

**AGENDA**  
**JEFFERSON COUNTY COMMISSION**  
**THURSDAY, NOVEMBER 21, 2013**  
**9:30 A.M.**

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

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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**APPROVAL OF MINUTES**

- October 24, 2013 Board of Assessment Appeals
- November 7, 2013 Regular Meeting
- November 14, 2013 Work Session

**APPROVAL OF PURCHASE ORDERS**

- November 21, 2013

**APPROVAL OF ACCOUNTS PAYABLE**

- November 14, 2013
- November 21, 2013

**PUBLIC COMMENT**

**PRESENTATIONS:**

1. 9:45 a.m. Angie Banks, Assessor  
- Exonerations - Discussion/Action
2. 9:50 a.m. Peter Dougherty, Sheriff  
- Approval to hire Joseph Grantham for position of Deputy - Discussion/Action
3. 10:05 a.m. Jefferson County Commission Meeting Room Policy Review -  
Discussion/Action
4. 10:30 a.m. **BREAK**
5. 10:40 a.m. Ralph Lorenzetti, Prosecuting Attorney and Victoria Slater-Madert. Child and  
Family Services Supervisor - Children's Home Society of West Virginia  
- Child Advocacy Center FY14 Funding Request - Discussion/Action
6. 11:00 a.m. Interviews and Appointments

- Jefferson County Farmland Protection Board - One 3-year term ending September 7, 2016 - represents Farmer-at-large - Discussion/Action

7. 11:15 a.m. Alan Davis, Deputy County Administrator - Berkeley County Council  
- Discuss regional 911 consolidation - Discussion/Action
8. 11:30 a.m. Lynn Fields, Probate Office  
- Approval to close Estates that did not meet the deadline for Close/Approve Estates presented - Discussion/Action
9. 12:00 p.m. Ann Coulter and Lynn Yellott - EPSAN - Eastern Panhandle Single Payer Action Network  
- Discussion of reduced healthcare benefit costs - Discussion/Action
10. 12:15 p.m. S. Chris Anders, State Coordinator  
- Introduce a resolution that will prevent discrimination in the use of county owned or leased property - Discussion/Action
11. 12:30 p.m. **Break for Lunch**

~~~~~ **AFTERNOON SESSION** ~~~~~

12. 1:30 p.m. Norwood Bentley, Esquire  
- Discussion on legal matters regarding personnel issues/Possible Litigation - Possible Executive Session - §6-9A-4 - Discussion/Action
13. 2:00 p.m. Roger Goodwin, Chief County Engineer  
- Complete release of the Construction Bond security for Waterfront Group WV, LLC/Mark Adkins - Rock Ferry Station Subdivision, Lots 1-7, 16 and 25-43 (File #04-20) - Cash-in-Escrow with United Bank, Shepherdstown, West Virginia - Discussion/Action
14. 2:15 p.m. Jennifer Brockman, Director of Planning and Zoning  
- Envision Jefferson 2035 - status update of 2014 Comp Plan Effort - Discussion/Action  
  
- Follow up to October 10, 2013 Public Hearing input on Minor Amendments to the Jefferson County Zoning and Land Development Ordinance: 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15(new), 9.5, 10.5, 11.1, and 12.2 and Appendix C (Agriculture Use and Other Amendments) - Discussion/Action

**UNFINISHED BUSINESS:**

15. Follow up to Potential Amendments to WV Code 8A - Discussion/Action

**NEW BUSINESS:**

16. Review of the Appointment to County Boards, Committees and Commissions Policy - Discussion/Action (DK)

**FINANCIAL DIRECTOR REPORTS**

- Brief Finance Update

**COUNTY ADMINISTRATOR REPORTS**

- Discuss potential Litigation - Executive Session possible - §6-9A-4 - Discussion/Action
- VoIP RFP Summary Report
- IT Department Update
- Website RFP Update

**COUNTY COMMISSION REPORTS**

17. **RECESS**

**~~~~~ Evening SESSION ~~~~~**

18. 7:00 p.m. Public Hearing  
- Proposed Zoning Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17

20. **ADJOURN**

## **DEPARTMENTS, BOARDS, COMMISSIONS AND AGENCY WRITTEN REPORTS**

- First Quarterly Report of the Planning and Zoning Departments, Planning Commission and Board of Zoning Appeals Report

### **CORRESPONDENCE:**

Notice - Jefferson County Offices Closed on Thursday, November 28 and Friday, November 29 in observance of the Thanksgiving Holiday.

Notice of Intent to Appoint on Thursday, December 5 - Jefferson County Emergency Services Agency - (3) three-year terms ending November 2, 2016 (two citizen and one EMS representative) and one unexpired term ending November 2, 2015 (one citizen representative).

Notice of Intent to Appoint on Thursday, December 5 - Jefferson County Public Service District- one six-year term ending December 1, 2019.

George Rutherford's Letter of Resignation from the Eastern Panhandle Transit Authority.

Letter from Stephen Mangus requesting a variance to the barking dog ordinance.

Letter from Dr. Swami Nathan regarding the new Comprehensive Plan.

Letter and documents from Ann B. Hilton regarding the history of the racing industry in Charles Town.

Court Order granting Jefferson County Planning Commission's "Motion to Reconsider."

Letter from Mark W. Matkovich, Acting State Tax Commissioner for the State of West Virginia, verifying that Angie Banks, Jefferson County Assessor, has substantially complied with the "assessor's additional duties" as dictated by West Virginia State Code.

Invitation to the Eastern Panhandle Conservation District Annual Legislative Forum.

Letter from Hospice of the Panhandle thanking the Commission for their donation and inviting the Commission to a late-construction tour of their new facility.

WVACO Save the Date for the 2014 Conference of Counties

Letter from Hali Taylor, Director of the Shepherdstown Public Library, regarding the library's Independent Auditor's Report and Related Financial Statements

West Virginia Lottery Weekly Statement for Charles Town week ending November 2, 2013.

**West Virginia Lottery Weekly Statement for Charles Town week ending November 9, 2013.**

**Jefferson County Public Service District Regular Board Meeting Minutes from October 7, 2013**

**West Virginia Ethics Reporter - October 2013**

*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.*



REGULAR TERM: (Board of Assessment Appeals)

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

At a session of the Jefferson County Commission, sitting as Board of Assessment, continued and held at the Courthouse thereof on Thursday, October 24, 2013, beginning at 9:30 am.

PRESENT: Dale Manuel, Commission President  
Walter Pellish, Commission Vice President  
Patricia Noland, Commissioner  
Jane Tabb, Commissioner  
Lyn Widmyer, Commissioner

STAFF: Angie Banks, Assessor  
June Bowers, Sr. Appraiser  
Jessica Carroll, Recording Clerk  
Stephanie Grove, Prosecuting Attorney  
Sandy McDonald, Deputy County Administrator

In re: **APPLICATION FOR ASSESSMENT APPEALS – DONALD J. ORSER**

A hearing was conducted on an appeal by Donald J. Orser on the following properties:

|         |            |                        |
|---------|------------|------------------------|
| Map 12A | Parcel 89  | Harpers Ferry District |
| Map 12A | Parcel 83  | Harpers Ferry District |
| Map 12A | Parcel 92  | Harpers Ferry District |
| Map 12A | Parcel 145 | Harpers Ferry District |
| Map 12A | Parcel 75  | Harpers Ferry District |
| Map 23A | Parcel 10  | Charles Town District  |
| Map 6D  | Parcel 225 | Kabletown District     |
| Map 6H  | Parcel 86  | Kabletown District     |
| Map 6H  | Parcel 226 | Kabletown District     |
| Map 6H  | Parcel 237 | Kabletown District     |
| Map 23C | Parcel 5   | Charles Town District  |
| Map 23D | Parcel 215 | Charles Town District  |
| Map 23D | Parcel 246 | Charles Town District  |
| Map 23E | Parcel 87  | Charles Town District  |
| Map 23G | Parcel 48  | Charles Town District  |
| Map 23H | Parcel 2   | Charles Town District  |
| Map 6K  | Parcel 37  | Kabletown District     |
| Map 6K  | Parcel 79  | Kabletown District     |
| Map 6K  | Parcel 87  | Kabletown District     |

|         |            |                       |
|---------|------------|-----------------------|
| Map 23G | Parcel 64  | Charles Town District |
| Map 8C  | Parcel 25  | Kabletown District    |
| Map 8C  | Parcel 70  | Kabletown District    |
| Map 8C  | Parcel 68  | Kabletown District    |
| Map 8B  | Parcel 20  | Kabletown District    |
| Map 8B  | Parcel 71  | Kabletown District    |
| Map 7   | Parcel 69  |                       |
| Map 6   | Parcel 123 |                       |

After sworn testimony and presentation of exhibits, motion by Ms. Noland to deny the appeal and uphold the Assessor's value on all of the above listed properties. Motion seconded and unanimously approved.

There being no further business, Ms. Noland made a motion at 11:42 am to adjourn. Motion seconded and unanimously approved.

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DALE MANUEL, COMMISSION PRESIDENT

# Minutes

## Jefferson County Commission

Thursday, November 7, 2013

A meeting of the Jefferson County Commission was held on Thursday, November 7, 2013 in the County Commission meeting room in the Old Charles Town Library located at 200 E.

Washington Street, Charles Town, WV 25414. Present were Commissioners Dale Manuel, Patsy Noland, Walter Pellish, and Jane Tabb. Also present were Debbie Keyser, County Administrator, Jessica Carroll, Executive Administrative Assistant and Jimmy Eddie, Bailiff. (An audiotape of the November 7, 2013 meeting is available through the Jefferson County Commission Office.)

### PLEDGE OF ALLEGIANCE

Commissioner Noland led the Pledge of Allegiance.

### APPROVAL OF MINUTES

**Motion by Mr. Pellish to approve the Regular Meeting Minutes of October 31, 2013 with noted corrections. Motion seconded and unanimously approved.**

### APPROVAL OF PURCHASE ORDERS

**Motion by Mr. Manuel to approve Purchase Orders in the amount of \$4,985.86 to include P.O. Nos. 52155, 52156, 52157, 52158, 52158, 52160, 52160, 52161, and 52162. Motion seconded and unanimously approved.**

### APPROVAL OF ACCOUNTS PAYABLE

| CHCKNO | DEPT    | VENDOR                   | PONUM | POAMT       | NOAMT     | CHECK AMOUNT |
|--------|---------|--------------------------|-------|-------------|-----------|--------------|
| 071017 | 440     | ACCURATE SYSTEMS INC     | 50241 | \$ 3,196.00 | \$ -      | \$ 3,196.00  |
| 071018 | 700     | ASR-APPAREL SEWN RIGHT   | 51526 | \$ 391.63   | \$ -      | \$ 391.63    |
| 071019 | 412     | BARDANE PUBLIC HEALTH CT |       | \$ -        | \$ 383.00 | \$ 383.00    |
| 071020 | 425     | B-K OFFICE SUPPLY INC    | 52146 | \$ 225.57   | \$ -      | \$ 225.57    |
| 071020 | 425     | B-K OFFICE SUPPLY INC    | 52150 | \$ 1,027.95 | \$ -      | \$ 1,027.95  |
| 071021 | PAYROLL | BUREAU F/CHILD SUPPORT   |       | \$ -        | \$ 49.85  | \$ 49.85     |
| 071022 | PAYROLL | BUREAU FOR CHILD SUPPORT |       | \$ -        | \$ 28.85  | \$ 28.85     |
| 071023 | PAYROLL | BUREAU F/CHILD SPprt ENF |       | \$ -        | \$ 212.31 | \$ 212.31    |
| 071024 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 461.54 | \$ 461.54    |
| 071025 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 119.54 | \$ 119.54    |
| 071026 | PAYROLL | BUREAU OF CHILD SUPPORT  |       | \$ -        | \$ 530.77 | \$ 530.77    |

|        |         |                          |       |              |              |              |
|--------|---------|--------------------------|-------|--------------|--------------|--------------|
| 071027 | 413     | CASTO & HARRIS INC       | 51802 | \$ 193.44    | \$ -         | \$ 193.44    |
| 071028 | 424     | CHARLES TOWN UTILITIES   |       | \$ -         | \$ 69.34     | \$ 69.34     |
| 071028 | 425     | CHARLES TOWN UTILITIES   |       | \$ -         | \$ 849.92    | \$ 849.92    |
| 071029 | 425     | OLD CHARLES TOWN LIBRARY |       | \$ -         | \$ 1,500.00  | \$ 1,500.00  |
| 071030 | PAYROLL | CHILD SUPPORT ENFORCE AG |       | \$ -         | \$ 27.69     | \$ 27.69     |
| 071031 | 425     | COVENANT BUILDING MAINT  |       | \$ -         | \$ 11,827.43 | \$ 11,827.43 |
| 071032 | PAYROLL | DIVERSIFIED COLLECTION   |       | \$ -         | \$ 154.83    | \$ 154.83    |
| 071033 | 717     | DONALD B. RICE TIRE CO.  | 52147 | \$ 968.44    | \$ -         | \$ 968.44    |
| 071034 | PAYROLL | DELTA DENTAL OF WV       |       | \$ -         | \$ 5,865.15  | \$ 5,865.15  |
| 071035 | 425     | 84 LUMBER                |       | \$ -         | \$ 265.46    | \$ 265.46    |
| 071036 | 425     | FIRE SAFETY EQUIP        | 51721 | \$ 2,171.75  | \$ -         | \$ 2,171.75  |
| 071037 | 425     | FIDELITY ENGINEERING     | 52148 | \$ 3,150.00  | \$ -         | \$ 3,150.00  |
| 071038 | 717     | FISHER AUTO PARTS        |       | \$ -         | \$ 775.21    | \$ 775.21    |
| 071039 | 700     | GALLS,LLC/QUATERMASTER L | 51524 | \$ 784.87    | \$ -         | \$ 784.87    |
| 071039 | 700     | GALLS,LLC/QUATERMASTER L | 51524 | \$ 73.44     | \$ -         | \$ 73.44     |
| 071040 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -         | \$ 1,758.98  | \$ 1,758.98  |
| 071040 | PAYROLL | GUARDIAN - APPLETON      |       | \$ -         | \$ 2,003.23  | \$ 2,003.23  |
| 071041 | 425     | GRAINGER, INC            | 52144 | \$ 589.67    | \$ -         | \$ 589.67    |
| 071042 | 405     | STEPHANIE GROVE          |       | \$ -         | \$ 600.07    | \$ 600.07    |
| 071043 | 402     | SALLY GRAN               |       | \$ -         | \$ 21.75     | \$ 21.75     |
| 071044 | 717     | GUTTMAN OIL CO           |       | \$ -         | \$ 17,567.11 | \$ 17,567.11 |
| 071045 | 712     | GLOBAL DATA CONSULTANTS  | 49838 | \$ 10,000.00 | \$ -         | \$ 10,000.00 |
| 071046 | 711     | HIRERIGHT                | 50011 | \$ 91.40     | \$ -         | \$ 91.40     |
| 071047 | 700     | INTERNATIONAL POLYGRAPH  | 51529 | \$ 200.00    | \$ -         | \$ 200.00    |
| 071048 | 401     | RICOH USA, INC           |       | \$ -         | \$ 29.06     | \$ 29.06     |
| 071048 | 403     | RICOH USA, INC           |       | \$ -         | \$ 58.14     | \$ 58.14     |
| 071048 | 404     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071048 | 405     | RICOH USA, INC           |       | \$ -         | \$ 87.21     | \$ 87.21     |
| 071048 | 406     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071048 | 425     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071048 | 433     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071048 | 440     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071048 | 700     | RICOH USA, INC           |       | \$ -         | \$ 58.14     | \$ 58.14     |
| 071048 | 712     | RICOH USA, INC           |       | \$ -         | \$ 29.07     | \$ 29.07     |
| 071049 | PAYROLL | ING NATIONAL TRUST       |       | \$ -         | \$ 3,460.00  | \$ 3,460.00  |
| 071050 | 401     | INSIGHT A/V SERVICES     |       | \$ -         | \$ 150.00    | \$ 150.00    |
| 071051 | 402     | JEFFERSON PUBLISH CO INC | 51805 | \$ 228.20    | \$ -         | \$ 228.20    |
| 071052 | 700     | JEFFERSON URGENT CARE LL | 51528 | \$ 300.00    | \$ -         | \$ 300.00    |
| 071053 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -         | \$ 40.00     | \$ 40.00     |
| 071053 | PAYROLL | JEFFERSON SECURITY BANK  |       | \$ -         | \$ 5,323.00  | \$ 5,323.00  |

|        |         |                             |       |              |               |               |
|--------|---------|-----------------------------|-------|--------------|---------------|---------------|
| 071054 | 425     | KONE INC.                   | 52149 | \$ 1,482.00  | \$ -          | \$ 1,482.00   |
| 071055 | 700     | GLENDON KINCAID             |       | \$ -         | \$ 22.50      | \$ 22.50      |
| 071056 | 401     | LEWIS CO CIRCUIT CLERK      |       | \$ -         | \$ 44.71      | \$ 44.71      |
| 071057 | 405     | MATTHEW BENDER & CO         | 51659 | \$ 1,733.48  | \$ -          | \$ 1,733.48   |
| 071058 | PAYROLL | HIGHMARK WV                 |       | \$ -         | \$ 187,693.29 | \$ 187,693.29 |
| 071059 | PAYROLL | HELEN M. MORRIS, TRUSTEE    |       | \$ -         | \$ 150.00     | \$ 150.00     |
| 071060 | 404     | TONI MILBOURNE              | 52118 | \$ 600.00    | \$ -          | \$ 600.00     |
| 071061 | 700     | ROBIN MAHONY                |       | \$ -         | \$ 7.91       | \$ 7.91       |
| 071062 | 425     | NORVAC LOCK TECHNOLOGY      | 52153 | \$ 437.00    | \$ -          | \$ 437.00     |
| 071063 | PAYROLL | NATIONWIDE RETIREMENT       |       | \$ -         | \$ 749.00     | \$ 749.00     |
| 071064 | 404     | PIFER OFFICE SUPPLY, INC    | 52116 | \$ 372.60    | \$ -          | \$ 372.60     |
| 071064 | 406     | PIFER OFFICE SUPPLY, INC    | 51418 | \$ 260.52    | \$ -          | \$ 260.52     |
| 071064 | 406     | PIFER OFFICE SUPPLY, INC    | 51419 | \$ 160.80    | \$ -          | \$ 160.80     |
| 071065 | 425     | PRECISION POWER LLC         | 51904 | \$ 2,935.80  | \$ -          | \$ 2,935.80   |
| 071066 | 424     | POTOMAC EDISON/OH           |       | \$ -         | \$ 2,005.07   | \$ 2,005.07   |
| 071066 | 425     | POTOMAC EDISON/OH           |       | \$ -         | \$ 11,375.33  | \$ 11,375.33  |
| 071067 | 425     | RCS SECURITY                | 51723 | \$ 370.29    | \$ -          | \$ 370.29     |
| 071068 | GRANT   | RCS SECURITY                |       | \$ -         | \$ 1,200.00   | \$ 1,200.00   |
| 071069 | 402     | RECORD MANAGEMENT SOLUTN    | 51631 | \$ 35.00     | \$ -          | \$ 35.00      |
| 071070 | PAYROLL | RETIREE HLTH BENEFIT TRS    |       | \$ -         | \$ 6,668.00   | \$ 6,668.00   |
| 071071 | 704     | ST/WV REGIONAL JAIL &       | 52226 | \$ 88,090.45 | \$ -          | \$ 88,090.45  |
| 071072 | 700     | SUPERIOR AUTO BODY          | 51530 | \$ 546.46    | \$ -          | \$ 546.46     |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 25.98      | \$ 25.98      |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 10,364.00  | \$ 10,364.00  |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 44,314.80  | \$ 44,314.80  |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 111.10     | \$ 111.10     |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 42,642.93  | \$ 42,642.93  |
| 071073 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 129.54     | \$ 129.54     |
| 071074 | 401     | STAPLES CREDIT PLAN         |       | \$ -         | \$ 202.89     | \$ 202.89     |
| 071074 | 412     | STAPLES CREDIT PLAN         |       | \$ -         | \$ 34.98      | \$ 34.98      |
| 071075 | PAYROLL | SHERIFF OF JEFFERSON CO     |       | \$ -         | \$ 8,908.93   | \$ 8,908.93   |
| 071076 | 425     | TRENARY SERVICE CO          | 52152 | \$ 535.00    | \$ -          | \$ 535.00     |
| 071077 | 405     | MARGIE THOMAS               |       | \$ -         | \$ 368.95     | \$ 368.95     |
| 071078 | 403     | UNITED SYSTEMS & SOFTWARE   |       | \$ -         | \$ 212.00     | \$ 212.00     |
| 071079 | PAYROLL | UNICARE EAP                 |       | \$ -         | \$ 322.20     | \$ 322.20     |
| 071080 | 700     | VALLEY VETERINARY EMERGENCY | 51525 | \$ 514.71    | \$ -          | \$ 514.71     |
| 071081 | 405     | WV PROS. ATTYS ASSOC/WVPA   | 51658 | \$ 250.00    | \$ -          | \$ 250.00     |
| 071082 | 402     | XEROX CORPORATION           | 51632 | \$ 1,302.47  | \$ -          | \$ 1,302.47   |
| 071082 | 439     | XEROX CORPORATION           | 50339 | \$ 505.51    | \$ -          | \$ 505.51     |
|        |         |                             |       |              |               |               |

|       |  |  |               |              |               |
|-------|--|--|---------------|--------------|---------------|
| TOTAL |  |  |               |              | \$ 495,730.56 |
| TOTAL |  |  | \$ 123,724.45 | \$372,006.11 | \$ 495,730.56 |

**Motion by Ms. Tabb to approve the Account Payable for November 7, 2013 in the amount of \$495,730.56. Motion seconded and unanimously approved.**

**PUBLIC COMMENT:**

Walt Pellish, Commissioner – updated the Commission and the public on his chemotherapy treatment and his devotion and appreciation for Obamacare.

Peter Corum, resident – spoke regarding his concerns over bond waivers.

**PRESENTATIONS:**

1. Angie Banks, Assessor – Exonerations

| NAME             | DISTRICT  | TYPE              | TICKET NO. | AMOUNT  |
|------------------|-----------|-------------------|------------|---------|
| Angelique Dotson | Kabletown | Personal Property | 309621     | \$98.14 |

- **Motion by Ms. Tabb to approve the Exoneration for Angelique Dotson as presented by the Assessor. Motion seconded and unanimously approved.**

| NAME                 | DISTRICT      | TYPE              | TICKET NO. | AMOUNT   |
|----------------------|---------------|-------------------|------------|----------|
| Rodney Poindexter    | Shepherdstown | Personal Property | 316121     | \$210.28 |
| Kimberley Poindexter | Shepherdstown | Personal Property |            | \$55.46  |

- **Motion by Ms. Noland to approve the Split Ticket for Rodney Poindexter and Kimberley Poindexter as presented by the Assessor. Motion seconded and unanimously approved.**

2. Interviews and Appointments to the North Eastern Regional EMS, Inc. for one two-year term ending October 31, 2015

- **Motion by Ms. Noland to appoint Pete Kelley to the North Eastern Regional EMS, Inc. for one two-year term ending October 31, 2015. Motion seconded and unanimously approved.**

3. Todd Fagan, Director of GIS – requested the approval of the application for additional grant funding under the West Virginia Assistance Grants Program (WVTGAP) and WV Broadband Mapping Program (WVBMP)
  - **Motion by Mr. Pellish to approve the grant application as presented, request \$29,360 in WVTAGP funds and pledge the requisite matching County funds of \$5,000 and in-kind match of hardware infrastructure (\$25,000) to support digital archive and e-Government access to County records with the understanding the grant match could be withdrawn if necessary. Motion seconded and unanimously approved.**
4. The Commission recessed for break at 10:10 am.  
The Commission reconvened at 10:25.
5. Lynn Fields, Deputy Probate Clerk – requested the approval of December 10, 2013 as the hearing date for the Printz Estate.
  - It was the consensus of the Commission to hold the Printz Estate hearing on December 10, 2013.
6. Jennifer Myers – requested a waiver from the construction bonding process for Hite Road Park – Site Plan File #S11-15.
  - **Motion by Mr. Manuel to waive the construction bonding process for Hite Road Park. Motion seconded and unanimously approved.**

#### **NEW BUSINESS**

7. Dale Manuel, President of the Jefferson County Commission – requested his fellow Commissioners appoint him to the Criminal Corrections Justice Board/Day Report Center as a member at large representing Jefferson County.
  - **Motion by Mr. Pellish to appoint Commissioner Manuel to the Criminal Corrections Justice Board/Day Report Center as a member at large representing Jefferson County. Motion seconded and unanimously approved.**
8. Debbie Keyser , County Administrator– requested the approval of the Employee Internet Use Monitoring and Filtering Policy.
  - **Motion by Ms. Noland to approve the Employee Internet Use Monitoring and Filtering Policy with noted correction to strike “Human Resource Director” from the last line of the policy to avoid potential confusion. Motion seconded and unanimously approved.**

## **COUNTY ADMINISTRATOR REPORTS**

- Personnel Issue/Possible Litigation – Ms. Keyser updated the Commission, stating the personnel issue would be addressed during the regular meeting on November 21, 2013 and Mr. Norwood Bentley, Esq. would also be attending to participate in the discussion.
- Work Session on Proposed Zoning and Land Development Ordinance Text Amendments – Ms. Keyser reminded the Commission of a work session scheduled for Thursday, November 14<sup>th</sup> at 9:30 am to review the proposed zoning and land development ordinance text amendments as presented by the Department of Planning and Zoning. This work session was scheduled to prepare the Commission for a public hearing on the same topic, which will occur at 7 pm on Thursday, November 21<sup>st</sup>. Ms. Keyser also suggested Tim Stanton, Financial Director, give the Commission an update on the current financial state of the County immediately following the work session.
- Legislative Summit Update and Suggestion – Ms. Keyser reminded the Commission of the upcoming Legislative Summit, scheduled for 1:30 pm on Tuesday, November 12<sup>th</sup>. Ms. Keyser recommended a working lunch to begin at noon the day of the summit to allow the Commission time to discuss and create a list of their top priorities to present before the legislature. The earlier start time would also allow the elected officials to present their legislative concerns to the Commission prior to the arrival of the legislature. The Commission agreed to convene at noon on Tuesday, November 12<sup>th</sup>.

## **COUNY COMMISSIONER'S REPORTS**

Jane Tabb

- Attended a Homeland Security Partnership Meeting.
- Assisted teaching a Dining with Diabetes class.
- Gave commendation to the Engineering staff regarding a letter from Sheridan Estates.

Walt Pellish

- Spoke about an article in the Jefferson Spirit regarding the growth and development of APUS and their relationship with the Jefferson County Development Authority.

Patsy Noland

- Gave an update on the surgery for her broken arm and noted she missed a few meetings due to her recovery.

Dale Manuel

- Attended an Affordable Housing Committee meeting.
- Reminded the Commission and the public of the Jefferson County Animal Welfare night at Applebee's.

The Commission meeting was adjourned at 10:43 a.m. on a motion by Ms. Noland. Motion was seconded and unanimously approved.

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DALE MANUEL, PRESIDENT

Respectfully Submitted

Jessica Carroll

Administrative Assistant

SPECIAL SESSION:

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

At a Special Session of the County Commission of said County and State continued and held at County Commission meeting room in the Old Charles Town Library located at 200 E. Washington Street, Charles Town, WV 25414 at 9:30 am (An audio tape of the November 14, 2013 meeting is available through the Jefferson County Commission Office.)

PRESENT: Dale Manuel, President  
Walt Pellish, Vice President  
Patsy Noland, Commissioner (via conference call)  
Jane Tabb, Commissioner  
Lyn Widmyer, Commissioner  
Jennifer Brockman, Director of Planning and Zoning  
Seth Rivard, County Planner  
Debbie Keyser, County Administrator  
Jessica Carroll, Administrative Assistant

RE: **Work Session in preparation for the Public Hearing on a proposed Zoning and Land Development Ordinance Text Amendment to establish additional commercial and industrial zoning district categories, and related changes to the Ordinance. The amendment includes changes to the following sections of the Zoning and Land Development Ordinance: 4.4; 4.6; 4.10; 4.11; 5.1; 5.4; 5.6; 5.7; 5.8; 5.10; 6.3; 6.5; 8.1; 8.9; 8.12; 12.2; 12.3; Appendices A, B, and C; and the addition of new Sections 5.11, 5.12, 5.13, 5.14, 5.15, 5.16 and 5.17.**

Commissioner Manuel called the meeting to order at 9:36 a.m.

Commissioner Pellish led the Pledge of Allegiance.

Jennifer Brockman, Director of Planning and Zoning, opened the work session with a PowerPoint presentation which gave a thorough overview of the history of the proposed Zoning and Land Development Ordinance Text Amendment, beginning with its inception in January of 2012 and ending with the upcoming Public Hearing to be held on Thursday, November 21 at 7 pm. Ms. Brockman's PowerPoint also addressed the seven new proposed commercial zoning districts, giving descriptions of each district, including the particular district's purpose, location, permitted uses, and specific standards. Ms. Brockman also explained to the Commission the significant changes the Planning and Zoning staff have made to the amendment as a result of the County Commission Public Hearing on September 6, 2012. The Commission commended Ms. Brockman on her presentation, and Ms. Widmyer requested the PowerPoint be made available to the public via the Jefferson County Commission website and the Planning Commission website. Ms. Brockman asked the Commission if they would like to discuss the public comment matrix, but it was the consensus of the Commission to delay the discussion of the matrix until after the Public Hearing scheduled for 7pm on Thursday, November 21. There being no further items for discussion, the work session was adjourned at 11:36 am on a motion by Ms. Noland. Motion seconded and unanimously approved.

