

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, AUGUST 18, 2011
9:30 A.M.

County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

NEW BUSINESS:

1. Request for Approval of Purchase Order Policy - Discussion/Action
2. Approval of Resolution - Eastern Panhandle Transportation Authority

PRESENTATIONS:

3. 10:00 a.m. Charlie Friddle, Director, West Virginia External Affairs and Charlene Gilliam, Manager, West Virginia External Affairs
- Introduction to FirstEnergy and Ms. Gilliam's role in the new organization
4. 10:30 a.m. **BREAK**
5. 10:45 a.m. Jennifer Brockman, Director of Planning and Zoning
 - a. Presentation, Discussion and Scheduling of a Public Hearing for a Proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance(March 2011) - Discussion/Action
 - b. Discussion and Scheduling of a Public Hearing for a Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010) - Discussion/Action

- c. Presentation, Discussion and Scheduling of a Public Hearing for a Proposed Amendment to Article 4A of the Jefferson County Zoning and Land Development Ordinance (March 2011) - Discussion/Action
- d. Discussion and Scheduling of a Public Hearing for a Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010) - Discussion/Action
- e. Final/Fourth Quarterly Report of the FY11 Work Plan for the Department of Planning and Zoning

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

ADJOURN

CORRESPONDENCE:

Reminder - The County Commission meeting schedule for August 25, 2011 has been cancelled. The County Commission will resume its regular session on Thursday, September 1, 2011.

Upcoming appointments on September 1, 2011

Jefferson County Building Commission -three unexpired terms:
ending 2014, 2015 and 2016.

Copy of letter received from the Public Service Commission of West Virginia appointing Robert A. Graf, Sr. as a member of the Board of Directors of the Jefferson County Solid Waste Authority to a term expiring June 30, 2015.

Letter from the WVDOT, Division of Highways, attaching a proposed amendment to the approved 2011-2016 STIP (State Transportation Improvement Program) for review.

Copy of letter from the Jefferson County Public Service District to Commissioner Gus R. Douglass, West Virginia Department of Agriculture.

Copy of "thank you" letter from Cacapon Institute to Jennifer Brockman for her outstanding presentation at the Potomac Watershed Partnership Information Exchange on June 29, 2011.

Copy of Judge Sanders' Order Granting Defendants' Joint Motion to Dismiss Plaintiff Donald Orser's Case No. 10-C-68.

Announcement of the Region 9 Chesapeake Bay Summit, August 31, 2011, 8:30 a.m. to 4:30 p.m. at the Robert C. Byrd Health Sciences Center, Eastern Division, 2500 Foundation Way, Martinsburg, WV.

Notice of Meeting - Council of Governments Roundtable Meeting to be held on Wednesday, September 7, 2011 at 5:00 p.m.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery, weeks ending July 30, 2011 and August 6, 2011.

Invitation to join the Charles Town HBPA membership for the Annual Owners Day Buffet Luncheon including an afternoon of racing on Sunday, August 21, 2011 from 11:30 a.m. to 4:00 p.m.

Letter from MaryAnn Tierney, Regional Administrator of U.S. Dept. Of Homeland Security Region III announcing that Barbara Miller has been appointed to serve on the Federal Emergency Management Agency (FEMA) Region III Regional Advisory Council (RAC) as a member representing county government.

At all times the County Commission reserves the right to rearrange agenda times because of time constraints and to accommodate the Commission schedule or the public.

Minutes

Jefferson County Commission

Thursday, August 11, 2011

A meeting of the Jefferson County Commission was held on Thursday, August 11, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this August 11, 2011 meeting is available through the Jefferson County Commission Office.)

The meeting was called to order at 9:30 a.m. by Commissioner Noland.

PLEDGE OF ALLEGIANCE

Commissioner Widmyer led the Pledge of Allegiance.

APPROVAL OF MINUTES

Motion by Mr. Manuel to approve the Minutes of the August 4, 2011 meeting as amended. Motion seconded by Mr. Pellish and unanimously approved.

APPROVAL OF PURCHASE ORDERS:

Motion by Ms. Morgan to approve Purchase Orders in the amount of \$15,887.00, being purchase order numbers: 52918, 53208, 53100, 53097, 53094, 53099, 52941, 50147, 50416, 52970, 52969, 53101 and 49530. Motion seconded by Mr. Manuel and unanimously approved.

PUBLIC COMMENT

Public comment by David Tabb, Fred Blackmer and Kathy Knight.

PRESENTATIONS:

1. **Commissioner Noland, on behalf of the Jefferson County Commission**, presented a Resolution to Michael Alvarez for his professional expertise and years of valuable service to the citizens of Jefferson County while serving as a member of the Jefferson County Emergency Services Agency.

RESOLUTION IN RECOGNITION OF MICHAEL ALVAREZ FOR HIS SERVICE ON THE JEFFERSON COUNTY EMERGENCY SERVICES AGENCY

WHEREAS, the Jefferson County Commission formed the Jefferson County Ambulance Authority in November 1995,

WHEREAS, the Jefferson County Ambulance Authority now known as the Jefferson County Emergency Services Agency, is comprised up of volunteers of Jefferson County Citizens who are knowledgeable and committed to serving and protecting the residents in Jefferson County, WV;

WHEREAS, Michael Alvarez was appointed by the Jefferson County Commission to the Jefferson County Ambulance Authority in November 1995 and has served in his capacity as a Volunteer since that time;

WHEREAS, Michael Alvarez continues to provide a valuable service to Jefferson County as a member of the Jefferson County Emergency Services Agency by providing his knowledge and applying his professional expertise in order to preserve and protect the residents of Jefferson County, WV;

WHEREAS, the Jefferson County Commission recognizes that the people of Jefferson County will benefit from the knowledge and expertise provided by Michael Alvarez for future generations to come as the result of his involvement, dedication and loyalty to the Jefferson County Emergency Services Agency;

THEREFORE, the Jefferson County Commission hereby recognizes Michael Alvarez for his years of service as a loyal and dedicated member of the Jefferson County Emergency Services Agency and in appreciation for his service to the citizens of Jefferson County, West Virginia.

By ORDER of the Jefferson County Commission:

Patricia A. Noland, President

2. **Ralph Lorenzetti, Jefferson County Prosecuting Attorney, and Kim Crockett, Jefferson County Assistant Prosecuting Attorney** – informed the Commission that the Jefferson County Prosecuting Attorney’s Office and Kim Crockett, Assistant Prosecuting Attorney, have been selected by William Ihlenfeld, U.S. Attorney for the Northern District of West Virginia, to participate in a new Federal program under the Safe Neighborhood Act. In addition to her responsibilities as an Assistant Prosecuting Attorney, Kim Crockett will be sworn in as a Special Assistant U.S. Attorney (uncompensated) on September 20, 2011 and will be prosecuting certain criminal offenders in both State and Federal Court.
3. **Bill Polk, Maintenance Director** – provided the Commission with an update on the condition of the columns in the front of the County Courthouse and stated that he is negotiating a contract with Minghini’s to repair and restore the columns. He is also searching for a company that is able to remove the boxwoods on the lawn in front of the columns and replant them in a different location.
4. **Nikki Painter, County Clerk’s Office** – request approval of poll worker lists as nominated by the Democratic and Republican Executive Committees –

Motion by Mr. Manuel to approve the poll worker lists as nominated by the Democratic and Republican Executive Committees as presented by Nikki Painter of the County Clerk’s Office. Motion seconded by Ms. Widmyer and unanimously approved.

5. **The Commission took a 5-minute break at 10:25 a.m.
The Commission reconvened the meeting at 10:30 a.m.**

APPROVAL OF ACCOUNTS PAYABLE

Motion by Ms. Morgan to approve the accounts payable in the amount of \$86,045.10. Motion seconded by Mr. Pellish and unanimously approved.

NEW BUSINESS:

6. **Mary Koonce, on behalf of the Dolley Madison Garden Club – request use of the County Commission meeting room on December 9 and December 10, 2011 to hold a Christmas Market and sell tickets for the Charles Town Homes Tour.**

Motion by Ms. Noland to approve the use of the County Commission meeting room by the Dolley Madison Garden Club on December 9 and December 10, 2011 to hold a Christmas Market and sell tickets for the Charles Town Homes Tour. Motion seconded by Ms. Morgan and unanimously approved.

7. **Request for approval of Resolution – Governor’s Community Participation Grant in the amount of \$25,000 to the Jefferson County Animal Welfare Society –**

Motion by Ms. Widmyer to approve the Resolution for the Governor’s Community Participation Grant in the amount of \$25,000 to the Jefferson County Animal Welfare Society. Motion seconded by Mr. Manuel and unanimously approved.

8. **Discussion as to whether or not to hold a County Commission meeting on Thursday, August 25, 2011 during Jefferson County Fair Week.**

Motion by Mr. Pellish to cancel the County Commission meeting of Thursday, August 25, 2011. Motion seconded by Ms. Widmyer and unanimously approved.

PRESENTATIONS continued:

9. **Roger Goodwin, Chief County Engineer – request to approve a partial release of the Construction Bond security for Linda W. Case, Craftworks at Cool Spring, Inc. (File #S10-03) with the Bank of Charles Town, Charles Town, West Virginia.**

Motion by Mr. Manuel to approve a partial release of the Construction Bond security for Linda W. Case, Craftworks at Cool Spring, Inc. (File #S10-03) with the Bank of Charles Town, Charles Town, West Virginia. Motion seconded by Ms. Morgan and unanimously approved.

COUNTY ADMINISTRATOR REPORTS:

County Administrator Tim Boyde:

- Attended the County Commissioners’ Conference in Morgantown, West Virginia.
- Reported that Jeff Polczynski has scheduled demonstrations of CAD systems by various vendors at the Communications – 911 Center on August 23, 2011 and August 30, 2011. The demonstrations will each take about two hours.

PRESENTATIONS continued:

10. **Barbara Miller, Director of Homeland Security and Emergency Management:**

- **Request approval for a Proclamation that September 2011 is National Preparedness Month**
- **Request approval and execution of the Memorandum of Understanding (CERT Program) with Volunteer WV**



PROCLAMATION

WHEREAS, "National Preparedness Month" creates an important opportunity for every resident of Jefferson County to prepare their homes, businesses, and communities for any type of emergency including natural disasters and potential terrorist attacks; and

WHEREAS, investing in the preparedness of ourselves, our families, businesses, and communities can reduce fatalities and economic devastation in our communities and in our nation; and

WHEREAS, the Federal Emergency Management Agency's *Ready* Campaign, Citizen Corps and other federal, state, local, tribal, territorial, private, and volunteer agencies are working to increase public activities in preparing for emergencies and to educate individuals on how to take action; and

WHEREAS, all citizens of Jefferson County are encouraged to participate in citizen preparedness activities and asked to review the Ready campaign's websites at Ready.gov or Listo.gov (in Spanish) and become more prepared.

THEREFORE, BE IT RESOLVED that the Jefferson County Commission hereby proclaims September, 2011 as National Preparedness Month, and encourages all citizens and businesses to develop their own emergency preparedness plan, and work together toward creating a more prepared society.

Dated this 11th Day of August, 2011 by the Jefferson County Commission:

Patricia Noland, Jefferson County Commission President

- **Discussion of NIMS and NIMCAST.**

Motion by Mr. Manuel to approve and authorize the execution of a Proclamation designating September 2011 as National Preparedness Month. Motion seconded by Ms. Morgan and unanimously approved.

Motion by Ms. Morgan to approve and authorize the execution of a Memorandum of Understanding with Volunteer WV in connection with the C.E.R.T. Program. Motion seconded by Mr. Manuel and unanimously approved.

COUNTY COMMISSIONER REPORTS:

Commissioner Morgan:

- Attended a Board of Health meeting.
- Attended a Farmland Protection Board meeting.
- Explored the new Intelligent Recycling Kiosks.

Commissioner Pellish:

- Attended the Shepherdstown Library Project meeting in Shepherdstown.
- Attended a Planning Commission meeting.

Commissioner Widmyer:

- Attended a Planning Commission meeting.
- Attended the celebration of the 1,000th book given away by "First Books for Babies" at Jefferson Memorial Hospital.
- Spoke to Senator Herb Snyder regarding the Division of Highways and Koonce Road situation.

Commissioner Manuel:

- Attended a Planning Commission meeting.
- Followed the House Redistricting meetings.

Commissioner Noland:

- Attended a Courthouse Committee meeting.
- Attended a Convention and Visitors' Bureau meeting.

There being no further business Mr. Pellish made a motion to adjourn the meeting. Motion seconded by Mr. Manuel and unanimously approved. The meeting was adjourned at 11:21 a.m.

Upon rising the meeting was adjourned until next Thursday, August 18, 2011 at 9:30 a.m.

PATRICIA A. NOLAND, PRESIDENT

Commission Office Use Only

Date on Agenda:

8/18/11

Appt Time or New Business:

10:45am

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5-10 minutes

Date Requested – 1st Choice: 8/18/2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: **Approval of Purchase Order Policy**

Please provide the County Commission with a description of your request or presentation, including any background information: **Currently there is not a policy for turning in Purchase Orders by a certain deadline. It has been the practice that Purchase Orders are turned in on Tuesdays by noon. The Commission Staff would like to bring uniformity to the agenda packets by having Purchase Orders included in the initial Agenda Packets to continue in the practice of providing open and accessible government processing and procedures.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the Purchase Order Policy.**

Attachments:

COUNTY COMMISSION OF JEFFERSON COUNTY

POLICY TITLE: Purchase Orders - County Commission

POLICY NUMBER: 2011 - 1

ADOPTED: August 18, 2011

EFFECTIVE: September 1, 2011

REVISED:

PURPOSE:

To provide a comprehensive and uniform process for formulating the agenda and purchase orders of the County Commission of Jefferson County.

POLICY:

The County Commission of Jefferson County is committed to providing open and accessible governmental proceedings and wishes to provide its citizens with information concerning the business of the County Commission and county government.

PROCEDURE:

- The Purchase Order List for each County Commission meeting is prepared by the Commission staff.
- The County Commission purchase orders will close at 11:00 a.m. on the Monday preceding the County Commission meeting.
- Any purchase order received after the 11:00 a.m. Monday deadline, will be placed on the following weeks agenda.
- When the County Commission is closed for a Holiday on a Monday, all purchase orders must be submitted by the next business day at 11:00 a.m.
- The purchase orders will be available with the agenda packet and will be available Monday at noon.
- The agenda is available in the Office of the County Commission and on the County website at www.jeffersoncountywv.org. A pdf of the agenda packet will be available at this site.

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: _____

Date Requested – 1st Choice: August 18, 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: **Resolution**

Please provide the County Commission with a description of your request or presentation, including any background information: **Support of a grant for the Eastern Panhandle Transportation Authority for the US Rt 340 Corridor - Governor's Community Participation Grant Program (2004)**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **Motion to approve the Resolution and to authorize the President of the Commission to affix her signature to the appropriate documents**

Attachments:

County Commission of Jefferson County Charles Town, West Virginia

RESOLUTION

Whereas, the Eastern Panhandle Transportation Authority has been awarded funding from the Fiscal Year 2004 Governor's Community Participation Grant Program for \$50,000 to develop a comprehensive plan to improve transportation in Berkeley, Jefferson and Morgan Counties; and

Whereas, the Jefferson County Commission would be pleased to accept the designation of \$15,000 from the Eastern Panhandle Transportation Authority toward the upcoming transportation plan for the entire US 340; and

Whereas, the funds we receive from the organization will help provide the local match for a \$100,000 transportation study plan for the entire US 340 Corridor; and

Whereas, one of the critical elements of this plan will be to look at intersections along US 340 and explore ways to make them safer;

Whereas, according to regional traffic projections, the US 340 Corridor will become increasingly congested and movement on the highways will be reduced to stop and go traffic by 2035; and

Therefore be it resolved, the Jefferson County Commission is in support of this grant program and recognizes the importance of the entire US 340 Corridor to the future of Jefferson County and helping us make sure it remains safe.

August 18th, 2011

County Commission of Jefferson County

Patricia A. Noland, President



THE COUNTY COMMISSION OF JEFFERSON COUNTY

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

Phone: 304/728-3284

www.jeffersoncountywv.org

Fax: 304/725-7916



Morgan County Commission
Brenda J. Hutchinson, Commissioner
77 Fairfax Street, Room 101
Berkeley Springs, WV 25411

COPY

Dear Commissioner Hutchinson:

The Jefferson County Commission would be pleased to accept the designation of \$15,000 from the Eastern Panhandle Transportation Authority toward the upcoming transportation plan for US 340.

The funds we will receive from the organization will help provide the local match for a \$100,000 transportation study plan of the US 340 Corridor. One of the critical elements of this plan will be to look at intersections along US 340 and explore ways to make them safer. According to regional traffic projections, the US 340 Corridor will become increasingly congested and movement on the highways will be reduced to stop and go traffic by 2035.

Thank you for recognizing the importance of the US 340 Corridor to the future of Jefferson County and helping us make sure it remains safe. I know members of your organization you will be n active participants in the upcoming plan process!

Sincerely,


Lyn Widmyer, President
Jefferson County Commission

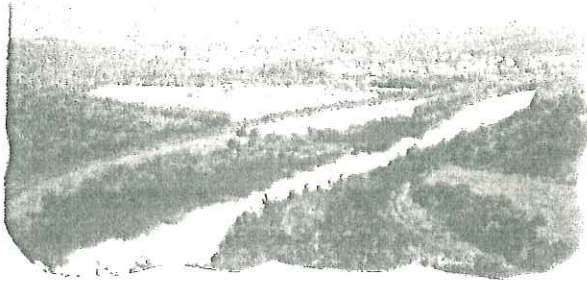
Morgan County Commission
77 Fairfax Street, Rm 101
Berkeley Springs, WV 25411
304-258-8540

- COMMISSIONERS-

Bradley J. Close
380 Dry Run Lane
Berkeley Springs
WV 25411
304.258.3795

Stacy A. Dugan
401 S. Laurel Ave.
Berkeley Springs
WV 25411
304.258.9648

Brenda J. Hutchinson
5154 Milo School Rd.
Great Cacapon
WV 25422
304.947.7713



RESOLUTION

WHEREAS; The Eastern Panhandle Transportation Authority has been awarded funding from the Fiscal Year 2004 Governor's Community Participation Grant Program for \$50,000 to develop a comprehensive plan to improve transportation in Berkeley, Jefferson and Morgan counties;

WHEREAS; The Morgan County Commission has been allocated \$15,000 from this grant program by the Eastern Panhandle Transportation Authority to ~~obtain consulting engineering services~~ for the design of site improvement to the Community Center Building on Green Street including sidewalks, landscaping, storm drainage, crosswalks, curbing, paving and related work along Green Street fronting the building and along Rt. 9 across Mercer Street to the Sheetz property;

WHEREAS; The Morgan County Commission is in support of this grant program;

WHEREAS ; Brenda J. Hutchinson is the Morgan County representative for the Eastern Panhandle Transportation Authority;

THEREFORE,

BE IT RESOLVED; This 7th day of July 2010 that the Morgan County Commission authorizes Stacy A. Dugan, President, as the official representative for the Morgan County Commission in the administration of the Governor's Community Participation Program for the Eastern Panhandle Transportation Authority.

