

AGENDA
JEFFERSON COUNTY COMMISSION
THURSDAY, OCTOBER 6, 2011
9:30 A.M.

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

CALL TO ORDER

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

APPROVAL OF PURCHASE ORDERS

APPROVAL OF ACCOUNTS PAYABLE

PUBLIC COMMENT

PRESENTATIONS:

1. **9:40 a.m.** **Tiffany Lawrence, West Virginia House of Delegates**
 - Presentation of Grants:
 - Star Lodge \$17,400
 - Fisherman's Hall \$4,500
 - Jefferson County Black History Preservation Society

2. **9:50 a.m.** **Angie Banks, Assessor**
 - Exonerations

3. **10:00 a.m.** **Rose Keesecker, Office Assistant Eastern Regional Jail**
 - Report on the West Virginia Regional Jail bill

4. **10:30 a.m.** **Continuation of September 15, 2011 Public Hearing - Proposed Zoning Text Amendment for article 4A, Section 2.2 and section 10.3 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries**

5. **10:40 a.m.** **BREAK**

6. **10:50 a.m.** **Lynn Fields, Deputy Clerk Probate office**
 - Set date and time for Public Hearings:
 - Grimes Estate
 - Wilt Estate

7. **11:00 a.m. Jennifer Brockman, Director of Planning and Zoning**
 - Possible action on a proposed amendment to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations regarding Home Occupations and Cottage Industries - Discussion/Action
 - Discussion of comments received and possible action on a proposed amendment to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding time-frames and noticing requirements for processing procedures - Discussion/Action
 - Discussion of comments received and possible action on a proposed amendment to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the maximum square footage requirements for a minor site plan in each Zoning District - Discussion/Action
 - Discussion of comments received and possible action on a proposed amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011) regarding the process of amending the Zoning Map and/or Zoning Text - Discussion/Action
 - Presentation and possible action on proposed revisions to the Bylaws of the Jefferson County Planning Commission - Discussion/Action

8. **11:30 a.m. Roger Goodwin, Chief County Engineer**
 - Request approval to extend an offer of employment to fill the vacant position of Land Development Inspector - Discussion/Action
 - Partial release of the construction bond security for Kanawha Scales systems, Inc. - summit Point Automotive Research Center, LLC/STaSIS (file #S10-08) - Discussion/Action
 - Complete release of the construction bond security for PNGI Charles Town Gaming LLC - Hollywood Casino at Charles Town Races Area 5.2 loading dock & building addition (file #S10-09) - Discussion/Action

NEW BUSINESS:

9. **Request to advertise to fill a vacancy - Administrative Assistant - Emergency Communications Center - Discussion/Action**

10. **Set date and time for an Economic Development outlook/overview of activities - Discussion/Action**

11. **Approval of Courthouse Facilities Improvement Authority (CFIA) Grant Resolution - Discussion/Action**

COUNTY ADMINISTRATOR REPORTS

COUNTY COMMISSION REPORTS

12. 12:15 p.m. BREAK
13. 12:30 p.m. Lunch Work Session - Jefferson County Commission Long Range Plan Discussion
14. 1:45 p.m. RECESS

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

15. 7:00 p.m. Public Hearing at Blue Ridge Elementary School Cafeteria - Zoning Map Amendment (Rezoning) for Properties Designated as Tax District Harpers Ferry, Map 15, Parcels 47 and 56 - David and Catherine Hott Property

**ADJOURN**

**CORRESPONDENCE:**

Reminder that Jefferson County Offices will be closed on Monday, October 10<sup>th</sup>, 2011 in observance of Columbus Day.

Notice by Jefferson County Commission of General Special Election for Governor Canvass on October 11, 2011 beginning at 9:30 a.m.

Jefferson County 4-H Report for September and October 2011.

County Commissioners' Association of West Virginia, Commissioners' Corner Newsletter, September 2011.

Notice and invitation from West Virginia University Extension Service regarding the Woodlot Management Workshop on Monday, October 17, 2011 and Candidate for the Jefferson County Agriculture and Natural Resources Extension Agent, October 19, 2011 at 7:00 p.m.

Received from National Park Service - Community Bulletin - Harpers Ferry National Historical Park, October, 2011.

Letter received from the West Virginia Department of Environmental Protection regarding enhancing stormwater regulations in Jefferson County.

Invitation from Community Alternatives to Violence and Berkeley/Jefferson Day Report Center Luncheon at the Purple Iris on Thursday, October 20, 2011 from 11:30 a.m. to 1:00 p.m.

Letter received from Joseph Hankins regarding decline of reappointment to the Jefferson County Public Services District Board.

**Weekly settlement reports for the Charles Town Races received from the West Virginia Lottery, weeks ending September 24, 2011.**

**Correspondence received from the West Virginia Association of Counties regarding Property Taxes targeted in the Governor's race.**

***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 29, 2011**

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A meeting of the Jefferson County Commission was held on Thursday, September 29, 2011 in the County Commission meeting room at the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414. Present were Commissioners Patricia Noland, Dale Manuel, Frances Morgan, Lyn Widmyer and Walt Pellish; Tim Boyde, County Administrator, Debbie Stellato, Administrative Assistant and Jimmy Eddy, Bailiff. (An audio tape of this September 29, 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 Pellish led the Pledge of Allegiance. Ms. Widmyer asked the Commissioners to take a minute and offer their prayers and thoughts for Paul Rosa in the hospital.

#### **APPROVAL OF MINUTES**

Motion by Ms. Morgan to approve the Minutes of the September 22, 2011 meeting as presented. Motion seconded by Mr. Pellish and unanimously approved. (Commissioner Widmyer abstained from voting as she was absent from the September 22, 2011 meeting.)

#### **APPROVAL OF PURCHASE ORDERS**

Motion by Mr. Manuel to approve Purchase Orders in the amount of \$58,884.48, being purchase order numbers: 48822, 48823, 50528, 53216, 53217, 53219, 50558, 53261, 53260, 53177, 50557, 50555, 50556, 50425, 50426, 50560 and 50554. Motion seconded by Ms. Morgan and unanimously approved.

#### **APPROVAL OF ACCOUNTS PAYABLE:**

Motion by Ms. Morgan to approve the accounts payable in the amount of \$402,245.111. Motion seconded by Mr. Pellish and unanimously approved.

#### **PUBLIC COMMENT**

There was no public comment.

#### **PRESENTATIONS:**

##### **1. Angie Banks, County Assessor:**

#### **NOTICE OF APPORTIONMENT OF JOINTLY OWNED MOTOR VEHICLES**

Upon presentation by Angela Banks, Assessor, motion by Ms. Morgan, second by Mr. Manuel to approve the Notice of Apportionment of Jointly Owned Motor Vehicles filed by a certified copy of a final divorce order entered

under provisions of section fifteen, article two, chapter forty-eight of the West Virginia Code, in the amount of \$419.14, Ticket No. 310963, for the following. Motion unanimously approved.

| NAME                    | HUSBAND/WIFE | ASSESSED VALUE | TAXES DUE       |
|-------------------------|--------------|----------------|-----------------|
| Shawn P. Wilt           | Husband      | \$8,800.00     | \$199.37        |
| Shawn P. Wilt           | Husband      | \$4,600.00     | \$104.22        |
| Monique G. Wilt         | Wife         | \$5,100.00     | \$115.55        |
| <b>TOTAL TAXES DUE:</b> |              |                | <b>\$419.14</b> |

**NEW BUSINESS:**

- 2. Request that the \$100,000 in the Cement Mill Property Acquisition Fund be reallocated to a Hite Road Development Fund (DM) – Discussion/Action.**

Motion by Mr. Manuel to move the \$100,000 in the Cement Mill Property Acquisition Fund to a Hite Road Development Fund contingent upon successful negotiations with the West Virginia Department of Highways to pave the road to the entrance to the park. Motion seconded by Mr. Pellish for discussion purposes.

Following discussion, motion postponed by Mr. Manuel until after the Commission has had an opportunity to view a presentation regarding the status of the Hite Road project.

- 3. Highlights of the 2011 WVDOT/MPO/FHWA Transportation Planning Conference, September 20-22, 2011 (LW) – Discussion.**

Ms. Widmyer reported that some of the topics discussed were tourism, the Hatfield/McCoy Trail System, Coal Heritage Highway Trail, public funding and transportation infrastructure. Ms. Widmyer stated that another meeting is scheduled in the future and she will obtain the date and advise the Commission.

**PRESENTATIONS:**

- 4. J. Michael Cassell, Esquire, speaking on behalf of his client Curtis Myers and Cambridge, LLC** offered his clients’ support to the Commission in the Commission’s efforts to develop an affordable housing component in the Impact Fee Ordinance. Mr. Cassell spoke of the need for a lower Impact Fee in connection with the sale of Cambridge’s manufactured homes and vowed to do whatever was required to assist in reducing the fee.

- 5. Building Commission interviews and appointments:**

**Beverly Hughes**, having submitted her Resume in response to the vacancy notice, introduced herself to the Commission and explained why she felt she would be qualified to serve on the Building Commission.

Mr. Manuel made a motion to appoint Beverly Hughes to a position on the Building Commission contingent upon legal counsel’s review of any perceived problems that might be associated with Ms. Hughes’ position as a substitute teacher. Ms Widmyer seconded the motion and the motion was carried 4 to 1 with Ms. Morgan voting against. The Commissioners appointed Ms. Hughes to fill the unexpired term ending July 27, 2016.

**The Commission took a break at 10:30 a.m.**  
**The Commission reconvened the meeting at 10:45 a.m.**

**Jud Romine**, having submitted his Resume in response to the vacancy notice, also introduced himself to the Commission and offered his qualifications to serve on the Building Commission.

Motion by Mr. Pellish to appoint Jud Romine to a position on the Building Commission contingent upon legal counsel's review of any perceived problems that might be associated with Mr. Romine's previous employment with Shepherd and Marshall Universities. Motion seconded by Ms. Noland and carried 3 to 2 with Ms. Morgan and Ms. Widmyer voting against. The Commissioners appointed Mr. Romine to fill the unexpired term ending July 27, 2015.

**6. Belinda Rollins, Director of Pan Tran - request for approval of a Proclamation designating October as Public Transit Month.**

Mr. Manuel made a motion to approve the Resolution designating October as Public Transit Month. Mr. Pellish seconded the motion and it was unanimously approved.

**PROCLAMATION  
Jefferson County Public Transit Month  
October 2011**

WHEREAS, the Eastern Panhandle Transit Authority consistently self-monitors to serve Jefferson County with honesty and integrity;

WHEREAS, transit provides critical access to jobs, health care and other services for thousands of Eastern Panhandle residents every day-for example, last fiscal year the Eastern Panhandle Transit Authority drove 340,027 miles to provide transportation for 172,216 passengers;

WHEREAS, the Eastern Panhandle Transit Authority seeks to continuously improve both its service and its scope, seeking to provide services to progressively more citizens in the Eastern Panhandle;

WHEREAS, the Eastern Panhandle Transit Authority's transit system helps ease traffic congestion, improves air quality, reduces gasoline consumption, creates economic opportunity, and enhances our residents quality of life; and

WHEREAS, the aging of the nation's baby boom generation necessitates that we develop increasingly reliable and accessible mobility options;

NOW, THEREFORE, WE, The Jefferson County Commission, do hereby proclaim October as Jefferson County Public Transit Month, and we encourage all Eastern Panhandle residents this month to consider utilizing our wonderful transit system as a clean and convenient way to get where they are going.

Approved this 29th day of September 2011.

\_\_\_\_\_  
Patsy Noland, President

\_\_\_\_\_  
Dale Manuel, Vice President

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

\_\_\_\_\_  
Walter Pellish, Commissioner

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

7. **G.T. Schramm, Hospice Board Chairman** – request approval of Resolution – Hospice – “Building the Dream”

Reverend Schramm offered a brief overview of the Hospice program “Building the Dream.”

Motion by Mr. Pellish to approve the Resolution in support of Hospice – “Building the Dream.” Mr. Manuel seconded the motion and it was unanimously approved.

**RESOLUTION ON BEHALF OF HOSPICE OF THE PANHANDLE  
COUNTY COMMISSION OF JEFFERSON COUNTY**

*WHEREAS*, Hospice of the Panhandle, a not-for-profit organization that has served patients and families in Jefferson, Berkley, Morgan and Hampshire counties for more than 30 years;

*WHEREAS*, Hospice of the Panhandle employs more than 120 nurses, nursing assistants, chaplains, social workers and administrative staff who provide services for patients and families and greatly contribute to the local economy;

*WHEREAS*, Hospice of the Panhandle serves some 220 patients and families per day in their homes, in hospitals and in nursing homes;

*WHEREAS*, Hospice of the Panhandle has engaged in a building project for the region called “Building the Dream,” which will offer the next level of care to its patients and families through the construction of a 14-bed hospice house and main offices;

*WHEREAS*, Hospice of the Panhandle’s “Building the Dream” will create approximately 128 temporary construction and 30 full-time permanent jobs;

*WHEREAS*, Hospice of the Panhandle has raised \$2.65 million for the project, with a ground-breaking goal of \$3 million;

*WHEREAS*, the Jefferson County Commission has recognized the importance of Hospice of the Panhandle’s mission in donating \$10,000 to “Building the Dream;”

***NOW, THEREFORE BE IT RESOLVED***, that the County Commission of Jefferson County, does respectfully request that the Governor of the State of West Virginia allocate \$200,000 for “Building the Dream” from the Governor’s Contingency Fund.

Approved this 29th day of September, 2011

\_\_\_\_\_  
Patsy Noland, President

\_\_\_\_\_  
Dale Manuel, Vice President

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

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

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

**NEW BUSINESS continued:**

- 8. Doug Pittinger, Jefferson County Emergency Services Agency** - request for the amount of \$25,000 to purchase a Lifepak12 Cardiac Monitor for Ambulance 11.

Motion by Mr. Manuel to allocate \$25,000 to the Jefferson County Emergency Services Agency to purchase a Lifepak12 Cardiac Monitor for Ambulance 11 and to deduct the \$25,000 from the County's Coal Severance Fund. Ms. Widmyer seconded the motion and it was unanimously approved.

- 9. Item No. 10 on the Agenda (request by the JCESA for disbursement of annual funds for the building home mortgage account in the amount of \$81,000) does not require action by the Commission.**

**PRESENTATIONS continued:**

- 10. Mark Schiavone, Director of Planning and Management**, gave a Power Point presentation and explained how the receipt and placement of the Hollywood Casino table games monies are handled.

- 11. Commissioners discussed the meeting schedule for the weeks in which a holiday appears for the 4<sup>th</sup> quarter 2011.** It was unanimously decided that there would be no Commission meeting on Thursday, December 22, 2011 or Thursday, December 29, 2011 (the last two weeks in December 2011). Meetings will resume on Thursday, January 5, 2011.

**COUNTY ADMINISTRATOR REPORTS:**

**County Administrator Tim Boyde:**

- Reported that he is working on a lot of different initiatives, but probably the most important is that he has a meeting scheduled next Friday with the County Administrator and the Director of Emergency Services of Loudoun County to discuss the Mutual Aid Agreement and its current status. He stated that he has had some conversations with the Governor's office in Virginia and they are looking at some solutions. The parties are endeavoring to resolve the matter on a local level. Mr. Boyd will be meeting with these individuals next Friday in Purcellville and the hope is that it will bring the parties closer to a resolution.

**NOTE: By unanimous consent the Commission opted to schedule a working lunch next Thursday, October 6, 2011 to discuss future Agenda topics.**

**COUNTY COMMISSIONER REPORTS:**

**Commissioner Widmyer:**

- Attended the official launch of the Canal Town Partnership.
- Attended a Solid Waste Authority meeting.
- Attended a Jefferson County Emergency Services Agency meeting with fire company chiefs regarding the fire/EMS fee.
- Attended a League of Women Voters meeting.

**Commissioner Manuel:**

- Attended the Mt. Heritage Arts and Crafts Festival.
- Attended the retirement party for Nancy Dopson at Emergency Communications.
- Attended the Jefferson County Emergency Services Agency and fire company chiefs' meeting.

**Commissioner Morgan:**

- Attended the Mt. Heritage Arts and Crafts Festival.
- Attended the Jefferson County Emergency Services Agency and fire company chiefs' meeting.
- Attended the luncheon for the 2011 Women of Distinction.

**Commissioner Pellish:**

- Attended the luncheon for the 2011 Women of Distinction.

**Commissioner Noland:**

- Attended the Mt. Heritage Arts and Crafts Festival.
- Attended a Drug Task Force meeting in Martinsburg, West Virginia.
- Attended the Jefferson County Emergency Services Agency and fire company chiefs' meeting.

There being no further business, motion by Ms. Widmyer to adjourn the meeting. Motion seconded by Mr. Pellish and unanimously approved.

Upon rising at 12:25 p.m. the meeting was adjourned until Thursday next, October 6, 2011.

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PATRICIA A. NOLAND, PRESIDENT

PURCHASE ORDERS TO BE APPROVED

October 6, 2011

| DEPARTMENT               | PURCHASE ORDER | AMOUNT       | VENDOR                       | DESCRIPTION                                         |
|--------------------------|----------------|--------------|------------------------------|-----------------------------------------------------|
| CIRCUIT CLERK            | 50442          | \$ 17,006.20 | SOFTWARE SYSTEMS             | Case tracking system, ribbon, scanner               |
|                          | 50445          | \$ 105.00    | JENNIFER CENTER              | Collate & Stuff 500 jury envelopes                  |
| COUNTY CLERK             | 50531          | \$ 330.00    | CSSI                         | marriage license, tape cartridge                    |
| Elections                | 53220          | \$ 11,867.39 | CASTRO & HARRIS              | Signature ballots & absentee envelopes              |
| COURTHOUSE               | 50571          | \$ 218.50    | AUDITHEAD                    | Monthly service                                     |
| EMERGENCY COMMUNICATIONS | 49557          | \$ 293.82    | WV ENHANCED 9-1-1- COUNCIL   | Annual weapon recertification                       |
|                          | 53226          | \$ 2,480.00  | VERIZON                      | DSM & labor                                         |
|                          | 53227          | \$ 49,356.70 | MOTOROLA                     | Service contract & Silver Service Maint Contract    |
|                          | 49107          | \$ 375.00    | MOTOROLA                     | Motorola CPS for portable/mobile                    |
| ENGINEERING              | 53257          | \$ 206.26    | JEFFERSON PUBLISHING COMPANY | Ad for Land Development Inspector                   |
| MAINT SHOP 2             | 53176          | \$ 4,467.75  | TELTRONIC                    | Lights, sirens, speaker console (Homeland Security) |
| OTHER BUILDINGS          | 50561          | \$ 1,118.50  | BK OFFICE SUPPLY             | Copy paper                                          |
|                          | 50562          | \$ 5,871.60  | PRECISION POWER              | Service contract (9-1-1) 2 yrs                      |
|                          | 50563          | \$ 179.50    | BATTERY MART                 | Batteries for battery backups                       |
|                          | 50569          | \$ 262.00    | BOLAND                       | Equipment repairs (9-1-1)                           |

|                      |       |                      |                  |                                                                  |
|----------------------|-------|----------------------|------------------|------------------------------------------------------------------|
|                      | 50570 | \$ 1,148.25          | GRAINGER         | Shelving/Circuit Clerks storage space                            |
| PROSECUTING ATTORNEY | 50427 | \$ 510.20            | MARCIE CHANDLER  | Transcripts                                                      |
|                      | 50428 | \$ 22.00             | PAMELA PATTERSON | Transcripts                                                      |
| SHERIFF              | 50573 | \$ 638.55            | C.A.R.S.         | Main & Repairs #51 & 59                                          |
|                      | 50554 | \$ 5,928.00          | KONE ELEVATOR    | Contracted services Judicial Center, Jail Annex & Old Courthouse |
| <b>GRAND TOTAL</b>   |       | <b>\$ 102,385.22</b> |                  |                                                                  |

Printed at 11:14 a.m. on 9/26/11

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Tiffany Lawrence, Delegate

Department or Entity: West Virginia House of Delegates

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

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: **Presentation of Grants**

Star Lodge \$17,400

Fisherman's Hall \$4,500

Jefferson County Black History preservation Society \$2,000

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):

**Sandy McDonald**

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**From:** "Tim Boyde" <tboyde@jeffersoncountywv.org>  
**To:** ""Sandy McDonald"" <sandy@jeffersoncountywv.org>; ""Nichelle Hosby"" <nhosby@jeffersoncountywv.org>  
**Sent:** Friday, September 30, 2011 2:31 PM  
**Subject:** FW: agenda October 6, 2011  
Can we fit her in?

**From:** Angela Banks [mailto:abanks@jeffersoncountywv.org]  
**Sent:** Friday, September 30, 2011 1:56 PM  
**To:** tboyde  
**Subject:** agenda October 6, 2011

Tim,

Will you please put me on the agenda for exonerations on October 6, 2011.

Thanks,

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

Commission Office Use Only  
Date on Agenda: 10/6/11  
Appt Time or New Business: 10:00 am

AGENDA REQUEST FORM

Name: Nichelle Hosby

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: 10-06-2011

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

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

Subject: **Report on the WV Regional Jail Bill - Discussion**

Please provide the County Commission with a description of your request or presentation, including any background information: **Break down of the process on the WV Regional Jail Billing procedure**

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

Attachments:

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
Thursday, October 6, 2011, at 10:30 a.m.**

The County Commission of Jefferson County has continued a Public Hearing on a proposed Zoning Text Amendment for Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries.

The original hearing was held on September 15, 2011 but there was an error in the public notice. **New oral or written comments can be made at the hearing, 10:30 a.m., Thursday, October 6, 2011** during the regularly scheduled County Commission meeting **in the Charles Town Library meeting room at 200 East Washington Street, at the side entrance on Samuel Street.**

Copies of the proposed text amendment 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 at <http://www.jeffersoncountywv.org/uploads/planning/PC%20Memo%20and%20Draft%20Cottage%20Industry%20Home%20Occupation%20Amendments%2006-02-11.pdf>.

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

You may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A decision may be made on the same date.

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

**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:** Steve Barney, Zoning Administrator  
**DATE:** May 6, 2011 (*Revised May 10, 2011*)  
**RE:** Draft Amendments – Article 4A (Home Occupation / Cottage Industry)

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**Overview**

In response to recent community input, the Planning and Zoning Departments are proposing changes to the Home Occupation and Cottage Industry standards of the Zoning and Land Development Ordinance. The purpose of the changes is to provide additional flexibility for business owners seeking to establish a home business, as well as to provide standards for some aspects of these land uses, currently lacking in the existing ordinance. The intent of the proposed amendments is to facilitate the establishment of home-based businesses while also protecting the rights of adjacent residents.

On March 1, staff conducted a public workshop to hear comments on the current Home Occupation and Cottage Industry requirements. Attendees' comments included the following:

- Site plan requirements for Cottage Industries (such as stormwater management, ADA standards and highway entrance permits) are perceived as burdensome to small businesses
- Current standards are overly restrictive, including square footage limits and vehicular trips-per-day caps.
- Home Occupations and Cottage Industries should be permitted in more districts than is currently the case, and should not be restricted in residential subdivisions.
- Seasonal Use approval by the Board of Zoning Appeals should not be required for annual festivals involving multiple locations.

Planning and Zoning staff has met with the Engineering Department regarding the proposed amendments, and has subsequently identified additional minor changes needed. These additional changes will be addressed prior to a Planning Commission vote to recommend the amendments for County Commission adoption.

## Proposed Changes

Significant changes proposed include:

- Addition of a "General Standards" section  
*A new section 4A.1 provides general standards that are currently repeated for each section. The purpose of this new section is to enhance the clarity of the ordinance.*
- Addition of an "Exempt Activities" section  
*Certain types of home-based business activities that have no impact on surrounding residential areas are proposed to be exempt from Zoning Certificate requirements.*
- Changes to site plan requirements  
*Currently, a site plan is required for a Cottage Industry if an accessory building exceeding 250 square feet is proposed, or if additional parking is required per the Zoning and Land Development Ordinance. The proposed ordinance would only require a site plan if a new accessory structure, addition, or converted accessory structure exceeds 1,500 square feet. The ordinance would also establish a maximum area of 3,000 square feet for new or converted accessory structures associated with a Cottage Industry.*
- Addition of sketch plan requirement for Cottage Industry  
*To replace the site plan requirement currently in place, the proposed amendments would establish a requirement for a sketch plan delineating basic features and dimensions of the site. The sketch plan would not require preparation by a registered engineer or surveyor.*
- Accessory structure setbacks  
*Currently, the existing ordinance states that all accessory structures associated with a Cottage Industry must have a 25' setback on all sides. The proposed amendment would clarify that this requirement applies only to new structures.*
- Shared rights-of-way  
*The proposed ordinance would require a modified Compatibility Assessment Meeting process for Cottage Industries that would be served by a shared private right-of-way or access easement. This process would allow other property owners who share use of the easement to be informed about the traffic impact of the proposed Cottage Industry.*
- No requirements for annual events  
*The proposed ordinance would clarify that participation in annual events with multiple locations, such as a studio tour, does not require a Zoning Certificate.*
- Companion amendment to the Subdivision and Land Development Regulations  
*A minor amendment to Section 20.203 of the Subdivision and Land Development Regulations is proposed, to clarify the site plan requirement for a Cottage Industry.*

Please refer to the full text of the draft amendments for details of all the proposed changes.

## Next Steps

During or after the May 10th Planning Commission meeting, the Planning Commission may choose to schedule a public hearing for the proposed amendments. Following the hearing, the

Planning Commission may direct staff to make certain changes to the ordinance, and vote to recommend the draft amendments to the County Commission for review and adoption. The Planning Commission may also direct staff to make specific amendments in response to public comments received.

For more information, please contact me at [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org).

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 ~~includes~~ involves the storage of weapons such as firearms ~~-(other than the residents' hunting, protection and leisure weapons)-~~ shall be permitted. [AMENDED BY ACT OF THE COUNTY COMMISSION, EFFECTIVE OCTOBER 14, 1999]
- f. Any need for parking generated by the ~~conducted~~ use of such home ~~business~~ Home Occupation or Cottage Industry shall be met off street and other than in a required front yard.
- g. No outdoor storage of any kind is permitted.
- h. All applicable County, State, and Federal requirements must be met.

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 annual or biennial event 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 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.~~
- h. ~~No business which includes the storage of weapons such as firearms (other than~~

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.

~~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 (+2)~~ two (2) square ~~foot-feet~~ 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 (3) business-related vehicle visits per day nor 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)~~ (c) No more than twelve (12) business-related vehicle visits per day nor 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. 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) Highway entrance permit for the residential use
- (3) 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 ~~sued~~ 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>A building other than a Hotel, Motel, Bed and Breakfast, Residential Care Home, Group Residential Home, Group Residential Facility, or Country Inn where lodging is provided for compensation for more than 6 unrelated persons. Meals may or may not be served but are not provided to outside guests. There is one common kitchen facility.</p> |
| <p>Cottage Industry</p>                 | <p>An occupation <u>conducted</u> at a residential premises, <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.

6

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

**AGENDA REQUEST FORM**

Name: Lynn Fields

Department or Entity: Probate

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: 10-6-11

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

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

Subject: Set date and time for Public Hearings for:

- Grimes Estate
- Wilt Estate

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>10-6-11</u></p> <p>Appt Time or New Business: <u>10:30a</u></p> |
|-------------------------------------------------------------------------------------------------------------------------|

AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 6, 2011 10:30 a.m. as advertised

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

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

Subject: **Continued Public Hearing, Discussion of Comments Received, and Possible Action on a Proposed Amendment to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations Regarding Home Occupations and Cottage Industries**

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

On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations regarding home occupations and cottage industries recommended to them by the Planning Commission. The meeting was well attended and a number of comments regarding these amendments were presented. Attached are the Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations amendments as presented at the public hearing, a summary of the comments received on September 15th, and recommended changes to the proposed amendments.

Note that there was an error in the sections referenced for the Home Occupation/Cottage Industry text amendment in the public notice and therefore, this meeting has been re-advertised to allow it to remain open for public comment to accommodate any confusion created by this error. It was also noted that action can be taken today on this agenda item.

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

I move to approve the Amendments to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations regarding Home Occupations and Cottage Industries as presented on September 15, 2011 with the following revisions:

1. Change Section 4A.5(d) as follows:  
Add "Incidental sales of class-related material to students who receive instruction on the premises shall be permitted." at end of section.
- 2.