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DALE MANUEL, PRESIDENT

Respectfully submitted  
Jessica D. Carroll  
Executive Administrative Assistant

# PURCHASE ORDERS TO BE APPROVED

**Nov. 21, 2013**

| DEPARTMENT                    | PURCHASE ORDER | AMOUNT        | VENDOR                       | DESCRIPTION                          |
|-------------------------------|----------------|---------------|------------------------------|--------------------------------------|
| ANIMAL CONTROL                | 51894          | \$ 389.00     | Total Equine Vet. Assoc.     | Vet Care/Medication                  |
|                               | 51919          | \$ 150.00     | WV Board of Vet. Medicine    | Euthanasia Tech. Annual Renewal      |
|                               | 51920          | \$ 325.50     | Valley Equine                | Vet Care                             |
| ASSESSOR'S OFFICE             | 51420          | \$ 336.44     | Pifer                        | Office Supplies                      |
| CENTRAL GARAGE                | 52166          | \$ 1,298.73   | Donald B. Rice               | Tires                                |
| CIRCUIT CLERK                 | 51453          | \$ 174.41     | Casto & Harris               | Supplies                             |
|                               | 51457          | \$ 171.41     | Software Systems, Inc.       | Printer Supplies                     |
| COUNTY COMMISSION             | 52226          | \$ 108,321.25 | WV Regional Jail             | Inmate Charges for October           |
| ENGINEERING                   | 50242          | \$ 150.00     | WV Code Officials Assoc.     | WVCOA Seminar Registration           |
| OTHER BUILDINGS               | 52163          | \$ 818.21     | Daycon                       | Cleaning Supplies                    |
|                               | 52164          | \$ 548.25     | BK Office Supply             | Copy Paper                           |
|                               | 52165          | \$ 417.00     | BK Office Supply             | Task Stools with Foot Ring           |
|                               | 52167          | \$ 841.00     | Fidelity Power Systems       | Generator Repair/Supplies            |
|                               | 52169          | \$ 260.00     | Dodson Septic Tank Cleaning  | Tank Pumping                         |
|                               | 52170          | \$ 244.52     | Jefferson Rentals            | Angle & Floor Grinder Rental         |
|                               | 52171          | \$ 328.00     | Boland                       | Service Call to Public Services Ctr. |
|                               | 52172          | \$ 548.25     | BK Office Supply             | Copy Paper                           |
|                               | 52153          | \$ 437.00     | Norvac Lock Technology, Inc. | Service Call                         |
| PROSECUTING ATTORNEY'S OFFICE | 51660          | \$ 2,098.45   | Matthew Bender & Co, Inc.    | WV Law & Code Books                  |
|                               | 51661          | \$ 870.10     | Marcia Chandler, RPR         | Transcripts                          |

|                              |       |                      |                               |                                              |
|------------------------------|-------|----------------------|-------------------------------|----------------------------------------------|
|                              | 51663 | \$ 2,457.10          | Harry A. Millman, Ph.D.       | Expert Witness Fee                           |
| SHERIFF'S OFFICE             | 51531 | \$ 1,600.00          | No Rules Lettering            | New Vehicle Lettering                        |
| (new vehicle Capital Outlay) | 51532 | \$ 24,558.00         | West Virginial Signal & Light | New Vehicle Interior Components              |
|                              | 51533 | \$ 167.00            | Law Enforcement Systems       | Case Management Files                        |
|                              | 51534 | \$ 1,212.09          | Superior Autobody             | Vehicle Repair                               |
|                              | 51535 | \$ 480.00            | Rick's Welding & Crane        | Fence Repair                                 |
|                              | 51537 | \$ 259.98            | Ray Allen Manufacturing, LLC  | K-9 Materials & Supplies                     |
|                              | 51538 | \$ 382.34            | Bruce's 24HR Wrecker Service  | Invoice for Services                         |
|                              | 51539 | \$ 2,975.83          | Galls                         | Uniforms & Accessories                       |
| TAX OFFICE                   | 52119 | \$ 211.80            | Pifer                         | Office Supplies                              |
|                              | 52120 | \$ 136.43            | Sheriff of Jefferson County   | Tax Checks                                   |
|                              | 52122 | \$ 4,765.26          | Spirit of Jefferson           | Notice of Tax Sale/Delinquent Taxes for 2012 |
| <b>GRAND TOTAL</b>           |       | <b>\$ 155,433.68</b> |                               |                                              |

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Angie Banks, Assessor

Department or Entity: Assessor's Office

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

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

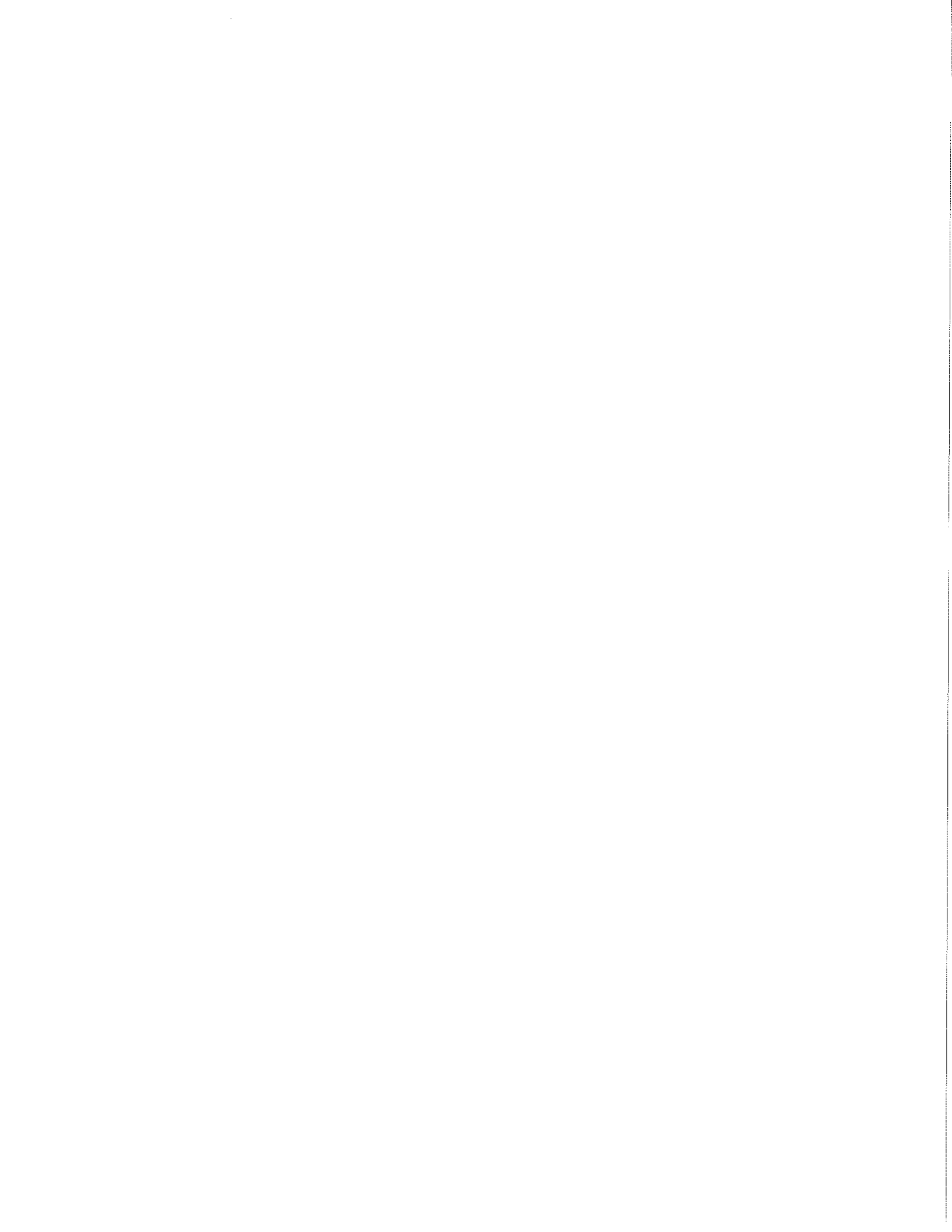
If a specific date is needed, please provide reason for specific date:

Subject: **Exonerations**

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:



AGENDA REQUEST FORM

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



Name: Pete Dougherty

Department or Organization: JCSO

Estimation of amount of time needed for appointment: 5 min

Date Requested – 1<sup>st</sup> Choice: 11/7  
Date Requested – 2<sup>nd</sup> Choice: 11/21

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

Subject (Wording to be placed on agenda):

Hire Replacement Deputy.

Please provide the County Commission with a description of your request or presentation, including any background information: The JCSO has a vacant position available to be filled.

I am seeking favorable consideration in hiring Joseph Grantham to fill this vacancy.

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

I move to approve the hire of Joseph Grantham for the position of Deputy.

Are documents attachments?  Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: pdougherty@jcsd.wv.com

Phone number: 304 728 3205

JEFFERSON COUNTY

Personnel Requisition

Department Name JCSO Date 10/31/13 Date Needed ASAP

Job Title Deputy Salary 41,300 Criminal History Check  Yes  No

Suggested Recruitment Source(s) \_\_\_\_\_

Applicants Interviewed By \_\_\_\_\_ Position Reports To \_\_\_\_\_

Minimum Education Required \_\_\_\_\_

Minimum Experience Required \_\_\_\_\_

Job Duties \_\_\_\_\_

Budget Information

Addition  Replacement  Explain or For Whom Dodson

Position Budgeted  Yes  No Proposed Salary 41,300 Date of Hire \_\_\_\_\_

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: Debbie Keyser

Department or Entity: County Commission

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

Date Requested – 1<sup>st</sup> Choice: November 7, 2013

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

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

Subject: Meeting Room Policy Review

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): Move approval of the amended Meeting Room Policy to allow private meetings to be held by partisan parties and the groups under their umbrellas.

Attachments: Amended Meeting Room Policy

COUNTY COMMISSION OF JEFFERSON COUNTY

| <i>Jefferson County Policies &amp; Procedures</i> |                                                 |           |              |
|---------------------------------------------------|-------------------------------------------------|-----------|--------------|
| Policy Name:                                      | Meeting Room Policy <u>for Outside Entities</u> | Approved: | June 7, 2012 |
| Policy Number:                                    | 910                                             | Author:   | Keyser       |
| Associated:                                       |                                                 |           |              |

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**PURPOSE:**

All meeting rooms in Jefferson County-owned buildings are to be used only for County related meetings and/or business. All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Use of county-owned meeting rooms does not imply endorsement by the County Commission or staff of the viewpoints presented.

**POLICY:**

The Jefferson County Commission encourages the widest possible use of county meeting rooms by government agencies and nonprofit community groups.

Field Code Changed

Field Code Changed

- All meetings shall be open to the public, (except for political parties and the groups that are under their umbrella as recognized by the State of West Virginia - Republicans, Democrats, Libertarians, and Mountain parties).
- Rooms may be used for educational, cultural, informational or governmental/civic activities and may include public lectures, panel discussions, workshops and other similar functions.
- Room bookings are subject to cancellation if the room is needed for county government business.
- Rooms will not be used for personal or family purposes.
- Users agree to abide by all regulations of the meeting room relating to the use of the facilities and accept responsibility for all damages caused to the building and/or equipment beyond normal wear.

**PROCEDURES:**

All exceptions to this policy must be brought before the Jefferson County Commission for a vote during its regular meeting. Organizations authorized to use these rooms are as follows:

- County appointed Commissions, Boards and Authorities
- Republican and Democratic Executive Committees
- Meeting rooms may be used by elected officials (county, state, etc.) for meetings when it is for a stated public purpose. Any organization or individual using meeting rooms is subject to being "bumped" if the rooms are needed for any county related business.

County appointed Boards, Commissions, Authorities, etc. will take precedence over any scheduling conflict.

**County Commission Meeting Room – 200 E. Washington Street, lower level of the Old Charles Town Library, Charles Town, WV 25414:**

The County Commission meeting room must be scheduled through the County Commission Office. The key to the meeting room may be picked up and returned to the County Commission staff during normal business hours. The applicant is responsible for getting an alarm code from the County Commission office. The applicant is responsible for the security alarm. Instructions will be provided as needed.

Groups interested in using the County meeting rooms must first fill out an application form provided by the Jefferson County Commission.

Field Code Changed

Proof of Liability Insurance must be submitted with application by the person reserving the room. Applicants not covered by insurance must sign the provided indemnification form.

Field Code Changed

Submission of application does not constitute approval.

Field Code Changed

The County Commission reserves the right to cancel any reservations of the County Meeting Rooms.

Field Code Changed

For programs occurring outside of normal business hours applicant is responsible for entry and/or closure. A \$40 deposit is required for any meeting occurring outside of normal business hours. Payment is due once approval has been granted to use the meeting room. These funds will be refunded once the key has been returned and the building was secured. Any violation of this rule could lead to privileges of meeting room usage being revoked. Process for getting obtaining and returning the meeting room key is the responsibility of the applicant.

Field Code Changed

Maximum capacity is 112 people with tables and 171 people without tables.

Field Code Changed

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

Field Code Changed

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Field Code Changed

Field Code Changed

Microphone Use:

The County Commission has one standard microphone and speaker which you can use if you wish to do so. You will need to indicate on your request form that you wish to use the microphone so we can place it in the room for you prior to your meeting. This basic microphone can be used free of charge.

Multi-Microphone/Projector Use:

If you wish to use the County Commission's projector or microphone system for your meeting, you can do so by paying in advance \$35.00 per hour for each hour you will be using the room. The check should be made payable to Jefferson County Commission and received at a minimum the day before your scheduled meeting. ***If you fail to submit the rental payment within four days of your request***, you will not have access to the equipment. You will be provided the name and cell phone number of the technician who will be managing your equipment needs once your check is received. We do not allow for you or anyone from your group to utilize our equipment without someone from our staff being present to set-up and store the equipment.

**County Commission Courtroom – 100 E. Washington Street, Charles Town, WV 25414:** The County Commission Courtroom is scheduled through the County Clerk's office. Maximum capacity is 49 people.

Field Code Changed

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

Field Code Changed

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Field Code Changed

Field Code Changed

**Circuit Court Courtroom – 100 E. Washington Street, Charles Town, WV 25414:** The Circuit Court Courtroom may be scheduled through the Circuit Judge's office. Maximum capacity is 150 people.

Field Code Changed

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

Field Code Changed

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Field Code Changed

Field Code Changed

Bardane Public Service Center Conference Rooms – 1948 Wiltshire Road, Suite 3, Kearneysville, WV 25430: All conference rooms located at the Bardane Public Service Center must be scheduled through the Extension Office located in the Bardane Public Service Center. In the event that meetings are held after hours, a responsible employee shall be in attendance. This employee will be responsible for making sure there is no damage, the meeting room is put back in proper order and the building and meeting rooms are secured before leaving. In addition, employees working after normal business hours at the Bardane Public Service Center are responsible for securing the building.

Maximum capacity for large room is 104 people and the small room is 36 people.

Field Code Changed

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

Field Code Changed

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Field Code Changed

Field Code Changed

If a key is provided to the group, a fee of \$25 will be required. If a key is not provided, a fee of \$35 per hour will be required in order to pay for personnel to be present to open and close the facility. Our personnel with the key is responsible for ensuring there is no damage, the meeting room is put back in proper order and the building and meeting rooms are secured before leaving.

Bardane Maintenance Conference Room – Maintenance Building: All conference rooms located at the Bardane Maintenance Conference Room must be scheduled through the Maintenance Office by calling 304-728-4642.

Formatted: Justified, Space After: 0 pt, Line spacing: single, Don't adjust space between Latin and Asian text, Don't adjust space between text and numbers

Maximum capacity for room is 75 people.

Field Code Changed

The group accepts financial responsibility for any and all damage caused to the building or equipment beyond normal wear. The group contact person will be responsible for any charges incurred by the group.

Field Code Changed

No furniture should be removed from any meeting room at anytime.

The group is responsible for leaving the room in the condition in which it was found. Meeting rooms must be left in acceptable, un-littered condition. Tables and chairs should be returned to the positions in which they were found.

Field Code Changed

Field Code Changed

If a key is provided to the group, a fee of \$25 will be required to cover the expense of lights and heat. If a key is not provided, a fee of \$35 per hour will be required in order to pay for personnel to be present to open and close the facility. Our personnel with the key is responsible for ensuring there is no damage, the meeting room is put back in proper order and the building and meeting rooms are secured before leaving.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

**AGENDA REQUEST FORM**

Name: Victoria Slater-Madert ; *Ralph Lonerzetti*

Department or Entity: **Safe Haven Child Advocacy Center; Children's Home Society of WV**

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

Date Requested – 1<sup>st</sup> Choice: **November 21, 2013**

Date Requested – 2<sup>nd</sup> Choice: December 5, 2013

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

Subject: **Child Advocacy Center FY 14 Funding request**

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

**Safe Haven CAC requests local matching funds award of \$5,000.00 from the Jefferson County Commission to be used as a portion of matching funds for West Virginia Division of Justice and Community Services grant (25% or \$32,916 required match).**

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

**Motion to approve budget award request for fiscal year 2014 in the amount of \$5,000 for the Safe Haven Child Advocacy Center.**

Attachments:

*(try for anytime other than 10-11)*

CHILDREN'S HOME SOCIETY OF WEST VIRGINIA  
CHILD ADVOCACY CENTERS

FY 2014 BUDGET

**Mburg**  
**FYE 2013**  
**Budget**

**GRANTS 2014 BUDGET**

**REVENUE**

|                                 |
|---------------------------------|
| Grant Revenue - Public Support  |
| Grant Revenue - Private Support |
| Cash Contributions              |
| In-Kind Contributions           |
| <b>TOTAL TARGETED REVENUE</b>   |

|                |
|----------------|
| 115,746        |
| 11,000         |
| 26,778         |
| 16,718         |
| <b>170,242</b> |

|                 |                              |
|-----------------|------------------------------|
| <b>\$98,746</b> | DJCS Grant                   |
| <b>\$26,778</b> | Cash Donations               |
| <b>\$5,000</b>  | City of Martinsburg (HUD)    |
| <b>\$5,000</b>  | Jefferson County Commission  |
| <b>\$5,000</b>  | Berkeley County Commission   |
| <b>\$2,000</b>  | EWVCF                        |
| <b>\$9,000</b>  | National Children's Alliance |
| <b>\$2,000</b>  | Ranson Mini-Grant            |
| <b>\$16,718</b> | In-Kind contributions        |

**EXPENSES**

|                                   |
|-----------------------------------|
| Salaries                          |
| Relief Salaries                   |
| FICA                              |
| Employment Security               |
| Workers Compensation              |
| Pension                           |
| Health Insurance                  |
| Life Insurance                    |
| Disability Insurance              |
| <b>SUBTOTAL-Salaries/Benefits</b> |

|                |
|----------------|
| 95,914         |
| 0              |
| 7,337          |
| 675            |
| 2,305          |
| 5,755          |
| 23,696         |
| 141            |
| 518            |
| <b>136,341</b> |

|                                    |
|------------------------------------|
| Professional Fees                  |
| Supplies                           |
| Food- meeting supplies             |
| Telephone                          |
| Postage/Shipping                   |
| Occupancy                          |
| Rent/Maint-Equip.                  |
| Printing/Publishing                |
| Travel                             |
| Conf/Mtng                          |
| Tuition Assistance                 |
| Special Assistance                 |
| Membership Dues                    |
| Medicaid Tax                       |
| Interest Expense                   |
| Depreciation                       |
| Miscellaneous                      |
| Professional Liability             |
| <b>SUBTOTAL-Operating Expenses</b> |

|               |
|---------------|
| 1,500         |
| 1,500         |
| 700           |
| 750           |
| 600           |
| 3,500         |
| 2,000         |
| 150           |
| 1,950         |
| 1,500         |
| 0             |
| 0             |
| 800           |
| 0             |
| 0             |
| 800           |
| 500           |
| 1,537         |
| <b>17,787</b> |

**ADMINISTRATIVE COSTS**

**16,114**

**TOTAL EXPENSES**

**170,242**

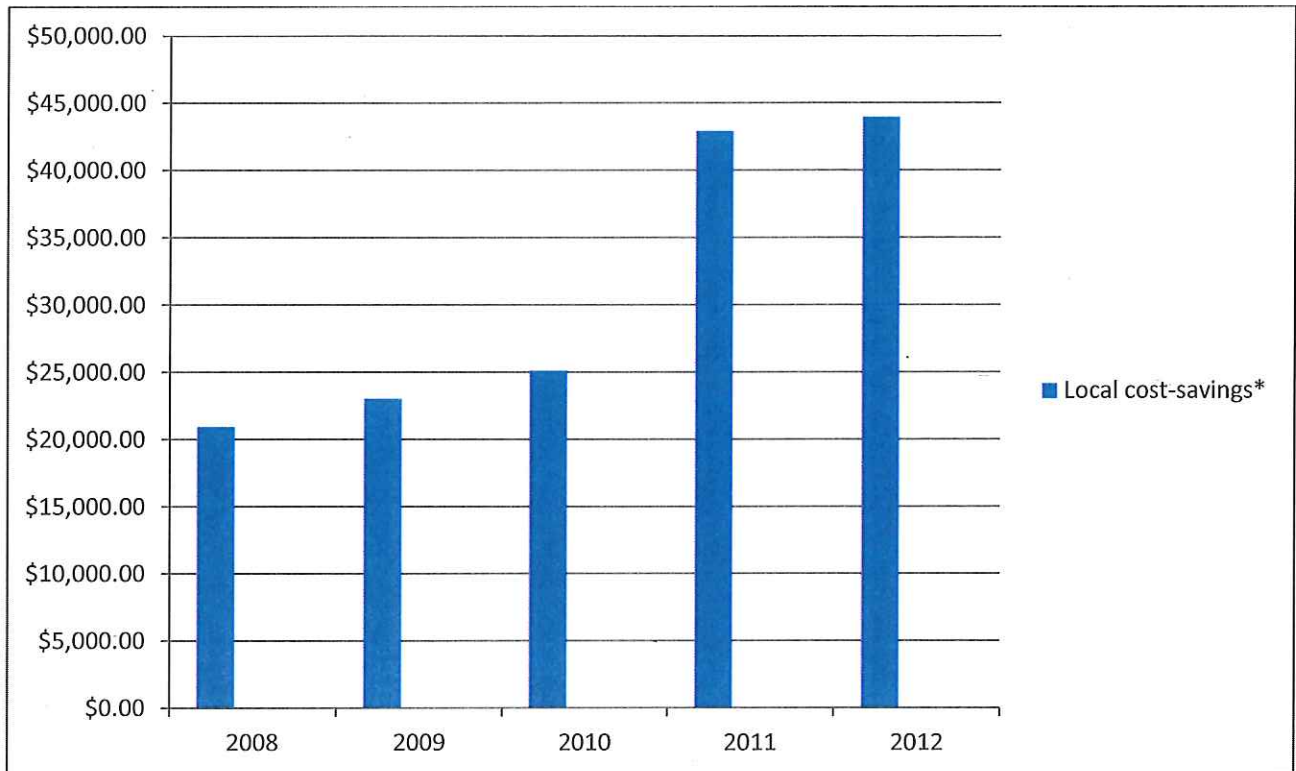
**EXCESS/(DEFICIT)**

**(0)**

## Community Responses to Child Maltreatment Cost-Benefit Savings

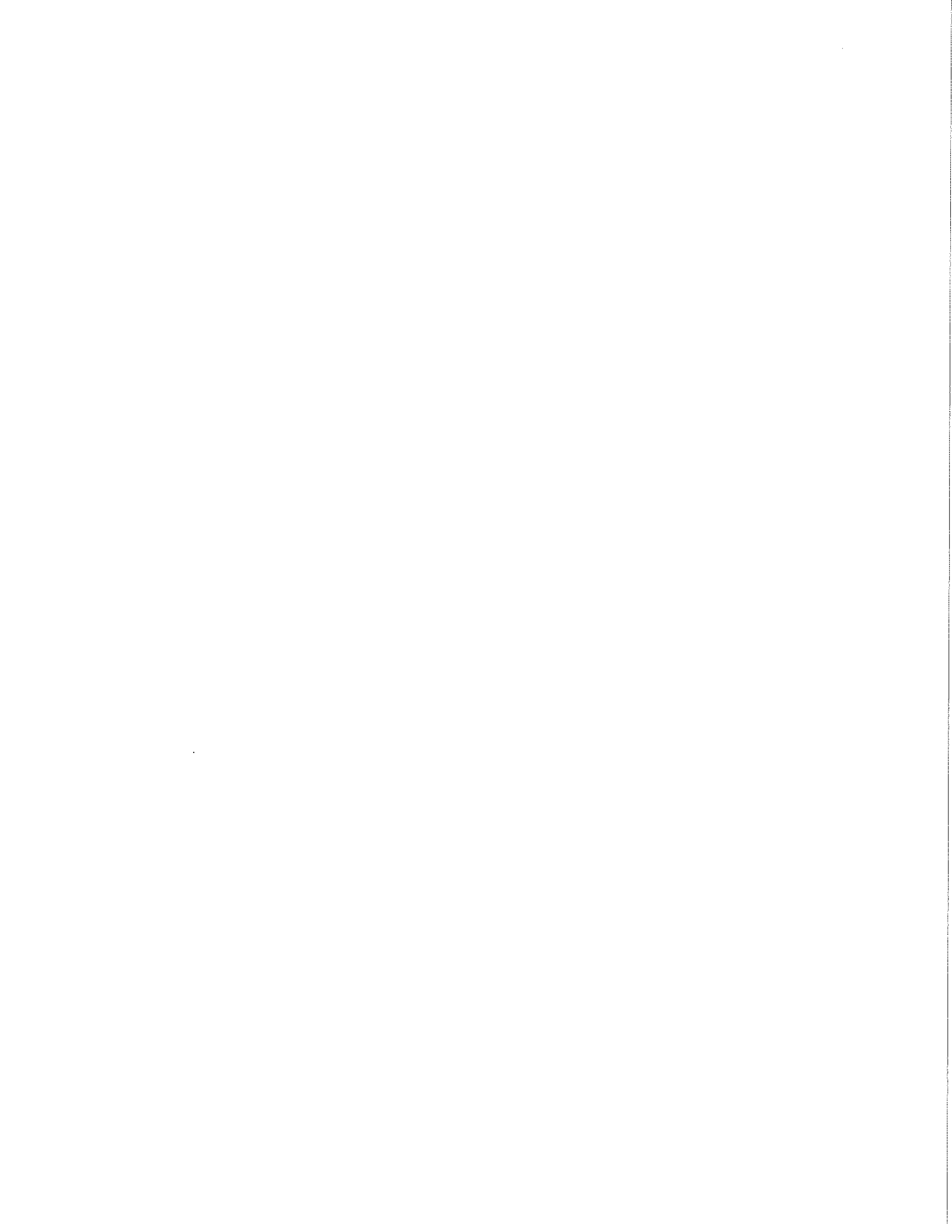
“Use of a CAC in a child abuse case saved, on average, more than \$1,000 per case compared with non-CAC communities due to the efficiencies gained through this tested evidence-supported model” National Children’s Advocacy Center (2005).

### Past 5 years of Jefferson County Cases Estimated Cost Savings\*



\*Cost savings based on average cost of non-CAC investigation (\$3949) vs. CAC-investigation (\$2902) multiplied by the difference \$1047 per case.

**Total estimated cost savings from 2008-2012 in Jefferson County \$156,003**  
(based 149 cases of severe child abuse investigations)



Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Jessica Carroll

Department or Entity: Jefferson County Commission

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

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

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

Subject: **Interviews and Appointments to the Jefferson County Farmland Protection Board for one three-year term ending September 7, 2016 – represents Farmer-at-Large**

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 Commission Notice of Intent to Appoint, Farmland Protection Board Member list, Mr. Ober's letter of interest and application for the Jefferson County Farmland Protection Board.

JEFFERSON COUNTY COMMISSION NOTICE OF  
INTENT TO APPOINT

The Jefferson County Commission proposes to name person(s) to serve on the following Authorities, Boards, Commissions, or Committees on Thursday, October 3, 2013, or as soon thereafter as the Commission may decide:

**Jefferson County Board of Zoning Appeals:** One (1) unexpired term ending January 1, 2014 and three (3) alternate positions ending January 1, 2014, 2015 and 2016 respectively.

**Jefferson County Farmland Protection Board** - One (1)-three (3) year term ending September 7, 2016 - Represents Farmer at Large.

**Jefferson County Enhanced E-9-1-1 Board** - One (1)-three (3) year term ending September 1, 2016.

**Jefferson County Sheriff's Civil Service Commission** - One (1) - four (4) year term ending September 29, 2017.

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

As of 8/27/2013

FARMLAND PROTECTION BOARD  
Elizabeth Wheeler, Administrator  
PO Box 731  
Charles Town, WV 25414  
304-728-3255 (W) 304-283-3129 (H)  
[farmlandprotection@jcda.net](mailto:farmlandprotection@jcda.net)

John Reisenweber  
P.O. Box 237  
Charles Town, WV 25414  
728-3255  
[info@jcda.net](mailto:info@jcda.net)  
*Represents: Development Authority*

Vacant  
p: 304-268-8125  
*Represents: Farmer at large*  
4 years 9/7/2016

Robert Glenn  
P.O. Box 749  
Shepherdstown, WV 25443  
304-268-8125  
email: [rglenn@jacksonkelly.com](mailto:rglenn@jacksonkelly.com)  
*Represents: Non-Farmer (Public)*  
4 years 9/7/2016

(Remain until an appointment Fricke)

Russell Quinn  
677 Quinn Lea Rd  
Harpers Ferry, WV 25425  
304-261-1442  
email: [russquinn@frontiernet.net](mailto:russquinn@frontiernet.net)  
*Represents: Farm Bureau*  
4 years 9/7/2016

Nick Kercheval  
1751 Engle Molers Rd  
Harpers Ferry, WV 25425  
876-6890 (h) 304-671-4911 (cell)  
email: [truxnscoots@msn.com](mailto:truxnscoots@msn.com)  
*Represents: Farment & Soil Conservation*  
4 years 9/7/2014 (replaced Funkhouser)

Elizabeth (Liz) McDonald  
Po Box 599  
Charles Town, WV 25414  
304-283-8640  
email: [liz@blackwellmgmt.com](mailto:liz@blackwellmgmt.com)  
*Represents: Non-Farmer (Public)*  
4 years 9/7/2014

As of 8/27/2013

Jane Tabb  
922 Old Leetown Pike  
Kearneysville, WV 25430  
304-725-4325  
*Represents: County Commission*

§8a-12-2

RECEIVED

NOV 01 2013

Jefferson County Commission

Cedarbrook Farm

8706 Leetown Road  
Kearneysville, West Virginia 25430

(304) 728-2131

info@cedarbrookorganicfarm.com  
cedarbrookorganicfarm.com

October 29, 2013

VIA FIRST CLASS MAIL

Sandy Slusher McDonald  
Deputy County Administrator  
Jefferson County Commission  
P.O. Box 250  
Charles Town, WV 25414  
e-mail: [sandy@jeffersoncountywv.org](mailto:sandy@jeffersoncountywv.org)

Dear Ms. McDonald,

Enclosed please find my application to be a member of the Jefferson County Farmland Protection Board.

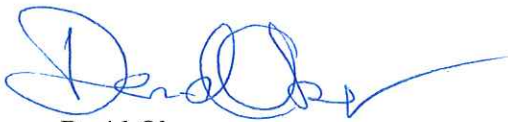
I have been a county resident since 1984. I am married with one son, an 8th grader at Shepherdstown Middle School.

Since 2004, I have been a full-time farmer in Jefferson County. My farm is a small diversified vegetable, fruit, poultry and livestock operation. My principal market product is pork, which I sell to restaurants and caterers, and at farmers markets in the DC area.

I have been a long time member of the Pennsylvania Association for Sustainable Agriculture, and have been an occasional speaker on pastured pork farming at their annual conferences.

In addition, I am an attorney, licensed to practice in WV, Maryland, and Washington, D.C. My practice area is commercial litigation, with a focus in the financial services industry.

