



AGENDA  
Jefferson County Planning Commission  
Tuesday, October 14, 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.

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**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:
  - September 9, 2014
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 and possible recommendation on the Planning Commission's redlined Revisions to the Draft Envision Jefferson 2035 Comprehensive Plan.
5. Robert's Rules of Order and Ethics Training.
6. Reports from Legal Counsel and legal advice to the Planning Commission.

Active Litigation:

- Far Away Farms

7. Director's Report.
8. 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
9. President's Report.
10. Actionable Correspondence.
11. Non-Actionable Correspondence.
12. 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

Email Address: [planningdepartment@jeffersoncountywv.org](mailto: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](http://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 September 9, 2014

The Jefferson County Planning Commission met on September 9, 2014, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gary Phalen, Peter Fricke, Gene Taylor, Secretary; Richard Childs, Dale Manuel, Donnie Fisher, and Mike Chapman. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Steve Groh, Legal Counsel; Seth Rivard, Former Jefferson County Planner; Rhonda Greenholtz, Planning Clerk; and Alexandra Beaulieu, Project Manager.

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

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

#### **August 12, 2014**

Mr. Dale Manuel motioned to approve.

Mr. Gary Phalen seconded the motion, which carried unanimously.

#### **August 26, 2014**

Mr. Donnie Fisher motioned to approve

Mr. Gene Taylor seconded the motion, which carried unanimously.

2. Citizen Communications.

Mr. Tom Loy spoke regarding the Proposed Mass Event Regulations. Mr. Loy stated that he reviewed Mass Event Regulations over the past two weeks and noted that the prevention of noise pollution is a very important component to even the most simplistic document. He stated that a 3:00 AM sound curfew as proposed in the draft Mass Event regulations before the Planning Commission is unacceptable. He asked that the draft language be revised so that the amplified sound, lighting and fireworks end no later than 11:00 PM. Mr. Loy stated that he would submit his comments in hard copy form to the Planning and Zoning Department. Mr. Loy cited "All Good Music Festival" Zoning application ZV14-14 and their input into the Draft Regulation

Ms. Jennifer Brockman clarified for the record that the actual "Zoning Variance and Seasonal Use Permit" applications are not heard by this body. The Mass Event Regulation is on the agenda for this meeting and would broadly apply to any type of mass event throughout the County.

3. Request for postponement. None.
4. Mr. Stephen Stolipher requested to move Agenda Item # 5 (Mass Event Regulations discussion and review) to this position on the agenda. Mr. Stephen Stolipher then recused himself from this portion of the meeting because of the possible appearance of conflict of interest stating: "An application for a mass event has been made on a property owned by a direct family member."

The meeting was then handed over to Mr. Wade Louthan, Vice President who then presided over the meeting.

Mr. Chapman addressed a letter submitted by Mr. Robert Aitcheson which requested that Mr. Stolipher and Mr. Chapman "disqualify" themselves from the process of drafting the Mass Event Ordinance because of a conflict of interest. Mr. Chapman stated that the claims in Mr. Aitcheson's letter were unsubstantiated and noted that the current applications regarding the All Good Music Festival were a matter before the Board of Zoning Appeals and not the Planning Commission. Mr.

Chapman stated that the Planning Commission had been asked by the County Commission to draft a Mass Gathering Ordinance which would establish criteria to define a "Mass Gathering". He added that the County Commission would have the final say on the Mass Gathering Ordinance. Mr. Chapman clarified for the record that State Ethics Law applies to immediate family members and members of the same household, noting that the family members involved in bringing the All Good Festival to Jefferson County were extended family members. Mr. Chapman stated that for reasons based both on fact and State Law, he would not recuse himself from participating in the drafting of the Mass Gathering Ordinance.

Ms. Jennifer Brockman explained why this item was on the September agenda as the Planning Commission asked that it be put on the October agenda. In the August 28, 2014 County Commission meeting, concerns arose that this item has been with the Planning Commission since March and would like it to be forwarded to them. The County Commissioners are aware of the meetings that have been held, including the Public Hearing. They are requesting the draft be forwarded to the County Commission as Public Hearings need to be held, edits need to be made and a final version approved. A stakeholders meeting was held after the last County Commission Public Hearing. A memo is included in this packet as a result of that meeting.

Ms. Jennifer Brockman stated she believed that the "Seasonal Use" language should be kept in the Zoning Ordinance. "Seasonal Use" can be used for anything smaller than what is defined as a "Mass Event" and a process will still be required to be drafted.

Mr. Dale Manuel motioned to send the draft Zoning Ordinance text amendment to the County Commissioners for consideration with the Memorandum that Ms. Jennifer Brockman provided.

Mr. Richard Childs seconded the motion which carried unanimously.

