



AGENDA
Jefferson County Planning Commission
Tuesday, May 12, 2015, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Approval of the minutes from the following Planning Commission Meetings:
 - March 10, 2015
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. **Public Hearing:** Proposed Urban Growth Boundary for the corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. WV State Code 8-6-4a establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. Bolivar's requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.
4. Request for postponement.

There is no public comment for the remaining items.

5. Discussion and possible action of the previously adopted Roberts Rules of Order for Small Boards.
6. Discussion and possible action on the Historic Landmark Commission's proposed amendment to the Jefferson County Land Development and Zoning Ordinance to improve historic and cultural resource protections based on the recommendations of the Envision Jefferson 2035 Comprehensive Plan.
7. Discussion and possible action on the following proposed amendments created by an appointed citizen based committee for the purpose of scheduling a public hearing:
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, Division 7 "Mobile/Manufactured Homes Parks and Campgrounds" to remove all reference to campgrounds;
 - Proposed Amendment to the Jefferson County Land Development and Subdivision Regulations, Appendix B, to create a new Division 8 "Campgrounds" (note this requires relabeling the existing Division 8); and
 - Proposed Amendments to the Jefferson County Zoning and Land Development Ordinance, to create a new Section 8.16 "Campgrounds" under Article 8, "Supplemental Use Regulations"

These proposed amendments will allow campground facilities to benefit from flexible design criteria, while preserving and integrating natural features into site design. The primary responsibility of these requirements are to ensure safe access and egress to State Roads, compliance with the Jefferson County Zoning Ordinance, address storm water management and sediment control, wells, drain fields, public water and sewer.

8. Discussion and possible action on Envision Jefferson 2035 Comprehensive Plan recommendations regarding modifications to the LESA/Conditional Use provisions of the Jefferson County Land Development and Zoning Ordinance as well as modifications to the Cluster Subdivision provisions of the Rural Zoning District.
9. Follow Up to April 29, 2015 Stakeholder Meeting
 - Distribution and discussion of Summary Memo
10. Reports from Legal Counsel and legal advice to the Planning Commission.
 - a) Active Litigation:
 - Far Away Farms
11. Director's Report.
12. Planning Commission Exchange and Liaison Reports:
 - County Commission
 - Health Department
 - Public Service District
 - Parks and Recreation
 - Jefferson County Development Authority
 - Water Advisory Committee
 - Planning Commission Exchange
 - Historic Landmark Commission
13. President's Report.
14. Actionable Correspondence.
15. Non-Actionable Correspondence.
 - Letter received from Mel Snyder Prosecuting Attorney for Preston County, WV regarding the proposed All Good Festival.
 - Jefferson County Parks Master Plan Public Meeting May 13th, 2015 announcement.
16. Signing of approved Motions from previous Planning Commission meetings.

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Feel free to submit your comments to any of the addresses below:

Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414

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Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

This information is
Tab # 1 of your binder

Draft Minutes

Jefferson County Planning Commission

March 10, 2015

The Jefferson County Planning Commission met on February 10, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Mike Chapman, Donnie Fisher, Peter Fricke, and Dick Childs . Staff members present included Jennifer Brockman, Director of Planning and Zoning; Rhonda Greenholtz, Planning Clerk; Jonathon Saunders, County Engineer; Steve Groh, Legal Counsel; and Nathan Cochran; Legal Counsel

Mr. Stolipher called the meeting to order at 7:00 p.m.

1. Approval of the minutes from the following Planning Commission Meetings:

- February 10, 2015
- February 24, 2015

Mr. Stephen Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

Mr. Stephen Stolipher and Mr. Peter Fricke asked that the February 10, 2015 meeting minutes be revised to include Committee appointees that were appointed after the February 10, 2015 meeting had adjourned. The minutes were appended as requested.

2. Citizens Communications: None

Mr. Stephen Stolipher introduced new Legal Counsel for the County Commission, Mr. Nathan Cochran. Mr. Nathan Cochran took this opportunity to give a brief introduction of himself and description of his background.

3. Request for postponements: None

4. Public Hearing: Request by applicant Roderick Planes, LLC / Aspen Greens Phase IIA (File #PCV15-01) to be represented by Gates Associated, Inc. for a variance from Article 6, Section 6.3 of the 1979 Jefferson County Subdivision Ordinance which requires a Final Plat public hearing within 24 months of the Final Plat public hearing for the previous phase. The applicant is requesting a time extension from April 10, 2015 to June 10, 2016, to advance through the Final Plat public hearing for this development. The property is located northeast of the intersection of Old Country Club Road and Flowing Springs Road. The property is designated as Tax District: Charles Town (02); Tax Map: 4; Parcel: 19; Size: 110 acres total (203 lots); Zoned: Rural (R).

Ms. Jennifer Brockman gave an overview and history of the project. Ms. Brockman explained that the request is being processed as a Variance because that is the term used in the 1979 Jefferson County Subdivision Ordinance under which this development is being processed.. She further explained that Aspen Greens Phase IIA was one of the few projects that had not received preliminary plan approval prior to March 1, 2010 and therefore did not qualify for the WVC Code 8A-5-12 SB 595 Extension.

Mr. Fred Gates, Gates & Associates; representative for Roderick Planes, LLC/Aspen Greens Phase IIA presented the request for extension on behalf of his client. Although the applicant's request is for a 14 month extension, Mr. Gates agreed with the Planning Department Staff Report recommendation of an 8 month extension.

Mr. Stephen Stolipher opened the floor to public comment.

No public comment was made.

Mr. Stephen Stolipher closed the floor to public comment.

A motion was made by Mr. Dale Manual to grant an 8 month extension to advance through the Final Plat Public Hearing, which would allow the public hearing be held at or before the December 8, 2015 Planning Commission meeting.

A vote was taken which passed unanimously.

5. Public Hearing: Request by applicant Shepherdstown Community Club (File #PCV15-02) related to the Morgan's Grove Park property for a variance from Article 8, Section 8.2.c.1.d., of the 1979 Jefferson County Subdivision Ordinance (storm water management regulations). The applicant is requesting to install four – 50 gallon rain barrels in lieu of constructing an infiltration trench required as a part of the site plan for the kitchen and bathroom building. The property is located southwest of the intersection of Kearneysville Road (WV 480) and Morgan Grove Road. The property is designated as Tax District: Shepherdstown (09); Tax Map: 13; Parcel: 28 (25.9 ac.).

Ms. Jennifer Brockman stated that the Planning Department defers this request to the Engineering Department as this request is primarily an Engineering issue. The Site Plan has been approved and bonded for a long period of time. Ms. Jennifer Brockman suggested that the applicant explain the request to the Planning Commission and then the County Engineer will give their recommendation afterward.

Mr. Mark Shields, President of the Shepherdstown Community Club spoke. The 960 square foot building was constructed in the early 2000 time frame and the infiltration trench was required and designed to alleviate stormwater coming off the roof of the new building. In 2005, an effort was made by the organization to add the infiltration trench by constructing a berm. A letter from Roger Goodwin, Jefferson County Engineer was received by the organization stating that the berm did not meet county standards. Several meetings were held during the next few years and it was determined that the responsibility for the infiltration trench cannot be waived or alleviated by the County Engineering Department. Mr. Mark Shields believes the use of the four – 50 gallon rain barrels would be a better alternative and have less impact than construction of the infiltration trench. The water collected from these rain barrels could also be used to irrigate young trees planted on the property.

The floor was opened up for public comment.

No public comment was made.

The floor was closed to public comment.

Mr. Jonathon Saunders; County Engineer, stated concerns that the rain barrels would not have the volume capacity the infiltration trench was designed for. However, the impact of installing an infiltration trench would have more soil disturbance compared to the use of the rain barrels. Leaving

the trench area in a grassy lawn condition is also considered a stormwater management practice as it would minimize/eliminate erosion of the soil and would help compensate for the volume capacity difference. It is the recommendation of the Engineering Staff to approve this waiver.

Mr. Dick Childs made a motion to approve the requested waiver.

A vote was taken which carried unanimously.

6. Discussion of the implementation of the Envision Jefferson County 2035 Comprehensive Plan recommendations.

Ms. Jennifer Brockman suggested a joint meeting be held with the County Commission to discuss the Commission's highest priorities regarding the implementation of the Envision Jefferson County 2035 Comprehensive Plan. The Planning Commission has initiated a process to receive public input regarding various development processing issues which need to be considered along with the Comprehensive Plan's recommendations. Currently there are 3 (three) Subdivision Regulation text amendments as well as the Mass Event Ordinance before the County Commission. Two Committees have also been formed by the Planning Commission to discuss the Major Subdivision Regulations and Campground Facility Regulations. Staff also has a long standing priority list for amendments that are needed, including the review and revisions to the Parking, Signage and Landscaping standards.

The Planning Commission members discussed the possible development of a committee for Aging in Place and Small House topics. Ms. Jennifer Brockman suggested it may be better to have the County Commission initiate a committee to ensure that certain agencies are represented and participate. Suggestions from the Planning Commission regarding Aging in Place were to involve such organizations such as SAIL, Community Ministries, Transportation and Health Care Agencies, Engineering and the Jefferson County Bureau of Aging.

Mr. Gary Phalen made a motion to send a letter to the County Commission requesting the appointment and development of a committee for Aging In Place.

A vote was taken which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission :

- Mr. Nathan Cochran recused himself from this discussion citing prior involvement with the Far Away Farms case.
- Mr. Steve Groh gave a synopsis of the history, and of the case outcome, of the Far Away Farms Supreme Court of Appeals Decision that was made on February 26, 2015 which found that the Planning Commission did violate W. VA. Code Article 6-9A(b)(12). The Supreme Court's Decision was to remand this case to the Circuit Court of Jefferson County. Mr. Steve Groh requested to keep this item on the Planning Commission agenda until this matter is closed. He will continue to monitor this case and keep the Planning Commission informed. A copy of the Supreme Court's Decision is attached to these minutes.

8. Directors Report:

- Ms. Brockman updated the staff in regards to the current open Zoning Administrator position. Three interviews were held on February 27, 2015. Second interviews are scheduled for March 11, 2015 and March 12, 2015.
- The David N. Slusher Zoning Map Amendment was approved by the County Commission on March 10, 2015.
- Recent/Upcoming CC Actions relevant to Planning:
 - Envision Jefferson 2035 Comprehensive Plan – APPROVED
 - County Commission Public Hearing for the Rezoning of the property owned by Standard Land Company is scheduled for March 19, 2015 at 7:00 PM.
 - Upcoming County Commission Public Hearings scheduled for March 26, 2015 at 7:00 PM are:
 - Recommendation to amend the definition of “days” from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations.
 - Recommendation to amend Section 20.104, “Exceptions”, of the Jefferson County Subdivision and Land Development Regulations, subsection “C”, to “exempt” public utilities and private utility firms processing easements from these Regulations.
 - Recommendation to amend Section 24.300, “Waivers”, of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating “No process or procedural waivers shall be granted” to “Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval”.

9. Planning Commission and Liaison reports:

- None

10. President Report:

- None

11. Actionable Correspondence:

- None

12. Non Actionable Correspondence:

- None

13. Signing of approved Motions from previous meetings:

- None

Mr. Stephen Stolipher requested to add an actionable item to the next scheduled Planning Commission Meeting Agenda, April 14, 2015 to discuss the Roberts Rules for Small Boards.

Mr. Stephen Stolipher requested a Roundtable Discussion be scheduled for April 30, 2015 at 3:00 PM in the Library Meeting room.

Mr. Stephen Stolipher motioned to adjourn the meeting at 8:15 p.m.

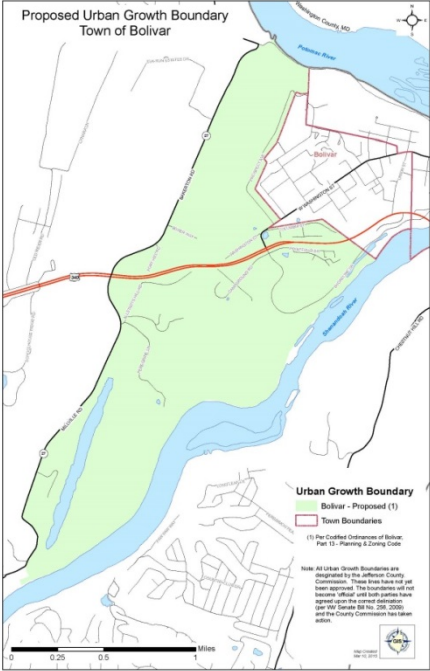
A vote was taken and passed unanimously.

This information is
Tab # 3 of your binder

STAFF REPORT

Jefferson County Planning Commission Meeting May 12, 2015

Item # 3 Public Hearing regarding the proposed Urban Growth Boundary for the Corporation of Bolivar which shall be placed on the adopted County Zoning Map, once approved by the County Commission. Bolivar’s requested boundary is based on the Bolivar Growth Boundary delineated in Part 13, Article 1324 of the Town’s Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

APPLICANT:	Corporation of Bolivar
LOCATION:	Excerpt from Bolivar Planning and Zoning code Article 1324: “. . .The Bolivar Growth boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy’s Landing, KOA) and to the Millville unincorporated boundary on the South. . . .”
LEGAL DESCRIPTION:	
PROPOSED REQUEST	To establish an Urban Growth Boundary in accordance with the requirements of WV State Code 8-6-4a which requires that the boundary be established by the County Commission in agreement with the municipality
PLANNING COMMISSION RESPONSIBILITY:	To advise the County Commission as to whether the proposed Bolivar Urban Growth Boundary is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i> .
STAFF FINDING:	In this report, Staff presents relevant sections of the <i>Envision Jefferson 2035 Comprehensive Plan</i> and finds that a potential UGB for Bolivar was anticipated and supported by the <i>2035 Plan</i> .

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Applicant's Request

The Corporation of Bolivar has made a request to the Jefferson County Commission to adopt and approve a proposed Urban Growth Boundary in accordance with WV Code 8-6-4a, which establishes the authority under which a municipality may request such a boundary and requires that the boundary be established by the County Commission in agreement with the municipality. It further states that such Boundary shall be placed on the adopted County Zoning Map once approved by the County Commission. Bolivar's requested boundary is based on the Bolivar Growth boundary delineated in Part 13, Article 1324 of the Town's Planning and Zoning Code, enacted December 18, 2003. Approval of this Boundary by the County Commission does not change the zoning classification of any property.

