



AGENDA
Jefferson County Planning Commission
Tuesday, October 13, 2015, 7:00 PM

Planning Commission meetings are held in the Old Charles Town Library Meeting Room located at 200 East Washington Street, at the side entrance on Samuel Street in the City of Charles Town.

All Citizens that desire to speak must sign-in prior to the Agenda Item being addressed.

1. Approval of the minutes from the following Planning Commission Meetings:
 - September 8, 2015
 - September 22, 2015
2. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
3. **Public Workshop:** Concept Plan Review for Shepherdstown Public Library (File #S15-05). The proposed project consists of the new construction of a 13,500 square foot public library building and associated parking. The property is located on Lowe Drive adjacent to the Clarion Hotel and Conference Center in Shepherdstown. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 11; Zoned: Residential Growth; Size: 4.33 acre parcel (after proposed mergers).
4. **Public Hearing:** Proposed draft redlined amendment to the Subdivision and Land Development Regulations RE: Subdivision and Site Plan Processes (File #STA15-05).
5. **Public Hearing:** Request by applicant Amy Secrist (File #PCW15-03) for a waiver from Appendix B, Sections 2.5(M) and 9.5 of the Subdivision Regulations requiring off-street parking to be paved. The request is to utilize the existing gravel parking lot for the proposed reuse of the vacant building for a private school (Morgan Academy). Property location: the West side of Route 230/Shepherdstown Pike in Shepherdstown and is formerly known as the Big Arm Bar & Grill. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 37; Zoned: Residential Growth; Size: 13.4 acres.

There is no public comment for the remaining items.

6. Discussion and possible recommendation to the County Commission regarding the public input received on the proposed text amendments to the Zoning and Land Development Ordinance and the Subdivision and Land Development Regulations regarding campground standards (File #STA15-04 and ZTA15-02).
7. Discussion and possible recommendation to the County Commission regarding the proposed draft Zoning Ordinance Text Amendment RE: Mass Event Regulations (File #ZTA14-02).
8. Review and Discussion of proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (File #ZTA15-03).
9. Request for postponement.

10. Reports from Legal Counsel and legal advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session
- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.

11. Director's Report.

12. Planning Commission Exchange and Liaison Reports:

- County Commission
- Health Department
- Public Service District
- Parks and Recreation
- Jefferson County Development Authority
- Water Advisory Committee
- Planning Commission Exchange
- Historic Landmark Commission

13. President's Report.

14. Actionable Correspondence.

15. Non-Actionable Correspondence.

- Letter from Maral Strathearn, dated 09-18-15 RE: Campgrounds in rural areas
- Email from Cathy Vance, dated 09-29-15 RE: Campgrounds in rural areas
- Letter from Bob Aitcheson, dated 10-07-15 RE: Campgrounds in rural areas
- Letter from Doug Rockwell, dated 10-07-15 RE: Campgrounds in rural areas

All files are made available for public review Monday through Friday, 9:00 AM to 5:00 PM (excluding Holidays). The Planning Commission welcomes written comments at any time. Submitting a document no later than the Thursday before a scheduled meeting will provide the Commission an advanced opportunity to review your comments prior to the meeting. Please note that documentation and exhibits submitted at a Planning Commission meeting are retained as part of the official record.

Any party desiring a transcript of these proceedings will be responsible for providing a competent stenographer at their own expense. Minutes, video and/or audio recordings of past meetings, the Jefferson County Subdivision Regulations, Zoning Ordinance and Comprehensive Plan, as well as any working proposed amendments are located on the Departments page within the County's website at www.jeffersoncountywv.org. Minutes and audio recordings of older meetings that are not on the County's website are available for review in the office.

DRAFT

Jefferson County Planning Commission
September 8, 2015

The Jefferson County Planning Commission met on September 8, 2015 with the following Commission members present: Steve Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Gary Phalen, Peter Fricke, Mike Chapman, Dale Manuel, and Dick Childs. Staff members present included Jennifer Brockman, Director of Planning and Zoning; David Simon, County Planner; Rhonda Greenholtz, Planning Clerk; and Lydia Lehman, Legal Counsel.

Mr. Donnie Fisher was absent with notice.

Mr. Stolipher called the meeting to order at 7:00 PM.

1. Approval of the minutes from the following Planning Commission Meetings:

- August 11, 2015

Mr. Steve Stolipher asked if there were any objections to the approval of the meeting minutes. No objections were made. Minutes were approved.

2. Citizens Communications:

- None

3. **Public Hearing:** Zoning Map Amendment (Rezoning) request by property owner Charles M. Carter. This property is currently zoned “Residential Growth” (RG). The applicant is requesting “General Commercial” (GC). This property is located on the south side of Martinsburg Pike (Route 45), east of the intersection with Venice Way, Shepherdstown, WV. Tax District (09); Map 13 Parcels 23 & 23.1.

Mr. David Simon provided an overview of the staff report. The applicant’s property sits on 4.01 acres of land unevenly divided between two properties that front directly onto Route 45/Martinsburg Pike. The parcels are currently the site of a vacant one-story brick workshop, and a residential dwelling that was also used as a commercial building, with a large gravel parking area between the two. The remainder of the parcel under consideration is undeveloped greenspace. Commercial use of this property dates back to the 1950’s, when the structure, currently used as a residence, was a gun shop, as well as at one point, a tavern.

The applicant stated that there are no immediate intentions to change the current land use of the property; however, the applicant desires to maintain flexibility going forward to ensure the property is marketable and does not become a parcel with no feasible permitted use.

While the requested General Commercial is not completely in line with the recommendations of the Mixed Use Residential/Commercial future land use recommendation, the zoning of the frontage to General Commercial and allowing the development of access to the rear Residential Growth properties would allow an integrated development of both Commercial and Residential to occur in this vicinity.

The properties included in this proposal are in an area identified for special design considerations along the WV 45 entrance into the County. Staff recommends that during the site plan and/or subdivision stage, the design should be encouraged to reflect the need to maintain free flowing traffic with limited access points and with buildings oriented toward the road to provide an attractive gateway into the County.

The properties included in this proposal are inside the boundaries of the Envision Jefferson 2035 Comprehensive Plan’s Shepherdstown Preferred Growth Area (PGA) and is recommended for a

mixture of commercial and residential uses. While General Commercial can develop structures that are fairly large, the limited size of this property and the intent to use it to provide access to residential development in the rear should result in commercial development that is compatible with the intent of the Envision Jefferson 2035 Plan.

Staff finds the proposed rezoning is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*. It is located within the identified Shepherdstown PGA and is proposed for a mixture of residential and commercial development on the Future Land Use Guide. The applicant has indicated the intent to integrate the proposed commercial development along the frontage with an access to future residential development to the rear on adjoining properties.

The properties are located on a two lane road (WV 45) that has not been identified for improvements at this time and is not currently on public water or sewer. Therefore, the following recommendations are encouraged to be considered by the applicant:

- The applicant is encouraged to coordinate and collaborate with the Corporation of Shepherdstown to determine if and when public water and wastewater treatment may be available to this portion of WV45 to ensure the safety of the ground and surface water in this area of the County.
- WV 45 is not proposed for any improvements in the near future and it is therefore critical to design developments along this corridor in a manner that maintains free flowing traffic and provides an attractive gateway into the County.

Ms. Annette Van Hilst, representative for the applicant presented a PowerPoint presentation, which is included in this record, and provides an overview of the property, photos of the buildings, main downstairs room, and immediate surrounding areas. Nearby uses to the east include a 7-11 Store and a Potomac Trading Company. Located to the northeast are a warehouse, townhouses, Shepherdstown water tanks, and the Good Shepherd Office. Ms. Van Hilst also included an aerial history of the property showing a comparison between 1988 and 2013 development in that area, a current zoning map, and the Shepherdstown PGA from the Envision Jefferson 2035 Plan. She also stated that access to municipal water is available at Heatherfield development (at the townhouses) north of the site. Access to public sewer is available for connection at the Maddox Square Shopping Center.

In conclusion, Ms. Van Hilst stated that the property is suitable for the General Commercial designation and has access to water and sewer from Shepherdstown. There have been major changes in the vicinity since 1988 including both new development and improved roadways. Staff provided the Planning Commission with relevant sections of *Envision Jefferson 2035 Comprehensive Plan* and stated that they found the request to be consistent with the Plan.

Mr. Stephen Stolipher opened the floor to Public Comment.

Mr. Martin Herbert spoke in opposition, citing traffic concerns and that the zoning category is too broad, permitting a wide range of commercial uses.

Mr. John Wittingham spoke in opposition concerning the sale of any alcoholic beverages.

Mr. Jeff Hertrick spoke in opposition to any commercial zoning in that area.

Mr. Eric Johnson spoke in opposition to any commercial zoning in that area.

Ms. Gloria Webster signed up to speak but deferred. She submitted a letter in opposition of the request.

Ms. Amanda Lewis spoke in opposition to the request stating that Shepherdstown is a “Bedroom Community” not sprawling. Ms. Lewis submitted for the record a petition with 105 signatures in opposition to the request.

Mr. Jim Auxer, (Mayor of Shepherdstown) spoke in opposition. He stated that the city of Shepherdstown was not properly notified of the rezoning request after being promised to be kept abreast of any County projects by former County Planner Seth Rivard.

Ms. Lori Robertson, Recorder for Shepherdstown, spoke in opposition. Ms. Robertson stated that the former County Planner, Seth Rivard, promised to keep Shepherdstown informed of any projects within the growth boundary. She stated that there was no notice provided.

Mr. Roger Webster spoke in opposition. He referenced the request as being “spot zoning”. He submitted letter for the record in opposition of the request.

Mr. Kevin Struthers spoke in opposition citing traffic concerns.

Mr. Jason Murphy stated for the record that he was not totally opposed to the request but rather concerned with the type of businesses that may be allowed. General Commercial zoning opens up an opportunity for large-scale commercial businesses. He feels that a smaller scale business would be better suited for that area.

Ms. Lilian Potter-Saum, a Shepherdstown business owner, spoke in opposition. She stated that there is plenty of commercial property available in Shepherdstown and that there is no need to rezone this property. She reiterated the frustration that the town was not properly informed of the request.

Ms. Maria Allen, a Shepherdstown business owner, spoke in opposition to the request.

Mr. Stephen Stolipher closed the floor to public comment.

Ms. Annette Van Hilst rebutted. The role of the Planning Commission is to determine if the request is in conformance with the Envision Jefferson 2035 Comprehensive Plan. It is the County Commission’s responsibility to approve or deny the rezoning request. She noted that a Site Plan review process would be required for any proposed commercial use, which would allow the public another opportunity to provide input. Ms. Van Hilst also stated that for certain large commercial uses a Conditional Use Permit would be required. She concluded by stating that the WVDOH will have to approve a traffic control plan and could require major road improvements.

Mr. Donnie Fisher stated the Planning Commission’s role was not to approve or deny request but to determine if the request is consistent with the Envision Jefferson 2035 Comprehensive Plan. Mr. Fisher made a motion that the request is consistent with the Envision Jefferson 2035 Comprehensive Plan. Mr. Stephen Stolipher seconded the motion.

Mr. Gary Phalen requested clarification regarding the County Commission’s role in the approval process and whether they would hold another public hearing.

Ms. Lydia Lehman stated that the County Commission would review the application and the information forwarded from the Planning Commission public hearing; however, they are not required by state code to hold a public hearing and therefore may choose to not hold another public hearing.

A vote was taken and passed unanimously.

Mr. Stephen Stolipher called for a 2 minute break at 8:00 pm.

Mr. Stephen Stolipher called the meeting back to order at 8:07 pm.

4. **Public Workshop:** Proposed Amendments to the Zoning and Land Development Ordinance and the Land Development and Subdivision Regulations regarding Campgrounds.

Mr. Stephen Stolipher opened the floor to public comment.

Mr. Doug Rockwell addressed road and access requirements as well as minimum distance requirements from campground property lines. He also expressed concerns for campsites located near the river and within the floodplain. Mr. Rockwell submitted his comments in writing for the record.

Ms. Jessica Getman, Manager of the Harpers Ferry KOA Campground (HFKOA). Ms. Getman provided an overview of the suggested edits made by Mr. Alan Johnson, Executive Vice President of Recreational Adventures Company, the parent company that owns HFKOA, which were previously submitted to the Planning Commission and are part of this record.

Mr. Ted Schiltz stated that 300 vehicles per day is excessive. He also expressed concerns that pull offs are not wide enough to accommodate RV's. He recommended that campsites should be a minimum of 200' from any property line.

Ms. Janice Schiltz agreed that campsites located within the Rural zoning district should be a minimum of 200' from any property line.

Mr. Jim Gibson briefly spoke and submitted his comments in writing to the Planning Commission which are now part of this record. Mr. Gibson stated that there should be different standards for different types of camping, such as cabins or tents.

Mr. Stephen Stolipher closed the floor to Public Comment.

Mr. Stephen Stolipher recommended reviewing the comments received at this meeting and to discuss these comments at the upcoming October 13, 2015 Planning Commission meeting.

Mr. Dale Manuel addressed public comments regarding floodplain standards. Ms. Brockman stated that staff would meet with the floodplain manager of Jefferson County before the October meeting to determine if there could be any issues with campsites that may possibly located within a floodplain.

Mr. Dick Childs made a motion to summarize and review the comments given at this meeting for further discussion of this item at the October 13, 2015 meeting. Mr. Donnie Fisher seconded the motion.

A vote was taken which passed unanimously.

5. Reports from Legal Counsel and Legal Advice to the Planning Commission.

a) Active Litigation:

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325 Possible Executive Session.

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case # 15-C-129 – Possible Executive Session.

Mr. Mike Chapman made a motion to enter into Executive Session at 8:28 pm. Mr. Gene Taylor seconded the motion. A vote was taken and passed unanimously.

Mr. Mike Chapman made a motion to come out of executive session at 8:37 pm. Mr. Donnie Fisher seconded the motion. A vote was taken which passed unanimously.

6. Director's Report.

Ms. Brockman provided an update on the status of pending text amendments. She also provided an overview of upcoming Planning Commission meeting agendas.

7. Planning Commission and Liaison reports:

- None?

8. President Report:

- None

9. Actionable Correspondence:

- None

10. Non Actionable Correspondence:

- None

Mr. Stolipher motioned to adjourn the meeting at 8:50 pm with no objections.

DRAFT MINUTES

Jefferson County Planning Commission
September 22, 2015

The Jefferson County Planning Commission met on September 22, 2015, with the following Commission members present: Stephen Stolipher, President; Wade Louthan, Vice President; Gene Taylor, Secretary; Donnie Fisher, Mike Chapman, Dick Child, Gary Phalen, and Peter Fricke. Staff members present included Jennie Brockman, Director of Planning and Zoning; David Simon, County Planner; Lydia Lehman, Assistant County Prosecuting Attorney; and Alexandra Beaulieu, Office/Project Manager.

Mr. Dale Manuel was absent with notice.

Mr. Stolipher called the meeting to order at 7:02 PM.

1. Citizen Communications.

Mr. Bob Aitcheson spoke in reference to the proposed draft Mass Event Regulations text amendment (ZTA14-02). He addressed concerns related to the All Good Music Festival and expressed that he would like the Commissioners to consider the importance of having a well-written enforcement policy in the regulations. Mr. Aitcheson submitted two documents entitled “Subject: Fwd: ZTA14-02, Mass Event Ordinance –Doug Rockwell Notes” and “Police make dozens of drug arrests in Jefferson Co. during All Good Music Festival”.

Mr. John Doyle spoke in reference to the Shiloh Subdivision dispute with the Board of Education Bus Garage. He submitted for the record an e-mail dated September 21, 2015 with a report from the Department of Environmental Protection (DEP).

Mr. John Barile spoke in reference to the proposed draft Mass Event Regulations text amendment (ZTA14-02). He stated for the record he was in agreement with Mr. Aitcheson’s comments. Mr. Barile stated that mass events with sleepovers are disruptive to surrounding communities. He requested that the following constraints be considered in drafting regulations: No amplified noise or lighting after 1:00 a.m.; limit events to 15,000 participants. Mr. Barile submitted his comments in writing for the record.

Mr. Stolipher stated that Item #4 would be postponed until the October 13, 2015 meeting because the handout was not prepared in time.

Mr. Stolipher re-arranged the order of the agenda, stating that they would hear Item #3 ahead of Item #2.

3. Review and Discussion of proposed draft redlined edits to the Subdivision Regulations RE: Subdivision and Site Plan Processes (PC File #STA15-05).

Mr. Paul Raco, Ms. Katie Fidler, and Mr. Mike Shepp spoke on behalf of the Citizen’s Committee regarding the proposed draft redlined edits to the Subdivision Regulations. Mr. Raco provided an overview of the Committee’s task to draft an amendment that streamlined the process and more closely reflected the intent of West Virginia State Code for site plans and subdivision plat approvals. He highlighted the key changes proposed in the amendments, noting that the primary substantive change in the Minor Site Plan process was an increase in maximum building square footage from 50,000 square feet to 250,000 square feet. Ms. Fidler clarified that while they proposed an increase in square footage for the minor process, all projects whether major or minor, would have to meet Stormwater Management and Subdivision Regulation standards. Mr. Raco continue with his overview and noted that with regards to the Major processes, the committee mostly cleaned up the text, clarifying which agencies get involved at what stage in the review process. Ms. Fidler added

that the committee worked to pare down redundancy. Mr. Shepp stated that the biggest change is removing the Final Plat public hearing. He noted that holding a public hearing at the end of a process required additional time and money from a developer. Mr. Shepp stated that conversely, if all public input is received up front during the concept plan stage, public input can be incorporated into plans without a huge loss in investment.

Mr. Phalen motioned to place the proposed amendment on the October 13, 2015 meeting agenda for a public hearing.

Mr. Fisher seconded the motion, which carried unanimously.

Ms. Lehman requested to provide her legal update before the next agenda item because she needed to leave by 8:30. The Planning Commission was agreeable to Ms. Lehman providing her update ahead of the next agenda item.

6. Reports from Legal Counsel and legal advice to the Planning Commission.

- Far Away Farms: Report on legal action in Jefferson County Circuit Court, Case # 11-C-325

Ms. Lehman stated that she had prepared a response rebuttal brief which was due on Friday, September 25, 2015.

- Shiloh Citizens Association: Report on legal action in Jefferson County Circuit Court, Case #15-C-129.

Ms. Lehman stated that her office was waiting on the judge's decision.

2. Review and Discussion of the proposed draft Zoning Ordinance Text Amendment
RE: Mass Event Regulations (PC File #ZTA14-02).

Mr. Stolipher stated for the record that there had been several misconceptions regarding his role on the Planning Commission with regard to the All Good Music Festival. He stated for the record that the All Good Music Festival applied before the Board of Zoning Appeals for a Seasonal Use Permit. He also noted that he does not work for All Good, nor does he have any financial interest in Berry Hill Farm. Mr. Stolipher stated that he chose to recuse himself from discussions relating to the Mass Event Regulations but was not required to do so.

Mr. Stolipher recused himself from the meeting at 7:47 PM. Mr. Louthan presided over this portion of the meeting.

Ms. Brockman provided an overview of the draft text amendment and the Planning Commission's role. She stated that several of the County's agencies involved in the All Good Music Festival requested that there be more time for processing applications, preferably 6-9 months in advance of an event date. Ms. Brockman noted that another key topic to address in this amendment was how to ensure that there would not be multiple mass events occurring at the same time. She provided an example of a large bike event and an Oktoberfest that both occurred in Shepherdstown on the same day, which made traffic and parking difficult. She noted that if events on a larger scale were to occur simultaneously, there could be a strain on County emergency services.

Representatives from various County agencies were invited to the work session to provide input into the processing of future mass events. Sheriff Peter Dougherty and the Board of Health's Health Office David Didden were present to provide input and answer questions.

The Planning Commission discussed liability insurance and what would be a reasonable policy to require and which governing agency could enforce insurance and bonding policies. Mr. Fisher requested that legal staff research liability insurance and bonding policies in other jurisdictions to determine a reasonable rate as well as which governing body could legally enforce said requirements. The Planning Commission also requested that staff consider drafting a checklist of agencies to notify or items required for approval of an event. Said checklist could be similar to the Site Plan checklist, which requires applicants to submit their site plan to a list of County agencies for input and approval.

Mr. Phalen requested clarification on the “grandfather” clause. Ms. Lehman stated that it meant any new events would have to follow new regulations and any existing, approved events would not have to meet new regulations. She clarified that an existing event, such as the Arts and Crafts Heritage Festival, could not hold a new event without processing under new/current regulations.

The Planning Commission discussed amplification and lighting requirements, noting that many of the public comments requested that the sound curfew be reduced from 3:00 a.m. to midnight.

Mr. Chapman requested that staff create a comments matrix for the Planning Commission to review during the October meeting.

Mr. Louthan called for a break at 9:00 p.m.

Mr. Stolipher returned to the meeting at 9:09 p.m. and called the meeting back to order.

4. Review and Discussion of proposed draft redlined edits to Article 12 of the Zoning Ordinance RE: Zoning Map and Text Amendments (PC File #ZTA15-03).

This item was postponed until October 13, 2015 meeting date.

5. Request for Postponement.
7. Actionable Correspondence.
8. Non-Actionable Correspondence.
 - 09-14-15, Comments from Mr. Douglas Rockwell regarding the proposed text amendments of campgrounds.

Mr. Stolipher motioned to adjourn the meeting at 9:10 pm with no objections.

Staff Report
 Jefferson County Planning Commission Meeting
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Item #3: **Public Workshop:** Concept Plan review for the Shepherdstown Public Library, a proposed 13,500 square foot library, with associated parking (PC File# S15-05). The property is located on Lowe Drive adjacent to the Clarion Hotel and Conference Center in the greater Shepherdstown area. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 11; Zoned: Residential Growth; Size: 4.33 acre parcel (after proposed mergers).

