



AGENDA
Jefferson County Planning Commission
Tuesday, May 6, 2014, 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 April 8, 2014 Planning Commission Meeting.
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. Request for postponement.

There is no public comment for the remaining items.

4. Discussion/closed workshop session with local stakeholders to discuss proposed draft Mass Events Ordinance.
5. Reports from Legal Counsel and legal advice to the Planning Commission.
Active Litigation:
 - Far Away Farms
6. Director's Report.
 - Update on 2014 Comprehensive Plan.
 - Overview of the History of Planning and Zoning in Jefferson County.
7. Planning Commission Exchange and Liaison Reports:
 - County Commission Meeting
 - Health Department Meeting
 - Public Service District Meeting
 - Parks and Recreation Meeting
 - Jefferson County Development Authority Meeting
 - Water Advisory Committee Meeting
 - Planning Commission Exchange
8. President's Report.
9. Actionable Correspondence.
10. Non-Actionable Correspondence.
11. Signing of approved Motions from previous Planning Commission meetings.
 - PCW14-01, River Riders Waiver

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
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 in your binder.

Draft Minutes

Jefferson County Planning Commission April 8, 2014

The Jefferson County Planning Commission met on April 8, 2014, with the following Commission members present: Stephen Stolipher, President; Gene Taylor, Secretary; Dale Manuel, Gary Phalen, Darlene Truman, Wade Louthan, Dick Childs, Donnie Fisher, and Mike Chapman. Staff members present included Jennie Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Jonathan Saunders, County Engineer; Stephen Groh, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Planning Clerk.

Mr. Stolipher called the meeting to order at 6:59 PM.

1. Election of Vice President.

Mr. Stolipher nominated Mr. Louthan. Mr. Phalen seconded the motion, which carried unanimously.

2. Approval of the minutes from March 11, 2014 Planning Commission Meetings.

Mr. Taylor motioned to approve the minutes from March 11, 2014. Mr. Louthan seconded the motion, which carried unanimously.

3. Citizen Communications.

Mr. McCleod expressed gratitude for the opportunity to serve on the Planning Commission.

4. Request for postponement. None.

5. Public Hearing: Request by applicant River Riders, Inc. (File #PCW14-01) to be represented by Appalachian Surveys for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations: Appendix B, Section 2.5, subsections: A, C, D, E, G, H, I, J, K, L, M, N, and O (Off-Street Parking); Section 9.4, Subsections A and C; and Section 9.5 (Parking Standards). The property is located at 408 Alstadts Hill Road in Harpers Ferry and designated as Tax District: Harpers Ferry (04); Tax Map: 7; Parcel: 10.1; Tax Map: 9; Parcels: 61, 62, 63, 63.1, 66.1, 69, 70, 71, 74, and 75. Lots under negotiation for purchase: Tax Map: 7; Parcel: 10; Tax Map: 9; Parcels 72 & 73. Total acreage: ~ 43.57 acres / 45.15 acres.

Mr. Mike Shepp with Appalachian Surveys represented the applicant. Mr. Shepp provided an overview of the request. He stated that the waiver request applied only to the area labeled "seasonal parking" on the concept plan and added that the parking area would only be used as overflow parking during peak business times. Mr. Shepp compared the parking area to that of the parking used for the fair. He noted that handicap parking would be designated by the main facility in the paved lots and that staff would be directing traffic to the overflow parking. Mr. Shepp stated that due to the nature of the business, the overflow parking area would likely not be utilized during inclement weather and therefore, concerns for mud and general wear as the result of inclement weather would not be an issue.

Mr. Seth Rivard provided an overview of the staff report. He stated that staff had concerns regarding parking delineation, noting that the concept plan did not state how the applicant

intended to mark the spaces, nor did the waiver application. He also noted that per Section 11.1B of the Jefferson County Zoning and Land Development Ordinance, the applicant will be required to submit a document to the Zoning Administrator with the Site Plan providing justification for their determination of the amount of parking they believe is required to meet their seasonal and outdoor recreation parking needs. It is expected that all indoor attractions, office space, and dining areas will meet the required paved parking per Section 11.1A of the Zoning and Land Development Ordinance.

