30	\$6,750.00
Total Final Plat Review & Public Hearing Fee			
Planning & Zoning			\$7,800.00
Engineering			\$7,150.00
TOTAL FEE			\$14,950.00

Final Plat Recordation			
Base Review Fee:			
Planning & Zoning		\$100.00	
Engineering		\$0.00	
Department	Per Lot Fee	Total Lots	Amount
Planning & Zoning	\$50.00	30	\$1,500.00
Engineering	\$0.00	30	\$0.00
Total Final Plat Recordation Review Fee			
Planning & Zoning			\$1,600.00
Engineering			\$0.00
TOTAL FEE			\$1,600.00

Total Land Development Review Fees	
Planning & Zoning	\$37,900.00
Engineering	\$16,300.00
GRAND TOTAL	\$54,200.00

Table: 5

Proposed Minor Non-Residential Subdivision

Departments of Planning, Zoning & Engineering Land Development Fee Calculator

Number of Lots: 3

Final Plat Review			
Base Review Fee:			
Planning & Zoning		\$300.00	
Engineering		\$500.00	
Department Per Lot Fee Total Lots Amount			
Planning & Zoning	\$250.00	3	\$750.00
Engineering	\$100.00	3	\$300.00
Total Final Plat Review Fee			
Planning & Zoning			\$1,050.00
Engineering			\$800.00

Final Plat Recordation			
Base Review Fee:			
Planning & Zoning		\$50.00	
Engineering		\$0.00	
Department Per Lot Fee Total Lots Amount			
Planning & Zoning	\$25.00	3	\$75.00
Engineering	\$0.00	3	\$0.00
Total Final Plat Recordation Review Fee			
Planning & Zoning			\$125.00
Engineering			\$0.00

Preproposal Conference (Eligibility checklist):

Planning & Zoning	\$100.00
Engineering	\$100.00

Proposed Non- Residential Subdivision	P & Z Fee	Engineering Fee
Preproposal Conference Fee	\$100.00	\$100.00
Final Plat Review	\$1,050.00	\$800.00
Final Plat Recordation	\$125.00	\$0.00
Total P, Z & E Review Fees	\$1,175.00	\$900.00

Total P, Z & E Review Fees \$2,075.00

Table 6 (Page 1 of 3)

**Planning & Zoning Department's
Proposed Land Development Fee Schedule**
(January 26, 2009)**

Minor Residential Subdivision	Pre-Proposal Review (Eligibility)	Final Plat	Review for Recording
Base Fee Per Plat	\$100	\$250	\$50
Plus Per Lot Fee	\$0	\$200	\$25

Minor Non-Residential Subdivision	Pre-Proposal Review (Eligibility)	Final Plat	Review for Recording
Base Fee Per Plat	\$100	\$300	\$50
Plus Per Lot Fee	\$0	\$250	\$25

Major Residential Subdivision	Pre-Proposal Review	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Review for Recording
Base Fee Per Plat	\$0	1-50 Lots \$750 51-100 \$1250	\$500	\$300	\$100
Plus Per Lot Fee	\$0	101 – up \$1750	\$250	\$150	\$50

Major Non-Residential Subdivision	Pre-Proposal Review	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Review for Recording
Base Fee Per Plat	\$0	\$1000	\$500	\$300	\$100
Plus Per Lot Fee	\$0	\$500	\$400	\$250	\$50

Minor/Limited Site Plan	Pre-Proposal Review	Site Plan
Base Fee Per Plat	\$0	\$750

Minor/Full Site Plan	Pre-Proposal Review	Site Plan
Base Fee Per Plat	\$0	\$1,000

Major/Full Site Plan	Pre-Proposal Review	Concept Plan	Site Plan
Base Fee Per Plat	\$0	\$1,000	\$2,000

Redline Revision Review	Preliminary Plat	Site Plan
Base Fee Per Plat (up to 3 different revisions on one submission)	\$250	\$250

Table 6 (Page 2 of 3)
Additional Planning & Zoning Department Fees
(January 26, 2009)

<u>Zoning Items</u>	<u>Fee</u>
Zoning Ordinance Text Amendment Application	\$3,000 + \$15 per Certified Letter
Zoning Ordinance Map Amendment Application (Rezoning)	\$4,500 + \$15 per Certified Letter
Conditional Use Permit (CUP) Application without LESA	\$250 plus \$50/acre + \$15 per Certified Letter
Conditional Use Permit (CUP) Application with LESA	\$500 plus \$50/acre + \$15 per Certified Letter 50% returned if the project fails LESA 0% returned if the project fails LESA & loses and appeal to BZA
Modification of existing CUP requiring Board/Commission Approval	\$250
Appeal of CUP once issued by Board/Commission	\$250 per appeal filed
Zoning Variance Application	\$250 per section varied
Zoning Variance Application (construction/use has commenced prior to BZA approval)	\$350
Administrative Appeal Application	\$150/per item
Zoning Map Interpretation	Free (Verbal) \$75 (Written)
Zoning Text Interpretation	Free (Verbal) \$75 (Written)
Zoning Certificate	\$150 (Sign, Animated) \$75 (Sign, Non-animated) \$75 (All others)

Table 6 (Page 3 of 3)
Additional Planning & Zoning Department Fees
 (January 26, 2009)

<u>Subdivision Items</u>	<u>Fee</u>
Lot Line Adjustment/Merger	\$150
Subdivision Ordinance Waiver Request	\$200 per section waived
Minor Final Plat or Site Plan Amendment	\$150
Clerical/Scrivener Error	Free (Staff error) \$50 (Non-Staff error)
<u>Miscellaneous Items</u>	<u>Fee</u>
Aerial Photograph	\$25
Comprehensive Plan	\$15
Zoning Map (small)	\$10
Zoning Map (medium)	\$15
Zoning Map (large)	\$20
CD (copy of meetings, electronic copy of files, etc.)	\$10
Zoning Ordinance	\$15
Subdivision Regulations	\$25
Copies (letter, legal & 11"x17")	\$1/page*
Copies (plan sheets, maps, etc.)	\$7.50/sheet*
*Note: The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County	

* Note: These fees do not include any Engineering or Building Permit fees.