Attachments:

- **Recommended Amendments to Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and Section 20.203 of the Subdivision and Land Development Regulations presented at the Public Hearing on September 15, 2011**
- **Summary Matrix of Public Comments (both General Comments and Specific to this Amendment) Received and Recommended Action**

General Public Comments Received at September 15, 2011 County Commission Public Hearing

| # | Topic                  | Section | Current Language in Draft Ordinance | Request                                                                                                                                                                 | Comment                                                                                                                                                                                                            | Staff Recommendation                                                                                                                                                                                                                     |
|---|------------------------|---------|-------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Notice                 |         |                                     | Questioned how the public hearing was noticed                                                                                                                           | County staff provided notice through a legal ad in the Spirit of Jefferson and by posting the notice on the county's website                                                                                       | Note that there was an error in the sections referenced for the Home Occupation/Cottage Industry text amendment and it will remain open for public comment on October 6 <sup>th</sup> to accommodate any confusion created by this error |
| 2 | Posted amendment       |         |                                     | Questioned the fact that staff presented the original version of the proposed amendment while the posted version has a hand written change                              | The draft text for the Amendments to Article 12 appeared to have someone's handwritten comments on them; however the correct proposed text was still easily readable and comments could be taken on either version | Non Action Required                                                                                                                                                                                                                      |
| 3 | Federal Land rezoning  |         |                                     | Stated that he had understood that the proposed Federal Lands Rezoning proposed by the Planning Commission in late 2010 would be under consideration at this Hearing    | In February 2011, the Planning Commission moved to postpone resubmission of this petition indefinitely                                                                                                             | No Action Required                                                                                                                                                                                                                       |
| 4 | Text Amendment Process |         |                                     | Questioned whether the County Commission had the authority to adopt changes to the Zoning Ordinance and Subdivision Regulations; recommended public vote on all changes | The Planning and Zoning staff coordinated this amendment process with the Office of the Prosecuting Attorney; the process is in accordance with state law.                                                         | No Action Required                                                                                                                                                                                                                       |

**Public Comments Received at September 15, 2011 County Commission Public Hearing  
Proposed Zoning Text Amendment regarding Home Occupations and Cottage Industries  
Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance, and  
Section 20.203 of the Subdivision and Land Development Regulations**

| # | Topic                         | Section      | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Request                                                                                                                                                                                                                                                                                                                                                                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Staff Recommendation |
|---|-------------------------------|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 1 | Tax Implications              |              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | Questioned the tax implications for the home occupations and cottage industries                                                                                                                                                                                                                                                                                         | While it is likely that there are tax implications related to the proposed uses, the Zoning Ordinance and Subdivision Regulations do not address this aspect of a business                                                                                                                                                                                                                                                                                                | No Action Required   |
| 2 | Site/Sketch Plan requirements | Section 4A.5 | <p>(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:</p> <p>(1) Accurate locations and dimensions of all existing and proposed:</p> <ul style="list-style-type: none"> <li>a. Structures, paved areas, parking areas and drive aisles (including setbacks from property lines)</li> <li>b. Septic areas</li> <li>c. Access points to roads, driveways, and easements</li> <li>d. Property boundaries</li> </ul> <p>(2) Most recent deed for the property</p> <p>(j) Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required 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:</p> <ul style="list-style-type: none"> <li>(1) New accessory structures, or</li> <li>(2) An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;</li> <li>(3) Existing accessory structures that are to be converted to be used as a part of the Cottage Industry, if constructed during the five years</li> </ul> | Because neighboring uses can affect adjacent property values, sketch or site plans need to reflect size of the structure to be used for the cottage industry, purpose/proposed use, setbacks from all property lines, off-site pollution or safety concerns, proposed changes to driveway and/or parking, storm water/potential flooding issues, and storage locations. | Staff concurs with these concerns. Generally all of these concerns, except storm water and pollution/safety are addressed in the less formal sketch plan; if a proposed uses requires a site plan, storm water will also be addressed; Because a Home Occupation or Cottage Industry cannot generate "offensive manifestations by sight, sound or smell detectable to the normal senses . . . at any lot line", additional language regarding pollution is not necessary. | No Action Required   |

| # | Topic                          | Section | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                           | Request                                                                                                                                                                                                                      | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                               | Staff Recommendation                                                                                                                                                                |
|---|--------------------------------|---------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 3 | Zoning Certificate requirement | 4A.1a   | <p>(4) An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.</p> <p>a. A Zoning Certificate is required for a Cottage Industry or Home Occupation pursuant to Section 3.2 of this Ordinance.</p>                                          | <p>Was unaware that this requirement has always been in the Zoning Ordinance; believes that it is unnecessary; should not have to ask permission for these uses with minimal impacts and requests requirement be removed</p> | <p>Generally, the receipt of a Zoning Certificate protects both the applicant and the County; it ensures that the applicant is aware of the relevant restrictions related to employees and trips and provides the applicant with proof that the use was permitted at the time the ZC was issued.</p>                                                                                                                                                                  | <p>No Action Required</p> <p>Continue to require ZC without actively pursuing violations of this requirement.</p> <p>Note that there is no current fee for Zoning Certificates.</p> |
| 4 | Sketch plan                    | 4A.5f   | <p>(j) 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:</p> | <p>For the protection of the neighbors and neighborhood, concerned that sketch plan does not require engineer or surveyor</p>                                                                                                | <p>The goal of the provisions in this Article is to allow home occupations and cottage industries which are clearly incidental to the primary use of the property as a residential. These uses are intended to have minimal to no impact upon the neighborhood and the outside appearance of the property is not supposed to change. The requirement that such a proposal be required to incur the costs of a surveyor or engineer seems onerous and unrealistic.</p> | <p>No Action Required</p>                                                                                                                                                           |
| 5 |                                | 4A.5    |                                                                                                                                                                                                                                                                                                                               | <p>Questioned whether electrical and/or fire safety inspection should be required, or some type of proof of compliance</p>                                                                                                   | <p>These inspections occur as a part of the Building permit inspections that occur subsequent to the receipt of a Zoning Certificate. The role of planning and zoning in this case is to say if the use is permitted and to participate in the review of the</p>                                                                                                                                                                                                      | <p>No Action Required</p>                                                                                                                                                           |

| # | Topic                                | Section    | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                      | Request                                                                                                                                                                                                               | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Staff Recommendation                                                                                                                        |
|---|--------------------------------------|------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------|
| 6 | Role of Covenants                    | 4A.5(i)(2) | (i) Submittal of a sketch plan is required for all Cottage Industry applications. . . . . (2) Most recent deed for the property                                                                                                                                                                                          | Do they submit recorded covenants with the most recent deed? Are they referred back to the HOA for a waiver or other approval?                                                                                        | There is no current requirement for covenants to be submitted with the deed; however Section 4A.6 discusses "Private Covenants Running with the Land" It states that "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. . . . ." It further states that it is the applicant's responsibility to be aware of any such covenants and coordinate with the HOA if necessary. | No Action Required.                                                                                                                         |
| 7 | Home Occupation s/Cottage Industries |            |                                                                                                                                                                                                                                                                                                                          | Believes that the proposed amendments are more balanced and fairer – supports approval                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | No Action Required                                                                                                                          |
| 8 | HOA covenants                        | 4A.6       | "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. . . . ." | Most HOA covenants do not permit businesses within the subdivision. Just because Jefferson County has no authority over the covenants, doesn't mean that they should not be aware of the provisions of the covenants. | Staff always advises applicants that if they live in a subdivision, if there are covenants or an HOA that they should clear their proposal with the HOA. Violation of covenants, even with approval of the County, is grounds for civil action.                                                                                                                                                                                                                                                                                                                                               | 4A.6 clearly states that an applicant needs to be aware of any such covenants and coordinate with the HOA is necessary. No Action Required. |
| 9 | Sales For Cottage                    | 4A.5(d)    | (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                                                                                                                                                                              | Home Occupation, Levels 1 and 2 both permit "Incidental sales of                                                                                                                                                      | This appears to be a reasonable request.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Proposed Amendment to 4A.5(d):                                                                                                              |

| #  | Topic      | Section         | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Request                                                                                                                                                                                                                 | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Staff Recommendation      |
|----|------------|-----------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------|
| 10 | Industries | 4A.5(j) and (k) | <p>(j) Additionally, site plans pursuant to the Subdivision and Land Development Regulations are required 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:</p> <p>(1) New accessory structures, or</p> <p>(2) An addition to an existing residence or accessory structure, when the addition is intended for use as part of a Cottage Industry;</p> <p>(3) Existing accessory structures that are to be converted to be 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.</p> <p>(4) An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.</p> <p>(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</p> | <p>class-related material to students who receive instruction on the premises shall be permitted.” Some Cottage Industries might also include classes and the same provision should be made for Cottage Industries.</p> | <p>There appears to be a misunderstanding of the size limitations of a Cottage Industries. Cottage Industries under 1,500 square feet are required to submit a Sketch Plan per 4A.5(i). Cottage Industries in structures greater than 1,500 square feet and less than 3,000 square feet, are required to submit a site plan. The maximum size permitted for a Cottage Industry is 3,000 square feet.</p> <p>Under special circumstances that can be justified under the Variance Criteria, an applicant could request a variance of this maximum</p> | <p>No Action Required</p> |

| #  | Topic             | Section         | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                              | Request                                                                                                                           | Comment                                                                                                                                                                                                                                                                                                                                                                                                    | Staff Recommendation |
|----|-------------------|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|
| 11 | Seasonal Events   | 4A.2(3)         | 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.<br><br>(3) Exempt Activities:<br>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 | Permit more frequent seasonal events that can exceed traffic maximums                                                             | Staff originally proposed the exemption of one studio tour or tour per year to accommodate current programs. At the request to the public, the PC changed this to "annually or twice yearly" events. Because to the potential negative effect a large event such as this could have on the rural roads and neighborhoods where the events might occur, staff believes the current provisions are adequate. | No Action Required.  |
| 12 | Size of structure | 4A.5(j) and (k) | See line item 10 above                                                                                                                                                                                                                                                                                                                                                                                                                           | Concerned that a cottage industry could not utilize an existing barn or other structure if it was greater than 1,500 square feet. | See explanation in 10 above – the maximum structure size is actually 3,000 square feet.                                                                                                                                                                                                                                                                                                                    | No Action Required   |
| 13 | Over the Mtn Tour |                 |                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Appreciated the language that allowed the studio tour to continue without additional regulations                                  |                                                                                                                                                                                                                                                                                                                                                                                                            | No Action Required   |

Barbara Feldman  
Blue Heron Martial and Healing Arts  
448 Southerly Lane  
Charles Town, WV 25414

September 28, 2011

Dear County Commissioners,

As a resident and small business owner of Jefferson County, I am requesting that you vote in favor of the zoning changes regarding home occupations and cottage industries and as soon as possible.

I have a beautiful, small building on my property in which to conduct martial and healing arts classes. I have received all the variances required. But I still cannot use my building because of unnecessary site plan requirements and their entailed expenses. The recommended zoning changes will remove these requirements for cottage industries, especially those with small buildings such as mine. For me personally, it will improve the quality of my classes and significantly increase my income. Currently, I must conduct most of my classes in a rented facility where the floor is often dirty and students are in danger of getting splinters. Because of multiple uses of this facility, we frequently need to move my classes to an even less appropriate space, often at a moment's notice. The rent for this space is over a quarter of my net income. Passing the suggested zoning changes will allow my students and me to have safer, more pleasant classes in our own building and significantly increase my income.

At a time when the economic future is uncertain on both a local and global scale, having the more flexible, less restrictive zoning regulations currently proposed can benefit our whole community. The suggested changes can increase the availability of services and crafts in our county thereby bringing money in as well as increasing the length of time it circulates through our county. They also allow more flexible work places and patterns which may well be needed to navigate through these uncertain times. Personally, I am hoping you will vote for the zoning changes during your meeting on October 6.

Sincerely,  
Barbara Feldman  
Blue Heron Martial and Healing Arts

## Nichelle Hosby

---

**From:** Zoning Dept [zoning@jeffersoncountywv.org]  
**Sent:** Wednesday, September 28, 2011 5:31 PM  
**To:** sbarney@jeffersoncountywv.org  
**Subject:** Fw: 10/6 Hearing on Home Occupations and Cottage Industries

-----Original Message-----

**From:** "Winnie McGarty" <winniemcgarty@hotmail.com> Sent 9/28/2011 4:25:46 PM  
**To:** zoning@jeffersoncountywv.org  
**Subject:** FW: 10/6 Hearing on Home Occupations and Cottage Industries

Forwarded message re. Hearing on 10/6 Home Occupations and Cottage Industries

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**From:** [winniemcgarty@hotmail.com](mailto:winniemcgarty@hotmail.com)  
**To:** [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org)  
**Subject:** 10/6 Hearing on Home Occupations and Cottage Industries  
**Date:** Wed, 28 Sep 2011 16:20:50 -0400

Jefferson County Commission:

I am unable to attend the Public Hearing on a proposed Zoning Text Amendment for Article 4A, Section 2.2 and Section 10.3 of the Zoning and Land Development Ordinance and Section 20.203 of the Subdivision and Land Development Regulations, regarding Home Occupations and Cottage Industries on Thursday, 10/6. However, I would like to state that although the proposed changes are not ideal, I am totally in agreement with them.

The largest growing sector in the U.S. is in the small business arena. It is important for Jefferson County to continue to review the rules to promote future growth in this area.

In addition, there are counties in the U.S. who have found that by promoting artisans, the other businesses in town have benefited. There have actually been booklets published by the Economic Development Depts. which are composed of maps, full descriptions, etc. to assist tourists in finding artist's establishments and in turn benefit all the local businesses.

The Craftwork's Art Center is a major benefit to the County. I understand that there are restrictions that state that toilet facilities have to be in every studio structure. That is not the norm. Many Art Centers in the country do not meet that criteria. I have visited Haystack Mountain School of Crafts ([haystack-mtn.org](http://haystack-mtn.org)) in Maine, Penland School of Crafts in

North Carolina (Penland.org), Anderson Ranch Art Center ([www.andersonranch.org](http://www.andersonranch.org)) in Colorado none of them would meet the criteria which is required in Jefferson County.

These art centers have had a very positive influence on the community, attracting people from all over the world. I encourage you to visit these websites and call them to verify what I have just stated.

I hope you will approve the changes being proposed and look at other ways of working with the arts community. Both the Arts Community and Jefferson County can form a bond which will benefit all parties. Please feel free to contact me if you need further assistance. Thanks in advance.

Sincerely,

Winifred McGarty  
16 Mossy Oak Court  
Shepherdstown, WV 25443  
304/876-3910

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <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: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: **Discussion of Comments Received and Possible Action on a Proposed Amendment to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures**

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

**On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding timeframes and noticing requirements for processing procedures recommended to them by the Planning Commission. Attached are the Article 24 amendments as presented at the public hearing. None of the public comments received on September 15<sup>th</sup> related to this set of proposed amendments so there are no recommended changes to the proposed amendments.**

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

**I move to approve the Amendments to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures as presented on September 15, 2011.**

Attachments:

- **Recommended Amendments to Sections of Article 24 of the Jefferson County Subdivision and Land Development Regulations regarding Timeframes and Noticing Requirements for Processing Procedures presented at the Public Hearing on September 15, 2011**

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.

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<br>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 &<br>Completeness<br>Review | Staff                                              |
| Step 2<br>Section 24.107                  | Public Workshop                        | Planning Commission                                |
| Step 3<br>Section 24.108                  | Concept Plan<br>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

Step 1  
Section 24.109

**Submission &  
Completeness  
Review**

Staff

Step 2 Section 24.110

Public Hearing

Planning Commission

Step 3 Section 24.111

Preliminary Plat  
Approval

Planning Commission

### Final Plat Application

Step 1  
Section 24.112

**Submission &  
Completeness  
Review**

Staff

Step 2  
Section 24.113

Public Hearing

Planning Commission

Step 3  
Section 24.114

Final Plat  
Approval

Planning Commission

Step 4  
Section 24.115

Recordation

Staff

## 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> |
|---------------|------------------|----------------------|
| Single family | 0.8              | 8.0 per d.u.         |
| Detached      | 0.7              | 6.0 per d.u.         |
| Townhouse     | 0.6              | 7.0 per d.u.         |
| Mobile Home   | 0.6              | 5.0 per d.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 ~~ED~~ through ~~FG~~ below and any other areas of concern to the agencies.

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

- a. ~~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 preliminary ~~plan~~ 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 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 or reasons why the plat 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. 24.1409 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,~~ **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 ~~E~~D to ~~F~~E 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 WVDOH, Jefferson County Public Service District, Jefferson County Historic Landmarks Commission, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards.~~
- ~~4. Certify that all proffers have been satisfied.~~

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

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

### **Sec. 24.1163 Major Subdivision Final Plat - Public Hearing**

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

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

### **Sec. 24.1174 Major Subdivision Final Plat - Approval**

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

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

### **Sec. 24.1185 Major Subdivision Final Plat - Recording**

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

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

Figure 24.119A  
Major Site Plan Approval Process (Part 1)

## Major Site Plan Approval Process

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

Figure 24.101B  
Major Site Plan Approval Procedure (Part 2)

## *Major Site Plan Approval Process*

| Step Taken                   | Action taken                                | Acting Authority    |
|------------------------------|---------------------------------------------|---------------------|
| <b>Site Plan Application</b> |                                             |                     |
| Step 1<br>Section 24.119     | <b>Submission &amp; Completeness Review</b> | 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 ~~CD~~ 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 ~~and the~~ meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.
- C. Submission Review.** The Department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed above. If the application is sufficient, the applicant will be contacted to forward application materials to all reviewing agencies. If the submission is insufficient, it shall be returned to the developer along with the fee.
- D. Effect.** A sufficient concept plan submission shall mean that the application has formally been received.

### **Sec. 24.120 Major Site Plan Concept Plan – Completeness Review**

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

- A. Department and Agency Reviews.** The Department and reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department 14 days prior to the scheduled public workshop.
- B. Review Content.** The Department and agency reviews shall address the areas indicated in C through F below and any other areas of concern to the agencies.
- C. Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.
  2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- D. 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. 24.12417 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

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 WVDODH, 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~~ 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.

**Draft Home Occupation / Cottage Industry Zoning Ordinance Amendments  
Comments Received at June 28, 2011 County Commission Meeting**

| # | Topic                                                              | Section | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
|---|--------------------------------------------------------------------|---------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Public Vote                                                        | N/A     | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Bring amendments to a vote by the voters of Jefferson County.                                                                                                                                                                                                                                                                                                                                                                                                            | State and local law allows the legislative body, the County Commission, the right to amend County documents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | As elected representatives of the citizens, County Commission should proceed with amending the Subdivision Regulations.<br>No Change Required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2 | Expansion of existing non-residential buildings with proper zoning | 20.203  | <p>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;</p> <ul style="list-style-type: none"> <li>7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.</li> <li>15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.</li> <li>30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.</li> </ul> | <p>if a site with an existing structure(s) is properly zoned, the maximum structure size proposed to be allowed to be processed as a minor site plan is too low.</p> <p>Ex. If an existing 11,000 sq. ft. building is in the Residential-Light Industrial-Commercial District, the maximum addition allowed to be processed under the minor site plan process is 4,000 sq. ft. because a major site plan is required at 15,000 sq. ft. under the proposed amendment.</p> | <p>Staff acknowledges that some existing businesses in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may already be nearly 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p> <p>The goal of the amendment is to provide an opportunity for new businesses under a certain size to process as a minor site plan which allows them to be under construction within a reasonable time frame. Existing businesses can also expand to that same size or have a one-time 10% addition under these amendments as well.</p> | <p>Retain proposed standards.</p> <p>While increasing the sq. ft. may provide some relief to existing business, any square footage number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to require the Concept Plan step in the Major Site Plan process to be a public hearing and to have the remaining process be administrative. This may require an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to</p> |

**Draft Home Occupation / Cottage Industry Zoning Ordinance Amendments  
Comments Received at June 28, 2011 County Commission Meeting**

| # | Topic | Section | Current Language in Draft Ordinance | Request | Comment | Staff Recommendation                                                                                             |
|---|-------|---------|-------------------------------------|---------|---------|------------------------------------------------------------------------------------------------------------------|
|   |       |         |                                     |         |         | light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed. |

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: **Discussion of Comments Received and Possible Action on a Proposed Amendment to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District**

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

**On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations recommended to them by the Planning Commission. Attached are the Article 20 and 26 amendments as presented at the public hearing, a summary of the comments received on September 15<sup>th</sup>, and recommended changes to the proposed amendments.**

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

**I move to approve the Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District as presented on September 15, 2011.**

Attachments:

- **Recommended Amendments to Articles 20 and 26 of the Jefferson County Subdivision and Land Development Regulations regarding the Maximum Square Footage Requirements for a Minor Site Plan in each Zoning District presented at the Public Hearing on September 15, 2011**
- **Summary Matrix of Public Comments Received and Recommended Action**

### **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;

(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 subdivision with master planned roads and stormwater;

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 subdivision with master planned roads and stormwater;

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 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 ~~Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~

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 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 ~~Addition(s) to existing development of ten percent or more of existing GFA or with additions of 10,000 square feet or more of GFA;~~

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.

**Amendments to Articles 20 and 26 Subdivision Regulations  
Comments Received at September 15, 2011 County Commission Meeting**

| # | Topic                                                              | Section | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |
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| 1 | Public Vote                                                        | N/A     | N/A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Bring amendments to a vote by the voters of Jefferson County.                                                                                                                                                                                                                                                                                                                                                                                                            | State and local law allows the legislative body, the County Commission, the right to amend County documents.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | As elected representatives of the citizens, County Commission should proceed with amending the Subdivision Regulations.<br>No Change Required.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| 2 | Expansion of existing non-residential buildings with proper zoning | 20.203  | <p>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;</p> <ul style="list-style-type: none"> <li>7,500 square feet gross floor area (GFA) on any site in the Village and Residential Growth Districts.</li> <li>15,000 square feet gross floor area (GFA) on any site in the Rural/Agriculture and Residential/Light Industrial/ Commercial Districts.</li> <li>30,000 square feet gross floor area (GFA) on any site in the Industrial/Commercial District.</li> </ul> | <p>If a site with an existing structure(s) is properly zoned, the maximum structure size proposed to be allowed to be processed as a minor site plan is too low.</p> <p>Ex. If an existing 11,000 sq. ft. building is in the Residential-Light Industrial-Commercial District, the maximum addition allowed to be processed under the minor site plan process is 4,000 sq. ft. because a major site plan is required at 15,000 sq. ft. under the proposed amendment.</p> | <p>Staff acknowledges that some existing businesses in the two primary zoning districts in the county, Rural and Residential-Light Industrial-Commercial District, may already be nearly 15,000 sq. ft. in size. This is the size at which a major site plan is required under the proposed amendments.</p> <p>An existing building could build up to 15,000 sq. ft. and then take advantage of the one-time ability to expand 10% and remain a minor.</p> <p>The goal of the amendment is to provide an opportunity for new businesses under a certain size to process as a minor site plan which allows them to be under construction within a reasonable time frame. Existing businesses can also expand to that same size or have a one-time 10% addition under these amendments as well.</p> | <p>Retain proposed standards.</p> <p>While increasing the sq. ft. may provide some relief to existing business, any square footage number chosen will result in a similar problem as noted.</p> <p>Long term, Staff believes the best solution to this situation is to require the Concept Plan step in the Major Site Plan process to be a public hearing and to have the remaining process be administrative. This may require an amendment to state law.</p> <p>One of the greatest challenges to increase the square footage in some instances is the limited zoning districts available. The most widely used district for development purposes is the Residential-Light Industrial-Commercial District. This district allows for such a broad uses that a homes could be directly adjacent to</p> |

**Amendments to Articles 20 and 26 Subdivision Regulations  
Comments Received at September 15, 2011 County Commission Meeting**

| # | Topic | Section | Current Language in Draft Ordinance | Request | Comment | Staff Recommendation                                                                                             |
|---|-------|---------|-------------------------------------|---------|---------|------------------------------------------------------------------------------------------------------------------|
|   |       |         |                                     |         |         | light industrial activity. Not having a public hearing for the affected neighbors may not be the way to proceed. |

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

Estimation of amount of time needed for appointment: 15 minutes

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: **Discussion of Comments Received and Possible Action on a Proposed Amendment to Article 12 of the Jefferson County Zoning and Land Development Ordinance (March 2011) regarding the Process of Amending the Zoning Map and/or Zoning Text**

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

**On September 15, 2011, the Jefferson County Commission held a public hearing on the proposed amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance recommended to them by the Planning Commission. Attached are the Article 12 amendments as presented at the public hearing, a summary of the comments received on September 15<sup>th</sup>, and recommended changes to the proposed amendments.**

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

**I move to approve the Amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance regarding the process of amending the zoning map and/or text as presented on September 15, 2011 with the following revisions:**

1. Change Section 12.3 (a) as follows:

"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-7-9 et seq of the West Virginia State Code, as amended."

2. Change Section 12.4 (a) and (b) as detailed in the matrix and as follows:

12.4(a): ~~"As WV Code §8A allows only the Planning Commission to file a formal petition for 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. T~~he 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."

12.4(b), second sentence: ~~"It is preferable that s~~Such a request must 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.

3. Change Section 2.2, Definition of Zoning Ordinance, Map Amendment as follows:

"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 ~~from one existing zoning~~

designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said ~~the zoning~~ designation.”, and

4. Change Sections 12.2 (a); 12.2(d)(1)(i); 12(a), 3<sup>rd</sup> paragraph, 1<sup>st</sup> sentence; 12.3(b)2<sup>nd</sup> and 3<sup>rd</sup> paragraph; 12.4(a) last line 3<sup>rd</sup> paragraph; 12.4(b), 1<sup>st</sup> paragraph per the proposed editorial revisions found in the matrix attached.

