



## Agenda

### Jefferson County Planning Commission

Tuesday, November 12, 2024 at 7:00 PM

**By order of the President of the Jefferson County Planning Commission,  
Public Participation is available in-person only.  
The meeting will be broadcast live via ZOOM for viewing purposes only.**

**In-Person Meeting Location:** County Commission Meeting Room located in the lower level of the Charles Town Library (side entrance on Samuel Street)  
200 East Washington Street, Charles Town, WV 25414

**ZOOM Broadcast Information\*:** Meeting ID: 830 0882 1278  
Meeting Link: <https://us02web.zoom.us/j/83008821278>

*\*If watching live broadcast, please ensure your microphone is muted and be mindful that your video is streaming to others.*

1. **Approval of Meeting Minutes:** October 8, 2024 meeting
2. **Request for postponement**

**The following items are open for public comment**

3. **Public Workshop:** [REDACTED] Concept Plan for a Major Site Development. The proposal consists of the following: Phase 1: a 304,000 square foot water bottling facility with associated parking on a proposed 30-acre parcel; and, Phase 2: a 696,000 square foot water bottling facility with associated parking on a proposed 66-acre parcel. The proposal will include the required stormwater management facilities. Property Owners: [REDACTED] [REDACTED] St, Kearneysville, WV; Parcel ID: [REDACTED]; Size: ~260 acres; Zoning District: Industrial Commercial (File #24-6-SP).
4. **Public Hearing:** Waiver Request from Section 24.112C of the Subdivision Regulations to extend the two year vesting period for approved Major Subdivision Concept Plans, which requires that a preliminary plat must be submitted and approved within the two year period of time for which the concept plan direction is in effect, extending to November 15, 2026 for the Sunnyside Major Subdivision. Property Owners: [REDACTED]; [REDACTED] Industrial Park Lots [REDACTED] & [REDACTED] (9 existing lots) located on [REDACTED] Lane, south of [REDACTED] Road, Charles Town, WV; Tax District: [REDACTED] Map: [REDACTED]; Parcels: [REDACTED]; Size: ~53 acres (combined acreage); Zoning District: Residential-Light Industrial-Commercial (File # 24-27-PCW).
5. **Public Hearing:** Waiver Request from Section 20.203B of the Subdivision Regulations to allow the opening of the park property prior to processing a Concept Plan and Site Plan and prior to initiating any improvements on the property. Property Owners: [REDACTED] / Contact: [REDACTED]; [REDACTED] Road, Charles Town, WV; Parcel ID: [REDACTED]; Size: 82 acres; Zoning District: Rural (File # 24-28-PCW).

There is no public comment for the following items.

- 6. Discussion and Action on the Harvest Homes, LLC Zoning Map Amendment Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone three Media Farm properties totaling 127+/- acres from Rural to Residential Growth is consistent with the *2035 Comprehensive Plan*. Owner/Applicant: [REDACTED], [REDACTED]. Property Location: [REDACTED] Lane, Ranson, WV (Parcel ID: [REDACTED]), [REDACTED] Lane, Ranson, WV (Parcel ID: [REDACTED]); and, [REDACTED] Lane, Ranson, WV (Parcel ID: [REDACTED]). Combined acreage: approximately 127 acres; Zoning District: Rural (File #24-2-Z).
  - 7. Discussion and Recommendation:**

Staff report back on recommendations related to possible changes to the Solar Energy Facility Ordinance requirements.
  - 8. Discussion and Recommendation:**

Draft FY 26 Planning and Zoning Budget recommendation for use by the Department of Engineering, Planning, and Zoning.
  - 9. Discussion and Recommendation:**

FY 25 1st Quarter Quarterly Report to County Commission
  - 10. Reports from Legal Counsel**
  - 11. Planner's Memo**
    - a. Planning Commissioner Self Evaluation Review
    - b. 2025 Planning Commission Schedule and Deadlines
  - 12. President's Report**
  - 13. Actionable Correspondence**
  - 14. Non-Actionable Correspondence**
-

**Draft Meeting Minutes**  
Jefferson County Planning Commission  
October 8, 2024

The Jefferson County Planning Commission met on October 8, 2024, at 7:00 pm with the following Planning Commission members present: Mike Shepp, President, Aaron Howell, Vice President; Wade Louthan, Secretary; Jack Hefestay, Cara Keys, Tim Smith, and Donnie Fisher were present in person. Steve Stolipher; County Commission Liaison, and J Ware was present via ZOOM.

Staff members present included Jennifer Brockman, Chief County Planner, Luke Seigfried, County Planner; Jonathan Saunders, County Engineer; Nathan Cochran, Prosecuting Attorney (via ZOOM); Jennilee Hartman, Zoning Clerk; and Colin Uhry, Planning & Zoning Clerk.

Mr. Shepp called the meeting to order at 7:00 pm and confirmed a quorum was present.

**1. Approval of Meeting Minutes:** September 10, September 17, and October 1, 2024 Meetings

Mr. Seigfried provided the Planning Commission with a transcript regarding the portion of the September 17 meeting that the Commission had questioned at the last meeting. Mr. Shepp stated the minutes stand approved as presented.

**2. Request for postponement.** None.

**The following items are open for public comment.**

**3. Public Hearing:** Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #9 on Final Plat PB 25 PG 85A for restriction.  
Applicant/ Property Owners: [REDACTED] & [REDACTED]. Property Location: [REDACTED] Subdivision, [REDACTED] [REDACTED] Ln, Shepherdstown, WV. Parcel ID: [REDACTED]; Size: 3 ac; Zoning District: Rural (File#24-5-FPA).

Ms. Brockman provided an overview of the staff report.

Mr. [REDACTED], property owner, explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak. Mr. Shepp closed the public hearing.

Mr. Howell moved to approve the request as presented. Mr. Fisher seconded the motion, which carried unanimously.

**4. Public Hearing:** Waiver request from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of [REDACTED] Lane from 50' to 40' and to allow more than five lots to access [REDACTED] Lane for a proposed two lot minor subdivision. Applicant: [REDACTED]. Property Owners: [REDACTED]. Property Location: Vacant Lot on the eastern side of [REDACTED] Lane, Kearneysville, WV. Parcel ID: [REDACTED]; Size: 6.5 acres; Zoning District: Rural (File #24-26-PCW).

Ms. Brockman provided an overview of the staff report.

Mr. [REDACTED], relative to the property owner, explained the nature of the request.

The Planning Commission had no clarifying questions.

Mr. Shepp opened the public hearing. No members of the public were signed up to speak. Mr. Shepp closed the public hearing.

Mr. Louthan moved to approve the request as presented. Mr. Howell seconded the motion, which carried unanimously.

- 5. Public Hearing:** Variance request from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite) pursuant to Section 8.15A of the Zoning Ordinance. See Page #2 in DB [REDACTED] / PG [REDACTED] for restriction. Applicant/Property Owners: [REDACTED]. Property Location: [REDACTED] Lane, Summit Point, WV. Parcel ID: [REDACTED]; Size: 2.95 acres; Zoning District: Rural (File#24-3-PCV).

Mr. Shepp recused himself from this Item due to a connection with the property.

Ms. Brockman provided an overview of the staff report.

Ms. [REDACTED], property owner, explained the nature of the request.

Mr. Louthan made note the property crosses the West Virginia/ Virginia border and [REDACTED] may need approval from Clarke County, VA. The Planning Commission had no clarifying questions.

Mr. Fisher moved to approve the request as presented. Mr. Smith seconded the motion, which carried unanimously.

Mr. Shepp returned to the meeting room for the duration of the meeting.

**There is no public comment for the following items.**

- 6. Discussion and Possible Action Related to the Comprehensive Plan Update:** Review of the draft 2045 Comprehensive Plan

Mr. Seigfried explained edits to the 2045 Comprehensive Plan that the Planning Commission requested during the October 1, 2024 meeting. Mr. Fisher requested that a legend be added to the Future Land Use map in the 2045 Comprehensive Plan, Mr. Seigfried said he would discuss the addition with GIS.

Mr. Hefestay expressed concern over Objective 1.4, less emphasis on beauty in Jefferson County, concern over lack of compare and contrast between 2035 and 2045 Comprehensive Plans, and concern regarding the upcoming election season and members voted onto the County Commission.