Commission Office Use Only
 Date on Agenda: 8-18-11
 Appt Time or New Business: 10:00

am

AGENDA REQUEST FORM

Name: Charlene C. Gilliam

Department or Entity: FirstEnergy (formerly Allegheny Power)

Estimation of amount of time needed for appointment: 10-15 minutes

Date Requested – 1st Choice: ~~09/15/11~~ 8/18/11

Date Requested – 2nd Choice: 09/22/2011

If a specific date is needed, please provide reason for specific date:

Subject: Introduction to FirstEnergy and my role in this new organization

Please provide the County Commission with a description of your request or presentation, including any background information: **See attachment**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **N/A**

Attachments:

HELLO
my name is

Potomac Edison

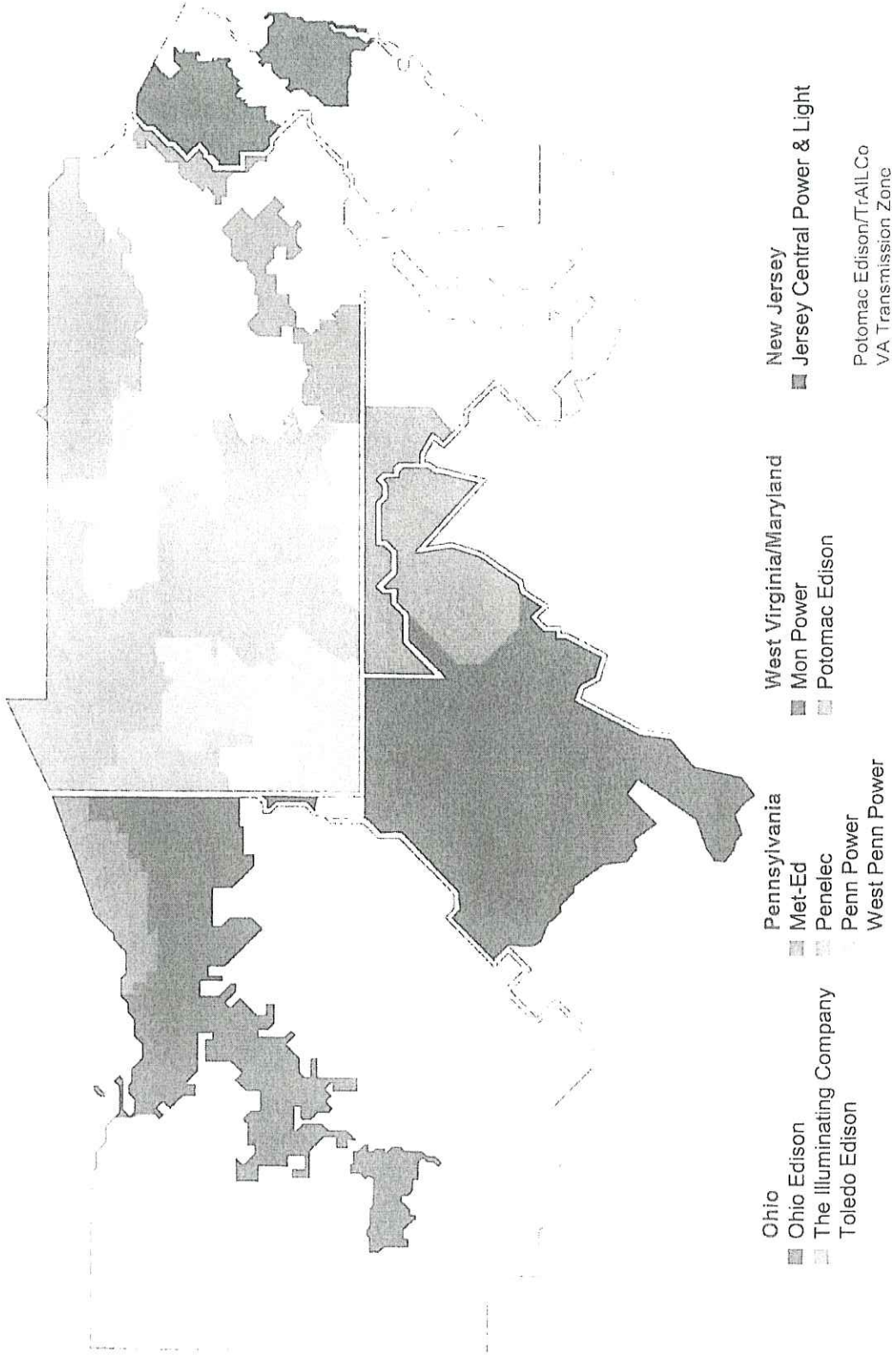
Welcome Allegheny Power customers.

Allegheny Power is now part of the FirstEnergy family. You can expect the same great service. The only thing changing is the name as we reintroduce Potomac Edison, previously known to you as Allegheny Power.

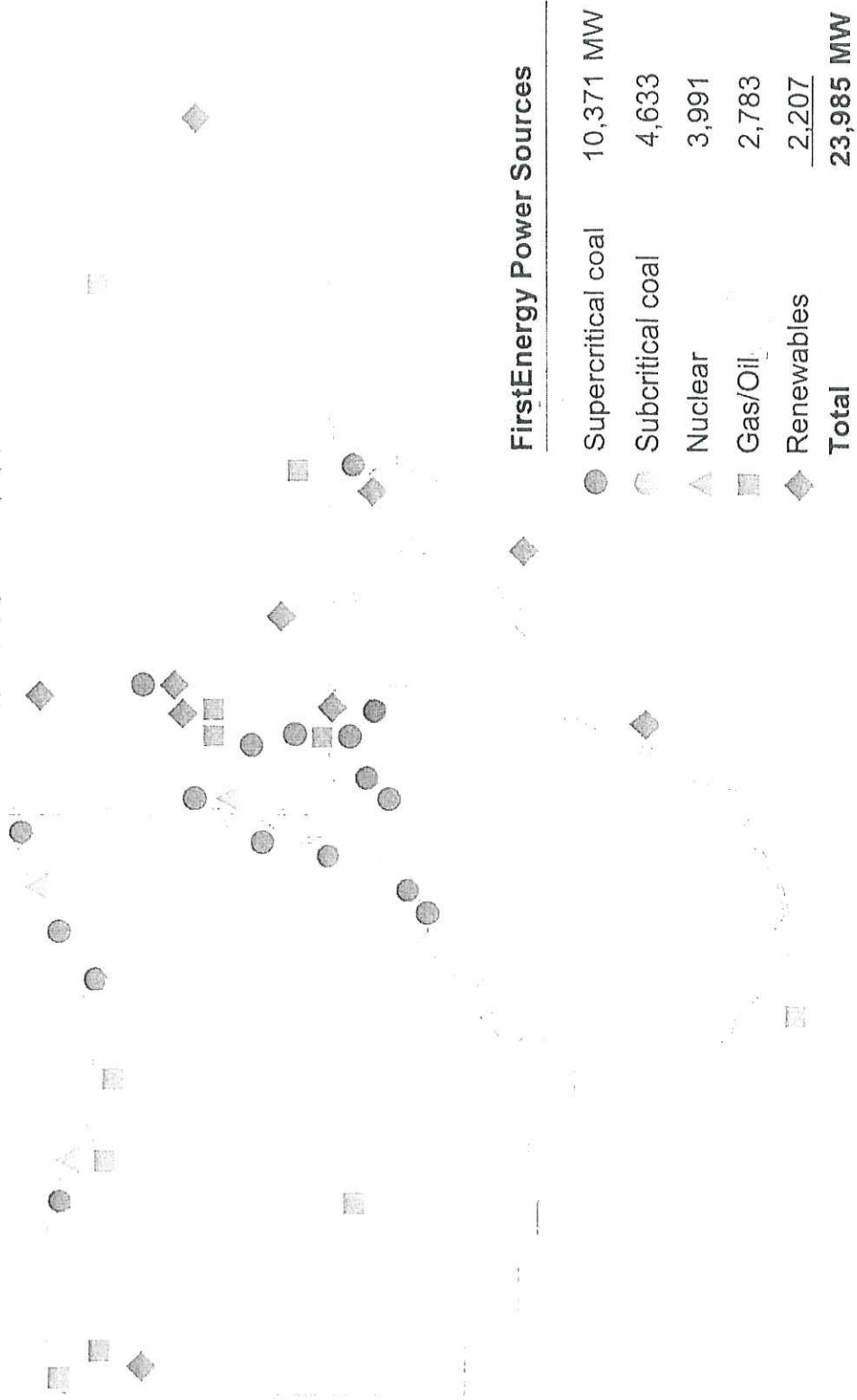
We realize you're the reason we're here. All of us at FirstEnergy come to work each day with the single goal of serving our customers both responsibly and reliably. And that's not going to change. We're very glad to make your acquaintance.

Potomac Edison
A FirstEnergy Company

FirstEnergy Regulated Service Territories



FirstEnergy Diverse Generating Sources



<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: August 18, 2011

Date Requested – 2nd Choice: August 25, 2011

If a specific date is needed, please provide reason for specific date:

Subject: **Presentation, Discussion and Scheduling of a Public Hearing for a Proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011)**

Please provide the County Commission with a description of your request or presentation, including any background information:

In the Fall, 2010, when the Planning Commission initiated a Zoning Map Amendment, the lack of clarity regarding the different requirements based on whether an application was by petition of an individual or the Planning Commission, and the differentiation between a proposed map amendment and a proposed text amendment became apparent. In the Spring, 2011, the Planning Commission directed its staff and legal counsel to draft an amendment to Article 12 of the Zoning and Land Development Ordinance (March 2011) to ensure that it reflected the provisions of WV Code Chapter 8A and the different requirements based on applicant and type of application.

Staff drafted such an amendment with input from legal counsel (memo attached) and the Planning Commission conducted a Public Hearing on July 12, 2011, and at this meeting also voted to recommend the attached amendments to the County Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a Public Hearing on the Proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011) on the _____ (date) agenda.

Attachments:

- **June 14, 2011 Memo from Jennifer Brockman and Stephen Groh to Planning Commissions regarding Draft Policy on Planning Commission initiated Zoning Text Amendments and Zoning Map**
- **Proposed Revisions to Jefferson County Zoning Ordinance Article 12**

JEFFERSON COUNTY, WEST VIRGINIA
Department of Planning & Zoning
116 East Washington Street, 2nd Floor
P.O. Box 338
Charles Town, West Virginia 25414

Email: planningdepartment@jeffersoncountywv.org
zoning@jeffersoncountywv.org

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

MEMO

TO: Planning Commission Members
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning Department
Stephen Groh, Assistant Prosecuting Attorney, Civil Division
DATE: June 14, 2011 (revised from January 11, 2011 memo)
RE: Draft Policy on Planning Commission initiated Zoning Text Amendments and Zoning Map amendments

1. Thoughts on Relevant Portion of WV Code 8A (see Appendix A)

WV Code 8A provides for two primary ways that a locally adopted Zoning Ordinance can be amended. While standard planning considerations differentiate between amendments to the text of a Zoning Ordinance and amendments to the zoning map associated with an Ordinance, 8A does not clearly differentiate between “text” and “map” amendments¹ other than the type of notice required.

- a) WV Code 8A-7-8 delineates the process by which the governing body can initiate an amendment. In this circumstance, the governing body (the County Commission) must request input from the Planning Commission as to whether the proposed amendments are consistent with the Comprehensive Plan. The County Commission then makes findings either that the proposal is consistent with the comprehensive plan or that “major changes . . . have substantially altered the basic characteristics of the area”.

It is our opinion, major policy-level re-writes or updates to the Zoning Ordinance should best occur in this manner. In typical planning practice, a planning commission that is interested in revising the locally adopted Ordinance would present a list of amendments to consider to the governing body (i.e.: in the form of a work plan) and the governing body would agree to the tasks and refer it back to the planning commission for research, a recommended proposed wording, and recommendations related to the findings required. Most states then require the planning commission to hold its own public hearing prior to sending a final recommendation to the governing body. WV’s law does not speak to the public hearing process associated with a

¹ In planning parlance a “Text Amendment” is a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted uses in a district. A “Map Amendment” is a change that only applies to a specific property, such as changing the zoning designation. While it is conceivable to change the text of the ordinance to only apply to a specific property (one example is the changes to the ordinance related to Summit Point Raceway properties) the availability of the LESA based CUP process and best planning practices make such property-specific “text” changes disfavored.

change initiated by the County Commission but typical planning practice recommends a more thorough public process in preparing a recommendation to the governing body.

§8A-7-8 permits the governing body to make a zoning map amendment which would utilize this same referral process.

We recommend that the Planning Commission process for proposing significant policy-level amendments to the Zoning Ordinance text follow this process. This recommendation is based upon best planning practices and upon deference to the officials elected to make such major policy-level changes to local land use.

While the text of §8A could be clearer in some areas, there does not appear to be a practical process by which a citizen can initiate a text amendment other than taking the proposal to the County Commission or the Planning Commission for them to initiate it. This is because any citizen petition requires "owners of 50% or more of the real property" and, as a text amendment applies county-wide, it is unlikely that 50% of the land owners in the entire county could jointly petition.

- b) WV Code 8A-7-9, outlines the process by which the Planning Commission or the owners of fifty percent or more of the real property in the area to which the petition relates may formally petition to amend the Ordinance. The Planning Commission may initiate "text" or "map" amendments through the petition process. As discussed above, we believe land owners, as a practical matter, are limited to petition for zoning map amendments only. If landowners submit their petitions to the Planning Commission, the Planning Commission must conduct a public hearing within 60 days. If the Planning Commission is initiating the petition, the petition is to be submitted to the Clerk of the County Commission who is the elected County Clerk and the County Commission must conduct a hearing within 60 days.

While the formal petition process is always open to the Planning Commission, best planning practices and respect for the governing body make it more appropriate for the Planning Commission to avoid the formal petition process for major policy-level proposal. In the case of minor map or text amendments or mere technical corrections the formal petition process may be appropriate as such matters are typically within the main area of concern for a planning commission. However, the Planning Commission may always proceed by making a request to the County Commission to make proposed changes. Given the busy work schedule of the County Commission, especially during certain times of year, allowing the County Commission the flexibility to set hearing dates outside a 60 day deadline would be appropriate.

2. Thoughts on Article 12 of the Jefferson County Zoning Ordinance (see Appendix B)

Article 12 of the Jefferson County Zoning Ordinance is similarly confusing as to the difference in the processes between a landowner submitting a map amendment, the Planning Commission initiating a map amendment, and the development of various text amendments. While the Article is entitled "Map and Text Amendments", it has no specific provisions for text amendments. Staff recommends initiating an amendment to Article 12 that clarifies that 12.3(a) is the procedure for a map amendment by a landowner, with the petition containing the information currently listed under (b) submitted to the Planning Commission; create a new (b) that details a similar process for Planning Commission initiated map amendments, with the petition submitted to the County Commission and County Clerk. Additionally, staff recommends creating a new section 12.4 that

details the process for a text amendment initiated by a citizen or the Planning Commission consistent with WV Code 8A-7-8. Staff's proposed language is found in Appendix C of this memo.

3. Next Steps

Following Planning Commission comments and legal review, staff recommends that Article 12 be amended to clearly delineate the process for amending the Zoning Map or Zoning Ordinance text. A revised draft of these amendments can be found in Appendix C. Staff recommends that the Planning Commission schedule a Public Hearing to receive public comment on the proposed revisions and to forward a recommended text amendment for Article 12 to the County Commission in the near future.

APPENDIX A
West Virginia State Code Requirements

Relevant Sections of West Virginia State Code, Chapter 8A are as follows:

§8A-7-8. Amendments to the zoning ordinance by the governing body.

(a) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body, with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which was not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

(b) When a proposed amendment to the zoning ordinance involves a change in the zoning map classification of any parcel of land, or a change to the applicable zoning ordinance text regulations that changes the allowed dwelling unit density of any parcel of land, the governing body shall, at least thirty days prior to the enactment of the proposed amendment if there is not an election, or at least thirty days prior to an election on the proposed amendment to the zoning ordinance:

(1) Give written notice by certified mail to the landowner(s) whose property is directly involved in the proposed amendment to the zoning ordinance; and

(2) Publish notice of the proposed amendment to the zoning ordinance in a local newspaper of general circulation in the area affected by the zoning ordinance, as a Class II-0 legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code.

§8A-7-9. Amendments to the zoning ordinance by petition.

(a) After the enactment of the zoning ordinance, the planning commission or the owners of fifty percent or more of the real property in the area to which the petition relates may petition to amend the zoning ordinance. The petition must be signed and be presented to the planning commission or the clerk of the governing body.

(b) Within sixty days after a petition to amend the zoning ordinance is received by the planning commission or the governing body, then the planning commission or the governing body must hold a public hearing after giving public notice. The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area affected by the proposed zoning ordinance, as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least fifteen days prior to the public hearing.

(c) If the petition to amend the zoning ordinance is from the owners of fifty percent or more of the real property in the area, then before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan. If the amendment is inconsistent, then the governing body with the advice of the planning commission, must find that there have been major changes of an economic, physical or social nature within the area involved which were not anticipated when the comprehensive plan was adopted and those changes have substantially altered the basic characteristics of the area.

APPENDIX B
Jefferson County Zoning Ordinance Requirements

The Jefferson County Zoning Ordinance currently states:

ARTICLE 12. MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- a) These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- b) The County Commission shall refer any amendment or alteration of this Ordinance to the Planning and Zoning Commission for analysis, study, report, and recommendations.

Section 12.2 Procedure for Amendment by Governing Body

- a) After the enactment of the zoning ordinance, the governing body of the County may amend the zoning ordinance without holding an election.
- b) Before amending the zoning ordinance, the governing body with the advice of the planning commission, must find that the amendment is consistent with the adopted comprehensive plan.

Section 12.3 Procedure for Amendment by Petition

- a) The procedure for amendment shall be as dictated in §8A-1-1 et seq of the West Virginia State Code, as amended.
- b) Petitions to the County Commission for an amendment must contain the following information:
 - 1. Substantiation for the request
 - 2. Tax District, Map and Parcel number
 - 3. Deed Book reference
 - 4. Plat or sketch pursuant to Section 7.4 (b)
 - 5. Tract size
 - 6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted

PROPOSED REVISIONS TO JEFFERSON COUNTY ZONING ORDINANCE ARTICLE 12
recommended for approval by the Jefferson County Planning Commission to the
County Commission

(proposed changes are highlighted and underlined)

ARTICLE 12. MAP AND TEXT AMENDMENTS

Section 12.1 Purpose

- a) These regulations, restrictions, provisions, and the boundaries of districts provided herein may from time to time be amended, modified, or repealed by the County Commission. Any person, individual, board, commission or bureau of the County may petition the County Commission for such change.
- b) The County Commission shall refer any amendment or alteration of this Ordinance to the Planning ~~and Zoning~~ Commission for analysis, study, report, and recommendations regarding compatibility with the Comprehensive Plan as well as consideration as to whether a Conditional Use Permit (CUP) or other process may be a more appropriate process.

Section 12.2 Procedure for Amendment by ~~Governing Body~~County Commission

- a) After the enactment of the Zoning Ordinance, including both text and map, the governing body of the County may amend the Zoning Ordinance without holding an election.
- b) Before amending the Zoning Ordinance text or map, the governing body, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of §8A-7-8 et seq of the West Virginia State Code, as amended.
- c) All amendments to the Zoning Ordinance Map require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended map amendments require a Public Hearing before the County Commission prior to a final determination.
 - 1) Public Notice of the Public Hearing for a Zoning Map amendment before the Planning Commission requires the following:
 - i. A legal advertisement describing the location and identification of the subject parcel for which the zoning is proposed to be changes, including the current tax district, map and parcel number, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation;
 - ii. Any property affected by the proposed zoning map amendment shall be posted at least 15 days prior to the Public Hearing. The posting shall state the time, date, and location of such hearing, as well as, what new zone is being requested on the property; and
 - iii. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail at least 15 days prior to the Public Hearing. The adjoining letters shall state the time, date, and location of such hearing, as well as, what new zone is being requested on this particular property. The letter shall also describe the location and identification of the subject parcel proposed to be rezoned, including the current tax district, map and parcel number.
 - 2) Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.
- d) All amendments to the Zoning Ordinance Text require a Public Hearing to be held by the Planning Commission for the purpose of making a recommendation to the County Commission. Subsequently, all recommended text amendments require a Public Hearing before the County Commission prior to a final determination.

