

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, SEPTEMBER 15, 2011**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

**APPROVAL OF PURCHASE ORDERS**

**APPROVAL OF ACCOUNTS PAYABLE**

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations
  
2. 10:00 a.m. Jennifer Brockman, Director of Planning and Zoning  
- Presentation of Shepherdstown Town Council's Recommended Urban Growth Boundary - Discussion/Action
  
3. 10:15 a.m. Roger Goodwin, Chief County Engineer
  - Complete release of the Construction Bond security for Charles Town Races and Slots - Washington Street Entrance (File #S04-17) Letter of Credit #SM212494W with Wachovia Bank, National Association, Winston Salem, NC - Discussion/Action
  - Complete release of the Construction Bond security for Shantel Shenandoah Mobile Company - Shannondale Mount Hammond Lane (File #S09-03) - Cash in Escrow with Branch Banking & Trust Company, Woodstock, VA - Discussion/Action
  - Complete release of the Construction Bond security for W.A. Chester, LLC - HV Support Facility ( File #S09-02) - Cash in Escrow with Wells Fargo Bank, NA, Columbia, MD - Discussion/Action
  - Complete release of Construction Bond security for Beallair Homes, LLC - Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A (File #05-41) - Letter of Credit #60000691364 from Susquehanna Bank, Hagerstown, MD - Discussion/Action
  - Complete release of Construction Bond security for Summit Point Automotive Research Center, LLC - StaSIS Grading Plan (File #S10-08) - Cash in Escrow with Bank of Charles Town, Charles Town, WV - Discussion/Action

4. 10:30 a.m. BREAK

**UNFINISHED BUSINESS:**

5. Continued discussion on the Water Advisory Committee (WP) - Discussion/Action

6. Approval of Lease - 201 North George Street, Charles Town - Discussion/Action

**NEW BUSINESS:**

7. Table Games Revenue - How they are received and what account should the funds be placed (WP) - Discussion/Action

8. 11:00 a.m. Lynn Fields, Deputy Clerk, Probate  
- Motion to appoint Sheriff as Administrator of the Estate of Shawn Hufnagel - Discussion/Action