Mr. Jonathan Saunders provided an overview of the engineering report. Mr. Saunders stated that the engineering department recommended approval of the request for a waiver from Section 9.5 which requires paving. He stated that engineering did have concerns regarding parking space delineation and noted that the applicant did not include a description or plan for how the parking area would be delineated. Mr. Saunders stated that the engineering department affirmed Planning staff's requirement of a two-year monitoring period.

The Planning Commission discussed the waiver request at length. Mr. Gene Taylor inquired as to how the applicant intended to delineate spaces. Mr. Shepp stated that the applicant would delineate parking in a way comparable to the fair or the Arts and Crafts Festival with orange cones and staff directing traffic. Mr. Shepp added that once the site plan is submitted, the designated parking spaces scale would be shown.

Mr. Phalen motioned to amend the language of item two in the draft motion provided in the Planning Commission packet such that it reads: "A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted *prior to the construction of any improvements...*" (italics denote proposed changes).

Mike Chapman seconded the motion, which carried unanimously.

Mr. Phalen motioned to strike the requirements for a two year monitoring period as listed in item five of the draft motion provided in the Planning Commission packet.

Ms. Truman seconded the motion. The motion passed with seven for, and two opposed (Mr. Manuel and Mr. Taylor).

Mr. Manuel made a subsidiary motion to include the two year monitoring period requirement with the standard as recommended by engineering to monitor for 75% grass coverage.

Mr. Taylor seconded the motion. The motion failed with three for (Mr. Manuel, Mr. Taylor, and Mr. Louthan) and six opposed.

Mr. Childs motioned to approve the draft motion included in the Planning Commission packet as amended (attached). Ms. Truman seconded the motion, which carried unanimously.

6. Petition by Hoy Shingleton, Trustee on behalf of Pearl Perkins, Beneficiary; and adjoining property owners Eric and Stacy Lindberg, to the Planning Commission for the purpose of scheduling a public hearing within 60 days regarding a Zoning Map Amendment request for two (2) parcels. The properties are currently zoned Rural and the applicants are requesting Residential-Light Industrial-Commercial zoning. The properties are located off of Charles Town Road in Kearneysville (16 Hospice Lane and 4115 Charles Town Road, respectively). The properties are designated as Tax District: Middleway (07); Tax Map: 1; Parcels: 1.2 and 1.1; Size: 16.67 acres and 7 acres. *Requested date: June 10, 2014.*

Staff noted that the applicant has waived the 60 day requirement and requested that the Hearing be scheduled on June 10, 2014. Mr. Manuel moved to schedule the Public Hearing for the referenced properties on June 10, 2014. Mr. Phalen seconded the motion, which carried unanimously.

7. Reports from Legal Counsel and legal advice to the Planning Commission. None.
8. Director's Report.
 - Update on 2014 Comprehensive Plan.
Ms. Brockman reviewed upcoming dates related to the Comprehensive Plan.
9. Planning Commission Exchange and Liaison Reports: None.
10. President's Report. None.
11. Actionable Correspondence. None.
12. Non-Actionable Correspondence.
 - Letter from Dr. Swami Nathan RE: Comprehensive Plan
 - Letter from Robert Aitcheson RE: Mass Event Ordinance
13. Signing of approved Motions from previous Planning Commission meetings. None.

Ms. Truman motioned to adjourn the meeting at 8:07 PM. Mr. Manuel seconded the motion, which carried unanimously.

**A Motion Recommending Approval regarding a
Waiver for River Riders (File #PCW14-01)
April 8, 2014**

Whereas, River Riders, Inc. has an approved Concept Plan to expand their existing outdoor recreation facility located on Alstadts Hill Road to incorporate an all-inclusive family adventure resort with multiple uses; and

Whereas, as part of the site development, the applicant is requesting that the “Seasonal Parking” be on the existing grass surface for 10 weekends or 20 days; and

Whereas, the applicant proposes the following:

- a grass seasonal parking area, with minimal earthwork and grading;
- to construct a County Grade access road that will divide the seasonal parking area (this access is the primary entrance and exit); and
- to construct paved parking around the proposed Indoor Activity Building and existing Main Building; and

Whereas, to allow the grass seasonal parking area, the applicant is requesting the following waivers from the Jefferson County Subdivision and Land Development Regulations Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5; and