- 1) Public Notice of the Public Hearing for a ZoningText Amendment before the Planning Commission requires the following:
 - i. a legal advertisement describing the Section of the Ordinance proposed to be revised, with a summary of the revision, and the date, time and place of hearing regarding the amendment at least 15 days prior to the date set for such hearing in a newspaper with local circulation.
- 2) Public Notice of the Public Hearing before the County Commission requires compliance with the appropriate State Code for amending Ordinances.

Section 12.3 Procedure for Map Amendment by Petition

a) Map Amendments by Landowners

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property in the area to which the petition relates shall be as dictated in ~~§8A-1-1~~§8A-7-9 et seq of the West Virginia State Code, as amended.

- ~~b)~~ Petitions for a map amendment initiated by landowners shall be submitted to the PlanningCounty Commission and shall for an amendment must contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.

Planning Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which the petition is presented to the Planning Commission at a Planning Commission meeting. A complete petition, and related fees, shall be submitted to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. Upon request, the Departments of Planning and Zoning staff can present the petition to the Planning Commission on behalf of the applicant for the purpose of setting the public hearing date.

Notice of the Planning's Public Hearing shall be in accordance with Section 12.2 of this Ordinance. At the conclusion of the Planning Commission's Public Hearing, or at the next regular Planning Commission meeting, the Planning Commission shall make a recommendation to the County Commission regarding approval or disapproval of the requested Map Amendment. This recommendation shall be forward to the County Commission within four weeks of final Planning Commission action.

b) Map Amendments by the Planning Commission

The procedure for processing a formal map amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for recordation on the same date. On such petitions a map amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request

2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4 (b)
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted

The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

The Planning Commission may opt to proceed on a proposed map amendment by informal written request for action to the County Commission by submitting the same information required above styled as a "Request for Action" rather than as a "Petition."

Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment

a) Text Amendments by Those Other Than County or Planning Commission

A Zoning Ordinance text amendment cannot be initiated by any person, board, commission or bureau of Jefferson County by submitting a petition and fee to the Departments of Planning and Zoning. The procedure for processing a Zoning Ordinance text amendment initiated by any person, board, commission or bureau of Jefferson County shall be by a written request to the County Commission at a regular meeting. The request and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The County Commission may refer the proposed amendment to the Historical Landmarks Commission or other appropriate body for comment and shall refer the proposed amendment to the Planning Commission in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended, to provide advice on the consistency with the Comprehensive Plan. If the County Commission decides to consider the request, a Public Hearing would be required in order to amend the Zoning Ordinance. The Planning Commission would likely hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.

b) Text Amendments by Those Other Than County or Planning Commission (Alternate Process)

Alternatively, any person or by any board, commission or bureau of Jefferson County could submit a proposed Zoning Ordinance text amendment to the Planning Commission for their consideration within their on-going work plan tasks at a regular Planning Commission meeting. It is preferable that such a request be submitted in writing to the office of the Departments of Planning and Zoning for placement on a Planning Commission agenda at least two (2) weeks prior to the meeting date at which the request will be presented. Any request for a text amendment shall include the proposed text in context with the adopted Zoning Ordinance text and shall include a statement as to why such proposal is consistent with the adopted Comprehensive Plan.

The Planning Commission, with the advice of staff, can determine if and when to undertake such a request in light of other work plan tasks and development review activities are currently under consideration. If the Planning Commission decides to consider the request, a Public Hearing would be required and the Planning Commission would need to determine if the request is consistent with the Comprehensive Plan in accordance with §8A-7-8(b) et seq of the West Virginia State Code, as amended. The Planning Commission would then make a recommendation regarding the potential text amendment to the County Commission who would also be required to hold a Public Hearing.

c) Text Amendments by the Planning Commission

Typically, if the Planning Commission determines that a text amendment is required to the Zoning Ordinance in accordance with tasks in the work plan, to make the ordinance more user-friendly, or in line with adopted policies, the Planning Commission will develop a draft of the proposed amendment, receive public input, conduct a Public Hearing in accordance with Section 12.2(d), and make a recommendation for action to the County Commission through a regular agenda request process. Any such amendment proposal will include the background and reasoning of the proposed amendment as well as a discussion of consistency with the adopted Comprehensive Plan.

With their recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at the County Commission's convenience to receive comment and take action on the proposed amendment.

d) Text Amendments by the Planning Commission by Petition

On rare occasions, the Planning Commission may determine it necessary to submit a text amendment by petition to the County Commission. The procedure for processing a formal text amendment petition initiated by the Planning Commission shall be as dictated in §8A-7-9 et seq of the West Virginia State Code, as amended.

Petitions for a text amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for filing on the same date. Such petitions a text amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:

1. Substantiation for the request;
2. Notation that said text amendment applies county-wide;
3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.

County Commission is required to set a public hearing on the proposed Zoning Text amendment within 60 days of the date upon which the petition is presented to the County Commission at a County Commission meeting. The petition and related agenda request form must be submitted to the County Commission office for placement on a County Commission agenda at least one (1) week prior to the meeting date or in accordance with the agenda request procedure of the County Commission.

ARTICLE 2. DEFINITIONS
Section 2.2 Terms Defined

Add the following definitions:

Zoning Ordinance, Map Amendment

An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing the zoning designation.

Zoning Ordinance, Text Amendment

An amendment to the text of the Zoning Ordinance resulting in a change in the language of the Ordinance that applies to all similar property county-wide, such as a change in principal permitted uses in a district.

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: August 18, 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: **Discussion and Scheduling of a Public Hearing for a Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010)**

See attached memo.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a Public Hearing on the Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010) on _____(date) agenda.

Attachments:
Memo and Proposed Text Amendment

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

Email: planningdepartment@jeffersoncountywv.org

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

MEMORANDUM

TO: Commission of Jefferson County
FROM: Seth Rivard, County Planner
DATE: August 11, 2011
SUBJECT: Proposed Subdivision Amendment for the Determination of a Minor or Major Site Plan

On June 28, 2011, the Planning Commission held a public hearing on the concepts in this memo and the proposed text amendment. During the public hearing suggestions were provided regarding the proposed amendments. Staff and a subcommittee of the Planning Commission reviewed suggestions generated at the public hearing and further amended the proposed amendments. On July 26, 2011, the Planning Commission voted to recommend approval of the amendments below to the County Commission.

While using the recently amended Subdivision Regulations, it became apparent to Staff that there are components of the Regulations that could use further review and potential amendments. Staff believes that the determination of a minor versus major site plan is one section of the Regulations that warrants further review and an amendment.

Currently, any site plan where new and existing building area exceeds 5,000 square feet is processed as a major site plan, which requires multiple additional steps in the process and two public hearings as compared to the minor process, which has no public hearings.

Staff is proposing an increase in the square footage that triggers the requirement for a major site plan process. In the process of reviewing projects and potential site plans, Staff has become aware of the restrictiveness of determining that all projects that are 5,000 square feet or more be classified as major site plan. One of the limits of this dividing point is that it is a one size fits all approach and does not recognize the differences between the zoning districts. Activities and structures in the Rural district are intended to be smaller in nature than those located in the Industrial-Commercial district. This proposed amendment is to increase the square footage for the determination of a major site plan, based on the zoning district in which the proposed project will be located.

There have been a number of cases in which applicants attempt to stay at or under 5,000 square feet, by either downsizing buildings to fit the requirements or by intending to return later for an addition to add the needed extra square feet. This limitation has become an issue; as an applicant is not allowed to do multiple minor site plans in order to avoid the major process. Staff's intent is to provide an increase in the square footage, yet balance the need for public input and awareness. While any number could be considered arbitrary, staff feels the proposal balances the dual goal of protecting the public interest and providing for reasonable growth and development.

Another related issue is that a significant amount of staff resources are being expended on projects that should be classified as a minor, but the square footage requires it to be processed as a major. For example, in any district that allows for commercial or industrial uses, most members of the public would realize that buildings constructed in those districts would generally well exceed 5,000 square feet. It is on those grounds that this proposed amendment is founded.

Shown below are the sections from the Subdivision and Land Development Regulations with the proposed text amendments to address the previously stated issues shown in blue.

Sec. 20.203 Minor Site Development

Minor Site Developments are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure ~~and where there is no subdivision into separate lots.~~ If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:

(1) Building(s), both new and additions to existing, where all structures located on the parcel **totaling no more than:** ~~total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

(2) Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. **Section 20.203, Sub-Sections (1) and (3) do not apply to this provision;**

(3) Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or ~~Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or~~

(4) apartment or multi-family development of nine ~~eight~~ or less dwelling units.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section.

Sec. 20.204 Major Site Development

Major site developments are those proposals that require the development of new infrastructure or the extension of off-tract infrastructure or where the proposal does not meet the definition of a minor site development ~~and where there is no subdivision into separate lots.~~ This covers the development of one or more parcels of land where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation. Re-subdivision or adjustments of lot lines are also excluded. Major site development shall adhere to full site plan requirements in all proposals.

Division 26.200 Definitions of Terms

Minor Site Plan. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the **parcel totaling no more than:** ~~total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Sections A and C of this definition do not apply to this provision;

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or

D. Apartment or multi-family development of nine ~~eight~~ or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Site Plan, Minor. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

A. Building(s), both new and additions to existing, where all structures located on the parcel totaling no more than: ~~total less than 5,000 square feet gross floor area (GFA) on any site;~~

- 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
- 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
- 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.

B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Sections A and C of this definition do not apply to this provision;

C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) are allowed a one-time expansion of no more than 10% of existing GFA in all zoning districts; or Addition(s) to existing development of less than ten percent of existing GFA or additions less than 10,000 square feet GFA, whichever is less; or

D. Apartment or multi-family development of nine ~~eight~~ or less dwelling units.

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Major Site Plan. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than: ~~5,000 square feet or more of GFA on any site;~~
 - 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
 - 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
 - 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) that have previously been granted a one-time expansion of no more than 10% of existing GFA in all zoning districts as a minor site plan as delineated in Section 20.203; or ~~development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~ Addition(s) to existing
- D. Apartment or multi-family development of ten or more dwelling units; or
- E. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Site Plan, Major. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than: ~~5,000 square feet or more of GFA on any site;~~
 - 7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.
 - 15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.
 - 30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. Existing buildings with gross floor area exceeding the maximum square footage allowed in 20.203(1) that have previously been granted a one-time expansion of no more than 10% of existing GFA in all zoning districts as a minor site plan as delineated in Section 20.203; or ~~development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~ Addition(s) to existing

D. Apartment or multi-family development of ten or more dwelling units; or

E. A heavy industrial use.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: **Jennifer Brockman**

Department or Entity: **Planning and Zoning**

Estimation of amount of time needed for appointment: **15 minutes**

Date Requested – 1st Choice: **August 18, 2011**

Date Requested – 2nd Choice: **August 25, 2011**

If a specific date is needed, please provide reason for specific date:

Subject: **Presentation, Discussion and Scheduling of a Public Hearing for a Proposed Amendment to Article 4A of the Jefferson County Zoning and Land Development Ordinance (March 2011)**

Please provide the County Commission with a description of your request or presentation, including any background information:

On March 1, 2011, the Departments of Planning and Zoning, with the support of the Jefferson County Planning Commission conducted a stakeholder meeting to receive input on potential amendments to Article 4A, Home Occupations and Cottage Industries, of the Zoning and Land Development Ordinance on March 1, 2011. Potential amendments were made based on the input received on that date and presented to and reviewed by the Planning Commission on May 24, 2011. The Planning Commission then conducted a Public Hearing on the draft ordinance amendments on June 28, 2011. Subsequently the Planning Commission conducted a meeting to review comments received at the public hearing on July 26, 2011, and at this meeting also voted to recommend the attached amendments to the County Commission.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a Public Hearing on the Proposed Amendment to Article 4A of the Jefferson County Zoning and Land Development Ordinance (March 2011) on the _____(date) agenda.

Attachments:

Proposed Text Amendment

ARTICLE 4A. HOME OCCUPATIONS AND COTTAGE INDUSTRIES

DRAFT amendments for public review

Blue = new text

Green = text moved from elsewhere

Red = deleted text

Purple = text moved to elsewhere

Section 4A.1 Home Occupation and Cottage Industry. General Standards

- a. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.
- b. ~~A Home Occupation or Cottage Industry shall be~~ is clearly incidental and subordinate to the use of the dwelling unit as a residence.
- c. ~~There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation~~ the Home Occupation or Cottage Industry, other than as provided in this Article.;
- d. ~~No equipment or process shall be used in such a home occupation~~ Home Occupation or Cottage Industry which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, outside the dwelling unit at any lot line.
- e. The following land uses cannot be established as a Home Occupations or Cottage Industry:
 - (1) ~~do not include: b~~ Boarding or rooming homes
 - (2) ~~or b~~ Bed and breakfast establishments
 - (3) ~~or a~~ Adult uses.
 - (4) ~~No~~ Any business which includes involves the storage of weapons such as firearms (other than the residents' hunting, protection and leisure weapons) shall be permitted. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]
- f. ~~Any need for parking generated by the conducted use of such home business~~ Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- g. No outdoor storage of any kind, visible from a property line or a public or private right-of-way or vehicular access easement, is permitted.

Section 4A.2 Exempt Activities

The following land uses do not constitute a Home Occupation or Cottage Industry, and do not require a Zoning Certificate:

- (1) Telecommuting
- (2) A computer-based occupation involving one full-time resident and no other on-site employees, provided that the occupation generates no additional vehicular trips, no customer visits, no additional shipping or mailing that exceeds a normal residential volume, and would not be otherwise prohibited by this Article. This category includes internet-based sales activities that do not require the presence of inventory at the property, such as drop-shipping.
- (3) The participation of an individual location in an event conducted annually or twice yearly with multiple locations, such as a home and garden tour or an art studio tour

Section 4A.4.3 Home Occupation, Level 1

An occupation conducted in a dwelling unit for gain provided that:

- a. No person other than members of the family residing on the premises shall be engaged in such occupation. Said members must be full time residents of the premises.
- b. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) ~~25%~~ of the floor area of the dwelling unit.
- c. ~~There shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation.~~
- d. There shall be no sales, other than items handcrafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- e. Traffic generated by such home occupation must not exceed two (2) business related vehicle visits per day and no more than ten (10) visits per week at the premises. ~~Any need for parking generated by the conduct of such home occupation shall be met off street and other than in a required front yard.~~
- f. ~~It is clearly incidental and subordinate to the use of the dwelling unit as a residence.~~
- g. ~~No equipment or process shall be used in such a home occupation which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, outside the dwelling unit.~~

Comment [SB1]: Moved to "General Standards" section.

Comment [SB2]: Moved to "General Standards" section.

Comment [SB3]: Moved to "General Standards" section.

Comment [SB4]: Moved to "General Standards" section.

- h. ~~No business which includes the storage of weapons such as firearms (other than the residents hunting, protection and leisure weapons) shall be permitted. Home occupations do not include: boarding or rooming homes or bed and breakfast establishments or adult uses. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]~~

Comment [SB5]: Moved to "General Standards" section.

Section 4A.24 Home Occupation. Level 2

An occupation conducted in a dwelling unit for gain, provided that:

- a. The occupation must be conducted by a full-time resident of the property. Up to two (2) nonresident employees also may be permitted to work on the premises.
- b. The use shall be conducted wholly within the dwelling unit and shall not exceed one third (1/3) of floor area of the dwelling unit.
- c. ~~The use shall be no change in the outside appearance of the building or premises, or other visible evidence of the conduct of such home occupation other than one~~ sign, not exceeding ~~one two~~ (2) square ~~foot-feet~~ in area, non-illuminated, ~~is permitted.~~
- d. There shall be no sales, other than items crafted on the premises, in connection with such home occupation. Incidental sales of class-related material to students who receive instruction on the premises shall be permitted.
- e. No more than ~~three-five~~ (35) business-related vehicle visits per day ~~and not~~ more than fifteen (15) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted. ~~Any need for parking generated by the conducted use of such home business shall be met off street and other than in a required front yard.~~
- f. ~~It is clearly incidental and subordinate to the use of the dwelling unit as a residence.~~
- g. ~~No equipment or process shall be used in such a home business which creates offensive manifestations by sight, sound or smell detectable to the normal senses, or electrical interference or vibrations perceptible, outside the dwelling unit.~~
- h. ~~No business which includes the storage of weapons such as firearms (other than the residents hunting, protection and leisure weapons) shall be permitted. Home businesses do not include: boarding or rooming homes or bed and breakfast establishments or adult uses. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]~~
- i.h. For a Home Occupation located in an Is not permitted in existing residential subdivisions established after since July 17, 1979, the minimum lot size is 20,000 square feet.

Comment [SB6]: Moved to "General Standards" section.

Comment [SB7]: Moved to "General Standards" section.

Comment [SB8]: Moved to "General Standards" section.

Comment [SB9]: Moved to "General Standards" section.

Comment [SB10]: Moved to "General Standards" section.

Section 4A.35 Cottage Industry

An occupation conducted at a residential premises for gain, provided that:

(a) The occupation must be owned and operated by a full-time resident of the property. Up to four (4) nonresident employees may be permitted to work on the premises.

(b) The use shall may be conducted at least in part within the dwelling unit. Said use area within the dwelling unit shall not exceed ~~one third (1/3)~~ one half (1/2) of the floor area of the dwelling unit. ~~In addition all cottage industry.~~ Two subordinate structures shall be permitted in accordance with the requirements of this Article, not exceeding two stories and shall not have a footprint greater than 1000 square feet.

(c) There shall be no change in the outside appearance of the residential structure. One sign, not exceeding four (4) square feet in area, non-illuminated may be permitted.

~~(e)~~(d) Sales on the premises shall be permitted with the limitation that no less than seventy-five (75) percent of the items for sale shall be products produced on the premises and that items not produced on premises shall be items similar or related to the items produced on the premises.

~~(d)~~(e) No more than ~~twelve-fifteen (12|15)~~ business-related vehicle visits per day and not more than sixty (60) visits per week at the premises, including delivery vehicles, but excluding employee commuting, shall be permitted. ~~Any need for parking generated by the conduct of such cottage industry shall be met off street and other than within the required front yard setback.~~

Comment [SB11]: Moved to "General Standards" section.

~~(e)~~(f) No evidence in the appearance of the property or other visible manifestation of the conduct of cottage industry activity shall be visible from the public way, other than a non-illuminated sign.

Comment [SB12]: Moved to "General Standards" section.

~~(f)~~(g) No equipment or process shall be used in such a cottage industry establishment which creates offensive manifestations by sight, sound or smell detectable to the normal senses at any property line, or which creates electrical interference or vibrations perceptible, at any lot line.

Comment [SB13]: Moved to "General Standards" section.

~~(g)~~(h) No business which includes the storage of weapons such as firearms (other than the residents hunting, protection and leisure weapons) shall be permitted. Home businesses do not include: boarding or rooming homes or bed and breakfast establishments or adult uses.

Comment [SB14]: Moved to "General Standards" section.

~~{AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999}~~

(i) Submittal of a sketch plan is required for all Cottage Industry applications. The plan need not be prepared by a licensed engineer or surveyor. Use of a sketch plan does not preclude compliance with applicable County, State, and Federal regulations. The plan submittal shall include the following elements:

- (1) Accurate locations and dimensions of all existing and proposed:
 - a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)
 - b. Septic areas
 - c. Access points to roads, driveways, and easements
 - d. Property boundaries
- (2) Most recent deed for the property

(j) Additionally, ~~Site~~ plans pursuant to ~~Article 4 of the Improvement Location Permit Ordinance~~ the Subdivision and Land Development Regulations are required ~~for~~ if the combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in (1) – (4) below, to be used as a Cottage Industry, exceeds 1,500 square feet but is less than 3,000 square feet:

- (1) ~~new~~ New accessory structures, or
- (2) An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;
- (3) Existing accessory structures that are to be converted to be ~~used~~ used as a part of the Cottage Industry, if constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry; ~~unless otherwise permitted by the Planning Commission.~~
- (4) ~~(4)~~ An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.