** Note: All projects vested in process prior to the adoption of this fee schedule will utilize the fee schedule last amended in January 2001.

Table 7 (Page 1 of 3)

**Engineering Department's
Proposed Land Development Fee Schedule
(January 25, 2010)**

Minor Residential Subdivision & Minor Process (≤ 5 Lots; 4+Residue Lot maximum)	Eligibility/Concept	Final Plat
Base Fee	\$100	\$500
Plus Per Lot Fee	\$0	\$100/lot

Minor Non-Residential Subdivision & Minor Process (≤ 5 Lots; 4+Residue Lot maximum; and only in existing approved Commercial/Ind. Park)	Eligibility/Concept	Final Plat
Base Fee	\$100	\$500
Plus Per Lot Fee	\$0	\$100/lot

Major Residential Subdivision & Major Process (>5 Lots or not eligible for Minor Subdivision)	Pre-Proposal Conference	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing	Public Hearing	
Base Fee	\$0	\$300	\$300	\$300	\$0
Plus Per Lot Fee		\$0	\$175/per lot	\$100/lot	\$0

Major Non-Residential Subdivision & Major Process (>5 Lots or not eligible for Minor Subdivision)	Pre-Proposal Conference	Concept Plan	Preliminary Plat (each phase)	Final Plat (each phase)	Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing	Public Hearing	
Base Fee	\$0	\$300	\$600	\$400	\$0
Plus Per Lot Fee		\$0	\$275/per lot	\$225/lot	\$0

Table 7 (Page 2 of 3)
Engineering Department's
Proposed Land Development Fee Schedule
 (January 25, 2010)

Limited Site Plan & Minor Process (Limited Site Plan if eligible under ILP Ord.)	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
Base Fee	\$0	\$3,500

Full Site Plan & Minor Process (≤ 20,000 sq.-ft. on undeveloped site, or ≤10% of sq.-ft. of building on developed site, however not > 50,000 sq.-ft.; and not eligible for Limited Site Plan.)	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
Base Fee	\$0	\$5,300
Plus fee for area greater than 20,000 sq.-ft. of impervious area + disturbed area.	\$0	\$0.02/sq.-ft. of impervious + disturbed area over 20,000 sq.-ft.

Full Site Plan & Major Process (> 20,000 sq.-ft. on undeveloped site; or >10% of sq.-ft. of building on developed site, or > 50,000 sq.-ft.)	Pre-Proposal Conference	Concept Plan	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing
Base Fee	\$0	\$300	\$5,300
Plus fee for area greater than 20,000 sq.-ft. of impervious area + disturbed area.	\$0	\$0	\$0.04/sq.-ft. of impervious + disturbed area over 20,000 sq.-ft.

Apartment/Multiplex/Condominium Site Plan & Minor (≤ 8 units) or Major Process	Pre-Proposal Conference	Concept Plan (only applicable under Major Process)	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing under Major Process only
Base Fee	\$0	\$300	\$3,000
Plus Per Unit Fee	\$0	\$0	\$200/unit

Self-Storage Units Site Plan & Minor or Major Process	Pre-Proposal Conference	Concept Plan (only applicable under Major Process)	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
		Public Workshop	Public Hearing under Major Process only
Base Fee	\$0	\$300	\$3,000
Plus Per sq.-ft. of Building Footprint Fee	\$0	\$0	\$0.18/sq.-ft. of building footprint

Cell Tower Site Plan Site Plan & Minor Process	Pre-Proposal Conference	Site Plan, Bonding & Milestone Inspections (Re-inspection fees apply)
Base Fee	\$0	\$3,500

Table 7 (Page 3 of 3)

**Engineering Department's
Proposed Land Development Fee Schedule
(January 25, 2010)**

Jefferson County Engineering Department (January 25, 2010)		
Proposed Miscellaneous Fees		
No.	Item	Fee
1	Major Redline Revision – Preliminary Plat & Site Plans Note: Major Redline Revision examples include: revisions to SWM plan & drainage, roadway design, water & sewer design, changes to parking layout, and/or more than 3 different minor revisions on one submission.	\$300
2	Minor Redline Revision – Preliminary Plat & Site Plans Note: Minor Redline Revision examples include revisions to easements, addition of notes to plan sheets, revisions to sediment & erosion control plan, addition of bus shelter, changes to landscaping plan, and no more than 3 different minor revisions on one submission.	\$200
3	Re-inspection – Land Development failed inspections	\$50
4	Construction Bond – Time Extension Request (by staff or CC)	\$400
5	Construction Bond – Surety Renewal	\$300
6	Subdivision Ordinance Variance Request	\$50
7	Minor Final Plat Amendment review	\$75
8	Floodplain Ordinance – Floodplain Delineations	\$20
9	Floodplain Ordinance – 100 Yr. Flood Elevation Determination	\$25
10	Small Format Document Copies (letter, legal & 11"x17")	\$1/page*
11	Large Format Document Copies (plan sheets, maps, etc.)	\$7.50/sheet*
	*Note: The charge for copies is subject to change and shall be the prevailing rate as set by the County Commission of Jefferson County	

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

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

MEMO

TO: Planning Commission Members
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning
DATE: February 9, 2010
RE: Blue Ridge Mountain Citizen's Committee

While the grant application for the Blue Ridge Mountain Communities Area Watershed Plan itself did not discuss a citizen's committee for this project, a citizens-based collaborative effort generally includes a committee of citizen's to provide leadership and encourage participation. The background documents prepared prior to the development of the grant had recommended a fairly large Advisory Committee that was going to be tasked with the actual preparation of a planning document. Staff believes that a group that large is not necessary. For the purposes of the grant, we would like a group of active citizens that represent various interests that would be tasked with encouraging participation in the facilitated meetings on the part of their neighbors and friends.