Attachments:

- **Recommended Amendments to Article 12 of the Jefferson County Zoning and Land Development Ordinance presented at the Public Hearing on September 15, 2011**
- **Summary Matrix of Public Comments Received and Recommended Action**

**Public Comments Received at September 15, 2011 County Commission Public Hearing  
Proposed Zoning Text Amendment regarding Amending the Zoning Map and/or Text  
Article 12 of the Jefferson County Zoning and Land Development Ordinance**

| # | Topic                      | Section          | Current Language in Draft Ordinance                                                                                                                                                                                                                       | Request                                                                                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Staff Recommendation                                                                                                                                                             |
|---|----------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1 | Conformance with state law | 12.2, 12.3, 12.4 | Entire proposed amendment                                                                                                                                                                                                                                 | Disagrees with proposed process; believes proposed process is not in conformance with the requirements of WV Code 8A | Planning and legal staff worked on this jointly; state law is confusing and does not clearly differentiate between landowner initiated map amendments and PC or CC initiated map amendments and does not specify clearly the text amendment process.                                                                                                                                                                                                                                                                                                                                         | Proposed language clarifies the different processes depending on who the petitioner is and to differentiate between a map and text amendment.<br><br><b>No Action Required</b>   |
| 2 | Language question          | Portion of 12.3a | 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-7-9 et seq of the West Virginia State Code, as amended. | Acknowledging that this is language out of the State Code, requests changing "in the area" to "for the property"     | Staff agrees that the language "in the area" is confusing.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | <b>Proposed revision to 12.3 (a):</b><br><br>Delete "in the area" from this sentence<br><br><span style="border: 1px solid red; padding: 2px;">Formatted: Font color: Red</span> |
| 3 | Alternative PC process     | 12.3b            | 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."    | Clarify this statement or explain why it is recommended                                                              | Most of Section 12.3b details how the Planning Commission can initiate a formal map amendment in accordance with State Code. This process requires the County Commission to schedule a public hearing within 60 days of the receipt of the PC petition.<br><br>It is possible that the PC might want to initiate a map amendment to implement a planning concept that could occur somewhat more informally and for which the tight time frame is not critical. This paragraph was intended to provide the PC and CC an opportunity to pursue such a request more cooperatively and in a less | <b>No Action Required</b>                                                                                                                                                        |

| # | Topic                                                 | Section | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                   | Request                                                                                                                                                                                                                              | Comment                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
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| 4 | Conflicting sentences                                 | 12.4a   | 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 first 2 sentences of this section appear to be in conflict with each other.                                                                                                                                                      | The first sentence states that a text amendment cannot be initiated by submission of a petition and a fee. The second sentence says that if someone wants to initiate a text amendment, they should make the request (not a petition) to the County Commission, who could determine if they want to pursue it. Section 12.4b further presents an alternative process by which someone could make such a request to the Planning Commission, who could add it to their work plan when time permits.                                                                                 | <b>Proposed revision to 12.4 (a):</b><br><b>As WV Code §8A allows only the Planning Commission to file a formal petition for 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.</b><br><b>Proposed revision to 12.4(b), second sentence:</b><br><b>It is preferable that a request must 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.</b> |
| 5 | Relationship between proposed amendment and state law |         |                                                                                                                                                                                                                                                                                                                                                                                                                       | Stated that the proposed amendment is not consistent with state law because state law allows an applicant to submit to County Commission as well as Planning Commission; stated that it sounded more like an internal process policy | Legal and planning staffs collaborated on this amendment in an attempt to clarify the difference between the processes for text and map amendments and between land owner initiated and CC/PC initiated map amendments. While an applicant can submit their map amendment petition directly to the CC, it is generally saves time if they submit to the PC office so that staff can ensure the application is complete, accept the application fee, and have the PC set a public hearing at their next meeting. As required by state law, the CC cannot take action on a landowner | The proposed amendment regarding the alternative process remains the recommendation of the PC and staff.<br><br><b>No Action Required</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |

| # | Topic                               | Section | Current Language in Draft Ordinance | Request                                                                                                                                                                                | Comment                                                                                                                                                                                                                          | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
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| 6 | Staff initiated revisions           |         |                                     | Based on a careful review of the proposed amendments and in light of a recent rezoning request, staff has the following edits that it is recommending for inclusion in this amendment. | initiated map amendment without the advice of the PC and the PC will always need to hold a public hearing to provide that advice. This is intended to codify the preferred submittal process within the parameters of state law. | <p><b>Proposed revision to Section 2.2. Definition of Zoning Ordinance, Map Amendment, as follows:</b><br/> 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 <del>the zoning</del> <u>from one existing zoning designation to another existing zoning designation</u>. <u>A map amendment does not permit changes, conditions or alterations to uses permitted in within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation.</u></p> <p><b>Proposed revision to Section 12.2(a):</b><br/> After the enactment of the Zoning Ordinance, <del>including both text and map</del>, the governing body of the County may amend the Zoning Ordinance without holding an election.<br/> <b>Proposed revision to Section 12.2(d)(1)(i):</b><br/> i. a legal advertisement describing the Section 5 of the Ordinance proposed to be revised, with a summary of the revisions, 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.<br/> <b>Proposed revision to Section 12.3(a) 3<sup>d</sup> paragraph, 1<sup>st</sup> sentence:</b><br/> Planning Commission is required to set a public hearing on the proposed Zoning Map amendment</p> |
| 7 | Staff initiated editorial revisions |         |                                     | Staff review of the final document has resulted in the following recommended editorial revisions.                                                                                      |                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |

| # | Topic | Section | Current Language in Draft Ordinance | Request | Comment | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|   |       |         |                                     |         |         | <p>within 60 days of the date upon which <del>a</del> <del>complete</del> the petition is presented to the Planning Commission at a Planning Commission meeting.</p> <p><u>Proposed revision to Section 12.3(b) 2<sup>nd</sup> and 3<sup>rd</sup> paragraph:</u></p> <p>Petitions for a map amendment initiated by the Planning Commission shall be presented to the County Commission and submitted to the County Clerk for <u>filin</u><del>recreation</del> on the same date</p> <p>....</p> <p>The County Commission is required to set a public hearing on the proposed Zoning Map amendment within 60 days of the date of <del>upon which</del> the <del>meeting at which the</del> petition is presented to the County Commission <del>at a County Commission meeting.</del></p> <p><u>Proposed revision to Section 12.4(a) last line, 3<sup>rd</sup> paragraph:</u></p> <p>The Planning Commission <del>would likely</del> <u>may</u> hold a hearing regarding the request as well in order to make an informed recommendation to the County Commission.</p> <p><u>Proposed revision to Section 12.4(b), 1<sup>st</sup> paragraph:</u></p> <p><del>Alternatively, a</del> <u>Any</u> person or <del>by</del> any board, commission or bureau of Jefferson County <del>could</del> <u>may</u> submit a proposed Zoning Ordinance text amendment to the Planning Commission for <del>their</del> <u>their</u> consideration within <del>their</del> <u>its</u> <del>own</del> <u>going</u> work plan <del>tasks</del> at a regular Planning Commission meeting.</p> |

| # | Topic | Section | Current Language in Draft Ordinance | Request | Comment | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
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|   |       |         |                                     |         |         | <p><u>Proposed revision to Section 12.4(c), 1<sup>st</sup> and 2<sup>nd</sup> paragraphs:</u></p> <p><del>Typically, if the Planning Commission determines that a text amendment is required to the Zoning Ordinance is required in accordance with tasks in the its work plan, to make for the purpose of improving or clarifying the ordinance more user-friendly, or in-line for consistency 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.</del></p> <p>With <del>the</del> <u>its</u> recommendation, the Planning Commission will request that the County Commission schedule a workshop, if necessary, and a Public Hearing at <u>dates to be determined by</u> the County Commission <del>to convene</del> to receive comment and take action on the proposed amendment.</p> <p><u>Proposed revision to Section 12.4(d), 1<sup>st</sup>, 2<sup>nd</sup> and 3<sup>rd</sup> paragraphs:</u></p> <p><del>On rare occasions, the Planning Commission may determine it necessary to alternatively submit a text amendment by petition to the County Commission. The procedure for processing a</del></p> |

| # | Topic | Section | Current Language in Draft Ordinance | Request | Comment | Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|---|-------|---------|-------------------------------------|---------|---------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|   |       |         |                                     |         |         | <p>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.</p> <p>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 for a text amendment shall be clearly labeled as "§8A-7-9 Petition" in the heading and contain the following information:</p> <ol style="list-style-type: none"> <li>1. Substantiation for the request;</li> <li>2. Notation that said text amendment applies county-wide;</li> <li>3. Discussion on why such proposal is consistent with the adopted Comprehensive Plan.</li> </ol> <p>The 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.</p> |

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

(proposed changes are highlighted and underlined)

**ARTICLE 12. MAP AND TEXT AMENDMENTS**

**Section 12.1 Purpose**

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

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

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

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

### **Section 12.3 Procedure for Map Amendment by Petition**

#### a) Map Amendments by Landowners

The procedure for processing a map amendment petition initiated by the owners of fifty percent or more of the real property in the area to which the petition relates shall be as dictated in ~~§8A-4-1~~§8A-7-9 et seq of the West Virginia State Code, as amended.

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

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

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

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

#### b) Map Amendments by the Planning Commission

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

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

1. Substantiation for the request

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

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

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

#### **Section 12.4 Procedure for Initiating a Zoning Ordinance Text Amendment**

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

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

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

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

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

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

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

c) Text Amendments by the Planning Commission

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

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

d) Text Amendments by the Planning Commission by Petition

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

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

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

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

**ARTICLE 2. DEFINITIONS**  
**Section 2.2 Terms Defined**

**Add the following definitions:**

**Zoning Ordinance, Map Amendment**

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

**Zoning Ordinance, Text Amendment**

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

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

## AGENDA REQUEST FORM

Name: Jennifer Brockman

Department or Entity: Planning and Zoning

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

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: **Presentation and Possible Action on Proposed Revisions to the Bylaws of the Jefferson County Planning Commission**

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

In accordance with W. Va. Code § 8A-2-11, "Planning Commission's Powers and Duties", subsection (2), locally appointed Planning Commissions are authorized to "prescribe rules and regulations pertaining to administration, investigations and hearings: provided, that the rules and regulations are adopted by the governing body". In Jefferson County, these rules are referred to as the "Bylaws of the Jefferson County Planning Commission." In accordance with this provision, the Jefferson County Planning Commission has undertaken a review of their locally approved Bylaws and are proposing revisions related to the meeting schedule, what constitutes a quorum, training required in accordance with action by the County Commission, and attendance at regular meetings (see full amendment attached).

On September 13, 2011, the Planning Commission voted to forward these amendments to the County Commission for adoption in accordance with state law with a vote of 5 for and 1 against.

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

**I move to approve the Proposed Revisions Proposed Revisions to the Bylaws of the Jefferson County Planning Commission.**

Attachments:

- **Proposed Revisions to the Bylaws of the Jefferson County Planning Commission**

## **BYLAWS OF THE JEFFERSON COUNTY PLANNING COMMISSION**

### **Article I - General**

#### **Section 1.1 – References**

As used throughout these Bylaws, “Planning Commission” shall refer to the Jefferson County Planning Commission, and “County Commission” shall refer to the County Commission of Jefferson County, both of Jefferson County, West Virginia. The term “item” as used herein shall refer to any matter before the Planning Commission for consideration or discussion, and shall be construed broadly.

#### **Section 1.2 – Authority**

These bylaws and its provisions are authorized by W.Va. Code § 8A-2-11, which empowers the Planning Commission, among other things, to “(2) Prescribe rules and regulations pertaining to administration, investigations and hearings[,]” provided that the same are adopted by the County Commission.

#### **Section 1.3 – Severability**

The invalidation of any provision or section of these Bylaws shall not invalidate any other provision or section of these Bylaws.

#### **Section 1.4 – Amendments**

These Bylaws may be amended at any regular meeting of the Planning Commission by a majority vote of the Planning Commission, and shall take effect upon adoption by the County Commission or at a date certain thereafter.

### **Article II - Organization**

#### **Section 2.1 – Membership**

The Planning Commission, by ordinance previously adopted by the County Commission, shall be comprised of nine (9) members appointed by the County Commission pursuant to W.Va. Code § 8A-2-4.

#### **Section 2.2 – Term of office**

Upon appointment to the Planning Commission, a member shall serve a term of three years pursuant to W.Va. Code § 8A-2-4(g).

#### **Section 2.3 – Powers and Duties**

In addition to the powers and duties provided in these Bylaws, the Planning Commission shall have such other powers and duties as provided by law, including but not limited to W.Va. Code § 8A-2-11.

#### **Section 2.4 – Committees**

The Planning Commission may establish one or more committees to which, pursuant to W.Va. Code § 8A-2-11 (15), it may delegate limited powers. Committees shall consist of no less than

three (3) members nor more than five (5) members of the Planning Commission. Appointments to committees shall be made by a majority vote of the Planning Commission.

### Article III - Officers

#### Section 3.1– Elections

At its first regular meeting each January, the Planning Commission shall elect a President, Vice President, and Secretary.

#### Section 3.2 – President

The President shall preside at all public hearings and meetings held by the Planning Commission. The President may call special meetings of the Planning Commission as necessary, and is empowered to certify by signature or otherwise any official and valid action of the Planning Commission. The President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### Section 3.3 – Vice President

During any absence of the President, the Vice President shall assume the duties and functions of President. The Vice President shall also perform such duties and functions as may from time to time be required by the Planning Commission.

#### Section 3.4 – Secretary

The Secretary shall perform such duties and functions as may from time to time be required by the Planning Commission.

#### Section 3.5 – Absence of President and Vice President

In the absence of both the President and Vice President, any present member may call to order a regular or special meeting of the Planning Commission, which shall thereupon immediately empower one or more of its present members to fulfill the duties and functions of President and/or Vice President during said absence.

#### Section 3.6 – Replacing Officers

In the event of the death, resignation, or removal of an officer of the Planning Commission, the Planning Commission shall thereupon elect one of its members to complete the unexpired term. A three-fifths majority of the total membership of the Planning Commission may, at any regular meeting, remove the President and/or the Vice President from office, provided that a new election to fill the remaining term(s) of office is immediately held.

### Article IV - Meetings

#### Section 4.1 – Regular Meetings

The Planning Commission shall hold regular meetings on the second ~~and fourth~~ Tuesdays of each month at 7:00 p.m. in the ground floor meeting room of the Old Charles Town Library, at 200 East Washington Street, Charles Town, West Virginia. Prior notice shall be provided in the event that any regular meeting is held at a different location. An additional regular meeting may be called scheduled by the President or by two or more members of the Planning

Commission for an specific agenda item on the fourth Tuesday of each month at 7:00 p.m. at the location noted in this section. Such regular meeting shall be called at least seven (7) days prior to the fourth Tuesday to allow for posting of the agenda. A regular meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

#### Section 4.2 – Special Meetings

A special meeting may be called by the President or by two or more members of the Planning Commission to be held on a different day and/or a different time than regular meetings. Pursuant to W.Va. Code § 8A-2-7, notice for all special meetings shall be in writing, include the date, time and place of the special meeting as well as the purpose of the meeting, and be sent to all members at least two days before the special meeting. A special meeting may be postponed or cancelled for appropriate reasons, and in such case prior notice of said postponement or cancellation shall be provided if possible.

#### Section 4.3 – Recording of Meetings

All meetings of the Planning Commission shall be recorded, and such recordings shall be maintained and made available, upon request and in accordance with the procedures of the Planning Commission and/or its staff, to the public.

#### Section 4.4 – Agendas

An agenda shall be made available at least seven (7) days prior to the start of all regular and special meetings. Items shall be listed on the agenda in such a manner as to sufficiently identify the substance of the item and allow for a vote on the item by the Planning Commission if necessary. The Planning Commission may deviate from an agenda's order if necessary.

#### Section 4.5 – Quorum

In order to conduct a regular or special meeting, a quorum of the members must be present. A majority of the members of the Planning Commission shall constitute a quorum. No action of the Planning Commission shall be official or valid unless authorized by a majority of members present at a regular or special meeting.

An individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone with prior approval of the President and will count towards a quorum.

#### Section 4.6 – Procedures for Conducting Meetings

In the absence of state law or of other procedures of the Planning Commission, Roberts Rules of Order, current edition, shall be the parliamentary authority of Planning Commission meetings.

#### Section 4.7 – Open Governmental Proceedings

All meetings and actions of the Planning Commission shall comply with the requirements of West Virginia's open meetings laws, codified at W.Va. Code § 6-9A-1, et seq.

#### Section 4.8 – Training

All newly appointed Planning Commission members shall attend a two hour training session within 90 days of their appointment to the Planning Commission. Such training may be provided by the County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. The focus of this initial training will be to provide an orientation to the roles, responsibilities and duties of a Planning Commission member.

Annually, all PC members shall attend a two hour training session provided by County staff, by an APA approved or recommended organization and/or through a webinar provided by APA or another authorized organization. Staff shall make the Commissions members aware of local training opportunities and/or shall provide access to webinars to provide the Planning Commission members with a variety of training opportunities.

Planning Commission members shall be encouraged to attend local, regional, and/or national on-site or webinar planning training sessions. As the Planning and Zoning budget allows, assistance may be provided for registration for such training.

#### Section 4.9 - Attendance at Regular Meetings

Regular attendance of all Planning Commission members is critical to the effective functioning of the Planning Commission. Planning Commissioners shall strive to attend all Regular Meetings. Accordingly, if a Commissioner, over a consecutive six month period, misses six Regular Meetings with notice, or four Regular Meetings without notice, the Planning Commission may forward this information to the County Commission with the request that the County Commission consider removal from the Planning Commission due to a lack of interest.

### **Article V – Consideration of Items**

#### Section 5.1 – Voting

A member must be or have been physically present at a meeting to vote on any item considered at said meeting. However, an individual confined to home due to serious illness or injury may attend the Planning Commission meeting via telephone with prior approval of the President. The individual will count towards a quorum and will have full voting privileges.

Voting via ~~telephone or~~ proxy is not permitted. Abstention shall not be permitted by a member who is otherwise entitled to vote on an item.

#### Section 5.2 – Recusal

A member may recuse himself/herself in relation to an item for the reasons set forth herein, in which case such member shall not participate in discussion, consideration or vote on said item. Valid reasons for recusal include (1) having a personal interest in an item, (2) having a contractual, employment, or other relationship with a party involved with an item, (3) being unable to impartially consider an item, or (4) having been absent from part or all of the discussion or consideration of an item. A member recusing himself or herself shall thereupon state the reason for such recusal and leave the meeting, remaining absent for the duration of consideration and/or discussion of the item.

### Section 5.3 – Ex Parte Communications

For purposes of these Bylaws, ex parte communications consist of communications regarding the substance of an item that is or will be before the Planning Commission for consideration and/or discussion, when such communications are between one or more members of the Planning Commission and one or more individuals involved with the item. No member of the Planning Commission shall voluntarily and knowingly engage in ex parte communications without the authority of the Planning Commission. In the event that a member of the Planning Commission has engaged in or receives any ex parte communication, said member shall bring the same to the attention of the Planning Commission. Communications with third parties regarding procedural aspects of items do not constitute ex parte communications in the context of these Bylaws.

### Section 5.4 – Ex-Officio Member Voting

A member who is also a member of the County Commission is a full voting member of the Planning Commission. However, any such ex-officio member may elect not to vote as a member of the Planning Commission on items which will subsequently require action or consideration by the County Commission.

An ex-officio member may remain at the meeting and participate in discussion on an item on which they elected not to vote under this section.

|                                                                                            |
|--------------------------------------------------------------------------------------------|
| <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: October 6, 2011

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

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

Subject: Request County Commission approval to extend an offer of employment to fill the vacant position of Land Development Inspector.

Please provide the County Commission with a description of your request or presentation, including any background information: County Commission approval to extend an offer of employment to the person selected to fill the vacant position of Land Development Inspector.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I move to allow Mr. Goodwin to offer the position of Land Development Inspector to the person chosen to fill the vacant position.

Attachments: Personnel Requisition

JEFFERSON COUNTY

Personnel Requisition

Department Name Engineering Date 9/29/2011 Date Needed 10/24/2011

Job Title Land Development Inspector Salary \$67,244.44 Criminal History Check \_\_\_ Yes  No

Suggested Recruitment Source(s) N/A

Applicants Interviewed By Roger Goodwin, Chief Co. Engr.  
Rebecca Burns, O.M. Position Reports To Chief County Engr.

Minimum Education Required Associates Degree in Civil Engineering Technology, Construction Management, or other equivalent degree and experience.

Minimum Experience Required In accordance with the Land Development Inspector position description.

Job Duties In accordance with the Land Development Inspector position description.

Budget Information

Addition \_\_\_ Replacement  Explain or For Whom Previous LDI's employment terminated.

Position Budgeted  Yes \_\_\_ No Proposed Salary \$67,244.44 Date of Hire \_\_\_\_\_  
(Grade V, Step 12)

Is Position: Full-Time  Regular Part-Time \_\_\_\_\_ On-Call Occasional \_\_\_\_\_ Temporary \_\_\_\_\_

Safety/Security \_\_\_\_\_ Hours Per Week \_\_\_\_\_

Approvals

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval \_\_\_\_\_ Date \_\_\_\_\_

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

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: October 6, 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: Partial release of the Construction Bond security for Kanawha Scales Systems, Inc. - Summit Point Automotive Research Center, LLC/STaSIS (File #S10-08) – Letter of Credit #00228-52-0009237 Branch Banking And Trust of Greensboro, North Carolina.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$150,990.00 construction bond amount for Kanawha Scales Systems, Inc. - Summit Point Automotive Research Center, LLC/STaSIS (File #S10-08) for a new construction bond amount of \$60,876.00.

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) 725-7916

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

PRESIDENT

*Patsy Noland*

VICE PRESIDENT

*Dale Manuel*

COMMISSIONER

*Frances Morgan*

COMMISSIONER

*Walt Pellish*

COMMISSIONER

*Lyn Widmyer*

October 6, 2011

Ms. Karen Gardner

Banking Officer

Branch Banking And Trust Company

7823 National Service Road

Greensboro, North Carolina 27409

RE: Letter of Credit #00228-52-0009237 dated February 8, 2011, Construction Bond Surety for Kanawha Scales Systems, Inc. -- Summit Point Automotive Research Center, LLC/STaSIS (File #S10-08).

Dear Ms. Gardner:

The Jefferson County Commission authorizes a partial release of \$150,990.00 from the construction bond for Kanawha Scales Systems, Inc. - Summit Point Automotive Research Center, LLC/STaSIS (File #S10-08), for a new construction bond amount of \$60,876.00. 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. Final Paving
2. Seeding & Landscaping
3. Site stabilization

In summary, you are hereby authorized to reduce the amount of the above referenced Letter of Credit #00228-52-0009237, originally issued in the amount of \$211,866.00.00 to \$60,876.00. 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. Robert W. Foy  
Kanawha Scales And Systems, Inc. /STaSIS  
P. O. Box 569  
303 Jacobson Drive  
Poca, WV 25159  
Branch Banking And Trust Company  
29 Keyes Ferry Road  
Charles Town, WV 25414  
Department of Engineering

COUNTY ADMINISTRATOR

*Tim Bowde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher McDonald*

JEFFERSON COUNTY WEST VIRGINIA  
Engineering Department  
116 East Washington Street, P.O. Box 1115  
Charles Town, West Virginia 25414

Phone 304-728-3257  
Fax 304-728-3963

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

### BOND REDUCTION or RELEASE REQUEST - REPORT

Date Received 8 / 26 / 2011 J.C.P.C. File No. 510 08

Consultant/Engineer/Firm Name WH Gordon

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 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 to \$ 60,876  
By John R. ... 9/20/2011  
County Engineer Date

Original Bond Amt \$ 184,231 + 15% Cont. \$ 27,635 = Total Original Bond Amt \$ 211,866

Total Current Bond Amount \$ 211,866.00

Cost of Work Remaining \$ 33,241.00 + Contingency Amount \$ 27,635.00

= Approved for Revised Bond Amount \$ 60,876.00

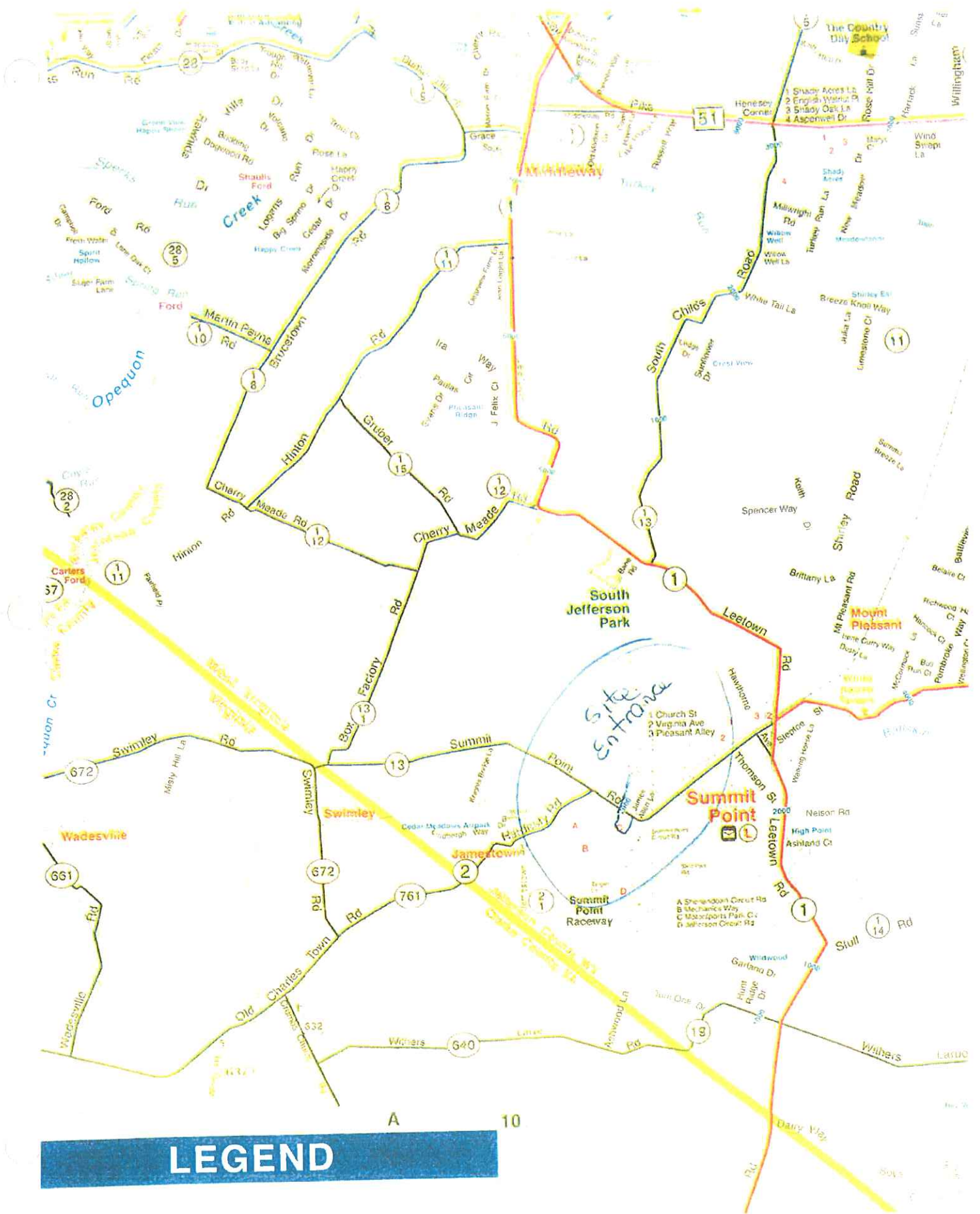
Reviewed By: Jonathan Saunders, P.E.

*JS*

Title County Engineer

Signature John R. ...

Date 9 / 20 / 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: October 6, 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 PNGI Charles Town Gaming LLC– Hollywood Casino at Charles Town Races Area 5.2 Loading Dock & Building Addition (File #S10-09) – Performance Bond No. K08505469 with Westchester Fire Insurance Company, Philadelphia, Pennsylvania.

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 \$200,410.00 construction bond amount for PNGI Charles Town Gaming LLC – Hollywood Casino at Charles Town Races Area 5.2 Loading Dock & Building Addition (File #S10-09) which is secured by Performance Bond No. K08505469 with Westchester Fire Insurance Company, Philadelphia, Pennsylvania.

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) 725-7916

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

PRESIDENT

*Patsy Noland*

October 6, 2011

VICE PRESIDENT

*Dale Manuel*

Mr. Francis J. Curran

Ms. Sally Phillips

COMMISSIONER

*Frances Morgan*

Westchester Fire Insurance Company

463 Walnut Street, WA08P

COMMISSIONER

*Walt Pellish*

Philadelphia, Pennsylvania 19106

Columbia, Maryland 21045

COMMISSIONER

*Lyn Widmyer*

RE: Performance Bond No. K08505469 dated January 25, 2011, Construction Bond Surety for PNGI Charles Town Gaming – Hollywood Casino at Charles Town Races Area 5.2 Loading Dock & Building Addition (File #S10-09).