(k) The maximum combined gross floor area of a new building, an addition, and/or an existing accessory structure as described in subsection (j)(1) – (4), to be used as a Cottage Industry, is 3,000 square feet. For any additional building area exceeding 3,000 square feet, the development and property shall meet all requirements of the Subdivision and Land Development Regulations and the Zoning and Land Development Ordinance.

(l) Setbacks shall be as provided below for an accessory structure used for a Cottage Industry:

- (1) For an accessory structure lawfully constructed during the five years prior to application for a Zoning Certificate for a Cottage Industry, setbacks are 25 feet from all lot lines.
- (2) ~~(2)~~ For an accessory structure ~~all round the structure~~ lawfully constructed more than five years prior to application for a Zoning Certificate for a Cottage Industry, the applicable zoning district setbacks for an accessory structure apply.

(m) ~~Permitted anywhere except~~ For a Cottage Industry located in the

Residential Growth District ~~and or an~~ existing residential subdivision, the minimum lot size is 2 acres. s.

(n) If a proposed Cottage Industry would utilize a private, shared right-of-way, driveway or easement for vehicular access, a Compatibility Assessment Meeting is required. The meeting shall be conducted as described in Sections 7.6A and 7.6C of this Ordinance, with the following exceptions:

- (1) The purpose of the meeting is for the applicant to inform adjacent owners of the proposed Cottage Industry and to describe any associated traffic impacts.
- (2) Owners of all properties with vehicular access to the right-of-way or easement shall be notified of the date, time, and place of the meeting by registered mail. Letters shall be mailed 14 days prior to the scheduled date of the meeting. Staff shall approve the letter as adequate prior to mailing, and the applicant must provide proof of mailing.
- (3) During the Compatibility Assessment Meeting, attendees should limit their comments to the adequacy of the private, shared right-of-way, driveway or easement, to accommodate traffic generated by the proposed Cottage Industry.
- (4) No Board of Zoning Appeals approval of the application is required.

4A.46 Private Covenants Running with the Land

Jefferson County shall not enforce or become involved in the enforcement of deed restrictions, covenants, easements, or any other private agreement, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All such restrictions shall be enforced by the parties to the restriction. It is the responsibility of an applicant for a proposed Cottage Industry or Home Occupation to
~~Although not regulated by the County, it is recommended that prior to the operation of a Home Occupation and/or Cottage Industry applicants research restrictive covenants~~
any private agreements relating to~~for their~~the subject property, contact the Homeowners' Association, land or seek the advice of a surveyor, engineer or attorney.

[PREVIOUSLY INVALIDATED APRIL 8, 2005 AMENDMENTS REINSTATED BY COURT ORDER ON DECEMBER 3, 2009]

Section 2.2 [Definitions]

<p><u>Boarding or Rooming House</u></p>	<p>A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.</p>
<p>Cottage Industry</p>	<p>An occupation <u>conducted</u> at a residential premises, as described in anywhere except the Residential Growth District and existing residential subdivisions; with a limited number of employees, accessory structures and with specific setbacks. See Article 4A for standards of this Ordinance.</p>
<p>Home Occupation, Level 1</p>	<p>An occupation conducted in a residential premises, as described in in any district, but only by family members, wholly within the dwelling unit, with no visible evidence of its conduct. See Article 4A for standards of this Ordinance.</p>
<p>Home Occupation, Level 2</p>	<p>An occupation conducted in a residential premises, as described in in any district, but not in subdivisions established since 1979, and with some nonresident employees, but wholly within the dwelling unit and with no visible evidence of its conduct except a small sign. See aArticle 4A for standards of this Ordinance.</p>

Section 10.3 Permitted Signs Without Zoning Permit

A sign indicating the name and/or premises or accessory use of a home for a home occupation or professional purpose, not exceeding ~~one square foot in area~~ the maximum size for such a sign as permitted in Article 4A of this ordinance.

Amendment to the Subdivision and Land Development Regulations:

Sec. 20.203 Minor Site Development

B. Limited Site Plan Required. A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

1. An addition to an existing structure, or, ancillary to an existing use; and
2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.
3. ~~If the principle use is residential and~~ For a home occupation or cottage industry is proposed, the limited site plan standards shall be adhered to are applicable if a site plan is required pursuant to the Zoning Ordinance.

<p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p>
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AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1st Choice: August 18, 2011

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: **Discussion and Scheduling of a Public Hearing for a Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010)**

See attached memo.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

I move to schedule a Public Hearing on the Proposed Amendment to the 2008 Subdivision and Land Development Regulations (as amended 2010) on _____ (date) agenda.

Attachments:
Memo and Proposed Text Amendment

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

Email: planningdepartment@jeffersoncountywv.org

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

MEMORANDUM

TO: Commission of Jefferson County
FROM: Seth Rivard, County Planner
DATE: August 11, 2011
SUBJECT: Proposed Subdivision Amendment - Combining the Concept Plan Submission and Completeness Review Processes

The following proposed amendments to the Subdivision and Land Development Regulations attached have been reviewed by the Planning Commission. On July 12, 2011, the Planning Commission held a public hearing on the proposed amendments and recommended that the County Commission approve the outlined amendments.

As the Department processes major site plans and major subdivisions, it has become apparent that there is the opportunity to reduce redundancies and provide for a more efficient review. There are multiple phases in processing a major site plan or major subdivision. The first phase is the submission of an application and the second phase is a completeness review of the application. Those two processes are similar. In the submission phase the application is reviewed for sufficiency. This review shall take no more than 10 days. If it is found insufficient, it is returned to the applicant to make corrections. Once the application is submitted again, the review can take up to 10 days for a second time. Then, once the application is found sufficient, it is then processed for the completeness review of the contents. The completeness review is the second phase of the process. The bulk of activity occurring during the completeness review is the contacting of outside agencies for their input on the proposed project. This process can take up to 45 days. Between the submission and completeness review of the application, there is a 55 day process if everything is submitted without errors.

As noted above, there are some redundant steps that occur in the submission and completeness review processes that could be combined into one process. This would bring processes that are very similar in nature together for a cleaner and more efficient review. The new process would be listed as "Submission and Completeness Review." Staff believes that the 10 days of Submission Review could occur within the 45 days of the Completeness Review. This concurrent review would allow staff to place a tentative Planning Commission meeting date on the calendar, therefore, allowing Staff and the applicant to work toward meeting that scheduled day. This process would allow the applicant to have errors on a submission and still resubmit it within the 45 day period. This would prevent the stopping of the time clock and potentially affecting the meeting date which the applicant is trying to retain. If the application is deficient of the requirements more than a few times, it is likely that the tentatively scheduled meeting date will not be met and the application will be placed on the next Planning Commission meeting.

While the proposed amendment appears to only be saving the applicant 10 days, the actual time saved is more than 10 days when the back and forth review of the submission is taken into account between Staff

and applicant. The 10 days could actually be 20-30 days depending upon applicant's turnaround time of the application. This new process would allow for multiple turnaround times to run concurrent with the 45 day process. As a note, all information for the tentatively scheduled Planning Commission meeting shall be submitted at least 14 days prior to the Planning Commission meeting date.

In general, many of the proposed amendments are a rearrangement of requirements within the affected sections. In fact, there are very minimal changes proposed. An additional change within this section of the document is the public notification dates. Within this section, there was a conflict with state law regarding public notification dates and inconsistencies within the Subdivision Regulations as it relates to noticing requirements. In order to conform with state law and unify the document for both the public and staffs convenience, the public notification dates have been amended. The state law requires a 21 day notice, while the Subdivision Regulations only required a 14 day notice. Therefore, the 14 day notice has been changed to meet the 21 day notice required by state law.

Color code in attachment:

Red – is utilized to denote new text

Blue – is utilized to identify existing text that has been moved from other locations within the Subdivision Regulations

Green – is utilized to identify existing text that is proposed to be deleted from the Subdivision Regulations

Major Subdivision Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Pre-Proposal Conference (Optional)		
Step 1 Section 24.103A	Submission	
Step 2 Sections 24.103B, C & D	Conference	Staff Conference within 15 days from submission
Step 3 Section 24.103E	Memorandum	Staff Memo within 10 days
Concept Plan		
Step 1 Section 24.106	Submission & Completeness Review	Staff
Step 2 Section 24.107	Public Workshop	Planning Commission
Step 3 Section 24.108	Concept Plan Direction	Planning Commission

(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)

Major Subdivision Approval Process

<u>Step Taken</u>	<u>Action taken</u>	<u>Acting Authority</u>
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Preliminary Plat Application

<p><u>Step 1</u> <u>Section 24.109</u></p>	<div style="border: 1px solid black; padding: 10px; background-color: #f4e1d9;"> <p style="color: red; font-weight: bold;">Submission & Completeness Review</p> </div>	<p><u>Staff</u></p>
<p><u>Step 2</u> <u>Section 24.110</u></p>	<div style="border: 1px solid black; padding: 5px; background-color: #f4e1d9;"> <p style="font-weight: bold;">Public Hearing</p> </div>	<p><u>Planning Commission</u></p>
<p><u>Step 3</u> <u>Section 24.111</u></p>	<div style="border: 1px solid black; padding: 5px; background-color: #f4e1d9;"> <p style="font-weight: bold;">Preliminary Plat Approval</p> </div>	<p><u>Planning Commission</u></p>

Final Plat Application

<p><u>Step 1</u> <u>Section 24.112</u></p>	<div style="border: 1px solid black; padding: 10px; background-color: #f4e1d9;"> <p style="color: red; font-weight: bold;">Submission & Completeness Review</p> </div>	<p><u>Staff</u></p>
<p><u>Step 2</u> <u>Section 24.113</u></p>	<div style="border: 1px solid black; padding: 5px; background-color: #f4e1d9;"> <p style="font-weight: bold;">Public Hearing</p> </div>	<p><u>Planning Commission</u></p>
<p><u>Step 3</u> <u>Section 24.114</u></p>	<div style="border: 1px solid black; padding: 5px; background-color: #f4e1d9;"> <p style="font-weight: bold;">Final Plat Approval</p> </div>	<p><u>Planning Commission</u></p>
<p><u>Step 4</u> <u>Section 24.115</u></p>	<div style="border: 1px solid black; padding: 5px; background-color: #f4e1d9;"> <p style="font-weight: bold;">Recordation</p> </div>	<p><u>Staff</u></p>

Sec. 24.106 Major Subdivision Concept Plan – Submission and Completeness Review

The submission of a concept plan is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 - 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
 - 3. **Zoning Information.** This shall include:
 - a. Determination of the zoning district in which the proposed subdivision or development project is situated.
 - b. Density calculations.
 - c. Site resource map.
 - 4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
 - 5. **Traffic Impact Data.** This shall include:
 - a. Average Daily Trip figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

<u>USE</u>	<u>PEAK HOUR</u>	<u>AVERAGE DAILY</u>
<u>Single family</u>	<u>0.8</u>	<u>8.0 per d.u.</u>
<u>Detached</u>	<u>0.7</u>	<u>6.0 per d.u.</u>
<u>Townhouse</u>	<u>0.6</u>	<u>7.0 per d.u.</u>
<u>Mobile Home</u>	<u>0.6</u>	<u>5.0 per d.u.</u>

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.
6. **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department ~~fourteen~~ (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies ~~no later than 7 days after review~~. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning ~~upon~~ within 7 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
 7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property.
 8. ~~6.~~ **Other Data.** Any other data or information the applicant believes will assist in the review.
 9. ~~7.~~ **Other Reviews.** Any other staff or agency reviews of the plans.

~~C. **Submission Review.** The Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed above. If the application is sufficient, the applicant will be contacted to forward application materials to all reviewing agencies. If the submission is insufficient, it shall be returned to the developer along with the fee.~~

~~D. **Effect.** A sufficient concept plan shall mean that the submission has formally been received. A public workshop shall be scheduled at the first meeting after the 45-day completeness review period.~~

~~Sec. 24.107 Major Subdivision Concept Plan – Completeness Review~~

~~Once the concept plan has been found sufficient, the applicant shall distribute the concept plan material to all reviewing agencies within seven days. Staff shall have 45 days to conclude a completeness review. After staff concludes the completeness review, the concept plan shall be placed on the next regularly scheduled Planning Commission agenda to hold a public workshop.~~

~~A. **Department and Agency Reviews.** The Department and appropriate reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department ~~fourteen~~ (14) days prior to the scheduled public workshop.~~

~~C. **Review Content.** The Department and agency reviews shall address the areas indicated in ~~ED~~ through ~~FG~~ below and any other areas of concern to the agencies.~~

~~D. **Department.** The Department review shall include the following:~~

- ~~a. **+** Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat~~n~~ submittal.~~

- b. ~~2.~~ Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. ~~D. WVDOH.~~ When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat~~n~~ review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. ~~E. Traffic Impact.~~ The review shall indicate whether ~~the~~ a traffic impact study ~~will be required based on analysis required in 24.106.B.5.e. follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact.~~
- G. ~~F. Public Services.~~ The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. ~~G. Recommended Conditions.~~ All reviews shall contain recommended conditions for moving forward to a preliminary plat~~n~~ or reasons why the plat~~n~~ should be denied.
- I. ~~H. Approval.~~ Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.
- J. ~~I. Effect.~~ ~~At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop.~~ Staff shall advertise the public workshop in the local newspaper one time at least ~~fourteen (14)~~twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. ~~‡~~The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.1087 Major Subdivision Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- A. **Plan Presentation.** The developer shall make a short presentation of the plan.
- B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.
- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the preliminary plat and report such transportation or engineering matters.

Sec. 24.1098 Major Subdivision Concept Plan - Direction

After the close of the public workshop or at any public meeting within 14 days thereafter, the Planning Commission ~~shall, during their regular meeting or at a specific public meeting within 14 days, provide~~shall

provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plan subject to conditions to be addressed in the preliminary plat application. The purpose of this review is to guide the developer so that when the preliminary plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.110). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.1109 Major Subdivision Preliminary Plat – Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
 - 3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.

4. **Preliminary Engineering Plans.** A preliminary engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A preliminary landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** Where applicable, Aanalysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOH regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.
13. **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.
14. **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.
15. **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.

~~C. **Application Submission Review.** The Department shall have ten (10) days to review the submission (1-14 above) and determine whether it is sufficient for Planning Commission review. If it is sufficient, the material shall be sent to all reviewing agencies by the applicant within seven (7) days. If the submission is insufficient, the applicant shall be notified regarding materials required to render it sufficient, and the application shall not be considered a complete submission for review until such time as the additional materials are provided.~~

~~D. **Effect.** A sufficient submission means that the application has formally been received and the time schedules for preliminary review begin.~~

Sec. 24.111 Major Subdivision Preliminary Plat – Completeness Review

Once the preliminary plat has been found sufficient, the applicant shall distribute the preliminary plat material to all reviewing agencies within seven days. Staff shall have 45 days to conclude a completeness review unless the applicant chooses to waive the 45 day period. Upon completion, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- ~~A. Department and Agency Reviews.~~ The Department and appropriate reviewing agencies shall conduct reviews of the preliminary plat. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public hearing.
- ~~C. Review Content.~~ The Department and agency reviews shall address the areas indicated in paragraphs ~~E~~D to ~~F~~F below and any other areas of concern to the agencies.
- ~~D. Department of Planning.~~ The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform with Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether ~~modifications in layout would improve the plan~~ **the concept plan was fulfilled.**
- ~~E. WVDOH.~~ When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by-pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.
- ~~F. Public Services.~~ The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- ~~G. Recommended Conditions.~~ All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- ~~H. Approval.~~ If the preliminary plat is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.
- ~~I. Effect.~~ **After staff concludes the completeness review,** staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. ~~At the meeting where the application~~ **If the application is found complete,** the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.1120 , *Major Subdivision Preliminary Plat - Public Hearing*. ~~If Upon determining~~ the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.1120 Major Subdivision Preliminary Plat - Public Hearing

Within 45 days of accepting an application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed preliminary subdivision plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing. The scope of this public hearing shall be limited to whether the application meets the requirements of these Regulations and the Zoning Ordinance.

Sec. 24.1131 Major Subdivision Preliminary Plat - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning Commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up for 45 days for additional information. If the application is to be held for the additional time, a date certain for re-opening the public hearing must be set by the Planning Commission simultaneously with the vote to hold. Additional legal advertisement is not required.

A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. ~~If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.~~ In making the decision, the following rules apply:

1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
3. **Roads.** The Planning Commission shall have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.
4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the Jefferson County Public Service District (JCPSD), and/or the City of Charles Town or private utilities, depending on the service area within which they are proposed. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.

5. **On-Site Water Supplies and Sanitary Waste Disposal.** The Jefferson County Health Department shall make a determination regarding the feasibility of on-site wells and septic tanks (or other means of on-site disposal), where applicable.
6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.

- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

Sec. 24.1142 Major Subdivision Final Plat – Application – Submission and Completeness Review

The submission of a final plat application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, the final plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.

2. **Density Calculation and Site Resource Map.** This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOH approvals shall be secured prior to final approval.
7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its location on the site shall be indicated.
9. **Special Engineering.** If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
12. **Other Agencies.** Required agency sign offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, ~~Jefferson County Landmarks District Commission~~ and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or ~~and~~ others when determined appropriate by County staff.
13. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

C. **Endorsements on Final Plats.** The following certificates shall be placed on all final plats:

1. **Surveyor.** Certificate of accuracy and mapping by professional licensed surveyor signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, and corporations, and lenders with financial security interests.

~~**D. Submission Review.** The planning department shall have ten (10) days to review the submission and determine whether it is sufficient. If it is sufficient, the applicant shall send the material to all reviewing agencies within seven (7) days. If the submission is insufficient, the applicant shall be notified regarding materials required to render it sufficient, and the application shall not be considered a complete submission for review until such time as the additional materials are provided.~~

D. **Additional Information.** The Department shall:

1. Review and approve all matters under its jurisdiction.
2. Issue a zoning compliance letter.
3. Certify that all proffers have been satisfied.

E. **Approval.** If the final plat is **found by the Planning Commission to be** incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

F. ~~**E. Effect.** A sufficient submission means that the application has formally been received and the time schedules for final review begin. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.116. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial. Upon completion, After staff concludes the completeness review, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found~~ **If the application is found complete,** the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.116~~3~~, *Major Subdivision Final Plat - Public Hearing*. ~~If Upon determining~~ the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

~~**Sec. 24.115 Major Subdivision Final Plat - Completeness Review**~~

~~Once the final plat has been found sufficient, the applicant shall distribute the final plat material to all reviewing agencies within seven days. Staff shall have 45 days to conclude a completeness review. Upon completion, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. The Department shall:~~

- ~~1. Review and approve all matters under its jurisdiction.~~
- ~~2. Issue a zoning compliance letter.~~
- ~~3. Receive an approval letter from WVDOH, Jefferson County Public Service District, Jefferson County Historic Landmarks Commission, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards.~~
- ~~4. Certify that all proffers have been satisfied. —~~

A. **Approval.** If the final plat is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

~~B. **Effect.** At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.116. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.~~

Sec. 24.1163 Major Subdivision Final Plat - Public Hearing

Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed final plat. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.

- A. **Subjects Covered.** The scope of this public hearing shall be limited to whether the final plat application meets the requirements of these Regulations and the Zoning Ordinance.
- B. **Hearing Procedure.** The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.

Sec. 24.1174 Major Subdivision Final Plat - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.115(3), the Planning Commission shall approve the subdivision application. ~~If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.~~
- B. **Denial.** Denial can only be done on the following basis:
 - 1. The plat~~n~~ (plan, plat, final engineering, or final landscaping) is inconsistent with the approved preliminary plat~~n~~ or conditions of said approval.
 - 2. Failure to provide surety.
- C. **Plat Signing.** The Planning Commission President shall authorize the signing of the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

Sec. 24.1185 Major Subdivision Final Plat - Recording

The applicant shall have 180 days after approval to file and record the final plat for lots to be recorded, together with any deed restrictions as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not recorded within the 180 day period. The following documents shall be submitted to the Department of Planning:

- A. One (1) mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
- B. Three (3) paper copies of the Final Plat;
- C. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS Office-requirements; and
- D. One (1) digital and one (1) paper copy of any deed restrictions/covenants in a form suitable to the Department.