I discussed this with the County Commission and asked if they would like to appoint this committee. Their response was that they would like to provide you with some recommended names but that they would like the Planning Commission to form the Committee. The County Commission was given until Friday, 2/5/10, to provide the Planning Department with their suggestions. These will be provided to the Planning Commission at their February 9, 2010 meeting.

The County Commission was provided with the following list as a suggestion for representation on the Committee. Staff recommends that the Committee not be more than 15 people and represent as wide a cross-section as possible so that they can encourage a wide variety of people to participate.

Residents from various communities including:

- Keyes Ferry Acres
- Westridge Hills
- Harpers Ferry Campsites
- Shenanwood
- Shannondale
- Mannings
- Representation from residents of the mountain not located in the aforementioned communities
- Vacant lots owners

Others that may have interest in encouraging participation include:

- Shannondale Springs Wildlife Management Area
- Appalachian Trail Conservancy
- Rolling Ridge Foundation
- County Health Department

It is anticipated that this Citizen's Committee would meet once prior to the hiring of the facilitator, once or twice with the facilitator, and then be present at some of the four meetings the facilitator will be

holding. The primary goal of the Committee will be to encourage participation and attendance at the meetings and helping to spread the word about the web-based information that is also proposed.

This item is on the February 9, 2010 agenda for the purpose of discussion alternative means of advertising and appointing this Committee. Direction should be given to staff regarding next steps in this process.

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

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

2009 Annual Report

TO: Jefferson County Commission
FROM: Jefferson County Planning Commission
DATE: February 18, 2010 *DRAFT*
RE: Annual Report and Budget Statement

Executive Summary

Chapter 8A of the West Virginia Code, Article 2, Section 11, requires that a locally created and appointed Planning Commission make an annual report to the County Commission concerning the operation of the Planning Commission and the status of planning within its jurisdiction. It also requires that the Planning Commission prepare and submit an annual budget to the County Commission. In response to these requirements, the Planning Commission has met with the Departments of Planning and Zoning staff regarding planning efforts in 2009 and needs for calendar year 2010 and offers the following statement.

The Jefferson County Planning Commission is pleased to note that, in spite of a declining budget, by early 2010, the Departments of Planning and Zoning will be fully staffed for the first time in eighteen months. This staffing will provide the capacity to manage the daily operations which comprise four of the five major categories of tasks for which the Departments are responsible. Because of the current economic slowdown, the Departments do have limited ability to address the comprehensive planning function of the Departments. The need for a more robust planning function continues to be a matter of concern to the Planning Commission as there are a number of county-wide planning issues that need to be addressed in the near future.

A. Year 2009 Performance

On the positive side, the Planning Commission finds that over the course of the 2009 calendar year, the filling of the vacant staff positions has resulted in a competent and friendly staff with a high priority on customer service and a desire to implement the planning and zoning regulations in a fair and equitable manner. The ability to fill all budgeted positions, including the Office Manager in January 2010, has set the stage for an effective and efficient office that will be able to put in place regulations and processes to promote more effective daily customer service and current planning functions.

In 2009, the following employees formed the staff of the Departments of Planning and Zoning:

Department Member	Title	Hire Date
Jennifer M. Brockman	Director	May 2009
Jennifer J. Snyder	Zoning Administrator	2007-Promoted September 2009
Seth Rivard	Development Review Planner	September 2009
Jennilee Hartman	Planning Clerk	October 2003
Christine Chalmers	Zoning Clerk	October 2006
Amy Puetz	Receptionist/Office Assistant	September 2009

The Commission would like to commend the staff that “manned the ship” during an exceptionally difficult transition between the previous Planning Director and the current Planning Director. With new regulations in place and no real planning leadership, the staff managed to keep the daily operations functioning at a reasonable level. The stay that was placed on the recently adopted Zoning Ordinance and the conflict between the previous ordinance and the newly adopted Subdivision Regulations, created an extra workload related to interpretation and implementation of the rules in place. Admirably, the staff accomplished this task in less than stellar circumstances.

Efforts to educate the public on the differences between the existing Zoning Ordinance and the Zoning Ordinance that had been stayed, which was on the referendum ballot, were well received. The public appeared to appreciate the opportunity to become more informed about both versions. The failure of the stayed Zoning Ordinance was a disappointment to those who had spent years in drafting the regulations. Efforts to quickly bring the two sets of regulations currently in place, into conformance with each other, are appreciated.

In analyzing the staff function of the Departments of Planning and Zoning, there appear to be five major categories of tasks performed by the Planning and Zoning staff. The following summarizes the efforts under each of these categories for the calendar year 2009.

1. Customer Service

Walk-In Customers: In 2009, there was no tracking of the numbers and types of general customers who had come to the Department requesting a variety of types of information. Generally, the walk-in requests required multiple staff members to respond. In 2010, a tracking mechanism is being developed so that the magnitude of this daily customer contact can be monitored. The tracking will be organized into a small number of categories to allow for analysis later.

Phone calls/Voice mail: In 2009, there was no tracking of the numbers and types of phone calls or messages received by Department staff. Again, in 2010, a tracking mechanism is being developed so that the magnitude and scope of this type of customer contact can be monitored. The Departments do have a standing policy in place that phone messages and voice mail be responded to within 72 hours.

E-mail: Correspondence received by the general Planning and Zoning Department mailboxes totaled 1,049 e-mails. These e-mail addresses are posted on the web-site and on our business cards. They are monitored by the administrative staff and the messages are forwarded to the appropriate staff person. E-mail correspondence is also received by individual staff members and not tracked, unless there is a specific request for information and then it is generally tracked with the Information Request Forms (IRF). There is a Department policy that all e-mail is responded to within 7-10 business days depending on the complexity of the request.