Mr. Seigfried addressed the concerns made by Mr. Hefestay. Mr. Hefestay moved to strike Objective 1.4 from the 2045 Comprehensive Plan. Mr. Shepp called for a second, no second was found, and the motion died.

Mr. Howell moved to recommend the 2045 Comprehensive Plan to the County Commission, Mr. Louthan seconded the motion, which carried seven (7) in support and two (2) in opposition, Mr. Hefestay and Ms. Keys.

Ms. Keys moved to rescind the vote, allowing for more discussion regarding Objective 1.4. Mr. Cochran joins the meeting in person to discuss the legality of returning to the motion later in the meeting.

[The motion to rescind and related discussion occurred after the Planning Commission moved to Agenda Item 9. Additional detail can be found in Agenda Item 9 below.]



**7. Review and Approval:** Planning Commission Calendar Year 2025 Meeting and Submission Dates

Staff provided meeting and application deadline dates for the 2025 Planning Commission Calendar and pointed out specific dates requiring Planning Commission approval.

Mr. Shepp moved to establish Monday, December 23<sup>rd</sup> as the waiver application deadline for the Tuesday, January 14 2025 meeting. Mr. Louthan seconded, unanimous approval.

Mr. Louthan moved to hold the November Planning Commission meeting on Tuesday, November 4, due to the Veteran's Day holiday. Mr. Shepp seconded the motion, which carried unanimously.

**8. Reports from Legal Counsel.** None.

**9. Planner's Memo.**

Mr. Seigfried asked Planning Commission to fillout self-evaluation forms. Mr. Uhry passed out the forms to Planning Commission members attending in person.

Mr. Hefestay requested further discussion on Objective 1.4 and Mr. Cochran explained the process through Roberts Rules of Order to rescind a motion. Mr. Fisher moved to rescind the motion to send the Comprehensive Plan to the County Commission and Mr. Smith seconded.

Ms. Keys moved to remove "...by principal permitted use and by conditional use" from the Comprehensive Plan. Mr. Louthan seconded the motion, which carried eight (8) in favor and one (1) in opposition, Mr. Hefestay.

Mr. Fisher moved to send the 2045 Comprehensive Plan to the County Commission. Mr. Howell seconded the motion, which carried eight (8) in support and one (1) in opposition, Mr. Hefestay.

Mr. Seigfried explained issues adding cellular assets to the Future Land Use map.

**10. President's Report.**

Mr. Shepp requested presentation on ministerial vs adjudicatory authority from Mr. Cochran, after New Year's.

**11. Actionable Correspondence.**

None

**12. Non-Actionable Correspondence.**

- a. 09/16/24: [REDACTED]
- b. 09/26/24: [REDACTED]
- c. 10/1/24: [REDACTED]

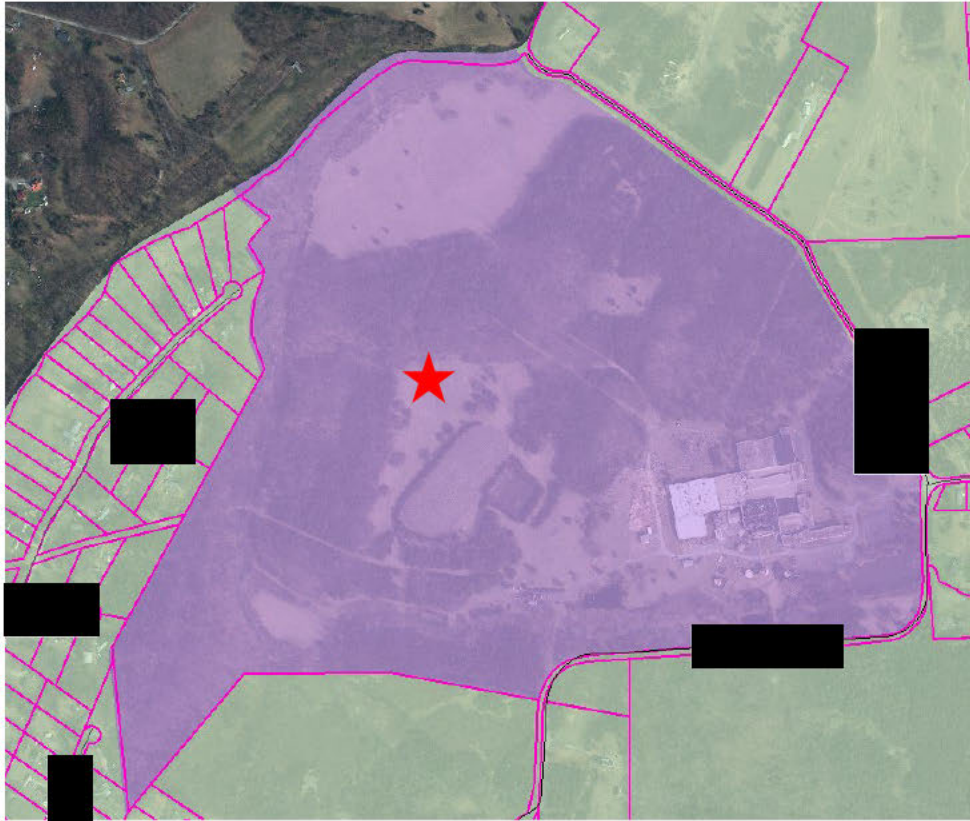
Mr. Howell motioned to adjourn the meeting at 7:54 pm. Mr. Louthan seconded the motion, which carried unanimously.

These minutes were prepared by Colin Uhry, Planning & Zoning Clerk.

Staff Report  
Jefferson County Planning Commission  
November 12, 2024

**Concept Plan Public Workshop (PC File: 24-6-SP)**

**Item # 3: Concept Plan Public Workshop:** The proposal consists of constructing two water-bottling facilities in two phases with a total of 1,000,000 square foot in new building area. The project will include internal access roads with two commercial entrances, a water treatment facility for use by a local utility company, and stormwater management.

|                                       |   |  |            |
|---------------------------------------|---|--|------------|
| Owners/Applicant:                     |   |  |            |
| Consultant:                           |   |  |            |
| Property Location & Legal Description | <p>Street, Kearneysville, WV; Parcel ID: ;<br/>Size: ~260 ac; Zoning District: Industrial-Commercial</p>   |  |            |
| Adjacent Zoning:                      | <i>North, South, East, &amp; West: Rural</i>  |  |            |
| Proposed Activity:                    | Water Bottling Factory  |  |            |
| History:                              | <p>08/08/2023 – Planning Commission Waiver for 4-lot Subdivision Approved<br/>The site of the previous the Plant (opened in 1961 and closed in 2005) and Co (2005 - 2006)<br/>S91-01 Plat Addition Site Plan<br/>S91-09 Plant Boiler Room Addition<br/>S95-11 Plant Oil Containment<br/>2015 Partners worked with the WV DEP on a voluntary remediation program to prepare for resale for industrial uses</p> |  |            |
| Concept Plan Status:                  | Submitted:  |  | 09/27/2024 |
|                                       | Sufficiency Letter, with minor comments:  |  | 10/01/2024 |



Staff Report  
Jefferson County Planning Commission  
November 12, 2024

[REDACTED] Concept Plan Public Workshop (PC File: 24-6-SP)

### Introduction and Summary of Request

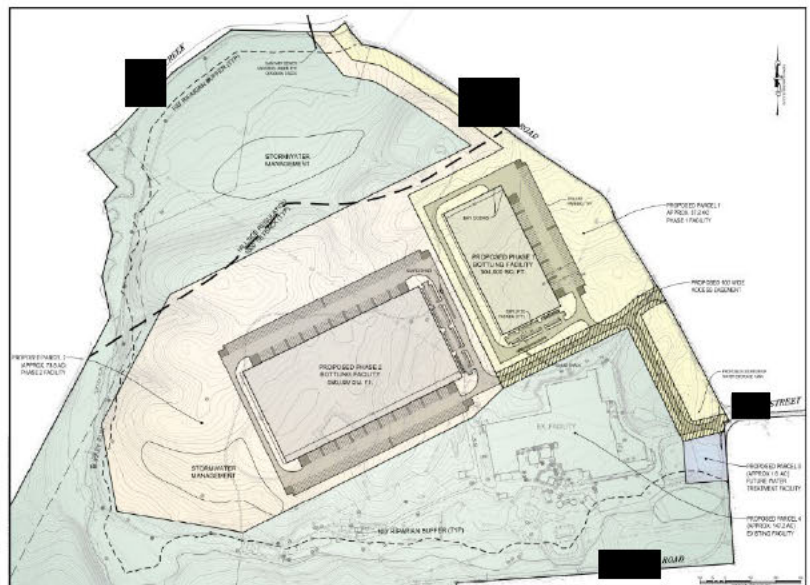
The Concept Plan for [REDACTED] consists of the following:

