

SPECIAL SESSION:

State of West Virginia, County of Jefferson, to-wit:

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 on January 9, 2015 at 9:30 am (An audio file of the January 9, 2015 meeting is available through the Jefferson County Commission Office.)

PRESENT: Jane Tabb, President  
Patsy Noland, Vice President  
Eric Bell, Commissioner  
Dale Manuel, Commissioner  
Walt Pellish, Commissioner  
Stephanie Grove, Assistant Prosecuting Attorney  
Jennie Brockman, Director of Planning and Zoning  
Alex Beaulieu, Project Manager Planning and Zoning  
Jessica Carroll, Administrative Assistant

RE: **Work Session on the 2014 Draft Comprehensive Plan**

Commissioner Tabb called the meeting to order at 9:34 am. Ms. Brockman stated she and Ms. Beaulieu would be making all edits to the 2014 Draft Comprehensive Plan on Saturday, January 10, 2015 and would send the clean, County Commission edited draft to the Commissioners via e-mail by Saturday afternoon. Ms. Brockman also stated the most recent draft would be available on the County's website and would be sent to the public via the County's e-mail alerts system. Hard copies would be made available to the Commissioners on the morning of Monday, January 12, 2015 so they would have time to review the document prior to the January 13, 2015 special session. Ms. Brockman stated the Planning Commission was aware the Plan would be forwarded back to them by January 14, 2015 and would be holding a special session on Tuesday, January 27, 2015 to review the changes made to the document by the County Commission. Ms. Brockman stated the Planning Commission had 45 days to take action on the document. If the Planning Commission does not take action by the 45 day deadline, the document would be approved as presented; however, if the Planning Commission chooses to make recommendations or changes, the County Commission would have an additional 45 days to review the document and take further action. The departmental memorandum following these minutes reflects the consensual changes made to the 2014 Draft Comprehensive Plan during this work session.

The work session adjourned at 12:42 p.m., and President Tabb stated the Commission would reconvene at 10:00 a.m. on Tuesday, January 13, 2015.

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JANE TABB, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Executive Administrative Assistant



# Jefferson County, West Virginia

## Departments of Planning and Zoning

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### MEMORANDUM

**TO:** County Commission  
**FROM:** Jennifer M. Brockman, AICP, Director, Planning and Zoning  
**DATE:** January 13, 2015  
**RE:** Comments Received on *Envision Jefferson 2035* Draft (inclusive of County Commission edits from 12/11/14, 01/06/15 and 01/09/15 Work Sessions)

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On December 11, 2014 and January 6 and 9, 2015, the County Commission met with Planning and Zoning staff to review and discuss the current draft *Envision Jefferson 2035 Comprehensive Plan*. During these work sessions, the County Commission reviewed the Plan's Overview; Sections 1, Land Use and Growth Management Element (pages 7-65), including the Future Land Use Map; Section 2, Economic Development, Employment, and Infrastructure Element (pages 66-121); Section 3, Cultural, Historic, Natural Resources and Recreation Element (pages 122-138); Section 4, Education and Public Libraries Element (pages 139-147); Section 5, Finance, Public Safety, and Governance Element (pages 148-159); Implementation Strategies and Implementation Tools (pages 160-166); as well as an overview of the Appendices.

Attached are the redlined edits to all of the pages 1-168 as well as changes to Appendix C, Workshop and Online Survey Summaries and Appendix H, Definitions and Acronyms (of the 10/14/14 version). Please note, all deletions are shown in blue and additions are shown in red. The recommended edits highlighted in yellow are County Commission changes. Changed text that is not highlighted are edits the staff recommended (the majority of which are editorial). For the sake of remaining transparent, staff is tracking any and all changes to the Plan including grammar, spelling, and punctuation. All of the Planning Commission's recommended proposed changes that were shown as redlined edits to the October 14, 2014 draft have been accepted and are no longer shown as edits.

The following is intended to provide a summary of the substantive edits made throughout the text but may not include all minor edits to grammar, spelling, and punctuation. They are organized by listing all County Commission initiated edits first, then all staff initiated edits and finally listing edits to the Future Land Use Map. Please refer to the actual document dated 01/13/15 to see the red-lined text for context. The following pages refer to the 01/13/15 draft of the Plan.