Mr. Gary Phalen asked that the record show the stakeholders that were present at the August 28, 2014 County Commission meeting. Stakeholders present were: Mr. Andrew Skinner, Attorney, Ms. Annette Gavin (CEO Jefferson County Convention & Visitors Bureau), Mr. Dale Manuel (representing the County Commission), Mr. Peter Dougherty (Jefferson County Sheriff), Alexandra Beaulieu, Project Manager (Jefferson County Planning & Zoning), Ms. Jennifer Brockman (Jefferson County Planning and Zoning Administrator), and Ms. Debbie Keyser (Jefferson County Administrator on behalf of the County Commission).

Discussion ensued regarding the "Mass Event Ordinance".

Mr. Peter Fricke called the question.

Mr. Wade Louthan called for a vote on motion made by Mr. Dale Manuel.

Ms. Jennifer Brockman clarified that the motion made was to send the August 12, 2014 version of the Draft Mass Event Regulation that was heard at the Planning Commission Public Hearing including the memo that was presented at this meeting to the County Commission for their consideration "as is".

Mr. Wade Louthan called for a vote to send the draft and memo to the County Commission which passed unanimously.

Mr. Wade Louthan called for recess.

Mr. Stephen Stolipher re-entered the meeting at 7:25 PM.

5. This Item was moved to Item #4 on Agenda. (Distribution, discussion, and possible action related to input received on the proposed text amendment to the Zoning Ordinance (ZTA14-02) regarding Mass Event Regulations.)

Item # 4 (Review, discussion and possible recommendation on the Planning Commissions recommended redlined revisions to the Draft Envision Jefferson 2035 Comprehensive Plan) was moved to this position on the agenda.

Mr. Stephen Stolipher recommended going through items line by line to determine which items the Planning Commission would like to discuss further and which items could be approved as written. Items that have objections will be debated afterwards. (A copy of the matrix is attached to this document.)

Mr. Donnie Fisher motioned to approve the following Staff comment recommendations of the Planning Commission comments matrix as recommended revisions to the draft Plan: Items 1, 2, 3, 7, 9, 12, 13, 14, 16, 17, 19, 20, 21, 22, 24, 25, 26, 28, 29, 30, 36, 38, 39 & 40.

Mr. Richard Childs seconded the motion which carried unanimously.

The following items on the Planning Commission comments matrix were discussed:

- Item # 4 - Motion to delete Recommendation 13.d on page 34: *“Require that any lots that are directly adjacent to WV 45 shall not have the rear of the house facing WV 45, unless the appearance of the home is designed to be the front.”* The motion passed by show of hands 6-3. (Mr. Fricke and Mr. Manuel opposed: Mr. Louthan, abstained.)
- Item # 5 – Motion to delete Recommendation 14.b on page 34: *“The existing Residential-Light Industrial-Commercial (R-LI-C) and/or Residential Growth (RG) Districts will not be permitted to be requested as a zoning category once alternative zoning categories have been approved.”* Staff clarified that any property with any zoning can request to be rezoned in accordance with the Comprehensive Plan. Staff clarified that Recommendation 14.b on page 34 stated that no properties should be rezoned to R-LI-C or RG once the new zoning categories are adopted. The Planning Commission rescinded the motion to delete Recommendation 14.b after staff clarified the Recommendation.
- Item # 6: Motion to delete Recommendation 15.a on page 34: *“Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.”* Mr.

Stolipher amended his motion to state that Recommendation 15.a on page 34 should remain in the draft Plan. The motion passed unanimously by show of hands.

- Item # 8: Motion to delete Recommendation 5.b on page 42: “*Enact a restaurant or prepared food sales tax that would support protection of rural resources.*” The motion passed by show of hands with 8 in favor and **one abstention (Mr. Fricke).**
- Item # 10: Motion to change the word “protect” to “enhance” and to delete the term “viewshed” in Recommendation 4 on page 52: “*Create and implement corridor management requirements to ~~protect~~ **enhance** accessibility ~~and viewsheds~~ along designated Arterial and Collector roadways located within Jefferson County.*” The Planning Commission discussed the term “viewsheds” and determined that staff’s proposed change to amend the term “viewshed” to “the appearance of development” was satisfactory. Recommendation 4 on page 52 was amended to read as follows: “*Create and implement corridor management requirements to **enhance** accessibility and **the appearance of development** along designated Arterial and Collector roadways located within Jefferson County.*” The motion passed unanimously by show of hands.
- Item # 11: Motion to delete Recommendation 3 on page 64: “*Consider the creation of a two tiered impact fee system, with lower impact fees in areas inside of the municipalities, UGBs, and PGAs and a higher impact fee for areas outside the above noted areas.*” Mr. Rivard stated for the record that due to his new position with the City of Charles Town, he would recuse himself from discussion pertaining to this particular item. The motion to delete Recommendation 3 on page 64 passed 8-1 by show of hands. (Mr. Fricke was opposed.)
- Item #15: Motion to amend Recommendation 8.a on page 89: “*When considering the enhancement of river recreation options, rural landowners’ property rights and the quality of life of the individuals and families living along the waterways should be factored into any development plans.*” Mr. Manuel motioned to amend Recommendation 8.a on page 89 to incorporate staff’s comments. The motion passed 6 to 3 by a show of hands (Mr. Louthan, Mr. Fricke, and Mr. Fisher was opposed).
- Item #18: Motion to delete Recommendation 3.a on page 97: “*Amend Subdivision and Land Development Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses.*” The motion to delete failed 1 to 8 by show of hands (Mr. Stephen Stolipher was in favor of deletion).
- Item #23: Motion to delete Recommendation 4.f on page 122: “*Make ordinance recommendations to the Planning and County Commissions related to the protection of areas included in a series of viewshed analysis.*” The motion to delete passed 6 to 3 by show of hands (Mr. Fricke, Mr. Taylor, and Mr. Manuel were opposed).
- Item #27: Motion to delete Recommendation 1.d on page 128: “*Identify and map key wildlife corridors located in the County.*” The motion to delete Recommendation 1.d on page 128