Dear Mr. Curran and Ms. Phillips:

The Jefferson County Commission authorizes a complete release of the remaining \$200,410.00 from the construction bond for PNGI Charles Town Gaming – Hollywood Casino at Charles Town Races Area 5.2 Loading Dock & Building Permit (File #S10-09). 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 of the above referenced Performance Bond No. K08505469 originally issued in the amount of \$200,410.00. 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. Randy Kepler

Greenway Engineering

151 Windy Hill Lane

Winchester, VA 22602

Ms. Phyllis LeTart, VP of Legal & Business Affairs

Hollywood Casino at Charles Town Races

P. O. Box 551

Charles Town, WV 25414

Department of Engineering

COUNTY ADMINISTRATOR

*Tim Bowde*

DEPUTY COUNTY ADMINISTRATOR

*Sandy Slusher 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 / 26 / 2011 J.C.P.C. File No. 510 - 09

Consultant/Engineer/Firm Name: Greenway Engineering

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

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

Contact Person: Randy Kepler PE Phone: 540 662 4185

Project/Subdivision Name: Hollywood Casino

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 Lehn 8/30/2011  
County Engineer Date

Original Bond Amt. \$ 174,269 + 15% Cont. \$ 26,141 = Total Original Bond Amt. \$ 200,410

Total Current Bond Amount \$ 200,410.00

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

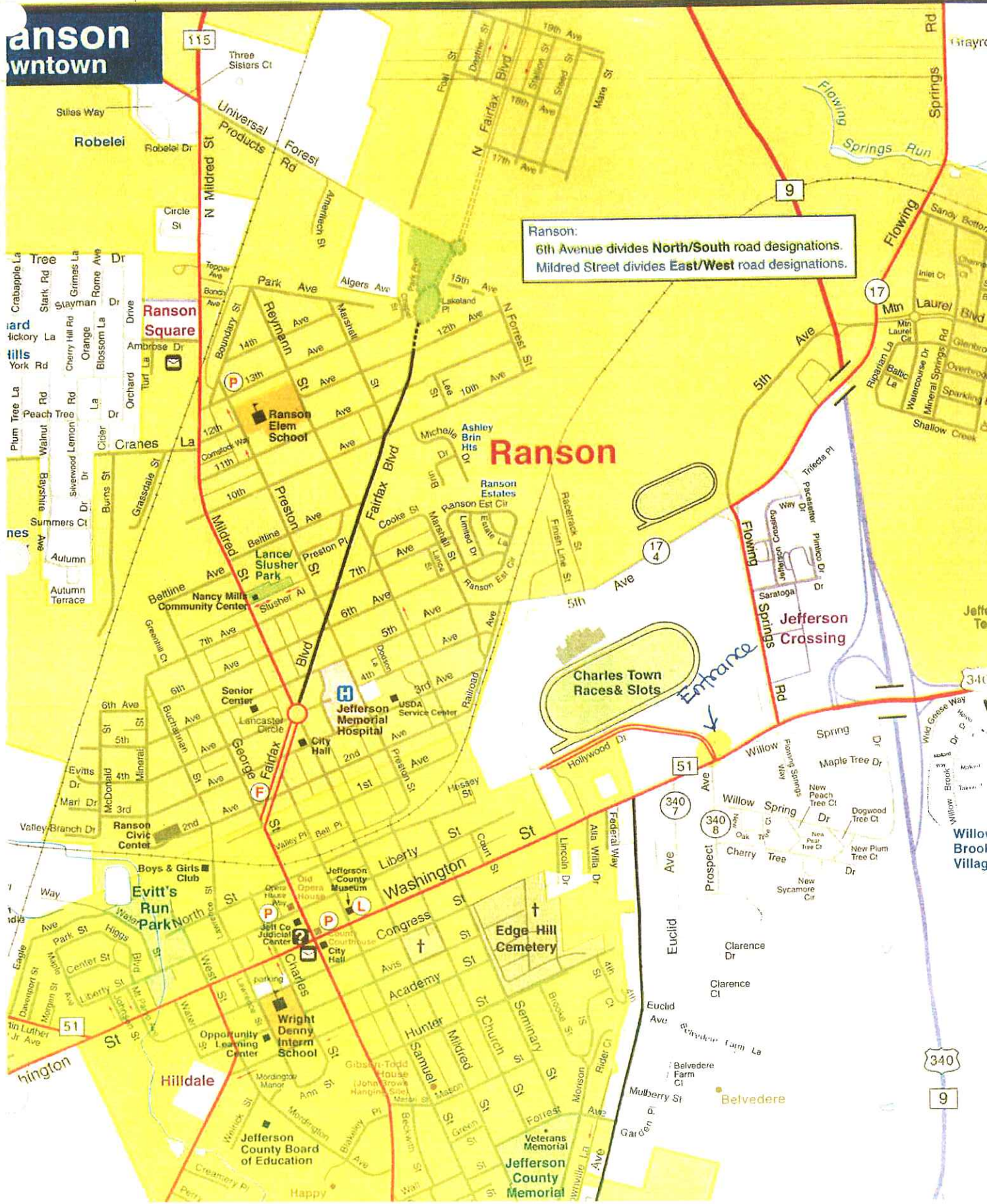
= Approved for Revised Bond Amount \$ 0.00

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

Signature: John Lehn Date: 8 / 30 / 2011

# Jefferson County

## Ranson Downtown



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

9

### 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: October 6, 2011

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

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

Subject: **Approve to advertise to fill vacancy - Emergency Communications Center - Administrative Assistant**

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:

**JEFFERSON COUNTY**

**Personnel Requisition**

Department Name Emergency Communications Date 9/29/11 Date Needed 9/30/2011

Job Title Administrative Assistant Salary \$14.08/hr Criminal History Check  Yes  No

Suggested Recruitment Source(s) Website - Local print media

Applicants Interviewed By Director of Communications Position Reports To Director of Communication

Minimum Education Required High School Diploma or GED equivalency

Minimum Experience Required Customer Service Skills. Computer Skills. See job description

Job Duties Executive Administrative Assistant / Reception for Emergency Communications Center. Clerical duties for ECC. Handle requests for audio/information under FOIA. Attend meetings, take and develop minutes, filing, etc.

**Budget Information**

Addition  Replacement  Explain or For Whom Nancy Dopson who retired on 9/30/2011

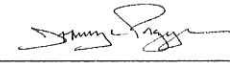
Position Budgeted  Yes  No Proposed Salary Grade II Step A Date of Hire \_\_\_\_\_

Is Position: Full-Time  Regular Part-Time  On-Call Occasional  Temporary

Safety/Security \_\_\_\_\_ Hours Per Week 40

**Approvals**

Elected Official Approval \_\_\_\_\_ Date \_\_\_\_\_

Department Head Approval  \_\_\_\_\_ Date \_\_\_\_\_  
Digitally signed by Jeffrey A. Polczynski, ENP  
DN: cn=Jeffrey A. Polczynski, ENP, o=Jefferson County  
Emergency Communications, ou,  
email=jpolczynski@jeffersoncounty.org, c=US  
Date: 2011.09.29 11:18:21 -0400

County Commission Approval \_\_\_\_\_ Date \_\_\_\_\_

Comments \_\_\_\_\_

Commission Office Use Only

Date on Agenda:

10/6/11

Appt Time or New Business:

10:45 am

10

## AGENDA REQUEST FORM

Name: Thomas Bayuzik

Department or Entity: Jefferson County Development Authority

Estimation of amount of time needed for appointment: 30 minutes

Date Requested – 1<sup>st</sup> Choice: October 6, 2011

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

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

Subject: Economic development outlook/overview of activities.

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

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

Attachments: **None**

11

Commission Office Use Only  
Date on Agenda:  
Appt Time or New Business:

AGENDA REQUEST FORM

Name: Bill Polk

Department or Entity: Maintenance

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

Date Requested – 1<sup>st</sup> Choice: 10/6/2011

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

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

Subject: Approval of Resolution to enter into contractual agreement with the Courthouse Facilities Improvement Authority and to allow the President to affix her signature on the required document

Please provide the County Commission with a description of your request or presentation, including any background information: **An application will be submitted to the Courthouse Facilities Improvement Fund to complete some needed restorations to the Courthouse.**

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): **move to approve the Resolution for the Courthouse Facilities Improvement Authority and to allow the President to affix her signature.**

Attachments:

## RESOLUTION

The County Commission of Jefferson County met on Thursday, October 6, 2011 with a quorum present and passed the following resolution.

Be it resolved that the County Commission hereby authorizes Patricia Noland, Commission President of the Jefferson County Commission, to act on its behalf to enter into a contractual agreement with Courthouse Facilities Improvement Authority to receive and administer funds pursuant to provisions of the Courthouse Facilities Improvement Fund Program.

Signed: \_\_\_\_\_

Jennifer Maghan, County Clerk

Lunch mtg.

Commission Office Use Only

Date on Agenda:

Appt Time or 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: October 6, 2011

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

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

Subject: **Lunch - Long Range Plan Discussion**

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:

**NOTICE OF PUBLIC HEARING  
COUNTY COMMISSION OF JEFFERSON COUNTY  
Thursday, October 6, 2011, at 7:00 p.m.**

The County Commission of Jefferson County has scheduled a Public Hearing on a Zoning Map Amendment (Rezoning) for properties designated as Tax District: Harpers Ferry, Map: 15, Parcel: 47 and 56. The request includes all of parcel 56 and part of parcel 47. These properties are adjacent to both the existing Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres. This property is currently zoned Rural and a request has been made by the owners, David and Catherine Hott, to change the zoning to Residential/Light Industrial/Commercial.

Provide oral or written comments at the hearing, **7:00 p.m., Thursday, October 6, 2011, at the Blue Ridge Elementary School Cafeteria** located at 18899 Charles Town Road. All meeting attendees **MUST** park in the front of the school and enter through the door to the left of the main entrance.

Copies of the proposed amendment application and related 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 at

<http://www.jeffersoncountywv.org/uploads/planning/Hott%20Property%20Rezoning%20Information%20for%20Oct.%206%202011%20Public%20Hearing.pdf>.

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

You may also provide written comments to [info@jeffersoncountywv.org](mailto:info@jeffersoncountywv.org).

A decision will be made at a later date.

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

**A Motion Recommending Approval of a  
Rezoning for Hott Property  
August 9, 2011**

**Whereas,** David and Catherine Hott has requested rezoning of property known as the Hott Property; and

**Whereas,** The property is identified as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District, cumulatively consisting of 59 acres; and

**Whereas,** The applicant is requesting a portion of Parcels 47 and 56, comprising of 42 acres, be rezoned from Rural to Residential-Light Industrial-Commercial as shown in the exhibit below; and

**Whereas,** The remaining 17 acres will remain Rural; and

**Whereas,** The requested rezoning process complies with the requirements in accordance with the provisions of Article 12 of the Jefferson County Zoning and Land Development Ordinance, effective July 7, 1988, as amended and West Virginia State Code Section 8A-7-9; and

**Whereas,** The Planning Commission finds that the requested rezoning conforms with the adopted 2004 Comprehensive Plan as outlined subject to the conditions attached hereto as Exhibit A; and


**Whereas,** The Planning Commission further finds that there has not 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

**Whereas,** Staff recommends approval of the requested rezoning based on the conditions outlined in the staff report attached which include but are not limited to a merger deed with proper consideration for single 42 acre parcel, bar any residential use, require set-back of 50 foot and vegetation buffers and such other conditions as set forth in Exhibit A; attached hereto and

**Now therefore be it moved,** that the Jefferson County Planning Commission recommends approval the request for rezoning from Rural to Residential-Light Industrial-Commercial for property identified in the Jefferson County Tax Map as Parcels 47 and 56 as shown on Tax Map 15 of the Harpers Ferry District.

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

By vote of the Jefferson County Planning Commission  
By a vote of  Yes  No

  
\_\_\_\_\_  
Daniel Hayes, Commission President

## Exhibit A to Hott Re-Zoning

1. Merger deed would be recorded prior to rezoning containing all of the following restrictions which would be placed upon the merger parcel and recorded in the land records of Jefferson County such that the restrictions touch and concern the land and would run with the land.
2. Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
3. Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Soil erosion and establishing a vegetated cover that will reduce erosion potential shall be implemented.
4. Tree canopy coverage of 20% over the entire property that is subject to the rezoning shall be maintained as part of the final development. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
5. Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
6. Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
7. No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure.
8. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way.
9. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
10. Entrances to buildings shall front the street to which the building is oriented.
11. Dumpster enclosures shall match buildings in color and like material.
12. Outdoor storage areas shall be screened from view of all right of ways.

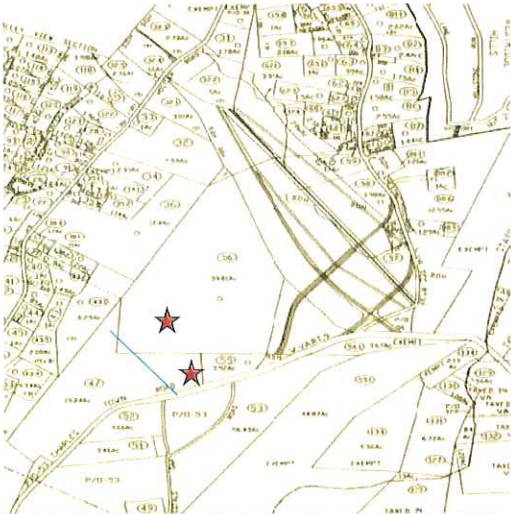

13. LED message board signs or streaming signage are prohibited from the subject property.
14. The only use proposed to be restricted is residential activity. No residential development shall take place upon the parcel to be re-zoned. None of the remaining uses in the district are proposed to be restricted. Applicant has stated that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The septic system and related equipment would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.
15. All uses of the subject property shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

# Staff Report

## Jefferson County Planning Commission Meeting

### August 9, 2011

Item #4 Request for Zoning Map Amendment (Rezoning) by David and Catherine Hott for property designated as Tax District: Harpers Ferry, Map 15, portions of Parcels 47 and 56, from the Rural Zoning District to the Residential/Light Industrial/Commercial Zoning District. The property is adjacent to both the current Route 9 (Charles Town Rd.) and the Route 9 currently under construction and is a total of 42 acres.

|                          |                                                                                      |
|--------------------------|--------------------------------------------------------------------------------------|
| APPLICANT:               | David and Catherine Hott                                                             |
| OWNER :                  | David and Catherine Hott                                                             |
| DEVELOPER:               | n/a                                                                                  |
| SURVEYOR/ENGINEER:       | William H. Gordon & Associates                                                       |
| PROPERTY LOCATION:       |                                                                                      |
| LEGAL DESCRIPTION:       | District: Harpers Ferry, Map: 15, portions of Parcels:<br>47 and 56                  |
|                          |   |
|                          | Rural                                                                                |
| CURRENT ZONING DISTRICT: |  |

|                                       |                                                                                                             |
|---------------------------------------|-------------------------------------------------------------------------------------------------------------|
|                                       |                                                                                                             |
| SURROUNDING PROPERTIES:               | Zoning Map Designation:<br><i>North:</i> Rural <i>South:</i> Rural<br><i>East:</i> Rural <i>West:</i> Rural |
| LOT AREA:                             | 42 Acres                                                                                                    |
| PRIOR CASES:                          | None                                                                                                        |
| VARIANCE(S):                          | None                                                                                                        |
| REQUEST ZONING DISTRICT:              | Residential/Light Industrial/ Commercial Zoning District                                                    |
| Requested Planning Commission Action: | Recommend approval or not approval of the proposed rezoning (map amendment) to the County Commission.       |

## Introduction and Purpose

David and Catherine Hott, owners of the subject properties which are located along Route 9 on the Mountain directly adjacent to and behind Torlones Restaurant, have requested that 42 acres of their properties detailed below be rezoned from the Rural Zoning District to the Residential/Light Industrial/ Commercial Zoning District. The parcels are identified as Tax Map 15, Parcels 47 and 56 of the Harpers Ferry District. Parcel 47 is approximately 19.24 acres and Parcel 56 is approximately 39.81 acres. All of Parcel 56 and part of parcel of 47 is being requested for rezoning. A total of 42 acres is proposed for rezoning and the remaining acreage will remain Rural (Image 1).

The properties are located at the southwest corner of the new Route 9 and existing Route 9 and have an existing access to the existing Route 9. The new Route 9 being constructed is directly to the east of the parcels proposed for rezoning. No direct connection to new Route 9 will be created for the subject properties now or in the future. The parcels are currently zoned Rural and are wooded and vacant. With the exception of the Village of Mannings, which is approximately 1 mile away, the entire mountain is zoned Rural (Image 2). The applicant has requested rezoning of the 42 acres from Rural to Residential-Light Industrial-Commercial. The remaining approximately 17 acres will remain Rural and the applicant is planning to build their home on that land. The following report has been prepared to assist the efforts of the Jefferson County Planning Commission and Jefferson County Commission to make findings regarding the consistency of the proposed rezoning with the Jefferson County Comprehensive Plan, in accordance with West Virginia State Code requirements.

## Statutory Authority and Requirements

The West Virginia State Code Section 8A-7-9 provides that a locally adopted zoning ordinance and its maps may be amended by the County Commission with the advice of

the Planning Commission. Article 12 of the County Zoning Ordinance also requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-1-1 et seq of the West Virginia State Code as amended." As concerns amendments by petition, State Statute provides that, "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." [See *WVC 8A-7-9(c)*] This subsection of the State Code also states that, "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."

### **Scope of this Assessment**

This report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan. Staff believes that there have not 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 which would have "substantially" altered the basic characteristics of the area. This belief is limited to the proposal to rezone the subject site.

The format for this assessment includes quotes, in italics from specific provisions of the Comprehensive Plan, which are identified by page number citation at the end of the sentence where it is quoted. Staff has used these notations and quotations in order to address sections of the Comprehensive Plan as it relates to the proposed rezoning. Identification of the specific page numbers where these provisions can be found in the Plan, permits the Planning Commission and/or County Commission to easily locate the particular provision and personally evaluate the provision in the context of the larger Plan document. When available or appropriate, map references are provided with maps located in the Appendix to this report.

It should also be noted that the Comprehensive Plan states, "*Its recommendations are (by their nature and intent) general and, as such, sometimes conflicting. It will not be difficult to find two that individually justify and conflict with many land use proposals.*" In that sense, there are many plan references that are identified in this report that can or may appear to support or fail to support a finding of consistency between the proposed rezoning and the Comprehensive Plan. In the final analysis, each member of the Planning Commission and the County Commission will need to weigh the degree to which various plan provisions are of greater or less importance, in establishing their respective findings regarding the application.

Finally, this report provides a recommendation concerning the proposed rezoning based on review of the various plan sections and elements. The recommendations should be

considered the professional opinion of staff; no more and no less. Since the Planning and Zoning staff has no statutory authority to make decisions in this regard, we defer to the Planning Commission and subsequently the County Commission for any final recommendation or decision that may be forthcoming with respect to the subject application.

## **Rezoning Conditions Agreed to by the Applicant**

The applicant has agreed to apply some conditions to the rezoning request. The applicant and Staff have had a discussion regarding conditions that the applicant is willing to abide by in this rezoning request. Staff cannot and has not compelled conditions upon the applicant. Below are the agreed upon conditions:

- Shields on lighting to direct light downward. No box lighting on sides of building without louvers to direct light toward the ground. Submit a photometric plan at the time of site plan submission showing no greater than 0.5 foot candles at the property line, with the exception of vehicular entry points.
- Use of Low Impact Design (LID) techniques will be used on the site to provide water quality measures, to the extent allowed by Jefferson County. Emphasis will be placed on controlling soil erosion and establishing a vegetated cover that will reduce erosion potential.
- Tree canopy coverage of 20% over the entire property that is subject to the rezoning. The 20% coverage would include existing trees and new trees planted with future site plan submittals.
- Tree preservation areas will be a minimum of 20 feet in width to maintain canopy areas. Tree canopy preservation areas will be identified on all future site plans with tree protection details.
- Parking lot screening with vegetation at a minimum of 2 foot or taller provided between the road and parking locations.
- No more than 40% of any structure comprised of metal siding, concrete panels, split face block, EFIS or vinyl on the front and sides of a structure. No use of concrete block would be permitted on the front and sides of the structure. Use of concrete panels, split face block, EFIS, vinyl or use of concrete block would be allowed on the rear of a building, so long as the rear is not visible from a street/road or right of way. Use of brick, stone, fiber cement siding (such as Hardi Plank), wood, stucco, would not have any limitations.
- Entrances to buildings shall front the street to which the building is oriented.
- Dumpster enclosures shall match buildings in color and like material.
- Outdoor storage areas shall be screened from view of all right of ways.
- LED message board signs or streaming signage are prohibited.
- The only use proposed to be restricted is residential activity. None of the remaining uses in the district are proposed to be restricted. Applicant has stated

that they intend to bring their septic business and related equipment to the rear of the property, which would be similar to a contractor's yard. The site would be fully screened from Route 9 and adjacent properties. There are no specific uses currently planned for the balance of the property and the applicant has suggested that a nursery or landscaping business, a Dollar General store, a gas station, and other neighborhood-serving land uses are options that are being considered.

- Applicant shall abide by the hillside protection/slope requirements found in Zoning Ordinance and Subdivision Regulations.

## Relevant Comprehensive Plan Elements and Commentary

One of the weaknesses of the 2004 Comprehensive Plan is that there is a not future land use map and not all areas of the County are adequately addressed. There are sections of the plan that clearly discuss the growth potential of certain areas of the County. However there are other areas of the County, where future impacts and opportunities seem evident, and the document is silent relative to future planning implications in those areas.

Where the Comprehensive Plan is silent, the directive found in state law that "...the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan..." is difficult to comply with where the document provides minimal or no guidance. It is possible to speculate that if the plan does not address areas or locations of the County, that the plan might have anticipated those areas would not fundamentally change from their condition in 2004.

### Transportation Components from the Comprehensive Plan

Since the 2004 Comprehensive Plan does note in several places within the text that new Route 9 is proposed to be built, Staff cannot conclude "...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." All the changes that have occurred in that location were anticipated, as it relates to transportation improvements. While the road improvement is discussed from a transportation perspective, the writers of the Comprehensive Plan did not contemplate the land use impact that this new transportation feature would have on the adjacent properties.

The new and nearly complete Route 9 will assist in alleviating some of the current traffic volume on the existing Route 9. The Comprehensive Plan does acknowledge existing problems with the current Route 9 (pg. 30). All of the existing traffic concerns on Route 9 are not located near this property. In the Plan Policies on page 8, the Comprehensive Plan states "*This Plan identifies strategies to assure that community facilities and transportation infrastructure are provided in sequence with new development.*" The new transportation infrastructure may reduce traffic on the exiting Route 9, providing for

potential new development to occur with improvements in that location. Since access to this site is from the existing Route 9, turn movements into this site may be safer and less congested with the new Route 9 coming on line. Aside from recognizing that the four-lane Route 9 is proposed, the Comprehensive Plan provides little guidance on how that might impact future growth in this area.

### Environmental Comments from the Comprehensive Plan

The Comprehensive Plan notes the follow environmental elements that apply to this rezoning request:

- *Plan recommends that Jefferson County natural features, particularly stream valleys, be conserved as green space and that significant natural features be afforded protection as development proceeds (pg. 8).*
- *Promote growth and development that are both economically and environmentally sound (pg. 19).*
- *Promote the conservation of the natural, cultural, and historical resources and the preservation of the County's scenic beauty (pg. 19).*
- *Caves, scenic vistas, wildlife corridors and cliff areas are just several examples of additional forms of natural resources that contribute to the environmental and cultural mix that is Jefferson County. The topography, geology, hydrology, and biological diversity of the environment is one of the hallmarks that makes Jefferson County the beautiful environment that it is. Unfortunately, not every form of natural resource can be discussed in detail within the context of a Comprehensive Plan (pg. 52).*
- *The protection of scenic vistas has been the subject of public comment during this process (pg. 52).*
- *Should the County identify the protection of scenic vistas as an issue to address, this is best done through the adoption of standards within the ordinances, so that all parties are aware of their rights and responsibilities in this regard (pg. 52).*

The noted sections above highlight the elements that need to be considered when planning for the future and for any potential development. Resources that exist today are difficult to replace once lost. Jefferson County is shaped by its natural, cultural and historic resources. If not planned for properly, Jefferson County could become as indistinct from many other communities and lose features that make it different from other places. Preservation of the natural resources on this property is important. As noted above, the need to provide "...development that are both economically and environmentally sound...." is important to provide that balance. That balance is not a lofty goal, it is a reality that can be accomplished.

As noted above the applicant is willing to provide some tree preservation on the site and supplement the site with additional canopy tree plantings to achieve a 20% canopy cover. The tree preservation and new trees is not only important for how this site looks from the existing and new Route 9, but how the Mountain looks when viewed from a distance or below. The Mountain has a unique development pattern. Considering there are approximately 3,191 houses in that geographical area, when looking up the Mountain, the viewer sees very little disturbance and primarily only trees are visible. The retention of existing trees and vegetation would allow for the scenic views from below to be maintained. Additionally, if done properly, the preservation of existing trees within the development could provide immediate environmental and aesthetic value, ensuring that development and the environment would coexist. While the 20% is a minimum, it is hoped that the 42 acres would possibly exceed that requirement to maintain a healthy forest cover that currently exist on nearly all of the land east of the Shenandoah River and also maintain the character of the Mountain.

This condition the applicant has presented is in keeping with the draft Urban Tree Canopy Goals and Plan under consideration for adoption this Fall. Goals that might be relevant to this proposal include "Develop implementable land use policies which encourage the retention of existing tree canopy coverage on steep slopes and in riparian buffer areas." Further, the Urban Tree Canopy Goals and Plan outline this recommendation, "Consider developing implementation recommendations that build upon this planning effort and the 2008 Green Infrastructure Assessment analysis as a part of the 2014 Comprehensive Plan Update, particularly developing land use policies that will help to assure minimizing the fragmentation of the identified core forest areas that contain large patches of intact forest". It is hoped that any development in this heavily forested areas of the County would strive to meet these proposed goals.

#### Lighting and Signage Comments from the Comprehensive Plan

The Comprehensive Plan details lighting and signage on page 58 outlining that:

- *"With the growth of commercial and residential development in the County in the 1990s, the issue of commercial lighting and business signs has been raised as an issue by elements of the community, with the concern that a proliferation of such utilities will damage the rural character of the County and the small town character of its municipalities."*
- *"Measures can be codified in the Ordinances which reduce the amount of glare, through the use of full cut-off light fixtures and revised sign regulations that permit businesses sufficient exposure without turning commercial areas into "neon orchards". Due to property rights and enforcement volume concerns, this Plan specifically does not address lighting maintained by homeowners."*
- *"Often referred to as a "night sky ordinance", amendments can be codified that address parking lot and other forms of commercial lighting, as well as illuminated signage, so that the County can maintain its rural nighttime environment."*

The applicant has agreed to reduce light and glare for the structures built on the property by directing light down by the use of shields and louvers. This condition should reduce the effect of lighting up the Mountain and casting light on to surrounding properties, particularly those at a lower elevation. A photometric plan shall be required with each site plan ensuring that no more than 0.5 foot candles can be measured at the property line. There are very few commercial establishments on the Mountain, and most stores close in the early evening hours. The applicants willingness to not turn an otherwise residential community into a brightly lighted center is in keeping with the nature of the Mountain. In addition, the applicant has stated that LED message board signs or streaming signage will not be permitted.

### Economic Growth and Development Comments from the Comprehensive Plan

Economic growth and development are discussed on page 63 of the Comprehensive Plan and the following points that relate to this rezoning are outlined:

- *Historically, small business development in the region has taken place in close proximity to housing and population growth. Earlier development and transportation trends created an economic mix that was geared to serve the needs of the local community. Hence, the older, more established small business firms are located in Charles Town and the other municipalities.*
- *In recent years, population growth and transportation improvements have generated new markets for small businesses. Multi-purpose shopping centers have been built on the outskirts of Charles Town and Shepherdstown, thereby creating competition for downtown businesses. In some instances, shopping centers have attracted downtown merchants to suburban locations. In addition, relatively easy access to Maryland and Virginia fosters shopping in Hagerstown, Frederick, Martinsburg, Leesburg and Winchester, retarding small business development in the County.*
- *While recent small business development on the fringe areas has helped increase the variety of goods and services available to area residents, it also heightened the competitive disadvantage of the traditional central business district, most notably Charles Town and Ranson. Although the municipalities are not within the planning jurisdiction of the County, it should be noted that having its major urban center handicapped by an abandoned, neglected or under-used commercial core is not in the County's best interest.*

While retail and commercial activity in the County has a tendency to detract from the urban cores, where appropriate infrastructure is present, there are limited situations where this type of activity is acceptable. The Mountain is unique in its development patterns and difficulty in its ability to access retail and commercial services. Currently

there are limited commercial services east of the Shenandoah and the distance to commercial services currently requires indirect travel to those locations. The proposed development is in relatively close proximity to existing housing and population. The impact on existing retail and commercial activity in the County would be limited.

The applicant has applied to rezone to the Residential-Light Industrial-Commercial District. The Comprehensive Plan on page 71 outlines a few recommendations related to this Zoning District; one of those recommendations is noted here:

- *A second, less pressing issue is whether property that is in this district, but part of a larger tract under common ownership should be required to submit a concept plan for the development of the entire tract as part of the application for development of the initial phase of the project. By policy statement, the Planning Commission does ask for a concept plan, but it is nonbinding and advisory only. Requiring the approval of a concept plan (subject to revision if circumstances and needs change) would allow the Planning Commission to view how the development as a whole would affect the area and how the initial phase would coordinate with the proposed build out concept.*
- *RECOMMENDATION 3.20: A concept plan for an entire tract in this district and other districts should be required when submitting an application seeking to develop only a portion of that tract, including codified standards for what should appear on the concept plan.*

Taking into account the numerous uses in this district; the recommendation outlined above is reasonable. The variety of uses and intensity of uses is broad. While not to the extent intended in the Comprehensive Plan, the applicant has made an effort to provide some level of detail of how the uses will develop based on architectural details, landscaping preservation and screening and lighting standards. The broadness of this request reinforces previously expressed public concern regarding the need for additional zoning districts to allow for additional land use options, which the Planning Commission has determined to be a high priority in the upcoming Zoning Ordinance text amendment process.