Major Site Plan Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Pre-Proposal Conference (Optional)		
<u>Step 1</u> Section 24.102A	Submission	
<u>Step 2</u> Sections 24.102B, C & D	Conference	<u>Staff Conference within 15 days from submission</u>
<u>Step 3</u> Section 24.103E	Memorandum	<u>Staff Memo within 5 days</u>
Concept Plan		
<u>Step 1</u> Section 24.116	Submission and Completeness Review	<u>Staff</u>
<u>Step 2</u> Section 24.117	Public Workshop	<u>Planning Commission</u>
<u>Step 3</u> Section 24.118	Concept Plan Direction	<u>Planning Commission</u>

(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)

Major Site Plan Approval Process

Step Taken	Action taken	Acting Authority
Site Plan Application		
Step 1 Section 24.119	Submission & Completeness Review	Staff
Step 2 Section 24.120	Public Hearing	Planning Commission
Step 3 Section 24.121	Site Plan Approval	Planning Commission

Sec. 24.1196 Major Site Plan Concept Plan – Submission and Completeness Review

The submission of a concept plan is a required step for major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*. Show or note if all features are addressed.
 3. **Zoning Information.** This shall include:

- a. Determination of the zoning district in which the proposed site plan project is situated.
 - b. Density calculations.
 - c. Site resource map. [\(See definition\)](#)
 - d. Use designations for all adjoining and confronting parcels.
4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.
5. **Traffic Impact Data.** This shall include:
- a. ADT figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.
Light Industrial	1.2	5.5 per 1000 s.f.
Industrial Park	0.99	7.0 per 1000 s.f.
Warehousing	1.63	4.9 per 1000 s.f.
Mini-warehousing	0.29	2.8 per 1000 s.f.
Office	2.82	17.7 per 1000 s.f.
Small Shopping Center	15.51	118.0 per 1000 s.f.
Convenience Market	54.80	625/1000 leasable s.f.

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
- d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
- e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.

6. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.
 7. **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department **fourteen (14)** days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies **no later than 7 days after the review.** **Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning upon with 7 days of submission of Concept Plan.** If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
 8. ~~7.~~ **Other Data.** Any other data or information the applicant believes will assist in the review.
 9. ~~8.~~ **Other Reviews.** Any other staff or agency reviews of the plans.
 10. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property.
- C. Review Content.** The Department and agency reviews shall address the areas indicated in ~~E~~D through ~~F~~G below and any other areas of concern to the agencies.
- D. Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.
 2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. WVDOH.** WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. Traffic Impact.** The review shall indicate whether ~~the~~ **a traffic impact study will be required based on analysis required in 24.116.B.5.e.** ~~follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact.~~
- G. Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.

- H. Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.
- J. Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Upon accepting the application as complete, Planning staff shall place it on the next Planning Commission meeting agenda as a public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the ~~and the~~ meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.
- ~~**C. Submission Review.** The Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed above. If the application is sufficient, the applicant will be contacted to forward application materials to all reviewing agencies. If the submission is insufficient, it shall be returned to the developer along with the fee.~~
- ~~**D. Effect.** A sufficient concept plan submission shall mean that the application has formally been received.~~

Sec. 24.120 Major Site Plan Concept Plan – Completeness Review

Once the concept plan has been found sufficient, the applicant shall distribute the concept plan material to all reviewing agencies within seven days. Staff shall have 45 days to conclude a completeness review. Upon completion, staff shall place the concept plan on the next regularly scheduled Planning Commission meeting agenda to hold a public workshop.

- ~~**A. Department and Agency Reviews.** The Department and reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department 14 days prior to the scheduled public workshop.~~
- ~~**B. Review Content.** The Department and agency reviews shall address the areas indicated in C through F below and any other areas of concern to the agencies.~~
- ~~**C. Department.** The Department review shall include the following:~~
- ~~1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.~~
 - ~~2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.~~
- ~~**D. WVDOT.** WVDOT shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOT determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road~~

configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.

- ~~E. **Traffic Impact.** The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact.~~
- ~~F. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.~~
- ~~G. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.~~
- ~~H. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.~~
- ~~I. **Effect.** Upon accepting the application as complete, Planning staff shall place it on the next Planning Commission meeting agenda as a public workshop. Staff shall advertise the public workshop one time and the meeting applicant shall post notice on the property~~

Sec. 24.12117 Major Site Plan Concept Plan - Public Workshop

At the scheduled Planning Commission meeting, the Planning Commission shall hold a public workshop to take public comments, concerns, and inputs on the proposed concept plan. This workshop is intended to provide the developer and the Planning Commission with said public input.

- ~~A. **D. Plan Presentation.** The developer shall make a short presentation of the plan.~~
- ~~B. **E. Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.~~
- ~~C. **F. Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the site plan and report such transportation or engineering matters.~~

Sec. 24.12218 Major Site Plan Concept Plan - Direction

After the close of the public workshop, the Planning Commission shall, during their regular meeting or at a specific public meeting within 14 days, provide direction on the concept plan. If the Planning Commission decides to postpone action for 14 days, the workshop shall be closed for public comment; however the applicant or designated representative will be permitted to interact with the Planning Commission at that meeting to answer questions raised during the public comment at the workshop.

- A. Direction.** The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers

to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.

- C. **Effect.** The direction is to the developer to proceed to prepare a site plan (Section 24.123, *Major Site Plan Application – Submission*) The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.123~~19~~ Major Site Plan Application – Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
 7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.

8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its location on the site shall be indicated.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*
12. **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, ~~Jefferson County Landmarks District Commission and~~ other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or ~~and~~ others when determined appropriate by County staff.
13. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.
14. **Additional Information.** The Department shall:
 1. Review and approve all matters under its jurisdiction.
 2. Issue a zoning compliance letter.
 3. Certify that all proffers have been satisfied.

C. Signature Blocks on Site Plans. The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff .** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

~~D. **Submission Review.** The planning department shall have ten (10) days to review the submission and determine whether it is sufficient. If it is sufficient, the applicant shall send the material to all reviewing agencies within seven (7) days. If the submission is insufficient, the applicant shall be notified regarding materials required to render it sufficient, and the application shall not be considered a complete submission for review until such time as the additional materials are provided.~~

~~E. **Effect.** A sufficient submission means that the application has formally been received and the time schedules for review begin.~~

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. Effect. Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.125-123. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.124 Major Site Plan Application – Completeness Review

~~Once the site plan has been found sufficient, the applicant shall distribute the site plan material to all reviewing agencies within seven days. Staff shall have 45 days to conclude a completeness review. Upon completion, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. The Department shall:~~

- ~~1. Review and approve all matters under its jurisdiction.~~
- ~~2. Issue a zoning compliance letter.~~
- ~~3. Receive a sign-off from WVDOH, Jefferson County Public Service District, Jefferson County Historic Landmarks Commission, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards.~~
- ~~4. Certify that all proffers have been satisfied.~~

~~A. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.~~

~~B. **Effect.** Upon completion, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule a public hearing within 45 days and in accordance with Section 24.125. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.~~

Sec. 24.12520 Major Site Plan Application - Public Hearing

Within 45 days of accepting the application as complete, the Planning Commission shall conduct a public hearing to receive public comments, concerns, and inputs on the proposed site plan. The public notice of the public hearing shall be advertised in a local newspaper of general circulation in the area at least twenty-one (21) days prior to the public hearing. The applicant shall post notice on the site at least fourteen (14) days prior to the public hearing.

- A. **Subjects Covered.** The scope of this public hearing shall be limited to whether the site plan application meets the requirements of these Regulations and the Zoning Ordinance.
- B. **Hearing Procedure.** The hearing shall be conducted in accordance with the Bylaws of the Jefferson County Planning Commission.

Sec. 24.12621 Major Site Plan Application - Approval

After the close of the public hearing or at any meeting within 14 days thereafter, the Planning commission shall (1) approve the application, (2) approve the application with conditions, (3) deny the application, or (4) hold the application for up to 45 days for additional information.

- A. **Approval.** If the site plan application is consistent with the concept plan application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.123(B)(12), *Other Agencies*, the Planning Commission shall approve

the site-plan application. ~~If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.~~

- B. **Denial.** Denial can only be done on the following basis:
1. The plan (plan, final engineering, or final landscaping) is inconsistent with the approved concept plan or conditions of said approval.
 2. Failure to provide surety.
- C. **Site Plan Signing.** The Planning Commission President shall authorize the signing of the plan.
- D. **Effect and Vesting.** The approval and signing of the site plan allows the applicant to provide surety, if necessary, and begin construction.

Division 24.200 Amendments

Sec. 24.201 Amendment and Modification of Site Plans

- A. **General.** Site plans shall be amended or modified in the same manner as they were originally approved.
- B. **Substantial Compliance With Previous Approval.** The Zoning Administrator shall approve an application to modify a site plan where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the approved site plan, as demonstrated by all of the following:
1. Development density and intensity have not materially changed, in that:
 - a. the number of buildings is not increased by more than 5 percent;
 - b. the number of stories is the same or fewer;
 - c. the height of the building(s) is the same or less;
 - d. the number of units is the same or fewer;
 - e. the lot coverage and floor area ratios are the same or less;
 - f. the number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 5 percent, based on the entire plan, provided the plan complies with all other requirements of these Regulations and the Zoning Ordinance; and
 - g. density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
 2. Design has not materially changed, in that:
 - a. the roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
 - b. the parking area is in the same general location and configuration;
 - c. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, attached single family development, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either

- i. the underlying zoning district regulations, or
 - ii. any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
 - d. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - e. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - f. elevations and renderings of buildings, if originally provided, have substantially similar architectural expressions as those shown on the approved plans;
 - g. recreational facilities, if shown on approved plans, either remain the same or are converted from one recreational use to another;
 - h. if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
 - i. if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as originally approved. An entrance sign location may be moved the same proportional distance as a relocated entrance drive;
 - j. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;
3. Additional outparcels may be added where:
- a. there is no increase in the project's total floor area ratio or lot coverage;
 - b. there is no reduction in the total amount of landscaped open space; and
 - c. addition of the outparcel does not result in noncompliance with any other provision of these Regulations or the Zoning Ordinance on any other portion of the subject property.
4. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of the Zoning Ordinance.

Sec. 24.202 Amendment, Modification, and the Vacating of Subdivision Plats

- A. **Amendment.** The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:
1. All of the property that is affected by the amendment is under the ownership of the applicant;
 2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
 3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

B. **Minor Modification.** The Zoning Administrator may authorize minor modifications to a plat if no lots have been sold as follows.

1. Design has not materially changed, in that:

- a. the roadway patterns, including ingress-egress points, are not moved more than five feet (centerline) from their indicated location on the original plat, and are no closer to the rear or interior side property lines than shown on the original plat;
- b. parking areas are in the same general location and configuration;
- c. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
- d. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
- e. recreational facilities, if shown on the plat, either remain the same or are converted from one recreational use to another;
- f. if recreational facilities were not shown in the approved plat, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
- g. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;

2. If lots have been sold, the minor modification process shall only be used for the relocation of septic reserve locations on individual lots.

C. **Vacating All or Part of Plat.** The Planning Commission may vacate a subdivision plat either in whole or in part if it is demonstrated that:

1. The persons making application for vacating a property own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plat which is sought to be vacated;
2. Vacating the property will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) provide written consent to the vacating of the property.

Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors

A. **Reformation by Application.** The Zoning Administrator shall approve an application to reform a clerical or scrivener's error in a subdivision plat or site plan approval, including an error in an application or notice, which error causes the approval to not accurately reflect the approving body's intent, and where it is demonstrated that all of the following requirements are met:

1. the reformation does not include a change of judgment, policy, or prior intent of the approving body;

2. prior to the conclusion of the public hearing at which the approval for which reformation is sought was taken (if a public hearing was required), the current applicant either did not know of the error, or knew of the error and made it known to the adopting board;
3. the reformation is essential to ensure that the approved subdivision plat or site plan reflects the intent of the approving body;
4. the record, including but not limited to the staff recommendation, minutes, and motion, evidences the clear intent of the approving body;
5. the substance of the decision of the approving body was evident at the time of the approval, and there was no intent to deceive the public or the approving body on the part of the current applicant at any time;
6. failure to approve the reformation would lead to an unjust result;
7. the error in the prior approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and
8. any errors related to public notice did not affect the legal sufficiency of the required notice.

B. Reformation by Zoning Administrator. Notwithstanding the foregoing provisions, the Zoning Administrator, within 30 days of the approval of a subdivision plat or site plan, may reform a clerical or scrivener's error without public notice, if:

1. the error is not related to public notice, and
2. the error causes the approval as written to inaccurately reflect the clear decision of the approving body.

C. Relation Back. A reformed approval shall relate back to the original approval and the effective date of the corrected language shall be deemed to be the same as the effective date of the previous approval.

Division 24.300 Waivers

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria: (1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature; (2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents; (3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and (4) that the waiver if granted will result in a project of better quality and/or character. No process or procedural waivers shall be granted.

- A. Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.
- B. Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:
 1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.

2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
 3. A description of the specific portions of these Regulations for which relief is being sought;
 4. A narrative describing how the proposed waiver will improve the public benefits.; and
 5. An accurate list of all properties and owners' addresses adjoining the subject property.
- C. **Public Notice.** The applicant shall post the property ~~within fourteen (14) days of~~ prior to the scheduled meeting. The adjoining property owners shall be noticed by staff via mailed letter seven (7) days prior to the scheduled meeting.
- D. **Action.** The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.
- E. **Conditions of Approval.** In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.
- F. All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.

Division 24.400 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or site development decisions shall be taken directly to Circuit Court of Jefferson County, West Virginia, pursuant to W.Va. Code §8A-5-10 and §8A-9-1, et seq.

Division 24.500 Surety

All major subdivisions and all site developments shall be required to provide security that meets the approval of the Department, agencies responsible for accepting the improvements, and in accordance with the County Commission Bonding Policy. Surety is a financial guarantee that the improvements proposed in the subdivision or site development are made as planned if, for some reason, the developer fails to make the required improvements.

Sec. 24.501 Improvements Requiring Surety

- A. **Requirement.** Each of the following elements or systems requires surety:
1. Clearing, Grading, and Site Preparation.
 2. Stormwater Facilities.
 3. Water and Sewer Utilities or facilities.
 4. Streets, Sidewalks, Parking, Curbs, Street Drainage, and Lighting.
 5. Landscaping and Recreation Facilities.
 6. Other Utilities.
- B. **Exception.** Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety.

Sec. 24.503 Amount of Surety

- A. **Cost Estimates.** The developer shall submit cost estimates from the project engineer for the cost of such installation.

- B. **Review and Approval.** The County planning department and engineers shall review the cost estimates and make upward adjustments if they find the cost estimates below those the County is currently experiencing.
- C. **Amount.** The surety shall be in the amount of 115 percent of the approved estimate. This covers inflation, the cost of inspecting, and rebidding if the developer defaults and the County has to take over construction or construction supervision.

Sec. 24.504 Funding of Improvements

- A. **On-Site Infrastructure.** All on-site infrastructure shall be provided by the developer.
- B. **Off-Site Infrastructure.** Generally, off-site infrastructure that is necessitated by the development shall be funded by applicable impact fees or proffers (if proffers are made). The County may also approve developer construction of off-site infrastructure.

Sec. 24.505 Improvement Location Permit

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Departments of Planning and Zoning

Estimation of amount of time needed for appointment: for packet for information only

Date Requested – 1st Choice: 8/18/11

Date Requested – 2nd Choice: _____

If a specific date is needed, please provide reason for specific date:

Subject: **Final/Fourth Quarterly Report of the FY 11 Work Plan for the Departments of Planning and Zoning**

Please provide the County Commission with a description of your request or presentation, including any background information:

In the Spring 2010, County Departments were asked to submit a Work Plan to the County Commission for their use is developing the County Budget. The Work Plan described the proposed work efforts for Fiscal Year 2011. At that time, the County Commission indicated that they would like to receive periodic updates regarding progress made on the Work Plans. The fourth and final quarter of FY 2011 ended June 30, 2011. Attached is a quarterly report on the Departments of Planning and Zoning’s Work Plan for FY 2011 and the status of the proposed Zoning Ordinance amendments as presented to the Planning Commission at their July 23, 2011 Meeting, with the addition of the detailed attached progress on the Subdivision Regulation amendments.

Staff is working with the Planning Commission to prioritize additional amendments to the Zoning Ordinance and Subdivision Regulations and will forward that information to the County Commission at the end of the next quarter.

If the County Commission has any questions or would like staff to attend a meeting to provide more detail, please let us know.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve):

N/A

Attachments:

- 1) **Planning & Zoning 4th and Final Quarterly Report FY 2011, including a progress report of the Zoning Ordinance and Subdivision Regulation Amendments**

