

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

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

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

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MEMORANDUM

**TO:** JEFFERSON COUNTY PLANNING COMMISSION  
**FROM:** JENNIFER BROCKMAN, DIRECTOR OF PLANNING  
**DATE:** JULY 9, 2010  
**SUBJECT:** JULY 13, 2010 PLANNING COMMISSION MEETING

Please find attached the following documents for consideration at the July 13, 2010 Planning Commission meeting.

**Documents provided:**

➤ **July 13, 2010 agenda and map.**

1. Approval of the minutes from the June 22, 2010 meeting.

**Documents provided:**

➤ **Minutes of the June 22, 2010 meeting.**

2. Citizen Communications.
3. A call for postponements.
4. Update on staff research related to the Chapel View subdivision issues raised by Jennifer Syron at the June 22, 2010 Planning Commission meeting.

**Documents provided:**

➤ **Report from Engineering.**

5. Request by US Cellular for Approval of the Mitigation of the Visual Impact for a wireless communication tower. This project consists of the construction of a new 195' monopole telecommunications tower with a 60'x60' fenced compound area, the installation of a new 12'x24' equipment shelter, and 12' antennas with 12' coax lines. The property is designated as Tax District: Charles Town; Map: 20; Parcel: 31. This item had been postponed from the June 8, 2010 Planning Commission meeting.

**Documents provided:**

➤ **Staff Report.**

6. Blue Ridge Mountain Community Plan.
7. Reports from Legal Counsel and legal advice to the Planning Commission.

8. Planning Commission Training.
9. Director's Report.  
**Documents provided:**
  - **Director's Agenda.**
  - **SB 595 memo.**
10. Reports from Legal Counsel and legal advice to PC.
11. County Commission Liaison Report.
12. Planning Commission Exchange.
13. President's Report.
14. Actionable Correspondence.
15. Non-Actionable Correspondence.  
**Documents provided:**
  - **Letter from the Historic Landmarks Commission**
  - **Email and letter from Peter Appignani of the Jefferson County Organization of Homeowner's Associations.**

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

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
July 13, 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 June 22, 2010 meeting.
2. Citizen Communications.
3. A call for postponements.
4. Update on staff research related to the Chapel View subdivision issues raised by Jennifer Syron at the June 22, 2010 Planning Commission meeting.
5. Request by US Cellular for Approval of the Mitigation of the Visual Impact for a wireless communication tower. This project consists of the construction of a new 195' monopole telecommunications tower with a 60'x60' fenced compound area, the installation of a new 12'x24' equipment shelter, and 12' antennas with 12' coax lines. The property is designated as Tax District: Charles Town; Map: 20; Parcel: 31. This item had been postponed from the June 8, 2010 Planning Commission meeting.
6. Blue Ridge Mountain Community Plan.
7. Reports from Legal Counsel and legal advice to the Planning Commission.

AGENDA  
JEFFERSON COUNTY PLANNING COMMISSION  
JULY 13, 2010  
PAGE 2 OF 2

8. Planning Commission Training.
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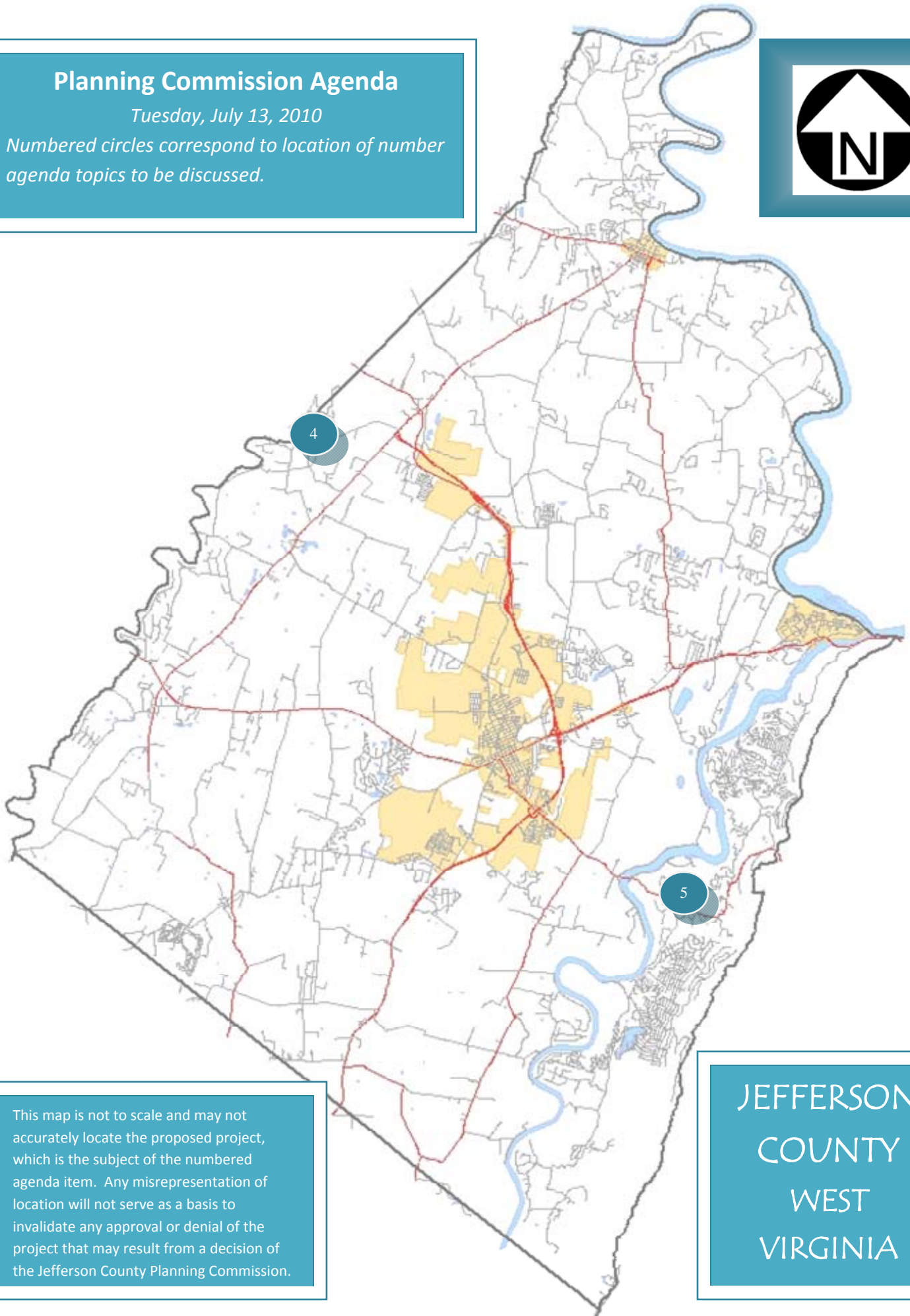
The Planning Commission welcomes written comments at any time. Our office is open Monday through Friday, 9:00 a.m. to 5:00 p.m., and is located at 116 East Washington Street, P.O. Box 338, Charles Town, WV 25414. Our phone number is (304) 728-3228; our fax number is (304) 728-8126; our email address 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, July 13, 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



MINUTES  
JEFFERSON COUNTY PLANNING COMMISSION  
JUNE 22, 2010

The Jefferson County Planning Commission met on Tuesday, June 22, 2010, with the following Commission members present: John Maxey, President; Thomas Trumble, Vice President; Morgan Eppers, Secretary; Arnold Dailey, Daniel Hayes, Frances Morgan, Stephen Alemar, and Kelly Baty. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, Planner; Jonathon Saunders, County Engineer; Stephen Groh, Assistant Prosecuting Attorney; Julie Quodala, Planning and Zoning Office Manager; and Amy Puetz, Office Assistant.

Mr. Gene Taylor was absent with notification.

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

**1. Approval of minutes for the June 8, 2010 meeting.**

Ms. Eppers moved to approve the minutes of June 8, 2010. Mr. Alemar seconded the motion. Mr. Maxey asked for the motion and the second to be withdrawn in order to discuss and vote on any suggested amendments. Mr. Alemar withdrew his second and Ms. Eppers withdrew her motion. Mr. Maxey suggested the following amendments to the minutes:

On page 1, item #6, Mr. Maxey moved to strike "By making eligibility contingent upon preliminary plat approval, his intent to "save" Shepherdstown Battlefield could be accomplished". Mr. Hayes seconded the motion which carried 4 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

On page 3, item #6, first sentence, Mr. Maxey moved to amend "Mr. Maxey distributed a draft resolution ~~explaining that the Planning Commission would follow legislator intent and interpret preliminary approval to mean preliminary plat approval~~" to "Mr. Maxey distributed a draft resolution *to establish Jefferson County Planning Commission policy implementing the West Virginia State Legislature's recent amendment to Chapter 8A*". Mr. Alemar seconded the motion which carried 4 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

Ms. Morgan and Mr. Baty entered the meeting at 7:07 PM.

On page 3, agenda item #6, after the last sentence, Mr. Maxey moved that the resolution, in its entirety, be included in the text of the minutes. Mr. Alemar seconded the motion which carried 6 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

Mr. Alemar moved to approve the minutes as amended. Ms. Eppers seconded the motion which carried 6 for and 2 abstentions (Mr. Trumble and Mr. Dailey).