Sincerely yours,



David Ober

enc'l

# Jefferson County Commission Application for Boards, Committees or Commissions

NAME: David Ober

HOME ADDRESS: 8706 Leetown Road, Kearneysville, WV 25430

HOME TELEPHONE NUMBER: (304) 728-2131

WORK ADDRESS: Same as Home

WORK PHONE NUMBER: Same as Home

MOBILE PHONE NUMBER: (202) 213-9200

E-MAIL ADDRESS: dober@hughes.net

MAGISTERIAL DISTRICT: Middleway

PARTY AFFILIATION (Building Commission applicants only) n/a

OCCUPATION: Farmer

LENGTH OF RESIDENCY IN JEFFERSON COUNTY: 29 years

EDUCATION: HIGH SCHOOL West Springfield, VA

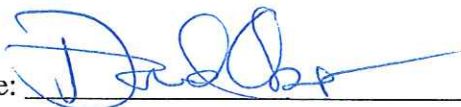
COLLEGE: Tulane University, BA; American University, JD

TRADE OR BUSINESS SCHOOL n/a

LIST QUALIFICATIONS FOR THIS POSITION: Full time Jefferson County farmer; Member,  
West Virginia Bar

NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR: Farmland  
Protection Board; non-aligned farmer nomination

ORGANIZATION MEMBERSHIPS & POSITIONS HELD: Member, Pennsylvania  
Association for Sustainable Agriculture (PA); Member, The Barristers (DC), Member, District of  
Columbia Bar; Member, Maryland State Bar

Signature:  Date: October 29, 2013

**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: Alan Davis, Deputy County Administrator

Department or Organization: Berkeley County Commission

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

Date Requested – 1<sup>st</sup> Choice: **November 21, 2013** 11:15am

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

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

Subject (Wording to be placed on agenda):  
**Regional 911 consolidation**

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):

Are documents attachments? Yes      No  
If not, explain:

Is a projector needed? Yes      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_



**AGENDA REQUEST FORM**

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



Name: Lynn Fields

Department or Organization: Probate

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: November 21st, 2013

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

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

Subject (Wording to be placed on agenda): Special Session

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

*To close estates that did not meet the deadline for last quarterly review.*

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

*Close approved estates presented*

Are documents attachments? Yes  No

If not, explain: To follow

Is a projector needed? Yes  No

Contact information:

Email address: lfields@jeffersoncountywv.org

Phone number: 304-728-3210

SPECIAL SESSION

NOVEMBER 2013

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

At a SPECIAL SESSION of the County Commission of said County and State, begun and held at the Old Charles Town Library thereof, on Thursday, November 21<sup>st</sup>, 2013 beginning at 11:05 a.m.

PRESENT: Dale Manuel, President  
Lyn Widmyer, Patsy Noland  
Jane Tabb, and Walt Pelish, Commissioners

A list of Wills Probated, Executors qualified, Guardians, Administrators,

&c appointed since the last Regular Term of this Commission, to-wit: The

SPECIAL SESSION November Term, thereof was this day presented to the

Commission by the Clerk thereof, examined by it, and ordered filed:

Estate of James Calvin Delauney, deceased, in Account with Bonny D. Hamrick, Executrix

The following Waivers of Final Settlement were this day examined by

the Commission and there being no exceptions thereto, and none appearing on

the face thereof, same are ordered approved and recorded as follows:

Estate of Forrest E. Hostler, deceased, Waiver of Final Settlement, Robert Biggs, Jr., and Lisa Biggs, Co-Executors

Estate of Roberta V. Mackintosh, deceased, Waiver of Final Settlement, Kevin Mackintosh, Executor

Accountings and Waivers of Final Settlement submitted from the Fiduciary

Commissioners: June K. Jovanelly, S. Andrew Arnold, Frank D. Hill, III and

David A. Dejarnett:

Estate of Hazel M. Hendricks, deceased, Fourth Accounting, Denver L. Hipp  
and Dennis L. Barron, Co-Executors

Estate of Albert Kave, deceased, Waiver of Final Settlement, Albert Kave and  
Patricia Lucas, Co-Executors

Estate of Edward Nestor, deceased, Second Accounting, William Garland  
Nestor, Executor

---

President



AGENDA REQUEST FORM

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



Name: Ann Coulter & Lynn Yellott

Department or Organization: EPSPAN - Eastern Panhandle Single Payer Action Network

Estimation of amount of time needed for appointment: 15 min.

Date Requested - 1<sup>st</sup> Choice: 9/19/13

Date Requested - 2<sup>nd</sup> Choice: 9/26/13 if meeting taking place

3<sup>rd</sup> 10/17/13

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

NOV 7<sup>th</sup>

NOV 21<sup>st</sup>

NOV 21<sup>st</sup>

Subject (Wording to be placed on agenda): Reduce healthcare benefit costs

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

Will provide small packet of documents to Commissioners. Do know to get packet to Commission office Thurs. before confirmed date.

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

No

Are documents attachments? Yes  No

If not, explain:

See above

Is a projector needed? Yes  No

Contact information:

Email address: anncoulter@comcast.net

Phone number: 304-876-3158

Ann Coulter

Ann Coulter and Lynn Yellott  
EPSPAN Eastern Panhandle Single Payer Action Network  
P.O. Box 153  
Shepherdstown WV 25443  
September 12, 2013

Members of the Jefferson County Commission  
124 E. Washington Street  
Charles Town WV 25414

Dear Commissioner Manuel, Noland, Pellish, Tabb and Widmyer:

We know that you are facing very difficult decisions in the next few months due to budget shortfalls. Spending cuts and the search for greater revenue sources present huge challenges.

Savings as great as \$ 1.5 million could be realized by Jefferson County if our country expanded and improved our current Medicare program to cover everyone. Please take a look at the document titled "Savings Calculation for JC Commission" in the packet we have provided.

Even with this savings, under Improved Medicare for All, all necessary medical services, including vision, dental, mental health and long term care would be provided by private practitioners paid with public funds.

The most important thing about Improved Medicare for All is that everyone in this country would have access to the healthcare they need. Overall we would not spend more than we do right now. You can find the sources of revenue under the chart on the Savings Calculation document. Most families would spend less on healthcare with no premiums, no deductibles, no annual or lifetime limits. And families would not lose their homes or go bankrupt due to the cost of medical care.

How can this be? The answer is that we would spend our money on providing care to people rather than supporting the insurance industry. Additionally, we would have more ways to control the incredible rise in healthcare costs under a single-payer system.

Thank you for giving us time on your agenda. We look forward to talking with you and answering your questions about what this could mean for Jefferson County government and our community.

Ann Coulter  
Lynn Yellott  
EPSPAN Eastern Panhandle Single Payer Action Network  
Upper Potomac Chapter of Physicians for a National Health Program  
Affiliate of Healthcare NOW.

**2010-2011 HEALTH BENEFIT SAVINGS FOR  
JEFFERSON COUNTY COMMISSION  
UNDER EXPANDED AND IMPROVED MEDICARE FOR ALL, H.R. 676**

Figures from the *Jefferson County Commission budget FY 2010-2011*, reveal that taxpayers spent:

- More than \$ 2,004,449 dollars related to health benefits for county employees.

| <b>JEFFERSON COUNTY WV COMMISSION EXPENDITURES FOR EMPLOYEES' HEALTH BENEFITS FY 2010-2011</b>       |                                  |
|------------------------------------------------------------------------------------------------------|----------------------------------|
| • Health insurance benefits for active employees                                                     | \$ 1,813,739.                    |
| • Medicare payment                                                                                   | \$ 130,342                       |
| • Worker compensation/ medical portion                                                               | \$ 60,368                        |
| <b>TOTAL COST OF HEALTH BENEFITS 2011</b>                                                            | <b>\$ 2,004,449</b>              |
|                                                                                                      |                                  |
| <b>ESTIMATED SAVINGS FOR JEFFERSON COUNTY COMMISSION UNDER HR 676</b>                                |                                  |
| <b>TOTAL COST OF HEALTH BENEFITS 2011 (from above)</b>                                               | <b>\$ 2,004,449</b>              |
| <b>LESS the estimated cost of health benefits under HR 676<br/>(% total payroll of \$ 8,989,134)</b> | <b>@5.95% \$ 534,853 hi est</b>  |
|                                                                                                      | <b>@4.75% \$ 426,984 low est</b> |
| <b>TOTAL 2011 ESTIMATED SAVINGS UNDER HR 676</b>                                                     | <b>\$ 1,469,596</b>              |
|                                                                                                      | <b>up to \$ 1,577,465</b>        |

**I. HR 676, *Expanded and Improved Medicare for All Act* will**

- A. Provide all medically necessary care including prescriptions, nursing home and long-term care, dentistry, vision care, and mental health services **to all, regardless of age;**
- B. Eliminate premiums, co-pays and deductibles;
- C. Be a privately delivered, publicly financed system;
- D. Reduce massive administrative waste;
- E. Eliminate interference by insurance companies in decisions about medical care;
- F. Control the excessive cost of healthcare, i.e. drugs, hospital and doctor bills.

**II. HR 676 funding will come from:**

- A. Existing sources of government revenues for health care;
- B. An increase in personal income taxes on the top 5% income earners;
- C. A payroll tax on employees, employers and self-employed similar to Social Security tax;
- D. A modest tax on unearned income;
- E. A small tax on stock and bond transactions.

From *Financing Expanded and Improved Medicare for All...A Briefing Paper*, Healthcare-Now.

For a list of more than 600 government jurisdictions and organizations that have passed Resolutions supporting HR 676 go to <http://www.pnhp.org/action/organizations-and-government-bodies-endorsing-hr-676-single-payer>.

### A Common Scenario



Most employers subsidize a large percentage of their employees' health insurance premiums as a cost of doing business. Today's premiums are so expensive that they are unaffordable to most

employees, so they look for employers that offer health coverage as part of a benefits package.

One major problem with our current private, employer-sponsored health insurance is that it creates double-whammy inflation. If health care costs rise 7%, insurance goes up 11%. Someone must pay extra to cover irrationally exuberant corporate profits, CEO salaries and additional bureaucracies, all of which divert health care dollars away from necessary care.

Companies expect health insurance costs to rise on average 10% per year, as they have for the past several years. However, no one can know who will develop a severe or chronic illness. If just one person develops cancer, diabetes, multiple sclerosis, has a heart attack or stroke, or if one family has a child with a chronic genetic illness such as hemophilia or cerebral palsy, then premiums will skyrocket for the entire group.

Employers then must either pay more, shift costs to employees, or reduce benefits by switching to a cheaper plan. The problem with cheaper plans is they put employees at much greater risk of financial catastrophes caused by medical expenses.

The single-payer solution presented in this brochure solves all of these problems by putting every American into a single risk pool, which much more effectively minimizes the impact of high-cost illness on individuals and society as a whole. The cost to cover everyone would rise at a predictable rate every year without expenses due to unpredictable and unreliable insurance coverage forcing companies out of business or employees into bankruptcy.

"We have some of the best physicians and medical technology in the world, but cannot make the most effective use of them with our present irrational, chaotic and complex payment system."

*Drs. Eugene and Linda Farley  
Retired, University of Wisconsin  
Medical School, Madison*

**National single-payer health care for all will cost less than we spend today and deliver better quality care because it utilizes efficiencies of scale, creates much-needed transparency in a system that now has none, reduces bureaucracy and eliminates unnecessary, expensive middlemen.**

### Business Coalition for Single-Payer Healthcare



339 Lafayette St •  
New York, NY 10012-2725 •  
Toll-free 1-800-453-1305 •  
www.businesscoalition.net •  
email: info@businesscoalition.net •

**Can you still afford to provide quality health insurance for all of your employees?**



### How to Save 30% or More on Better Health Coverage

- We're not selling insurance
- We're not selling anything
- Free information and solutions inside





# Business Benefits of a Single-Payer Medicare-For-All System

## Should health care remain a business burden?



No. It is by historical accident that employers were drawn into our health care system, and it has grown into a massive personnel cost that has virtually destroyed U.S. competitiveness.

**There is a better way, but it requires business leaders to reset to zero.**



Progress happens. The Fax industry displaced overnight delivery services, and email displaced Fax usage. Times change, usually for the better, and it is business leaders that usually make it happen. It's time for health care payments and coverage to change.

## We have alternatives...



Our choice is to keep a health care system that is confused and inefficient, or replace it with a single-payer system as they have in every other industrialized country.

## Businesses will...

- Eliminate health care benefits and reduce their labor costs by 10-12%
- Cut workers' compensation by up to 50%
- Become more competitive with foreign products
- Eliminate health care benefits management costs and related labor negotiations
- Free up worker income to buy new products and services, thereby improving the economy
- No longer have to fear employees with higher medical costs

## Improved Medicare For All

H.R.676, as proposed by US Rep. John Conyers and cosponsored by scores of other Members of Congress (more than any other comprehensive health care reform bill), simply expands the Medicare system to cover 100% of the U.S. population. Like Medicare today, it is a single-payer system that takes advantage of a single risk pool of all 300 million Americans. Rather than the current 1500 insurance companies, with thousands of different plans, HR676 establishes one universal plan which is administered by one private contractor in each state, thereby saving almost 90% of the administrative cost. It replaces the average 15% insurance premiums and patient co-pays with a modest payroll tax of only 3.3% for employers and 3.3% for employees.

## Important Facts

- It is not socialized medicine, as is the VA, Bethesda Naval Hospital and other armed forces health care systems.
- We'll be able to choose our own doctors and specialists. Hospitals will no longer be in crisis because they will have a global budget each year covering everything, based on their real costs.
- All hospitals and physicians remain private and are paid under today's guaranteed fee-for-service and DRG programs. Bad debt and unnecessary ER visits will be eliminated.
- The current insurance bureaucracy consumes up to 31% of health care dollars to cover non-healthcare administration costs (marketing, broker commissions, high executive salaries, high costs for lobbying and campaign contributions, gatekeepers to deny care, actuarial costs, and high shareholder profits).

## Links For Further Information

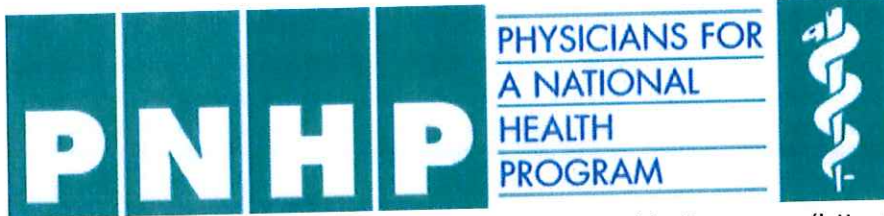
- [www.businesscoalition.net](http://www.businesscoalition.net)
- [www.healthcare-now.org](http://www.healthcare-now.org)
- [www.pnhp.org](http://www.pnhp.org)
- [www.guaranteedhealthcare.org](http://www.guaranteedhealthcare.org)

"H.R.676 is the only Congressional bill that will provide for an improved Medicare-For-All that will serve everybody and save money at the same time."

— Marilyn Clement  
National Coordinator,  
Healthcare-NOW

- The single-payer administrative costs will be about 3% and will save money by eliminating the gigantic waste and duplications of the current multiple payer system.
- The savings will totally offset the coverage of the uninsured and provide much better benefits for all of us.
- HR 676 would cover every person in the U. S. for all necessary medical care including prescription drugs, hospital, surgical, outpatient services, primary and preventive care, emergency services, dental, mental health, home health, physical therapy, rehabilitation (including for substance abuse), vision and hearing care, chiropractic and long term care.
- HR 676 ends deductibles and co-payments because they do not offset their costs.
- HR 676 would save billions annually by eliminating the high overhead and profits of the private health insurance industry and HMOs.





Published on *Physicians for a National Health Program* (<http://www.pnhp.org>)

## Single payer is needed cure

**By Jack Bernard**

*Charlotte (N.C.) Observer, June 10, 2013*

After spending 25 years in the health care field, most of it related to making hospitals more efficient and effective, I have become skeptical of many of Washington's reform efforts, especially by my party, the GOP.

One of the biggest problems with health care is escalating, uncontrolled expenditures, taking a larger and larger proportion of our GNP. However, what Rep. Paul Ryan and the GOP want to talk about is the federal budget and cost-shifting via Medicare and Medicaid.

Experts in health care economics differ on many things. But one thing they all agree on is that raising the age for Medicare will do virtually nothing to reduce the overall cost of health care in this nation.

Under the Affordable Care Act, everyone must have insurance or be taxed. Medicare has a 3 percent administrative overhead while the private sector has run 28 percent, coming down to 20 percent as required by the ACA. Raising the Medicare age simply shifts the insurer from the government to less efficient private providers. This dumps the extra cost into the lap of the senior, who at 65 is probably unemployed and unemployable. There are no overall cost savings via efficiencies with Ryan's Medicare "voucher" proposal.

Dr. Gerald Friedman, professor of economics at the University of Massachusetts, was in Charlotte recently for the launching of a physician advocacy group, Health Care Justice. Friedman indicated that U.S. per capita health care cost is \$7,920. That compares with \$3,323 in Sweden, \$2,984 in Finland and only \$2,686 in Italy. He points out that people in these countries are healthier than in our country and things are getting worse here. In 2001 among the non-elderly, 14 percent did not see a doctor for needed medical care. The figure rose to 26 percent in less than a decade.

Friedman pointed out that the most basic financial problem with U.S. health care is the for-profit insurance system. Insurance company profits have increased 250 percent in the last decade, Friedman said. The head of Cigna made a whopping \$29 million in 2009 while health care premiums and increased deductibles are eating up more and more of workers' wages.

He further pointed out that the administrative cost of health care insurance is one of the major drivers of escalating health care costs from 1980 to 2005. According to Friedman, the administrative cost of private insurance will be \$200 billion in 2013. In the U.S. billing costs run

\$83,975 per doctor per year versus only \$22,205 in Ontario.

This is waste, pure and simple. Although the Affordable Care Act pushed through by the Democrats does not do enough to solve the issue, the current GOP proposals totally ignore it.

A related area is prescription drugs. We pay 60 percent more than other countries. Our nation is in effect providing a subsidy to all the others. Why should we pay more to develop drugs that are used elsewhere, not just here?

What is the best course of action to provide better health care and reduce the growth of national health care expenditures? Dr. Friedman's cure is to move to single payer.

Single payer would drive down costs because Medicare (or a utility-like private single payer insurer) would have leverage to keep costs down. With no other game in town, providers would be forced to operate more efficiently. Drug companies would be pressured to give Americans the same drug pricing that is found elsewhere.

Friedman pointed out that in multiple state studies (independently done by several groups), single payer turns out to save money. In his own studies, he has shown savings of around 20 percent for North Carolina, Pennsylvania and Massachusetts, and even more in Colorado and Maryland.

According to Friedman, a North Carolina single payer system would produce enormous savings, \$18.7 billion per year. Surely, at a time when wage earners are being faced with ever increasing premiums and higher deductibles, we should at least consider Medicare for all or a similar single payer system.

The real question is whether either party is willing to stand up to the drug and insurance lobbies and do what is best for America.

*Jack Bernard is a retired health care executive, former Jasper County, Ga., commission chairman and former chairman of the Jasper County Republican Party.*

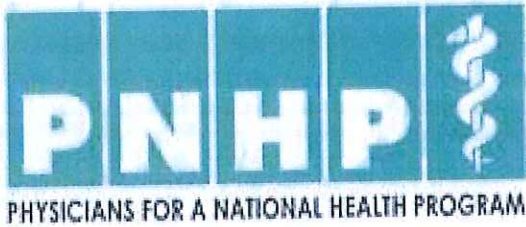
<http://www.charlotteobserver.com/2013/06/10/4097735/single-payer-is-need...>

### **Physicians for a National Health Program**

29 E Madison Suite 602, Chicago, IL 60602 ✉ [Find us on a map](#)  
Phone (312) 782-6006 | Fax: (312) 782-6007 | email: [info@pnhp.org](mailto:info@pnhp.org)  
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Problems with the website? [Contact our webmaster](#)

Source URL (retrieved on *Thursday, August 1, 2013*): <http://www.pnhp.org/news/2013/june/single-payer-is-needed-cure>



29 East Madison Street, Suite 602  
Chicago, Illinois 60602-4406  
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Fax 312-782-6007  
info@pnhp.org - www.pnhp.org

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# The case for an improved Medicare for All

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## The Problem: The health care crisis in the United States is worsening

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- Over 58.7 million people were uninsured at least part of 2011 ([National Center for Health Statistics](#)), and at least 31 million will likely remain uninsured in 2023 ([Congressional Budget Office](#)).
- An additional 49 million people spent 10 percent or more of their income on health care and premiums (meeting the definition of “underinsured”) ([The Commonwealth Fund](#)).
- About 45,000 deaths annually are associated with lack of health insurance ([American Journal of Public Health](#)). That’s roughly one unnecessary death every 12 minutes.
- Sixty-two percent of all personal bankruptcies in the U.S. are linked to medical bills or illness, and three-quarters of those bankrupted had health insurance when they got sick. ([American Journal of Medicine](#)). That’s about one medical bankruptcy every 15 seconds.
- In 2010, 75 million working age adults went without necessary care due to costs, 73 million reported having trouble paying bills or were in medical debt, and a quarter of those with chronic conditions skipped care due to cost ([The Commonwealth Fund](#)). Many people have to choose between paying for medicine and paying for food and housing.
- Even though U.S. health spending is the highest in the world, at an estimated \$8,952 per person (or 17.9 percent of GDP) in 2012 ([Centers for Medicare and Medicaid Services](#)), the U.S. ranked sixth of seven countries in terms of quality in a 2010 cross-national study by [The Commonwealth Fund](#). We’re not getting our dollars’ worth.
- Private health insurance companies have high overhead expenses, including advertising, underwriting costs, and lavish payouts to executives and shareholders. They siphon off 12 percent to 25 percent of premiums – billions of dollars every year – that should be spent on health care. By comparison, Medicare’s overhead is about 1.4 percent ([Centers for Medicare and Medicaid Services](#)). The U.S. has notoriously high administrative costs, about 31 cents of every health care dollar, most of which is unnecessary ([New England Journal of Medicine](#)).
- The nation’s five top for-profit health insurers netted \$11.7 billion in profits in 2010, up 51 percent from 2008, with UnitedHealthcare leading the pack with over \$4.6 billion in profits ([Health Care for America Now](#)). The CEOs at those five firms garnered at least \$54.4 million in compensation in 2010 ([Executive PayWatch, AFL-CIO](#)).

(over)

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## The Solution: an Improved Medicare for All, single-payer national health insurance

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- We have an American system that works: Medicare. It's not perfect, but Americans with Medicare are far happier than those with private insurance. Medicare has been a leader in keeping costs down. And keep in mind that Medicare insures people with the greatest health care needs: people over 65 and the disabled. We should improve and expand Medicare to cover everyone.

- Single-payer legislation like “The Expanded and Improved Medicare for All Act,” [H.R. 676](#), sponsored by Rep. John Conyers Jr., would (1) automatically enroll everyone in the plan, (2) provide comprehensive services covering all medically necessary care and drugs, (3) allow free choice of doctor and hospital, (4) eliminate all co-pays and deductibles, (5) create a public, nonprofit agency to pay all the bills, simplifying administration, paperwork and bureaucracy, (6) finance care through progressive taxation, with people paying less than what they are paying now for premiums and out-of-pocket expenses, (7) boost job growth and the entire U.S. economy by reducing the burden of health costs on businesses, (8) provide everyone with first-dollar coverage without spending any more than we are now, thanks to the administrative savings, estimated at \$400 billion annually, (9) provide powerful cost-control tools like bulk purchasing and global budgeting ([IAMA](#)) for long-term, sustainable savings.

- A single-payer, Medicare-for-all system would not be “socialized medicine,” since many physicians and other providers would remain in private practice. Only the financing would change. It would not introduce “government rationing” (as opposed to the rationing we have now based on ability to pay), but would restore the doctor-patient relationship by removing meddling private insurer bureaucrats. It would be transparent and publicly accountable, fair and efficient. It would be humane.

- Polls, surveys and “citizen juries” show such an approach enjoys the [support of two-thirds of the U.S. population](#). Endorsements by labor, faith-based and civic organizations and legislative bodies provide [further evidence of strong support](#) for this solution.

- Dr. Martin Luther King Jr. once said, “Of all the forms of inequality, injustice in health care is the most shocking and inhuman.”

- We need to create a single-payer system, an improved Medicare for All.

**Physicians for a National Health Program**, a single-payer advocacy group, has 18,000 members. For more than two decades, PNHP has been educating doctors and the general public about the advantages of single-payer national health insurance. For more information, visit [www.pnhp.org](http://www.pnhp.org).

## **WEST VIRGINIA UNIONS ENDORSING IMPROVED MEDICARE FOR ALL (HR676)**

Unified Union Partners, made up of union presidents from VISN 4 (Veterans Integrated Service Network) which includes 10 Veterans Administration hospitals and several VA community based outpatient clinics (CBOCs) in PA, Wilmington, DE, and Clarksburg, WV.

Local 995, United Steelworkers (USW), Follansbee, WV

West Virginia Brooke-Hancock Central Labor Council, Newell, WV

Local 5668, United Steelworkers (USW), Ravenswood, WV, Feb. 5, 2007

Southwestern District Labor Council, Huntington, WV

Monongalia-Preston Labor Council, Morgantown, WV

West Virginia AFL-CIO, Charleston, WV

WV AFT

Eastern Panhandle Central Labor Council

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## Study: Single-Payer Health System Feasible, Could Save \$1.8 Trillion in 10 Years

Written by Bob Herman | July 31, 2013

69

A new study shows that expanding Medicare to every American citizen would not only achieve universal coverage and trillions in savings, but it's also feasible to implement based on legislation that has already been proposed.

11

Gerald Friedman, PhD, a professor of economics at the University of Massachusetts at Amherst, released his study today in Washington, D.C., at a congressional briefing. The basis of Dr. Friedman's research is HR 676 — the [Expanded and Improved Medicare for All Act](#) — which is a bill introduced by Rep. John Conyers Jr. (D-Mich.) in February that would establish a single-payer healthcare program. The bill has been proposed for 11 straight years.

Share



46

In his study, Dr. Friedman said if Rep. Conyers' bill were signed into law, the expansion of Medicare could "paradoxically" save the U.S. healthcare system \$592 billion in 2014 alone. The main savings would come from slashing "administrative waste" in the private health insurance industry and using the government's bargaining power to obtain cheaper pharmaceuticals, according to the report. Over the next decade, the study suggested savings could reach \$1.8 trillion.

Under HR 676, a single-payer system would be financed through several factors: increasing the personal income tax on the top 5 percent of income earners, instituting a progressive tax on payroll and self-employment, taxing capital gains and other unearned income, instituting a 0.5 percent tax on stock trades and other "progressive tax" financing efforts, according to the study.

The results of implementing the legislation, Dr. Friedman said, would be "expanded coverage, improved benefits, enhanced reimbursement of providers serving indigent patients and the elimination of copayments and deductibles in 2014." The savings would also go toward retraining displaced healthcare workers for new healthcare roles and converting investor-owned, for-profit healthcare organizations into nonprofit systems.

"This analysis shows that it is possible to reform the U.S. health financing system to make it more efficient and equitable," the study concludes. "On top of the enormous administrative savings of single payer, the savings from effective cost-control would make it possible to provide universal coverage and comprehensive benefits to future generations at a sustainable cost."

Single-payer healthcare bills have generally been opposed by Republicans and others in the past. According to a 2008 study in the *Annals of Internal Medicine*, 59 percent of physicians support legislation to establish a single-payer system. Several industrialized countries have also had established single-payer or universal healthcare systems for at least 30 years, including the United Kingdom, Canada, Australia, Sweden and Norway.

More Articles on Single-Payer Healthcare:

[U.S. Supports United Nations Resolution for Universal Healthcare](#)

[Looking North: What the U.S. Can Learn From Canada to Salvage Medicare](#)

[Single-Payer Healthcare: What Could it Do on the National Stage?](#)

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ALSO ON BECKER'S HOSPITAL REVIEW

**New Bill Aims to Tighten Stark Law's In-Office Exception** [1 comment](#)

AROUND THE WEB

**Citizens Over 50 May Qualify to Get \$20,500 this Year** [Moneynews](#)

What's this?

Channels

[Integration & Physician Issues](#)

[Accountable Care Organizations](#)

[Management & Administration](#)

[Leadership & Executive Moves](#)

[Strategic Planning](#)

[Finance, Revenue Cycle & ICD-10](#)

[Transactions & Valuation Issues](#)

[Compensation Issues](#)

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[Key Specialties & Service Lines](#)

[Workforce & Labor Management](#)

[Capacity Management](#)

[Quality & Patient Safety](#)

[Anesthesia](#)

[Hospital CEO & CFO Profiles](#)

[Lists](#)

10 Most-Read Articles

1. CMS to Fine Hospitals \$227M for High Readmissions
2. 130 Nonprofit Hospital and Health System CEOs to Know
3. 9 Things to Know About the CHS-HMA Merger
4. 10 Recent Hospital and Health System Layoffs
5. 18 Hospitals to Be Hit With CMS' Maximum 2% Fine for Readmissions
6. Study: Single-Payer Health System Feasible, Could Save \$1.8 Trillion in 10 Years
7. 10 Must-Read Stories on Consolidation in Healthcare
8. Hospital Layoffs on the Rise: 4 Best Practices for Hospitals Facing the Last Resort
9. 10 Recent Hospital Transactions and Partnerships
10. 25 Hospital and Health System Executive Moves



**AGENDA REQUEST FORM**  
[www.jeffersoncountywv.org](http://www.jeffersoncountywv.org)



Name: S. Chris Anders, State Coordinator

Department or Organization: Campaign for Liberty

Estimation of amount of time needed for appointment: 10 minutes

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

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

Subject (Wording to be placed on agenda):

**Introduce a resolution that will prevent discrimination in the use of county owned or leased property**

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

**Resolution for the Adoption of a Non Discrimination Policy in the use of County Property**

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

Are documents attachments? Yes  No

If not, explain:

Is a projector needed? Yes  No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_

Resolution for the Adoption of a Non Discriminatory Policy in the use of County Property

Be it hereby declared that on this date the Jefferson County Commission declares that any and all meetings and activities held on County property, including leased property, shall be open to all residents of Jefferson County, regardless of race, sex, age or political affiliation.

Be it also declared that the Jefferson County Commission condemns all forms of discrimination in the use of County Property, while recognizing the 1st Amendment Right to assemble and associate.