#### Blue Ridge Mountain Communities Area Watershed Common Vision

During the summer and fall of 2010, the Planning Staff, with the assistance of a consulting firm, held 3 extensively publicized and well attended outreach meetings for stakeholders and citizens of the Mountain. The purpose of these meetings was for stakeholders of the Mountain discuss with the Planning Staff and formulate their vision for the Mountain. At its core, these meetings asked the same question, "What is your vision for the Mountain in 20 years?" It was a productive and rewarding outreach that has resulted in a group of concerned and caring citizens who are trying to address concerns or build on strengths of the Mountain. It should be noted that this Visioning

effort was a first step toward the development of a Watershed Plan or Small Area Plan for the Mountain that will be tied to the 2014 County Comprehensive Plan. As such, the comments and recommendations of the Visioning document should be awarded similar weight as the policy statements in the 2004 Comprehensive Plan as it reflects the Vision for this area of the County.

A common and yet pervasive concern from those meetings was "...the potential need for new future regulations to protect the watershed and Mountain residents, as well as to preserve the personal property rights enjoyed by Mountain residents (pg. 3 of the Common Vision)." This dichotomy was understood by many participants who understood the difficulty and necessity of protecting property rights while understanding the need for possible regulatory requirements. Expressed clearly in the Vision, "Some participants of the visioning process felt that providing options may inspire residents to maintain and improve water quality, while still allowing for positive landowner choices (pg. 3 of the Common Vision)."

By offering some conditions to the rezoning, the applicant has begun to supply some of the balance between property rights and preservation that the public is seeking. The proposed conditions provide an opportunity for a balance of regulatory control and potentially more land use rights if an approval is granted to the applicant. Currently, all property owners in the County have property rights and specific permitted uses within the zoning district that they are in; it's the level and intensity of uses that the owner may want to increase by applying for a rezoning or a Conditional Use Permit. The major weakness of the Residential-Light Industrial-Commercial District is that while it is the least intense district in the zoning code allowing for commercial uses, it permits such a wide range of uses as to be overindulgent. This is a real and legitimate concern to those citizens wouldn't mind having some additional uses in their neighborhood, but the intensity of uses is significant in the Residential-Light Industrial-Commercial District.

An equally strong feeling among the Blue Ridge Mountain stakeholders who participated in the Visioning process is that "Residents and stakeholders participating in this process want to see the Mountain retain its character and natural beauty (pg. 3 of the Common Vision)." They further noted that they "...want to see current tree canopy preserved. The Mountain topography, trees, and vegetation serve to mitigate soil erosion and runoff. Protected natural features also maintain the current beauty and quality of life and create opportunities for recreation and tourism (pg. 3 of the Common Vision)." Again, the dichotomy between the need to protect property rights while also wanting to maintain the feel of the mountain in its rural wooded environment was expressed by many participants. Those who have moved to the Mountain area of the County truly appreciate, care for and respect the Mountain for its unique natural and geographic features. Embodied within this is a feeling of self-sufficiency. The melding of the two elements creates for a unique culture that is not often expressed elsewhere.

Hence they take great pride in feeling the need to protect their area from activity that might impact the character and natural beauty of the Mountain and yet allow some reasonable use of the land.

During the outreach meetings, discussion was presented on future activity on the Mountain and the potential for increased intensity of land use. The residents noted that "Looking to the future, residents seek the preservation of the natural feel and wooded landscape on the Mountain that contrasts with the urbanized feel of the neighborhoods in the valley (pg. 3 of the Common Vision)." Relative to commercial development, it was noted that "Although there was not a consensus among participants on this specific issue, some residents would like to see some commercial development in the future. The types of development suggested, which should possibly be discussed in more detail during future planning efforts, included small market stores, a gas station, a hardware store, and parks and recreational opportunities (pg. 3 of the Common Vision)." It is important to note the concern of "urbanized feel" is associated with commercial development that disrespects the natural features of the Mountain also applies to residents who move to the wooded environment and clear cut a building lot to create an urban lawn.

Some of the concessions proposed in the conditions by the applicant, such as landscaping, lighting and architectural elements, could assist in retaining some character of the community.

### ***Staff Recommendation***

As noted earlier, this staff report focuses on whether or not the rezoning application is consistent with the Comprehensive Plan as required by state law. While it is arguable that the 2004 Comprehensive Plan is not specific enough to provide direction regarding the proposed rezoning, the Blue Ridge Mountain Communities Area Watershed Common Vision indicates the need for some neighborhood commercial services to be provided in a convenient and a well-balanced manner.

Therefore, staff believes that the Planning Commission and County Commission could reasonably conclude that the requested rezoning from Rural to Residential-Light Industrial-Commercial is in conformance with a locally adopted plan, provided that the applicant's recommended conditions are a part of the approval process. Based on the unique development patterns of the Mountain, and being geographically removed other retail centers, the ability to have this type of use is not unreasonable and will not adversely affect other retail centers in the County. This unique condition provides the ability to support this rezoning in this location.

Through an effort on the part of the applicant to provide some conditions on the rezoning, there are elements which allow the rezoning to be more palatable. The applicant has stated that the conditions outlined above will be added as a deed

restriction to the property. The architectural limits on the amount of building materials provide assurance that structures will have some level of detail to the design. While not required, the applicant should consider using certain architectural features that present a stone/wood lodge, cabin, chalet, and other rustic wood elements on structures to be in keeping with and highlighting the higher elements in the Mountains built environment. If required as a part of the rezoning approval, the applicant(s) would be required to provide architectural building elevations as a part of the site plan process showing they have met the design criteria. All outdoor storage shall be screened from view and dumpster enclosures shall match buildings in color and like material.

The applicant's commitment to offer preservation of existing trees and planting of new canopy trees to achieve a minimum of 20% tree canopy coverage is consistent with an effort to maintain the character of the Mountain and reduce the urbanized feel of the development. Mountain stakeholders noted strongly the need to retain the mountains natural and existing character on the Mountain. While the proposed area for rezoning is large at 42 acres, it is expected that future lot sizes will be based on the need for onsite septic areas, internal road, parking areas, building setbacks and other site constraints. The combination of these elements may reduce the number of possible buildings and lots on this site.

It should be noted that at the recommendation of the Planning Commission, Staff met with the applicant to discuss the option of pursuing a Conditional Use Permit (CUP). The applicant stated that they did not want to pursue the option of a CUP. While a CUP may have been the best way to proceed with this type of conditionally approved process, the conditioned rezoning has the net effect of resulting in the desired outcome.

With the conditions noted in this report, it is reasonable to approve the request.

Image 1

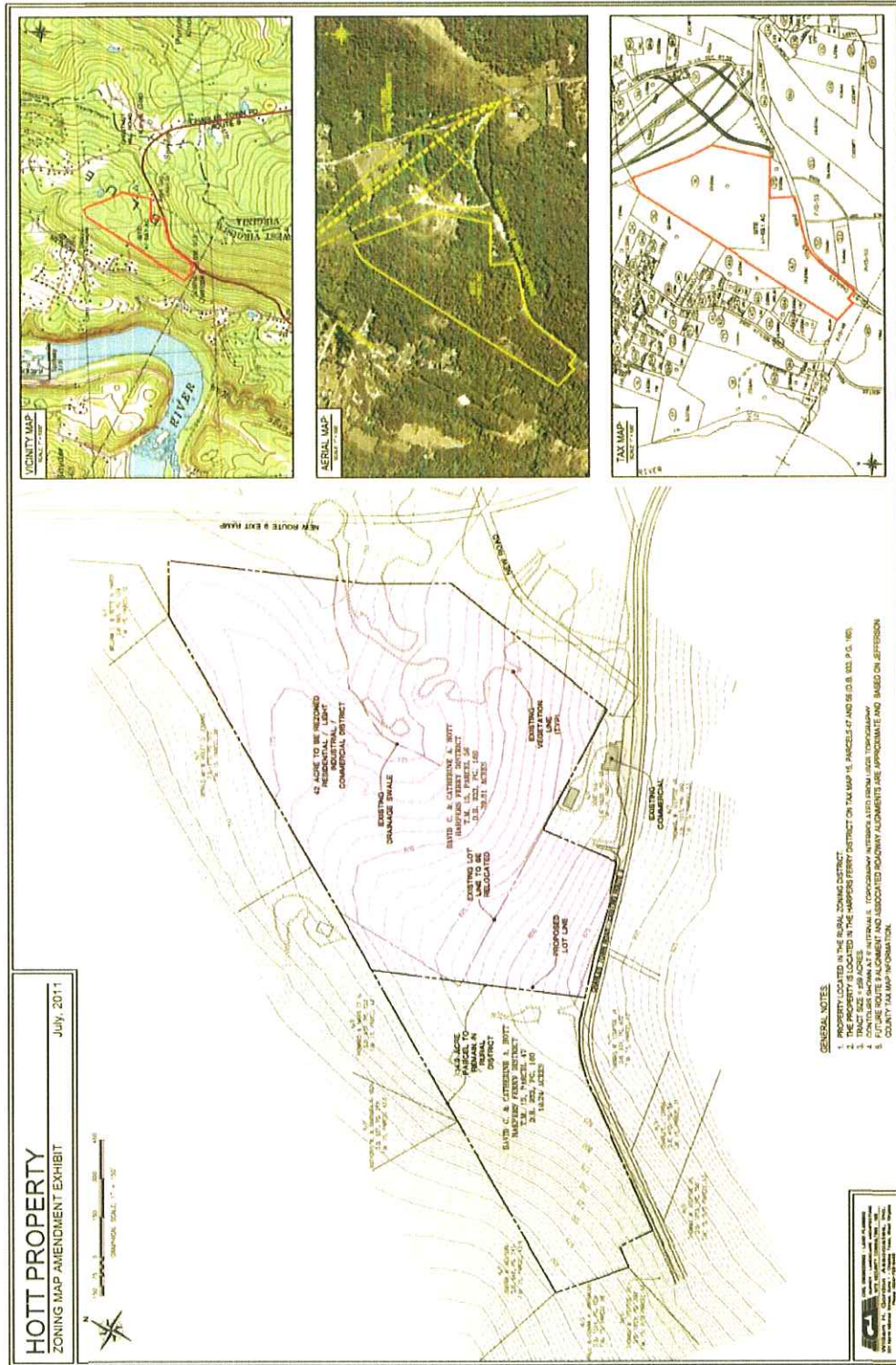
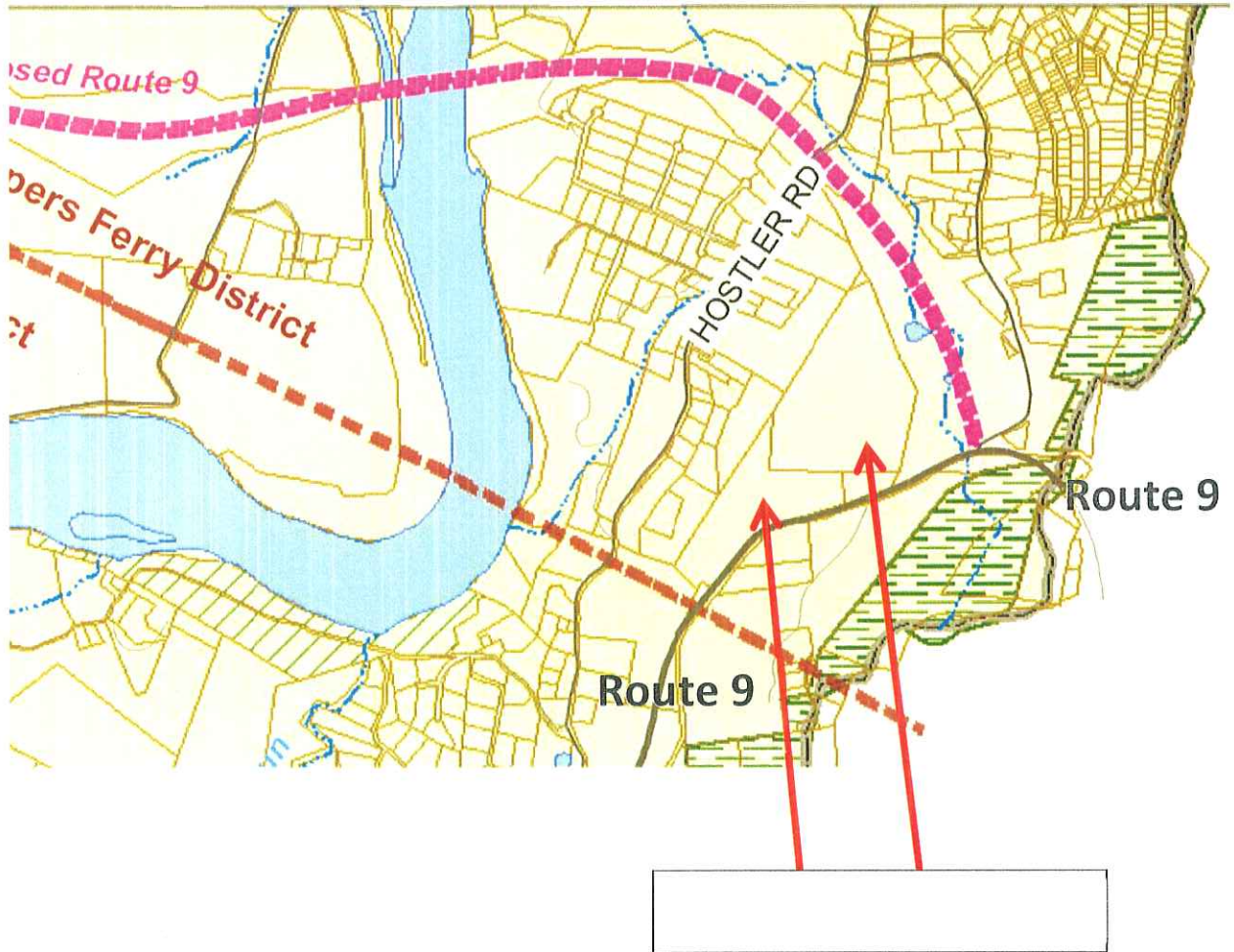


Image 2





William H. Gordon Associates, Inc.  
301 North Mildred Street, Suite 1  
Charles Town, WV 25414  
304-725-8456 Phone  
304-728-0117 Fax

RECEIVED

MAY 24 2011

JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

April 11, 2011

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

On this 11<sup>th</sup> day of April, 2011 David C. Hott and Catherine A. Hott hereby petition the County Commission of Jefferson County, West Virginia to amend the zoning designation for lands adjacent to both current Route 9/Charles Town Road and new Route 9. It is requested that the current zoning designation of Rural be amended to the Residential-Light Industrial-Commercial zoning designation as defined in the Jefferson County Zoning and Land Development Ordinance. The property consists of approximately 59 acres and is located in the Harpers Ferry Tax District of Jefferson County as identified on Tax Map 15 as Parcels 47 & 56 (Deed Book 933, Page 160).

The subject property is ideally situated to provide greatly needed commercial services to Jefferson County residents who live east of the Shenandoah River. Residents who live in these areas face a round trip of up to 20 miles to access basic commercial services that are in close proximity to the majority County residents. This lack of basic commercial services has a significant impact on the environment as residents are forced to drive to find these services. An average family making three trips to Charles Town a week would travel an additional 3,000 miles every year. The provision of commercial use needs to be balanced with the rural nature of the area. While it may not be appropriate to have commercially zoned lands throughout this area it is hard to argue that a commercial development located at the only new Route 9 interchange east of the Shenandoah River will not be a significant asset to residents in the area.

The development plan for the property would be for service commercial and employment based projects. The service commercial properties could be developed in close proximity to the new Route 9, while the employment based project would be located further into the site and fully screened from the adjacent roads. The level of development will be limited by the ability of well and drain fields to service the new uses, no plans exist to extend public water and sewer to the site that would permit higher density development of the property.

The zoning map amendment is also being requested due to the proximity of the property to the interchange on new Route 9. It is the only property with direct access to both the interchange and the existing Route 9 which will continue to be an important road in this area. The properties location next to both existing and new Route 9 provides excellent vehicular infrastructure for the development of the site. The use of existing infrastructure in the development of land can significantly reduce future costs for maintenance of this infrastructure.

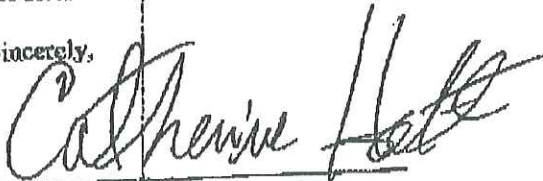
The value of the property for appropriate commercial development is further enhanced by the topography of the site. The majority of the land has a slope of less than 10% and can be developed without significant earthwork that would be expected for a property in this area.

The Jefferson County Comprehensive Plan does not do an adequate job in addressing the proposed rezoning request. The plan provides little detail on the area and only identifies Route 9, a primary access to Jefferson County, as a local service road. It is clear though, that the comprehensive plan understands the need to provide services to its residents and in turn the value of these commercial services to the local economy. The comprehensive plan also understands that Jefferson County must continue to grow. A zoning amendment to Residential-Light Industrial-Commercial is comparable with the 2004 Jefferson County Comprehensive Plan as it will provide new commercial development that will help diversify the economy, increase the County's tax base and provide employment opportunities.

The proposed rezoning will not result in the development of strip highway commercial uses. The site has significant separation from the new Route 9 and is not suitable for this poor form of development. The proposed uses will be to provide local commercial services and employment, not high density strip development. As part of the rezoning process the applicant looks forward to discussing the project with neighbors, the County Commission and Planning Commission. This input will be critical in refining the proposed development and making it an integral component of this community.

Under the provisions of WV Code 8A-7-9, David C. Hott and Catherine A. Hott petition the Jefferson County Commission to rezone the parcels identified above from the Rural District to the Residential-Light Industrial-Commercial District.

Sincerely,



Catherine A. Hott, Property Owner



David C. Hott, Property Owner

County Commission Offices  
will be closed

Monday, October 10<sup>th</sup>, 2011

in observation of  
Columbus Day.

## **NOTICE**

### **General Special Election for Governor Canvass**

The County Commission of Jefferson County will convene as a Board of Canvassers on Tuesday, October 11, 2011, at 9:30 a.m. for the purpose of canvassing the ballots from the October 4, 2011 General Special Election.

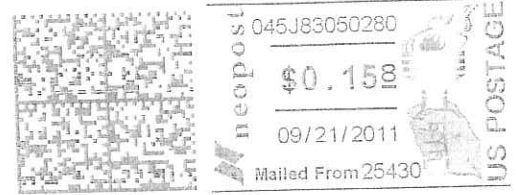
The Canvass will be held in the Jefferson County Courthouse meeting room located at 100 East Washington Street, Charles Town, West Virginia 25414.

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



WVU Jefferson County Extension Office  
 1948 Wiltshire Rd. Ste. 3  
 Kearneysville, WV 25430

NONPROFIT  
 ORG



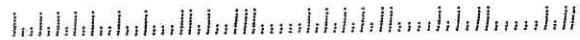
Protected Under  
 18 U.S.C. 707

County Administrator  
 P.O. Box 250  
 Charles Town, WV 25414

September & October

4-H Newsletter

2004





## 4-H Report

September & October 2011

# Awesome!

Awesome: defined as extremely impressive or inspiring admiration or wonder. The Jefferson County Fair was awesome! 4-H had an awesome presence at the Fair and showcased a year of outstanding project work to the public. How How!

# Thank You!

Thank you to all the folks that made the Fair happen – hundreds of volunteers were involved. Thank you to all our 4-H volunteers and parents – you made it happen for your kids and others. Thank you to all our 4-H'ers for making 4-H shine by demonstrating sportsmanship, work ethic and commitment to the program and your projects.

*“If your actions inspire others to: Dream more....Learn more.... Do more or Become more.....You are a Leader.” John Quincy Adams*

# 4-H New Year!

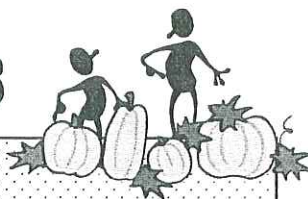
*A new 4-H year is upon us and Big Day on October 9 at South Jefferson Elementary will be a celebration.*

*Join us in welcoming the new 4-H agent Shay McNeil to our community.*

### What's Inside:

|                             |     |                              |   |                      |   |                              |    |
|-----------------------------|-----|------------------------------|---|----------------------|---|------------------------------|----|
| Calendar & 2012 Event Dates | 2   | Project Completion           | 5 | 2011 Outspoken Ride  | 8 | Strong Families Eat Together | 10 |
| BIG Day                     | 3   | 4-H Trail Walk               | 6 | Woodlot Workshop     | 9 | Jefferson County Ag Agent    | 10 |
| 4-H Members Accomplishments | 4/5 | Revolution of Responsibility | 6 | Dining with Diabetes | 9 | Dairy Poster Contgest        | 10 |
| Club Changes                | 5   | 4-H Food Fight               | 7 | 4-H Dance Group      | 9 | Jane Tabb Awards             | 11 |
| Officers Training School    | 5   | James Staley Scholarship     | 8 | Pink Luncheon        | 9 | Beef BBQ                     | 12 |

# calendar of events



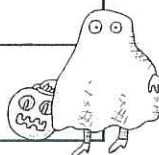
# save the date

| September |                                               |
|-----------|-----------------------------------------------|
| 23-25     | Fall Mountain Heritage Arts & Crafts Festival |
| 23-25     | 4-H All Star Conference, Jackson's Mill       |

- ▶ 4-H Leaders Meeting  
Tuesday, October 4, 7 p.m.  
Extension Office
- ▶ Officers Training School  
Tuesday, October 25, 7 p.m.  
Wildwood Middle School
- ▶ Achievement Night  
Thursday, November 10, 7 p.m.  
Wright Denny Intermediate

| October |                                                                                                  |
|---------|--------------------------------------------------------------------------------------------------|
| 1       | Beginning of new 2010-2011 4-H Year!                                                             |
| 2-8     | National 4-H Week                                                                                |
| 3       | National 4-H Dairy Judging Competition, Madison, Wisconsin                                       |
| 4       | 4-H Leaders Meeting, Extension Office, 7 p.m.                                                    |
| 9       | 4-H's BIG DAY, South Jefferson Elementary, 2-5 p.m.                                              |
| 17      | Meet Your Forester Workshop, Extension Office, 6 p.m.                                            |
| 19      | Meet the candidate for JC Agriculture Ext. Agent, E.O., 7 p.m.                                   |
| 25      | Officers Training School, Wildwood Middle School, 7 p.m.                                         |
| 28      | Complete Re-Enrollment Materials & 2010/2011 Secretary/Treasurer's Books due to Extension Office |

**Spirit Night**  
To benefit WHS Teen Force 4-H Club  
**Thursday, October 6**  
5:30 – 7:30 p.m.  
Vouchers enclosed

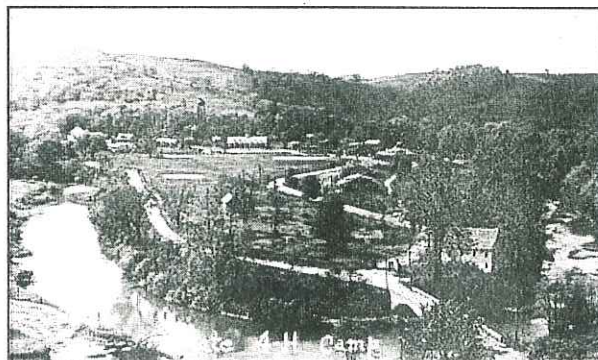


| November |                                                                  |
|----------|------------------------------------------------------------------|
| 10       | Achievement Night, Wright Denny Elementary, 7 p.m.               |
| 5-18     | National 4-H Livestock Judging Competition, Louisville, Kentucky |

**Daylight Savings Time**  
**Sunday, November 6th**

## 2012 Jackson's Mill Event Dates:

- ★ YAC (Youth Adult Conference).....January 27-29
- ★ Dance Weekend.....March 2-4
- ★ Teen Leader Weekend.....March 23-25
- ★ OMC (Older Members Conference)..... June 17-23
- ★ 4-H University & Shooting Sports..February 17-19
- ★ Alpha 1.....July 8-13
- ★ Alpha II.....July 15-20



**West Virginia State 4 H Camp  
at Jackson's Mill  
(Lewis County) about 1930.**

# Here comes.....BIG Day!



Sunday, October 9, 2011, 2 p.m. to 5 p. m., South Jefferson Elementary

You're invited to 4-H's BIG Day kickoff for the 2011-2012 4-H new year and celebration of National 4-H Week (October 2-8). There will be games and hands-on activities. All Cloverbuds and members are encouraged to attend. Bring your friends and parents/guardians to learn more about the local 4-H program. All are **"Welcome!"**

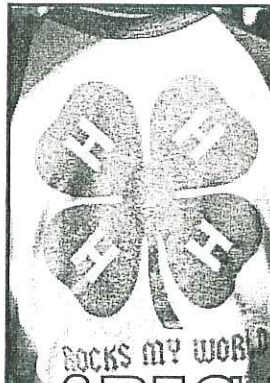
Additionally, please invite your non 4-H friends and their families to attend. A major part of BIG Day is to promote 4-H and the variety of activities a 4-H'er can participate in. If clubs and their leaders would like to show off the activities they did during the past year, they are asked to bring a display (maybe use your Fair Table Exhibit!)

Members can make a poster related to the event's theme of **"Welcome!"** BIG Day posters should follow the same size restrictions as fair posters, and your poster may earn a prize!



**WELCOME TO 4-H**  
**Want to join 4-H or be a volunteer?**  
**BIG Day is for you too!**

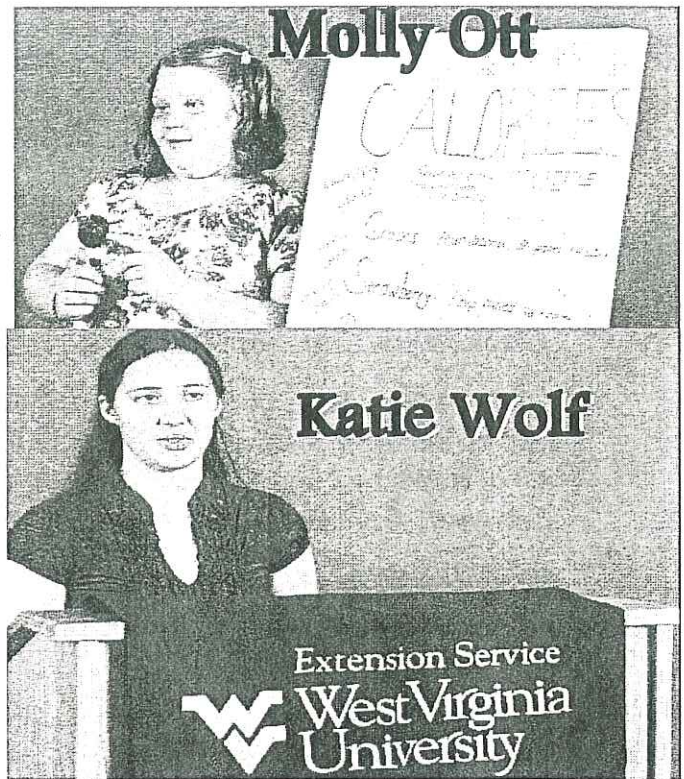
**Come celebrate BIG Day!**



**Faces of BIG Day 2010**



# 2011 State 4-H Days Results



Jefferson County 4-H was well represented at the 2011 State 4-H Day. First Place Blue & Gold Ribbon winners of the Junior Team for Visual Presentations were **Catherine Rucker & Katie Hoffman**. Their presentation category was Career & Workforce Development. First Place Blue & Gold Ribbon winner of Junior Individual in the Food & Nutrition category was **Molly Ott**. **Katie Wolf** received a First Place Blue & Gold Ribbon for her Senior Individual Impromptu Public Speaking Presentation. Also participating were **Keith Dailey, Madison Adams, Madison Cogle, Spencer Dailey, Emma Banfield, Emma Stover & Elizabeth Stover**.