**2. Citizen Communications.**

Jennifer Syron, resident of Chapel View, approached the Planning Commission with roadway concerns in her subdivision. She explained that roads were constructed improperly

and the developer failed to put in telephone lines prior to construction and has since cut up the roads to provide those lines. Chapel View is divided by the Berkeley County/Jefferson County line. Ms. Syron informed the Planning Commission that Berkeley County has pulled the developer's bond and the roads will be repaired on the Berkeley County side of the subdivision. In January of 2010, the developer's bond in Jefferson County was extended and Ms. Syron expressed concern that the developer would declare bankruptcy possibly leading to failure of repair of the Jefferson County roads within Chapel View. Ms. Syron also discussed Chapel View being a "limited expense community" and the limitations of financial disclosure and the lack of a functioning home owner's association that status provides. Mr. Maxey suggested that Ms. Syron become involved with the County Commission's discussion on revisions to the bonding policy and to read the Subdivision Regulation Amendments, currently being reviewed by the County Commission, and recommend changes that would help prevent further situations like this. Ms. Morgan asked that this topic be placed on the agenda for the July 13, 2010 Planning Commission meeting before any activity is directed to allow the private interest to be notified.

3. **A call for postponements.** None.
4. **Public Hearing for Zoning Map Amendment (Rezoning) for property designated as Tax District: Shepherdstown, Map: 7A, Parcel: 51.3. This property is located at 7311 Martinsburg Pike, Shepherdstown, and is located within Mecklenburg Heights and is a total of 0.234 acres. The property is currently zoned Residential Growth and a request is being made by Good Shepherd Interfaith Volunteer Caregivers to change zoning to Residential/Light Industrial/Commercial.**

Mr. Rivard read from his staff report and recommended approval.

There was discussion on other processes that may be used to allow the use aside from rezoning the property. Mr. Rivard explained that the Conditional Use Permit could also be used and that the applicant was given the option of the two. Ms. Brockman described the benefits and disadvantages of the Rezoning process versus the Conditional Use Permit process. Mr. Groh advised the Planning Commission that, in most cases, the Conditional Use Permit is easier and allows more public input due to the Neighborhood Compatibility Meeting.

Mr. Saunders deferred to the Planner.

Dan Rowzie, President of the Board of Good Shepherd Caregivers, gave a short presentation of the project.

Mr. Maxey opened the public hearing. Mr. Harvey Heyser, a member of the Shepherdstown Planning Commission and the Shepherdstown Zoning Officer, expressed concern of the possibilities that rezoning the property would allow should the applicant ever leave the property and the aesthetic value of the property since it is leading into Shepherdstown. Ms. Joan Sheridan, owner of the property, testified to the quality of the house. Ms. Paula

Marrone- Reese, executive director of Good Shepherd Interfaith Volunteer Caregivers, explained that the organization plans on beautifying the property with decorative enhancements. Mr. Maxey closed the public hearing.

There was continued discussion concerning the better procedure for obtaining the use for the property.

Mr. Trumble moved to approve the staff recommended motion. Mr. Hayes seconded the motion. There was additional discussion concerning how quickly a Conditional Use Permit process could be completed.

Mr. Maxey called for a break to allow staff to change the CD at 8:24 PM. Mr. Maxey called the meeting to order at 8:26 PM.

Ms. Morgan abstained from voting since she would be voting at the County Commission level should the vote pass. The motion failed 3 for and 4 opposed (Mr. Maxey, Mr. Baty, Mr. Alemar, and Mr. Dailey).

Mr. Maxey moved that the Planning Commission recommend to the County Commission, at the next possible meeting, to waive the fee for a Conditional Use Permit for Good Shepherd Interfaith Volunteer Caregivers and that the process for the CUP be accelerated by staff. Mr. Alemar seconded the motion which carried 7 for and 1 abstention (Ms. Morgan).

**5. Blue Ridge Mountain Community Plan.**

Mr. Rivard reviewed the Citizen's Advisory Committee meeting that was held June 17, 2010. He informed the Planning Commission that meeting dates and times for July, August, and September to meet with the consultant were discussed and the first meeting was scheduled for July 15, 2010. He stated a lot of time was spent discussing how to notify property owners of these meeting and ideas such as flyers and postcards were raised. Mr. Rivard notified the Commission that audio recording of the last meeting would be posted to the website in time.

**6. Director's Report.**

- a. Activity Report.** This report was provided in the agenda packet. Ms. Brockman stated that the format of the Activity Report would change to provide work load information.
- b. Zoning Administrator Vacancy.** Ms. Brockman informed the Planning Commission that five (5) interviews were done that day and that 2<sup>nd</sup> interviews would be scheduled.
- c. Subdivision Regulation Amendments.** Ms. Brockman reminded the Planning Commission of the Public Outreach Education Workshop Meeting scheduled for June 24, 2010 at 6 PM in the Charles Town Library meeting room.
- d. Land Development Fees.** Ms. Brockman stated that a Roundtable Discussion Meeting was scheduled for July 8, 2010 at 6 PM in the Charles Town Library meeting room.

- e. **Upcoming 340 Activities.** Ms. Brockman reported on the Metropolitan Planning Organization's (MPO) Technical Advisory Committee meeting. She informed the Planning Commission that there would be a meeting the next week regarding the National Governor's Association Grant received by the State and how it involves the 340 Corridor study. She stated there would be another meeting next week involving the MPO's Long Range Transportation Plan and its study of the 340 Corridor.
  - f. **Department of Environmental Protection.** Mr. Brockman stated she would be attending an all day meeting with the Department of Environmental Protection Agency concerning watershed planning for the State of WV.
7. **Reports from Legal Counsel and legal advice to the Planning Commission.**  
Mr. Groh asked that this agenda item be postponed until the end of the meeting to allow for executive session.
8. **County Commission Liaison Report.** None.
9. **Planning Commission Exchange.** None.
10. **President's Report.** None.
11. **Actionable Correspondence.** None.
12. **Non-Actionable Correspondence.** None.

Ms. Morgan moved to go into Executive Session on request of legal counsel. Mr. Maxey seconded the motion which carried unanimously. Executive Session began at 9:05 PM.

Mr. Dailey moved to exit Executive Session. Mrs. Morgan seconded the motion which carried unanimously. Regular meeting resumed at 9:22 PM.

Mr. Dailey moved to adjourn at 9:22 PM. Ms. Morgan seconded the motion, which carried unanimously. A detailed transcript of the meeting may be found on CD #46 and CD #47. These minutes were prepared by Amy Puetz, Office Assistant.

# Outline of Bonding and Road Conditions for Chapel View Subdivision.

## I. Site description

- Preliminary Plat
- Tax Map
- Aerial Photo
- Site photos

## II. Road Conditions

- Testing
  1. Proof roll of the road bed by ECS - acceptable.
  2. Utility trenches.

## III. Bonding

- Remaining Bonded Items

## IV. Conclusion

- Cause - Settlement
- Solution ?????





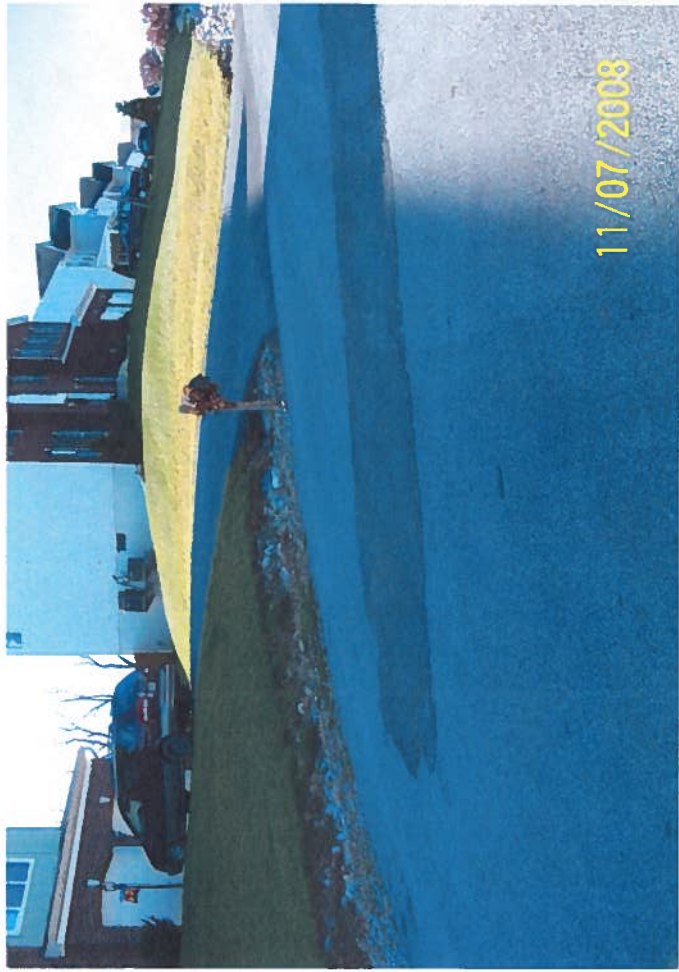




Berkeley

Jefferson







# Chapel Veiw

## Remaining Bond Items

Earth Dikle	\$6,568.05
Silt Fence	\$1,336.50
Stone aCheck Dam	\$10,800.00
Inlet Protection	\$1,100.00
Vert. Dewatering Device	\$550.00
Seeding	\$10,587.50
Common Excavating	\$1,650.00
15" CMP	\$1,200.00
36" CMP	\$1,060.00
Riprap	\$1,344.00
Excavation Core Trench SWM	\$900.00
Embankment	\$11,180.00
Concrete Control	\$2,200.00
Entrances	\$52,800.00
Line Painting	\$156.00
Traffic Signs	\$770.00
Lot Corners	\$14,080.00
15" End Section	\$800.00
6' Recreational Trail	\$56,556.00



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MEMORANDUM

TO: JEFFERSON COUNTY PLANNING COMMISSION

FROM: SETH RIVARD, COUNTY PLANNER

DATE: July 7, 2010

SUBJECT: U.S. CELLULAR TOWER

Tim Stark, applicant for the U.S. Cellular Tower project, has notified staff that he has talked with John and Karen Provost after the meeting on June 8, 2010 and once on the phone. He has subsequently tried to contact the Provost again to see if the Provosts or any of their neighbors might be concerned with this project. Tim Stark has stated he has not been able to get a return from the Provost either by phone or email. He will continue to try to make a contact with them.