End of Fiscal Year Report on FY 2011 Work Plan County Commission

PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Work Plan	Status or Number Completed (July 10 - Sept. 10)	Status or Number Completed (Oct. 10 - Dec. 10)	Status or Number Completed (Jan. 11 - March 11)	Status or Number Completed (April 11 - June 11)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
	Day to Day Customer Service	on-going	75	158	143	191				
	Walk in Customers - general information, zoning requests, process questions									
	Information Request Forms		38	11	32	35				
	Zoning Certificates Issued		5	7	10	10				
	Call in customers - general info, zoning questions		537	472	571	575				
	Email to general planning/zoning mailboxes (note: individuals receive over 100 per month each)		105	71	785 (includes all received)	607				
	Day to Day Development Review Responsibilities:	on-going								
	Minor Site Plans		1	4	4					
	Merger Deals, Lot Line Adjustments		12	5	1					
	Major Site Plans		3	0	1					
	Minor Subdivision Plans		new submittals - 3; recorded - 5	new submittals - 1; recorded - 1						
	Major Subdivision Plans (Concept, Preliminary, Final)		new submittals - 2	1						
	Zoning Map Amendment Submissions		2	0	1	2				
	Conditional Use Permits/Neighborhood Compatibility Meetings		7	7	3	9				
	Zoning Variances (requirements, dimensional variances, CUP Time extensions)		3	5	2	2				
	Subdivision Waivers including requests related to time frames or requirements		17	10	25	16				
	Pre-proposal Conferences		14							
	Follow up meetings with applicants									
	Staff to Planning Commission meetings, including staff reports and presentations	on-going	6 regular PC meetings; 4 special called meetings; 4 special CC meetings related to PC items; 4 staff reports related to land development applications	5 regular PC meetings; 1 special called meeting; 1 Joint PC/CC meeting related to PC items; 7 staff reports related to land development applications	4 Regular Meetings; 1 Special Called Meeting; 1 Workshop; 1 Special CC Meeting related to PC items; 3 staff reports related to land development applications	5 Regular Meetings; 1 staff reports related to land development applications				
	Staff to Board of Zoning Appeals meetings, including staff reports and presentations	on-going	3 BZA meetings; 17 staff reports for land development applications	2 BZA meetings; 8 staff reports for land development applications	2 BZA meetings; 3 staff reports for land development applications	2 BZA meetings; staff reports for land development applications				
	Participation in County Commission, WAC, JCDA, Health Department, Joint Utility Meeting, HEPMPO TAC, Region 9 Stormwater Committee	on-going	JB - 128 meetings attended; SR - 72 meetings attended; SB - 58 meetings attended	JB - 99 meetings attended; SR - 41 meetings attended; SB - 40 meetings attended	JB - 140 meetings attended; SR - 95 meetings attended; SB - 89 meetings attended	JB - 112 meetings attended; SR - 80 meetings attended; SB - 83 meetings attended				
Special Project	Blue Ridge Mountain Study	(Project Initiated - Nov 09) July 10 - Mar 11	3 meetings	Joint PC/CC meeting	Final Invoice and Closed out grant paperwork by 3/31/11; two follow up meetings with Citizen's Committee re: next steps	Citizen's Committee formed its own 501C3 (Blue Ridge Watershed Coalition); BRWC applied for 2 NWFWS grants		SR, JB		
				Comments received re: additional amendments needed to sub Regs during previous PHs organized and prioritized	Sub Reg Amendments drafted to allow minor site plans within major non-residential subdivisions; PC PH held 3/8/11; CC PH scheduled for 4/14/11	CC PH 4/14/11 re: Minor Site Plans in Major Subdivisions, approved 4/28/11; Additional site plan sq. footage Am PC PH 6/28/11; pending recommendation; Proposed Amendments to Article 24 combining Submission & Completeness Reviews for Site Plans and Plats drafted and PH scheduled for 7/12/11			Hearings Required by PC and CC at various stages of	Adoption of Amendments
Special Project	Revise, rewrite, update Subdivision Regulations	(Project Initiated - Nov 09) July 10 - April 10	1st round of "policy neutral" Sub Reg amendments recommended for approval by PC 4/10 was approved by CC 8/19/10	Wireless Amendment actions: PC PH 10/12/10; PC vote to recommend to CC 10/26/10; CC presentation 0/28/10; "Policy Neutral" Amendments, which were put on hold due to wireless ordinance efforts, were drafted for PC review and input prior to making available to the public	Stakeholder Meeting to consider amendments to Article 4A, Home Occupations and Cottage Industries held 3/1/11; Wireless ordinance amendments approved by CC 3/10/11; final draft policy neutral amendments reviewed by PC 3/22/11 -- PC PH scheduled for 4/12/11	Policy Neutral Am. PC PH 4/12/11; CC PH 6/9/11; Approved 7/7/11; Draft amendments to Article 4A PC PH 6/28/11; pending recommendation; Article 12 Am. PC PH scheduled 7/12/11 through 2011			Hearings Required by PC and CC at various stages of	Adoption of Amendments
Special Project	Proposed amendments to Zoning Ordinance	To be initiated Summer 2010	"policy neutral" amendments initiated 7/10, but put on hold due to Wireless (Art 4B) amendments being initiated; PC reviewed and edited proposed Wireless amendments throughout 1st quarter; stakeholder mtg 8/31/10							
Special Project	Zoning Map Update	To be initiated Summer 2010	Staff has completed research and worked with GIS Dept. to complete a good draft; efforts related to UGBs and federal Land Ren zoning to be included	Final version referred to CC -- December 2010	2010 Zoning Map approved by CC 1/14/11 and recorded by County Clerk	1st update due to Zoning Map amendment Approved 6/23/11	Task Completed			

End of Fiscal Year Report on FY 2011 Work Plan County Commission

PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Work Plan	Status or Number Completed (July 10 - Sept. 10)	Status or Number Completed (Oct. 10 - Dec. 10)	Status or Number Completed (Jan. 11 - March 11)	Status or Number Completed (April 11 - June 11)	Outstanding Tasks	REQUIRED RESOURCES/STAFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	Urban Growth Boundary - follow up with municipalities; proposed changes to zoning ordinance text and map; public hearings	Summer 2010 - Summer 2011	Ranson and Charles Town have adopted the UGBs as agreed upon by the County; Harpers Ferry, Bolivar, and Shepherdstown are in discussion with staff to determine best course of action	Staff participated in meetings with Harpers Ferry, and Shepherdstown to discuss the concept of the UGB and benefits of adopting a UGB; referred to CC for consideration of a UGB for HF and Bolivar	CC held PH re. Bolivar and Harpers Ferry UGBs 2/17/11 - decision to be made at a CC meeting 4/11	CC denied Bolivar and Harpers Ferry UGBs 4/14/11; Shepherdstown UGB under discussion at Town level	No Action	JB	Possible future hearing for a proposed UGB for Shepherdstown	Approved UGBs reflected on County Zoning Map
	Staff Training -- new skills, planning and zoning related functions	on-going	SR - APA Conf. (4/10); IQ -- 3 day Grant Writing course (7/10); NCTC; SR & SB - Eastern Panhandle GIS Users Group (8/10); JB -- 5 day Green Infrastructure Conf. (9/10); NCTC; SB -- 2 day KARST Conf. (9/10); NCTC; IQ - Smart Code webinars (8/10 & 9/10); JB, SR -- 1 day Smart Code On-Site Workshop	SR -- Ranson Smart Code Webinars (10/10 & 11/10)		National APA conference 4/9 - 4/12/11 (JB); Balancing Nature and Commerce Course 4/18 - 4/20/11 (Team Course - JB member); Multi-state Regional Conference, Cumberland MD 5/6 - 5/7/11 (JB, SR, SB)				
Special Project	Proposed amendment to Land Development Fees	(Project Initiated - July 09)	July 2010 CC held Roundtable Discussion; Staff worked to address comments and concerns on 10/7/10 CC meeting agenda	CC considered cost recovery fees at 10/7/10 meeting and referred the fees back to the PC for reconsideration; PC directed staff to revise to reflect a 20% increase over current fees utilizing the new format; reflect the current ordinances; Staff worked to revise the fees for PC consideration in early 2011	PC reviewed 20% increase 1/25/11 and requested 10% increase instead; PC considered 10% increase 2/8/11 and forwarded these to CC for approval	Revised fees recommended to CC for approval -- CC denied any increase in fees 6/23/11	Task Completed			
Special Project	340 Corridor Gateway Enhancement Study	Spring 2011 - Summer 2012	In late June, 2010 staff attended a meeting re: a Nat'l Governor's Assoc. project that includes the 340 Corridor and a meeting with the WV DOH re: their 340 Corridor project; in late September, staff met with Comm. Widmayer to discuss potential work program for project	Initial meeting Technical Advisory Committee (TAC) was held for the purpose of defining study area boundary, determining what data exists, and developing an existing conditions report and related maps; multiple maps have been drafted and are under review; multiple related meetings with interested parties were held	Follow up TAC and organizational meetings held; US 340 Kick-off Meeting held 3/24/11 -- 130 people in attendance with 15 volunteer staff; on-going coordination with MPO staff to draft consultant scope of work	3/24 meeting summary and follow up; 2nd Public Meeting 6/16/11 meeting; monthly TAC/Citizen Committee meetings in April and May; Metro Quest release	Prep for 9/17 Public Meeting; Public Hearing draft; land use alternatives; on-going work with MPO consultants	JB, SR, DC, GIS Dept.	Adoption of Small Area Plan as an amendment to the Comprehensive Plan; recommendations to the Zoning Ordinance and Subdivision	
Special Project	2014 Comprehensive Plan	Fall 2011 - Fall 2013; adoption 2014	No activity	contacted Shepherd University for recommendations regarding potential summer intern to initiate data analysis	Summer intern hired to initiate data analysis	Summer intern hired to initiate data analysis				
NEW PROJECTS NOT INCLUDED IN FY 2011 WORK PLAN										
Special Project	Urban Tree Canopy Grant and Planting Event	October 2010 - May 2011	Grant has been approved; MOU is being reviewed prior to signing	Intern hired; work effort underway -- two-fold emphasis: development and adoption of Urban Tree Canopy Goals by 5 cities and County; tree planting effort on public land	Urban Tree Canopy Plan Meeting held 1/25/11; Attended mtgs in Harpers Ferry (2/14/11) and Ranson (2/15/11); Tree Planting Meeting held 2/3/11; tree plantings scheduled, coordinated and prepared for: tree planting JHS 3/28/11	Urban Tree Canopy Plan Goals Meeting scheduled for 4/28/11; Mtgs in May for S'Town, C'Town, Bolivar; Tree Plantings scheduled, coordinated and prepared for Shipley, Page Jackson, Oriswood, North Jefferson, Shepherd University, Ranson and C'Town parks in April and May; draft Plan and goals finalized June 2011		JB, city planners, Doug Griffith, (Intern), SR, IQ	CC approval of UTC Plan and Goals may require a hearing	
Special Project	ICDHQA Study Follow Up	September 2010 - ?	Initial contacts have been made with WVU to determine interest and costs	no additional work planned	no additional work planned	no additional work planned				

End of Fiscal Year Report on FY 2011 Work Plan County Commission

PRIORITY	PROJECTS	TIME FRAMES from FY 10-11 Month/Day	Status or Number Completed (July 10 -- Sept. 10)	Status or Number Completed (Oct. 10 -- Dec. 10)	Status or Number Completed (Jan. 11 -- March 11)	Status or Number Completed (April 11 -- June 11)	Outstanding Tasks	REQUIRED RESOURCES/ST AFF	REQUIRED HEARINGS	ANTICIPATED RESULTS
Special Project	Region 9 Model Stormwater Regulations	May 2010 - February 2011	Monthly Meetings and Review/Input into draft ordinance	Monthly Meetings and Review/Input into draft ordinance	Final meeting held 2/23/11; Final draft Model Stormwater Regulations available for consideration by various jurisdictions for incorporation into local regs	County staff should review Model Regs to consider best process for incorporating these locally (tentatively Fall 2011)		JB	Public Hearing may be required by both PC and CC	Stormwater regulations that reflect Chesapeake Bay standards

2010/2011 ZONING ORDINANCE AMENDMENTS

Status Report for FY 2010-11

Time Frame	Topic	Use of Stakeholder Group	STATUS
October 2010 – July 2011	<p>Policy Neutral Revisions, including but not limited to: Clean up language that references 1979 Subdivision Ordinance and replace with references to 2008 Subdivision Regulations</p> <p>Reformat for ease of use and clean up typographical errors</p> <p>Add language that includes relevant portions of SB 595, the urban growth boundary provisions, and other relevant sections of WV Code as advised by legal counsel</p> <p>Create a clear section the delineates the WV Code provisions regarding the Board of Zoning Appeals' roles and responsibilities and the Planning Commission's roles and responsibilities, including provisions of Article 3</p>	NO	<p>Approved by County Commission 07/07/11</p> <p>Effective Immediately</p>
Mid -July 2010 – March 2011	Amendments to Wireless Ordinance Provisions	YES	<p>Approved by County Commission 3/10/11</p>
March - September 2011	Amend and Clarify Home Occupation and Cottage Industries	YES	<p>Planning Commission Public Hearing 6/28/11; recommendation to County Commission pending</p>
	Consider clarification and amendments to appropriate portions of the Ordinance that address Bed and Breakfasts, Country Inns, and Private Clubs could either	YES	
	Consider Recreational Overlay District along the Shenandoah and Potomac Rivers with provisions for camping, river access points, and other tourist features	YES	<p>Priority #1</p>
	Review and potentially revise provisions of Rural/Agricultural Zoning District Issues, including, but not limited to reviewing Permitted and Conditional Uses and design standards, and clarifying when a site plan is required	YES, include reps of Ag community and Ag Preservation	<p>Priority #2</p>
	Review and potentially revise provisions of Village Zoning District, including, but not limited to reviewing Permitted and Conditional Uses and design standards, and clarifying when a site plan is required	YES	

	Rewrite of Sign Regulations	YES, include BZA	
	Strengthen provisions related to Historic Preservation and protection of freestanding historic structures	YES, include HLC	
	Consider amending Nonconforming Use provisions	Possibly	
	Review and potentially revise provisions of urban-type Zoning Districts (Residential Growth, Commercial/Industrial and Residential/Light Industrial/Commercial Zoning Districts) including, but not limited to reviewing Permitted and Conditional Uses and design standards (ie: height, setbacks, lot size) in all; including the creation of additional zoning categories		Priority #3
	Review of Articles 6 and 7 DRS/LESA Point System	YES	
	Consider Amendments to the Zoning Ordinance as a result of Blue Ridge Mountain Vision Document and Engineering Document		
	Address Environmental Provisions including steep slopes	YES	
	Review Parking Requirements and consider alternatives that meet the Chesapeake Bay goals	NO	
	Consider Amendments to the Zoning Ordinance as a result of the US 340 Corridor-East Gateway Plan		
On-going throughout	Review and Amend Definitions	Staff	

Completed Subdivision Regulation Amendments

Number	Topic	Sub Reg Section	Brief Description of Public Comment	Outcome	
				Change	Date Complete
1	Conservation Easements	20.107	Concerned about the need to process a plat for a conservation easement if the entire property is being put in a conservation easement	Conservation easements are done by deed	August 2010
2	Minor Site Plan (MSP) Definition	26.100	Do single family uses need MSP? Add language to clarify.	Definition expanded to clarify when a MSP is necessary	August 2010
3	Minor Site Plan size	20.203	Consider Industrial Park or Commercial Subdivision	Minimum square footage increased for Industrial/ Commercial Districts	April 2011
4	Protection of Resources	22.504	Change how slope is calculated or add wording that gives the County Engineer discretion (or other methods as approved by County Engineer)	Section 22.504 was expanded to include General Information and Principles and Guidelines	August 2010
5	Site capacity calculations	22.504	Remove since there are none	removed	August 2010
6	Streams definition	22.504.B.3	Change ephemeral to intermittent - Split and define	Ephemeral streams clarified	August 2010
7	Pervious	General	Pervious is defined but not used. Use the term to encourage water control measures	See App B Section 4.3 D appears to be addressed	August 2010
8	Vesting	20.105	separate the terms site plan and preliminary plat	terms were separated	August 2010
9	Vesting	20.105	Include language that recognizes the vested rights of subdivisions that predate the Sub Regs.	CIS was included in the text	August 2010
10	Vesting	SB 595	Include language that clarifies the extension process.	Section 22.105.d to detail SB 595 was included	August 2010

11	Define HOA	General	Add references to the WV State Code in definitions section of the Subdivision Regulations.	modified	August 2010
12	Modulation	General 20.302.J & 20.303.G	Modulation: remove definition since there are no definable standards. Remove from sub reg text.	definition removed	August 2010
13	Traffic Impact Data	24.119.B.5	Suggest an option under item b. that allows for the ITE Trip Generation Manual to be issued in lieu of corresponding use in the table provided	This option was added as 24.119.B.5.e	August 2010
14	WVDOH	24.120.D	WVDOH can take months to issue responses and if they do not have a process to generate a "letter" to the planning department to indicate issues. Suggest either removing this requirement or only requiring the applicant to submit proof of submittal to WVDOH of the Concept Plan so to not delay a project by months.	The DOH is notified in the Concept Plan Process as a reviewing agency. No response to the letter requesting review results in assumed approval.	August 2010
15	Road Maintenance		Lack of state follow through on commitment to pave roads in orphan road program	This is an issue with the state and cannot be amended by the Planning Commission	
16	Spelling	App B, 9.2.a.1	Correct all typos within the Subdivision Regulations. (like "soil")	Spelling corrections were completed	August 2010
17	Resubdivision	20.102.A	Define; process?	The term resubdivision was removed from the text.	August 2010
18	Site Plan Requirements	App. B, 9.1.B	Clarify	Only Section 9.2 applies to heavy industrial use. All other sections are applicable to all site plans	August 2010
19	Maintenance Bonds	24.502	Remove from text	removed	August 2010
20	Staff Determination of Process	20.202 20.203.D.3 21.201.B	Add provision to permit applicant to appeal staff determination	amended as such	August 2010

21	Public Easements	21.402.C	Remove "County" and add "Homeowner's Assn."	amended as such	August 2010
22	Public Easements	21.402.D	Make inclusive of all easements	now states " <i>within any easement area</i> ".	August 2010
23	Public Easements	21.402.F	Too broad	removed	August 2010
24	Private Roads	22.207	Add ownership	the word <i>ownership</i> added	August 2010
25	Protection of Resources	22.504	Percentage of land to be protected	chart added to clarify percentage of land protected	August 2010
26	Adequacy of Water/Sewer Availability	20.302.F	Remove PC	No amendment made/ PC approved	August 2010
27	Water/Sewer Requirement	20.302.K.2	Remove PC	No amendment made/ PC approved	August 2010
28	Adequacy of Water/Sewer Availability	20.303.E	Remove PC	No amendment made/ PC approved	August 2010
29	Water/Sewer Requirement	20.303.H.2	Remove PC	Now 20.303.G.2 - not amended/ PC approved	August 2010
30	Donation of Land to the County	21.105.C.2	Add "County Commission"	added	August 2010
31	Public Easements	21.402 intro. Para.	Remove "County"	amended	August 2010
32	Final Plat Recording	24.118	Approval shall be void if not recorded; Remove "filed"	amended as such	August 2010

Pending Subdivision Regulation Amendments

Number	Topic	Sub Reg Section	Brief Description of Public Comment	Status	
				Change	Next Step
1	Minor Site Plan size	20.203	Will take too long to process a "major" of only 5,000 sq ft.	Minimum square footage of all zoning districts refined	Discussion and vote by PC pending for 7-26-11 PC meeting
2	SWM	General	Include Chesapeake Bay requirements - Clarify intent of easement	Staff has been attended Region 9 meetings in preparation for an amendment	Amendment to be taken to PC for discussion once written
3	Agency Reponses	General	How do you get agencies to respond? What if they don't? Review tied up? Timeframes?	Article 24 was reformed to assist in timeframes. No response has always meant assumed approval	Amendments to be taken to the County Commission
4	Erosion	General	Prevention of erosion for Chesapeake Bay Initiative	Staff has been attending Region 9 meetings in preparation for an amendment.	Amendments to be taken to the PC for discussion once written
5	Major Site Plan Concept Plan - Completeness	24.120	The concept plan is intended to be general in nature. Therefore the review time should be reduced to 21 days.	Article 24 amendments are intended to shorten the process. However, 21 days is unattainable due to state law requirements	Amendments to be taken to County Commission

**NOTICE
JEFFERSON COUNTY COMMISSION
MEETING CANCELLATION**

The regular meeting scheduled on Thursday, August 25, 2011, has been cancelled in order for the County Commission to attend the Jefferson County Fair. The Commission will resume its regular session on Thursday, September 1, 2011, at 9:30 a.m.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, September 1, 2011, or as soon thereafter as the Commission may decide:

Jefferson County Building Commission -

- **One unexpired term ending July 27, 2014**
- **One unexpired term ending July 27, 2015**
- **One unexpired term ending July 27, 2016**

No more than two thirds of the total number or members of the board of each commission shall be from the same political party and no member of any such board shall hold any office (other than that of a notary public) or employment under the United States of America, the state of West Virginia, any county or political subdivision thereof, or any political party.

§8-33-3

Persons who may be interested in the above listed agency should submit a letter of interest and a resume or statement of qualifications to the Jefferson County Commission, P.O. Box 250, Charles Town, WV 25414 or email nhosby@jeffersoncountywv.org, prior to the proposed date of appointment.

Additional information regarding these appointments may be obtained by calling the Commission Office at (304) 728-3284.

THANKS - JEFFERSON COUNTY COMMISSION

Public Service Commission of West Virginia

201 Brooks Street, P.O. Box 812
Charleston, West Virginia 25323

Michael A. Albert
Chairman



August 3, 2011

RECEIVED

AUG 05 2011

Mr. Robert A. Graf, Sr.
2054 Kabletown Road
Charles Town, WV 25414

Jefferson County Commission

Dear Mr. Graf:

I am pleased to inform you that you are hereby appointed as a member of the Board of Directors of the Jefferson County Solid Waste Authority to a term expiring June 30, 2015.

I congratulate you on your appointment and express the Commission's gratitude for your willingness to serve your community in this important role. The Commission anticipates your experience will be a great asset to the Solid Waste Authority Board.

Sincerely yours,

A handwritten signature in black ink that reads "Mike Albert".

