

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
March 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. Approval of the minutes from the March 9, 2010 meeting.
2. Citizen Communications.
3. A call for postponements.
4. Final Plat Public Hearing for the Kensington Townhome Subdivision (PC file #06-41). This project is to consist of 36 Townhome lots on 6.18 acres. The property is located on the north side of Lowe Drive, approximately 750 feet west of its intersection with Route 480 (Kearneysville Pike), adjacent to the Clarion Hotel & Conference Center and designated as Tax District: Shepherdstown; Map: 8; Parcel: 10.9. The owner/developer is Federal Group, Inc./Ken Lowe Management. The Final Plat was submitted February 12, 2010.
5. Final Plat Public Hearing for the Daniels Forest Subdivision (PC file #02-01). This project is to consist of 24 single-family lots and 1 single-family residue on 101.851 acres. The property is located on both the west and east side of Route 17 (Flowing Springs Road) at its intersection with Route 22 (Job Corp Road) and designated as Tax District: Charles Town; Map: 3; Parcel: 9.2. The owner is Elmer Lee Roderick. The Final Plat was submitted February 12, 2010.
6. Request by Shentel (Shenandoah Mobile Company) for Approval of the Mitigation of the Visual Impact for the Shannondale Telecommunications Tower (PC file #S09-03). This project consists of the installation of PCS equipment, support frames, ice bridges, and antenna frames and cables on a proposed 195' self support tower. The property is located approximately 1.4 miles west of the intersection of Mount Hammond Lane and Kabletown Road and is designated as Tax District: Charles Town; Map: 22; Parcel: 4.3.

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

7. Discussion and vote on policy to have Site Plans come before the Planning Commission.
8. Request for Planning Commission Letter of Support for funding for the Water Advisory Committee's Stream Water Monitoring Project.
9. Blue Ridge Mountain Community Plan
  - Discussion and vote on Citizen's Committee members.
10. Overview of HEPMPO Long Range Transportation Plan. (Lyn Widmyer)
11. Director's Report.
12. Reports from Legal Counsel and legal advice to PC.
  - Amendment to Planning Commission Bylaws.
13. County Commission Liaison Report.
14. Planning Commission Exchange.
15. President's Report.
16. Actionable Correspondence.
17. Non-Actionable Correspondence.

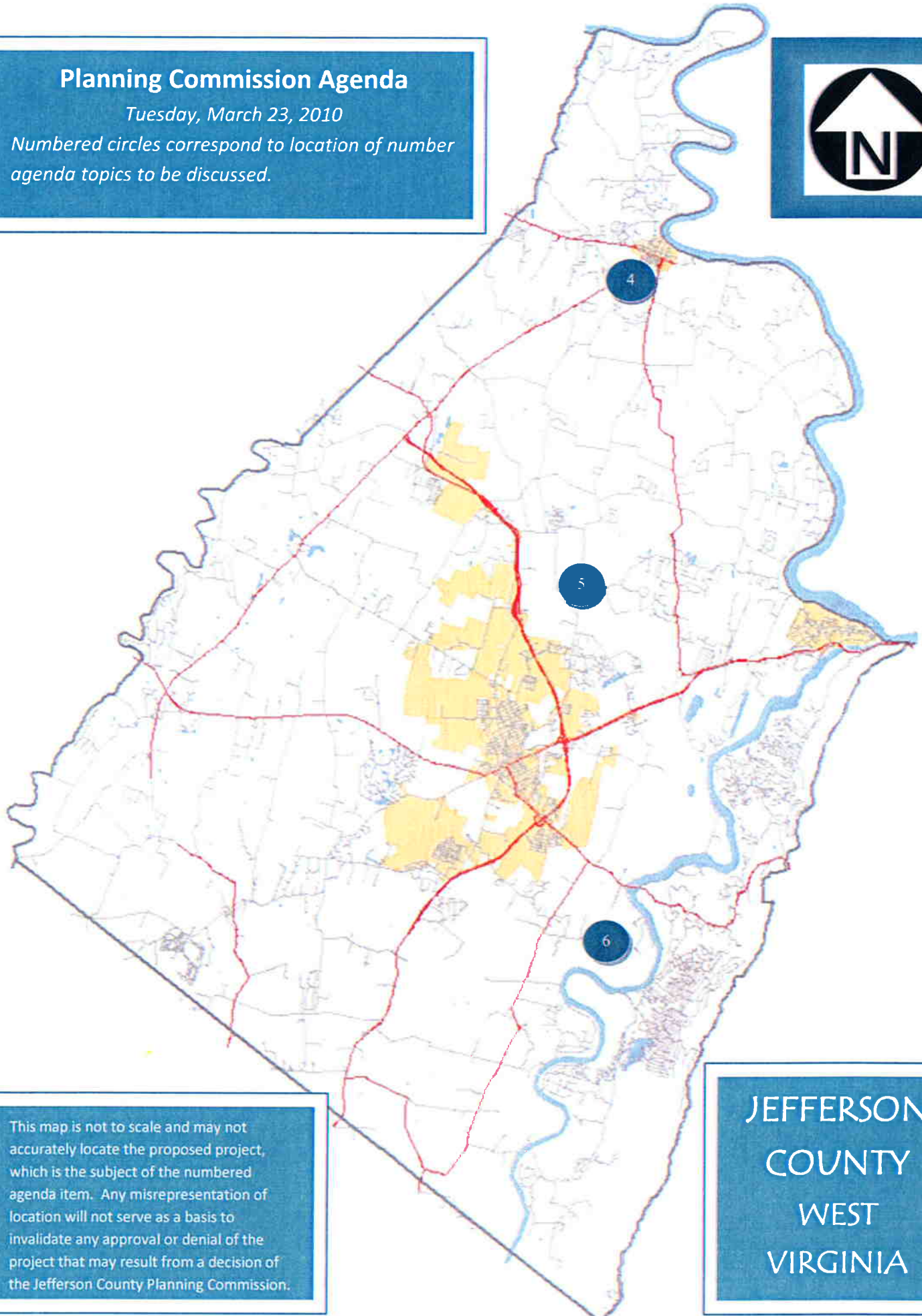
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address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

Minutes and video recordings of past meetings 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, Subdivision Regulations, Zoning Ordinance and the Comprehensive Plan are available for review in our office.

## Planning Commission Agenda

Tuesday, March 23, 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

DRAFT MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
MARCH 9, 2010

The Jefferson County Planning Commission met on Tuesday, March 9, 2010, with the following Commission members present: John Maxey, President; Frances Morgan, Steve Alemar, Gene Taylor, Ellen May and Thomas Trumble. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jennifer Snyder, Zoning Administrator; Stephen Groh, Assistant Prosecuting Attorney; and Amy Puetz, Office Assistant.

Mr. Dailey and Mr. Reynolds were absent with notification.

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

1. **Approval of minutes for February 23, 2010 meeting.** Mr. Taylor moved to approve the minutes of February 23, 2010. Mr. Alemar seconded the motion. Mr. Maxey recommended the following correction; Page 3, Item #5, first paragraph, line two, change, "...further finds that there have been major changes..." to "...further finds there have *not* been major changes...". The friendly amendment was accepted. The motion carried 5 for and 1 abstention (Ms. May).
2. **Citizen Communications.** None.
3. **A call for postponements.** None.
4. **Waiver request by Michael and Sarah Shveda to use an existing subdivision access easement instead of creating the required 50' access easement over the residue for Shveda Minor Subdivision (PC file # 09-30).**

Mr. Rivard read from the staff report and recommended approval. Mr. Rivard, in the Engineer's absence, read from the Engineer's staff report which also recommended approval.

Annette Van Hilst, with Dewberry, represented the Shveda family and was available for questions from the Commission.

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

Mr. Trumble moved to approve the waiver with the staff recommended motion. Ms. May seconded the motion which carried unanimously.

5. **Waiver request by O'Sullivan Farms, LLC to use existing historic driveway as an access easement instead of creating the required 50' access easement over the residue for the Randy Funkhouser Minor Subdivision.**

Mr. Rivard read from the staff report and recommended approval. Mr. Rivard, in the Engineer's absence, read from the Engineer's staff report which also recommended approval.

Mr. Randy Funkhouser, property owner, presented some history of the land and was available for questions from the Commission.

Mr. Maxey opened the public hearing. Mr. Rivard read a letter from Mr. John Allen, Jr., Chairman of the Jefferson County Historic Landmarks Commission, supporting approval of the waiver request. There was no further public comment. Mr. Maxey closed the public hearing.

Ms. Morgan moved to approve the waiver with the staff recommended motion. Mr. Alemar seconded the motion which carried unanimously.

- 6. Information for the Planning Commission regarding the Approval of PC file #S09-01, SPARC Skid Pad Training Building #1 Minor Site Plan.** Ms. Brockman notified the Planning Commission of the Minor Site Plan approval.

Ms. Brockman explained a discrepancy between departmental policy requiring all Site Plans to go before the Planning Commission and regulations stating that Minor Site Plans are to be approved at staff level. Mr. Maxey directed that an item be placed on the next agenda to discuss the policy accompanied by a brief report from staff stating how the conflict occurred.

- 7. Blue Ridge Mountain Community Plan.** Mr. Rivard updated the Planning Commission on the status of the Citizen's Committee and commented on the interest of the public contacting the office. Mr. Rivard explained that the deadline for applications for the Citizen's Committee is at noon on March 17, 2010, and that the names of those applicants would be brought before the Planning Commission at the March 23, 2010 meeting.
- 8. Discussion and vote on Annual Report.** A draft of the Annual Report was provided in the agenda packets. Mr. Trumble suggested that on page 2, paragraph 1, line 3 "With new regulations in place, and no real planning leadership..." needed to be more specific. Ms. Morgan suggested changing to, "With new regulations in place, and *with the Planning Director position vacant...*". Ms. Morgan offered an amendment to page 7, under Administrative Issues, line 5, "~~The Planning Commission believes 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 experienced in local land use law and its changes.~~" Mr. Trumble moved to approve the Annual Report with the discussed amendments. Mr. Alemar seconded the motion which carried unanimously.
- 9. Discussion and vote on departmental fees.** Ms. Snyder presented the Commission with the draft proposed fee schedule and proposed changes that had been made to the rezoning requests, conditional use permits, and administrative appeals fees. Discussion ensued on reviewing the fees 6 months after they are enacted to ensure the accuracy of the fees in

relation to staff time. It was suggested that staff time be tracked upon submittal of a few projects to be used as example. Mr. Trumble moved to approve the draft fees to be presented to the County Commission. Mr. Taylor seconded the motion which carried unanimously.

#### 10. Director's Report.

- **Activity Report.** The staff schedule for the 2 weeks prior to the meeting was provided to the Planning Commission in the agenda packets.
- **Upcoming Training Opportunity.** Ms. Brockman informed the Commission of the American Planning Association's "Redevelopment and Revitalization for a New Era" Conference hosted by the City of Ranson on March 17<sup>th</sup>, 2010. Mr. Taylor expressed his interest and requested staff to schedule his attendance.
- **Subdivision Regulation Amendments and Outreach Efforts.** Ms. Snyder passed out a document providing proposed changes to the Minor Site Development (Section 20.203), and Major Site Plan and Minor Site Plan definitions of the Subdivision Regulations. Discussion ensued on the building and addition gross floor area being too large. Ms. Morgan moved to have amendments changed from, "Building(s), both proposed new and additions to existing, totaling, 20,000 square feet or more of GFA on any site..." to "Building(s), both proposed new and additions to existing, totaling, 5,000 square feet or more of GFA on any site..." on both the Major Site Plan and Minor Site Plan definitions. Ms. May seconded the motion which carried unanimously.

Mr. Maxey called for a break to change the CD at 8:22 PM. Mr. Maxey called meeting to order at 8:25 PM.

Ms. May moved to have amendments changed from, "Addition(s) to existing development of ten percent or more of existing GFA or with additions of 50,000 square feet or more of GFA..." to "Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA..." in both the Major Site Plan and Minor Site Plan definitions. Ms. Morgan seconded the motion which carried unanimously.

A document entitled "Summary of Amendments to the Subdivision Regulations adopted October 9, 2008 (*Follow-up to Feb. 16, 2010 PC Workshop*)" had been provided in the agenda packets. Ms. Morgan moved to change "All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation shall be exempt from subdividing but shall process a minor final plat..." to "All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation *and with the exemption of the required plat, shall be otherwise exempt from processing under these Subdivision Regulations.*" Ms. May seconded the motion which carried unanimously.

Ms. Brockman presented dates and times for public outreach, regarding the Subdivision Regulations, to the Planning Commission for approval. There was unanimous consent to proceed to schedule those meetings.

- **Update on Budget and Cost Cutting Measures.** Ms. Brockman discussed the department's submitted budget which included the cost of a new copier to cut down our per copy cost. Discussion ensued on agenda packets and suggestions on reducing the numbers of copies printed for each meeting. It was decided that an agenda packet would be mailed to each Planning Commissioner and only two extra copies would be brought to the meetings. Ms. Brockman also discussed plans to have the agenda posted online with hyperlinks to each related document.

Mr. Maxey requested to hear item #12 before item #11.

**12. County Commission Liaison Report.** Ms. Morgan discussed the county budget describing it as austere. Ms. Morgan relayed to Ms. Brockman that the County Commission has been considering the idea of having a centralized copy center for all departments which would be reviewed after a cost benefit analysis. Ms. Morgan also explained to the Planning Commission that she believed there would not be any new hires, including an environmental planner, for the upcoming fiscal year.

Ms. Morgan left the room at 8:52 PM.

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

- **Discussion and vote on the proposed Bylaws amendment.** Mr. Groh stated that he would work on this amendment and have it for the next meeting. Mr. Groh requested that staff email him a copy of the bylaws.
- **Resolution for Zoning Map Amendment.** Mr. Groh had emailed to the Planning Commission the Resolution for Denial of Rezoning Request on March 8, 2010. Ms. Morgan had suggested before she left to change on page 2, line 2, the word outline to *outlined*, and to place semi-colons instead of periods in all the paragraphs beginning with the word "Whereas". Mr. Alemar had suggested changes to the document by email to Mr. Groh. Mr. Alemar stated change, on page 2, first paragraph from "Whereas, the requested rezoning should be denied based testimony received, upon the conditions outline in the staff report and upon careful consideration of all factors involved;" to "Whereas, the requested rezoning should be denied based *upon* testimony received, the conditions outlined in the staff report, and *after* careful consideration of all factors involved;". Mr. Maxey offered an amendment on page 2, last paragraph to state "WHEREFORE, the Jefferson County Planning Commission hereby ~~denies the request for rezoning of the subject property~~ *recommends to the Jefferson County Commission that the request for rezoning of the subject property be denied.*" Mr. Trumble moved to approve the resolution with amendments. Mr. Alemar seconded the motion which carried 4 for and 1 abstention (Ms. May).