## 2011 State 4-H Dog Skillathon

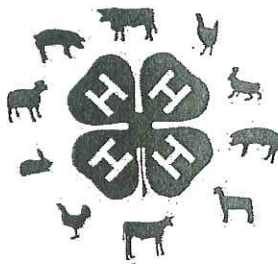


Jean Woloshuk, WVU Extension Specialist, 4-H Youth Agriculture, reported that 15 4-H'ers from 11 counties participated in the 2011 State 4-H Day Dog Skillathon.

Among the 15 members were **Caithlyn & Madison Adams** who are members of both Evergreen & JC Saddle 4-H Clubs.

*We are very proud of our members who participated in the 2011 State 4-H Day activities. Way to Go!!!!!!*

## 2011 State 4-H Livestock Judging Contest Results



**Sara Duncan, Olivia Ware, Miranda Dodson & Amanda Smith & Coach Mark Hostutler: Senior Division 3rd Place Team & Coach Jacqueline Ware, Matthew Hott & McKayla Dodson & Coach Mark Hostutler: Jr. Division 2nd Place Team**

*Congratulations to all & Great Job!*


## Dairy Judging Team Wins 1st Place at Jackson's Mill!





Sara Duncan, Amanda Smith and Katie Wolf, all members of **Evergreen 4-H Club**, placed first in 4-H Dairy Judging Competition at Jackson's Mill in August. The team coach is **Jeremy Greene**. The team completed 2 days of dairy judging practice on September 3 & 4 at the Maryland State Fair judging over 20 classes! **Jane Tabb** chaperoned the group.

The team will travel to two Maryland farms for practice on September 17 and participate in the Pennsylvania All American Judging Contest on September 19. The Dairy Judging Team will complete their judging experience by traveling to Madison, Wisconsin, practicing at area farms and participating in the World Dairy Expo National judging contest on October 3. Donations are welcome to offset travel expenses. Make your check payable to the 4-H Leaders' Association with notation that it is for the Dairy Judging Team. Mail to the Extension Office.

### 2011/2012 Jefferson County 4-H Club Changes

 **Shining Stars 4-H Club:** Judy Benner has passed the role of Organizational Leaders to Sarah Raines & Heather Williams.

 **Mission Mooses & Engleswitch Clovers 4-H Clubs** will not be reorganizing for the new 4-H year.

 We welcome new this year the **Country Kin 4-H Club** organized by Amy & Alicia Garza

We thank Judy Benner, Dianne Gabbert & Dena O'Neill for their years of service as organizational leaders.

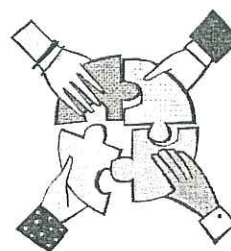
### 2011 West Virginia All Star Conference "Tailgating with the Stars" September 23-25, Jackson's Mill

## 4-H Officers Training

**Calling all Club Officers:**  
*Come out and experience  
Officer's Training School.  
Now is the time to receive the training.*

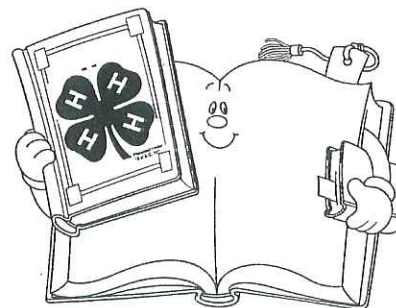
**Tuesday, October 25, 7—9 p.m.  
Wildwood Middle School**

All Club Officers including: President, Vice President, Secretary, Treasurer, Song Leader, Game Leader, Health Officer, and Reporter should attend this training.

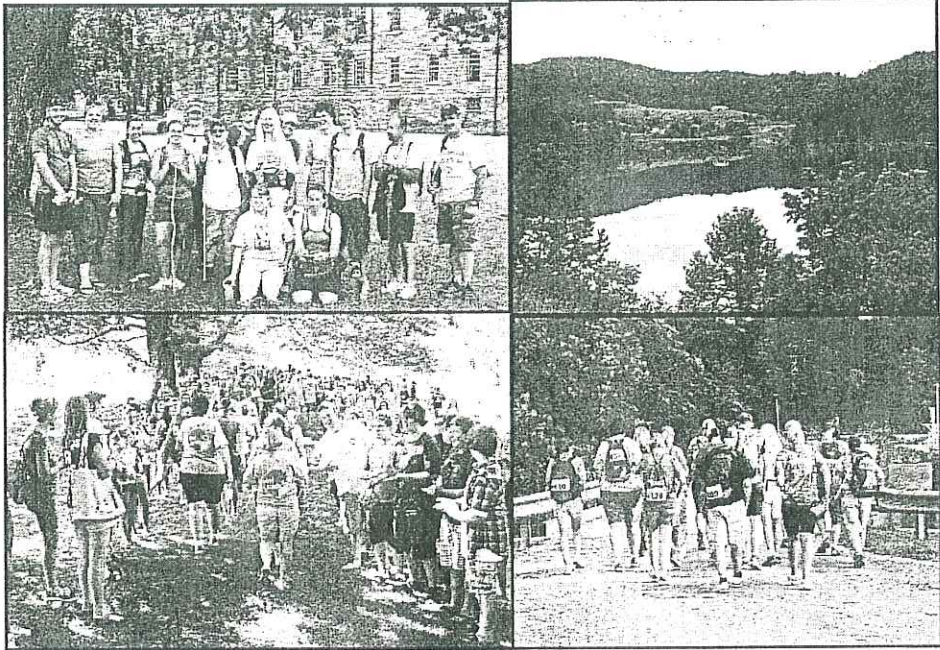


## Project Completion Award

To the members who "successfully completed their 2010 project with a blue or red ribbon", **Kathy Blue**, Chairperson of the Project Book Committee writes *"It was a pleasant time to chat with those we knew and those we did not. Every single person picking up their award was courteous! Wow, the manners were awesome. The 4-H'ers and their parents were appreciative of this incentive. Thanks.*



West Virginia  
the 4-H trail  
one incredible journey

West Virginia 4-H'ers and 4-H alumni made a three-day, 62-mile walk through the state to celebrate 90 years of 4-H heritage and history. The walk began on July 15 at Camp Good Luck in Randolph County, believed to be the home of the first 4-H camp in the state. The walk will wind through Kumbrabow State Park to Helvetia, through Upshur County, and into Lewis County, ended on July 17 in time for the kick-off of the Alpha II State 4-H Camp. Money raised will go toward the 4-H state camping program and renovations at WVU Jackson's Mill.

In this year's walk there were 20 walkers with **Jeff Yokum** acting as the walk coordinator. There were no walkers from Jefferson County. **James Grantham** was part of the crew supporting the walkers. The walk celebrated the 90th anniversary of Jackson's Mill.



Teen Force 4-H Club, Washington High School invites you to join them at Chick-fil-A in Ranson for Spirit Night on Thursday, **October 6th** from **5:30-7:30 p.m.** Bring a voucher (enclosed) and 15% of your purchase will be donated to Teen Force.



*Not only do you win, but the Cows win too!!!*

# JOIN THE REVOLUTION OF RESPONSIBILITY

What is the 4-H Revolution of Responsibility? It's a movement for positive change in every community in America. 4-H youth are a living breathing, culture-changing revolution for doing the right thing, breaking through obstacles and pushing our country forward by making a measurable difference right where they live. That takes uncommon commitment.

We want to hear how 4-H'ers are stepping up, leading positive change, and making an impact in their community.

Share with us your stories of inspiration, impact, and results. Please upload any related photo(s) with your form to help illustrate your story. Factor in a 10MB size limit when selecting photos to share. Also, if you have a video that tells your story, post it on YouTube and provide us with the link when you complete the online form.

[4-h.org/about/revolution/share-story/](http://4-h.org/about/revolution/share-story/)



Join us for Spirit Night  
 Thursday, October 6<sup>th</sup>, 2011  
 5:30 – 7:30 p.m.

BRING THIS VOUCHER TO THE EVENT & 15% OF  
 YOUR PURCHASE WILL BE DONATED TO THE WHS  
 4-H CLUB!



*Not only do you win, but the Cows win too!!!*



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*Not only do you win, but the Cows win too!!!*

# Jefferson County 4-H Club Food Fight



**Food Fight for our Community!** As winter approaches, the Community Ministries food items and personal hygiene products shelves have become bare.

**We challenge ALL Jefferson County 4-H Clubs to a Food Fight!** Bring your donated items to the Extension Office during the month of October and put your club's name on the delivery. We will take the donations to Community Ministries in Charles Town.

The Extension Office will keep track of the number of items received from each club. At the end of October, the club with the most items donated will be announced and treated to an Ice Cream Social by the Extension Office staff!!!!!!

Suggested items to donate, in addition to non-perishable food:

- 
- |                              |                                            |                         |
|------------------------------|--------------------------------------------|-------------------------|
| • Pancake Mix & Syrup        | • Dried Pasta or Rice                      | • Toilet Paper          |
| • Jelly                      | • Canned Meats                             | • Toothpaste            |
| • Cereal                     | • Tuna                                     | • Toothbrushes          |
| • Peanut Butter              | • Canned or Dried Beans & Peas             | • Bath soap             |
| • Canned Soups               | • Milk in Shelf-Stable Forms & Fruit Juice | • Deodorant             |
| • Canned Vegetables or Fruit | • Nutritious Breakfast Bars                | • Laundry detergent     |
| • Macaroni & Cheese          | • Cookies                                  | • Dish Detergent        |
| • Instant Oatmeal            |                                            | • Reusable Grocery Bags |

## Recipients of the 2011 James Staley Scholarship

This year's recipients are **Chelsea Hepner** of the **Jefferson County Saddle and Summit Point Busy Bees 4-H Clubs** and **Dan Meyers** of the **Shenandoah Mountaineers 4-H Club**. Congratulations to Chelsea and Dan. We wish both of these outstanding 4-H members and students success in their chosen field of study.



## Outspoken for 4-H Takes a New Route 2011 Outspoken for 4-H

Early in the morning on Thursday, June 16, an excited collection of 4-H members and volunteers gathered at the Mercer County 4-H Camp near Princeton, WV. The 20 bicyclists, each clad in a 4-H clover jersey, were ready to pedal the 250 miles from southeastern West Virginia to WVU Jackson's Mill. Over the next 4 days, they battled long hours on narrow bike seats and many hills, but the scenery was beautiful and the campers made it all worthwhile.



The new 2011 route led the participants from Princeton through Hinton, Union, White Sulphur Springs, Greenbank, Bartow, Durbin, Mill Creek, Beverly, Elkins, Buckhannon, and Weston. The ultimate destination was Older 4-H Member's Conference (OMC) at WVU Jackson's Mill, where they were greeted by hundreds of 4-H campers. Those 4-H members are always on the minds of the participants, as the campers directly benefit from the funds raised by this event. Thanks to the generosity of many loyal supporters, the 2011 event has raised approximately \$10,000 for 4-H related activities. Funds are still being accepted and donors can still give using the form found at the Outspoken for 4-H website [outspokenfor4h.ext.wvu.edu/](http://outspokenfor4h.ext.wvu.edu/).

The ride is supported by an incredibly patient and caring crew, but this ride is only made possible by the support from many volunteers, leaders, agents, and law enforcement units along the route. In addition to the much appreciated sponsorship of the WV 4-H All-Stars and the WVU Extension Service, the generosity of several individual sponsors allows the ride to send all the donated money directly to the 4-H program. The ride participants want to whole-heartedly thank everyone who donated time, money, and resources to make this event possible.

If you think that you can be Outspoken for 4-H and you want to prove it on the roads through West Virginia's hometowns, then you need to be at the starting line next June. Contact the ride coordinator, James Grantham, at [outspokenfor4h@gmail.com](mailto:outspokenfor4h@gmail.com) for more information.

### The riders were:

Jeff Brandenburg - Kearneysville, WV  
 Jason Burnside - Hepzidah, WV  
 Cindy Carr - Harman, WV  
 Ted Clements - Princeton, WV  
 Alex Dunaway - Washington, PA  
 Andy Evans - Kearneysville, WV  
 Emily Garton - Alexandria, VA  
 Lee Garton - Alexandria, VA  
 James Grantham - Middleway, WV  
 Alec James - New Manchester, WV  
 John Jett - Fairmont, WV  
 Seth Mitchell - Marlinton, WV  
 James Schulte - Wheeling, WV  
 James Simons - Jane Lew, WV  
 Chris Smith - Conover, NC  
 David Spiker - Jane Lew, WV  
 Scott Sudduth - Kearneysville, WV

Richard Talbott - Gerrardstown, WV  
 Cindy Woodbury - West Friendship, MD  
 Jeff Yokum - Washington, DC

### The crew members were:

Ricky Brandenburg - Frederick, MD  
 Susan Brandenburg - Kearneysville, WV  
 Ashley Brown - Princeton, WV  
 Patti Brown - Princeton, WV  
 Marilyn Dague - Moundsville, WV  
 Jordan Hayes - Fort Ashby, WV  
 Krista Jelt - Fairmont, WV  
 Barb Teter - Beverly, WV  
 Larel Teeter - Beverly, WV  
 Shay Teter - Beverly, WV  
 Carl Townsend - Wheeling, WV  
 Rhonda Walls - Athens, WV

# Meet Your Forester

*Come out for an evening with your local forester!*

Listen to, meet, and talk with state and consulting foresters about the services they provide to private woodland owners. Learn ways to make your woodland more productive, beginning with forest stewardship plans, cost share opportunities and more!

Featured speakers will be Ben Kunze, WV Landowner Assistance Forester, Dave Warner, private consulting forester, and Dr. Dave McGill, WVU Extension Forester.

This workshop will be held in the Jefferson County Public Services Building conference room next to the WVU Jefferson County Extension Office on October 17<sup>th</sup>. Registration will start at 6 p.m. and the program will begin at 6:30 p.m.

To RSVP and for directions, contact the Extension Office 304/728-7413 Ext. 0 Meg McCuen at (304) 293-5741

 West Virginia Woodland Welcome Wagon



# faith hope Pink Luncheon & Purse Auction

love courage

**October 9, 2011**  
Sunday, 1:00 p.m. to 4:00 p.m.

The Inn at Charles Town

**Tickets \$20**

Made payable to

Jefferson County Community Educational Service

To benefit The West Virginia Breast & Cervical Cancer Diagnostic & Treatment Fund

*If you are interested in purchasing a ticket please call 304/728-7413 or 304/725-0180 (Leave Message). Donations of purses or items for door prizes are welcome.*

## Tri-County 4-H Dance Group

Now Forming

Sunday, October 2 - 3-5 p.m.

Berkeley County Fairgrounds Exhibit Hall

Goals: Building friendships, exercise, leadership development & cultural heritage education. Open to any 4-H member, leader, volunteer, family member in the Tri-County area.

*Pam Lehr writes "Dancing is part of West Virginia's rich artistic heritage and culture and is an enjoyable healthy activity that most everyone can take part in." No previous dance knowledge is needed.*

*Participants should wear comfortable shoes, bring a water bottle and a snack to share. The group is also looking for musicians to come and participate.*

Contact Pam Lehr at  
304/263-9083 or  
pamlehr@frontier.com

## Dining with Diabetes Program



Extension Service  
West Virginia University



The WVU Jefferson County Extension Office will be offering a series of free classes at their office in the Jefferson County Public Services Building, 1948 Wiltshire Road, Suite 3, Kearneysville, WV on **Wednesday, November 2, 9, 16 & 30 from 5:30 to 8 p.m.**, with a follow-up class on **Wednesday February 1, 2012.**

Registration for this series of classes can be made by calling the WVU Jefferson County Extension Office at 304/728-7413 Ext. 0

## Strong Families Eat Together



Even though today's lifestyle makes family meals more difficult, multiple benefits to your family — especially to your children—make it worthwhile to arrange some meals together as a family every week.

Research continues to affirm that family mealtime builds strong

family bonds while having a positive influence on family communications, nutrition intake, new and old family traditions, childhood obesity, and character and social development.

If your family is not currently eating together regularly, make family meals a family priority. Begin small. Then, add one more family meal each week.

Keep it simple. Strive for healthy—not elaborate—meals. Start with a weekly calendar. Record all upcoming events of each family member and decide which meals—breakfast, lunch, dinner—can be family gatherings. Choose days during the week or on the weekend.

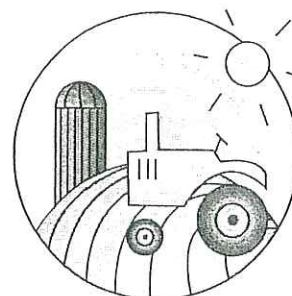
### *Ideas for planning your family mealtime:*

- ▶ Combine a family activity and a family meal. This might be dinner after a worship service or a simple picnic lunch during a family bike ride or walk.
  - ▶ Have family members take turns planning and preparing meals. Ask family members to work as teams and to include even young children.
  - ▶ To increase variety in meals, make it a family project to learn about and prepare a new vegetable or other food.
  - ▶ Have an indoor picnic or meal that reminds family members of a favorite family vacation or another pleasant event.
- Make the family meal a special project. Do a favor for a shut-in family member or friend. Prepare extra food and take a meal to that person or invite that person to join your family for the meal.
- ▶ Turn off the TV and take turns selecting background music. Also turn off cell phones and let the answering machine deal with the telemarketers that often call during mealtime.
  - ▶ Every once in a while, get out the good dishes you never use and eat by candlelight. Even the simplest meal is special on pretty dishes.

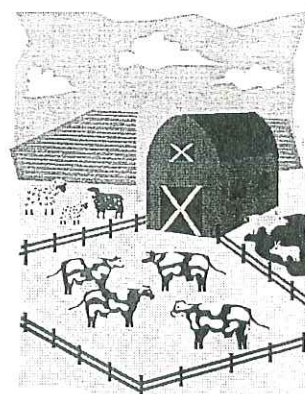


## WVU Jefferson County Agriculture Agent

Meet **Michael Harman**, candidate for the open position of Jefferson County's Agriculture & Natural Resources Extension agent on Wednesday, October 19th, 7 p.m. at the the WVU Jefferson County Extension Office.



## 2011 Dairy Poster Contest



Jean Woloshuk, Extension Specialist, 4-H Youth Agriculture reported that there were 118 4-H'ers submitting posters from 32 counties in the three age

categories. All posters were displayed over the show ring at the West Virginia Dairy Cattle Show and Festival August 13-16 at Jackson's Mill.

This year's Jefferson County participants were **Alex Owens, Robert Puster & Eleanor Puster** all members of the **Dolly Madison 4-H Club**.

***Great job to Alex, Robert & Eleanor.***



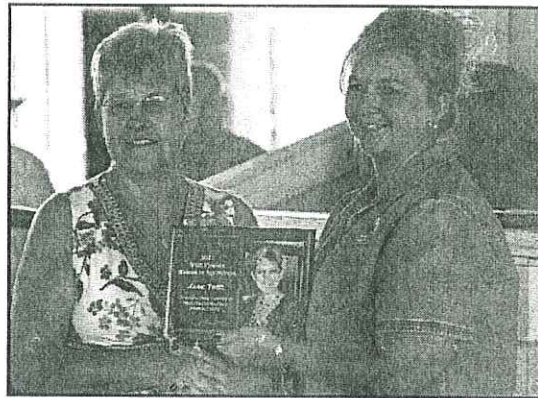
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# Congratulations to Jane Tabb Two Times!!!!



Jane Tabb of Jefferson County is one of four women chosen to be recognized by the WV Department of Agriculture as a "WV Woman in Agriculture" for 2011. This recognition program began in 2010 and the women are featured in the Gus R. Douglass Annex during the WV State Fair. Induction in the West Virginia Women in Agriculture is granted to those women who have made significant contributions to the agricultural industry. These contributions have aided in the establishment, development, advancement or improvement of West Virginia Agriculture, Forestry or Specialty Crops. This honor is bestowed on those women who live in West Virginia, have had a long tenured association and made outstanding, direct contributions to those industries. These women have demonstrated the highest standards of leadership and contribution on a local, state, and national level.

*Tracy Fitzsimmons of the West Virginia Department of Agriculture presenting the 2011 Outstanding Women in Agriculture award at this year's Jefferson County Fair.*



Because of Jane Tabb's energy, innovative thinking, and contributions to agriculture she is the recipient of the 2011 Gamma Sigma Delta Distinguished Service to Agriculture, Natural Resources, and Design Award.



*Jean Wolushuk, Extension Specialist, 4-H Youth & Agriculture presenting the 2011 Gamma Sigma Delta Distinguished Service to Agriculture, Natural Resources, and Design Award.*

Tabb is active on the family farm that was established in Jefferson County in the 1800's. They raise a variety of field crops, as well as, a 500 head Angus beef herd. Their recycling enterprise uses horse manure and wood, such as stumps, trees, building lumber and pallets. These materials are "recycled" into mulch, horse bedding, sifted top soil and compost. Being part of the DC metropolitan area has created unique opportunities for the farm to expand beyond traditional agriculture with a sustainable recycling enterprise, as well as a local market for beef cattle. Jane is also the founder of "Fresh Feast on the Farm", which is a unique dining experience highlighting delicious, locally produced foods served in beautiful farm settings throughout Jefferson County, West Virginia. Jane is currently a Program Assistant for the WVU Extension Service, and has also worked on the Jefferson County Farmland Protection Board; served on the West Virginia Association of Farmland Protection Board, the Economic Development Authority Board and served as a County Commissioner. Jane has consistently, over the years, been heavily involved in the Jefferson County Fair.

## Camp Frame Beef BBQ

The attendance at this year's BBQ was good! Thank you to those who helped and those who attended, the **Fincham Family** (see below) who started at 4:30 a.m. to burn wood to prepare the pit, other volunteers who helped wrap the meat, peel potatoes, cook the other food, wait the tables, and then the massive task washing of dishes and cleaning up. Additional thanks to the **Jefferson County Community Educational Service** members for their preparation help and providing the delicious desserts!

*Jenny Barron*



## Jefferson County 4-H Clubs Food Fight



# See page 7!

## Inside

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**CCA Board & Legislative Meeting**  
September 18-19, 2011  
Wheeling Island  
Ohio County, WV

Commissioners' Corner  
County Commissioners' Association of West Virginia

Cindy Pyles, President  
Mineral County Commissioner  
(304) 788-5921

Vivian Parsons  
Executive Director  
2309 Washington St., E  
Charleston, WV 25311  
(304) 345-4639  
Fax (304)346-3512  
E-Mail:  
info@ccawv.org  
www.ccawv.org

This is a monthly publication for county commissioners and their staff, Associate members and other interested parties.

## Lewis County Wins Thelma J. Stone Award...



WV State Auditor Glen Gainer, Commissioner's Agnes Queen, Pat Boyle, Tom Fealy

This years recipient of the Thelma J. Stone Memorial Achievement award is the Lewis County Commission.

Each year at the WV State Auditor's Annual In-Service Training for County Commissioners and Assistants, the State Auditor's office presents the achievement award to a county commission which exemplifies outstanding performance and extra ordinary achievement over the past year. The award

goes to a county commission which has superior leadership qualities and has demonstrated a willingness to work as a team in achieving their goals. Congratulations Lewis County on a job well done!

## Association Elects Leadership for 2011-2012...

The membership of the County Commissioners' Association met on August 8, 2011 and elected the following members to serve as the 2011-2012 Board of Directors for the Association:

### President:

Cindy Pyles, Mineral County

### Vice President:

Tim McCormick, Ohio County

### Immediate Past President:

Ron Watson, Harrison County

### Ex Officio Members:

Joe Coburn, Mercer County

### District 1:

**Chair:** Janice LaRue, Mineral County

Don Mason, Marshall County  
Bernie Kazienko, Brooke County  
Bernie Fazzini, Harrison County  
Scott Lemley, Wetzel County

### District 2:

**Chair:** Pat Boyle, Lewis County  
Jerry Linkinoggor, Clay County  
Mike Taylor, Randolph County  
J.R. Keplinger, Hardy County  
Donnie Tenney, Upshur County

### District 3:

**Chair:** Chuck Armentrout, Webster  
Mickey Brown, Boone County  
Nancy Cartmill, Cabell County  
Denise Scalph, Fayette County  
Jack Woodrum, Summers County

### 2011-2012 Legislative Committee:

**Chair:** Danny Greathouse, Hancock County  
Ron Watson, Harrison County  
Marty Bartz, Brooke County  
Cary Ellyson II, Braxton County  
J.C. Raffety, Upshur County  
Al Halstead, Boone County  
Gordon Lambert, McDowell County

## 2011-2012 CCA Board of Directors

### President

Cindy Pyles, Mineral (788-5921)

### Vice-President

Tim McCormick, Ohio (234-3628)

### Immediate Past President

Ron Watson, Harrison (624-8500)

### Ex Officio Members

Joe Coburn, Mercer (487-8306)

### District 1-- Western Division

Don Mason, Marshall (845-0482)  
Bernie Kazienko, Brooke (737-4024)  
Scott Lemley, Wetzel (455-8217)

### District 1 -- Eastern Division

Chair: Janice LaRue, Mineral (788-5921)  
Bernie Fazzini, Harrison (624-8500)

### District 2 -- Western Division

Chair: Pat Boyle, Lewis (269-8200)  
Jerry Linkinoggor, Clay (587-4259)

### District 2 -- Eastern Division

Mike Taylor, Randolph (636-2057)  
J.R. Keplinger, Hardy (530-0284)  
Donnie Tenney, Upshur (472-0535)

### District 3 -- Western Division

Mickey Brown, Boone (369-1561)  
Nancy Cartmill, Cabell (526-8634)

### District 3 -- Eastern Division

Chair: Chuck Armentrout, Webster  
(847-5780)  
Jack Woodrum, Summers (466-7100)  
Denise Scalp, Fayette (574-4290)

### County Commissioners' Association of WV

2309 Washington Street East  
Charleston, WV 25311  
(304) 345-4639  
info@ccawv.org

Vivian Parsons, Executive Director  
Jennifer Webb, Admin. Assistant

## President's Perspective

by Cindy Pyles, CCAWV President

My fellow commissioners, you have elected me to lead this association. I do not take this position lightly. Having a strong, knowledgeable Vice-President, Tim McCormick, will help me to lead the association in the right direction for our future.



Since first being elected county commissioner in 2000, I have witnessed great change in all avenues of the job. I urge commissioners to continue educating themselves by attending our annual meetings, our board meetings and the regional roundtable meetings when the director comes to your area.

If at all possible, during the legislative session, spend time at the capitol. Attend the 11:00 a.m. floor sessions and the morning and afternoon committee meetings. Doing this will help you to understand the legislative process and get to know legislators who do not directly represent you, but have a dog in the fight. It is going to be a GREAT year!!!!

## Director's Discussion...

By Vivian Parsons, Executive Director

Another annual meeting come and gone...and by most accounts, a successful combination of education and fun! We heard many interesting presentations, not always what we wanted to hear, but certainly what we needed to know. For example, the presentation from James Driver regarding "IRS Regulations and How They Affect County Government, was eye opening and caused quite a stir!" Also, during the conference, it was quite a privilege to have the **National Association of Counties President, Lenny Elliason**, spend a couple of days visiting with us and exchanging ideas.



Congratulations to the **Lewis County Commission** on receiving the "Thelma J. Stone Memorial Achievement Award, given each year by the WV State Auditor's office for outstanding achievement and cooperation.

Also, congratulations to **Clay County Commissioner, Jerry Linkinoggor**. Jerry was named by the CCAWV Board of Directors, as the CCAWV Rising Star 2011. This award is given annually, to an outstanding Association member who has demonstrated devotion to the office of County Commissioner, who is an advocate for the ideals and goals of the County Commissioners' Association, who exhibits strong leadership characteristics, visionary thinking, constructive communication skills and has given outstanding service to both their county and CCAWV. Jerry was later elected by his peers to serve on the CCAWV Board.