APPLICANT:	Shepherdstown Public Library
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Kristin Stolipher, Gordon, LLC
PROPERTY LOCATION:	Lowe Drive, adjacent to the Clarion Hotel and Conference Center
LEGAL DESCRIPTION:	District: Shepherdstown (09); Map: 8; Parcel: 11 Zoning: Residential Growth (RG)
SURROUNDING PROPERTIES:	North: Residential Growth South: Residential Growth East: Residential Growth West: Residential Growth
LOT AREA:	4.33 ac. (after proposed mergers)
PROPOSED ACTIVITY	13,500 square foot library with associated parking.

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Background

On October 1, 2015, the County Commission approved a text amendment which had been initiated by a citizen petition to the County Commission. The text amendment approved was to Appendix C, “Principal Permitted Uses” of the Zoning Ordinance which changed “Cultural Facilities” from “Not Permitted” to “Permitted” within the Residential Growth district.

The property under review is located on Lowe Drive adjacent to the Clarion Hotel and Conference Center off of Kearneysville Pike (Route 480) in the greater Shepherdstown area. The property is zoned Residential Growth. A library (Cultural Facility) is considered a Principal Permitted Use in this zoning district.

Site Plan Category:

The site plan associated with this Concept Plan is governed by the Jefferson County Subdivision and Land Development Regulations which includes the square foot threshold that defines a Major or Minor Site Plan. The amended definition allows all site plans with a building area of less than 5,000 square feet to process administratively as a Minor Site Plan; requires site plans with a building area between 5,000 and 50,000 square feet to submit a Concept Plan with a public workshop and then process an administrative Minor Site Plan; and requires all site plans with building area above 50,000 square feet to process a Major Site Plan. It further states that all Minor Site Plans do not require the development of new infrastructure or the extension of existing off-tract infrastructure. Therefore, this project may process as a Minor Site Plan with a Concept Plan public workshop, provided the extension of existing off-tract infrastructure is not required.

The Request:

The property owners are requesting the approval of a Concept Plan for a 13,500 square foot public library with associated parking.

Staff Determination of Application Sufficiency and Concept Plan Completeness Review:

In accordance with the Subdivision Regulations, the Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon first submission of the applicant’s Concept Plan, Staff found the plan “sufficient” for review (i.e. meeting all requirements of Section 24.116 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the Shepherdstown Public Library Concept Plan application, are provided below:

Required Item from Section 24.116 (A-J)	Description	Status
B. Submission Contents.	The submission shall contain the following elements:	
1. General location	A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.	Provided
2. Concept Plan	A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, <i>Plan & Plat Standards</i> .	Provided

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<p>3. Zoning Information</p>	<p>This shall include:</p> <ul style="list-style-type: none"> a) Determination of the zoning district in which the proposed subdivision or development project is situated. b) Density calculations. c) Site resource map. 	<p>Provided</p>
<p>4. Proposal Description</p>	<p>This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.</p>	<p>Not Provided in detail</p>
<p>5. Traffic Impact Data</p>	<p>This shall include:</p> <ul style="list-style-type: none"> a) Average Daily Trip figures for the adjoining or accessible State road. b) Trip generation figures c) Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan. d) “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project. 	<p>Provided</p>
<p>6. Trip Generation</p>	<p>In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative.</p>	<p>According to Consultant Calculations, peak hour is 95 trips. N/A</p>
<p>7. Agency Reviews</p>	<p>The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Section 23.203 and 23.204. Applicant shall provide copy of letters sent to outside agencies to the Departments of Planning and Zoning within 7 days of submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.</p>	<p>Provided</p>

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8. Other Data	Any other data or information the applicant believes will assist in the review.	
9. Other Reviews	Any other staff or agency reviews of the plans.	Provided
C. Review Content	The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.	See below
D. Department	<p>The Department review shall include the following:</p> <ol style="list-style-type: none"> 1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal. 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan. 	Staff has determined that the requirements of the Zoning and Land Development Ordinance and Subdivision and Land Development Regulations are satisfied in the proposed Concept Plan.
E. WVDOH	When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plan review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.	WVDOH provided an e-mail stating that they are withholding comments until they know of plans for the extension and or completion of Lowe Drive (required with or prior to the site Plan)
F. Traffic Impact	The review shall indicate whether the traffic impact study follows the generally accepted methodology for a traffic impact study, outlines the traffic impact, and recommends alternatives for mitigating the impact	Provided
G. Public Service	The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.	Need capacity details from utility service providers – Corp of Shepherdstown

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H. Recommended Conditions	All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.	Provided by P&Z staff
I. Approval	Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning staff shall accept or deny the concept plan as complete.	Planning Staff accepts the Concept Plan as complete.
J. Effect	Upon accepting the application as complete, Planning staff shall place it on the next possible Planning Commission agenda as a public workshop. Staff shall advertise the public workshop at least fourteen (14) days in advance of the meeting and the applicant shall post notice on the property.	The Concept Plan was scheduled for a Public Workshop consistent with this requirement.

External Agency Reviews

Responses have been received from Jefferson County Historic Landmarks Commission, Jefferson County GIS/Addressing Office, West Virginia Division of Highways (acknowledgement of receipt of letter but is withholding comments until they know of plans for the extension and or completion of Lowe Drive). No other external agencies have responded.

Staff Recommendation related to Concept Plan

The Planning and Zoning Department Staff finds the Shepherdstown Public Library Concept Plan has satisfied the requirements to be considered complete based on the information provided related to the criteria listed above. Staff recommends that the following issues be discussed at the Concept Plan Workshop and direction provided to the applicants:

- 1) As discussed during the pre-proposal conference (PPC) on 06/10/15, the applicant is bound by the standards for Commercial Setbacks (25' front, 50' side, and 50' rear) and Landscape Buffers (Medium Buffer (M-53)) detailed in Appendix B of the Jefferson County Zoning Ordinance. The landscape buffer/screening may be either vegetative or opaque fencing and may be placed anywhere within the buffer. This requirement is not currently shown on the Concept Plan but will be required on the Site Plan when it is submitted for review by relevant County Agencies.
- 2) Note that the development of this property will require the extension of Lowe Drive and relevant water and sewer utilities. If these extensions are done in collaboration with the development of the Library, the Library will process as a Major Site Plan. If these improvements occur as a part of the Colonial Hills development and are in place prior to the initiation of any construction on the Shepherdstown Library site, it may process as a Minor Site Plan with a Concept Plan. Additionally, the Library will need to document that all required stormwater management facilities will be contained on their site in order to process as a Minor Site Plan with a Concept Plan. It is acknowledged that the Colonial Hills subdivision may also utilize a portion of the stormwater facilities on the Library site.
- 3) ADA accessibility is only being provided from the rear parking lot. Access from the road will be via a sidewalk or trail that will not be ADA compliant due the grade in this location.

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2015

- 4) The Planning Commission should provide direction as to whether it shall process as a Minor or Major Site Plan based on the discussion at the Workshop.

Planning Commission Direction

The Site Plan Concept Plan Public Workshop allows for the Planning Commission and the general public to comment on the proposed plan before complete engineering design and cost are incurred. The Subdivision and Land Development Regulations outline the procedure:

1. The applicant makes a short presentation.
2. Staff explains outside agency comments and whether the plan can meet the standards of the Zoning Ordinance.
3. Public comment is solicited.

Following the applicant's presentation, staff's explanation and the solicitation of public comment, the Planning Commission shall provide direction to the applicant as required under Site Plan Concept Plan Direction outlined in the Subdivision Regulations. The Planning Commission has the option of providing this direction at the same meeting during which the Concept Plan public workshop takes place, or at a subsequent meeting that occurs within 14 days of the meeting at which the Concept Plan public workshop is closed.

The Subdivision and Land Development Regulations outline the direction to be provided to the applicant:

“The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.”

It should be noted that the direction provided to the applicant in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to the Subdivision and Land Development Regulations or the Zoning and Land Development Ordinance in the second year shall be applicable.

MARK COLONIAL HILLS LLC
TAX MAP 8, PARCEL 10
DB. 989 PG. 175
27.15 AC
USE: VACANT

N/F
GAITHER L & ETHEL L WALTZ
TAX MAP 8, PAR. 12
DB. 324, PG. 209
USE: VACANT

SHEPHERDSTOWN PUBLIC LIBRARY
TAX MAP 8, PARCEL 11
D.B. 1085, PG. 186
3.81 ACRES
ZONE: RESIDENTIAL-GROWTH
USE: VACANT

FEDERAL GROUP INC
TAX MAP 8, PARCEL 10.9
DB. 867 PG. 493
30.01 AC
USE: VACANT

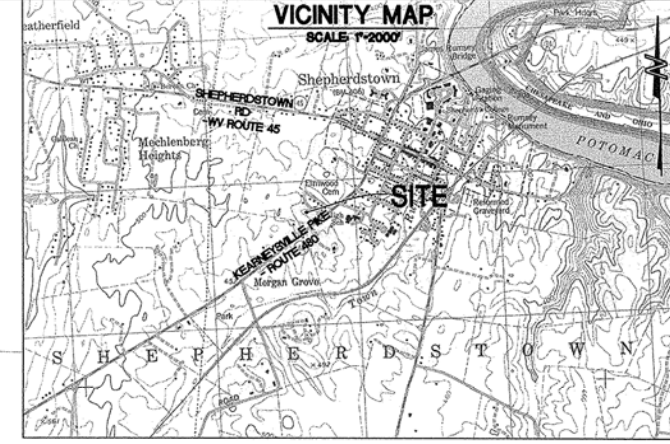
- NOTES:**
- PROPERTY OWNER:** SHEPHERDSTOWN PUBLIC LIBRARY
PO BOX 278
100 E GERMAN ST.
SHEPHERDSTOWN, WV 25443
 - PARCEL DESCRIPTION:** SHEPHERDSTOWN TAX DISTRICT, TAX MAP 8, PARCEL 11
DEED BOOK 1085, DEED BOOK PAGE 186
 - SITE AREA:**
EXISTING SITE AREA = 3.81 ACRES
COLONIAL HILLS MERGER AREA = 0.35 ACRES
FEDERAL GROUP MERGER AREA = 0.17 ACRES
TOTAL LIBRARY AREA AFTER MERGERS (UNDER SEPARATE COVER)
= 4.33 ACRES
 - ZONING DISTRICT:** RESIDENTIAL - GROWTH
 - EXISTING USE:** VACANT
 - PROPOSED USE:** THE PROPOSED USE WILL INCLUDE A NEW +/- 13,500 SQ. FT. LIBRARY WITH ASSOCIATED UTILITIES, DRAINAGE STRUCTURES, AND SWM FACILITIES
 - NATURAL FEATURES:** PART OF THE SUBJECT PROPERTY IS CONSIDERED WOODS AND THERE ARE MULTIPLE ROCK OUTCROP AREAS LOCATED ON THE PROPERTY.
 - TRAFFIC GENERATION:** SINCE NO SIMILAR USE COULD BE FOUND IN TABLE 24.116(B)5.b THE TRAFFIC GENERATION WAS CALCULATED PURSUANT TO THE ITE TRIP GENERATION MANUAL 7TH EDITION, AVERAGE DAILY TRIPS (ADT) FOR A LIBRARY (LAND USE CODE 590) BASED ON THE GROSS FLOOR AREA. THE AVERAGE DAILY TRIPS FOR THE LIBRARY IS 729 TRIPS. THE PEAK HOUR TRAFFIC CALCULATED USING THE SAME METHOD IS 95 TRIPS.
 - KEY INTERSECTION:** THE LOWE DRIVE/ KEARNEYSVILLE PIKE (RTE. 480) INTERSECTION IS THE CLOSEST KEY INTERSECTION AS DEFINED BY THE COMPREHENSIVE PLAN. THE ADT FOR THIS ROAD IS 5786.
 - HIGHWAY PROBLEM AREAS:** THE HIGHWAY PROBLEM AREAS PURSUANT TO THE CURRENT COMPREHENSIVE PLAN IS AREA 2 THE INTERSECTION OF WV 480, WV 45, AND WV 230 DUE TO THE ROAD WIDTH THROUGH HISTORIC AREA LIMITING TURN MOVEMENTS.
 - PUBLIC WATER SERVICE:** THE PROPOSED WATER LINE FOR THE PROPERTY WILL CONNECT TO THE EXISTING WATER LINE ADJACENT TO THE PROPERTY. PROVIDED BY THE CORPORATION OF SHEPHERDSTOWN.
 - PUBLIC SEWER SERVICE:** THE PROPOSED SANITARY SEWER LINE FOR THE PROPERTY WILL CONNECT TO AN EXISTING MANHOLE LOCATED NEAR THE PROPERTY. PROVIDED BY THE CORPORATION OF SHEPHERDSTOWN.
 - SITE RESOURCES:**
-DENSITY CALCULATIONS: NOT APPLICABLE
-TOPOGRAPHIC SURVEY PURSUANT TO FIELD RUN SURVEY DATED DECEMBER 2013
-WOODED AREAS ARE INCLUDED ON THIS SHEET. THERE ARE NO KNOWN WATERCOURSES, HILLSIDES, PROMINENT ROCK OUTCROPPINGS, SINK HOLES OR QUARRIES LOCATED IN THE AREA PROPOSED FOR DEVELOPMENT. ALL STATE, FEDERAL, AND LOCAL JURISDICTIONS WILL BE OBSERVED IF ANY UNKNOWN SITE RESOURCES ARE DISCOVERED DURING CONSTRUCTION.
-THE SUBJECT PROPERTY IS NOT LOCATED WITHIN 1,000' OF THE SHENANDOAH OR POTOMAC RIVERS AND THEREFORE IS NOT SUBJECT TO THE HILLSIDE REGULATIONS FOUND UNDER SECTION 22.504 OF THE JEFFERSON COUNTY SUBDIVISION ORDINANCE.
-FEMA MAP 54037C0040E DOES NOT IDENTIFY ANY FLOODPLAINS ON THE SUBJECT PROPERTY DATED 12/19/2009.
 - WAIVERS:** IT IS ANTICIPATED THAT THE LIBRARY WILL APPLY FOR A PARKING SPACE DIMENSION WAIVER TO PROVIDE 18' DEEP PARKING SPACES.
 - COMPLETION:** IT IS EXPECTED THAT THE CONSTRUCTION FOR THE SITE WILL BE COMPLETED IN 2018

HrC
FK

FK
HrC

FK
HrC

HrC
Uu



TYPE	NAME	SLOPE	USE
HrC	HAGERSTOWN-ROCK OUTCROP COMPLEX	0-15%	B
Fk	FUNKSTOWN SILT LOAM	0-3%	C

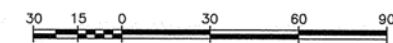
Gordon
PROGRAMMING AND PLANNING
CIVIL ENGINEERING
LANDSCAPE ARCHITECTURE
SURVEY AND MAPPING
SECURITY CONSULTING
301 N. Mildred Street, Suite 1
Charles Town, WV 25414
Phone: 304-725-8456
www.gordon.us.com

ADVANCED CONSTRUCTION
PROFESSIONAL ENGINEERING
SEAL: [Signature]

NO.	REVISIONS

CONCEPT PLAN
SHEPHERDSTOWN LIBRARY
SITE PLAN
TAX MAP 8, PARCEL 11
SHEPHERDSTOWN TAX DISTRICT
JEFFERSON COUNTY, WEST VIRGINIA

SCALE:	HORIZ: 1"=30'
	VERT: N/A
DATE:	AUGUST 2015
JOB:	2914-0201
DRAWN:	SMM
CHECK:	JPG
CADD:	CONCEPT.dwg
NCS:	CS-102
SHEET:	01 OF 01



S15-05
JCPC #: S15-05

Concept Plan and Review Print

From: Wilson, Gary T <Gary.T.Wilson@wv.gov>
Sent: Tuesday, September 22, 2015 4:16 PM
To: Planning Department
Subject: Proposed Jefferson County Library

To whom it may concern,

The District Maintenance Engineer advised that before providing any comments on the proposed Library site we would need to know the plans for the extension and or completion of Lowe Drive.

Gary T. Wilson
Permits
WVDOH-District 5
P.O. Box 99
Burlington, WV 26710
Ofc. 304-289-2205
FAX: 304-289-5085
Email: Gary.T.Wilson@WV.gov



September 23, 2015

Ms. Kristen Stolipher
Gordon and Associates
301 N. Mildred Street
Charles Town, West Virginia 25414

Re: Jefferson County Concept Plan Submittal
Shepherdstown Library

RECEIVED

SEP 23 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Dear Ms. Stolipher,

I have reviewed the Concept Plan for the Shepherdstown Library, dated August 2015, and submitted to the JCHLC September 2015 by Gordon and Associates of Charles Town, West Virginia. The submittal documents outline the proposed site plan and stormwater management at the Shepherdstown Library site, Shepherdstown, Jefferson County West Virginia.

Subject parcel is in near proximity to the Shepherdstown Historic District. There are no cataloged County Historic Resources from the 2007 JCHLC survey located on the development parcel described in these submittal documents.

The Jefferson County Historic Landmarks Commission has no objections or comments on the proposed Shepherdstown Library Concept Plan since there are no listed County Historic Resources on the development parcel and the proposed development does not extend beyond the current parcel boundaries.

If you have any questions or need additional information, please feel free to contact me.

A handwritten signature in black ink, appearing to be 'Sara Lambert'.

Sara Lambert
Commissioner, JCHLC
P.O. Box 23
Charles Town, West Virginia 25414
707-326-6443

cc: Ms. Jennifer Brockman, Jefferson County Planning Department (via email)
Mr. Martin Burke, JCHLC Chair (via email)

Planning Department

From: Kristen Stolipher <kstolipher@gordon.us.com>
Sent: Thursday, September 24, 2015 1:05 PM
To: Todd Fagan; planningdepartment@jeffersoncountywv.org
Subject: RE: GIS/Addressing comments re: S15-05 Shepherdstown Public Library

Thanks Todd!

Kristen

From: Todd Fagan [<mailto:tfagan@jeffersoncountywv.org>]
Sent: Thursday, September 24, 2015 1:06 PM
To: planningdepartment@jeffersoncountywv.org
Cc: Kristen Stolipher <kstolipher@gordon.us.com>
Subject: GIS/Addressing comments re: S15-05 Shepherdstown Public Library

Our office has no comments regarding the concept plan at this time.
It is our understanding that Lowe Drive will continue west from its current terminus at the Clarion and connect to Potomac Farms Dr (Alt 45).
When Lowe Drive is completed, we will address range it and map it in 911.
When the library begins construction, we will address the site at that time.

Thank you,
Todd

Todd Fagan, GISP
GIS/Addressing Office Director
Jefferson County Commission
116 E. Washington St. Suite 201
Charles Town, WV 25414
Office: 304.728.6679
Fax: 304.724.8992
tfagan@jeffersoncountywv.org

S15-05 Concept Plan



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning
 116 East Washington Street, P.O. Box 338
 Charles Town, WV 25414

File Number: # S1505
 Staff Initials: AK
 Total Fee(s): N/A

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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

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

Concept Plan Review Checklist

The Concept Plan submittal shall be on white paper and shall show in simple form the proposed project. Further details can be found in the checklist below. The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules, and regulations.

In order to determine sufficiency, this application and a copy of the Concept Plan must be submitted to the Jefferson County Departments of Planning and Zoning 45 days prior to the next regularly scheduled Planning Commission meeting. Please refer to Article 24 of the Subdivision Regulations for Concept Plan Requirements.

RECEIVED

Property Owner Information

Name: Shepherdstown Public Library SEP - 2 2015
 Mailing Address: P.O. Box 278 Shepherdstown, WV 25443
 Phone Number: 304-876-2783 Email: shealinda@gmail.com

JEFFERSON COUNTY
 PLANNING, ZONING AND ENGINEERING

Registered Engineer(s), Surveyor(s), or Consultant(s) Information

Name: Gordon
 Mailing Address: 301 N Mildred St. Charles Town, WV 25414
 Phone Number: 304-725-8456 Email: kstolipher@gordon.us.com

Physical Property Details

Physical Address: Lowe Drive
 City: Shepherdstown State: WV Zip Code: 25443
 Tax District: Shepherdstown Map No: 8 Parcel No: 10 11 - 3H
 Parcel Size: 3.81 Deed Book: 115 Page No: 612

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (RLIC)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
		Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (O/C)
		<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

AUG 26 2015

Place Received Date Stamp Here
 JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Elizabeth Stearns 08-25-15
 Signature of Property Owner Date
 President, Sp. Board of Trustees

 Signature of Property Owner Date

Checklist to be Completed by Department Staff

Sub-Section	Regulation Requirements:	Engineer /Surveyor	1st Review	2nd Review	3rd Review	4th Review	Review Key	
							✓	Ok
							0	Incomplete
							N/A	Not Applicable
							X	Unacceptable
	SUBDIVISION REGULATIONS Section 24.116 Major Site Plan Concept Plan							
B.1	General Location Map showing an area of 500' around the property. Zoning boundaries shall be located on this document.	✓	✓					
B.2	Concept Plan - Appendix A, Section 1.2. Should be on 24 x 36 sheet, white paper. Show or note if features are addressed.	✓	✓					
	Proposed layout, as applicable: Layout of lots, parking areas, recreation areas, roads, building areas, and other features to depict the proposed project in relation to each other and the tract boundary.	✓	✓					
B.3	Zoning Information:							
	a. Determination of zoning district for proposed project.	✓	✓					
	b. Density calculations	✓	✓					
	c. Site resource map showing or noting: (see definition of site resource map)		✓					
	Contours per USGS Topographical Quadrangle	✓	✓					
	Detail all natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes, and quarries.	✓	✓					State the slope from soils
	Slope delineations per Section 22.504, use Table 22.504	✓	00	✓				↙
	Floodplain delineation per Jefferson Co. Floodplain Ordinance.	✓	✓					
	d. Use designations for all adjoining and confronting parcels.	✓	✓					
B.4	Proposal Description shall be a written description of the proposal with general identification of the number of dwelling units or floor area (square footage) proposed, commentary, zoning, and development option selected if the development is multifamily residential.	✓	✓					
B.5	Traffic Impact Data							
	a. ADT figures for the adjoining or accessible State road.A1	✓	00	✓				State the closer WV ADT need peak Hour
	b. Trip generation based on table found in Section 24.116(B)5.b	✓	00	✓				
	c. Nearest key intersection that will serve the proposed project. A "key intersection" is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.	✓	✓					
	d. "Highway Problem Areas" according to current Comprehensive Plan that falls within a one-mile radius of the project. These areas can be found on pg. 30 of the 2004 Comprehensive Plan.	✓	00	✓				

	Regulation Requirements:	Engineer /Surveyor	1st Review	2nd Review	3rd Review	4th Review	Review Key	
							✓	Ok
							O	Incomplete
							N/A	Not Applicable
							X	Unacceptable
B.7	Agency Reviews: applicant shall provide a copy of the letter sent to outside agencies to the Departments of Planning and Zoning within seven (7) days of the submission. See Sections 23.203 and 23.204 for a list of agencies. Agency comments shall be received by the department fourteen (14) days prior to the scheduled public workshop. If any review agency does not respond, they shall be deemed to have approved the plan.		O	✓				
	Reviewing Agencies:							
	Jefferson County Health Department	N/A						
	West Virginia Department of Health	✓						
	Jefferson County Public Service District	N/A						
	West Virginia Department of Environmental Protection	✓						
	Jefferson County Historical Landmarks Commission	✓						
	Jefferson County Addressing/GIS Office	✓						
	West Virginia Department of Division of Highways	✓						
	Jefferson County Schools	N/A						
	Emergency Services	✓						
	U.S. Postal Service	N/A						
B.8	Additional data that may assist in describing project(s).	✓						
B.10	Adjoining Property: applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.	✓	O	✓				
E.	WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are none.	✓	O	O				
F.	Traffic Impact review shall indicate whether a traffic impact study will be required based on analysis required in 24.116.B.5.e		O	✓				need people how to determine if impact study is required
G	Public Services: indicate existing water and sewer systems (or other system) in place for development.	✓	O	✓				name providers Notes 10/11



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

P.O. Box 338

Charles Town, WV 25414

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

MEMO

To: Jefferson County Planning Commission

From: Jennifer M. Brockman, AICP
Director of Planning and Zoning

Date: September 22, 2015

RE: Proposed red-lined edits to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Processes (STA15-05)

On February 10, 2015 the Planning Commission appointed a citizen's committee to draft an amendment to the Jefferson County Subdivision and Land Development Regulations regarding the Major/Minor Subdivision and Site Plan processes.