and to keep the rest of the Recommendation as is with staff's recommended changes was passed 8-1 by show of hands (Mr. Fricke was opposed).

- Item #31: Motion to delete Recommendation #4 on page 142: "*Encourage a bookmobile service that could serve village areas, senior centers, and other areas that are currently underserved by library services.*" Motion failed for lack of a second.
- Item #32: Motion to delete Recommendation 8 on page 145: "*Collaborate with Jefferson County's delegation to the West Virginia state legislature to enable legislation that would allow impact fees to be utilized for capital library projects that would provide for the needs of a growing population.*" The motion passed 8-1 by show of hands (Mr. Fricke was opposed).
- Item #33: Original comment was that staff add text under the "Property Tax" heading on page 148 and create a new Recommendation 16.a on page 151. Staff proposed the following: on page 148: "*In instances where rental units are rented below the median rental rate, an option for a reduced property tax rate should be considered. Property owners who provide housing options to rent below the median rental rate provide renters with an affordable living rate that may otherwise not be available. This may require state legislative changes to permit the County Assessor the option of provided the proposed tax relief.*" Staff also proposed the addition of Recommendation 16.a: "*Create a provision for units rented below the median rental rate stating that they shall qualify for a proportional reduction in taxes for each 1% the rental unit is below the median rate.*" A motion to accept staff's proposed additional text passed unanimously by show of hands.
- Item #34: Motion to delete Recommendation 7 on page 149: "*Implement a referendum first considered in the 1986 Comprehensive Plan to utilize a local-option sales tax on restaurant meals and prepared foods to pay for viewshed preservation, parks and recreation, or enhancements to the County's trail network.*" The motion to delete Recommendation 7 on page 149 passed 8-1 by show of hands (Mr. Fricke was opposed).
- Item #35: Motion to delete Recommendations 11, 11.a, 11.b, and 11.c: "*Consider the creation of a two tiered impact fee system, with a lower impact fee in areas inside of municipalities, Urban Growth Boundaries, and Preferred Growth Areas and higher impact fees for the remainder of the County.*"
  - a. *Continue to evaluate impact fees related to schools and consider a two-tiered school impact fee incentivizing future residential development within municipalities, Urban Growth Boundaries, and Preferred Growth Areas, including determining the cost differential associated with a school located an in urban setting versus a more rural/exurban setting.*
  - b. *Review the state enabling legislation to determine if the two tiered impact fee system is permitted.*
  - c. *If the two-tiered system is not permitted, collaborate with the state legislators to amend state law to permit it.*"

The motion to delete all of Recommendation 11 and subsections passed 8-1 by show of hands (Mr. Fricke was opposed).

- Item #37: Original comment was to delete Recommendation 12 on page 150: “*Support the utilization of tax increment financing (TIF) and/or business improvement district (BID) in the downtown and village centers to support the development or redevelopment of economically viable districts.*” Following discussion, the motion to keep Recommendation 12 on page 150 passed unanimously.

8:55 PM Mr. Stephen Stolipher called for a break

9:04 PM Mr. Stephen Stolipher called the meeting back in session.

Mr. Mike Chapman motioned to approve the following items from the Public Comments matrix (attached): 2, 3, 4, 25, 40, 39, 62, 65, 8, 10, 27, 18, 21, 67, 53, and 55.

Mr. Richard Childs seconded the motion which carried unanimously.