If you have any questions, please contact the Planning and Zoning office at (304) 728-3228 from 9:00 a.m. to 5:00 p.m. Thank you.



5/17/2010

Jefferson County  
Department of Planning & Zoning  
116 East Washington Street, 2<sup>nd</sup> Floor  
PO Box 338  
Charles Town, WV 25414  
304-7283228  
[planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org)

**RE: US Cellular Visual Assessment Hearing**

Dear Jefferson County Planning & Zoning Commission,

US Cellular is applying to construct a new 195' telecommunications tower in the "Rural" zoned district of the county.

Per section 4B.4(B) of the Zoning Ordinance: Wireless Telecommunications Facilities are permitted by right; however, mitigation of the visual impact of the tower shall be submitted for consideration by the Planning Commission.

Attached you will find thirteen (13) copies of all documentation that will assist you in scheduling US Cellular for the required Visual Assessment hearing.

**Documents in order are:**

- 1) Cover letter
- 2) Correspondence from Jefferson County Planning & Zoning
- 3) Street map (wide view)
- 4) Street map (tight view)
- 5) Aerial map (wide view)
- 6) Aerial map (tight view)
- 7) Survey of subject parcel with proposed tower shown
- 8) Photo simulation of proposed tower from North looking South
- 9) Photo simulation of proposed tower from East looking West
- 10) Photo simulation of proposed tower from South looking North
- 11) Photo simulation of proposed tower from the Northeast looking Southwest
- 12) List of all property owners that have parcels abutting the proposed tower's parcel
- 13) Charles Town Dist, TM#20
- 14) Charles Town Dist TM#20B

Please note that there is an existing 197' cell tower that is owned and operated by Shentel that is approximately 200' to the north of the proposed US Cellular new tower location. US Cellular worked with Shentel for about 1 year to try and place their antennas on this existing tower, but have been informed by Shentel that the existing cell tower will not structurally hold the US Cellular new antennas. Also that the tower itself can not be upgraded to structurally handle said new tower loading. Only after being informed of this did US Cellular decide to apply for a new cell tower at this optimal location.

Please feel free to contact me with any questions or concerns, or if you should need any additional information to schedule US Cellular for the "Visual Assessment" hearing.

Thank you,

Tim Stark  
Wireless Resources Inc.  
203 Hunting Creek RD  
Canonsburg, PA 15317  
850-232-8777 (phone)  
412-436-3711 (fax)  
[tim.stark@wirelessresources.com](mailto:tim.stark@wirelessresources.com)

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

 COPY

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

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

MARCH 31, 2010  
PRE-PROPOSAL CONFERENCE MEMORANDUM

MEETING DATE: MARCH 17, 2010 @ 11:30 a.m.

APPLICANT : US CELLULAR  
CONTACT: Attention: Tim Stark / Wireless Resources  
(Mailing Address/Phone Number) 203 Hunting Creek Road  
Canonsburg, Pennsylvania 15317  
(850) 232-8777 [tim.stark@wirelessresources.com](mailto:tim.stark@wirelessresources.com)

OWNER/DEVELOPER: Kenneth L. Wilt  
(Name/Mailing Address) 1280 Wilt Road  
Charles Town, West Virginia 25414  
(304) 725-0645

SITE NAME & NUMBER: MT. MISSION\_USF - #416449  
SITE ADDRESS: 524 Mission Road, North  
Charles Town, West Virginia 25414

PROPOSED PROJECT: NON-RESIDENTIAL SITE DEVELOPMENT  
PRINCIPAL PERMITTED USE: Wireless Telecommunication Facility

DISTRICT/MAP/PARCEL: CHARLES TOWN TAX DISTRICT / MAP 20 / PARCEL 31  
DEED BOOK: 1045 / PAGE: 445

PARCEL SIZE: 52.1 (+) acres  
ZONING MAP DISTRICT: RURAL

MEETING DESCRIPTION:

- The meeting attendees included Zoning Administrator, Jennifer Snyder; County Planner, Seth Rivard; County Engineer, Jonathan Saunders; and US Cellular Representative, Tim Stark, with Wireless Resources.
- Overview: The proposed project consists of the construction of a new 195' monopole tele-communications tower with a 60'x60' fenced compound area. The installation of a new 12'x24' equipment shelter, and 12' antennas with 12' coax lines will also be included.
- Potential environmental constraints and mitigation measures as required by Zoning Ordinance, Art. 4.
- Anticipated Time-Frame and Deadlines.
- Additional relevant information to be considered: The 52.1 acre parcel owned by Mr. Wilt is vacant - with the exception of housing an existing telecommunications tower that is owned by Shentel Communications. Per Mr. Stark, a WV Engineer has advised that the existing tower is structurally incapable of holding additional antennas.
- FEES: Upon submission, all applicable Site Plan and Building Permit fees, as required by the Engineering Department.
- Payment(s): None Received

**FINDING:**

Pursuant to Zoning Ordinance, Section 4.10, the ILP Ordinance and current Subdivision Regulations, the proposed plan concept will require a full Site Plan submission and may comply with the processing conditions for Minor Site Development, upon removing proposed offsite access. Per Section 4B.4(B) of the Zoning Ordinance: Wireless Telecommunication Facilities are permitted by right; however, mitigation of the visual impact of the tower shall be submitted for consideration by the Planning Commission.

**EFFECT OF FINDING:**

The first step in processing a Wireless Telecommunications Tower is to request, from the Planning Commission, approval of the mitigation of the visual impact that the tower will have. Thirteen (13) copies of the mitigation proposal material, addressing all criteria referenced in 4B.4(B)(2)(b) of the Zoning Ordinance, must be submitted. It is necessary that addresses from both adjoining and confronting property owners be provided. In addition to said proposal material, subsequent to Staff review, the mitigation proposal item will be scheduled on the Agenda for consideration at the next regular Planning Commission meeting. Upon approval, the processing of a Site Plan is required. Building Permits must 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.