Because the delineation of the UGB on the County Zoning Map in effect amends the County Zoning Map, the County Commission has sent this request to the Planning Commission for the purpose of holding a Public Hearing to receive public input and determine whether the request is consistent with the newly adopted *Envision Jefferson 2035 Comprehensive Plan*.

Envision Jefferson 2035 Comprehensive Plan

The Urban Growth Boundary (UGB) concept is an important component of the *Envision Jefferson 2035 Comprehensive Plan's* recommendations. This *Plan* is the County's first to have a Future Land Use Guide to assist in providing direction for where urban level growth should occur in the unincorporated areas of the County. One of the key concepts that a Comprehensive Plan addresses through its future land use recommendations is the location of new development within a community. One reason for this is that as the cost of maintaining and providing services and utilities increases, there is a need to target infrastructure and community service investments in these areas that will support new growth. In Jefferson County, there are four broad types of land use activity which are identified and discussed in the *Plan*, one of which is Urban Growth Boundaries. The UGBs identified on the *Envision Jefferson 2035 Future Land Use Guide* indicate locations within Jefferson County where urban scale development is anticipated over the planning horizon of *Envision Jefferson 2035*. In the *2035 Plan*, Charles Town and Ranson UGBs are the focus of future urban scale growth. The *Plan* also includes Shepherdstown's adopted Growth Management Boundary (GMB); however, this area is not anticipated to have urban scale development if it remains in the unincorporated area. Therefore, the use of the term UGB throughout the *Envision Jefferson 2035 Plan* refers to the Charles Town and Ranson UGBs only.

The *Plan* does not preclude Harpers Ferry and Bolivar from pursuing their own UGBs in the future. The following excerpt from the *Plan* details the fact that the *Plan* anticipates that additional urban growth boundaries may be designated in the future.

Page 18: "While all municipalities have the ability to create UGBs with the approval of the County Commission, at present, only three of the five municipalities in Jefferson County have planning boundaries that meet the definition of §8-6-4a of the West Virginia Code. In 2009, Charles Town and Ranson had their UGBs formally approved by the County Commission. In 2014, Shepherdstown created a boundary called the Growth Management Boundary (GMB) which falls under the state definition of a UGB

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and was formally approved by the County Commission. Shepherdstown's adopted GMB allows the Corporation to plan for future growth and annexations, but is not anticipated to have urban scale development if it remains in the unincorporated area. **If Bolivar or Harpers Ferry chooses to create a UGB in the future that is different than the Preferred Growth Areas (PGAs) depicted, the recommendations in this Plan related to UGBs may be extended to the newly created UGBs based on the town's planning goals. The use of the term UGB throughout this document refers to the Charles Town and Ranson UGBs only."**

The following excerpt from the Future Land Use Guide for Jefferson County includes recommended future land uses in the vicinity of Bolivar (Exhibit 1), as well as outlining the portion of the US 340 East Preferred Growth Area (PGA) located near the Town of Bolivar (red dashed line). The solid black line also outlines the growth area denoted in the *2004 Comprehensive Plan*. A portion of the area requested to be included in the Bolivar UGB (Exhibit 2) overlaps with the PGA. Areas within Bolivar's proposed UGB that are greater than the identified PGA include National Park Service land along Bakerton Road; existing residential areas along Boxer Way and Prospect Avenue; Cavalier Heights and Cavalier Estates; National Park Service land along Shoreline Drive; and the majority of the Old Standard Quarry property recently rezoned by the County Commission to Residential-Light Industrial-Commercial. The section of the *2035 Plan* that discusses the US 340 PGA acknowledges that this easternmost node of the 340 East PGA could eventually be included in a potential Bolivar UGB:

Page 21: "b. US 340 East PGA

(select nodes between Charles Town/Ranson and Harpers Ferry/Bolivar)

Much of this area is already zoned for a wide range of commercial and residential uses. In addition, water and sewer facilities exist along several segments of this corridor, particularly within the nodes where development is proposed to take place (Old Country Club/Marlow Roads, Shepherdstown Pike (WV 230), Bakerton/Millville Roads, and Campground Road off of Shoreline Drive across US 340 from Washington Street in Bolivar). **The easternmost segment of the PGA could eventually be included as part of a Bolivar UGB."**

This section also provides an overview of designated Quarry Redevelopment Areas (QRA) within the US 340 Corridor, noting particularly that Old Standard Quarry, which is within the proposed Bolivar UGB, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA provided that such redevelopment occurs in a manner that protects the hillside, steep slopes, topography and other natural features, while allowing recreational development near the quarry.

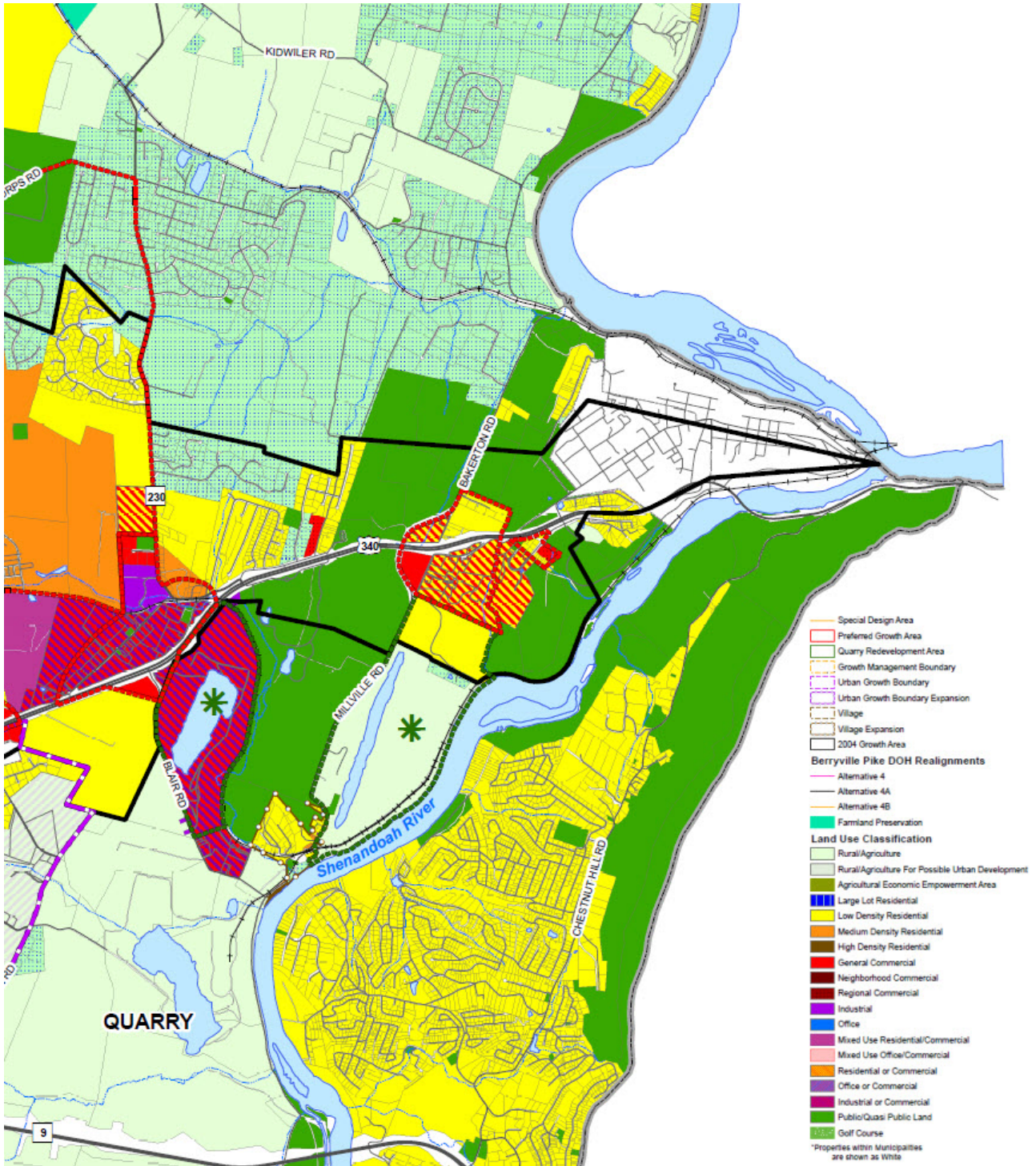
Clearly, while the exact proposed boundary for a potential UGB for Bolivar was not delineated in the *2035 Plan*, the *Plan* did recognize that a UGB for Bolivar was a reasonable planning tool to anticipate in the future. It further states that if such a boundary is established, the recommendations in the *2035 Plan* related to UGBs may be extended to the newly created UGBs based on the Town's planning goals.

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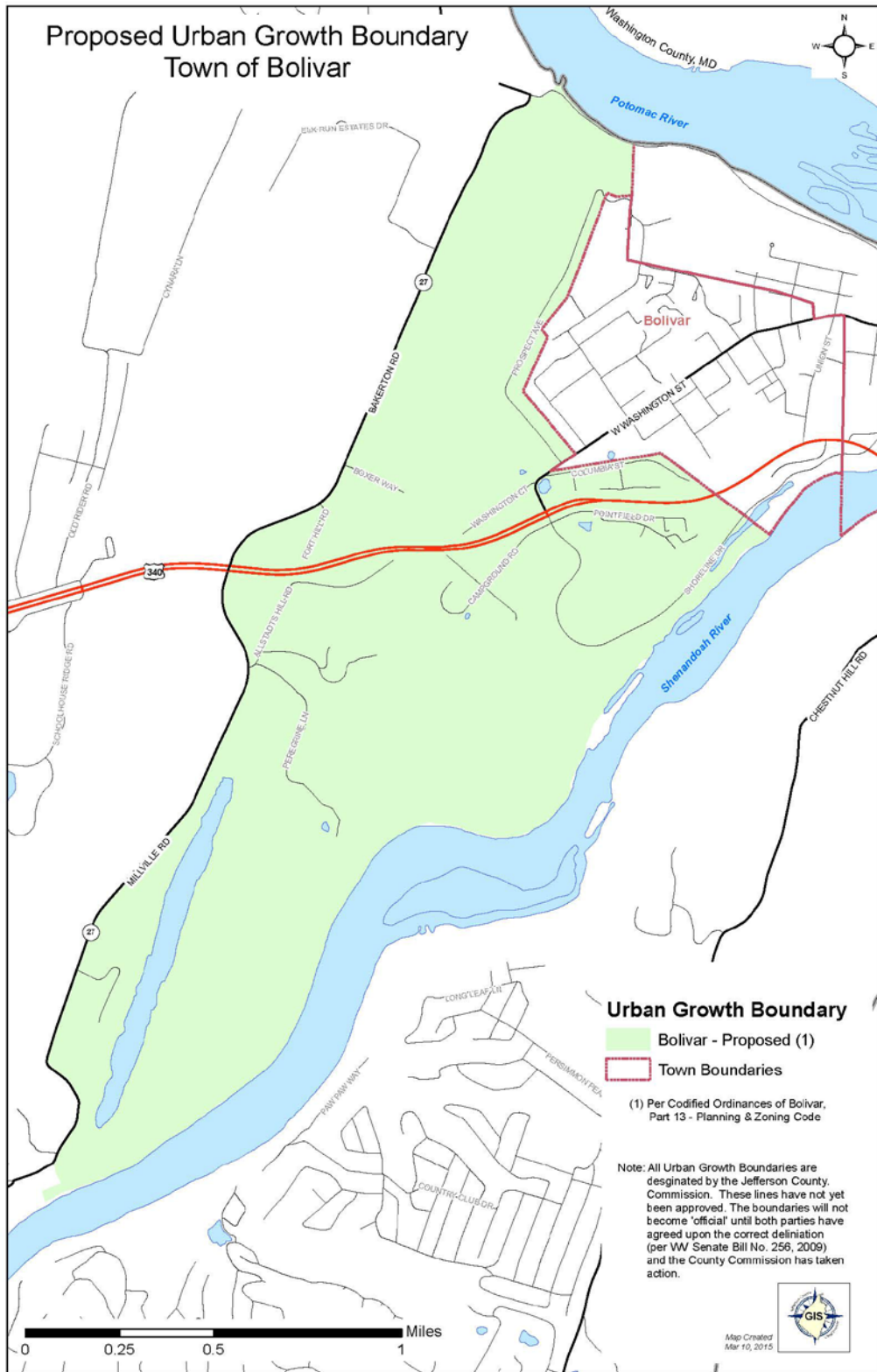
EXHIBIT 1



STAFF REPORT

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EXHIBIT 2



STAFF REPORT

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Statutory Authority and Requirements

The West Virginia State Code, Section 8-6-4a defines an "Urban Growth Boundary" as follows (emphasis added):

“A site-specific line, delineated on a zoning map or a written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in agreement with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgement relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.”

<http://www.legis.state.wv.us/WVCODE/ChapterEntire.cfm?chap=08&art=6§ion=4A#06>

The role of the Planning Commission in considering the proposed Bolivar Urban Growth Boundary on behalf of the County Commission is to review the relevant portions of the current Comprehensive Plan and receive public testimony related to the request to enable the Planning Commission to advise the County Commission as to whether the requested Zoning Map Amendment is consistent with the *Envision Jefferson 2035 Comprehensive Plan*. It is important for the Planning Commission and County Commission to be aware that approval of this Boundary by the County Commission does not change the zoning classification of any property; it merely establishes a different mechanism for the processing of potential future annexation requests by the Town of Bolivar.

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: Bolivar Corp.

Department or Organization: Mayor and Council Members

Estimation of amount of time needed for appointment: 20 minutes

Date Requested – 1st Choice: April 2nd 2015

If a specific date is needed, please provide reason for specific date: Click here to enter text.

Date Requested – 2nd Choice: April 30th 2015

Subject (*Wording to be placed on agenda*): Discussion and vote to establish Bolivar's Urban Growth Boundary.

Please provide the County Commission with a description of your request or presentation, including any background information: We will provide a growth boundary map and town charter reference to explain how this was determined.

Is this a funding request? Y/N No
If so, how much? \$Click here to enter text.

Recommended motion (*Please type out the wording of the motion that you would like the Commission to approve*): The Jefferson County Commission puts a motion forward to approve and establish the Urban Growth Boundary presented by the Town of Bolivar.

Attach supporting documents for request, or request may be denied.

If not attached, explain: We will have packet with map and charter in for each member a week prior to our agenda date, or earlier if required.