The following items from the Public Comments Matrix (attached) were discussed with the following results:

- Item #5: Future Land Use Map, 340 East Preferred Growth Area (PGA) – Motion to keep the 340 East Preferred Growth Area as is passed unanimously by show of hands.
- Item #46: Motion to amend the text with Staff’s recommended change: “*A third recommendation, ~~implemented in 2010,~~ that was considered but not adopted by the County Commission, was the study of the U.S. 340 Corridor East Gateway Plan focusing on land use, transportation, and viewsheds.*” The motion passed unanimously by show of hands.
- Item #24: Motion to keep the text as is in Section 1 – Land Use and Growth Element (pg.22). The motion passed unanimously by show of hands.
- Item #56: Motion to delete discussion of Transfer of Development Rights (TDRs) from the draft Plan as referenced on pages 37, 42, and 82. The motion passed 8-1 by show of hands (Mr. Fricke was opposed).
- Item #17: Motion to retain Staff’s recommendation passed unanimously by show of hands.
- Item #11: Motion to change the term “transportation impact fee” to “transportation designated funding”. The motion passed unanimously by show of hands.
- Item #31: Motion to leave Section 5.A as is. Motion passed 8-1 by show of hands (Mr. Fricke was opposed).

6. Planning Commission Exchange and Liaison Reports: None.

7. President’s Report. None

8. Actionable Correspondence. None.

9. Non-Actionable Correspondence.

- Letter from Robert Aitchison regarding Disqualification of Mr. Stephen Stolipher and Mr. Michael Chapman from ANY participation in matters related to a proposed Mass Gathering Ordinance.
- Letter from Jefferson Utilities sent to Jefferson County Commissioners regarding the Comprehensive Plan relative to Public Utilities.
- Letter from Michael L. Scales, P.L.L.C. regarding boat ramp at end of Knott Road. This letter is in response to letter from John Michael Cassell dated August 8, 2014

10. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Dale Manuel motioned to adjourn the meeting at 9:30 PM.

Mr. Gene Taylor seconded the motion, which carried unanimously.

These minutes were prepared by Ms. Rhonda Greenholtz, Planning Clerk.

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: October 14, 2014**

**RE: Discussion and possible recommendation on the Planning Commission's  
Redlined Revisions to the Draft Envision Jefferson 2035 Comprehensive  
Plan**

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Attached is the red-lined version of the draft Envision Jefferson 2035 Comprehensive Plan with the Planning Commission's recommended changes from September 9, 2014. Also attached is a matrix with one column reflecting the original language from the Plan and another column reflecting the amended language. The changes are based on the original two comments matrices from the July 22, 2014 Public Hearing (yellow matrix) and the Planning Commission's comments from August 26, 2014 (pink matrix).

For the upcoming meeting, the president has requested that the Planning Commission only address changes not adequately reflecting the Planning Commission's recommendations. Please read through the changes in advance and make note of any additional requests you may want included in the version that is forwarded to the County Commission.

Please note, the maps are not in your packets. Revised versions of the maps will be available to review at the meeting.

As always, if you have any questions, please do not hesitate to contact our office.