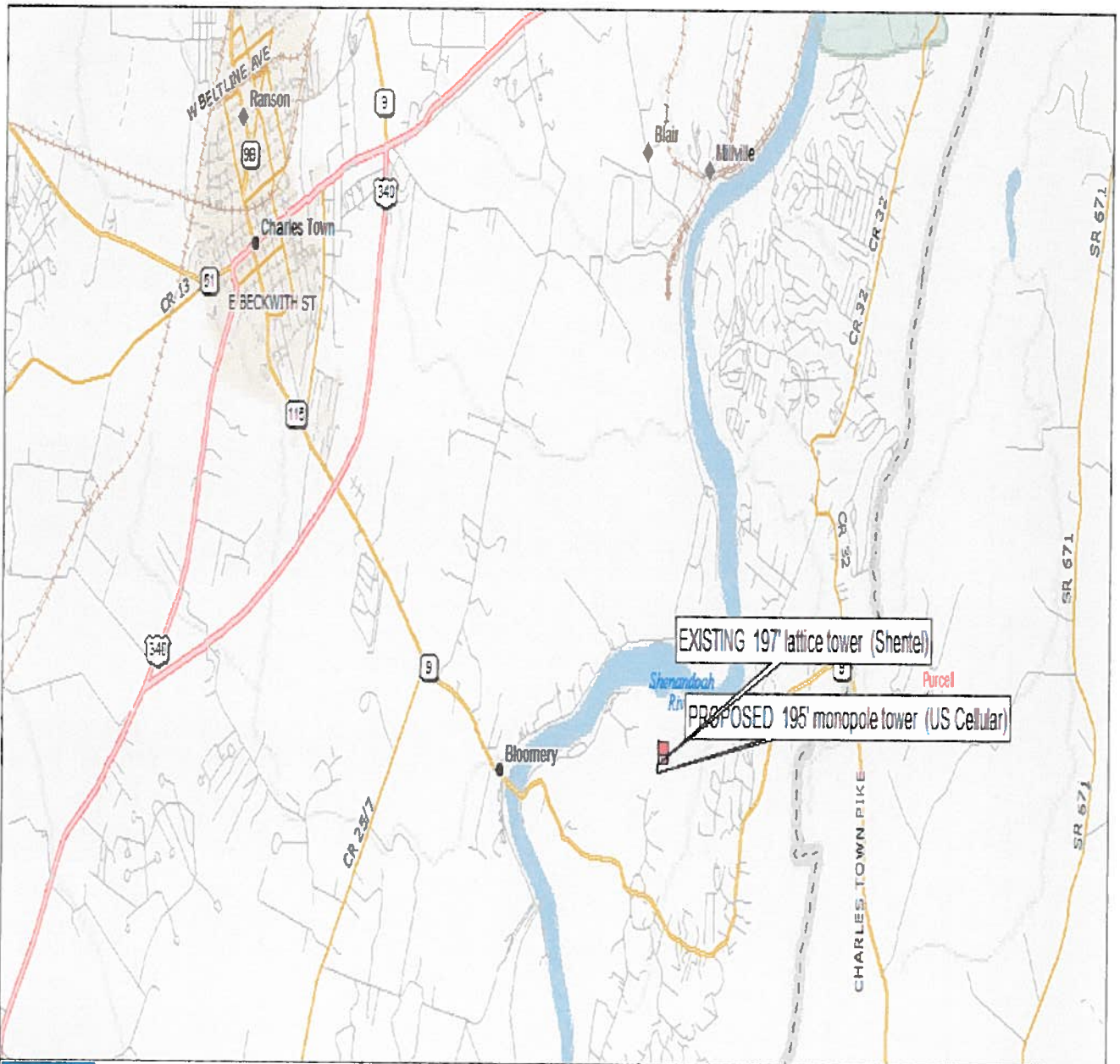
Sincerely,



Jennifer Snyder  
Zoning Administrator

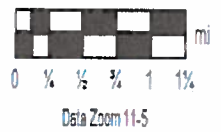
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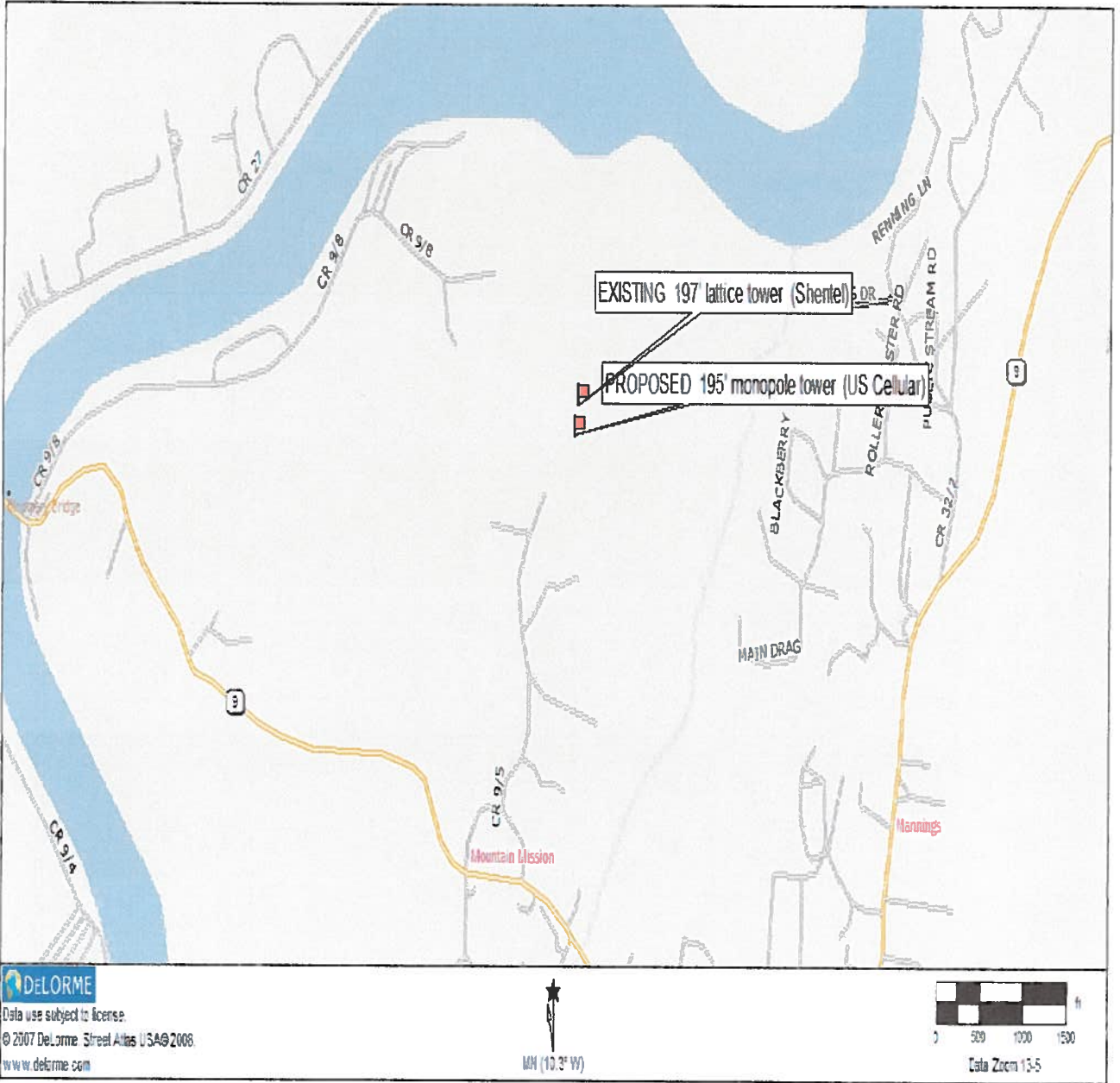
Cc: Mr. Tim Stark / Wireless Resources  
Engineering & Permits Department

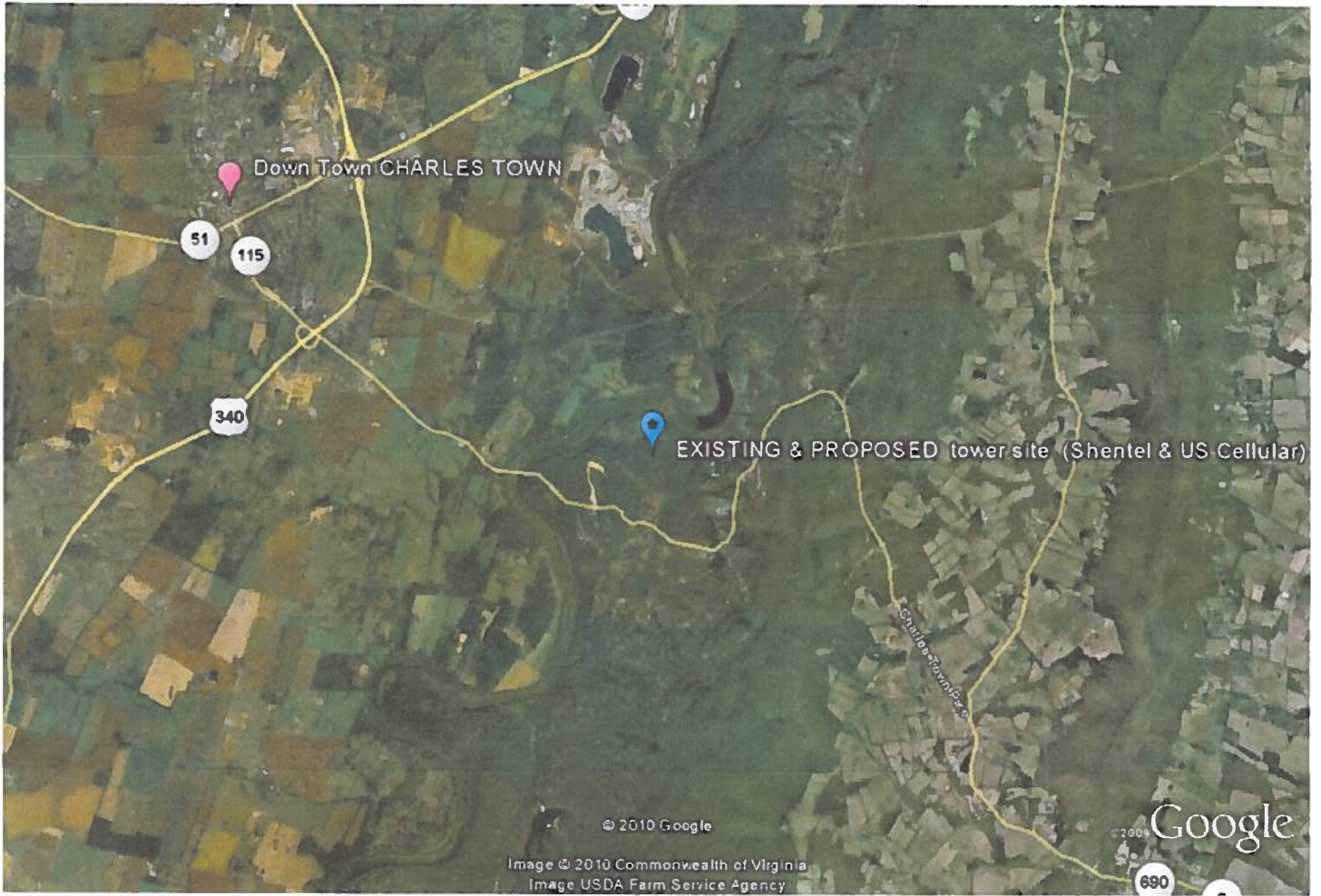


DELORME

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 www.delorme.com









EXISTING & PROPOSED tower site (Shentel & US Cellular)