Whereas, the following findings, which are required, can be made in regards to this request, in accordance with the provisions of Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5 of the 2008 Subdivision Regulations, and Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission approves the requested waiver for River Riders, Inc. with the following conditions:

1. The seasonal parking to be the seasonal period from Memorial Day weekend to Labor Day weekend, which is 15 weekends, or 30 days.
2. A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted prior to the ~~use of this site for seasonal parking construction of any improvements.~~ and shall be required to show the following related to the seasonal parking area:
 - a. Full construction details of the paved center internal drive aisle.
 - b. A diagram of the area shown as “Seasonal Parking” will need to be clearly outlined with dimensions for the rows of parking and dimensions for each grass drive aisle to ensure the number of proposed parking spaces can be achieved in that location, and to depict that there is adequate space for safe

and efficient internal circulation and sight distances where the parking lanes meet the center paved drive aisle.

- c. The total number of designated ADA parking spaces is provided on-site (Applicant has agreed to this in the application).
3. The number of ADA parking spaces shall be met, including the necessary handicap parking symbols and signage.
4. The parking areas shall be delineated in such a way as to be able to identify parking spaces, drive aisle, and end of rows. This could be done by using concrete parking stops to denote parking spots, painted field markings on grass, or through the use of temporary movable delineators.
5. ~~A two year period where the location of the "Seasonal Parking" area is monitored for excessive wear of the grass surface material.~~

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Direction given this 8th day of **April 2014**

By vote of the Jefferson County Planning Commission

By a vote of 9 Yes 0 No

Steve Stolipher, Planning Commission President

This information is
Tab #4 in your binder.



Jefferson County, West Virginia

Departments of Planning and Zoning

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MEMORANDUM

TO: Planning Commission
**FROM: Jennifer M. Brockman, AICP,
Director, Planning and Zoning/Acting Zoning Administrator**
DATE: May 6, 2014
RE: Mass Event Ordinance Overview and Workshop

In 2013, the County received a request for the approval of a “mass event” music festival. As there was no clear process for the approval of such an event, it was processed utilizing a little used seasonal event provision in Section 9.8 of the Zoning Ordinance. The Board of Zoning Appeals did approve the activity in 2013. Due to unrelated issues, this event did not move forward in 2013. In 2014, the County Commission requested that the Planning Commission develop a provision for inclusion in the Zoning Ordinance regarding proposed mass events to provide a consistent and fair process which protects the community and ensures potential negative impacts are minimized. In March 2014, the Planning Commission requested that various local organizations that currently host large public events be invited to provide input so that the Planning Commission can discuss with them issues that they have identified and how they are addressed for potential inclusion in the ordinance. This information will be shared at a workshop to be held on May 6, 2014 which will allow specifically invited organizations to discuss the following topic areas with the Planning Commission. After this discussion, a draft ordinance will be prepared for consideration at a Public Hearing at a future date. Note: This draft amendment including the provisions discussed below may be proposed to either the Zoning Ordinance, the Subdivision Regulations, or both.

This effort is to address the fact that the County Commission finds that temporary mass gatherings of large numbers of people to attend outdoor concerts, festivals, “mud runs” or other gatherings in a rural outdoor setting which lacks sufficient permanent structures to house, feed, bath and provide for the sanitary needs of all people at the gathering, accompanied with the impact of traffic congestions and parking burden a large number of vehicle presents a hazard to public health and safety and places unacceptably high burden upon police, fire, EMS, 911 and medical resources of the county.

The workshop will be broken into the following discussion topic areas:

Applicability (Who is impacted by the proposed mass event provision?)

It should be noted that the Zoning Ordinance provides that all activities and uses that that legally exist before a provision of the Zoning Ordinance is approved which impacts its legality are considered “Nonconforming Uses” and are permitted to continue operation within the parameters of the Ordinance. Further, language should be included that states that any event

that is considered non-conforming shall be permitted to expand its activities and number of participants.

It should also be noted that this provision is not intend to apply if the event occurs in a permanent structure with an approved site plan which was developed for the purpose of hosting such an event, nor does it apply to events proposed on land owned by a local government or the state or federal government.