Thank you.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
1	46	Page 9	<b>History of Planning in Jefferson County</b> "...A third recommendation, implemented in 2010, was a study of the U.S. 340 Corridor East Gateway Plan focusing on land use, transportation, and viewsheds."	A third recommendation that was considered, but not adopted by the County Commission, was the study of the U.S. 340 Corridor East Gateway Plan focusing on land use, transportation, and viewsheds.
2	25	Page 22	<b>Land Use and Growth Management Element</b> Quarry Redevelopment Area	<b>Added the following language:</b> If the active quarry ceases operation, a redevelopment plan needs to be prepared.
3	65	Page 22	<b>Land Use and Growth Management Element</b> Quarry Redevelopment Area	Old Standard Quarry, which is zoned Rural, would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry.
4	1	Page 26, first sentence in the last paragraph.	<b>History of Planning in Jefferson County</b> It is hoped that new development will take place in areas where existing infrastructure exists and the need to extend services into outlying areas will be reduced or eliminated.	It is hoped that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Comprehensive Plan.
5	2	Goal 1, Recommendation 2.c. Page 30	Require that all urban level residential and non-residential development and redevelopment efforts in the next two decades be focused on the municipal areas, including the Urban Growth Boundary (UGB) areas and the Preferred Growth Areas (PGAs).	Recommend that all urban level residential and non-residential development and redevelopment efforts in the next two decades be focused on the municipal areas, including the Urban Growth Boundary (UGB) areas and the Preferred Growth Areas (PGAs).
6	3	Goal 1, Recommendation 7.c, Page 32	In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs.	In designating where public utilities are to be delivered, enable public utility providers the ability to right size the infrastructure needed as development occurs, while considering the ability of current and future customer base to assume the debt for the infrastructure.
7	4	Goal 1, Recommendation 13.d, Page 34	Require that any lots that are directly adjacent to WV 45 shall not have the rear of the house facing WV 45, unless the appearance of the home is designed to be the front.	Deleted.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
8	5	Goal 1, Recommendation 14.b, Page 34	The existing Residential-Light Industrial-Commercial (R-LI-C) and/or the Residential Growth (RG) Districts will not be permitted to be requested as a zoning category once alternative zoning categories have been approved.	No change.
9	6	Goal 1, Recommendation 15.a, Page 34	Encourage the state legislature to include adaptive reuse of historic structures in State Building Code.	No change.
10	7 on pink 56 on yellow	Page 37	These tools range from policy, such as transfer of development rights programs, purchase of development rights, and land development standards that allow for flexibility of agriculture based uses and activities on the farm.	These tools range from policy, such as purchase of development rights to land development standards that allow for flexibility of agriculture based uses and activities on the farm.
11	39	Recommendation 4.c Page 41	<b>Section 1.B - Rural Land Use Planning</b> Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize an overall density of one unit per five acres, with a maximum lot size of 2.5 acres and a mandatory provision retaining a minimum of 50% of the original tract in agricultural uses, instead of allowing for rural residential development to occur using the LESA/CUP system.	Amend the Zoning Ordinance density provisions related to Cluster Developments to utilize an overall density of 1 unit per 5 acres, with a maximum lot size of 2.5 acres and a mandatory provision retaining a minimum of 50% 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.
12	8	Goal 2, Recommendation 5.b, Page 42	Enact a restaurant or prepared food sales tax that would support protection of rural resources.	Deleted.
13	7 on pink 56 on yellow	Goal 2, Recommendation 9, Page 42	Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan.	Deleted.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
14	9	Goal, 3, Recommendation 2.b, Page 47	Traditional suburban commercial strip development is not appropriate in the villages and village expansion areas and shall not be approved.	A traditional suburban commercial strip style development is not appropriate in the villages and village expansion areas and should not be approved. A commercial structure shall take into account similar architecture in the area or a type of structure that would be appropriate for the area it is located in.
15	10	Goal 4, Recommendation 4, Page 52	Create and implement corridor management requirements to protect accessibility and viewsheds along designated Arterial and Collector roadways located within Jefferson County.	Create and implement corridor management requirements to enhance accessibility and the appearance of development along designated Arterial and Collector roadways located within Jefferson County.
16	62	New Recommendation #3 Page 64	<b>Section 1.E - Housing Recommendations</b>	<b>New Recommendation #3:</b> Create an advisory committee to review national aging-in-place reports and make recommendations for a coordinated Jefferson County aging-in-place initiative. <b>Amended 11.a for clarity (editorial change).</b>
17	11	Goal 5, Recommendation 4, Page 64	Consider the creation of a two tiered impact fee system, with lower impact fee in areas inside of the municipalities, UGBs, and PGAs and a higher impact fee for areas outside the above noted areas.	Consider alternatives to addressing affordable housing needs in Jefferson County.
18	12	Goal 6 and 7, Recommendation 5.c, Page 73	Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County.	Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County, and to provide infrastructure for water and sewer.
19	13	Goal 8, Recommendation 1.b, Page 82	Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan.	Deleted.
20	14	Goal 8, New Recommendation 14.b, Page 85	Proposed new recommendation of 14.b.	<b>New Recommendation 14.b:</b> Encourage the Board of Education to provide equal vocational education programs in all middle schools and high schools throughout the County.
21	15	Goal 9, Recommendation 8.a, Page 90	When considering the enhancement of river recreation options, rural landowners' property rights and the quality of life of the individuals and families living along the waterways should be factored into any development plans.	When considering additional river recreation activities the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
22	16	Goals 10 and 11, New Recommendation 1.b, Page 98	Proposed new Recommendation #1.b.	<p><b>On page 94, added a section titled:</b>  <b>Consolidation of Water and Sewer Providers</b>  Over the years, there have been numerous efforts to consolidate the various public water and sewer providers to provide an economy of scale and efficiency to better serve the customer base. Efforts toward this end are multi-faceted and require significant public policy based decision making process. Good land use planning is closely tied to the provision of public water and sewer services within defined service areas. The complexity of a variety of private and public providers throughout Jefferson County makes this difficult but the consolidation of water and sewer providers should continue to be pursued.</p> <p><b>Addition of Recommendation 1.b on page 98:</b> Provide and encourage mechanisms to have one water and sewer provider in the County.</p>
23	27	Page 96 & 99 New Recommendation 8.c	<b>Section 2.D - Infrastructure</b>	<p><b>Added text to page 96:</b> Concern has been expressed that legislation prohibiting Cooperatives or Communities to create a solar panel system that would feed multiple houses is impacting the expansion and viability of implementing other solar projects in the County.</p> <p><b>New recommendation 8.c on page 99:</b> Develop regulations to enable cooperatives or communities to create a solar panel system that would feed multiple houses in the County.</p>
24	17	Goals 10 and 11, Recommendation 1.a, Page 98	Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs.	Require members of the development community and utility and service providers to collaborate regularly to plan for future infrastructure needs, while considering the impact on the individual consumer rates.
25	18	Goal 10 and 11, Recommendation 3.a, Page 97	Amend Subdivision and Land Development Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses.	No change.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
26	19	Goals 10 and 11, Recommendation 9.c, Page 100	Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County is in a position to receive these services at the same time as other communities in the Washington, D.C. and Baltimore Metropolitan Areas.	Ensure that, as next-generation wireless and cellular services are implemented, Jefferson County collaborates with providers, including any necessary regulatory changes, to ensure that providers are able to provide these services at the same time as other communities in the Washington, D.C. and Baltimore Metropolitan Areas.
27	20	Goals 10 and 11, Recommendation 12, Page 100	Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas.	Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, not solely dependent on revenue from rate payers but also the development community.
28	8	Page 114-116	<b>Section 2.E - Transportation</b>	EPTA (PanTran) provides limited Demand Response Services allowing people with disabilities to be served off the regular route in Jefferson County.