© 2009 Google

Image © 2010 Commonwealth of Virginia  
Image USDA Farm Service Agency

EXISTING SHENTEL MOBILE COMPANY EASEMENT LINE TABLE		
LINE	BEARING	LENGTH
L1	N05°24'30"W	382.75
L2	N12°50'15"W	65.00
L3	N05°58'45"W	46.42
L4	N01°14'45"W	57.22
L5	N05°41'00"W	33.70
L6	N05°41'00"W	44.52

ALTERNATE ACCESS & UTILITY EASEMENT LINE TABLE (W/LT)		
LINE	BEARING	LENGTH
L12	S15°58'15"W	121.44
L13	S44°22'15"W	38.50
L14	S21°38'45"W	16.67
L15	S11°29'30"E	30.06
L16	S85°47'30"E	75.59
L17	N05°13'30"E	93.11
L18	S77°39'00"E	33.69
L19	S15°05'30"E	33.69
L20	S08°09'15"W	33.69

ALTERNATE ACCESS & UTILITY EASEMENT LINE TABLE (W/LT)		
LINE	BEARING	LENGTH
L21	S08°09'15"W	138.40
L22	S07°18'45"W	66.30
L23	S74°37'15"E	95.13
L24	S47°48'00"E	198.01
L25	S43°27'45"E	158.14
L26	S35°27'15"E	118.65
L27	S25°27'15"E	68.23
L28	S26°39'00"E	68.23
L29	S16°00'15"E	48.25
L30	N70°29'45"E	15.00

**EXISTING LEASE AREAS**

**HARBO CELLULAR TELEPHONE COMPANY 25' WIDE ACCESS & UTILITY EASEMENT**  
 25' WIDE EASEMENT, 12.5' ON EACH SIDE OF CENTERLINE WHICH IS DESCRIBED AS FOLLOWS:

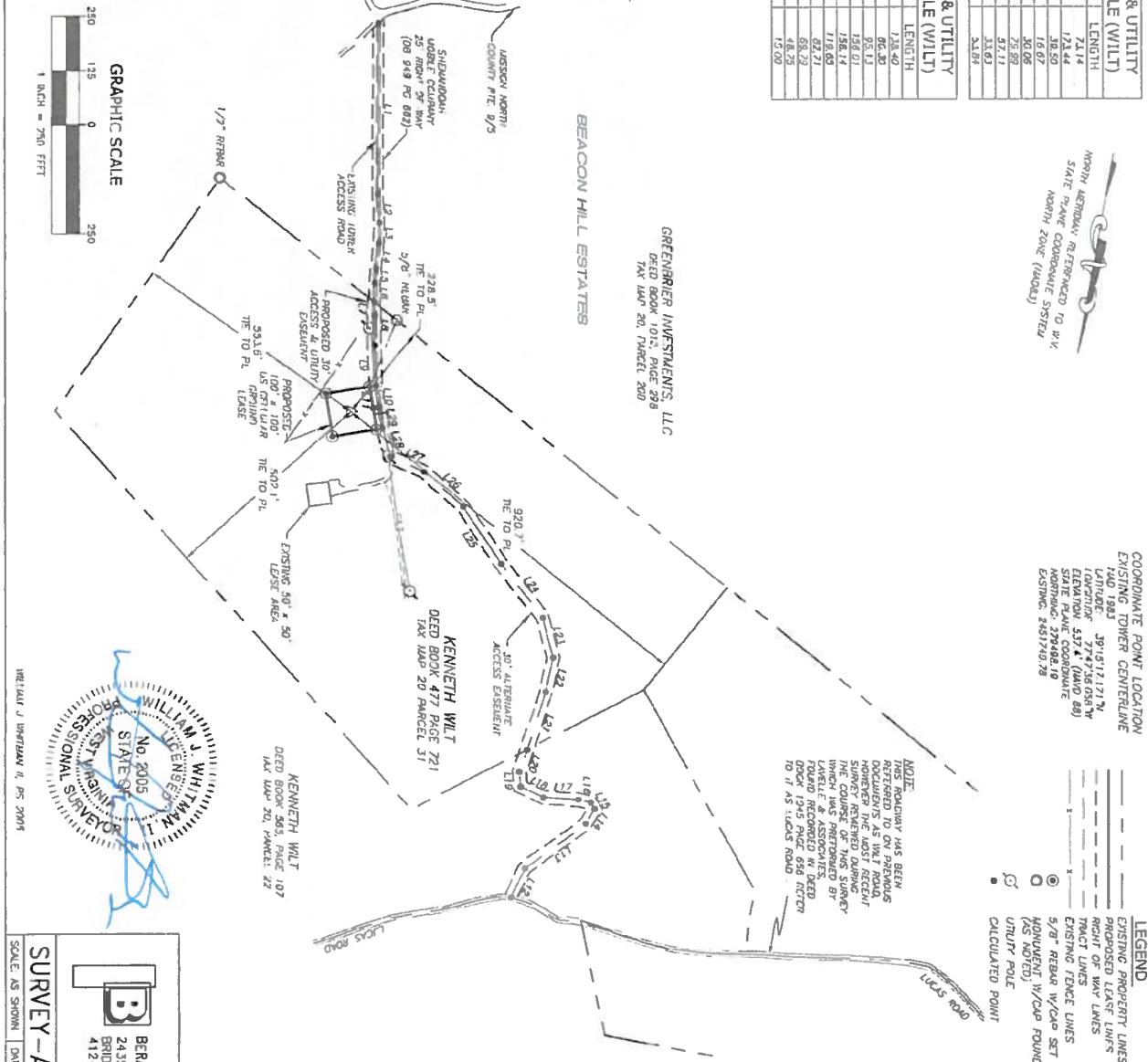
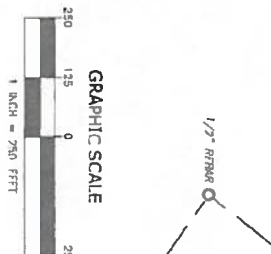
**EXISTING SHENTEL MOBILE COMPANY EASEMENT**  
 BEGINNING AT OR NEAR THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 448 PAGE 6823, THENCE FOLLOWING SAID EASEMENT THROUGH A PARCEL NOW OR FORMERLY OWNED BY GREENRIER INVESTMENTS, LLC (DEED BOOK 1012, PAGE 288) FOR THE FOLLOWING SE (S) BEARINGS AND DISTANCES: N05°54'45"W, 382.75'; N12°50'15"W, 65.00'; N05°58'45"W, 46.42'; N01°14'45"W, 57.22'; N05°41'00"W, 33.70'; N05°41'00"W, 44.52'; THENCE TO THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 1045 PAGE 1451. TOTAL LENGTH OF EASEMENT: 610.37'

**HARBO CELLULAR TELEPHONE COMPANY 30' WIDE ACCESS & UTILITY EASEMENT**  
 30' WIDE EASEMENT, 15' ON EACH SIDE OF CENTERLINE WHICH IS DESCRIBED AS FOLLOWS:

**EASEMENT THROUGH KENNETH WILT TAX MAP 20 PARCEL 111**  
 BEGINNING AT THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 1045 PAGE 1451, THENCE FOLLOWING SAID EASEMENT THROUGH A PARCEL NOW OR FORMERLY OWNED BY GREENRIER INVESTMENTS, LLC (DEED BOOK 1012, PAGE 288) FOR THE FOLLOWING SE (S) BEARINGS AND DISTANCES: N05°54'45"W, 382.75'; N12°50'15"W, 65.00'; N05°58'45"W, 46.42'; N01°14'45"W, 57.22'; N05°41'00"W, 33.70'; N05°41'00"W, 44.52'; THENCE TO THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 1045 PAGE 1451. TOTAL LENGTH OF EASEMENT: 610.37'

**EASEMENT THROUGH KENNETH WILT TAX MAP 20 PARCEL 111**  
 BEGINNING AT THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 1045 PAGE 1451, THENCE FOLLOWING SAID EASEMENT THROUGH A PARCEL NOW OR FORMERLY OWNED BY GREENRIER INVESTMENTS, LLC (DEED BOOK 1012, PAGE 288) FOR THE FOLLOWING SE (S) BEARINGS AND DISTANCES: N05°54'45"W, 382.75'; N12°50'15"W, 65.00'; N05°58'45"W, 46.42'; N01°14'45"W, 57.22'; N05°41'00"W, 33.70'; N05°41'00"W, 44.52'; THENCE TO THE CORNER OF SECTION NORTH CO. ME. 2913, 3ND FOUR (FOUR) CORNERS OF DEED BOOK 1045 PAGE 1451. TOTAL LENGTH OF EASEMENT: 610.37'

**EASEMENT THROUGH KENNETH WILT TAX MAP 20 PARCEL 111**  
 BEGINNING AT A POINT IN THE DIMENSION LINE OF TWO PARCELS OWNED BY KENNETH WILT (OFFN BOOK 477 PAGE 721 AND OFFN BOOK 565 PAGE 107), SAID POINT ALSO BEING THE END OF THE EASEMENT DESCRIBED IN KENNETH WILT TAX MAP 20 PARCEL 22 DISTANCES: S08°09'15"W, 138.40'; S44°22'15"W, 38.50'; S21°38'45"W, 16.67'; S11°29'30"E, 30.06'; S85°47'30"E, 75.59'; N05°13'30"E, 93.11'; S77°39'00"E, 33.69'; S15°05'30"E, 33.69'; S08°09'15"W, 33.69'; THENCE TO THE INTERSECTION OF THE PROPOSED 100' x 100' LEASE AREA. TOTAL LENGTH OF EASEMENT: 948.88'