Responses to Information Request Forms (IRFs): The Departments have an internal policy that if a walk-in or e-mail request will take more than 15 minutes of a professional staff person’s time, an Information Request Forms is completed and a response is prepared or maintained in writing. Often these requests require some background research and a follow up meeting that is generally

scheduled within 72 hours of the request. The number of IRFs in 2009 totaled 122, 87 of which required background research and an e-mail response from the Zoning Administrator.

2. Planning Commission Support

The Planning Commission (PC) is a nine member appointed volunteer board created under the provision of the WV Code Chapter 8A with specific duties and responsibilities.

Commission members in 2009 include the following:

Commission Member	Title	Effective Date
Arnie Dailey	President	May 2009
Bob Reynolds	President/Vice President	January-May 2009/May 2009
Lynne Deming	Secretary	
Ellen May		
John Maxey		
Tom Trumble		Appointed July 2009
John Sidor		
Ed Dunleavy		Through November 2009
Jim Surkamp	County Commission Representative	

The Departments of Planning and Zoning support the Planning Commission meetings with professional and administrative support staff. Generally, four Department staff members are present; the Director, the Zoning Administrator, the County Planner and an administrative staff member. Additionally, the Legal and Engineering departments send representatives as necessary. The Planning Commission held 18 regularly scheduled meetings in 2009, plus two special meetings and two workshops (including a joint meeting with the County Commission), for a total of 22 meetings. Planning Commission meetings consist of regular business regarding PC staff interaction with the public, as well as specific development requests. Certain development requests require a formal public hearing, as a part of the Planning Commission meeting. The following types of Public Hearings were held within the 22 times that the PC met.

- Final Plat Public Hearings 12
- CIS Public Hearings 3
- Variance Hearings 19
- Site Plan Hearings 1
- Minor Plat Change Hearing 1
- Total # of Public Hearings within the meetings 36

An additional eight (8) meetings were held for the purposes of discussing the Zoning Referendum or Amendments to the Zoning Ordinance or Subdivision Regulations, including public outreach meetings and open houses.

In order for a Planning Commission to be effective, it is important that the members have opportunities for training and orientation. The Planning Commission commends the staff's efforts to make the Commission aware of training opportunities within Jefferson County (webinars hosted by Ranson) and encourages that additional opportunities be made available for all members, as well as staff.

3. Board of Zoning Appeals support

The Board of Zoning Appeals (BZA) is a five member appointed volunteer board, with one alternate, created under the provision of the WV Code Chapter 8A with specific duties and responsibilities.

The BZA members in 2009 include the following:

BZA Member	Title	Effective Date
Jeff Bresee	Chairman	
Christy Huddle	Vice Chairman	
Tiffany Hine		
Jon Brusco		
Edwin T. Kelly, II		
Tom Trumble		through June 2009
Tyler Quynn		alternate appointed July 2009

The Departments of Planning and Zoning also support the Board of Zoning Appeals (BZA) meetings with professional and administrative support staff. Generally three Department staff members attend these meetings; the Director, the Zoning Administrator and an administrative staff member. Additionally, legal sends a staff representative as necessary. The BZA held 11 regularly scheduled meetings in 2009. BZA meetings consist of regular business primarily focused on conditional use permits and variances as defined in the locally adopted Zoning Ordinance and the state law Chapter 8A, as well as appeals of the Zoning Administrator's decision. Changes in the locally adopted Zoning Ordinance, due to the conclusion of a law suit, have resulted in a changing role of the BZA throughout the year and careful monitoring on the part of staff to ensure the agenda items were being heard by the correct body.

The following types of Public Hearings were held within the 11 meetings of the BZA in 2009:

- Variance Requests 19
- Conditional Use Permit Activity 3
- Seasonal Use Permits 1
- Appeals of Zoning Administrator's decisions 1

Again, in order for the BZA to be effective, it is important that the members have opportunities for training and orientation. The Planning Commission encourages the staff to continue to pursue training opportunities that would benefit both the new Zoning Administrator and the BZA members.

4. Pre-Proposal Conferences and Development Review

A significant part of the Departments' staff time is spent on development related items. Even in this time of economic slowdown, the Departments receive numerous requests for information on processing minor site plans and subdivisions. The complexity of the inconsistency between the Subdivision Regulations adopted in October 2008 and the Zoning Ordinance, which has been in effect since 1988, has led to the need for more intensive staff interaction with applicants to ensure they are applying for the correct type of application and utilizing the correct process. There are generally two types of activities related to development. The first is referred to as a Pre-Proposal Conference (PPC) and is described below. The second is the actual review of an application and its related plans and/or plats.

The staff offers the opportunity for any applicant to meet with the planning, zoning and engineering staff to review their proposed projects prior to any significant investment in engineering services. In part, these meetings guide an applicant as to whether they need to go through a major or minor

process for their proposed site plan or subdivision and what their submittal requirements would be. Such meetings also occur when a property is found to have a violation of the Zoning Ordinance and the property owner wants to work with staff to determine the corrective action necessary to resolve the violation. This process is referred to as a Pre-Proposal Conference (PPC). Staff attendance at a PPC varies depending on the type of request and complexity of the request. Generally the Zoning Administrator, County Planner and County Engineer are present.