## Summary of County Commission Recommended Changes from 12/11/14, 1/6/15 and 1/9/15 Work Sessions:

- Page 7: added text from state code addressing general purpose of a Comp plan.
- Page 15: added reference to Future Land Development Map
- Page 17: added Future Land Development Map; also included 11x17 size in appendix F – Maps.
- Page 19: moved the following statement “All property owners within Jefferson County have the right to request a zoning map amendment.” from the discussion under **Urban Growth Boundary** (p. 21) to the discussion under **The Difference between Land Use Maps and Zoning Map**, to better reflect Recommendation #2.
- Pages 27, 28, 40, 41, 83, 108: Amended text to reflect the County Commission’s recommendation to eliminate the use of the LESA system and modify the CUP process for non-residential development in the Rural Zoning District
- Page 32: amended Recommendations #2 and 2.a to read:
  - #2: “Any property owner can initiate a zoning map amendment.”
  - #2.a: “The review of all zoning map amendment requests shall include consideration of the Future Land Use Map and Land Use policies created as part of this Plan.”
- Page 33: deleted Recommendation 5.f which references two-tiered impact fees.
- Page 34: amended Recommendation 8.a to read: “Encourage the clustering of development so that the developer retains their density while dedicating community facilities.”
- Page 36: delete the last sentence from Recommendation #13.b
- Pages 40&41: strengthened statement that cluster is the preferred form of residential development in the rural areas, that the cluster provisions require amending and clearly stating the retention of the by right 1 lot/15 acres, minor subdivision process (2 lots every 5 years), and parent to child provisions
- Page 44: amended Recommendation 4.b to reflect CC request to eliminate the LESA system.
- Page 45: deleted Recommendations #7, 7.a, and 7.b.
- Page 45: added new Recommendations #7 and 7.a:
- Page 45: added Recommendation #8.a: “Encourage the JCDA to employ a small farm agriculture agent.”
- Page 53: delete last sentence of second paragraph under **Viewsheds and Gateways**:
- Page 56: amended Recommendation #7 to include an example.
- Page 63: deleted last sentence of the third paragraph under **Impact Fees** referencing two-tiered impact fees.
- Page 67: amended Recommendation #8 to read: “~~Request the Partnership for Affordable Housing and the Eastern Board of Realtors collaborate in conducting~~ Encourage a periodic ‘housing market needs assessment’ to identify both the construction/housing market’s needs, the range of unmet housing types, and the supportive programs that should be established in Jefferson County and the Eastern Panhandle.”
- Page 68: amended recommendation 11.a to clarify “...~~West Virginia permitting process~~”.
- Page 69-70: Moved the entire section entitled “Intergovernmental Coordination” from Section 5.c to a new Section 1.F; added introductory sentences about Jefferson County Commission’s transparency; deleted provisions for sharing Human Resources staff and consolidating purchasing (previously pp. 156-157)

- Page 78: Added Recommendation #2a “Establish a working relationship with Washington Metropolitan Council of Governments and Loudoun County’s Transportation and Safety Commission to address highway transportation problem areas identified in both counties.”
- Page 80: combined Recommendation #11 and its subcategories to create a new Recommendation #10e “Coordinate with appropriate agencies to publicize available scholarship programs for students interested in the target industries to strengthen workforce development in Jefferson County.”
- Page 83: under **Agricultural Service Facilities**, added “There are no meat processing facilities in the County and nearby out of state facilities are limited to mass production which excludes small farmers from receiving this service.” And added to Recommendation 11 on page 89.
- Page 85: under **Transportation in the Rural Environment**, added discussion about the impact of farm equipment on the road system and clarified that cluster development is the preferred form of rural residential development
- Page 87: Added new Recommendations 1.b. “Create an educational pamphlet informing developers, realtors, and potential homeowners of the offsite impacts of living adjacent to farming activities.”
- Page 90: Added Recommendation 15.d “Encourage schools to use local agricultural products in cafeterias through partnerships with local farmers and CSAs.”
- Page 91: deleted a portion of Recommendation 17: “~~A reduction in the personal property tax for farm vehicles~~ as this provision already exists in state law.
- Page 92: Added Horse Racing to Title “Cultural, Rural, **Horse Racing**, and Gaming Tourism
- Page 95: Added Recommendation 1.b. “Coordinate with the Jefferson County Convention and Visitors Bureau (CVB) to maintain and promote a community calendar.”
- Page 95: reinstated language about rural landowners property rights to Recommendation 8.a. and re-worded Recommendation 8.b.
  - “When considering additional river recreation activities, **rural landowners’ property rights and** the quality of life of the individuals and families living along the waterways should be factored into proposed development plans.
  - **Encourage all river recreation activities to occur in a manner which supports options ~~should support~~** the Chesapeake Bay Initiative.”
- Page 103: Modified Recommendation 1.b. “Provide and encourage mechanisms to have **consolidated ~~one~~** water and sewer providers in the County”
- Page 103: Added Recommendation 3.d. “**Encourage the PSDs to promote cooperation with the local development community to work toward cost sharing on infrastructure projects.**”
- Page 104: Changed Recommendation 5.b. “**Pursue an amendment to the state code to ~~allow~~Enable** residents who are required to connect to an extended water or sewer network, to continue to utilize existing individual well and septic systems for the lifetime of the home system if there are no public health issues.
- Page 105: Delete Recommendation #11 as the program no longer exists.
- Page 113: A paragraph was added identifying the limited access to Mission Road communities as a safety issues and discussion the need to additional points of access; Added Recommendation 5 and 5.a. regarding this issue (Page 124)