**AGENDA REQUEST FORM**

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



Name: Norwood Bentley, Esquire

Department or Organization: Berkeley County Commission

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

Date Requested – 1<sup>st</sup> Choice: November 21, 2013 1:30pm

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

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

Subject (Wording to be placed on agenda):

**Discussion on legal matters regarding personnel issues/Possible Litigation  
- Possible Executive Session - §6-9A-4**

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):

Are documents attachments? Yes      No

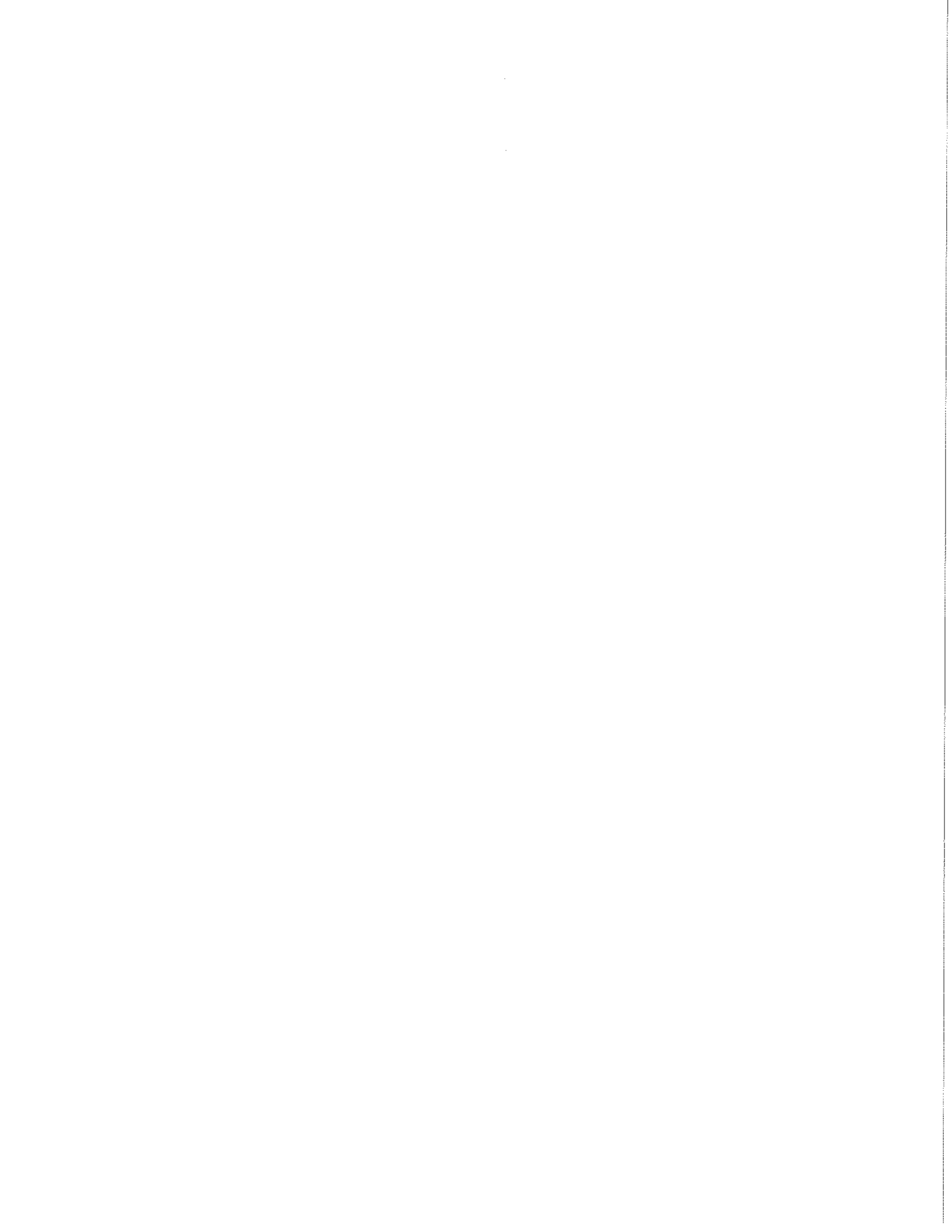
If not, explain:

Is a projector needed? Yes      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_



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: November 21, 2013

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 Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots 1-7, 16 and 25-43 (File #04-20) – Cash-in-Escrow with United Bank, Shepherdstown, West Virginia.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a complete release of the remaining \$135,608.00 from the construction bond for Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots 1-7, 16 & 15-43 (File #04-20).

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  
*Dale Manuel*

November 21, 2013

VICE PRESIDENT  
*Walt Pellish*

Mr. Christopher S. Colbert, Vice President  
United Bank

COMMISSIONER  
*Jane Tabb*

7867 Martinsburg Pike  
Shepherdstown, West Virginia 25443

COMMISSIONER  
*Patsy Noland*

RE: Complete Release of Cash-in-Escrow dated January 30, 2013 Construction Bond Surety  
for Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots  
1-7, 16 and 25-43 (PC File #04-20).

COMMISSIONER  
*Lyn Widmyer*

Dear Mr. Colbert:

The Jefferson County Commission authorizes a complete release of the remaining \$135,608.00 from the construction bond amount for Waterfront Group WV, LLC/Mark Adkins – Rock Ferry Station Subdivision, Lots 1-7, 16 and 25-43. This project is located at the end of Mission Road (Route 9/5) at its intersection with Patriots Way. The work appears to be 100% complete.

In summary, you are hereby authorized to fully release the remaining amount of the above referenced Cash-in-Escrow, originally issued in the amount of \$247,118.00. Please contact the Jefferson County Engineering Department at (304)-728-3257 if you have any questions.

Sincerely,

Dale Manuel, President  
Jefferson County Commission

DM:rfb

cc: Mr. Mark Adkins, Manager  
Waterfront Group WV, LLC  
19421 Liverpool Parkway  
Cornelius, North Carolina 28031  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 11 / 08 / 2013 J.C.P.C. File No. 04 - 20

Consultant/Engineer/Firm Name: PHR&A

Mailing Address: 208 CHURCH STREET, SE

City: LEESBURG State: VA Zip: 20175

Contact Person: IAN MORRIS Phone: 703+777-3616

Project/Subdivision Name: ROCK FERRY STATION

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: ALL WORK APPEARS COMPLETE, & 3rd PARTY CERTIFICATIONS HAVE BEEN SUBMITTED

RECOMMEND FULL RELEASE.

**Approved for:**  
 BOND RELEASE  
 By: [Signature] Date: 11/12/2013  
 County Engineer

Original Bond Amt. \$ 214,885 + 15% Cont. \$ 32,233 = Total Original Bond Amt. \$ 247,118

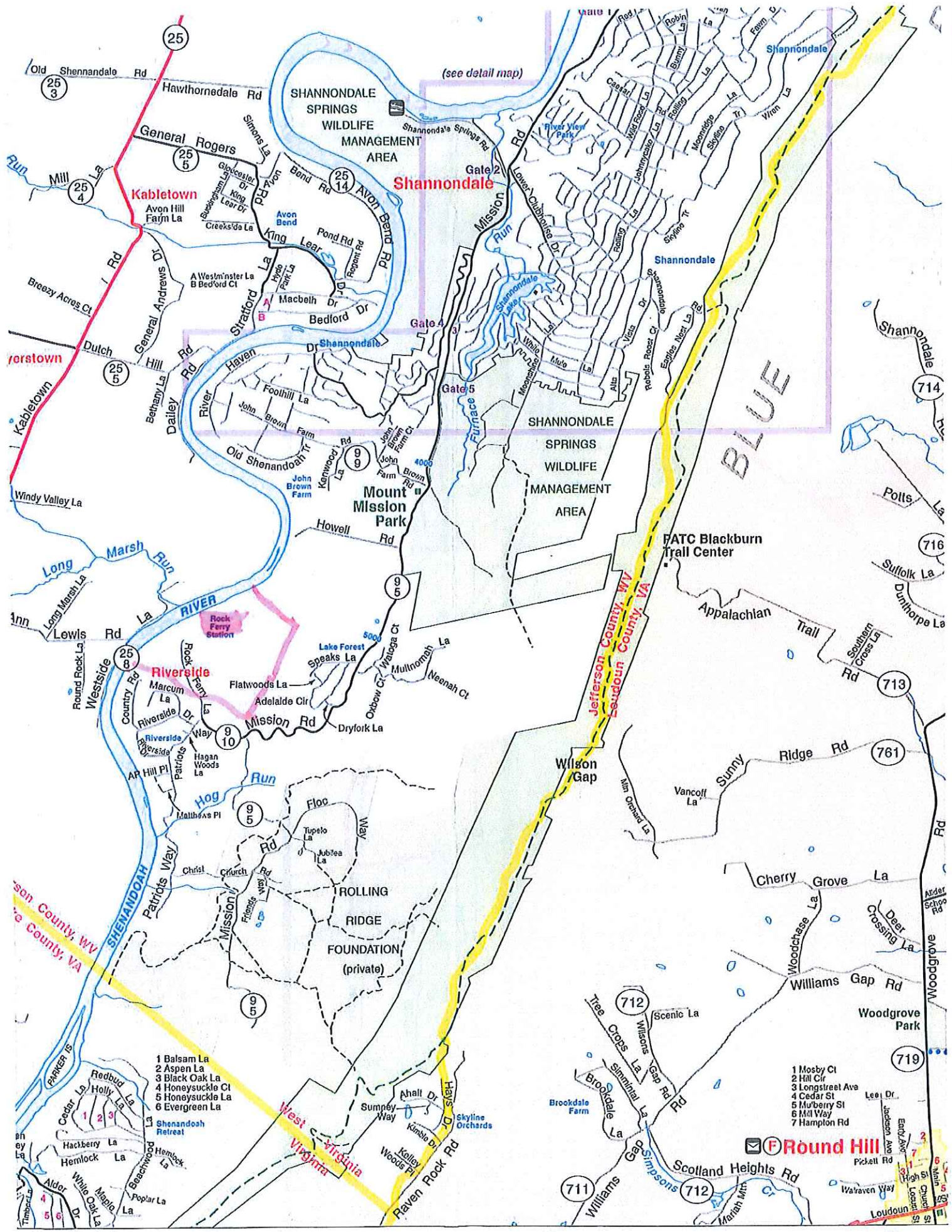
Total Current Bond Amount \$ 135,608.00

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

= Approved for Revised Bond Amount \$ 0.00

Reviewed By: JOSEPH W. KENT Title: L.D.I.

Signature: [Signature] Date: 11 / 12 / 2013



(see detail map)

BLUE

- 1 Balsam La
- 2 Aspen La
- 3 Black Oak La
- 4 Honeysuckle Ct
- 5 Honeysuckle La
- 6 Evergreen La

- 1 Mosby Ct
- 2 Hill Ct
- 3 Longstreet Ave
- 4 Cedar St
- 5 Mulberry St
- 6 Mill Way
- 7 Hampton Rd

E

F

G

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: November 21, 2013

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 Hospice of the Panhandle, Inc. (File #S10-05) – Letter of Credit #10010976610 with Susquehanna Bank, Martinsburg, WV.

Recommended motion (Please type out the wording of the motion that you would like the Commission to approve): I authorize a partial release of \$1,511,536.00 from the construction bond amount for Hospice of the Panhandle, Inc. (File #S10-05).

Attachments: Construction 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

*Dale Manuel*

November 21, 2013

VICE PRESIDENT

*Walt Pellish*

Mr. Guy Avey

COMMISSIONER

*Jane Tabb*

Vice President

Susquehanna Bank

COMMISSIONER

*Patsy Noland*

P. O. Box 906

Charles Town, West Virginia 25414

COMMISSIONER

*Lyn Widmyer*

RE: Irrevocable Letter of Credit #10010976610 dated August 2, 2012  
Construction Bond Surety for Hospice of the Panhandle, Inc. – Hospice of  
the Panhandle, Inc. (PC File #S10-05).

Dear Mr. Avey:

The Jefferson County Commission authorizes a partial release of \$1,511,536.00 from the construction bond amount for Hospice of the Panhandles, Inc. – Hospice of the Panhandle, Inc., for a new construction bond amount of \$456,199.00. This project is located off of Charles Town Road (Old Route 9) on the Jefferson/Berkeley County line. Work remaining includes but is not limited to the following:

1. Seeding and mulching
2. Paving
3. Landscaping
4. Completion of sewer lines
5. Bond contingency amount

In summary, you are hereby authorized to reduce the amount for the above referenced Letter of Credit #10010976610 originally issued in the amount of \$1,967,735.00 to \$456,199.00. Please contact the Jefferson County Department of Engineering at (304)-728-3257 if you have any questions.

Sincerely,

Dale Manuel, President  
Jefferson County Commission

DM:rfb

cc: Mr. Robert Eckels, PC, Architect  
1927 Rock Cliff Drive  
Martinsburg, West Virginia 25401  
Department of Engineering

County Administrator  
*Debbie Keyser*

Deputy County Administrator  
*Sandy Slusher McDonald*

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

**BOND REDUCTION or RELEASE REQUEST - REPORT**

Date Received: 11 / 06 / 2013 J.C.P.C. File No. S 10 - 05

Consultant/Engineer/Firm Name: ROBERT ECKELS

Mailing Address: 1927 ROCK CLIFF DRIVE

City: MARTINSBURG State: WV Zip: 25401

Contact Person: BOB ECKELS Phone: 304-267-7595

Project/Subdivision Name: HOSPICE OF THE PANHANDLE

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: "AS-BUILT" if THIRD PARTY CERTIFICATIONS HAVE BEEN RECEIVED.

RECOMMEND REDUCTION.

**Approved for:**  
 BOND REDUCTION  
 By: [Signature] Date: 11/06/13  
 County Engineer

Original Bond Amt. \$ 1,711,073 + 15% Cont. \$ 256,661 = Total Original Bond Amt. \$ 1,967,735

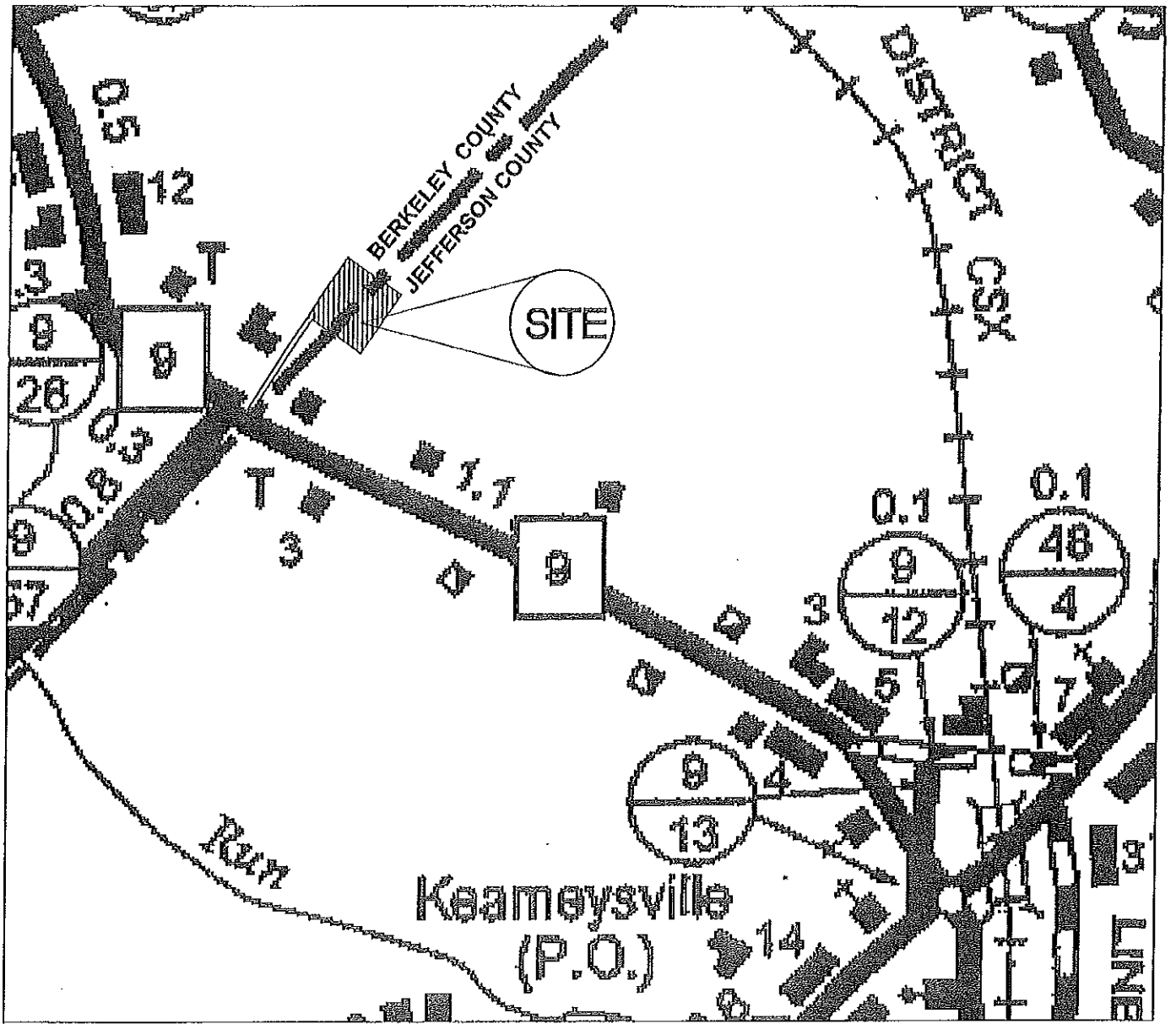
Total Current Bond Amount \$ 1,967,735.00

Cost of Work Remaining \$ 396,694.70 + Contingency Amount \$ 59,504.00

= Approved for Revised Bond Amount \$ 456,199.00

Reviewed By: Joseph W. Kent Title: L.D.I.

Signature: [Signature] Date: 11 / 06 / 2013



VICINITY MAP  
 SCALE: 1" = 2,000'

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: November 21, 2013

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

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

Subject: Envision Jefferson 2035 – status update of 2014 Comp Plan effort

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

**Requesting a short time to update the County Commission on the status of the 2014 Comp Plan effort.**

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

**N/A**

Attachments:

- **Comp Plan Update Memo date 11/21/13**



# JEFFERSON COUNTY, West Virginia

## Departments of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

## MEMORANDUM

**TO: County Commission**  
**FROM: Jennifer M. Brockman**  
**Director, Planning and Zoning**  
**DATE: November 21, 2013**  
**RE: Envision Jefferson 2035 (2014 Comprehensive Plan) Update**

\*\*\*\*\*

### 1) Steering Committee (15 members):

#### a) Monthly Meetings:

- July 8, 2013 -- final review of all Goals and Objectives; prep for Land Use Workshops
- August meeting cancelled due to Fair Activities
- September 17, 2013 – follow up on land use input “where” and “why” and prep for October meetings “what” and “how”
- October 15, 2103
- November 19, 2013

#### b) Next Steering Committee

December 17, 2013

#### c) Next Joint Meeting with County Commission – needs to be scheduled

Discussion of Land Use policies and direction

### 3) Public Input Meetings

#### a) Recent Public Input Meetings -- Future Land Use Element (what and how):

##### ➤ Second series of public meetings scheduled (Goals and Objectives and Future Land Use Exercise):

- Saturday July 27, 2013 9:30 am – noon (Sam Michaels)
- Tuesday July 30, 2013 6:30 – 9 pm (War Memorial Building)

##### ➤ County Fair booth (Future Land Use Exercise) –volunteers needed

- Monday, August 19 – Friday, August 23, 2013 3 pm – 7pm

##### ➤ Third Series of Public Meetings – Land Use Map – “what and how”:

- Monday, October 21, 2013: Shepherdstown Middle School
- Wednesday, October 23, 2013: South Jefferson Elementary School

##### ➤ Stakeholders Sessions – Friday, October 25, 2013 (four 1½ hour sessions)

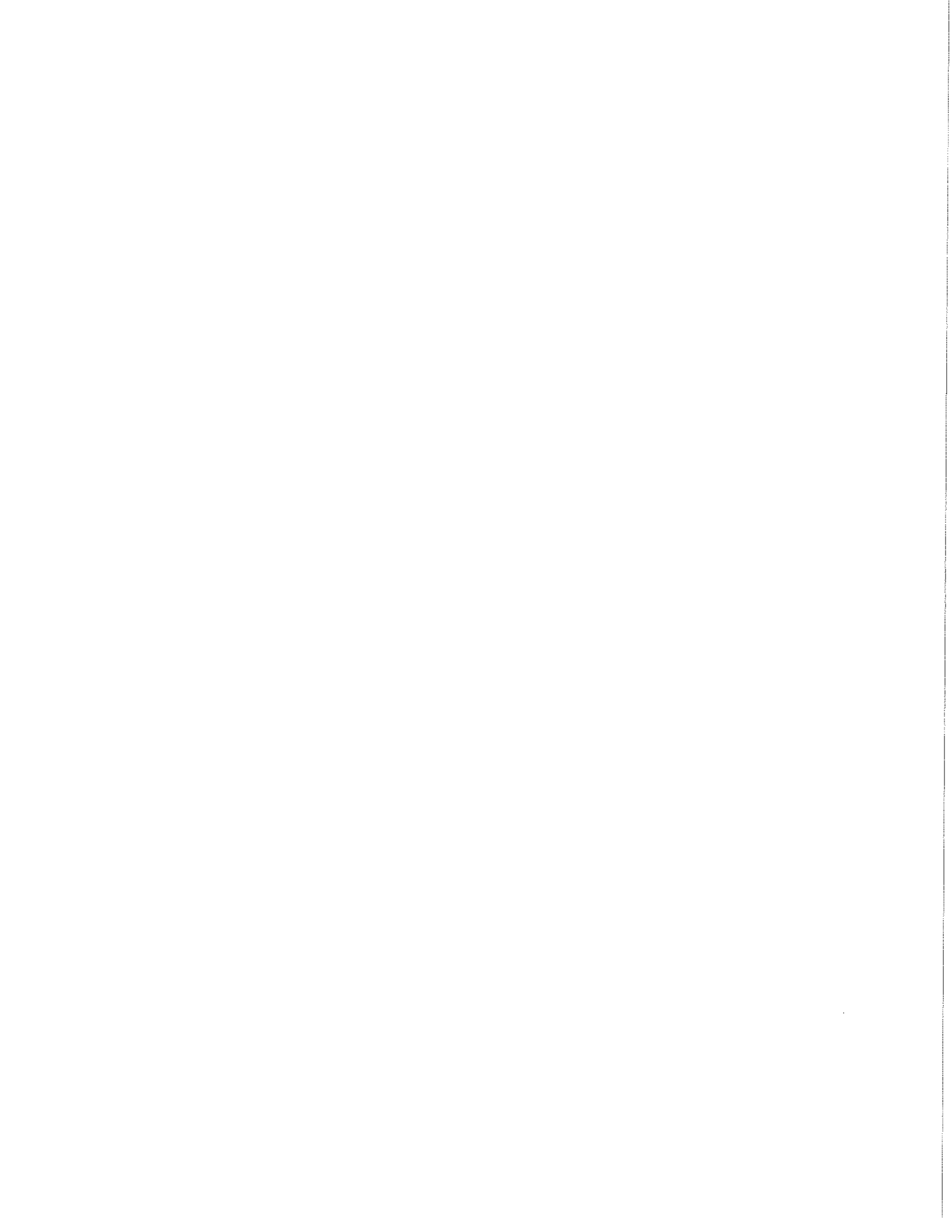
#### b) Upcoming/On-going Future Land Use Element Open Houses:

- Monday, November 18, 2013, 5:00 to 7:00 PM,  
South Jefferson Public Library in Summit Point;
- Tuesday, November 19, 2013, 4:00 to 6:00 PM  
Old Charles Town Library;

- Wednesday, November 20, 2013, 5:00 to 7:00 PM  
Shepherdstown Public Library in downtown Shepherdstown;
- Thursday, November 21, 2013, 5:00 to 7:00 PM  
Bolivar/Harpers Ferry Public Library in Bolivar; and
- Saturday, November 23, 2013, 9:30-11:30 AM  
St. Andrews Mountain Community Center on Mission Road on the Mountain.

**4) Next Steps**

- a) Finalizing Recommended Future Land Use Map and recommendations for late January/early February Public Workshop



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: 30 minutes

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

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

Subject: Follow up to October 10, 2013 Public Hearing input on Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments) – Discussion and possible Action

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

**On October 10, 2013, the Jefferson County Commission held a Public Hearing to consider public input regarding proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14(new), 8.15 (new), 9.5, 10.5, 11.1, 12.2 and Appendix C (Agricultural Use and Other Amendments). The record was held open until October 24, 2013 for additional written comments. Attached is a matrix which summarizes all of the comments received with proposed staff responses to each comment for Commission consideration.**

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

**I move to approve the Proposed Minor Amendments to the Jefferson County Zoning and Land Development Ordinance related to Agricultural Use and Other Amendments with the following revisions:**

**1)**

**2)**

....

Attachments:

- **Matrix outlining comments received and staff response**
- **Scanned comments received**
- **Proposed revisions to Sections 2.2, 4.10, 4A.5, 5.7, 5.8, 8.5, 8.14, 8.15, 9.5, 10.5, 11.1, 12.2 and Appendix C with amendments highlighted.**

**Proposed Zoning Text Amendment regarding Agricultural Uses and Related Amendments - Zoning and Land Development Ordinance**  
**Public Comments Received at 10/10/13 County Commission Public Hearing**  
 (includes written comments received before & after the public hearing through 10-24-13)

| #                                                                                                                                                            | Section or Topic                                                        | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Request                                                                                                                                                                                                                                                                                | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                     |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 2.2 Definitions</b>                                                                                                                               |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                              | Definitions<br>Terms Defined<br><br>Section 2.2                         | Accessory Use: "A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, toll sheds, storage buildings, swimming pools, or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks."<br><b>(current)</b>                        | Amend to include more specific language to provide uniform interpretation and enforcement;<br><br>Zoning decisions expanding Non-Conforming Uses through this method should be approved through the public process before the BZA by Public Hearing with Notice to affected parties. - | As this is the current language and is not a part of the proposed amendment, this should not be addressed at this time.                                                                                                                                                                                                                                            |
| <b>Section 4.10 Site Plan Requirements(change submitted to submitted and approved) --- No comments received on this proposed change – approve as drafted</b> |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                    |
| <b>Section 5.8 (C)(3) RLIC Other Regulations</b>                                                                                                             |                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                    |
|                                                                                                                                                              | Residential/Light Industrial/Commercial District<br><br>Section 5.8.C.3 | "Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, and Section 7.6 inconclusive."<br><b>(current)</b><br><br>"This requirement shall not apply to a building located within a shopping center shown on an approved site plan."<br><b>(proposed amendment)</b> | Remove all of Section 5.8.C.3                                                                                                                                                                                                                                                          | This provision has been in the "mixed use" section of Jefferson County Zoning Ordinance for many years. It is not clear why it was determined that take-out food and convenience stores should require this added level of review when larger retail operations only require processing a site plan. It might be reasonable to remove this requirement completely. |

| #                                                                                                                                                           | Section or Topic                                                            | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Request                                                                                                                                                                                                                                                                                                                                                                | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Section 9.5C Projections into Yards</b>                                                                                                                  |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                             | Projections into yards (Deck Setbacks)<br><br>Section 9.5.C<br>new language | "In the Residential-Light Industrial-Commercial District and Residential Growth District, on townhouse lots with a depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence."                  | Remove the restriction associated with lots including a residence. "As written, a townhome lot could back up to a 100 acre farm with a house and not be permitted to build the deck."                                                                                                                                                                                  | Typically regulations are intended to protect the long term potential plans of neighboring uses by not allowing a development to occur too close to an adjacent property line. In this case, the proposed language relates to townhouses that area a part of an overall design which includes common area along the back of smaller townhome lots and therefore the impact to neighbors is known. Staff recommends leaving the proposed text amendment as written                                                                                         |
| <b>Section 11.1C Non-Residential Parking Standards</b>                                                                                                      |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |
|                                                                                                                                                             | 11.1.C<br>new language                                                      | "Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed." | Amend so that the Zoning Administrator does not have the authority to waive parking requirements and require that any special event of this magnitude be required to obtain BZA approval after a Public Hearing.<br><br>Amend the text to reflect: "The applicant must provide an exhibit that demonstrates that the parking will occur on <b>level usable</b> ground" | Currently the only way to waive permanent off-street parking is request a variance from Section 11.1 from the BZA. Typically these requests have related to temporary uses such as farmers markets or events lasting a limited number of days and with limited customers. Discussion with the BZA led to the consideration that some level of grass parking could be approved administratively. Staff recommends that the amendment state "and require less than 40 spaces" at the end of the first sentence.<br><br>This seems like a reasonable change. |
| <b>Section 12.2 Procedure for Amendment by County Commission (re: public notice) --- No comments received on this proposed change -- approve as drafted</b> |                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |

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| <b>Rural Reception/Event Facility and Rural Reception Event Facility/Small (Sections 2.2, 4A.5, 5.7, 8.14, 10.5B, App C)</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
| <p>Staff Comments (FYI):<br/> A brief summary of the proposed differences between the "Rural Reception/Event Facility", the "Rural Reception/Event Facility, Small", and the "Seasonal Use Permit" which seems to have led to confusion in the public review:</p> <p>1) A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.<br/> NOTE the following important components:</p> <ul style="list-style-type: none"> <li>• this clearly states the intent that these events occur only in existing structures;</li> <li>• The Special Exception process requires a public hearing before the BZA;</li> <li>• Permitted in all districts except Industrial/Commercial;</li> <li>• Over 300 people requires a traffic control plan as part of the Special Exception hearing</li> </ul> <p>2) A Rural Reception/Event Facility, Small is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance.<br/> NOTE the following important components:</p> <ul style="list-style-type: none"> <li>• This was created to allow a simpler process for smaller or less frequent events, intended for a farmer that wants to allow this on an occasional basis;</li> <li>• As this is a subset of the above definition, it also clearly states the intent that these events occur only in existing structures;</li> <li>• The administrative process is in accordance with the requirements of the Cottage Industry; however it is not considered a Cottage Industry;</li> <li>• Permitted only on the Rural District</li> </ul> <p>3) A Seasonal Use Permit is not affected by any of these proposed amendments. It is defined as "A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons." Seasonal Uses require approval by the Board of Zoning Appeals pursuant to a public hearing and cannot be approved for longer than one year at a time. A Rural Reception/Event would not be considered a Seasonal Use because there are other provisions required for this use.</p> |                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | Cottage Industry<br><br>Section 4.A.5 | <p>"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." <b>(current)</b></p> <p>If the proposed use of an existing structure and related outdoor area is for use as a "Rural Reception/Event Facility, Small", a larger gross</p> | Amend current text to restrict Rural Reception/Event Facilities to be existing structures with no new construction (comment notes that the provision seems to allow the construction of new buildings larger than 3,000 square feet). | <p>The only relationship between the Rural Reception/Event Facilities and the Cottage Industry provisions is that a Rural Reception/Event Facility, Small are permitted administratively in accordance with the requirements of a Cottage Industry. Repeatedly throughout the proposed amendments, the Rural Reception/Event Facilities refers to "existing structures and related outdoor area". There is no proposal that would allow new construction for this purpose.</p> <p>Due to the confusion, staff recommends deleting this sentence from 4A.5 (G) and moving the intent to 8.14 as follows:<br/> "A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in</p> |

| # | Section or Topic                                                      | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
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|   |                                                                       | floor area may be considered as a part of the review process." (proposed amendment)                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance; <u>provided, however, that the maximum square footage for a Cottage Industry of 3,000 square feet shall not apply to a proposed Rural Reception/Event Facility, Small.</u> "                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|   | Rural Reception/Event Facility<br><br>NEW definition and Section 8.14 | <p>"A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.</p> <p>A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance."</p> | <ul style="list-style-type: none"> <li>a. Amend definition to allow the creation of new structures for Rural Reception/Event Facility.</li> <li>b. Amend definition to allow more than one event per month. Suggestions: remove cap altogether or increase to 5 events/per month.</li> <li>c. Amend to have stricter guidelines limiting the number of persons and vehicles and frequency of events.</li> <li>d. Amend to include parking and traffic requirements to alleviate the burden on rural roads.</li> <li>e. Amend to limit the number of events to one per season (e.g. one event for every three month season of the year).</li> <li>f. Restrict noise levels to residential decibels at property line.</li> <li>g. The use should be tied to agricultural production or a minimum acreage.</li> <li>h. Concern regarding types of uses permitted under this provision.</li> </ul> | <ul style="list-style-type: none"> <li>a. The purpose of this amendment is to allow the use of unique local rural resources such as barns, historic houses and outbuildings to be used for weddings, receptions, parties, etc. It is not intended to create a pure commercial venture in a new structure in rural areas. It is intended to give farm owners an income stream compatible with ag uses.</li> <li>b. There are 2 proposals – the "small" event, which can be administratively approved, is limited to one time per month and up to 100 attendees. The standard event allows more frequent events but requires a Public Hearing before the BZA.</li> <li>c. If the County Commission desires, the number of persons or vehicles can be added to the recommendations.</li> <li>d. The recommended language includes a provision that a traffic control plan is required for the BZA's review if over 300 vehicles are expected. Parking would be discussed as a part of the approval process and is expected to be of a temporary nature.</li> <li>e. An event once a season can already be processed as a Seasonal Use Permit through a public hearing before the BZA.</li> <li>f. Add the following sentence to 8.14 <u>"Approvals of all Rural Reception/Event Facilities" shall include a provision that noise at the property line shall conform with Section 8.9A(1) of this Ordinance.</u>"</li> <li>g. Because the intent of this provision is to allow the use of unique rural structures and allow a source of income that will further preserve the rural character and economy of the County, it would be reasonable to tie this type of event to a minimum lot size. Staff recommends a 20 or 30 acre minimum which would allow enough land to buffer neighbors from possible negative effects. Perhaps a larger acreage is better for the "small" event that can be administratively approved. This minimum acreage could receive a variance through the BZA if a smaller site has a significant structure and a public hearing is held by the BZA.</li> <li>h. Staff recommends adding the following sentences to the end of the definition of Rural Reception/Event Facility:</li> </ul> |

| #                                                                                 | Section or Topic                                            | Current Language in Draft Ordinance                                                                                        | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
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|                                                                                   |                                                             |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | <u>"Such events are limited to events that involve extended families and friends such as weddings, wedding receptions, birthday events, anniversary events, reunion events and/or family gatherings. No events that involve charging admission or are solely performance events are permitted under this provision."</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
|                                                                                   | Special Exception Uses Section 10.5                         | "Special Exception Uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing." | <p>Amend Section 10.5A to be mandatory and substitute the word shall for the word may.</p> <p>Amend so that all special exceptions must be approved by the Board of Zoning Appeals after a Public Hearing with bona fide Agricultural exceptions.</p> <p>Improve notice requirements for all BZA Hearings to include Certified Mail Return Receipt Requested to all adjoin landowners; Notice by publication in newspaper; and Electronic notice of all BZA Hearings through List Serve methodology.</p> | <p>This section states that the BZA <u>may</u> approve a Special Exception Use after a public hearing. The purpose of the hearing is to determine if approval is warranted. Changing "may" to "shall" would require BZA to approve all requests. Staff does not recommend this idea.</p> <p>The meaning of this comment is not clear.</p> <p>Standard notice required by the Zoning Ordinance for BZA hearings is an ad in the Spirit of Jefferson newspaper 15 days prior to the meeting and a sign posted on the property. All agendas and packets are posted on the County website the Friday before the BZA meeting. Mailings to adjoining property owners would add additional costs to the notice but could be accomplished. Such notice is currently required to Zoning Map Amendments. Staff recommends that if the County Commission would like to add this requirement that the applicant be required to provide the most current owner and legal address for all adjoining based on the County Tax Assessor's Records.</p> |
| <b>Farm Brewery, Farm Winery, Farm Distillery (Sections 2.2, 5.7, 8.5, App C)</b> |                                                             |                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |
|                                                                                   | Farm Brewery, Farm Winery, or Farm Distillery (Section 8.5) | Section 8.5 B<br>"No sale of alcohol for onsite consumption is permitted."                                                 | Remove this restriction entirely. Businesses would be required to obtain a liquor license and held accountable to state standards and regulations.                                                                                                                                                                                                                                                                                                                                                       | The purpose of this amendment is to allow on-site value added use of agricultural products for the production of various alcohol products as permitted by state law. It is not intended to allow the establishment of a restaurant or bar on a rural property; however, if there is an interest in this a modified Conditional Use Permit process could be developed to allow this use after the Neighborhood Compatibility process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |

| #                                                                                    | Section or Topic                                               | Current Language in Draft Ordinance                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Request                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
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|                                                                                      | Farm Brewery, Farm Winery, or Farm Distillery<br>Section 8.5.E | "Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery. No more than twenty-five percent of any produce utilized for farm wineries and farm distilleries shall originate from any source outside of West Virginia."                                                                                                                                          | Remove restriction entirely and leave to State regulations. "The county has no way of policing this, but takes on the responsibility by having it in their ordinance."                                                                                                                                                                                                                                                                                                                                               | The intent of this language is to reflect the requirements of state law and ensure consistency. Staff recommends leaving language as is.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|                                                                                      | Farm Brewery, Farm Winery, or Farm Distillery<br>Section 8.5.F | "Production limits are as follows:<br>a. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons).<br>b. A farm winery may produce annually up to 50,000 gallons of wine and similar products.<br>c. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor.                                                                                                                                                                                                                                                       | Remove restriction entirely and leave to State regulations. "The county has no way of policing this, but takes on the responsibility by having it in their ordinance."                                                                                                                                                                                                                                                                                                                                               | The intent of this language is to reflect the requirements of state law and ensure consistency. Staff recommends leaving language as is.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
| <b>Accessory Agricultural Dwelling Units (Sections 2.2, 5.7, 8.15, 10.5B, App C)</b> |                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|                                                                                      | Accessory Agricultural Dwelling Unit<br>Section 8.15           | "A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and <del>is</del> meets all of the following criteria: (a) is limited in size to a maximum of 1,000 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or | <ul style="list-style-type: none"> <li>a. Administrative Approval.</li> <li>b. Remove restriction limiting building to 1,000 sq. ft.</li> <li>c. Amend to include language requiring the Construction of new "Accessory Agricultural Dwelling Units" to be approved by a CUP process, unless directly tied to bona fide Agricultural operations.</li> <li>d. Amend to include language requiring verification that current farming operations employ farm workers and seasonal labor requiring additional</li> </ul> | <ul style="list-style-type: none"> <li>a. Under Section 10.5B, one detached "Accessory Agricultural Dwelling Units" meeting the definition herein may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units require a Special Exemption Public Hearing by the BZA.</li> <li>b. The small house size was discussed by the PC and staff and it was determined that the purpose is to provide an incidental structure to support the agricultural operation and for this reason it was kept small. If the structure is intended to become a more permanent substantial structure, a lot can be divided off per the regulations.</li> <li>c. The purpose of this provision is to develop a means by which an active agricultural operation can have housing for a caretaker or a</li> </ul> |

| #                       | Section or Topic                                                                                                                             | Current Language in Draft Ordinance                                                                                                                                                                                                                                                    | Request            | Comment / Staff Recommendation                                                                                                                                                                                                                                                                                                                                                                                    |
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|                         |                                                                                                                                              | acts as a caretaker for the property.”                                                                                                                                                                                                                                                 | housing on site.   | <p>farm worker other than a unit attached to the primary home (which is permitted). If desired, the CUP process could be used instead of the Special Exception for additional units.</p> <p>d. Sections 8.15 and 10.5B both state that the purpose of these units is for someone who performs agricultural work on the property or acts as a caretaker. We could require such documentation upon application.</p> |
| <b>General Comments</b> |                                                                                                                                              |                                                                                                                                                                                                                                                                                        |                    |                                                                                                                                                                                                                                                                                                                                                                                                                   |
|                         | Generally Opposed to all Proposed Amendments regarding Special Exception Uses and Rural Receptions / Event Facilities, no specific comments. | <p>Number of written submissions in opposition: 7</p> <p>General comments include concerns for ambiguous language; not enough restrictions/guidelines for events; and a concern that amendments create a way for commercial uses to be introduced to all planning zones/districts.</p> | No proposed action |                                                                                                                                                                                                                                                                                                                                                                                                                   |

## Jennifer Brockman

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**From:** Mark Dyck <mdyck@gordon.us.com>  
**Sent:** Thursday, October 10, 2013 3:35 PM  
**To:** Jennifer Brockman  
**Subject:** RE: Ordinance Change Comments

Please submit these on my behalf, not sure if I can make it.