(Continued on Page 3)



## Guest Commentary

*Jean Ambrose, Program Coordinator, WV Civics Literacy Council*

As community leaders, county commissioners have many opportunities to be role models of active citizenship. Commissioners can also take advantage of “teachable moments” and provide citizens with a deeper understanding of what democracy means. An example of such a teachable moment occurs with two anniversaries in September—the 10<sup>th</sup> anniversary of the 9/11 terrorist attack on the World Trade Center and September 17, the 224<sup>th</sup> anniversary of the signing of the United States Constitution which established the rules we would use to live together in the new nation of the United States.



No American can forget the shock of the 9/11 attack or fail to remember the thousands of lives cut short. At the same time we remember the cruel injustice of lives cut tragically short, however, we also honor those first responders and others who made the choice to save their fellow citizens and ran into the buildings rather than away from them. How do we explain the ability of so many men and women to resist the biological imperative to save oneself and instead run into great danger?

Our Founding Fathers would have recognized that ability and would find that such selfless, community-minded actions matched their vision for what our country would become. For more than 200 years, the Constitution has defined the parameters of the kind of nation we want to be, the kind of communities we want to live in, the kind of people we want our children to be when they grow up. A committee of only five men drafted the Constitution back in 1787, but this brief document has been used since its creation as a model for new democracies around the globe, and is recognized as one of civilization’s greatest collective accomplishments of the human mind.

When emotions run high, our system of laws is needed more than ever. The WV Civics Literacy Council is a coalition dedicated to promoting civic education in West Virginia – and encouraging all parts of the community to participate in developing new generations of active, “civically” literate citizens. Join with the Council and lead the citizens of your county in exercising our democratic citizenship in September. Let’s fly the flag on September 11 to remind ourselves of our solidarity as a people under the Constitution. Read the Preamble and the Bill of Rights at your commission meeting, with your family, your co-workers, your faith community, and your friends. Provide an example and encourage citizens of your county do something this month to serve your fellow Americans because it is what our forebears would expect of us.

### Director’s Discussion

(Continued from page 2)

A new addition to the program this year was our “**District Directors’ Discussions.**” This is an effort by our board to have closer communication with the members in their districts. It is time set aside for individual districts to discuss association issues, board actions, legislative ideas, and regional problems. From the evaluation feedback, it was a productive, worthwhile effort and we intend to build on it! We’ll likely have a similar session at the February Legislative Conference.

Next on the Association agenda is the fall board meeting (September 18-19) where we will adopt our legislative agenda for the 2012 session. And then I’ll start to plan our “**Regional Roundtables!**” We will have 8 meetings around the state, and as soon as I line up the host counties, I’ll send more information...be watching for it! I look forward to visiting with everyone. Hope you had a great Labor Day weekend!

### CCAWV Calendar of Events



**September 18-19, 2011**

Fall Board Meeting  
Wheeling Island Hotel

**September 26-27, 2011**  
WVCoRP Annual Meeting  
Bridgeport, WV

**October 11-13, 2011**  
Interims  
Charleston, WV

**November 14-16, 2011**  
Interims  
Charleston, WV

**December 12-14, 2011**  
Interims  
Charleston, WV

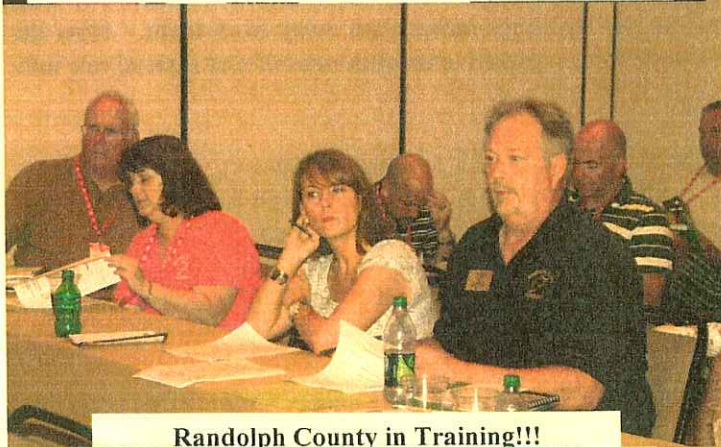
# Annual Meeting 2011 Pics



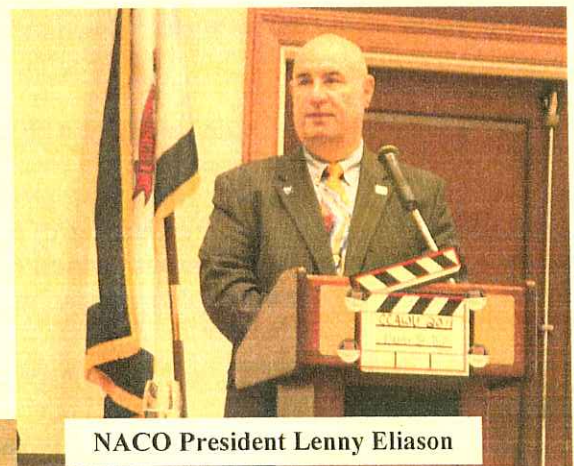
2010-2011 CCAWV Board of Directors



WV Counties Risk Pool Members



Randolph County in Training!!!



NACO President Lenny Eliason



Chris See Best Costume Award Winner!



Lewis County Commission Early Bird Award Winners!!!



Fayette County Commission looking Good!!!



Cindy Pyles & Janice LaRue looking Glam!!!



West Virginia University

Extension Service

**Woodlot Management Workshop:** Monday, October 17

**Candidate for the Jefferson County Ag and Natural Resources Extension Agent:** Wednesday, October 19, 7:00 p.m.

Two events of interest to the local agriculture community will be held October 17 and October 19.

A flyer about the woodlot management workshop, "Meet Your Forester" is attached. Learn about the services that state and consulting foresters can provide to private woodland owners. The workshop will be held at the Jefferson County WVU Extension Office, 1948 Wiltshire Road, Kearneysville, WV. To RSVP and for directions, contact Meg McCuen at (304) 293-5741 or the Jefferson County WVU Extension office at 304-728-7413.

Michael Harman, the candidate for the Jefferson County Ag and Natural Resources Extension Agent position will make a presentation Wednesday, October 19 at 7:00 p.m. also at the WVU Jefferson County Extension Office. This will be your opportunity to hear his presentation and ask questions if you like.

For further information contact the WVU Jefferson County Extension Office at 304-728-7413 or Extension Agent Judy Matlick at [Judy.Matlick@mail.wvu.edu](mailto:Judy.Matlick@mail.wvu.edu).

Hope to see you at these events.

Sincerely,

Judy Matlick  
Extension Agent  
Associate Professor

*Cooperative  
Extension Service*

The West Virginia  
University Cooperative  
Extension Service,  
U. S. Department  
of Agriculture,  
West Virginia County  
Boards of Education and  
County Commissions  
Cooperating

Phone: 304 728-7413  
Fax: 304 728-4101  
[www.ext.wvu.edu](http://www.ext.wvu.edu)

**Jefferson County Extension Office**

1948 Wiltshire Road  
Suite 3  
Kearneysville WV 25430

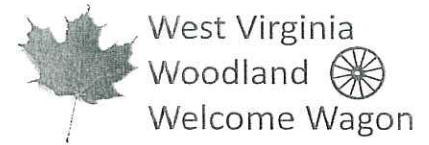
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SEP 23 2011

**Jefferson County Commission**



# Meet Your Forester!



## Come out for an evening with your local forester!

Listen to, meet, and talk with state and consulting foresters about the services they provide to private woodland owners. Learn ways to make your woodland more productive, beginning with forest stewardship plans, cost share opportunities and more!

Featured speakers will be Ben Kunze, WV Landowner Assistance Forester, Dave Warner, private consulting forester, and Dr. Dave McGill, WVU Extension Forester.

This workshop will be held at the Jefferson County Public Services Building, Bardane (Conference Room next to the WVU Jefferson County Extension Office) on October 17<sup>th</sup>. Registration will start at 6:00p.m. and the program will begin at 6:30p.m.

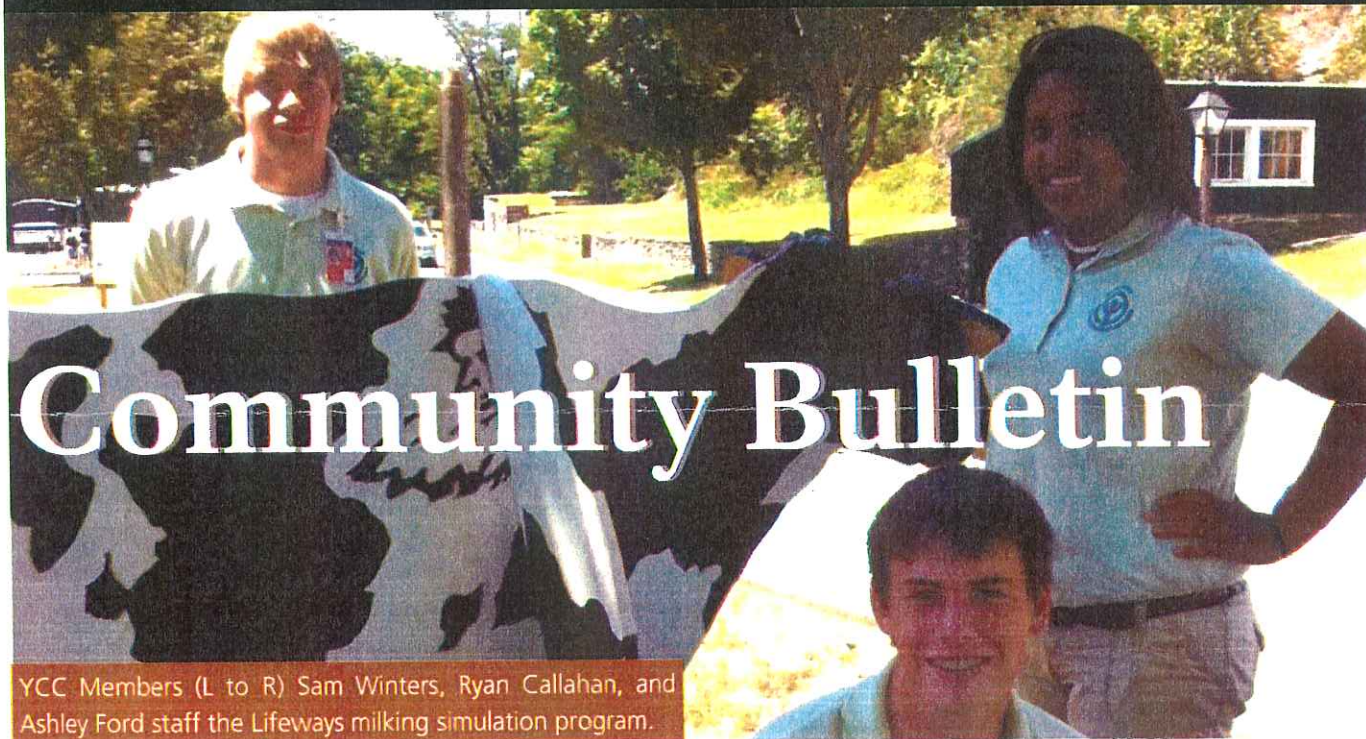
To RSVP and for directions, call Meg McCuen at (304) 293-5741 or the WVU Jefferson County Extension Office (304) 728-7413 Ext. 0

### Program Agenda:

- 6:00 p.m.      Arrival: Register, meet & greet
- 6:30 p.m.      **Introduction/ WV Woodlands**  
Megan McCuen—Coordinator, WV Woodlands Welcome Wagon
- 7:00 p.m.      **WV Woodland Owners and their role in sustainable forestry**  
Dave McGill—Professor/Extension Specialist—WVU Extension Service
- 7:25 p.m.      *Stretch break/water*
- 7:30 p.m.      **Consulting foresters—Service to private landowners**  
Consulting Forester
- 8:00 p.m.      **Forest Stewardship Program—Planning and practices**  
WVDOF Landowner Assistance Forester
- 8:30 p.m.      Refreshments/Mingle with foresters

Extension Service  
West Virginia University





YCC Members (L to R) Sam Winters, Ryan Callahan, and Ashley Ford staff the Lifeways milking simulation program.

This summer 16 students from West Virginia, Pennsylvania, and Maryland were chosen to participate in Harpers Ferry National Historical Park's Youth Conservation Corps (YCC) Program, working in the Facility Management, Education, Living History and Visitor Services areas.

This year's YCC members included Facility Management Division: Mikhayla Combs, Jefferson High School; Shykeyia Grantham, Jefferson High School; John Bryant, Jefferson High School; and Mateo Peduzzi, Washington High School; Education Division: Ryan Callahan, Hedgesville High School; Ashley Ford, Jefferson High School; Zoe Poindexter, Jefferson High School; and Sam Winters, Jefferson High School; Living History Division: Sarah Fedorchak, Saint Maria Goretti

High School; Anna Stafford, Jefferson High School; Gabriel Davis, Washington High School; Dante Price, Jefferson High School; Elizabeth Conant, Shepherd University; and Zachary Fisher, Washington High School; Visitor Services Division: Rebecca Dunning, Washington County Technical High School; and Patrick Hill, Simon Gratz High School.

The Facility Management YCC members worked on a wide variety of projects, including shoveling and spreading mulch and decorative stone, maintaining park buses, laying weed block, and cleaning bathrooms.

Mateo Peduzzi said that he took away some important lessons from the experience. He observed, "If you want to have a job and get

money, you need to sacrifice some of the things you like to do. Also, you need to wake up early!" He also added, "Don't buy food out everyday."

John Bryant said the environment and the atmosphere of a friendly, clean, and well run park attracted him to apply to the YCC program at Harpers Ferry. He said having good coworkers and supervisors was his favorite part of the experience.

Mikhayla Combs learned to always work hard and to do pretty work. Combs also commented that being out in the heat was a challenge, but said that she got used to it after a while. Shykeyia Grantham said the biggest challenge for her was doing the trail walk, but that she was able to adjust.

For YCC member Sarah Fedorchak, it was family ties that attracted her to apply for the position. Her father currently works for the NPS and her mother used to. She thought it would be fun to try it out. Fedorchak has learned a lot about the Civil War as well as good interpreting skills. Her favorite part of the job was dressing up in period clothing and interpreting to the public.

Gabriel Davis' favorite part of his job with YCC was talking to the friendly people. Davis commented that the heat was a challenge, but he soon got used to it. He said that he has developed social skills during his time at the park.

Dante Price was attracted to apply for YCC by the Harpers Ferry Middle School Vodcast Project. The most interesting part of his time this summer was speaking to people from foreign countries. He stayed busy doing a wide variety of things, including firing cannons and shooting guns. He said his social skills have vastly improved.

Elizabeth "Beth" Conant, who is studying at Shepherd University this fall, said, "I have always been interested in history, and this was a unique opportunity to dress in period clothing." She most enjoyed the period cooking. Conant hopes to be a history teacher some day, and sees her work learning how to relate history to the public as immensely helpful in her attaining this goal.

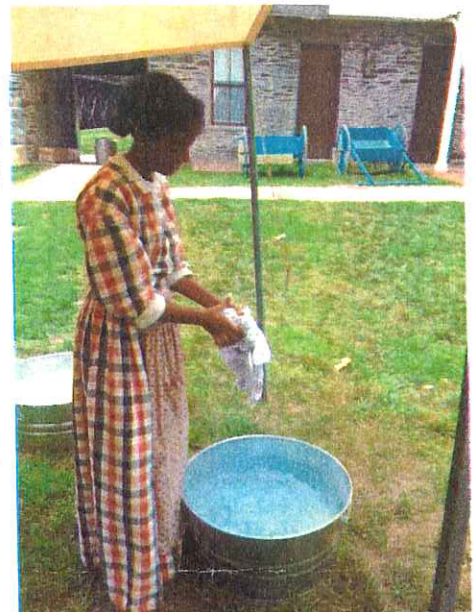
Ryan Callahan, who served as the work leader for the Education branch YCCs this summer, said that his favorite part of YCC was doing something he loves to do. He said he has learned a lot about Civil

War medicine and numerous other programs.

Ashley Ford, who also worked with the Education branch on family and youth programs, said, "I learned a lot more about the history of Harpers Ferry." Her biggest challenge was speaking to the visitors that came to the programs, but said that she improved more each day. She also sees the people skills part of the job as directly related to her future career skills.

Zoe Poindexter enjoyed meeting new people, learning different things, and being outdoors during her work with YCC. She also assisted with the Park's Family and Youth programs this summer. Her biggest challenge was actually having the knowledge and being able to confidently interpret to visitors. She commented that her people skills have improved and hopes that her new knowledge will help her ace her AP History class.

Education YCC Samuel Winters also said that talking to people on a daily basis was a challenge, but that he had great support from his Su-



YCC Member Zoe Poindexter wrings out wash during a program in lower town.

pervisor, Park Ranger Polly Root. Winters said that he hopes to come back next summer.

The artillery weekend was a highlight of the YCC experience for Zachary Fisher. He said he has learned how to interest visitors as well as what is expected of him. Fisher added, "I love Harpers Ferry and all the beauty and history in it."



Living History YCC Members (L to R) Gabriel Davis, Zachary Fisher, and Dante Price



Visitor Services YCC Members (L to R) Rebecca Dunning and Patrick Hill orient visitors at the Cavalier Heights Visitor Center.



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 an event, one date, or one individual. It is multilayered, 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  
304-535-6881

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.

Interested in Volunteering at Harpers Ferry NHP? Call 304-535-5017 or visit our website.

Anna Stafford was attracted to apply for YCC because she thought it would be fun and the good pay and good hours were also attractive. She has most enjoyed her time working in the period garden this summer. She said one of the challenges she faced was learning lots of information in a short amount of time. She said she learned a lot over the course of the summer, including military drills, how to talk to visitors, and how to set up and take down exterior exhibits.

Patrick Hill, hailing from Philadelphia, PA, spent his summer working with the park Visitor Services branch. Hill said that the opportunity to meet so many people and work in a National Park attracted him to the program. Hill added, "I really enjoyed working here for the summer, so thank you. It was my pleasure."

Rebecca Dunning greeted and oriented park visitors this summer, "So they could enjoy the park to its fullest potential," as she put it. She said that the YCC program was recommended to her by a friend who worked for YCC a previous summer. Dunning's favorite part of

the experience was working with other YCC members and park staff members. While Dunning said that she found her biggest challenge to be coming out of her shell and talking to people. She said she was eventually able to open up and "Turn it on," as she said Park Ranger David Fox calls it.

Interested YCC candidates should check the park's website for an application and further details, beginning in late March, 2012.



YCC Members (L to R) Anna Stafford and Sarah Fedorchak present a period plant at the National Capital Region Youth Expo at the Anacostia Park Skating Pavilion in Washington, D.C.



# Community Bulletin



## 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)

#### 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 and Family & Youth Tent open

10:30 a.m. - 11:30 a.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

11:30 a.m. - 12:30 p.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

12:00 p.m. - 1:00 p.m. Wildcat Band Concert

12:30 p.m. - 1:30 p.m. War on the Border: The 1861 Battle of Bolivar Heights Ranger-guided program

1:00 p.m. - 2:00 p.m. *West Virginia and the Civil War: Mountaineers Are Always Free* by Mark A. Snell

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

2:30 p.m. - 3:30 p.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

3:00 p.m. - 4:00 p.m. *Trembling in the Balance: The Chesapeake and Ohio Canal During the Civil War* by Timothy Snyder

3:30 p.m. - 4:30 p.m. War on the Border: The 1861 Battle of Bolivar Heights Ranger-guided program

4:00 p.m. - 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 and Family & Youth Tent open

10:30 a.m. - 11:30 a.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

11:00 a.m. - 11:30 a.m. USPS Anniversary Cancellation Station Opening with Postmaster Karen Brady & remarks by Mayor Hardy

continued from page 1

11:30 a.m. - 12:30 p.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

12:30 p.m. - 1:30 p.m. Songs of the Civil War Greg Artzner & Terry Leonino

12:30 p.m. - 1:30 p.m. War on the Border: The 1861 Battle of Bolivar Heights Ranger-guided program

1:00 p.m. - 2:00 p.m. Home Front Musicians: The Gallant 28th NY

2:00 p.m. - 3:00 p.m. Small Arms Firing Demonstration

2:30 p.m. - 3:30 p.m. In the Shadow of John Brown: The 1861 Battle of Bolivar Heights Ranger-guided program

3:00 p.m. - 4:00 p.m. *Trembling in the Balance: The Chesapeake and Ohio Canal During the Civil War* by Timothy Snyder

3:30 p.m. - 4:30 p.m. War on the Border: The 1861 Battle of Bolivar Heights Ranger-guided program

4:00 p.m. - 5:00 p.m. Home Front Musicians: The Gallant 28th NY

## Upcoming Events

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.

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 pm

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.


## Trail Committee Produces Hiking Maps

Harpers Ferry NHP’s Trails Advisory Committee (TAC) recently completed production of a series of hiking trail maps for all areas of the park. The project was initiated due to high visitor demand for trail information. Existing trail maps had been produced over a number of years and by a number of different sources. A key goal of the committee was to update the information while achieving uniformity with all trail maps.

Seven individual trail maps and two larger overview maps are now available for visitors and park staff. The maps were created using ArcMap software and the park’s Geographic Information Systems (GIS) data. In addition to the trail routes, the data layers include the park’s boundary, lands tracts, roads, topography, streams, and buildings.

Comprised of members from the Divisions of Resource Management, Interpretation & Visitor Services, and Facilities Management, the TAC was able to utilize diverse perspectives to come up with a useful and accurate set of maps. The TAC will be closely monitoring visitor comments on the new maps and will re-evaluate them at the end November.

These maps can be seen on the park website at <http://www.nps.gov/hafe/planyourvisit/hikes.htm>



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.

For additional information about the park and park activities log on to [www.nps.gov/hafe](http://www.nps.gov/hafe) or call 304-535-6029



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west virginia department of environmental protection

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Division of Water and Waste Management  
HC 63 Box 2545  
Romney, WV 26757  
(304) 822-7266

Earl Ray Tomblin, Governor  
Randy C. Huffman, Cabinet Secretary  
dep.wv.gov

Patsy Noland  
President, Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414

Dear Ms. Noland,

As a result of recent work to plan the implementation of the Chesapeake Bay Total Maximum Daily Load (TMDL) in West Virginia, I respectfully request that the Jefferson County Commission consider enhancing its stormwater regulations, either within the subdivision ordinance or in a new stormwater management ordinance. Adding a section on managing water *quality* to the requirements already in place to manage water *quantity* would help West Virginia to achieve our goal for developed lands, outlined in the Phase I Watershed Implementation Plan (WIP).

In the WIP, which became part of the Bay TMDL in December 2010, we proposed to hold constant these lands' contributions of nutrients and sediment to the Chesapeake Bay, even in light of expected new development, between 2010 and 2025. Essential to this strategy is the fact that entities covered under West Virginia's Municipal Separate Storm Sewer System (MS4) permit require new development and re-development to manage the first one-inch (or better) of rainfall on site. Charles Town, Ranson, and Shepherdstown are anticipated to be covered by the MS4 permit in the near future, and their resulting stormwater regulations could influence growth patterns by driving new development into the surrounding non-MS4 areas of Jefferson County. It was suggested by local stakeholders during monthly meetings this summer that this type of sprawl could be discouraged if the County Commission voluntarily adopts a similar "1-inch capture" requirement.

We believe that requiring stormwater to be managed on-site has additional benefits to communities. Many of the practices developers and engineers use to achieve this goal involve plants, swales, and other "green infrastructure" elements that bring nature into living and working spaces and reduce the need for large pipes and expanses of pavement. West Virginia has a spreadsheet calculator to help engineers determine the size and number of practices necessary to manage the first inch of rainfall on a given proposed development. Other resources and trainings can also be made available to ease Jefferson County's transition into this new paradigm.

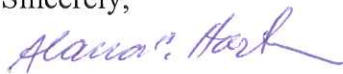
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SEP 23 2011

Finally, we have funding available from the US EPA's Chesapeake Bay Regulatory and Accountability Program, requiring 25% local match, to take actions to increase accountability and ensure that West Virginia's WIP goals will be met. We are committed to making some of those funds available to local governments like Jefferson County Commission, to enable you to hire a consultant or use staff time to examine and revise local ordinances according to the WIP recommendations, if you decide to pursue such efforts.

I am enclosing a template for the type of proposal needed to access those funds. Please note that the workplan and budget would have to be approved by EPA. The timeline would ideally be this fall through June 30, 2012, but an extension is negotiable. We look forward to hearing from you if you need any assistance or clarification following this correspondence.

Sincerely,

A handwritten signature in blue ink that reads "Alana Hartman". The signature is cursive and includes a long horizontal flourish at the end.

Alana Hartman, Potomac Basin Coordinator

Cc: Scott Mandirola, Director, DWWM

**Updated December 2010**  
**WORK PLAN CONTENT TEMPLATE**

*(Please use the template below for all assistance agreement work plans).*

**Name of Organization & Appropriate Program Grant Title**

*Fill in.*

**Introduction**

*Refer to Section C "Work plan" of the main guidance document for specific information to be included in introduction, depending on type of assistance agreement (e.g. 117(d) - Technical and General Assistance Grants; 117(e)(1)(B) Monitoring Grants to Jurisdictions; 117(e)(1)(A) - Implementation Grants to Jurisdictions, and 117(g)(2) – Technical and General Assistance Grants under the Small Watershed Program).*

**Work Plan Objective/Project Descriptions**

*This section includes tabular descriptions of all objectives/projects which are complementary components of this comprehensive work plan. For work plans with multiple objectives, complete a separate table for each objective.*

| <b>Objective #X</b>                                     | <b>Objective/Project Title</b>                                                                                                                                                                                                                                         | <b>Budget for this Objective:</b> | <i>Total: \$xxx<br/>EPA Share: \$xxx<br/>Non Federal Share: \$xxx</i> |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|-----------------------------------------------------------------------|
| <b>Narrative Summary of Outputs for this Objective:</b> | Xxxxxxx                                                                                                                                                                                                                                                                |                                   |                                                                       |
| <b>Description of Objective:</b>                        | <i>Answer these questions.</i><br>1) <i>What is the ultimate goal of the project?</i><br>2) <i>What will be accomplished during the current grant cycle?</i><br>3) <i>If a multi-year project, what has been completed in previous years? Is the project on track?</i> |                                   |                                                                       |
| <b>Tasks Under this Objective:</b>                      | 1. xxx<br>2. xxx<br>3. etc.                                                                                                                                                                                                                                            |                                   |                                                                       |

|                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Specific Outputs for this Objective</b><br/> <i>The extent that outputs are accomplished will serve as the EPA Evaluative Criteria for this project/program.</i></p> | <p><u>Programmatic</u></p> <ul style="list-style-type: none"> <li>• <i>xxx (e.g. # acres of BMP installed; # of roundtables/workshops held; # of brochures created)</i></li> <li>• <i>xxx</i></li> </ul> <p><b><u>For nutrient and sediment controls, report outputs in format that CBP can translate into pounds reduced, see Attachment 6. (This can be done annually).</u></b></p> <p><u>Administrative</u></p> <ul style="list-style-type: none"> <li>• <i>xxx (e.g. Semi-annual report of accomplishments submitted to EPA; NPS BMP and Point Source data submitted to CBP (if applicable)).</i></li> <li>• <i>Xxx</i></li> </ul> <p><b><u>(Note: Provide a comprehensive list of all programmatic and administrative deliverables in Work Plan with expected due dates).</u></b></p> |
| <p><b>Outcomes for this Objective:</b><br/> <b>(Refer to Attachment 3)</b></p>                                                                                             | <p><u>Chesapeake 2000 Commitment:</u><br/> <u>Chesapeake Action Plan Goal:</u><br/> <u>Chesapeake Action Plan Topic Area:</u><br/> <u>Chesapeake Action Plan Activity Category</u></p> <p><b><u>(Note: Refer to Outcome lists in Attachment 3 for C2K Commitments, CAP Goals, Topic Areas, and Activity Categories.)</u></b></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
| <p><b>Link to EPA’s Strategic Plan</b><br/> <i>(all funding issued by EPA CBPO falls under this strategic link)</i><br/> <i>(This is pre-populated info)</i></p>           | <p><u>EPA Strategic Plan Goal</u><br/>         Goal 4: Healthy Communities and Ecosystems<br/> <u>EPA Strategic Plan Objective</u><br/>         4.3: Ecosystems<br/> <u>EPA Strategic Plan Sub-objective</u><br/>         4.3.4: Improve Aquatic Health of the Chesapeake Bay</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |

|                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Link to Priority Practices and/or Priority Watersheds</b></p>                                                       | <p><b><u>Please include the following, as applicable:</u></b></p> <p><b>Priority Practice(s)</b></p> <p>1.) Which priority practice(s) will be implemented in this objective?</p> <p>2.) Please provide a short justification as to why the practice(s) is a priority for the location it is to be implemented.</p> <p>3.) Which priority strategy(s) will be implemented in this objective?<br/> <i>(Note: Refer to your state’s specific Watershed Implementation Plans for this information.)</i></p> <p><b>Priority Watershed</b></p> <p>1.) Which priority watershed will be addressed by this objective?</p> <p>2.) Watershed considered priority by (please check one):</p> <p>___ COAST <a href="http://chesapeake.usgs.gov/coast/index.html">http://chesapeake.usgs.gov/coast/index.html</a></p> <p>___ SPARROW <a href="http://www.chesapeakebay.net/recoverinvest.aspx?menuitem=34712">http://www.chesapeakebay.net/recoverinvest.aspx?menuitem=34712</a></p> <p>___ USDA Core 4</p> <p>___ Other (please include a short justification as to why this watershed is considered a priority)</p> <p>3.) Which priority strategy(s) will be implemented in this objective?<br/> <i>(Note: Refer to your state’s specific Watershed Implementation Plans for this information.)</i></p> |
| <p><b>Progress for this Objective</b><br/> <i>(to be completed and submitted to the PO with each progress report)</i></p> | <p><i>This section will be left blank in the work plan but will be completed for the progress reports. Please indicate the percentage of the objective completion in this section.</i></p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |

**Budget Detail:** Provide a breakdown of all objectives/projects and costs by budget category. This breakdown should include the calculation for the Administrative Cap.