**COORDINATE POINT LOCATION**  
 EXISTING 1983 OTHER CENTERLINE  
 POINT: 391°12'17.17"N  
 1047207.8  
 POINT: 377°47'56.05"W  
 1047207.8  
 POINT: 332°18'18.81"E  
 1047207.8  
 POINT: 329°48'19.81"E  
 1047207.8  
 POINT: 245°17'0.78"E  
 1047207.8

**LEGEND**  
 --- EXISTING PROPERTY LINES  
 --- RIGHT OF WAY LINES  
 --- EXISTING FENCE LINES  
 --- 5/8" REBAR W/CAE SET (AS NOTED)  
 ○ CALCULATED POINT  
 ○ UTILITY POLE

**NOTE:**  
 THIS ROADWAY HAS BEEN REFERRED TO ON PREVIOUS SURVEYS AS 'NEW ROAD' HOWEVER THE MOST RECENT SURVEY REVEALED DURING THE COURSE OF THIS SURVEY THAT THE ROADWAY IS A 'NEW ROAD' RECORDED IN DEED BOOK 1393 PAGE 058 RECTORY TO IT AS 'LOCAL ROAD'



**BIRARDU DESIGN ASSOCIATES**  
 2435 BROOKLEGG ROAD  
 BRIDGEVILLE, PA 15017  
 412-519-2880

**SURVEY - ACCESS ROAD** SHEET **C20**

SCALE: AS SHOWN DATE: 2/12/09 DRAWN: BAW

<b>SITE NAME:</b>	W.T. HISSON	
<b>SITE NUMBER:</b>	418410	
<b>SITE ADDRESS:</b>	524 JANSON ROAD NORTH CHARLES TOWN, WV 25414	
<b>AREA:</b>	LEASE AREA = 10,000 SQ. FT.	
<b>PROPERTY OWNER:</b>	KENNETH L. WILT 1280 WILT ROAD CHARLES TOWN, WV 25414	
<b>TAX MAP NUMBER:</b>	20	
<b>PARCEL NUMBER:</b>	22 & 31	
<b>LATITUDE:</b>	39°51'17.17" N	
<b>LONGITUDE:</b>	77°47'36.058" W	
<b>NO</b>	<b>REVISION/ISSUE</b>	<b>DATE</b>
1	ISSUE FOR COMMENT	2/16/09
2	ADDED VISUAL DEBRIS	2/16/09
3	REMOVED LEASE LOCATION	3/12/09
4	REVISED PRELIM SURVEY	5/15/09
5	CONSTRUCTION ISSUE	8/12/09
6	RECORDED ALTERNATE ACCESS	11/09/09





199' TOWER SIMULATION

SITE # 416449

MOUNTAIN MISSION\_USF

524 MISSION RD NORTH

CHARLES TOWN, WV 25414

As Viewed from 300 feet to the NORTH,  
looking SOUTH toward the site.



199' TOWER SIMULATION  
SITE # 416449  
MOUNTAIN MISSION\_USF  
524 MISSION RD NORTH  
CHARLES TOWN, WV 25414  
As Viewed from half a mile from the EAST,  
looking WEST toward the site.



199' TOWER SIMULATION

SITE # 416449

MOUNTAIN MISSION\_USF

524 MISSION RD NORTH

CHARLES TOWN, WV 25414

As Viewed from 700 feet from the SOUTH,  
looking NORTH toward the site.