Michael A. Albert
Chairman

MAA/JB/las

cc: The Honorable Earl Ray Tomblin, Governor
Jefferson County Solid Waste Authority
Jefferson County Commission
Mark D. Holstine, PE, Executive Director, WV Solid Waste Management Board
Truman Wolfe, Executive Director, WV Soil Conservation Agency
Randy Huffman, Secretary, WV Department of Environmental Protection



WEST VIRGINIA DEPARTMENT OF TRANSPORTATION

Division of Highways

1900 Kanawha Boulevard East • Building Five • Room 110
Charleston, West Virginia 25305-0430 • (304) 558-3505

August 3, 2011

To Whom It May Concern:

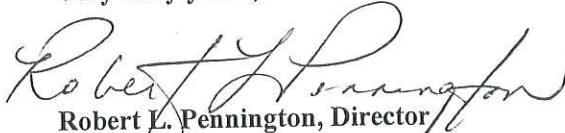
The Statewide Transportation Improvement Program (STIP) is a financially constrained document required to show planned Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) expenditures for federal fiscal years 2011-2016. One of the requirements to funding any projects with FHWA or FTA funds is that each proposed project undergo a public "review and comment period". Therefore, additions or deletions to the STIP and certain changes to projects currently in the STIP must meet this requirement before federal funds can be obtained. Accordingly, I am again requesting your assistance in making available (to anyone who wishes to review them) the attached listing of proposed amendment to the approved 2011-2016 STIP.

All written comments are to be received no later than August 15, 2011, and should be addressed to:

Mr. Robert L. Pennington, Director
Program Planning and Administration Division
West Virginia Division of Highways
Building 5, Room A-816
1900 Kanawha Boulevard, East
Charleston, West Virginia 25305-0430

Should you need additional information, please call (304) 558-3113. Thank you for your assistance in this matter; your efforts are indeed appreciated.

Very truly yours,


Robert L. Pennington, Director
Program Planning and Administration Division

RLP:Cb

Attachment

cc: Mr. Tony Tarone, Federal Transit Administration – w/ attachment
Mr. Ed Compton, Federal Highway Administration – w/ attachment
Mr. Kevin Burgess, Federal Highway Administration – w/ attachment
Ms. Susan O'Connell, Division of Public Transit – w/ attachment

RECEIVED

AUG 08 2011

Jefferson County Commission

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2011-2016
PROGRAM AMENDMENT FOR 2011

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	TOTAL PHASE COST	FEDERAL DOLLAR COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
BRAX	2012	7		1/28/2012	CMAQ	ENG	I079	I-79 BURNSVILLE REST AREA IMPROVEMENTS	CONSTRUCT ADDITIONAL TRUCK PARKING	S304 79 ?????	CMAQ0792???	\$100,000	\$90,000	\$0
ADD NEW PROJECT														
BRAXTON	2012	7		6/28/2012	CMAQ	CON	I079	I-79 BURNSVILLE REST AREA IMPROVEMENTS	CONSTRUCT ADDITIONAL TRUCK PARKING	S304 79 ?????	CMAQ0792???	\$1,022,600	\$772,600	\$0
ADD NEW PROJECT														
CALHOUN	2014	3	0	10/28/2013	BR	ENG	WW016	PHILIP RUN BR	REPL	S307 16 256500	BR0016186D	\$105,000	\$84,000	\$0
CANCEL PROJECT														
CALHOUN	2014	3	0	8/28/2014	BR	ROW	WW016	PHILIP RUN BR	REPL	S307 16 256500	BR0016187D	\$30,000	\$24,000	\$0
CANCEL PROJECT														
CALHOUN	2015	3	0	1/28/2015	BR	CON	WW016	PHILIP RUN BR	REPL	S307 16 256500	BR0016188D	\$416,640	\$333,312	\$0
CANCEL PROJECT														
CLAY	2011	1	0	8/28/2011	EB	CON	I079	BIG OTTER-SERVIA RD	RESURF(2'SUPER)	S308 79 04339 00	IM0791124D	\$2,457,000	\$2,211,300	\$0
ADD NEW PROJECT														
HAMPSHIRE	2011	5		9/28/2011	HSIP	CON	WW127	WW127	INST SHOULDERS	S314 127 00000 00	HSIP0127011D	\$1,835,000	\$1,468,000	\$0
ADD NEW PROJECT														
LINCOLN	2011	2	0	8/28/2011	STP	CON	WW010	WW10 DELINEATION IMPROVEMENT	CUT ROCK WALL AND ADD IMPROVED DELINEATION	S322 10 00040 00	STP0010186D	\$406,600	\$322,600	(\$2,077,400)
638% COST DECREASE														
LOGAN	2011	2	0	7/28/2011	BR	CON	CO014	YOLYN BOX BEAM BR	REPL BR	S323 14 00470 00	BR0014143D	\$400,000	\$320,000	\$0
CANCEL PROJECT - TO BE STATE FUNDED; ADJ 1 - ADD GROUPABLE PROJECT														
LOGAN	2011	2	0	7/28/2011	STP	CON	WW010	CHAPMANVILLE TURN LANE	EXTEND CENTER LEFT TURN LANE, CURB & GUTTER	U323 10 05377 00	STP0010189D	\$250,000	\$200,000	\$0
CANCEL PROJECT														
MARION	2011	4		8/28/2011	STP	CON	WW218	IDAWAY RD	RESURF	S325 218 00000 00	STP0218????	\$750,000	\$600,000	\$0
ADD NEW PROJECT														
MARION	2012	4		10/28/2011	BR	ROW	WW310	DAVID MORGAN MEMORIAL BR	C&P	S325 310 00989 00	BR0310????	\$75,000	\$60,000	\$0
ADD NEW PROJECT														
MASON	2011	1		8/28/2011	STP	CON	WW062	HARTFORD-NEW HAVEN	MILL, RESURF, PAVE SHL	S327 62 03705 00	STP0062843D	\$643,000	\$514,400	\$0
ADD NEW PROJECT														

STATEWIDE TRANSPORTATION IMPROVEMENT PROGRAM (STIP) FFY 2011-2016
PROGRAM AMENDMENT FOR 2011

COUNTY	FFY	DISTRICT	GROUP	FUNDING OBLIGATION DATE	FUND TYPE	PHASE	ROUTE	PROJECT NAME	TYPE OF WORK	STATE PROJ. NUMBER	FEDERAL PROJECT NUMBER	TOTAL PHASE COST	FEDERAL DOLLAR COST	FEDERAL COST CHANGE
PROJECT COMMENTS														
MCDOWELL	2012	10		10/28/2011	NHS	CON	US052	IAEGER PIPE	REP DRAINAGE	S324 52 00324 00	NH0052295D	\$200,000	\$160,000	\$0
ADD NEW PROJECT														
PRESTON	2011	4		8/28/2011	STP	CON	1068	HAZELTON-MARYLAND ST LI	RESURF, STRIPING	S339 68 02601 00	NH0068149D	\$3,500,000	\$2,800,000	\$0
ADD NEW PROJECT														
RALEIGH	2012	10		3/28/2012	NHS	CON	US019	STANAFORD RD VW 41 UPGRADE (AUTHORIZED)	REPLACE 2 BRSS, ADD TRAVEL LNS	U341 19 01447 07	NH0019371	\$4,700,000	\$3,760,000	\$0
ADD NEW PROJECT														
RALEIGH	2013	10		11/28/2012	NHS	CON	US019	STANAFORD RD VW 41 UPGRADE (AC PROJECT)	REPLACE 2 BRSS, ADD TRAVEL LNS	U341 19 01447 07	NH0019371	\$4,700,000	\$3,760,000	\$0
ADD NEW PROJECT														
RANDOLPH	2011	8		8/28/2011	NHS	ENG	US219	QUICK CURVE RELOCATION	CURVE RELOCATION, GRADE, DRAIN, PAVE, GUARDRAIL	S342 219 02540 00	NH0219321D	\$15,000	\$12,000	\$0
ADD NEW PROJECT														
RANDOLPH	2012	8		12/28/2011	NHS	ROW	US219	QUICK CURVE RELOCATION	CURVE RELOCATION, GRADE, DRAIN, PAVE, GUARDRAIL	S342 219 02540 00	NH0219322D	\$250,000	\$200,000	\$0
ADD NEW PROJECT														
RANDOLPH	2012	8		2/28/2012	HSIP	CON	US219	QUICK CURVE RELOCATION (SPLIT)	CURVE RELOCATION, GRADE, DRAIN, PAVE, GUARDRAIL	S342 219 02540 00	NH0219323D	\$656,250	\$685,000	\$0
ADD NEW PROJECT														
RANDOLPH	2012	8		2/28/2012	NHS	CON	US219	QUICK CURVE RELOCATION (SPLIT)	CURVE RELOCATION, GRADE, DRAIN, PAVE, GUARDRAIL	S342 219 02540 00	NH0219323D	\$643,750	\$515,000	\$0
ADD NEW PROJECT														
ROANE	2011	3		8/28/2011	STP	CON	US033	LION FORK-WV 14	RESURF (1.5")	S344 33 00862 00	STP0033346D	\$440,000	\$352,000	\$0
ADD NEW PROJECT														
UPSHUR	2011	7		7/28/2011	CMAQ	CON	CO011	ALEXANDER RD	RESURF (1.5")	S349 11 01523 00	CMAQ0011132D	\$356,500	\$285,200	\$105,200
DISTRICT REQUESTS PROJECT CANCELLED DUE TO GAS DRILLING; AMD 4 - ADD NEW PROJECT (STATE FUNDED - PULLED OUT OF RESERVE)														
UPSHUR	2011	7		8/28/2011	CMAQ	CON	US119	BUCKHANNON-HODGESVILLE	RESURF (1.5")	S349 119 00653 00	CMAQ0119361D	\$370,500	\$296,400	\$0
ADD NEW PROJECT														
STATEWIDE	2011	4		7/28/2011	STP	CON	NA099	VARIOUS RTS	SKIP PAVING	S384 RESUR 10 00	STP0084051D	\$205,000	\$164,000	\$0
DISTRICT REQUESTED PROJECT BE CANCELLED														
STATEWIDE	2011	4		8/28/2011	EB	CON	1079	BOOTHVILLE-FAIRMONT	RESURF & SAFETY MEASURES	S317 79 12922 00	IM0793231D	\$1,500,000	\$1,350,000	\$0
ADD NEW PROJECT														

JEFFERSON COUNTY PUBLIC SERVICE DISTRICT

1 August 2011

Commissioner Gus R. Douglass
West Virginia Dept. of Agriculture
1900 Kanawha Blvd., East
Charleston, WV 25305

RECEIVED

AUG 09 2011

Jefferson County Commission

RE: Chesapeake Bay

Honorable Commissioner Douglass -

The Board ("Board") of the Jefferson County Public Service District ("District") has had an opportunity to review and thoughtfully consider your letter of June 9, 2011, and we make the following response.

We respect the deep experience and perspective you bring to this issue as the most senior state agriculture commissioner in the United States. Your record of more than four decades of passionate and unwavering advocacy for West Virginia farmers and its rural landscape are appreciated and recognized.

As members of a Public Service District Board, we also bring substantial professional and personal passion to our positions. We are fully dedicated to the protection of community health, ensuring and improving environmental quality, and providing the clean water infrastructure services that provide the base for sustainable economic development.

As appointed and largely volunteer Board members we bring our professional skills to this work in addition to many hours of committee and workgroup participation. In those efforts we often share meetings with members of your staff and representatives of the agriculture community ... particularly in discussions over the challenges we all face in meeting the restoration of water quality in the Chesapeake Bay. We always find that the leaders in the West Virginia agricultural community have a strong environmental ethic and a deep concern for natural resource stewardship.

As a clean water agency we take pride in our record and in the contribution the point-source wastewater sector has made to cleaning up West Virginia's waters as well as the Chesapeake Bay. In your letter you make reference to the record of the agriculture sector in meeting reduction goals established in 1985 by the Chesapeake Bay Program. We would respectfully indicate that by the same reporting metrics, the point source wastewater sector has achieved 78% of the wastewater nitrogen goal and a remarkable 99% of the wastewater phosphorus goal over the same period.¹ If we are comparing progress in meeting 1985 goals then we believe substantial progress has been made by the wastewater sector.

The reality is we are not measuring success by twenty-five year old benchmarks. Success is to be found in water quality improvement and by any measure we still have work to do. Our understanding of the science of watershed modeling and the recognition of the complexity of landscape and land use interactions has evolved and advanced tremendously. The tools we have today for sensing, monitoring and predicting are ever more reliable and insightful.

What has not changed is the fundamental principle of a zero sum game for nutrients and sediments and their collective impact on local, regional and finally Chesapeake Bay water quality. While one can argue the fine scale parsing of delivered loads, best management efficiencies and sectoral source responsibilities, there can be no argument over the need for collective action and commitment to meet current reduction targets that are more challenging and more specific than those presented more than two decades ago. We need all hands on the rope or we will not be successful.

The December, 2010 Chesapeake Bay Total Maximum Daily Load ("TMDL") was long in coming, and an unsurprising development, given the lack of adequate progress of multiple voluntary approaches since federal legislation identifying the need for improved Chesapeake Bay health was first adopted in 1987. The state watershed implementation plans ("WIP"), including West Virginia's, which resulted from the TMDL, were collaborative efforts which took into consideration input provided by stakeholders from all sectors and developed a pollution diet, identifying targeted levels of improvement to be derived from each sector. In initiating litigation against EPA which seeks to rescind the TMDL and implementation of the WIPs, it is the American Farm Bureau Federation that is dividing rural and urban citizens against each other in an effort to derail a multi-year, multi-jurisdictional process to clean up the Bay that has been agreed to by all of the Bay states, Washington D.C., and the federal government. The District is hardly alone in supporting the WIPs resulting from the TMDL. The National Association of Clean Water Agencies ("NACWA"), an advocacy organization representing wastewater utilities, has also filed a petition to intervene in support of EPA in the AFB's lawsuit.

The District has not been critical of the efforts taken to date by the West Virginia agricultural community to reduce nutrients going to the Bay. However, these efforts, and those of the other sectors contributing nutrients and sediment to the Bay, have not been sufficient. Each sector, including agriculture, will need to undertake additional measures in order to restore the health of our local streams and the health of the Chesapeake Bay.

We close by referencing a passage from a book, THE POTOMAC RIVER BASIN, published in 1907, by Horatio N. Parker, Bailey Willis, R. H. Bolster, W. W. Ashe, and M. C. Marsh and quote here an artfully constructed passage found on page 193:²

"It should be remembered that someone always pays for water pollution. If the laws are such that they relieve one corporation of caring for the wastes it creates, it is likely that they entail great expense on another. Thus a railroad which is compelled to use polluted water in its locomotives will in consequence have many repairs to make, and the increased cost of mileage caused thereby will have to be borne by those who travel and transport goods over the road. Similarly, if one

man is unmolested in turning the effluent from his mill into a stream, it may drive his neighbor downstream to drill deep wells in order to introduce a new water supply into his works. Instances of this sort of thing might be multiplied, but it is enough to recognize the fact that though a river basin may lie in several States, as does the Potomac, its people are more closely bound together by its waters than are the inhabitants of a single State by the arbitrary boundary lines established for them. The silver river threads are direct lines of communication between each individual and every other below him on the stream. The offenses that he commits against the water are paid for by his fellow countrymen in the basin, and the bill is large or small according to the gravity of the transgressions."

The expressed wisdom of earlier generations often helps us today to see our true obligations and remind us of the legacy we leave to the future.

Respectfully,



James D. Cummins
Secretary
For the Board
Jefferson County Public Service District

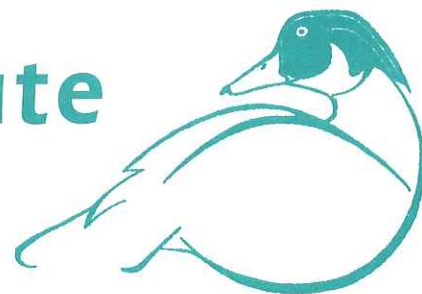
Cc: ✓County Commission of Jefferson County
John McVey, Martinsburg Journal-News
Robert C. "Bob" Tabb, Deputy Commissioner of Agriculture

¹ see http://www.chesapeakebay.net/status_restoration.aspx for interactive charts and current data

² see http://openlibrary.org/books/OL250871M/The_Potomac_river_basin available on-line through the Library of Congress

Cacapon Institute

PO Box 68, High View, WV 26808-0068
Tele: (304) 856-1385 • Fax: (304) 856-1386
ci@cacaponinstitute.org • www.cacaponinstitute.org



Jennifer M. Brockman, AICP
Director, Departments of Planning and Zoning
Jefferson County, WV
P.O. Box 338,
Charles Town, WV 25414

July 25th, 2011

RE: Potomac Watershed Partnership Information Exchange June 28, 2011

Dear Jennifer Brockman,

On behalf of the Potomac Watershed Partnership, Cacapon Institute would like to take this opportunity to extend to you our sincerest thanks and appreciation for your outstanding presentation at the PWP Information Exchange on June 28th 2011. West Virginia has become increasingly active with the PWP since 2006. As one of only a handful of counties within the entire Chesapeake Bay watershed to have completed a county-wide tree canopy assessment, your insight was much appreciated.

Your presentation on Urban Tree Canopy Plan in Jefferson County, WV outlined an innovative strategy that other watershed groups and agencies can use as a model to meet their goals as we work together to save the Bay. It was particularly interesting to see how UTC layers aerial imagery, LiDar, transportation and buildings. Jefferson County is leading the way for West Virginia.

Thank you for your input and during the lively and engaging panel discussion. The panel discussion was a huge success.

We hope that you benefited from the exchange as much as we did. We hope Jefferson County will be represented at the next PWP Information Exchange on Tuesday, December 13, 2011.

On Behalf of the Potomac Watershed Partnership,

W. Neil Gillies,

A handwritten signature in blue ink that reads "W. Neil Gillies".

Executive Director, Cacapon Institute

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Jefferson County Commission

P.S. Slides from all the presentations including yours are now available at www.potomacpartnership.org.

cc: Jefferson County Commission (PO Box 250, 124 E. Washington St.)
PWP Steering Committee

From the Cacapon to the Potomac to the Chesapeake Bay,
we protect rivers and watersheds using science and education.

Co Comm.

IN THE CIRCUIT COURT OF JEFFERSON COUNTY, WEST VIRGINIA

DONALD J. ORSER,

Plaintiff,

v.

Civil Action No. 10-C-68
The Honorable David H. Sanders

THE COUNTY COMMISSION OF
JEFFERSON COUNTY,
WEST VIRGINIA,
Sitting as the Jefferson County Board
of Review and Equalization,
a public body, ANGELA
BANKS, Assessor, and
CRAIG A. GRIFFITH, STATE
TAX COMMISSIONER,

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AUG 04 2011

JEFFERSON COUNTY
CIRCUIT CLERK

Defendants.

ORDER GRANTING DEFENDANTS' JOINT
MOTION TO DISMISS

This matter came before this Court on the Defendants' Joint Motion to Dismiss filed by the Defendant Craig A. Griffith, State Tax Commissioner, The County Commission of Jefferson County, and Angela Banks, Assessor. After considering the arguments of the parties, the Court makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

1. The Complaint in the above-styled action, with the exception of paragraphs 37 and 56, is identical to the Complaint filed in Civil Action No. 09-AA-05 (hereafter "the related case").
2. In the related case, the Petitioner filed an appeal of various assessments at the Jefferson County Commission, sitting as the Board of Equalization and Review. The appeals were

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Jefferson County Commission

cc: Stephanie Grove, Esq. (FBI) 8/9/11. - ds

heard and decided on February 23 and 26, 2009. The Complaint and the record from the county commission were both timely filed.

3. In the related case, Respondents, assessor and county commission, moved to dismiss the Complaint, alleging that the challenged assessment procedures were developed by the Tax Commissioner; therefore, the assessor was at risk of incurring inconsistent obligations if the Court ordered her to follow a procedure other than that developed by the Tax Commissioner. Motion to Dismiss, Nov. 16, 2009.