**13. Planning Commission Exchange.** None.

**14. President's Report.** Mr. Maxey distributed a document containing amendments suggested to §8A of the Code of West Virginia. Discussion ensued on how those amendments, if passed, would affect Jefferson County.

**15. Actionable Correspondence.** None.

**16. Non-Actionable Correspondence.** An email from Gil Garcia, regarding his concern that the information provided on the agenda was inadequate, was submitted to the Planning Commission in the agenda packets. Mr. Trumble suggested sending Mr. Garcia a response of appreciation for concern and a description of steps being taken to address his issues. Ms. Brockman affirmed a response would be sent.

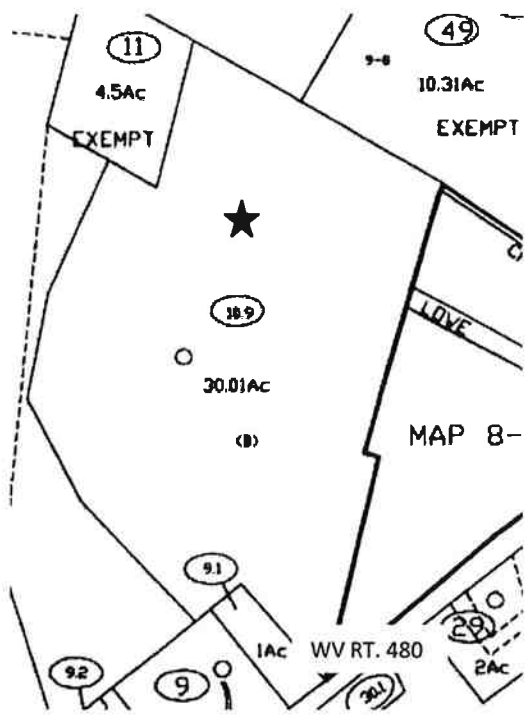
Mr. Trumble moved to adjourn at 9:38 PM. Mr. Alemar seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD # \_\_\_\_\_. These minutes were prepared by Amy Puetz, Office Assistant.

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 23, 2010

Item # 4

**Kensington Subdivision PC File # 06-41**

Final Plat Public Hearing for the Kensington Townhome Subdivision (PC file #06-41). This project is to consist of 36 Townhome lots on 6.18 acres. The Final Plat was submitted February 12, 2010.

APPLICANT:	Ken Lowe Management Company and or Assigns
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Alpha Associates, Inc.
PROPERTY LOCATION:	The property is located on the north side of Lowe Drive, approximately 750 feet west of its intersection with Route 480 (Kearneysville Pike), adjacent to the Clarion Hotel & Conference Center.
LEGAL DESCRIPTION:	District: Shepherdstown; Map: 8; Parcel(s): 10.9 
ZONING DISTRICT:	Current 2002 Zoning Map: Residential Growth
SURROUNDING PROPERTIES:	Current 2002 Zoning Map North: RG South: RG East: RG West: RG
LOT AREA:	Site area: 6.18 acres Total acreage: 30 acres
PROPOSED DENSITY:	36 Townhomes

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 23, 2010

Item # 4

**Kensington Subdivision PC File # 06-41**

<b>PERMIT APPROVALS:</b>	
Office of Environmental Health Services	Permit No.: 18,452 (water & sewer)
Department of Highways	Permit No.: 05-96-0820 (dated 11/22/96)
<b>APPROVALS:</b>	
Community Impact Statement (CIS) <i>PC File #06-41</i>	Submitted: 12/21/06 Staff Review Mtg.: 01/05/07 County Engineer Approval: 03/13/07 County Planner Approval: 02/26/07 PC Approval: 04/24/07 Expires on: 01/05/09; Extended to: 01/05/2010; Extended to 4/05/10
Preliminary Plat	Submitted: 06/04/09 Staff Review Mtg.: 07/17/09 County Planner Approval: 12/16/09 County Engineer Approval: 12/28/09
Site Plan	N/A
Final Plat	Submitted: 02/12/10 Legal Advertisement: 02/18/10 County Planner Approval: 03/16/10 County Zoning Administrator: 02/24/10 County Engineer Approval: 03/17/10 PC Public Hearing: 03/23/10 60-day Provision Ends: 04/13/10
Variance History	01/13/09 – PC granted a variance to re-open the subdivision and to grant a 1-year extension until 01/05/10. 12/08/09 – PC granted a variance for a 3 month extension of the CIS until 04/05/10.
<b>OTHER APPROVALS:</b>	None required.

This plat is proposing to record all 36 lots in the Kensington Subdivision on 6.18 acres. Within the proposed Final Plat are a mail kiosk and a school bus drop off area. The brick wall along the front of the project that was required as a condition of the Community Impact Statement (CIS) extension has been shown and is bonded as part of the project. The Final Plat complies with the approved CIS and Preliminary Plat. Staff recommends approval.

**Engineering Comments:**

Agenda item #4. Final Plat Public Hearing for the Kensington Townhome Subdivision.

Situation: Kensington Townhomes is the first major subdivision to be required to bond improvements required by the WVDOH before the DOH will provide a permit number. The DOH is sending approval letters, not a permit, until a bond is posted. Please refer to attached DOH approval letter. The problem is if they do

Staff Report  
Jefferson County Planning Commission Meeting  
March 23, 2010

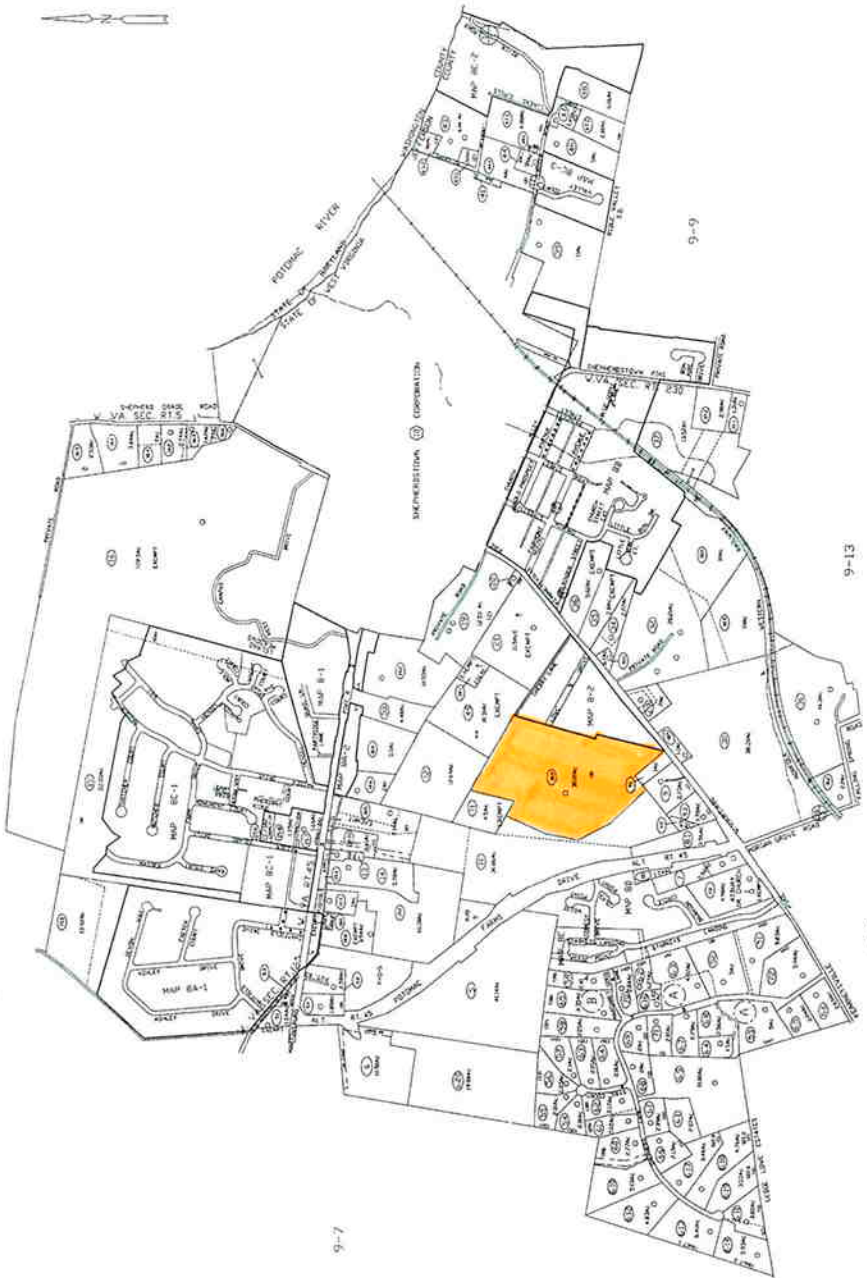
Item # 4

bond these items and then are not granted approval by the PC, then they will have bonded an improvement to a project that cannot be constructed.

Conclusion: After discussions with the Planning and Zoning Department, we have determined that, for this particular project, the approval letter from the DOH will be sufficient for the final plat approval by the PC but on the condition that a permit number and a copy of the permit will be required before the applicant can record the final plat. In regards to other final plat items, the applicant has satisfied the requirements of the subdivision regulation. Therefore, the county engineer recommends approval of this final plat on the conditions stated above.

Please Note: On any future project, the Planning and Zoning, and Engineering Departments will accept the approval letter from the WVDOH for Preliminary Plat, but will require a highway entrance permit on the final plat and a copy of the permit before presenting the final plat to the PC for approval.

**Attachments for agenda item #4  
Kensington Townhome**



9-5

9-6

9-7

9-14

9-13

9-13

9-9

9-9

**FOR TAX PURPOSES ONLY**  
**JEFFERSON COUNTY ASSESSORS OFFICE**  
 Note: Maps are updated annually by the mapper however, maps are printed only at the beginning of the fiscal year (July)

**LEGEND**

Property	Shaded Area
Water	Blue Area
Highway	Thick Line
Local Road	Thin Line
Utility	Dashed Line
Boundary	Dotted Line

**REVISIONS**  
 Revisions outgrew this space and are now maintained in a database.

**KEY MAP**

1	2	3	4
5	6	7	8
9	10	11	12
13	14	15	16

**COUNTY OF JEFFERSON**  
 OFFICE OF ASSESSOR  
 CHARLES TOWN, W. VA.

SHEPHERDSTOWN DISTRICT  
 DISTRICT 9  
 MAP NUMBER 8  
 DATE MAP: APRIL 23, 1981  
 SHEPHERDSTOWN DISTRICT



Google  
© 2009

Eye alt 3700 ft

Image USA Farm Service Agency  
© 2010 Google

lat 39.429290° lon -77.816863° elev 475 ft

Imagery Date: Aug 25, 2007

**A Motion Recommending Approval of a  
Final Plat for Kensington Subdivision  
March 23, 2010**

**Whereas**, the following facts relate to the processing of a Ken Lowe Management application known as Kensington Subdivision (PC File(s) #06-41):

1. Kensington Subdivision is proposed to include 36 townhome lots on 6.18 acres;
2. The Community Impact Statement for the Kensington Subdivision, approved on April 24, 2007, is slated to expire on April 5, 2010 in accordance with the provisions of the Jefferson County Subdivision Ordinance, effective July 18, 1979, as amended (1979 Subdivision Ordinance) Article 6, Section 6.3;
3. The requirements of aforementioned expiration is that the project be advanced through the Final Plat Public Hearing;
4. The Kensington Subdivision Preliminary Plat was approved by the Engineering and Planning staff on December 28, 2010;
5. The Kensington Subdivision Final Plat was submitted on February 12, 2010 and approved by Staff on March 17, 2010;
6. Article 6, Section 6.1 of the 1979 Subdivision Ordinance requires the Planning Commission take action regarding approval of a Final Plat within 60 days of submission;
7. The final plat public hearing is scheduled for March 23, 2010; and

**Whereas**, Ken Lowe Management has requested Planning Commission approval for Kensington Subdivision Final Plat; and

**Whereas**, the Final Plat complies with the requirements in accordance with the provisions of the Jefferson County Subdivision Ordinance, effective July 18, 1979, as amended; and

**Now therefore be it moved**, that the Jefferson County Planning Commission \_\_\_\_\_ the Final Plat for Kensington Subdivision Final Plat (PC File(s) #06-41).

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

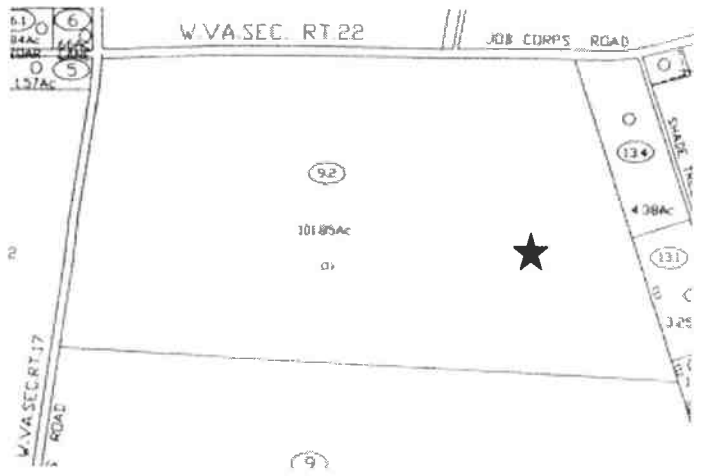
\_\_\_\_\_  
John Maxey, Commission President

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 23, 2010

Item # 5

**Daniels Forest Subdivision PC File # 02-01**

Final Plat Public Hearing for the Daniels Forest Subdivision (PC file #02-01). This project is to consist of 24 single-family lots and 1 residue parcel of 101.851 acres. The Final Plat was submitted February 12, 2010.