- Page 118: Paragraphs were added discussing the County's inclusion in the Hagerstown/Eastern Panhandle Metropolitan Planning Organization (HEPMPO) and the needs to establish a working relationship with Loudoun County which is a different MPO but shares transportation issues with Jefferson County.
- Page 119: deleted language related to issues with taxi expansion in the County
- Page 123: Added new Recommendation 1.d. **“Recommend that the WVDOH consider Jefferson County’s rural economy when developing roadways and traffic circles; encourage wider roadways and traffic circles to accommodate agricultural machinery and equine vehicles.”**
- Page 124: Reformatted Recommendation 4 to create subcategories and added 4.b. and 4.c.:
  - **“Encourage early and effective communication between the County Commission and the DOH for proposed road improvements and projects in the County.”**
  - **“Encourage the DOH to identify preferred alternatives and required ROW and communicate with local planning staff as early as possible to minimize conflict with future development.”**
- Page 135: Added **“Natural Resources Conservation Services (NRCS)”** to Recommendation #2.
- Page 135: Added **“Collaborate with the NRCS to support and maintain an accurate map . . . .”** to Recommendation #5 regarding sinkholes and caves.
- Page 148: Amended the shortened version of Recommendation #2.b. to read, **“Encourage the County Commission to support excess levy initiatives.”**
- Page 148: Amended Recommendation #3 to read, **“Continue to work with the West Virginia Department of Education and the local State delegation to re-evaluate the funding formula related to state based educational aid schools in order to create a quality Jefferson County public school system.”**
- Page 149: Amended Recommendation #6 a follows: **“Continue and expand before and after care programs at the County’s public schools, including child care during school hours for school-age parents, by providing adequate space on site.”**
- Pages 149-150: Amended Recommendation #10 to include **“. . . . and specialized areas of higher education in a variety of disciplines in order to create a flexible, resilient workforce.”**
- Page 150: Modified Recommendations #10.a - #10.e to encourage the creation of stronger skilled trades programs in addition to college prep programs; deleted Recommendation #10.d; and modified Recommendation #11 and made it a new Recommendation #10.e.
- Page 150: deleted Recommendation #13 **“~~Work with state officials to identify programs and methods to provide competitive pay for teachers based on cost of living for the community in which they are employed.~~”**
- Page 152: deleted Recommendations #1, 1.a., 1.b., 7, and 8 regarding library operations and moved Recommendation #4 to be a part of Recommendations #2 as follows:
  - **“Continue to identify ways to affordably provide traditional and virtual library services; such as a bookmobile service that can serve village areas, senior centers and underserved areas; and educational entertainment options to residents of Jefferson County.”**
- Page 153: Changed heading of **“Finance and Public Safety, and Governance Element”** because the Governance Recommendations were deleted from the Plan.
- Page 154: Delete final paragraph about the two-tiered impact fee system previously deleted.