**COUNTY ADMINISTRATOR REPORTS**

**COUNTY COMMISSION REPORTS**

**RECESS**

~~~~~ **EVENING SESSION** ~~~~~

9. 7:00 p.m. Public Hearing

- Proposed Amendments to Article 12 and Section 2.2 of Jefferson County Zoning and Land Development Ordinance

- Proposed Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations

- Proposed Amendments to Article 4A and Sections 2.2 and 10.3 of the Jefferson County Subdivision and Land Development Regulations

- Proposed Amendments to Article 24 of the Jefferson County Subdivision and Land Development Regulations

**ADJOURN**

**CORRESPONDENCE:**

Copy of the minutes received from the Jefferson County Public Service District meeting held August 1, 2011.

Harpers Ferry Community Bulletin received.

Letter received from Kevin Leyden, Director of the Institute for Public Affairs, West Virginia University.

Advising sheet from West Virginia University Local Government Leadership Academy received.

Notice of upcoming appoint to the Water Advisory Committee for an unexpired term ending January 31, 2012.

Registration form received for the Court Security Seminar.

Letter received from Barbara Humes regarding the County Farmland Protection Program.

Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery, weeks ending September 3, 2011

*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, September 8, 2011**

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A meeting of the Jefferson County Commission was held on Thursday, September 8, 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, Nichelle Hosby, Executive Assistant and Jimmy Eddy, Bailiff. (An audio tape of this September 8, 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 Manuel led the Pledge of Allegiance.

**APPROVAL OF MINUTES**

Motion by Mr. Manuel to approve the Minutes of the September 1, 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 \$27,860.94, being purchase order numbers: 53212, 53134, 50508, 53179, 53137, 53136, 53135, 53092, 53133, 50509, 53128. Motion seconded by Mr. Manuel and unanimously approved.

**APPROVAL OF ACCOUNTS PAYABLE:**

Motion by Ms. Morgan to approve the accounts payable for August 25, 2011 in the amount of \$52,738.00.  
Motion seconded by Mr. Pellish and unanimously approved.

**PUBLIC COMMENT**

Jacquelyn Milliron presented comments relating to the WV Public Service Commission decision not to approve the Flowing Springs Water Sewage Treatment Plant.

Chad Wallen gave comments on behalf of Catherine Hott requesting the County Commission hold a Public Hearing on the Hott rezoning application.

**Presentations:**

1. **Jennifer Brockman, Director of Planning and Zoning presented recommendation of the Planning Commission on the landowner-initiated petition to amend the County Zoning Map for portions of properties known as the Hott Property, designated as Tax Map 15, Parcel 47 and 56 Harpers Ferry District located at the southwest corner of Route 9 near the Virginia State line.**

Jennifer Brockman gave a brief background on the landowner-initiated petition to amend the County Zoning Map.

Stephanie Grove, Assistant Prosecuting Attorney provided additional comments.

Motion by Mr. Manuel to hold a Public Hearing concerning the Hott Property Rezoning and for Mr. Boyde to find an appropriate date. Motion seconded by Mr. Pellish and unanimously approved.

Mr. Boyde and Ms. Brockman recommended Thursday, October 6, 2011 at 7:00 p.m. at a location to be determined.

### **NEW BUSINESS:**

#### **2. Funding Resolution – Farmland Protection Board.**

Commissioner Morgan motioned for staff to contact Liz Wheeler regarding language in the Farmland Protection Funding Resolution to include totals of collected Transfer funds in years present and past and ask that the request of funds be granted. Motion seconded by Mr. Manuel and unanimously approved.

#### **3. Approval of Lease – 201 North George Street, Charles Town, WV.**

Ralph Lorenzetti, Prosecuting Attorney and Stephanie Grove, Assistant Prosecuting Attorney was present and gave comment.

Ms. Grove recommended an Executive Session to discuss particulars regarding the lease.

The Commission agreed to continue with the agenda items and enter into the Executive Session upon completion of the agenda.

#### **4. Request for selection of a date for public hearing concerning combined fire and ambulance fee to be instituted by the County (DM).**

Motion by Mr. Manuel to start the process of working with volunteer firefighters and their representatives and the Emergency Services Agency to schedule a public hearing concerning a combined fire and ambulance fee to be instituted by the County. Motion seconded by Ms. Widmyer and unanimously approved.

Marty Freeman, member of the Emergency Services Agency Board was present and made comment.

#### **5. Resolution – National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>, 2001.**

Ms. Morgan recommended a change of wording in the resolution from honor to remembrance.

Motion by Mr. Pellish to approve the Resolution for the National Moment of Remembrance of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>, 2001 with the recommended word change. Motion seconded by Ms. Morgan and unanimously approved.

**RESOLUTION**

**The Jefferson County Commission Joining the National Moment of Remembrance  
of the 10<sup>th</sup> Anniversary of September 11<sup>th</sup>**

**WHEREAS**, the governing body of Jefferson County Commission expresses their support of the United States Senate regarding coming together as a Nation and ceasing all work or other activity for a moment of remembrance beginning at 1:00 p.m. Eastern Daylight Time on September 11, 2011, in remembrance of the 10th anniversary of the terrorist attacks committed against the United States on September 11, 2001; and

**WHEREAS**, at 8:46 a.m., on September 11, 2001, hijacked American Airlines Flight 11 crashed into the upper portion of the North Tower of the World Trade Center in New York City, New York; and

**WHEREAS**, 17 minutes later, at 9:03 a.m., hijacked United Airlines Flight 175 crashed into the South Tower of the World Trade Center; and

**WHEREAS**, at 9:37 a.m., the west wall of the Pentagon was hit by hijacked American Airlines Flight 77, the impact of which caused immediate and catastrophic damage to the headquarters of the Department of Defense; and

**WHEREAS**, at approximately 10:00 a.m., the passengers and crew of hijacked United Airlines Flight 93 acted heroically to retake control of the airplane and thwart the taking of additional American lives by crashing the airliner in Shanksville, Pennsylvania, and, in doing so, gave their lives to save countless others; and

**WHEREAS**, nearly 3,000 innocent civilians were killed in the heinous attacks of September 11, 2001; and

**WHEREAS**, tens of thousands of individuals narrowly escaped the attacks at the Pentagon and World Trade Center and, as witnesses to this tragedy, are forever changed; and

**WHEREAS**, countless fire departments, police departments, first responders, governmental officials, workers, emergency medical personnel, and volunteers responded immediately and heroically to those horrific events; and

**WHEREAS**, the Fire Department of New York suffered 343 fatalities on September 11, 2001, the largest loss of life of any emergency response agency in United States history; and

**WHEREAS**, the Port Authority Police Department suffered 37 fatalities in the attacks, the largest loss of life of any police force in United States history in a single day; and

**WHEREAS**, the New York Police Department suffered 23 fatalities as a result of the terrorist attacks; and

**WHEREAS**, the impact of that day on public health continues through 2011, as nearly 90,000 people are at risk of or suffering from negative health effects as a result of the events of September 11, 2001, including 14,000 workers and 2,400 community residents who are sick, and tens of thousands of others whose health is being monitored; and

**WHEREAS**, 10 years later, the people of the United States and people around the world continue to mourn the tremendous loss of innocent life on that fateful day; and

**WHEREAS**, 10 years later, thousands of men and women in the United States Armed Forces remain in harm's way defending the United States against those who seek to threaten the United States; and

**WHEREAS**, on the 10th anniversary of this tragic day, the thoughts of the people of the United States are with all of the victims of the events of September 11, 2001 and their families; and

**WHEREAS**, the lives of Americans were changed forever on September 11, 2001, when events threatened the American way of life; and

**WHEREAS**, in 2009, Congress and the President joined together to designate September 11 as a National Day of Service and Remembrance under the Serve America Act (Public Law 111–13; 123 Stat. 1460); and

**WHEREAS**, in September 2009 and 2010, President Obama issued Proclamation 8413 (74 Fed. Reg. 47045) and Proclamation 8559 (75 Fed. Reg. 56463) proclaiming September 11, 2009, and September 11, 2010, respectively, as Patriot Day and National Day of Service and Remembrance; and

**WHEREAS**, September 11 will never, and should never, be just another day in the hearts and minds of all people of the United States;

**NOW, THEREFORE BE IT RESOLVED** that the governing body of Jefferson County Commission:

(1) recognizes September 11, 2011, as a day of solemn commemoration of the events of September 11, 2001, and a day to come together as a Nation; and

(2) offers its deepest and most sincere condolences to the families, friends, and loved ones of the innocent victims of the September 11, 2001, terrorist attacks; and

(3) honors the heroic service, actions, and sacrifices of first responders, law enforcement personnel, State and local officials, volunteers, and countless others who aided the innocent victims of those attacks and, in doing so, bravely risked and often gave their own lives; and

(4) recognizes the valiant service, actions, and sacrifices of United States personnel, including members of the United States Armed Forces, the United States intelligence agencies, the United States diplomatic service, homeland security and law enforcement personnel, and their families, who have given so much, including their lives and well-being, to support the cause of freedom and defend the security of the United States; and

(5) reaffirms that the people of the United States will never forget the challenges our country endured on and since September 11, 2001, and will work tirelessly to defeat those who attacked the United States; and

**BE IT FURTHER RESOLVED** that on the 10th anniversary of this tragic day in United States history the governing body of the Jefferson County Commission calls upon all of the people and institutions of the United States to observe a moment of remembrance on September 11, 2011, including (i) media outlets; (ii) houses of worship; (iii) military organizations; (iv) veterans organizations; (v) airlines; (vi) airports; (vii) railroads; (viii) sports teams; (ix) the Federal Government; (x) State and local governments; (xi) police, fire, and other public institutions; (xii) educational institutions; (xiii) businesses; and (xiv) other public and private institutions; and

**BE IT FURTHER RESOLVED** that the governing body of the Jefferson County Commission encourages the observance of the moment of remembrance to last for 1 minute beginning at 1:00 p.m. Eastern Daylight Time by, to the maximum extent practicable ceasing all work or other activity; and marking the moment in an appropriate manner, including by ringing bells, blowing whistles, or sounding sirens.

Adopted this 8<sup>th</sup> day of September, 2011 by the Jefferson County Commission

\_\_\_\_\_  
Patricia Noland, President

\_\_\_\_\_  
Dale Manuel, Commissioner

\_\_\_\_\_  
Lyn Widmyer, Commissioner

\_\_\_\_\_  
Walt Pellish, Commissioner

\_\_\_\_\_  
Frances Morgan, Commissioner

**6. Resolution of the Postal Area Mail Processing (AMP).**

**RESOLUTION**

WHEREAS, the County Commission of Jefferson County acknowledges that the US Postal Service is conducting an Area Mail Processing (AMP) study at the Martinsburg Postal Facility and;

WHEREAS, all areas with postal zip codes beginning with 254 will be affected and;

WHEREAS, all mail set from the 254 area to the 254 area will no longer arrive next day and;

WHEREAS, outgoing mail being transported to Baltimore for processing will likely experience delays and;

WHEREAS, it is likely that some local postal customers will not receive their mail until after 5pm and;

WHEREAS, that moving our mail processing to Baltimore will make our local delivery service unreliable and;

WHEREAS, that this move could result in job losses to some current employees of the Martinsburg Post Office and;

**THEREFORE, BE IT RESOLVED**, that the County Commission of Jefferson County resolves to go on record in opposition to the mail consolidation plan.

Adopted this 8<sup>th</sup> day of September, 2011:

\_\_\_\_\_  
Patricia Noland, President

\_\_\_\_\_  
Dale Manuel, Commissioner

\_\_\_\_\_  
Walt Pellish, Commissioner

\_\_\_\_\_  
Lyn Widmyer, Commissioner

\_\_\_\_\_  
Frances B. Morgan, Commissioner

Motion by Ms. Widmyer to approve the Resolution of the Postal Area Map Processing study.  
Motion seconded by Mr. Manuel and unanimously approved.

The Commission directed staff to send copies to State and Federal legislators and the President.

**7. Approval of Lease – 201 North George Street (continued).**

Magistrate Gail Boober was present and made comments.  
Magistrate William Senseney was present.

**The Commission took a 10 minute break at 11:10 a.m.**

**COUNTY ADMINISTRATOR REPORTS:**

**County Administrator Tim Boyde:**

- Reported on the Space Needs Subcommittee meeting he attended.
- Reported on the department head meeting he attended.
- Reported on the forthcoming budget revisions.
- Reported on the AS400 that has a warranty expiration date approaching.

**COUNTY COMMISSIONER REPORTS:**

**Commissioner Widmyer:**

- Reported on the Public Service District meeting she attended.

**Commissioner Manuel:**

- Attended the Space Needs Subcommittee meeting.
- Attended the Affordable Housing meeting.
- Announced the Sam Michael's Yard Sale on Saturday from 8 a.m. – 2 p.m.

**Commissioner Morgan:**

- Attended the Board of Health meeting.
- Announced that there are two meetings tonight at 7:00 p.m.:
  - Ranson Renewal at Washington High School
  - Geo History Project in Shepherdstown

**Commissioner Pellish:**

- Announced he was a guest speaker at Shepherdstown Men's Club on Labor Day.

**Commissioner Noland:**

- Attended the Public Service District meeting.
- Attended the Affordable Housing meeting.

Motion by Mr. Manuel to enter into an Executive Session. Motion seconded by Ms. Widmyer and unanimously approved.

Stephanie Grove, Assistant Prosecuting Attorney stated that the Executive session was to discuss Lease negotiations and two other pending litigations.

Motion by Ms. Widmyer to authorize Mr. Boyde to enter into negotiations regarding 201 North George Street. Motion seconded by Mr. Pellish and unanimously approved.

There being no further business, Ms. Morgan made a motion to adjourn the meeting. Mr. Manuel seconded the motion and it was unanimously approved.

Upon rising the meeting was adjourned until Thursday, September 15, 2011 at 9:30 a.m.

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PATRICIA A. NOLAND, PRESIDENT

# PURCHASE ORDERS TO BE APPROVED

## September 15, 2011

| DEPARTMENT           | PURCHASE ORDER NUMBER | AMOUNT        | VENDOR                       | DESCRIPTION                   |
|----------------------|-----------------------|---------------|------------------------------|-------------------------------|
| COUNTY CLERK         | 53213                 | \$ 448.20     | JEFFERSON PUBLISHING CO.     | NOTICES OF ADMINISTRATION     |
| COUNTY COMMISSION    | 53250                 | \$ 99,893.60  | WV REG JAIL & CORR AUTHORITY | AUGUST 2011 BILLING           |
| COURTHOUSE           | 50511                 | \$ 468.50     | AUDIT HEAD                   | LONG DISTANCE SAVINGS CO.     |
|                      | 59517                 | \$ 7,738.99   | FISHER AUTO PARTS            | TIRE CHANGER, BALANCER, HITCH |
| ENGINEERING DEPT.    | 53256                 | \$ 868.68     | THE JOURNAL                  | AD FOR LAND DEV./INSPECTOR    |
| EXTENSION SERVICE    | 48118                 | \$ 105.00     | CAMPBELL BUSINESS MACHINES   | 3 CLEAR TABS \$35.00          |
| HOMELAND SECURITY    | 53178                 | \$ 371.75     | CRC PRESS                    | PRINTING                      |
| OTHER BUILDINGS      | 50510                 | \$ 773.14     | JEFFERSON RENTALS            | EQUIP RENTAL MAIN BLDG 2      |
|                      | 50512                 | \$ 1,181.25   | BK OFFICE SUPPLY             | MATERIALS & SUPPLIES          |
|                      | 50513                 | \$ 1,824.67   | GRAINGER                     | SHELVING FOR STORAGE          |
|                      | 50515                 | \$ 349.82     | BOLAND                       | REPAIRS TO EQUIPMENT          |
|                      | 50518                 | \$ 3,037.00   | FIDELITY POWER SYSTEMS       | GEN. PREV. MAIN. AGMTS. (4)   |
| PROSECUTING ATTORNEY | 50419                 | \$ 33,300.00  | WEST PAYMENT CENTER          | ANNUAL BILLING                |
|                      | 50420                 | \$ 1,156.25   | STAPLES CREDIT PLAN          | OFFICE SUPPLIES               |
|                      | 50421                 | \$ 1,872.69   | SPECIALTY BUSINESS SUPPLIES  | OFFICE SUPPLIES               |
| SHERIFF'S OFFICE     | 50514                 | \$ 124.29     | C.A.R.S.                     | MAIN. & REPAIRS TO VEHICLES   |
| <b>GRAND TOTAL</b>   |                       | \$ 153,513.83 |                              |                               |

Nichelle Hosby

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**From:** Tim Boyde [tboyde@jeffersoncountywv.org]  
**Sent:** Tuesday, September 06, 2011 11:57 AM  
**To:** 'Angela Banks'  
**Cc:** 'Sandy Email'; nhosby@jeffersoncountywv.org  
**Subject:** RE: Agenda September 15, 2011

Angie:

We'll put you on the agenda for the first appointment.

Tim

**From:** Angela Banks [mailto:abanks@jeffersoncountywv.org]  
**Sent:** Tuesday, September 06, 2011 10:59 AM  
**To:** tboyde  
**Subject:** Agenda September 15, 2011

Tim,

I need to be on the County Commission Agenda for September 15, 2011 for exonerations.

Thanks!

Angela L. Banks  
Jefferson County Assessor  
104 E. Washington St.  
Charles Town WV 25414  
304-728-3224

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Jennifer Brockman

Department or Entity: Department of Planning

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 9/15/11

Date Requested – 2<sup>nd</sup> Choice: 9/22/11

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

Subject: **Presentation of Shepherdstown Town Council’s Recommended Urban Growth Boundary**

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

**On August 9, 2011 the Shepherdstown Town Council voted to recommend the attached Urban Growth Boundary (UGB) to be made a part of the County Zoning Map in accordance with WV State Code 8A. As the Town’s proposed UGB is different from the Boundary shown on the failed zoning map, the County Commission will have to hold a public hearing and take action as to whether to approve the recommended UGB.**

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 \_\_\_\_\_ (date certain) to consider Urban Growth Boundaries proposed by the Town of Shepherdstown for inclusion on the County Zoning Map.**

Attachments:

- 1) Memo from Director Brockman to County Commission “Urban Growth Boundary Background and Comments” dated 09/02/11
- 2) Letter from Mayor Auxer dated 09/01/11
- 3) Minutes of Shepherdstown Town Council meeting 08/09/11
- 4) Map of Shepherdstown Recommended Urban Growth Boundary

**JEFFERSON COUNTY, WEST VIRGINIA**

**Department of Planning & Zoning**

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

P.O. Box 338

Charles Town, West Virginia 25414

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

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

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TO: Jefferson County Commission  
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning  
DATE: September 2, 2011  
SUBJECT: Urban Growth Boundary Background and Comments

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The following is excerpted (and edited) from a previous agenda request form to provide you with an overview of the status of the various Urban Growth boundaries in the County:

The history of the Urban Growth Boundaries for all five Jefferson County municipalities is that they were developed through a collaborative effort between Jefferson County Planning Staff and a representative of each municipality during the time that Tony Redman was the Planning Director. These boundaries were not voted on by the Town Council bodies but were agreed to by a representative of the municipalities. These boundaries were considered by the County Commission at the public hearing that was held regarding the entire 2008 Zoning Ordinance and its associated Zoning Map and subsequently approved and adopted. This is the document and map that was stayed and then voted down by referendum, in November 2009.

During the state legislative session of 2009, state annexation law (WV Code Chapter 8) was amended with specific provisions related to the creation of Urban Growth Boundaries on County Zoning Maps. The House and Senate Bills that created these provisions required that an Urban Growth Boundary "be established by the County Commission in consultation with each individual municipality regarding that municipality's boundary". It further states that once a County has adopted an Urban Growth Boundary, it is designated on the adopted County Zoning Map.