APPLICANT:	Zoltan L. Nagy, Manager, Daniels Forest LLLP
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Harris, Smariga & Associates, Inc. William H. Gordon Associates
PROPERTY LOCATION:	The property is located on both the west and east side of Route 17 (Flowing Springs Road) at its intersection with Route 22 (Job Corp Road).
LEGAL DESCRIPTION:	District: Charles Town; Map: 3; Parcel: 9.2  
ZONING DISTRICT:	Current 2002 Zoning Map: Rural
SURROUNDING PROPERTIES:	Current 2002 Zoning Map North: Rural South: Rural East: Rural West: Rural
LOT AREA:	Site acreage to be developed: 18.733 acres Total acreage: 101.851 acres
APPROVED CUP DENSITY:	192 single-family lots
PROPOSED DENSITY:	24 single-family lots & 1 single-family residue lot

Staff Report  
 Jefferson County Planning Commission Meeting  
 March 23, 2010

Item # 5

**Daniels Forest Subdivision PC File # 02-01**

<b>PERMIT APPROVALS:</b>	
Office of Environmental Health Services	Permit No.: 18,452 (water & sewer)
Department of Highways	Permit No.: 05-07-0679, 05-07-0680, 05-07-0681
<b>APPROVALS:</b>	
Conditional Use Permit (CUP) <i><b>PC File # Z01-03</b></i>	Submitted: 07/09/01 Issued: 12/11/01 w/ conditions. CUP signed by Director: 01/29/07 Original Expiration Date: 08/27/07 BZA Approved Extension of Expiration Date: 07/29/08 PC Approved Extension of Expiration Date: 01/29/10
Community Impact Statement (CIS) <i><b>PC File #06-41</b></i>	Submitted: 01/03/02 Staff Review Mtg: 01/18/02 County Planner Approval: 01/22/02 County Engineer Approval: 01/22/02 Postponed from 01/22/02; PC Approval: 02/26/02 File Expires On: 01/18/02; Extended to: 04/06/09; Extended to: 04/06/10.
Preliminary Plat	Submitted: 07/01/02 Staff Review: 07/19/02 County Planner Approval: 01/19/10 County Zoning Administrator: 01/20/10 County Engineer Approval: 01/20/10
Site Plan	N/A
Final Plat	Submitted: 02/12/10 Legal Advertisement: 02/18/10 County Planner Approval: 3/16/10 County Zoning Administrator: 3/16/10 County Engineer Approval: 3/19/10 PC Public Hearing: 03/23/10 60-day Provision Ends: 04/13/10
Variance History	09/28/04: No action by PC to toll time. 08/16/07: Granted by BZA and motioned to validate the CUP for 18 months from the date of signature; new expiration date: 07/29/08. 03/11/08: Granted by PC a 12-month extension of time to complete the final plat stage, new deadline date: 04/06/09. 06/10/08: Granted by PC an 18-month extension for the CUP; new expiration date: 01/29/10. 02/24/09: PC granted an extension of time to process the final plat; new expiration date: 04/06/10.
<b>OTHER APPROVALS:</b>	None required.

Staff Report  
Jefferson County Planning Commission Meeting  
March 23, 2010

Item # 5

This is the first section of Daniels Forest subdivision, which is located on the corner of Job Corps Rd. and Flowing Springs Rd. The plat is proposing 24 single-family lots and 1 residue parcel of 101.851 acres. Within the proposed Final Plat are a mail kiosk and a school bus drop off area. Final Plat complies with the approved CIS and Preliminary Plat. Staff recommends approval.

**Engineering Comments:**

Agenda item #5.      Final Plat Public Hearing for the Daniels Forest Subdivision

Concern:              There are no outstanding concerns for this project.

Conclusion:          The project stated above meets the requirement of the subdivision regulation. Therefore, the county engineer recommends approval of this final plat.

**Attachments for agenda item #5  
Daniels Forest**





Google  
2009

Eye alt 4111 ft

© 2010 Google  
Image USA Farm Service Agency

lat 39.336736° lon -77.829190° elev 485 ft

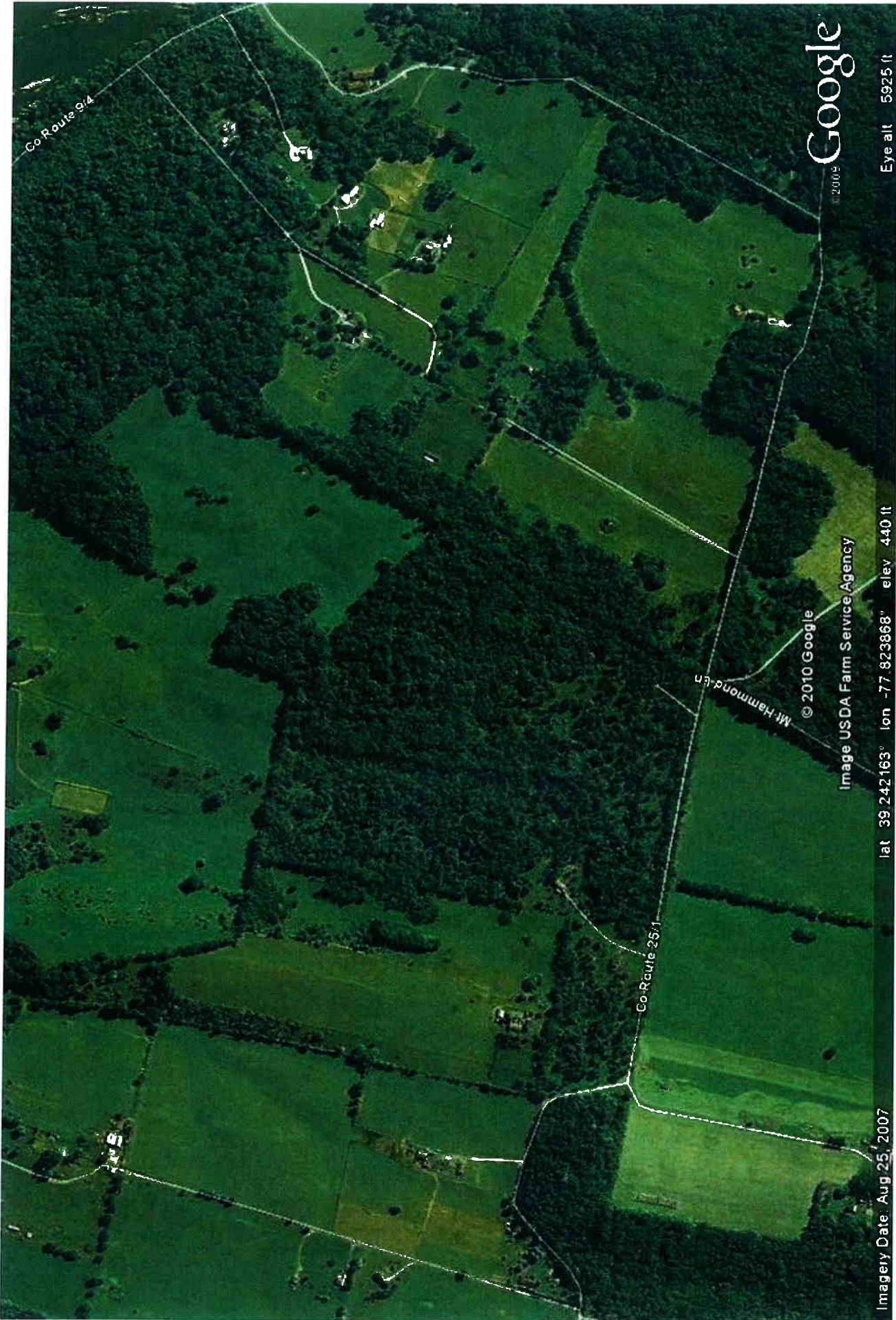
Imagery Date: Aug 25, 2007

Flowing Springs Rd

Jobs Corp Rd

Daniel





Google

© 2009

Eye alt 5925 ft

© 2010 Google

Image USDA Farm Service Agency

lat 39.242163° lon -77.823868° elev 440 ft

Imagery Date Aug 25, 2007

Co Route 94

Co Route 35.1

Mt Hammond Ln

**A Motion Recommending Approval of a  
Final Plat for Daniels Forest Subdivision  
March 23, 2010**

**Whereas**, the following facts relate to the processing of a Zoltan L. Nagy application known as Daniels Forest Subdivision (PC File(s) #02-01):

1. Daniels Forest Subdivision is proposed to include 24 single family lots on 18.733 acres and a single family residue lot of 83.118;
2. The Community Impact Statement for the Daniels Forest Subdivision, approved on February 26, 2002, is slated to expire on April 6, 2010 in accordance with the provisions of the Jefferson County Subdivision Ordinance, effective July 18, 1979, as amended (1979 Subdivision Ordinance) Article 6, Section 6.3;
3. The requirements of aforementioned expiration is that the project be advanced through the Final Plat Public Hearing;
4. The Daniels Forest Subdivision Preliminary Plat was approved by the Engineering and Planning staff on January 20, 2010;
5. The Daniels Forest Subdivision Final Plat was submitted on February 12, 2010 and approved by Staff on March 19, 2010;
6. Article 6, Section 6.1 of the 1979 Subdivision Ordinance requires the Planning Commission take action regarding approval of a Final Plat within 60 days of submission;
7. The final plat public hearing is scheduled for March 23, 2010; and

**Whereas**, Zoltan L. Nagy has requested Planning Commission approval for Daniels Forest Subdivision Final Plat; and

**Whereas**, the Final Plat complies with the requirements in accordance with the provisions of the Jefferson County Subdivision Ordinance, effective July 18, 1979, as amended; and

**Now therefore be it moved**, that the Jefferson County Planning Commission \_\_\_\_\_ the Final Plat for Daniels Forest Subdivision (PC File(s) #02-01).

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

\_\_\_\_\_  
John Maxey, Commission President



Site Acquisition and Project Development  
Consultant for Shentel

# MEMO

## Jefferson County Department of Planning and Zoning

Attn: Kirk Davis Sr., Acting Director of Planning and Zoning

**From:** Lynn Koerner, Representing Shenandoah Mobile Company (Shentel)

**Date:** March 10, 2009

**RE: Site Plan Application – Visual Impact Study - Site 380 – Shannondale**

Dear Sir:

A visual impact study was conducted on March 7, 2009, in order to provide pictures to represent the simulated view of the proposed telecommunications tower.

To accomplish the study, a red balloon was inflated with helium to an approximate size of 40 inches and tethered at an approximate height of 199 feet. The surrounding roads were traveled and from various locations photos were taken of the balloon. Using a photo editing program, a tower picture was inserted into the photo, to simulate the view from that location. Due to terrain features, the balloon was not visible from along Highway 9 as well as from along Kabletown Road. Note: The base of the tower will not be visible due to the existing trees and brush and also due to the distance from Mt. Hammond Lane.

All pictures were taken from along the various surrounding roads. No private lanes or posted properties were accessed during this study.

Should you have any questions, please contact me at 540-335-0030 or [lynnk@shentel.net](mailto:lynnk@shentel.net)

Sincerely yours;

*Electronic signature*

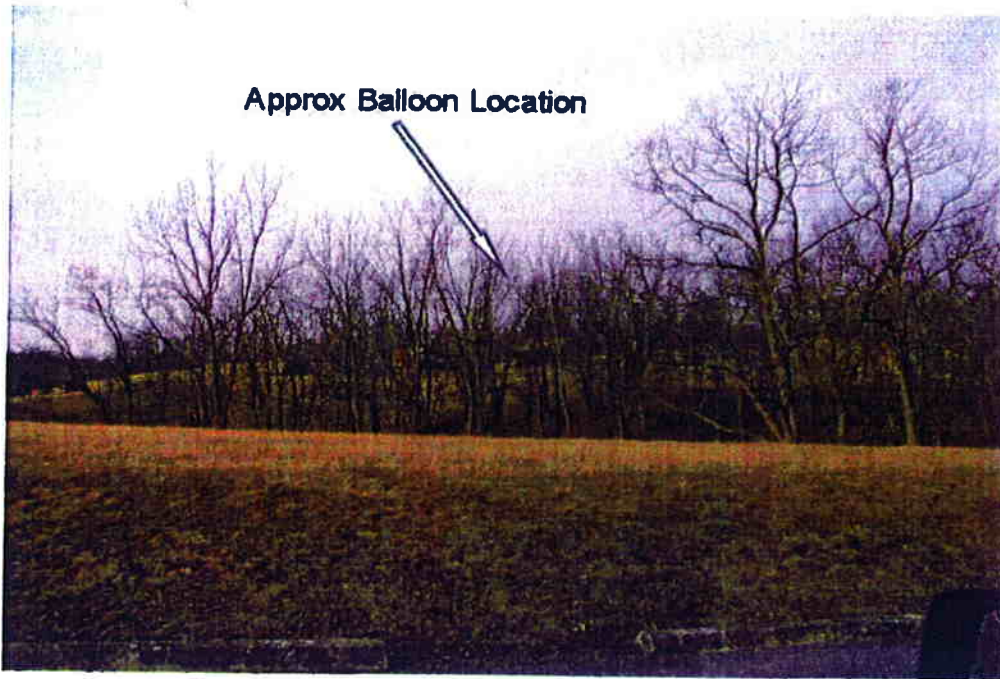
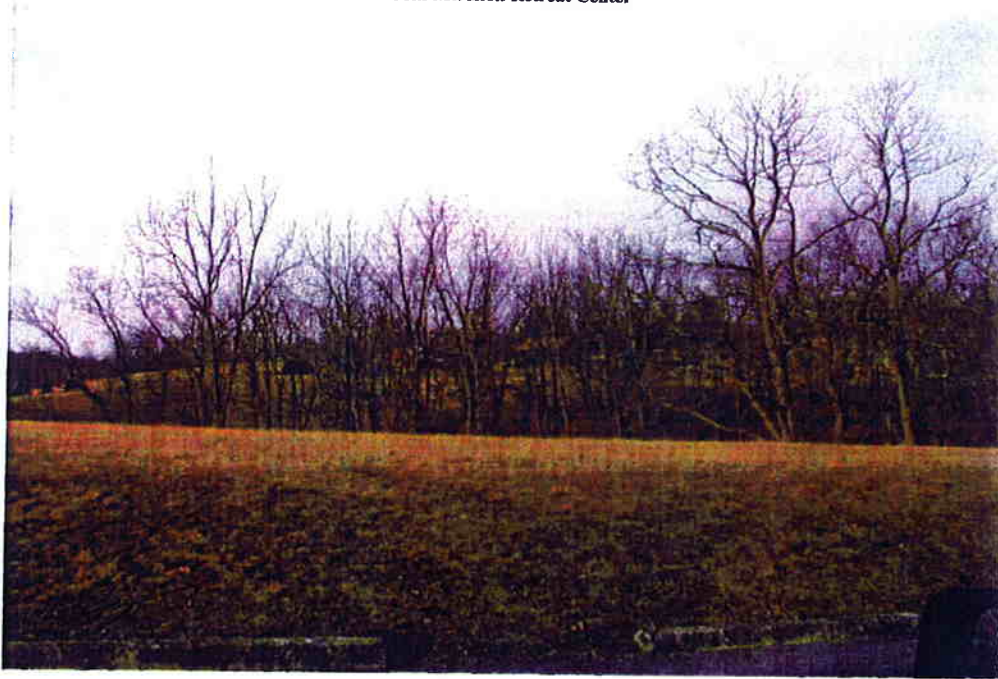
*Lynn Koerner*

Lynn Koerner  
Site Acquisition and Project Development  
Consultant



Map Location #1

From Mt. Zion Retreat Center



From Mt. Zion Retreat Center - Approx Balloon Location - No view of tower

Map Location #2

From Tree Line Drive/Hermitage Ridge Road



Lattice Tower From Treeline Road (Tower image enhanced to make more visible for simulation purposes)

Map Location #3

**From Mt Hammond Lane near Milton Farm (Normal view)**



**From Mt Hammond Lane near Milton Farm w/simulation (Normal view)**

Map Location #3 - Telephoto

**From Mt Hammond Lane near Milton Farm w/balloon (Telephoto view)**



**From Mt Hammond Lane near Milton Farm w/simulation (Telephoto view)**

Map Location #4

From Mt Hammond Lane



From Mt Hammond Lane

Map Location #5

**Near 1651 Mt Hammond Lane (No view)**



Map Location #6



**From Mt Hammond Lane towards tower site**

**From Tower Site facing West**



**From Tower Site facing North**

**From Tower Site facing East**



**From Tower Site facing South towards Mt Hammond Road**



Site Acquisition and Project Development  
Consultant for Shentel

## MEMO

### Jefferson County Department of Planning and Zoning

Attn: Jennifer Brockman, Director of Planning and Zoning

**From:** Lynn Koerner, Representing Shenandoah Mobile Company (Shentel)

**Date:** March 18, 2010

**RE:** **Additional Visual Impact Information - Site 380 - Shannondale**

Dear Jennifer:

When I submitted the application, I included a complete bound copy of an FCC NEPA Summary Report. In this complete report are letters to various historical organizations, game and fish as well as the local jurisdictions. The report provides an outline and summary of the study that addresses the affect of the project on the environment, the historical and architectural assets in the area. The report has many photos of the property as well as the surrounding properties that were identified by the State of WV and the environmental consultant.