The following data relates to the PPCs held in 2009:

- Site Plans 21 plus 6 violation follow up meetings
- Subdivision Plats 43 plus 6 parent-to-child discussions

The transition to the Subdivision Regulations adopted in October 2008 has resulted in a change in the review and processing of the various development items. If an item was submitted under the previous Subdivision Regulations, it continues to be processed under those rules, as long as it is an active application. As a result, staff has reviewed a number of major preliminary and final subdivision plats under the old regulations, due to the date of submittal. Generally, the minor plats reviewed this year have all been reviewed under the 2008 Subdivision Regulations, because they have a much shorter review time. Throughout 2009, the following project reviews have occurred:

- Minor Plats 42
- Merger Deeds 30
- Major Preliminary Plat
- Major Final Plats 8 (require public hearings)
- Minor Site Plans 5
- Major Site Plans 0
- Zoning Certificates 11

5. Comprehensive Planning Function

a. Planning and Analysis Projects

The County is taking advantage of the lull in the economy to concentrate on some limited long range planning efforts. In September 2009, the County was awarded a National Fish and Wildlife Foundation grant for the purpose of drafting a Blue Ridge Mountain Communities Area Watershed Plan. This grant was drafted by a committee of the Planning Commission and promotes the County's desire to develop a citizen's based issues analysis and vision for the Mountain area. Decisions made in the development of this Communities Area Watershed Plan should also provide recommendations which benefit the Chesapeake Bay watershed concerns. Staffing for this grant falls to the County Development Review Planner and Planning Director. The grant enables the hiring of a facilitator to assist with an outreach effort that is intended to develop a consensus among the stakeholders regarding critical issues impacting the mountain; an analysis of relevant available data; a recommendation regarding best management practices on steep slopes within the Chesapeake Bay watershed and a recommendation regarding the next steps in this planning process. The grant also calls for engineering input and a webmaster, which will enable the public to interact with the planning process utilizing the web. This planning effort is a high priority for the Planning Commission and it is critical that the project stay on task and meet required timeframes, as it may lay the groundwork for future grants and planning efforts. The Planning Commission strongly supports this type of planning activity and would like to see more of these opportunities in the future.

b. Regional and Cross Jurisdictional Outreach Efforts

The Planning staff attends numerous meetings of a regional nature that lend themselves to an awareness and participation in projects which may impact future long range planning efforts.

These meetings include the following:

• Chesapeake Bay Initiative	5
• Joint Utility Working Group	4
• School Board Comprehensive Educational Facilities Plan Working Group	2
• Water Advisory Committee	2
• Economic Development Authority Board Meetings	3
• Blue Ridge Mountain grant/slope related meetings	7
• Miscellaneous	10
• Public Service District Board meetings (attended by PC members)	10

Additionally, the Planning Commission would like to support the efforts of the new Director of Planning and Zoning to reach out to other Departments, jurisdictions and regional entities to ensure that there is an open and free flow of communication between these entities, the Planning Commission and the County Commission. These efforts also ensure that the County is aware of projects that may have overlapping interests. One of the key tasks given to the Director upon hiring was to act as a liaison between the Planning Commission and County Commission and bridge the lines of communication between these bodies, as well as ensuring opportunities for multi-jurisdictional efforts were pursued. Toward this end, the Planning Commission appreciates the County Commission's sponsoring of the Director in Leadership Jefferson, which began in Fall 2009. This year's Leadership Jefferson class also includes the planners from the cities of Ranson and Charles Town, as well as the Director of Region 9 and the County's Economic Development Director. This program provides an opportunity to meet key individuals throughout the County and become familiar with issues that might not otherwise come to the forefront. While time consuming, the Commission believes that these outreach efforts and reporting back to the Planning and County Commission on other entities' efforts, is valuable to the greater planning efforts and initiatives that will be undertaken by the County in the near future.

B. Planning Commission Concerns

1. Comprehensive Planning Function

The Planning Commission recognizes that there have been fledgling comprehensive planning efforts to address some local areas of concern, such as the grant received for the Blue Ridge Mountain Communities Area Plan. However, there has been no progress on problems with an overwhelming impact on the future growth strategies for the County. In particular, the lack of a coordinated County-wide water and sanitary sewer plan and the lack of a County-wide stormwater plan is disheartening, in light of potential severe penalties related to the Chesapeake Bay Initiative. The Planning Commission strongly supports staff's role in the relatively new Countywide Utility Working Group, but would also like to encourage a cooperative effort to develop a county wide planning document to address these areas of concern. The County needs to work towards creating a common vision for the County, pursuing means for implementing Chesapeake Bay standards and examining new strategies for implementing these programs.

For over seven years, the need for a dedicated Comprehensive Planner has been identified and the Planning Commission continues to recommend that this additional staff position be created to allow the Comprehensive Planning Function to be more fully developed. Without a planner dedicated to long range issues and initiatives, the planning function of the Department has to be considered to be "bare bones". The Planning Commission sees the need for the County to undertake some significant long range planning activities over the next three to four years. The

capacity of the staff to manage long range projects while still providing stellar customer service and meeting the demand of on-going development review activities is of concern.

The Planning Commission also would like to take this opportunity to alert the County Commission as to the significance of the changing rules related to the federal Chesapeake Bay Initiative. Lax watershed and stormwater management that may have been tolerable in the past is not going to be acceptable under new federal rules that will be forthcoming soon. Significant penalties for noncompliance are expected. For this reason, there is also a need for the County to appoint a lead person on the Chesapeake Bay Initiative, allowing a single point of contact to attend the wide variety of meetings that are occurring and to advise the County Commission on action items that need to be undertaken. The Planning and Engineering Departments are **not staffed** to undertake this role at this time and the Planning Commission highly recommends that the County Commission consider working with the municipalities to jointly fund such a position to ensure that the County is not exposed to the severe penalties that may be forthcoming related to the Chesapeake Bay standards. The Planning Commission and its staff will continue to pursue funding alternatives for this effort and will keep the County Commission informed.

2. Staff Development

The Departments of Planning and Zoning have a very dedicated staff with a commitment and interest in their departments and professions that need to be "grown" from within. As a single Planner is currently managing both the long range and current planning functions and the Zoning Administrator is managing day to day operations and ordinance rewrites, there is a need to develop internally a Planning Technician that can support these professional staff positions in a way that an administrative staff person cannot. The Commission recommends providing training opportunities for staff within the Departments to develop in a way that would allow the creation of such a position, without adding additional staff. A job description and training requirements should be developed to lay the ground work for the creation of a future Planning Technician position, which could support both the Planning and Zoning Administrator. As noted in previous years, the formation of a Human Resources Department would provide support not only to the Departments of Planning and Zoning, but all county employees and would simplify these types of efforts.