- The phased development of two Bottling Facility buildings on two separate parcels with a total of 1,000,000 square foot in building area
  - 304,000 square foot for proposed phase 1 Bottling Facility
  - 696,000 square foot for proposed phase 2 Bottling Facility
- A non-residential minor subdivision to create four parcels
  - Two parcels for two bottling facilities
  - One parcel for the existing facility (former [REDACTED] Plant)
  - One parcel for water treatment facility
- 569 paved parking spaces
- Two proposed access easements
- Stormwater management facilities

### Site Plan Category

Section 20.204 Subdivision Regulations identifies a project as a *Major Site Development* if the proposal “require the development of new infrastructure or the extension of off-tract infrastructure or where the proposal does not meet the definition of a minor site development.” A major site development shall adhere to Full Site Plan requirements in all proposals.

Therefore, a Major Site Plan, with a Concept Plan, will need to meet all the requirements of the Subdivision regulations. The first step in processing this Site Plan is this Concept Plan and the required Public Workshop. The graphic above depicts the proposed project.



### Staff Determination of Application Sufficiency and Concept Plan Completeness Review

In accordance with the current Subdivision Regulations, the Major Site Plan Concept Plan process incorporates a sufficiency and completeness review in a single step. Upon submission and review of the applicant’s Concept Plan, Staff found the submitted plan “sufficient” (i.e. meeting all requirements of Section 24.119 of the Jefferson County Subdivision and Land Use Regulations). These requirements, as well as the current review status for each requirement for the proposed Mountain Pure project, are provided below:



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**Concept Plan Public Workshop (PC File: 24-6-SP)**

|                                | Description   | Status  |
|--------------------------------|---|---|
| <b>1. General Location</b>     | A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.  | Provided on the Concept Plan  |
| <b>2. Concept Plan</b>         | In accordance with the content and formatting guidelines provided in Appendix A, <i>Plan &amp; Plat Standards</i> .   | Provided  |
| <b>3. Zoning Information</b>   | a) Zoning District in which the proposed development is located.<br>b) Density calculations.<br>c) Site resource map<br>d) Use designation for all adjoin and confronting parcels   | Provided  |
| <b>4. Proposal Description</b> | 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.  | Provided on the Concept Plan  |
| <b>5. Traffic Impact Data</b>  | a) Average Daily Trip (ADT) figures for the adjoining or accessible State road.<br>b) Trip generation figures<br>c) Nearest key intersection that will serve the proposed project as classified by the current Comprehensive Plan.<br>d) "Highway Problem Areas" according to the current Comprehensive Plan that falls within a one-mile radius of the project.  | <u>ADT</u> is 29 for [REDACTED] Rd; 812 for [REDACTED] St; and 3,055 for [REDACTED] Rd;<br><u>Trip Generation</u> : Peak Hour Trips est. to be 800 trips;<br><u>Key intersection</u> : [REDACTED] Rd and [REDACTED] Pk;<br><u>Highway Problem Area</u> [REDACTED] |
| <b>6. Traffic Study</b>        | 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.   | Jefferson County defers to the WV DOH regarding whether a Traffic Impact Study is required  |
| <b>7. Agency Reviews</b>       | The applicant shall distribute the concept plan to all reviewing agencies found in Section 23.203 and 23.204 no later than 7 days after the review.   | Letters to required agencies provided. Responses received are below.  |
| <b>D. Department</b>           | The Department review shall include the following:<br>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 and any zoning issues the developer shall address in a Site Plan submittal.<br>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. | Staff determined that the proposed Concept Plan meets the requirements of the Zoning Ordinance and the Subdivision Regulations as a Major Site Development with a Concept Plan.   |



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**Concept Plan Public Workshop (PC File: 24-6-SP)**

|                                  |   |   |
|----------------------------------|---|---|
| <b>E./F. WVDOH</b>               | WVDOH shall submit a letter to the Office of Planning and Zoning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study is needed, parameters shall be provided. The review shall indicate whether a traffic impact study will be required based on analysis required in Section 24.119.B.5. | No response has been received from WV DOH at this time.   |
| <b>G. Public Service</b>         | 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.   | This project is proposed to be served public water and sewer by Berkeley County Public Service Water and Sewer Districts. |
| <b>H. Recommended Conditions</b> | All reviews shall contain recommended conditions for moving forward to a site plan or reasons why the plan should be denied.  | See below   |

**Concept Plan Review**

**1. External Agency Reviews (attached)**

Comments have been received from the following agencies (see attached):

- a. The applicant has provided "Intent to Serve" letter from Berkeley County Public Service Sewer District stating that domestic sewer service will be provided (but not for process water).
- b. The applicant has provided "Intent to Serve" letter from Berkeley County Public Service Water District stating that a mainline extension is required and that water service up to 10,000 gallons per day can be provided.
- c. Historic Landmarks Commission provided a letter objecting to the proposed project based on the anticipated negative impact on historic Middleway caused by the increased truck traffic required by the proposed project.

As of this date, no other agency review comments have been received.

**2. Staff Recommendation related to Concept Plan**

The Subdivision Regulations state that 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 is required to accept or deny the concept plan as complete. Upon accepting the application as complete, Planning staff is required to place it on the next possible Planning Commission agenda as a public workshop, which is advertised at least fourteen (14) days in advance of the meeting and posted on the property.

The Office of Planning and Zoning Staff finds the Concept Plan for the proposed [REDACTED] phased development plan, located along [REDACTED] Rd and [REDACTED] Rd at the intersection with [REDACTED] Street, to be "complete" based on the information provided related to the criteria above; however, the following standards will need to be addressed prior to approval of the Site Plan, which is expected to be submitted in phases:

- a. WV DOH approval for the proposed entrances, and any Traffic Impact Study recommendations, if required, will be required in conjunction with the Site Plan.

Staff Report  
Jefferson County Planning Commission  
November 12, 2024

**Concept Plan Public Workshop (PC File: 24-6-SP)**

- b. Water and sewer utility permits from Berkeley County Public Service Water and Sewer Districts will be required in conjunction with the Site Plan.

Prior to Site Plan approval, any state permits related to wells and groundwater extraction will be required to be submitted to the County for our files.

3. Planning Commission Direction

The 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 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.

Section 24.121 of the Subdivision and Land Development Regulations outlines the direction to be provided to the applicant during a Minor Site Plan Concept Plan review:

“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 Major Site Plan 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.

**ATTACHMENTS:**

- Jefferson County Historic Landmarks Commission e-mail (11-5-24)
- Berkeley County Public Service Sewer District (8-18-21)
- Berkeley County Public Service Water District (5-28-24)



November 5, 2024

To: Jefferson County Planning Commission Members

Project Name:

Project/Phase: [REDACTED] – Concept Plan

The Jefferson County Historic Landmarks Commission (JCHLC) reviewed the concept plan for the Mountain Pure project and objects based on the traffic impact study alone. Increased truck traffic in the village of Middleway, which is listed on the National Register of Historic Places as a Historic District, would destroy the village's charm. As an advocate for the preservation of the village's unique character, I believe allowing heavy truck traffic through its historic streets not only threatens the integrity of the village's architectural heritage but also poses a serious risk to the safety and well-being of the community.

Middleway dates to the 18<sup>th</sup> and 19<sup>th</sup> centuries, and is home to many significant historical structures, each carefully preserved to reflect the rich cultural legacy of the area. The narrow streets and historic buildings are integral to the village's charm and historical value both for residents and visitors. Heavy truck traffic will lead to further erosion of the historic infrastructure. The vibrations and heavy loads risk damaging delicate structures and eroding the village's historic fabric in ways that may be irreversible.