- Page 155: **Property Tax** text was modified to eliminate the proposed reduction of property tax for multiple properties and modified to support a reduction in property tax that meet affordable housing standards. Similar amendments occurred on Page 157 regarding Recommendation #14 (previously Recommendation #16 and 16.a).
- Page 156: Recommendation #5 was modified to read “Evaluate present funding for County facilities and programs, **and** pursue funding sources that can fund ongoing expenses, **and develop capital improvement plans to meet future needs of the County.**” and Recommendations #5.a-#5.d were deleted.
- Page 156-157: Recommendation #7 and # 8 regarding fire and ambulance fees were deleted and a new Recommendation #7 was created “**Explore all funding options to support and enhance emergency services.**”
- Page 157: Recommendation #9 was amended “**Explore all funding options for expansion of and improvements to water and sewer projects in Jefferson County. Implement a Capacity Improvement Fee (CIF) for water and sewer projects as provided for in the Local Powers Act.**”
- Page 157: Recommendation #11 was deleted “**Consider the development of transportation designated funding to support future roadway funding.**”
- Page 157: “**family-operated**” was deleted from Recommendation #13 regarding farmland preservation.
- Page 157: Recommendation 15 (previously #17) was combined with #15.a to read
  - “**Explore options ~~Coordinate with the Jefferson County Historic Landmarks Commission~~ to develop **and implement** a tax credit ~~or reduction of property taxes~~ for those improving and investing in designated historic structures while maintaining the historic character of the structures.**
  - ~~Pursue state-enabling legislation related to historic tax credits.”~~
- Page 159: Amend Recommendation #3 “**Explore funding resources to provide, by 2035, sufficient funding from all available resources to enable fire and ambulance service to all areas of the County within a reasonable timeframe by 2035.**”
- Page 159: Amend Recommendation #4 “Consider the merger of countywide and municipal police services or training activities under a unified agency **to maximize resources.**”
- Page 159: Delete Recommendations #5, #9, #10
- Page 159: Amend Recommendation #12 and 13 to read
  - “**Continue to support and implement a local Flood Plain Management Program, adhering to all Federal Emergency Management Agency (FEMA) requirements, to reduce homeowners’ insurance premiums and increase public safety. ~~Provide greater awareness of local Emergency Management and Hazard Mitigation Planning efforts, including notifications and procedures related to hazardous materials incidents.~~**
  - a. **Support the updating of FEMA floodplain maps to accurately reflect floodplain boundaries through the federal Letter of Map Amendment (LOMA) process. ~~Ensure that local pay is competitive for police, fire, and EMS based on cost of living for the community that they are employed in.~~**
- Pages 160-161 Delete all of Section 5.D Governance

## Staff Edits to Plan text

- Pages 12 & 13: delete lists; information duplicated in Appendix C on page 201. Added Planning Commission and County Commission work sessions and public hearings to the list of **Public Workshops, Surveys, and Open Houses**, in Appendix C.
- Page 18: clarified the relationship of the plan text and future land use map to owner initiated zoning map amendments.
- Pages 20-22: Reorganized the discussion of the Urban Growth Boundaries and added discussion of Ranson and Charles Town UGBs as “b” and “c” where Shepherdstown GMB discussion occurs, including discussion of Ranson UGB expansion.
- Page 23: modified discussion of Shepherdstown PGA to reflect changes to the Future Land Use Map.
- Page 25: addition of text addressing Shenandoah Junction PGA/School Based Growth Area (staff created as the result of 12/11/14 CC discussion and recommended change to Future Land Use Map).
- Page 27: strengthened the language about retaining exiting land rights under **Retention of Existing Zoning Map Classifications** and referenced the Growth Areas from the 2004 Plan to reflect the addition of that boundary to the Future Land Use Map.
- Page 30: relocated Recommendation #7.b from page 31 to the body of the document on page 27 - **Section 1.A: Urban Level Development**.
- Page 34: deleted Recommendation 7.b; moved text to page 31. Also added language from Rural Land Use Planning Recommendations #7 and #7a, as revised, to the Infrastructure Recommendation, referencing urban water and sewer extensions (page 105).
- Page 36: amended Recommendations 14, 14.a, and 14.b to reflect adoption of new commercial and industrial zoning categories and need for additional residential categories.
- Page 44: modified Recommendation #4.c. related to proposed changes to the cluster provision to be less specific as these details are part of a future zoning ordinance text amendment.
- Page 48&49: broadened the discussion of the village expansion areas depicted on the future land use map and clarified the intend for growth in these areas
- Page 68: deleted Recommendation #11.c because the same recommendation is referenced in the Village recommendations (Rec. #5).
- Page 73: Re-ordered Jefferson County Target Industries to be in alphabetical order.
- Page 75, 80, and other areas: added references to APUS where Shepherd is referenced
- Page 78: amended Recommendation #6 to exclude the term “economic gardening”:
- Page 85: delete second sentence referencing prepared meals tax:
- Page 87: delete Recommendation 4.a. as it is a land use issue and is addressed that section.
- Page 88: amended Recommendation #6.c (shortened):
- Page 90-91: reformatted Recommendation 17 to list the strategies separately.
- Page 106: amended text in third paragraph to reference the term “ridesharing” rather than “car/van pooling”; added ridesharing to the definitions.
- Page 141: deleted the word “countywide” from Recommendation #6.i because it isn’t a countywide trail, it’s a trail system; edited Recommendation #6.g. and #6.j. to remove discussion and shorten text of recommendations related to various trail facilities.