On August 11, 2015 staff distributed for your review the first draft of the proposed redlined edits (STA15-05) as submitted by the committee.

Attached for your review is the first draft of the proposed red-lined edits as submitted by the committee. Note, the only revision made on this version from the first version you received is that **Section 24.105E Minor Site Plan Application – Determination** has been re-added to the text by staff because it is mandated by WV Code §8A-5-4.

The next step would be to schedule a Public Hearing to receive public input on the proposed text amendment.

Attachments

- ❖ Cover Memo dated 07-29-15
- ❖ Article 26 – Terminology, Definition of Major Site Plan and Minor Site Plan
- ❖ Minor Site Plan Process
 - Sections 20.203; 24.105
 - Proposed new Sections (not yet numbered):
 - Minor Site Plan Concept Plan – Submission and Completeness Review
 - Minor Site Plan Concept Plan – Public Workshop
 - Minor Site Plan Concept Plan Direction
 - Minor Site Plan Process After Concept Plan Direction (working title)
- ❖ Major Subdivision/Site Plan Processes
 - Sections 23.203; 24.206; 24.107; 24.109; 24.110; 24.111; 24.112; 24.114; and 24.115
 - 24.113 - Major Subdivision Final Plat – Public Hearing – Recommendation is to delete this section entirely.

MEMORANDUM

TO: Steve Stolipher, President, Jefferson County Planning Commission

FROM: Committee on Subdivision and Site Plan Process Ordinance Amendments *PSR*

SUBJECT: Draft of Proposed Amendments to the Subdivision and Site Development Ordinance

DATE: July 29, 2015

As you are aware, this Committee has been working diligently on proposed ordinance amendments for the processing of Subdivisions and Site Plans. The Committee has met for many months to come up with reasonable amendments to the process that would both streamline an application while keeping the Public involved and informed during the process.

The Committee understood that our task was to come up with a more workable process for plan and plat approvals that more closely reflected the intent of the West Virginia State Code and the experiences of the last several years of processing plans. When the Subdivision/Site Development Ordinance was adopted in 2008, the procedures for processing developments were incorporated into the document without much direction from a very vague new enabling legislation.

Although the Enabling Legislation does not contain a lot of public participation, the Committee felt that it served both the Public and the Applicant if the Concept Plan stage remained in the early stages of the plan approval process. Accordingly, the proposed amendments should achieve a balanced approach to public participation along with quicker processing times.

While the State Code makes it difficult to make the process perfect, the Committee believes that it succeeded with their task. The active participants of the Committee included: Suzanne Malesic; Katy Fidler; Mike Shepp; Michael Boyle; Debra Lee Hovatter; and, Paul J. Raco.

As discussed with Staff, the Committee would like the draft of the proposed amendments distributed to the Planning Commission at your August 11, 2015 meeting, but would hope for time in a September meeting to discuss the amendments with you. Ideally, we discussed the possibility of scheduling a second meeting in September to adequately address the amendments.

We appreciate the opportunity that we had to work on this important matter and hope that we can continue on the project until the final version is adopted. Thank you.

cc: Jennie Brockman, AICP, Director of Planning and Zoning

RECEIVED
JUL 29 2015
JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING



M

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

Major Site Plan³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where new ~~all~~ structures or new additions located on the parcel are equal to or total more than 250,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. ~~Apartment or multi-family development of ten or more dwelling units~~; or
- D. A heavy industrial use.

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

Major Subdivision Plat. A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (*Source: W.Va. Code §8A-1-2(r)*)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a *watercourse* or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using *Best Management Practices*. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not *alter* the alignment or layout of streets by more than five feet.

Subdivision Regulations

Jefferson County, West Virginia



Minor Site Plan^{1&3}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where new all structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;¹
- C. Apartment or multi-family development ~~of nine or less dwelling units.~~

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

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.³

Minor Subdivision Plat. A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Moderately Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

Monument. A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.



- 2. Judicial sales or tax sales;
 - 3. Mortgages;
 - 4. Deeds of partition under or pursuant to an order of Court;
 - 5. Real estate transferred by will or intestacy.
- d. A parent or a child may receive only one such exempt lot within the County after July 19, 1979.
- e. Parents who are married are entitled to only one such parcel.

B. Non-Residential.

The re-subdividing of a lot located in an approved industrial park or existing major non-residential subdivision shall be permitted to follow the minor non-residential subdivision process. When a non-residential subdivision is provided for in the rural district, such development may utilize the minor non-residential subdivision provisions provided only one parcel is being subdivided off and only one use will be established on the lot. All minor non-residential subdivisions shall contain, but are not limited to, the following criteria:

- 1. **Lots.** A minor non-residential subdivision divides the property into more than one lot.
- 2. **Access.** All lots shall front on an existing internal subdivision road built to county grade road standards and having a minimum right-of-way width of 50 feet. Lots having direct access to a state road are not permitted to process as a minor, except for those proposals utilizing the non-residential permitted uses in the Rural District.
- 3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.

Where, in the judgment of staff, a residential or non-residential proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations, the proposed subdivision shall be classified as a major subdivision. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.202 Major Subdivision

A major subdivision, whether residential or non-residential, is any subdivision of land that requires the development of streets (public or private) or easements of access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street. (See definition of "Major Subdivision.") A subdivision may be classified as major if in the judgment of staff, a proposal does not comply with the minor subdivision requirements and/or the intent of these Regulations. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

Sec. 20.203 Minor Site Development^{1, 3, & 4}

Minor Site Developments are those proposals that do not require the development of new infrastructure or the extension of existing off-tract infrastructure.

If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Minor site development proposes one or more of the following:



(1) Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all new structures or additions to structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
- In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
- ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~

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

(3) Apartment or multi-family development ~~of nine or less dwelling units.~~

Minor Site Development requires Stormwater Management Plans and stormwater management activities per the Jefferson County Stormwater Management Ordinance, as identified in A, B, C, and D within this Section.

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this section; unless, development/redevelopment activity at the site triggers stormwater management policy as described in the Jefferson County Stormwater Management Ordinance.

- A. **No Site Plan or Stormwater Management Plan Required.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:
1. The footprint of the addition or the new structure is less than 250 square feet; and
 2. No additional parking is required per Zoning Ordinance standards; and
 3. The disturbed area is no more than 3000 square feet.
- B. **Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.** A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:
1. An addition to an existing structure, or, ancillary to an existing use; and
 2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.
 3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.²
- C. **Full Site Plan Required.** Any development which does not meet all of the criteria for a limited or rural site plan shall meet all the requirements of these Regulations and the appendices.



Sec. 24.105 Minor Site Plan Application – Determination

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*.
- B. **Application Meeting.** Within seven days after the submission of the site plan, the applicant and the staff shall meet to discuss the proposed site plan and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- C. **Site Inspection.** The staff shall make a site inspection of the site plan.
- D. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development. If the Staff determines that the site plan has been classified as a minor site development and is over 5,000 square feet as described in Section 20.201, then the project shall proceed with Section XXXX, Minor Site Plan Concept Plan. All other Minor Site Plans (under 5,000 sq. ft. and in Industrial/Business Park) shall proceed with Section XXXX (page 50D) Minor Site Plan Process After Concept Plan Direction (Page 50D).
- E. **Approval.** Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan.

(For minor site plan criteria see the definition, Site Plan, Minor and Sec. 20.201, Minor Subdivisions.)

Sec. XXXX Minor Site Plan Concept Plan - Submission and Completeness Review^{2, 4}

The submission of a concept plan is a required step for minor site plans determined in Section 24.105. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, Concept Plan shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission workshop.

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



3. Zoning Information. This shall include:

- a. Determination of the zoning district in which the proposed site plan project is situated.
- b. Density calculations.
- c. Site resource map. (See definition)
- d. Use designations for all adjoining and confronting parcels.

4. Proposal Description. This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.

5. Traffic Impact Data. This shall include:

- a. ADT figures for the adjoining or accessible State road.
- b. Trip generation figures based on the following table:

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

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

6. A traffic study may be required only at the request and direction of the West Virginia Division of Highways. Any required traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.⁴



- 7. Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after the review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide copy of letter sent to outside agencies to the Departments of Planning and Zoning with 7 days of submission of Concept Plan. If any review agency failed to respond, they shall be deemed by these Regulations to have approved the plan.
 - 8. Other Data.** Any other data or information the applicant believes will assist in the review.
 - 9. Other Reviews.** Any other staff or agency reviews of the plans.
 - 10. Adjoining Property.** The applicant must provide an accurate list of all properties and owners' addresses adjoining the subject property. The adjoining and Homeowner's Associations shall be notified by staff of the date of the workshop.
- C. Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a site plan submittal.
 2. Staff opinion as to whether the plan meets the site plan criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.
- E. WVDOH.** WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.
- F. Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.116.B.5.e.
- G. Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.
- I. Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors



that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in a local newspaper of general circulation in the area one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. XXXX Minor Site Plan Concept Plan - Public Workshop

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

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

Sec. XXXX Minor Site Plan Concept Plan - Direction

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

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

Effect. The direction is to the developer to proceed to prepare a site plan (Section 24.119, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Section XXXX Minor Site Plan Process After Concept Plan Direction

- A. Formal Site Plan Submission. An Application, applicable fees, two copies of a Site Plan as outlined in Appendices A and B, 2 copies of Storm Water Management Calculations with Stormwater Narrative and all other applicable Site Plan support material can be submitted after the Concept Plan Direction is given by the Planning Commission.
- B. Required Elements. Within 7 days, Engineering Staff shall determine if the Site Plan is sufficient and support material contains at least 70 percent of the required elements of a site plan submission.
- C. Staff Review Conference. Once Engineering Staff determines that the Site Plan contains 70 percent of the required elements, Staff shall place an advertisement in the Spirit of Jefferson noticing a Staff Review Conference will be held on the first available Staff Review Schedule held on the first and third Fridays of every month. This Staff Review Conference shall be open to the public, but will be conducted only between the Staff, applicant and Design Consultant. The Design Consultant is required to attend, or the Staff Review Conference will be postponed to the next available Staff Review Schedule on a first or third Friday of the month. The purpose of the Staff Review Conference is for the Staff, applicant and design consultant to exchange checklists, ideas, suggestions and questions regarding the applicable site plan regulations as it relates to the submitted site plan and support data.
- D. Site Plan Approval. Once the Staff Review Conference is held, the site plan will be exchanged back and forth between the design consultant and Staff via the approved checklist process until such time that the Staff believes that the site plan and support data meets all applicable local and state regulations. Once the Staff determines that the site plan meets all such regulations, the Staff shall approve the site plan and allow the project to proceed to bond the project under the current Jefferson County Bonding Policy. All Health Department, Highway Department, Public Service District, WVDEP and other applicable State and Local Agency Approvals shall be in place prior to the Staff's Approval.
- E. Site Plan/Checklist Approval Process. Under Section D above, the applicant may at any time request to be on the Planning Commission agenda pursuant to current agenda rules in order to request that the Planning Commission approve the site plan if the applicant believes that the site plan meets the site plan rules and regulations.
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M

Maintenance Guarantee. A guarantee of facilities or work to ensure the correction of any failures of any improvements required pursuant to these Regulations or to maintain same.

Major Change. A change to the plan that increases density or floor area, decreases open space, *bufferyards*, or which alters the alignment or layout of streets by more than five feet. For conditional approvals granted prior to the effective date of these Regulations, any proposed use not contained in the original advertisement shall be considered a major change.

Major Site Plan³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where new ~~all~~ structures or new additions located on the parcel are equal to or total more than 250,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. ~~Apartment or multi-family development of ten or more dwelling units~~; or
- D. A heavy industrial use.

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

Major Subdivision Plat. A plat that proposes subdivision of land, whether residential or non-residential, that requires the development of streets (public or private) or rights-of-way access to the lots, or common area and/or includes the creation of more than five lots that take access to an existing public street.

Manufactured Home. Housing built in a factory according to the federal manufactured home construction and safety standards effective June 15, 1976. (*Source: W.Va. Code §8A-1-2(r)*)

Mean Sea Level. For purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, or other datum to which base flood elevations shown on a community's flood Insurance Rate Map are referenced.

Mean Surface Water Elevation. The observed limit of dry weather flow elevation in a *watercourse* or mean high water level in tidal areas.

Minimize. To reduce to the smallest amount possible using *Best Management Practices*. "Minimize" shall not mean complete elimination, but shall require that the most substantial efforts possible under the circumstances have been taken to reduce the adverse effect of the action required to be minimized. With respect to activities, the conduct of which is adverse to the conservation of the natural features of land, the requirement to "minimize" shall include, but not be limited to, the requirement that the placement of dwellings and other structures and the locations of roads, sedimentation and erosion control devices, and earthmoving activities shall be planned and designed so as to permit the adverse effect of the activity in question to be reduced to the smallest amount possible under the circumstances consistent with the otherwise permitted development.

Minor Change. A change to the plan that does not increase density or floor area, does not decrease open space, bufferyards, or parking, or does not *alter* the alignment or layout of streets by more than five feet.

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Minor Site Plan^{1&3}. A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure, that proposes one or more of the following:

- A. Building(s), both new and additions to existing, where new all structures or new additions to structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures located on the parcel total more than 5,000 and less than ~~50,000~~ 250,000 square feet gross floor area (GFA) on any site shall:
 - Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - ~~Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.~~
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;¹
- C. Apartment or multi-family development ~~of nine or less dwelling units.~~

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

Existing single family structures used as single family structures and existing agricultural structures are not included in the square footage computations noted in this definition.³

Minor Subdivision Plat. A plat that will not require the development of new off-tract infrastructure or the extension of existing off-tract infrastructure, that proposes subdivision of land into five or less lots including the parent parcel.

Mitigation. Any action taken to lessen the specified undesirable impacts of a proposed land use or land disturbance activity, including those which would adversely affect the health or longevity of a natural feature, pose a visual intrusion or conflict, or otherwise be deemed incompatible with surrounding properties.

Moderately Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater moderately vulnerable to contamination. This area contains a lower intensity of the conditions found in a highly vulnerable area.

Monument. A stone or concrete boundary marker, as required by these Regulations, intended to fix the physical location of property lines.



Sec. 23.203 County Agencies

The following Jefferson County agencies are involved or may be involved in the subdivision and site development review process.

- A. **On-Site Water Supply and Sanitary Waste Disposal.** The Jefferson County Health Department and West Virginia Department of Health shall be responsible for the review of any on-site water supply or sanitary waste disposal for the proposed development. Approval needed at Preliminary Plat Stage.
- B. **Centralized Water Supply/Distribution and Sewage Collection/Treatment.** The Jefferson County Public Service District or other applicable local agency supplying centralized utilities, West Virginia Health Department, and WVDEP shall be responsible for the review and approval for any centralized sewer and water supply intended to serve the proposed development. Approval needed at Preliminary Plat Stage.
- C. **Jefferson County Historical Landmarks Commission.** This body shall submit a report and findings on whether historical resources exist on the site of the proposed subdivision of site development. If there are, they shall submit findings on whether the proposal meets the requirement of zoning with respect to such structures or places at Concept Plan Stage.
- D. **Jefferson County Parks and Recreation Department.** This body shall determine the adequacy of park, recreation, and trail facilities intended to serve a proposed residential development at Concept Plan stage. This is a courtesy review for Park Planning Purposes.
- E. **Jefferson County Addressing/GIS Office.** This body shall verify adequacy of proposed addresses, road names, and names of subdivisions in accordance with Jefferson County E 9-1-1 Addressing Ordinance. Approval is needed at either Concept Plan or Preliminary Plat Stage.
- F. **Jefferson County Engineering Department.**⁴ This body shall review and either approve or deny the Stormwater Management Plan relating to stormwater management.

Sec. 23.204 Other Agencies

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access and potential improvements to public roads at Preliminary Plat Stage.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development at Concept Plan Stage. This is a courtesy review for School Planning purposes.
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project at Concept Stage.
- D. **U.S. Postal Service.** ~~The U.S. Postal Service shall determine which zip code wholly contains the new subdivision and acknowledge which postal delivery mechanism is approved when affected by a proposed subdivision or development project.~~ WVDEP. DEP approval for NPDES, SWPPP, GPP, and other applicable approvals (if required) are needed prior to Preliminary Plat Approval.

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- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study ~~may will~~ be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received ~~prior to with the first submission of~~ the preliminary plat ~~approval~~.⁴
6. **Agency Reviews.** The reviewing agencies ~~may shall~~ conduct reviews of the proposed concept plan. Agency comments, ~~if responding~~, shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Department of Planning and Zoning within 7 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
 7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property. The adjoining and Homeowner’s Associations shall be notified by staff of the date of the workshop.
 8. **Other Data.** Any other data or information the applicant believes will assist in the review.
 9. **Other Reviews.** Any other staff or agency reviews of the plans.
- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.
- D. **Department.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
 2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.

- E. **WVDOH.** The WVDOH approval is necessary prior to preliminary plat approval. The County defers to the WVDOH requirements and approval. ~~When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these~~



~~Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.~~

- F. **Traffic Impact.** ~~The WVDOH shall determine. The review shall indicate~~ whether a traffic impact study will be required during the preliminary plat stage. ~~based on analysis required in 24.106.B.5.e.~~
- G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.
- H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.
- I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.
- J. **Effect.** At the time of submission, the concept plan shall be placed on the 1st regularly scheduled Planning Commission meeting after the 45 day review period for the public workshop. Staff shall advertise the public workshop in the local newspaper one time at least twenty-one (21) days in advance of the meeting and send notice by mail to the adjoining property owners at least fourteen (14) days prior to the meeting. The applicant shall post notice on the property at least fourteen (14) days in advance of the meeting.

Sec. 24.107 Major Subdivision Concept Plan - Public Workshop

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

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

Sec. 24.108 Major Subdivision Concept Plan - Direction

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

Subdivision Regulations

Jefferson County, West Virginia



- A. **Direction.** The Planning Commission shall direct the preparation of a preliminary plat subject to conditions to be addressed in the preliminary plat application. The purpose of this review is to guide the developer so that when the preliminary plat application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a preliminary plat (Section 24.109). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on the concept plan direction, and then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.109 Major Subdivision Preliminary Plat - Application Submission and Completeness Review

The submission of a preliminary plat application is a required step for major subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review unless the applicant chooses to waive the 45 day period. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient (at least 70 % of the required elements are addressed) in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The 45 day period shall restart when the applicant resubmits. After staff concludes completeness review, staff shall place the preliminary plat and application on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. In order for the preliminary plat to remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission.

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



4. **Preliminary Engineering Plans.** An ~~preliminary~~ engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A ~~preliminary~~ landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** If required, TIS and materials agreed to at the concept plan direction shall be submitted prior to final preliminary plat approval by staff. This element is not required for completeness review. Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOH regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals. This element is not required for completeness review. However, final Health Department (State and Local) approval is necessary prior to final Preliminary Plat approval by Staff.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers. Capacity Letters are required at Completeness Stage, but final approvals are necessary prior to final Preliminary Plat approval by Staff.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan and Narrative.** A Stormwater Management Plan and Narrative, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department. This is a required element in the first submission or the submission will automatically be determined as incomplete.⁴
13. **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.