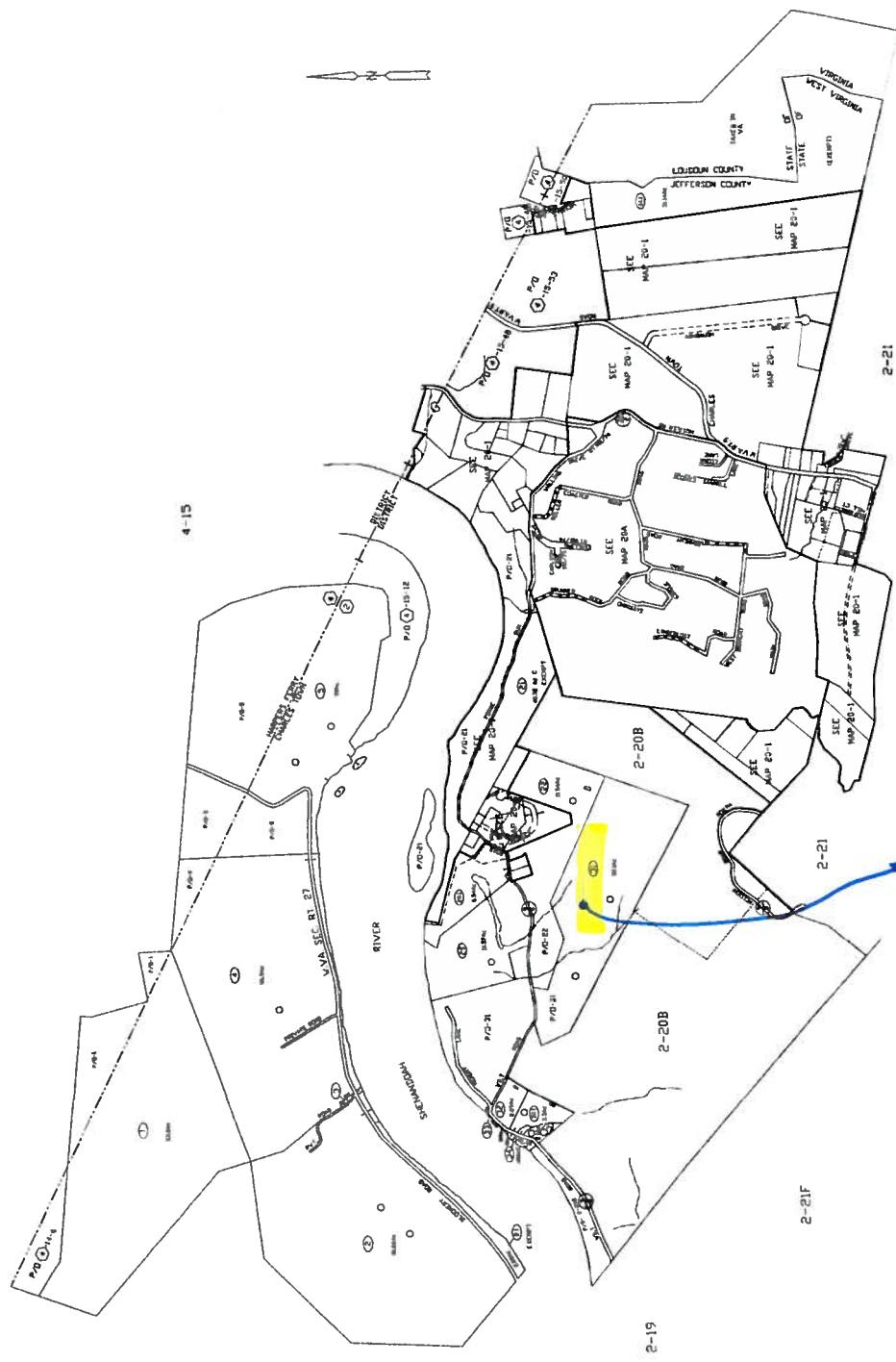
199' TOWER SIMULATION  
SITE # 416449

MOUNTAIN MISSION\_USF  
524 MISSION RD NORTH  
CHARLES TOWN, WV 25414

As Viewed from 1.3 miles away from the  
NORTHEAST,

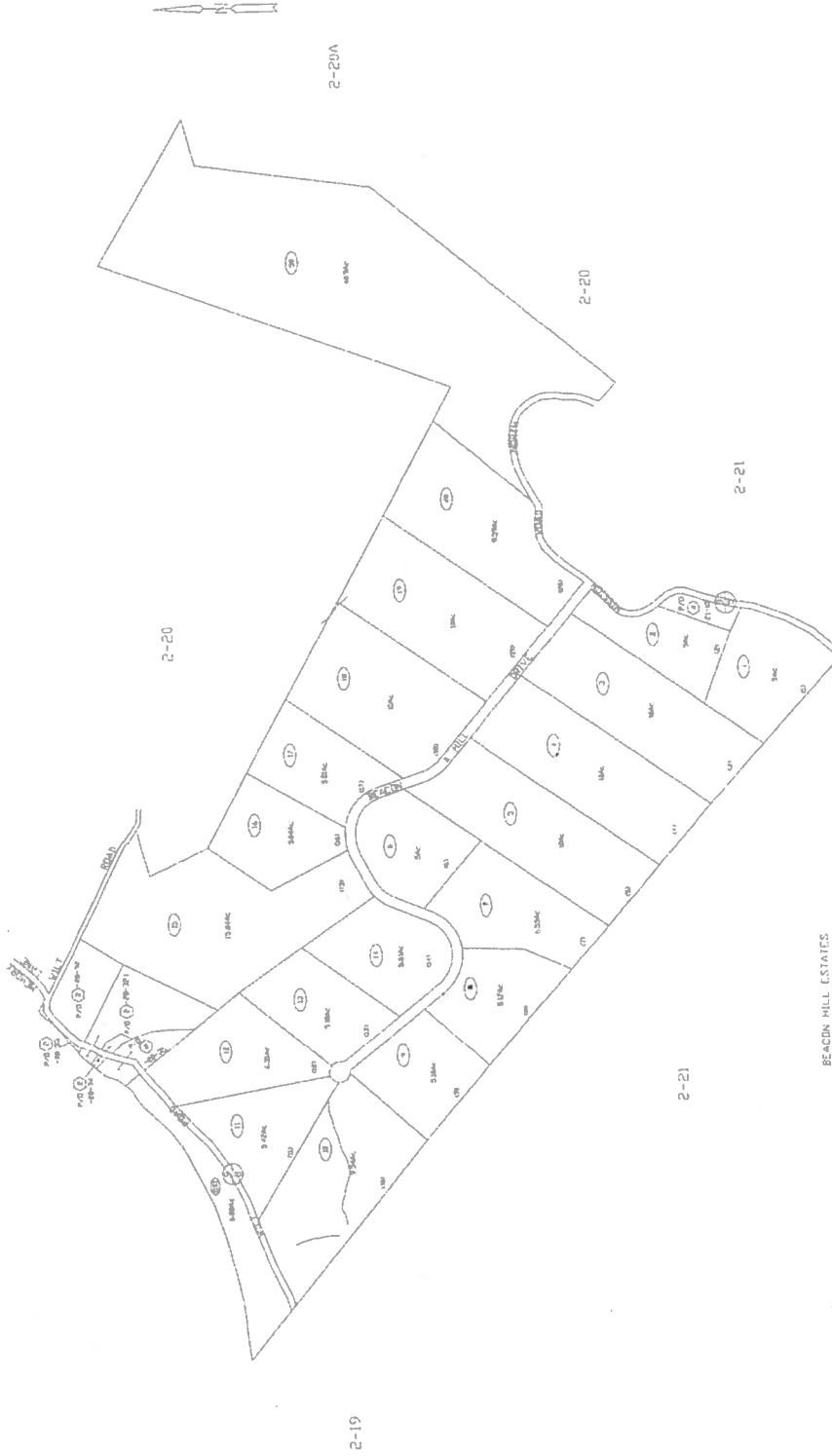
Looking SOUTHWEST toward the site





A PROPOSED US CELLULAR TOWER LOCATION

<p>CHARLES TOWN DISTRICT DISTRICT 2 MAP NUMBER 20</p> <p>DATE MAP AREA IS FROM SCALE: 1"=80'</p>	<p>COUNTY OF JEFFERSON OFFICE OF ASSESSOR CHARLES TOWN, W. VA.</p>	<p>KEY MAP 1/8" = 1 mi 1/4" = 1/2 mi 1/2" = 1/4 mi</p>	<p>REVISIONS Revisions outgrow this space and are now maintained in a database.</p>	<p>LEGEND</p> <p>UNIMPROVED LAND IMPROVED LAND ROADS RIVERS WATER BODIES ADJACENT JURISDICTIONS</p>	<p>FOR TAX PURPOSES ONLY PREPARED BY JEFFERSON COUNTY ASSESSORS OFFICE</p> <p>Note: Maps are updated consistently by the assessor's office. Maps are printed only at the beginning of the fiscal year (FY).</p>
--	--	--	---	---	---



BEACON HILL ESTATES

**FOR TAX PURPOSES ONLY**  
 PREPARED BY  
**JEFFERSON COUNTY ASSESSORS OFFICE**  
 Note: Areas are outlined consistently by the register however, maps are prepared only at the beginning of the fiscal year (July)

**LEGEND**  
 Property by  
 - Assessed  
 - Unassessed  
 - Unimproved  
 - Improved  
 - Vacant  
 - Other

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

**KEY MAP**

1st	2nd	3rd	4th
5th	6th	7th	8th
9th	10th	11th	12th

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

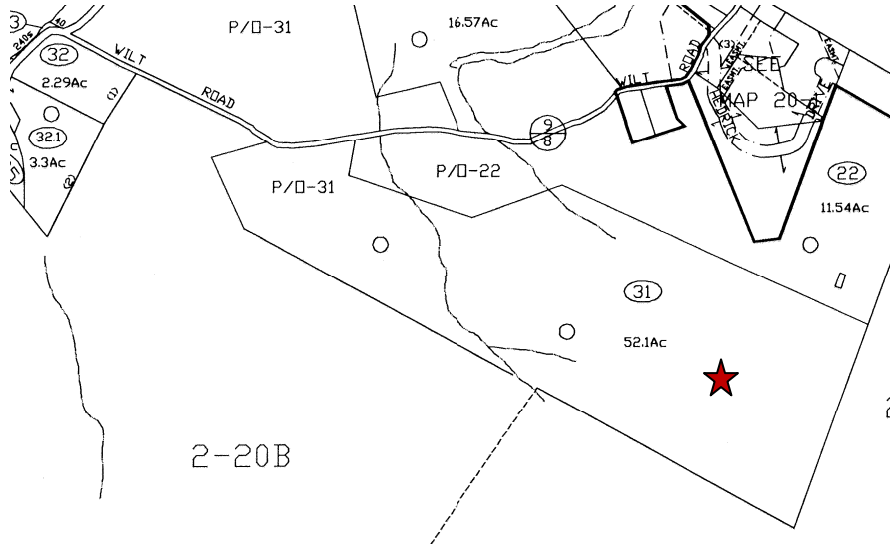
**CHARLES TOWN DISTRICT**  
 DISTRICT 2  
 MAP NUMBER 20B  
 DATE: APRIL 1990  
 SCALE: 1" = 100'

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 8, 2010

Item #5: Request by US Cellular for Approval of the Mitigation of the Visual Impact for a wireless communication tower.

APPLICANT:	US Cellular
OWNER:	Kenneth L. Wilt
DEVELOPER:	Tim Stark, Wireless Resources
SURVEYOR/ENGINEER:	Berardelli Design Association
PROPERTY LOCATION:	The property is located approximately 1 mile north of the intersection of Route 9 (Charles Town Road) and Wilt Road adjacent to the Beacon Hill Subdivision.
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: 52 AC +/-
PERMIT APPROVALS:	
Health Department	Permit No.: N/A
Dept. of Highways	Permit No. : To be determined

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 8, 2010

APPROVALS:	
CIS	N/A
Site Plan	Not submitted until Mitigation is approved by PC.
Variance History	None.
OTHER APPROVALS:	None required

This project consists of the construction of a new 195' monopole telecommunications tower with a 60' x 60' fenced in compound area. The installation of a new 12' x 24' equipment shelter with icebridge, and 12' antennas along with 12' coax lines. The new structures will complement the all ready existing Shentel Communications tower and equipment which a WV Engineer has deemed incapable of holding any additional antennas. There will be a 200' distance between the two towers.

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:** Monopole type, self-supported tower. One antenna at 195' with the monopole extended to 199'. Additional antenna connections provided, but not installed. Concrete pad base to support tower and other equipment. Ice bridge to straddle tower and concrete pad equipment. Area for future carrier shelters provided.

**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. No additional landscaping is proposed.

**Lighting:** None proposed.

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

**Siting:** On approximately 52 acres, the proposed tower is situated a minimum of 502' from the northern most property line, 920' from the western property line, 553' from the eastern property line and approximately 228' from the southern property line which adjoins un-built Beacon Hill Estates subdivision. The established main access easement runs through Beacon Hill Estates across the southern property line to the existing tower. The leased area for the proposed tower will abut the

# STAFF REPORT

## Jefferson County Planning Commission Meeting

June 8, 2010

existing main access easement on the east side. The proposed tower will stand approximately 200' south of the existing tower.

*Topography:* The lease area is relatively flat. The contours range from approximately 535' to 538' across the entire leased area. At no point does the grade rise above 1' per ten linear feet.

*Visual Screening:* Fencing 6' high, chain link fabric type with three strands of barbed wire to include a double swing gate for access around the perimeter of the concrete pad.

### 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.



**A Motion Recommending Approval of a  
Visual Mitigation for a U.S. Cellular Tower  
July 13, 2010**

**Whereas**, U.S. Cellular has requested a 195 foot cell tower on the property owned by Kenneth Wilt; and

**Whereas**, The property is located at 1280 Wilt Rd. Charles Town, WV 25414 and is identified as Parcel 31 as shown on Tax Map 20 of the Charles Town Tax District, cumulatively consisting of 52.1 acres; and

**Whereas**, In the Rural District the Planning Commission is required to review the visual mitigation as outlined in 4B.4(b)(2)b; and

**Whereas**, The tower is in all conformance with technical requirements of the Zoning and Land Development Ordinance and Subdivision and Land Use Regulations; and

**Whereas**, Staff recommends approval of the requested visual based on the conditions outlined in the staff report attached, which includes a 15 foot landscape buffer around the perimeter of the fencing consisting of trees either preserved or planted; and

**Now therefore be it moved**, that the Jefferson County Planning Commission approves the requested visual mitigation for the U.S. Cellular tower, including the landscaped buffer, for property identified in the Jefferson County Tax Map as Parcel 31 as shown on Tax Map 20 of the Charles Town Tax District.