As a method to provide this information to the members of the Commission without having them burdened with the entire report, I have extracted pages from the document and attached them for review. These pages include:

- Project Description
- FCC NEPA Checklist and Summary
- Feb 11, 09 letter and photos - initial submission to WV Division of Culture and History
- May 6, 09 letter and photos – Added data requested by WV Division of Culture and History
- Aerial photograph the identifies access route and tower location in the trees
- April 23, 09 letter from John Allen Jr, Jefferson County Historic Landmarks Commission that was provided indicating his view that the proposed tower having limited affects on the historic resources of Jefferson County and therefore does not oppose its construction.
- The final letter in the attached packet is the final determination of the West Virginia Division of Culture and History.

**Re: Additional Visual Impact Information - Site 380 - Shannondale**

March 18, 2010

Page 2:

Extracting these pages is not being done to exclude any portion of the entire report, but to hopefully provide the Commission members with information of a more condensed nature. Please make the members aware that you have the full report in your office should they want to see any additional items.

Please pass on that should you or any of the commission members have any questions, please feel free to contact me at 540-335-0030 or [lynnk@shentel.net](mailto:lynnk@shentel.net)

Sincerely yours;

A handwritten signature in blue ink, appearing to read "Lynn Koerher". The signature is fluid and cursive, with a large initial "L" and "K".

Lynn Koerher  
Site Acquisition and Project Development  
Consultant

## **PROJECT DESCRIPTION**

Shenandoah Mobile Company (Shentel) is proposing to construct a telecommunications tower and associated compound in the City of Charles Town, Jefferson County, West Virginia. The action area, which includes all areas of proposed disturbance, is located north of Mount Hammond Lane, approximately 6,000 feet or 1.1-miles east of the Kabletown Road and Mount Hammond Road intersection in Charles Town, Jefferson County, West Virginia. The action area will consist of a 70- by 70-foot fenced compound within a 100-foot by 100-foot lease area, a 12- by 20-foot turnaround, and an approximately 20 foot wide by 2,000 foot long gravel ingress/egress and utility easement. The proposed compound is to contain a 195-foot tall self-supporting lattice tower, a 10-foot by 16-foot concrete pad, and associated electrical equipment. The action area currently consists of undeveloped wooded land.

## **PART II**

# **FCC NEPA Checklist And Summary Report**

**Shenandoah Mobile Company  
FCC NEPA CHECKLIST**

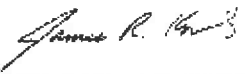
*(47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319)*

Site Name: Shannondale

Site Number: 380-A      Site Address: Mount Hammond Lane, Charles Town, Jefferson County, West Virginia

Category	Special Interest Item	Potential Effect	
		Yes	No
1	Is the antenna structure located in an officially designated wilderness area?		X
2	Is the antenna structure located in an officially designated wildlife preserve?		X
3	Will the antenna structure likely affect threatened or endangered species or designated critical habitats? (Ref. 50 CFR Part 402)		X
4	Will the antenna structure affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? (Ref. 36CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act)		X
5	Will the antenna structure affect Indian religious site(s)?		X
6	Will the antenna structure be located in a flood plain? (Ref. Executive Order 11988 and 40 CFR Part 6, Appendix A)		X
7	Will construction of the antenna structure involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A)		X
8	Is the antenna structure located in a residential neighborhood and required to be equipped with high intensity white lights?		X
9	a.) Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP) and have antenna located less than 10 meters above ground level?		X
	b.) Will the roof-top antenna project equal or exceed total power (of all channels) of 2000 Watts ERP (3280 Watts EIRP)?		N/A

**Attach this Checklist to the NEPA Summary Report along with the SHPO response letter and the Informal Biological Assessment (IBA) documenting No. 3 and No. 4. If any of the above responses is "yes", an Environmental Assessment must be prepared and filed with FCC Form 854. Construction can not start until the FCC issues a "Finding of No Significant Impact" (FONSI)**

Preparer's Signature:       Date: June 16, 2009

Printed Name and Title: James Kodlick, Principal

Company Name: BL Companies

**Shenandoah Mobile Company**  
**FCC NEPA Summary Report**  
*(47 CFR Subpart 1, Chapter 1, Sections 1.1301-1.1319)*

Site Name: Shannondale Site Number: 380-A

Site Address: Mount Hammond Lane

City: Charles Town, Jefferson County State: West Virginia

1. **Is the antenna structure located in an officially designated wilderness area?**  
According to the National Park Service GIS Database<sup>1</sup>, the National Wild and Scenic Rivers System<sup>2</sup>, the US Forest Service<sup>3</sup>, the US Bureau of Land Management<sup>4</sup>, the State Rivers Protection Program<sup>5</sup>, and the West Virginia State Parks and Forests<sup>6</sup> no officially designated parks, forests, grasslands, scenic trails, wild and scenic rivers, or other wilderness areas are located at or in the immediate vicinity of the action area. In addition, no National Scenic Trails are located within one mile of the proposed project location.
  
2. **Is the antenna structure located in an officially designated wildlife preserve?**  
According to the US Fish and Wildlife Service (USFWS)<sup>1</sup> and the Nature Conservancy<sup>2</sup>, no officially designated wildlife preserves are located at or in the immediate vicinity of the action area.
  
3. **Will the antenna structure likely affect threatened or endangered species or designated critical habitats? (Ref. 50 CFR Part 402)**  
To ensure that the activities proposed at the action area do not adversely effect threatened and endangered species, a Threatened and Endangered Species review request was submitted to the USFWS and the West Virginia Department of Natural Resources (WVDNR) on February 9, 2009. In a letter dated February 24, 2009, the WVDNR stated they have no known records of any rare, threatened, or endangered species within the project area (attached). In addition, the WVDNR stated it is not likely the cell tower will have negative impacts on migratory birds since its height is below the 200-foot lighting cut-off. A response from the USFWS was not received, however, with the negative finding from the WVDNR, this project meets the Criteria for No-Effect Determinations stated in a document issued by the USFWS dated March 9, 2007 (attached).  
  
Based on data reviewed, action area reconnaissance, and correspondence with WVDNR (attached), this project will not significantly affect listed or proposed species.
  
4. **Will the antenna structure affect districts, sites, buildings, structures, or objects significant in American history, architecture, archeology, engineering, or culture that are listed, or potentially eligible for listing in the National Register of Historic Places (NRHP)? (Ref. 36 CFR Part 800 regulations implementing Section 106 of the National Historic Preservation Act).**  
As part of the environmental review process for this project, a literature and records review was conducted to determine if previously recorded archaeological sites, historic structures, and other features of historic significance were located within the presumed area of potential effect (APE) for Visual and Direct effects – in this case, within a ½-mile of the undertaking. This review revealed that there are no properties that satisfy the above criteria located within a ½-mile of the proposed undertaking.

However, located within and just outside the ½-mile radius of the proposed site are two previously surveyed structures, "Tulip Hill" (JF-0205) and "Larchmont" (JF-0207). The Tulip Hill structure

is a large residence of frame construction. The house appears to have been constructed in several sections. Based on a field location of the structure (different from the file review location), this property is located just outside the half-mile APE.

The Larchmont property consists of a 1 ½-story c. 1920's Bungalow with a laterally oriented gable roof and a one-story veranda extending across much of the façade. The structure is situated on a stone foundation. It lies approximately 900 feet east of the proposed tower site.

Based on our assessment, it was our opinion that the proposed undertaking will have no visual effects on historical properties.

Additionally, the physical attributes of the landform, namely its location relative to the water and the lack of previously recorded proximal archaeological sites at similar landforms, suggest that the site has a low probability as a potential location for prehistoric occupation or utilization. Due to the limited nature of the undertaking, disturbance of any intact subsurface archaeological deposits in the APE for Direct Effects is also unlikely. Additional archaeological survey was not recommended.

A request for a Section 106 Review of this project was sent to the West Virginia Division of Culture and History, acting as the State Historic Preservation Office (SHPO), on February 11, 2009 requesting their concurrence with the "no effect" recommendation (attached).

In addition, the City of Charles Town and the Jefferson County Historical Society were identified as consulting parties under Section 106 and a letter was sent to initiate consultation and invite comment (attached). To date, no comments have been received.

In addition, a legal notice was published in the Spirit of Jefferson Farmer's Advocate on February 19, 2009 with the 30-day public comment period ending on March 20, 2009 (attached).

In a letter dated March 10, 2009, the SHPO had the following comments concerning the review request (attached). SHPO requested further review of two properties, "Larchmont" (JF-0207) and "Highland" (JF-0008-0023). In addition, SHPO requested that the Jefferson County Historic Landmarks Commission (HLC) be provided an opportunity to comment. Lastly, SHPO requested a Phase I Archaeological Survey be performed in all areas of proposed disturbance.

In order to address SHPO's concerns, a second Section 106 Review package was prepared and sent to SHPO on May 6, 2009. Request for comment letters were sent to the "Larchmont" and "Highland" property owners on March 30, 2009 (attached). The "Larchmont" landowner responded via telephone on April 3, 2009 to the letter requesting additional information (attached). In a letter dated March 19, 2009, the HLC was invited to comment on the project. The HLC requested a balloon test be performed to see if the tower would be visible from "Larchmont" and four additional properties of local concern. The balloon test was conducted on April 21, 2009 and a letter sent by the HLC on April 23, 2009 stated the HLC did not oppose the tower construction (attached).

In addition, a Phase I Archaeological Investigation was conducted on March 30, 2009 (attached) in all areas of proposed disturbance within the project area. No historic or prehistoric archaeological resources were recovered and a finding of no further work was recommended.

In a letter dated May 27, 2009, the West Virginia Division of Culture and History stated no further consultation is necessary regarding architectural, structural, or archaeological resources (attached).

5. **Will the antenna structure affect Indian religious site(s)?**

Tribal consultation was initiated through the FCC's electronic TCNS<sup>1</sup> on January 26, 2009 and was assigned TCNS number 48516. In keeping with the Voluntary Best Practices Agreement of 2004, the Cherokee Nation of Oklahoma, the Eastern Shawnee Tribe of Oklahoma, the Shawnee

Tribe, the Tuscarora Nation tribes were notified in writing and invited to enter into consultation on March 2, 2009 (attached).

In an email dated January 30, 2009, the Eastern Shawnee Tribe of Oklahoma responded stating that they are currently unaware of any documentation directly linking Indian Religious Sites to the proposed construction.

In an email dated March 10, 2009, the Cherokee Nation responded they have no knowledge of any historic, cultural or sacred sites within the affected area. However, should any ground disturbance reveal an archaeological site or human remains, the Cherokee Nation asks that the all activity cease immediately and they and other appropriate agencies be contacted immediately.

In a letter dated March 23, 2009, the Tuscarora Nation stated that they request to be notified if any human remains, funerary or sacred objects are uncovered during construction of the project.

In a faxed letter dated June 9, 2009, the Shawnee Tribe stated that no known properties will be negatively impacted by the construction of this tower site.

With these responses, tribal consultation is deemed closed. A Tribal Consultation Summary Chart was completed and is included in Part IV.

6. **Will the antenna structure be located in a floodplain? (Ref. Executive Order 11988 and 40 CFR Part 6, Appendix A)**

According to the Federal Emergency Management Agency (FEMA)<sup>1</sup> mapping (attached), the proposed compound is not located within the 100-year floodplain.

7. **Will construction of the antenna structure involve significant change in surface features (e.g. wetlands, deforestation, or water diversion)? (Ref. Executive Order 11990 and 40 CFR Part 6, Appendix A)**

According to the USFWS's NWI Mapping<sup>1</sup> (attached), no inventoried wetlands exist at or in the immediate vicinity of the action area. State level wetland mapping was not available for Jefferson County, West Virginia. The United States Department of Agriculture (USDA) Natural Resources Conservation Service's (NRCS) Web Soil Survey<sup>2</sup> indicates that mapped hydric soils do not exist at or in the immediate vicinity of the proposed project location. Additionally, on-site assessment of the action area confirmed that hydric soils, hydrophytic vegetation and hydrologic characteristics conducive to the formation of wetlands were not present.

Topographically, the site is relatively flat and is situated at an approximate elevation of 480 feet above mean sea level. Locally, ground water in the site vicinity is expected to mimic the surrounding topography and flow to the east towards the Shenandoah River, which is approximately 3,800 feet away.

The action area is located in the Blue Ridge Physiographic Province of West Virginia, which is characterized by steep mountains and valleys composed of complexly folded and faulted igneous and metamorphic rocks. The site is underlain by Cambrian age greenish-gray phyllite, with interbeds of fine-grained quartzite known as the Harpers Formation.