29	18	Page 115	<b>Section 2.E - Transportation</b> Collaborate with the Division of Highways (DOH) to allow pedestrian/bike trails to be constructed within the right-of-way where appropriate.  <b>Section 3.C - Recreation (No change to recreation section; addressed in transportation)</b>	<b>Added text to page 115:</b> There are similar issues to putting trails within active railroad rights-of-way and would require coordination with the individual railroad to accommodate these goals. Creating pedestrian/bike paths will allow people without a motor vehicle safer commuter options. Future multi-use paths should consider incorporating the use of Segways, golf carts, scooters, bike taxis, and eco-electric personal transports in a manner that is compatible with the pedestrian and bicycle users.
30	21	Goals 12 and 13, Recommendation 1.d, Page 118	Consider the development of a transportation impact fee to support future roadway funding.	Consider the development of transportation designated funding to support future roadway funding.
31	22	Goals 12 and 13, Recommendation 6.c, Page 119	Require residential development to include bike and pedestrian paths that pass through or connect to adjacent new and existing developments.	Strive to provide connectivity between bike and pedestrian paths that pass through or connect to adjacent new and existing residential developments.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
32	21	Recommendation 7.a Page 119	Collaborate with the Division of Highways (DOH) to allow pedestrian/bike trails to be constructed within the right-of-way where appropriate.	<b>Created a new Recommendation 7.b:</b> Collaborate with CSX to allow pedestrian/bike trails to be constructed within railroad rights-of way for potential bike/pedestrian trails.
33	10	Recommendation 8.d Page 120	<b>Section 2.E - Transportation</b> Recommendation 8: Fund and expand EPTA (PanTran) services to meet the growing and evolving needs of all Jefferson County residents.	<b>Created a new Recommendation 8.d:</b> Develop additional transit services that would allow EPTA (PanTran) to address the transportation needs of the disabled population.
34	18	New Recommendation 10.c Page 120	N/A	Consider the development of a bike taxi system in Jefferson County.
35	23	Goals 14 and 15, Recommendation 4.f, Page 124	Make ordinance recommendations to the Planning and County Commissions related to the protection of areas included in a series of viewshed analyses.	Deleted.
36	24	Goals 14 and 15, Recommendation 6, Page 124	Coordinate with the Harpers Ferry National Historical Park and its General Management Plan and potential long-term boundary modifications with respect to future land use and zoning decisions.	Collaborate with the Harpers Ferry National Historical Park on the following concepts:
37	25	Goals 14 and 15, Recommendation 11.c, Page 125	Proposed new Recommendation 11.c.	<b>Created a new Recommendation 11.c:</b> Implement local tax credits for adaptive reuse of historic structures.
38	27	Goals, 16, 17, and 18, Recommendation 1, Page 130	Review and amend the Zoning Ordinance and Subdivision Regulations to require developers design residential and non-residential subdivisions using conservation principles that would protect hillsides, wildlife habitat areas and corridors, tree stands, hedgerows, and other natural features.	Review and amend the Zoning Ordinance and Subdivision Regulations to require developers design residential and non-residential subdivisions using conservation principles that would protect natural features.
39		Recommendation 1.a, Page 130	Review and update the Jefferson County Zoning Ordinance and Subdivision Regulations related to tree preservation, buffering, and effective landscaping standards.	No Change.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
40		Recommendation 1.b, Page 130	Create and implement mechanisms to protect natural resources as part of the site development by providing a credit or reallocation of the density rights on the property or to another property for the retained/protected natural resource(s).	Create and implement mechanisms to protect natural resources as part of the site development by providing a credit or reallocation of the density rights on the property or to another property for the retained/protected natural resource(s). In no instance shall density rights be lost due to the protection of natural resources.
41		Recommendation 1.c, Page 130	Research and recommend appropriate lighting standards, based on the International Dark Sky Association recommendations, for new development and the retrofitting of current development.	Research and recommend appropriate lighting standards, based on the International Dark Sky Association recommendations, for new development and the retrofitting of current development when redevelopment of an existing development occurs.
42		Recommendation 1.d, Page 130	Identify and map key wildlife corridors located in the County.	Deleted.
43		Recommendation 1.e, Page 130	Implement the recommendations of the Urban Tree Canopy Plan.	No Change.
44	28	Goals 19, 20 and 21, Recommendation 6.c, Page 136	Include Jefferson County Parks and Recreation Commission in the planning, subdivision, and site review process.	Include Jefferson County Parks and Recreation Commission in the planning, subdivision, and site review process, when a large portion(s) of property preserved for natural area, common area, or other portion of land is to be donated to Parks and Recreation.
45	21	Recommendation 6.h, Page 136	Explore potential for rails with trails and/or rail to trail corridors within Jefferson County while ensuring the protection of private property rights along these rights-of-way.	Explore potential for rails with trails and/or rail to trail corridors within Jefferson County while ensuring the protection of private property rights along these rights-of-way, such as a trail from Shepherdstown to Ranson/Charles Town.
46	29	Goal 22, Recommendation 2, Page 142	Encourage the JCBOE and relevant government agencies, notably the State School Building Authority, to continue to jointly fund and utilize existing and future school facilities as the County Commission and municipalities do not fund school construction.	Encourage the JCBOE and relevant government agencies, notably the State School Building Authority, to continue to jointly fund and utilize existing and future school facilities.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
47	30	Goal 22, Recommendation 10.a, Page 144	Resources and opportunities should be provided to students who are interested in exploring a career in a skilled trades program. Such a program should be implemented to allow students additional career paths beyond the college prep curriculum.	Created a new Recommendation 10.a: Encourage legislation to remove prohibition of duplicative trade programs in local areas.
48	31	Goal 23, Recommendation 4, Page 145	Encourage a bookmobile service that could serve village areas, senior centers, and other areas that are currently underserved by library services.	No change.
49	32	Goal 23, Recommendation 8, Page 147	Collaborate with Jefferson County's delegation to the West Virginia state legislature to enable legislation that would allow impact fees to be utilized for capital library projects that would provide for the needs of a growing population.	Deleted.
50	33	New Text Page 150, New Recommendation 16.a, Page 151.	Proposed additional paragraph under new heading: <b>"Property Tax"</b> Proposed new Recommendation 16.a	Added text on Page 150: In instances where rental units are rented below the median rental rate, an option for a reduced property tax rate should be considered. Property owners who provide housing options to rent below the median rental rate provide renters with an affordable living rate that may otherwise not be available. This may require state legislative changes to permit the County Assessor the option of providing the proposed tax relief. Created a new Recommendation 16.a: Create a provision for units rented below the median rental rate stating that they shall qualify for a proportional reduction in taxes for each 1% the rental unit is below the median rental rate.
51	34	Goal 24 Recommendation 7 Page 151	Implement a referendum first considered in the 1986 Comprehensive Plan to utilize a local-option sales tax on restaurant meals and prepared foods to pay for viewshed preservation, parks and recreation, or enhancements to the County's trail network.	Deleted.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
52	36	Goal 24, Recommendation 10, Page 152	Coordinate with the state legislature to create a Capacity Improvement Fee (CIF) for water and sewer projects.	Implement a Capacity Improvement Fee (CIF) for water and sewer projects as provided for in the Local Powers Act.
53	35	Goal 24, Recommendation 11, Page 152	<p>Consider the creation of a two tiered impact fee system, with a lower impact fee in areas inside of municipalities, Urban Growth Boundaries, and Preferred Growth Areas and higher impact fees for the remainder of the County.</p> <p>a. Continue to evaluate impact fees related to schools and consider a two-tiered school impact fee incentivizing future residential development within municipalities, Urban Growth Boundaries, and Preferred Growth Areas, including determining the cost differential associated with a school located an in urban setting versus a more rural/exurban setting.</p> <p>b. Review the state enabling legislation to determine if the two tiered impact fee system is permitted.</p> <p>c. If the two-tiered system is not permitted, collaborate with the state legislators to amend state law to permit it.</p>	Deleted.
54	37	Goal 24, Recommendation 12, Page 152	Support the utilization of tax increment financing (TIF) and/or business improvement district (BID) in the downtown and village centers to support the development or redevelopment of economically viable districts.	No Change.
55	38	Goal 24, Recommendation 13, Page 152	Explore options to implement the West Virginia’s Local Powers Act to create and provide funding for local transportation districts to improve the roadway network in the County.	Consider the development of transportation designated funding to support future roadway funding.