In addition to the physical damage to our heritage, the presence of large trucks disrupts the pedestrian-friendly atmosphere that defines the village. The increased noise, air-pollution, and safety hazards associated with such traffic would affect the quality of life for residents. The streets were never designed to accommodate such traffic volumes and access by large trucks presents a threat to public safety and the integrity of the village's heritage.

In conclusion, JCHLC objects to this plan based on the traffic impacts on the village of Middleway. JCHLC urges the JC Planning Commission to require an alternate route that bypasses the historic core of the village.

Thank you for your attention to this matter,

[REDACTED]

[REDACTED]  
Chair, JCHLC

cc:

[REDACTED]



BERKELEY COUNTY  
PUBLIC SERVICE SEWER DISTRICT

P.O. Box 944  
Martinsburg, WV 25402  
Phone: (304) 263-8566  
Fax: (304) 267-7478



Curtis B. Keller  
General Manager

Board of Directors:  
John Kunkle, Chairman  
John E. Myers, Secretary  
Greg Rhoe, Treasurer

August 18, 2021

[REDACTED]  
Martinsburg, WV 25401

Re: Intent to Serve – [REDACTED] Property – [REDACTED]

Dear Mr. [REDACTED]

This letter is to provide notice of the Berkeley County Public Service Sewer District's intention to serve the proposed Middleway Property, located in Jefferson County, Map [REDACTED] Parcel [REDACTED]. The sewer service for this property is for domestic purposes only and not for any process water with an estimated 10,000 gpd maximum. All design and construction of on-site and off-site line extensions including the Opequon Creek crossing will be the responsibility of the contractor.

The District will provide sanitary sewer service to the project and may enter into a COVA Agreement with the developer for construction of the necessary improvements, which may include both on-site and off-site improvements along with an on-site pump station. Individual applications will need to be completed and payment of the tap fee may be required before construction of the project on the lot(s) will be permitted.

If you have any questions, please feel free to call my office at 304-263-8566.

Sincerely,

[REDACTED]  
Assistant General Manager



Berkeley County Public Service Sewer District  
PO Box 944, Martinsburg, WV 25402  
Telephone Direct 304-263-8566

# BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

251 Caperton Blvd.  
Martinsburg, WV 25403  
Telephone: 304.267.4600 & FAX: 304.267.3864

To Whom It May Concern:

## INTENT TO SERVE PUBLIC WATER FOR SUBDIVISIONS AND/OR LAND DEVELOPMENTS

Property Owner:

[REDACTED]  
Newport Beach, CA 92660

Phone:

[REDACTED]

Property Location: Jefferson Co Tax Map [REDACTED] Parcels [REDACTED], [REDACTED], [REDACTED] and Map [REDACTED] Parcel 19.02  
Property Address: TBD

Description of Proposed Project: Commercial/Industrial (2 lot subdivision with 2 services)

[ ] Has public water service. Water main of adequate size exists in the public right-of-way adjoining the property. All lots must have frontage on public main in order to have water service. All lots of proposed subdivision/land development that do not have frontage on an existing water main will require a mainline extension for water service. As the details of the project are reviewed and hydraulic model evaluations are determined, additional infrastructure provisions, onsite and offsite, may be required to ensure adequate service to existing customers as well as the proposed development.

[x] Requires a mainline extension for public water service to and/or within the proposed subdivision/land development. Interior of proposed subdivision/land development will require a mainline extension for water service. The Developer shall execute an alternate mainline extension agreement with the District for the above noted project which must be approved by the Public Service Commission of West Virginia. Pursuant to the agreement not to exceed 10,000 gallons of water per day. Proposed mainline extension is from the District's existing main on Specks Run Road. All mainline extensions shall be completed in accordance with the Berkeley County Public Service District Developer Policy, Procedures and Standards for Water Systems.

This Intent to Serve Public Water is only an intent to serve water. Water service is not guaranteed until a tap application (i.e., a formal request for immediate and continuous service) is approved for an individual lot(s). This Intent to Serve Public Water does not convey District acceptance or approval of the proposed project for permitting by State or other regulatory agencies.

**This Intent to Serve Public Water expires one year from date of issue.**

BERKELEY COUNTY PUBLIC SERVICE WATER DISTRICT

By: [REDACTED]

Date: May 28, 2024

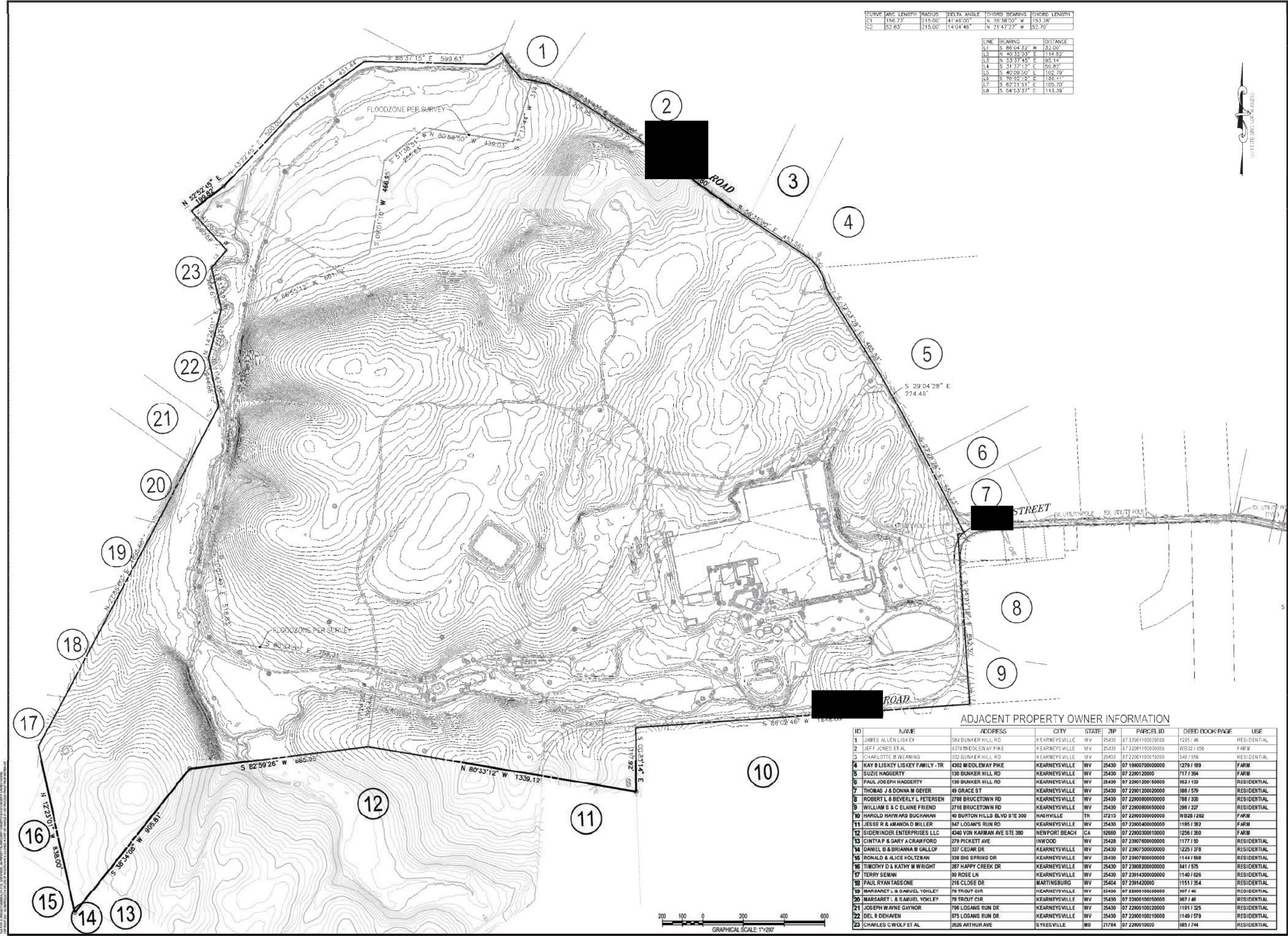
Its: [REDACTED]