Is equipment needed? Projector Y/N No Internet/Wi Fi Y/N No Telephone for conference call Y/N No

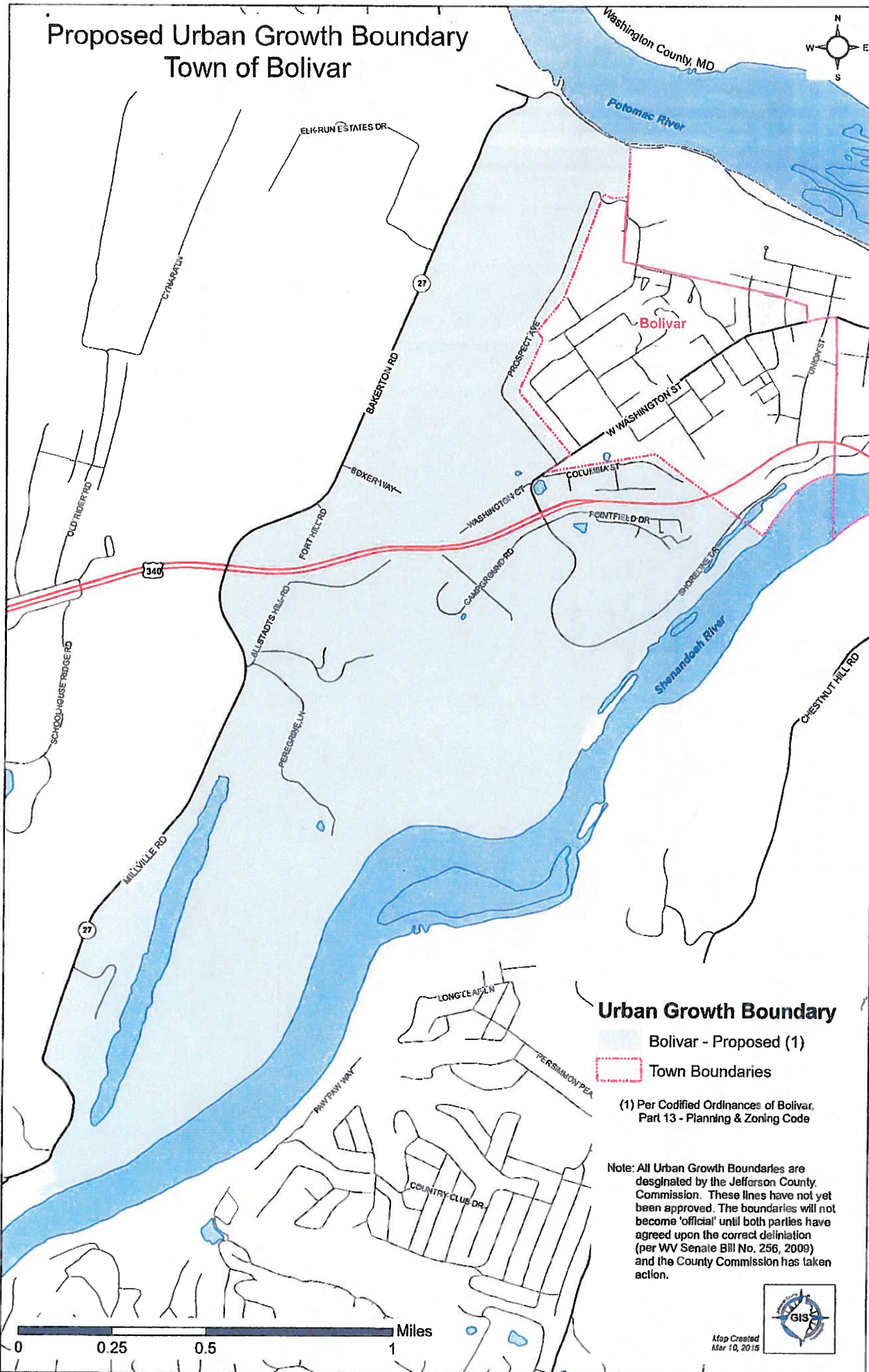
Contact information: *BolivarFrontier.net*
Hdeltmer@jeffersoncountywv.org
Email address: jandhdettmer@comcast.net Phone Number: 304-535-2177

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

Click here to enter text.

**PROPOSED
BOLIVAR
GROWTH
BOUNDARY**

Proposed Urban Growth Boundary Town of Bolivar

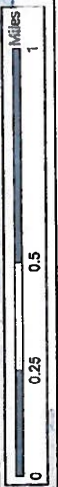


Town of Bolivar 1 Mile Buffer



County Boundary
Town
Bolivar Buffer (1 mile)

Data Sources:
Aerial: Pictometry (2012)
Other: Jefferson County GIS (2014)



Map Created: Jan 2014

BOLIVAR CHARTER

(EDITOR'S NOTE: The Charter of the Municipality of Bolivar was enacted as Chapter 16, Acts of the Legislature of West Virginia (Municipal Charters) 1915. Section 16 of the Charter was amended in 1933. See Chapter 157, Acts of the Legislature of West Virginia, Second Extraordinary Session, 1933.

Dates appearing in parentheses after a section heading indicate that the section was amended, enacted or repealed on the date given.)

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Sec. 1. Corporate limits.

The corporate limits of the Town of Bolivar shall be as originally established by law.

Sec. 2. Municipal authorities.

~~The municipal authorities of said Town shall be a Mayor and five Councilmen known as a Common Council.~~

Sec. 3. Town incorporate.

The Mayor and Councilmen as soon as they shall be elected and qualified, as herein provided, shall be a body politic and corporate by the name of "The Corporation of Bolivar", and shall have perpetual succession and a common seal; and by that name may sue and be sued, plead and be impleaded, contract and be contracted with, and may purchase and hold real estate and other property necessary or proper to enable it to discharge its duties, and needful for the good order, government and welfare of said corporation.

Sec. 4. Corporate powers.

All the corporate powers of said Town shall be exercised by the said Council or under its authority, except when otherwise provided.

Sec. 5. Election of Mayor and Councilmen.

The Mayor and Councilmen shall be elected by the qualified voters of said corporation.

Sec. 6. Wards; elections therein.

Wards and ward boundaries to be surveyed when growth of community warrants the necessity.

Sec. 7. Qualifications of Mayor, etc.

The Mayor and Councilmen must be, at the time of their election and during their terms of office, owners in fee of real estate in said corporation of the value of two hundred and fifty dollars over and above all encumbrances, and be entitled to vote for members of its Common Council.

Sec. 8. Terms of office.

Their term of office shall be (except when to fill vacancies) for two years, and until their successors are elected and qualified, as herein provided; except that at the election to be held on the first Tuesday in June, 1971 and continue at two years intervals, thereafter, there shall be elected a Mayor, Recorder and five Councilmen. In the event any member of the Council, the Mayor or Recorder should be absent for three consecutive meetings without the express permission of the majority of the Council said officer shall be removed from his office and another installed as provided in Section 11.

Sec. 9. Certificates of election.

As soon as the result for such election for Mayor and Councilmen is ascertained, the inspectors of election shall sign a certificate containing complete returns of the polls taken at their place of voting for all of said officers, and shall enclose the certificate in an envelope, which shall be sealed up and endorsed by each of such inspectors. The inspectors, or one of them, shall, within three days after the day on which such election was held, deliver said certificates to the Mayor of said Town. At the next meeting of the Council thereafter the Mayor shall present such certificates to the Council, who shall examine the same and ascertain the true result of such election in said Town, and the person respectively appearing to have received the highest number of votes for the several offices shall be declared elected, and a certificate thereof signed by the Mayor shall be granted to the person so elected.

Sec. 10. Who may vote.

Every person who shall have resided within the boundaries of said Town for one month, and who is a qualified voter under the laws and constitution of this State, and no others, shall be entitled to vote at any election held in said Town.

Sec. 11. Vacancies in office.

All vacancies occurring from any cause in any elective office of the Town shall be filled by appointment by the Council until the next election held in said Town for Councilmen.

Sec. 12. Mode of voting.

At all elections the mode of voting shall be that prescribed by the State Constitution for election of State officers

Sec. 13. Tie votes.

Whenever two or more candidates for the same office at any election shall receive an equal number of votes, the Council shall, in an equitable mode, determine which of the persons so voted for shall be returned elected.

Sec. 14. Contested elections.

All contested elections shall be heard and decided by the Council for the time being; but the Council may order a new election if satisfied the ends of justice will be better attained thereby.

Sec. 15. Quorum.

~~A majority of the Councilmen elected shall be necessary for the transaction of any business.~~

Sec. 16. Number, terms, duties and compensation of appointive officers.

If the Council should deem it necessary there shall be one or more Sergeants, a Clerk, and Treasurer. The duties of Sergeant, Clerk, and Treasurer may be discharged by the same person, or otherwise, as the Council may from time to time determine; but no member of the Council shall hold any of said offices. The compensation and need for said officers shall be in the discretion of the Council.

Sec. 17. Oath of Mayor and Councilmen.

The Mayor and Councilmen and all officers herein provided for, shall each, before entering upon the duties of his office, and within ten days of the time of his election or appointment, take and subscribe an oath to faithfully and impartially discharge the duties of his office, and the oath to support the Constitution of the United States, and the Constitution of the State of West Virginia. The Mayor, having taken such oath or affirmation, may administer the same to the Councilmen and other officers. Certificates of said oaths or affirmations shall be recorded in the journal of said Council, and whenever two-thirds of the members of the Council shall have qualified, they shall enter upon said offices.

Sec. 18. Failure to qualify.

If any one who shall have been elected Mayor or Councilman shall not be eligible as herein prescribed, or shall refuse or fail to take the oath or affirmation required under this Act, within the time prescribed, the Council may declare his office vacant and fill the vacancy as provided in Section 11.

Sec. 19. Presiding officer.

The Council shall be presided over at its meetings by the Mayor, or in his absence, by the Mayor Pro Tem, who shall be chosen annually by a majority of the Council present at the first meeting of said Council, from the members of the Council after the election and qualification; and such Mayor Pro Tem shall, in the absence of the Mayor, have all the powers and perform all the duties of the Mayor:

Sec. 20. Journal of Council.

The Council shall cause to be kept, in a well-bound book, an accurate record of all its proceedings, bylaws, acts and orders, which shall be fully indexed, and open to the inspection of citizens of the Town. The proceedings of each meeting shall be read and corrected at the succeeding meeting, and signed by the person presiding for the time being. Upon the call of any member the yeas and nays shall be called and recorded in the journal. ~~In all cases of a tie the person presiding at the time shall have the casting vote.~~

Sec. 21. Powers of Council.

The Council shall have power to open and grade new streets and extend, widen, straighten, repair and grade old streets and alleys; to curb and pave streets, sidewalks and gutters for public use, and to alter, improve and light the same, and shall have control of all the avenues for public use in said Town; to have the same kept in good order and free from obstructions on or over them; to regulate and determine the width of all streets, sidewalks and public alleys; to order and direct the curbing and paving of all sidewalks and footways for public use in said Town, to be done and kept in good order by the owners or occupants of the adjacent property; to control the construction and repair of all houses, bridges, and culverts; the opening and construction of all ditches, drains and gutters; to widen, deepen and clear the same of stagnant water and filth and to determine at whose expense the same shall be done; to purchase, lay off and appropriate public grounds and control the use of the same; to provide, contract for and take care of all public buildings proper to the Town; to provide for the regular building of houses or other structures; to cause the removal of unsafe walls or buildings; to prevent injury or annoyance to the public or individuals from anything dangerous, offensive or unwholesome; to abate or cause to be abated anything which, in the opinion of the majority of the whole Council, shall be a nuisance; to regulate the keeping of gunpowder and other combustibles and explosives; to provide in or near the Town places for the burial of the dead, and regulate the interments in the Town, and provide ornamental trees; to provide for making division fences, and for the draining of lots by proper drains and ditches; to make regulations for guarding against danger or damages from fire; to provide for the poor of the Town; to organize one or more companies, and provide the necessary apparatus, tools, implements, engines, or any of them for their use to provide a sufficient revenue for said Town, and appropriate the same to its expenses; to issue bonds of the corporation and make sale thereof, but no such bonds shall be sold by said corporation for less than par, nor bearing a higher rate of interest than six percent per annum; nor shall said corporation be indebted on account of such issue at any period in a greater sum than ten thousand dollars without the consent of a majority of the voters of the Town expressed at an election held for that purpose; nor shall the whole indebtedness of said Town at any time over exceed the sum of one hundred thousand dollars; to provide for the annual assessment of taxable persons and property in the Town; to adopt rules for the transaction of business and for the government and regulation of its own body; to promote the general welfare of the Town, and to protect the persons and the property of the citizens therein; to appoint the officers authorized by Section sixteen of this Act, fix their terms of service and compensation, require and take from them bonds, with such sureties and in such penalties as the Council may determine, conditioned for the true and faithful discharge of their duties, and remove them at pleasure; but all bonds taken by the Council shall be made payable to the Town by its corporate name; to provide for and regulate the weighing of hay, coal, wood and other articles sold or for sale in said Town, and to regulate the transportation thereof

through the streets; to establish and regulate markets, to prescribe the time for holding the same, and what articles shall be sold only in said markets; to protect places of divine worship; to lay off the Town into wards, prescribing the boundaries of said wards; but should any change in the boundaries of the wards be made, the new wards shall be equal in population as nearly as possible; to appoint and publish the places of holding Town elections; to erect or authorize or prohibit the erection of gas works in or near the Town; to prevent injuries to and provide protection of the same; to provide for the purity of the water and the healthfulness of the Town; for all of which purposes except that of taxation, the Council shall have jurisdiction for one mile beyond the corporate limits of said Town; to prescribe and enforce ordinances for the purpose of protecting the health, decency, morality and order of the Town and its inhabitants, and to punish violators of such ordinances, even if the offenses under and against such ordinances shall also constitute offenses under the laws of the State of West Virginia, or the common law, for which purpose also the jurisdiction of said Town shall extend for one mile beyond the corporate limits thereof.

Sec. 22. Power to repair sidewalks, etc.

If the owner or occupant of any sidewalk, footway, gutter or pavement in said Town, or of the real property next adjacent thereto, shall fail or refuse to curb, pave or keep the same clean, in the manner and within the time required by the Council, it shall be the duty of the Council to cause the same to be done at the expense of the said Town and to assess the amount of such expense upon such owner or occupant, and the same may be collected by the Town Sergeant in the manner herein provided for the collection of Town taxes.