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- C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.
- D. **Department of Planning.** The Department review shall include the following:
1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform to Zoning and Subdivision Ordinance standards.
 2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.
- E. **WVDOH.** The WVDOH approval is required prior to final Preliminary Plat Approval by Staff. When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.
- F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.
- G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.
- H. **Approval.** If the preliminary plat and application is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it. The Planning Commission may also accept the preliminary plat and application with the condition that the remaining items identified as necessary by the Ordinance be completed prior to final preliminary plat approval
- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete or essentially complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.110 , *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing

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

**Sec. 24.111 Major Subdivision Preliminary Plat - Approval**

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

- A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. The Planning Commission may approve the plan if it meets the standards of the land use ordinances, deny the plan if it does not meet the standards of the land use ordinances, or approve the plan with conditions to complete any remaining items. In the event that the preliminary plat is approved with conditions to complete any remaining items, unless otherwise directed by the Planning Commission, the Staff shall have the authority to grant final approval of the preliminary plat once the conditions are met. Also, if the Planning Commission conditionally approves the preliminary plat, then the Applicant shall be required to submit a notarized document expressly and explicitly waiving the 45 day time requirement for the Commission and/or Staff to act. If the Applicant is unwilling to provide such document, then the Planning Commission shall proceed in the final consideration of the preliminary plat. In making the decision, the following rules apply:

1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
3. **Roads.** The Planning Commission shall defer to the WVDOH on final requirements and approvals for improvements to the public roads. Staff, Applicant and WVDOH are encouraged to work together for an acceptable final approval by WVDOH. ~~have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.~~



6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
 7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

Sec. 24.112 Major Subdivision Final Plat - Application - Submission and Completeness Review⁴

The submission of a final recordable plat, bonding estimate and-application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. ~~At the time of submission, the final plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing.~~ Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. Approval of the Final Plat shall be administrative, pursuant to Section 24.112E. ~~In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.~~

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



2. **Density Calculation.** ~~The final recording plan shall include a current density calculation note or table. **and Site Resource Map.** This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.~~
3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Final Engineering Plans.** ~~The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.~~
5. **Final Landscape Plans.** ~~The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.~~
6. **Transportation Impact Study and WVDOT Approvals.** ~~A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOT approvals shall be secured prior to final approval.~~
7. **Water and Sewer Services.** ~~This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.~~
8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its their location on the site shall be indicated.
9. **Special Engineering.** ~~If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.~~
10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.
11. **Stormwater Management Plan.** ~~If the preliminary Stormwater Management Plan satisfies the requirements of the Department of Engineering and no modifications to the preliminary Stormwater Management Plan is required, then preliminary plans previously approved shall be considered final plans. Preliminary stormwater management plans requiring modifications will require a final Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, to be submitted as part of the final plat to be reviewed by the Jefferson County Engineering Department.⁴~~
12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*.
13. **Other Agencies.** ~~Required agency sign offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West~~

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~~Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.~~

14. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

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

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

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

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

E. **Approval.** ~~Based on the Planning Commission's approval or conditional approval of the final Preliminary Plat, the approval of the final recording plat shall be an administrative function of Staff unless there is a disagreement between the Staff and the Applicant. The Staff or Applicant can request that the final recording document be addressed by the Planning Commission by having the matter placed on the next available meeting agenda. If the final plat is found by the Planning Commission to be incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.~~

F. **Effect.** ~~After staff concludes the completeness review, staff shall place the final plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.113, Major Subdivision Final Plat - Public Hearing. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.~~

Sec. 24.113 Major Subdivision Final Plat - Public Hearing

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

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

Sec. 24.114 Major Subdivision Final Plat -Approval

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



- A. **Approval.** If the final plat application is consistent with the preliminary plat application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.112 (B)(12), the Planning ~~Director-Commission~~ shall approve the subdivision application.
- B. **Denial.** Denial can only be done on the following basis:
1. The plat (plan, ~~plat, final engineering, or final landscaping~~) is inconsistent with the approved preliminary plat or conditions of said approval.
 2. Failure to provide approved surety.
- C. **Plat Signing.** The Planning Director, or their representative shall sign ~~Commission President shall authorize the signing of~~ the plat.
- D. **Effect and Vesting.** The approval of the final plat application and signing of the plat makes the document recordable.

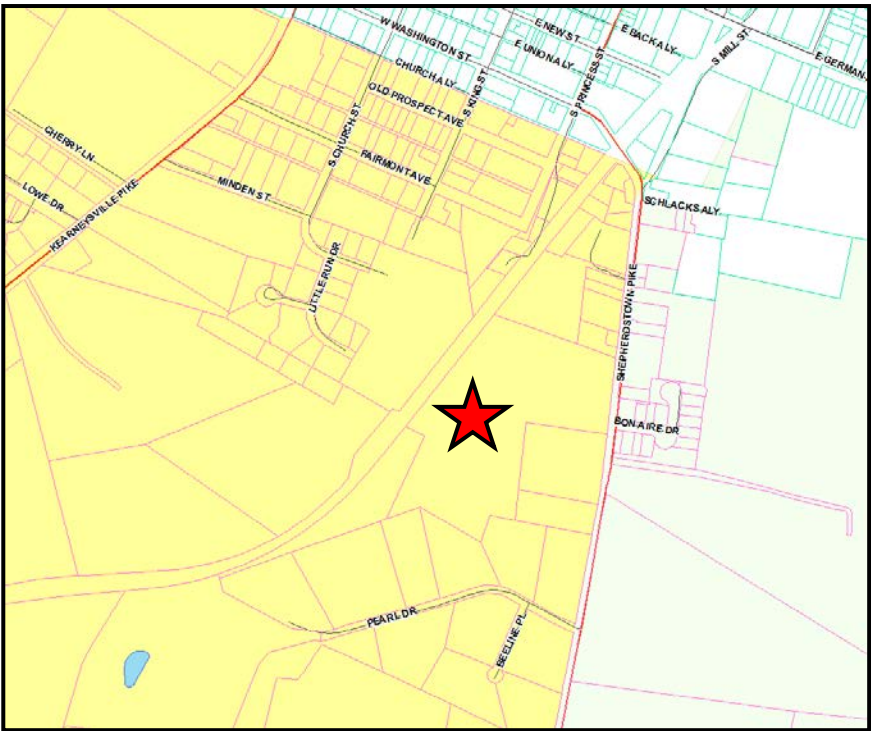
Sec. 24.115 Major Subdivision Final Plat -Recording

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

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

Staff Report
 Jefferson County Planning Commission Meeting
 October 13, 2015

Item #5: **Public Hearing:** Request by applicant Amy Secrist (File #PCW15-03) for a waiver from Appendix B, Sections 2.5(M) and 9.5 of the Subdivision Regulations requiring off-street parking to be paved. The request is to utilize the existing gravel parking lot for the proposed reuse of the vacant building for a private school (Morgan Academy). Property location: the West side of Route 230/Shepherdstown Pike in Shepherdstown and is formerly known as the Big Arm Bar & Grill. Tax District: Shepherdstown (09); Tax Map: 8; Parcel: 37; Zoned: Residential Growth; Size: 13.4 acres.

APPLICANT:	Amy Secrist
OWNER:	Same as above
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	None
PROPERTY LOCATION:	West Side of Route 230/Shepherdstown Pike
LEGAL DESCRIPTION:	District: Shepherdstown (09); Map: 8; Parcel: 37 Zoning: Residential-Growth 
SURROUNDING PROPERTIES:	North: Residential-Growth South: Residential-Growth East: Rural West: Residential-Growth
LOT AREA:	13.414 acres
PROPOSED ACTIVITY:	Convert vacant building (formerly Big Arm Bar and Grill) to a private school (Morgan Academy). Proposing gravel parking lot.
APPROVALS:	Zoning Certificate #ZC90-02 – Big Arm Bar and Grill (grandfathered non-conforming use)

Background:

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2015

The applicant is proposing to convert the vacant structure, the former Big Arm Bar and Grill, to a private school for approximately 40 students, which is a principal permitted use in the Residential-Growth zoning district. The property in question is approximately 13.4 acres in size.

The Request:

Appendix B, Sections 2.5(M) and 9.5 of the Subdivision and Land Development Regulations requires that all off-street non-residential parking areas shall be bituminous asphalt or concrete paved and designed per paving and traffic control standard sections established by the County Engineer. The applicant is seeking a waiver from the required paving of the parking spaces and from the various parking design standards, which would allow the parking to occur on the existing gravel lot.

A waiver of this requirement could potentially exempt the property owner from processing a site plan. This determination would be made when a sketch plan was submitted to the Engineering Department for review that the proposed configuration is in compliance with County Standards.

Waiver Requirements:

The Jefferson County Subdivision and Land Development Regulations, Section 24.300 details the criteria which have to be reviewed when analyzing a requested waiver from these Regulations:

The design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, and parkland consistent with the County parks plan

The parking area will not be maintained by the County, and will not result in any cost to the County. Since no open space or parkland is required for this site, the waiver criteria have been satisfied in that it does not apply to the particular waiver requested.

The waiver, if granted, will not adversely affect the public health, safety or welfare, or rights of adjacent property owners or residents

The waiver will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents.

The waiver, if granted, will be in keeping with the intent and purpose of these Regulations

The intent of the Subdivision Regulations is to have usable and adequate parking that meets the needs of faculty, parents, and guests. The applicant has an existing gravel parking lot and the proposed use of a private school for 40 students and staff will not generate significant volumes of traffic. It appears both the intent and purpose of the Regulations will be met.

The waiver, if granted, will result in a project of better quality and/or character

The intent of the Subdivision Regulations is to have reasonable parking areas and access to a non-residential site or lot. The proposed school is located within an area of the County with Residential and Commercial uses on the edge of the Corporation of Shepherdstown and has long been served by a partially paved access drive and gravel parking area. The requirement to pave the site would not impact the quality or the character of the project or the area in which it is located.

Regarding this waiver request, County Staff believes the waiver criteria have been satisfied.

Staff Report
Jefferson County Planning Commission Meeting
October 13, 2015

Recommendation

Staff recommends approval of the request with the following discussion and conditions:

1. Per Section 2.5(B) of the Off-Street Parking Standards of the Jefferson County Subdivision and Land Development Regulations, “The number of parking spaces shall be required by the Zoning Ordinance.” Article 11, Section 11.1.A of the Zoning Ordinance requires that “Educational (Schools)” provide 1 space per employee and ample student and visitor parking. The applicant should be required to provide staff with a sketch plan that indicates how this requirement will be met on the gravel site.

2. Per Section 2.5(G) of the Off-Street Parking Standards of the Jefferson County Subdivision and Land Development Regulations, “Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.” The applicant shall provide at least one ADA compliant parking space to the satisfaction of the Engineering Department.

Engineering Report

Big Arm Saloon Waiver Asphalt or concrete paving Requirement 10/13/2015

Request:

Amy Secrist is requesting a waiver from the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Appendix B, Section 9.5 for the former Big Arm Saloon and Sec. 2.5.M Off-Street Parking Standards; which states:

“Site Development parking lot, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved.”

“M. All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.”

Situation:

The waiver is being requested to allow the existing gravel parking lot area to remain without adding the asphalt or concrete pavement.

Findings:

The applicant is requesting this variance be granted because:

1. The saloon has previously operated with only a gravel parking.

Due to the project site being zoned Residential Growth; it is required to be asphalt paved. The only time a commercial development is allowed to use gravel as parking is in the rural district, utilizing the Rural Site Plan Standard which is 6” of stone.

My understanding is the applicant wants to waive the asphalt pavement standard in order to eliminate the requirements for a site plan under the Case 1 “No Site Plan” of the Improvement Location Permit Ordinance. No documentation has been received at this time demonstration that the layout of the parking requirement is met. From a site visit, it appears that the driveway width is less than the required minimum of 22’ from the Shepherdstown Pike to the parking area and no ditch line appear to be in place either. There may be an issue to the min 8% grade entering the site. A sketch plan is needed to verify these issues.

At this point and time, a limited site plan is required

Conclusion:

The property is zoned Residential Growth. If the property were zoned Rural, this variance would not be required. Because the site is of a rural nature, I recommend approval of this waiver as long as the applicant can demonstrate that 6 inch of stone exists. If not, stone will need to be added to achieve a 6 inch thickness.

#PCW15-03



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, P.O. Box 338

Charles Town, WV 25414

Staff Initials: clc

Sketch Received:

List of Adjoiners:

Fees Paid: \$100.00

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

Email: planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Waiver Request

Note: Waivers from the 2008 Amended Subdivision Regulations must comply with Division 24.300 of the Subdivision Regulations.

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size, and height. Identify existing buildings, structures, or land uses on the property. Sign and date the sketch. Provide a vicinity map of the area and a list of the adjoining property owner's mailing addresses.

Property Owner Information

Name: Amy Secrist

Mailing Address: PO BOX 246 Shepherdstown, WV 25443

Phone Number: 410-703-7486 Email: marylandrn@hotmail.com

Applicant Contact Information

Name: Same as above

Mailing Address: _____

Phone Number: _____ Email: _____

Applicant Registered Engineer(s), Surveyor(s), or Consultant(s)

Name: None

Mailing Address: _____

Phone Number: _____ Email: _____

Physical Property Details

Physical Address Previously Big Arm Bar (foreclosure)

City: Shepherdstown State: WV Zip Code: 25443

Tax District: 9 Map No: 8 Parcel No: 37

Parcel Size: 13.414 - 14.1 Deed Book: 1157 Page No: 641

Zoning District (please check one)

Residential Growth (RG)	Industrial Commercial (IC)	Rural (R)	Residential-Light Industrial-Commercial (R-LI-C)	Village (V)	Neighborhood Commercial (NC)	General Commercial (GC)
<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Highway Commercial (HC)	Light Industrial (LI)	Major Industrial (MI)	Planned Neighborhood Development (PND)	Office/Commercial Mixed-Use (OC)
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

RECEIVED

SEP 22 2015

JEFFERSON COUNTY PLANNING, ZONING & ENGINEERING

Place Date Stamp Here

What Section of the Subdivision Regulations are you Requesting to Waive?

Requirement for asphalt parking at schools.

Briefly Describe the Nature of Your Waiver Request:

The property was formally a bar serving hundreds of patrons a night. We are planning on converting this into a private school (Morgan Academy). We would like to use gravel instead of asphalt. The current school location, has a partial gravel drive and less parking then the proposed new location. The Director prefers gravel because her belief is that the children are less likely to run and get hurt on gravel. Asphalt is nice but it has more water run off and is VERY expensive (engineering for added storm water plus the cost of the asphalt and maintenance.)

Explain how the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County Parks Plan or benefits of a similar nature.

The re-purposing of this establishment will cost the county nothing and is of great benefit to our community. The almost 14 acre property will serve as a save location for over 40 children. It will provide green space away from a major road and is within walking distance of downtown Shepherdstown. It also borders an existing county school. I believe most of the residents of Shepherdstown would prefer a private school to another bar :)

Explain how the waiver, if granted, will not adversely affect the public health, safety, or welfare or the rights of adjacent property owners or residents.

This waiver, in our opinion, will not adversely affect public health, safety or the welfare of residents. The property is bordered mostly by Shepherdstown Elementary School and a junk yard.

Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

The new location for the school is a better option because it is further back from a major road and includes more green space for the kids to play and explore. Shepherdstown students, parents and teachers of Morgan Academy could walk to school. This provides a great benefit to our community!

Explain how the waiver, if granted, will result in a project of better quality and/or character.

This property was not being maintained, it was a (foreclosure). We intend to update this property and make it the new home of Morgan Academy. Morgan Academy is the only independent private elementary/middle school in Shepherdstown.

Original signature is required. The information given is correct to the best of my knowledge.

Amy L. Secrist 9/24/15
Signature of Property Owner Date

N/A
Signature of Property Owner Date

To Be Completed By Office

10-13-15 Date of Public Meeting/Public Hearing
____ Official/Administrative Body

9-29-15 Date Property to be Posted By
9-29-15 Date Adjoiner Letters to be Mailed

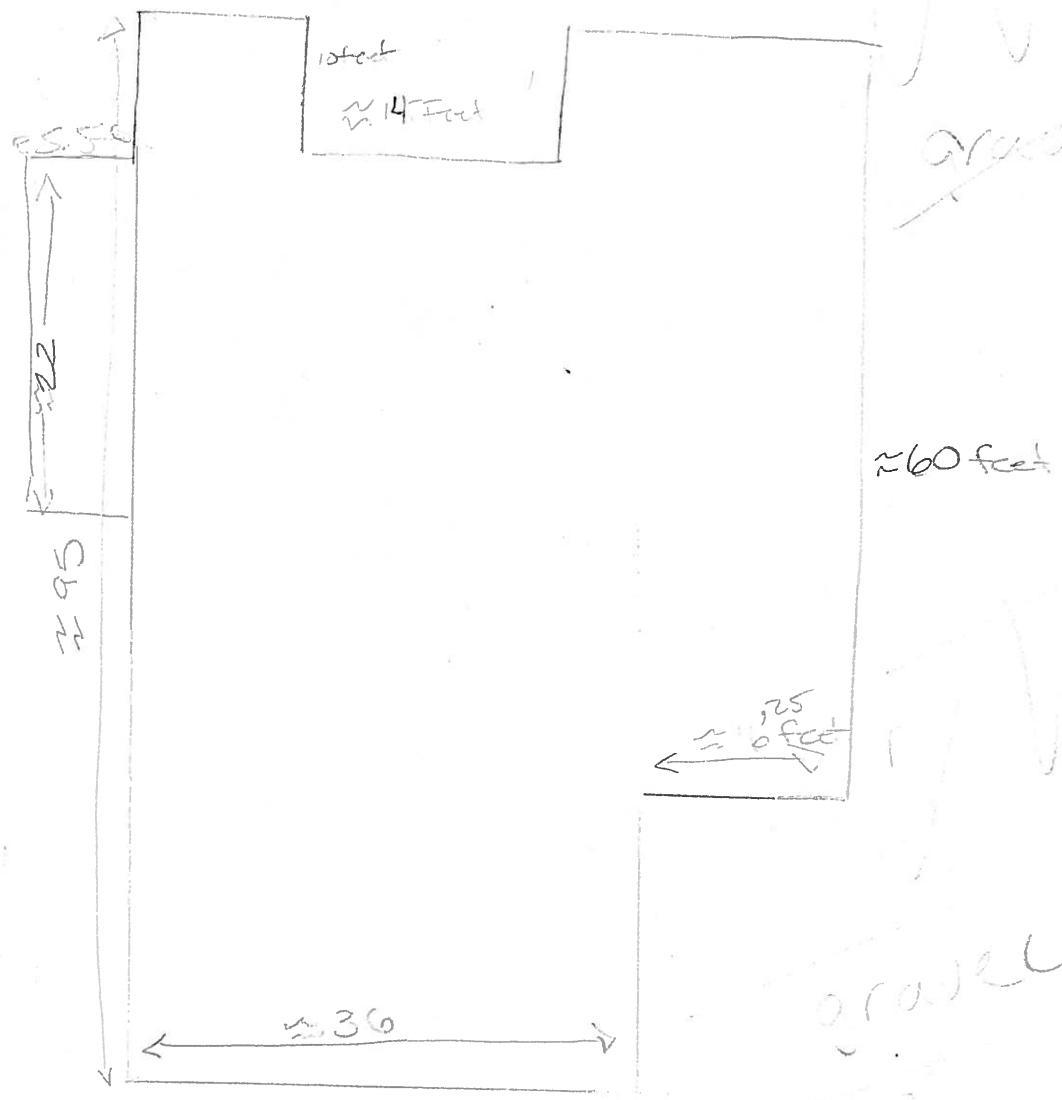
Approved/Denied by a vote of _____ for and _____ against this _____ day of _____, _____

Approved Denied

Existing Structure
estimate on Square Footage $\approx 4,280$

Pre existing
Gravel \rightarrow
 \leftarrow

Gravel



Pre existing
Gravel \leftarrow
Continues \rightarrow

RECEIVED

SEP 22 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

FW15-03

Properties Adjoining The Property

Submitted by: Amy Secrist

(410) 703-7486

1. Shepherdstown Elementary School
662 S Church St
Shepherdstown, WV 25443

2. John and Donna Thompson (Thompson's
Salvage/Junkyard)
8367 Shepherdstown Pike
Shepherdstown WV 25443

3. AM Properties, INC
PO BOX 1747
Charleston, WV 25326



4. Brian A. Bell
92 Flat Earth Lane
Harpers Ferry, WV 25425


5. Christopher and Hannah Peterson
PO BOX 174
Shepherdstown, WV 25443

6. Judith L Leitner
Po Box 340
Shepherdstown, WV 25443

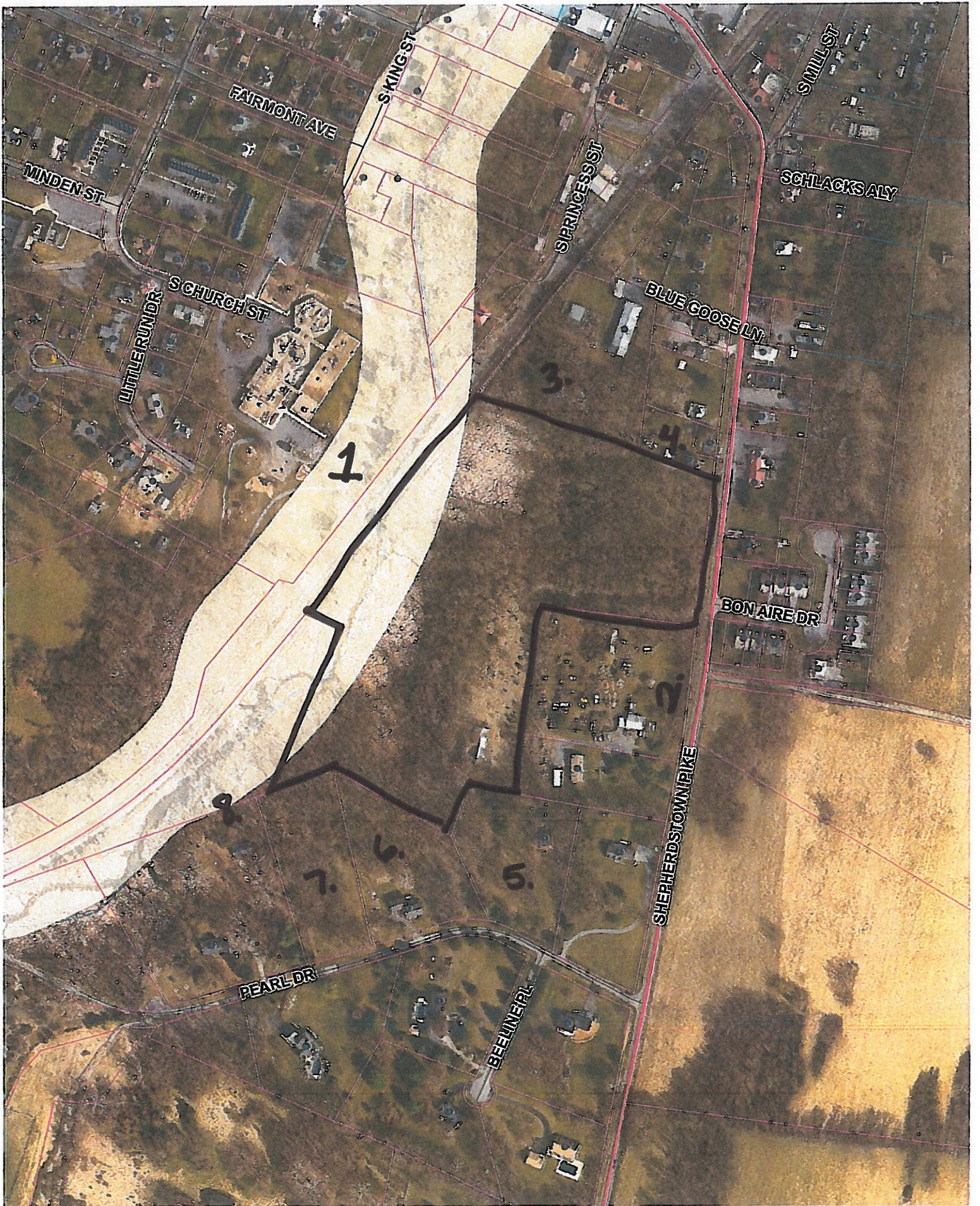
7. Mark E Osbourne
152 Quail Woods Drive
Shepherdstown, WV 25443

8. John and Patricia Stealey
PO BOX 572
SHEPHERDSTOWN, WV 25443

 existing Building
 property Lines

 preexisting gravel lot







**P.O. Box 1281
Shepherdstown, WV 25443
540-336-3465
www.wvmorganacademy.com**

September 16, 2015

Jefferson County Planning Commission,
124 E Washington St.
Charles Town, WV 25414

Dear Planning Commission,

Morgan Academy is a small, independent school in Shepherdstown, WV based on the one-room schoolhouse concept. Personalized learning is offered to students in grades K-8, while meeting and exceeding traditional educational objectives in a relaxed and happy classroom setting. The one-room schoolhouse experience affords students the opportunity to interact with and learn from their peers, and it expands the usual classroom definition of "peers" to include students of various ages, abilities, and frames of reference.