Because of this change in state law, when Director Brockman was hired by Jefferson County in May 2009, each municipality was contacted and provided with a copy of the Boundary that had been shown on the 2008 stayed Zoning Map and requested that they either adopt/approve this Boundary or respond with their preferred Boundary.

Since that time, both Charles Town's (on 1/19/10) and Ranson's (on 9/16/09) Town Councils approved the same Boundaries that were shown on the 2008 stayed Map. As the County Commission had already approved these Boundaries at a Public Hearing in 2008, these were considered approved and are reflected on our current 2010 Zoning Map.

On the other hand, the Towns of Bolivar, Harpers Ferry and Shepherdstown did not want to approve the Boundaries as they were shown on the 2008 stayed County Zoning Map. The Town Councils of both Harpers Ferry and Bolivar proposed different Boundaries for consideration by the County Commission in early 2011. Because no Public Hearing has been previously held on these different boundaries, the County Commission held the hearing on February 17, 2011 to consider these boundaries. The County

Commission voted following that hearing to deny the proposed UGBs for Bolivar and Harpers Ferry and they are therefore not reflected on the County Zoning Map. Similarly, in August 2011, the Shepherdstown Town Council has now voted to recommend an alternative proposed UGB for consideration by the County Commission. This again requires the County Commission to hold a Public Hearing at this time.

The following paragraphs were provided to the County Commission in response to public comment received on the Harpers Ferry and Bolivar proposed UGBs and may be of interest again:

Additional comments related to the effect on the private property rights and potential future annexation of the properties included in any Urban Growth Boundary. Speaking as a planner (and not providing a legal interpretation), the 2009 amendment to Chapter 8 of WV Code created an alternative process for annexation if a County Commission, with the agreement of a Municipality, adopts an UGB and places it on the Official Zoning Map of the County. Essentially, the process of adopting the UGB serves as the only public hearing required by the County Commission for those lands that may, at some point, request annexation. The state law does not enable a city to annex them against their will or does not provide that inclusion in an UGB on a County Zoning Map would allow the city to have authority over a development proposal in the County. Although the County has informally discussed the concept of entering into a Memorandum of Understanding with the municipalities to refer development proposals to each other to allow for interagency review and cooperation, the final decision regarding all development proposals in the unincorporated areas of the County will remain with the County.

Section 8-6-4a of state law further provides that if the County Commission and a municipality cannot agree upon the location or size of the boundary, either party may file for declaratory judgment relief in the Circuit Court which shall submit the dispute to mediation or arbitration prior to final resolution by the Circuit Court. Once a County has adopted an Urban Growth Boundary by its designation on an adopted County Zoning Map, the gross area inside the boundary may not be reduced without written consent of the municipality. The County Commission shall review each Urban Growth Boundary at a period not to exceed ten years or upon request of the individual municipality.

**Shepherdstown Town Council Meeting Minutes**  
**Tuesday August 9, 2011**  
**6:30 p.m. – Town Hall**

**Present:** Jim Auxer (Mayor), Lori Robertson (Recorder), Bane Schill, Dave Springer, Josh Stella and David Rosen.

**Absent:** Wanda Grantham Smith

**Staff:** Frank Welch and Chief Ransom.

**Visitors:** Meredith Wait, Sonya Evanisko, Mike Austin, Bonnie Austin, Kelly Cambrel, Judy Shepherd, and Neal Martineau

**Agenda Items 1 and 2-Call to order/approval of agenda and minutes:**

Call to order by Mayor Auxer at 6:29 pm. and approval of agenda.  
**Motion made by D. Springer, Second by B. Schill to approve the agenda. Motion carried unanimously.**

Approval of Town Council Meeting Minutes of July 12, 2011 (vote required)

**Motion made by D. Springer, Second by B. Schill to approve the July 12, 2011 minutes. Motion carried unanimously.**

**Agenda Item 3 and 4 – Public Comment Period/Visitors:**

Visitor's comments, if any, are logged in under the specific agenda item unless noted.

**Agenda Item 5 – Public Hearings:**

**Agenda Item 6 – New Business:**

A. Event Requests:

\* 2012 Back Alley Garden Tour – dates requested May 19 & 20  
(vote required)

Mike and Bonnie Austin spoke to this and stated that last year was focused on the East End and will set the route by February or

March 2012 per the Mayor's request. He saw how well Street Fest utilized Pan Tran and may do the same.

D. Springer asked about recycling.

Mike Austin stated that they didn't spend as much time on this last year and will try to incorporate it more in 2012.

**Motion made by D. Rosen, Second by D. Springer to approve the 2012 Back Alley Garden Tour, May 19 & 20. Motion carried unanimously.**

B. Letter of Request to appoint Kate Didden to the Shepherdstown Public Library Board of Trustees (vote required)

This is to fill a current trustee position vacated by Elizabeth Wheeler.

**Motion made by J/ Stella, Second by D. Rosen to approve the appointment of Kate Didden to the Shepherdstown Public Library Board of Trustees. Motion carried unanimously.**

C. Trick or Treat (set date)

Judy Shepherd spoke to this and stated that she prefers that Halloween be observed on Halloween, 6-8pm, not the weekend before of following. This year it falls on a Monday.

Mayor stated that no other local towns have set a date.

L. Robertson asked about it being on a school night.

Judy stated she thought it would be ok.

Mayor-the other towns could set their dates on other nights now that we set ours.

J. Stella-doesn't like changing the date from 10/31.

D. Springer and D. Rosen had ideas about traffic control: volunteers.

Sonya-expressed concern over the possibility of the date being the same as Shepherd University's activities.

Judy- never on the same day.

J. Stella-can traffic use S.U.'s lots, JSB or Knodes lots? And can the streets be closed for 2 hours?

Mayor-due to the dark streets that aren't as well lit?

L. Robertson-then do we close them all?

Chief-it would slow people down.

J. Stella- could use volunteers to help manage traffic.

Judy-reminded everyone that the Elementary School doesn't do Halloween activities any more.

Mayor-the police could use two cruisers with their lights on to alert traffic to slow down at each end of German Street and the Chief agreed that that could be done.

Mayor-to S.U. about using A lot.

Sonya-it might actually be better if it was on the same night after all.

Judy-it has always been on different night.

**Motion made by J.Stella, Second by B. Schill to approve Trick or Treat on 10/31/11 from 6-8pm. Motion carried unanimously.**

### Agenda Item 7 – Old Business:

### Agenda Item 8 – Mayor’s Report:

#### a. Project Updates

##### 1. Library Project Update-

The Mayor stated that it was moving forward and that there was a meeting planned for the 3-5 adjacent landowners.

##### 2. Town Hall Construction update –

The Mayor stated that acoustic panels were planned for the meeting room, a drain in the back, a concrete pad/bike rack, landscaping for the front.

David Springer asked if P&R was picking the date for the open house picnic.

Mayor stated that it is on the P&R agenda for this month.

##### 3. Shepherdstown’s 250<sup>th</sup> Anniversary and Celebration – update

Meredith gave a handout of events that are preset and are also on the website. She also gave a handout of Giving Levels to the Council. Mike Austin explained that a Chautauqua is a series of lectures, bands, vendors and arts & crafts.

### Agenda Item 9 – Reports of Committees:

#### A. Finance Committee:

1. Meeting Minutes of August 5, 2011

a. Finance Financial statements as of May 31, 2011

2. Committee Recommendations:

A. Budget Revision #2 (vote required)

This is regarding the Rumsey Green Development.

J. Stella-to find a planning consultant with the hope that the relationship will be a long-term for planning Shepherdstown. Right now expecting a 6-month relationship, but the hope is for more.

D. Rosen-is \$30,000 sufficient?

J. Stella-yes a good attempt.

D. Rosen-are deliverable prioritized?

J. Stella-yes, it is an RFP. Could we define them-sure.

B. Schill-should propose time and materials.

J. Stella-expressed concern if the developer would drag their heels. The Contract is based on time and materials and will see that the Town Council has the draft.

Neal M. -asked if he could get a copy of the RFP.

J. Stella-remarked that the Town Council was voting on the budget, not the exact language and Neal might want to wait until the final draft was done.

Mayor-the RFP coming out would be based on the edits talked about here tonight.

**Motion made by D. Springer, Second by L. Robertson to approve the Budget Revision #2. Motion carried unanimously.**

Agenda item 10 – Report of Commissions, Authority and Boards

**B. Planning Commission**

1. Meeting minutes of July 18, 2011

2. Recommendations:

a. Acceptance of the Shepherdstown Water/Sewer System Future Service Area as Shepherdstown's Urban growth Boundary (vote required)

The mayor held up a map showing the proposed UGB and this coincides with what the Water/Sewer Board has recommended. The County is asking us to come up with the

boundary, if not, they will do it. It allows for easier annexation with in the boundary, they will expedite it for us. J. Stella-it removes one step for annexation, that's it; it doesn't change our annexation policy at all.

There was a discussion of the wording of the motion. Sonya-the motion should be part of the UGB and not just in the minutes, as the people on the Town Council will change. Mayor-that is why we have the minutes and it would be included.

J. Stella-should also be in the comprehensive plan since we need to review that as well.

B. Schill-just as an idea, not as a draft.

Neal-stated he has Ranson's copy and has discussed it with their planner-what kind of services could it provide in the next 50 years.

Mayor-will make the presentation himself.

**Motion made by J. Stella, Second by D. Rosen to approve the UGB with the addition that the UGB recommendation is not intended to guide the Comprehensive Plan for greater Shepherdstown, instead, it meets the technical and legal requirements as requested by the County. Motion carried unanimously.**

3. Approval of RFP for consultant for proposed Rumsey Green Annexation (vote required)

J. Stella to send the final copy by Friday.

**Motion made by J. Stella, Second by D. Springer to approve the RFP as written with edits over the next three (3) days by Friday August 12, 2011. Motion carried unanimously.**

**Motion made by J. Stella, Second by D. Springer to adjourn at 7:15 pm. Motion carried unanimously.**

**Respectfully submitted by L. Robertson, Recorder.**



## CORPORATION OF SHEPHERDSTOWN

104 NORTH KING STREET  
P.O. Box 248  
SHEPHERDSTOWN, WEST VIRGINIA 25443-0248  
TEL: (304)876-2312  
FAX: (304) 876-1473

September 1, 2011

Jefferson County Commission  
Attn: Jennifer Brockman  
104 East Washington Street  
Charles Town, WV 25414

Dear Ms. Brockman:

Our Town Council, at its regular meeting of August 9, 2011, voted to approve the Urban Growth Boundary for Shepherdstown as presented by the Jefferson County Commission. The August Town Council Minutes are attached for you review as well as the UGB map that was presented to Town Council.

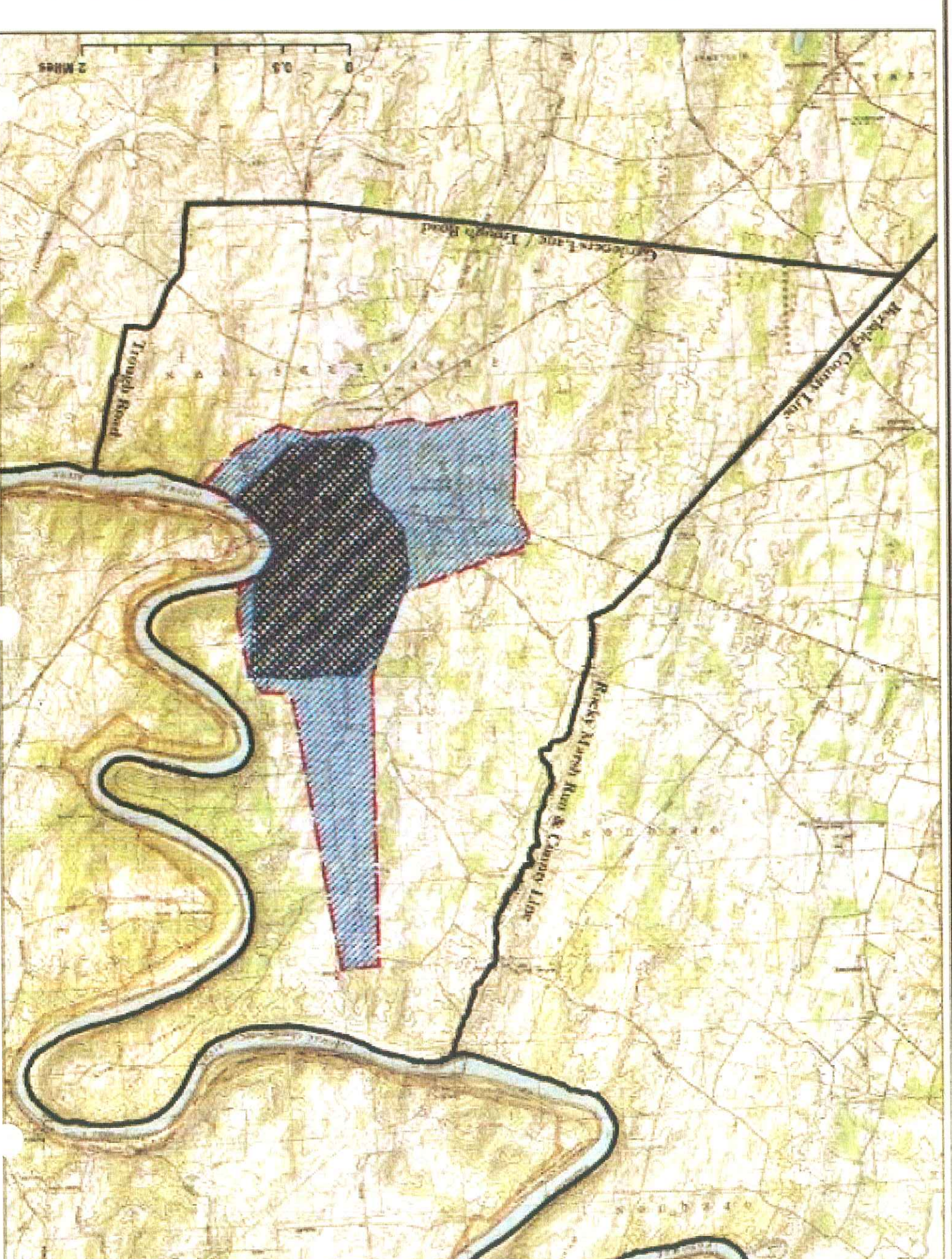
Please call with any questions you may have.

Respectfully,

  
Arthur J. Auxer, III

Mayor

# Shenherdstown Water/Sewer System



|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda:</p> <p>Appt Time or New Business:</p> |
|--------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Charles Town Races & Slots – Washington Street Entrance (File #S04-17) – Letter of Credit #SM212494W with Wachovia Bank, National Association, Winston-Salem, North Carolina.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$95,932.25 construction bond amount for Charles Town Races & Slots – Washington Street Entrance (File #S04-17) which is secured by Letter of Credit #SM212494W with Wachovia Bank, National Association, Winston-Salem, North Carolina.

- Attachments:
- Bond Release Letter
  - Bond Release Request Report
  - Site Map



## JEFFERSON COUNTY COMMISSION

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

Phone: (304) 728-3284 - Fax: (304) 725-9716

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Munnell*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Polish*

COMMISSIONER

*Lyn H. Admeyer*

September 15, 2011

Ms. Sharon P. Peace

Wachovia Bank, National Association

401 Linden Street

Winston-Salem, North Carolina 27101-0045

RE: Irrevocable Letter of Credit #SM212494W dated August 28, 2007 Construction Bond Surety for Charles Town Races & Slots - Washington Street Entrance (File #S04-17).

Dear Ms. Peace:

The Jefferson County Commission authorizes a complete release of the remaining \$95,932.25 construction bond amount for Charles Town Races 7 Slots – Washington Street Entrance (File #S04-17). This project is located on the north side of Washington Street at the intersection with Hollywood Drive. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount for the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$610,030.90. Please contact the Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAT:rfb

cc: Mr. Randy Kepler, P.E.  
Greenway Engineering, Inc.  
151 Windy Hill Lane  
Winchester, Virginia 22602  
Ms. Phyllis LeTart, VP of Legal & Business Affairs  
Charles Town Races & Slots  
P. O. Box 551  
Charles Town, West Virginia 25414  
Department of Engineering

COUNTY ADMINISTRATOR

*Tim Bonds*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Shuster McDonnell*

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
116 East Washington Street, P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-728-3257  
Fax: 304-728-3953

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 8 / 25 / 2011 J.C.P.C. File No. 504-17

Consultant/Engineer/Firm Name: Greenway Engineering

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: Randy Kepler Phone: 540 662 4185

Project/Subdivision Name: Charles Town Races + Lots

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

**Approved for:**  
Bond Release 0.00  
By Jath Dehn 8/29/2011  
County Engineer Date

Original Bond Amt. \$ 613 881 + 15% Cont. \$ 92 000 = Total Original Bond Amt. \$ 705 963.15

Total Current Bond Amount \$ 95 932.25

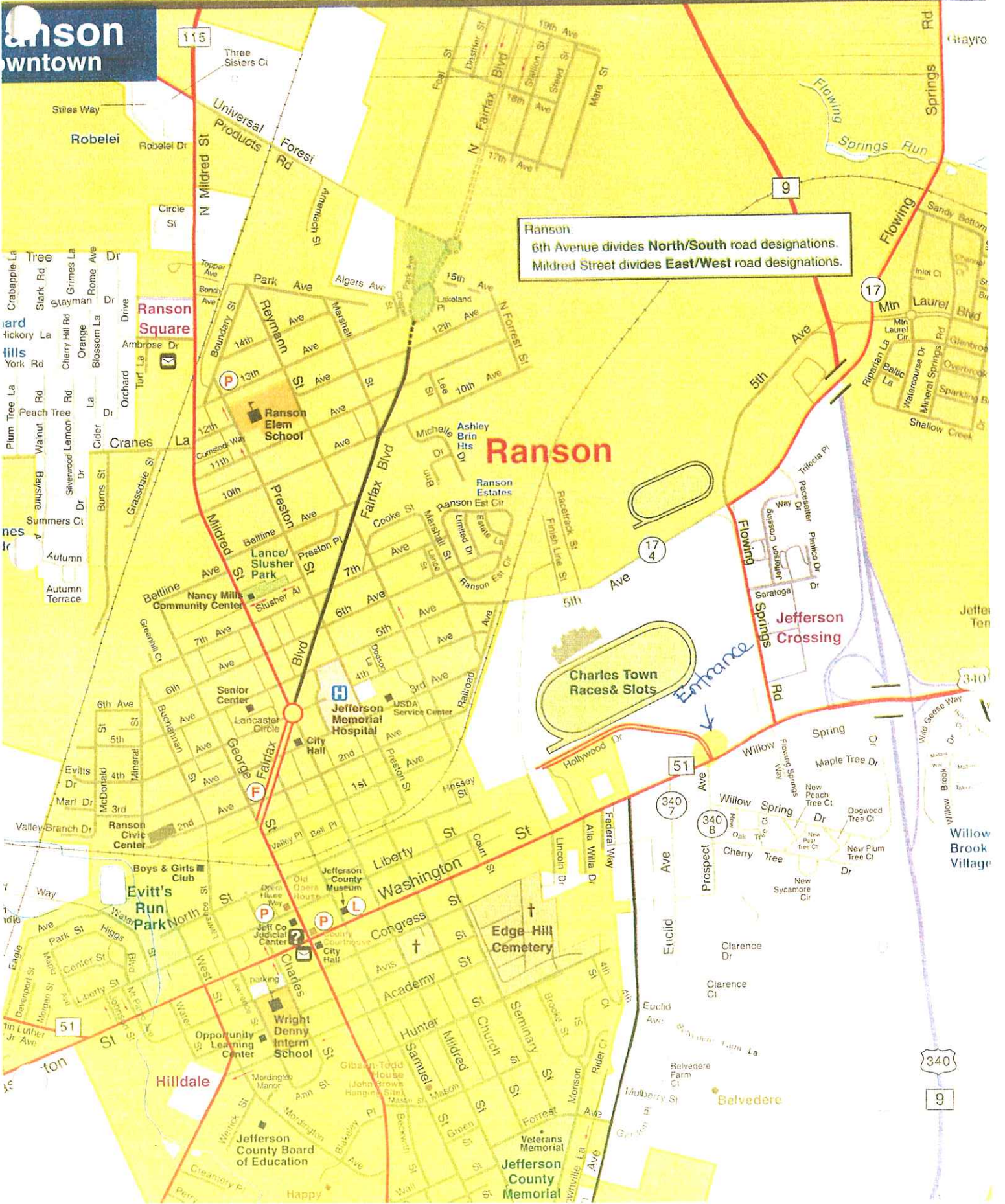
Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: Jath Dehn Date: 8 / 29 / 2011

## Ranson Downtown



Ranson  
6th Avenue divides North/South road designations.  
Mildred Street divides East/West road designations.

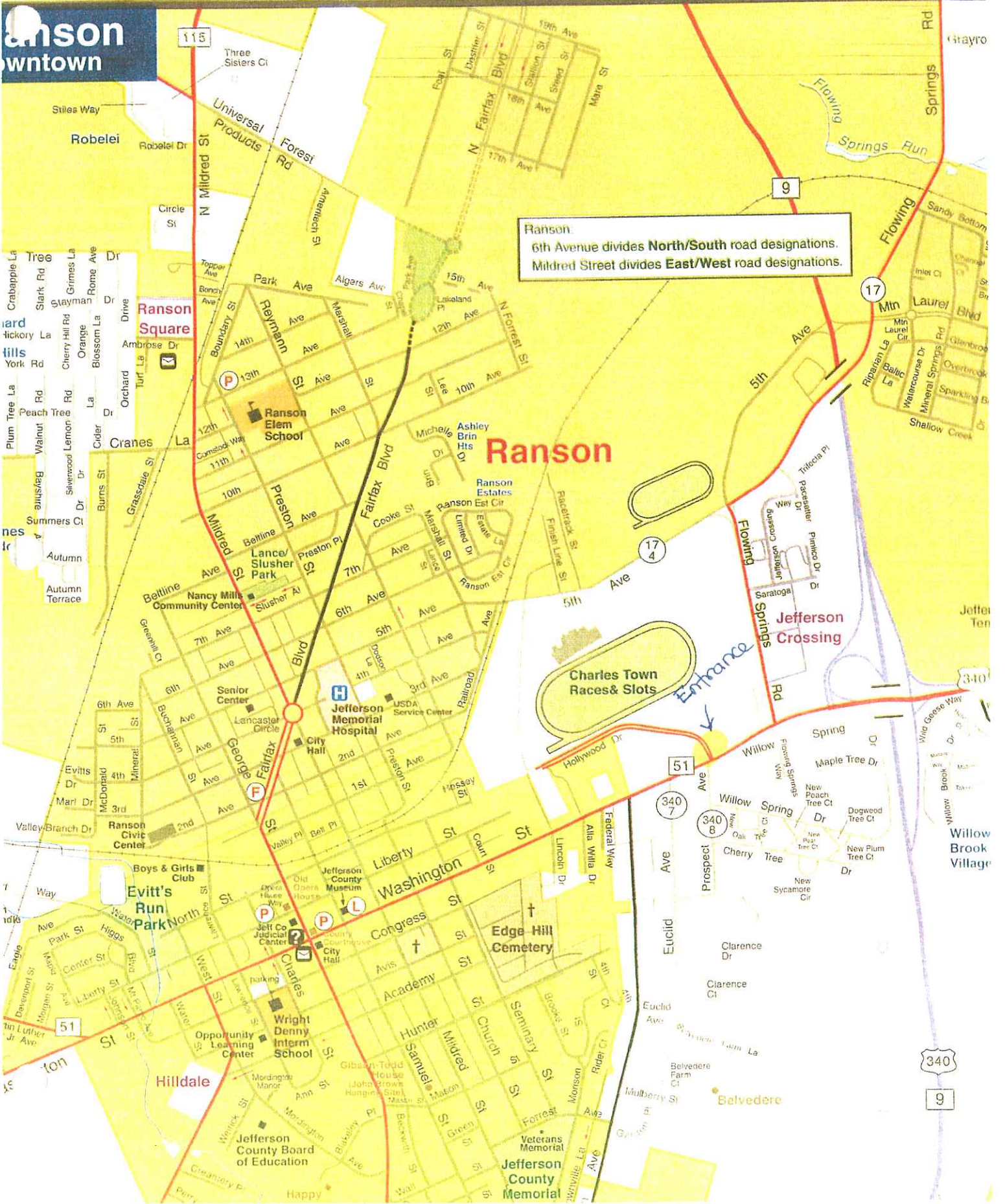
## Ranson

Charles Town  
Races & Slots

Jefferson  
Crossing

Willow  
Brook  
Village

Belvedere



Ranson  
6th Avenue divides North/South road designations.  
Mildred Street divides East/West road designations.

## Ranson

Charles Town  
Races & Slots

Jefferson  
Crossing

Willow  
Brook  
Village

Belvedere

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Shentel Shenandoah Mobile Company – Shannondale Mount Hammond Lane (File #S09-03) – Cash in Escrow with Branch Banking & Trust Company, Woodstock, Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$80,161.00 construction bond amount for Shentel Shenandoah Mobile Company – Shannondale Mount Hammond Lane (File #S09-03).

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



## JEFFERSON COUNTY COMMISSION

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

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PRESIDENT

*Patricia Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Eva H. Huber*

September 15, 2011

Mr. Gregory D. Price  
Vice President  
Branch Banking & Trust Company  
200 North Main Street  
Woodstock, Virginia 22664

RE: Cash in Escrow dated July 12, 2010, Construction Bond Surety for Shentel Shenandoah Mobile Company – Shannondale Mount Hammond Lane (File #S09-03).

Dear Mr. Price:

The Jefferson County Commission authorizes a complete release of the remaining \$80,161.00 from the construction bond for Shentel Shenandoah Mobile Company – Shannondale Mount Hammond Lane (File #S09-03). This project is located on the north side of Mount Hammond Lane (Route 25/1). The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Cash in Escrow, originally issued in the amount of \$80,161.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Michael Knotwell  
Shentel PCS  
30 Newberry Commons  
Etters, PA 17319  
Department of Engineering

COUNTY ADMINISTRATOR

*Tom Bowsh*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Shuchter McDonald*

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
116 East Washington Street, P.O. Box 716  
Charles Town, West Virginia 25414

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

Phone: 304-728-3257  
Fax: 304-728-3953

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 8 / 31 / 2011

J.C.P.C. File No. 509. 03

Consultant/Engineer/Firm Name: Kurtanich Engineers & Associates

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: Joseph Kurtanich Phone: \_\_\_\_\_

Project/Subdivision Name: Shentel Shannondale

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted. \_\_\_\_\_ The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

**Approved for:**  
**Bond Release \$0.00**  
**By John Loh 8/31/2011**  
**County Engineer Date**

Original Bond Amt \$ 69,705 + 15% Cont. \$ 10,456 = Total Original Bond Amt \$ 80,161

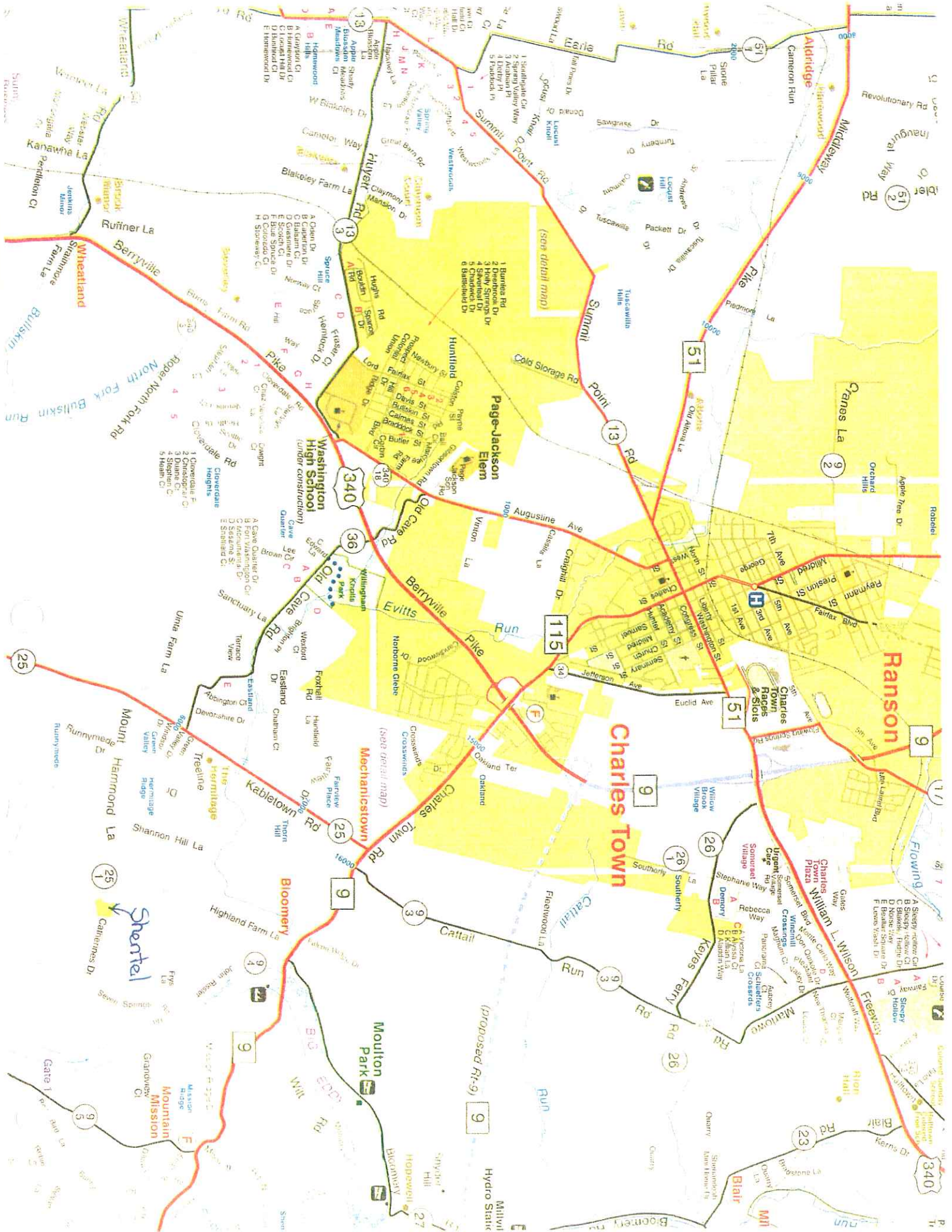
Total Current Bond Amount \$ 80,161.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: [Signature] Date: 8 / 31 / 2011



Revolutionary Rd  
Inaugural Way  
Ber 51 2

Canes La  
2

Ranson

Charles Town

Charles Town Plaza  
William L. Wilson  
Charles Town  
Urgent Care  
Sponsored Village  
Stephanie Way  
Demory  
C.A. Kiser  
C.E. Kiser  
C.F. Kiser  
C.G. Kiser  
C.H. Kiser  
C.I. Kiser  
C.J. Kiser  
C.K. Kiser  
C.L. Kiser  
C.M. Kiser  
C.N. Kiser  
C.O. Kiser  
C.P. Kiser  
C.Q. Kiser  
C.R. Kiser  
C.S. Kiser  
C.T. Kiser  
C.U. Kiser  
C.V. Kiser  
C.W. Kiser  
C.X. Kiser  
C.Y. Kiser  
C.Z. Kiser

Washington High School  
(under construction)

Mechanicstown

Bloomery

Shertel

Mountain Mission

Moulton Park

Hydro State

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for W.A. Chester, LLC – HV Support Facility (File #S09-02) – Cash in Escrow with Wells Fargo Bank, NA, Columbia, Maryland.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$185,017.00 construction bond amount for W.A. Chester, LLC – HV Support Facility (File #S09-02).

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



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

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PRESIDENT

*Patsy Noland*

September 15, 2011

VICE PRESIDENT

*Dale Mannel*

Mr. Jeffrey O. Johns

Vice President

COMMISSIONER

*Francis Morgan*

Wells Fargo Bank, NA

Corporate Municipal and Escrow Solutions

COMMISSIONER

*Hali Polish*

9062 Old Annapolis Road

Columbia, Maryland 21045

COMMISSIONER

*Lucy Widmyer*

RE: Cash in Escrow dated November 23, 2009, Construction Bond Surety for W.A. Chester, LLC  
– HV Support Facility (File #S09-02).

Dear Mr. Johns:

The Jefferson County Commission authorizes a complete release of the remaining \$185,017.00 from the construction bond for W.A. Chester, LLC – HV Support Facility (File #S09-02.). This project is located on the west side of U.S. Route 340 at 3607 Berryville Pike. The work appears to be 100% complete.

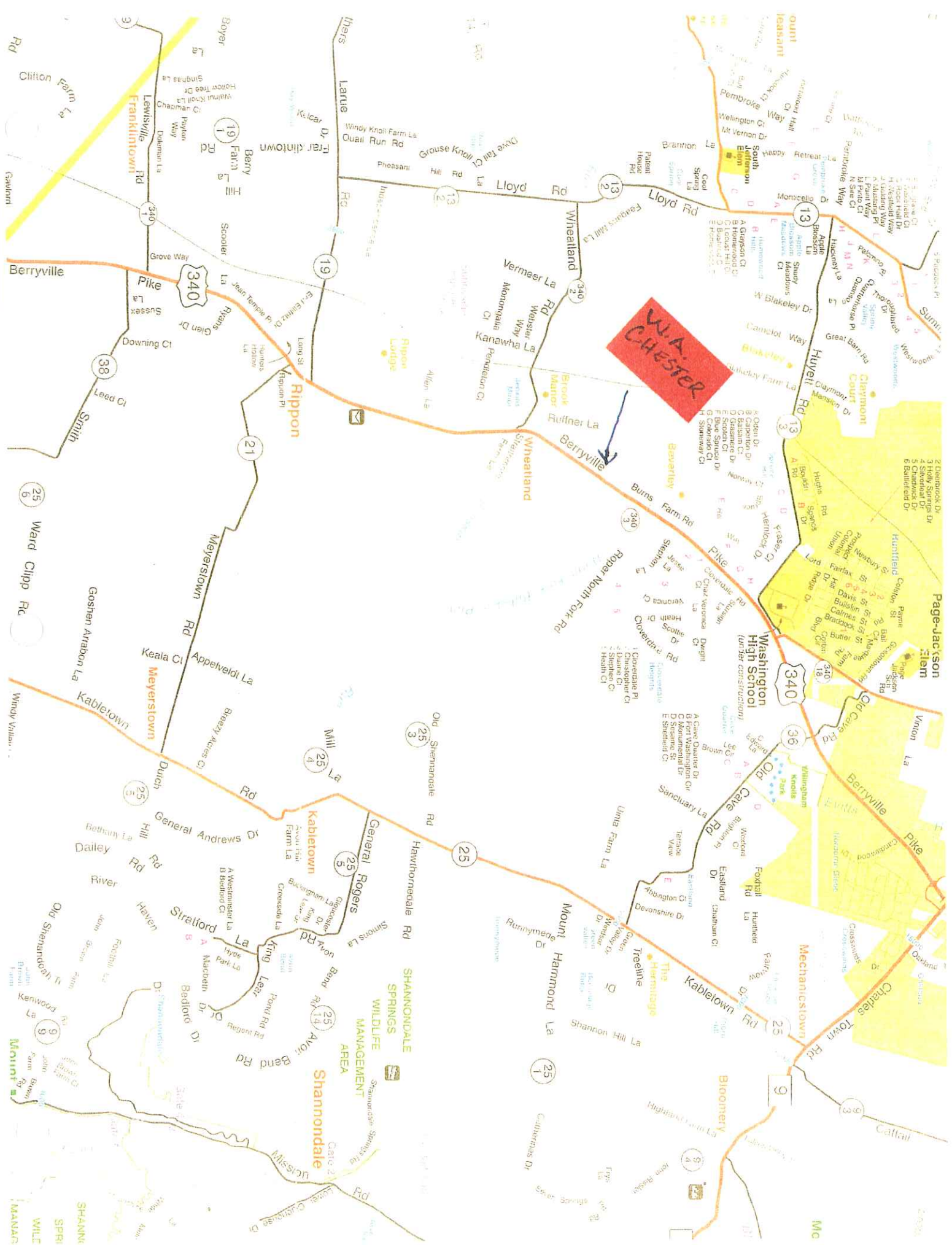
In summary, you are hereby authorized to fully release the remaining amount of the above referenced Cash in Escrow, originally issued in the amount of \$464,992.87. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Donald S. Parris  
W.A. Chester, LLC  
4390 Parliament Place  
Suite Q  
Lanham, MD 20706  
Department of Engineering



### BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received: 8 / 30 / 2011 J.C.P.C. File No. 509 - 02

Consultant/Engineer/Firm Name: Greenway Engineering

Mailing Address: \_\_\_\_\_

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

Contact Person: Nandy L. Kepler PE Phone: 540 662 4185

Project/Subdivision Name: W.A. CHESTER - Support Facility

Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted.  The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

**Approved for:**  
Full bond release \$0.00  
By Jonathan Saunders 9/1/11  
County Engineer Date

Original Bond Amt. \$ 404,342 + 15% Cont. \$ 60,651 = Total Original Bond Amt. \$ 464,993

Total Current Bond Amount \$ 185,017.00

Cost of Work Remaining \$ 0.00 + Contingency Amount \$ 0.00

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: [Signature] Date: 08 / 31 / 2011