According to the USDA NRCS's Web Soil Survey, soils mantling the action have been classified as Downsville gravelly loam with 8 to 15 percent slopes. The Downsville series is documented as deep, well-drained soil derived from old loamy alluvium derived from limestone, sandstone, and shale. The surface layer of these soils is documented to be very dark brown with the texture of gravelly loam to approximately 10 inches, followed by very gravelly sandy clay loam to approximately 36 inches.

The action area is located within the USFWS Ohio River Valley Ecosystem Unit. Land use of the action area currently consists of undeveloped woodland. The vegetative cover within the action area consists of an overstory of tree of heaven (*Ailanthus altissima*), black locust (*Robinia pseudo-acacia*), cherry (*Prunus sp.*), white oak (*Quercus alba*), red maple (*Acer rubrum*), and red oak (*Quercus rubra*) with diameter at breast height ranging from 4 to 12 inches and heights ranging from 30 to 50 feet tall. The scrub/shrub layer consists of multiflora rose (*Rosa multiflora*), Morrow's honeysuckle (*Lonicera morrowii*), and younger members of the overstory. The herbaceous layer consists of wineberry (*Rubus phoenicolasius*) and goldenrod (*Solidago spp.*).

Based upon the nature of the undertaking, it is also believed that the action area will be subject only to the effects of the direct impacts necessary to construct and maintain the proposed project. Indirect impacts such as runoff, noise, aesthetics, and fugitive dust are temporary in nature, and should only be realized during and shortly after construction.

8. **Is the antenna structure located in a residential neighborhood and required to be equipped with high intensity white lights?**  
No
- 9a. **Will the antenna structure equal or exceed total power (of all channels) of 2000 Watts ERP (3280 EIRP) and have antenna located less than 10 meters above the ground?**  
No
- 9b. **Will the rooftop antenna project equal or exceed total power (of all channels) of 2000 Watts ERP (3280 EIRP)?**  
Not applicable.



**Companies**

February 11, 2009

Ms. Susan Pierce, Director  
West Virginia Division of Culture and History  
The Cultural Center  
Capitol Complex  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305-0300

RE: Section 106 Review: Proposed Telecommunication Tower  
Shenandoah Mobile Company Site ID No. 380 A (Shannondale Site)  
Mount Hammond Lane  
City of Charles Town, Jefferson County, West Virginia  
BL Project No. 09L1759

Dear Ms. Pierce:

Shenandoah Mobile Company (Shentel) is proposing to construct a 195-foot tall self-supporting lattice tower in a 70-foot by 70-foot fenced compound within a 100-foot by 100-foot lease area at the above referenced location. In accordance with Section 106 of the National Historic Preservation Act (NHPA), this project is being evaluated to consider its potential effect to districts, sites, buildings, structures, or objects that are listed or are eligible for listing on the National Register of Historic Places (NRHP). In accordance with the Nationwide Programmatic Agreement (NPA) effective March 7, 2005, attached is FCC Form 620.

A review of the National Register of Historic Places (NRHP) database and the West Virginia State Historic Preservation Office (WVSHPO) survey files revealed that there are no historic properties within the Area of Potential Effect (APE). Therefore, it is our opinion that the proposed undertaking will have no effect upon historic properties contingent upon archaeological monitoring. A Section 106 Report detailing this finding is attached. We request your review and concurrence. If we do not receive a response from you within 30 days, we will deem this package complete and proceed with the project.

Respectfully submitted,

**BL Companies**

A handwritten signature in black ink that reads "Gretchen E. Yarnall".

Gretchen E. Yarnall  
Senior Project Manager

Enclosures

One South Market Square 213 Market Street, 6th Floor Harrisburg, PA 17101 Tel. (717) 651-9850 Fax (717) 651-9858

Architecture • Engineering • Planning • Landscape Architecture • Land Surveying • Environmental Sciences

BL Companies Pennsylvania, Inc. • David G. Bost, AIA • Mark S. Koethner, PG • Michael A. Lozeroff, PE • Robert A. Munsbauer, AIA • Stanley C. Novak, PE

**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**

Southeast

**Photo: 1**

View facing southeast of the proposed 70-foot by 70-foot telecommunication compound. The compound is to be located within a 100-foot by 100-foot lease area and would contain a 195-foot tall lattice tower.



**VIEW DIRECTION:**

Northwest

**Photo: 2**

View from the proposed compound location facing northwest.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**

North

**Photo : 3**

View from the proposed  
compound location  
facing north.



**VIEW DIRECTION:**

South

**Photo : 4**

View from the proposed  
compound location  
facing south.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**

East

**Photo : 5**

View from the proposed  
compound location  
facing east.



**VIEW DIRECTION:**

Northeast

**Photo : 6**

View facing northeast of  
the location of the  
proposed access  
driveway that is to  
extend from Mount  
Hammond Lane.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**  
Southwest

**Photo : 7**

View of Inventory Property identified as Larchmont (JF-0207) towards the proposed tower site. This resource is located approximately 1,800 feet east of the proposed undertaking. From this vantage point, the field assessment indicated that the tower would not be visible.



**VIEW DIRECTION:**  
East

**Photo : 8**

Rear elevation of the Inventory Property identified as Larchmont (JF-0207). Access to this property was limited. "No Trespassing" signs were posted on the property and driveway, inhibiting access.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**

Southwest

**Photo : 9**

View from approximately 1,200 feet east of the proposed tower towards the tower site.

The arrow indicates the approximately location of the 195-foot tall lattice tower.

From this vantage point, due to topography and distance, the top of the proposed telecommunications tower would be visible.



**VIEW DIRECTION:**

Southwest

**Photo: 10**

View towards the Inventory Property identified as Tulip Hill (JF-0205). Access to this property and structure was extremely limited. "No Trespassing" signs were posted throughout. From the structure itself, it would appear that the view to the proposed tower would be totally obscured due to the vegetation and topography. From the indicated ridgeline (yellow arrow) the topography drops off such that the historic resource is obscured.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Site Name:** Shannondale Site

**Project Number:** 380

**Date Photographs Taken:**

**BL Project No.** 09L1759

January 29, 2009

**VIEW DIRECTION:**

Southeast

**Photo : 11**

View from the driveway of the Inventory Property identified as Tulip Hill (JF-0205).

This photo depicts some of the "No Trespassing" and "Private Property" signs that are posted around the property, which limited the field inspection.



**VIEW DIRECTION:**

Northeast

**Photo : 12**

View from the proposed access driveway of the proposed tower site towards the Inventory properties. It should be noted that the property in the foreground is not either of the Tulip Hill or Larchmont properties.

From this location, due to topography, mature tree cover and distance, neither of the inventoried properties is visible.





May 6, 2009

Ms. Ginger Williford  
West Virginia Division of Culture and History  
The Cultural Center  
Capitol Complex  
1900 Kanawha Boulevard East  
Charleston, West Virginia 25305-0300

RE: Section 106 Review: Proposed Telecommunication Tower  
Shenandoah Mobile Company (SHENTEL) Site ID No. 380 A (Shannondale Site)  
Mount Hammond Lane  
City of Charles Town, Jefferson County, West Virginia  
BL Project No. 09L1759  
FR# 09-399-JF

Dear Ms. Williford:

As a follow up to your review letter of March 10, 2009, we offer the following details with respect to both architectural and archaeological resources, as well as information about the public comment process.

Architectural Resources:

You had requested that we provide photographs of the "Highland" property JF-0008-0023, that lies to the north of the proposed undertaking. We had not initially assessed this property because we believe that it falls just outside the NPA prescribed half-mile Visual APE for the project. Prior to our return site visit, BL Companies researched the address and property information through available tax records in an attempt to obtain the telephone number of the owner and the owner of 224 Fry's Lane (Larchmont JF-0207) and arrange for a visit. We were not successful in obtaining telephone numbers prior to our site visit.

Upon revisiting the APE to try to obtain photographs of the Highland property, we found that the driveway/lane that leads to the Highland property was heavily posted with "No Trespassing / Private Property" signs on multiple trees leading up the lane (See attached Photographic Record). Enclosed is a color aerial map of the Highland Property that depicts the lane. As I had discussed with you, we would attempt to document the viewshed, but we do not feel comfortable trespassing without prior approval from the property owner when a property is so heavily posted. Therefore, per your request, we hand delivered an informational letter, location map and site plan depicting the proposed undertaking to the property owner's entrance gate. BL Companies' contact information was included (copy attached). To date, the property owner has not contacted us.

---

One South Market Square 213 Market Street, 6<sup>th</sup> Floor Harrisburg, PA 17101 Tel. (717) 651-9850 Fax (717) 651-9858

Architecture • Engineering • Planning • Landscape Architecture • Land Surveying • Environmental Sciences

BL Companies Pennsylvania, Inc. • David G. Ball, AIA • Mark S. Keelner, P.E. • Michael A. Lozanoff, P.E. • Rainer A. Muhlbauer, AIA • Stanley C. Novak, P.E.

Ms. Ginger Williford  
BL Project No. 09L1759-B  
May 6, 2009  
Page 2

The SHENTEL Site Acquisition and Project Development Consultant conducted a site visit to the Larchmont property (JF-0207) and spoke to Ms. Fry, the property owner. She asked SHENTEL whether the tower would be lighted. She was informed that the FAA did not require lighting and unless otherwise required by the County, no lighting is proposed. Ms. Fry said she had no major concerns with the tower. It appears that the top 115 feet of the tower would be visible above the mature trees from the side and rear elevations/yards of this property—however given the distance to the tower from her property, it appears that the visual effect is minimal. The attached photographs depict views from different locations on the Larchmont property towards the proposed tower site.

Public Comment:

You asked that we let the Public Notice comment period pass before asking for SHPO comment. The comment period ended on March 20, 2009 and to date, no comments have been received. Additionally, the adjacent property owners will be notified about the project through a separate municipal zoning approval process. A Public Hearing will be held affording interested parties the opportunity to voice their opinions on the project. Adjoining property owners will be notified about the Public Hearing details, and the hearing will also be advertised via another Public Notice.

You asked that the Jefferson County Historic Landmarks Commission (HLC) be included as a Consulting Party. Mr. John Allen Jr., the Chairman of the HLC, responded to BL Companies via e-mail on April 7, 2009 citing interest in nine (9) properties that are included in the County inventory. (WVSHPO was copied on Mr. Allen's e-mail). He requested that a balloon test be conducted so that the HLC could assess visual effects upon the properties. SHENTEL authorized the balloon test, and on April 21, 2009, Mr. Allen and BL Companies visited the project area to take photographs and document visual effects. In the field, Mr. Allen reduced the number of properties he wished to visually assess from nine to five (5). The names of the properties, their locations, and the photographs are included in the attached Photo Location Map and Photographic Record.

The balloon test revealed that the proposed tower would only be visible from the Larchmont property. On behalf of the HLC, Mr. Allen submitted a letter to BL Companies summarizing his opinion on the project's potential visual effects (attached). The HLC does not oppose the construction of the tower and views it as having very limited effects, however, they believe that if the tower height were reduced by 15 feet, it would not likely be visible from the Larchmont property.

Archaeological Resources:

Upon receiving the SHPO response letter, I contacted Ms. Carolyn Kender to discuss her comments in detail. I indicated that the Civil War maps were reviewed and that no indication of previous occupation or engagement near the site was evident—the User Registration and Research Record Form is included herein. With respect to the file review, Ms. Kender indicated that resources she cited are recorded beyond a half mile but within a mile of the subject site. Per the NPA, the literature review was conducted within a half mile of the proposed undertaking. With no User Registration and Research Record Form enclosed in our initial submission, we understand it may not have been obvious that a thorough literature review was conducted. I believe that my discussions with Ms. Kender have addressed this concern.

Ms. Ginger Williford  
BL Project No. 09L1759-B  
May 6, 2009  
Page 3

BL Companies conducted a Phase I Archaeological investigation for areas within the APE (lease area and access road) that are under 20% slope. No cultural material was found during the investigation and no further work is recommended. Copies of that stand-alone report are included as attachments to this letter.

Ms. Kender also asked that the proposed access road be clearly marked on a USGS topographic map. A marked up USGS quad is attached, as are two exhibits that were included in the initial submission clearly depicting the access road at a larger scale.

Conclusion:

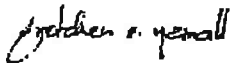
In summary, it is our opinion that the project will have no direct effects upon archaeological resources and no further archaeological work is recommended.

Based on the recent photographs of the viewshed from the Larchmont property, although the top of the tower would be visible from portions of the property, we believe that the proposed tower will have no adverse effect on the character-defining architectural elements that once defined the Larchmont residence—an early 20<sup>th</sup> century Bungalow. However, the modern additions to the residence detract from its architectural integrity, and the property no longer appears to be individually eligible for the National Register. Given this finding, SHENTEL prefers that they move forward with the 195-foot tall tower as planned.

Therefore, it is our opinion that the proposed undertaking, as a whole, will have no adverse effect upon historic properties. We trust the attached information addresses your concerns and we look forward to your response.