**FOR PLAN REVIEW PURPOSES ONLY. NOT TO BE USED TO OBTAIN BUILDING PERMIT.**









| CURVE | ARC LENGTH | RADIUS | DELTA ANGLE | CHORD BEARING | CHORD LENGTH |
|-------|------------|--------|-------------|---------------|--------------|
| C1    | 156.73     | 215.00 | 41°48'00"   | N 35°38'02" W | 153.38       |
| C2    | 52.83      | 215.00 | 14°04'46"   | N 21°47'27" W | 52.70        |

| LINE | BEARING       | DISTANCE |
|------|---------------|----------|
| L1   | S 86°04'32" W | 32.00'   |
| L2   | N 40°32'03" E | 114.52'  |
| L3   | N 53°37'45" E | 95.14'   |
| L4   | S 31°37'12" E | 59.89'   |
| L5   | S 40°09'50" E | 102.79'  |
| L6   | E 79°05'12" E | 136.41'  |
| L7   | S 62°21'51" E | 105.70'  |
| L8   | S 54°53'37" E | 113.39'  |

ADJACENT PROPERTY OWNER INFORMATION

| ID | NAME                            | ADDRESS                      | CITY          | STATE | ZIP   | PARCEL ID        | DEED BOOK/PAGE | USE         |
|----|---------------------------------|------------------------------|---------------|-------|-------|------------------|----------------|-------------|
| 1  | JAMES ALLEN LISKEY              | 584 BUNKER HILL RD           | KEARNEYSVILLE | WV    | 25430 | 0722961100020000 | 1225 / 46      | RESIDENTIAL |
| 2  | JEFF JONES ET AL                | 4374 MIDDLEWAY PIKE          | KEARNEYSVILLE | WV    | 25430 | 0722961100000000 | WB32 / 456     | FARM        |
| 3  | CHARLOTTE W WEANING             | 332 BUNKER HILL RD           | KEARNEYSVILLE | WV    | 25430 | 0722961100010000 | 540 / 556      | RESIDENTIAL |
| 4  | KAY B LISKEY LISKEY FAMILY - TR | 4302 MIDDLEWAY PIKE          | KEARNEYSVILLE | WV    | 25430 | 0719007000000000 | 1279 / 189     | FARM        |
| 5  | SUZIE HAGGERTY                  | 130 BUNKER HILL RD           | KEARNEYSVILLE | WV    | 25430 | 072296120000     | 717 / 364      | FARM        |
| 6  | PAUL JOSEPH HAGGERTY            | 130 BUNKER HILL RD           | KEARNEYSVILLE | WV    | 25430 | 0722961200015000 | 352 / 130      | RESIDENTIAL |
| 7  | THOMAS J & DONNA M GEYER        | 48 GRACE ST                  | KEARNEYSVILLE | WV    | 25430 | 0722961200020000 | 588 / 579      | RESIDENTIAL |
| 8  | ROBERT L & BEVERLY L PETERSEN   | 2788 BRUCETOWN RD            | KEARNEYSVILLE | WV    | 25430 | 0722960800000000 | 788 / 330      | RESIDENTIAL |
| 9  | WILLIAM S & ELAINE FRIEND       | 2716 BRUCETOWN RD            | KEARNEYSVILLE | WV    | 25430 | 0722960800005000 | 298 / 227      | RESIDENTIAL |
| 10 | HAROLD HAYWARD BUCHANAN         | 40 BURTON HILLS BLVD STE 300 | NASHVILLE     | TN    | 37215 | 0722960400000000 | WB28 / 282     | FARM        |
| 11 | JESSE R & AMANDA D MILLER       | 847 LOGAN'S RUN RD           | KEARNEYSVILLE | WV    | 25430 | 0722960400000000 | 1185 / 362     | FARM        |
| 12 | SIDENINDER ENTERPRISES LLC      | 4340 VON KARMAN AVE STE 380  | NEWPORT BEACH | CA    | 92660 | 0722960300010000 | 1256 / 360     | FARM        |
| 13 | CINTIA P & GARY A CRAWFORD      | 279 PICKETT AVE              | INWOOD        | WV    | 25428 | 0722960700000000 | 1177 / 50      | RESIDENTIAL |
| 14 | DANIEL B & BRIANNA M GALLUP     | 337 CEDAR DR                 | KEARNEYSVILLE | WV    | 25430 | 0722960700000000 | 1225 / 378     | RESIDENTIAL |
| 15 | RONALD & ALICE HOLTZMAN         | 338 BIG SPRING DR            | KEARNEYSVILLE | WV    | 25430 | 0722960700000000 | 1144 / 598     | RESIDENTIAL |
| 16 | TIMOTHY D & KATHY M WRIGHT      | 287 HAPPY CREEK DR           | KEARNEYSVILLE | WV    | 25430 | 0722960800000000 | 841 / 575      | RESIDENTIAL |
| 17 | TERRY SEMAN                     | 80 ROSE LN                   | KEARNEYSVILLE | WV    | 25430 | 0722961400000000 | 1140 / 626     | RESIDENTIAL |
| 18 | PAUL RYAN TASSONE               | 216 CLOSE CIR                | MARTINSBURG   | WV    | 25404 | 07229614200000   | 1151 / 354     | RESIDENTIAL |
| 19 | MARGARET L & DANIEL YOKLEY      | 70 TROUT CIR                 | KEARNEYSVILLE | WV    | 25430 | 0722960100000000 | 307 / 40       | RESIDENTIAL |
| 20 | MARGARET L & DANIEL YOKLEY      | 78 TROUT CIR                 | KEARNEYSVILLE | WV    | 25430 | 0722960100015000 | 367 / 46       | RESIDENTIAL |
| 21 | JOSEPH WAYNE GAYNOR             | 796 LOGAN'S RUN DR           | KEARNEYSVILLE | WV    | 25430 | 0722960100020000 | 1191 / 325     | RESIDENTIAL |
| 22 | DEL R DEHAVEN                   | 875 LOGAN'S RUN DR           | KEARNEYSVILLE | WV    | 25430 | 0722960100010000 | 1148 / 579     | RESIDENTIAL |
| 23 | CHARLES C WOLF ET AL            | 2626 ARTHUR AVE              | SYKESVILLE    | MD    | 21784 | 0722960100020    | 985 / 744      | RESIDENTIAL |