Sec. 23. General powers.

To carry into effect these enumerated powers, and all other powers conferred upon the said Town, or its Council, expressly or by implication, by this or any future act of the legislature of this State, the Council shall have power to make, pass and enforce all needful orders, bylaws, ordinances, resolutions, rules and regulations, not contrary to the constitution and laws of this State; and to prescribe and impose reasonable fines, penalties, and imprisonment in the county jail for a term not exceeding thirty days, for violations thereof. Such fines, penalties and imprisonment shall be recovered and enforced under the judgment of the Mayor of said Town, or the person lawfully exercising the functions of Mayor. And the authorities of said Town may, with the consent of the County Court of Jefferson County, entered of record, use the jail of said County for any purposes for which the use of a jail may be needed by them, under the acts of the Council or of the State.

Sec. 24. Licenses.

Whenever anything for which a State license is required is to be done within the said Town, the Council may require a Town license therefor, and may impose a tax thereon for the use of the Town. The Council may require from the persons so licensed a bond with sureties, payable to the Town, in such penalties and with such conditions as it may think proper, and may revoke such license at any time, after due notice and a hearing thereon, if the conditions of said bond be broken.

Sec. 25. Prohibitions of shows.

The Council may prohibit any theatrical or other performance, show or exhibition which it may deem injurious to the morals or good order of the Town.

Sec. 26. Bonds of Sergeant and Treasurer.

The Council shall have power to require and take from the Sergeant and Treasurer bonds, with sureties satisfactory to the Council, in such penalty as it may deem sufficient, except that as to the Sergeant it shall not be for a penalty less than two thousand five hundred dollars; and said bond shall be conditioned for the true and faithful performance of his duties as Sergeant, and for the collecting and accounting for and payment of the taxes, fines and other moneys of the Town which shall come into his hands, or which it shall be his duty to collect at such times and to such persons as the Council may order. The Treasurer's bond shall be conditioned for the true and faithful performance of his duties as Treasurer, and that he will faithfully pay over and account for all moneys that shall come into his hands as Treasurer, when and as he shall be thereto required by the Council.

Sec. 27. Mayor; powers, duties, etc.

The Mayor shall be the chief executive officer of the Town, and shall take care that all bylaws, ordinances and orders of the Council are faithfully executed. He shall be ex officio a conservator and justice of the peace within said Town, and shall, within the same, exercise all the powers and duties vested in justices, except that he shall have no jurisdiction as such in civil cases. He shall have control of the police of the Town, and may appoint special police officers whenever he deems it necessary; and it shall be his duty especially to see that the peace and good order of said Town are preserved, and that the persons and property therein are protected; and to this end he may cause the arrest and detention of all riotous and disorderly persons in said Town before issuing his warrant therefor. He shall have power to issue executions for all fines, penalties and costs imposed by him, or he may require the immediate payment thereof, and in default of such payment he may commit the party in default to the jail of Jefferson County until the fine or penalty and costs shall be paid, to be employed during the term of his imprisonment as hereinafter provided; but the term of imprisonment in such case shall not exceed thirty days. He shall, from time to time, recommend to the Council such measures as he may deem needful to the welfare of the Town. He may receive a compensation for his services, to be fixed by the Council, which shall not be increased nor diminished during the term for which he was elected.

Sec. 28. Clerk; duties and compensation.

It shall be the duty of the Clerk to keep the journal of the proceedings of the Council, and to have charge of and preserve the records, papers, documents, contracts, etc., of the Town. He shall attend the Mayor in all his examinations, issue his orders, swear witnesses, and perform all the duties of a Clerk in the Council and Mayor's Court. He shall receive such compensation for his services as may be fixed by the Council, which shall not be increased nor diminished during his term of office.

Sec. 29. Sergeant; duties, liabilities and compensation.

It shall be the duty of the Town Sergeant to collect the taxes, fines and other income and revenue of the Town, as specified in his bond, and to account for and pay the same to the Treasurer at such times as the Council may order. And it shall be his duty, at least once in every three months, and oftener if required by the Council, to render an account of the taxes, fines and other claims in his hands for collection, and return a list of such as he shall have been unable to collect by reason of insolvency, to which list he shall make an oath that he has used due diligence to collect the same, but has been unable to do so. The Council shall, if it be satisfied that he could not have collected the same by the use of due diligence, allow them. But if the Council shall be of opinion that by the use of due diligence on the part of said Sergeant he could have collected the same, or any part thereof, then he shall be charged with such as he might have collected. The said Sergeant shall do and perform all other acts pertaining to the office of Sergeant of a corporation, and of a police officer within said Town, and as such shall have the same powers, duties, fees, and liabilities as are by law prescribed for a constable when acting as such. He shall for his services receive such compensation as shall be fixed by the Council.

Sec. 30. Treasurer.

All moneys belonging to said Town shall be paid over to the Treasurer, none of which shall be paid out by him except as the same have been apportioned and ordered to be paid by the Council; and the said Treasurer shall pay the same upon the certificate of the Mayor.

Sec. 31. Motion against Treasurer.

If the Treasurer shall fail to account for and pay over all or any moneys that shall come into his hands, when thereto required by the Council, it shall be lawful for the Council, in corporate name of the Town, by motion before the Circuit Court of Jefferson County, or any court having jurisdiction, after ten days' previous notice, to recover from the Treasurer and his sureties, or their personal representatives, any sum that may be due from said Treasurer to said Town.

Sec. 32. Commissioner of Streets.

It shall be the duty of the Commissioner of Streets to superintend the opening, construction and repair of the roads, streets and alleys, sidewalks, crosswalks, footways, drains, and gutters within the said Town, and to put and keep the same in good repair, and to carry into execution all the resolutions, orders and ordinances of the Council in relation thereto.

Sec. 33. Exemption from road and poor tax.

The said Town, and the taxable persons and property therein, shall be exempt and free from the payment of any poor taxes or ordinary road tax, and from contributing to any County expenses for the poor and the ordinary roads and bridges of said County, outside of the corporate limits of the said Town, for any year in which said Town shall, at its own expense, provide for its own poor and keep its streets and bridges in order.

Sec. 34. Hitching yard.

The municipal authorities of the Town shall have power to provide, maintain and operate a hitching yard for the use of the public, and to this end may acquire by purchase, condemnation or otherwise, a sufficient amount of real estate, either within or without the corporate limits. It is authorized to make reasonable rules and regulations for the use of the same, including the rights to make reasonable charges against persons using and occupying it; to erect suitable buildings and sheds thereon; to keep the same clean; to provide a watchman or caretaker, and to prescribe his powers, duties and compensation, taking from him such bond as may be thought proper. The County Court of Jefferson County is hereby authorized to appropriate such sums annually as it may think proper for the purpose of maintaining in connection with the authorities of the Town of Charles Town such hitching yard. Should said County Court make such appropriation, rules and regulations respecting the use thereof shall be prescribed by a joint committee of the County Court of Jefferson County and the Council of the corporation of Charles Town. The amount of the appropriation by the County Court in each year shall not be less than one hundred nor more than five hundred dollars.

Sec. 35. Former toll roads within the corporate limits.

Nothing contained in this Act shall be deemed to place upon the corporation of Bolivar the duty of maintaining and keeping in good order and repair and covered with gravel such streets and roads within the corporate limits as were formerly toll roads or turnpikes, the duty to maintain which and keep in good order and repair and covered with gravel, is placed upon the County Court by the acts of the legislature of one thousand nine hundred and three, one thousand nine hundred and seven and one thousand nine hundred and nine. The County Court of Jefferson County may, however, upon the request of the Council of the corporation of Bolivar surrender its jurisdiction and control of any or all of such roads or streets within the corporate limits to the corporation of Bolivar, and keeping them in good order and repaired and covered with gravel, shall be placed upon the corporation of Bolivar; and in such case the County Court of Jefferson County shall pay to the corporation of Charles Town annually such amounts as may be expended by it in maintenance of such roads and streets; or the said County Court of Jefferson County may, at its option, pay to the corporation of Bolivar such lump sum as may be agreed upon between them, in consideration of the corporation of Bolivar assuming jurisdiction of such roads and streets, and becoming liable for their upkeep, maintenance and repair, as aforesaid.

Sec. 36. Other provisions of law applicable.

The corporation of Bolivar, except as is herein otherwise provided, shall have all the powers, rights and privileges, and be entitled to all the benefits now conferred on municipal corporations by chapters forty-seven, forty-seven-a, and forty-eight of the Code of West Virginia of one thousand nine hundred and thirteen, or which may hereafter be granted to municipal corporations by general law.

Sec. 37. Rights reserved.

All rights, privileges and properties of the said Town, heretofore acquired and possessed, owned and enjoyed by said Town under any act now in force, shall continue undiminished and remain vested in said Town under this Act; and all laws, ordinances and resolutions of the Council now in force and not inconsistent with this Act shall be and continue in full force and effect until regularly repealed by a Council elected as provided under this Act.

Sec. 38. Duties of the Council.

The Council shall adopt all needful and just ward regulations, whether general or special, for the good of the citizens thereof. It shall authorize street expenditures as equity and justice shall demand; and may authorize the collection of a special tax in the Town, for a specified purpose, when requested to do so by a majority of the voters thereof. Whenever in the opinion of the Council it becomes necessary to lay off said Town into wards, the said Council shall lay it off, into the necessary number.

Sec. 39. Prisoners; how employed.

The Council shall provide for the employment and safekeeping of persons who may be committed for default in payment of fines, penalties, or costs under this Act, and who are otherwise unable to discharge the same, by putting them to work for the benefit of the Town; shall keep on hand an ample supply of necessary material for the same, and shall provide all necessary tools, implements, fixtures, and facilities for the immediate employment of any and all of such persons; shall fix a reasonable rate per diem as wages to be allowed every person, until such fine and costs against him are discharged; and the Clerk shall keep an account of all fines and penalties so collected and expended.

Sec. 40. Opening streets.

The Council of said corporation shall be entitled to all the benefits of Chapter forty-two of the Code of West Virginia, for the condemnation of land for streets, alleys and public buildings in said corporation, and the commissioners appointed under said chapter shall in cases of opening of streets or alleys or in widening the same, not only assess what is a just compensation as provided in said chapter, but they shall also assess the damages and benefits to all lot owners or property holders having lots or land adjacent to and abutting on said street or alley, whose lot or land may be benefitted or injured by the opening of such street or alley or by the widening of any such street or alley, and shall make report as provided in said chapter, but lot owners and property holders shall be named in the application and served with notice as required by said chapter, and the duties of such commissioners and their oaths shall cover the duties herein imposed. All assessments for benefits under this Act shall be a lien on the property against which the same are assessed, and may be enforced in a court of equity. But either party to such assessment of damages or benefits shall have the right to call for a jury as provided in said chapter.



Jefferson County, West Virginia

Departments of Planning and Zoning

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February 25, 2014

Mayor Robert J. Hardy
The Corporation of Bolivar
PO Box 37
Harpers Ferry, WV 25425

Dear Mayor Hardy:

Helen Dettmer asked me to provide the City with an overview of what is required to establish an Urban Growth Boundary (UGB) for municipalities in West Virginia. The provisions related to UGBs primarily fall under the portion of state code related to Municipal Annexations as follows. Section 8-6-4a includes the definition of UGB and the procedure for annexations within UGBs:

Chapter 8 Municipal Corporations, Article 6 Annexation, Part III Annexation without Election, §8-6-4a:

(b) For purposes of this section only:

(2) "Urban growth boundary" means a site-specific line, delineated on a zoning map or a written description in a zoning ordinance identifying an area around and outside the corporate limits of a municipality within which there is a sufficient supply of developable land within the boundary for at least a prospective twenty-year period of municipal growth based on demographic forecasts and the time reasonably required to effectively provide municipal services to the identified area. The urban growth boundary may be called by any name chosen by the county commission, but the word "boundary" shall be used in the name of the boundary. The boundary shall be established by the county commission in agreement with each individual municipality regarding that municipality's boundary. If the county commission and municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the circuit court which shall submit the dispute to mediation or arbitration prior to final resolution by the circuit court. Once a county has adopted an urban growth boundary by its designation on an adopted county zoning map, the gross area inside the boundary may not be reduced without written consent of the municipality. The county commission shall review each urban growth boundary at a period not to exceed ten years or upon request of the individual municipality.

(c) Procedure for a municipality to annex property within an urban growth boundary. --

(1) If the proposed property to be annexed by a municipality is entirely within the municipality's designated urban growth boundary, then the municipality may annex without an election the proposed property pursuant to the provisions of section four of this article. Agreement with the county commission is not required.

(2) If the proposed property to be annexed by minor boundary adjustment by a municipality is entirely within the municipality's designated urban growth boundary, then the municipality may annex without an election the proposed property pursuant to the provisions of section four of this article if the provisions of section five of this article are followed, except that agreement with the county commission is not required.

BPC
COPY 12/11/03

AMENDING ORDINANCE TO AMEND PART THIRTEEN OF THE
PLANNING AND ZONING CODE OF THE TOWN OF BOLIVAR,
WEST VIRGINIA, TO INCLUDE ARTICLE 1324
ANNEXATION POLICIES AND PROCEDURES

WHEREAS the council of the Municipality of Bolivar is desirous of
adopting policies and procedures to guide annexation decisions

and

WHEREAS the code of the State of West Virginia requires that this matter
be accomplished by ordinance,

NOW, THEREFORE, the title of this ordinance shall be

ANNEXATION POLICIES AND PROCEDURES

AND, THEREFORE

BE IT ORDAINED by the Council of the Town of Bolivar, State of West
Virginia that Part Thirteen of the Code of the Municipality of Bolivar as
codified by the Walter Drane Company shall be and is amended as follows:

CODIFIED ORDINANCES OF BOLIVAR
PART THIRTEEN - PLANNING AND ZONING CODE

Article 1324

Annexation Policy and Procedures

The Town of Bolivar, West Virginia adopts this annexation policy to guide annexation decisions in a manner that preserves the character of the community, the quality of life of its citizens and the fiscal health of the locality. Bolivar's vision is to preserve and enhance a livable community with a logical growth boundary that defines a designated growth zone for the gateway to Jefferson County and the eastern panhandle, with a greenbelt of protected land at the boundary. Bolivar seeks well-designed neighborhoods and business areas within the boundary that enhance the established character of the community. This policy provides guidance to citizens, landowners, developers and other local government officials in Jefferson County on the considerations that will guide and govern Bolivar's annexation decisions.