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
56	33	New Recommendation 16.a Page 153		<b>Created a new recommendation 16.a:</b> Create a provision for units rented below the median rental rate stating that they shall qualify for a proportional reduction in taxes for each 1% the rental unit is below the median rental rate.
57	39	Goal 25, Recommendation 13, Page 155	Work with state officials to identify programs and methods to provide competitive pay for police, fire, and EMS based on cost of living for the community that they are employed in.	Ensure that local pay is competitive for police, fire, and EMS based on cost of living for the community that they are employed in.
58	40	Goal 27, Recommendation 1, Page 158	Change the length of County Commissioner terms from 6 years to 4 years.	Deleted.
59	67	Recommendation 3 Page 158	Provide electronic (live and/or taped) coverage of County meetings and workshops held in all locations.	<b>Created a new Recommendation 3.a:</b> Develop a clear policy as to how Jefferson County meetings and Public Hearings can accommodate the disabled population.
60	4	Appendix H - Definitions Page 249	Overlay Zoning District: A district or zone which addresses special land use circumstances and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning districts shall continue subject to compliance with the regulations of the overlay zone or district.	Overlay Zoning District: A district or zone which addresses special land use circumstances and is superimposed over the underlying existing zoning districts. Permitted uses in the underlying zoning districts shall continue subject to compliance with the regulations of the overlay zone or district. Overlay districts are not a mechanism by which to change existing zoning designations.
61		Appendix H - Definitions Page 252	Transfer of Development Rights	Deleted from definitions.
62		Appendix H - Acronyms Page 257	TDR	Deleted from acronyms