Morgan Academy is currently located at 3988 Kearneysville Pike, Shepherdstown, WV. Morgan Academy intends to reside in the building formally known as the "Big Arm," now owned by Apex, Inc. The building is located on Rt. 230 approximately one-fourth of a mile from the town limits of Shepherdstown. Morgan academy intends to reside in the building by June 30, 2016.

If you have any questions, please feel free to contact me.

Sincerely,

Bernardine L. Somers
Director, Morgan Academy

**Proposed Zoning Text Amendment regarding Campgrounds in the Rural District –
Zoning and Land Development Ordinance and Subdivision and Land Development Regulations
Public Comments Received at 09/08/15 Planning Commission Public Hearing**

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
	ZONING ORDINANCE			
1		Review and consider NFPA 1194 standards. County should certainly comply with national standards but no reason to exceed or modify them.	Reasonable suggestion.	
2	Zoning Ordinance	There needs to be different standards in the requirements between Rural and the three commercial districts identified in the Zoning Ordinance where campgrounds would be permitted (GC, RLIC, and IC).	Staff concurs.	
3	Section 2.2 Terms defined. Campground: “An area of premises <u>in single ownership</u> operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient trailers, self-propelled campers, tents, cabins and/or lodges. ...”	Questioned the use of the term “in single ownership”	The purpose of this provision was to require the campground development to be on a single parcel of land rather than multiple parcels with their own setback requirements. Single ownership does not preclude ownership by multiple investors and could be worded differently.	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
4	<p>Section 2.2 Terms defined.</p> <p>Campground: “An area of premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient trailers, self-propelled campers, tents, cabins and/or lodges. ...”</p>	<p>The intent of the committee was to allow permanent cabin structures in addition to cabins like the KOA has on their property. Consider adding definition of “Cabin” to the proposal.</p> <p>Proposed definition of Cabin: “A temporary or permanent structure for the purposes expressly permitted in Article ___ of the zoning Ordinance and Article ___ of the Subdivision regulations. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services. A permanent structure shall be built to current applicable Jefferson County Building code with the issuance of a Building Permit. A cabin permitted under the Campground articles of the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel.</p>	<p>A definition of cabin is a reasonable request. It should be noted that many campgrounds provide a “camping cabin” which is in essence just a sleeping are replacing the use of a tent, but the sites still require camp stoves and outdoor meal preparation and the use of a common bathhouse. We may want to differentiate between these types of cabins.</p>	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
5	<p>Section 2.2 Terms Defined Campground An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for <u>seasonal occupancy, as opposed to permanent year-round occupancy.....</u></p>	<p>Questioned whether this implied that permanent and year round were the same thing, noting that some campgrounds may be used year round by transient guest who are not permanent residents.</p>	<p>Staff believes that the current wording clearly differentiates between seasonal occupancy (which is temporary) and permanent occupancy. The term temporary could be added to the definition.</p>	
6	<p>Section 2.2 Terms Defined Campground An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying <u>camping units such as trailers, self-propelled campers, tents, cabins and/or lodges</u>. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of this Ordinance and relevant sections of the Subdivision Regulations.</p>		<p>Recommend deleting “such as trailers, self-propelled campers, tents, cabins and/or lodges” from the definition of campground and developing a separate definition for “camping unit” such as:</p> <p>“individual units designed for temporary occupancy such trailers, self-propelled campers, recreational vehicles, tents, cabins, fifth wheels, pop-up campers, and/or lodges”</p> <p>Also suggest changing the term “tourist” to “guests” or “customers”</p>	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
7	Section 2.2 Terms Defined	Clarify that caretaker residence is clearly incidental to the overall campground use and does not set precedence for other permanent residences.	<p>Note that the Zoning Ordinance already includes a definition as follows:</p> <p>“Caretaker Residence: An accessory residential structure for the use of a caretaker or security guard.”</p> <p>This could be broadened to include the phrase “Permanent or temporary residential structure that is secondary or accessory to the primary use of the property.....” or similar language</p>	
8	<p>Section 8.16.A.2</p> <p>“Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.”</p>	It would be impossible for the County to keep track of the number of days an individual is using a campground in 4 or 5 different campgrounds around the County. Consider removing this standard.	<p>The purpose of this requirement is to ensure that campgrounds do not become permanent residential settings which lack adequate infrastructure for such use.</p> <p>FYI: The Flood Plain Ordinance defines a Recreational Vehicle and states that an RV may be placed in the Flood Plain only if it is fully licensed and ready for highway use and may be located on the site for less than 180 days to be temporary.</p>	
9	<p>Section 8.16.A.2</p> <p>“Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.</p>	Include recreational park trailers as found in the national code. This is a strong growth area in the campground industry and parks within the county should not be restricted from meeting this modern market demand.		

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
10	Section 8.16.A	No more than six individuals may use or occupy a campsite in a Rural District.		
11	Section 8.16.A.4 & 5	These sections need more detail as to the types of recreational areas that may be permitted and/or rented out to the general public -- Accessory Uses to Campgrounds should be clearly incidental to the use as the campground and have restrictions to ensure events cannot be held on the site that exceeds the expectation of a traditional campground facility. Consider including retail stores and food service for the needs of the campers; trails; fire pits; pavilions; limited size amphitheaters; etc.	Staff concurs that this needs to be clarified including additional uses that are permitted and limiting the size of some types of uses (or requiring separate approval)	
12	Zoning Ordinance Section 8.16.B – Development Guidelines	Proposed setbacks for General Commercial, Residential-Light Industrial-Commercial, and Industrial Commercial districts: “Perimeter of campgrounds shall be defined by fencing, posting, natural boundaries or other methods to prevent unintentional trespass. All campsites shall be located a minimum of 200’ from existing residential dwellings and if within 500’ of an existing dwelling shall be screened for visibility, glare, and noise.”		

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
13	<p>Section 8.16.B.1.a and b</p> <p>“When campsites or amenities are within 1,000’ of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers, or other methods to prevent unintentional trespass.”</p> <p>“All campsites shall be located a minimum of 200’ from existing residential dwellings.”</p>	<p>Do the 200’ setbacks from dwellings and the 1000’ barrier requirement apply to hotels and other hospitality enterprises or just to campgrounds?</p>	<p>Setbacks would be different for facilities that are primarily indoors vs facilities which are primarily outdoors.</p>	
14	<p>Section 8.16.B.1.a</p>	<p>Proposed setbacks for Rural district:</p> <p>“All campgrounds shall be located at least 1000’ from adjoining property boundaries.</p> <p>All campgrounds shall be screened by a planting of trees, shrubs or other plant material, or a fence or both to serve as a barrier to visibility, glare, and noise.”</p>		
15	<p>Section 8.16.B.2</p> <p>“All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.”</p>	<p>Existing roads, driveways, easements, or rights of way can continue to be used to serve the farm, family lots, or the existing residences without being upgraded to the new standards. If a campground is only on a certain area of a farm, then it can share the access with the other activities along the farm lane or easement without the need for upgrading.</p>		

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
16	Section 8.16.B.2	<p>Restrict camping within 500' of either river to tent camping only. No above ground structure, building or amenity, other than aforesaid tents, shall be erected, constructed or allowed within 500' of the river. Campsites may only be used between May 1 and October 31. Other than by the forces of nature, no change or alteration of the topography is permitted within 100' of the river.</p> <p>Campsites located within 500' or within the floodplain of either river must comply with all applicable federal, state, and county laws, ordinances and regulations.</p>	<p>Staff met with Mason Carter, the floodplain compliance officer, who stated that floodplain regulations allow certain types of permanent structures to be built within the floodplain, but they have to be built to specific standards and certified that they meet floodplain requirements. It is reasonable to restrict the camping within a set distance of the rivers to tent camping.</p> <p>Mr. Carter also stated that per floodplain regulations, RVs can be in the floodplain, provided they are still on wheels and not on site for more than 180 days.</p> <p>Mr. Carter felt it was sufficient for the Subdivision Regulations and/or Zoning Ordinance to state that "camp sites may be located within floodplain areas, provided all floodplain regulations applying to permanent structures are followed" (Zoning Ordinance, Section 8.16.B.2)</p>	
17	<p>Section 8.16.B1.b</p> <p>"A campsites shall be located a minimum of 200 feet from existing residential dwellings."</p>	<p>Change language to state that Also recommends that campsites shall be located a minimum of 200' from any property line (no the dwelling itself).</p>	<p>Staff concurs</p>	
18	Section 8.16.B	<p>There should be a minimum of 200 feet between the property lines of campgrounds and the property lines of subdivisions.</p>	<p>This would be difficult to enforce; however there could be a greater setback requirement if adjacent to a major residential subdivision, if desired.</p>	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
	SUBDIVISION REGULATION AMENDMENTS			
19	Section 8.2.A Campground Requirements	Amend proposed language in Section 8.2 of the Subdivision Regulations to delete “All campground facilities shall be designed in a manner which meets the following standards:” and replace with the following language: “The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following:”	It is difficult to balance public health safety and welfare with the desire for flexibility. Engineering should be involved in this discussion.	
20	Section 8.2.A.1 Safe access and egress to state roads	Questioned whether this meant that campgrounds are only permitted with direct access to state roads	Staff interprets this to mean that the internal campground access road would have to have direct access to a state road.	
21	Section 8.2.B.1 “Campgrounds shall be located on properties of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.”	The 10 acre size limitation is proposed to be in the [Subdivision Regulations] and Zoning Ordinance. It should only be in the Zoning Ordinance so that [the BZA is] the only body that needs to grant the variance. Clarify in the proposed amendments that properties less than 10 acres are not prohibited if the BZA grants a variance.	Minimum lot size is normally a Zoning provision. Section 8.2.B(1) of the Sub Regs could be amended as follows: “Campgrounds shall be located and shall meet setbacks as required in Section 8.16 of the Zoning Ordinance.”	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
22	Section 8.2.B.4, "Dimensional Requirements" "No more than 15 campsites per acre are permitted."	The maximum number of campsites per acre should be in the Zoning Ordinance, not the Subdivision [Regulations].	Density is normally a Zoning provision. This can be moved to Section 8.16B of the proposed Zoning Ordinance Amendment.	
23	Section 8.2.B.4 "No more than 15 campsites per acre are permitted."	County's proposal limits no more than 15 sites on an acre. Modern campgrounds provide larger sites for larger RVs and smaller sites for others.	The standard of 15 campsites per acre would be maximum number based the entire proposed campground and there could be larger and smaller site in different sections of the campground based on the needs to the campground facility. Again it may be that a different standard would apply in rural vs commercial zones.	
24	Section 8.2.B-O	There should be different standards for campgrounds for tents, RVs and cabins	This may address some of the public's concerns related to road adequacy and impact to adjacent uses.	

#	Proposed Language in Draft Amendment	Public Comment	Staff Recommendation	Planning Commission Direction (10/13/15)
25	Section 8.2.B.5	NFPA calls for 10' between stands while County's proposal calls for a minimum of 20' apart. If a stand is 10' wide, then standards may be the same; however, County's standards call for stands to be 15' wide which is wider than the national standard.	I think it should be clear that this effort was intended to develop a provision for allowing for the development of campgrounds in the Rural Zoning district. Typically rural campgrounds would be lower density and smaller than those found in more commercial areas. Staff recommends considering two standards related to the zoning categories (Rural vs GC, RLIC, and IC).	
26	Section 8.2.C.2 "Campground roads that serve more than 300 vehicle trips per day.....15 foot minimum width....."	300 vehicles per day is excessive. Pull-offs are not wide enough to accommodate RVs.	The purpose of the 300 vehicle trips per day standard is to differentiate between the design of the internal campground road that would need to be constructed. Only those serving less than 300 vtpd allow a 12 foot road with three foot pull-off areas.	
27	Section 8.2.D	Parking standards should remain flexible as proposed by the committee. Additional parking and/or surfacing requirements require more land and makes the area appear less rural.	Prior to the Public Hearing, staff had recommended including the language that required the public parking areas near the office or public facilities be required to meet parking standards. This language was included in the version for the Public Hearing but did not come from the committee. It is still staff's recommendation but it could be modified for campgrounds under a certain number of sites.	

<p>28</p>	<p>Section 8.E.3 & E.4:</p> <p>“A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.”</p> <p>“As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus capacity to accommodate any public buildings.”</p>	<p>Requiring a garbage can at each site is excessive. The national standard is for a dump station for every 100 RV sites that do not provide a sewer hookup.</p> <p>NFPA 1194 National Code for RV Parks states “one sanitary disposal station shall be provided for each 100 RV sites....”</p>	<p>The draft ordinance states that a campsite <u>may</u> include trash collection but otherwise sanitary covered trash receptacles must be provided within 500’ of all campsite.</p> <p>Consider increasing the number of RV sites per sewerage dump station.</p>	
<p>29</p>	<p>Section 8.2.F</p> <p>“All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.”</p>	<p>This should be a business decision of the park owner as to the aesthetics of his park.</p>		



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

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Charles Town, WV 25414

www.jeffersoncountywv.org/government/departments/planning-and-zoning-department.html

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zoning@jeffersoncountywv.org

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MEMO

To: Jefferson County Planning Commission

From: Jennifer M. Brockman, AICP
Director of Planning and Zoning

Date: August 11, 2015

RE: Proposed amendment to the Jefferson County Zoning and Land Development Ordinance creating a new Section 8.16 Campgrounds (ZTA 15-02), and Proposed amendments to the Jefferson County Subdivision and Land Development Regulations regarding the development of Campgrounds (STA15-04)

On July 14, 2015, the Jefferson County Planning Commission reviewed the citizen-based committee's recommended language regarding rural campground facility standards and processes for both the Jefferson County Zoning and Land Development Ordinance and Jefferson County Subdivision and Land Development Regulations and staff comments on the same. Attached are the edits made by the Planning Commission at that meeting. The changes were incorporated into the red-lined version being prepared for public input at a public hearing scheduled for September 8, 2015.

This draft version was sent to KOA as a local campground in a commercial zone for feedback related to any significant issues that the proposal may cause. An e-mail response with their comments and questions are also attached behind the final Planning Commission version.

Attachments

- ❖ ZTA15-02 Proposed amendments to Jefferson Co. Zoning Ordinance (redlined for public hearing)
- ❖ STA15-04 Proposed amendments to Jefferson Co. Subdivision Regulations Ordinance (redline for public hearing)
- ❖ Comments received on both ZTA 15-02 and STA 15-04 from KOA

**Proposed Amendment (STA15-04) to
Subdivision and Land Development Regulations
(Effective January 1, 2014)**

C

Campground.

An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of the Zoning Ordinance and relevant sections of these Regulations.

Campsite Pad.

Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

Division 7.0 Mobile/Manufactured Home Parks ~~& Campgrounds~~

Section 7.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

Division 8.0 Campgrounds

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

Section ~~8.27.3~~ Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning

Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering)
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. [West Virginia Regulations pertaining to Campgrounds apply to all facilities.](#)

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~1,500~~ 1,200 square feet not to include road ~~rights-of-way easement~~.
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road ~~right-of-way easement~~.
4. ~~No more than 15 campsites per acre are permitted.~~
5. ~~C.~~ Each campsite shall provide an adequate ~~stand-pad~~ stand-pad for the placement of a camping unit. A campsite ~~padstand~~ shall be at least 15 feet by 25 feet in size, shall be flat, ~~and~~ shall not exceed a 3 percent slope in any direction, and shall be separated from all other campsite pads by 20 feet.

~~No more than one camping unit shall be placed on or above a campsite.~~

~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

~~C.E.~~ Road and Access Requirements

1. Campground roads that serve less than 300 vehicle trips per day shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with 3 foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%
 - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
 - a. May have asphalt or gravel surface

- b. 15 foot minimum width.
- c. Maximum slope 15%
- d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
- e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads—as determined by the County Engineer—within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, *Residential Subdivision with more than 12 lots.*~~

~~F. Roads within a campground that are not main entrance or primary looping roads—as determined by the County Engineer—shall be a minimum of 20 feet wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, *Residential Subdivision with a maximum of 12 lots.*~~

D.G. Parking Requirements

- 1. Campsites accessed by vehicles shall provide one level parking area at each site.
- 2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
- 3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
- 4. Convenient off street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. In the public parking area, each ~~Each~~ parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.

E.H. Sanitation

- 1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
- 2. A campsite may contain any combination of water, sewerage or electrical connections; or trash collection. If not provided at campsites, water and sewerage facilities and sanitary covered trash receptacles must be provided at convenient comfort stations within 500' of all campsites.

~~Each campsite shall be provided with a sanitary, covered garbage can.~~

- 3. I.—A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
- 4. J.—As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed ~~plus 25 percent again to accommodate the tent area (if any)~~, plus capacity to accommodate any public buildings an allowance for a sewerage dump station and a water refill station.

F.K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

- ~~L. Road rights of way in a campground shall be a minimum of 50 feet in width.~~
- ~~M. One-way roads shall be at least 12 feet in width with 3-foot wide gravel shoulders. Drainage ditch lines 1-1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.~~
- N. Fire Pits (if provided) for campsite must be shown on the site plan. A detail of the fire pit must also be provided.
- O. Camping associated with short term, temporary uses, approved by the appropriate Jefferson County board or agency, are not subject to these regulations.

Division 11.0 8.0 – Non-Residential Subdivisions

Section 11.1 8.1 General

Non-residential subdivisions shall be subject to all requirements of the Subdivision Regulations except for those requirements which are specifically intended for residences (e.g. Land for Parks and Schools) as determined by staff.

**Proposed Amendments (ZTA 15-02) to
Jefferson County Zoning and Land Development Ordinance
Amendments adopted by the County Commission, June 1, 2014**

ARTICLE 2: DEFINITIONS

Section 2.2 Terms Defined

Campground²⁷ An area or premises in single ownership operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy, and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of this Ordinance and relevant sections of the Subdivision Regulations.

Campsite or Campsite Pad Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

ARTICLE 8: SUPPLEMENTAL USE REGULATIONS²³

Section 8.16 Campgrounds

Campground facilities provide tourism related accommodations for visitors to Jefferson County. The level of amenities at these facilities can vary greatly in relation to the type of camping facility proposed. Campground facilities may include both commercial and non-profit operations. Campgrounds are identified as Principal Permitted Uses in Appendix C in the General Commercial (GC), Residential-Light Industrial-Commercial (RLIC), Industrial-Commercial (IC) and Rural (R) zoning districts.

A. The following uses are identified as Permitted Uses within a campground:

1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year.
3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground.
5. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
6. A campground shall not be used as a primary residence on either a temporary or permanent basis, except as provided for a caretaker residence.

B. Development Guidelines

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet all of the following setbacks.
 - a. When campsites or amenities are within 1,000' of private property, the perimeter of all campgrounds must be defined by fencing, posting, natural barriers or other methods to prevent unintentional trespass.
 - b. All camp sites shall be located a minimum of 200' from existing residential dwellings.
 - c. All camp sites shall be visually screened from existing residential dwellings within 500'.
 - d. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
 - e. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
2. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.
3. Camp sites may be located within floodplain areas, provided all regulations applying to permanent structures are followed.
4. Campgrounds may be served by well and drain fields in accordance with Jefferson County Health Department regulations.