STATEMENT OF GOALS

- 1. Purpose of Annexation** - The purpose of annexation is to ensure orderly growth and development that is beneficial to the established Bolivar community and its citizens, in the context of growth in the wider Jefferson County area.
- 2. Maintaining Bolivar's Established Character** - Bolivar seeks to maintain the established character of the community, and will disfavor annexation requests unless an annexation proposal will provide clear benefit to Bolivar to prevent incompatible development outside of the town's corporate boundary.
- 3. Cooperation with Other Entities** - Bolivar seeks to exercise its annexation authority cooperatively with Jefferson County, the National Park Service and the Town of Harpers Ferry, in order to direct growth and development to designated areas, and to preserve

2. **Annexation within Boundary** -- The Town shall give priority consideration to annexation for areas within the Bolivar Growth Boundary, if the annexation meets other considerations outlined in this policy. Bolivar may choose to delay annexation within the Growth Boundary if such annexations would be inconsistent with the Annexation Policy or the clear sentiments of Bolivar citizens. Citizen input should weigh in these decisions.
3. **Contiguous Areas** - Annexation areas should be contiguous to the town Corporate limits, where possible, and must contribute to the logical growth pattern of the Town.
4. **Greenbelt Growth Boundary** - Bolivar seeks to create a greenbelt of preserved land at the Bolivar Growth Boundary, in order to keep the distinction between "town and country" for the long term. The greenbelt areas can be established through development dedications, private donations, public purchase of lands or conservation easements, farm preservation, cooperative efforts with the National Park Service, Jefferson County or private landowners, or other appropriate means.

ANNEXATION CONSIDERATIONS

For annexation requests within the Bolivar Growth Boundary, the following items shall be considered in determining whether the annexation provides clear benefits to Bolivar. The Bolivar Planning Commission shall consider these factors and any other factors which, in the discretion of the Planning Commission, should be considered, and, then, assist the Town Council to determine if, on balance, annexation is beneficial to the community and its citizens.

1. **Maintain the Growth Boundary** - Annexation may be favored within the Bolivar Growth Boundary if consistent with the other guidelines herein, and disfavored outside the Growth Boundary.
2. **Economic Development** - Annexation may be favored if it increases the Town's ability to create quality jobs, and if it creates desirable retail and commercial development.
3. **Positive Fiscal Impact** - Annexation may be favored if the fiscal impact of new urban areas is desirable. The residents and commercial

the designated areas valued for their rural, agricultural, historic, natural, recreation or scenic value.

4. Municipal Services – Bolivar will not promote the provision of municipal infrastructure and services to areas outside the corporate limits of Bolivar or outside the Bolivar Urban Growth Boundary. Where the provision of municipal infrastructure and services is not cost-effective, negatively impacts Bolivar citizens with the growth management policies of the town of Bolivar, it will be declined, unless required by law.

5. Adequate Public Facilities – Bolivar will disfavor annexation or provision of municipal services when existing or planned public facilities and service are not currently adequate to serve the proposed development projected build-out, and as governed by the West Virginia Public Service Commission.

ANNEXATION AREAS WITHIN THE BOLIVAR GROWTH BOUNDARY

1. Bolivar Growth Boundary – The Town has established a “Bolivar Growth Boundary” for future growth and development. This outer boundary reflects a logical, long term area for future growth around the established community, taking into account topographical and natural features, existing and approved infrastructure, existing and approved development projects, if any, and features of the landscape with special agricultural, environmental, historic, or scenic value. Annexation will be favored within the boundary, all other things being considered, and disfavored outside of the boundary. The Bolivar Growth Boundary at the Western edge shall be considered to be the East side of Route 27 (Bakerton/Bloomery Road) to the Potomac River on the North, the Shenandoah River on the East (including, but not limited to, Cavalier Heights, Harpers Ferry National Park visitor center, Murphy’s Landing, KOA) and to the Millville unincorporated boundary on the South. The Town of Bolivar will also seek to work cooperatively with Jefferson County, Harpers Ferry and the National Park Service to discourage uncontrolled growth in the area outside of the Bolivar Growth Boundary.

ANNEXATION PROCEDURES

1. Annexation initiated at the request of the landowner/petitioner -

1) The petitioner shall send a letter to the Mayor, and the Planning Commission.

- a. The letter will explain
 - i. the desired use of the land;
 - ii. desired zoning classification,
 - iii. proffers, if any, by the petitioner

b. The Mayor and Planning Commission will discuss

- i. Compatibility of the plan with the annexation boundary,
- ii. Compatibility of the plan with Town policy

2) The Planning Commission shall make a recommendation to the Town Council as to whether or not the annexation request should be placed on the Town Council agenda for possible action.

a. If accepted by the Council for action, it shall be referred to

- i. The town's counsel for approval of form and content
- ii. The Planning Commission and
- iii. The Finance Committee

b. If the petition is approved by the town's counsel for form and content, the Petitioner shall contact the Planning Commission and Finance Committee to set dates of consideration for the proposal. Then the Petitioner shall place notice in the newspaper and by mail to all property owners and subdivisions contiguous to the subject land, and shall place notices at the Harpers Ferry Post Office, the Bolivar Community Center and the Bolivar/Harpers Ferry Library identifying

- i. location of the parcel
- ii. proposed use of the land
- iii. dates of consideration by the Planning Commission
- iv. dates of consideration by the Finance committee

entities of the new area are subject to municipal taxes and fees, including impact fees or voluntary proffers. In no case should annexation result in tax increases within the currently incorporated community.

4. **Respect Existing Zoning** – Annexation may be disfavored if it will result in the upzoning of lands currently zoned “Agricultural” or “Rural” in Jefferson County.
5. **Town Zoning** – Annexation may be favored if a Bolivar zoning classification may be more appropriate to promote traditional neighborhood, mixed-use development in the annexed area, ensuring orderly future growth that is consistent with the established community.
6. **Affordable Housing** – Annexation may be favored if it provides a significant component for low and moderate income households or other special populations, such as the elderly.
7. **Transportation Planning** – Annexation may be favored if it will promote the Town’s effort to coordinate land use and transportation planning in order to avoid adverse traffic impacts on the community. Development should not overburden the roadways.
8. **Protection of Land Resources** – Annexation may be favored if it involves preservation and protection of important environmental, historical, cultural, scenic, recreational, or agricultural areas. Annexation may be disfavored if it will lead to development that harms such valued areas.
9. **Community Amenities** – Annexation may be favored if it provides the opportunity for developers to contribute amenities to the community, such as park and recreational spaces, walking and bike paths, transportation improvements, tree conservation areas, affordable housing, or other improvements that go beyond what is otherwise required. Such community amenities may be incorporated as conditions in annexation agreements.

At this time the Planning Commission shall notify public agencies that might be affected by the proposed annexation including, but not limited to, the Harpers Ferry Police Department, the Jefferson County School Board, the Bolivar/ Harpers Ferry Library, Friendship Fire Company and other appropriate fire and emergency services agencies including the Bolivar/Harpers Ferry Medical Center, and the Jefferson Memorial Hospital the Harpers Ferry/Bolivar Public Service District, Harpers Ferry Water Works, Jefferson County Parks and Recreation Nature Park, Bolivar Building Commission and the National Park Service.

The Planning Commission shall request a timely response from these agencies regarding how the proposed annexation and land development might affect their facilities and services and whether proffer contributions toward these agencies will be necessary to ensure adequate facilities and services. Such responses will be forwarded to the Bolivar Planning Commission, the Finance Committee and the Town Council.

The Planning Commission will determine compatibility of the annexation with the nine (9) factors in the Bolivar annexation policy and any other factors deemed pertinent because of the unique character of the land.

The petition will be forwarded to the Finance Committee to determine the fiscal impact of the proposed annexation on the community at large. Using nationally recognized standards or locally agreed upon standards, a report on the projected fiscal impact will be generated and provided to the Town Council, the Planning Commission and the Petitioner. The report shall take into account projected tax and proffer fees and contributions associated with the proposed annexation, and capital and operating costs that will not be completely covered by such revenues.

At minimum this study should consider school, police, fire, emergency services, parks and recreational, public works, library and municipal administrative costs and needs.

After recommendations from the Planning Commission and Finance Committee are made, and if annexation is recommended, the Town will direct that an annexation ordinance be prepared and placed on the Town Council agenda for the purpose of a first reading and public hearing. Notice of the public hearing will be advertised as a class I legal advertisement. At such a meeting, there will be an assessment of:

whether or not the annexation petition is in correct form and content,

the recommendation of the Planning Commission on the appropriate zoning classification, whether the annexation is favorable under the Annexation policy, and a recommendation on land use proffers.

whether the Petitioner is willing to enter into a binding agreement on the recommended proffers and conditions, and

the comments of the public.

If the first reading of the annexation ordinance is approved by the majority vote of the Town Council, a second reading will be scheduled.

If the second reading of the annexation ordinance and proffer agreement is approved by a majority vote of the Town Council, the ordinance will be considered adopted by the Town and forwarded to the County Commission for appropriate action.

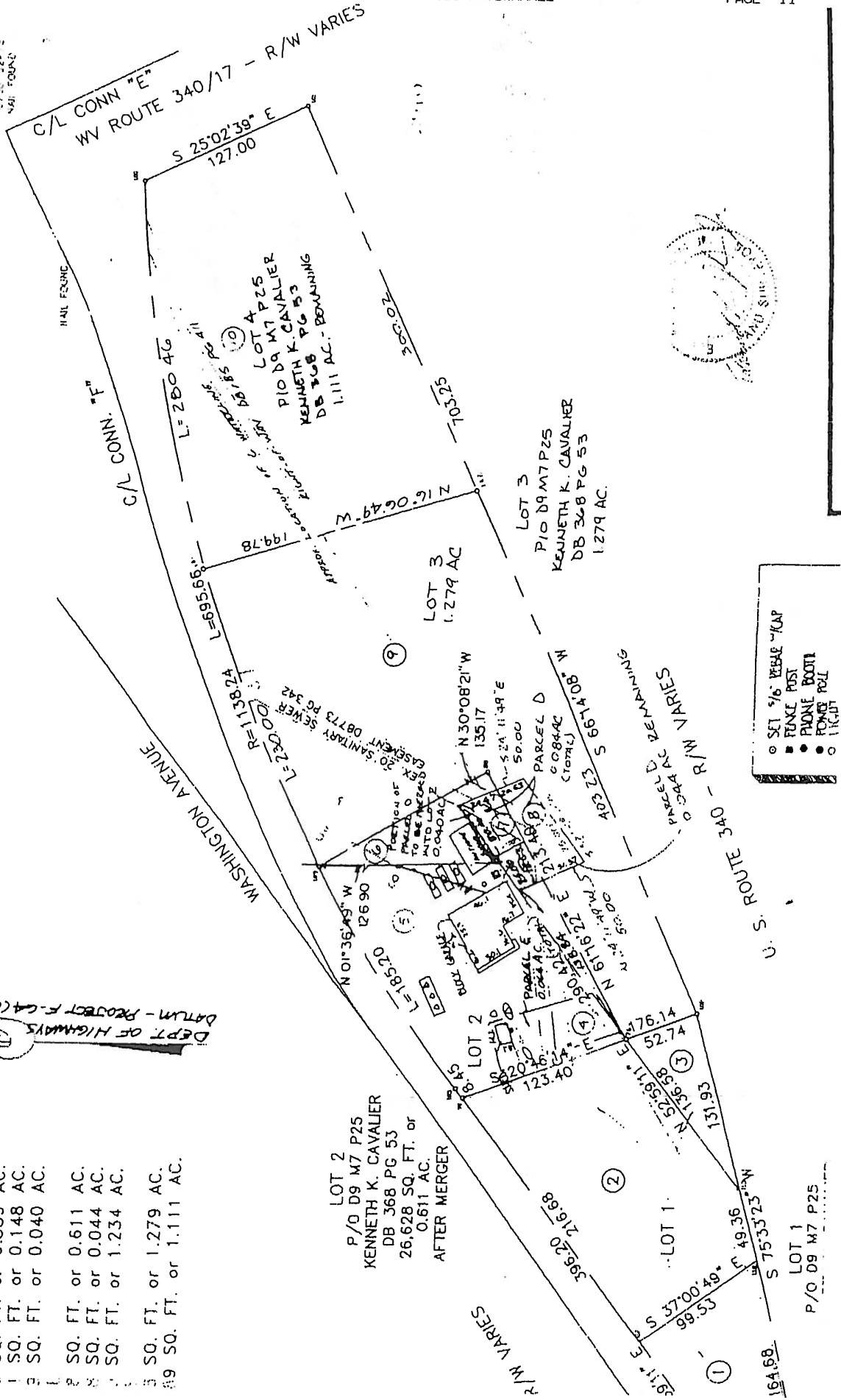
c. If not approved by the town's counsel, i.e. lacking in form and/or content, it shall be returned to the petitioner with an explanation of the deficiencies.

Hearing and First Reading: the 10 day of December 2003

Second Reading: the 16 day of December, 2003

- 7 C. FT. or 0.896 AC.
- 8 SQ. FT. or 0.064 AC. (PARCEL E)
- 9 SQ. FT. or 0.359 AC.
- 1 SQ. FT. or 0.148 AC.
- 2 SQ. FT. or 0.040 AC.
- 3 SQ. FT. or 0.611 AC.
- 4 SQ. FT. or 0.044 AC.
- 5 SQ. FT. or 1.234 AC.
- 6 SQ. FT. or 1.279 AC.
- 7 SQ. FT. or 1.111 AC.

DEPT. OF HIGHWAYS
 DATUM - PROJECT F-CA(6)



This information is
Tab # 6 of your binder

3. Cultural, Historic, Natural Resources and Recreation Element

3.A. Historic and Cultural Resources

During the planning process for Envision Jefferson 2035, a theme repeatedly expressed by County residents was the retention of the historic and cultural resources that make Jefferson County a desirable place to live, work, and visit. The intent of this document is to balance the demand for residential and employment oriented development with the desire to preserve these valuable resources.

Additional public input was received requesting that the County find ways to balance the desire of property owners to benefit fiscally from their lands with the desire of property owners to be stewards of the County's historic, cultural, and natural resources so future generations can enjoy the resources that County residents hold dear. The 2004 Comprehensive Plan recommended that the Jefferson County Historic Landmarks Commission's (JCHLC) inventory and classify the historic resources in the County. The JCHLC completed this inventory and classified historic resources into four different levels of importance. This Plan recommends building upon this inventory and the four levels of importance by amending the Zoning Ordinance to incorporate varying levels of protection.