New #	Matrix #	Goal #, Recommendation # and Page #	Original Language	Amended Language
63	53	New Appendix I Page 259	Proposed addition of Appendix I entitled "Documents Incorporated by Reference"	Jefferson County Green Infrastructure Assessment
64	55	New Appendix I Page 259	Proposed addition of Appendix I entitled "Documents Incorporated by Reference"	The Blue Ridge Mountain Communities Area Watershed Vision Plan and Engineering Report
65		New Appendix I Page 259	Proposed addition of Appendix I entitled "Documents Incorporated by Reference"	Urban Tree Canopy Plan and Goals

This information is  
Tab #5 in your binder.



## JEFFERSON COUNTY COMMISSION

124 East Washington Street, P.O. Box 250, Charles Town, WV 25414

Phone: (304) 728-3284 - Fax: (304) 725-7916

Web: [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)

PRESIDENT  
*Walt Pellish*

VICE PRESIDENT  
*Jane Tabb*

COMMISSIONER  
*Dale Manuel*

COMMISSIONER  
*Patsy Noland*

COMMISSIONER  
*Lyn Widmyer*

September 24, 2014

Dear Authority, Board, Commission, Committee, Council Member or Mayor:

The Jefferson County Commission recognizes the importance of the knowledge and understanding of the Open Governmental Proceedings Act and Robert's Rules of Order in relation to public meetings. As such, the County Commission would like to extend an invitation to you to share in a training session on Ethics and Robert's Rules of Order to be held on Wednesday, November 5<sup>th</sup>, 2014 with an afternoon session beginning at 1:30 p.m. and an evening session beginning at 6:30 p.m. Both sessions will cover the same material, and we anticipate each session will be approximately 90 minutes.

The session will be held at the County Commission meeting room located in the lower level of the Old Charles Town Library of the corner of East Washington and North Samuel Street, Charles Town, WV 25414. John Sorrenti from the West Virginia State Auditor's Office will lead the session on Robert's Rules of Order, and a training video from the West Virginia Ethics Commission will be shown to cover standard ethics and open meetings guidelines. Mr. Sorrenti will also be on hand to answer any questions you may have about the topics discussed.

Please be advised this training is only offered through the County once a year. If you happen to be the President of a County-appointed board, commission, or committee, we specifically urge you to attend one of these sessions (or encourage your entire group to attend).

We kindly ask that you RSVP no later than Friday, October 24, 2014 in order to assure we have the proper seating and literature available. If you have any questions, please feel free to call our office at 304-728-3284 or you may e-mail me at [jcarroll@jeffersoncountywv.org](mailto:jcarroll@jeffersoncountywv.org).

Sincerely,

Jessica Carroll  
Executive Administrative Assistant

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

This information is  
Tab #7 in your binder.



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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

Charles Town, WV 25414

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

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## Director's Report Planning Commission Meeting October 14, 2014

### 1) Recent/Upcoming CC Actions relevant to Planning:

a) Envision Jefferson 2035 Comprehensive Plan – status update of 2014 Comp Plan effort and discussion of next steps (discussed at 10/2/14 CC Meeting):

- Require Joint PC/CC Workshop regarding for the Envision Jefferson 2035 Comprehensive Plan -- **October 30, 2014, 7:00 pm**
- Public Hearing on the Planning Commission's Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035 (tentatively recommended to the County Commission on October 14, 2014) -- **November 6, 2014, 7:00 pm** (Note that this hearing requires 15 days' notice)

b) County Commission Public Hearing on proposed Zoning Ordinance text amendment regarding Mass Events (#ZTA 14-02) was held on Wednesday, October 1, 2014 – left open for written comments through October 15, 2014.

### 2) Planning Commission Training – date and time TBD

- Required 2 hour training every year
- Ethics Packets and signatures to be required
- Orientation for New Members

### 3) Upcoming PC meetings

a) REMINDER: Open Governmental Proceedings and Robert's Rules of Order and Ethics Train Session scheduled by County Commission on **November 5, 2014** at 1:30pm or 6:30 pm. All PC members are encouraged to attend.

b) Next Regular Meeting: **November 18, 2014** (due to Election Day and holiday)