Additionally, the Planning Commission supports the need for on-going training for all staff and encourages the staff to continue to take advantage of planning conferences that occur regionally, such as the recent "Growing Communities on Karst" conference. Opportunities to attend training conferences not only broadens staff's knowledge base and meets on-going training requirements of the planning profession, but also provides opportunities to network with others experiencing the same issues. Training of support staff can also allow for the development of ways to streamline processes and work more effectively and efficiently. The training and growth opportunities need to continue to be a part of the Departments' budgets.

3. Administrative Issues

Another on-going area of concern is the lack of adequate legal counsel, for not only the Planning Commission and Board of Zoning Appeals, but legal counsel that can support staff on a regular basis. The Planning Commission believes that the Commission, BZA, and staff all need access to a competent attorney with land use experience and a commitment to the land use process and regulations. It is believed that the Prosecuting Attorney's office may be able to adequately represent the needs of the BZA, but the Planning Commission and staff need access to an attorney that is more in tune with the changing needs of local land use law. The Planning Commission recommends a line item in the budget that would allow for retaining an attorney with land use experience and would be available to staff and the Planning Commission to address both long range and current planning needs and issues.

4. Technical Support

In order to be an efficient and effectively run office, a certain amount of technical support is required. The Planning Commission commends the staff for their efforts to coordinate with the County's Geographic Information Services/Addressing (GIS) and Information Technology (IT) offices, in an attempt to meet some of these needs. However, the Planning Commission respectfully requests that the County Commission investigate ways to fund and manage these types of activities on a county-wide basis. The County needs a county-wide intranet system that will allow efficient communication between county departments. The County Commission needs to support the creation of web-based GIS technology, so that mapping products that are being created can be utilized in the analysis of various proposals and in developing planning documents. The County Commission needs to expand the capacity of the IT staff to allow for a logical and timely analysis of the capacity and age of computers, copiers, and other equipment, so that they can be replaced on a coordinated depreciation schedule. This would also allow the Departments to have confidence in the ability of their equipment to meet their daily and growing needs. Issues with computers and copiers impact the ability of the Planning and Zoning Departments to manage their daily work load.

C. Proposed FY 2011 Work Plan

Consideration of the annual budget, of any County department, is the foremost opportunity for the County Commission to review the performance of the Departments and to make policy decisions about the priorities and performance measures the County wishes to adopt for the Departments in the forthcoming year. It is this policy direction that provides context for subsequent consideration of department staffing and expenditure decisions.

The on-going needs of the four current planning related tasks (Customer Service, PC support, BZA support and PPC and Development Review) will continue to consume a large portion of all of the Planning and Zoning Departments' staff time and efforts. While opportunities for long range planning initiatives are limited by the demand for current planning efforts, there are a number of efforts listed below that the Planning Commission would like to endorse and support; asking the County Commission to assist in enabling these to happen in a reasonable time frame.

Upcoming planning initiatives:

- Completion of the Blue Ridge Mountain Communities Area Plan grant study – public outreach effort May 2010 – August 2010; draft recommendations to PC and CC Fall 2010; final report due to grantor March 2011
- Update of Development Review Fees – current fees have been in place for over 10 years and do not relate to actual staff time required to process the applications; staff is evaluating the fees to estimate what would be necessary to recover these costs
- Urban Growth boundary – in July 2009 a new state law allowed the adoption of urban growth boundaries (UGB) around municipalities in counties that had adopted county-wide zoning; efforts to have the proposed UGBs endorsed by the municipalities are underway; revisions to the County Zoning Ordinance and Zoning Map will be required to implement this provision of state law
- Zoning Map Update – the current zoning map exists on a very old base map and is inaccurate in a number of places; an effort is underway to update the base map, correct the errors, and to include the UGBs discussed above; a proposed policy on the regular updating of the zoning map should be drafted
- Zoning Ordinance Update/Revisions – once the subdivision regulation amendments are adopted, the existing zoning ordinance needs a thorough review to ensure that all conflicts and inconsistencies are corrected and to determine if County policies are correctly represented in the provisions of the Ordinance

- 340 Gateway/Commercial Corridor Enhancement Study – kick off late Spring 2011; 12-15 month process; needs collaborative process to build consensus on a vision that maximizes economic growth while protecting viewsheds and sensitive resources
- 2014 Comprehensive Plan Update (mandated by state law) – kick off late Fall 2011 pending Census release; 24 month process
- County-wide Water and Sewer Study – a cooperative effort should be headed up by the PC staff that addresses this critical public health issue and the land use implications; land use planning and zoning needs to guide where development occurs and where services are provided
- Chesapeake Bay compliance requirements – federal requirements and penalties are expected to be released soon; county-wide coordination regarding the variety of compliance techniques being implemented is required; this may include the need for the creation of a county-wide stormwater utility and related regulations
- Ongoing Coordination with Other Departments:
 - PSD/Health Dept/Municipal Utilities -- assist in planning efforts and developing a digital data base of existing data for use in long range planning
 - Economic Development Authority – coordinate on efforts to attract jobs and develop streamlined approval processes that support the County's economic development efforts
 - School Board – coordinate on facilities planning efforts

Conclusion

In conclusion, the Planning Commission is very pleased with the progress made in fully staffing the Departments of Planning and Zoning and the hard efforts of the staff in maintaining the day to day operations. The Planning Commission would like to encourage the County Commission to continue to support these departments and to understand the potential of incorporating the more fully developed comprehensive planning function. Long range planning could lay the groundwork for the wise investment of financial resources and guide the County's future growth to achieve a common community vision.