- Page 142: amended Recommendation #7 regarding a blueway plan to clarify how this concept applies to Jefferson County.
- Page 142: moved Recommendation #7.c to create a new recommendation 8.c.
- Page 142: edited Recommendation #8.e. to remove discussion and shorten text of recommendation regarding an equine park facility.
- Page 143: edited Recommendation #8.g. to remove discussion and shorten text of recommendation regarding multi-field sports facility.
- Pages 144, 145 and 148-150: These sections were edited significantly because the recommendations included much of the discussion that should have been included in the text on pages 144 and 145. Therefore the text was moved from the recommendations, leaving shortened recommendations and edited to fit into the text format on pages 144 and 145. Paragraphs created include discussion of campus settings for schools; pedestrian accessibility to schools, finding of schools and the role of the school system in supporting workforce development.

## Future Land Use Map Edits from 12/11/14 and 1/9/15 Work Sessions

- Expanded Shepherdstown PGA boundary to include two lots that belong to Harry Catrow (~25.83 acres) off of Route 45. Maintain future land use classification as low density residential (yellow).
- Expanded Shepherdstown PGA boundary to include 3.85 acre parcel that belongs to Charles Carter off of Route 45. Change future land use classification to Residential Commercial (magenta).
- Created a new PGA and village expansion boundary to incorporate Shenandoah Junction area from Flowing Springs to railroad tracks (called: Shenandoah Junction PGA / school based growth area). Within the new PGA, changed future land use classification for parcels closest to schools from agricultural to medium density residential (orange).
- Removed PGA around parcels off of Route 9/Luther Jones/Wiltshire Road area.
- Placed colored asterisks on each of the two Quarry Redevelopment areas with a note referencing back to the text (page 21-22).
- Placed an asterisk identifying the Northport parcel with a note referencing back to the text (page 117). Revised purple asterisk title to reflect "Northport Station at Jefferson Orchard"
- Changed Breckenridge subdivision parcels (south of Job Corps Road and Walker property) to reflect Medium Density Residential (orange).
- Changed Gibson farm & adjoining rural parcels on Route 230 to reflect Future Large Lot Residential (pixelated light green).
- Changed Walker & Shade Tree Lane parcels to reflect medium density (orange).
- Changed Stonecrest parcels shown as Rural off Old Country Club Road to reflect Low Density Residential (yellow).
- Created a Village Expansion Boundary around the 19.63 acre parcel north of the current Manning's village boundary.
- Changed all parcels within the Mannings Village Expansion boundary to reflect residential/commercial (yellow & red stripe).
- Changed land use classification for Torlone's to reflect Neighborhood Commercial (pixelated red)
- Changed land use classification for Foodway Supermarket (formerly Weber's Market) off of Mission Road (~4.09 acres) to reflect Neighborhood Commercial (pixelated red).
- Updated Note #2: "Use of this map is to be in combination with the text and land use policies of the Envision Jefferson 2035 Comprehensive Plan when considering Zoning Map Amendments and future land use decisions."
- Added a black outline of 2004 growth area, entitled "2004 Growth Area (for reference purposes)"