C. Regulatory Approval

1. Campground uses must submit a Concept Plan and be approved by the Planning Commission pursuant to a public hearing.
2. Upon approval of the Concept Plan a site plan must be processed in accordance with Jefferson County regulations.
3. All state regulations pertaining to the operation and licensing of a campground must be followed.

APPENDIX C: PRINCIPAL PERMITTED USES TABLE^{23, 27}

Land Use	NC	GC	HC	LI	MI	PND ¹	OC	R	RG	RLIC	IC	V	Additional Standards
Commercial Uses Continued													Sec. 8.9
Bail Bond Services	NP	P	P	P	PC	NP	NP	NP	NP	PC	P	NP	
Bank	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
Bank with Drive-Through Facility	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Bar	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Barber/Beauty Shop, Limited	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
Bed and Breakfast	P	NP	NP	NP	NP	NP	NP	P	NP	NP	NP	PC	Sec. 8.3
Business Equipment Sales and Service	PC	P	P	P	PC	P	P	NP	NP	P	P	NP	
Building Maintenance Services	PC	P	P	P	P	P	P	NP	NP	P	P	NP	
Building Materials and Supplies	NP	P	P	P	P	P	NP	NP	NP	P	P	NP	
Campground	NP PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
Car Wash	NP	P	P	P	PC	P	P	NP	NP	P	P	NP	
Commercial Blood Plasma Center	NP	P	P	P	NP	PC	PC	NP	NP	PC	P	NP	
Contractor with No Outdoor Storage	P	P	P	P	P	P	P	NP	NP	P	P	NP	
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Convenience Store, Limited	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
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Country Inn	P	P	P	P	NP	P	P	NP	NP	P	P	PC	
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Dry cleaning and Laundry Services	P	P	P	P	PC	P	P	NP	NP	P	P	PC	
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Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

Rhonda Greenholtz

From: Jennifer Brockman <jbrockman@jeffersoncountywv.org>
Sent: Thursday, August 06, 2015 3:57 PM
To: rgreenholtz@jeffersoncountywv.org
Subject: FW: proposed campground regulations
Attachments: ZTA15-02 Campgrounds revisions for 081115 PC meeting draft72315.rtf; STA15-04 Campgrounds revisions for 081115 PC mtg draft 72315.docx

For the 8/11 PC packet

Jennie Brockman
Director, Planning and Zoning

From: Al Johnson [<mailto:aljohnson@racpack.com>]
Sent: Thursday, August 06, 2015 11:45 AM
To: jbrockman@jeffersoncountywv.org
Cc: Jessie Getman
Subject: proposed campground regulations

Dear Ms. Brockman

Thank you for this opportunity to provide input on your proposed regulations. I am sorry to be later than you requested in your note to Jessie and I hope these comments will be found to be useful.

I have made comments within the proposed documents, attached. In general, I would direct you to the national standard for RV Parks in NFPA 1194. These standards are developed by consensus through a panel of governmental regulators, RV manufacturers, fire professionals, engineers, and park operators. Then they are ratified by the American National Standards Institute (ANSI). As more and more jurisdictions adopt the national standards, campers can be more confident about what they find as they travel around the country and park owners are not left at a competitive disadvantage.

As you will see in the attachments, the length of stay provision is the most damaging and puzzling.

Please let me know if I can provide any other information. Thanks again for the opportunity.

J. Alan Johnson
Executive Vice President



PO Box 295
Hill City, SD 57745

(605) 574-3401 direct line

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**Proposed Amendment (STA15-04) to
Subdivision and Land Development Regulations
(Effective January 1, 2014)**

C

Campground.

An area or premises in single ownership What does “in single ownership” mean? operated as a commercial enterprise, generally providing space in the form of campsite pads for seasonal accommodations for transient occupancy or use by tourists occupying camping units such as trailers, self-propelled campers, tents, cabins and/or lodges. A campground shall be designed for seasonal occupancy, as opposed to permanent year-round occupancy. Occupancy can be year-round without being permanent. Campers are transient guests and are not permanent residents whether they stay a few nights, a few months, or a year. The KOA is open year-round and is designed for winter, as well as summer, occupancy. Some guests come for holidays in the winter and some are simply on the road and need a stopover., and shall not be construed to mean a Mobile Home Park (as defined in this Ordinance). All campgrounds shall comply with the defined uses and regulations in Section 8.16 of the Zoning Ordinance and relevant sections of these Regulations.

Campsite Pad.

Any plot of land within a campground intended for the exclusive occupancy by a camping unit or units under the control of a camper.

Division 7.0 Mobile/Manufactured Home Parks & Campgrounds

Section 7.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 7.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Mobile/Manufactured home parks ~~and campgrounds~~ are subdivisions with special requirements of their own. The provisions of Division 7.0 are in addition to the requirements for subdivisions found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 7.0, then the requirement of Division 7.0 shall apply.

Division 8.0 Campgrounds

Section 8.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 8.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. Campgrounds are developments with special requirements of their own. The provisions of Division 8.0 are in addition to the requirements for subdivisions found in Appendix A and

Appendix B. In the event of a conflict between a requirement of the Appendices and Division 8.0, then the requirement of Division 8.0 shall apply.

Section 8.27.3 Campground Requirements

A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance.

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards:

1. Safe access and egress to state roads (WVDOH, JC Engineering) *but not necessarily direct access*
2. Storm water quality and quantity control (JC Engineering)
3. Erosion and sediment control (WVDEP, JC Engineering)
4. Zoning Ordinance compliance (JC Planning and Engineering)
5. Wells and drain fields (JC Health Department)
6. Public water and sewer (JC Engineering Department, JC Public Service District, WV Health Department)

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If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply. West Virginia Regulations pertaining to Campgrounds apply to all facilities.

B. Dimensional Requirements

1. Campgrounds shall be located on properties a minimum of 10 acres in size and shall meet the setback requirements in Section 8.16 of the Zoning Ordinance.
2. The area of each campsite shall be a minimum of ~~1,500~~ 1,200 square feet not to include road ~~rights-of-way~~ easement. *I get the intent, but there isn't really a road easement within a campground. Maybe it would be better to end the clause after "road".*
3. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road ~~right-of-way~~ easement. *I propose that campground roads be shown in an approved drawing or layout to the planning and zoning department, but not that such roads should be platted, especially since lots are not allowed to be sold anyway.-*
4. No more than 15 campsites per acre *of the total development* are permitted. *Some areas within a park may be more dense while others are more widespread, but this is okay for overall density, ie. 150 sites on ten acres.*
5. ~~C.~~ Each campsite shall provide an adequate ~~stand-pad~~ pad for the placement of a camping unit. A campsite ~~padstand~~ shall be at least 15 feet by 25 feet in size, shall be flat, ~~and~~ shall not exceed a 3 percent slope in any direction, and shall be separated from all other campsite pads by 20 feet. *Size of pad and proximity aside, the slope on a site should be up to the park owner. He needs to please his guests, but that decision is not a planning department concern. For example, a cabin or lodge might fit on an unlevel site and be perfectly pleasing to guests. See some of the cabin sites at the KOA for example.*

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~~No more than one camping unit shall be placed on or above a campsite.~~

~~D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.~~

C.F. Road and Access Requirements

1. Campground roads that serve less than 300 vehicle trips per day shall meet the following standards:
 - a. Existing roads may be used to access campsites without meeting road standards.
 - b. May have asphalt or gravel surface.
 - c. 12 foot width with 3 foot pull-off areas that allow larger vehicles to pass.
 - d. Maximum slope 15%
 - e. Road section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
 - f. No ditches are required, all drainage from campground roads must be managed to prevent erosion.
2. Campground roads that serve more than 300 vehicle trips per day:
 - a. May have asphalt or gravel surface
 - b. 15 foot minimum width.
 - c. Maximum slope 15%
 - d. Paving section to be determined by a geotechnical engineer hired by the applicant. Alternatively the applicant may choose to use standard Jefferson County sections.
 - e. No ditches are required, all drainage from campground roads must be managed to prevent erosion.

~~Main entrance and primary looping roads as determined by the County Engineer within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, Residential Subdivision with more than 12 lots.~~

~~F. Roads within a campground that are not main entrance or primary looping roads as determined by the County Engineer shall be a minimum of 20 feet wide gravel with shoulders and ditch lines are required, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, Residential Subdivision with a maximum of 12 lots.~~

D.G. Parking Requirements

1. Campsites accessed by vehicles shall provide one level parking area at each site.
2. If parking is not provided at the camp site, one space per camp site shall be provided in a common parking area.
3. Public parking shall be provided at the campground office or facilities open to the public in sufficient quantity to serve the users.
4. ~~Convenient off street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. In the public parking area, each~~ Each parking space shall have a minimum dimension of 9 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.

E.H. Sanitation

1. Sanitation facilities shall be provided as required by Jefferson County Health Department and WV State Regulations.
2. A campsite may contain any combination of water, sewerage or electrical connections; or trash collection. If not provided at campsites, water and sewerage

facilities and sanitary covered trash receptacles must be provided at convenient comfort stations within 500' of all campsites. *Or garbage in bags may be picked up at each site daily as a service at the parks option? This is a very common practice.*

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~~Each campsite shall be provided with a sanitary, covered garbage can.~~

3. ~~I.~~ A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility. *The NFPA 1194 National Code for RV Parks states: "One sanitary disposal station shall be provided for each 100 recreational vehicle sites, recreational park trailer sites, and combinations or parts thereof that are not equipped with individual sewer connections." One dump station for each 40 sites within a park is clearly excessive.*

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4. ~~J.~~ As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed ~~plus 25 percent again to accommodate the tent area (if any),~~ plus capacity to accommodate any public buildings ~~an allowance for a sewerage dump station and a water refill station.~~

~~E.K.~~ All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.

~~L.~~ Road rights-of-way in a campground shall be a minimum of 50 feet in width.

~~M.~~ One-way roads shall be at least 12 feet in width with 3-foot wide gravel shoulders. Drainage ditch lines 1 1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.

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1. Campsites, cabins, campers and recreational vehicles sites, which shall not be divided into individual lots for sale.
2. Campground residency shall be limited to 14 overnight stays in any 60 day period and a total of 30 overnight stays per calendar year. I am not sure where this comes from. It is clearly out of step with the industry in general and would be extremely damaging to our business. We have a whole section of the camp for people who stay by the month. They have various reasons: some are full-time RVers who want to explore the area in depth, others have short-term work in the area. Some are staying for medical treatment in the area while others live at the park temporarily while they are building a home in the area. Campers don't establish residency and are all considered transient guests. HUD even specifies that RVs are not considered housing. The campground should determine the length of stay limits, if any, for their guests. Does the county have a similar stay limit for any other types of guest accommodations?

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3. Caretaker residence
4. Shelters, gathering halls, bathhouses, pools, recreational areas and other uses related to the campground. *It might be helpful to specifically include retail stores and food service in this section. Both are very common in modern RV parks.*
5. Campground amenities may be rented out to the general public without the rental of a campsite, however the primary use of the amenity must be for the use and enjoyment of campers.
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 - b. All camp sites shall be located a minimum of 200' from existing residential dwellings. *This seems excessive.*
 - c. All camp sites shall be visually screened from existing residential dwellings within 500'. *Does this 500' screening provision apply to all other commercial uses within the zones? Motels, inns, B&Bs, reswtaurants, etc.? If not, why is this industry singled out?*
 - d. Camp sites within 100' of the Potomac or Shenandoah River shall be limited to tent camping.
 - e. Section 4.13 does not apply to campgrounds, which may be located within 500' of the Potomac and Shenandoah Rivers.
2. All campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance standards.
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Campground	NP PC	P	NP	NP	NP	NP P	NP	P NP	NP	P	P	NP	Sec. 8.16
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Mobile Home, Boat and Trailer Sales	NP	P	P	P	PC	P	NP	NP	NP	PC	P	NP	
Movie Theater	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Nightclub	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	
Non Profit Commercial Uses	P	P	P	P	NP	P	P	NP	NP	P	P	NP	
Non-Profit Community Centers	P	P	P	P	PC	P	NP	P	NP	P	P	NP	
Parking, Commercial Offsite Accessory	NP	P	P	P	P	P	P	NP	NP	P	P	NP	
Pawn Shop Services	NP	P	P	P	NP	P	NP	NP	NP	P	P	NP	

Dr. James G. Gibson
201 Needwood Farm Lane
Harpers Ferry, WV 25425

August 7, 2015

Mr. Steve Stolipher
P.O. Box 338
Charles Town, WV 25414

Dear Steve,

As you are aware, I was on the Campground Committee appointed by the Planning Commission. At this point, the Commission has received a copy of the committee's final recommendations along with the Staff's suggestions and changes. As a reminder, this committee was appointed with the direction to facilitate the location of campgrounds in the rural areas of the County since the current regulations only allowed them in the commercial and industrial areas of the County. I have had an opportunity to review Recreational Adventures Company's (RAC) response to these proposed amendments and I share most of their thoughts. As a matter of fact, their comments and my comments below are very similar on a lot of the topics. Please pay close attention to RAC's proposal as they have experience in this field.

I have looked closely at the final form of the amendments with the Staff suggestions and I believe that there are still some issues that need to be clarified to meet the intent of the Committee's work. Here are some of the issues that I believe should be cleared up before the public hearing is scheduled:

1. The intent of the committee's provisions was to allow existing roads or driveways on farms to be used without any changes to the road. In both ordinances, it is stated that existing roads can be used without being upgraded, but the amendments also state that the campground should have direct access to State Roads. It should be made very clear that existing roads, driveways, easements or rights of way can continue be used to serve the farm, family lots or the existing residences without being upgraded to the new standards. If a campground is only on a certain area of a farm, then it can share the access with the other activities along the farm lane or easement without the need for upgrading. Again, it just needs to be made a bit clearer in the proposal.
2. Regarding cabins, the committee's intent was to allow permanent cabin structures in addition to cabins like the KOA has on their property. This is just a definition issue and can be easily clarified by adding a definition of 'Cabin' to the proposal. However, the Committee's intent was to allow nice cabin structures.
3. In the proposal, there is still a limit on the number of days that a person can stay at the campground. Again, while it is easy to enforce if the campground was in a National Park and everyone was checking in and out using a centralized system, it would be impossible for the County to keep track of the number of days an individual is using a campground in 4 or 5 different campgrounds around the County. The County would have to keep a check-in and check-out ledger/log to keep track of this information. It is an impossible standard to keep track of or to enforce, so it should be removed.
4. The maximum number of campsites per acre should be in the Zoning Ordinance, not the Subdivision Ordinance.

5. The committee's proposal also makes it clear that some of the provisions can be varied by the BZA. The Staff's suggestion is that the BZA can grant variances without specific permission granted to the Board. However, the ordinance does not allow the BZA to grant variances to otherwise prohibited uses. As such, I believe that it has to be clear in the proposed amendments that properties less than 10 acres aren't prohibited if the BZA grants a variance. Therefore, the Committee's proposed language expressly allowing variances to certain provisions should remain.
6. The 10 acre size limitation is proposed to be in both the Site Plan/Subdivision Ordinance and the Zoning Ordinance. It should only be in the Zoning Ordinance so that they are the only body that needs to grant the variance.
7. The Staff suggests making the parking and parking surface standards to remain the same in the existing ordinance. However, I believe that the parking standards should remain flexible as proposed by the Committee. Additional parking and or surfacing requirements require more land and makes the area appear less rural. While it is important that you allow the campgrounds to be located in the Rural Districts, it is also important that that the County doesn't require the clearcutting of the land in order to build paved roads and large paved parking lots to serve the 'rural' campground.
8. The Staff questions the 12 and 15 feet widths of the service roads (if required). If appropriate turn-offs are provided to accommodate an RV or Fifth-Wheel, then this should be more than adequate.
9. One of the biggest problems with the amended proposal is the section on compliance with a list of standards. This section needs fixed before the proposal is sent to public hearing:

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards: The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following;

- 1. Safe access and egress to state roads (WVDOT, JC Engineering)**
- 2. Storm water quality and quantity control (JC Engineering)**
- 3. Erosion and sediment control (WVDEP, JC Engineering)**
- 4. Zoning Ordinance compliance (JC Planning and Engineering)**
- 5. Wells and drain fields (JC Health Department)**
- 6. Public water and sewer (JC Engineering department, JC Public Service District, WV Health Department)**

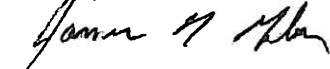
The committee proposed flexible design, however the added red highlighted portion makes the design and County review impossible to predict. If the Engineering Department was reviewing a proposal under this section, they would interpret number 2 to mean that the entire existing SWM section of the ordinance must be met. This provision should either remain flexible, or additional language should be added with the exact standards that a proposal needs to meet.

In summary, I believe that the Planning Commission's goal was to allow campgrounds, by right, in areas outside of the Commercial and Industrial Districts. I also believe that the Commission's intent was to facilitate the location of campgrounds in a way that allowed the Planning Commission and Staff to be flexible in the design of a project. Finally, it would defeat the purpose to require the clearing of all of the trees or building new roads and paving 50 percent of the area to develop a rural campground.

Thank you for opportunity to clarify some of my thoughts as a committee member. As you know, I was also a member of the Envision 2035 Steering Committee and a major goal of the Comprehensive Plan was to support Rural Economic Development and Tourism opportunities. This is a perfect first opportunity to realize that goal. I believe that the proposal needs to be further refined before the Public Hearing. However, if the Public Hearing is planned, then please accept these comments in account during the public process. If it does go to Public Hearing, I will propose specific changes to the amendments.

Please let me know if you have any questions.

Sincerely,



Jim Gibson
304/279-2688

cc: Ms. Jane Tabb, President, County Commission of Jefferson County
Ms. Stephanie Grove, Jefferson County Administrator
Ms. Jennie Brockman, AICP, Director, Jefferson County Planning and Zoning

Dr. James G. Gibson
201 Needwood Farm Lane
Harpers Ferry, WV 25425

September 1, 2015

Mr. Steve Stolipher
P.O. Box 338
Charles Town, WV 25414

Dear Steve,

Please accept this letter and my attached letter dated August 7, 2015 as official testimony for the September 8, 2015 Public Hearing on the proposed Campground Ordinance Amendments. I won't repeat my last letter, but will reduce several to actual amendments to the proposal and bullet points for the remaining issues.

A definition of cabins needs to be added:

"Cabin: A temporary or permanent structure used for purposes expressly permitted in Article X of the Zoning Ordinance and Article Y of the Subdivision and Site Development Ordinance. Cabins are intended for temporary occupancy, not permanent residency; and shall not sleep more than 8 people per cabin. Cabins shall not be sold separately from the parent parcel without further processing under the appropriate land use ordinances in effect at that time. This structure shall at least provide a sleeping and bathroom area with appropriate campground health department approval for water and wastewater services. Any permanent structure shall be built to the current applicable Jefferson County Building Code with the issuance of a building permit. A cabin permitted under the Campground Articles in the Jefferson County Ordinances, shall not need to be located on a separate parcel and multiple cabins can be located on the same parcel as the parent parcel."

Another provision in each of the two proposals that needs to be clarified is the road provision:

Zoning Ordinance:

Proposed Article 8, Section 8.16 B. 2. should be amended (in red) to read:

"All Campgrounds shall have direct access from WV State roads or roads that meet the Jefferson County Subdivision Ordinance Standards. **Existing private Easements/Rights of Ways/Driveways that serve the parent/subject parcel shall be deemed adequate under the first section of this provision.**"

Subdivision Ordinance:

Proposed Division 8, Section 8.2 C(1)a. should be amended (in red) to read:

"Existing roads, **driveways, easements and/or rights of way on the parent or subject property** may be used to access campsites without meeting **any** road standards **found in this or the zoning ordinances.**"

This was the intent of the committee and it should be clarified.

Here is a list of my other bullet points to be clarified in the ordinances:

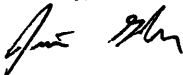
- The KOA/RAC comments are spot on and should be strongly considered;
- Limit on days is unenforceable because there is no ability for the County to monitor;
- Maximum amount of campsites per acre should be in the zoning, not subdivision ordinance;
- The express authorization for waivers and variances should remain in the proposal for clarity;
- The 10 acre provision should only be in the zoning ordinance, since only the BZA can modify it;
- Parking Standards should be flexible and should not require width or pavement standards;
- Narrow road widths should be permitted with appropriate pull-offs, so not to clear cut land;
- The following proposed red provision defeats the flexibility provision, because by the way it is written, the Engineering Department will enforce the full standards of the ordinance:

Campground facilities benefit from flexible design criteria that allow them to preserve and integrate natural features into the site design. All campground facilities shall be designed in a manner which meets the following standards: The use of these private facilities does not post a transferable risk to Jefferson County, whose primary responsibility lies in the requirement to ensure the following;

- 1. Safe access and egress to state roads (WVDOT, JC Engineering)**
- 2. Storm water quality and quantity control (JC Engineering)**
- 3. Erosion and sediment control (WVDEP, JC Engineering)**
- 4. Zoning Ordinance compliance (JC Planning and Engineering)**
- 5. Wells and drain fields (JC Health Department)**
- 6. Public water and sewer (JC Engineering department, JC Public Service District, WV Health Department)**

Please let me know if you have any questions. Thank you for your consideration of my comments.

Sincerely,



Jim Gibson
304/279-2688

cc: Ms. Jane Tabb, President, County Commission of Jefferson County
Ms. Stephanie Grove, Jefferson County Administrator
Ms. Jennie Brockman, AICP, Director, Jefferson County Planning and Zoning

September 14, 2015

Douglas S. Rockwell

P. O. Box 727, Charles Town, WV 25414

Jennifer Brockman, Director

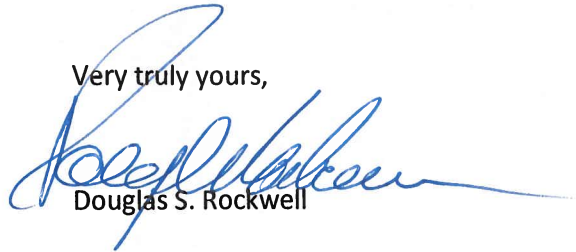
Planning & Zoning Dept. Of Jefferson Co.