As discussed in the separately published *Existing Conditions of the Envision Jefferson 2035 Comprehensive Plan* and in the Existing Conditions Executive Overview and Heritage Tourism section of this document, Jefferson County has played a significant role in American history and a number of historic figures have left their imprint on Jefferson County. See Appendix B for the Existing Conditions Overview.

In recent years, there has been a greater interest and awareness of our County's history. Residents recognize that the protection of the County's historic structures and landscapes is essential to broadening tourism, enhancing the County's quality of life, and for retaining the qualities that attracted many of the residents to Jefferson County. With this in mind, the following recommendations are put forward.

Historical and Cultural Resources Recommendations (Goals 14 & 15)

1.	Coordinate with the Jefferson County Historic Landmarks Commission (JCHLC) to build a Countywide inventory of historic, cultural, and heritage landscape resources to aid officials, planners, preservationists, property owners and researchers to better understand the County's significant resources.
	a. Identify and implement ways to balance accessibility to, and awareness of, historic sites with privacy and property rights of landowners.
	b. Embark on a collaborative effort with the JCHLC and the County's Convention and Visitors Bureau to educate the County's residents and visitors about historic preservation, goals and current projects in Jefferson County.
2.	Create a non-profit leadership track as part of the Jefferson County Chamber of Commerce's Leadership Jefferson program that could be used to better connect the for profit and non-profit fields to the County's cultural and historic assets.
	a. Work with the Chamber, local philanthropic organizations, and with Leadership Jefferson sponsors to create additional scholarships for the Leadership Jefferson program that would be available to non-profit cultural agencies serving Jefferson County.
	b. Partner with local arts and cultural organizations and other key stakeholders to create a countywide public art program for local artists to display sculpture or other art works depicting the area's history and scenic beauty in public areas.
3.	Coordinate with the West Virginia Division of Highways (WVDOH) to ensure the protection of historic and cultural resources is considered when making decisions related to the location of future highway projects.
4.	Review and amend the Zoning Ordinance and Subdivision Regulations to improve historic and cultural resource protections.
	a. Collaborate with the JCHLC to develop and incorporate language into the County Zoning Ordinance that supports the JCHLC's classification of the County's historic resources into four different levels of importance and varying levels of protection.
	b. Collaborate with County residents, Jefferson County's development community, and members of the JCHLC to create voluntary design guidelines and standards related to historic sites to encourage development or redevelopment of properties in a way that would be reflective of the site's historic nature and context, while respecting property owner's rights.
	c. In collaboration with property owners, the development community, and the JCHLC, identify and utilize a series of incentives to encourage the use of the voluntary design guidelines discussed above to ensure the historic integrity of the site is protected.

	<p>d. Identify archaeological and historically significant built resources as part of a developer's Concept Plans.</p>
	<p>e. Collaborate with property owners and the JCHLC to protect historically and/or culturally significant resources during development of a site by providing a credit or reallocation of the density rights on a property or to another property located in Jefferson County in exchange for the retained historic or cultural resource.</p>
5.	<p>Create a program, with the input of property owners and the JCHLC, that would allow property owners to convey architectural and historical assets to the JCHLC (or similar agency) under protective easement.</p>
6.	<p>Collaborate with the Harpers Ferry National Historical Park on the following concepts:</p>
	<p>a. Build upon intergovernmental efforts to develop strategies to entice visitors who come to the Harpers Ferry National Historical Park to stay in Jefferson County for more than a one-day visit to the Park.</p>
	<p>b. Promote the development of an interconnected trail network that would move visitors from Harpers Ferry and the C&O Canal National Historical Park in Maryland to other areas of the County.</p>
	<p>c. Develop interconnected and broader public transit opportunities for the Heritage Tourism visitor.</p>
	<p>d. Expand upon the existing interconnected marketing of the County's multiple historic resources and the National Historical Park.</p>
7.	<p>Partner with the American Battlefield Protection Program/National Park Service, the Civil War Trust, the Land Trust of the Eastern Panhandle, and the States of West Virginia and Maryland to help maintain the historic and natural features associated with properties in the Pack Horse Ford area and/or identified in the National Landmarks nomination documents submitted to the States of West Virginia and Maryland by the JCHLC.</p>
8.	<p>Explore the creation of a County or regional battlefield trust to fund the purchase of, and the stewardship of, battlefield sites and corridors in Jefferson County, in partnership with local, state, and national organizations.</p>
	<p>a. Explore opportunities to collaborate with other land trusts and private entities with other preservation goals.</p>
9.	<p>Encourage the County's municipalities to work toward membership in the State's Main Street program.</p>
	<p>a. Assist communities in the creation and administration of revitalization efforts and obtaining funding that would aid in façade improvements and restoration, the utilization of upper stories in existing buildings, and streetscape improvements.</p>

	b. Create and administer a revolving loan fund to achieve this strategy.
10.	Create a variety of funding mechanisms to support historic preservation, restoration, and adaptive reuse throughout the County to include but not be limited to:
	a. Encourage a wide range of individuals, businesses, non-profit organizations, and other entities to contribute to efforts related to historic preservation through the JCHLC or other entities.
	b. Establish a revolving loan fund to foster renovations and rehabilitations of historic structures and the restoration of historic landscapes.
	c. Provide technical assistance and direct developers toward funding sources to encourage the adaptive reuse of existing historic buildings for other uses.
11.	Promote the Federal Historic Preservation Tax Incentives program which encourages private sector investment in the rehabilitation and re-use of historic buildings through a number of tax credit programs and ensure that local property owners are aware of these programs.
	a. Implementing additional local tax incentives to aid in the preservation and/or maintenance of structures or sites of historic interest.
	b. Identify and market historic buildings and structures where the adaptive reuse of the structure may be warranted.
	c. Implement local tax credits for adaptive reuse of historic structures.
12.	Provide sufficient space for the storage, preservation, and use of the JCHLC's physical records and materials as part of a digital management and archival system for County records.
	a. Ensure that digital copies of historic materials are preserved and regularly updated in a safe and protected off-site location.
	b. Train County staff to be aware of resources related to protection of historic resources.

Division 5.300 Historic Preservation

- A. **General.** Jefferson County has a rich historic heritage and desires to preserve that heritage in the face of increasing *development* pressure. A series of incentives are provided in this Division to provide ways that land owners can preserve and protect their *historic resources* for future generations. Incentives are needed for several reasons.
1. Historic buildings often need substantially more maintenance and upkeep than new *construction*, and may be much more expensive to heat and light.
 2. Many historic buildings do not meet building, plumbing, or electrical codes and need extensive improvements to make them marketable and safe.
 3. The zoning of a property may not support the use that could make preservation a fiscally responsible alternative to demolition.
 4. In other cases, the land needed to preserve the context of historic buildings is threatened by *development* pressures.
- B. **Incentives.** The incentives of this Division are provided to allow the County to encourage the preservation of buildings by addressing problems related to the above conditions. Section 5.301, *Classification of Historic Sites*, sets forth the classification of the Historic Sites and Structures. Section 5.302, *Levels of Protection*, is focused on the protection of the building's or site's context through the preservation of *open space*. Section 5.303, *Demolition*, requires a demolition *permit* be obtained before a historic structure is *demolished* or before any earth moving is done on site. Sections 5.304, *Incentives for Open Space*, and 5.305, *Renovation Incentives*, focus on incentives to preserve the structure(s).

Sec. 5.301 Classification of Historic Sites

There is a wide range of historic and cultural resources in Jefferson County including structures, villages, battlefields, and places. There are several ways that these resources can be classified. The first is by their importance, as identified by the Jefferson County Historic Landmarks Commission. The Jefferson County Historic Landmarks Commission has identified all sites and structures that are category I through IV *historic resources* in Jefferson County (see provision A below). The list is available through the Historic Landmarks Commission or the Department of Planning. The second method of classification addresses either the larger context or the sites of the resources.

- A. **Importance.** The Jefferson County Historic Landmarks Commission has identified and classified all historic resources in the County. They are given four different levels of importance, which will be used in determining the level of protection afforded the resources. The listing of these resources and a map is available from the Jefferson County Historic Landmarks Commission. The levels are as follows:
1. Category I. The most important resources in the County, including contributing structure to National Register properties and Districts.
 2. Category II. These are resources classified as important.
 3. Category III. These resources have moderate importance.

4. **Category IV.** These are resources that are at least 50 years old, have little or no significance, and are listed by the Historic Landmarks Commission.

B. Types of Sites. Resources that are classified by site are the resources that are part of a larger landscape which impact the manner and feasibility of protection. They have been divided into three classifications having different needs for protection. The classifications define the setting needed for historic preservation.

1. **Villages.** The villages are rural populations centers, crossroads, *hamlets*, or villages that, at one time, served a larger rural population (some still do). An important element of protecting a village is providing a rural green area around the village so it remains as a discreet freestanding community surrounded by rural land. That level of protection is not possible for all villages due to surrounding development. The critical element is preserving the villages in a rural context. The area surrounding freestanding villages are all typically zoned Agriculture or Countryside, so *cluster* development can occur adjacent to the Village and areas beyond the cluster can provide the needed greenbelt. Over time, these areas may become specific *historic districts* with specific design or other unique protection standards. None were ready for inclusion as of the effective date of this Ordinance.
2. **National Register Historic Districts, and Historic Sites and Structures.** These areas shall have a protection area that extends out from the boundary of the District, Site or Structure as indicated in Section 5.302, *Levels of Protection*.
3. **Historic Resources.** These include Historic Sites or Historic Structures as both terms are defined in this Ordinance. (See Article 14, *Definitions*).

Sec. 5.302 Levels of Protection

The type of protection to be afforded is a combination of the importance of the site and the context in which it is found.

A. Category I. The following standards apply to these resources based on their context:

1. **Villages.** Freestanding villages are protected by a countryside or agricultural zoning surrounding the village for a distance of at least one-quarter mile (1,320 ft.).
2. **National Register Historic Districts, Contributing Historic Structures, and Historic Sites.** A 600-foot protection radius, as measured from the center of the site or structure(s), shall meet the *open space* protection level for Class I historic sites.
3. **Historic Sites.**
 - a. Residential development plans shall be reviewed by the Jefferson County Historic Landmarks Commission to make recommendations on the adequacy of the placement of *open space* to buffer the Historic site(s). In addition a minimum of a 0.5 *opacity* buffer shall be provided. The Planning Commission shall in the approval of the *plat* or land development plan, approve the open space and buffer.
 - b. Non residential *development*. All non-residential development shall have at least a 1.0 *opacity* buffer with a minimum width of 50 feet where it abuts the property. If the non-residential use is across the street, the buffer shall be increased by an opacity of 0.5.

B. **Category II.** The following standards apply to these resources based on their context:

1. **Villages.** Freestanding villages are typically protected by countryside or agricultural zoning surrounding the village for a distance of at least one-quarter mile (1,320 ft.).
2. **Historic Building Sites.** A 400-foot protection radius, as measured from the center of the site or structure(s), shall meet the *open space* protection level for Class II historic sites.
3. **Historic Sites.**
 - a. Residential development plans shall be reviewed by the Jefferson County Historic Landmarks Commission to make recommendations on the adequacy of the placement of *open space* to buffer the historic sites. In addition a minimum of a 0.3 *opacity* buffer shall be provided. The Planning Commission shall in the approval of the *plat* or land development plan, approve the open space and buffer.
 - b. Non residential *development*. All non-residential development shall have at least a 0.7 *opacity* buffer with a minimum width of 50 feet where it abuts the property. If the non-residential use is across the street, the buffer shall be increased by an opacity of 0.3.

C. **Uses within the Protection Radius.** Within any area located inside a designated protection radius, non-residential structures, including barns, garages, shed, or workshops may be constructed.

D. **Historic Villages.** Historic villages afforded protection in Section 5.302, *Levels of Protection*, shall be defined as settlements with at least 20 historic sites or structures as identified by the Jefferson County Historic Landmarks Commission and which are zoned “Village Conservation” on the Official Zoning Map.

Sec. 5.303 Demolition

No *historic resource* of classes I through IV shall be *demolished* or disturbed without a permit. Doing so shall subject the person doing so to the penalties for destruction of historic resources in Article 13, *Enforcement and Legal Status*. Fees for demolition permits shall be established by the County Commission and may be periodically modified as they determine appropriate. There is an investigation period required before a demolition *permit* is issued. This period provides time to review with the *owner* all incentives available to preserve the *building* and/or time for the County to seek a purchaser of the property who will retain the property in its historic condition. The following are the requirements:

- A. **Investigation Period.** During the investigation period, the applicant shall be required to meet with the Historic Landmarks Commission. Every effort shall be made to find an alternative to demolition. The applicant may be required to submit a pro forma that demonstrates why the *building* cannot be saved, even provided the incentives offered by this Ordinance and the Historic Landmarks Commission. The period of investigation is as follows:
 1. Category I. The investigation period is 16 months.
 2. Category II. The investigation period is 12 months.
 3. Category III. The investigation period is 4 months.
 4. Category IV. The investigation period is 1 month and only applies to those structures listed in the Historic Landmarks Commission’s inventory.

- B. **Findings.** At any point in the investigation period, the Historic Landmarks Commission finds that it is impossible to save the *building*, even with all available incentives, and no alternative buyers are found to be available to avoid demolition, the Historic Landmarks Commission may notify the County Commission and, upon acceptance by the County Commission, issue a demolition permit. If the investigation concludes that the preservation is feasible, then the Historic Landmarks Commission may notify the County Commission who may require an additional six-month waiting period to continue negotiations and/or find a buyer who will preserve the building. If the land *owner* still wants to demolish the building after the waiting period, the Historic Landmarks Commission shall issue a permit.
- C. **Requirements of a Demolition Permit.** In order to receive a demolition permit, photographs, architectural drawings of the exterior and, if required, of the interior to a *scale* of one-quarter inch to the foot, and a video recording of the *building* and grounds shall be made by the Historic Landmarks Commission at the applicant's expense, and a *conservation easement* (see D below) provided.
- D. **Effect.** If a *building* were preserved, *open space* requirements are a condition of additional *development*. Receiving a demolition *permit* shall not alter the open space requirements on the site or any other property within the site area of the *resource* held in common by the applicant. This prohibits there being any gain in value of the property for development by demolishing the resource. To ensure this, a *conservation easement* shall be placed on the property to preserve the required open space. Such conservation easement shall be in favor of the County and the Historic Landmarks Commission. A demolition *permit* will relieve other *property owners* of any other historic preservation restrictions.
- E. **Demolition without a Permit** Lands containing a *historic resource* identified within classes I through IV which is *demolished* or disturbed without a permit, or is demolished or disturbed during the investigation period (see provision A above), shall be subject to a 20% reduction in the *density* permitted in the Zoning District in which it is located. Such reduction shall be applied to all remaining lands which are part of the same *parcel* on which the historic resource is located. To ensure this, a *conservation easement* shall be placed on the property to note such reduction concurrent with any future subdivision of lots on the subject property. The Planning Commission may establish the *density* reduction when so recommended by the Historic Landmarks Commission.
- F. **Public Health or Safety.** If a *building* scheduled to be *demolished* is found to be a severe public health and safety risk and cannot reasonably be secured by the County Building Official, at the *building official's* request, a demolition *permit* shall be issued subject to provisions C and D above.