This Annual Report and Budget Statement was adopted by the Planning Commission during its regular meeting on _____, 2010, ___ in favor, ___ opposed.

Respectfully submitted,

John Maxey President
Jefferson County Planning Commission

Christine Chalmers

To: PLANNING COMMISSION
Subject: FW: Weekly Calendar

MONDAY, FEBRUARY 1, 2010

9:30 am JENNIE – SUB-COMMITTEE MEETING W/ TOM TRUMBLE, BOB REYNOLDS & JOHN MAXEY

TUESDAY, FEBRUARY 2, 2010

NOON JENNIE – LUNCH MEETING WITH ATTORNEY TIM STRANCO / RE: CHESAPEAKE BAY

2:00 pm – 5:00 pm JENNIE, JENNIFER – MEETING WITH ROGER / RE: SUBDIVISION REGULATIONS

WEDNESDAY, FEBRUARY 3, 2010

9:30 am - 10:30 am STAFF MEETING

NOON JENNIE AND CHRISTINE – LUNCH MEETING

2:00 pm JENNIFER – MEETING WITH JIM CRAWFORD, ESQ. / RE: CURTIS BELL and CEDAR PARK AIRPARK COMMUNITY

THURSDAY, FEBRUARY 4, 2010

9:00 am - COUNTY COMMISSION MEETING

11:30 am JENNIE – COUNTY COMMISSION – STAFF REPORT

7:00 pm – 9:00 pm JENNIE – SPECIAL MEETING WITH COUNTY COMMISSION / RE: FY-11 WORKPLAN

FRIDAY, FEBRUARY 5, 2010

9:30 am - NOON JENNIE, JENNIFER & SETH – SUBDIVISION REGULATIONS

Christine Chalmers

To: PLANNING COMMISSION
Subject: FW: Weekly Calendar

MONDAY, FEBRUARY 8, 2010

OFFICE CLOSED – INCLEMENT WEATHER

TUESDAY, FEBRUARY 9, 2010

11:00 am EARLY CLOSURE OF OFFICE – INCLEMENT WEATHER

PC MEETING CANCELLED

WEDNESDAY, FEBRUARY 10, 2010

OFFICE CLOSED – INCLEMENT WEATHER

THURSDAY, FEBRUARY 11, 2010

OFFICE CLOSED – INCLEMENT WEATHER

FRIDAY, FEBRUARY 12, 2010

11:00 am DELAYED OPENING OF OFFICE – INCLEMENT WEATHER

Christine Chalmers

To: PLANNING COMMISSION
Subject: FW: Weekly Calendar

MONDAY, FEBRUARY 15, 2010 **OFFICE CLOSED – PRESIDENT’S DAY**

TUESDAY, FEBRUARY 16, 2010

9:30 am - 10:30 am STAFF MEETING

1:00 pm JENNIE – PLATT SIGNING / RE: BRAD ASKINS

6:00 pm SPECIAL WORK SESSION - PLANNING COMMISSION MEETING @ BARDANE
JENNIE, JENNIFER, SETH, JULIE, JENNILEE & AMY

WEDNESDAY, FEBRUARY 17, 2010

10:45 am JENNIFER, SETH & JONATHAN – PPC MEETING / RE: ED JOHNSON – BACHNER M/S

NOON JENNIE – LUNCH MEETING WITH AMY

5:00 pm JENNIE– MEETING / RE: 10 YEAR PLANNING CFP COMMITTEE AT BOE OFFICE

7:00 pm – 8:30 pm JENNIFER – MEETING IN RANSON / RE: INTOR TO PLANNING COMMISSION – PART 2

THURSDAY, FEBRUARY 18, 2010

9:00 am - COUNTY COMMISSION MEETING

2:00 pm – 5:00 pm COUNTY COMMISSION DIRECTOR’S WORKPLAN

3:00 pm JENNIE, JENNIFER, SETH & CHRISTINE – BOARD OF ZONING APPEALS MEETING
(PLANNING & ZONING DEPARTMENT CONFERENCE ROOM)

FRIDAY, FEBRUARY 19, 2010

10:00 am JENNIE & SETH – CONFERENCE CALL MEETING WITH JARLATH O’NEIL-DUNNE
(FROM VERMONT) / RE: INFORMATION ON JEFFERSON COUNTY

NOON JULIE – MEETING WITH APPLE VALLEY XEROX

Jefferson County, West Virginia
Department of Planning & Zoning
116 East Washington Street; 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountyvva.org

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

JANUARY 27, 2010

PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: December 9, 2009 @ 11:00 a.m.

CONTACT: Roger E. Harris rogerharris@frontier.com
Harris Land Services, LLC (304) 725-8993
56 Coach Court
Harpers Ferry, West Virginia 25425

OWNER/DEVELOPER: Franklin and June Adams
380 Myerstown Road
Charles Town, West Virginia 25414

PROPOSED PROJECT: RESIDENTIAL SUBDIVISION
Creation of a Four (4) Lot Subdivision with remaining Residue parcel.

DISTRICT/MAP/PARCEL: KABLETOWN TAX DISTRICT / MAP 20 / PARCEL 9

2002 ZONING MAP DIST.: RURAL / AGRICULTURAL

INDIVIDUAL PARCEL SIZES: Lot #1: 3 (+/-) acres; Lot #2: 3 (+/-) acres; Lot #3: 1.5 (+/-) acres;
Lot #4: 1.5 (+/-) acres; Residue Lot: 252.8961 acres

TOTAL PARCEL SIZE: Approximately: 261.8961 acres (3 tracts)

MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; County Engineer, Jonathan Saunders and Consultant, Roger Harris, Harris Land Services, LLC.
- Overview: The Owner is requesting that the property be subdivided into four (4) lots and a Residue.
- Tentative site capacity calculations.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to be considered may include file numbers, dates, previous projects, etc.
- Application Fee: **To be determined upon submission** Payment(s): **None Received**

FINDING:

The Plan concept appears to satisfy the intent of the Subdivision Ordinance requirements. It is necessary for the Applicant to state which provision of Zoning Ordinance Section 5.7(d) he intends to submit under. The layout of the lots does not appear to cluster. Notes to that effect, in addition to wetland, sink hole and flood plain documentation shall be designated on the plat.