Thanks,

Mark

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**From:** Jennifer Brockman [<mailto:jbrockman@jeffersoncountywv.org>]  
**Sent:** Wednesday, October 09, 2013 11:33 AM  
**To:** Mark Dyck; 'Seth Rivard'  
**Subject:** RE: Ordinance Change Comments

Mark

Thank you for your comments. Will you be attending the Thursday night Public Hearing or would you like us to submit these on your behalf?

I will try to address some of your concerns in a future e-mail.

Thanks for your input.

Jennie

Jennifer M. Brockman, AICP  
Director, Planning and Zoning  
116 E. Washington St. PO Box 338  
Charles Town, WV 25414  
304-728-3228

RECEIVED  
OCT 10 2013  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

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**From:** Mark Dyck [<mailto:mdyck@gordon.us.com>]  
**Sent:** Monday, October 07, 2013 2:59 PM  
**To:** Seth Rivard ([srivard@jeffersoncountywv.org](mailto:srivard@jeffersoncountywv.org)); Jennie Brockman ([jbrockman@jeffersoncountywv.org](mailto:jbrockman@jeffersoncountywv.org))  
**Subject:** Ordinance Change Comments

All,

Please accept the following as my comments on the zoning ordinance changes. From a philosophical perspective if we think it is a good thing to have Rural Receptions, Wineries/Breweries/Distilleries, Ag related Housing and decks on townhomes let's make it as easy as possible.

### Definitions

Rural Reception/Event Facility – I think this is a good use in the rural district. If the County wants to encourage these types of venues we should make it easy. As the ordinance reads it could be interpreted to prohibit the construction of new structures to serve this use. If the County feels that the construction of new buildings could be a part of a Rural

Reception Facility this should be changed. If we don't change it we are putting limitations on what could be highly successful operations.

Rural Reception/Event Facility Small – If we think people getting married in the country is a good idea, why limit it to once per month. I don't think there is any real danger in removing this restriction and it may be the difference between a viable business and one that never happens.

Section 8.5 – there appears to be a lot of repetition with state regulations, I would suggest the removal of E and F. The County has no real way of policing this, but takes on the responsibility by having it in their ordinance.

Section 8.5 – why prohibit the sale of alcohol for onsite consumption, this seems standard for every winery I have ever gone to. This can be a liquor license problem to deal with. We would be helping out these businesses greatly if we permitted the sale for consumption. It would be their responsibility to get the liquor license. Let's get out of the way of private business. We will be competing with wineries that allow the sale of a bottle of wine and it's consumption on a terrace, this seems OK.

8.14 – reemphasize that the once per month seems to hurt these business. If an event occurred on June 4<sup>th</sup> and on June 28<sup>th</sup> it would be very difficult to make a case that they are having a negative impact. Plus it puts the County in a position where they have to police the frequency of events.

8.14 Special Exception – the special exception process is not defined, what needs to be submitted, etc. Section 3.4A makes no mention of Special Exceptions and only permits approval if very specific conditions are met. If special exceptions are added to the ordinance they should be incorporated completely.

8.15 – what is the purpose of limiting the building to 1,000sf, especially if a family is living in the building. I would suggest removing this, very limited risk with this. I think that this could be administratively approved.

9.5.C – would suggest removing the restriction associated with lots including a residence. As written a townhome lot could back up to a 100 acre farm with a house and not be permitted to build the deck. Not sure that the impact is even if there are towns backing up to towns.

10.5 Special Exception Uses – see above

**Mark A. Dyck P.L.A., LEED AP | Principal**

[mdyck@gordon.us.com](mailto:mdyck@gordon.us.com)

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LANDSCAPE ARCHITECTURE | SURVEY AND MAPPING | SECURITY CONSULTING

## Jennifer Brockman

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**From:** Eric Lewis <EJLewis@oll-cpas.com>  
**Sent:** Wednesday, October 30, 2013 9:03 AM  
**To:** Jennifer Brockman  
**Cc:** 'Walter Pellish'; 'Patricia Noland'; dmanuel@frontiernet.net; vinemont@frontiernet.net; Lyn Widmyer; Debbie Keyser; Stephanie Grove; Seth Rivard; Eric Lewis  
**Subject:** RE: Reception events

Folks (particularly Walt, Patsy, Dale, Jane & Lyn):

It has come to my attention that a group of local citizens is objecting to the minor ordinance amendments focused on special events because they have the misguided believe that it has something to do with Matt Knott and River Riders.

I know that you all know that's not true, but just to be sure, I thought I'd lay out how we got to this point. I can assure you with 100% certainty this ordinance amendment has absolutely nothing to do with Matt Knott.

Here's a timeline:

1. Back in January 2013 I inquired with the Department of Planning & Zoning as to the steps I would need to take to obtain approval to hold special events (like weddings) in our 130+ year old historic timberframe barn outside Shepherdstown. We have held events there in the past with great success, but always donated the use of the venue. My wife decided in late 2012 that she might want to explore expanding that to paid rental. That's what prompted my inquiry.
2. On Feb 1 2013 I emailed the Dept of P&Z to spell out my request
3. In March 2013, Dept P&Z responded in detail with all the steps that would need to be taken and we scheduled a meeting. At this meeting Jennie Brockman and Steve Barney laid out my options. None of them really worked ( for example, one was "establish a bed & breakfast"). I then inquired about submitting a Conditional Use Permit. Steve researched my farm and determined that my LESA score was too high so I would not qualify for a CUP. Yes, that's correct: my LESA score was going to block my ability to use my historic barn for wedding receptions. To me, that just seemed ridiculous.
4. Jennie and Steve informed me that they were planning minor ordinance amendments and suggested they could include an amendment that would allow this type of activity in certain circumstances. They seemed to very much agree with my assertions that this is exactly the type of activity we should encourage (for adaptive reuse of old structures and helping sustain farms). *They were extremely helpful. I can't emphasize that enough.*
5. Over the course of the next several months, the draft ordinance amendment was put forth and commented on to get to the point at which we find ourselves today.

Again: This ordinance amendment has absolutely nothing to do with River Riders or Matt Knott. It is based solely on the roadblocks I found when I inquired about the steps for approvals for my property and the assumption that there are other great historic properties out there for which this would also be a problem.

I hope you can see through the nonsense of their objection and approve the ordinance amendments. I would also like to reiterate my comments below.

Thanks for your time.

-Eric Lewis  
Shepherdstown

**From:** Jennifer Brockman [mailto:jbrockman@jeffersoncountywv.org]  
**Sent:** Wednesday, October 09, 2013 11:32 AM  
**To:** Eric Lewis  
**Cc:** 'Walter Pellish'; 'Patricia Noland'; dmanuel@frontiernet.net; vinemont@frontiernet.net; Lyn Widmyer; Debble Keyser; Stephanie Grove; Seth Rivard  
**Subject:** RE: Reception events

Eric  
Just to clarify, the Public Hearing is tomorrow night (Thursday 10/10/11). We will be glad to submit your comments into the record.  
I will review your questions and try to answer them before tomorrow night.  
Thanks for your input.  
Jennie

Jennifer M. Brockman, AICP  
Director, Planning and Zoning  
116 E. Washington St. PO Box 338  
Charles Town, WV 25414  
304-728-3228

**From:** Eric Lewis [mailto:EJLewis@oll-cpas.com]  
**Sent:** Wednesday, October 09, 2013 9:37 AM  
**To:** jbrockman@jeffersoncountywv.org  
**Cc:** 'Walter Pellish'; 'Patricia Noland'; dmanuel@frontiernet.net; vinemont@frontiernet.net  
**Subject:** RE: Reception events

Hi Ms Brockman.

Unfortunately I have another engagement this evening and won't be able to attend the public hearing. However, I wanted to enter my comments and questions into the record for the County Commissioners.

First, again, I'd like to thank you for working on these text amendments, as I believe they are very much needed. Personally, of course, I am most appreciative of the "weddings & special events" amendment which will allow us to use our historic 120+ year old bank barn for such events, where our current ordinance would have prohibited more than 4 events per year (as I understand it). I'd also like to thank you for incorporating many of my original comments from the June public hearing into this draft.

Our County's historic timberframe and stone barns are a real asset. They are, frankly, priceless. For example, the cost to duplicate our barn would be so incredibly high (\$500,000+?) in timberframe and stone is so prohibitively high that not many folks (including us) would have the financial ability to undertake such an effort. As such, we must do whatever we can to help the current owners find financially viable ways to justify maintaining and improving these structures. If these barns have a "reason to live" there's a better chance they will be protected.

With that said, I have a few questions:

1) Could you confirm that the amendment on Section 4.10 (page 45) does NOT require a site plan for the Special Use Exemption for weddings & special events? As I previously mentioned, Site Plans are very costly and should not be required for these Special Exceptions. I had hoped it would be explicitly stated that they were not required as some future Zoning Administrator may be inclined to interpret that they are required and the applicant at that time would be at the mercy of this interpretation.

2) Section 8.14 - what is the reasoning behind the restriction to one small event per month? The more owners can utilize and monetize their historic barns, the better chance we have of saving and improving these structures. My

recommendation would be to either remove this cap or increase it to 5 events per month. For example, an owner might have someone requesting use for a 50 person birthday party on a Friday night with someone else requesting use for a 75 person wedding a week later. Would the general public or neighbors be inconvenienced over this frequency? Absolutely not. A cap of one event per month is arbitrary and doesn't do the public any good. In fact, I would assert that the general public benefits so much from having these buildings saved and used that we should encourage \*more\* use than less.

Thanks for all your hard work on this.

best,

-Eric

# J. Michael Cassell

ATTORNEY AT LAW  
CASSELL & PRINZ, PLLC  
120 N. George Street, Suite 200  
Charles Town, West Virginia 25414  
304-728-2012/telephone  
304-728-2881/facsimile  
[jcassell@cassellprinz.com](mailto:jcassell@cassellprinz.com)

COPY

October 24, 2013

**Hand Delivery**

County Commission of  
Jefferson County  
Courthouse  
Charles Town, West Virginia 25414

Received

OCT 24 2013

Jefferson County Commission

Re: Proposed "Minor Amendments to Zoning Ordinance"

Dear Ladies and Gentlemen:

The Shorekeepers of Jefferson County retained me to represent them regarding the above-captioned matter. The first issue which causes concern for the Shorekeepers is the introduction of a new Permitted Use titled "Rural Reception/Event Facility" which is proposed to be a Permitted Use in the Rural District. Apparently this proposal is intended to provide an additional source of income for the agricultural community. As currently proposed these new Permitted Uses could be implemented in many ways outside the context of the intended purpose. Additional conditions and definitions are needed to prevent unintended expansion of purely Commercial Uses in the Rural District without adequate planning.

The definition "Rural Reception/Event Facility, Small" is limited to the Rural District and limited by the number of attendees (100) and the frequency of no more than one event per month. These definitions lack any specific location focus or conditions which would limit their implementation to rural areas of the County in a nonintrusive way. It would be very difficult for the staff to monitor the number of people attending these commercial ventures.

These events could over burden rural roads with the introduction of hundreds of guests or patrons. There needs to be limits of numbers of persons and vehicles attending, frequency of events, and parking and traffic requirements which are absent in the Proposed Amendments.

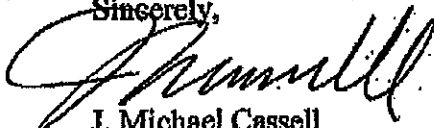
In addition, the Proposed Amendments grant to the Zoning Administrator the authority to waive parking requirements which runs counter to the basic structure of the Ordinance. Any special event of this magnitude should be required to obtain Board of Zoning Appeals approval after a Public Hearing. The Notice requirements should include Certified Mail Return Receipt. Requested Notice for each adjoining landowner along with Notice by Publication and electronic means through automatic list serve.

Since there are no limitations on these events and these events would be Principal Permitted Uses, these Special Events could multiply very easily without any oversight or limitation in the County. Apparently, once they are approved, they become permanent. These additional Commercial Uses must be regulated to preserve and protect the character of the Rural District. It seems odd that the Proposed Amendment allows these events in the Rural District, Residential Growth, Mixed Use Zone, and the Village District but these events are not Principal Permitted Uses in the Industrial Commercial District. There are ample opportunities in our Districts for these commercial ventures.

It will be very difficult to monitor and regulate these events. It is almost impossible for the County to obtain accurate information regarding the number of persons attending these events. There must be limitations of the number of vehicles traveling to the events. My clients do not intend to impair the ability of the Agricultural Community to maximize the use of their property. The issue here is the use of this event as a pretext to introduce additional Commercial Uses in the Rural District without the use of the Conditional Use Process which is the preferred method for uses that are not listed as permitted uses.

Another way to regulate these events would be to require these events to be on a seasonal basis which would mean one event for every three month season of the year. Seasons would be defined as January -- March, April -- June, July -- September, and October -- December. It is also important to tie Rural Reception/Events directly to bona fide farming operations with a minimum area such as 100 acres and an approved Farm Use evaluation real estate tax status.

Please consider these suggestions in your deliberations regarding the changes to the Zoning Ordinance.

Sincerely,  
  
J. Michael Cassell

Submitted by J. Michael Cassel on behalf of the Shorekeepers  
October 24, 2013

## **OUTLINE OF ISSUES**

### **Regarding Proposed Minor Amendments to the Zoning Ordinance**

- I. All Rural Receptions/Event Facilities and Events should be approved by the BZA with a Public Hearing.**
  - (a) Amend Section 10.5A to be mandatory and substitute the word shall for the word may.
  - (b) Create exceptions for bona fide Agricultural Operations.
- II. All special exceptions should be specifically enumerated in the Ordinance in each Zoning District.**
  - (a) All special exceptions must be approved by the Board of Zoning Appeals after a Public Hearing with bona fide Agricultural exceptions.
- III. Improve notice requirements for all BZA Hearings.**
  - (a) Certified mail return receipt requested to all adjoining landowners.
  - (b) Notice by publication in newspaper.
  - (c) Electronic notice of all BZA Hearings through the List Serve methodology.
- IV. Rural Reception/Event Facilities to be existing structures with no new construction.**
  - (a) The Provisions contained on page 52 of the Proposed Amendments should be unnecessary.
  - (b) This Provision seems to allow the construction of new buildings larger than 3,000 square feet.

**V. Construction of new "Accessory Agricultural Dwelling Units should be approved by a CUP process.**

**(a) Unless directly tied to bona fide Agricultural operations**

**(b) Determine if current farming operations employ farm workers and seasonal labor requiring addition housing on site.**

**VI. Use of existing structures as "Rural Reception/Event Facilities" (See page 108 of Proposed Amendments) lacks any specificity or conditions for approval.**

**(a) Some issues are outlined in the Proposal but there is a need for more specific requirements to guide BZA approval.**

**VII. The definition of Accessory Uses must be more specific.**

**(a) Currently a structure which is "customarily incidental" and subordinate to the principal building or use" is accessory. This is much too broad.**

**(b) Additional definition requirements are necessary to provide uniform interpretation and enforcement.**

**(c) Zoning decisions expanding Non-Conforming Uses through this method must be approved through the public process before the BZA by Public Hearing with Notice to affected parties.**

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OCT 18 2013  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

October 9, 2013

County Commission of Jefferson County  
P.O. Box 250  
Charles Town, WV 25414

Dear Honorable Commissioners:

Thank you for the opportunity to comment on the proposed text amendments to the Jefferson County Zoning Ordinance. I believe that the proposed amendment to allow facilities in the rural district to host events a good step to enhance business in the County. Some of the other proposed amendments are also a step in the right direction of permitting more business opportunities in Jefferson County.

However, my interest is in the proposed amendment to Article 5, Section 5.8 C 3. This section requires a Conditional Use Permit for stores that are less than 10,000 square feet in size and restaurants with a pick-up counter in the Mixed-Use District. The proposed amendment will eliminate the need for a Conditional Use Permit (CUP) for these uses in existing shopping centers. I believe that the amendment doesn't go far enough. I believe that all of Section 5.8 C 3. should be eliminated.

It makes no sense that currently in the Mixed-Use District, stores that are larger than 10,000 square feet are permitted without an a CUP, yet a store that is smaller than 10,000 square feet requires a CUP. It is interesting to note that a gas station is also a use which can go into this district without a CUP. As a matter of fact most commercial uses are permitted in this district without a CUP.

If a giant convenience store (greater than 10,000 square feet) with gas pumps is permitted in this district without a CUP, then why penalize a smaller one. This does not make sense. The permitted uses should be based on similar impact. I cannot see how a 9,000 square feet store with gas pumps would have more of an impact than an 11,000 square feet store with gas pumps; yet the 11,000 square feet one is permitted without a CUP.

This same section of the ordinance allows large restaurants that can seat hundreds of people if there is an employee that brings the food to the table without requiring a CUP. However, a Subway shop would require a CUP. Again, this does not make sense.

Most of the Mixed-Use Zone is along Route 340. This area is the area that is slated for growth in the current Comprehensive Plan. Based on the comments that the County Commissioners had during the Route 340 Corridor Study, one has to assume the Route 340 Corridor will continue to be the major growth area in the new Comprehensive Plan that is currently being drafted. As such, it would only seem logical to allow these smaller stores and restaurants the ability to be planned in the Mixed-Use District without a Conditional Use Permit.

In order to do that, all the Commission has to do is remove Section 5.8 C 3. as opposed to amending it, to allow these uses only in shopping centers. The provision is illogical as written.

Therefore, I respectfully ask that the text amendments are changed to remove 5.8 C 3. Thank you for your consideration of this testimony.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Michael Shepp". The signature is fluid and cursive, with the first name "R" being particularly large and stylized.

R. Michael Shepp  
PO Box 1162  
Shepherdstown, WV 25443

**Jennifer Brockman**

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**From:** Cindy Schott <cschott@jeffersoncountywv.org>  
**Sent:** Friday, October 11, 2013 9:40 AM  
**To:** 'Jennifer Brockman'; 'Sandy McDonald'; jesscarroll01@gmail.com  
**Subject:** FW: Comments on Proposed Zoning Text Amendments 10/10/13

*Cynthia C. Schott  
Executive Assistant  
Jefferson County Commission  
124 E. Washington Street  
PO Box 250  
Charles Town, WV 25414  
304-728-3284*

**From:** Matt Knott [<mailto:matt@riverriders.com>]  
**Sent:** Thursday, October 10, 2013 6:29 PM  
**To:** [INFO@JEFFERSONCOUNTYWV.ORG](mailto:INFO@JEFFERSONCOUNTYWV.ORG)  
**Subject:** Comments on Proposed Zoning Text Amendments 10/10/13

Dear Commissioners,

In regard to the proposed zoning text amendments being discussed on 10/10/2013 I have one suggested change:

On Item 11.1.C The text for seasonal parking should be changed "The applicant must provide an exhibit that demonstrates that the parking will occur on - change "level" to "usable" - ground."

Thanks,  
Matt Knott

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OCT 11 2013  
JEFFERSON COUNTY  
PLANNING, ZONING AND ENGINEERING

## Jennifer Brockman

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**From:** Cathy <winterscat@aol.com>  
**Sent:** Wednesday, October 23, 2013 6:07 PM  
**To:** dmanuel@frontiernet.net; vinemont@frontiernet.net; lynwidmyer@gmail.com;  
pnoland@jeffersoncountywv.org; walterpellish@mac.com;  
jbrockman@jeffersoncountywv.org  
**Subject:** Opposition to the "minor" land use changes and traffic

Dear Commissioners and Ms Brockman,

I forgot to include in my previous letter of opposition to the changes to the land use ordinance that the ability of the zoning administrator to waive parking requirements for seasonal uses greatly concern those of us who use Bakerton Rd. Under the present zoning certificate issued for the Harpers Ferry Campground, clients are to be bused to the campground for the accessory use zip line and river access. If these parking requirements can be waived, the traffic problems at the one lane railroad underpass would be exacerbated. All previous requests for a CUP for this site were denied due to traffic concerns as well as for having a commercial enterprise in a rural residential area. As you know many people in this area are greatly upset by the issue of the zoning certificate for the campground and zip line. Notice to neighbors re a grandfathered use was not required and most people did not check BZA agendas. Further, as most of you know, there was never a continuous use of a commercial campground since one never existed. The expansion of the campground by allowing parking at that site, waiving the magic wand of the zoning administrator would cause us further harm.

We had one head on collision in the tunnel last year. The present restrictions re parking at the campground should remain and the provision in the new land use ordinance should be removed that would allow parking requirements for seasonal uses to be waived by the zoning administrator.

Cathy Vance

## Jennifer Brockman

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**From:** kathy loftin <kathyloftin@yahoo.com>  
**Sent:** Thursday, October 24, 2013 2:53 PM  
**To:** dmanuel@frontiernet.net; pnoiland@jeffersoncountywv.org; lynwidmyer@gmail.com; vinemont@frontiernet.net; walterpellish@mac.com; jbrockman@jeffersoncountywv.org  
**Subject:** Proposed Zoning Changes

Dear Ladies and Gentlemen:

The latest "minor" zoning change that has been proposed is not minor at all (special events), and I urge you not to adapt it as written. It is too broad and would be detrimental to the property rights of the county's residents. I understand the need for farmers to hold special events and find alternate methods of earning income so they can afford to keep farming, but the "special event" zoning is so broad that almost anything would be automatically approved, and not just for farmers. Neighbors get no real notice, or input on whether the parking regulations are enforced - the BZA can just decide they aren't required? What about minimum acreage for special events, farm use only, minimum setbacks from neighboring properties, hours of use and noise levels, number of people (100 or 300?), neighborhood and watershed impact research required before approving such an event? In addition, each event needs to be considered separately; all events are not created equal regarding their impact on the neighboring area.

It appears as though the Commission's intent is to practically eliminate the ability of residents to have any meaningful say on what happens in their neighborhoods and on their roads. Each new zoning change seems intended to make future exception requests go through almost automatically - or to change the zoning to "anything goes" so that an exception won't even be required. The conditional use process is here to protect us - and the Commission seems bound and determined to get rid of it, and make exceptions the norm (just as the people near the underpass had no input on the ziplines and campground which was "grandfathered in" on a complete pretense without undergoing the conditional use process, and the "ancillary use" ziplines are actually a primary use).

Zoning laws protect us, your constituents, who must rely on you to represent us. Those of us in rural areas would have moved elsewhere if we wanted commercial businesses in our neighborhoods - and when we bought our properties, the zoning laws prevented those things from happening. While some exceptions will always be necessary, if you have too many of them (or make them practically automatically approved due to floating zoning and other broad rules such as this special events category), you've basically negated the zoning ordinances. And it seems that is exactly what you're attempting to do. You told us you would table the zoning changes until after the Comprehensive Plan was developed, perhaps in an effort to sneak changes in under our noses - because you reneged on that assurance. It's hard not to think that perhaps you never truly intended to table the zoning effort, and were just lulling us into a false sense of security. Your constituents have repeatedly made their voices heard that we do not want vague, anything-goes zoning, whether it's called floating zoning or anything else, that is intended to allow pretty much anything no matter how much the residents are against it. And yet, that type of zoning keeps making its way back into the proposal, disguised as a "minor change."

Jefferson County does need to attract more businesses (especially professional businesses), but not at the expense of our residents and rural neighborhoods.

Thank you for your consideration in this matter.

Respectfully,

Kathy Loftin

## Jennifer Brockman

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**From:** Steiding, Krista <SteidingK@MedImmune.com>  
**Sent:** Thursday, October 24, 2013 3:59 PM  
**To:** 'planningdepartment@jeffersoncountywv.org'; 'lynwidmyer@gmail.com';  
'vinemont@frontiernet.net'; 'walterpellish@mac.com'; 'dmanuel@frontiernet.net';  
'commissionerpnoland@gmail.com'; 'zoning@jeffersoncountywv.org';  
'jbrockman@jeffersoncountywv.org'; 'pnoland@jeffersoncountywv.org'  
**Cc:** 'dissaann@hotmail.com'  
**Subject:** Special Exception Uses

Dear Commissioners and Ms. Brockman,

I am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. These changes listed as minor have the appearance of providing certain commercial ventures the ability to circumvent the current ordinances as approved. These changes impact a majority of the population of Jefferson County and do not have any semblance of transparency. The changes as written have little to no limitation as to what one venture versus another can be permitted to do. Additionally, there is conflicting wording throughout the ordinance;

- o Section 10.5 Special Exception Uses, B, allows 300 people
- o Section 8.14 allows for 100 attendees.