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Complete release of Letter of Credit for Beallair Homes, LLC - Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A – File #05-41.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of Construction Bond security for Beallair Homes, LLC – Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A (File #05-41) – Letter of Credit #60000691364 from Susquehanna Bank, Hagerstown, Maryland. The developer has entered into a Tolling of Bonding Agreement with the County.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of \$1,325,241.91 from the construction bond amount for Beallair Homes, LLC – Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A – File #05-41.

Attachments: Bond Release Letter  
Location Map

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Complete release of Letter of Credit for Beallair Homes, LLC - Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A – File #05-41.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of Construction Bond security for Beallair Homes, LLC – Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A (File #05-41) – Letter of Credit #60000691364 from Susquehanna Bank, Hagerstown, Maryland. The developer has entered into a Tolling of Bonding Agreement with the County.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of \$1,325,241.91 from the construction bond amount for Beallair Homes, LLC – Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A – File #05-41.

Attachments: Bond Release Letter  
Location Map



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PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Mann*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Polish*

COMMISSIONER

*Lyn Hildner*

September 15, 2011

Mr. Robert Goetz, Jr.  
Senior Vice President  
Susquehanna Bank  
1800 Dual Highway, Suite 101  
Hagerstown, Maryland 21740

RE: Irrevocable Letter of Credit #60000691364 dated December 27, 2010, for Beallair Homes, LLC - Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A (PC File #05-41).

Dear Mr. Goetz:

The Jefferson County Commission authorizes a complete release of \$1,325,241.91 from the construction bond for Beallair Homes, LLC - Beallair Subdivision, Phase 2, Lots 50-133 & Residue Parcel A (PC File #05-41). This project is located on the east side of Old Country Club Road (Route 24) adjacent to the CSX Railroad and the Sleepy Hollow Golf Course. Beallair Homes, LLC has entered into a Tolling of Bonding Agreement with Jefferson County.

In summary, you are hereby authorized to release \$1,325,241.91 from the above referenced Irrevocable Letter of Credit, originally issued in the amount of \$1,325,241.91 from Susquehanna Bank. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia N. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Mr. Michael T. Wiley, PE, PS, Vice President  
The Wormald Companies  
5283 Corporate Drive  
Suite 300  
Frederick, MD 21703  
Department of Engineering

COUNTY ADMINISTRATOR

*Tim Boyce*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Shuster McDonald*



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Roger Goodwin

Department or Entity: Department of Engineering

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: Bond reduction and/or release.

Please provide the County Commission with a description of your request or presentation, including any background information: Complete release of the Construction Bond security for Summit Point Automotive Research Center, LLC – STaSiS Grading Plan (File #S10-08) – Cash in Escrow with Bank of Charles Town, Charles Town, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$33,672.00 construction bond amount for Summit Point Automotive Research Center, LLC – STaSiS Grading Plan (File #S10-08) for a new construction bond amount of \$15,571.00.

Attachments: Bond Release Letter  
Bond Release Request Report  
Site Map



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VICE PRESIDENT

*Dale Mound*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Hubbard*

September 15, 2011

Mr. David W. Irvin  
Senior Vice President  
Bank of Charles Town  
P. O. Box 906  
Charles Town, West Virginia 25414

RE: Cash in Escrow dated November 9, 2010, Construction Bond Surety for Summit Point Automotive Research Center, LLC – STaSIS Grading Plan (File #S10-08).

Dear Mr. Irvin:

The Jefferson County Commission authorizes a partial release of \$33,672.00 from the construction bond for Summit Point Automotive Research Center, LLC – STaSIS Grading Plan (File #S10-08), for a new construction bond amount of \$15,571.00. This project is located at the intersection of Summit Point Road (Route 13) and Motor Sports Park Circle. Work remaining includes but is not limited to the following:

1. Seeding & Landscaping
2. Site stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Cash in Escrow, originally issued in the amount of \$49,243.00 to \$15,571.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Patricia A. Noland, President  
Jefferson County Commission

PAN:rfb

cc: Ms. Barbara L. Scott  
Summit Point Automotive Research Center  
P. O. Box 190  
Summit Point WV 25414  
Department of Engineering

COUNTY ADMINISTRATOR

*Lyn Bunch*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Shober McDaniel*

JEFFERSON COUNTY, WEST VIRGINIA  
Engineering Department  
116 East Washington Street, P.O. Box 716  
Charles Town, West Virginia 25414

Phone: 304-726-3257  
Fax: 304-728-3953

Email: [engineering@jeffersoncountyvww.org](mailto:engineering@jeffersoncountyvww.org)

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 8 / 26 / 2011 J.C.P.C. File No. 510 - 08 Grading  
Consultant/Engineer/Firm Name: W. H. Gordan Associates, Inc.  
Mailing Address: \_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_  
Contact Person: Jason Gerhart Phone: 304 725 8456  
Project/Subdivision Name: STASIS  
Section/Phase: \_\_\_\_\_ Lots: \_\_\_\_\_

Review Comments:

The bond release/reduction is Approved as Submitted. as amended. \_\_\_\_\_ The bond release/reduction request is Denied.

\_\_\_\_\_ Add items/revise as shown per our comments on your attached bond release/reduction form & resubmit reduction/release request to our office for review and approval.

\_\_\_\_\_ Some site work has progressed beyond the required "milestone" site inspections that are to be performed by our office. As a result, you will need to schedule the inspections with our Land Development Inspector, and/or provide the certifications noted on the attached "Third-Party Certifications" checklist. Please collect all the required third-party certifications and submit them all at one time along with a copy of this report and the checklist.

\_\_\_\_\_ Bonding Policy & Unit Cost Figures attached for your use.

Comments: \_\_\_\_\_

Approved for  
Bond Reduction \$15,571  
By John R. ... 9/6/11  
County Engineer Date

Original Bond Amt. \$ 42,820 + 15% Cont. \$ 6,423 = Total Original Bond Amt. \$ 49,243

Total Current Bond Amount \$ 49,243.00

Cost of Work Remaining \$ 9,148.00 + Contingency Amount \$ 6,423.00

= Approved for Revised Bond Amount \$ 15,571.00

Reviewed By: Jonathan Saunders, P.E. Title: County Engineer

Signature: [Signature] Date: 9 / 6 / 2011



A 10

# LEGEND

*Site Entrance*

**Summit Point**

**Summit Point Raceway**

- A Shenandoah Circuit Rd
- B Mechanics Way
- C Motorsports Park, Cir
- D Jefferson Circuit Rd

**Summit Point**

- 1 Church St
- 2 Virginia Ave
- 3 Pleasant Alley

**Summit Point**

- 1 Shady Acres La
- 2 English Walnut Dr
- 3 Shady Oak La
- 4 Aspenwell Dr

**Summit Point**

- 1 Shady Acres La
- 2 English Walnut Dr
- 3 Shady Oak La
- 4 Aspenwell Dr

© 2000

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

*Unfinished  
Business*

REVISED-9/13/2011

AGENDA REQUEST FORM

Name: Walt Pellish, Commissioner

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: September 15, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Continued discussion of the Water Advisory Committee**

Please provide the County Commission with a description of your request or presentation, including any background information: **Discuss Water Advisory Committee - where it should be housed**

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

Attachments:

(6)  
APPROVED  
-  
9-8-11

Commission Office Use Only  
Date on Agenda: 9-8-11  
Appt Time of New Business:

**AGENDA REQUEST FORM**

Name: Tim Boyde, County Administrator

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: September 8, 2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

Subject: **Approval of Lease - 201 N. George Street, Charles Town**

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

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

Attachments:

|                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------|
| <p>Commission Office Use Only</p> <p>Date on Agenda: <u>9/15/11</u></p> <p>Appt Time or New Business: _____</p> |
|-----------------------------------------------------------------------------------------------------------------|

**AGENDA REQUEST FORM**

Name: Walt Pellish

Department or Entity: County Commission

Estimation of amount of time needed for appointment: \_\_\_\_\_

Date Requested – 1<sup>st</sup> Choice: 9-15-2011

Date Requested – 2<sup>nd</sup> Choice: \_\_\_\_\_

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

**Subject: Table Games Revenue – how they are received and what account should they be placed – Discussion/Action**

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

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

Attachments:

Commission Office Use Only

Date on Agenda:

9/15/11

Appt Time or New Business:

11:00 am

AGENDA REQUEST FORM

RECEIVED  
SEP 02 2011

Jefferson County Commission

Name: Lynn Fields

Department or Entity: Probate Office

Estimation of amount of time needed for appointment: 15 min – 30 min

Date Requested – 1<sup>st</sup> Choice: September 15<sup>th</sup>, 2011

Date Requested – 2<sup>nd</sup> Choice: September 22<sup>nd</sup>, 2011

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

Subject: **Motion to appoint Sheriff as administrator of the estate of Shawn Hufnagel**

Please provide the County Commission with a description of your request or presentation, including any background information: **The WV DHHR Bureau for Child Support Enforcement is requesting that the commission appoint the Sheriff as administrator of the estate of Shawn Hufnagel, deceased. Mr. Hufnagel died intestate on April 14<sup>th</sup>, 2010, and no one has come forward to open a probate estate. Child support enforcement is in possession of approximately \$3K payable to Mr. Hufnagel's estate, AND Mr. Hufnagel is also in arrears for two active child support cases. Once the estate is opened, claims against the assets of the estate will be filed on behalf of the two children. Mr. Hufnagel was married at the time of his death, and so his wife will also be considered a legal heir of the estate.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **The probate office defers to legal counsel advice concerning this matter.**

Attachments: **Motion to appoint, child support registers (3) Shawn Hufnagel vs. Krista Barthlow; K Sowers vs. Shawn Hufnagel; C Durham vs. Shawn Hufnagel, death certificate**

RECEIVED

IN THE COUNTY COMMISSION OF JEFFERSON COUNTY, WEST VIRGINIA

SEP 02 2011

In the Mater of the Estate of  
Shawn Hufnagel

Jefferson County Commission

MOTION TO APPOINT SHERIFF AS ADMINISTRATOR OF ESTATE

COMES NOW your Petitioner the West Virginal Department of Health and Human Resources, Bureau for Child Support Enforcement and moves the Commission for the appointment of the Sheriff of Jefferson County West Virginia as administrator de bonis non of the Estate of Shawn Hufnagel pursuant to West Virginia Code §44-1-11. In support whereof the Bureau states as follows:


1. Shawn Hufnagel died intestate on or about April, 2010 a resident of Jefferson County, West Virginia and over the age of eighteen years.
2. A copy of Mr. Hufnagel's death certificate is attached hereto.
3. The social security number of the deceased is 234-08-9130.
4. There has been no estate opened for Shawn Hufnagel and it has been more than two months since his death.
5. The Bureau for Child Support Enforcement is a West Virginia government agency charged by statute with enforcement of child support obligation.
6. This appointment is being sought for the purpose of dispersing assets of the decedent as the biological father of Desiree Nikole Hufnagel, born March 15, 2006.
7. The Bureau believes that Shawn Hufnagel owed at least the following child support obligations to-wit: Jefferson County Civil Action 03-D-18 and Berkeley County Civil Action 03-D-284. At the time of his death, Shawn Hufnagel owed arrears in both

cases.

Wherefore, the Bureau for Child Support Enforcement prays that the Honorable Commission appoint the Sheriff of Jefferson County or his designee as the administrator of the estate of Shawn Hufnagel.

WEST VIRGINIA DEPARTMENT OF  
HEALTH AND HUMAN RESOURCES,  
BUREAU FOR CHILD SUPPORT  
ENFORCEMENT

BY COUNSEL

  
Janet L. Scalia, Esq. (WVSB#3278)  
Counsel, BCSE  
P. O. Box 984  
Charles Town, WV 25414  
(304) 724-2600

WEST VIRGINIA DEPARTMENT OF HEALTH & HUMAN RESOURCES  
 BUREAU FOR PUBLIC HEALTH - VITAL REGISTRATION  
 PHYSICIANS / MEDICAL EXAMINER'S CERTIFICATE OF DEATH  
 ROOM 165, 350 CAPITOL STREET, CHARLESTON, WV 25301

AMENDED  
 7-13-2010  
 9-9-2010

005384  
 STATE FILE NUMBER

TYPE/PRINT  
 IN  
 PERMANENT  
 BLACK INK

NAME OF DECEDENT: Shaun M. Huffnagle  
 For use by physician or institution

DECEDENT  
 46

PARENTS  
 INFORMANT

DISPOSITION

PRONOUNCING  
 PHYSICIAN ONLY  
 ITEMS 24-26 MUST  
 BE COMPLETED BY  
 PERSON WHO  
 PRONOUNCES DEATH

CAUSE OF  
 DEATH

CERTIFIER

REGISTRAR

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                      |                                                                                                                                                                                                                                                                                                                      |                                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------|
| 1 DECEDENT'S NAME (First, Middle, Last)<br>Shaun Michael Huffnagle                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      | 2 SEX<br>M                                                                                                                                                                                                                                                                                                           | 3 DATE OF DEATH (Month, Day, Year)<br>Apr. 14, 2010            |
| 4 SOCIAL SECURITY NUMBER<br>234-08-9130                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 5a AGE-Last Birthday (Years)<br>36                                   | 5b UNDER 1 YEAR<br>Months: Days: Hours: Minutes:                                                                                                                                                                                                                                                                     | 5c UNDER 1 DAY<br>Hours: Minutes:                              |
| 6 DATE OF BIRTH (Month, Day, Year)<br>08/27/1973                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      | 7 BIRTHPLACE (City and State or Foreign Country)<br>Ranson, WV                                                                                                                                                                                                                                                       |                                                                |
| 8 WAS DECEDENT EVER IN US ARMED FORCES? (Yes or no)<br>No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      | 9a PLACE OF DEATH (Check only one - see instructions on other side)<br>HOSPITAL <input type="checkbox"/> Irpatient <input type="checkbox"/> ER/Outpatient <input type="checkbox"/> DOA <input type="checkbox"/> OTHER <input checked="" type="checkbox"/> Friends Residence <input type="checkbox"/> Other (Specify) |                                                                |
| 9c FACILITY NAME (If not institution, give street and number)<br>829 Martin Luther King Blvd                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                      | 9c CITY, TOWN, OR LOCATION OF DEATH<br>Charles Town                                                                                                                                                                                                                                                                  | 9c COUNTY OF DEATH<br>Jefferson                                |
| 10 MARITAL STATUS—Married, Never Married, Widowed, Divorced (Specify)<br>Married                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 11 SURVIVING SPOUSE (If wife, give maiden name)<br>Vicki L. Barthlow | 12a DECEDENT'S USUAL OCCUPATION (Give kind of work done during most of working life. Do not use retired.)<br>Construction 626                                                                                                                                                                                        | 12b KIND OF BUSINESS/INDUSTRY<br>David Turner Construction Co. |
| 13a RESIDENCE—STATE<br>WV                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 13b COUNTY<br>Jefferson                                              | 13c CITY, TOWN, OR LOCATION<br>Ranson                                                                                                                                                                                                                                                                                | 13d STREET AND NUMBER<br>305 W. 5th Ave.                       |
| 13e INSIDE CITY LIMITS? (Yes or no)<br>Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 13f ZIP CODE<br>25438                                                | 14 WAS DECEDENT OF HISPANIC ORIGIN? (Specify No or Yes—If yes, specify Cuban, Mexican, Puerto Rican, etc.)<br>No                                                                                                                                                                                                     | 15 RACE—American Indian, Black, White, etc. (Specify)<br>White |
| 16 DECEDENT'S EDUCATION (Specify only highest grade completed)<br>Elementary/Secondary (0-12): 16A 10th<br>College (1-4 or 5+): 16B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                      | 17 FATHER'S NAME (First, Middle, Last)<br>Gary Howell Giffin                                                                                                                                                                                                                                                         |                                                                |
| 18 MOTHER'S NAME (First, Middle, Maiden Surname)<br>Phyllis Taylor Hinton                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                      | 19a INFORMANT'S NAME (Type/Print)<br>Phyllis L. Hinton                                                                                                                                                                                                                                                               |                                                                |
| 19b MAILING ADDRESS (Street and Number or Rural Route Number, City or Town, State, Zip Code)<br>109 Valley Branch Dr., Ranson, WV 25438                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                      | 20a METHOD OF DISPOSITION<br><input type="checkbox"/> Burial <input checked="" type="checkbox"/> Cremation <input type="checkbox"/> Removal from State<br><input type="checkbox"/> Donation <input type="checkbox"/> Other (Specify)                                                                                 |                                                                |
| 20b PLACE OF DISPOSITION (Name of cemetery, crematory, or other place)<br>Smithsburg Crematorium                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      | 20c LOCATION—City or Town, State<br>Smithsburg, Md                                                                                                                                                                                                                                                                   |                                                                |
| 21 SIGNATURE OF FUNERAL SERVICE LICENSEE OR PERSON ACTING AS SUCH<br>Robert C. Fields                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      | 22 NAME AND ADDRESS OF FACILITY<br>Jefferson Chapel Funeral Home<br>PO Box 838, Charles Town, WV 25414                                                                                                                                                                                                               |                                                                |
| 23a To the best of my knowledge, death occurred at the time, date, and place stated<br>Signature and Title                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                      | 23b DATE SIGNED (Month, Day, Year)                                                                                                                                                                                                                                                                                   |                                                                |