Respectfully submitted,

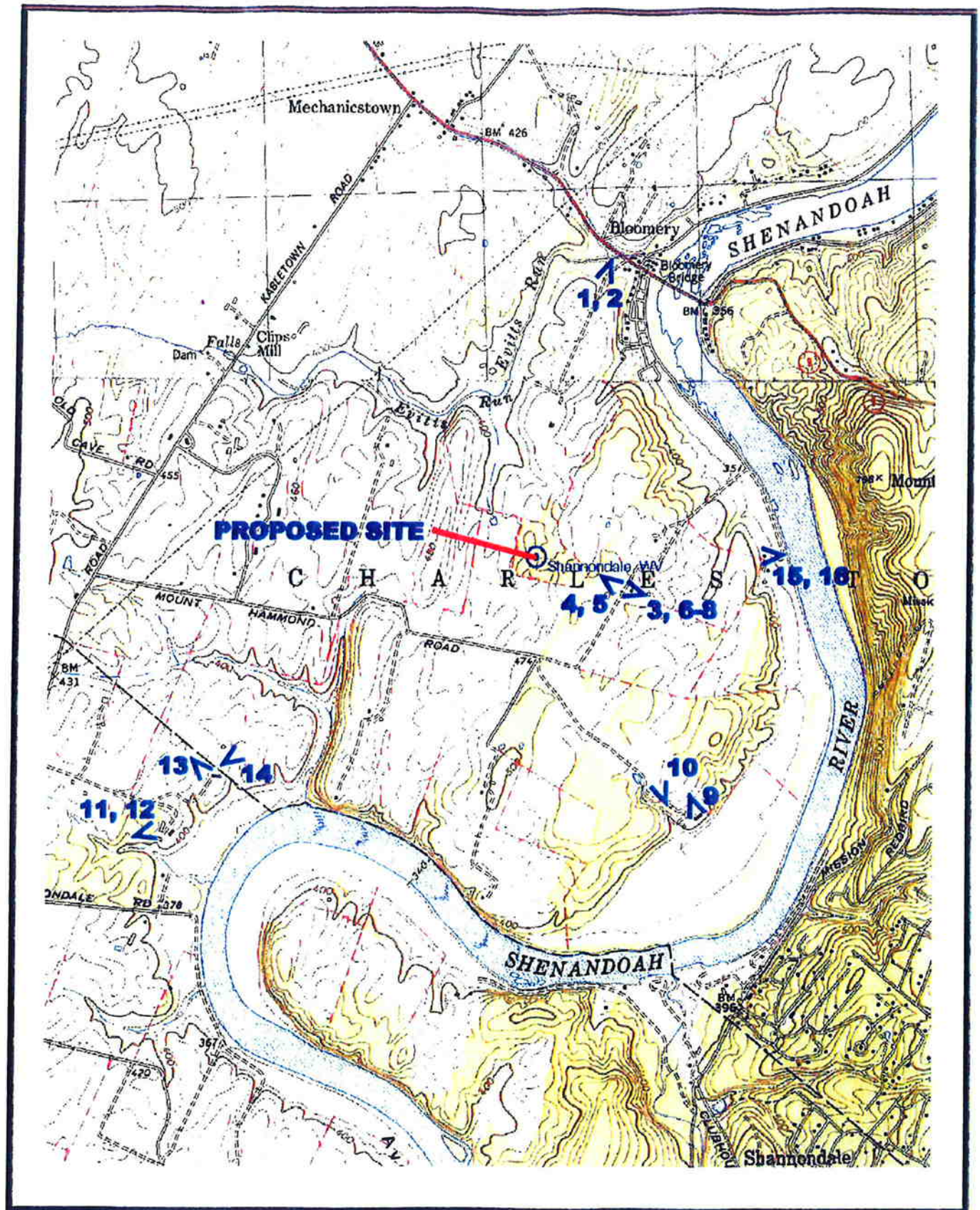
**BL Companies**



Gretchen E. Yarnall  
Senior Project Manager

Enclosures

cc: John Allen Jr., Jefferson County Historic Landmarks Commission



**PHOTO LOCATION MAP**

SHENANDOAH MOBILE SITE ID# 380 A (Shannondale Site)  
 Mount Hammond Lane  
 City of Charlestown, Jefferson County, West Virginia

Quadrangle: ROUND HILL

Drawn  
 Approved  
 Scale  
 Project No.  
 Date  
 CAD File

S.R.L.  
 G.E.Y.  
 1"=2000'  
 09L1759  
 04/30/09  
 09L1759B.APE

**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B

**Date Photographs Taken:**  
January 29, 2009

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
South

**Photo: 1**

From the driveway of the previously surveyed "Highland" (JF-0008-0023) property. The drive is posted with No Trespassing and Private Property signs.



**VIEW DIRECTION:**  
South

**Photo: 2**

Entrance gate to "Highland" property. BL Companies affixed the information letter to the entrance gate and slightly closed the gate so as to draw the property owner's attention to it.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B

**Date Photographs Taken:**  
April 6, 2009

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
West

**Photo : 3**

View of the original Bungalow portion of the Larchmont property located at 224 Fry's Lane (Surveyed site JF-0207).



**VIEW DIRECTION:**  
Northeast

**Photo : 4**

View of side elevation and modern addition of the Larchmont residence. The residence features modern replacement windows and the addition is sided in vinyl.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B

**Date Photographs Taken:**  
April 6, 2009

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
East

**Photo : 5**  
Rear elevation and modern addition and deck of Larchmont residence.



**VIEW DIRECTION:**  
West

**Photo : 6**  
Although the top of the tower would be within the rear and side viewsheds of the property (arrow), we believe that the proposed tower will have no adverse effect on the historic architectural elements of the Larchmont residence.

However, the modern additions to the residence have compromised the architectural integrity of the original Bungalow. The once eligible property does not appear to retain sufficient integrity to be individually eligible for the NRHP.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
Northwest

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B  
**Date Photographs Taken:**  
January 29, 2009

**Photo : 7**

From this vantage point, due to topography, the field assessment indicated that the tower would not be visible from this location on the Larchmont property.



**VIEW DIRECTION:**  
West

**Photo : 8**

From the Larchmont property towards the balloon in flight.

From this location, the top of the balloon was visible. However, the modern additions to the residence have compromised the architectural integrity of the original Bungalow. The once eligible property does not appear to retain sufficient integrity to be individually eligible for the NRHP.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Name:** Shannondale Site

**VIEW DIRECTION:**

**Site Location:** Mount Hammond Lane, Charles Town, WV

**Project Number:** 380

**BL Project No.** 09L1759-B

**Date Photographs Taken:**

April 21, 2009

**Photo : 9**

Surveyed property  
Mount Hammond (04-  
343).



**VIEW DIRECTION:**

Northwest

**Photo: 10**

View towards the  
balloon in flight from the  
above property.

From this location, due  
to topography, the  
balloon was not visible.  
The arrow indicates the  
general location of the  
balloon.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
Northeast

**Photo : 11**  
Surveyed property  
Shannon Hill (04-344).

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B  
**Date Photographs Taken:**  
April 21, 2009



**VIEW DIRECTION:**  
Northeast

**Photo : 12**  
View towards the  
balloon in flight from the  
above property.

From this location, due  
to topography, distance,  
and mature tree cover,  
the balloon was not  
visible.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Name:** Shannondale Site

**VIEW DIRECTION:**  
Southeast

**Photo : 13**  
Surveyed property  
Shannon Park (04-345).

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380  
**BL Project No.** 09L1759-B  
**Date Photographs Taken:** April 21, 2009



**VIEW DIRECTION:**  
Northeast

**Photo : 14**  
View towards the  
balloon in flight from the  
above property.

From this location, due  
to topography, distance,  
and mature tree cover,  
the balloon was not  
visible.



**BL Companies  
Photographic Record**

**Client:** Shenandoah Mobile Company

**Site Location:** Mount Hammond Lane, Charles Town, WV  
**Project Number:** 380

**Date Photographs Taken:**

**Site Name:** Shannondale Site

**BL Project No.** 09L1759-B

April 21, 2009

**VIEW DIRECTION:**  
West

**Photo : 15**  
Surveyed property Tulip Hill (04-081).

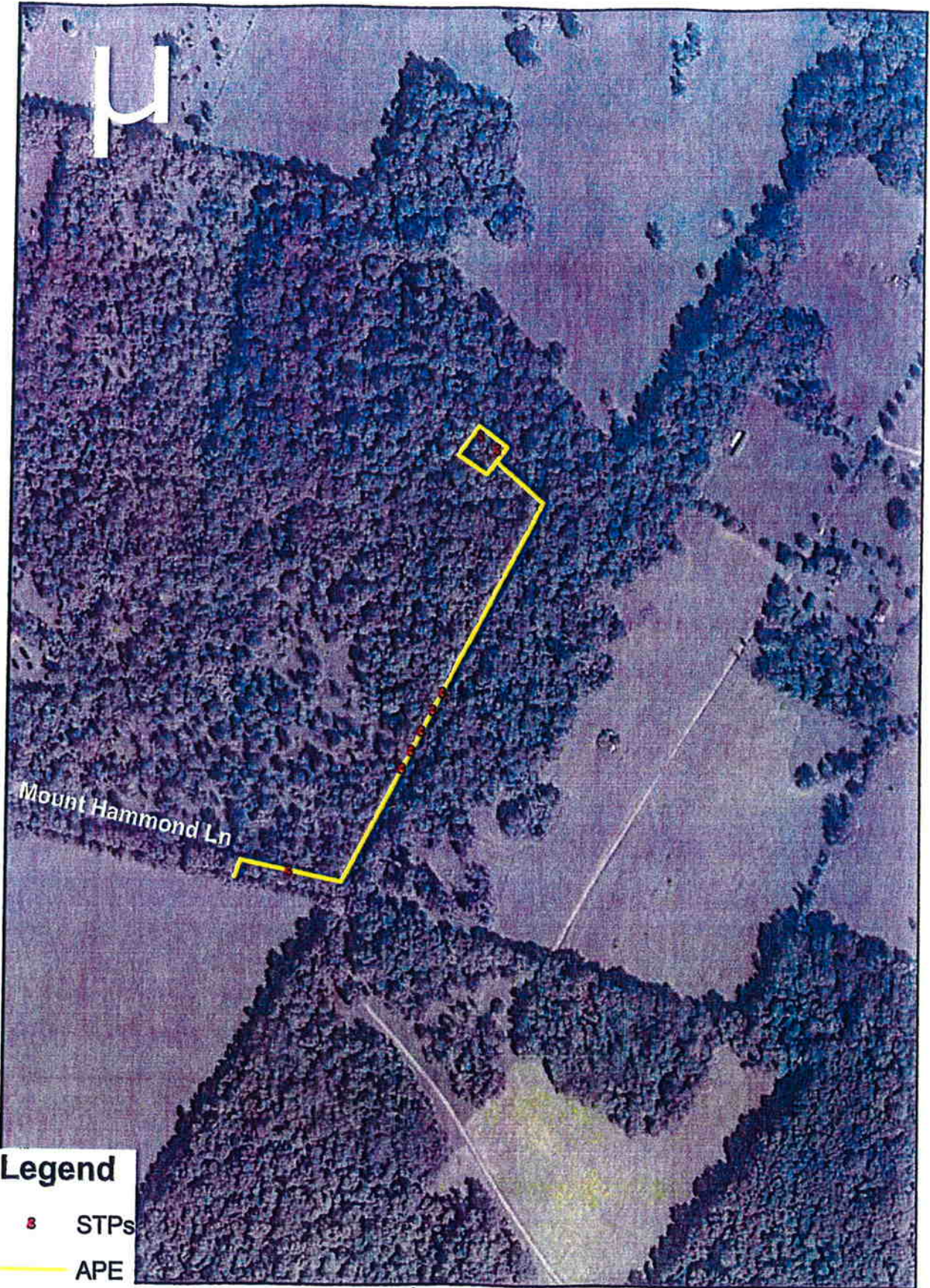


**VIEW DIRECTION:**  
West

**Photo : 16**  
View towards the  
balloon in flight from the  
above property.

From this location, due  
to topography, the  
balloon was not visible.





**Legend**

- STPs
- APE



Architecture  
 Engineering  
 Planning  
 Landscape Architecture  
 Land Surveying  
 Environmental Sciences

**Phase I Archaeological Investigation  
 Shannondale Site**

**09L1759-B**

**April 2009**



RECEIVED MAY 4 - 2009



Mr. Andrew Kuder  
BL Companies  
1 South Market Square  
Harrisburg, PA 17101

April 23, 2009

Mr. Kuder,

I am writing regarding the proposed cell tower off of Mount Hammond Lane on behalf of the Jefferson County Historic Landmarks Commission. During a balloon test that was conducted on April 21, 2009, you and I viewed the proposed cell tower site from five neighboring historic properties – Mount Hammond, Shannon Hill, Shannon Park, Larchmont and Tulip Hill. These properties are historic resources that the JCHLC believed might be affected by the proposed tower. During the test, the balloon was only visible from one historic structure, known as Larchmont. This historic structure is not listed on the National Register of Historic Places, nor is it a Jefferson County Historic Landmark. If the tower were to be reduced in height by fifteen feet, the JCHLC believes that it would not likely be visible from Larchmont.

The Jefferson County Historic Landmarks Commission views this proposed tower as having very limited affects on the historic resources of Jefferson County, and therefore does not oppose its construction.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. C. Allen, Jr.'.

John C. Allen, Jr.  
Chairman, JCHLC

RECEIVED JUN - 1 2009

May 27, 2009



WEST VIRGINIA  
DIVISION OF  
CULTURE & HISTORY

The Cultural Center  
1900 Kanawha Blvd., E.  
Charleston, WV  
25305-0300

Phone 304.558.0220  
Fax 304.558.2779  
TDD 304.558.3562  
www.wvculture.org

EEO/AA Employer

Ms. Gretchen E. Yarnell  
Senior Project Manager  
BL Companies  
One South Market Square  
213 Market St., 6<sup>th</sup> Floor  
Harrisburg, PA 17101

RE: Mount Hammond Lane  
BL Project No. 09L1759  
FR#: 09-399-JF-3 & 4

Dear Ms. Yarnell:

We have reviewed the above additional information for the above referenced project to determine potential effects to cultural resources. As required by Section 106 of the National Historic Preservation Act, as amended, and its implementing regulations, 36 CFR 800: "Protection of Historic Properties," we submit our comments.

Architectural Resources:

According to the information submitted a balloon test was conducted on April 21, 2009. Working with Mr. Allen, Chairman of the Jefferson Historic Landmarks Commission (HLC) five properties were visually assessed. As a result of the test only one, the Larchmont property (Survey #JF-0207,) will be within the viewshed of the proposed telecommunications tower. The assessment indicated that 115-feet of the proposed 195-foot tower would be visible above the mature trees from the side and rear elevations of the property. We concur that given the distance to the tower the visual effect is minimal.

It is our understanding that Ms. Fry, the property owner of the Larchmont property was contacted. Her only concern was whether the tower would be lighted. When she was informed that FAA does not require lighting on this height of tower Ms. Fry had no objection to the project.

On behalf of the Jefferson HLC Mr. Allen submitted a letter with their comments to Shentel and our office dated April 23, 2009. In the letter the Jefferson HLC states that the Larchmont property "is not listed on the National Register or as a Jefferson County Historic Landmark." The HLC requested that the tower be reduced 15 feet which would then "not likely be visible at that location." The Jefferson HLC also stated that they do not oppose the construction of the telecommunications tower.

Ms. Yarnell  
FR#: 09-399-JF-3 & 4  
May 27, 2009  
Page 2

The photographs provided with your May 6, 2009 letter indicate that there have been substantial alterations to the Larchmont house. Therefore, it is our opinion that the Larchmont property is no longer eligible for listing in the National Register of Historic Places under Criteria C for its architecture. No further consultation is necessary regarding architectural or structural resources.

Public Comment:

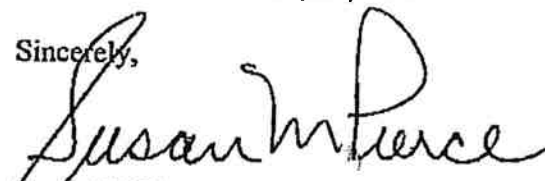
According to the information provided it is our opinion that the general public, property owners and any potentially interested parties have been adequately contacted and provided a reasonable time for comment. No further consultation is necessary.