- o One section states that events can occur no more than one in each season (what is the definition of a "season"
- o Another section states no more than one per month.

The changes in this ordinance will greatly impact the residents near any event area but there is a provision that the zoning administrator has the ability to waive parking requirements. This gives the appearance that the wants and needs of commercial ventures outweighs that of the residents. The rural nature of Jefferson County and the associated roads would most definitely be overburden by unmonitored events. This issue can be seen extensively on Bakerton Road where the increased level of personal vehicles and commercial transportation has resulted in numerous wrecks. The current infrastructure cannot handle the current level of congestion let alone a significant increase.

Over the years, there have been attempts to change the zoning requirements ranging from Spot Zoning to Neighborhood Commercial. The latest "minor" changes are too broad in range, have conflicting wording and do nothing to protect the residents.

The recent decision by the Jefferson County Commission to appoint a local entrepreneur to the Board of Zoning Appeals shows a level of opaqueness that should never be allowed in local government. The impact from this appointment shows a blatant disregard for transparency in the day to day operations of our elected government officials. The majority of the "minor" amendment changes will benefit this businessman and this appointment shows no consideration to conflict of interest.

I am very disappointed in the Jefferson County Commission's recent decision to appoint Matt Knott to the Board of Zoning Appeals. In the first place, this opening should have been posted for public comment with a specified cutoff day for applicants, and been part of the published agenda, as are applications for the Planning and Zoning Committee.

I believe as constituents, we deserve better from our elected officials. I urge you to reconsider this appointment, in the interest of our county having an ethical government that seeks to avoid conflicts of interest.

Sincerely,

Krista Steiding  
304-876-6318

To the extent this electronic communication or any of its attachments contain information that is not in the public domain, such information is considered by MedImmune to be confidential and proprietary. This communication is expected to be read and/or used only by the individual(s) for whom it is intended. If you have received this electronic communication in error, please reply to the sender advising of the error in transmission and delete the original message and any accompanying documents from your system immediately, without copying, reviewing or otherwise using them for any purpose. Thank you for your cooperation.

## Jennifer Brockman

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**From:** Wendy Lochner <wwlochner@yahoo.com>  
**Sent:** Tuesday, October 22, 2013 10:45 PM  
**To:** dmanuel@frontiernet.net; lynwidmyer@gmail.com; vinemont@frontiernet.net;  
pnoland@jeffersoncountywv.org; walterpellish@mac.com;  
jbrockman@jeffersoncountywv.org  
**Subject:** Oppose "Minor Changes" to Zoning

October 22, 2013

Dear County Commissioners and Jennifer Brockman,

It is with a great sense of disappointment that I am writing to you today. As a citizen with deep roots in Jefferson County, I continue to be shocked by what I am witnessing regarding zoning and the lack of respect for residents of this County. While I am very pro commerce and support growing the area, it is coming at too high a price for rural residential neighborhoods. As I have admired and supported you all in your roles for many years in providing direction in our community, ongoing and recent decisions regarding the support of zoning that is done very underhandedly and clearly shows favoritism and discrimination truly goes against the level of trust I have had in your position and mars the great sacrifices and leadership you have displayed in our community over the years. Please, I ask that you have the fortitude to preserve and protect rural residential neighborhoods regarding zoning. The first step is to NOT allow "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial with no regulated limitations.

Further, there are conflicts in the number of the events that may occur; lack of wording that limits the events with minimum land requirements and parking requirements may be waived without a conditional use permit. In many ways this looks like another attempt to implement Spot Zoning and Floating Zoning, and it was very clear how upsetting this was to our community.

I do not oppose the ability for special events allowed in Jefferson County, it is that they need to be very tightly controlled. Those of us that have been in the County for the last 50 years are proud of how our area has grown and is prospering and would like that to continue, but we are at a tipping point that is in your hands. Please show that you value us as residents and acknowledge this zoning, as defined, is NOT in the best interest for Jefferson County residents.

Further, I ask that you do whatever it takes to protect Rural Residential Neighborhoods and our historical and natural resources.

Thank You,

Wendy Whitehair-Lochner

## Jennifer Brockman

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**From:** Cathy <winterscat@aol.com>  
**Sent:** Thursday, October 24, 2013 10:44 AM  
**To:** jbrockman@jeffersoncountywv.org  
**Subject:** Fwd: Objection to the proposed "minor" land use ordinance changes

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

**From:** Cathy <winterscat@aol.com>  
**To:** dmanuel <dmanuel@frontiernet.net>; lynwidmyer <lynwidmyer@gmail.com>; vinemont <vinemont@frontiernet.net>; pnoland <pnoland@jeffersoncountywv.org>; walterpellish <walterpellish@mac.com>  
**Sent:** Tue, Oct 22, 2013 9:47 pm  
**Subject:** Objection to the proposed "minor" land use ordinance changes

Dear Commissioners and Ms. Brockman,

I am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural

events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial,

without any meaningful limitations that can monitored or controlled by the county. The new ordinance is very mushy, allowing 300 people in

section 10.5, Special Exception Uses, B, and 100 attendees in Section 8.14. That is just one example. Another example is that the events can

be no more than one in each season in one section of the ordinance and another section, no more than one per month. There is no

requirement that the special events are limited to farms or farmers, no minimum land requirement, and the zoning administrator has the

authority to waive parking requirements without a conditional use permit. These "minor" changes are in fact major changes.

As you know, there have been several attempts to circumvent normal zoning change requirements in the past few years. Spot Zoning,

Floating Zoning, and the NC zone, Neighborhood Commercial that would have allowed commercial enterprises everywhere in Jefferson

County. I see these "minor" changes attempting to do the same thing.

I have no objection to a Bed and Breakfast being able to have special events on site or more importantly, for farmers to be able to generate

additional income. These proposed changes introducing Rural Events are too broad, conflicting in some cases, and will not be able to be

enforced fairly or uniformly.

Thank you,  
Cathy Vance

## Jennifer Brockman

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**From:** Ted Schiltz <tschiltz1@comcast.net>  
**Sent:** Thursday, October 24, 2013 11:52 AM  
**To:** dmanuel@frontiernet.net; pnoland@jeffersoncountywv.org; walterpellish@mac.com; vinemont@frontiernet.net; lynwidmyer@gmail.com  
**Cc:** Jennifer Brockman  
**Subject:** Minor Amendments to Zoning Ordinance

Dear Commissioners and Ms. Brockman,

We am writing to strongly oppose the proposed land use ordinance, "Minor Amendments to Zoning Ordinance" as they pertain to creating rural events. The events seem to create a way for commercial uses to be introduced to all planning zones/districts except Industrial Commercial without any meaningful limitations that can monitored or controlled by the county. The new ordinance is not ready for release yet as there are still too many variables for the unscrupulous to circumvent the system. Allowing 300 people in section 10.5, Special Exception Uses, B, and 100 attendees in Section 8.14. That is just one example. Another example is that the events can be no more than one in each season and another no more than one per month. There is no requirement that the special events are limited to farms or farmers, no minimum land requirement, and the zoning administrator has the authority to waive parking requirements! These "minor" changes are in fact major changes.

We would also like to say that we have no objection to farmers being able to make additional income, but do object to allowing commercial businesses the ability to expand their operations, without proper zoning or a conditional use permit. The amendments seem to be designed for the farmers in the county to utilize their buildings and land for uses other than agriculture, however you already have the vultures of the county flocking to see how they can beat the system.

As you know, there have been several attempts to circumvent normal zoning change requirements in the past few years. Spot Zoning, Floating Zoning, and the NC zone. Neighborhood Commercial that would have allowed commercial enterprises everywhere in Jefferson County.

Ted & Jan Schiltz

## **Jennifer Brockman**

---

**From:** William S Dorman Jr <chipdorman1@aol.com>  
**Sent:** Thursday, October 24, 2013 10:39 AM  
**To:** Dale Manuel; Patsy Noland; Walter Pellish; Lyn Widmyer; Jane Tabb  
**Cc:** Jennifer M Brockman  
**Subject:** Proposed Land Use Ordinance

Commissioners,

Today, I write you representing myself and my fellow homeowners in Deer Mountain Estates. In addition, after numerous discussions with neighbors throughout the rural residential area between Harpers Ferry and Shepherdstown, I'm certain that my points to follow, reflect their broad sentiments as well.

First, let me encourage you, in the strongest terms possible, to take NO for an answer.

We, your constituents, have told you repeatedly that we will not tolerate efforts to disrupt the quiet enjoyment of our private property. Since previous entreaties seem to have found you to be unreceptive, I will now be blunt.

It is offensive to us, as taxpaying property owners, that our clear property rights appear to be under routine assault. Repeated attempts to issue dodgy conditional use permits, suspect zoning amendments, and efforts to improperly "stack" the board of zoning appeals, all make us distrust your actions. Following due process and giving homeowners a fair opportunity is the minimum we expect from our elected officials.

We do understand the desire and need to encourage business development in Jefferson County, and West Virginia as a whole. So, you would be mistaken to write us off as "anti-growth" zealots. We believe there are ways to develop business opportunities and manage growth without sacrificing the historic character of our area. The zoning changes to the areas north of 340 along Bakerton Road sacrifice significant homeowner rights yet gain the county virtually nothing of value in return. It is truly flabbergasting to us that you would condone this course of action.

We expect you to hear our grievances and put to rest our significant concerns. We, your voting constituents, await your decision.

Very respectfully,

//signed//

William S. Dorman, Jr.

Lt Col USAF (Ret)

H: (304) 876-3301

## Jennifer Brockman

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**From:** Zoning <zoning@jeffersoncountywv.org>  
**Sent:** Thursday, October 24, 2013 10:27 AM  
**To:** 'Jennifer Brockman'; 'Seth Rivard'; Jimmy T. Redmon; cwhittaker@jeffersoncountywv.org  
**Subject:** FW: Opposition to Ordinance Changes

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

**From:** Humes Barbara (<mailto:bhumes1@comcast.net>)  
**Sent:** Wednesday, October 23, 2013 10:04 PM  
**To:** [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org); jennifer brockman; [commissionerpnoland@gmail.com](mailto:commissionerpnoland@gmail.com); [dmanuel@frontiernet.net](mailto:dmanuel@frontiernet.net); [walterpellish@mac.com](mailto:walterpellish@mac.com); Tabb Jane; [lynwidmyer@gmail.com](mailto:lynwidmyer@gmail.com)  
**Subject:** Opposition to Ordinance Changes

To County Commissioners: I am writing to express my concern about the proposed ordinance changes regarding special exception uses that include special rural events. I fear that these changes are too ambiguous and will cause harm to our fragile rural areas and create problems.

Sincerely

Barbara Humes

# Jefferson County Zoning and Land Development Ordinance

Jefferson County,  
West Virginia

Prepared By  
The Jefferson County  
Planning Commission

Adopted July 7, 1988, As Amended  
Amendments adopted by the County Commission, November 10, 2011  
DRAFT AG USES and REALTED AMENDMENTS 8/13/13 rev 8/22/13 for CC

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## ARTICLE 2: DEFINITIONS

### Section 2.1 Definitions

For the purpose of these regulations, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, the singular number includes the plural and the plural is the singular. The word "shall" is mandatory and the word "may" is permissive. The words "used for" shall include "arranged for", "designed for", "intended for", "maintained for", "constructed for", or "occupied for". The word "person" shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust or the manager, lease, agent, servant, officer or employee of any of them. The word "land" shall include water surface and land under water.

### Section 2.2 Terms Defined

Abandonment or  
Abandoned<sup>17,21</sup>

The relinquishment of property or cessation of the use of the property by the owner or lessee without any intention of transferring rights to the property to another owner or resuming the nonconforming use of the property for a period of one year.

Accessory Agricultural  
Dwelling Unit

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building, and is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

Accessory Equipment<sup>22</sup>

Any equipment serving or being used in conjunction with a Wireless Telecommunications Facility. This equipment includes, but is not limited to, utility or transmission equipment, power supplies, generators, batteries, cables, equipment buildings, cabinets and storage sheds, shelters or other structures.

Accessory Use

A structure or use which is customarily incidental and subordinate to the principal building or use which is located on the same lot as the principal building. Accessory structures include garages, tool sheds, storage buildings, swimming pools or other similar structures. An accessory structure having any part of a wall in common with a dwelling is considered part of the main building and must meet those setbacks.

Addition, Major

A major addition shall include those additions which will directly affect the function of the site or those areas surrounding the site. Any substantial change of use classification, alteration of on-site parking requirements, potential adverse impacts of off-site storm water drainage, increased demand for public water and sewerage or additions which will cause the rerouting of traffic circulation

together and sharing living areas in a dwelling unit; or  
D. A group of persons occupying a dwelling unit meeting the definition of a Residential Care Home.

|                                        |                                                                                                                                                                                                                                                                                                     |
|----------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Farm Market <sup>23</sup>              | Market for the sale of farm products, and products incidental to farm products.                                                                                                                                                                                                                     |
| <u>Farm Winery</u>                     | <u>An agricultural use licensed as a "Farm winery" pursuant to the West Virginia Code, and meeting the requirements for a "Farm winery" in §60-1-1 et seq of the West Virginia Code as amended. A farm winery is also subject to the requirements of Section 8.5 of this Ordinance.</u>             |
| <u>Farm Distillery</u>                 | <u>An agricultural use licensed as a "Mini-distillery" pursuant to the West Virginia Code, and meeting the requirements for a "Mini-distillery" in §60-1-1 et seq of the West Virginia Code as amended. A farm distillery is also subject to the requirements of Section 8.5 of this Ordinance.</u> |
| <u>Farm Brewery</u>                    | <u>An agricultural use that entails the manufacturing of beer in accordance with the requirements of the West Virginia Code. A farm brewery is also subject to the requirements of Section 8.5 of this Ordinance.</u>                                                                               |
| Farm Vacation Enterprise <sup>23</sup> | A farm adapted for use as a rural vacation area, which may include picnicking and sporting areas, fishing waters, camping, scenery, nature recreation areas, and similar uses. The site may contain up to 5 lodging units.                                                                          |
| FCC <sup>22</sup>                      | Federal Communications Commission.                                                                                                                                                                                                                                                                  |
| Flood-prone Area                       | Areas subject to the one hundred (100) year flood as determined by the Flood Insurance Study prepared by the Federal Insurance Study prepared by the Federal Insurance Administration for Jefferson County, dated April 15, 1980, as may be amended.                                                |
| Flood-prone Soils                      | Any area designated as flood-prone soils in the Soil Survey of Jefferson County, West Virginia prepared by the Department of Agriculture, Soil Conservation Service.                                                                                                                                |
| Frontage, Street                       | All property on the side of a street between two intersecting streets (crossing or ending), or if the street is a dead-end, then all property abutting on one side between an intersecting street and the dead-end of the street.                                                                   |
| Functionally Equivalent                | FCC licensed providers of Commercial Mobile Radio Services                                                                                                                                                                                                                                          |

right-of-way is also the (usually dimensioned) path along which the right of passage is granted.

Road

A prepared surface within a right-of-way which is intended for vehicular use. Road does not include shoulders.

Rural Reception/Event Facility

A facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events in the Rural, Village, Residential Growth and Residential-Light Industrial-Commercial Districts (permitted by Special Exemption).

Rural Reception/Event Facility, Small

A Rural Reception/Event Facility in the Rural District for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month.

School, University or College<sup>23</sup>

An educational institution that offers specialized instruction in any of several fields of study and/or in a number of professions or occupations and is authorized to confer various degrees such as the bachelor's degree. Education uses may include a variety of uses such as classroom buildings, administrative offices, sports facilities, student housing, research facilities and other related uses operated by the governing board of the institution within the campus or on adjoining lots.

Seasonal Use<sup>5</sup>

A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons.

Sensitive Natural Area<sup>5</sup>

An area of wetlands, stream or river banks and forest which exists as a habitat supporting rare or endangered species or which has been dedicated perpetually to environmental preservation by easement, covenant or other legal instrument or which is otherwise protected for environmental purposes by State or Federal statute.

Setback Line<sup>23</sup>

That line that is the required minimum distance from the street right-of-way line or any other lot line that establishes the area within which the principal structure must be erected or placed. For attached dwelling unit types (duplex, multi-family, townhouse, two-family, and similar residential uses) no setback between attached dwelling units is required.

Sexual Paraphernalia Store<sup>15</sup>

Any retail store specializing in the sale of paraphernalia, devices, or equipment distinguished or characterized by an emphasis on depicting or describing specific sexual activities or used in connection with specified sexual activities.

#### **Section 4.8 Buildable Lot**

Any lot which was a buildable lot under the terms or regulations in effect at the time of the adoption of this ordinance and which was established or recorded at that time shall be deemed a buildable lot for the erection of a single-family dwelling, subject to the provisions of the appropriate district regulations of this ordinance.

#### **Section 4.9 Traffic Visibility Across Corner Lots**

On any corner in all districts, there shall be no obstruction to traffic visibility within thirty-five (35) feet of the intersection of the two (2) street property lines of the corner lot. Site plan and subdivision applications must comply with the Intersection Design requirements of the Subdivision and Land Development Regulations.<sup>23</sup>

#### **Section 4.10 Site Plan Requirements**

- A. ~~A site plan shall be submitted~~ and approval of a site plan is required for all commercial, townhouse and multi-family residential, industrial, and institutional development in any district and for all major additions or expansions of existing uses as defined in Article 2, in accordance with the requirements of the Subdivision and Land Development Regulations and this Ordinance.<sup>23</sup>
- B. Site plan submittal is not required for single-family or two-family dwelling units unless planned as part of a multi-unit or mixed use development plan.
- C. The site plan format and informational requirements that must be followed are referenced in the Jefferson County Subdivision and Land Development Regulations, and this Ordinance.<sup>23</sup>
- D. The Planning Commission has the authority to waive any site plan standards in accordance with the Subdivision and Land Development Regulations.<sup>10, 17, 21, 23</sup>

#### **Section 4.11 Landscaping, Screening and Buffer Yard Requirements**

- A. All commercial development adjacent to any Residential district, or any lot with a residence, school, church, or institution of human care shall have a fifty (50) foot or greater unscreened green space buffer or a fifteen (15) foot screened green space buffer along common property lines. The screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. All commercial development adjacent to all other uses must maintain ten (10) foot side and rear yard landscape buffers.<sup>5</sup>
- B. All industrial development adjacent to any Residential district, or a residence, school, church, or institution for human care shall have a buffer yard of no less than two hundred (200) feet. No structures, stored materials, or vehicular parking shall be permitted within the buffer yard. All industrial development shall have front yard buffers of no less than one-half (½) the front yard building setback.<sup>5,7</sup>

## Section 4A.5 Cottage Industry

4. An existing structure or addition built without a required, valid building permit or Improvement Location Permit after December 20, 1975.
- H. 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. If the proposed use of an existing structure and related outdoor area is for use as a “Rural Reception/Event Facility, Small”, a larger gross floor area may be considered as a part of the review process.
- I. 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 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.
- J. For a Cottage Industry located in the Residential Growth District or an existing residential subdivision, the minimum lot size is 2 acres.
- K. 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.
- L. The subject property shall be posted conspicuously by a zoning notice no less than twenty-eight (28) inches by twenty-two (22) inches in size, at least 15 days prior to approval of a Zoning Certificate for the land use. The sign will be prepared by the Departments of Planning and Zoning but posting the sign is the responsibility of the applicant.

## Section 5.7 Rural District<sup>23</sup>

The purpose of this district is to provide a location for low density single family residential development in conjunction with providing continued farming activities. This district is generally not intended to be served with public water or sewer facilities, although in situations where the Development Review System is utilized, it may be. A primary function of the low density residential development permitted within this section is to preserve the rural character of the County and the agricultural community. All lots subdivided in the Rural District are subject to Section 5.7d. The Development Review System does allow for higher density by issuance of a Conditional Use Permit.<sup>8, 23</sup>

### A. Principal Permitted Uses<sup>23</sup>

1. Agricultural uses as defined in Article 2<sup>7</sup>
2. Church
3. Elementary or Secondary School
4. Vocational and/or Training Facility for Adults<sup>12, 20</sup>
5. Dwelling, Single Family
6. Mobile Home (subject to the Jefferson County Subdivision and Land Development Regulations)
7. Dwelling, Two-Family<sup>8</sup>
8. Accessory Agricultural Dwelling Unit
- ~~7.~~9. Cottage Industry<sup>8</sup>
- ~~8.~~10. Home Occupation, Level 1<sup>8</sup>
- ~~9.~~11. Home Occupation, Level 2<sup>8</sup>
- ~~10.~~12. Day Care Center, Small<sup>12, 11, 15</sup>
- ~~11.~~13. Public Safety Facility
- ~~12.~~14. Cultural Facility
- ~~13.~~15. Farm Market (subject to the requirements for such a use in Article 8)<sup>8</sup>
- ~~14.~~16. Horticultural nurseries and commercial greenhouses
- ~~15.~~17. Hospital
- ~~16.~~18. Essential Utility Equipment
- ~~17.~~19. Accessory uses
- ~~18.~~20. Group Residential Facility
- ~~19.~~21. Bed and Breakfast (subject to the requirements for such a use in Article 8)<sup>7, 15</sup>
- ~~20.~~22. Publicly Owned Facility<sup>8</sup>
- ~~21.~~23. Wireless Telecommunications Facilities pursuant to Article 4B.<sup>10</sup>

22:24. Model Homes/Sales Office (subject to the requirements for such a use in Article 8)<sup>12</sup>

23:25. Non-profit Community Centers<sup>15</sup>

24:26. Landscaping business outside of Planning Commission approved subdivisions<sup>15</sup>

25:27. Veterinary services outside of Planning Commission approved subdivisions<sup>15</sup>

26:28. Feed and/or Farm Supply Center

27:29. Agricultural Repair Center<sup>15</sup>

28:30. Kennels (subject to the requirements for such a use in Article 8)<sup>15</sup>

29:31. Hunting, Shooting, Archery and Fishing Clubs (subject to the requirements for such a use in Article 8)<sup>20</sup>

30:32. Agricultural Tourism

31:33. Farm Vacation Enterprise

32:34. Farm Brewery, or Winery, or Distillery

35. Rural Reception/Event Facility or Rural Reception/Event Facility, Small (subject to the requirements of 10.5B)

33:36. Rental of Existing Farm Building, for commercial storage (structure must have existed for 5 years)

34:37. Preschool

B. Minimum Lot Area, Lot Width and Yard Requirements<sup>23</sup>

1. Minimum lot sizes, lot width, and yard requirements for principal permitted uses are shown in Table 5.7-1.
2. For any residential use that complies with the Development Review System, the setbacks and lot size shall be as outlined in Article 5.4.<sup>5</sup>

**Table 5.7-1 – Lot Area, Width, and Yard Requirements for Principal Permitted Uses in the Rural District**

| Land Use             | Lot Area       | Lot Width | Front Yard Depth | Side Yard Depth | Rear Yard Depth |
|----------------------|----------------|-----------|------------------|-----------------|-----------------|
| Dwellings            | 40,000 sq. ft. | 100       | 40               | 15              | 50              |
| Churches             | 2 acres        | 200       | 25               | 50              | 50              |
| Schools, Grades K-4  | 10 acres +     | 500       | 100              | 100             | 100             |
| Schools, Grades 5-8  | 20 acres +     | 500       | 100              | 100             | 100             |
| Schools, Grades 9-12 | 30 acres +     | 500       | 100              | 100             | 100             |
| Hospitals            | 10 acres       | 500       | 100              | 100             | 100             |
| Other permitted uses | 40,000 sq. ft. | 100       | 40               | 50              | 50              |

### **Section 5.8 Residential/Light Industrial/Commercial District<sup>1</sup>**

3. Restaurants where the primary mode of food distribution is by pick-up counter or drive in window and convenience stores (food stores not in excess of 10,000 square feet gross floor area) shall be subject to the Compatibility Assessment Meeting process pursuant to Article 7, Section 7.6 inclusive.<sup>23</sup> This requirement shall not apply to a building located within a shopping center shown on an approved site plan.
4. Proposed uses in this zone do not have to comply with the distance requirements in Sections 4.6 (a-b) if part of a master planned community. This provision shall only apply to the internal use of land under the same ownership.<sup>7</sup>

### **Section 5.9 Reserved<sup>23</sup>**

### **Section 5.10 Village District<sup>8, 23</sup>**

The purpose of this district is to allow recognized villages the ability to provide low level services within their boundaries.

#### **A. Principal permitted uses<sup>23</sup>**

1. Dwelling, Single Family
2. Dwelling, Duplex
3. Dwelling, Two Family
4. Home Occupation, Level 1
5. Home Occupation, Level 2
6. Cottage Industry
7. Public Safety Facility<sup>12</sup>
8. Essential Utility Equipment
9. Medical/Dental/Optical Office, Small<sup>12</sup>
10. Group Residential Facility
11. Cultural Facility<sup>12</sup>
12. Wireless Telecommunications Facilities pursuant to Article 4B

#### **B. Conditional Uses<sup>23</sup>**

The following uses may be approved after being evaluated by the Development Review System (Article 7). The LESA point system would not apply

1. Barber/Beauty Shop, Limited
2. Dry Cleaners
3. Video Rental Stores
4. Retail Food Store, Limited

**Section 8.5 Farm Brewery, ~~or Farm Winery, or Farm Distillery~~<sup>23</sup>**

- A. All structures associated with the operation of a farm brewery, ~~or farm winery, or farm distillery~~ may not exceed 1020,000 square feet.
- B. No sale of alcohol for onsite consumption is permitted.
- C. The use may include facilities for fermenting, processing, bottling, packaging, and storage of products produced on-premises
- D. Permitted accessory uses include the following:
  - a. incidental tastings of products produced on-premises
  - b. incidental food sales associated with tastings, not including a restaurant
  - c. sales of packaged products produced on-premises
  - d. sales of novelty and gift items associated with products produced on-premises
- E. Twenty-five percent of the raw products for a product containing alcohol that is produced by a farm brewery, farm winery, or farm distillery must be produced (i.e. grown and harvested) on the premises of the farm brewery, farm winery, or farm distillery. No more ~~with no more~~ than twenty-five percent of ~~anysuch~~ produce utilized for farm wineries and farm distilleries shall originate ~~ing~~ from any source outside of West Virginia ~~this state~~.
- F. Production limits are as follows:
  - a. A farm brewery may produce annually up to 5,000 barrels of beer (155,000 gallons)
  - b. A farm winery may produce annually up to 50,000 gallons of wine and similar products
  - c. A farm distillery may produce annually up to 20,000 gallons of alcoholic liquor
- G. Buildings located on the premises may exceed the square footage limit of 8.5 (A) provided that the total building area dedicated to the use does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse or similar structure that is directly related to agricultural production.

**Section 8.6 Farm Market<sup>23</sup>**

The floor area of a farm market may not exceed 1,500 square feet, a front yard setback of fifty feet (50) from the street right-of-way must be maintained, and off street parking must be provided.

**Section 8.7 Jails and Prisons<sup>23</sup>**

Due to the special conditions surrounding a jail, prison, or penal institution, all such projects shall only be allowed in the Industrial-Commercial Zone and shall be subject to the Development Review System as outlined in Article 6 of this Ordinance.<sup>5</sup>

### **Section 8.12 West Virginia Legal Fireworks<sup>23</sup>**

Sales of fireworks are only permitted in the commercial zones provided all other restrictions such as setbacks and the requirements of the Jefferson County Subdivision and Land Development Regulations are met.<sup>8</sup>

### **Section 8.13 Dormitory<sup>23</sup>**

A dormitory shall be located on the same property or campus as the use it is intended to serve. A dormitory shall not offer accommodations to the general public or to persons who are visiting the property or campus primarily for the purpose of being a spectator at a sporting event or other gathering held at the facility. A dormitory may include one common kitchen or dining facility and common gathering rooms for social purposes for use only by its temporary occupants.

### **Section 8.14 Rural Reception/Event Facility**

A Rural Reception/Event Facility is a facility within an existing structure and/or outdoor area for the hosting of events such as weddings and similar events. Such events are allowed by Special Exception in accordance with Section 10.5B of this Ordinance.

A Rural Reception/Event Facility, Small, is a Rural Reception/Event Facility in the Rural District only, for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. Such events are permitted administratively in accordance with the requirements of a Cottage Industry found in Section 4A.5 of this Ordinance.

### **Section 8.15 Accessory Agricultural Dwelling Unit**

A dwelling unit that is incidental and subordinate to the principal dwelling unit, which is located on the same lot as the principal building and is meets all of the following criteria: (a) is limited in size to a maximum of 1,000 heated square feet, gross floor area; (b) is located on a property for which the primary use is an agricultural use as defined by this ordinance; (c) is located on a property of at least 10 acres in area; and (d) is limited to use by a person (and family) who performs agricultural work on the property or acts as a caretaker for the property.

## Section 9.5 Projections Into Yards<sup>8</sup>

- A. Projections such as bay windows, chimneys, entrances, uncovered porches, balconies, and eaves may extend into any required yard not more than four (4) feet; provided that such projections are not over ten (10) feet in width. All roof overhangs may extend into any required yard not more than two (2) feet; provided that the primary structure is located entirely within the appropriate setback.<sup>23</sup>
- B. Fences and walls over six (6) feet in height shall meet building lines and yard requirements. A building permit is required before construction. Fences and walls six (6) feet and under in height shall be exempt from building lines and yard requirements unless obstructions to vision at an intersection as referenced in Section 4.9.<sup>23</sup>
- C. In the Residential - Light Industrial - Commercial District and Residential Growth District, on townhouse lots with a lot depth of 110 linear feet or less and/or a lot area of 3,500 square feet or less, the rear setback of a deck for a townhouse (in addition to associated stairs or concrete slabs located beneath the deck) may be reduced to 10' if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a residence.

## Section 9.6 Accessory Structures

Accessory structures, defined by Section 2.2, shall be permitted in all districts where single-family and two-family dwelling units are permitted. The provisions for accessory structures are as follows.

- A. The minimum distance to a lot line in any District from a single-story utility or storage shed, not exceeding one hundred fifty (150) square feet, shall be five (5) feet.
- B. In any District wherein single-family and two-family dwellings are permitted, the minimum distance from any accessory structure, not attached to the principal permitted use, to the side or rear lot line shall be not less than the longest horizontal dimension of the accessory structure or the minimum distance specified for that District, whichever is the lesser of the two.
- C. No accessory building shall be erected within the required front yard.

## Section 9.7 Other Exceptions<sup>3</sup>

For all lots that were approved with setbacks by the Planning Commission as part of the subdivision process prior to September 1, 1989, the setbacks and sizes shall be as established as a part of that process.

Setbacks are as follows in subdivisions for which no setback was stipulated previously by the Jefferson County Planning Commission as a part of the subdivision process:<sup>23</sup>

shall not face the adjoining residence. Signs governed by the Development Review System are subject to Section 10.4 (e). Structures which have more than one use shall be required to use a pylon sign. One is permitted on each street frontage.<sup>8</sup>

- D. All outdoor advertising signs shall be spaced in such a manner that in an Industrial District there shall be a minimum of three hundred (300) feet between signs, and in the Rural District, where permitted, such signs shall be located in such a manner that there shall be one thousand (1,000) feet between signs. This shall be subject to Section 10.4 (e).