Charles Town , WV 25414

Dear Mrs. Brockman,

Enclosed in a text form are the topics I raised at the September 8th meeting of the Planning Commission. My proposals are to Section B of the Zoning Amendments on campgrounds and would eliminate subparagraphs B(1) and (3). The remaining subparagraphs B(2) and (4) should remain in the amendment. There needs to be a difference in the requirements between rural and commercial districts.

Very truly yours,



Douglas S. Rockwell

Attachment

PS. As drafted the proposed Campground regulations would allow a mass gathering (25,000+) "All Good" without a seasonal use permit.

RECEIVED

Sept 14, 2015 ^{AB}

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

RECEIVED

Sept 14 2015 AB

Dated 9/18/15 *8 Dec*

JEFFERSON COUNTY PLANNING
ZONING & ENGINEERING
ROCKWELL PROPOSED CHANGES
Campground Zoning

B. Development Guidelines

1. Density

- a) Campgrounds shall contain a minimum of 10 acres.
- b) Except as herein provided, the area of each campsite shall be a minimum of 1,200 square feet, not to include any road.
- c) Except as hereinafter provided, no more than 15 campsites per acre are permitted.
- d) Except as hereinafter provided, no more than six individuals may use or occupy a campsite in a Rural District.

2. Setbacks and screenings

- a) General Commercial, Residential-Light Industrial-Commercial, and Industrial Commercial Districts.
 - i. The perimeter of campgrounds in these Districts shall be defined by fencing, posting, natural boundaries or other methods to prevent unintentional trespass.
 - ii. All campsites shall be located a minimum of _____ (200') from existing residential dwellings and if within _____ (500') of an existing dwelling shall be screened for visibility, glare and noise.

b) Rural District

- i. All campgrounds shall be located at least 1000' from adjoining property boundaries.
- ii. All campgrounds shall be screened by a planting of trees, shrubs or other plant material, or a fence or both to serve as a barrier to visibility, glare and noise.

3. Campgrounds along the Potomac and Shenandoah Rivers

INTENT One of the stated goals of the Comprehensive Plan-Envision Jefferson County is to promote the conservation of natural resources and preserve the County's

scenic beauty. In furtherance thereof certain provisions of this Ordinance were designed to prevent development along the Potomac and Shenandoah Rivers and to conserve and protect the natural and ecological resources and aesthetic value thereof. It is recognized that limited low activity recreation uses along the rivers may be permitted.

- a) Notwithstanding Section 4.13 of this Ordinance, campgrounds will be allowed along the Potomac and Shenandoah Rivers subject to the following limitations and restrictions with respect to any portion of the campground being within 500' of either said river:
 - i. Only tent camping is permitted in any campsite within the said 500 feet;
 - ii. The area of each campsite shall be no more than 750 square feet. The number of campsites shall be limited to 5 per acre; no more than four individuals may occupy or use a campsite;
 - iii. These campsites may only be used between May 1 and October 31.
 - iv. No above ground structure, building or amenity, other than the aforesaid tents, shall be erected, constructed or allowed within 500 feet of the river.
 - v. A natural vegetative buffer of trees, grasses and other plant materials shall be maintained for a distance of 100 feet from the river. Other than by the forces of nature, no change or alteration of the topography is permitted within 100 feet of the river.
4. Campsites located within 500 feet or within the floodplain of either the Potomac or Shenandoah River must comply with all applicable federal, state and county laws, ordinances and regulations.
5. The provisions of this article are in addition to the ^{Dire}existing County Subdivision and Land Development Ordinance and where in conflict therewith, the most strict provision or requirement shall apply.



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

MEMO

To: Jefferson County Planning Commission

From: David Simon, County Planner

Date: October 13, 2015

RE: Planning Commission Discussion Points Regarding the Mass Event Zoning Ordinance Amendment

Staff has reviewed input from public and community stakeholders over the last two years regarding the proposed mass events Zoning Ordinance amendments and grouped the input into the following categories requiring feedback and decision by the Planning Commission. Once this input is received, staff will make the appropriate edits for the PC to review and forward to the County Commission.

Essentially the Planning Commission needs to decide:

- What a Mass Event is?
- Where a Mass Event Can Occur?
- How a Mass Event is approved?
- What are the Event Standards?

1. What is a Mass Event?

Are there different standards and processes based on:

- Number of Attendees?
- Number of Days?
- Camping Provided?
- Alcohol?

Note: Rural Reception Events are narrowly defined, cannot charge admission, and are smaller than mass events, but have an approval process.

Seasonal Use Permit process still exists and can be incorporated if desired.

2. Where Can a Mass Event Occur?

a. Site Selection

- Options include limiting the types of sites available for locating a Mass Events to the Commercial Districts or to include the Rural District
- Consider limiting the types of sites to those that abut or have direct access to DOH maintained state roads of a certain ROW width

b. Accessibility

- Limit the types of sites to those that abut or have direct access to DOH maintained state roads of a certain ROW width

3. How is a Mass Event Approved?

Note the draft ordinance requires an application with input from a variety of agencies and a public hearing before the BZA. If approved, the Concept Plan is administratively approved.

a. Application process/Costs/Ease of Process

- Written Application time frames – suggestions ranged from submitting at least 45 days in advance to needing 240 days in advance
- Application needs to be thoroughly detailed in information provided by applicant, including approval by relevant agencies:
 - Board of Health (hygiene stations, internal circulation pathways, food service locations, refuse disposal plan, emergency plan);
 - Department of Highways (access and traffic control plan);
 - Sheriff (traffic control plan and law enforcement);
 - JCESA (emergency response and services plan);
 - Planning and Zoning (site layout, setbacks, location of stages, camping areas, etc.)
 - Others?
- Why is there a requirement for bond/letter of credit from bank and financial institution to be within 150 miles? If all banks are backed by the full faith and credit of the govt, wouldn't any established institution be an acceptable source of the LOC?
- What is an appropriate bond/letter of credit amount? Concerns about amount suggested in the ordinance is too low for an event of this size, needs to be more in line with potential costs of County provision of services in light of size of crowd and County staff time used to prepare for event approval and provision of public health/safety services.
- What is considered a reasonable amount of liability insurance for an event of more than 250 attendees with overnight camping on site? Which governing body would legally enforce the requirement for event insurance?

b. Agencies involved in the review

Board of Health

- Setting thresholds of attendees that classify an event as a “Mass Gathering”
- Site habitability – Not in flood plain; well drained location; an area that does not create health hazards for those in attendance

- Provision of basic needs: Standards for potable waters for crowd capacity; refuse pick-up in a timely manner; site clean-up in timely fashion ((X# of refuse/toilets/hand sinks per X # of attendees)

Public Safety

- What is the standard for calculating first responder/emergency personnel based on attendees and other factors (X# of Emer. Personnel per X # of attendees)
- Storm Management and Evacuation Plan that has been reviewed by JeffCoHESM
- There is a finite law enforcement resource in Jefferson County. County law enforcement physically cannot provide sufficient law enforcement for multiple mass gathering events.
- If the event is for adults [not a scout camping event] a sufficient police presence is needed with the event site to ensure safety of patrons and sufficient manpower outside. Hard to codify that into hard number but Sheriff's Office needs to have final approval.

4. What are the Event Standards?

a. Site Size

- Minimum?
- Maximum?

b. Hours of Operation Noise/Light Limits

- Concerns raised regarding acceptable hours of performance; currently hours of amplified music are 10am -3am. Suggestions to reduce hours of amplified sound to end at midnight were suggested.



Jefferson County, West Virginia

Departments of Planning and Zoning

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MEMORANDUM

TO: Planning Commission

FROM: Jennifer M. Brockman, AICP,
Director, Planning and Zoning/Acting Zoning Administrator

DATE: September 9, 2014

RE: Distribution, discussion, and possible action related to input received on the proposed text amendment to the Zoning Ordinance (ZTA14-02) regarding Mass Event Regulations.

At the August 26, 2014 Planning Commission meeting, it was determined that the September 9, 2014 Planning Commission meeting should be dedicated to the discussion of and action on the Envision Jefferson 2035 Comprehensive Plan and that the Zoning Ordinance text amendment related to Mass Events (ZTA14-02) should be put on the October meeting. However, at the County Commission's August 28, 2014, the Commission voted to request that the Planning Commission take action on the draft ZTA14-02 and forward it to the County Commission for their consideration at the next scheduled Planning Commission meeting. Therefore, this item has been added to the agenda.

Attached are all the written comments received before, at or after the Planning Commission Public Hearing as well as the minutes of the Public Hearing (a part of the August 12, 2014 PC Meeting) and a red-lined version of the draft incorporating Mr. Rockwell's comments. We have also attached the original draft provided to the Planning Commission on March 11, 2014 as well as the version for which the August 12, 2014 Public Hearing was held.

On August 21, 2014, a meeting was held between staff and some of the stakeholders that spoke at the Public Hearing to address some of the concerns discussed at that meeting. In essence, the two primary concerns appear to be applicability and clarifying that existing events are grandfathered in. It has also become clear that we either need to retain the provision for "Seasonal Uses" with some added processing criteria or have a multi-tiered Mass Event process so that all events that do not qualify as a Rural Reception Event or agritourism event have a process by which they can be considered for approval. To that end, staff has drafted a potential revision to the definition that may address these concerns, however, there are still gaps in these provisions:

Section 2.2 Terms Defined

Mass Event Any outdoor gathering of more than ~~1000~~ 5,000 people/day (midnight – midnight) on any parcel or contiguous parcels; regardless of the length of time or type of activity, and which involves overnight stay in temporary shelters. A Mass Event may be permitted to occur in the Rural Zoning District or any

commercial zoning district and is prohibited on a property in any residential zoning district provided that it processes according to the requirements of Section 8.16 of this Ordinance.

It should be noted that this definition does not apply if the event occurs entirely within in a lawful permanent structure nor on a property so long as the structure or property has a site plan specifically developed and approved for the purpose of hosting such an event. In addition, this Section does not apply to events conducted by local or state or federal government on land owned by or in which there is an interest by said government body.

Section 4.3 “Nonconforming Use” of this Ordinance applies to the continuation of all activities, festivals and events that legally existed and regularly operated before the adoption the Zoning Ordinance. Further, the expansion clause of Section 4.3 shall not serve to limit the number of attendees allowed at such pre-existing legal non-conforming events, so long as the event occurs entirely within the confines of the existing parcel or structure where it became an otherwise lawful non-conforming use. Any such non-conforming event must follow the requirements of the Ordinance and must also obtain a Zoning Certificate.

Seasonal Use A use that is carried on for not more than a single three day consecutive period in each of the four solar seasons and involving over 1,000 people per day, and not meeting the definition of a Mass Event, a Rural Reception Event or agritourism, as determined by the Zoning Administrator.

It should be noted that this definition does not apply if the event occurs entirely within in a lawful permanent structure nor on a property so long as the structure or property has a site plan specifically developed and approved for the purpose of hosting such an event. In addition, this Section does not apply to events conducted by local or state or federal government on land owned by or in which there is an interest by said government body.

Section 4.3 “Nonconforming Use” of this Ordinance applies to the continuation of all activities, festivals and events that legally existed and regularly operated before the adoption the Zoning Ordinance. Further, the expansion clause of Section 4.3 shall not serve to limit the number of attendees allowed at such pre-existing legal non-conforming events, so long as the event occurs entirely within the confines of the existing parcel or structure where it became an otherwise lawful non-conforming use. Any such non-conforming event must follow the requirements of the Ordinance and must also obtain a Zoning Certificate.

Section 8.16 Mass Event Regulations (proposed language)

A Mass Event ~~is any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. Such event shall may~~ be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

Section 9.8 Seasonal Uses

Seasonal uses must be ~~approved~~ considered for approval by the Board of Zoning Appeals pursuant to a public hearing, approval of required permits by the Board of Health, the WV Department of Highways, a Traffic Control Plan in conjunction with the Sherriff's Department, and further requiring the submission of a Concept Plan in accordance with Section 8.16B for administrative review and approval. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.

This request is on the agenda for the purposes of discussion and to request that the Planning Commission schedule a Public Hearing on this Ordinance at the August 12, 2014 Planning Commission meeting.

Please note that once referred to the County Commission, they will also be required to hold a separate Public Hearing prior to making final revisions.

Attachments:

- 3-11-14 Original Draft
- 8-12-14 Public Hearing draft

**PROPOSED AMENDMENTS TO THE ZONING ORDINANCE
RELATED TO MASS EVENTS (ZTA 14-02)**

DELETE THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

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

~~**Section 9.8 Seasonal Uses^{5,7}**~~

~~Seasonal uses must be considered by the Board of Zoning Appeals pursuant to a Public Hearing. Newspaper notification requirements of Section 3.4A.3.b apply. Seasonal uses cannot be approved for longer than one year at a time.^{17,21,}~~

ADD THE FOLLOWING SECTIONS:

Section 2.2 Terms Defined

Mass Event Any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. A Mass Event may be permitted to occur in the Rural Zoning District or any commercial zoning district and is prohibited on a property in any residential zoning district.

Section 8.16 Mass Event Regulations

A Mass Event is any outdoor gathering of more than 1000 people on any parcel; regardless of the length of time or type of activity. Such event shall be permitted to occur in the Rural Zoning District or any Commercial Zoning District, provided that it processes according to the following requirements:

- A. Approval of all Mass Events shall require the submission of an application and Public Hearing before the Board of Zoning Appeals, in accordance with the following criteria:
 - 1. Each Mass Event must be the subject of separate application and Public Hearing.
 - 2. Any application must be submitted by and with the original signature of all persons or entities with ownership interest in the parcel on which the event is proposed.
 - 3. Each Mass Event application shall require a Public Hearing before the Board of Zoning Appeals at least 180 days in advance of the planned event. The application fee for said hearing shall be based on the projected number of attendees and whether participants may spend the night at the event:

a. 1,000 – 2,000 attendees	\$200
b. 2,000 – 5,000 attendees	\$300
c. 5,000 – 10,000 attendees	\$400
d. Over 10,000 attendees	\$500
 - 4. In addition to the application fee for the Board of Zoning Appeals hearing, the applicant for any Mass Event must post a Letter of Credit (LOC) or Cash-in-Escrow Bond, payable to the Jefferson County Commission, from a bank or financial institution within a 150 mile radius of Charles Town, WV, to cover any unexpected costs to the County related to the Mass Event, based on the sliding scale below. Said LOC or Cash Bond shall be posted after

approval by the Board of Zoning Appeals, but at least 45 days in advance of the event and shall be submitted as an additional condition of the issuance of a zoning certificate.

- | | |
|---------------------------------|--------------|
| a. 1,000 – 2,000 attendees/day | \$2,000/day |
| b. 2,000 – 5,000 attendees/day | \$5,000/day |
| c. 5,000 – 10,000 attendees/day | \$10,000/day |
| d. Over 10,000 attendees/day | \$15,000/day |

The applicant shall be required to meet with County staff, including representatives of legal, finance, planning, zoning and the agencies referenced in Subsection 6 below, within 60 days of the close of the event to discuss any issues or concerns with the event and to determine if there were any unexpected costs to the County. Each agency referenced in Subsection 6 and any other County or Regional agency which incurred costs related to the Mass Event shall provide a full accounting of costs incurred and a letter of release stating that all of their costs had been reimbursed by the applicant, which shall be provided at the 60-day meeting. Any unexpected costs to the County related to the Mass Event which were not paid by the applicant shall be chargeable against the bond required to be posted herein. After 90 days, the applicant may request the return of any remaining value to the Letter of Credit (LOC) or Cash Bond, which shall require action of the County Commission.

5. The Public Hearing must comply with notice requirements of the Zoning Ordinance. In addition, the applicant must send written notice and a copy of the application first class mail postage pre-paid to all adjoining land owners and all land owners within 1000 feet with land fronting on any proposed access route.
6. The following supplemental site preparedness information shall be addressed and shall accompany the application prior to the Board of Zoning Appeals Public Hearing:
 - a. Applicant for Mass Event must consult with local law enforcement, EMS/Fire, 911 agencies, a licensed garbage removal company, and a licensed towing company. The applicant shall develop a written agreement with and a contract to cover all costs of said agencies which satisfy their public safety and clean up or maintenance concerns. Such written proof of said agreements and each signed contract shall be submitted with the application for consideration at the Public Hearing required herein and, again, prior to issuance of a Zoning Certificate if the hearing is greater than 270 days prior to the event.
 - b. Applicant for the Mass Event must have and submit with the application written approval from the County Health Department for the provision of adequate potable water and proper sanitation facilities for the event. Applicant will also contact the WV Division of Highways to inform them of the proposed temporary event/use and discuss any traffic control and entrance concerns they might have with the proposed temporary activity. Applicant shall submit a signed letter of agreement from both the County Health Department and the WV Division of Highways with the application for consideration at the Public Hearing required herein and, again, prior to issuance of Zoning Certificate if the hearing is greater than 270 days prior to the event.
 - c. The applicant shall provide written proof of appropriate general commercial liability insurance coverage which specifically covers the Mass Event based on the following sliding scale:

i. 1,000 – 2,000 attendees/day	\$500,000
ii. 2,000 – 5,000 attendees/day	\$750,000
iii. 5,000 – 10,000 attendees/day	\$1,000,000
iv. Over 10,000 attendees/day	\$2,000,000

The Board of Zoning Appeals may take into consideration any past Mass Event on the same parcel by the same applicant in considering whether to grant the application and/or additional conditions or restrictions placed upon the event.

7. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant must also submit a Concept Plan in accordance with the requirements found below, which shall be administratively reviewed and approved.
 8. During the event, any violation of the requirements of this section of the Ordinance and/or any violation of additional terms and conditions set by the Board of Zoning Appeals will result in imposition of a fee equal to the additional Event Fee for every hour in which a violation occurs for each restriction that is violated. In addition, the County may seek other legal and equitable relief.
- B. If approved by the Board of Zoning Appeals, in addition to all other permits and agreements required, the applicant shall submit a Concept Plan, in accordance with the Minor Site Plan Process, for administrative review and approval, and in accordance with the requirements found below:
1. The Concept Plan shall be to scale; on a 24”x36” sheet; showing appropriate areas for parking, performance areas, bathrooms, food, concessions, public entrance, separate emergency entrance, area for on-site stacking of vehicles for admissions processing, garbage collection area, location of performance lighting and amplification, and any other information required by planning or engineering staff at the Public Hearing at least 120 days before the event. The Concept Plan shall also show all structures located on neighboring properties with 500 feet of the property upon which the Mass Event is proposed to occur.
 2. Staff will review the application and Concept Plan for completeness within 10 days of receipt.
 3. There will be a 30 day period for staff to review the application and the Concept Plan once the application is deemed complete. Staff shall approve any application and Concept Plan that meet the requirements of all applicable laws, ordinances and regulations and shall reject any application that fails to meet the requirements of all applicable laws, ordinances and regulations.
 4. A Mass Event shall meet the following site requirements and such requirements will be depicted on the Concept Plan:
 - a. A setback of 500 feet from the property line is required for any performance area;
 - b. A setback of 250 feet from the property line is required for any area in which camping is permitted;
 - c. A setback of 250 feet from the property line is required for all dumpsters and trash collection areas;

- d. A setback of 50 feet from the property line is required for all parking areas, provided that all parking areas meet a minimum distance requirement of 250' from any structures on adjoin properties; and
 - e. A setback of 250 feet from the property line is required for any alcohol, food, or other sales or concessions.
 - f. Any variance from these requirements shall be included in the Mass Event Application and shall process a Variance application which shall be presented to the Board of Zoning Appeals for their approval.
5. A Mass Event is subject to the following conditions and restrictions and such notes shall be placed on the Concept Plan:
- a. No outdoor amplified performances after 3 a.m. or before 10 a.m. (amplified announcements are permitted).
 - b. No outdoor performance lighting after 3 a.m. or before 10 a.m.
 - c. All sale of alcohol shall be regulated by the West Virginia Alcohol Beverage Control (ABC) Administration.
 - d. No Mass Event may last more than four days, including attendee arrival and departure dates. Only one Mass Event may occur per year on any given parcel or a portion of any given parcel.
 - e. All lighting and all sound shall be aligned so as to minimize impact on nearby residents and shall conform to the requirements of Section 8.9 of the Jefferson County Zoning and Land Development Ordinance.
 - f. Mass Event site shall provide ample potable water supply and proper sanitation facilities.
 - g. All trash shall be removed daily.
 - h. Any variation from these requirements shall be included in the Mass Event Application which is presented to the Board of Zoning Appeals for their approval.
6. Upon approval of the Mass Event by the Board of Zoning Appeals and administrative approval of the Concept Plan, an application for a Zoning Certificate, signed by the applicant and the landowner(s), shall be submitted a minimum of 60 days prior to the Mass Event and all LOC or Bond documents as well as proof of liability insurance shall be submitted with the Zoning Certificate application. The Zoning Certificate for a Mass Event shall be reviewed and issued within 30 days of submission of a complete application.



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

MEMO

To: Jefferson County Planning Commission

From: Jennifer M. Brockman, AICP
Director of Planning and Zoning

Date: October 13, 2015

RE: Proposed amendment to Article 12 Appendix C, Section 12.3 Procedure for Map Amendment by Petition, to conform to WV Code 8A

Planning and Zoning staff met with Legal staff to determine the edits that are required to Section 12.3 of the Jefferson County Zoning and Land Development Ordinance "Procedure for Map Amendment by Petition" to ensure conformity to the requirements of WV Code 8A. In particular edits need to clarify that petitions may be submitted to either the Planning Commission or the County Commission and that the required Public Hearing can be held by either body.