Sec. 5.304 Incentives for Open Space

This Ordinance already provides for incentives to *cluster* development and provides for common *open space* in the form of increased *density*. This should permit developers to meet the open space requirements of Division 4.200, *Resource Protection Standards*, as the *open space ratios* for most districts will be adequate. In the Townscape (TS), General Commercial (GC), or Business Park (BP) districts, insufficient *open space* may be available to achieve the preservation of the protection area. The height limits on the *building* may be relaxed to allow taller buildings to ensure there is no loss of density. Currently, the protection level is lower in these districts in recognition of the greater difficulty in preserving the area.

Sec. 5.305 Renovation Incentives

An *historic structure* may require significant and costly renovation or maintenance to preserve it and make it economically useful to the land *owner*. The County does not want to have to issue demolition permits because it is too costly for the land owner to maintain the structure. Upon recommendation of the Historic Landmarks Commission, a bonus shall be granted to provide *development* options that act as an incentive to a *developer* or land owner to preserve and maintain the historic structure. The following are the requirements for determining the bonus:

- A. **Pro Forma.** The *developer* shall provide a pro forma indicating the costs of renovation and annual maintenance versus the value of the property in the market.
- B. **Adjoining Properties.** Where the historic property has limited *development* potential so that a *density* bonus is limited to impractical, the County should encourage a Limited Liability Partnership (LLP) that would enable a larger *cluster* or *planned development* to be constructed on two properties. This incentive may be combined with the provisions of C if necessary.
- C. **Increase Density or Floor Area.** Upon recommendation of the Historic Landmarks Commission, the *Planning Commission* may approve a *density* increase above the permitted density as determined by the Site Capacity Calculation (Division 4.300, *Site Capacity Calculations*). This would also be accompanied by a modulation of the lot and bulk requirements of Division 3.300, *Bulk Regulations*. For nonresidential uses, the increase would be in floor area and lot and bulk modulation to make the incentive feasible on the lot.
- D. **Additional Uses.**
 1. For very large homes or barns, even if not permitted in the district by Table 2.201A or Table 2.201B, the *conversion* of the *building* for any of the following may be approved:
 - a. Up to six work force housing units (for sale or for rent);
 - b. Offices for professional or technical services and commercial uses limited to antique stores, dance studios, micro-breweries, and corporate and government back office operational facilities (see Section 2.445, *Corporate and Government Back Office Operational Facilities*); and
 - c. Schools.
 2. The residential uses permitted by D1a above shall not count against the *density* of the site, provided that the density increase on the site for any single-family, cluster, or planned option is not increased by more than 40 percent above that allowed by Division 4.300, *Site Capacity Calculations*.
- E. **Granting the Incentive.** The maximum incentive for residential adaptive re-use is a 10 percent increase in *density* (except for D above) or the amount needed to provide for the renovations and a fund for long-term maintenance, whichever is less.
- F. **Conservation Easement.** An appropriate *conservation easement* to protect the property shall be recorded on the property to ensure that the bonus is translated into preservation.

Sec. 5.306 Adaptive Reuse

- A. **General.** Some uses are prohibited in every district. This can represent a problem, particularly for large *buildings* or buildings that originally were built for a different use. The intent of this

Section is to provide rules for moderating regulations to permit an historic building to be used in a manner that protects neighbors while ensuring the protection of a *historic resource* that adds character to the community. The Historic Landmarks Commission shall make recommendations on the suitability of the use for the building seeking adaptive reuse. The following are the requirements that must be made before permitting the moderation of the use standards:

- B. Historic Landmarks Commission Findings.** The Historic Landmarks Commission shall visit the property and review the proposed land development *plan* and use. Their recommendation to the Zoning Administrator shall include the following findings:
1. The suitability of the proposed use is compatible with the historic structure; and
 2. Any modifications to the *building* are consistent with and compatible with the building's architecture, style, and massing; and
 3. That proposed parking and other activities are suitably located so to preserve the character of the structure and its historical setting; and
 4. That *landscaping* is consistent with the *building* and accessory uses, such as parking, and provides continued views of the *historic structure* while masking parking, air conditioning, or other elements from general view, which would distract from the building and its setting; and
 5. If the *building* facade(s) was modified in the past in a manner out of character with the structure, that the *facade*(s) is restored to its historic condition.
- C. General Standards.** The Zoning Administrator shall find that the following general standards are met:
1. That adequate off-street parking for the proposed use is provided; and
 2. That traffic generation will not create undue congestion. This means that no more than 10 percent of the adjacent *street* capacity may be used by the proposed use without approval of a conditional use permit; and
 3. That no use that poses a threat to the *building* or neighborhood is involved (for example, use of chemicals or explosive materials that might damage property or health).
- D. Use for Retail Sales, Offices, or Service.** These shall be permitted within the limits of the historic village areas in the Agricultural (AG) and Countryside (CS) districts or in the Residential (RS) or Townscape (TS) districts, provided:
1. The *building* was originally designed for such uses; and
 2. That adequate parking can be provided on site with *limited use* of the adjoining street.
- E. Reuse of Places of Worship.** Such buildings can be converted for residential *dwelling units*, offices, institutional uses, or bed and breakfasts in the AG, CS, ES, RS, and TS districts.
- F. Zoning Administrator.** Upon receipt of a favorable recommendation from the Historic Landmarks Commission and ascertaining that the proposed *development* meets all the provisions of this Section, the Zoning Administrator shall issue a *permit* to approve the adaptive reuse.

Division 5.400 Rural Preservation

Two districts, Agricultural (AG) and Countryside (CS), are created to protect and preserve the County's rural character. Incentives that reward developers who *cluster* development, if they must develop on rural land, are provided in the form of increased density. In addition, certain nonagricultural uses are permitted in these districts to ensure that farmers have more opportunities to make their *farmsteads* economically productive as they face economic pressure from nonagricultural development. The rural districts and Village Conservation (VC) district also protect historic villages within the County. This Division provides additional incentives for the preservation of this way of life and part of the County's heritage and economy.

Sec. 5.401 Protection of Villages

The County's villages need a greenbelt around them so that they remain freestanding communities with a strong sense of place and unique identity within the larger County landscape. The following incentives are provided to ensure that rural land surrounds the villages to maintain their freestanding status:

A. Hamlet Option Required.

1. Where a *parcel* abuts or is within 300 feet of a village (see zoning maps) or is part in and part outside the village, the *hamlet* option (see Article 10, *Design and Modulation*) shall have a minimum acreage requirement of 25 acres. The lots shall all be adjacent to existing lots in the village with the outer *open space* creating a greenbelt around the village.
2. The *gross density* of the *hamlet* option shall be increased to 0.554 at the same 0.80 OSR.

B. Transfer of Development Potential. Where two or more noncontiguous properties are in common ownership within 2,500 feet of the village and one abuts or is within 300 feet of the village, the *hamlet* development shall treat the development as a single development and allow the concentration of all the *density* on the *parcel* that is closest to the village. A *deed restriction* or *covenant* shall be recorded over the more distant property that extinguishes the *development* rights that were transferred.

C. Commercial Retail Uses. Commercial retail use may be permitted within a Village provided the following are met:

1. The Planning Commission, based on a recommendation provided by the Historic Landmarks Commission, determines that the commercial use will not be detrimental to any structure designated as a Class I or Class II historic resource.
2. The use shall front on a collector or arterial *highway* or on a road capable of handling the traffic from a commercial use without disrupting a residential area.
3. The use is in conformance with any future village land use plan.
4. The commercial uses and associated parking occupy less than ten percent of the land area of the hamlet.

Sec. 5.402 Protection of Farmsteads

The protection of *farms* is provided for by density incentives for clustering so that, when a farm must be sold or land must be sold for *development*, every effort will be made to maximize the concentration of development and minimize the interface between farmland and development.

A. **Separate Parcels Under Common Ownership.** Where a *farm* is in separate *parcels*, but common ownership, it shall be treated as a single property for the purpose of calculating the permitted number of *dwelling units* and minimum *open space* provided the following are met:

1. All the development shall be on one *parcel* or multiple *abutting parcels*.
2. At no point shall the minimum *open space* on the parcel being developed fall below 0.45 unless all boundaries of the *parcel* are located at least 300 feet from public streets and *property lines* of property that is under separate ownership.
3. *Development* shall be buffered from streets and neighboring property by buffers that are at least 100 feet in width.
4. All *parcels* used as *open space*, if separate from the developed parcel, shall be in agricultural use at the time of application and shall be 20 acres or more in land area.

B. **Cluster Development.** The intent of the *cluster* is to preserve the best agricultural land in production. This can come into conflict with the environmental protection standards of Article 4, *Environmental Protection*. As an incentive, the following modifications to the standards of Article 4, *Environmental Protection* are available as an incentive.

1. **Low-Quality Woodlands.** These may be mitigated at one acre of *low-quality woodland* for one acre of class one or two agricultural soils preserved. All land in this *resource* may be mitigated.
2. **Young Woodlands.** These may be mitigated at one acre of young woodland for 1.25 acre of class one or two agricultural soils preserved. The maximum *mitigation* shall leave 40 percent of the young woodland intact.
3. **Mature Woodlands.** These may be mitigated at one acre of mature woodland for 1.5 acre of class one or two agricultural soils preserved. The maximum *mitigation* shall leave 60 percent of the young woodland intact.
4. **Shallow Bedrock.** These areas may be mitigated, provided that no mass *grading* of these areas shall be permitted and *buildings* shall have stepped foundations to ensure they disturb as little as possible. Plans shall be submitted that delineate where lawns or groundcover will be used to minimize the disruption of the area.
5. **Steep Slopes.** *Steep slopes* may be mitigated where cutting or *filling* for foundations is limited to four feet. *Mitigation* shall be 1.25 acres of class one or two agricultural soils for every acre of slopes 15 to 25 percent and two acres of class one or two agricultural soils for every acre of slopes mitigated over 25 percent slope. The *developer* shall submit plans for building on the *slope* that allows minimal disturbance including stepped foundations and building on piles or columns so as to minimize disruption. In slopes of 15 to 25 percent, the maximum mitigation shall leave 50 percent of the *resource* undisturbed.
6. **Historic Sites.** An agriculturally used land that is part of an historic site that is preserved as agriculture meets the protection level.

C. **Relationship of Farmstead to Density Calculation.** The *farmstead* house shall not count as a *dwelling unit*, even where it is on a noncontiguous *parcel* when the farmstead is developed.

This information is
Tab # 7 of your binder



Jefferson County, West Virginia

Departments of Planning & Zoning

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MEMORANDUM

TO: Planning Commission/County Commission
FROM: Jennifer M. Brockman, AICP, Director
DATE: May 12, 2015
RE: Proposed Campground Amendments

Attached are the proposed amendments to the Jefferson County Zoning and Land Development Ordinance and Jefferson County Subdivision and Land Development Regulations drafted by the Citizen’s Committee appointed by the Planning Commission. These have not been thoroughly reviewed by staff because the Planning Commission has not yet received them from the Committee. The role of the Planning Commission today is to review and discuss the proposal and determine next steps.

Prior to being able to schedule a Public Hearing on these amendments, staff would like clarification and direction from the Planning Commission regarding the process under which the PC would like to see campgrounds processed. Two specific alternatives are as follows:

- 1) Campgrounds could be designated as Principal Permitted Uses in certain zoning districts and then require a Concept Plan or Site Plan to process before the Planning Commission approval, with or without a public input process; OR
- 2) Campgrounds could be identified as permitted conditionally in certain districts or a Special Exception requiring a public hearing before the BZA. While we have a number of activities identified as Special Exceptions, there is some question as to whether the term “Special Exception” conforms to state law. It is found in Section 10.5 of the Zoning Ordinance relating to Signs which adds to the confusion and we may use this effort to re-locate that more appropriately. If the decision is to require BZA approval, we can resolve this.

Once these decisions are made, staff will work with Legal to ensure that all the necessary sections are included in any public notice for the proposed amendment.

There also appears to be an issue with the numbering being proposed in the Subdivision Regulations as Division 8.0 is already being used. If the intention is to separate the proposed language from “Division 7.0 Campgrounds from the Mobile/Manufactured Homes Parks and Campgrounds”, staff can work to clarify the best way to manage this. Planning Commission direction on this is also needed.

Once staff has PC input on these issues and PC review of the proposal, a final draft can be prepared for a Public Hearing.

Jefferson County Subdivision and Land Development Regulations

Introduction – camp ground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. The use of these private facilities does not pose a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following;

1. Safe access and egress to state roads (WVDOT, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering department, JC Public Service District, WV Health Department)

Division 8.0 Campgrounds

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results.
- B. West Virginia regulations pertaining to camp grounds apply to all facilities.

Section 8.2 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply.
- B. Dimensional Requirements
 1. All camp sites shall be a minimum of 20' apart.
 2. The area of each campsite shall be a minimum of 1,200 square feet.
 3. No more than 15 campsites per acre are permitted.
 4. Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction. No more than one camping unit shall be placed on or above a campsite.
- C. Road and Requirements
 1. Camp ground roads that serve less than 300 vehicle trips per day;
 - a. Existing roads may be used to access camp sites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with 3 foot pull off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%
 - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required, all drainage from camp ground roads must be managed to prevent erosion.
 2. Camp ground roads that serve more than 300 vehicle trips per day;
 - a. May have asphalt or gravel surface
 - b. 15 foot minimum width.
 - c. 15% maximum slopes

- d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
- e. No ditches are required, all drainage from camp ground roads must be managed to prevent erosion.