- E. All signs accessory to land use that must be evaluated by the Development Review System (DRS) shall be proposed within the DRS application and assessed at the Compatibility Assessment Meeting. Such signs shall be maintained at least one thousand (1,000) feet between signs. Consideration of the placement of such signs with less than one thousand (1,000) foot intervals shall be determined by the Commercial or Residential Uses adjacent to the subject site. Commercial uses adjacent to the subject site may allow spacing intervals of three hundred (300) feet. The Planning Commission shall make this determination if the location cannot be agreed upon at the Compatibility Assessment Meeting.<sup>2, 17, 21, 23</sup>
- F. No outdoor advertising sign shall be placed closer than three hundred (300) feet to an intersection on a dual or proposed dual highway or within one hundred feet of any other intersection; provided, however, that such signs may be affixed to or located adjacent to a building at such intersections in such a manner as not to materially cause any greater obstruction of vision than caused by the building itself. No business sign shall be so located to obstruct the vision of traffic using entrance ways, driveways, or any public road intersection.
- G. All outdoor advertising, excluding billboards subject to Section 10.4 (h), shall comply with front yard setback provisions in the districts in which they are permitted.
- H. Billboards
  1. No billboard shall be closer to any public highway right-of-way than three (300) feet.
  2. Placement of a billboard must be in a location that is within eight hundred (800) feet of an existing business.
  3. There shall be a minimum of one thousand (1000) feet between billboards.
  4. A billboard shall be no closer than five hundred (500) feet from a church, school, or cemetery.

## Section 10.5 Special Exception Uses

~~(Requiring Board of Zoning Appeals after Public Hearing)~~

- A. Special Exception uses listed in this section may be approved by the Board of Zoning Appeals following a public hearing.
  - a. The public hearing shall be conducted according to the requirements of Section 3.4A(3)(c).
  - b. Such hearing may be continued according to the requirements of Section 3.4A(3)(d).

## Section 10.5 Special Exception Uses

c. The public hearing is subject to the notification requirements of Section 3.4A(3)(b).

B. The following uses may be approved as a Special Exception:

- a. Outdoor advertising signs including billboards. ~~The may be approved by the Board of Zoning Appeals shall determine if #such a sign~~ conforms to existing State law and does not have a negative effect on the neighborhood or intent of this Ordinance.<sup>17, 21</sup>
- b. Detached "Accessory Agricultural Dwelling Units" for agricultural purposes, such as units for occupancy by farmworkers or caretakers, may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. One unit meeting the definition of "Accessory Agricultural Dwelling Unit" may be permitted administratively for each property meeting the criteria of Section 8.15 on the effective date of this Amendment. Additional units may be permitted by Special Exemption in accordance with this Section.
- c. Use of existing structures and outdoor areas as "Rural Reception/Event Facilities" for weddings and similar events in the Rural, Village, Residential Growth, and Residential-Light Industrial-Commercial Districts. Such a land use may be approved based on the Board's evaluation of the proposed frequency and size of the proposed events, adequacy of parking area, size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood. For events exceeding 300 persons, applicants shall provide a traffic control plan.

## Section 10.6 Zoning Certificate<sup>2</sup>

All Zoning Certificate applications for signs may be approved by the Departments of Planning and Zoning if in conformance with the regulations.<sup>17, 21, 23</sup>

## Section 11.1 Non-Residential Parking Standards

C. Upon request, on a case by case basis, the Zoning Administrator may administratively waive permanent off-street automobile parking and loading requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis. The applicant must provide an exhibit that demonstrates that the parking will occur on level ground, shows the location of the parking, and identifies how handicapped accessibility (if applicable) will be addressed.

## Section 11.2 Residential Parking Standards<sup>2</sup>

To decrease congestion, permanent off-street automobile parking space and truck loading space shall be provided for all new structures and uses, and for existing structures or uses that are increased in size by 20 percent or more after adoption of these regulations.<sup>23</sup>

Spaces shall be required per residential uses as follows:

| <u>Type of Residences</u>                        | <u>Parking Requirements</u>                                                                                      |
|--------------------------------------------------|------------------------------------------------------------------------------------------------------------------|
| Single Family Detached                           | Driveway Only                                                                                                    |
| Single Family Attached<br>(Duplex or Two-Family) | Driveway Only <sup>23</sup>                                                                                      |
| Single Family Attached<br>(Townhouse)            | See the Jefferson County Subdivision and<br>Land Development Regulations, Appendix B, Division 5.0 <sup>23</sup> |
| Multi-Family                                     | See the Jefferson County Subdivision and<br>Land Development Regulations, Appendix B, Division 6.0 <sup>23</sup> |

## 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 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.<sup>17,21,23,25</sup>

### Section 12.2 Procedure for Amendment by County Commission<sup>1,25</sup>

- A. After the enactment of the Zoning Ordinance, the governing body of the County may amend the Zoning Ordinance without holding an election.<sup>17,21</sup>
- 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.<sup>17,21,25</sup>
- 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:
    - a. 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;
    - b. Any property affected by the proposed zoning map amendment shall be posted at ~~least 30~~not less than 20 and not more than 28 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
    - c. All property owners adjoining the property proposed to be rezoned shall be noticed by first class mail not less than 20 and not more than 28 ~~at least 30~~ days prior to the Public Hearing. The adjoining letters shall be mailed by the Department staff and 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

**APPENDIX C: PRINCIPAL PERMITTED USES TABLE<sup>23</sup>**

This table is for reference purposes only. In the event of a conflict with the text of the Zoning and Land Development Ordinance, the Ordinance shall prevail.

| Land Use                                    | R  | RG | R-LI-C | I-C | V  | General Standards | Additional Standards |
|---------------------------------------------|----|----|--------|-----|----|-------------------|----------------------|
| <b>Residential Uses</b>                     |    |    |        |     |    |                   |                      |
| Dwelling, Single Family                     | P  | P  | P      | NP  | P  |                   |                      |
| Dwelling, Two Family                        | P  | P  | P      | NP  | P  |                   |                      |
| Dwelling, Duplex                            | NP | P  | P      | NP  | P  |                   |                      |
| Dwelling, Townhouse                         | NP | P  | P      | NP  | NP |                   |                      |
| Dwelling, Multi-Family                      | NP | P  | P      | NP  | NP |                   |                      |
| Day Care Center, Small                      | P  | P  | NP     | P   | NP |                   |                      |
| Mobile Home                                 | P  | NP | NP     | NP  | NP |                   |                      |
| Mobile Home Park                            | NP | P  | P      | NP  | NP |                   |                      |
| Model Homes/Sales Office                    | P  | P  | P      | NP  | NP | Sec. 8.10         |                      |
| <b>Home Uses</b>                            |    |    |        |     |    |                   |                      |
| Home Occupation, Level 1                    | P  | P  | P      | P   | P  | 4A.3              | 4A.1                 |
| Home Occupation, Level 2                    | P  | P  | P      | P   | P  | 4A.4              | 4A.1                 |
| Cottage Industry                            | P  | P  | P      | P   | P  | 4A.5              | 4A.1                 |
| <b>Institutional Uses</b>                   |    |    |        |     |    |                   |                      |
| Church                                      | P  | P  | P      | NP  | PC |                   |                      |
| Day Care Center, Large                      | NP | P  | P      | P   | PC |                   |                      |
| Hospital                                    | P  | P  | P      | NP  | NP |                   |                      |
| Group Residential Facility                  | P  | P  | P      | NP  | P  |                   |                      |
| Group Residential Home                      | P  | P  | P      | NP  | P  |                   |                      |
| Residential Care Home                       | P  | P  | P      | NP  | P  |                   |                      |
| Nursing or Retirement Home                  | NP | P  | P      | NP  | NP |                   |                      |
| Cultural Facility                           | P  | NP | P      | P   | P  |                   |                      |
| Elementary or Secondary School              | P  | P  | P      | NP  | NP |                   |                      |
| Preschool                                   | P  | P  | P      | NP  | NP |                   |                      |
| Vocational and Training Facility for Adults | P  | P  | P      | NP  | NP |                   |                      |
| Public Safety Facility                      | P  | P  | P      | P   | P  |                   |                      |
| Publicly Owned Facility                     | P  | P  | P      | P   | NP |                   |                      |
| Essential Utility Equipment                 | P  | P  | P      | P   | P  | 4.7               |                      |
| <b>Industrial</b>                           |    |    |        |     |    |                   |                      |
| Salvage Yards                               | NP | NP | NP     | PC  | NP |                   |                      |
| Slaughterhouses, Stockyards                 | NP | NP | NP     | PC  | NP |                   |                      |
| Heavy Industrial Uses                       | NP | NP | NP     | P   | NP |                   | Sec. 8.9             |
| Light Industrial Uses                       | NP | ** | P      | P   | NP |                   | Sec. 8.9             |
| Shooting Range                              | NP | NP | NP     | P   | NP |                   |                      |

Principal Permitted Uses Table (continued)<sup>23, 24</sup>

| Land Use                                                         | R  | RG  | R-LI-C | I-C | V  | General Standards | Additional Standards |
|------------------------------------------------------------------|----|-----|--------|-----|----|-------------------|----------------------|
| <b>Industrial Manufacturing &amp; Processing</b>                 |    |     |        |     |    |                   |                      |
| Acid or heavy chemical manufacturer, processing or storage       | NP | NP  | NP     | PC  | NP |                   |                      |
| Bituminous concrete mixing and recycling plants                  | NP | NP  | NP     | PC  | NP |                   |                      |
| Cement or Lime Manufacture                                       | NP | NP  | NP     | PC  | NP |                   |                      |
| Commercial Sawmills                                              | NP | NP  | NP     | PC  | NP |                   |                      |
| Concrete and ceramic products manufacture, including ready mixed | NP | NP  | NP     | PC  | NP |                   |                      |
| Explosive manufacture or storage                                 | NP | NP  | NP     | PC  | NP |                   |                      |
| Foundries and/or casting facilities                              | NP | NP  | NP     | PC  | NP |                   |                      |
| Garbage or dead animal reduction or                              | NP | NP  | NP     | PC  | NP |                   |                      |
| Jails and Prisons                                                | NP | NP  | NP     | PC  | NP |                   | Sec. 8.7             |
| Mineral extraction, mineral processing                           | NP | NP  | NP     | PC  | NP |                   |                      |
| Petroleum products refining or storage                           | NP | NP  | NP     | PC  | NP |                   | Sec. 8.11            |
| <b>Adult Uses</b>                                                |    |     |        |     |    |                   |                      |
| Adult Uses                                                       | NP | NP  | NP     | P   | NP |                   | Sec. 8.1             |
| <b>Recreational Uses</b>                                         |    |     |        |     |    |                   |                      |
| Hunting, Shooting, Archery and Fishing Clubs, public or private  | P  | NP  | NP     | NP  | NP |                   | Sec. 8.8             |
| <b>Commercial Uses</b>                                           |    |     |        |     |    |                   |                      |
| Antique Shop                                                     | NP | NP  | P      | P   | PC |                   |                      |
| ATM                                                              | NP | NP  | P      | P   | PC |                   |                      |
| Branch Bank                                                      | NP | NP  | P      | P   | PC |                   |                      |
| Barber/Beauty Shop, Limited                                      | NP | NP  | P      | P   | PC |                   |                      |
| Bed and Breakfast                                                | P  | NP  | NP     | NP  | PC |                   | Sec. 8.3             |
| Commercial Uses                                                  | *  | *** | P      | P   | "  |                   | Sec. 8.9             |
| Country Inn                                                      | NP | NP  | P      | P   | PC |                   |                      |
| Kennel                                                           | P  | NP  | P      | P   | NP |                   | Sec. 8.4             |
| Dry Cleaners                                                     | NP | NP  | P      | P   | PC |                   |                      |
| Florist                                                          | NP | NP  | P      | P   | PC |                   |                      |
| Medical/Dental/Optical Office, Small                             | NP | NP  | P      | P   | P  |                   |                      |
| Non-Not for Profit Commercial Uses                               | NP | NP  | P      | P   | NP |                   |                      |
| Non-Profit Community Centers                                     | P  | NP  | P      | P   | NP |                   |                      |
| Restaurant, Fast Food, Limited                                   | NP | NP  | P      | P   | PC |                   |                      |
| Restaurant, Limited                                              | NP | NP  | P      | P   | PC |                   |                      |
| Retail Food Store, Limited                                       | NP | NP  | P      | P   | PC |                   |                      |
| Veterinary Services                                              | P  | NP  | P      | P   | NP |                   | Sec. 8.x             |
| Video Rental Stores                                              | NP | NP  | P      | P   | PC |                   |                      |
| Wireless telecommunications facilities                           | P  | PC  | PC     | P   | PC | Sec. 4B           |                      |

Principal Permitted Uses Table (continued)<sup>23</sup>

| Land Use                                                                                          | R | RG | R-LI-C | I-C | V  | General Standards | Additional Standards |
|---------------------------------------------------------------------------------------------------|---|----|--------|-----|----|-------------------|----------------------|
| <b>Agricultural Uses</b>                                                                          |   |    |        |     |    |                   |                      |
| Accessory Agricultural Dwelling Unit                                                              | P | NP | NP     | NP  | NP | Sec. 10.5B        |                      |
| Agricultural Repair Center                                                                        | P | NP | P      | P   | NP |                   |                      |
| Agricultural Tourism                                                                              | P | NP | P      | P   | NP |                   |                      |
| Agricultural Uses as defined in Article 2                                                         | P | P  | P      | P   | P  |                   |                      |
| Farm Brewery <del>or Winery</del>                                                                 | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Winery                                                                                       | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Distillery                                                                                   | P | NP | P      | P   | NP |                   | Sec. 8.5             |
| Farm Market                                                                                       | P | NP | P      | P   | NP |                   | Sec. 8.6             |
| Farm Vacation Enterprise                                                                          | P | NP | P      | P   | NP |                   |                      |
| Feed and/or Farm Supply Center                                                                    | P | NP | P      | P   | NP |                   |                      |
| Horticultural Nurseries and Commercial Greenhouses                                                | P | NP | P      | P   | NP |                   |                      |
| Landscaping Business                                                                              | P | NP | P      | P   | NP |                   |                      |
| Rental of Existing Farm Building for Commercial Storage (structure must have existed for 5 years) | P | NP | P      | P   | NP |                   |                      |
| Rural Reception/Event Facility, Small                                                             | P | NP | NP     | NP  | NP | Sec. 4A.5         |                      |
| Rural Reception/Event Facility                                                                    | P | P  | P      | NP  | P  | Sec. 10.5B        |                      |
| <b>Accessory Uses</b>                                                                             |   |    |        |     |    |                   |                      |
| Accessory Uses                                                                                    | P | P  | P      | P   | P  |                   |                      |

P = Permitted use

NP = Not permitted use

PC = Use permitted conditionally subject to requirements of district

\* = Limited permitted uses

\*\* = Accessory use to a planned residential community



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: 20 minutes

Date Requested – 1<sup>st</sup> Choice: October 31, 2013

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

*11-21-13. unfinished Business*

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

Subject: Follow Up to Potential Amendments to WV Code 8A (Discussion and Possible Action)

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

On October 5, 2013, Jefferson County Planning staff presented an overview of potential proposed amendments in WV Code 8A intended to continue to develop local processes that would reduce barriers to development, streamline processes, and improve the clarity of the processes. In particular, the Department of Planning and Zoning staff has reviewed the provisions of WV Code 8A, Article 4 Subdivision and Land Development Ordinance, and developed a few proposed amendments that we believe would help prevent some unnecessary delays that may have inadvertently been created by the language in 8A. Attached is a slightly revised version of the amendments based on input from the County Commission. Additionally, 2 timelines are attached which compare how the amendments will affect the time required to process applications.

Staff has not yet reached out to the State Senators and Delegates and would like to review the proposed changes with the County Commission one more time and request possible endorsement of the proposed amendments.

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

I move endorsement of the proposed text amendments to WV Code 8A for the purposes of allowing staff to forward the proposed amendments to the County's State Senators and Delegates for their review and consideration.

Attachments:

- Proposed Amendments to WV Code 8A, Article 4 Subdivision and Land Development Ordinance 10.24.13 (revised based on comments at 10.03.13 CC meeting)
- Major Subdivision Approval Process Timelines

10/31/13 minutes

- **Motion by Ms. Widmyer to amend Article 3, Section B5 to include “The Chief County Engineer may also at their discretion grant waivers and modifications to the water control requirements for *minor subdivisions and minor site plans...*” Motion seconded but fails on a vote of 2-2 with Mr. Pellish and Ms. Tabb opposing.**
  - **Motion by Ms. Tabb to adopt the new Stormwater Management Ordinance and the associated text amendments to the 2008 Jefferson County Subdivision and Land Development Regulations to become effective no sooner than January 1, 2014. Motion seconded and unanimously approved.**
- B. Requested the complete release of the Construction Bond security for The National Education Humane Society AKA Briggs Animal Adoption Center Maintenance Building (File #S12-01)
- **Motion by Ms. Widmyer to approve the complete release of the remaining \$31,408.00 from the construction bond for the maintenance building only for The National Education Humane Society AKA Briggs Animal Adoption Center (File #S12-01). Motion seconded and unanimously approved.**
6. Jennifer Brockman, Director of Planning and Zoning – requested the endorsement of the proposed text amendments to WV Code 8A for the purposes of allowing staff to forward the proposed amendments to the County’s State Senators and Delegates for their review and consideration.
- **Motion by Mr. Manuel to delay action on this item until the Commission meeting to be held Thursday, November 21, 2013. Motion seconded and unanimously approved.**
7. Todd Fagan, Director of GIS – County staff is near selection of vendors to provide document scanning and electronic content management systems in order to better serve the public, reduce staff research time, and increase overall efficiency. Mr. Fagan requested approval of the grant application as presented, request \$30,000 WVTAGP funds and pledge the requisite matching County funds of \$5,000 to support digital archive and e-Government access to County records.
- **Motion by Ms. Widmyer to approve the grant application as presented with \$30,000 in WVTAGP funds and to pledge the requisite matching County funds of \$5,000. Motion seconded and unanimously approved.**

#### NEW BUSINESS

8. Carolyn Zdziera – requested the Commission proclaim October as Domestic Violence Awareness Month.

**WEST VIRGINIA CODE**

**CHAPTER 8A. LAND USE PLANNING.**

**ARTICLE 4. SUBDIVISION AND LAND DEVELOPMENT ORDINANCE.**

**§8A-4-1. Subdivision and land development ordinances authorized.**

(a) The governing body of a municipality or a county may regulate subdivisions and land development within its jurisdiction by:

- (1) Adopting a comprehensive plan and enacting a subdivision and land development ordinance; or
- (2) Establishing a planning commission, enacting a subdivision and land development ordinance, and adopting a comprehensive plan for the area included in the subdivision and land development ordinance within three years of the enactment of the subdivision and land development ordinance.

(b) A municipality may adopt, by reference, the subdivision and land development ordinance of the county in which it is located.

(c) With the prior approval of the county planning commission, a municipality may, by ordinance, designate the county planning commission as the planning commission for the municipality to review and approve subdivision or land development plans and plats.

**§8A-4-2. Contents of subdivision and land development ordinance.**

(a) A subdivision and land development ordinance shall include the following provisions:

- (1) A minor subdivision or land development process, including criteria, requirements and a definition of minor subdivision;
- (2) The authority of the planning commission and its staff to approve a minor subdivision or land development;
- (3) A major subdivision or land development process, including criteria and requirements;
- (4) The authority of the planning commission to approve a major subdivision or land development;
- (5) The standards for setback requirements, lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, storm water management and water and wastewater facilities;
- (6) Standards for flood-prone or subsidence areas;
- (7) A review process for subdivision or land development plans and plats by the planning commission;
- (8) An approval process for subdivision or land development plans and plats by the planning commission, including the authority to approve subdivision or land development plans and plats with conditions;
- (9) A process to amend final approved subdivision or land development plans and plats;
- (10) A requirement that before development of the land is commenced, subdivision and land development plans and plats must be approved by the applicable planning commission, in accordance with the comprehensive plan, if a comprehensive plan has been adopted;
- (11) A requirement that after approval of the subdivision or land development plat by the planning commission and before the subdivision or development of the land is commenced, the subdivision and land development plat shall be recorded in the office of the clerk of the county commission where a majority of the land to be developed lies;
- (12) A schedule of fees to be charged which are proportioned to the cost of checking and verifying proposed plats;
- (13) The process for granting waivers from the minimum standards of the subdivision and land development ordinance;
- (14) Improvement location permit process, including a requirement that a structure or development of land is prohibited without an improvement location permit;
- (15) The acceptable methods of payment to cover the cost of the water and sewer service infrastructure, which can include, but are not limited to, bonds, impact fees, escrow fees and proffers;
- (16) The process for cooperating and coordinating with other governmental agencies affected by the

subdivision and land development and use; and

(17) Penalties for violating the subdivision and land development ordinance.

(b) A subdivision and land development ordinance may include the following provisions:

(1) Establishing a board of subdivision and land development appeals with the same powers, duties and appeals process as set out for the board of zoning appeals under the provisions of article eight of this chapter;

(2) Requirements for green space, common areas, public grounds, walking and cycling paths, recreational trails, parks, playgrounds and recreational areas;

(3) Encourage the use of renewable energy systems and energy-conserving building design;

(4) Vested property right, including requirements;

(5) Exemptions of certain types of land development from the subdivision and land development ordinance requirements, including, but not limited to, single-family residential structures and farm structures; and

(6) Any other provisions consistent with the comprehensive plan the governing body considers necessary.

(c) All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to this section that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

#### **§8A-4-3. Enactment of subdivision and land development ordinance.**

(a) Before a governing body enacts a subdivision and land development ordinance, the governing body shall hold at least one public hearing and give public notice.

(b) The public notice of the date, time and place of the public hearing must be published in a local newspaper of general circulation in the area as a Class I legal advertisement, in accordance with the provisions of article three, chapter fifty-nine of this code, at least thirty days prior to the public hearing. The public notice must contain a brief summary of the principal provisions of the proposed subdivision and land development ordinance and a reference to the place or places where copies of the proposed subdivision and land development ordinance may be examined.

(c) After the public hearing, if the governing body makes other than technical amendments to the proposed subdivision and land development ordinance prior to voting on it, the governing body shall hold another public hearing and give public notice. The public notice shall be as provided in subsection (b) of this section, and must contain a brief summary of the amendments.

#### **§8A-4-4. Filing the subdivision and land development ordinance.**

After the enactment of the subdivision and land development ordinance by a governing body, the governing body must file the enacted subdivision and land development ordinance in the office of the clerk of the county commission where the subdivision and land development ordinance applies.

#### **§8A-4-5. Amendments to the subdivision and land development ordinance.**

After the enactment of the subdivision and land development ordinance by the governing body, all amendments to the subdivision and land development ordinance shall be made by the governing body after holding a public hearing with public notice.

#### **§8A-4-6. Effect of adopted subdivision and land development ordinance.**

After enactment of a subdivision and land development ordinance by the governing body, all subsequent subdivisions and land development must be done in accordance with the provisions of the subdivision and land development ordinance.

#### **§8A-4-7. Validation of prior subdivision and land development ordinance.**

All subdivision and land development ordinances, all amendments, supplements and changes to the ordinance, legally adopted under prior acts, and all action taken under the authority of the ordinance, are hereby validated and the ordinance shall continue in effect until amended or repealed by action of the governing body taken under authority of this article. These ordinances shall have the same effect as though previously adopted as a comprehensive plan of land use or parts thereof.

**ARTICLE 5. SUBDIVISION OR LAND DEVELOPMENT PLAN AND PLAT.**

**§8A-5-1. Jurisdiction of planning commissions.**

(a) A planning commission has the authority to:

- (1) Approve a minor subdivision or land development application within its jurisdiction;
- (2) Exempt an application for a minor subdivision or land development within its jurisdiction; and
- (3) Approve a major subdivision or land development application within its jurisdiction.

(b) The staff of a planning commission has the authority to approve a minor subdivision or land development application within its jurisdiction, if granted such authority by the governing body in the subdivision and land development ordinance.

(c) If a subdivision or land development plan and plat cannot be approved through the minor subdivision or land development process, then an applicant must use the major subdivision or land development approval process.

**PART I. MINOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.**

**§8A-5-2. Requirements for a minor subdivision or land development.**

a) An application for approval of a subdivision or land development plan and plat may be considered a minor subdivision or land development if it meets the following requirements:

- (1) Only creates the maximum number of lots specifically permitted by the subdivision and land development ordinance for a minor subdivision or land development;
- (2) Will not require the development of new or the extension of existing off-tract infrastructure; and
- (3) Such other requirements as determined by the governing body to ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments.

(b) The following can be considered a minor subdivision or land development if approved by the planning commission:

- (1) Merger or consolidation of parcels of land;
- (2) Land transfers between immediate family members; and
- (3) Minor boundary line adjustments

**§8A-5-3. Application for minor subdivision or land development.**

(a) An applicant submits a copy of a land development plat and the fees to the planning commission having jurisdiction over the land.

(b) Within seven days after the submission of the subdivision or land development plat, the applicant and the staff of the planning commission shall meet to discuss the proposed subdivision or land development and the criteria used to classify the proposal as minor.

(c) The staff of the planning commission may make a site inspection of the proposed subdivision or land development.

(d) Within ten days after the submission of the subdivision or land development plat, the staff of the planning commission shall notify the applicant in writing that the proposed subdivision or land development has been classified a minor subdivision or land development.

**§8A-5-4. Approval of minor subdivision or land development plans and plats.**

(a) Within ten days after a plat has been classified a minor subdivision or land development, then the planning commission or staff, if the authority has been given by the governing body, shall approve or deny the plat.

(b) If the planning commission approves the plat, then the planning commission shall affix its seal on the plat.

(c) If the planning commission approves the plat with conditions, then the planning commission must state the conditions.

(d) If the planning commission denies the plat, then the planning commission shall notify the applicant in writing of the reasons for the denial.

**§8A-5-5. Recording of minor subdivision or land development plat.**

After approval of a minor subdivision or land development plat by the planning commission and before the

subdivision or development is commenced, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located.

## PART II. MAJOR SUBDIVISION OR LAND DEVELOPMENT PROCESS.

### §8A-5-6. Application for major subdivision or land development.

(a) An applicant for approval of a major subdivision or land development plan and plat shall submit written application, a copy of the proposed land development plan and plat, and the fees to the planning commission having jurisdiction over the land.

(b) Within forty-five days after receipt of the application, the planning commission shall review the application for completeness and either accept or deny it. The Planning Commission may delegate the determination of completeness to its staff for the purpose of setting the public hearing required within 45 of the determination as detailed in §8A-5-8c.

(c) If the application is not complete, then the planning commission may deny the application and must notify the applicant in writing stating the reasons for the denial.

### §8A-5-7. Contents of a major subdivision or land development plan and plat.

(a) A land development plan and plat must include everything required by the governing body's subdivision and land development ordinance.

(b) If a governing body does not have a subdivision and land development ordinance or if a governing body's subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, then the following may be included, when applicable, in a subdivision or land development plan and plat:

- (1) Show that the subdivision or land development conforms to the governing body's comprehensive plan;
- (2) A method of payment to cover the cost of the water and sewer service infrastructure, which can include, but is not limited to, bonds, impact fees, escrow fees and proffers;
- (3) Coordination among land development with adjoining land owners, including but not limited to, facilities and streets;
- (4) Distribution of population and traffic in a manner tending to create conditions favorable to health, safety, convenience and the harmonious development of the municipality or county;
- (5) Show that there is a fair allocation of areas for different uses, including, but not limited to, streets, parks, schools, public and private buildings, utilities, businesses and industry;
- (6) Show that there is a water and sewer supply;
- (7) Setback and lot size measures were used;
- (8) The standards used for designating land which is subject to flooding or subsidence, details for making it safe, or information showing that such land will be set aside for use which will not endanger life or property and will not further aggravate or increase the existing menace;
- (9) The control measures for drainage, erosion and sediment;
- (10) The coordination of streets, sidewalks and pedestrian pathways in and bordering the land development; and
- (11) The design, construction and improvement measures to be used for the streets, sidewalks, easements, rights-of-way, drainage, utilities, walkways, curbs, gutters, street lights, fire hydrants, water and wastewater facilities, and other improvements installed, including the width, grade and location for the purpose of accommodating prospective traffic, customers and facilitating fire protection.

(c) The locally adopted regulations related to the major subdivision or land development approval process may separate the approval process into multiple steps, including, but not limited to, a Concept Plan, a Preliminary Plat, Construction Documents and a Final Plat. If multiple steps are proposed for a major subdivision or land development approval process, the locally adopted regulations may limit the public hearing process to the Concept Plan and/or Preliminary Plat (if applicable) first of these steps and authorize the later steps to be administratively reviewed. All major subdivision or land developments shall require at least one public hearing in accordance with the provisions of 8A-5-8.

### §8A-5-8. Approval of major subdivision or land development plans and plats.

(a) Upon written request of the applicant for a determination, the planning commission must determine by vote at the

next regular meeting or at a special meeting, whether or not the application is complete based upon a finding that the application meets the requirements set forth in its governing body's subdivision and land development ordinance.

(b) If a governing body's subdivision and land development ordinance does not specify what may be included in a land development plan and plat, then the planning commission must determine that an application is complete if the application meets the requirements set forth in subsection (b), section seven of this article.

(c) At a meeting where the application is determined to be complete, the planning commission must set a date, time and place for a public hearing and a meeting to follow the public hearing to vote on the application. If the Planning Commission has authorized the staff to make this determination, such determination will be made in writing to the applicant and staff will set the date, time and place of the public hearing in accordance with this section. The public hearing must be held within forty-five days of the determination of completeness, and the planning commission must notify the applicant of the public hearing and meeting in writing unless notice is waived in writing by the applicant. The planning commission must publish a public notice of the public hearing and meeting in a local newspaper of general circulation in the area at least twenty-one days prior to the public hearing.

(d) At a meeting at the conclusion of the public hearing or a meeting held within fourteen days after the public hearing, the planning commission shall vote to approve, deny or hold the application.

(e) The application may be held for additional information necessary to make a determination. An application may be held for up to forty-five days.

(f) The planning commission shall approve the application after the planning commission determines that an application is complete and meets the requirements of the governing body's subdivision and land development ordinance; or if the governing body does not have a subdivision and land development ordinance or if the subdivision and land development ordinance does not specify what may be included in a subdivision or land development plan and plat, that the application meets the requirements set forth in subsection (b) section seven of this article.

(g) If the planning commission approves the application, then the planning commission shall affix its seal on the subdivision or land development plan and/or plat.

(h) If the planning commission approves the application with conditions, then the planning commission must specify those conditions.

(i) If the planning commission denies the application, then the planning commission shall notify the applicant in writing of the reasons for the denial. The applicant may request, one time, a reconsideration of the decision of the planning commission, which request for reconsideration must be in writing and received by the planning commission no later than ten days after the decision of the planning commission is received by the applicant.

#### **§8A-5-9. Recording of major subdivision or land development plat.**

After approval of a major subdivision or land development plat by the planning commission and after the conditions of the planning commission are met, the subdivision or land development plat shall be recorded by the applicant in the office of the clerk of the county commission where the land is located. If the land is located in more than one county, then the land development plat shall be recorded in the county of the initial land development and subsequently recorded in the other counties when there is land development in that county.

#### **§8A-5-10. Appeal process.**

(a) An appeal may be made by an aggrieved person from any decision or ruling of the planning commission to:

- (1) The circuit court, pursuant to the provisions of article nine of this chapter; or
- (2) A board of subdivision and land development appeals, if the governing body has established a board of subdivision and land development appeals by ordinance.

(b) Within thirty days after the date of the denial, the petition, specifying the grounds of the appeal in writing, must be filed with:

- (1) The circuit court of the county in which the affected land or the major portion of the affected land is located; or
- (2) The board of subdivision and land development appeals that has jurisdiction over the affected land.

#### **§8A-5-11. Effect of approval of land development plans and plats.**

A land development plan and plat that has not been approved by the planning commission is without legal effect: *Provided*, That failure to comply with this article shall not invalidate or affect the title to any land within the area of the

land development plat.

**§8A-5-12. Vested property right.**

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) The vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the planning commission when the landowner:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees, resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

**§8A-5-12. Vested property right.**

(a) A vested property right is a right to undertake and complete the land development. The right is established when the land development plan and plat is approved by the planning commission and is only applicable under the terms and conditions of the approved land development plan and plat.

(b) Failure to abide by the terms and conditions of the approved land development plan and plat will result in forfeiture of the right.

(c) Subject to section ten-a, article thirteen-e, chapter sixteen of this code, the vesting period for an approved land development plan and plat which creates the vested property right is five years from the approval of the land development plan and plat by the planning commission.

(d) Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the planning commission when the landowner:

(1) Obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project;

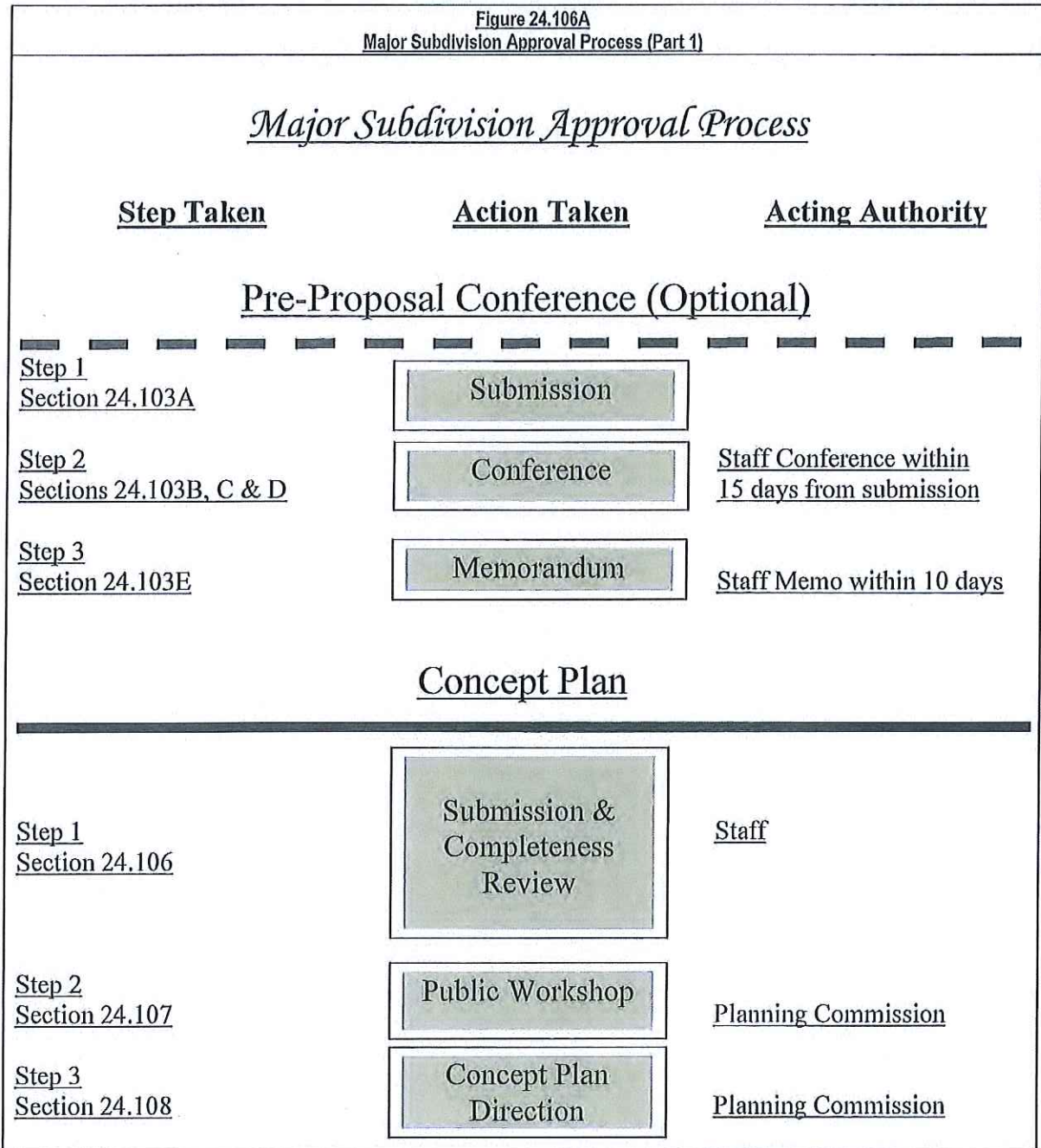
(2) Relies in good faith on the significant affirmative governmental act; and

(3) Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

(e) A vested right is a property right, which cannot be taken without compensation. A court may award damages against the local government in favor of the landowner for monetary losses incurred by the landowner and court costs and attorneys' fees resulting from the local government's bad faith refusal to recognize that the landowner has obtained vested rights.

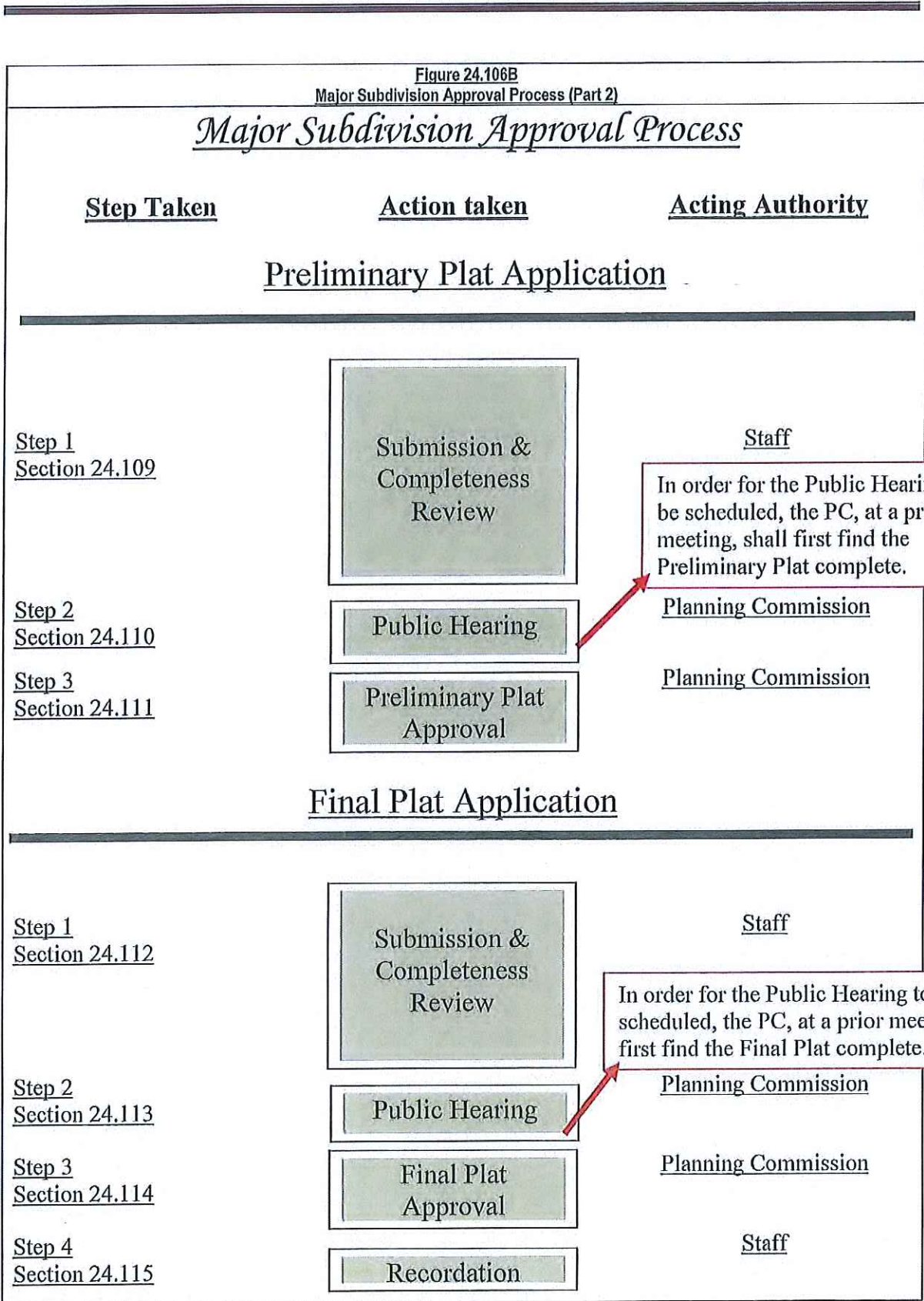
(f) Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the planning commission or county commission's local ordinance or for a longer period as agreed to by the planning commission or county commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period: *Provided*, That the land development plan or plat has received at least preliminary approval by the planning commission or county commission by March 1, 2010.

# CURRENT Major Subdivision Process



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

# CURRENT Major Subdivision Process



**CURRENT**  
**Major Subdivision Process**

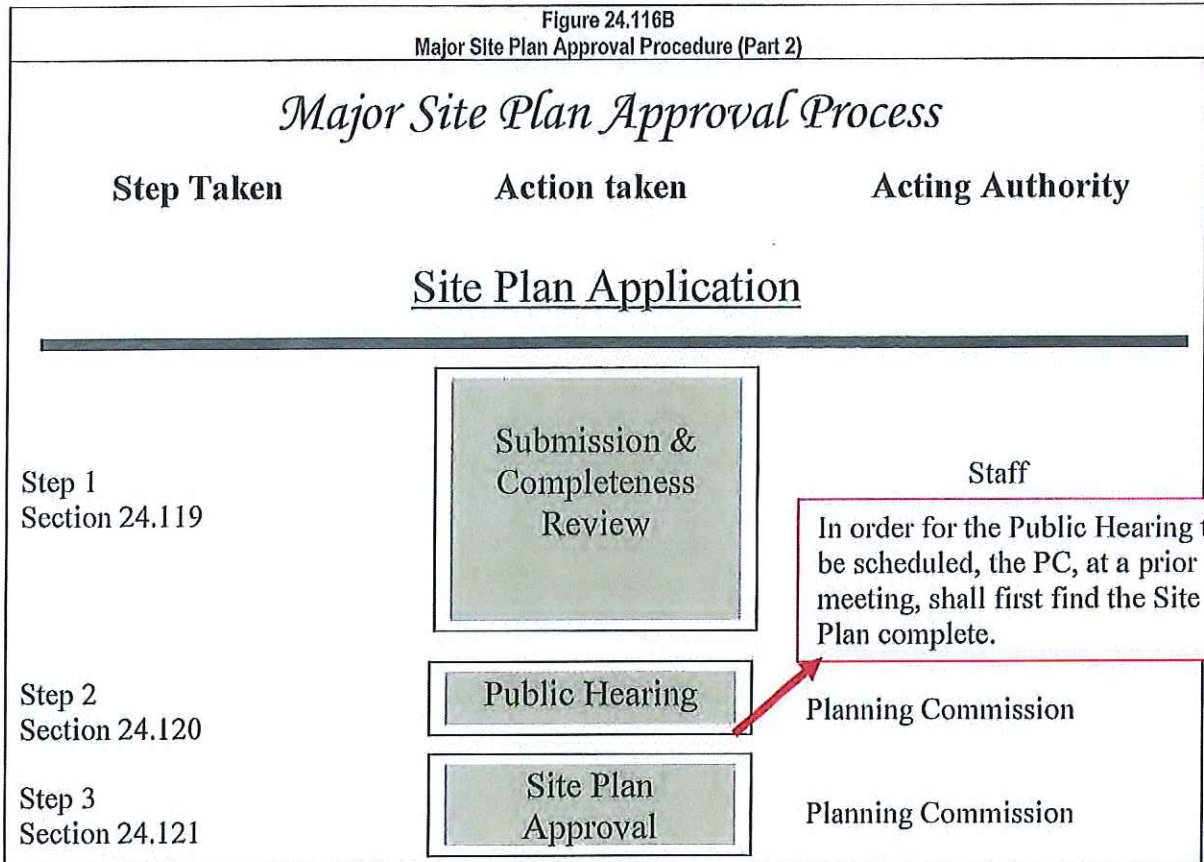
Figure 24.116A  
Major Site Plan Approval Process (Part 1)

*Major Site Plan Approval Process*

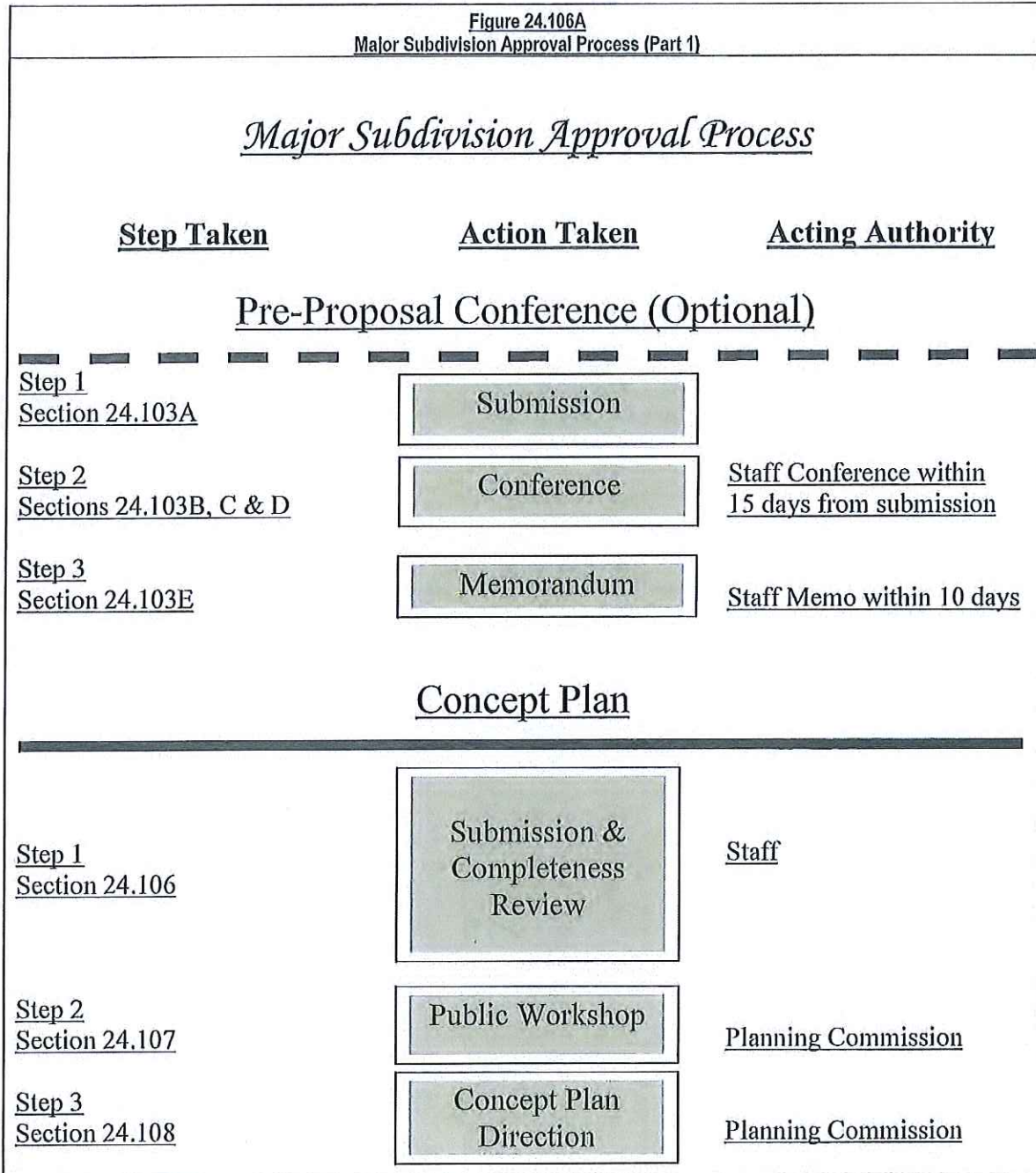
| <u>Step Taken</u>                                   | <u>Action Taken</u>                | <u>Acting Authority</u>                                |
|-----------------------------------------------------|------------------------------------|--------------------------------------------------------|
|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

# CURRENT Major Site Plan Process

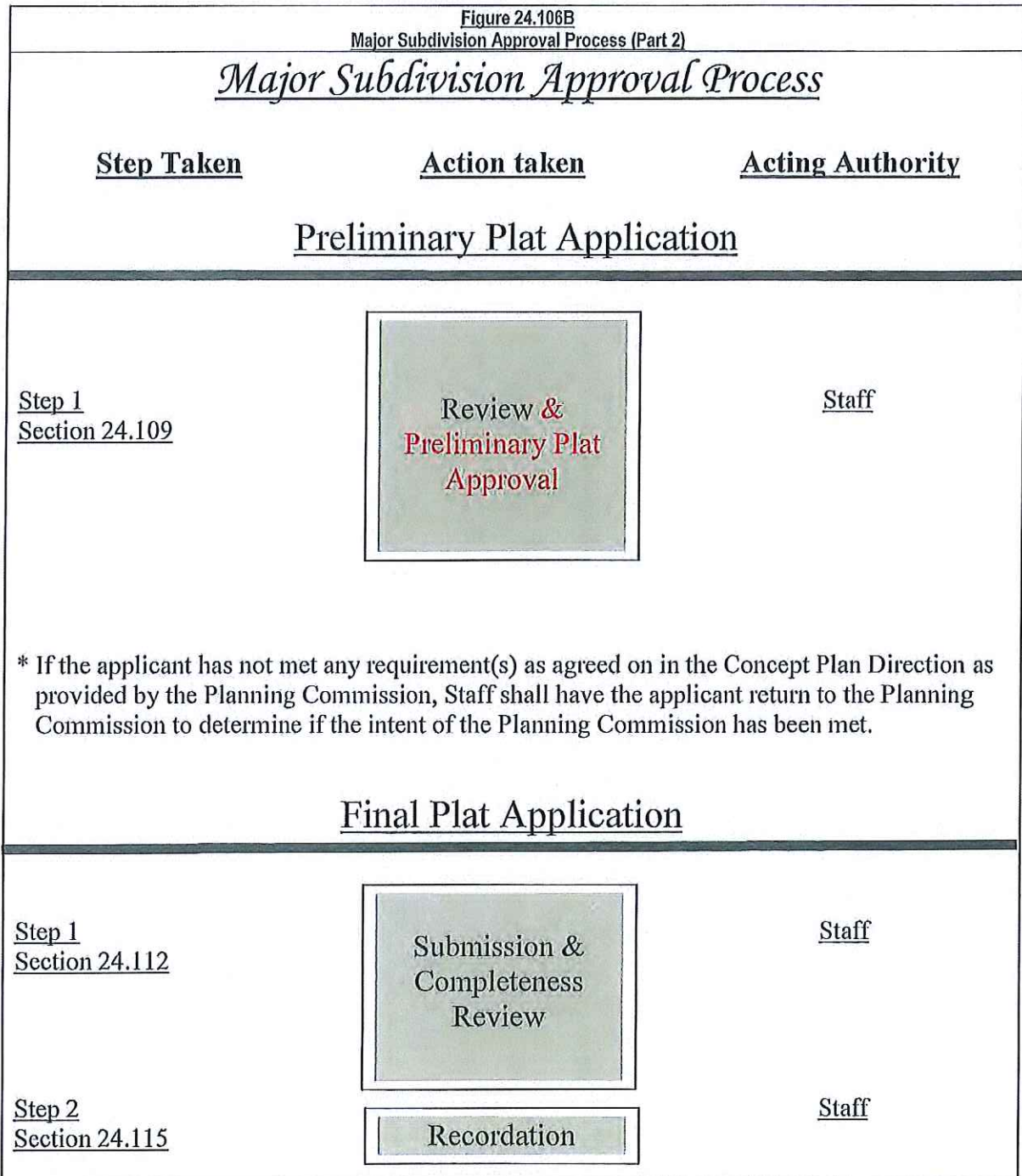


**PROPOSED**  
**Major Subdivision Process**

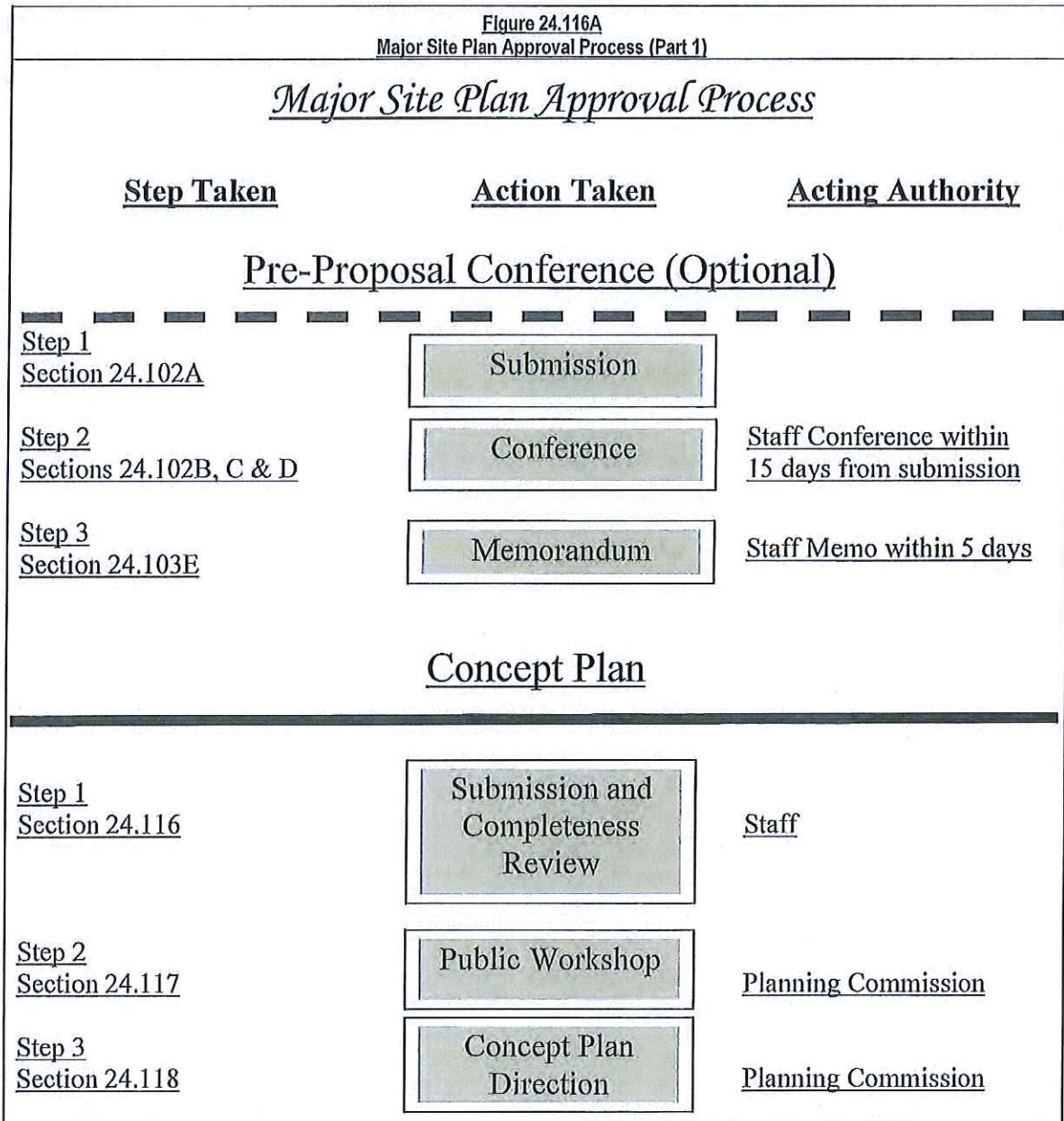


*(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)*

**PROPOSED**  
**Major Subdivision Process**



# PROPOSED Major Site Plan Process



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

**PROPOSED**  
**Major Site Plan Process**

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Figure 24.116B  
Major Site Plan Approval Procedure (Part 2)

*Major Site Plan Approval Process*

**Step Taken**

**Action taken**

**Acting Authority**

Site Plan Application

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Step 1  
Section 24.119



Staff

\*If the applicant has not met any requirement(s) as agreed on in the Concept Plan Direction as provided by the Planning Commission, Staff shall have the applicant return to the Planning Commission to determine if the intent of the Planning Commission has been met.

Commission Office Use Only

Date on Agenda:

Appt Time or New Business:

### AGENDA REQUEST FORM

Name: Debbie Keyser

Department or Entity: County Commission

Estimation of amount of time needed for appointment: 5 minutes

Date Requested – 1<sup>st</sup> Choice: November 7, 2013 NOV 21

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

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

Subject: **Review of the Appointment to County Boards, Committees, and Commissions Policy.**

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): **Move approval of the amended Appointment to County Boards, Committees, and Commissions Policy as presented**

Attachments: **amended copy of the Appointment to County Boards, Committees, and Commissions Policy**

|                |                                                             |           |  |
|----------------|-------------------------------------------------------------|-----------|--|
|                | <b>Jefferson County Policies &amp; Procedures</b>           |           |  |
| Policy Name:   | Appointment to County Boards,<br>Committees and Commissions | Approved: |  |
| Policy Number: |                                                             | Author:   |  |
| Associated:    |                                                             |           |  |

**PURPOSE**

This directive sets forth the comprehensive process for items pertaining to appointments to the County’s boards and commissions including advertising for candidates, processing information to the Commission, interviewing of candidates, appointment timetables and oaths of office.

**POLICY**

The County Commission has the duty and right to appoint citizens to various boards and commissions. It is the stated desire and intent of the Commission to provide for an orderly appointment process to be followed by County staff and to encourage participation by interested citizens. All appointments and removals are made at the discretion of the County Commission.

**NOTIFICATION PROCESS**

1. Notice shall be given to the individual whose term is expiring two months prior to the date of the Commission meeting at which the appointment for the new term is to be listed on the agenda. If the individual would like to be reappointed they shall submit a letter expressing their interest to the Commission, no later than the Thursday prior to the Commission meeting at which the appointment is listed on the agenda. The individual shall be encouraged to complete an application for boards, commissions and committees.
2. Notice shall be given to the board, committee or commission on which a vacancy is expected due to an expired term or a vacancy that has occurred due to resignation at least one month prior to the date of the Commission meeting at which the appointment is to be listed on the agenda.
3. Notice shall be given to the Commission at least ten (10) days prior to the County Commission meeting at which the appointment is listed on the agenda. Notice shall be given by listing the item on the agenda for a regular meeting of the County Commission as “information”.

## ADVERTISING PROCESS

1. The Commission Staff shall advertise that applications are being accepted, at the appropriate times, thirty (30) days for expiring terms through the County's website, email alerts, local government cable channel 17 and the Spirit of Jefferson.
2. Any citizen interested in being appointed or reappointed to a board, committee or commission should submit a completed Application Form (Attachment 1) to the County Commission Office, and attach any additional information as desired. Applicants are ~~encouraged~~ required to submit letters of interest and/ or applications to the County Commission Administrative Office no later than ~~noon on the day of the publication of the agenda -for the upcoming the Thursday prior to the~~ Commission meeting at which the appointments will be made (which is usually one week in advance of the meeting). All Application Forms submitted will be date stamped received and shall be retained for a period of two (2) years in making mid-term appointments as vacancies occur.
3. The County Commission Staff shall send a letter and/or email to each board or commission member with an expiring term of office to determine if the member wants to be considered for reappointment.
4. The Commission Staff will notify applicants on Monday, prior to the Thursday of the date and times of interviews. All applicants are encouraged to attend the interviews, however it is not mandatory.

## UNEXPIRED APPOINTMENTS

1. Occasionally, a position may be available when a member is unable to finish his/her term prior to the term ending. In such cases, the vacant position must be filled by an unexpired term appointment that will serve out the remainder of the individual that they are replacing for an unexpired term.
2. The Commission Staff shall advertise that applications are being accepted, at the appropriate times, Two (2) weeks for expiring terms through the County's website, email alerts, local government cable channel 17 and the Spirit of Jefferson.
3. In these cases, upon receipt of a letter of resignation, the Commission Staff shall notify the County Commission of such resignation by placing it on the County Commission Agenda under information.

## ZONING BOARD OF APPEALS ALTERNATE POSITIONS

Alternates: Alternate members shall have all powers and duties of a regular Board member when sitting on a case and shall continue to participate in the case until a final decisions reached. Alternate members shall serve by rotation based upon seniority of appointment to board.

Field C

### **TRAINING FOR PLANNING COMMISSION**

Newly appointed members to the Jefferson County Planning Commission governed by state law must attend a training seminar/orientation provided by the Jefferson County Planning Department to familiarize themselves with the laws and procedures governing that commission. This training should be undertaken with two (2) months after the appointee has taken office.

### **RESPONSIBILITY**

1. It shall be the County Commission Staff's responsibility to keep a current and accurate list of all members of the boards, committees and commissions with dates of appointment and term expiration.
2. It shall be the responsibility of the boards; committee or commission chair to ensure that the County Commission is properly informed of vacancies created due to resignations or other factors that may affect this policy and its procedures.

Jefferson County Commission  
Application for Boards, Committees or Commissions

Please type or print information

NAME: \_\_\_\_\_

HOME ADDRESS: \_\_\_\_\_

HOME TELEPHONE NUMBER: \_\_\_\_\_

WORK ADDRESS: \_\_\_\_\_

WORK PHONE NUMBER: \_\_\_\_\_

MOBILE PHONE NUMBER: \_\_\_\_\_

E-MAIL ADDRESS: \_\_\_\_\_

MAGISTERIAL DISTRICT: \_\_\_\_\_

PARTY AFFILIATION (*Building Commission applicants only*) \_\_\_\_\_

OCCUPATION: \_\_\_\_\_

LENGTH OF RESIDENCY IN JEFFERSON COUNTY: \_\_\_\_\_

EDUCATION: HIGH SCHOOL \_\_\_\_\_

COLLEGE \_\_\_\_\_

TRADE OR BUSINESS SCHOOL \_\_\_\_\_

LIST QUALIFICATIONS FOR THIS POSITION:

\_\_\_\_\_

NAME OF BOARD, COMMITTEE OR COMMISSION APPLYING FOR:

\_\_\_\_\_

ORGANIZATION MEMBERSHIPS & POSITIONS HELD: \_\_\_\_\_

\_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

***This application is good for and will be retained for two (2) years in accordance with the Administrative Policies and Procedures Policy. In order to be considered for appointment, a new application must be submitted.***



**AGENDA REQUEST FORM**

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



Name: Tim Stanton, Finance Director

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

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

Subject (Wording to be placed on agenda):

**Update on County Finances**

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):

Are documents attachments? Yes      No

If not, explain:

Is a projector needed? Yes      **XX**      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_



**AGENDA REQUEST FORM**

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



Name: Debbie Keyser, County Administrator

Department or Organization: County Commission

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

Date Requested – 1<sup>st</sup> Choice: November 21, 2013

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

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

Subject (Wording to be placed on agenda):

**Discuss potential Litigation - Executive Session possible - §6-9A-4**

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):

Are documents attachments? Yes                      No

If not, explain:

Is a projector needed? Yes                      No

Contact information:

Email address: \_\_\_\_\_

Phone number: \_\_\_\_\_