REVISIONS

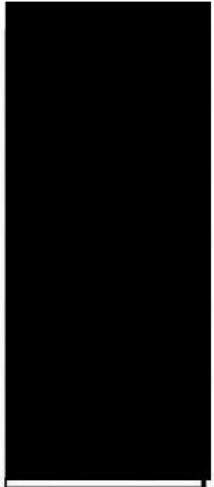
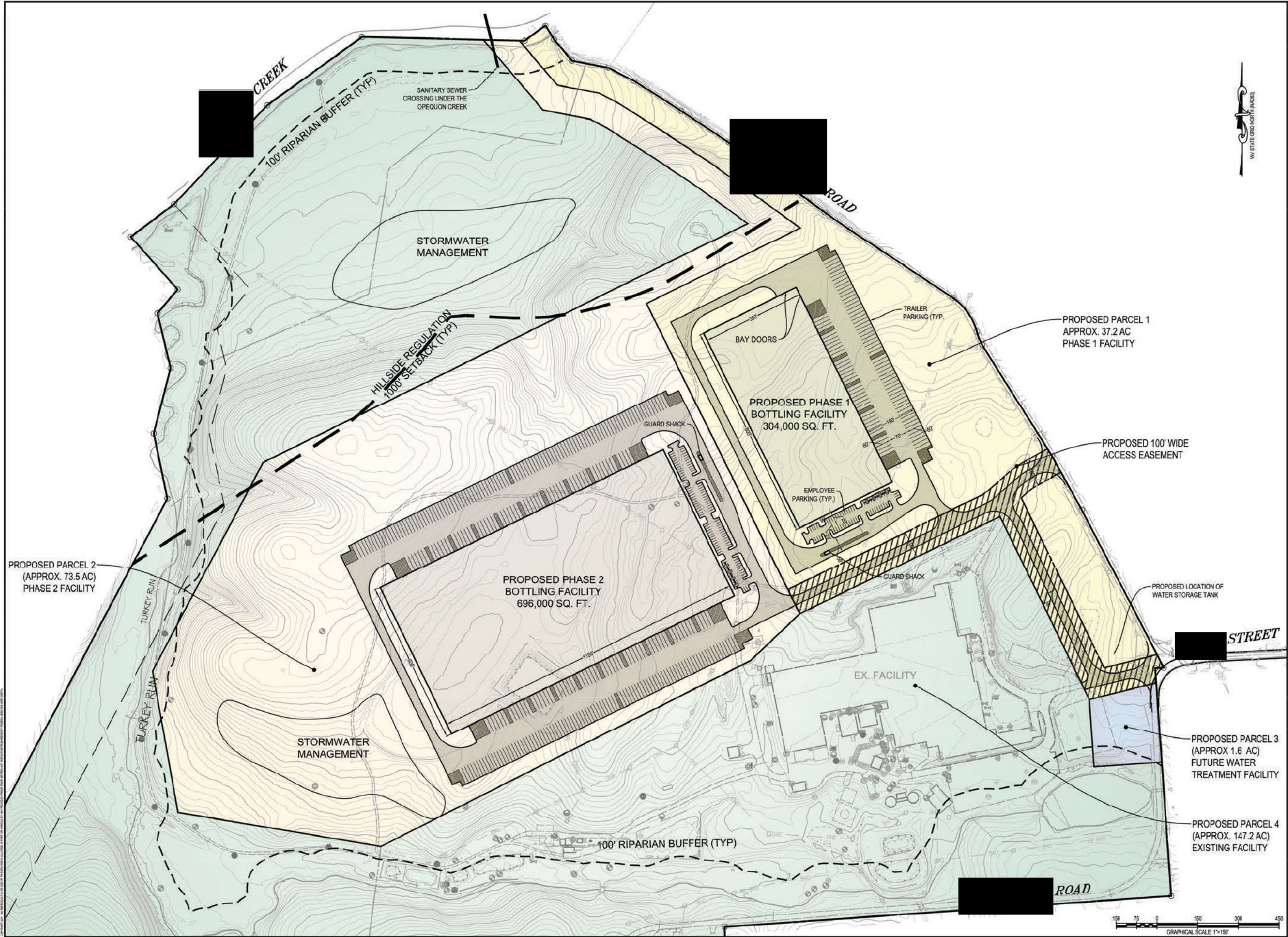
REVISED PER COUNTY COMMENTS RECEIVED 10/7/2024  
REVISED PER MEETING WITH COUNTY STAFF 10/7/2024

EXISTING CONDITIONS  
1 MIL. SQ. FT. BOTTLING FACILITY

SCALE: HORIZ: 1"=200'  
VERT: 1"=40'

JOB: 3138-0102  
DRAWN: ABP  
CHECK: JGP  
CADD: 3138-0102-CONCEPT PLAN REV 10/10/2024  
NCS: WA  
SHEET: 2 OF 3





| REVISIONS |  |
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CONCEPT PLAN  
1 MIL. SQ. FT. BOTTLING FACILITY

|        |                                       |
|--------|---------------------------------------|
| SCALE: | HORIZ.: 1"=150'                       |
|        | VERT.: 1"=150'                        |
| DATE:  | SEPTEMBER 24, 2024                    |
| JOB:   | 3138-0102                             |
| DRAWN: | ABP                                   |
| CHECK: | JPG                                   |
| CADD:  | 3138-0102 CONCEPT PLAN REV 10.10.2024 |
| NCS:   | WA                                    |
| SHEET: | 3 OF 3                                |



June 12, 2023

Newport Beach, CA 92660

Re: Wetland/Waterway Presence/Absence Determination  
\$ [REDACTED] Property (p/o Parcel [REDACTED])  
[REDACTED] Road, Kearneysville, WV 25430  
[REDACTED] Project No. [REDACTED]

Dear Mr. [REDACTED]

[REDACTED] ([REDACTED]) performed an evaluation to determine the presence or absence of suspect jurisdictional waters of the U.S. and/or waters of the state for the proposed warehouse at the above-referenced site. The study limit for this evaluation is shown on the attached exhibit. The following is a summary of this evaluation and the findings.

Methodology - This evaluation was performed in general accordance with the U.S. Army Corps of Engineers (USACE) Wetlands Delineation Manual (Y-87-1), dated January 1987 and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont Region (ERDC/EL TR-12-9), dated April 2012.

Office Analysis - [REDACTED] reviewed the applicable U.S. Geological Survey Topographic Map, Web Soil Survey, U.S. Fish & Wildlife Service National Wetlands Inventory Wetlands Mapper, Google Earth Pro aerial photographs, and the Federal Emergency Management Agency National Flood Hazard Layer. The only surface water features identified at the site are industrial wastewater lagoons/settling ponds, the mapped soils are predominantly non-hydric, except for the northern and southern fringes of the study area, and the study area is in an area of minimal flood hazard (Zone X).

Site Reconnaissance - [REDACTED] and [REDACTED] of [REDACTED] conducted a reconnaissance at the site on June 6, 2023, which was during a period of severe drought.

Findings - The office analysis and site reconnaissance confirmed the absence of suspect jurisdictional waters of the U.S. and waters of the State. Several wastewater lagoons/settling ponds and several upland gullies were evaluated at the site via ground truthing as were other areas of the site. None of these features or any other areas at the site should be considered jurisdictional waters of the U.S. or waters of the State.

We appreciate the opportunity to provide our services on this project. Should you have any questions concerning our findings, please contact the undersigned at [REDACTED]

**Wetland/Waterway Presence Absence Determination**

June 12, 2023

Page 2

Prepared by:

[REDACTED].

[REDACTED]

[REDACTED]

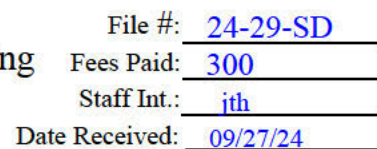
Senior Environmental Scientist

Attachment: Study Area Exhibit









Phone: (304) 728-3228

**24-6-SP - [REDACTED] Concept Plan Public Comment Index**

- |     |            |                           |            |
|-----|------------|---------------------------|------------|
| 1)  | [REDACTED] | Public Comment_10-22-24 - | [REDACTED] |
| 2)  | [REDACTED] | Public Comment_10-23-24 - | [REDACTED] |
| 3)  | [REDACTED] | Public Comment_10-23-24 - | [REDACTED] |
| 4)  | [REDACTED] | Public Comment_10-28-24 - | [REDACTED] |
| 5)  | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 6)  | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 7)  | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 8)  | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 9)  | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 10) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 11) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 12) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 13) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 14) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 15) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 16) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 17) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 18) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 19) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 20) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 21) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 22) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 23) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 24) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 25) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 26) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 27) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 28) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 29) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 30) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 31) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 32) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 33) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 34) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 35) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 36) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 37) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 38) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 39) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 40) | [REDACTED] | Public Comment_10-30-24 - | [REDACTED] |
| 41) | [REDACTED] | Public Comment_10-31-24 - | [REDACTED] |
| 42) | [REDACTED] | Public Comment_10-31-24 - | [REDACTED] |
| 43) | [REDACTED] | Public Comment_10-31-24 - | [REDACTED] |

**24-6-SP - [REDACTED] Concept Plan Public Comment Index**

|     |            |                          |            |
|-----|------------|--------------------------|------------|
| 44) | [REDACTED] | Public Comment_10-31-24  | [REDACTED] |
| 45) | [REDACTED] | Public Comment_10-31-24  | [REDACTED] |
| 46) | [REDACTED] | Public Comment_10-31-24  | [REDACTED] |
| 47) | [REDACTED] | Public Comment_10-31-24  | [REDACTED] |
| 48) | [REDACTED] | Public Comment_11-1-24 - | [REDACTED] |
| 49) | [REDACTED] | Public Comment_11-1-24 - | [REDACTED] |
| 50) | [REDACTED] | Public Comment_11-1-24 - | [REDACTED] |
| 51) | [REDACTED] | Public Comment_11-1-24 - | [REDACTED] |
| 52) | [REDACTED] | Public Comment_11-2-24 - | [REDACTED] |
| 53) | [REDACTED] | Public Comment_11-2-24 - | [REDACTED] |
| 54) | [REDACTED] | Public Comment_11-2-24 - | [REDACTED] |
| 55) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 56) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 57) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 58) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 59) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 60) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 61) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 62) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 63) | [REDACTED] | Public Comment_11-3-24 - | [REDACTED] |
| 64) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 65) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 66) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 67) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 68) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
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| 74) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
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| 84) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 85) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |
| 86) | [REDACTED] | Public Comment_11-4-24 - | [REDACTED] |