A few legal nuances need to be researched and clarified prior to the development of a proposed amendment for consideration by the Planning Commission. This draft amendment should be available for review and input at the November Planning Commission meeting.

Section 12.3 Procedure for Map Amendment by Petition²⁵

A. Map Amendments by Landowners

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

The procedure for processing a map amendment petition to change the zoning map designation of a property to the Planned Neighborhood Development district shall also include the applicable requirements of Article 5.²⁷

Petitions for a map amendment initiated by landowners shall be submitted to the Planning Commission and shall contain the following information:

1. Substantiation for the request
2. Tax District, Map and Parcel number
3. Deed Book reference
4. Plat or sketch pursuant to Section 7.4B
5. Tract size
6. Discussion on:
 - a. Comprehensive Plan compatibility of the proposed change.
 - b. Any change of transportation characteristics and neighborhood from when the original ordinance was adopted.^{17, 21, 27}
7. A petition for a map amendment to change the zoning designation for a property to the Planned Neighborhood Development (PND) district shall include a Preliminary PND Plan for the subject property. The submittal review process for a Preliminary PND Plan is described in Article 5 of this Ordinance.²⁷

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

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



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

Director's Report Planning Commission Meeting October 13, 2015

1) Status of Planning Commission Ordinance and Regulations Amendments:

- a) Major and Minor Subdivision and Site Plan Process
 - i. Public Hearing – October 13, 2015
- b) Mass Events Ordinance (#ZTA 14-02)
 - i. Follow up discussion – October 13, 2015
- c) Article 12 Zoning Ordinance
 - i. Legal finalizing proposed amendment
- d) LESA/Conditional Use and Cluster Subdivision Provision Modifications
 - i. Staff requires additional time to prepare a document for Legal which highlights which sections of the Ordinance will require amending so that Legal can determine the notice requirements of the state law and work with the County Commission to determine the appropriate next steps
 - ii. Planning Commission should consider hosting a workshop with representatives of the agricultural community to collaborate on the proposed amendments recommended by the *Envision Jefferson 2035 Comprehensive Plan*
- e) Historic Resource Demolition and Adaptive Reuse
 - i. Staff met with representatives from the building department for input regarding the requirements of State law pertaining to demolition of and adaptive reuse of historic resource sites – research is underway
- f) Other Text amendments needed:
 - i. Parking Standards – tentative timeframe?
 - ii. Landscape Standards – tentative timeframe?
 - iii. Signage – tentative timeframe?

2) Upcoming PC meetings

- a) Next regular Planning Commission Meeting: **November 10, 2015**

September 18, 2015

Maral P. Strathearn

4838 Bakerton Road

Harpers Ferry WV 25425

Jefferson County Commission

P.O. Box 250

Charles Town WV 25414

Dear Members of the Commission:

I recently learned that the Planning Commission was seeking public comment on the wisdom of permitting camp grounds in "rural" areas of the county. I would like to inform the Commission and the planning office that my husband and I oppose any expansion of the "camping/outfitting" business in areas other than those currently designated as open to commercial/industrial activity.

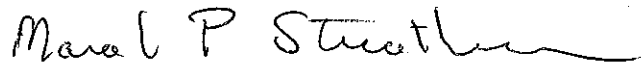
First, truly "rural" areas are increasingly difficult to find in Jefferson County as scattered development surrounds a few surviving farms and orchards or smaller plots that owners have elected, often at considerable expense, to preserve as natural areas. To now inflict further pain on the very people who have sought responsible land use in the county would be unfortunate.

Second, one would have to be a troglodyte to not recognize the weekend frenzy that grips the area. Route 340 is clogged with residents trying to accomplish their weekend chores, folks coming to "Wild and Wonderful" West Virginia to let off steam and the endless stream of trucks, RVs and other vehicles taking the 340 cut-off to I-81. Summer weekends in the so-called rural area we live in (Bakerton Road between Harpers Ferry and Shepherdstown) resound with endless fireworks, shooting on front yard shooting ranges, traffic from "outfitters" dumping thousands of human rubber ducks in the Potomac and the perpetual parade of motorcycles roaring back and forth on the winding and scenic road. On the river, recreational watercraft, far larger and noisier than anything imagined a few years ago, go round and round in the small pools of the Potomac that can handle them. Even the air above is rent with noise and an increased chance of tragedy as more and more small planes fly low level, illegal "strafing" runs in the Potomac River prism.

Third, too often the County approves activity subject to regulations that it then fails to enforce. Just one example is the presence of trailers/campers in the Potomac River flood plain. Under the law, these vehicles are supposed to be kept roadworthy and moved periodically. Not the case! I am aware of two that have not been moved in several years and one that almost washed away during a recent very modest high water incident. I also doubt any effort is made to monitor and enforce potable water and septic waste treatment standards for these trailer/campers.

Why more camp grounds? Job creation would be minimal and seasonal. Demands for services would likely exceed revenue to fund them. In the long run, promoting manufacturing, transport and agriculture would make far more sense than bringing nomads and their shoebox trailers/RVs to the area. Take a run up Route 9. Is the Nakoma Campground the future? I hope not!

Sincerely,

A handwritten signature in cursive script that reads "Maral P. Strathearn". The signature is fluid and extends across the width of the text area.

Maral P. Strathearn

From: [Jennifer Brockman](mailto:Jennifer.Brockman)
To: planningdepartment@jeffersoncountywv.org; [Zoning Department](#)
Subject: Fwd: Campgrounds in rural areas
Date: Wednesday, September 30, 2015 7:32:07 AM

Sent from my iPhone

Begin forwarded message:

From: Cathy <winterscat@aol.com>
Date: September 29, 2015 at 11:20:34 PM EDT
To: commissionerpnoland@gmail.com, ebell@jeffersoncountywv.org,
walterpellish@mac.com, dmanuel@frontiernet.net,
vinemont@frontiernet.net
Cc: jbrockman@jeffersoncountywv.org
Subject: **Campgrounds in rural areas**

Dear Commissioners,

Soon you will be considering a change in county regulations that would allow campgrounds in the planning district that is designated as rural. Specificity is necessary when making a change of this magnitude such as "in a farm on a major road or other primary road that traverses rural areas". Many roads in Jefferson County cannot support RV traffic and would be dangerous and trying for locals when there are no shoulders, few safe passing areas, bottoming out low spots, etc. Also, police and EMT support takes sometimes 25 minutes or more.

Campgrounds are not what you probably remember as a

child
if your family camped. Most campgrounds offer accessory
businesses and
activities. If you look up KOA campgrounds you will find
miniature golf, movies,
meeting points for motorcycle clubs, access points for
other activities and
clubs, stores, food service, swimming pools, laundromats,
it is a long and
varied list. Campgrounds are very commercial. People
seek out rural areas for
its rural character which usually doesn't include traffic
and commercial
businesses.

The baby boomers are retiring and buying RV's and
traveling.
Approximately 10% of baby boomers owned or rented an
RV in 2010. Gas prices are
down and it seems like the prospect for lower gas prices
is good going forward
and a boom in RV buying is happening. RV's are second
homes. The letter received
from the Harpers Ferry KOA is a case in point. They state
that they have clients
that want to stay for as long as a year!

I would suggest that campgrounds in rural areas require
a CUP unless very specific conditions are met to protect
the safety of locals, our ground water , roads and natural
resources.

Cathy Vance

FOR INCLUSION IN THE COMMISSION PACKET

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OCT 07 2015

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

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JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Citizen's Communication re: Proposed Campground
Amendment (CA), October 13, 2015

At the September 22, 2015 Planning Commission meeting regarding the Proposed Mass Gathering Ordinance (MGO), at least two members correctly commented that an ordinance should not be recommended to the County Commission directed at one specific person or entity. Yet that is EXACTLY what is happening with respect to a proposed Campground Amendment. It has been drafted and is being promoted by special interests. That is why the Planning Commission needs to wipe the slate "clean" and go back to the "drawing boards" for a new draft by a committee selected after public notice of intent to appoint and application by persons without a private agenda.

As background, it is necessary to know that at various meetings, including the recent after-action meeting, Walther and Ms. Contento (i.e., All Good) complained bitterly about all the "hoops" they had to jump through and how the delays cost them money.

Secondly, it is important to understand that Messrs. Walther, Stolipher and Dyck are working this perceived problem of Walther's from several angles, i.e., the MGO and the Campground Amendment.

Although All Good is not mentioned anywhere in either legislation, it is important when reading them to put them in the context of the All Good event. All Good was a "camp out" as well as a music festival.

IN TERMS OF ALL GOOD'S, DYCK'S AND STOLIPHER'S STRATEGY, THE TWO PIECES OF LEGISLATION ARE TIED TOGETHER IN THE SENSE THAT THEY ARE BOTH DESIGNED TO RELIEVE ALL GOOD OF THE MANY REQUIREMENTS IT FINDS OBJECTIONABLE. WHICHEVER ONE GETS ENACTED FIRST, THEY WILL GO WITH AND THE OTHER ONE WON'T BE NEEDED BECAUSE THEY WILL HAVE ALREADY BEEN RELIEVED OF ANY EXACTING REQUIREMENTS (to protect the citizens of our County). NOTHING should be done as to Campground Amendments UNTIL a Mass Gathering Ordinance with real "teeth" is enacted.

The proposed Campground Amendments to both the Zoning Ordinance & Subdivision Ordinances are a prime example of the above.

1) campgrounds are defined as a "commercial enterprise" & are not allowed under the present ordinances in the Rural Zoning District (see Appendix C-"NP" meaning "not permitted" is to be changed to "P", meaning "permitted"). The new Amendments would permit it in the Rural District without even so much as a conditional use permit (which has some fairly extensive preconditions, including a neighborhood compatibility assessment as per section 7.6).

2) campgrounds must be a minimum of 10 acres & campsites a minimum of 1200 sq. ft., with a limit of 15 campsites per acre. There is NO LIMIT on:

Citizen's Communication - page 2

- the maximum size of a campground (the Stoliphers give Walther use of 297 acres in the Venue License Agreement);
- the maximum size of a camp site (with at least 42,000 sq. feet in an acre, a promoter would have 24,000 sq. feet left over [$1,200 \times 15 = 1,800 - 42,000 = 24,000$] & could thus increase the size of the 15 campsites to 2,800 sq. feet each (think of the size of your house square footage-wise);
- worse, THERE IS NO LIMIT ON THE NUMBER OF CAMPING UNITS (tents) PER CAMPSITE;
- even worse THERE IS NO LIMIT ON THE NUMBER OF PEOPLE PER CAMPSITE (so, for example, if there were 200 acres of the 297 acres devoted to campsites with 150 people per acre, that gets Walther to his 30,000 attendees he wants with just 10 people per campsite with the 15 campsites per acre!
- and the ultimate accommodation to All Good, THERE IS NO MINIMUM NUMBER OF DAYS FOR WHICH A CAMPGROUND CAN BE OPEN (fits Walther's plan for a 5-day event to a "T"!
- it allows campground amenities, recreational areas to be rented to the public, e.g., Stolipher to Walther (as has been done in the Venue License Agreement).

In short, if this new Campground Amendment is passed, All Good would no longer (1) need a Seasonal Use Permit; (2) have a limit on the number of days for the event or the number of attendees; (3) would be free of governmentally imposed conditions!!

Not incidentally:

A) Walther's representative, Mark Dyck, was on the citizen's committee to make recommendations re: these amendments, the meetings were held in his office and he drafted the amendments;

B) on May 15, 2015, the County Commission signed into law Section 24.300 of the Subdivision Ordinance entitled "Waivers". See page 75 of the Jefferson County Subdivision Ordinance. This section allows waiver of any requirements of the Subdivision Ordinance based upon a number of vague, indeed nebulous, criteria (as in, it's in the eye of the beholder, so to speak). Coincidentally, the Planning Commission deals with the Subdivision Ordinance while the BZA deals with the Zoning Ordinance.

This barely scratches the surface, but I hope it is enough to alert the Planning Commission to some of what's going on.

Recently, I sent a detailed second FOIA request to the Planning Commission. I received a lot of documents in response (including about 118 pages of e-mails). Steve Stolipher's and Mark Dyck's "footprints" are all over them. It is clear that they are working both the MGO and the CA hard for the benefit of Steve's family and Mark's client, All Good.

For example:

1) Although he is a non-voting member of the committee appointed to make recommendations to the Planning Commission re: a Campground Amendment, Mr. Stolipher clearly takes an active role in dictating provisions of the proposal important to his family. Asst. Pros. Atty. Lehman recommends that a campground be allowed in the Rural District only as a Conditional Use (e-mail page 67 attached hereto), which among other things requires a neighborhood compatibility assessment, but Mr. Stolipher snaps back (e-mail page 68 attached hereto) that "The new camp ground (sic) ordinance is expected to be a principal permitted use in the Rural District."

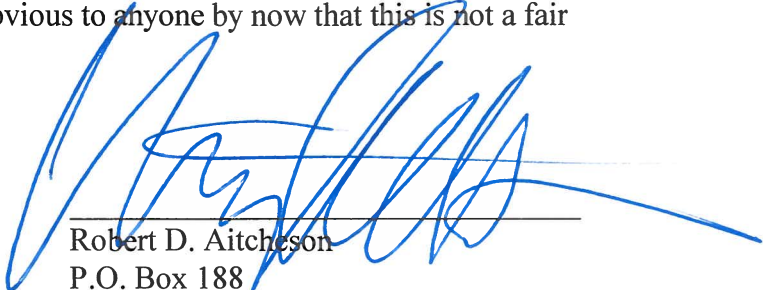
2) The e-mails confirm that Mark Dyck, whose client is Walther, drafted the ordinance and made the periodic changes to it. Further, they confirm that the meetings were held in Mr. Dyck's office even though there is a conference room in the Mason Building where the Planning Commission and BZA offices are located.

I could go on and on but it should be obvious to anyone by now that this is not a fair fight!

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OCT 08 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING



Robert D. Aitcheson
P.O. Box 188
Rippon, WV 25441
304-582-1997

From: Mark Dyck
To: Steve Stolipher; jennie brockman; planningdepartment@jeffersoncountywv.org
Subject: RE: Campground Committee submission
Date: Tuesday, April 21, 2015 3:15:05 PM

Legal review.

Conditional Use Permits – the ordinance currently allows campgrounds in all districts as a conditional use. There is no modification needed to allow this. The purpose of the committee was to draft an ordinance that did not require a conditional use permit.

Zoning Ordinance Revision – as discussed in the original memo the primary question is whether the BZA has any ability to approve special exception uses. This will require a review of 8a to determine the powers granted to the BZA. If this is the route taken additional changes will be needed in the zoning ordinance to define the process and requirements of a special exception.

Given the challenges associated with permitting special exception I would recommend that campgrounds be permitted in the rural district as a limited use governed by a specific section of the zoning ordinance. This section is what was written by the campground committee.

From: Steve Stolipher [mailto:stevestolipher@hotmail.com]
Sent: Tuesday, April 21, 2015 10:58 AM
To: jennie brockman; planningdepartment@jeffersoncountywv.org; Mark Dyck
Subject: FW: Campground Committee submission

FYI see below from Legal

From: lehman@jeffersoncountywv.org
To: stevestolipher@hotmail.com
Subject: RE: Campground Committee submission
Date: Tue, 21 Apr 2015 10:48:51 -0400

I believe the best approach is to amend the Zoning Ordinance to allow campgrounds as either a principal permitted use in the rural districts or alternatively to allow campgrounds as a conditional use thus requiring a CUP.

Thanks, Lydia

From: Steve Stolipher [mailto:stevestolipher@hotmail.com]
Sent: Monday, April 20, 2015 9:03 PM
To: lehman@jeffersoncountywv.org
Subject: Fwd: Campground Committee submission

Lydia,

Can you provide clarification from the below attached email.

The new camp ground ordinance is expected to be a principal permitted use in the Rural District.

Thanks

Steve

Sent from my iPad

Begin forwarded message:

From: Mark Dyck <mdyck@gordon.us.com>

Date: April 20, 2015 at 4:16:08 PM EDT

To: Jennifer Brockman <jbrockman@jeffersoncountywv.org>, 'Planning Department' <planningdepartment@jeffersoncountywv.org>

Cc: "MShepp@alleghenysurveys.com" <MShepp@alleghenysurveys.com>, "ttschiltz1@comcast.net" <ttschiltz1@comcast.net>, "WBishop@midatlanticcontracting.com" <WBishop@midatlanticcontracting.com>, "jbgibson@crosslink.net" <jbgibson@crosslink.net>, "annette.gavin@jccvb.com" <annette.gavin@jccvb.com>, "stevestolipher@hotmail.com" <stevestolipher@hotmail.com>, "dpmarcus@yahoo.com" <dpmarcus@yahoo.com>, 'RandyRoo' <rcrell@gmail.com>, "ghetzell@citlink.net" <ghetzell@citlink.net>

Subject: RE: Campground Committee submission

Special Exception – there is no provision in the zoning ordinance relating to special exception uses, and no direct reference to special exceptions in State Code. While I think that the BZA would be an appropriate body to review a campground application I don't know how this would work. The BZA has some constraints in their approval of applications that makes things legally difficult. I think if the BZA has approval authority it will be challenged as a exception of the use requirements which can only be done through a conditional use permit.

If your legal counsel feels they can approve special exceptions that would be fine.

The alternative would be to require the approval as follows

1. List campgrounds as a permitted conditionally under the Rural District (this would still need to be done for BZA approval)
2. Refer to the new section, require a concept plan approval after a public hearing by the Planning Commission as noted in the section.

October 7, 2015

Douglas S. Rockwell

P. O. Box 727

Charles Town, WV 25414

Jennifer Brockman, Director

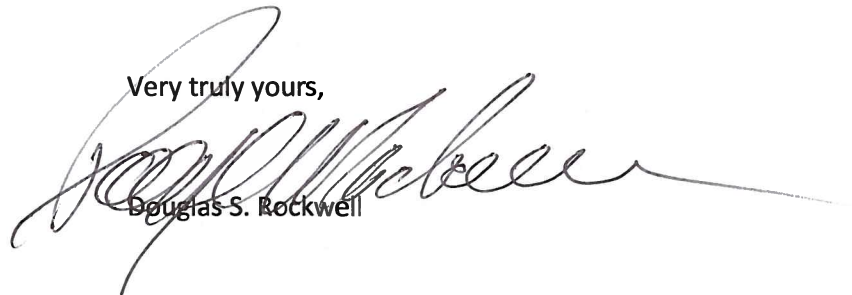
Planning & Zoning Dept. of Jefferson Co.

Charles Town, WV 25414

Dear Mrs. Brockman:

Enclosed is a revision of the changes I had proposed on Sept. 8, 2015 which I have marked No. 2. As a result of this modification and revision, the existing paragraph B in the proposed zoning amendment on campgrounds should be deleted. Please include this revision in each planning Commissioner's packet for the upcoming meeting. Thank you.

Very truly yours,



Douglas S. Rockwell

Attachment

RECEIVED

OCT 07 2015

JEFFERSON COUNTY PLANNING,
ZONING & ENGINEERING

Dated 10/7/15

No. 2

ROCKWELL PROPOSED CHANGES
Campground Zoning

B. Development Guidelines

1. Density

- a) Campgrounds shall contain a minimum of 10 acres.
- b) Except as herein provided, the area of each campsite shall be a minimum of 1,200 square feet, not to include any road.
- c) Except as hereinafter provided, no more than 15 campsites per acre are permitted.
- d) Except as hereinafter provided, no more than six individuals may use or occupy a campsite in a Rural District.

2. Setbacks and screenings

- a) General Commercial, Residential-Light Industrial-Commercial, and Industrial Commercial Districts.
 - i. The perimeter of campgrounds in these Districts shall be defined by fencing, posting, natural boundaries or other methods to prevent unintentional trespass.
 - ii. All campsites shall be located a minimum of _____ (200') from existing residential dwellings and if within _____ (500') of an existing dwelling shall be screened for visibility, glare and noise.

b) Rural District

- i. All campgrounds shall be located at least 1000' from adjoining property boundaries.
- ii. All campgrounds shall be screened by a planting of trees, shrubs or other plant material, or a fence or both to serve as a barrier to visibility, glare and noise.

3. Campgrounds along the Potomac and Shenandoah Rivers

INTENT One of the stated goals of the Comprehensive Plan-Envision Jefferson

County is to promote the conservation of natural resources and preserve the County's scenic beauty. In furtherance thereof certain provisions of this Ordinance were designed to prevent development along the Potomac and Shenandoah Rivers and to conserve and protect the natural and ecological resources and aesthetic value thereof. It is recognized that limited low activity recreation uses along the rivers may be permitted.

- a) Notwithstanding Section 4.13 of this Ordinance, campgrounds will be allowed along the Potomac and Shenandoah Rivers subject to the following limitations and restrictions with respect to any portion of the campground being within 500' of either said river:
 - i. Only tent camping is permitted in any campsite within the said 500 feet;
 - ii. The area of each campsite shall be no more than 750 square feet. The number of campsites shall be limited to 5 per acre; no more than four individuals may occupy or use a campsite;
 - iii. These campsites may only be used between May 1 and October 31.
 - iv. No above ground structure, building or amenity, other than the aforesaid tents, shall be erected, constructed or allowed within 500 feet of the river.
 - v. A natural vegetative buffer of trees, grasses and other plant materials shall be maintained for a distance of 100 feet from the river. Other than by the forces of nature, no change or alteration of the topography is permitted within 100 feet of the river.
4. Campsites located within 500 feet or within the floodplain of either the Potomac or Shenandoah River must comply with all applicable federal, state and county laws, ordinances and regulations. No structure with walls shall be erected or placed in a floodplain.
5. The provisions of this article are in addition to the County Subdivision and Land Development Ordinance and if in conflict therewith, the most strict provision or requirement shall apply.
6. All campgrounds shall have direct access from WV state roads or roads that meet the Jefferson County Subdivision Ordinance standards. Campgrounds shall only be located on lands which are adjacent ~~to a primary (or four lane) or secondary road.~~ to a primary (or four lane) or secondary road.