| 24 TIME OF DEATH<br>Early AM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                      | 25 DATE PRONOUNCED DEAD (Month, Day, Year)<br>Apr. 14, 2010                                                                                                                                                                                                                                                          |                                                                |
| 26 WAS CASE REFERRED TO MEDICAL EXAMINER/CORONER? (Yes or no)<br>Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                      | 26b CASE NUMBER<br>m10-1306                                                                                                                                                                                                                                                                                          |                                                                |
| 27 PART I: Enter the disease, injury, or complications that caused the death. Do not enter the mode of dying, such as cardiac or respiratory arrest, shock or heart failure. List only one cause on each line.<br>IMMEDIATE CAUSE (Final disease or condition resulting in death)<br>a Sudden Death -<br>b DUE TO (OR AS A CONSEQUENCE OF) Marked Cardiomegaly, NOS<br>c DUE TO (OR AS A CONSEQUENCE OF)<br>d DUE TO (OR AS A CONSEQUENCE OF)<br>Sequentially list conditions, if any, leading to immediate cause. Enter UNDERLYING CAUSE (Disease or injury that initiated events resulting in death) LAST                                                                                                                                                                |                                                                      | Approximate Interval Between Onset and Death<br>secs-mins<br>years                                                                                                                                                                                                                                                   |                                                                |
| PART II: Other significant conditions contributing to death but not resulting in the underlying cause given in Part I<br>Potentially fatal heroin intoxication                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                      | 28a WAS AN AUTOPSY PERFORMED? (Yes or no)<br>Yes                                                                                                                                                                                                                                                                     |                                                                |
| 28b WERE AUTOPSY FINDINGS AVAILABLE PRIOR TO COMPLETION OF CAUSE OF DEATH? (Yes or no)<br>Yes                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                      | 29 MANNER OF DEATH<br><input type="checkbox"/> Natural <input type="checkbox"/> Accident <input type="checkbox"/> Suicide <input type="checkbox"/> Homicide <input checked="" type="checkbox"/> Pending Investigation <input checked="" type="checkbox"/> Could not be Determined                                    |                                                                |
| 30a DATE OF INJURY (Month, Day, Year)<br>4-03-2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      | 30b TIME OF INJURY<br>Late P. M.                                                                                                                                                                                                                                                                                     |                                                                |
| 30c INJURY AT WORK? (Yes or No)<br>No                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                      | 30d DESCRIBE HOW INJURY OCCURRED<br>Cannot exclude heroin toxicity                                                                                                                                                                                                                                                   |                                                                |
| 30e PLACE OF INJURY - At home, farm, street, factory, office, building, etc. (Specify)<br>Found Friend's residence                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                      | 30f LOCATION (Street and Number or Rural Route Number, City or Town, State)<br>829 Martin Luther King Blvd., Charles Town,                                                                                                                                                                                           |                                                                |
| 31a CERTIFIER (Check only one)<br><input type="checkbox"/> CERTIFYING PHYSICIAN (Physician certifying cause of death when another physician has pronounced death and completed item 23). To the best of my knowledge, death occurred due to the cause(s) and manner as stated.<br><input type="checkbox"/> PRONOUNCING AND CERTIFYING PHYSICIAN (Physician both pronouncing death and certifying to cause of death). To the best of my knowledge, death occurred at the time, date, and place, and due to the cause(s) and manner as stated.<br><input checked="" type="checkbox"/> MEDICAL EXAMINER/CORONER<br>On the basis of examination and/or investigation in my opinion, death occurred at the time, date, and place, and due to the cause(s) and manner as stated. |                                                                      | 31b SIGNATURE AND TITLE OF CERTIFIER<br>Matrina Schmidt MD Deputy Chief Medical Examiner                                                                                                                                                                                                                             |                                                                |
| 31c DATE SIGNED (Month, Day, Year)<br>04/05/2010                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                      | 32 NAME AND ADDRESS OF PERSON WHO COMPLETED CAUSE OF DEATH (ITEM 27) (Type/Print)<br>Matrina Schmidt WVU Morgentown, WV 26506                                                                                                                                                                                        |                                                                |
| 33 REGISTRAR'S SIGNATURE<br>Allan Atkins                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                      | 34 DATE FILED (Month, Day, Year)<br>APR 09 2010                                                                                                                                                                                                                                                                      |                                                                |

\$\$\$??%  
%Y10,2%  
%Y2,8%  
%Y5,0%  
%Y6,132%  
09/01/11

CASES INCLUDED WITH THIS AUDIT :

CASE ID: 478707 DATE: 11/17/09 TIME: 08.56

NO NOTES FOUND

Shawn Hufnagel  
v Krista Barthlow

08.D.183  
Jeffersmby

⇒ 3021 on Hold  
due to S Hufnagel

CP NAME : SHAWN HUFNAGEL CP NUMBER: 000478707 PERIOD FROM: 10/01/08 TO: 09/01/11  
 NCP NAME: KRISTA R BARTHLOW RUN DATE: 11/17/2009 TIME: 08.56  
 COUNTY : 037

| DATE     | TRAN TYPE | CHILD OBLG AMOUNT | TOTAL PAYMENT | PAYMENT AMT | ACCU ARREARS | INTEREST | TOTALS   | FEE | VOUS |
|----------|-----------|-------------------|---------------|-------------|--------------|----------|----------|-----|------|
| 10/31/08 | END       | 200.00            |               |             | 200.00       |          | 200.00   |     |      |
| 11/30/08 | END       | 200.00            |               |             | 400.00       | 0.82     | 400.82   |     |      |
| 12/31/08 | END       | 200.00            |               |             | 600.00       | 2.52     | 602.52   |     |      |
| 01/31/09 | END       | 200.00            |               |             | 800.00       | 5.07     | 805.07   |     |      |
| 02/28/09 | END       | 200.00            |               |             | 1,000.00     | 8.14     | 1,008.14 |     |      |
| 03/31/09 | END       | 200.00            |               |             | 1,200.00     | 12.39    | 1,212.39 |     |      |
| 04/07/09 | PMT       | 200.00            | 805.00        | 805.00      | 395.00       | 13.21    | 408.21   |     |      |
| 04/30/09 | END       | 200.00            |               |             | 595.00       | 14.67    | 609.67   |     |      |
| 05/31/09 | END       | 200.00            |               |             | 795.00       | 17.20    | 812.20   |     |      |
| 06/30/09 | END       | 200.00            |               |             | 995.00       | 20.47    | 1,015.47 |     |      |

CP NAME : SHAWN HUFNAGEL  
 NCP NAME: KRISTA R BARTHLOW  
 COUNTY : 037  
 CP NUMBER: 000478707  
 PERIOD FROM: 10/01/08 TO: 09/01/11  
 RUN DATE: 11/17/2009 TIME: 08.56

| DATE     | TRAN TYPE | CHILD OBLG AMOUNT | CHILD SUPPORT |             | TOTAL PAYMENT | PAYMENT AMT | ACCU ARREARS | INTEREST | TOTALS   | FEES | UOUS |
|----------|-----------|-------------------|---------------|-------------|---------------|-------------|--------------|----------|----------|------|------|
|          |           |                   | TOTAL PAYMENT | PAYMENT AMT |               |             |              |          |          |      |      |
| 07/31/09 | END       | 200.00            |               |             | 18.47         | 18.47       | 1,195.00     | 24.70    | 1,219.70 |      |      |
| 08/04/09 | PMT       | 200.00            |               |             | 18.47         | 18.47       | 1,195.00     | 25.11    | 1,220.11 |      |      |
| 08/31/09 | END       | 200.00            |               |             | 48.27         | 48.27       | 1,376.53     | 29.78    | 1,406.31 |      |      |
| 09/30/09 | END       | 200.00            |               |             | 45.89         | 45.89       | 1,576.53     | 35.44    | 1,611.97 |      |      |
| 10/31/09 | END       | 200.00            |               |             | 11.50         | 11.50       | 1,776.53     | 42.14    | 1,818.67 |      |      |
| 11/30/09 | END       | 200.00            |               |             | 48.27         | 48.27       | 1,976.53     | 49.44    | 2,025.97 |      |      |
| 12/14/09 | PMT       | 200.00            |               |             | 45.89         | 45.89       | 1,976.53     | 52.60    | 2,029.13 |      |      |
| 12/31/09 | END       | 200.00            |               |             | 11.50         | 11.50       | 2,128.26     | 57.83    | 2,186.09 |      |      |
| 01/02/10 | PMT       | 200.00            |               |             | 45.89         | 45.89       | 2,128.26     | 58.10    | 2,186.36 |      |      |
| 01/11/10 | PMT       | 200.00            |               |             | 11.50         | 11.50       | 2,128.26     | 60.54    | 2,188.80 |      |      |
| 01/31/10 | END       | 200.00            |               |             | 48.27         | 48.27       | 2,270.87     | 66.87    | 2,337.74 |      |      |
| 02/28/10 | END       | 200.00            |               |             | 75.58         | 75.58       | 2,470.87     | 75.58    | 2,546.45 |      |      |
| 03/31/10 | END       | 200.00            |               |             | 86.07         | 86.07       | 2,670.87     | 86.07    | 2,756.94 |      |      |
| 04/30/10 | END       | 200.00            |               |             | 97.04         | 97.04       | 2,870.87     | 97.04    | 2,967.91 |      |      |
| 05/31/10 | END       | 200.00            |               |             | 109.23        | 109.23      | 3,070.87     | 109.23   | 3,180.10 |      |      |
| 06/30/10 | END       | 200.00            |               |             | 121.85        | 121.85      | 3,270.87     | 121.85   | 3,392.72 |      |      |
| 07/31/10 | END       | 200.00            |               |             | 135.74        | 135.74      | 3,470.87     | 135.74   | 3,606.61 |      |      |
| 08/31/10 | END       | 200.00            |               |             | 150.48        | 150.48      | 3,670.87     | 150.48   | 3,821.35 |      |      |
| 09/30/10 | END       | 200.00            |               |             | 165.56        | 165.56      | 3,870.87     | 165.56   | 4,036.43 |      |      |
| 10/31/10 | END       | 200.00            |               |             | 182.00        | 182.00      | 4,070.87     | 182.00   | 4,252.87 |      |      |
| 11/30/10 | END       | 80.00             |               |             | 198.73        | 198.73      | 4,150.87     | 198.73   | 4,349.60 |      |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

CP NAME : SHAWN HUFNAGEL  
NCP NAME: KRISTA R BARTHLOW  
COUNTY : 037  
CP NUMBER: 000478707  
PERIOD FROM: 10/01/08 TO: 09/01/11  
RUN DATE: 11/17/2009 TIME: 08.56

| CHILD SUPPORT |           | CHILD SUPPORT |               | CHILD SUPPORT |               | CHILD SUPPORT |          | CHILD SUPPORT |      | CHILD SUPPORT |  |
|---------------|-----------|---------------|---------------|---------------|---------------|---------------|----------|---------------|------|---------------|--|
| DATE          | TRAN TYPE | OBLG AMOUNT   | TOTAL PAYMENT | PAYMENT AMT   | ACCUM ARREARS | INTEREST      | TOTALS   | FEES          | UOUS |               |  |
| 12/31/10      | END       |               |               |               | 4,150.87      | 216.36        | 4,367.23 |               |      |               |  |
| 01/31/11      | END       |               |               |               | 4,150.87      | 233.99        | 4,384.86 |               |      |               |  |
| 02/28/11      | END       |               |               |               | 4,150.87      | 249.91        | 4,400.78 |               |      |               |  |
| 03/05/11      | PMT       |               | 2,981.00      | 2,981.00      | 1,169.87      | 252.18        | 1,422.05 |               |      |               |  |
| 03/20/11      | PMT       |               | 40.00         | 40.00         | 1,129.87      | 254.58        | 1,384.45 |               |      |               |  |
| 03/31/11      | END       |               |               |               | 1,129.87      | 256.44        | 1,386.31 |               |      |               |  |
| 04/30/11      | END       |               |               |               | 1,129.87      | 261.08        | 1,390.95 |               |      |               |  |
| 05/31/11      | END       |               |               |               | 1,129.87      | 265.88        | 1,395.75 |               |      |               |  |
| 06/30/11      | END       |               |               |               | 1,129.87      | 270.52        | 1,400.39 |               |      |               |  |
| 07/31/11      | END       |               |               |               | 1,129.87      | 275.32        | 1,405.19 |               |      |               |  |
| 08/31/11      | END       |               |               |               | 1,129.87      | 280.12        | 1,409.99 |               |      |               |  |
| 09/01/11      | END       |               |               |               | 1,129.87      | 280.27        | 1,410.14 |               |      |               |  |

\*Held payment

CASE PRO-RATED-URA = 0.00 CURE PRD URA = 0.00 TOTAL URA = 0.00

\* DENOTES DIRECT PAYMENT  
%Y10,0%  
%Y3,10%  
%Y2,6%  
%Y5,62%  
%Y6,132%  
%%?

Exhibit "B"

ART2-COVER PAGE

%%Y10,2%  
%%Y2,8%  
%%Y5,0%  
%%Y6,132%  
09/01/11

CASES INCLUDED WITH THIS AUDIT :

CASE ID: 169814 DATE: 11/25/08 TIME: 08.44

NO NOTES FOUND

K Souers  
v Shawn Hufnagel

03 D 181  
Jefferson Cty

- Stufnagel owed \$5,933.98 at his time of death (4.4.10)
- Lien on record 9.8.09 for 334769



CP NAME : KATHRYN D SOWERS  
NCP NAME: SHAWN HUFNAGEL  
COUNTY : 037  
CP NUMBER: 000169814  
PERIOD FROM: 08/01/05 TO: 09/01/11  
RUN DATE: 11/25/2008 TIME: 08.44

| DATE     | TRAN TYPE | CHILD SUPPORT |               | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES | VOUS |
|----------|-----------|---------------|---------------|---------------|-------------|---------------|----------|----------|------|------|
|          |           | OBLG AMOUNT   | TOTAL PAYMENT |               |             |               |          |          |      |      |
| 02/28/05 | END       |               |               |               |             |               |          |          |      |      |
| 03/31/05 | END       |               |               |               |             |               |          |          |      |      |
| 04/30/05 | END       |               |               |               |             |               |          |          |      |      |
| 05/31/05 | END       |               |               |               |             |               |          |          |      |      |
| 06/30/05 | END       |               |               |               |             |               |          |          |      |      |
| 07/31/05 | END       |               |               |               |             |               |          |          |      |      |
| 08/01/05 | CSJU      | 50.00         |               |               |             | 1,900.00      |          | 1,900.00 |      |      |
| 08/31/05 | END       | 50.00         |               |               |             | 1,950.00      | 16.14    | 1,966.14 |      |      |
| 09/30/05 | END       | 50.00         |               |               |             | 2,000.00      | 32.17    | 2,032.17 |      |      |
| 10/31/05 | END       | 50.00         |               |               |             | 2,050.00      | 49.15    | 2,099.15 |      |      |
| 11/30/05 | END       | 50.00         |               |               |             | 2,100.00      | 66.00    | 2,166.00 |      |      |
| 12/31/05 | END       | 50.00         |               |               |             | 2,150.00      | 83.83    | 2,233.83 |      |      |
| 01/31/06 | END       | 50.00         |               |               |             | 2,200.00      | 102.09   | 2,302.09 |      |      |
| 02/28/06 | END       | 50.00         |               |               |             | 2,250.00      | 118.96   | 2,368.96 |      |      |
| 03/31/06 | END       | 50.00         |               |               |             | 2,300.00      | 138.06   | 2,438.06 |      |      |
| 04/30/06 | END       | 50.00         |               |               |             | 2,350.00      | 156.96   | 2,506.96 |      |      |
| 05/31/06 | END       | 50.00         |               |               |             | 2,400.00      | 176.91   | 2,576.91 |      |      |
| 06/30/06 | END       | 50.00         |               |               |             | 2,450.00      | 196.64   | 2,646.64 |      |      |
| 07/31/06 | END       | 50.00         |               |               |             | 2,500.00      | 217.44   | 2,717.44 |      |      |
| 08/31/06 | END       | 50.00         |               |               |             | 2,550.00      | 238.67   | 2,788.67 |      |      |

CP NAME : KATHRYN D SOWERS  
NCP NAME : SHAWN HUFNAGEL  
COUNTY : 037  
CP NUMBER: 000169814  
PERIOD FROM: 08/01/05 TO: 09/01/11  
RUN DATE: 11/25/2008 TIME: 08.44

| DATE     | TRAN TYPE | CHILD OBLG AMOUNT | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES | UOUS |
|----------|-----------|-------------------|---------------|-------------|---------------|----------|----------|------|------|
| 09/30/06 | END       | 50.00             |               |             | 2,600.00      | 259.63   | 2,859.63 |      |      |
| 10/31/06 | END       | 50.00             |               |             | 2,650.00      | 281.71   | 2,931.71 |      |      |
| 11/30/06 | END       | 50.00             |               |             | 2,700.00      | 303.49   | 3,003.49 |      |      |
| 12/31/06 | END       | 50.00             |               |             | 2,750.00      | 326.42   | 3,076.42 |      |      |
| 01/31/07 | END       | 50.00             |               |             | 2,800.00      | 349.77   | 3,149.77 |      |      |
| 02/28/07 | END       | 50.00             |               |             | 2,850.00      | 371.25   | 3,221.25 |      |      |
| 03/31/07 | END       | 50.00             |               |             | 2,900.00      | 395.45   | 3,295.45 |      |      |
| 04/30/07 | END       | 50.00             |               |             | 2,950.00      | 419.28   | 3,369.28 |      |      |
| 05/31/07 | END       | 50.00             |               |             | 3,000.00      | 444.33   | 3,444.33 |      |      |
| 06/30/07 | END       | 50.00             |               |             | 3,050.00      | 468.99   | 3,518.99 |      |      |
| 07/31/07 | END       | 50.00             |               |             | 3,100.00      | 494.89   | 3,594.89 |      |      |
| 08/31/07 | END       | 50.00             |               |             | 3,150.00      | 521.21   | 3,671.21 |      |      |
| 09/30/07 | END       | 50.00             |               |             | 3,200.00      | 547.10   | 3,747.10 |      |      |
| 10/31/07 | END       | 50.00             |               |             | 3,250.00      | 574.27   | 3,824.27 |      |      |
| 11/30/07 | END       | 50.00             |               |             | 3,300.00      | 600.98   | 3,900.98 |      |      |
| 12/31/07 | END       | 50.00             |               |             | 3,350.00      | 629.00   | 3,979.00 |      |      |