## **24-6-SP - Mountain Pure Concept Plan Public Comment Index**

|      |  |                          |  |
|------|--|--------------------------|--|
| 87)  |  | Public Comment_11-4-24 - |  |
| 88)  |  | Public Comment_11-4-24 - |  |
| 89)  |  | Public Comment_11-4-24 - |  |
| 90)  |  | Public Comment_11-4-24 - |  |
| 91)  |  | Public Comment_11-4-24 - |  |
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| 93)  |  | Public Comment_11-4-24 - |  |
| 94)  |  | Public Comment_11-4-24 - |  |
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| 108) |  | Public Comment_11-4-24 - |  |
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| 111) |  | Public Comment_11-5-24 - |  |
| 112) |  | Public Comment_11-5-24 - |  |
| 113) |  | Public Comment_11-5-24 - |  |
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| 124) |  | Public Comment_11-5-24 - |  |
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| 126) |  | Public Comment_11-5-24 - |  |
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| 128) |  | Public Comment_11-5-24 - |  |
| 129) |  | Public Comment_11-5-24 - |  |



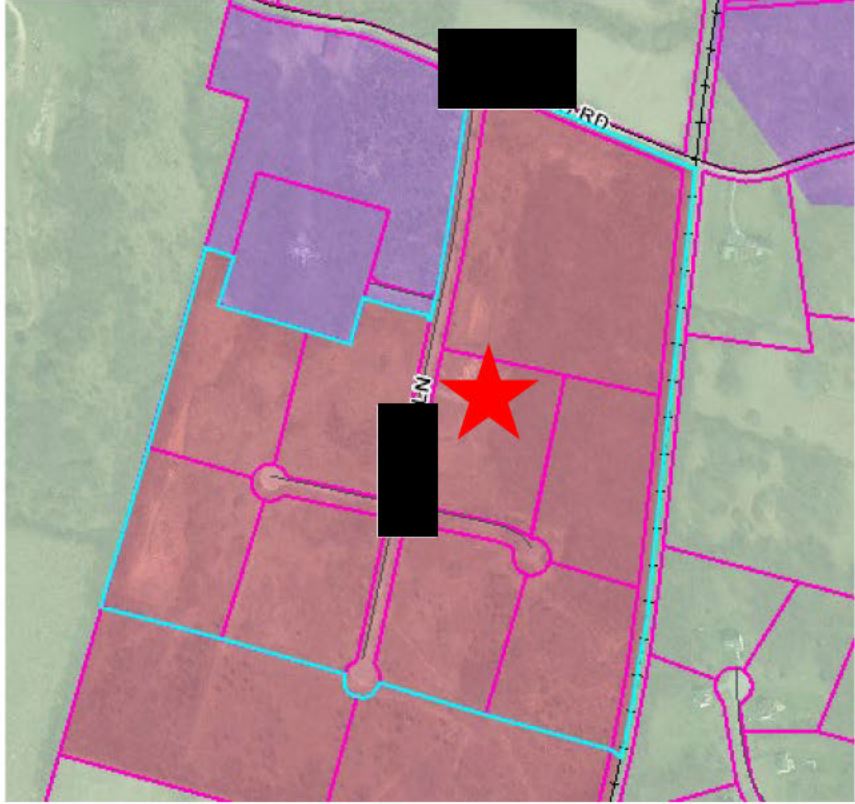
## **24-6-SP - Mountain Pure Concept Plan Public Comment Index**

|      |  |                          |  |
|------|--|--------------------------|--|
| 130) |  | Public Comment_11-5-24 - |  |
| 131) |  | Public Comment_11-5-24 - |  |
| 132) |  | Public Comment_11-5-24 - |  |
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| 166) |  | Public Comment_11-5-24 - |  |
| 167) |  | Public Comment_11-5-24 - |  |
| 168) |  | Public Comment_11-5-24 - |  |
| 169) |  | Public Comment_11-5-24 - |  |
| 170) |  | Public Comment_11-5-24 - |  |
| 171) |  | Public Comment_11_5_24 - |  |

Staff Report  
Jefferson County Planning Commission Meeting  
November 12, 2024

**Extension Waiver (File: 24-27-PCW)**

**Item #4:** Waiver request from Section 24.112C of the Subdivision Regulations to extend the two year vesting period for approved Major Subdivision Concept Plans which requires that a Preliminary Plat must be submitted and approved within the two year period of time for which the concept plan direction is in effect, extending to November 15, 2026, for the [REDACTED] Major Subdivision.

|                                  |   |
|----------------------------------|---|
| Owner:                           | [REDACTED]  |
| Applicant:                       | [REDACTED]  |
| Property Location & Information: | <p>Industrial Park Lots [REDACTED] &amp; [REDACTED] (existing), [REDACTED] Lane;<br/>[REDACTED] District ( [REDACTED] ); Map: [REDACTED]; Parcels: [REDACTED],<br/>[REDACTED]; Lot size: ~53 acres (combined acreage)<br/>Zoning District: Residential/Light Industrial/ Commercial</p>  |
| Surrounding Zoning:              | North, East, and West: Rural, South: Residential/Light Industrial/Commercial  |
| Proposed Activity:               | Establish a residential subdivision in the former [REDACTED] Industrial Park  |
| History:                         | <p>2007/04/23: [REDACTED] Industrial Park, Recorded in PB [REDACTED]/PG [REDACTED] (File # [REDACTED])<br/>2021/12/02: Property Rezoned from Industrial Commercial to Residential-Light Industrial-Commercial (File # [REDACTED])<br/>2022/11/15: Planning Commission approval of the [REDACTED] Concept Plan (File # [REDACTED])</p>                                       |



Staff Report  
Jefferson County Planning Commission Meeting  
November 12, 2024

[REDACTED] **Extension Waiver (File: 24-27-PCW)**

**Summary of the Request:**

The applicant is requesting a 2-year extension on the Concept Plan direction period to prepare the required Preliminary Plat for the proposed 29 single-family residential development. The original Planning Commission approval of the [REDACTED] Concept Plan (File # [REDACTED]) was given on November 15<sup>th</sup>, 2022 and the requested waiver would extend the approval period to November 15<sup>th</sup>, 2026. Granting of this waiver would allow the Preliminary Plat to proceed through the standard review process rather than beginning over. This would allow the project to proceed and avoid duplication of work by both the County and applicant.

On November 15<sup>th</sup>, 2022, the Planning Commission approved the Concept Plan for this proposed Major Residential Subdivision. The proposal consists of a resubdivision of nine (9) existing commercial lots within the [REDACTED] Industrial Park into twenty-nine (29) single-family lots. This project was proposed following a rezoning of the properties to the Residential-Light Industrial-Commercial (RLIC) zoning district on December 2<sup>nd</sup>, 2021.

Section 24.112C of the Subdivision Regulations states that approval of a Concept Plan provides the developer with the direction to proceed to prepare a Preliminary Plat/Site Plan. The direction received in the Concept Plan Public Workshop is applicable for a period of two years.

**Waiver Requirements:**

Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and
- 4) That the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

In the waiver application, the applicant referenced the existing Concept Plan to address the criteria.

**Staff Recommendation:**

Staff recommends granting the requested waiver with the provision that any amendments to the Subdivision Regulations or the Zoning Ordinance which occur within the two years that may impact the design of the proposed project be required as a part of the Preliminary Plat/Site Plan submittal. This waiver is for a time extension and not a change to the site layout or a waiver of any Subdivision Regulation standards. Providing an extension of two (2) years for the Sunnyside Residential development submittal would provide for the continuation of this development in accordance with the Concept Plan previously reviewed and approved by the Planning Commission.