Issues that have been considered to be potentially relevant for applicability include the number of people attending, whether admission is charged, potential off-site noise or other impacts, if the event occurs over 3 or more days, if there are carnival rides, if alcohol is sold and if any attendees stay overnight using temporary structures (not including event providers, who may stay on site overnight)

The following proposed applicability language should be discussed, with the exemptions above considered:

“Any outdoor gathering of more than 1000 people on any parcel involving any three or more of the following characteristics shall be considered a “Mass Event”

1. An admission fee is charged;
2. Involves a performance or activity with amplified sound;
3. Attendees use temporary shelters of any form such as tents, RVs, vehicles or other items, property or structures not assessed under West Virginia Code as an improvement upon real property;
4. Alcohol is sold (whether separate from or included in the price of admission) or the event allows the consumption of alcohol;
5. Any activity planned to take place or to be attended on more than one consecutive day or more than three days in any calendar year or any activity open to attendees for more than 16 hours on a given day; and/or
6. Offers carnival rides.

Proposed Process (How would a mass event be approved?)

The proposed process for a mass event includes an application and public hearing before the Board of Zoning Review:

1. Each Mass Event must be the subject of separate application and public hearing.
2. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
3. Each Mass Event application shall require a public hearing before the Board of Zoning Appeals at least 180 days, but no sooner than one year, in advance of the planned event. The application fee for said hearing shall be \$500. The public hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed assess route.

4. In addition to normal application fee for the Board of Zoning Appeals hearing, any Mass Event must make an estimate of total anticipated attendance and pay an additional fee to offset application, management and public safety impact of the event in the amount of \$2 per attendee per day. Said fee must be paid after approval by the Board of Zoning Appeals but in advance of the event, and a bond in the amount of ten times the pre-paid fee must be submitted to cover attendees in excess of estimated amount and to cover any fines, fees or costs which may arise by any violation of the requirements of this section. Said fee and bond shall be submitted as an additional condition of the issuance of a zoning certificate.
5. At said hearing the Board of Zoning Appeals may permit, deny or permit with additional restrictions and conditions.
6. The Board of Zoning Appeals and the Planning Commission may not grant a variance from nor waiver of any of the provisions set forth under the Site Plan Requirements, Additional Standards and Site Preparedness Provisions below, but may impose conditions more restrictive than the ones set forth herein (e.g limits on number of attendees, barring or restricting hours of alcohol sales and/or restricting hours of performance). The Board of Zoning Appeals may take into consideration any past Mass Events on the same parcel or by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.
7. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a site plan in accordance with the requirements found below.
8. The Development Review System may not be used to permit any activity barred under this section or otherwise supersede the requirements of this section.
9. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee of \$2 per attendee per hour in which a violation occurs for each restriction that is violated. In addition, the County make seek other legal and equitable relief.

Site Plan Requirements (What would be considered?)

If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall submit a site plan in accordance with the Minor Site Plan Process and in accordance with the requirements found below:

1. The site plan shall be to scale; on a 24"x36" sheet; showing parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, garbage collection area, location of performance lighting and amplification and any other information required by planning or engineering staff at the public hearing at least 120 days before the event.
2. Staff will review the application and site plan for completeness within 10 days of receipt.
3. There will be a 30 day period for staff to review of the application and of the site plan once the application is deemed complete. Staff shall approve any application and site plan that meet the requirements of all applicable laws, ordinances and regulations and

shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations.

4. A Mass Event shall meet the following site requirements:
 - a. A set back of 500 feet from the property line is required for any performance area
 - b. A set back of 250 feet from the property line is required for any area in which camping is permitted and for all parking areas
 - c. A set back of 250 feet from the property line is required for any alcohol, food or other sales or concessions

Additional Standards

A Mass Event is subject to the following conditions and restrictions:

1. No outdoor amplified sound after 11pm or before 10 am
2. No outdoor performance lighting after 11 pm or before 10 am
3. No sale of Alcohol after 11pm nor before 10 am or as further established by the ABC
4. No Mass Event may last more than three days. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
5. All lighting and all sound shall be aligned so as to minimize impact on nearby residents.