| 01/31/08 | END       | 50.00             |               |             | 3,400.00      | 657.37   | 4,057.37 |      |      |
| 02/29/08 | END       | 50.00             |               |             | 3,450.00      | 684.31   | 4,134.31 |      |      |
| 03/31/08 | END       | 50.00             |               |             | 3,500.00      | 713.53   | 4,213.53 |      |      |

CP NAME : KATHRYN D SOWERS  
 NCP NAME: SHAWN HUFNAGEL  
 COUNTY : 037

CP NUMBER: 000169814

PERIOD FROM: 08/01/05 TO: 09/01/11  
 RUN DATE: 11/25/2008 TIME: 08.44

| DATE     | TRAN TYPE | CHILD SUPPORT |               | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES | DUOS |
|----------|-----------|---------------|---------------|---------------|-------------|---------------|----------|----------|------|------|
|          |           | OBLG AMOUNT   | TOTAL PAYMENT |               |             |               |          |          |      |      |
| 04/30/08 | END       | 50.00         |               | 50.00         |             | 3,550.00      | 742.22   | 4,292.22 |      |      |
| 05/31/08 | END       | 50.00         |               | 50.00         |             | 3,600.00      | 772.28   | 4,372.28 |      |      |
| 06/30/08 | END       | 50.00         |               | 50.00         |             | 3,650.00      | 801.79   | 4,451.79 |      |      |
| 07/31/08 | END       | 50.00         |               | 50.00         |             | 3,700.00      | 817.25   | 4,517.25 |      |      |
| 08/31/08 | END       | 50.00         |               | 50.00         |             | 3,750.00      | 832.92   | 4,582.92 |      |      |
| 09/30/08 | END       | 50.00         |               | 50.00         |             | 3,800.00      | 848.28   | 4,648.28 |      |      |
| 10/31/08 | END       | 50.00         |               | 50.00         |             | 3,850.00      | 864.37   | 4,714.37 |      |      |
| 11/30/08 | END       | 50.00         |               | 50.00         |             | 3,900.00      | 880.14   | 4,780.14 |      |      |
| 12/31/08 | END       | 50.00         |               | 50.00         |             | 3,950.00      | 896.65   | 4,846.65 |      |      |
| 01/31/09 | END       | 50.00         |               | 50.00         |             | 4,000.00      | 913.42   | 4,913.42 |      |      |
| 02/28/09 | END       | 50.00         |               | 50.00         |             | 4,050.00      | 928.76   | 4,978.76 |      |      |
| 03/31/09 | END       | 50.00         |               | 50.00         |             | 4,100.00      | 945.96   | 5,045.96 |      |      |
| 04/30/09 | END       | 50.00         |               | 50.00         |             | 4,150.00      | 962.81   | 5,112.81 |      |      |
| 05/31/09 | END       | 50.00         |               | 50.00         |             | 4,200.00      | 980.43   | 5,180.43 |      |      |
| 06/30/09 | END       | 50.00         |               | 50.00         |             | 4,250.00      | 997.69   | 5,247.69 |      |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

DATE: 09/01/11  
TIME: 11:46:16.1

CP NAME : KATHRYN D SOWERS  
NCP NAME: SHAWN HUFNAGEL  
COUNTY : 037

CP NUMBER: 000169814

PERIOD FROM: 08/01/05 TO: 09/01/11  
RUN DATE: 11/25/2008 TIME: 08.44

| DATE     | TRAN TYPE | CHILD SUPPORT |               | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES | UOUS |
|----------|-----------|---------------|---------------|---------------|-------------|---------------|----------|----------|------|------|
|          |           | OBLG AMOUNT   | TOTAL PAYMENT |               |             |               |          |          |      |      |
| 02/28/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,381.78 | 6,131.78 |      |      |
| 03/31/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,401.95 | 6,151.95 |      |      |
| 04/30/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,421.47 | 6,171.47 |      |      |
| 05/31/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,441.64 | 6,191.64 |      |      |
| 06/30/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,461.16 | 6,211.16 |      |      |
| 07/31/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,481.33 | 6,231.33 |      |      |
| 08/31/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,501.50 | 6,251.50 |      |      |
| 09/01/11 | END       |               |               | 4,750.00      |             | 4,750.00      | 1,502.15 | 6,252.15 |      |      |

\* DENOTES DIRECT PAYMENT

CASE PRO-RATED-URA = 0.00 CURR PRD URA = 0.00 TOTAL URA = 970.00

%Y10,0%  
%Y3,10%  
%Y2,6%  
%Y5,62%  
%Y6,132%  
&&??

ART2-COVER PAGE

%%??%  
%Y10,2%  
%Y2,8%  
%Y5,0%  
%Y6,132%  
09/01/11

CASES INCLUDED WITH THIS AUDIT :

CASE ID: 325085 DATE: 08/31/09 TIME: 11.12

NO NOTES FOUND

C Durham  
V Shawn Hufnagel

030284  
Berkeley Cty

- Hufnagel owed \$19,669.94 at time of his death. (4.4.10)
- Lien on record 4.9.08<sup>11</sup> 91494 (Jefferson Cty)

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
 BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

CP NAME : CHRISTINA L DURHAM  
 NCP NAME: SHAWN HUFNAGEL  
 COUNTY : 037

CP NUMBER: 000325085

PERIOD FROM: 02/01/04 TO: 09/01/11  
 RUN DATE: 08/31/2009 TIME: 11.12

| DATE     | TRAN TYPE | CHILD OBLG AMOUNT | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES   | UOUS |
|----------|-----------|-------------------|---------------|-------------|---------------|----------|----------|--------|------|
| 02/29/04 | END       | 214.00            |               |             | 214.00        |          | 214.00   |        |      |
| 03/04/04 | FEE       | 214.00            |               |             | 214.00        |          | 214.00   | 113.00 |      |
| 03/31/04 | END       | 214.00            |               |             | 428.00        | 1.81     | 429.81   | 113.00 |      |
| 04/30/04 | END       | 214.00            |               |             | 642.00        | 5.31     | 647.31   | 113.00 |      |
| 05/31/04 | END       | 214.00            |               |             | 856.00        | 10.75    | 866.75   | 113.00 |      |
| 06/30/04 | END       | 214.00            |               |             | 1,070.00      | 17.76    | 1,087.76 | 113.00 |      |
| 07/31/04 | END       | 214.00            |               |             | 1,284.00      | 26.82    | 1,310.82 | 113.00 |      |
| 08/31/04 | END       | 214.00            |               |             | 1,498.00      | 37.69    | 1,535.69 | 113.00 |      |
| 09/24/04 | PMT       | 214.00            | 55.00         | 55.00       | 1,498.00      | 45.76    | 1,543.76 | 113.00 |      |
| 09/30/04 | END       | 214.00            |               |             | 1,657.00      | 49.97    | 1,706.97 | 113.00 |      |
| 10/31/04 | END       | 214.00            |               |             | 1,871.00      | 64.01    | 1,935.01 | 113.00 |      |
| 11/30/04 | END       | 214.00            |               |             | 2,085.00      | 79.34    | 2,164.34 | 113.00 |      |
| 12/31/04 | END       | 214.00            |               |             | 2,299.00      | 97.00    | 2,396.00 | 113.00 |      |
| 01/31/05 | END       | 214.00            |               |             | 2,513.00      | 116.53   | 2,629.53 | 113.00 |      |
| 02/28/05 | END       | 214.00            |               |             | 2,727.00      | 135.81   | 2,862.81 | 113.00 |      |
| 03/31/05 | END       | 214.00            |               |             | 2,941.00      | 158.97   | 3,099.97 | 113.00 |      |
| 04/30/05 | END       | 214.00            |               |             | 3,155.00      | 183.14   | 3,338.14 | 113.00 |      |
| 05/31/05 | END       | 214.00            |               |             | 3,369.00      | 209.94   | 3,578.94 | 113.00 |      |
| 06/30/05 | END       | 214.00            |               |             | 3,583.00      | 237.63   | 3,820.63 | 113.00 |      |
| 07/31/05 | END       | 214.00            |               |             | 3,797.00      | 268.06   | 4,065.06 | 113.00 |      |

CP NAME : CHRISTINA L DURHAM  
 NCP NAME: SHAWN HUFNAGEL  
 COUNTY : 037

CP NUMBER: 000325085

PERIOD FROM: 02/01/04 TO: 09/01/11  
 RUN DATE: 08/31/2009 TIME: 11.12

| DATE     | TRAN TYPE | CHILD OBLIG AMOUNT | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS   | FEES   | UOUS |
|----------|-----------|--------------------|---------------|-------------|---------------|----------|----------|--------|------|
| 08/31/05 | END       | 214.00             |               |             | 4,011.00      | 300.31   | 4,311.31 | 113.00 |      |
| 09/30/05 | END       | 214.00             |               |             | 4,225.00      | 333.28   | 4,558.28 | 113.00 |      |
| 10/31/05 | END       | 214.00             |               |             | 4,439.00      | 369.17   | 4,808.17 | 113.00 |      |
| 11/30/05 | END       | 214.00             |               |             | 4,653.00      | 405.66   | 5,058.66 | 113.00 |      |
| 12/31/05 | END       | 214.00             |               |             | 4,867.00      | 445.18   | 5,312.18 | 113.00 |      |
| 01/31/06 | END       | 214.00             |               |             | 5,081.00      | 486.52   | 5,567.52 | 113.00 |      |
| 02/28/06 | END       | 214.00             |               |             | 5,295.00      | 525.50   | 5,820.50 | 113.00 |      |
| 03/31/06 | END       | 214.00             |               |             | 5,509.00      | 570.47   | 6,079.47 | 113.00 |      |
| 04/30/06 | END       | 214.00             |               |             | 5,723.00      | 615.75   | 6,338.75 | 113.00 |      |
| 05/31/06 | END       | 214.00             |               |             | 5,937.00      | 664.36   | 6,601.36 | 113.00 |      |
| 06/30/06 | END       | 214.00             |               |             | 6,151.00      | 713.16   | 6,864.16 | 113.00 |      |
| 07/31/06 | END       | 214.00             |               |             | 6,365.00      | 765.40   | 7,130.40 | 113.00 |      |
| 08/31/06 | END       | 214.00             |               |             | 6,579.00      | 819.46   | 7,398.46 | 113.00 |      |
| 09/30/06 | END       | 214.00             |               |             | 6,793.00      | 873.54   | 7,666.54 | 113.00 |      |
| 10/31/06 | END       | 214.00             |               |             | 7,007.00      | 931.24   | 7,938.24 | 113.00 |      |
| 11/30/06 | END       | 214.00             |               |             | 7,221.00      | 988.83   | 8,209.83 | 113.00 |      |
| 12/31/06 | END       | 214.00             |               |             | 7,435.00      | 1,050.16 | 8,485.16 | 113.00 |      |
| 01/31/07 | END       | 214.00             |               |             | 7,649.00      | 1,113.31 | 8,762.31 | 113.00 |      |
| 02/28/07 | END       | 214.00             |               |             | 7,863.00      | 1,171.99 | 9,034.99 | 113.00 |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
 BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

DATE: 09/01/11  
 TIME: 11:46:31.5

PERIOD FROM: 02/01/04 TO: 09/01/11  
 RUN DATE: 08/31/2009 TIME: 11.12

CP NUMBER: 000325085

CP NAME : CHRISTINA L DURHAM  
 NCP NAME: SHAWN HUFNAGEL  
 COUNTY : 037

| DATE     | TRAN TYPE | CHILD SUPPORT |               | TOTAL PAYMENT | PAYMENT AMT | ACCU ARREARS | INTEREST | TOTALS    | FEES   | UOUS |
|----------|-----------|---------------|---------------|---------------|-------------|--------------|----------|-----------|--------|------|
|          |           | OBLG AMOUNT   | TOTAL PAYMENT |               |             |              |          |           |        |      |
| 03/31/07 | END       | 214.00        |               | 214.00        |             | 8,077.00     | 1,238.77 | 9,315.77  | 113.00 |      |
| 04/30/07 | END       | 214.00        |               | 214.00        |             | 8,291.00     | 1,305.16 | 9,596.16  | 113.00 |      |
| 05/31/07 | END       | 214.00        |               | 214.00        |             | 8,505.00     | 1,375.58 | 9,880.58  | 113.00 |      |
| 06/30/07 | END       | 214.00        |               | 214.00        |             | 8,719.00     | 1,445.49 | 10,164.49 | 113.00 |      |
| 07/31/07 | END       | 214.00        |               | 214.00        |             | 8,933.00     | 1,519.54 | 10,452.54 | 113.00 |      |
| 08/31/07 | END       | 214.00        |               | 214.00        |             | 9,147.00     | 1,595.41 | 10,742.41 | 113.00 |      |
| 09/30/07 | END       | 214.00        |               | 214.00        |             | 9,361.00     | 1,670.59 | 11,031.59 | 113.00 |      |
| 10/31/07 | END       | 214.00        |               | 214.00        |             | 9,575.00     | 1,750.10 | 11,325.10 | 113.00 |      |
| 11/30/07 | END       | 214.00        |               | 214.00        |             | 9,789.00     | 1,828.80 | 11,617.80 | 113.00 |      |
| 12/31/07 | END       | 214.00        |               | 214.00        |             | 10,003.00    | 1,911.94 | 11,914.94 | 113.00 |      |
| 01/31/08 | END       | 214.00        |               | 214.00        |             | 10,217.00    | 1,996.66 | 12,213.66 | 113.00 |      |
| 02/29/08 | END       | 214.00        |               | 214.00        |             | 10,431.00    | 2,077.62 | 12,508.62 | 113.00 |      |
| 03/31/08 | END       | 214.00        |               | 214.00        |             | 10,645.00    | 2,165.97 | 12,810.97 | 113.00 |      |
| 04/30/08 | END       | 214.00        |               | 214.00        |             | 10,859.00    | 2,253.22 | 13,112.22 | 113.00 |      |
| 05/31/08 | END       | 214.00        |               | 214.00        |             | 11,073.00    | 2,345.19 | 13,418.19 | 113.00 |      |
| 06/30/08 | END       | 214.00        |               | 214.00        |             | 11,287.00    | 2,435.95 | 13,722.95 | 113.00 |      |
| 07/31/08 | END       | 214.00        |               | 214.00        |             | 11,501.00    | 2,483.75 | 13,984.75 | 113.00 |      |
| 08/31/08 | END       | 214.00        |               | 214.00        |             | 11,715.00    | 2,532.46 | 14,247.46 | 113.00 |      |
| 09/30/08 | END       | 214.00        |               | 214.00        |             | 11,929.00    | 2,580.48 | 14,509.48 | 113.00 |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

PERIOD FROM: 02/01/04 TO: 09/01/11  
RUN DATE: 08/31/2009 TIME: 11.12

CP NUMBER: 000325085

CP NAME : CHRISTINA L DURHAM  
NCP NAME: SHAWN HUFNAGEL  
COUNTY : 037

| DATE     | TRAN TYPE | CHILD SUPPORT |         | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS    | FEES   | UOUS |
|----------|-----------|---------------|---------|---------------|-------------|---------------|----------|-----------|--------|------|
|          |           | OBLG AMOUNT   | PAYMENT |               |             |               |          |           |        |      |
| 10/31/08 | END       | 214.00        |         | 214.00        |             | 12,143.00     | 2,631.00 | 14,774.00 | 113.00 |      |
| 11/30/08 | END       | 214.00        |         | 214.00        |             | 12,357.00     | 2,680.77 | 15,037.77 | 113.00 |      |
| 12/31/08 | END       | 214.00        |         | 214.00        |             | 12,571.00     | 2,733.11 | 15,304.11 | 113.00 |      |
| 01/31/09 | END       | 214.00        |         | 214.00        |             | 12,785.00     | 2,786.49 | 15,571.49 | 113.00 |      |
| 02/28/09 | END       | 214.00        |         | 214.00        |             | 12,999.00     | 2,835.53 | 15,834.53 | 113.00 |      |
| 03/31/09 | END       | 214.00        |         | 214.00        |             | 13,213.00     | 2,890.73 | 16,103.73 | 113.00 |      |
| 04/30/09 | END       | 214.00        |         | 214.00        |             | 13,427.00     | 2,945.03 | 16,372.03 | 113.00 |      |
| 05/31/09 | END       | 214.00        |         | 214.00        |             | 13,641.00     | 3,002.05 | 16,643.05 | 113.00 |      |
| 06/30/09 | END       | 214.00        |         | 214.00        |             | 13,855.00     | 3,058.11 | 16,913.11 | 113.00 |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

DATE: 09/01/11  
TIME: 11:46:31.7

CP NUMBER: 000325085  
PERIOD FROM: 02/01/04 TO: 09/01/11  
RUN DATE: 08/31/2009 TIME: 11.12

CP NAME : CHRISTINA I DURHAM  
NCP NAME: SHAWN HUFNAGEL  
COUNTY : 037

| DATE     | TRAN TYPE | CHILD SUPPORT |               | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS    | FEES   | UOUS |
|----------|-----------|---------------|---------------|---------------|-------------|---------------|----------|-----------|--------|------|
|          |           | OBLIG AMOUNT  | TOTAL PAYMENT |               |             |               |          |           |        |      |
| 07/31/09 | END       | 214.00        |               | 214.00        |             | 14,069.00     | 3,116.95 | 17,185.95 | 113.00 |      |
| 08/31/09 | END       | 214.00        |               | 214.00        |             | 14,283.00     | 3,176.70 | 17,459.70 | 113.00 |      |
| 09/30/09 | END       | 214.00        |               | 214.00        |             | 14,497.00     | 3,235.40 | 17,732.40 | 113.00 |      |
| 10/31/09 | END       | 214.00        |               | 214.00        |             | 14,711.00     | 3,296.96 | 18,007.96 | 113.00 |      |
| 11/30/09 | END       | 214.00        |               | 214.00        |             | 14,925.00     | 3,357.42 | 18,282.42 | 113.00 |      |
| 12/31/09 | END       | 214.00        |               | 214.00        |             | 15,139.00     | 3,420.80 | 18,559.80 | 113.00 |      |
| 01/31/10 | END       | 214.00        |               | 214.00        |             | 15,353.00     | 3,485.09 | 18,838.09 | 113.00 |      |
| 02/28/10 | END       | 214.00        |               | 214.00        |             | 15,567.00     | 3,543.98 | 19,110.98 | 113.00 |      |
| 03/31/10 | END       | 214.00        |               | 214.00        |             | 15,781.00     | 3,610.09 | 19,391.09 | 113.00 |      |
| 04/30/10 | END       | 214.00        |               | 214.00        |             | 15,995.00     | 3,674.94 | 19,669.94 | 113.00 | *    |
| 05/31/10 | END       |               |               |               |             | 15,995.00     | 3,742.87 | 19,737.87 | 113.00 |      |
| 06/30/10 | END       |               |               |               |             | 15,995.00     | 3,808.60 | 19,803.60 | 113.00 |      |
| 07/31/10 | END       |               |               |               |             | 15,995.00     | 3,876.52 | 19,871.52 | 113.00 |      |
| 08/31/10 | END       |               |               |               |             | 15,995.00     | 3,944.44 | 19,939.44 | 113.00 |      |
| 09/30/10 | END       |               |               |               |             | 15,995.00     | 4,010.17 | 20,005.17 | 113.00 |      |
| 10/31/10 | END       |               |               |               |             | 15,995.00     | 4,078.09 | 20,073.09 | 113.00 |      |
| 11/30/10 | END       |               |               |               |             | 15,995.00     | 4,143.82 | 20,138.82 | 113.00 |      |
| 12/31/10 | END       |               |               |               |             | 15,995.00     | 4,211.74 | 20,206.74 | 113.00 |      |
| 01/31/11 | END       |               |               |               |             | 15,995.00     | 4,279.66 | 20,274.66 | 113.00 |      |

WEST VIRGINIA DEPARTMENT OF HEALTH AND HUMAN RESOURCES  
BUREAU CHILD SUPPORT ENF - ARREARAGE COMPUTATION SHEET FROM ART2

DATE: 09/01/11  
TIME: 11:46:31.8

CP NAME : CHRISTINA L DURHAM  
NCP NAME: SHAWN HUFNAGEL  
COUNTY : 037

CP NUMBER: 000325085

PERIOD FROM: 02/01/04 TO: 09/01/11  
RUN DATE: 08/31/2009 TIME: 11.12

| DATE     | TRAN TYPE | CHILD OBLG AMOUNT | TOTAL PAYMENT | PAYMENT AMT | ACCUM ARREARS | INTEREST | TOTALS    | FEES   | UOUS |
|----------|-----------|-------------------|---------------|-------------|---------------|----------|-----------|--------|------|
| 02/28/11 | END       |                   |               |             | 15,995.00     | 4,341.01 | 20,336.01 | 113.00 |      |
| 03/31/11 | END       |                   |               |             | 15,995.00     | 4,408.93 | 20,403.93 | 113.00 |      |
| 04/30/11 | END       |                   |               |             | 15,995.00     | 4,474.66 | 20,469.66 | 113.00 |      |
| 05/31/11 | END       |                   |               |             | 15,995.00     | 4,542.58 | 20,537.58 | 113.00 |      |
| 06/30/11 | END       |                   |               |             | 15,995.00     | 4,608.31 | 20,603.31 | 113.00 |      |
| 07/31/11 | END       |                   |               |             | 15,995.00     | 4,676.23 | 20,671.23 | 113.00 |      |
| 08/31/11 | END       |                   |               |             | 15,995.00     | 4,744.15 | 20,739.15 | 113.00 |      |
| 09/01/11 | END       |                   |               |             | 15,995.00     | 4,746.34 | 20,741.34 | 113.00 |      |

\* DENOTES DIRECT PAYMENT

CASE PRO-RATED-URA = 0.00 CURR PRD URA = 0.00 TOTAL URA = 0.00

%Y10,0%  
%Y3,10%  
%Y2,6%  
%Y5,62%  
%Y6,132%  
&&??

## NOTICE OF PUBLIC HEARING

### COUNTY COMMISSION OF JEFFERSON COUNTY

The County Commission of Jefferson County will hold a Public Hearing on Thursday, September 15, 2011, at 7:00 p.m. in the County Commission meeting room located at the Old Charles Town Library Meeting Room on the ground floor, 200 East Washington Street, Charles Town, WV 25414.

The purpose of the hearing is for public input for the following amendments:

- Proposed Amendments to Article 12 and Section 2.2 of Jefferson County Zoning and Land Development Ordinance
- Proposed Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations
- Proposed Amendments to Article 4A and Sections 2.2 and 10.3 of the Jefferson County Subdivision and Land Development Regulations
- Proposed Amendments to Article 24 of the Jefferson County Subdivision and Land Development Regulations

Anyone wishing to provide written or oral comment may do so at this meeting or send comment to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

The proposed amendments are available at the following website:

<http://www.jeffersoncountywv.org/>

Copies of the documents can be found at the Department of Planning office located at 116 East Washington Street in Charles Town, the County Commission office located at 124 E. Washington Street in Charles Town, and on our website.

If you have any questions, please call the Department of Planning office at (304) 728-3228.

A decision will be made at a later date.

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



**County Commission**  
of Jefferson County, West Virginia

**Jefferson County  
County Commission Meeting**

August 18, 2011

**AGENDA ITEM 5A**  
**Proposed Amendment to Article 12  
Jefferson County Zoning and Land  
Development Ordinance**

**Proposed Amendment to Article 12  
Jefferson County Zoning and Land  
Development Ordinance**

**Differentiate:**

- Zoning Map Amendments
- Zoning Text Amendments (i.e. Zoning Ordinance amendments)

**Clarify Process for:**

- Map amendment by County Commission
- Map amendment by Petition
  - Landowners
  - Planning Commission

**AGENDA ITEM 5B**  
**Proposed Amendment to  
Article 20 and Definitions  
Jefferson County Subdivision Regulations**

**Article 4A**  
**Home Occupation / Cottage Industry**

- Overview of current Article 4A:
  - Home Occupation Level I
    - Most restrictive, permitted in all districts
  - Home Occupation Level II
    - Additional employees and vehicular trips
    - Not permitted in subdivisions established since 1979
  - Cottage Industry
    - Allows accessory structures (site plan required)
    - Additional employees and vehicular trips
    - Not permitted in Residential Growth District or in existing residential subdivisions

**Article 4A**  
**Proposed amendments**

1. Add “General Standards” section
2. Add “Exempt Activities” section
3. Changes to site plan requirements
4. Add sketch plan requirement for Cottage Industry
5. Maximum accessory structure area
6. Accessory structure setbacks
7. Shared rights-of-way


**Article 4A**  
**Proposed amendments**

8. No requirements for annual events
9. Allow Home Occupation Level II in residential subdivisions, with min. lot area
10. Companion amendment to the Subdivision Regulations
11. Clarifies that Zoning Certificate is required (already required by Section 3.2, since 1988)
12. Flexibility in trips-per-day for Home Occupation Level II and Cottage Industry
13. Other changes

*Note: Amendments do not affect Building Code requirements.*

**Changes to Site Plan Requirements**

- Current:
  - Site plan required for Cottage Industry if triggered by Subdivision and Land Development Regulations
    - If 250 square feet or greater
    - If additional parking required
- Issues:
  - Engineering expenses prohibitive for small business
  - Required improvements not consistent with intent of retaining residential character of property
- Proposed
  - Increase square feet of accessory structure, addition, or conversion that triggers a site plan to 1,500 square feet
  - Conversion of structure requires site plan only if constructed within previous 5 years (or if required permit not issued)



**Current Requirements of Sections of Article 24 Jefferson County Subdivision Regulations**

Two Step Process:

|                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                         |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Submission Review</b></p> <ul style="list-style-type: none"> <li>• Application submitted</li> <li>• 10 day review</li> <li>• Resubmit - additional 10 days</li> <li>• Staff - reviews for some limited technical components of submission</li> <li>• PC meeting cannot be set until this is complete and a Completeness Review Application is submitted</li> </ul> | <p><b>Completeness Review</b></p> <ul style="list-style-type: none"> <li>• Begins <u>AFTER</u> submission review is complete</li> <li>• PC meeting can be set</li> <li>• 45 day period</li> <li>• Primarily the outside agencies are reviewing submission</li> <li>• Staff review is a broad overview for general compliance</li> </ul> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Proposed Changes to Process in Sections of Article 24 Jefferson County Subdivision Regulations**

|                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Current</b></p> <ul style="list-style-type: none"> <li>• Step 1             <ul style="list-style-type: none"> <li>- Sufficiency Review</li> <li>- 10 days</li> </ul> </li> <li>• Step 2             <ul style="list-style-type: none"> <li>- Completeness Review</li> <li>- 45 days</li> </ul> </li> </ul> | <p><b>Proposed</b></p> <ul style="list-style-type: none"> <li>• Step 1             <ul style="list-style-type: none"> <li>- Sufficiency <u>and</u> Completeness Review (combined)</li> <li>- 45 days</li> <li>- Proposed text format links two sections into one section</li> <li>- Most changes are content-neutral</li> </ul> </li> </ul> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

**Additional Amendments to Sections of Article 24 Jefferson County Subdivision Regulations**

- Public notification dates
- Comply with State law and unity in document
- From 14 days to 21 days

**County Commission Action**

Two Possible Processes:

- 1) Move to Scheduled Action on Each Item at a Future Meeting Based on the Planning Commission's Recommendation
- 2) Move to Schedule a Public Hearing on one or more items on September 15<sup>th</sup> (or other date certain)

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

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

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

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**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

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**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" amendments<sup>1</sup> 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

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<sup>1</sup> 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 to 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 adjoiner 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.

→ TRAVS STUDY ?

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.

**JEFFERSON COUNTY, WEST VIRGINIA**  
**Departments of Planning & Zoning**  
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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.

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. ~~HA 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 includesinvolves 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 businessHome 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.43 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 ~~nor~~ 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 a~~ One sign, not exceeding ~~one two (12)~~ 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 (1215)~~ 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 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) 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) 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><u>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.</u></p> |
| <p>Cottage Industry</p>                 | <p>An occupation <u>conducted</u> at a residential premises, <del>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.</del></p>                                     |
| <p>Home Occupation, Level 1</p>         | <p>An occupation conducted in a residential premises, <del>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.</del></p>                                                                                                 |
| <p>Home Occupation, Level 2</p>         | <p>An occupation conducted in a residential premises, <del>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.</del></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.

# JEFFERSON COUNTY, WEST VIRGINIA

## Departments of Planning & Zoning

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### 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

Figure 24.106A  
Major Subdivision Approval Process (Part 1)

*Major Subdivision Approval Process*

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

### Preliminary Plat Application

|                                                |                                                                                                                                                                                    |                                   |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <p><u>Step 1</u><br/><u>Section 24.109</u></p> | <div style="border: 1px solid black; padding: 10px; background-color: #fff9c4;"> <p style="color: red; font-weight: bold;">Submission &amp;<br/>Completeness<br/>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: #fff9c4;"> <p style="text-align: center;">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: #fff9c4;"> <p style="text-align: center;">Preliminary Plat<br/>Approval</p> </div>                            | <p><u>Planning Commission</u></p> |

### Final Plat Application

|                                                |                                                                                                                                                                                    |                                   |
|------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| <p><u>Step 1</u><br/><u>Section 24.112</u></p> | <div style="border: 1px solid black; padding: 10px; background-color: #fff9c4;"> <p style="color: red; font-weight: bold;">Submission &amp;<br/>Completeness<br/>Review</p> </div> | <p><u>Staff</u></p>               |
| <p><u>Step 2</u><br/><u>Section 24.113</u></p> | <div style="border: 1px solid black; padding: 5px; background-color: #fff9c4;"> <p style="text-align: center;">Public Hearing</p> </div>                                           | <p><u>Planning Commission</u></p> |
| <p><u>Step 3</u><br/><u>Section 24.114</u></p> | <div style="border: 1px solid black; padding: 5px; background-color: #fff9c4;"> <p style="text-align: center;">Final Plat<br/>Approval</p> </div>                                  | <p><u>Planning Commission</u></p> |
| <p><u>Step 4</u><br/><u>Section 24.115</u></p> | <div style="border: 1px solid black; padding: 5px; background-color: #fff9c4;"> <p style="text-align: center;">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. ~~B.~~ **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. ~~C.~~ **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 1<sup>st</sup> 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,~~ **A** analysis, 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. ~~B. Review Content.~~ The Department and agency reviews shall address the areas indicated in paragraphs ~~CD~~ to ~~EF~~ below and any other areas of concern to the agencies.
- D. ~~C. 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. ~~D. 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. ~~E. 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. ~~F. 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. ~~G. 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. ~~H. 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 WVDON, 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*

Step Taken                      Action Taken                      Acting Authority  
**Pre-Proposal Conference (Optional)**

|                                          |            |                                                        |
|------------------------------------------|------------|--------------------------------------------------------|
| <u>Step 1</u><br>Section 24.102A         | Submission |                                                        |
| <u>Step 2</u><br>Sections 24.102B, C & D | Conference | <u>Staff Conference within 15 days from submission</u> |
| <u>Step 3</u><br>Section 24.103E         | Memorandum | <u>Staff Memo within 5 days</u>                        |

**Concept Plan**

|                                 |                                    |                            |
|---------------------------------|------------------------------------|----------------------------|
| <u>Step 1</u><br>Section 24.116 | Submission and Completeness Review | <u>Staff</u>               |
| <u>Step 2</u><br>Section 24.117 | Public Workshop                    | <u>Planning Commission</u> |
| <u>Step 3</u><br>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    |
|------------------------------|----------------------------------|---------------------|
| <b>Site Plan Application</b> |                                  |                     |
| Step 1<br>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 ~~€D~~ through ~~FG~~ 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 1<sup>st</sup> 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 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. 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.~~

- ~~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. 24.1217 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. 24.12319 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 WVDOD, 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**

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### **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**

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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**

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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.

# Jefferson County Public Service District

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SEP 08 2011

Jefferson County Public Service District  
Regular Board Meeting  
August 1, 2011

Jefferson County Commission

The monthly meeting of the Jefferson County Public Service District was held at 7:00PM on Monday, August 1, 2011 in the meeting room at the Districts office in Kearneysville. Those in attendance included: Chairman, Joe Hankins (arrived late); Secretary, Jim Cummins; Treasurer, Peter Appignani; General Manager, Susanne Lawton; Administrative Assistant, Ashley Stottlemeyer; and Operations Manager, Joe Freeze.

Secretary Cummins called the meeting to order at 7:07PM.

#### Public Comments

Daniel Hayes, President of the Jefferson County Planning Commission, stated that development in the county is picking up as well as the concept plan reviews. The District now gets to comment on the concept plan reviews before applications are approved.

#### OLD BUSINESS

##### Review Minutes of July 5 Regular Board Meeting

The minutes of the July 5, 2011 regular Board meeting were approved as presented.

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to accept the July 5, 2011 minutes as presented. Approved 2-0.**

##### Update on Flowing Springs Wastewater Treatment Plant Project

Mr. Kelsh filed the reply briefs for the case. The District hopes to get a final order from the PSC to close on the project by the end of the calendar year.

**Action: No action taken by the Board.**

#### NEW BUSINESS

##### Consider Engagement of Cox Hollida Price for Fiscal Year 2011 Annual Audit

Ms. Lawton informed the Board that the Cox Hollida Price 3-year contract has expired. She would like the Board to allow Cox Hollida Price to complete the annual audit for fiscal year 2011. Ms. Lawton explained that the Board may direct staff to put out request for bids for a new accounting firm next year if they wish, but bids are not required. The Board commended Cox Hollida Price for the exceptional work they have done over the last several years.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to approve the new contract for Cox Hollida Price for the fiscal year 2011 in the amount of \$27,500 for the audit and \$3,800 for the annual report. Approved 2-0.**

##### Discussion of any Expenses over Budget

Ms. Lawton informed the Board that the Fleet Services account is over budget this month.

**Action: No action taken by the Board.**

##### Disbursements

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for Cavaland water expenses in the amount of \$1,828.10, Glen Haven water expenses in the amount of \$1,855.82. Approved 2-0.**

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve disbursements for the Public Service District expenses in the amount of \$146,077.02. Approved 2-0.

Approve Transfer of \$13,754.00 from Future Needs Account to Sewer Operating for I&I Equipment

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$13,754.00 from Future Needs Account into Sewer Operating Account for I&I Equipment. Approved 2-0.

Approve Transfer of \$64.01 from Cavaland Security Deposit Account to Cavaland Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$64.01 from Cavaland Security Deposit Account into Cavaland Operating Account for Security Deposit Refunds. Approved 2-0.

Approve Transfer of \$5,031.15 from Sewer Security Deposit Account to Sewer Operating for Security Deposit Refunds

**Action:** Motion made by Mr. Appignani and seconded by Mr. Cummins to approve the transfer of \$5,031.15 from Sewer Security Deposit Account into Sewer Operating Account for Security Deposit Refunds. Approved 2-0.

General Manager's Report

Ms. Lawton updated the Board on activities since last month's meeting.

Easements – Ms. Lawton will be meeting with Ms. Susannah Buckles Flanagan to get the easement signed for the Buckles property.

Todd Electric – They have finished up work at Cavaland and are waiting for equipment to complete the upgrades at Glen Haven.

Pump Stations – The problems at the Districts pump stations have been decreasing. Ms. Lawton stated that equipment is slowly being fixed and upgrades are being made.

Engineering Technician Position – Matt Piepenburg started employment on July 14<sup>th</sup>. He attended the GIS conference in Morgantown, WV last week and made some good contacts and had a number of discussions on the next step of the Districts GIS process.

Driscwood Elementary School – The punch list should be completed by the end of August so the District can take over the ownership and operation of the pump station.

Camera – The District is considering purchasing a sewer camera since it is quite expensive to rent. There have been numerous occasions when staff has needed to use one, but the 2 local companies with them have been broken. Ms. Lawton suggested possibly purchasing a used or new one. The Board would like the staff to bring back quotes for purchasing a new or used sewer camera for the field.

**Action:** No action taken by the Board.

Mr. Hankins arrived at the meeting. He was stuck in traffic.

Public Comment

None.

Correspondence

None.

**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to convene in executive session for the purpose of discussing litigation and contract negotiations. Unanimously approved.**

Mr. Appignani excused himself from the discussions on the Jefferson Utilities, Inc General Investigation case currently at the Public Service Commission.

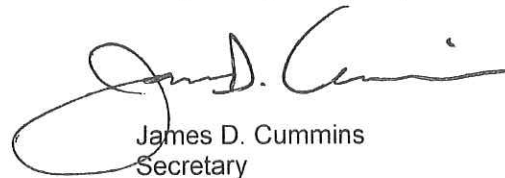
**Action: Motion made by Mr. Cummins and seconded by Mr. Appignani to return to public session. Unanimously approved.**

**Action: Motion made by Mr. Appignani and seconded by Mr. Cummins to adjourn. Unanimously approved.**

There being no further business at this time, the meeting was adjourned at 8:06PM

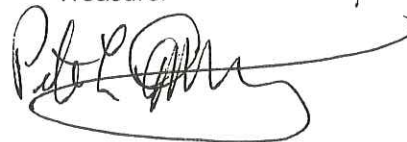
The next regular meeting is scheduled for September 6, 2011 at 7:00pm at 340 Edmond Road, Suite A at the Districts office in Kearneysville.

Respectfully Submitted,



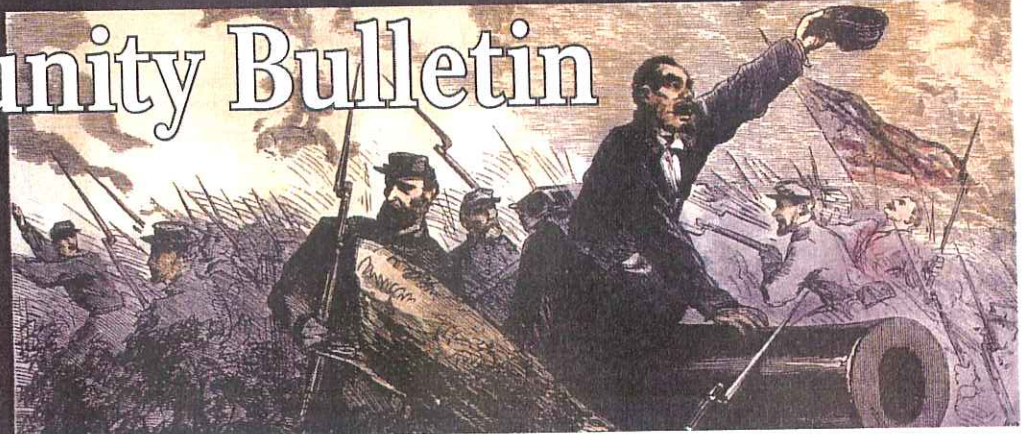
James D. Cummins  
Secretary

Peter L. Appignani  
Treasurer





# Community Bulletin



Fight at Bolivar  
Sketched by Thomas Nast

## In the Shadow of John Brown: The 1861 Battle of Bolivar Heights

Harpers Ferry National Historical Park invites the public to attend its "In the Shadow of John Brown: The 1861 Battle of Bolivar Heights" on October 15-16, 2011.

### Planning Your Visit:

#### Parking:

Visitors must park at the Cavalier Heights Visitor Center parking area and board shuttle buses to the event on Bolivar Heights. The National Park Service expects this to be a busy event, so plan to arrive early and allow for transportation time to reach event activities. Parking is on a first come, first serve basis.

#### Please remember:

October is usually a busy time in the park. We appreciate your patience when arriving and leaving the event.

Only small lap-sized coolers are allowed on shuttle buses.

Alcoholic beverages are not permitted in the park at any time.

It is primarily an outdoor venue and will be held rain or shine. Dress appropriately for the weather.

Commemorative items, books and music will be sold at the Harpers Ferry Historical Association's Sales Tent.

### Schedule of Events: (subject to change)

Guided tours and orientation talks on the 1861 Battle of Bolivar Heights will be offered throughout the weekend.

#### Saturday, October 15

10:00 a.m. – 5:00 p.m.  
Information & Orientation Tent open

10:00 a.m. – 4:00 p.m.  
Event Tent & Family/Youth Tent open

11:00 a.m. – 4:00 p.m.  
Living History Programs  
Activities depict events leading up to the Battle of Bolivar Heights

11:00 a.m. – 12:00 p.m.  
Wildcat Band Concert

1:00 p.m.  
Author Presentation and Booksigning

2:00 – 3:00 p.m.  