D. Parking

1. Camp sites accessed by vehicles shall provide a level parking area.
2. If parking is not provided at the camp site, one space per camp site shall be provided.
3. Public parking shall be provided at the camp ground office or facilities open to the public in sufficient quantity to serve the users.

E. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations within 500' of all campsites.
3. Each campsite shall be provided with a sanitary, covered garbage can.
4. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, also one water refill station and one solid waste disposal
5. As a minimum, design capacities for centralize water and sewerage systems shall be based on the total number of campsites proposed plus capacity to accommodate any public buildings.

F. Power

1. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

G. Fire Pits

1. If fire pits are provided for camp site they must be shown on the site plan. A detail of the fire pit must be provided.

H. Exceptions

1. Camping associated with short term, temporary uses, approved by Jefferson County, are not subject to these regulations.

Article 8

Section 8.16 Campgrounds (New)

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations.

A. Permitted Uses

- a. Campsites, cabins, campers and recreational vehicles sites.
- b. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
- c. Caretaker residence
- d. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground.
- e. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
- f. A campground shall not be used as a primary residence on either a temporary or permanent basis.

B. Development Guidelines

- a. Campgrounds shall be located on properties a minimum of 10 acres in size.
- b. A variance to the minimum campground size may be granted by the Board of Zoning Appeals.
- c. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
- d. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards. A variance to this standard may be granted by the Board of Zoning Approvals.
- e. All campsites shall be located a minimum of 200' from existing residential dwellings.
- f. All campsites shall be visually screened from existing residential dwellings within 500'.
- g. Campsites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
- h. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
- i. Campsites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
- j. Campgrounds may be served by well and drain fields.

C. Regulatory Approval

- a. Campgrounds uses must submit a concept plan and be approved by the Board of Zoning Appeals pursuant to a public hearing.
- b. Upon approval of the concept plan a site plan must be processed in accordance with Jefferson County regulations.
- c. All state regulations pertaining to the operation and licensing of a campground must be followed.

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Planning Commission Meeting May 12, 2015

Enclosed are the relevant sections from the Envision Jefferson 2035 Comprehensive Plan regarding the proposed changes to the LESA/CUP process and cluster provision in the Rural Zoning District.

Per Planning Commission President, Steve Stolipher, please review these Plan recommendations for discussion and developing a plan of action.

Jefferson County's percentage of arable agricultural land is 54.7%, more than any other county in West Virginia. That affords the County a rich mix of urban, suburban, and agricultural environments. With that consideration in mind, the Plan strengthens proposals related to its historic farming community's economic growth. It recommends potential amendments to the Zoning Ordinance and Subdivision Regulations, which will support a more robust agricultural and artisan economy through a diversity of uses. This Plan proposes a higher density cluster provision rather than allowing rural residential developments via the Land Evaluation Site Assessment (LESA) system / Conditional Use Permit (CUP) process; and to allow the use of the a more traditional CUP process in the Rural District for non-residential uses which are compatible in scale and intensity with the rural environment and that pose no threat to public health, safety, and welfare.

What are Goals, Objectives, and Recommendations?

Goals are general guidelines that broadly describe what the community wishes to achieve over the period of the Comprehensive Plan. Goals are generally bigger in scope than objectives.

Objectives are the types of actions or activities that are recommended in order to attain the goals.

Recommendations are implementation strategies that are specific steps that would be undertaken to achieve the goals and objectives. They can involve regulatory processes or actions that provide a means for the goals and objectives to be achieved.

Goals and Objectives are what a community wishes to achieve. Recommendations are implementation strategies of how a community looks to achieve them.

Rural/Agricultural Areas

Rural/Agricultural properties outside the UGBs and PGAs are allowed to develop using the “by right” standard of one lot per 15 acres and a cluster development of one lot per ten acres. Over the past number of years, the Zoning Ordinance has been amended to allow many additional uses in the Rural District to promote more rural agricultural uses and value added operations. The 2008 Subdivision and Land Development Regulations have been amended to reduce the site improvement standards for rural business. This Plan proposes that a holistic review of Rural zoned properties should occur that would allow for greater scope and variety of agriculture related activities and rural recreation. It should be noted that regardless of location, whether in an UGB, GMB, or PGA, all Rural zoned properties shall be permitted to undertake the activities noted above. Additionally, this Plan proposes that the Zoning Ordinance be reviewed and amended to consider a higher density for rural/agricultural lots utilizing the cluster provision instead of allowing rural residential developments via the Condition Use Permit process.

***Land Evaluation Site Assessment (LESA)
also known as the
Conditional Use Permit (CUP) process
outside the UBG or PGA***

Currently, any land use not listed as a Principal Permitted Use in the Zoning Ordinance may be proposed on any property utilizing the LESA/CUP process. This Plan recommends eliminating the LESA system and modifying the CUP process for use exclusively for non-residential development projects in the Rural Zoning District.

It is expected that urban level residential and non-residential development (and redevelopment efforts) will focus in the UGBs and identified PGAs in the next two decades. In addition, it is anticipated that the bulk of new investment by public entities will take place in these areas over the 20-year timeframe of this Plan.

Retention of Existing Zoning Map Classifications

As part of the Envision Jefferson 2035 process, there are no zoning map amendments (rezoning requests) or reductions in existing zoning rights proposed by the County. The existing zoning on any property in the County will not be affected by this process. This Plan, including the Future Land Use Guide, does not propose to reduce the rights of any property owner. The Plan and the Future Land Use Guide propose to retain vested property rights which are reflected by the Future Land Use designations. The Future Land Use Guide includes a depiction of the Growth Area Boundary that was included on the Study Area Map of the *2004 Comprehensive Plan*.

and septic systems, with a limited probability that public services will be extended to these properties in the future. The preservation of the quality of life and rural lifestyle for existing and future residents is of great importance for property owners in these communities.

The following recommendations address the needs of the agricultural community, artisan community and the rural environment.

Rural Land Use Planning Recommendations (Goal 2)	
1.	Recognize the rights and viability of existing rural residential neighborhoods.
	a. Balance artisan, home occupation, and cottage industry rights with the maintenance of the character of rural neighborhoods by considering the size and scope of all activities within designated rural neighborhoods.
2.	Allow and promote a greater range of agricultural and/or artisan uses within the rural areas on existing farmlands to incentivize the expansion of the rural economy within Jefferson County.
	a. Collaborate with key stakeholders in the agricultural community to update the County's zoning and land use recommendations to broaden the range of permitted complementary and accessory on-farm uses.
	b. Identify types of farm activities that may be successful based on the soils on individual properties and the proximity of Jefferson County to relevant markets.
3.	Revise existing Jefferson County land use requirements and site plan standards to reduce regulatory barriers related to agricultural and/or artisan operations.
	a. Revise local regulations to balance production and marketing of artisan or agricultural products on-site, considering the individual use, size, and scale of the operation as appropriate to the property site.
	b. Waive or modify the roads, parking, and stormwater regulations on farms for on-site production and marketing enterprises, to the extent possible.
4.	Protect the viability of agricultural lands and wildlife corridors by encouraging the utilization of cluster subdivisions as the preferred form of residential development within rural areas.
	a. Allow residential development outside of the Urban Growth Boundaries or Preferred Growth Areas to develop only as rural cluster subdivisions, in accordance with existing land use rights.
	b. Amend the Zoning Ordinance to eliminate the Land Evaluation Site Assessment (LESA) system and to modify the Conditional Use Permit (CUP) process in the Rural Zoning District, which would be used for compatible non-residential development only.

	c. Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize a higher density such as one unit per five acres, with provisions for a maximum lot size and a mandatory retention of a set percentage of the original tract in agricultural uses, open space, and/or forest/woods, instead of allowing for rural residential development to occur using the LESA/CUP system.
	d. Amend the Subdivision Regulations to permit a Cluster Development of any size to process as a minor subdivision, provided that the subdivision standards shall apply.
	e. Encourage the creation of subdivisions that incorporate working farmland or community gardens in Development Supported Agriculture programs.
	f. Consider amending the provision in the Jefferson County Zoning and Land Development Ordinance related to the transfer of land between parent and child to include other family members, such as sibling to sibling.
5.	Encourage a variety of mechanisms to protect existing farmlands, key farm buildings, and scenic corridors within Jefferson County.
	a. Identify funding sources for farmland protection which could come from local, state and federal sources in addition to fundraising opportunities.
6.	Involve members of the agricultural community in planning and land use decisions related to rural lands within Jefferson County.
	a. Establish collaborative and interactive mechanisms for the Planning and Zoning staff and economic development officials to coordinate with the agriculture community that will enable the farming community's input in the planning and zoning process.
7.	Explore policies in concert with the Public Service District (PSD) and municipalities regarding rural water and sewer infrastructure.
	a. Explore legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).

This information is
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Director's Report Planning Commission Meeting May 12, 2015

1) Introduction of Zoning Administrator

On April 2, 2015, County Commission approved the hiring of A. David Simon as the County Zoning Administrator with a start date of May 4, 2015.

2) Recent/Upcoming CC Actions relevant to Planning:

- a) County Commission Public Hearing on the landowner-initiated petition to amend the County Zoning Map for a 404.69 +/- acre property owned by Standard Land Company, LLC located on the east side of Millville Road (Route 27), ½ mile south of the intersection with Route 340 in Harpers Ferry from Rural and Residential Growth to Residential-Light Industrial-Commercial (*CC Approved 4/2/15*)
- b) Request to schedule three public hearings on Planning Commission initiated text amendments to the Subdivision and Land Development Regulations (*CC Approved 4/16/15*)
 - i. Recommendation to amend the definition of "days" from business days to calendar days in Section 26.200 of the Jefferson County Subdivision and Land Development Regulations for the purpose of setting a public hearing to be held by the County Commission (STA15-01).
 - ii. Recommendation to amend Section 20.104, "Exceptions", of the Jefferson County Subdivision and Land Development Regulations, subsection "C", to "exempt" public utilities and private utility firms processing easements from these Regulations for the purpose of setting a public hearing to be held by the County Commission (STA15-02).
 - iii. Recommendation to amend Section 24.300, "Waivers", of the Jefferson County Subdivision and Land Development Regulations to change the last sentence of the introductory paragraph stating "No process or procedural waivers shall be granted" to "Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval" for the purpose of setting a public hearing to be held by the County Commission (STA15-03)

b) County Commission discussion/action on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) (*Workshop held 5/7/15 – referred back to PC*)

3) Upcoming PC meetings

a) Next Regular Meeting: **June 9, 2015**

This information is
Tab # 15 of your binder



Office of the Prosecuting Attorney - Preston County, WV
Mel Snyder - Prosecuting Attorney

PROTECTING THE PUBLIC • PROMOTING JUSTICE

April 28, 2015

Honorable Jefferson County Commission
by facsimile 1-304-725-7916

Re: Proposed "All Good" Festival in Jefferson County, West Virginia

Honorable Commissioners:

I have been contacted by Mr. Bob Aitcheson about an upcoming music festival being planned in your County. As I understand this is the same event that was held in Preston County for several years known as the "All Good" festival. It was not "All Good."

These events were a public nuisance causing all types of problems to the citizens of our county. This annual event lasted approximately 4 days with typically 30,000 or more people attending from out of Preston County who also camped at the event site.

Some of the problems we experienced were as follows:

First, the festival is largely oriented for and attended by persons who use recreational drugs resulting in a large drug problem. In particular, from my own personal observations illegal drugs were openly and frequently sold on the festival grounds. During several festivals even with 6-8 undercover law enforcement officers working the grounds making buys and arrests we were only dealing with 5-10% of the illegal drug sales. During the last two years of the festival my Office prosecuted 20-30 felony drug cases per festival. This represented an increase of 30-40% over our normal county annual felony case load and was more felony drug cases than we had for the rest of the county for those years. In addition, we had 100 or more misdemeanor drug cases per festival. It should also be appreciated that an element of the drug trafficking was organized crime and we had a few cases involving large operators distributing \$100,000 or more in illegal drugs. There were also dozens of drug overdoses resulting in ambulance and emergency room treatments.

Next, vehicle traffic was a tremendous problem. Having 30,000 people driving to a remote rural location on a two lane road and arriving in an 8 hour window is virtually impossible. Traffic would routinely be lined up for 5 or more miles for 4 or more hours. Often because the festival goers were stuck in traffic for hours on end they would routinely trespass on surrounding properties to use the bathroom leaving messes in people's yards.

In addition, several people died during the annual "All Good" festivals. During one of the last years of the festival a group of 3 college girls had the tent they were sleeping in be crushed by a SUV that had lost control coming down a hill side on top of them. One girl was killed and the

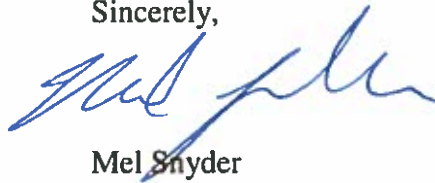
other two were injured. In another event a young man was seriously and permanently injured when after taking multiple illegal drugs he jumped off of a rock and broke his back.

In sum, the "All Good" festival placed extreme demands on emergency, medical, and law enforcement resources of Preston County and caused great inconvenience to many citizens of the County. While it did make a lot of money for the promoter, certain out-of-state vendors, a few Preston County citizens, and, of course, the drug dealers, these benefits were clearly outweighed by the issues noted above.

Ultimately, the Preston County Commission adopted an ordinance prepared by me to regulate this type of event and require a permit fee to pay for the thousands of dollars in extra law enforcement, emergency, and medical resources required. One year after the implementation of the ordinance the promoter discontinued the event in the Preston County.

Please call me if you have any questions.

Sincerely,



Mel Snyder

c: Mr. Bob Aitcheson, by email

JEFFERSON COUNTY PARKS MASTER PLAN

PUBLIC MEETING

WHAT IS A MASTER PLAN?

A parks master plan is a blueprint for future development and growth that considers the parks, recreation facilities, and open space of a region.

For more information, please contact Jennifer Myers at jmyers@jcprc.org

Jefferson County, West Virginia is currently undertaking a Parks Master Plan project. The goal of this initiative is to put in place a guide for future development and growth of the county's parks. Public input is critical to this project's success.

Come out and provide input on your community's parks! This interactive forum is open to everyone.

MAY 13TH, 2015

7:00PM -8:30PM

JEFFERSON COUNTY COMMUNITY CENTER
SAM MICHAEL'S PARK

1102 Job Corps Rd.
Shenandoah Junction, WV 25442