**Summary of Staff Funded:** Provide a list of all staff funded either with federal or matching funds that support the objectives/projects listed in the Work Plan.

**WORK PLAN CONTENT TEMPLATE  
EXAMPLE 1**

**(for Section 117(e)(1) (A) - Chesapeake Bay Implementation Grants to States/Signatory Jurisdictions or Section 117(d) - Headwater State Grants)**

**Name of Organization & Appropriate Program Grant Title**

MD Dept of Natural Resources; FFY2009-2011 MD Chesapeake Bay Implementation Grant

**Introduction**

Includes a narrative identifying all state and federal funding programs used to address nutrient related activities within the Chesapeake Bay Watershed, and the linkages between these funding sources and the objectives/projects funded through the Implementation Grant. This narrative identifies the state and federal point and non-point source programs that are available to fund the jurisdiction's nutrient and sediment reduction efforts and explains how each program is used to address tributary strategy activities. Examples of state and federal programs include, but are not limited to: (1) Clean Water Act, Section 319, Section 104(b)(3) or 106; (2) State Revolving Funds, (3) USDA EQIP and Conservation Reserve (CRP) Programs, (4) State Conservation Reserve Enhancement Program (CREP), and (5) Coastal Zone Management Act Amendments, Section 6217.

**Focus is on those objectives/projects that achieve the goals and milestones contained in both the Chesapeake 2000 agreement and the tributary strategy.** For outcomes related to tributary strategies, please include estimates of reductions in nutrient loads resulting from their implementation, where appropriate. Additionally, each objective/project outcome must link to the specific Chesapeake 2000 commitment(s) being achieved and the amount of funds being allocated to them. If the Work plan contains long term objectives/projects that exceed one grant cycle, additional information is required. The applicant must provide information on what will be accomplished during the current grant cycle, if the objective/project is on track, the ultimate goal of the objective/project and what has been completed in previous years. It is encouraged that progress on previous objectives/projects be provided in table form, if applicable.

**Work Plan Objective/Project Descriptions**

|                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                   |                                                                  |
|---------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|------------------------------------------------------------------|
| <b>Objective #4</b>                                     | Special Rivers Project                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | <b>Budget for this Objective:</b> | Total: \$ 430,000<br>EPA: \$215,000<br>Non-Federal:<br>\$215,000 |
| <b>Narrative Summary of Outputs for this Objective:</b> | <p>This project will fund supplies, travel expenses, equipment, contractual costs, postage, phone/internet and conference expenses and the federally funded positions of Forester I, Forestry Manager I (2), and Forestry Manager II.</p> <p>The main goal of the Special Rivers Project (SRP) is to improve water quality and enhance living resource habitat by encouraging the restoration, enhancement, and management of forests. The Special Rivers Project has four focus watershed areas, Susquehanna Area, Monocacy Area, Anacostia watershed, and Town Creek watershed, which cover two areas in Maryland with greatest opportunity and need for riparian forest buffers, an urban forestry effort, and a community-based forest</p> |                                   |                                                                  |

|                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                         | <p>ecosystem management effort, respectively. The SRP helps meet fundamental needs for expanding and maintaining forest cover in these watersheds. Deliverables include 7.7 miles of riparian forest buffers, 2,200+ acres of forest stewardship plans to encourage healthy forests retained on the landscape, monitoring, maintenance, and restoration technique development at a demonstration area, and volunteer tree plantings (buffers, urban tree canopy, and other) and other education efforts to reach 3000+ people.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <p><b>Description of Objective:</b></p> | <p>1) <i>The ultimate goal of the Special Rivers Project</i> is to improve water quality and habitat in the focus watersheds, contributing to the restoration of the Chesapeake Bay. Forests provide the greatest level of benefits for water quality and habitat of any major land use, and are critical to sustaining and restoring watershed health. This project continues to emphasize forest buffer plantings and landowner management plans, directly through restoration and indirectly through improving restoration techniques and maintenance strategies and offering education on forests and benefits. The long-term goal for riparian forest buffers is 70% of stream miles buffered.</p> <p>2) <i>The current grant cycle will accomplish</i> 7.7 miles of riparian forest buffers, 2,200+ acres of forest stewardship plans to encourage responsible management and retention of forest lands, maintenance and monitoring of riparian forest buffer demonstration plantings, and educational programs reaching over 3000+ people.</p> <p>3) <i>If a multi-year project, what has been completed in previous years?</i> Since 1983, the Maryland DNR-Forest Service SRP has used Chesapeake Bay Implementation Grant monies to fund activities focused on establishing riparian forest buffers to improve water quality and developing management plans for private forest landowners in the Susquehanna area, Monocacy area, Anacostia, and Town Creek watersheds. The SRP has assisted with over 7,975 acres of forest buffers, created forest stewardship plans for over 84,776 acres, and presented forest benefits information to over 70,888 people since inception.</p> <p>The following watersheds (encompassing the listed counties) were included in the Special Rivers Program since the date listed.</p> <p><i>Watersheds and Counties</i><br/>         Susquehanna/Patapsco (BA, HA, CE, MO, PG) 1983<br/>         Monocacy/Catoctin/Double Pipe Creek (CR, FR, WA) 1986<br/>         Anacostia/West Chesapeake Watersheds (PG, MO, AA) 1991<br/>         Town Creek Watershed (AL) 1994</p> <p>The project has a proven track record of delivering results on the ground by working to find innovative technical solutions and funding alternatives to non-point source and other resource challenges. This approach has allowed the Special Rivers foresters to use existing government and private programs to deliver tens of thousands of dollars to resource restoration efforts that will eliminate tons of nutrients that would have otherwise reached tributary streams.</p> |

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|                                                                                                                                                                            | <p>FFY 2007 Accomplishment Highlights – Updated for past year (September 1, 2007 to August 31, 2008)</p> <ul style="list-style-type: none"> <li>- 13.3 miles and 154 acres of riparian forest buffers established in project areas (CREP enrollment still down), plus 23 acres of upland tree planting;</li> <li>- Over 180 acres of forest buffers checked for survival, maintenance, or replanting needs, with reinforcement plantings on 12 acres;</li> <li>- 117 forest stewardship plans and 6,969 acres covered by plans (over twice the target);</li> <li>- Support provided for Antietam Creek Watershed Association, including stream clean-up and Backyard Buffers Program;</li> <li>- Buffer planting techniques evaluated through demonstration planting trials with tree shelters and deer fencing, and workshop in Anacostia on Forest Conservation Goal Setting for Urban Areas;</li> <li>- Town Creek Ecosystem Management Calendar drafted, produced, and distributed to sustain awareness of forests and local watershed health; and</li> <li>- Over 1,862 people reached through 40 events.</li> </ul> |
| <p><b>Tasks Under this Objective:</b></p>                                                                                                                                  | <p><u>Restoration and Management:</u> Improve watershed planning and riparian forest reforestation by involving landowners, communities and public agencies in implementing forest protection, restoration and management techniques with the designated watershed.</p> <p><u>Demonstrations and Monitoring:</u> Initiate and conduct demonstration and monitoring projects to provide opportunities to validate the benefits of working landscapes and riparian forests in improving both water quality and living resource habitats.</p> <p><u>Outreach and Education:</u> Plan and implement information and education efforts to increase the knowledge of landowners, students and agency personnel about the importance of riparian forest buffers and well-managed woodlands improving the health of the Chesapeake Bay.</p>                                                                                                                                                                                                                                                                                       |
| <p><b>Specific Outputs for this Objective</b><br/> <i>The extent that outputs are accomplished will serve as the EPA Evaluative Criteria for this project/program.</i></p> | <p><u>Programmatic</u></p> <ul style="list-style-type: none"> <li>• 2 meetings and 2 events such as tree plantings or stream clean-ups coordinated with local group to improve watershed health with forests and urban tree canopy (annually)</li> <li>• 25 landowners planting trees through a Backyard Buffer residential streamside tree planting program by June 2010 (annually)</li> <li>• 125 acres of riparian forest buffers established along 46,120 ft of waterways in Monocacy, Susquehanna, Town Creek, and Anacostia watershed areas by 6/2010.</li> <li>• 200+ volunteer hours used to establish RFBs in the Anacostia basin by 6/2010.</li> <li>• 45 landowners adopted forest stewardship plans on 2,200 acres to retain</li> </ul>                                                                                                                                                                                                                                                                                                                                                                       |

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|                                                                        | <p>forest in Monocacy, Susquehanna, Town Creek, and Anacostia watershed areas (annually)</p> <ul style="list-style-type: none"> <li>• 2 meetings of the Town Creek Watershed Committee and the Landowner Association to implement local watershed-based forest ecosystem management in the Town Creek watershed (annually)</li> <li>• 30 riparian forest buffers monitored on 75+ acres in focus watersheds and reinforcement tree planted where needed in Monocacy, Susquehanna, Town Creek, and Anacostia watershed areas (annually)</li> <li>• Data collected on seedling performance trials at Monocacy Natural Resource Management Area (annually)</li> <li>• 600 people educated through workshops and events on forests, forest management, and improving watersheds through use of trees and forests. (annually)</li> <li>• 4+ tree plantings conducted with citizen volunteers in the Susquehanna and Monocacy watershed areas by 6/2010.</li> <li>• 2000 calendars produced and distributed to watershed residents to highlight Town Creek Ecosystem Management Project issues and community updates by 12/2009.</li> </ul> <p><u>Administrative</u></p> <ul style="list-style-type: none"> <li>• Semiannual report of accomplishments submitted to EPA</li> <li>• Riparian forest buffer data submitted for State and Chesapeake Bay Program tracking and targeting and effectiveness coordinated (annually)</li> <li>• 1 Communication Strategy Plan submitted by December.</li> </ul> |
| <p><b>Outcomes for this Objective:</b><br/>(Refer to Attachment 3)</p> | <p><u>Chesapeake 2000 Commitment: 3.1 Nutrients and Sediments, particularly 3.3.1 (Anacostia restoration), and 3.1.1 (40% nutrient reduction) through implementation of goal from 2.4.1.2 (2003 RFB Initiative goal)</u></p> <p><u>Chesapeake Action Plan Goal: 3 Protect and Restore Water Quality</u><br/><u>Chesapeake Action Plan Topic Area: Streamside &amp; Tidal Shoreline Riparian Areas</u><br/><u>Chesapeake Action Plan Activity Category: Restoration</u></p> <p><u>Tributary Strategy Implementation</u><br/>Agriculture and Resource Land</p> <p>By the year 2010, the Special Rivers Counties plan to have 8,100 acres of forest buffers completed; the earlier target of 7630 acres has been reached. The target for this year's buffers is 7.7 miles/yr. Forest buffers filtering ability averages 61% Nitrogen and 62% Phosphorous in agricultural lands and 25% Nitrogen and 50% Phosphorous on urban lands.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p><b>Link to EPA's Strategic Plan</b><br/> <i>(all funding issued by EPA CBPO falls under this strategic link)</i><br/> <i>(This is pre-populated info)</i></p> | <p><u>EPA Strategic Plan Goal</u><br/>         Goal 4: Healthy Communities and Ecosystems<br/> <u>EPA Strategic Plan Objective</u><br/>         4.3: Ecosystems<br/> <u>EPA Strategic Plan Sub-objective</u><br/>         4.3.4: Improve Aquatic Health of the Chesapeake Bay</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p><b>Link to Priority Practices and/or Priority Watersheds</b></p>                                                                                              | <p><b><u>Please include the following, as applicable:</u></b></p> <p><b>Priority Practice(s)</b></p> <p>1.) Which priority practice(s) will be implemented in this objective?<br/>         Streamside Forest Buffers and Tree Planting-Forest Brigade</p> <p>2.) Please provide a short justification as to why the practice(s) is a priority for the location it is to be implemented.<br/>         These areas were chosen as Special River project areas because they are areas with the greatest opportunity and need for riparian forest buffers (Susquehanna/Monocacy), provide a demonstration urban forestry effort (Anacostia), and a an example of community-based forest ecosystem management effort (Town Creek).</p> <p>3.) Which priority strategy(s) will be implemented in this objective?<br/>         Natural Filters on Private Land and Natural Filter on Public Land<br/> <i>(Note: Refer to your state's specific Watershed Implementation Plans for this information.)</i></p> <p><b>Priority Watershed</b></p> <p>1.) Which priority watershed will be addressed by this objective?<br/>         Susquehanna, Monocacy, Anacostia and Town Creek</p> <p>2.) Watershed considered priority by (please check one):<br/> <input type="checkbox"/> COAST <a href="http://chesapeake.usgs.gov/coast/index.html">http://chesapeake.usgs.gov/coast/index.html</a><br/> <input type="checkbox"/> SPARROW <a href="http://www.chesapeakebay.net/recoveryinvest.aspx?menuitem=34712">http://www.chesapeakebay.net/recoveryinvest.aspx?menuitem=34712</a><br/> <input type="checkbox"/> USDA Core 4<br/> <input checked="" type="checkbox"/> Other (please include a short justification as to why this watershed is considered a priority)</p> <p>These areas were chosen as Special River project areas because they are areas with the greatest opportunity and need for riparian forest buffers (Susquehanna/Monocacy), provide a demonstration urban forestry effort (Anacostia), and a an example of community-based forest ecosystem management effort (Town Creek).</p> <p>3.) Which priority strategy(s) will be implemented in this objective?<br/>         N/A. Specific targeting strategies will be documented in the Phase II WIP.</p> |

|                                                                                                                          |                                                                                                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                          | <p>(Note: Refer to your state's specific Watershed Implementation Plans for this information.)</p>                                                                                         |
| <p><b>Progress for this Objective</b><br/><i>(to be completed and submitted to the PO with each progress report)</i></p> | <p><i>This section will be left blank in the work plan but will be completed for the progress reports. Please indicate the percentage of the objective completion in this section.</i></p> |



## Community Alternatives to Violence and Berkeley/Jefferson Day Report Center Luncheon

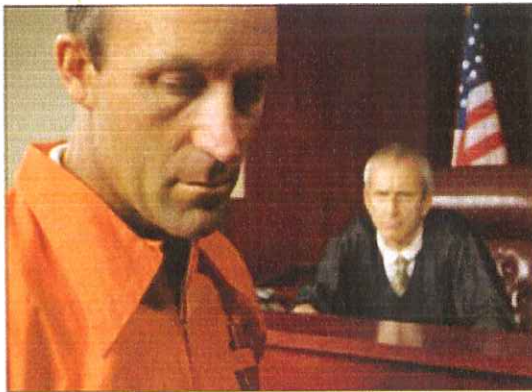


# The Purple Iris

Thursday, October 20th

11:30AM - 1PM

Get a breath of **fresh air** and enjoy some **wonderful food** while you listen to **key members** of the Judiciary and Law Enforcement in the Eastern Panhandle discuss the **very important services** provided by **Community Alternatives to Violence** and the **Berkeley/Jefferson Day Report Center**.



RSVP by October 17th  
CAV - 304/262-4424

OR

Berkeley/Jefferson Day Report Center  
304/267-5000 ext.3961

\$12 per ticket

Make checks payable to: **The Purple Iris**

### Directions:

Take Exit 12 off Interstate 81.  
Go East on Apple Harvest Dr through 3 stoplights.  
Turn Right onto US Rt. 11.  
Go 1.2 miles, and the Purple Iris will be on your right.



30 September 2011

Ms. Patsy Noland  
President  
County Commission of Jefferson County  
P.O. Box 250  
Charles Town, WV 25414

Commissioner Noland,

Please consider this letter a courtesy reminder of the upcoming end of my appointed term on December 1, 2011 as a member of the Board of the Jefferson County Service District. I have served on this Board since my first appointment in March 2004 and re-appointment in December 2005. For reasons both professional and personal, I will not request re-appointment and will complete my Board service on the expiration date indicated.

It has been a pleasure and an honor to serve the community through the Public Service District Board. I appreciate the trust and responsibility shown in my appointment to this critical local government role. I have had the opportunity to work with outstanding Board members, dedicated District staff and talented consultants during my service on this Board. It has always been a pleasure and as I have stated many times, I learned much more on balance than I ever contributed in expertise through the experience of Board service.

It is with no small disappointment that I observe that two of the critical issues that faced the District nearly eight years ago when I started on the Board still remain today. As a community we are still struggling to provide adequate public infrastructure services to under- and un-served portions of rural Jefferson County. And it remains my opinion that we have insufficient resources and investments ready to meet the future economic development and environmental quality needs of the County. For that failure I will take a full measure of personal responsibility though, in failed outcome, it was not from lack of effort on my part or anything other than full dedication by District staff.

During my tenure on the District Board, a number of very complicated issues have developed and some of these have required very difficult decisions and negotiations. I found the learning curve to be steep. I have been pleased to work with the District's staff, consultants and my fellow Board members to try to resolve these challenges in the best interests of the community, our customers and within the scope of a highly regulated utility mission.

In departure, I ask that you pursue quickly and proactively new PSD Board applicants and make a timely appointment. As a three member Board, it is critical to have a full and balanced member complement. There is a long history of appointments that thoughtfully balance the perspective and professional experience on the Board. I believe a critical missing

component in the current Board member background is public finance, management and control. While the District is in solid financial condition now, the capital and operating investments required to meet emerging regulatory compliance and capacity upgrades for growth will be much larger than anything the District or its customers have experienced to date.

In closing, I offer my sincerest appreciation and full respect to General Manager Susanne Lawton and to all the permanent staff and consultants of the Jefferson County Public Service District. While my time on the Board is limited in term, they have dedicated careers and personal passions to the public sector provision of safe and affordable clean water services. The next Board member will be fortunate to join such a team.

Thank you for your time and consideration.

Respectfully,



Joseph A. Hankins

977 Turner Road

Shepherdstown, WV 25443-4175

304-876-1138

[joseph.hankins@gmail.com](mailto:joseph.hankins@gmail.com)

cc: Mr. Tim Boyd, County Administrator, Jefferson County  
Ms. Susanne Lawton, General Manager, JCPSD

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

| Week Ending Date                                       | Week Ending<br>September 24, 2011 |
|--------------------------------------------------------|-----------------------------------|
| <b>To be Deposited on:</b> September 30, 2011          |                                   |
| Amount Played                                          | 73,961,735.48                     |
| Amount Won                                             | 66,573,421.54                     |
| Amount Promo                                           | <u>202,210.00</u>                 |
| MWAP Contribution                                      | <u>5,916.24</u>                   |
| <b>Adjusted Gross Terminal Revenue</b>                 | <b><u>7,180,187.70</u></b>        |
| Administrative Costs @ 4%                              | 287,207.51                        |
| Excess Lottery Fund @ 4%                               | <u>0.00</u>                       |
| <b>Net Terminal Revenue</b>                            | <b><u>6,892,980.19</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>6,892,980.19</u></b>        |
| Racetrack @ 46.50% / 42%                               | 3,205,235.79                      |
| Lottery Fund @ 30% / 0%                                | 2,067,894.06                      |
| Excess Lottery Fund @ 0% / 41%                         | 0.00                              |
| Race Track Purses @ 7% / 14% / 8%                      | 965,017.23                        |
| Workers' Compensation Debt Reduction @ 7% / 0%         | 0.00                              |
| Employee Pension Fund @ 1% / .5%                       | 68,929.80                         |
| Greyhound Development @ .75%                           | 51,697.35                         |
| Thoroughbred Development @ .75%                        | 51,697.35                         |
| Racing Commission @ 1%                                 | 68,929.80                         |
| County/Municipality @ 2%                               | 137,859.60                        |
| <b>3% Funds:</b>                                       |                                   |
| Tourism Promotion Fund @ 1.375%                        | 94,778.48                         |
| Development Office Promotion Fund @ .375%              | 25,848.68                         |
| Research Challenge Fund @ .5%                          | 34,464.90                         |
| Capitol Renovation and Improvement Fund @ .6875%       | 47,389.24                         |
| 2004 Capitol Complex Parking Garage Fund @ .0625%      | 4,308.11                          |
| <b>1% Funds:</b>                                       |                                   |
| State Capitol Complex Parking Garage @ 1%              | -                                 |
| Cultural Facilities and Capitol Resources @ .5%        | 34,464.90                         |
| Capitol Dome and Capitol Improvements @ .5% / 1%       | 34,464.90                         |
|                                                        | <b><u>6,892,980.19</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                |
| 09/10/11                              | \$ 169,691.60                | \$ 84,845.80              | \$ 84,845.80         | \$ 6,948.87      | \$ 34,956.47              | \$ 1,900.55               | \$ 29,509.37     | \$ 11,530.54                |
| 09/17/11                              | \$ 133,497.24                | \$ 66,748.62              | \$ 66,748.62         | \$ 5,466.71      | \$ 27,500.43              | \$ 1,495.17               | \$ 23,215.17     | \$ 9,071.14                 |
| 09/24/11                              | \$ 137,859.60                | \$ 68,929.80              | \$ 68,929.80         | \$ 5,645.35      | \$ 28,399.08              | \$ 1,544.03               | \$ 23,973.78     | \$ 9,367.56                 |
| Subtotal                              | \$ 1,849,602.76              | \$ 1,380,833.10           | \$ 468,769.66        | \$ 38,392.23     | \$ 193,133.09             | \$ 10,500.46              | \$ 163,038.08    | \$ 63,705.80                |

Benchmark Goal @ 2% \$ 912,063.48

Remainder until 1% / 1% Split \$ (937,539.28)

VIDEO LOTTERY REPORT

| 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  | 9/10/2011  | 84,845.80  |
| 9/20/2008  | 71,269.36  | 9/19/2009  | 70,010.15  | 9/18/2010  | 67,638.78  | 9/17/2011  | 66,748.62  |
| 9/27/2008  | 79,735.73  | 9/26/2009  | 69,316.87  | 9/25/2010  | 70,435.06  | 9/24/2011  | 68,929.80  |
| 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

1380833.1

Table Game Revenue

FY 2011

| Date              | Amount     |
|-------------------|------------|
| July/August, 2010 | 154,185.68 |
| September, 2010   | 94,247.84  |
| October, 2010     | 105,903.60 |
| November, 2010    | 108,717.67 |
| December, 2010    | 118,721.11 |
| January, 2011     | 106,189.21 |
| February, 2011    | 105,776.45 |
| March, 2011       | 120,927.10 |
| April, 2011       | 130,654.61 |
| May, 2011         | 130,492.02 |
| June, 2011        | 121,576.41 |
| July, 2011        | 141,718.01 |
| August, 2011      | 137,473.92 |

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1576583.63

To: COMMISSIONERS  
 &  
 ASSESSORS  
 From: WVACO

# Property taxes targeted in governor's race

By Lawrence Messina  
 The Associated Press

In West Virginia's special election for governor, both Republican Bill Maloney and Democrat Earl Ray Tomblin favor cutting some property taxes. Either winner would face several hurdles, including the state constitution and the schools and local governments that now rely on the revenue.

Tomblin, the state Senate president who is acting as governor, and Maloney have both talked about ending property taxes on business inventory. Maloney, a Morgantown business owner, has also targeted taxes on commercial machinery and equipment. Both talked about property taxes during this month's debate co-sponsored by AARP and the West Virginia Broadcasters Association.

"It's a disincentive to investing in a new mill, a new chemical plant," Maloney said at the Charleston event. "Look

up and down this valley, that's one of the big reasons we don't have the thriving economy, or manufacturing base, here."

But the West Virginia Constitution tightly controls how the state taxes both real estate and "personal" property. That latter category includes vehicles as well as machinery, equipment and inventory. A majority of voters would have to agree to amend those controls before the state could scale back or repeal any taxes on property.

That may prove a tough sell. Property taxes are the key revenue source for local and county governments, and also fund public schools. So-called personal property taxes paid by businesses yielded \$252 million last year, or 18 percent of all property tax collections, according to figures cited by the West Virginia Association of Counties.

"It's a significant hole in the

SEE ELECTION, 10C

## ELECTION

FROM PAGE 1C

state budget when you take out the personal property taxes that go to schools," said Patti Hamilton, the association's executive director. "For some counties, you're talking 50 percent of their budgets lost without the personal property tax."

During the debate, Maloney suggested allowing municipalities and counties to tax in different ways.

"We need to open up the playbook, get everybody in a room, and figure out a way to tax on a more fair basis," Maloney said.

Hamilton called for concrete proposals to keep sufficient funding for these governments and for schools.

"For me, it's irresponsible to do away with those taxes and not present replacement options," she said. "Would residential property taxes have to be increased? There are major questions that have to be answered."

Hamilton also said that to win over voters, lawmakers might consider extending cuts or repeals to residential personal property taxes. That, too, would be a mistake, she said, without offsetting the resulting revenue losses.

"I think there would be tremendous pressure to include non-business personal property taxes, which for most people is a car tax," Hamilton said. "Including that will increase its chances of passage, but also the expectations placed on lawmakers."

The Oct. 4 special election will decide who will complete the term of now-U.S. Sen. Joe Manchin. The Democrat resigned as governor after winning election to his current office in 2010. Earlier that year, Manchin had proposed a constitutional amendment to exempt or reduce tax rates on non-real estate property. But that proposal also required lawmakers to replace all revenues lost, if voters approved amending the constitution.

The measure failed amid fears among counties regarding new revenues. The West Virginia Manufacturers Asso-

ciation also balked because the measure applied only to new property, not property already on the books.

Karen Price, the association's president, said the group also shared the revenue concerns of Hamilton's group.

"We understand that for counties and the school system, we can't just take that away. We've got to find replacement revenue," said Price.

West Virginia's manufacturers, whose state association endorsed Tomblin in the governor's race earlier this week, still want officials to try, Price said.

"Other states have moved away from that," Price said of such taxes. "That's an issue for us."

Manchin did win a break for manufacturers before stepping down as governor.

In 2008, lawmakers passed his proposal that allows these employers to offset taxes on their inventory through credits toward the business franchise and corporate net income taxes.

State Tax Commissioner Craig Griffith told the Legislature in July that this credit had so far saved manufacturers — while costing the state's general tax revenue fund — nearly \$3 million.

Both Griffith and Deputy Revenue Secretary Mark Muchow predict that the annual savings will increase. The fragile economy dampened recent earnings, and with them the resulting taxes on incomes, each noted. A federal stimulus program also allowed businesses to write off more of such capital investments as equipment, machinery and buildings, they said. That lessened the need for other tax credits.

"Whenever we create a new tax credit, there's also a learning curve and it will take three years for everybody to get familiar with the program," Muchow said.

Muchow estimated that manufacturers were assessed \$22 million in taxes on their inventory last year. He expects the inventory credit eventually to offset \$10 million in such taxes annually.

Article of Interest  
 9-29-11