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

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





RECEIVED  
JUN 23 2010  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

Mr. Frank Welch  
Public Works Director  
Corporation of Shepherdstown  
P.O. Box 248  
Shepherdstown, WV 25443

June 19, 2010

Mr. Welch,

The Jefferson County Historic Landmarks Commission has reviewed the packet of information concerning the two proposed water tower locations provided to us by our office. The JCHLC has no information regarding the possible effects on historic resources for either location. In theory, the commission would prefer the location of the existing water tanks along Route 45 to the new location along Shepherd Grade, as the latter is likely to have the most significant impacts on neighboring historic resources. An additional concern with the Shepherd Grade location is its possible visibility from Antietam National Historical Park and C&O Canal National Historical Park. An evaluation of effects to historic resources of any proposed location needs to be reviewed before a determination of a project can be made by the JCHLC. The commission advises you or your consultants to contact the West Virginia State Historic Preservation Office and coordinate an onsite evaluation of the effects of the proposed tanks.

Sincerely,

A handwritten signature in black ink, appearing to be 'John C. Allen, Jr.'.

John C. Allen, Jr.  
Chairman, JCHLC

cc: Susan Pierce - WV SHPO, Jennifer Brockman – planning director Jefferson County Commission



**Re: For the Planning Commission Agenda**

 Delete

 Reply

 Reply All

 Forward

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[Show Header](#)

[Print](#) [Hide Envelope](#)

From: Peter Appignani [Add to Address Book](#)  
To: John Maxey  
CC: Jennifer M. Brockman, Jennifer M. Brockman, John Maxey  
Date: Wednesday, July 07, 2010 8:24:24 AM  
Subject: Re: For the Planning Commission Agenda



John

You have permission to include the letter as a submission to the hearing record

Will try to have JCOHOA representation at the hearings. Are the dates below correct? Aug 8th is a Sunday.

We also plan to speak to the County Commission a few days after we meet with you on 8/24

Sent from Pete's iPhone

On Jul 7, 2010, at 7:54 AM, "John Maxey" wrote:

>  
> Hi Peter,  
>  
> This input from the JCOHOA will be very helpful as we all work to update  
> the Subdivision and zoning ordinances over the next few months.  
>  
> The Planning Commission has completed its review of the Subdivision  
> ordinance and forwarded the draft to the County Commission for public  
> hearing. The hearings have been scheduled for August 4th at Blue Ridge  
> Elementary School and for August 8th at the Charles Town Library meeting  
> room. With your permission, I would like to have the letter the JCOHOA  
> has submitted included as a written submission to the hearing record.  
> It may be helpful to have a representative appear at the hearing as  
> well.  
>  
> It is good idea to keep the August 24th Planning Commission appointment  
> on the schedule regardless. We are not certain how the County  
> Commission will choose to proceed on the Subdivision amendment draft -  
> so there may well be further discussions later this summer.  
>  
> --John  
>  
>  
>> Please place the attached letter on the Planning Commission agenda for  
>> discussion as appropriate.  
>> It is in response to a request concerning the current zoning amendments.  
>> Note that the letter respectfully requests that the Jefferson County  
>> Organization of Homeowners Association (JCOHOA) be put on the agenda  
>> for your August 24, 2010 meeting for 15 minutes.  
>>  
>> I will mail or deliver a signed copy to you in the next few days.  
>> The letter is being provided in both MS Word and Adobe Acrobat Formats  
>> for your convenience.  
>>  
>> If you have any questions please do not hesitate to contact me at this  
>> email address or the phone numbers provided below.  
>>  
>>  
>> Peter Appignani  
>>  
>> Home (304) 724-2130  
>> Work (301) 251-7608  
>>  
>>  
>>  
>>  
>>





July 7, 2010

Mr. John Maxey, President  
Jefferson County Planning Commission  
C/O Jennifer M. Brockman, AICP, Director of Planning & Zoning  
116 East Washington Street  
Charles Town, WV 25414

Dear Chairman Maxey:

As you requested, we performed a cursory inspection of the subdivision regulation changes. We also understand that at the present time the changes to the subdivision regulations are being limited to changes that will correspond to the existing zoning ordinance. For now, we will limit our comments to the following paragraph on pages 103 & 104 of the *Subdivision and Land Development Regulations, 05.25.10 Amendment Draft*:

**Homeowner's Association (HOA) or Business Owner's Association (BOA).**  
**An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.**

1. We suggest using the following definition for **Common interest community** as guidance. This definition can be found in WV Code Chapter 36B.

#### §36B-1-103. Definitions

(7) "Common interest community" means real estate with respect to which a person, by virtue of his ownership of a unit, is obligated to pay for real estate taxes, insurance premiums, maintenance or improvement of other real estate described in a declaration.

Provided, That any resort owner which, prior to the effective date of this article, began the development of a resort and imposed fees or assessments upon owners of real estate in the resort for maintenance and care of the roads, streets, alleys, sidewalks, parks, common areas and common facilities in and around the resort, for fire and police protection and for such other services as may be made available to owners of real estate, may also impose the same fees and assessments to be used for the same or similar purposes upon persons purchasing real estate in the resort after the effective date of this article without creating a common interest community.

"Ownership of a unit" does not include holding a leasehold interest of less than twenty years in a unit, including renewal options.

This definition, with an exception for certain resort owners, can also be found in the current revision of the Uniform Common Interest Ownership Act (UCIOA)<sup>1</sup>. A copy of this document has been provided to Ms Brockman.

“Common interest community” means real estate described in a declaration with respect to which a person, by virtue of the person’s ownership of a unit, is obligated to pay for a share of real estate taxes, insurance premiums, maintenance, or improvement of, or services or other expenses related to, common elements, other units, or other real estate described in a the declaration. The term does not include an arrangement described in Section 1-209 or 1–210. For purposes of this paragraph, “ownership of a unit” does not include holding a leasehold interest of less than [20] years in a unit, including renewal options.

The term “common interest community” includes HOAs (a.k.a. planned communities), condominiums, town homes, cooperatives and other forms of common interest communities. Sections 1-209 & 1-210 are specific exemptions. Definitions for associations, condominiums, cooperatives and planned communities can also be found in WV Code Chapter 36B and the current revision of the UCIOA. Again, they are synonymous in both documents.

#### WV §36B-1-103. Definitions

(3) "Association" or "unit owners' association" means the unit owners' association organized under section one hundred one, article three of this chapter.

(8) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interest in the common elements are vested in the unit owners.

---

<sup>1</sup> Amendments To, Uniform Common Interest Ownership Act, Drafted by the National Conference Of Commissioners On Uniform State Laws and by it approved and recommended for enactment in all the states at its annual conference meeting in its one-hundred-and-seventeenth year in Big Sky, Montana, July 18 – 25, 2008, with prefatory note and comments.

(10) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of his ownership interest in the association to exclusive possession of a unit.

(23) "Planned community" means a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

UCIOA definitions:

(4) "Association" or "unit owners association" means the unit owners association organized under Section 3-101.

(10) "Condominium" means a common interest community in which portions of the real estate are designated for separate ownership and the remainder of the real estate is designated for common ownership solely by the owners of those portions. A common interest community is not a condominium unless the undivided interests in the common elements are vested in the unit owners.

(12) "Cooperative" means a common interest community in which the real estate is owned by an association, each of whose members is entitled by virtue of the member's ownership interest in the association to exclusive possession of a unit.

(25) "Planned community" means a common interest community that is not a condominium or a cooperative. A condominium or cooperative may be part of a planned community.

2. We have no idea why a Business Owner's Association (BOA) is synonymous with a homeowner's association. WV Statute Chapter 36 contains the following definitions:

ARTICLE 8. UNIFORM UNCLAIMED PROPERTY ACT.  
§36-8-1. Definitions.

(3) "Business association" means a corporation, joint stock company, investment company, partnership, unincorporated association, joint venture, limited liability company, business trust, trust company, safe deposit company, financial organization, insurance company, mutual fund, utility or other business entity consisting of one or more persons, whether or not for profit.

(12) "Person" means an individual, business association, financial organization, estate, trust, government, governmental subdivision, agency or instrumentality, or any other legal or commercial entity.

Please clarify in the ordinance. As an alternative, we suggest that you define homeowners associations and business owners associations separately.

3. The following sentence is perplexing:

Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms.

An HOA is an "organization", while, in the above context, the Uniform Common Interest Ownership Act of West Virginia (i.e., Chapter 36B of the WV Statutes) is a law. We suggest this sentence be removed.

This is indicative of a broader concern, which we believe to be a fundamental misunderstanding of common interest communities and the importance of the developer, planning commission, et al to better grasp the significance the Articles of Incorporation and Covenants, which are approved by the Planning Commission. Covenants not only prescribe the obligations, limitations and restrictions of an HOA, covenants also dictate how an HOA functions. Too many HOAs in Jefferson County have ceased functioning primarily because their covenants preclude them from functioning.

We respectfully request to be put on the agenda for your August 24, 2010 meeting for 15 minutes to explain who we are, our concerns and our desire to work with the Planning Commission with respect to common interest communities and the governing documents that the Planning Commission approves when a common interest community is established in Jefferson County.

Sincerely,

Peter Appignani  
*President*