Artillery & Small Arms Firing Demonstration

3:00 p.m.  
Author Presentation and Booksigning

4:00 – 5:00 p.m.  
Wildcat Band Concert

#### Sunday, October 16

10:00 a.m. – 5:00 p.m.  
Information & Orientation Tent open

10:00 a.m. – 4:00 p.m.  
Event Tent & Family/Youth Tent open

10:00 a.m. – 4:00 p.m.  
USPS Anniversary Cancellation Station  
Opening Remarks by Bolivar Mayor  
Robert J. Hardy

11:00 a.m. – 4:00 p.m.  
Living History Programs  
Activities depict events leading up to the Battle of Bolivar Heights

1:00 p.m.  
Author Presentation and Booksigning

2:00 – 3:00 p.m.  
Small Arms Demonstration

3:00 p.m.  
Author Presentation and Booksigning

**RECEIVED**

SEP 08 2011

## Upcoming Events

September 3

Military Band Concert

"Free Country," U.S. Marine Band

Time: 6:00 PM

Location: Camp Hill, Mather Training Center grounds

Enjoy the music of one of our country's premier military bands.

October 8

"Reacting to the Raid: Virginia Militia Arming to the Teeth"

Time: 11:00 AM – 4:00 PM

Location: Lower Town

Features militia drill and historic firing demo at 2 p.m.

October 29-30

"Under Fire: The Battle of Harpers Ferry 1862"

Time: 11:00 AM – 4:00 PM

Location: Bolivar Heights Battlefield

Join the members of the Baltimore Light Artillery as they demonstrate the might and intimidation of field artillery. Firing demonstrations at 1,2,3 p.m.

November 5-6

"Roeder's Tavern Cider Making 1860"

Time: 11:00 AM – 4:00 PM

Location: Lower Town

Join living history rangers and volunteers for cider-making demonstration and fall food preservation.

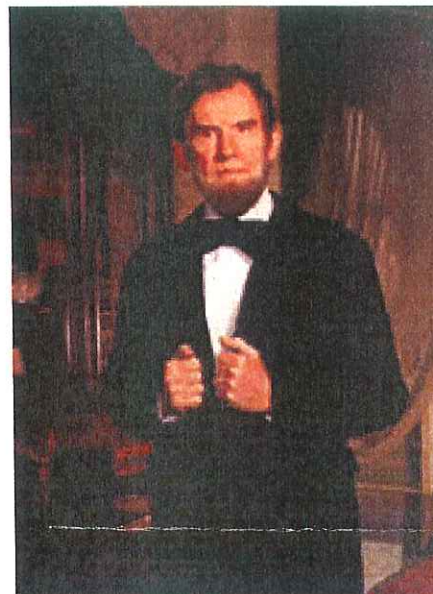
December 3-4

"Capt. Flagg's U.S. Quartermaster City: Prospects of Peace"

Time: 11:00 AM – 4:00 PM

Location: Lower Town

Join over 175 living history volunteers as they help present park visitors with a unique window into the magnitude and scope of Captain Flagg's 1864 US Quartermaster city.



October 1

"Mr. Lincoln Returns to Harpers Ferry"

Time: 1:00 PM & 3:00 PM

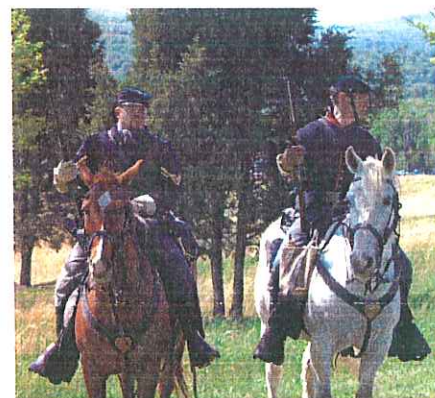
Location: Lower Town

Our 16th president comes to life as Jim Getty portrays Abraham Lincoln.

## Eyes of the Army: The Cavalry Factor


On September 3-4, 2011, visitors are invited to join the park's living history staff and volunteers of the 2nd U.S. Cavalry and 138th Pa infantry for special programs at Harpers Ferry National Historical Park. A living history display of horses and riders will be presented on the Lower Town Green, across from the Historical Association Bookshop from 11 a.m. to 4 p.m. Historic weapons and cavalry demonstrations will be held at 1 and 3 p.m. each day.

In September 1862, Harpers Ferry's 14,000-man Union garrison found itself surrounded; surrender was imminent. Cavalry commander Colonel Benjamin F. "Grimes" Davis deemed an escape from the Confederate trap worth a try. On the evening of September 14, Davis led 1,500 men across the Potomac River pontoon bridge and then toward Sharpsburg, Maryland. They escaped Stonewall Jackson's



siege and capture of the hapless union garrison. The cavalry column pressed on undetected toward Sharpsburg and captured a 91-wagon Confederate ammunition train near Williamsport. They eventually reached safety in Greencastle, Pennsylvania, on the morning of September 15. The column rode 50 miles in 12 hours.

For additional information on park activities call 304-535-6029

 National Park Service  
U.S. Department of the Interior

The history of Harpers Ferry has few parallels in the American drama. It is more than one event, one date, or one individual. It is multi-layered, involving a diverse number of people and events, decisions and actions that influenced the course of our nation's history. Visit Harpers Ferry and step into history.

Harpers Ferry National Historical Park  
P.O. Box 65  
Harpers Ferry, West Virginia 25425

Visitor Center  
304-535-6029

Harpers Ferry Historical Association Bookshop  
304-525-6881

Harpers Ferry NHP Home Page  
[www.nps.gov/hafe/](http://www.nps.gov/hafe/)

The National Park Service cares for the special places saved by the American people so that all may experience our heritage.



West Virginia University

Eberly College of Arts and Sciences

August 15, 2011

Dear Local Government Leadership Academy Attendee,

For 10 years now, the Local Government Leadership Academy has sought to provide you with training and ideas designed to enhance your work as local government officials. We hope our efforts have been beneficial to you and your community.

In order to continue this service *and improve upon it*, we have decided to revise the fall session to evaluate the program and initiate changes to ensure it remains the premier source of innovative information and training on public policy and governance practices. We want to remain the best and provide you with a learning experience that makes a real difference to you, your communities and the State of West Virginia.

So this fall we will be holding a special Executive Planning Session of the Local Government Leadership Academy. This event will be held instead of the normal fall Local Government Leadership Academy.

We are excited about this opportunity to re-evaluate the Local Government Leadership Academy after 10 years. The Executive Planning Session will be held Friday, October 28, 2011 at Canaan Valley Resort in Davis, WV. We will be providing additional information about the event in the coming weeks and seeking a select number of participants. Please see our webpage at <http://ipa.wvu.edu/> for up to date information.

Also continue to watch your mail (and our webpage) about updates to the next Local Government Leadership Academy in the spring of 2012. We aim to provide a revitalized Academy this spring that continues to provide a curriculum and forum for public officials who want to improve their communities and our State.

If you have any questions or suggestions please contact us at: [IPA@mail.wvu.edu](mailto:IPA@mail.wvu.edu).

Also, if you are interested in attending the special Executive Planning Session of the Local Government Leadership Academy please send us an e-mail at [Tara.Hannum@mail.wvu.edu](mailto:Tara.Hannum@mail.wvu.edu)

Yours Sincerely,

Kevin Leyden, Director  
Institute for Public Affairs  
West Virginia University

RECEIVED

SEP 08 2011

Jefferson County Commission

Phone: 304-293-3811  
ext. 5297  
Fax: 304-293-8644

Local Government Leadership Academy  
Institute for Public Affairs  
PO Box 6317  
Morgantown, WV 26506-6317

Equal Opportunity/Affirmative Action Institution

**West Virginia University  
Local Government Leadership Academy**

**Advising Sheet**

**October 15, 2008**

**Rusty Morgan  
Jefferson County Commission  
PO Box 250  
Charlestown, WV 25414  
Phone: 304-728-3284; Fax: 304-725-7916  
Email: [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)**

According to our records, you have completed the following core workshops:

**Public Management and Leadership Skills  
The WV Economy**

According to our records, you have completed the following elective workshops:

**Re-Elections Strategies  
Smart Growth**

Please remember that:

- To qualify for the Certificate of Achievement, you must complete all six core workshops and four electives
- To qualify for the Certificate of Excellence, you must complete four electives in addition to the Certificate of Achievement
- To qualify for the Certificate of Distinction, you must complete four electives in addition to the Certificate of Excellence
- To qualify for the Certificate of Highest Merit, you must complete twelve electives in addition to the Certificate of Distinction.

If you believe that we have made an error, please return a copy of your advising sheet with your corrections and we will recheck our records.

The Jefferson County Commission proposes to name persons to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, September 29, 2011, or as soon thereafter as the Commission may decide:

**Water Advisory Committee - Unexpired term ending January 31, 2012**

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, prior to the proposed date of appointment.

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

**SPIRIT OF JEFFERSON:**

**PLEASE ADVERTISE ON:**

**September 15 & 22, 2011**

**THANKS - JEFFERSON COUNTY COMMISSION**

# ALERT

## Advanced Law Enforcement Readiness Training

ALERT was formed by Mike Thompson and Ted

Farfaglia in 1999. ALERT's goal is to provide the

very best professional training to the men and women of law enforcement.

Mike Thompson—retired Inspector,

U.S. Marshal Service

Ted Farfaglia—retired Associate Legal Counsel,

U.S. Marshal Service

Mike and Ted are joined by a team of instructors

who bring to the classroom years of experience and knowledge in court security related fields.

Ronnie Boudreau - Retired Chief Deputy—U.S. Marshal Service, Baton Rouge, LA

Ed Mitman—Retired Chief Deputy - U.S. Marshal Service, Columbia, SC

### West Virginia Supreme Court of Appeals Travel Regulations

#### Lodging

A block of rooms has been reserved at The Comfort Inn—Wheeling. Reservations will be made by the Supreme Court upon request for lodging on the registration form. Participants qualify for lodging if they are traveling more than 40 miles from their headquarters. Lodging will be direct billed to the Supreme Court. DO NOT MAKE YOUR OWN RESERVATIONS OR CANCEL A ROOM RESERVED BY THE COURT. PLEASE CALL BARBARA WHITE AT (304) 340-2949 WITH THESE TYPES OF REQUESTS.

#### Mileage

Roundtrip mileage will be reimbursed at \$.555 per mile for personal vehicles only. Mileage should be calculated from headquarters (or home, whichever is less) to Wheeling and return.

#### Meals

Meal allowance is as follows: October 10—\$34.50; October 11—\$46.00; October 12—\$46.00 and October 13—\$34.50. Participants within a 40 mile radius from Wheeling or who do not elect to stay overnight, do not qualify for a meal allowance.

#### Registration

The registration fee of \$395 per participant will be taken care of upfront by the Supreme Court. Because of our agreement with ALERT, the \$395 rate is based upon a full class of 60 participants. Therefore, cancellations will only be accepted until Sept. 21, 2011 so another participant can be found. Substitutions may be made up until the day before the class. Please notify Arthur Angus as soon as possible if a cancellation or substitution is necessary.

# COURT SECURITY SEMINAR



SEP 06 2011

Jefferson County Commission  
Please return  
registration form  
by:  
September 21, 2011

## Training by ALERT

October 11–13, 2011  
8:00 a.m.—5:00 p.m.  
At Cabella's  
Wheeling, WV

# Court Security Seminar

The West Virginia Supreme Court of Appeals, through a WV Court Security Grant, is offering a Court Security Seminar on **Oct. 11—13, 2011**, at Cabella's, with lodging at Comfort Inn-Wheeling. This seminar will accommodate 60 participants to include uniformed court bailiffs, and uniformed and non-uniformed court security officers. **Registration is on a first-come, first-serve basis.** A waiting list will be maintained for cancellations. *This is not a Magistrate Conference but is for Bailiffs that serve in the Courtroom.* Class will begin each day at 8:00 a.m. and end by 5:00 p.m. with an hour for lunch. Lunch is on your own. Application for 24 credit hours for Law Enforcement Training has been made. The grant will cover the cost of the \$395 registration fee, lodging, round trip mileage, and meal allowance. Please see travel regulations on reverse side. Dr. \_\_\_\_\_ for the seminar will be casual.

## Course Topics

Participants will receive written materials which can be used as models for enhancing the court security plans within their jurisdictions. Learning is reinforced with practical exercises. Participants are able to use the concepts and procedures within their jurisdiction immediately after the seminar. The 3-day seminar will cover the following topics, including several new topics:

- Courthouse Security
- Practical Exercise (Physical Security Survey)
- Metal Detectors and Disguised Weapons
- X-Ray Machines and Package Bomb Recognition
- Prisoner Searches and Restraints
- Chemical and Biological Awareness
- Prisoners in Court
- Sequestered and Petit Juries
- High Threat Trial & Practical Exercise
- Non-Verbal Communication
- First Response to Hostage Situations
- Judicial Protection & Practical Exercise

## Registration Form

Name \_\_\_\_\_  
Title \_\_\_\_\_  
Agency \_\_\_\_\_  
Work Address \_\_\_\_\_  
Home Address \_\_\_\_\_  
Work Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

## Lodging Information

- I will commute, do not reserve a lodging room for me
- Please reserve a lodging room for the following nights:
- Monday, October 10, 2011  Nonsmoking  
 Tuesday, October 11, 2011  Smoking  
 Wednesday, October 12, 2010

For questions or more information contact:

Arthur Angus, Court Marshal  
(304) 558-1911 or Cell (304) 541-5156  
or

Barbara White, Exec., Administrative Asst.  
(304) 340-2949

Please return registration form by: September 21, 2011

Mail completed form to:  
Barbara White  
West Virginia Supreme Court of Appeals  
State Capitol Complex:  
Building 1, Room E100  
Charleston, WV 25305  
OR  
FAX to (304) 558-0027  
Email: [barbara.white@tswwv.gov](mailto:barbara.white@tswwv.gov)

## Nichelle Hosby

---

**From:** Humes Barbara [bhumes1@comcast.net]  
**Sent:** Friday, September 02, 2011 1:55 PM  
**To:** nhosby@jeffersoncountywv.org  
**Cc:** JC Farmland Protection Board Fricke  
**Subject:** Failure to Provide Funding to the County Farmland Protection Program

Please distribute the following letter to the members of the County Commission

I want to express my disappointment, anger, and dismay, as a citizen of Jefferson County, with the outcome of the vote on funding the Farmland Protection Program that was taken on September 1, 2011. Failure to fund this program is detrimental to Jefferson County in so many ways. Failure to fund this program shows a lack of concern for the agricultural industry that this county is famous for; it shows a lack of respect for the hard-working farmers who grow our food; it threatens the ability of our county to preserve important pieces of land that contribute to local agri-tourism. Our farms are a draw for tourists who come for Farm Day, tours, history, and retreats. But most astonishing is that failure to provide the required matching funds caused our county to lose thousands and thousands of dollars of Federal funding. The 3 Commissioners who voted against it -- Walt Pellish, Patsy Noland, and Dale Manuel -- have proven to be very "penny-wise but pound foolish" in their reasoning for opposing support for this program. They seemed to indicate that funding the Farmland Protection Program would prevent them from funding other projects such as a new Judicial Center. That is not true. The County has plenty of money to take care of getting a new Judicial Center. Just by being a little thrifty in outfitting such a center would more than recoup the cost of funding the Farmland Protection Program. And I'd like to point out that preserving valuable farmland in perpetuity for future generations is much more cost effective than "dressing up" a Judicial Center.

Barbara Humes

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

| Week Ending Date                                       | Week Ending<br>September 3, 2011 |
|--------------------------------------------------------|----------------------------------|
| To be Deposited on:                                    | September 12, 2011               |
| Amount Played                                          | 84,203,993.73                    |
| Amount Won                                             | 75,535,690.28                    |
| Amount Promo                                           | <u>242,073.50</u>                |
| MWAP Contribution                                      | <u>5,630.49</u>                  |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>8,420,599.46</u></b>       |
| Administrative Costs @ 4%                              | 336,823.99                       |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                      |
| <b>Net Terminal Revenue</b>                            | <b><u>8,083,775.47</u></b>       |
| Surcharge @ 10%                                        | 0.00                             |
| State Share Excess @ 58%                               | 0.00                             |
| Track Share of Capital Reinvestment @ 42%              | 0.00                             |
| <i>Track Share of Capital Reinvestment @ 42% - 96%</i> | 0.00                             |
| <i>Track Share of Capital Reinvestment @ 42% - 4%</i>  | \$ -                             |
| <b>Adjusted Net Terminal Revenue</b>                   | <b><u>8,083,775.47</u></b>       |
| Racetrack @ 46.50% / 42%                               | 3,758,955.59                     |
| Lottery Fund @ 30% / 0%                                | 2,425,132.61                     |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                             |
| Race Track Purses @ 7% / 14% / 8%                      | 565,864.28                       |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 565,864.28                       |
| Employee Pension Fund @ 1% / .5%                       | 80,837.76                        |
| Greyhound Development @ .75%                           | 60,628.32                        |
| Thoroughbred Development @ .75%                        | 60,628.32                        |
| Racing Commission @ 1%                                 | 80,837.76                        |
| County/Municipality @ 2%                               | 161,675.52                       |
| 3% Funds:                                              |                                  |
| Tourism Promotion Fund @ 1.375%                        | 111,151.91                       |
| Development Office Promotion Fund @ .375%              | 30,314.16                        |
| Research Challenge Fund @ .5%                          | 40,418.88                        |
| Capitol Renovation and Improvement Fund @ .6875%       | 55,575.96                        |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 5,052.36                         |
| 1% Funds:                                              |                                  |
| State Capitol Complex Parking Garage @ 1%              | -                                |
| Cultural Facilities and Capitol Resources @ .5%        | 40,418.88                        |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | 40,418.88                        |
|                                                        | <b><u>8,083,775.47</u></b>       |

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<br>ADJ. NET<br>REVENUE | TO<br>JEFFERSON<br>COUNTY | TO<br>FIVE<br>CITIES | BOLIVAR<br>8.19% | CHARLES<br>TOWN<br>41.20% | HARPERS<br>FERRY<br>2.24% | RANSON<br>34.78% | SHEPHERDS<br>TOWN<br>13.59% |
|---------------------------------------|------------------------------|---------------------------|----------------------|------------------|---------------------------|---------------------------|------------------|-----------------------------|
| 2 days ending:<br>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             | \$ -                 | \$ -             | \$ -                      | \$ -                      | \$ -             | \$ -                        |
| 08/13/11                              | \$ 149,711.80                | \$ 117,350.38             | \$ 32,361.42         | \$ 2,650.40      | \$ 13,332.90              | \$ 724.90                 | \$ 11,255.30     | \$ 4,397.92                 |
| 08/20/11                              | \$ 143,228.24                | \$ 71,614.12              | \$ 71,614.12         | \$ 5,865.20      | \$ 29,505.01              | \$ 1,604.16               | \$ 24,907.39     | \$ 9,732.36                 |
| 08/27/11                              | \$ 126,864.28                | \$ 63,432.14              | \$ 63,432.14         | \$ 5,195.09      | \$ 26,134.04              | \$ 1,420.88               | \$ 22,061.70     | \$ 8,620.43                 |
| 09/03/11                              | \$ 161,675.52                | \$ 80,837.76              | \$ 80,837.76         | \$ 6,620.61      | \$ 33,305.16              | \$ 1,810.77               | \$ 28,115.37     | \$ 10,985.85                |
| Subtotal                              | \$ 1,408,554.32              | \$ 1,160,308.88           | \$ 248,245.44        | \$ 20,331.30     | \$ 102,277.11             | \$ 5,560.71               | \$ 86,339.76     | \$ 33,736.56                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ (496,490.84)

VIDEO LOTTERY REPORT  
FY 2009

| FY 2009    |            | FY 2010    |            | FY 2011    |            | FY 2012    |            |
|------------|------------|------------|------------|------------|------------|------------|------------|
| 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  | 8/13/2011  | 117,350.38 |
| 8/23/2008  | 76,426.18  | 8/22/2009  | 76,260.31  | 8/21/2010  | 76,199.02  | 8/20/2011  | 71,614.12  |
| 8/30/2008  | 89,459.86  | 8/29/2009  | 80,472.92  | 8/28/2010  | 72,460.03  | 8/27/2011  | 63,432.14  |
| 9/6/2008   | 91,644.46  | 9/5/2009   | 80,798.15  | 9/4/2010   | 76,362.84  | 9/3/2011   | 80,837.76  |
| 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

1160308.88

Table Game Revenue  
FY 2011

| <b>Date</b>       | <b>Amount</b> |
|-------------------|---------------|
| 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    |
| July, 2011        | 141,718.01    |

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1439109.71