Note the provision above stating that the Board of Zoning Appeals and the Planning Commission may not grant a variance from nor waiver of any of the provisions set forth under the Site Plan Requirements, Additional Standards and Site Preparedness Provisions.

Site Preparedness Provisions

The following criteria shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:

1. Applicant for Mass Event must consult with local law enforcement, EMS, Fire and 911 agencies and develop a written agreement with said agencies which satisfies their public safety concerns and submit written proof of said agreement at the public hearing required herein and again prior to issuance of Zoning Certificate.
2. Mass Event must have and submit with the application written approval of the County Health Department for the provision of potable water and sanitation facilities for the event. Applicant shall submit written proof of said approval at the public hearing required herein and again prior to issuance of Zoning Certificate.
3. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the mass event in the amount of at least \$2,000,000 (two million dollars).

Additional Amendment to Section 9.8:

Section 9.8 Seasonal Uses^{5, 7}

Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a public hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.^{17, 21, 23} After the public hearing required under this section the Board of Zoning Appeals may deny, approve or approve with conditions any proposed seasonal use. The Board of Zoning Appeals may not grant a waiver or variance from the three-day limit for seasonal events nor for any event to occur more than once a year. Furthermore, seasonal Use provisions under this Section are not permitted to include any activity that meets the definition of a Mass Event under this section and no seasonal event may involve outdoor amplified sound after 11 pm nor before 10 am.

This information is
Tab #6 in your binder.



Jefferson County, West Virginia

Departments of Planning and Zoning

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Director's Report May 6, 2014 Planning Commission Meeting

1) Planning Commission Training

- Required 2 hour training every year
- Orientation for New Members

2) Envision Jefferson 2035 Update

- Reminder: Presentation of draft to Planning Commission at the 06/10/14 Meeting
- Special Workshop needs to be called for 06/24/14 to review entire draft with Steering Committee Reps (no public comment)
- Public Hearing needs to be scheduled for 07/22/14

3) Recent/Upcoming CC Actions relevant to Planning:

- a) Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories (*on-going discussion and workshop with CC continued to 05/01/14*)
- b) Recommendation related to the proposed Text Amendment to Section 4.11A of the Zoning and Land Development Ordinance regarding landscaping between similar non-residential uses (*Public Hearing held 04/17/14; written comments open for 2 weeks; scheduled for action 05/15/14*).
- c) Public Hearing for the Corporation of Shepherdstown's proposed Growth Management Boundary under WV Code Section 8-6-4a (*CC Public Hearing 05/01/14*)
- d) Staff Decisions (*05/01/14*)

4) Upcoming PC meetings

- a) Next meeting date: June 10, 2014:
 - Envision Jefferson 2035 Comprehensive Plan presentation from the Steering Committee
 - Public Hearing regarding Re-Zoning Request (Hoy Shingleton, Trustee / Lindberg)

History of Jefferson County

History of Planning in Jefferson County

During the 1950s and early 1960s, citizens in the County saw the Federal Government acquire Harpers Ferry's historic structures and express interest in using the banks of the Shenandoah and Potomac Rivers for a national parkway. Fifty miles to the east, the Washington, D.C. and Baltimore Metropolitan Area was growing rapidly, as were most major urban areas on the eastern seaboard, and projections showed that eventually growth would move into Jefferson County. With the development of Dulles International Airport, citizens recognized this as a magnet for growth that could affect the County.

In response to these events, concerned citizens began meeting informally. These citizens felt that it was important for Jefferson County to plan its future with an emphasis on solving problems at the local level, particularly in light of the Federal presence in the County. In early 1967, these groups petitioned the Jefferson County Commission to appoint a planning commission and in March 1967 the first Planning Commission was selected. It was composed of 11 members, including one County Commissioner.

With the assistance of Federal funds, the Planning Commission hired a consultant, Michael Baker, Jr., Inc. to prepare a Comprehensive Plan in 1968. The Plan was to serve as a guide to future growth in the County. After a series of public hearings, the Comprehensive Plan was submitted to the County Commission. The Comprehensive Plan was formally adopted in June 1972, along with the County's first Subdivision Ordinance, which regulated how land was divided into lots. This Ordinance was substantially revised, first in 1973 and again in 1979.

In 1973, the Planning Commission began preparing a Zoning Plan for the County, following the recommendations of the 1968 Comprehensive Plan. This Zoning Plan was presented to the citizens through a series of public hearings. In May 1976, the Zoning Plan was placed on the ballot for public referendum. The Zoning Plan was defeated on Election Day.

In July 1985, the Planning Commission appointed a Citizen Advisory Committee to help update the existing 1968 Comprehensive Plan. The committee members were selected to represent not only specific areas of the County, but also broader concerns such as business, agriculture, education, transportation, public health and safety, land conservation, and historic preservation. Working independently with the help of State and County staff, the Committee completed that task at the end of 1986, and the document was approved by the County Commission in December 1986.

In implementing the 1986 Comprehensive Plan, a second attempt to implement countywide Zoning Ordinance was begun. In order to avoid the problems experienced in

1976, a flexible zoning system was proposed that allowed property owners a wide degree of latitude in permitting future development of their properties. A development review system, known as Land Evaluation and Site Assessment (LESA), that permits denser developments in rural areas if urban level amenities are within a certain distance was included in the proposed Zoning Ordinance in order to obtain the support of rural land owners. This Zoning Ordinance was adopted in 1988 and it was not challenged at referendum. This Ordinance has had a number of amendments since its implementation in 1988.

In 1992, a citizens' committee was appointed by the County Commission to revise the 1986 Comprehensive Plan. After two years of public meetings and hearings, the County Commission adopted the new Comprehensive Plan in 1994. The 1994 Plan focused on the need to accommodate the projected growth through the need to plan for schools, clean drinkable water and wastewater systems, transportation improvements, local employment opportunities, law enforcement and emergency services, the protection of natural and historic resources, and a review of 1988 Zoning Ordinance and the potential need for amendments. A significant result of the 1994 Plan was the recommendation and then subsequently the adoption of building code in the County in 2001.

In late 1999, the County Commission requested the Planning Commission initiate a revision of the 1994 Comprehensive Plan. For this revision, the County Commission allocated funds to retain a consultant to advise the Planning Commission in this process. After almost three years of public comment and testimony and work by the Planning Commission, the 2004 Plan was adopted by the County Commission.

After the adoption of the 2004 Comprehensive Plan, the County Commission set forth an objective to implement the recommendations of the Plan. The principal task to accomplish was the development of a new zoning ordinance and subdivision regulations. A consultant was hired to draft the new Zoning Ordinance and Subdivision Regulations. After four years and many revisions, the County Commission adopted the newly created 2008 Zoning Ordinance and Subdivision Regulations. These documents were designed to work together. Shortly after adoption of the 2008 Zoning Ordinance, citizens of the County gathered enough signatures to have a referendum for the Zoning Ordinance. There was no referendum on the 2008 Subdivision Regulations. When the 2008 Zoning Ordinance went to vote by the public, the ordinance was defeated. As a result of the vote, the 1988 Zoning Ordinance remained in effect and the newly adopted 2008 Subdivision Regulations also remained in effect. Shortly after the vote, the 2008 Subdivision Regulations were amended to dovetail with the 1988 Zoning Ordinance.

While the new Zoning Ordinance was being written, amendments to the 1988 Zoning Ordinance were also occurring. An important recommendation of the 2004 Comprehensive Plan was the inclusion of additional value added uses in the Rural

Zoning District. Those value added uses were codified into the Zoning Ordinance and are intended to further the economic return that could be generated on a farm.

While the 2004 Comprehensive Plan was not the first plan to mention the need for impact fees, shortly after adoption of the Plan, impact fees were adopted. The first impact fee was for schools and subsequently parks and recreation, law enforcement and fire and EMS were added to the impact fee schedule.

In 2001, the State Legislature amended the State Code allowing the annexation process to be easier for municipalities. This resulted in rapid increase in annexations in Jefferson County. The 2004 Comprehensive Plan noted the need for County and municipal cooperation. This cooperation has resulted in Charles Town and Ranson adopting Urban Growth Boundaries (UGB) in 2009.

One of the recommendations of the 2004 Plan was for the County to conduct a study of the US 340 Corridor East Gateway Plan, with a focus on land use, transportation, and viewsheds. As a result, in 2010 the Planning and Zoning Department initiated a public outreach process to develop the US 340 Corridor East Gateway Plan. This Plan represented the County's first small area planning project and was the first plan to include a future land use map. The planning effort also included a transportation planning study by consultant Michael Baker Jr., Inc. In late 2012, the Jefferson County Commission referred the US 340 Corridor East Gateway Plan to the Envision Jefferson 2035 Steering Committee to utilize as a reference and review tool as part of the County's Comprehensive Plan update.

The 2004 Plan, in its broad discussion of land use and zoning, noted the need for additional zoning categories. In 2012, at the direction of the County Commission, the Planning and Zoning Department drafted amendments to the Zoning Ordinance to add additional commercial and mixed use zoning categories. The Commission voted to postpone adoption of these new zoning categories until the completion of the 2014 Comprehensive Plan. The County Commission is currently in review of these zoning categories and may adopt the new categories in the near future.

In the early 2000's, the State Legislature amended the West Virginia Code to require that communities with a Comprehensive Plan update their plans every 10 years. In 2012, the Planning and Zoning Department began the process of updating the 2014 Comprehensive Plan. With the advice and consent of the County Commission, Staff organized a rigorous schedule of public outreach meetings, a technical advisory committee, and a steering committee to guide the drafting and development of the 2035 Comprehensive Plan. Since a Comprehensive Plan is by nature both visionary and innovative, the department recommended that the Plan have a long-term focus. For this

reason, the Plan is entitled “Envision Jefferson 2035” and focuses on a 20-year time horizon, with the understanding that the plan will be updated in 2024.

Quick Glance of Comprehensive Plans, Ordinances and Regulations in Jefferson County

Comprehensive Plans	
1968	1986
1992	2004
2035	

Ordinances and Regulations
Subdivision Ordinance – Adopted 1973 and Substantially Revised in 1979
Improvement Location Permit – Adopted December 1975
Salvage Yard Ordinance – Adopted 1984
Zoning Ordinance – Adopted 1988
Subdivision Regulations – Adopted in 2008 and invalidated 1979 Subdivision Ordinance
Stormwater Management Ordinance – Adopted in 2013 (updated existing stormwater requirements and became a separate document)

Changes in Jefferson County since the Adoption of the 2004 Comprehensive Plan

The Table below is a quick reference summary of changes within Jefferson County since the adoption of the 2004 Comprehensive Plan. The information presented below is intended to highlight the significant changes within the County since 2004. With the substantial number of changes since the adoption of the previous comprehensive plan, it is readily apparent that the 2004 Comprehensive Plan is no longer dynamic for the needs of Jefferson County. The impact of these changes will be discussed in more detail in the relevant sections below.

Hollywood Casino at Charles Town Races – Voters Approve Table Games	Significant annexations by Charles Town and Ranson
Completion of the 4-laning of Route 9 through the County	US Customs and Border Protection Advanced Training Center
Harpers Ferry National Historic Park acquires additional property	Jefferson County Historic Landmarks acquires Shepherdstown Battlefield
Adoption of the County-Wide Impact Fees	Construction of new volunteer fire stations
Jefferson County Farmland Protection Board acquisition of additional farmland	Burr Business Park constructed
City of Charles Town adopts Subdivision Regulations and updates Zoning Ordinance	City of Ranson adopts the Smart Code
US 340 Corridor East Gateway Plan Outreach (Plan was not approved by County Commission)	Construction of new high school and elementary schools
Jefferson County adopts new Subdivision Regulations in 2008. New 2008 Zoning Ordinance defeated in referendum	City of Ranson reconstructs, redesigns and extends Fairfax Boulevard
City of Ranson realignment of 5 th Avenue	

Key Recommendations of the 2004 Comprehensive Plan that have been Accomplished, In Progress or Not Accomplished

Throughout sections of the 2004 Comprehensive Plan there are recommendations, in bold, that are to be achieved if the goals of the Plan are to be realized. Those recommendations are compiled at the end of the document in a central list that references the section and page number of the Plan. Listed below are the goals, polices, and strategies that have been accomplished, in progress, or not accomplished.

Which implementation goals, policies, and strategies have been accomplished?

- Adoption of additional uses in the Rural Zoning District
- Development of annexation map/urban growth boundaries
- Completion of Route 9 through the County
- Establishment of Farmland Protection Board
- Development of Concept Plan process and requirements
- Implementation of impact fees
- Stream buffers
- Establish County-wide inventory of historic resources

Which implementation goals, policies, and strategies are in progress?

- Municipal cooperation
- Existing Transportation Conditions and Existing Land Use along US 340 Corridor
- Clarification of development rights
- Parkland needs
- Water supply needs on the Mountain
- County wide Existing Land Use Map
- Cluster development
- Trails/Paths in Subdivision Regulations
- Clean drinking water
- New Zoning Categories – Pursue additional Commercial and Industrial Categories

Which implementation goals, policies, and strategies have NOT been accomplished?

- Transportation Plan
- Transportation Impact Study
- Explore regulations and policies that encourage the preservation of historic resources
- Affordable Housing
- Pavement Design
- Dry Hydrants
- Lighting Standards
- Land Evaluation and Site Assessment (LESA)
- New WV 9 Study/Cattail Run Study
- Pack Horse Ford Plan
- US 340 Corridor East Gateway Plan
- Maximum Density

The items above indicate that the County has made significant strides in implementing the recommendations of the 2004 Comprehensive Plan since its adoption. During the public participation process for the Envision Jefferson 2035 Comprehensive Plan discussion occurred regarding the recommendations that have not yet been implemented and whether the 2004 Comprehensive Plan recommendations should be included in the Envision Jefferson 2035 Comprehensive Plan. Goals, policies, and recommendation that have been accomplished or are in progress were reviewed for effectiveness.

This information is
Tab #11 in your
binder.

**A Motion Recommending Approval regarding a
Waiver for River Riders (File #PCW14-01)
April 8, 2014**

Whereas, River Riders, Inc. has an approved Concept Plan to expand their existing outdoor recreation facility located on Alstadts Hill Road to incorporate an all-inclusive family adventure resort with multiple uses; and

Whereas, as part of the site development, the applicant is requesting that the “Seasonal Parking” be on the existing grass surface for 10 weekends or 20 days; and

Whereas, the applicant proposes the following:

- a grass seasonal parking area, with minimal earthwork and grading;
- to construct a County Grade access road that will divide the seasonal parking area (this access is the primary entrance and exit); and
- to construct paved parking around the proposed Indoor Activity Building and existing Main Building; and

Whereas, to allow the grass seasonal parking area, the applicant is requesting the following waivers from the Jefferson County Subdivision and Land Development Regulations Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5; and

Whereas, the following findings, which are required, can be made in regards to this request, in accordance with the provisions of Appendix B, Section 2.5, subsections A, C, D, E, G, H, I, J, K, L, M, N, and O; Appendix B, Section 9.4 A and C; and Appendix B, Section 9.5 of the 2008 Subdivision Regulations, and Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission approves the requested waiver for River Riders, Inc. with the following conditions:

1. The seasonal parking to be the seasonal period from Memorial Day weekend to Labor Day weekend, which is 15 weekends or 30 days.
2. A site plan, either for this parking area only or as a part of the full site plan for the proposed development, shall be submitted prior to the construction of any improvements, and shall be required to show the following related to the seasonal parking area:
 - a. Full construction details of the paved center internal drive aisle.
 - b. A diagram of the area shown as “Seasonal Parking” will need to be clearly outlined with dimensions for the rows of parking and dimensions for each grass drive aisle to ensure the number of proposed parking spaces can be achieved in that location, and to depict that there is adequate space for safe

and efficient internal circulation and sight distances where the parking lanes meet the center paved drive aisle.

- c. The total number of designated ADA parking spaces is provided on-site (Applicant has agreed to this in the application).
3. The number of ADA parking spaces shall be met, including the necessary handicap parking symbols and signage.
4. The parking areas shall be delineated in such a way as to be able to identify parking spaces, drive aisle, and end of rows. This could be done by using concrete parking stops to denote parking spots, painted field markings on grass, or through the use of temporary movable delineators.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action Taken this 8th day of **April 2014**
By vote of the Jefferson County Planning Commission
By a vote of 9 Yes 0 No

Steve Stolipher, Planning Commission President