Archaeological Resources:

The submitted technical report satisfactorily addresses our concerns regarding the presence of cultural resources within the proposed tower project area. Systematic survey conducted in the project area did not identify any archaeological sites. The consultant recommends that no further archaeological investigations are necessary. We concur with this recommendation. In our opinion, there are no archaeological sites located within the proposed project area that are eligible for or listed in the National Register of Historic Places. No further consultation is necessary with respect to archaeological resources.

We appreciate the opportunity to be of service. *If you have questions regarding our comments or the Section 106 process, please contact Ginger Williford, Structural Historian, or Carolyn Kender, Archaeologist, in the Historic Preservation Office at (304) 558-0240.*

Sincerely,



Susan M. Pierce  
Deputy State Historic Preservation Officer

SMP/GW/CMK

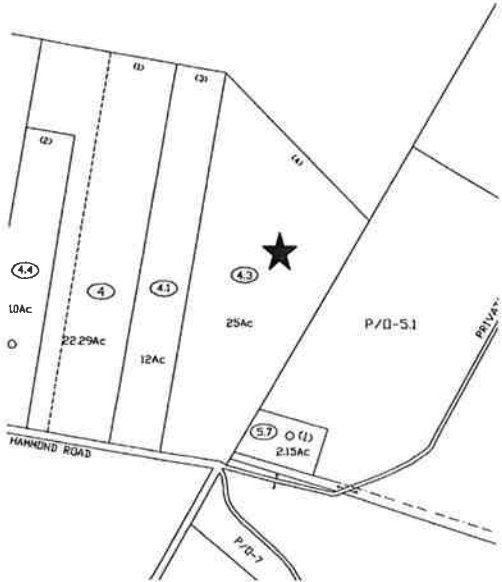
CC: Mr. John C. Allen, Jr. - JCHLC  
Mr. Jim Surkamp - Jefferson County Commission

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 19, 2010

Item #6: Request by Shentel (Shenandoah Mobile Company) for Approval of the Mitigation of the Visual Impact for the Shannondale Telecommunications Tower. (PC File #S09-03).

APPLICANT:	Shentel (Shenandoah Mobile Company)
OWNER:	Stanley Wayne D'Angelo
DEVELOPER:	Shentel (Shenandoah Mobile Company)
SURVEYOR/ENGINEER:	Dyna Limited Telecommunications Services
PROPERTY LOCATION:	The property is located approximately 1.4 miles west of the intersection of Mount Hammond Lane and Kabletown Road.
LEGAL DESCRIPTION:	District: Charles Town; Map: 22; Parcel: 4.3  
ZONING DISTRICT:	Rural
SURROUNDING PROPERTIES:	North: Rural East: Rural South: Rural West: Rural
LOT AREA:	Leased Area: 10,000 sq. ft. (100' x 100') Total Parcel Size: 25 AC +/-
PERMIT APPROVALS:	
Health Department	Permit No.: N/A
Dept. of Highways	Permit No. : 5-08-0667

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 19, 2010

APPROVALS:	
CIS	N/A
Site Plan	Submitted: 08/06/09 Final Review by Staff: 02/25/10 (3 <sup>rd</sup> )
Variance History	N/A
OTHER APPROVALS:	None required

This project consists of the installation of PCS equipment, support frames, an ice bridge, and antenna frames and cables on a proposed 195' self support tower.

The requirement for Planning Commission approval of the mitigation of the visual impact of a telecommunications tower located in the Rural District is found in the Zoning Ordinance, Article 4B, *Wireless Telecommunications Facilities*. Specifically, Section 4B.4(b)(2)(b) states the following:

"The visual impact of a tower shall be mitigated to blend with the natural and built environment of the surrounding area. Such mitigation measures shall be approved by the Planning Commission and shall address: architecture, color, landscaping, lighting, materials, siting, topography, and visual screening."

Provided below is a brief overview of the items to be mitigated.

**Architecture:** Lattice type, self-supported tower. Antennas, including lightning rod, to crown the top of the tower at 195' and extend to 199'. Concrete pad base to support tower and outdoor radio and other equipment. Ice bridge to straddle tower and concrete pad equipment.

**Color:** Required to be a non-contrasting grey per Zoning Ordinance Sec. 4B.5(d) unless otherwise approved by the Planning Commission.

**Landscaping:** The property is densely wooded. The applicant has proposed to utilize this natural resource as the visual screening.

**Lighting:** None proposed. Letter from FAA states "...marking and lighting are not necessary for aviation safety."

**Materials:** Steel, copper, and concrete.

**Siting:** On approximately 25 acres, the tower is situated a minimum of 590' from the northern most property line, 456' from the western property line, 219' from the eastern property line and approximately 900' feet north of Mount Hammond Lane which lies on the southern end of the parcel. The access easement runs along the eastern property line and curves west to the tower at the point at which the tower is located.

# STAFF REPORT

## Jefferson County Planning Commission Meeting

March 19, 2010

*Topography:* The lease area is relatively flat. The contours range from approximately 466' to 480' across the entire leased area. At no point does the grade rise above 2' per ten linear feet.

*Visual Screening:* Fencing 8' high, chain link type with barbed wire to include swing gates for access around the perimeter of the concrete pad. The applicant has proposed to utilize the densely wooded natural resource as the visual screening.

### RECOMMENDATION:

Staff recommends the proposed mitigation of the visual impact be approved with the condition that a 15' buffer be included around the perimeter between the fencing and the edge of the leased area, or just outside the leased area, for the purpose of reserving trees in this area or planting trees if the existing trees are cleared. A note to this effect should be added to the site plan.

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

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

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

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

Date: March 17, 2010

To: Planning & Zoning Staff

From: Jennifer M. Brockman, AICP, Director of Planning

RE: Minor Site Plan Process with Pre-proposal Conference

*A Minor Site Plan is defined as follows:*

*A plan that will not require the development of new or the extension of existing off-tract infrastructure, that proposes one or more of the following:*

- 1. Building(s) less than 20,000 square feet Gross Floor Area (GFA) on an undeveloped site.*
- 2. Addition(s) to existing development of less than ten percent of existing GFA or additions less than 50,000 square feet GFA.*
- 3. Apartment or multi-family development of less than ten dwelling units.*

Minor Site Plans will be processed in the following manner if a pre-proposal conference is scheduled. This process is a summary of the text found in the Subdivision & Land Development Regulations, Improvement Location Permit Ordinance (ILP), Planning Commission policy and County Commission policy. Please note, at any point during this process, the County Engineer, the County Planner, or the Zoning Administrator has the ability to require the project follow the major site plan process if deemed necessary. If you have any questions regarding how to handle a specific step in this process, please refer to the designated table or section number listed in parenthesis.

1. The Applicant contacts the Engineering Department (304-728-3257) to request an optional pre-proposal conference. (See Subdivision Regulations, Sec. 24.103)
2. Staff provides a brief form and schedules the pre-proposal conference within fifteen (15) calendar days, typically the first or third Wednesday of each month. (See Subdivision Regulations, Sec. 24.103B)  
Two courtesy copies of the submission form and the proposed non-residential preliminary concept plan are requested at this point. The courtesy copies of the submission form and the proposed non-residential preliminary concept plan should be delivered to the office no later than the Monday one week prior to the scheduled pre-proposal conference.

3. During the pre-proposal conference, staff and the applicant discuss required items and staff provides recommendations or comments to assist the applicant with providing a complete formal submission. (See Subdivision Regulations, Sec. 24.103C) It will be determined at this meeting whether the site plan submission needs to be a full site plan or a limited site plan (as determined by the ILP Ordinance) and if it will follow the major or minor site plan process (as determined by the Subdivision Regulations).
4. Five (5) calendar days after the pre-proposal conference, staff shall provide a Conference Memorandum detailing the proposal and the specific guidance given to the applicant. The Planning Commission will receive a copy of this memorandum. (See Subdivision Regulations, Sec. 24.103E)
5. If the minor site plan proposal is a telecommunications facility in the Rural District, the applicant must present a request to the Planning Commission for approval of the mitigation of the visual impact. (See Zoning Ordinance, Sec. 4B.4) The applicant shall submit a letter of request referencing Zoning Ordinance Section 4B.4(b)(2)(b) and include one set of presentation material. Once staff has found the submitted material to be sufficient, twelve (12) copies of the material will need to be forwarded to the department and the proposal will be scheduled on the next regularly scheduled Planning Commission agenda, after all copies are received. The scheduling of the proposal shall take place no later than one week prior to the meeting. The applicant shall also provide Staff with a list of all adjoining and confronting property owners by name, address, tax district, tax map number and parcel number. Staff will notify these property owners in writing one week prior to the meeting.
6. Under the minor site plan process, the applicant formally submits a proposal, regardless of whether it is a full site plan or a limited site plan, to the Engineering Department by providing a 100% complete site plan, a completed building permit application and the required fees. The application meeting is omitted since a pre-proposal conference has already occurred. (See Subdivision Regulations, Sec. 24.104A) The architectural drawings for the structure on the site may be submitted at this time. Otherwise, they shall be submitted only after staff approval of the site plan. .
7. During the ten (10) calendar days after the formal submission, staff may make a site inspection, and the applicant will receive a written determination of whether or not the submission is classified as a minor site plan. (See Subdivision Regulations, Sec. 24.104C & D)
8. Within ten (10) calendar days, from the minor site plan classification determination, staff shall “approve,” “approve with conditions,” or “deny” the plan. (See Subdivision Regulations, Sec. 24.104E and W.Va. Code §8A-5-4). If the determination is “approval with conditions,” typically staff will provide a checklist and/or written comments that need to be satisfied as conditions of approval. The applicant will be notified of the determination via a phone call.
9. If the application is “approved,” and if the architectural drawings were not submitted with the initial submission, the drawings shall be submitted to the Engineering Department at this point.
10. Building permits will be issued once all of the following conditions are met: the site plan is approved by staff, the architectural drawings are approved by staff, and all construction bond arrangements are made and in place according to the land development ordinances and the County Commission’s Bonding Policy. Construction may not begin until these conditions are completely met or a violation will be issued.

*NOTE: This policy is subject to future changes by staff when necessary.*

# JEFFERSON COUNTY, WEST VIRGINIA

## Department of Planning & Zoning

104116 East Washington Street

P.O. Box 338

Charles Town, West Virginia 25414

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

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

Date: ~~May 27, 2009~~ March 17, 2010

To: Planning & Zoning Staff

From: Jennifer M. Brockman, ~~Planning~~ AICP, Director of Planning

RE: Minor Site Plan Process with Pre-proposal Conference

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- 1. Building(s) less than 20,000 square feet Gross Floor Area (GFA) on an undeveloped site.*
- 2. Addition(s) to existing development of less than ten percent of existing GFA or additions less than 50,000 square feet GFA.*
- 3. Apartment or multi-family development of less than ten dwelling units.*

Minor Site Plans will be processed in the following manner if a pre-proposal conference is scheduled. This process is a summary of the text found in the Subdivision & Land Development Regulations, Improvement Location Permit Ordinance (ILP), Planning Commission policy and County Commission policy. Please note, at any point during this process, the County Engineer, the County Planner, or the Zoning Administrator has the ability to require the project follow the major site plan process if deemed necessary. If you have any questions regarding how to handle a specific step in this process, please refer to the designated table or section number listed in parenthesis.

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2. Staff provides a brief form and schedules the pre-proposal conference within fifteen (15) calendar days, typically the first or third ~~Friday~~ Wednesday of each month. (See Subdivision Regulations, Sec. 24.103B) Two courtesy copies of the submission form and the proposed site preliminary concept plan are requested at this point. The courtesy copies and brief review of the submission form and the proposed preliminary concept plan should be delivered to the office no later than the ~~Friday~~ Monday one week prior to the scheduled pre-proposal conference.

3. During the pre-proposal conference, staff and the applicant discuss required items and staff provides recommendations or comments to assist the applicant with providing a complete formal submission. (See Subdivision Regulations, Sec. 24.103C) It will be determined at this meeting whether the site plan submission needs to be a full site plan or a limited site plan (as determined by the ILP Ordinance) and if it will follow the major or minor site plan process (as determined by the Subdivision Regulations).
4. ~~Five (5) calendar days after the pre-proposal conference, staff shall provide the applicant and the Planning Commission with a Conference Memorandum detailing the proposal and the specific guidance given to the applicant. The Planning Commission will receive a copy of this memorandum. (See Subdivision Regulations, Sec. 24.103E)~~
- 4.5. If the minor site plan proposal is a telecommunications facility in the Rural District, the applicant must present a request to the Planning Commission for approval of the mitigation of the visual impact. (See Zoning Ordinance, Sec. 4B.4) The applicant shall submit a letter of request referencing Zoning Ordinance Section 4B.4(b)(2)(b) and include one set of presentation material. Once staff has found the submitted material to be sufficient, twelve (12) copies of the material will need to be forwarded to the department and the proposal will be scheduled on the next regularly scheduled Planning Commission agenda, after all copies are received. The scheduling of the proposal shall take place no later than one week prior to the meeting. The applicant shall also provide Staff with a list of all adjoining and confronting property owners by name, address, tax district, tax map number and parcel number. Staff will notify these property owners in writing one week prior to the meeting.
- 5.6. Under the minor site plan process, the applicant formally submits a proposal, regardless of whether it is a full site plan or a limited site plan, to the Engineering Department by providing a 100% complete site plan, a completed building permit application and the required fees. The application meeting is omitted since a pre-proposal conference has already occurred. (See Subdivision Regulations, Sec. 24.104A) The building permit application and the architectural drawings for the structure on the site may be submitted at this time. Otherwise, they shall be submitted only after staff approval of the site plan. The ILP will be issued only after both the site plan and the building plans are approved by staff.
- 6.7. During the ten (10) calendar days after the formal submission, staff may make a site inspection, and the applicant will receive a written determination of whether or not the submission is classified as a minor site plan. (See Subdivision Regulations, Sec. 24.104C & D)
- 7.8. Within ten (10) calendar days, from the minor site plan classification determination, staff shall “approve,” “approve with conditions,” or “deny” the plan. (See Subdivision Regulations, Sec. 24.104E and W.Va. Code §8A-5-4). If the determination is “approval with conditions,” typically staff will provide a checklist and/or written comments that need to be satisfied as conditions of approval. The applicant will be notified of the determination via the phone call.
8. ~~Any site plan that is not located within the Industrial/Commercial District requires Planning Commission approval. Such projects will be placed on the next appropriate Planning Commission agenda for their approval. (See Planning Commission scheduling policy & ILP Ordinance, Sec. 4.0) Under the minor site plan process, site plans for projects located within the Industrial/Commercial District may be approved by staff.~~

9. Prior to the issuance of the ILP and the start of the application is "approved," and if the architectural drawings were not submitted with the initial submission, the drawings shall be submitted to the Engineering Department at this point.