The proposed 50' Access Easement will require a road name per Addressing Ordinance and is subject to approval by the GIS/Addressing Office. The existing structures, currently identified as 380 and 384 Myerstown Road will be re-addressed from the newly named easement.

EFFECT OF FINDING:

The Applicant may proceed with the engineering of the proposed Residential Subdivision. Upon receipt of the required material, the Department of Planning and Zoning will process said Subdivision within the time line requisites stated in the Subdivision Regulations.

Sincerely,

Jennifer Snyder
Zoning Administrator

JJS/clc

Attachment: Density Notes

cc: Roger Harris, Harris Land Services, LLC
Engineering and Building Permit Department

**Jefferson County, West Virginia
Department of Planning & Zoning**

116 East Washington Street; 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

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

Email: planningdepartment@jeffersoncountywv.org

JANUARY 15, 2010

PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: December 9, 2009 @ 10:00 a.m.

CONTACT: Roger E. Harris rogerharrisls@frontier.com
Harris Land Services, LLC (304) 725-8993
56 Coach Court
Harpers Ferry, West Virginia 25425

OWNER/DEVELOPER: Franklin and June Adams
380 Myerstown Road
Charles Town, West Virginia 25414

PROPOSED PROJECT: RESIDENTIAL SUBDIVISION
Creation of a Four (4) Lot Subdivision with remaining Residue parcel.

DISTRICT/MAP/PARCEL: KABLETOWN TAX DISTRICT / MAP 20 / PARCEL 9.1

2002 ZONING MAP DIST.: RURAL / AGRICULTURAL

INDIVIDUAL PARCEL SIZES: Lot #1: 1.25 (+/-) acres; Lot #2: 1.25 (+/-) acres; Lot #3: 1.25 (+/-) acres;
Lot #4: 1.25 (+/-) acres; Residue Lot: 51.022 acres

TOTAL PARCEL SIZE: Approximately: 57.0220 acres

MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; County Engineer, Jonathan Saunders; Consultant, Roger Harris, Harris Land Services, LLC.
- Overview: The Owner is requesting that the property be subdivided into four (4) lots and a Residue.
- Tentative site capacity calculations.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to be considered may include file numbers, dates, previous projects, etc.
- Application Fee: **\$1,200.00** Payment(s): **None Received**

FINDING:

The Plan concept appears to satisfy the intent of the Subdivision Ordinance requirements. Specific to applicable lots, it will be necessary for the Applicant to state which provision of Zoning Ordinance, Section 5.7(d) he intends to submit under. Notes to that effect, in addition to wetland, sink hole and flood plain documentation shall be designated on the plat.

The proposed 50' Access Easement will require a road name per the Addressing Ordinance and subject to approval by the GIS/Addressing Office.

EFFECT OF FINDING:

The Applicant may proceed with the engineering of the proposed Residential Subdivision. Upon receipt of the required material, the Department of Planning and Zoning will process said Minor Subdivision within the time line requisites stated in the Subdivision Regulations.

Sincerely,

Jennifer Snyder
Zoning Administrator

JJS/clc

Attachment: Density Notes

cc: Roger Harris, Harris Land Services, LLC
Engineering and Building Permit Department

Jefferson County, West Virginia

Department of Planning

116 East Washington Street; 2nd Floor

P.O. Box 338

Charles Town, West Virginia 25414

Phone: (304) 728-3228

Fax: (304) 728-8126

Email: planningdepartment@jeffersoncountyv.wv.org

JANUARY 14, 2010

PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: December 9, 2009 @ 2:00 p.m.

CONTACT: Peter Lorenzen phlor@aol.com
P.O. Box 316 (304) 728-6093
Summit Point, West Virginia 25446

OWNER/DEVELOPER: O'Sullivan Farms, LLC
Randy Funkhouser

PHYSICAL LOCATION: Earle Road / approximately three (3) miles North of Rt. 13 on Rt. 51/1

PROPOSED PROJECT: RESIDENTIAL SUBDIVISION
Creation of a one (1) Lot Subdivision with remaining Residue parcel.

DISTRICT/MAP/PARCEL: CHARLES TOWN TAX DISTRICT / MAP 14 / PARCEL 1

2002 ZONING MAP DIST.: RURAL / AGRICULTURAL

INDIVIDUAL PARCEL SIZES: Lot #1: 3.90 acres; Residue Lot: 81(+/-) acres

TOTAL PARCEL SIZE: Approximately: 85 acres

MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; County Engineer, Jonathan Saunders; and Consultant, Peter Lorenzen.
- Overview: The Owner is requesting that the property be subdivided into one (1) Historic Property Lot and a Residue.
- Tentative site capacity calculations.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to be considered may include file numbers, dates, previous projects, etc.
- Application Fee: **\$600.00**
- Payment(s): **None Received**

FINDING:

The Plan concept appears to satisfy the intent of the Subdivision Ordinance requirements. To qualify as a Minor Subdivision, the drainfield must be retained on the subdivided lot. Access to the subdivided lot and Residue must be provided for via a 50' Access Easement, or by a Variance from this Standard which may be sought through the Planning Commission.

EFFECT OF FINDING:

The Applicant may proceed with the engineering of the proposed Residential Subdivision. Upon receipt of the required material, the Department of Planning and Zoning will process said subdivision within the time line requisites stated in the Subdivision Regulations.

Sincerely,

Jennifer Snyder
Zoning Administrator

JJS/clc

cc: Peter Lorenzen
Engineering and Building Permit Department