4. In the related case, the Court granted the Respondents' Motion to Dismiss without prejudice on February 26, 2010.

5. On March 1, 2010, Petitioner filed the Complaint in the instant case. The Complaint states at paragraph 56:

Plaintiff files this Complaint pursuant to an Order of this Court which dismissed Civil Action No. 09-AA-05 without prejudice thereby granting Plaintiff's leave to refile with the addition of the State Tax Commissioner as a party herein.

6. Three days later, the Petitioner filed Motion to Reconsider, Motion to Amend Judgment and Motion for a Stay of Proceedings in the related case. The Motion asked the Court to reinstate the related case but add the Tax Commissioner as a respondent because Petitioner's filing of the new suit was not timely the 30-day appeal period established by W. Va. Code § 11-3-25.

7. On March 10, 2010, this Court entered an Order in the related case, reinstating that case and ordering the Petitioner to join the Tax Commissioner as a respondent to the suit as a necessary party pursuant to W. Va. R. Civ. P., Rule 19(a). Thereafter, the Petitioner filed Second Amended Complaint for Relief, Review Declaratory Relief, and Constitutional Claims in the related case.

8. The sole purpose of Petitioner's filing the Complaint in the instant case was to preserve the claims that he had raised in the related case. *See* Complaint, ¶ 56.

9. Because that case was reinstated by this Court's Order requiring Petitioner to add the Tax Commissioner as a party, the instant suit is no longer needed.

CONCLUSIONS OF LAW

1. Under W. Va. Code § 11-3-25, appeals from the Board of Equalization and Review must be presented to the circuit court within 30 days after adjournment of the Board. In addition, the appeal petition must be accompanied by the original record of the Board.

2. The provisions of W. Va. Code § 11-3-25 and the provisions of W. Va. Code § 58-3-4 are mandatory and are read together. *Rawl Sales & Processing Co. v. County Commission of Mingo County*, 443 S.E.2d 595 (W. Va. 1994).

3. If both the petition and the record are not filed within 30 days after adjournment of the Board, the Court has no jurisdiction and the appeal must be dismissed. *In re Tax Assessment Against Purple Turtle LLC v. Gooden*, 679 S.E.2d 587 (W. Va. 2009). *See also Rawl Sales, supra; In re Tax Assessment Against O.V. Stonestreet*, 131 S.E.2d 52 (W. Va. 1963).

4. The Complaint in the instant case was not timely filed under W. Va. Code § 11-3-25: it was not filed until a year and a day after adjournment of the Board of Equalization and Review for the year 2009. Therefore, this Court lacks jurisdiction of this case, and it must be dismissed.

5. Duplicative filing of a tax declaratory judgment action when there is a pending tax appeal case is narrowly limited to cases in which the circuit court will be deciding a pure legal question. *Chesapeake and Potomac Co. of West Virginia v. State Tax Department*, 239 S.E.2d 918

(W. Va. 1977). (See also Tax Commissioner's Memorandum of Law in Support of his Motion to Dismiss and to Exclude Discovery at pages 12-14 in the related case.) This case is not so limited.

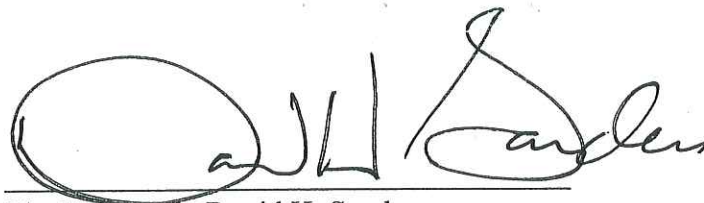
6. Because the Petitioner was allowed to reinstate his original case, Civil Action No. 09-AA-05, and this case is identical to it, he is not harmed by the dismissal of this matter.

Accordingly, this case is hereby **DISMISSED**.

The Court notes any objections of the parties for the record.

The Clerk is directed to enter this Order and transmit copies of this Order to all parties and counsel of record.

Entered this 4th day of Aug., 2011.



The Honorable David H. Sanders
Judge of the Twenty-Third Judicial Circuit
Jefferson County, West Virginia

4cc

Prepared by:

- Charli Fulton (WVSB #1314)
Senior Assistant Attorney General
Office of the Attorney General
Building 1, Room W-435
State Capitol Complex
Charleston, WV 25305
(304) 558-2522

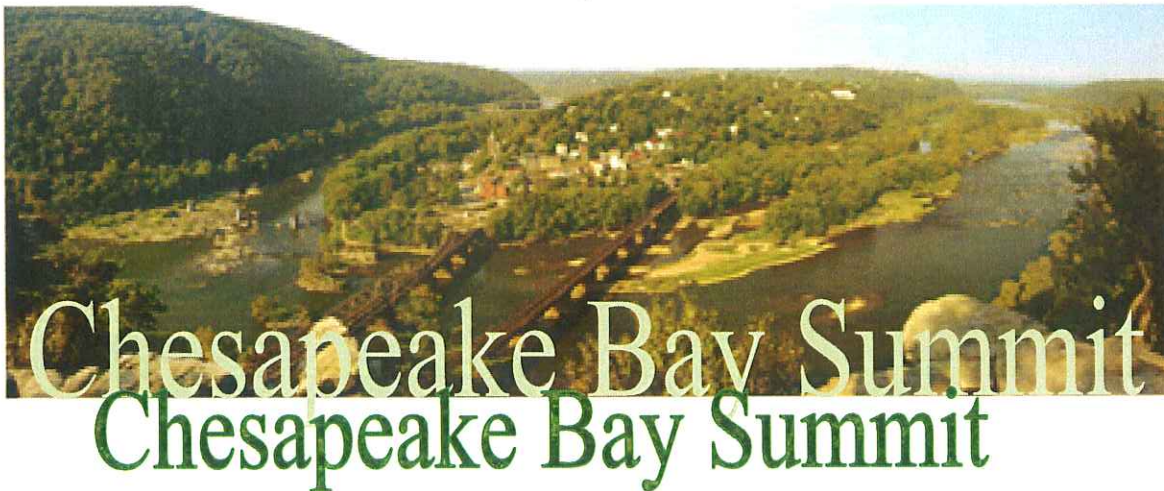
- A. Banks
 - Co. Comm c/o J. Maghan
 - J. Cassell
- 8/5/11
AW

A TRUE COPY
ATTEST:

LAURA E. PATTENNI
CLERK OF THE COURT
JEFFERSON COUNTY, W.VA.

BY 
DEPUTY CLERK

**NOTE TO COUNSEL
THE COURT HAS RECEIVED NO
PLEADINGS IN OPPOSITION TO
THIS MOTION DURING THE TIME
PERIOD CONTEMPLATED BY
THE LOCAL RULE**



August 31, 2011

8:30 AM – 4:30 PM

Robert C. Byrd Health Sciences Center, Eastern Division

2500 Foundation Way

Martinsburg, WV

(I-81 Exit 14 | Dry Run Road | Tennessee Avenue | Hospital Drive | Dorothy McCormack Parking Lot)

Presentation/Discussion

Chesapeake Bay Program Overview

WV Phase II Watershed Implementation Plan

Region 9 Local Partner Role

Chesapeake Bay Scenario Tools

Best Management Practices

MS4 & National Stormwater Rulemaking

RSVP by August 24th to: Jennifer O'Brien | jobrien@region9wv.com | (304) 263-1743
Region 9 Eastern Panhandle Regional Planning & Development Council

NOTICE OF MEETING
Jefferson County Commission
Council of Governments Roundtable Meeting

The County Commission of Jefferson County will hold a Council of Governments Roundtable meeting on Wednesday, September 7, 2011 at 5:00 p.m. at the County Commission Meeting Room located at the Old Charles Town Library, 200 E. Washington Street (Samuel Street Entrance), Charles Town, West Virginia 25414.

The following topic will be discussed:

- Discuss the City of Ranson and Charles Town Transportation Development Fee Study
- Impact Fees
- Next meeting and agenda topics discussion

The public is invited to attend. No decisions will be made at this meeting.

By Order of The County
Commission of Jefferson County
Patricia A. Noland

**WEST VIRGINIA LOTTERY
WEEKLY SETTLEMENT FOR CHARLES TOWN**

Week Ending Date	Week Ending August 6, 2011
To be Deposited on:	August 12, 2011
Amount Played	80,355,128.43
Amount Won	72,206,100.35
Amount Promo	<u>253,729.00</u>
MWAP Contribution	<u>4,920.24</u>
Adjusted Gross Terminal Revenue	<u>7,890,378.84</u>
Administrative Costs @ 4%	315,615.15
Excess Lottery Fund @ 4%	<u>0.00</u>
Net Terminal Revenue	<u>7,574,763.69</u>
Surcharge @ 10%	0.00
State Share Excess @ 58%	0.00
Track Share of Capital Reinvestment @ 42%	0.00
Track Share of Capital Reinvestment @ 42% - 96%	0.00
Track Share of Capital Reinvestment @ 42% - 4%	\$ -
Adjusted Net Terminal Revenue	<u>7,574,763.69</u>
Racetrack @ 46.50% / 42%	3,522,265.12
Lottery Fund @ 30% / 0%	2,272,429.08
Excess Lottery Fund @ 0% / 41%	0.00
Race Track Purses @ 7% / 14% / 8%	530,233.46
Workers' Compensation Debt Reduction @ 7% / 0%	530,233.46
Employee Pension Fund @ 1% / .5%	75,747.64
Greyhound Development @ .75%	56,810.73
Thoroughbred Development @ .75%	56,810.73
Racing Commission @ 1%	75,747.64
County/Municipality @ 2%	151,495.28
3% Funds:	
Tourism Promotion Fund @ 1.375%	104,153.00
Development Office Promotion Fund @ .375%	28,405.36
Research Challenge Fund @ .5%	37,873.82
Capitol Renovation and Improvement Fund @ .6875%	52,076.50
2004 Capitol Complex Parking Garage Fund @ .0625%	4,734.23
1% Funds:	
State Capitol Complex Parking Garage @ 1%	-
Cultural Facilities and Capitol Resources @ .5%	37,873.82
Capitol Dome and Capitol Improvements @ .5% / 1%	37,873.82
	<u>7,574,763.69</u>

WEST VIRGINIA LOTTERY

First Benchmark
 Charles Town
 County / City Split
 Fiscal Year 2012

Charles Town
 1999 Net Terminal Revenue \$ 45,603,174
 Benchmark Goal @ 2% \$ 912,063.48

DATE	2% OF ADJ. NET REVENUE	TO JEFFERSON COUNTY	TO FIVE CITIES	BOLIVAR 8.19%	CHARLES TOWN 41.20%	HARPERS FERRY 2.24%	RANSON 34.78%	SHEPHERDS TOWN 13.59%
2 days ending: 7/1/2011 - 7/2/2011	\$ 69,824.12	\$ 69,824.12	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Week Ending:								
07/09/11	\$ 171,717.28	\$ 171,717.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/16/11	\$ 143,019.52	\$ 143,019.52	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/23/11	\$ 146,508.00	\$ 146,508.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
07/30/11	\$ 144,510.28	\$ 144,510.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
08/06/11	\$ 151,495.28	\$ 151,495.28	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -
Subtotal	\$ 827,074.48	\$ 827,074.48	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ 84,989.00

VIDEO LOTTERY REPORT

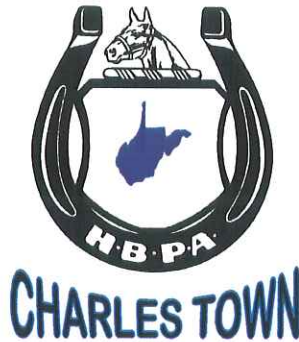
FY 2009			FY 2010			FY 2011			FY 2012		
Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount	Date	Amount
7/5/2008 *	169,912.56	7/4/2009 *	128,262.42	7/3/2010	115,402.58	7/1-2/2011	69,824.12				
7/12/2008	176,592.38	7/11/2009	168,815.08	7/10/2010	205,731.64	7/9/2011	171,717.28				
7/19/2008	160,344.08	7/18/2009	160,652.98	7/17/2010	161,386.76	7/16/2011	143,019.52				
7/26/2008	162,982.74	7/25/2009	158,869.08	7/24/2010	160,368.28	7/23/2011	146,508.00				
8/2/2008	178,171.04	8/1/2009	174,493.08	7/31/2010	157,802.08	7/30/2011	144,510.28				
8/9/2008	123,538.04	8/8/2009	138,408.80	8/7/2010	136,494.98	8/6/2011	151,495.28				
8/16/2008	82,482.89	8/15/2009	81,222.14	8/14/2010	78,376.68						
8/23/2008	76,426.18	8/22/2009	76,260.31	8/21/2010	76,199.02						
8/30/2008	89,459.86	8/29/2009	80,472.92	8/28/2010	72,460.03						
9/6/2008	91,644.46	9/5/2009	80,798.15	9/4/2010	76,362.84						
9/13/2008	79,729.93	9/12/2009	86,286.92	9/11/2010	82,969.36						
9/20/2008	71,269.36	9/19/2009	70,010.15	9/18/2010	67,638.78						
9/27/2008	79,735.73	9/26/2009	69,316.87	9/25/2010	70,435.06						
10/4/2008	75,186.22	10/3/2009	72,286.04	10/2/2010	71,013.86						
10/11/2008	77,139.04	10/10/2009	69,650.63	10/9/2010	69,311.50						
10/18/2008	80,668.26	10/17/2009	73,560.21	10/16/2010	75,234.62						
10/25/2008	64,379.44	10/24/2009	67,581.66	10/23/2010	70,290.80						
11/1/2008	68,352.42	10/31/2009	64,528.30	10/30/2010	65,615.04						
11/8/2008	70,823.02	11/7/2009	63,741.59	11/6/2010	61,337.62						
11/15/2008	65,565.50	11/14/2009	65,959.64	11/13/2010	64,595.28						
11/22/2008	63,883.80	11/21/2009	59,547.05	11/20/2010	56,010.08						
11/29/2008	69,850.12	11/28/2009	72,399.98	11/27/2010	71,170.90						
12/6/2008	55,696.68	12/5/2009	51,006.51	12/4/2010	53,215.08						
12/13/2008	60,178.04	12/12/2009	52,460.58	12/11/2010	46,944.00						
12/20/2008	52,189.19	12/19/2009	32,834.39	12/18/2010	42,076.76						
12/27/2008	72,205.91	12/26/2009	53,406.34	12/25/2010	50,450.28						
1/3/2009	96,504.65	1/2/2010	92,980.40	1/1/2011	85,152.12						
1/10/2009	53,286.62	1/9/2010	55,020.46	1/8/2011	54,301.30						

1/17/2009	56,068.87	1/16/2010	60,551.28	1/15/2011	54,005.90
1/24/2009	71,474.63	1/23/2010	69,943.53	1/22/2011	60,924.74
1/31/2009	61,089.80	1/30/2010	48,527.75	1/29/2011	48,036.94
2/7/2009	83,539.63	2/6/2010	37,155.14	2/5/2011	60,777.44
2/14/2009	76,054.44	2/13/2010	44,334.00	2/12/2011	67,471.84
2/21/2009	91,838.41	2/20/2010	76,946.12	2/19/2011	72,018.54
2/28/2009	80,806.88	2/27/2010	72,024.40	2/26/2011	75,544.02
3/7/2009	48,837.13	3/6/2010	76,936.85	3/5/2011	74,535.34
3/14/2009	96,025.39	3/13/2010	71,007.37	3/12/2011	66,979.48
3/21/2009	79,002.82	3/20/2010	74,335.38	3/19/2011	73,113.26
3/28/2009	79,250.83	3/27/2010	69,941.88	3/26/2011	68,490.80
4/4/2009	75,968.30	4/3/2010	70,636.28	4/2/2011	70,846.58
4/11/2009	75,964.94	4/10/2010	69,692.79	4/9/2011	67,076.78
4/18/2009	80,598.22	4/17/2010	69,335.92	4/16/2011	64,698.56
4/25/2009	75,571.46	4/24/2010	68,714.11	4/23/2011	67,674.14
5/2/2009	73,957.05	5/1/2010	68,799.06	4/30/2011	66,807.50
5/9/2009	76,697.22	5/8/2010	67,403.54	5/7/2011	66,379.74
5/16/2009	71,925.70	5/15/2010	70,186.32	5/14/2011	66,699.76
5/23/2009	81,395.43	5/22/2010	64,695.71	5/21/2011	63,210.44
5/30/2009	82,161.55	5/29/2010	67,157.40	5/28/2011	64,724.06
6/6/2009	74,895.74	6/5/2010	77,371.80	6/4/2011	74,952.34
6/13/2009	67,327.23	6/12/2010	66,106.29	6/11/2011	62,203.12
6/20/2009	75,500.53	6/19/2010	64,888.48	6/18/2011	61,200.76
6/27/2009	67,354.10	6/26/2010	63,950.29	6/25/2011	65,470.44
6/30/2009 ***	32,059.58	6/30/2010	29,667.19	6/30/2011	34,351.16
TOTALS 4403564.04			4041141.56	4016541.01	827074.48

Table Game Revenue
FY 2011

Date	Amount
July/August, 2010	154,185.68
September, 2010	94,247.84
October, 2010	105,903.60
November, 2010	108,717.67
December, 2010	118,721.11
January, 2011	106,189.21
February, 2011	105,776.45
March, 2011	120,927.10
April, 2011	130,654.61
May, 2011	130,492.02
June, 2011	121,576.41

1297391.7



HORSEMEN'S BENEVOLENT AND PROTECTIVE ASSOCIATION, INC.
PO BOX 581
CHARLES TOWN, WV 25414
PHONE (304) 725-1535 FAX (304) 728-2113
EMAIL cthbpa@yahoo.com

Jefferson County Commissioners
PO Box 250
Charles Town, WV 25414

August 10, 2011

Dear Commissioners,

You are cordially invited to join the Charles Town HBPA membership for the Annual Owners Day Buffet Luncheon including an afternoon of racing. This is a day of appreciation to all our owners and trainers who support the Charles Town Races. We hope you will be able to join us on Sunday, August 21, 2011. The event will be from 11:30 a.m. to 4:00 p.m. on the third floor of the Hollywood Casino at Charles Town Races.

Sincerely,

Patricia M. Evans
Secretary/Treasurer
Charles Town HBPA, Inc

RSVP requested

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AUG 11 2011

Jefferson County Commission



FEMA

AUG 09 2011

Barbara J. Miller, C.E.M., C.F.M.
Director, Jefferson County Homeland Security
and Emergency Management
28 Industrial Boulevard, Suite 101
Kearneysville, West Virginia 25430

Dear Ms. Miller:

I am pleased to invite you to serve on the Federal Emergency Management Agency (FEMA) Region III Regional Advisory Council (RAC). You will serve as a member representing county government.

The mission of the RAC is to ensure effective and ongoing coordination of preparedness, protection, response, recovery, and mitigation efforts for all hazards within Region III by serving as a mechanism for the Regional Administrator to obtain advice on FEMA policies and program activities. The RAC ties closely to the Region's Fiscal Year 2011 priority to effectively engage stakeholders to enhance preparedness across the Region.

Attached for your reference is the RAC Charter that was finalized during our January 2011 meeting. The charter provides an overview of the council's purpose, scope, and organizational structure. The RAC meets in-person twice a year and may on occasion meet via teleconference. Travel expenses are paid for by FEMA.

To accept your appointment, please contact Nicholas DeJesse (Nicholas.dejesse@dhs.gov) or 215-931-5665. The Regional Advisory Council Coordinator will provide you additional information on the next meeting of the RAC November 2011 once you confirm your participation.

I want to thank you in advance for your willingness to serve on the Regional Advisory Council and for all you do on a daily basis to ensure the preparedness and safety of your citizens.

Sincerely,

A handwritten signature in black ink, appearing to read "MaryAnn Tierney".

MaryAnn Tierney
Regional Administrator

Enclosure: