

**AGENDA
SPECIAL SESSION
JEFFERSON COUNTY COMMISSION
TUESDAY, JANUARY 6, 2015
9:30 A.M.
County Commission Meeting Room
located at the Old Charles Town Library
200 E. Washington Street, Charles Town, WV**

CALL TO ORDER

PLEDGE OF ALLEGIANCE

ANNOUNCEMENTS

- Report if there are changes in the agenda if applicable

- 1. 9:30 a.m. **WORK SESSION**
 - Review the Planning Commission's Redlined Version of the Draft 2014 Comprehensive Plan, entitled Envision Jefferson 2035, recommended to the County Commission on October 14, 2014

- 2. 12:00 p.m. **ADJOURN**

AGENDA REQUEST FORM
www.jeffersoncountywv.org



Name: **Jennifer Brockman**

Department or Organization: **Planning and Zoning**

Estimation of amount of time needed for appointment: **2 ½ hours**

Date Requested – 1st Choice: **January 6, 2015 9:30 – 12:00 and January 9, 2015 9:30 – 12:00 (already scheduled)**
If a specific date is needed, please provide reason for specific date: [Click here to enter text.](#)

Date Requested – 2nd Choice: [Click here to enter text.](#)

Subject (*Wording to be placed on agenda*): Subject: **Envision Jefferson 2035 Comprehensive Plan Work Sessions**

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

The County Commission held a Public Hearing on the Envision Jefferson 2035 Comprehensive Plan on November 6, 2014 to receive Public Comments. Attached are the summary matrices prepared for the Commission for their use in work sessions to review and edit the Envision Jefferson Plan. These matrices were distributed to the County Commission at their December 11, 2014 work session.

On December 11, 2014 the County Commission held two work sessions. The 9:30 a.m. work session reviewed the Plan's Overview and all of Section 1, Land Use and Growth Management Element (pages 7-65). The 7 pm work session reviewed the Future Land Use Map and the matrix associated with those comments. Edits related to all of the input received from the County Commission are being made to the Envision Jefferson text and maps and a red-lined version will be presented back to the County Commission when the review of the Plan is complete.

The County Commission scheduled the following two work sessions to complete their review of the Envision Jefferson 2035 Plan draft:

- **The January 6, 2015 work session is slated to focus on the review of Section 2, Economic Development, Employment, and Infrastructure Element (pages 66-121).**
- **The January 9, 2015 work session is slated to complete the review of the text, including Section 3, Cultural, Historic, Natural Resources and Recreation Element (pages 122-138); Section 4, Education and Public Libraries Element (pages 139-147); Section 5, 5. Finance, Public Safety, and Governance Element (pages 148-159); Implementation Strategies and Implementation Tools (pages 160-166) as well as an over view of the Appendices.**

The County Commission is obligated by state law to act by either adopting, rejecting or amending the comprehensive plan by January 14, 2015. Staff intends to have a fully edited version of the Plan available early on Monday, January 12, 2015. The County Commission will need to schedule a special meeting on January 13 or 14 in order to review all the edits and make recommendations regarding the Final Draft. Note that a plan that is rejected or amended is required to be returned to the Planning Commission for its consideration, with a written statement of the reasons for the rejection or amendment. The Planning Commission has forty-five days to consider the rejection or amendment and make recommendations back to the governing body.

Please bring the 11-06-14 packet and the draft Plan with you as it will not be reprinted for this meeting.

Is this a funding request? Y/N N/A
If so, how much? [Click here to enter text.](#)

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

N/A

Attach supporting documents for request, or request may be denied.

If not attached, explain: [Click here to enter text.](#)

Is equipment needed? Projector Y/N **No** Internet/Wi Fi Y/N **No** Telephone for conference call Y/N **No**

Contact information:

Email address: planning@jeffersoncountywv.org Phone Number: **304-728-3228**

FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/COMMENTS

[Click here to enter text.](#)

Attachments:

- “Comments Matrix for 12-11-14 Meeting”
- “Land Use Comments Matrix - 12-11-14 CC Work Session @ 7:00 PM”
- Memo dated January 6, 2015 “RE: Comments Received on Envision Jefferson 2035 Draft (12/11/14 Work Session)”

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
1	1	Peter Appignani	If the UGB is just an "annexation boundary", it should be called what it is to be consistent with the rest of the universe.	Page 19, footnote 1	JMB: UGB is a term used and defined by WV Code Chapter 8 and it is important that a Comprehensive Plan in WV be based on WV Code.
2	2	Dr. and Mrs. James Gibson	<p>The current proposed plan does not protect the parent to child/child to parent exemptions or the 'two lots every five years' provision (without restriction). As the Commission is aware, the two lots every five years provision was just upheld by the Board of Zoning Appeals. The Commission is also aware that parent to child transfers should be exempt from the Subdivision Ordinance and the Zoning Ordinance. In order to keep it this way, the following statements in red should be expressly added to Page 24:</p> <p align="center">"Parent to child and child to parent transfers of land are also permitted and are exempt from the zoning ordinance. These family transfers should remain exempt from the Zoning Ordinance and should be added as an exemption to the Subdivision Ordinance. The Rural District also allows most properties, regardless of size, the ability to process two lots (and a residue) in every five year period of time. This provision should remain in the Zoning Ordinance."</p> <p>These statements should also be added to the recommendations. The Comprehensive Plan's narrative states in many places that there is no attempt to reduce rights that already exist. The parent to child exemptions and the provision for two lots every five years, regardless of size, are existing rights and should be protected.</p>	Section 1 - Land Use and Growth Management Rural/Agricultural Areas Page 24	<p align="center">Commissioner Comments:</p> <p align="center">DM: Can we add sibling to sibling divisions? PN & JT: requested more information on Parent to Child transfers.</p> <p align="center">Staff response:</p> <p>JMB: Section 20.201(A)(4) of the Subdivision Regulations details the procedure for processing a "Family Transfer" as a minor subdivision. It restricts such transfers as "parent to child or child to parent". A text amendment could be recommended to consider broadening the application of this provision. Section 5.7(D)(3) of the Zoning Ordinance states that the density provisions of the Zoning Ordinance do not apply to such Family Transfers. Unless there is a recommendation to change these provisions, it no recommendation is necessary, but it could be included if the Commission desires.</p> <p>The language in Section 5.7(D)(3) does not clearly explain the two lots every five years provision and should be amended for clarity. A recommendation to this end would be appropriate.</p>
3	2	Dr. and Mrs. James Gibson	The proposed Plan and Future Land Use Map should place every property that is located within the 2004 Comprehensive Plan Growth Area, as well as every property that is currently zoned Residential Growth, Mixed Use, Commercial and Industrial into the Preferred Growth Areas. Otherwise, the following recommendations found on Page 30 are disingenuous. The only way to ensure that these statements remain true is to put the already zoned and growth area properties into the Preferred Growth Areas on the Future Land Use Map. Otherwise, the Current Comprehensive Plan, the current Zoning Map, and the above recommendations are meaningless.	Section 1.A - Urban Level Development Recommendations #1 and #1.a Page 30	JMB: While the Future Land Use Map does not incorporate the full extent of the previous "Growth Area" identified in the 2004 Plan, the Land Use Map does acknowledge the current zoning of all properties unless a more intense use is proposed for a given property.

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
4	2	Dr. and Mrs. James Gibson	The proposed Plan is set up to limit the County Commission's legislative right to rezone property when they feel it is appropriate.	Section 1.A - Urban Level Development Recommendations #2 and #2.a Page 30	JMB: As noted in the introduction to the Plan Recommendations, one of the key concepts of the draft Comprehensive Plan is to better influence the location of new development within Jefferson County, particularly as it relates to the provision of services and utilities. This Plan, with its Future Land Use Map and land use policies helps guide the County Commission zoning map amendment decisions in accordance with state law.
5	24	Jacquelyn Milliron	The E2035 Plan should encourage infrastructure growth close to the <u>source</u> of capacity whether it be water or sewer to be the most efficient way for economic growth. Wherein the case of water and sewer utility, extensions are permitted such that the interconnection of utilities develops incrementally stemming from the source of the capacity.	Section 1.A - Urban Level Development Recommendations #7 Page 31	
6	24	Jacquelyn Milliron	"Direct new development to be contained in municipalities, UGBs, PGAs, Villages, and areas zoned for Residential Growth (RG), where public water and sewer will be available needed and permitted reasonably by proper utility procedures and protocol. " Consistent with and where applicable in Title 150 Water and Sewer Rules in WV Code 24-2-2b.	Section 1.A - Urban Level Development Recommendations #7.a Page 31	
7	24	Jacquelyn Milliron	"In designating where public utilities are to be delivered, enable public utility providers and private investors the ability to right size the infrastructure needed as development occurs, while considering the ability of current, future, and/or private sector customer base to assume the debt for the infrastructure, consistent with WV Code 24-2-2b. "	Section 1.A - Urban Level Development Recommendations #7.c Page 32	
8	1	Peter Appignani	This may conflict with WV Code Chapter 24.	Section 1.A - Urban Level Development Recommendations #7.c Page 32	JMB: Some recommendations require changes in state law or other provisions but are still good planning principles.
9	24	Jacquelyn Milliron	"Encourage that new utility investment by public entities and private sector investors be focused toward the municipal areas, included the UGBs and the PGAs, but not to encroach or influence utilities outside the UGB and PGA boundary until such time urban boundaries are designated otherwise. "	Section 1.A - Urban Level Development Recommendations #7.d Page 32	
10	X	Lyn Widmyer	LW: making sure we have infrastructure to support areas shown in UGB, current map would require ~7 treatment plants. What is the cost to rate payers and tax payers? Can there be priority areas to implement plans in a cost effective manner?	Section 1.A - Urban Level Development Recommendations #7.C Page 32	JMB: Certain areas could be identified as priority areas if so determined by the County Commission; however, State law related to the extension of water and sewer services makes it difficult.

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
11	X	Dale Manuel	Add: "...provided further, that the development community assume their portion of cost of the infrastructure."	Section 1.A - Urban Level Development Recommendations #7.C Page 32	
12	8	Jefferson County Historic Landmarks Commission Martin Burke	Urges the County Commission to reject the Planning Commission's suggestion to redline the following recommendation: in the Plan: "Establish a Transfer of Development Rights program for Jefferson County as identified in the 1986 Comprehensive Plan." WV State Code was amended at the request of Jefferson County, so we should at least study TDRs possible usefulness.	Section 1.B - Rural Land Use Planning Recommendation #9 Page 42	LW: co-author of TDR program in Montgomery County. TDR program will likely not work in Jefferson County.
13	22	Gil Narro Garcia	The document should include language with the purpose of establishing strict controls on any impediments to the quality, context, and substances of the existing viewshed, especially, but not limited to the viewshed visible from Harpers Ferry to the West of Charles Town.	Section 1.D - Community Design Viewsheds and Gateways, Page 50 Section 3.A - Historical and Cultural Resources Recommendation #4.f, Page 124	
14	1	Peter Appignani	The Jefferson County Public Service District (PSD) is no longer authorized to collect capital improvement fees (CIF) and capacity assurance fees (CAF) for capital improvement to the SPD infrastructure. The PSD is allowed to recover CIFs paid to Charles Town.	Section 1.E - Housing Impact Fees Page 60	DM: Local Powers Act provides opportunity. Add section of code to the document. Ask Stephanie to advise.
15	X	Janice Schiltz (at large member of the Steering Committee)	Recommends rejecting the Planning Commission's deletion of the two recommendations related to two-tiered impact fees. Two-tiered impact fee concept is included in the Plan in order to lower impact fees across areas inside municipalities, Urban Growth Areas, and Preferred Growth Areas, and to have higher impact fees in the County outside these areas. Two-tiered impact fees will incentivize future residential development to occur within municipalities, UGBs, and PGAs, where we want future growth. The further development is from existing urban level infrastructure, the more it costs to construct facilities and to provide services. The recommendation is to review state enabling legislation to determine if this two-tiered impact fee system is permitted. If it is not permitted, to collaborate with State legislators to amend state law to permit it.	Section 1.E - Housing Recommendation #4 Page 64 Section 5.A - Finance Recommendations #11, 11.a, 11.b, and 11.c Page 152	

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
16	7	John Reisenweber	Concerned that many of the recommendations in the Plan are not realistic and would be costly and time consuming to implement. The cost of implementing these recommendations to the taxpayers and our business community must be a primary consideration. The recommendation goals should prioritize infrastructure improvements and specifically mention water, sewer, natural gas, and broadband.	Section 2 - Economic Development & Employment Page 73	Recommendations/discussion related to water, sewer, natural gas, and broadband are already incorporated in the Plan. LW: Need to be strategic and show infrastructure is here. Need employment corridor. Address Burr Industrial Park - how can we fully utilize this area?
17	7	John Reisenweber	Recommendations 3 & 5 should be more specific about reducing costs and fees associated with the County permitting process.	Section 2.A - Economic Development & Employment Recommendations #3 & 4 Page 73	
18	24	Jacquelyn Milliron	"Identify opportunities for private/public partnerships (or other creative forms of collaboration) between local and state government entities and private sector investment that would result in the creation or expansion of employment opportunities in Jefferson County, and to provide infrastructure for water and sewer, where there is a preferred outcome of economies of scale, affordability, and efficiency for Jefferson County residents. "	Section 2.A - Economic Development & Employment Recommendation #5.c Page 73	
19	7	John Reisenweber	American Public University System (APUS) should be added to Recommendation 12.	Section 2.A - Economic Development & Employment Recommendation #12 Page 75	Reasonable request.
20	X	Ted Schiltz (Harpers Ferry Resident)	The rural landowners' property rights protection was in the Plan for a reason. Property owners along the river should not have to give up their property rights for tourism. Tourists are visitors, property owners live here.	Section 2.C - Tourism Recommendation #8.a Page 90	Request is to restore something that the Planning Commission deleted.

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
21	5	Heidi Parker (Resident of Breckinridge)	<p>I am deeply concerned about the water and sewer rates in this County for Jefferson Utilities and PSD customers (about 2,500 of us). The PSD is wanting another 5.9 or 6.9 million dollar project and there are not other contributors except rate payers, while the County (Development Authority), the City of Ranson, and the Developers will benefit from the proposed plan and are not paying a dime. The PSD does have a legal obligation to provide services, but NOT for free and not on the backs of 2,500 people. The County, cities, and developers need to step up. Ratepayers can't and should not foot the bill. I supported CIFs (Capacity Improvement Fee), although the PSD manager said we didn't at the last PSD meeting. Sadly, this option is not there anymore. That makes things more difficult at best, but can't be ignored in this plan for the future.</p> <p>You mentioned that there was a way that developers can get their funds back if they are forced to put in a larger pipe, can I ask how that will happen? WV State Code §24-2-2: "...the commission establishes rates which ensure that the future customers to be served by the new project are solely responsible for the debt costs associated with the project."</p> <p>Development needs to be responsible and cover all that the footprint will bring - schools, emergency services, roads, etc.</p>	Section 2.D - Infrastructure Page 91	
22	1	Peter Appignani	<p>The County should be mindful that the WV Public Service Commission, the WV Department of Health and Human Resources discourage small-scale wastewater treatment systems for the reasons discussed on page 93 of the draft Plan. In addition, the WV DEP issues and regulates the National Pollutant Discharge Elimination System (NPDES) permit required of these systems.</p> <p>Consolidation of Water and Sewer Providers, especially the PSD, Charles Town and Ranson is essential for growth in the County to be healthy and successful.</p>	Section 2.D - Infrastructure Page 92	<p>JMB: This is the reason that the recommendation states that the County should consider amending the Subdivision Regulations to require privately owned public water and sewer utilities to meet the local PSD standards, which would allow a local PSD to assume maintenance, and possible ownership in the future, with fewer upgrades and expenses.</p>

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
23	24	Jacquelyn Milliron	"Over the years, there have been numerous efforts to consolidate the various public water and sewer providers to provide an economy of scale and efficiency to better serve the customer base. Efforts toward this end are multi-faceted and require a significant public policy based decision making process. Good land use planning is closely tied to the provision of public water and sewer services within defined service providers throughout Jefferson County makes this difficult, but the consolidation of water and sewer providers should continue to be pursued for successful economic development. "	Section 2.D - Infrastructure Consolidation of Water and Sewer Providers Pages 94-95	
24	24	Jacquelyn Milliron	"Require members of the development community and utility service providers to collaborate regularly to plan for future infrastructure needs, while considering the impact on the individual consumer rates and procedures to address those needs being consistent with county, state, and federal laws. "	Section 2.D - Infrastructure Recommendation #1.a Page 98	
25	24	Jacquelyn Milliron	"Provide and encourage mechanisms to have one water and sewer provider in the County or the consolidation of existing utilities under on entity. "	Section 2.D - Infrastructure Recommendation #1.b Page 98	
26	24	Jacquelyn Milliron	"Financially create a reimbursement funding mechanism that would allow for pump stations and water mains that serve one subdivision to be oversized or expanded upon to serve nearby future development within the designated growth areas, not solely dependent on revenue from rate payers but also the development community and consistent with Title 150 Water and Sewer Rules, WV Code Chapter 16 and Chapter 24 where applicable. "	Section 2.D - Infrastructure Recommendation #12 Page 100	
27	6	EPTA Cheryl Keyrouze	Please change text from "(EPTA, better known as PanTran)" to "(EPTA <i>previously known as</i> PanTran)".	Section 2.E - Transportation Page 114	Reasonable request.
28	8	Jefferson County Historic Landmarks Commission Martin Burke	Urges the County Commission to reject the Planning Commission's suggestion to redline the following recommendation in the Plan: "Make Ordinance recommendations to the Planning and County Commissions related to the protection of areas included in a series of viewshed analyses." Viewshed guidelines will protect property rights, both the rights of landowners to build and the rights of surrounding landowners and the public to avoid the exploitation of our rural scenery. Reasonable viewshed protections are essential for the rural areas of the County.	Section 3.A - Historical and Cultural Resources Recommendation #4.f Page 124	

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
29	X	Peter Fricke	<p>The Steering Committee agreed by consensus that the County needs to protect viewsheds for two reasons. The first being purely economic reasons. The second being the historic and cultural benefits which contribute the quality of life for residents.</p> <p>Zoning was voted and put in place by the population of the County. The Comprehensive Plan deals specifically with State requirements and guides the future policies of the County Commission.</p>	Topic of Viewsheds as addressed within the Comprehensive Plan.	
30	X	Lynn Widmyer	"In no instance shall density rights be lost..."	Section 3.B - Natural Resources Recommendation 1.b Page 130	LW: Very concerned about this statement.
31	X	Hali Taylor (Director of Shepherdstown Public Library) & Gretchen Fry (Director of Harpers Ferry/ Bolivar Public Library)	<p>Libraries are vital to the future success of the County. They provide the tools citizens need to be successful. The demand for library services has increased dramatically in the last ten years in the County. The number of materials circulated has more than doubled from 58,800 items in 2003 to 146,600 items in 2013. Library attendance has increased from 55,000 per year in 2003 to 71,800 in 2013. Last year over 10,000 people attended a library program in Jefferson County. Libraries are an essential service.</p>	Section 4.B - Public Libraries Page 145	DM: State, County, and municipal funding work together. To what level is each source providing funding? *add data to page 145
32	24	Jacquelyn Milliron	"Implement a Capacity Improvement Fee (CIF) for water and sewer projects as provided for in the Local Powers Act. The CIF value will be equal to the value of projected infrastructure identified needs divided by the number of those whom the needed infrastructure will serve, except in the case of operation and maintenance. "	Section 5.A - Finance Recommendation #10 Page 152	Input from Stephanie re: Local Powers Act?
33	6	EPTA Cheryl Keyrouze	As a Federally funded agency under the Federal Transit Administration, please include the Eastern Panhandle Transit Authority as its own entity, not a sub-group of DOH and MPO (under category Transportation, under IMPLEMENTATION TOOLS).	Implementation Tools Transportation Page 165	Reasonable request.

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
34	2	Dr. and Mrs. James Gibson	<p>Our farm on Route 230 is entirely surrounded by subdivisions or land shown to be zoned residential. We ask that we have the ability to do what our surrounding neighbors have done. The way the Future Land Use Map is drawn, we won't be able to do anything residential, even through we are surrounded by residential.</p> <p>The second area is the area south of Job Corps Road. There are only two properties that aren't show as vested, low density, or existing development. These areas should be added to the Future Land Use Map as Residential.</p> <p>These areas (on Route 230 and Job Corps road) should be 'filled-in' and be shown as some type of residential density, since they are surrounded by development and proposed development.</p>	Appendix F - Maps Future Land Use Map	<p>At the 7 pm Land Use meeting, staff will project the land use map so that various areas can be zoomed in on for discussion purposes.</p> <p>JT: needs explanation - LESA/CUP + clustering.</p> <p>LW: Please show boundaries in heavy lines for more clarity (attached)</p>
35	3	Harry Catrow	<p>My family and I own ~39 acres just south of Rte 45 (Martinsburg Pike). This property has been zoned for Residential Growth since the original zoning ordinance was adopted.</p> <p>The new proposed map does not include our property in the Preferred Growth Area. Our property was included in the growth area in the existing plan [2004] and zoned for high density residential in the original zoning ordinance that was adopted many years ago.</p> <p>If the proposed plan really is going to preserve our land rights that we were given in the original zoning ordinance and in the existing Plan, then my family believes that our property should remain in the official Preferred Growth Area. Therefore, please include our land in that area before you adopt the new plan.</p>	Appendix F - Maps Future Land Use Map	
36	4	Charles Carter	<p>I am the owner of two properties that directly front on Route 45. I believe that my property is currently zoned Residential Growth and is also shown in the Shepherdstown Growth Area in the current 2004 Comprehensive Plan. My property was also used commercially for many years. The commercial uses included a bar and a gun shop. Although I am zoned for Residential Growth, it would seem more logical that my property would be either residential or commercial in the new plan since it fronts on Martinsburg Pike and is located in an area that is mixed use.</p> <p>In the proposed plan, the Future Land Use Map has my property outside of all the preferred growth areas. I take issue with the fact that my property isn't in the preferred growth area or shown as commercial/residential on the new map.</p> <p>I respectfully ask that my land be included in the Preferred Growth Area and shown as Commercial/Residential.</p>	Appendix F - Maps Future Land Use Map	

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
37	X	Pat Masters	Ranson's Urban Growth Boundary should be expanded to include Driswood Elementary, Jefferson High School, Wildwood Middle School, and TA Lowery. Expansion to include these schools will make it easier to plan development around the schools. Planning development around schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails. Road connectivity through developments is important. Connector roads should not have driveways or access points directly onto them. After connector roads are put in by the developer, the roads could be turned over to the State or municipality.	Appendix F - Maps Future Land Use Map	JMB: Good idea and should be considered for incorporation
38	20	Jerry Connely VP of DC Partners Breckinridge Development	Breckinridge has an approved CIS for 694 homes. For the past 26 years, the property has been zoned Residential-Growth. Currently, the property is shown outside the Preferred Growth Area with a land use designation of low-density residential. The Future Land Use Map is a guiding document to future zoning decisions. Requests to be included in the Preferred Growth Area. The land surrounding the Walker Farm, south of Job Corps Road should be added to the Low Density Residential area of the Future Land Use map.	Appendix F - Maps Future Land Use Map	
39	23	Noah Mehrkam	Revise the Future Land Use Map to show the Old Standard Quarry parcel (~404 acres) in a zoning category enabling commercial, residential, and light industrial development.	Appendix F - Maps Future Land Use Map	JMB: pp. 21 and 22 discusses the Quarry Redevelopment Areas (QRA) within the U.S. 340 Corridor (which are shown on the map). The text states that both quarries could be used for mixed used developments, office and commercial uses, technology companies that have a need for water, and recreational activities. Old Standard Quarry, which is zoned Rural, is identified as an area that "would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry."

Comments Matrix for 12-11-14 CC Meeting

Line #	Tab #	Name	Comment	Section in Draft Plan	Comments/Notes
40	X	Nicola Bastian (Millville Resident)	Millville property is shown as Industrial on the Future Land Use Map. Concerned that zoning category is not appropriate. Needs to remain residential.	Appendix F - Maps Future Land Use Map	JMB: The entire Millville area has always been zoned Industrial, including areas currently used as housing, churches or businesses. The Comprehensive Plan and Future Land Use Map recognizes this issue and has recommended the area known as Millville as Future Low Density Residential and on page 46 states "opportunity exists for additional areas, such as Millville and Halltown, to be designated and zoned as village areas" which lays the groundwork for a future effort related to this area of the County.
41	X	Jane Tabb	Would like information on what uses will be allowed on the Mountain. What are the land use options for folks on the mountain?	Appendix F - Maps Future Land Use Map	JMB: Much of the mountain is shown as future low density residential which is defined as 1 to 3 units per acre. Much of the mountain is limited by the Health Department requirement that a 20,000 sq. ft. septic reserve area is required for new construction. Mannings is shown as Village.
42	X	Walt Pellish	Provide a list of extraneous items that can be removed from the Plan. Focus on Land Use.	Plan Recommendations	See attached memo.
43	1	Dr. and Mrs. James Gibson	There are over 500 recommendations in the proposed Plan, there should be a mechanism added to the plan that allows the County Commission to determine the priorities of implementation. The Plan should make a clear statement that the County Commission will yearly set the priorities on which recommendations are implemented. all you have to do is add a statement in the Plan that states, Implementation Strategies and the prioritizing of recommendations shall be determined yearly by the County Commission.	Plan Recommendations	LW: Annual review of what studies are a priority is a good idea. JMB: This should be a part of the annual Work Plan for the Departments and Planning Commission.
44	X	Jane Tabb	Add a definition of Comprehensive Plan and include in the introduction.		The definition of Comprehensive Plan is in Appendix H, Definitions. The definition and purpose of a Comprehensive Plan are also addressed in the Introduction as well as in the beginning of the Implementation Section.
45	9, 11, 18	Three comments	General Support of the Plan		
46	10, 14	Two comments	General Opposition to the Plan		

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
1	Dr. and Mrs. James Gibson (1st Letter)	<p>The proposed Plan and Future Land Use Map should place every property that is located within the 2004 Comprehensive Plan Growth Area, as well as every property that is currently zoned Residential Growth, Mixed Use, Commercial and Industrial into the Preferred Growth Areas. Otherwise, the following recommendations found on Page 30 are disingenuous. The only way to ensure that these statements remain true is to put the already zoned and growth area properties into the Preferred Growth Areas on the Future Land Use Map. Otherwise, the Current Comprehensive Plan, the current Zoning Map, and the above recommendations are meaningless.</p>	<p>Section 1.A - Urban Level Development Recommendations #1 and 1.a Page 30</p>	<p>JMB: While the Future Land Use Map does not incorporate the full extent of the previous "Growth Area" identified in the 2004 Plan, the Land Use Map does acknowledge the current zoning of all properties unless a more intense use is proposed for a given property.</p>
2	Dr. and Mrs. James Gibson (1st Letter)	<p>Our farm on Route 230 is entirely surrounded by subdivisions or land shown to be zoned residential. We ask that we have the ability to do what our surrounding neighbors have done. The way the Future Land Use Map is drawn, we won't be able to do anything residential, even through we are surrounded by residential.</p> <p>The second area is the area south of Job Corps Road. There are only two properties that aren't show as vested, low density, or existing development. These areas should be added to the Future Land Use Map as Residential.</p> <p>These areas (on Route 230 and Job Corps road) should be 'filled-in' and be shown as some type of residential density, since they are surrounded by development and proposed development.</p>	<p>Appendix F - Maps Future Land Use Map</p>	<p>At the 7 pm Land Use meeting, staff will project the land use map so that various areas can be zoomed in on for discussion purposes.</p> <p>JT: needs explanation - LESA/CUP + clustering.</p> <p>LW: Please show boundaries in heavy lines for more clarity (attached)</p>

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
3	Dr. and Mrs. James Gibson (2nd Letter)	Concerned that the proposed Plan limits the County Commission's legislative powers to rezone a property.	Section 1 - Land Use & Growth Management Future Land Use Map Pages 17 & 18	JMB: As noted in the introduction to the Plan Recommendations, one of the key concepts of the draft Comprehensive Plan is to better influence the location of new development within Jefferson County, particularly as it relates to the provision of services and utilities. This Plan, with its Future Land Use Map and land use policies helps guide the County Commission zoning map amendment decisions in accordance with state law.
4	Harry Catrow	<p>My family and I own ~39 acres just south of Route 45 (Martinsburg Pike). This property has been zoned for Residential Growth since the original zoning ordinance was adopted.</p> <p>The new proposed map does not include our property in the Preferred Growth Area. Our property was included in the growth area in the existing plan [2004] and zoned for high density residential in the original zoning ordinance that was adopted many years ago.</p> <p>If the proposed plan really is going to preserve our land rights that we were given in the original zoning ordinance and in the existing Plan, then my family believes that our property should remain in the official Preferred Growth Area. Therefore, please include our land in that area before you adopt the new plan.</p>	Appendix F - Maps Future Land Use Map	

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
5	Charles Carter	<p>I am the owner of two properties that directly front on Route 45. I believe that my property is currently zoned Residential Growth and is also shown in the Shepherdstown Growth Area in the current 2004 Comprehensive Plan. My property was also used commercially for many years. The commercial uses included a bar and a gun shop. Although I am zoned for Residential Growth, it would seem more logical that my property would be either residential or commercial in the new plan since it fronts on Martinsburg Pike and is located in an area that is mixed use. In the proposed plan, the Future Land Use Map has my property outside of all the preferred growth areas. I take issue with the fact that my property isn't in the preferred growth area or shown as commercial/residential on the new map. I respectfully ask that my land be included in the Preferred Growth Area and shown as Commercial/Residential.</p>	<p style="text-align: center;">Appendix F - Maps Future Land Use Map</p>	
6	Pat Masters	<p>Ranson's Urban Growth Boundary should be expanded to include Driswood Elementary, Jefferson High School, Wildwood Middle School, and TA Lowery. Expansion to include these schools will make it easier to plan development around the schools. Planning development around schools decreases bus and vehicular traffic and allows for connectivity including walking and biking trails. Road connectivity through developments is important. Connector roads should not have driveways or access points directly onto them. After connector roads are put in by the developer, the roads could be turned over to the State or municipality.</p>	<p style="text-align: center;">Appendix F - Maps Future Land Use Map</p>	<p style="text-align: center;">JMB: Good idea and should be considered for incorporation</p>

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
7	Jerry Connelly VP of DC Partners - Breckinridge Development	<p>Breckinridge has an approved CIS for 694 homes. For the past 26 years, the property has been zoned Residential-Growth. Currently, the property is shown outside the Preferred Growth Area with a land use designation of low-density residential. The Future Land Use Map is a guiding document to future zoning decisions. Requests to be included in the Preferred Growth Area.</p> <p>The land surrounding the Walker Farm, south of Job Corps Road should be added to the Low Density Residential area of the Future Land Use map.</p>	Appendix F - Maps Future Land Use Map	
8	Noah Mehrkam	Revise the Future Land Use Map to show the Old Standard Quarry parcel (~404 acres) in a zoning category enabling commercial, residential, and light industrial development.	Appendix F - Maps Future Land Use Map	<p>JMB: pp. 21 and 22 discusses the Quarry Redevelopment Areas (QRA) within the U.S. 340 Corridor (which are shown on the map). The text states that both quarries could be used for mixed used developments, office and commercial uses, technology companies that have a need for water, and recreational activities. Old Standard Quarry, which is zoned Rural, is identified as an area that "would be appropriate for tourist friendly recreational or commercial redevelopment under the QRA. Redevelopment should consider site development that incorporates the design of the structures with the topography and other natural features. Redevelopment of Old Standard Quarry should occur in a manner that protects the hillside and steep slopes while allowing recreational development near the quarry."</p>

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
9	Nicola Bastian (Millville Resident)	Millville property is shown as Industrial on the Future Land Use Map. Concerned that zoning category is not appropriate. Needs to remain residential.	Appendix F - Maps Future Land Use Map	JMB: The entire Millville area has always been zoned Industrial, including areas currently used as housing, churches or businesses. The Comprehensive Plan and Future Land Use Map recognizes this issue and has recommended the area known as Millville as Future Low Density Residential and on page 46 states "opportunity exists for additional areas, such as Millville and Halltown, to be designated and zoned as village areas" which lays the groundwork for a future effort related to this area of the County.
10	Jane Tabb	Would like information on what uses will be allowed on the Mountain. What are the land use options for folks on the mountain?	Appendix F - Maps Future Land Use Map	JMB: Much of the mountain is shown as future low density residential which is defined as 1 to 3 units per acre. Much of the mountain is limited by the Health Department requirement that a 20,000 sq. ft. septic reserve area is required for new construction. Mannings is shown as Village.

Land Use Comments
12-11-14 CC Work Session @ 7:00 PM

#	Name	Comment	Section in Draft Plan	Comments/Notes
11	Dr. Swami Nathan	<p>Please insert the following sentences (shown in red):</p> <p>“The first two area types presented below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035. All properties that are located in the municipalities’ Urban Growth Boundaries (UGB) are also included in Jefferson County’s Preferred Growth Areas (PGA), even though the Future Land Use Map doesn’t show them in the PGA.” (Pg 18)</p> <p>“In the Envision Jefferson 2035 Comprehensive Plan, it is expected that properties within the UGB may be annexed into the adjoining municipality which has authority in the UGB. However, an entity with property located within the UGB could choose not to annex their land into a municipality and could then develop the land under the County’s land development standards instead, since the properties within the UGB are also in the County’s PGA.” (Pg 19)</p> <p>“In addition to the defined UGBs which are also County PGAs, a series of additional Preferred Growth Areas (PGAs) have been identifies. These areas are outside the UGBs and are generally intended to develop using the County’s development standards.” (Pg 20)</p>	<p>Section 1 - Land Use and Growth Management Pages 18, 19, & 20</p> <p>Appendix F - Maps Future Land Use Map</p> <p>Appendix G - Land Use Map Classifications Page 271</p>	



Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor
Charles Town, WV 25414

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email: zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMORANDUM

TO: County Commission
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning
DATE: January 6, 2015
RE: Comments Received on Envision Jefferson 2035 Draft (12/11/14 Work Session)

On December 11, 2014 the County Commission met with Planning and Zoning staff to review and discuss the current draft Envision Jefferson 2035 Comprehensive Plan. During this work session, we reviewed the Plan's Overview and all of Section 1, Land Use and Growth Management Element (pages 7-65). Staff is preparing the text and map edits related to all of the input received from the County Commission and a red-lined version will be presented back to the County Commission when the review of the Plan is complete. The final edited version for the County Commission's final approval will include changes highlighted in yellow, which are the County Commission's recommended revisions as well as redlined changes that are not highlighted, which are staff recommended changes (the majority of which are editorial). For the sake of remaining transparent, staff will track any and all changes to the Plan including grammar, spelling, and punctuation.

All of the Planning Commission's recommended changes that are shown as redlined edits to the current draft from October 14, 2014 have been accepted and will no longer be shown as a redlined edit on the next version of the Plan presented to the County Commission.

Summary of County Commission Recommended Changes 12/11/14

- Page 7: added text from state code addressing general purpose of a Comp plan.
- Page 15: added reference to Future Land Development Map
- Page 17: added Future Land Development Map; also included 11x17 size in appendix F – Maps.
- Page 19: **Urban Growth Boundary**, last paragraph amended to read: "...Any property located within the UGB has the right to request to upzone to a more intense use."
- Pages 24, 25, 37, 38: Amended text to reflect the CC's request to eliminate the use of the LESA system.
- Page 26: amended text to read: "~~It is hoped~~ **This Plan recommends** that new development will take place in areas where infrastructure exists..."
- Page 30: amended Recommendations #2 and 2.a to read:
 - #2: "**Any property owner can initiate a zoning map amendment.**"
 - #2.a: "**The review of all zoning map amendment requests shall include consideration of the Future Land Use Map and Land Use policies created as part of this Plan.**"
- Page 31: deleted Recommendation 5.f which references two-tiered impact fees.
- Page 32: amended Recommendation 8.a to read: "**Encourage the clustering of development so that the developer retains their density while dedicating community facilities.**"

- Page 33: amended Recommendation 12.c to read: "...stating that public water and sewer infrastructure can be provided to the proposed property to be rezoned (**including cost**), before any zoning map amendments occur in this area."
- Page 33: delete the last sentence from Recommendation #13.b: "...~~The purpose this area would be to reduce conflicts in the future associated with any road widening.~~"
- Page 39: amended text to read: "In 2007, **28%** of all farm operators reported an income of **more** than \$10,000 from agricultural activities; however, in 2012 that number improved with **42%** of all farm operators reporting an income of **more** than \$10,000 from agricultural activities..."
- Page 41: amended Recommendation 4.b to reflect CC request to eliminate the LESA system.
- Page 42: deleted Recommendations #7, 7.a, and 7.b.
- Page 42: added Recommendations #7 and 7.a:
 - #7: "**Explore policies in concert with the Public Service District (PSD) and municipalities regarding rural water and sewer infrastructure.**"
 - #7.a: "**Explore legislative options that would allow equitable distribution of cost sharing with entire development community along with rate paying base (i.e. Capital Improvement Fees).**"
- Page 42: added Recommendation #8.a: "**The JCDA should employ a small farm agriculture agency.**"
- Page 50: delete last sentence of second paragraph under **Viewsheds and Gateways**: "...~~One option to protect viewsheds and enhance gateways is the adoption of a prepared meals tax that could be used to purchase easements or protect farmland.~~"
- Page 53: amended Recommendation #7 to include an example: "...**(e.g. Quarry Redevelopment Areas or Road Corridors).**"
- Page 60: deleted last sentence of the third paragraph under **Impact Fees**: "...~~The development of a two-tiered impact fee, where fees might be lower in the urban core, could possibly assist in the creation of affordable housing units.~~"
- Page 65: amended Recommendation #8 to read: "~~Request the Partnership for Affordable Housing and the Eastern Board of Realtors collaborate in conducting~~ **Encourage** a periodic 'housing market needs assessment' to identify both the construction/housing market's needs, the range of unmet housing types, and the supportive programs that should be established in Jefferson County and the Eastern Panhandle."
- Page 65: amended recommendation 11.a to clarify "...**West Virginia permitting process**".

Staff's Recommended Edits to Section 1 Land Use and Growth Management Element

- Pages 12 & 13: delete lists; information duplicated in Appendix C on page 201. Added Planning Commission and County Commission work sessions and public hearings to the list of **Public Workshops, Surveys, and Open Houses**, in Appendix C.
- Page 20: Add discussion of Ranson and Charles Town UGBs as "b" and "c" where Shepherdstown GMB discussion occurs, including discussion of Ranson UGB expansion
- Page 23: addition of text addressing Shenandoah Junction/School Based Preferred Growth Area (staff created as the result of 12/11/14 CC discussion and recommended change to Future Land Use Map).
- Page 27: relocated Recommendation #7.b from page 31 to the body of the document on page 27 - **Section 1.A: Urban Level Development.**

- Page 31: deleted Recommendation 7.b; moved text to page 27. Recommend adding language from Rural Land Use Planning Recommendations #7 and #7a, as revised, to the Urban Level Development Recommendation, referencing urban water and sewer extensions.
- Page 34: amended Recommendations 14, 14.a, and 14.b to reflect adoption of new commercial and industrial zoning categories.
- Page 65: deleted Recommendation #11.c on page 65 because the same recommendation is referenced in the Village recommendations (Rec. #5) on page 47.

Future Land Use Map Edits from 12/11/14 Work Session

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

Additional Staff Recommended Edits to Sections 2 – 5 for Commission consideration

- Page 68: Re-ordered Jefferson County Target Industries to be in alphabetical order.
- Page 73: amended Recommendation #6 to exclude the term “economic gardening”:
“Develop methods to promote local business growth which include providing research, support, and marketing resources that would assist business start-ups in Jefferson County.”

- Page 80: delete second sentence referencing prepared meals tax:
~~“One option to protect farmland is the adoption of a prepared meals tax that could be used to augment other farmland funding to coordinate with the American...”~~
- Page 83: amended Recommendation #6.c (shortened):
~~“Provide more alternatives to promote rural tourism and rural land uses.”~~
- Page 101: amended text in third paragraph to reference the term “ridesharing” rather than “car/van pooling”; added ridesharing to the definitions.
- Page 136: deleted the word “countywide” from Recommendation #6.i because it isn’t a countywide trail, it’s a trail system.
- Page 137: amend Recommendation #7 regarding a blueway plan to clarify how this concept applies to Jefferson County.
- Page 137: moved Recommendation #7.c to create a new recommendation 8.c.
- Page 143: deleted the word “and support” from Recommendation #8 because most private educators do not want Government regulations.
- Page 143: deleted Recommendation #9.a; amended recommendation #9 to include “such as Future Farmers of America”.
- Page 147: deleted Recommendation 1.b and amended Recommendation 1.a to include 1.b.
- Page 149: deleted first sentence of last paragraph: ~~“As part of this Plan effort, there has been an expressed interest in a two-tiered impact fee structure based on the location of new development.”~~
- Page 159: deleted Recommendation #13 as it is referenced in the following locations:
 - Recommendation #1 in Economic Development (pg. 73)
 - Recommendations #6 and 6.b in Ag & Rural Economy (pg. 83)
 - Recommendation #1 in Tourism (pg. 90)
- Pages 139 – 147: amended recommendations and text **Education and Public Libraries Element**.

Appendix H: Definitions and Acronyms

- Deleted the following definitions because they are not referenced in the text:
 - American Community Survey
 - Census Designated Place
 - Co-working
 - Form Based Code
- Added the following definitions:
 - Capital Improvement Fee
 - Massing
 - Ridesharing
- Deleted the Following Acronyms (not used in the text):
 - AADT: Average Annual Daily Trip
 - ACS: American Community Survey
 - AHA: Arts and Humanities Alliance (now called Jefferson Arts Council)

- AHRAMP: All Hazards Risk Assessment and Mitigation Plan
 - CBDG: Community Block Development Grant
 - CDP: Consolidated Metropolitan Statistical Area
 - CMSA: Consolidated Metropolitan Statistical Area
 - CTUB: Charles Town Utility Board
 - DSA: Development Supported Agriculture
 - FFIEC: Federal Financial Institutions Examination Council
 - GIA: Green Infrastructure Assessment
 - HOME: Home Investment Partnerships Program
 - MGPD: Millions of Gallons Per Day
 - NHFC: National Highway Functional Classification
 - NWUS: National Water Use Study
 - PSC: Public Service Commission
 - USCBP: United States Department of Customs and Border Protection
 - VA: Veterans Administration
- Added the following acronym:
 - CIF: Capital Improvement Fee

Goal of January 6 and 9, 2015 County Commission Workshops

Staff would like for the County Commission to review each comment on the matrix, discuss it, and vote as to what action they would like staff to take on that comment. At the end of these work sessions, staff would like to leave with a recommendation from the County Commission to amend text with recommended edits so that on January 14, 2015 the County Commission can take action on a final edited draft version incorporating the County Commission's direction.