9-10. Building permits will be issued once all of the following conditions are met: the site plan is approved by staff, the architectural drawings are approved by staff, and all construction on either the site and/or the building structure, the approved project shall be bonded bond arrangements are made and in accordance with place according to the land development ordinances and the County Commission's Bonding Policy. Construction may not begin until these conditions are completely met or a violation will be issued.

*NOTE: This policy is subject to future changes by staff when necessary.*

Name	Affiliation	Address
Elliot Simon	Blue Ridge Acres & JCO HOA Treas./running WV Delegate 57th District	Blue Ridge Acres
Paul Ashbaugh	ARMY-Vietnam War Veteran/Construction Supervisor	Chestnut Hill Road
Glenn Cogle	Owns concrete & excavating company	Cogles Fields Lane
Ed Burns	Citizen	Harpers Ferry
Matt Knott	Owner of River Riders	Harpers Ferry
Greg Borchert	Biologist-National Cancer Institute	Harpers Ferry
Susanne Koenig	Community Rep. Mountain Water Project	Keyes Ferry Acres
Lee Snyder	Snyder Environmental	Keyes Ferry Acres
Kay Moore	Retired Fed Employee/Blue Ridge Drinking Water Comm.	Keyes Ferry Acres
Kurt Acker	Computer Eng. - Technical Sales IBM/HOA President	Lake Forest Estates
Carl Drumgoole	Former Lieutenant Commander US Naval Reserve	Moonridge Lane
Bryan Derrickson	Data Comm.-SAIC/Citizen Action Groups re: stormwater management	Possumwood Trail
Ronda Lehman	Participant Zoning Discussions & petitioner for "the vote"	River Rock Run
Todd Kelvington	Environmental Spec. - Thrasher Engineering/submitted letter for vacant PC seat	Rolling Lane
Michael Donahue	Former Shep. Chronicle columnist/written appeals to PSC	Shannondale
Mark Shields	Consumer Safety-FDA/member JC Board of Health & JC Water Advisory Comm.	Shenandoah Junction
Catherine Waite	Reverend, Unity of Shep.	Shenawood Drive
Tom Garrison	Owns a small real estate company	Shenawood Drive
Joe Thompson	Citizen	Stone Ridge Road
Katherine Austin	Attorney, Dept. of Treasury	Wild Dogwood Lane
Fred Blackmer	Participant Ches. Bay & Nutrient Trading Steering Committee	Wild Hare Road
Carlen Emanuel	Land Protection Manager/Appalachian Trail Conservancy	

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

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

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

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**Director's Report**  
**March 23, 2010**  
**Planning Commission meeting**

- 1) Activity Report (attached)
- 2) County Commission actions
  - a) Approval of copier lease
  - b) Fees scheduled for 3/25/10
  - c) Annual Report scheduled for 3/25/10
- 3) Status of Subdivision Regulation Amendments and Outreach efforts
  - a) Evening Outreach Meetings:
    - (1) Monday, March 29, 2010, 6 – 9 pm, Men's Club, Shepherdstown
    - (2) Thursday, April 1, 2010, 6 – 9 pm, Library basement
  - b) Work Hour Outreach Meetings:
    - (1) Friday, March 26, 2010; 10 am – noon, second floor conference room
    - (2) Wednesday, March 31, 2010, 1:30 – 3:30 pm, second floor conference room

## **Christine Chalmers**

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

### **MONDAY, MARCH 15, 2010**

10:00 am JENNIE, SETH & JENNILEE – WEEKLY SUBMISSIONS MEETING (PLANNING)  
NOON - 2:00 pm JENNIE – REGIONAL 9 MEETING (CHARLES TOWN INN)  
2:00 pm JENNIE & JENNIFER – WEEKLY MEETING / RE: ZONING ISSUES

### **TUESDAY, MARCH 16, 2010**

9:30 am - 10:30 am STAFF MEETING  
11:00 am JENNIFER, SETH, ROGER & JONATHAN - MEETING / RE: DISCUSS A. DAILEY PPC  
NOON JENNIE & SETH – LUNCH MEETING WITH JOHN MAXEY  
1:00 pm JENNIE – MEETING WITH NAOMI (REPORTER/JOURNAL)  
1:00 pm JENNIFER – MEETING with PAUL RACO / RE: STALEY

### **WEDNESDAY, MARCH 17, 2010**

10:00 am JENNIFER, SETH & JONATHAN : PPC / RE: COOL SPRINGS ART CNTR (LINDA CASE)  
10:45 am JENNIFER, SETH (ROGER ?) & JONATHAN / RE: MEETING with ARNIE DAILEY  
11:30 am JENNIFER, SETH & JONATHAN: PPC / RE: TIM STARK (CELLULAR TOWER)  
2:00 pm – 4:00 pm JENNIE & SETH – MEETING / RE: BLUE RIDGE MOUNTAIN COMMITTEE  
4:00 pm – 5:30 pm JENNIFER & SETH – RE: REDEVELOPMENT & REVITALIZATION FOR NEW ERA (RANSON)  
4:00 pm – 5:30 pm MEET & GREET – NEW COUNTY ADMINISTRATOR (TIM BOYDE) - LIBRARY

### **THURSDAY, MARCH 18, 2010**

9:00 am - COUNTY COMMISSION MEETING  
(?) JENNIE  
1:00 pm SETH – WEBINAR / RE: ACHIEVE TRANSPARENCY & OPEN GOVERNMENT  
TOP TECHNOLOGY TRENDS  
3:00 pm JENNIE, JENNIFER & CHRISTINE – BZA MEETING

### **FRIDAY, MARCH 19, 2010**

10:00 pm JENNIE – MEETING with PAUL RACO & RUSSELL ROPER  
1:30 pm SETH & JONATHAN – MEETING with ANNETTE VAN HILST

## **Christine Chalmers**

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

### **MONDAY, MARCH 22, 2010**

10:00 am JENNIE, SETH & JENNILEE – WEEKLY SUBMISSIONS MEETING (PLANNING)  
10:00 am JENNIFER – MEETING WITH MIKE SHEPP & PAUL JEANNIN / RE: VINEGAR HILL  
2:00 pm JENNIE & JENNIFER – WEEKLY MEETING / RE: ZONING ISSUES  
3:00 pm – 5:00 pm JENNIE & SETH – TREE CANOPY MEETING @ CHARLES TOWN CITY HALL

### **TUESDAY, MARCH 23, 2010**

9:30 am - STAFF MEETING  
7:00 pm PLANNING COMMISSION MEETING

### **WEDNESDAY, MARCH 24, 2010**

11:00 am SETH & JONATHAN – PPC MEETING WITH KAREN BRILL / RE: JC FAIRGROUNDS

### **THURSDAY, MARCH 25, 2010**

9:00 am - COUNTY COMMISSION MEETING  
(?) JENNIE – COUNTY COMMISSION

### **FRIDAY, MARCH 26, 2010**

9:15 am – 10:00 am JENNILEE, AMY & CHRISTINE - ASSISTANT'S MEETING WITH JULIE  
10:00 am – NOON PUBLIC MEETING / RE: SUBDIVISON REGULATIONS in P&Z UPPER CONFERENCE ROOM

# Jefferson County, West Virginia

## Department of Planning & Zoning

116 East Washington Street; 2<sup>nd</sup> Floor

P.O. Box 338

Charles Town, West Virginia 25414

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

Phone: (304) 728-3228

Fax: (304) 728-8126

MARCH 9, 2010

### PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: February 17, 2010 at 10:45 a.m.

CONTACT NAME: Ed Johnson  
COMPANY NAME: ED JOHNSON & ASSOCIATES / (304) 279-9924  
(Address/Phone Number) P.O. Box 1277; Charles Town, West Virginia 25414

Paul Raco (304) 676-8256  
P.J. RACO CONSULTING, LLC  
P.O. Box 548; Charles Town, West Virginia 25414

OWNER/DEVELOPER: Martin Bachnor  
(Name/Address) 4480 Sulphur Springs Road; Kearneysville, West Virginia 25430

PROPOSED PROJECT: RESIDENTIAL SUBDIVISION: One (1) Lot Minor Subdivision  
and Residue Lot

DISTRICT/MAP/PARCEL: MIDDLEWAY TAX DISTRICT / MAP 12 / PARCEL 3  
ZONING DISTRICT: RURAL

MEETING DESCRIPTION:

- The Meeting Attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; and County Engineer, Jonathan Saunders. Ed Johnson, of Ed Johnson & Associates; and Paul Raco, P.J. Raco Consulting, LLC were also in attendance, representing the Owner.
- Overview: the proposed project consists of creating a One (1) Lot Minor Subdivision and Residue, using the edge of the Residue access easement, on State Route 4, as the division line.
- Tentative site capacity calculations.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance, Art. 4.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to be considered (includes file numbers, dates/previous proposals, etc.): File #01-13 (Minor Subdivision) created parcels 3.3 and 3.4 are a result of a minor subdivision in 2001. parcel 3.2 is the result of an exemption that was approved in 1987 (recorded in Deed Bk. 587, Pg. 143).
- Application Fee: **\$600.00**
- Payment(s) Received: **None**

**FINDING:**

The Plan concept appears to satisfy the intent of the Subdivision Ordinance requirements. Per email correspondence received from the Department of Highways, dated March 2, 2010, Sulphur Springs Road (SR-4) is an easement across Parcel 3. Upon approval from the WVDOH, the required 50' access easement may be achieved by increasing the existing WVDOH easement, provided said easement remains entirely on the Residue.

**EFFECT OF FINDING:**

The Applicant may proceed with the engineering of the proposed Minor 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,

JS/clc

Cc: Engineering & Permit Department  
Ed Johnson & Associates, Inc.  
Paul Raco, P.J. Raco Consulting, LLC

Jennifer Snyder  
Zoning Administrator

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

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MARCH 08, 2010

**MINOR SUBDIVISION and SITE DEVELOPMENT DETERMINATION**

APPLICATION SUBMISSION DATE: FEBRUARY 12, 2010

CONTACT NAME: William H. Gordon Associates, Inc / (304) 725-8456  
Attn.: Jason Gerhart / [jgerhart@whga.com](mailto:jgerhart@whga.com)  
(Mailing Address/Phone Number) 301 North Mildred Street, Suite 1; Charles Town, WV 25414

OWNER/DEVELOPER: William H. Scott Inter Vivos Trust  
(Name/Mailing Address) P.O. Box 190; Summit Point, West Virginia 25446

PHYSICAL ADDRESS: Summit Point Raceway Property - SPARC  
DISTRICT/MAP/PARCEL: Kabletown District / Map 17 / Parcel 2  
2002 ZONING DISTRICT: RURAL  
TOTAL PARCEL SIZE: 420 (+/-) acres

PROPOSED PROJECT: NON-RESIDENTIAL SITE DEVELOPMENT

Overview: The proposed development plan consists of relocating an existing site driveway to serve a non-public access portion of the site. Said relocation was previously discussed with the Jefferson County Engineering Department who advised, in a letter dated January 11, 2010, that County Staff has requested that the driveway relocation be submitted as a new Minor Site Plan.

**CRITERIA CHECK-LIST**

The proposed Project meets the definition of a Minor Site Plan, as follows:

- 1. does not require the development of new or the extension of existing off-track infrastructure.
- 2. has Building(s) of less than 20,000 square feet Gross Floor Area (GFA) on an undeveloped site.
- 3. has Expansion(s) to existing development of less than ten percent (10%) of existing GFA or Addition(s) of less than 50,000 square feet GFA.
- 4. consists of Apartment or Multi-Family development of less than dwelling units.

Accordingly, the proposed Project:

- 1. meets the referenced criteria, and is hereby determined to be Minor Site Development.
- 2. does not meet the referenced criteria, and is hereby determined not to be Minor Plan Development.
- 3. follows the Site Plan process and is considered a  Full or  Limited Site Plan.

Sincerely,

Jennifer Snyder,  
Zoning Administrator

JJS/clc  
cc: Jason Gerhart w/ WHGA

# Jefferson County, West Virginia

## Department of Planning

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Fax: (304) 728-8126

MARCH 8, 2010

### PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: March 3, 2010 @ 10:00 am

CONTACT NAME: William H. Gordon Associates, Inc.  
Attention: Jason Gerhart jgerhart@whga.com  
301 North Mildred Street, Suite 1  
Charlestown, West Virginia 25414  
(304) 725-8456

PROPERTY OWNER: Steve Mitchell  
(Mailing Address/Phone Number) 1057 Jefferson Avenue  
Charles Town, West Virginia 25414

PROPOSED PROJECT: NON-RESIDENTIAL SITE DEVELOPMENT  
PRINCIPAL PERMITTED USE: Single Family Dwelling Unit and Commercial Use

DISTRICT/MAP/PARCEL: CHARLES TOWN Tax District / Map:10A / Parcel: 37  
DEED BOOK: 932 PAGE: 174

TOTAL PARCEL SIZE: 5,000 sq. ft.

2002 ZONING DISTRICT: RESIDENTIAL / LIGHT INDUSTRIAL / COMMERCIAL

### MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; County Engineer, Jonathan Saunders; Jason Gerhart, William H. Gordon Associates, Inc.; and Owner, Steve Mitchell.
- Overview: The proposed project consists of a Change in Use from Residential to Mixed Use, to include a limited Site Plan that will address County Ordinance requirements such as parking, buffers, etc.
- Tentative site capacity calculations.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to consider includes: Limited Site Plan File S07-15 / Re: Building Addition.
- FEES: Upon submission, all applicable Site Plan and Building Permit fees, as required by the Engineering Department.
- Payment(s): **None Received**

**FINDING:**

Per Section 4.10 of the Zoning Ordinance, the ILP Ordinance, and current Subdivision Regulations, the proposed plan concept will require a Limited Site Plan submission, and may comply with the processing conditions for Minor Site Development. It will also be necessary for landscape buffering to be provided; additionally, the Units will need to be readdressed.

**EFFECT OF FINDING:**

The processing of a Site Plan is required. Building Permits must also be obtained, prior to the start of construction, and appropriate approvals from all Local, State and Federal Agencies, are necessary for the issuance of a Zoning Certificate. Contact the Jefferson County Addressing Department for additional processing information.

Sincerely,

Jennifer Snyder  
Zoning Administrator

JJS/clc

Cc: Jason Gerhart, WHGA  
Engineering & Permits Department

# Jefferson County, West Virginia

## Department of Planning & Zoning

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JANUARY 27, 2010

### PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: December 9, 2009 @ 11:00 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

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/elc

Attachment: Density Notes

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