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 716  
Charles Town, West Virginia 25414

File #: 24-27-PCW  
Mtg Date: 11-17-24  
Date Rec'd: 10-21-24  
Fees Paid: 6150  
Staff Int: CAU  
List of Adjoiners: ☐

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

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

### Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

#### Property Owner Information

Owner Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Way, Charles Town, WV 25414  
Phone Number: [REDACTED] Email: [REDACTED]

#### Applicant Contact Information

Applicant Name: [REDACTED] Same as owner: ☒  
Business Name: [REDACTED]  
Mailing Address: [REDACTED]  
Phone Number: [REDACTED] Email: [REDACTED]

#### Consultant Information

Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Shepherdstown WV 25443  
Phone Number: [REDACTED] Email: [REDACTED]

#### Physical Property Details

Physical Address: [REDACTED] Road (304/2) approx. 1 mile west of intersection with [REDACTED] Vacant Lot: ☐  
Tax District: [REDACTED] Map No: [REDACTED] Parcel No: [REDACTED]  
Parcel Size: 53 acres Deed Book: [REDACTED] Page No: [REDACTED]  
Zoning District: Residential-Light Industrial-Commercial (RLIC)

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

☐ Included

☒ Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**

We are asking for a waiver on the 2 year approval for the concept plan. We would ask for a 2 year extension out to 11-15-26.

#### Briefly Describe the Nature of Your Waiver Request:

The concept plan for this project of [REDACTED] ( [REDACTED] ) was approved 11-15-22. The 2 year approval will expire in November, we are asking for a 2 year extension of that approval. The engineering is near completion, and still finalizing approvals with the WVDEP and the Health Department, but will need more time to finish.

**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 plan was a zoning change to residential lots from commercial. Existing approved plan.

**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.**


Existing plan previously approved

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

Existing plan previously approved

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

The plan was a zoning change to residential lots from commercial.

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of  staff report. The information given is correct to the best of my knowledge.

0/2/24

Property Owner Signature

Date

Property Owner Signature

Date

#### Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

#### Planning Commission Determination

Approved ☐

Denied ☐

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**From:** [Planning Department](#)  
**To:** [REDACTED]  
**Subject:** RE: "[REDACTED] Major Subdivision"  
**Date:** Monday, November 4, 2024 9:53:00 AM

---

Good morning,

This email is to confirm receipt of your submission. We will include your letter in the packet to the Planning Commission for the November 12, 2024 meeting. This packet will be made available on the County's webpage by close of business on Friday, November 8, 2024.

Thank you and have a nice day.

Colin Uhry, Planning & Zoning Clerk  
Office of Planning and Zoning  
304-728-3228

**From:** [REDACTED]  
**Sent:** Sunday, November 3, 2024 6:38 PM  
**To:** Planning Department <PlanningDepartment@jeffersoncountywv.org>  
**Subject:** "[REDACTED] Major Subdivision"

**CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or on clicking links from unknown senders.**

To whom it may concern,


As an adjoining property to the proposed "[REDACTED] Major Subdivision" I deny the waiver request from Section 24.112C listed on the Public Notice to extend the two year vesting period to November 15, 2026. I do not support the extension for "[REDACTED] Major Subdivision" off of [REDACTED] Road.

Sincerely, [REDACTED]

Staff Report  
Jefferson County Planning Commission Meeting  
November 12, 2024

**Opening Waiver (File: 24-28-PCW)**

**Item #5:** Waiver request from Section 20.203B of the Subdivision Regulations to allow the opening of the park property prior to processing a Concept Plan and a Site Plan and prior to initiating any improvements on the property.

|                                  |  |
|----------------------------------|--|
| Owner:                           |  |
| Applicant:                       |  |
| Property Location & Information: | <p>Vacant Farm with preexisting structures on the northern side of Road, Charles Town, WV; Parcel ID: ; Size: 82 acres; Zoning District: Rural</p>  |
| Surrounding Zoning:              | <i>North, East, South, and West: Rural</i>   |
| Proposed Activity:               | Opening of a new county Park property prior to processing a Concept Plan and Site Plan and prior to initiating any improvements on the property  |
| History:                         | No History   |

**Summary of the Request:**

The applicant is requesting a waiver from Section 20.203B of the Subdivision Regulations to allow the opening of the park property prior to processing a Concept Plan and a Site Plan and prior to initiating any improvements on the property. This Site Plan waiver will allow residents of Jefferson County to immediately enjoy passive recreation on a limited basis.

Because the property is zoned Rural and has been purchased by the , the subject parcel has the right to create a public park intended for recreation. This waiver request is to expedite the opening of the Park and allow the public to have access to the Park prior to any improvements on the property. No improvements will occur until a Concept Plan and Site Plan have been approved.



Staff Report  
Jefferson County Planning Commission Meeting  
November 12, 2024

[REDACTED] Opening Waiver (File: 24-28-PCW)

The request is to further establish and develop [REDACTED] for the citizens and tourists of Jefferson County. While the end goal is to include development as seen in the sketch, this first phase which is the subject of this waiver will only be concerned with passive recreation and birdwatching.



**Waiver Requirements:**

The applicant provided a response to the requirements found in “Division 24.300 Waivers” of the Subdivision Regulations in the waiver application. Waivers from the minimum standards in these Regulations may be granted by the Planning Commission only when the Planning Commission finds that granting a waiver will be consistent with all of the following criteria:

- 1) that the design of the project will provide public benefit in the form of reduction in County maintenance costs, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature;
- 2) that the waiver, if granted, will not adversely affect the public health, safety or welfare, or the rights of adjacent property owners or residents;
- 3) that the waiver, if granted, will be in keeping with the intent and purpose of these Regulations; and

Staff Report  
Jefferson County Planning Commission Meeting  
November 12, 2024

[REDACTED] **Opening Waiver (File: 24-28-PCW)**

- 4) That the waiver if granted will result in a project of better quality and/or character. Process and procedural waivers shall be reviewed and found consistent with the above criteria prior to approval.

**Staff Recommendation:**

Staff believes that it is reasonable to allow the [REDACTED] to proceed with the opening of the expansion of [REDACTED] exclusively for the passive recreation opportunities mentioned by the applicant. This waiver is from requiring a Concept Plan and a Site Plan to develop Phase One only. A Concept Plan and a Site Plan are required for all other Phases and will include Phase One when submitted.





Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
P.O. Box 716  
Charles Town, West Virginia 25414

File #: **24-28-PCW**  
Mtg Date: **11/12/2024**  
Date Rec'd: **10-21-2024**  
Fees Paid: **\$0**  
Staff Int: **CAU**  
List of Adjoiners: ☐

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

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

### Planning Commission Waiver Request

Waivers must comply with Division 24.300 of the 2008 Subdivision Regulations, as amended.

#### Property Owner Information

Owner Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Lane, Harpers Ferry, WV 25425  
Phone Number: [REDACTED] Email: [REDACTED]

#### Applicant Contact Information

Applicant Name: [REDACTED] Same as owner: ☒  
Business Name: [REDACTED]  
Mailing Address: [REDACTED]  
Phone Number: [REDACTED] Email: [REDACTED]

#### Consultant Information

Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Morgantown, WV  
Phone Number: [REDACTED] Email: [REDACTED]

#### Physical Property Details

Physical Address: [REDACTED] Road Charles Town, WV Vacant Lot: ☐  
Tax District: [REDACTED] Map No: [REDACTED] Parcel No: [REDACTED]  
Parcel Size: 82 Acre Deed Book: [REDACTED] Page No: [REDACTED]  
Zoning District: Rural

**On a separate sheet of paper sketch the shape and location of the lot. Show the location of the intended construction or land use and indicate building setbacks, size, and height. Identify existing easements, roads, buildings, structures, or land uses on the property. Sign and date the sketch.**

☒ Included ☐ Not applicable (include a vicinity map if a sketch is not applicable)

**What Section of the Subdivision Regulations and year of the Regulations are you requesting to Waive?**

Section 20.203B

#### Briefly Describe the Nature of Your Waiver Request:

The [REDACTED] seeks to allow the opening of the park property prior to processing a Concept Plan and Site Plan and prior to initiating any improvements on the property.

The [REDACTED] will follow the required County development approval process when such improvements to the Park are set to commence.

**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 design of the project is consistent with [REDACTED] Plan by making the park immediately available for hiking and birdwatching. This Phase One site plan waiver will allow Jefferson County residents to immediately enjoy passive recreation on a limited basis.

**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 will help adjacent property owners, by alleviating parking issues along [REDACTED] Road. No adverse affects on safety health, welfare, will occur due to no change in the land cover and only limited use of the property for hiking and nature viewing.

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

The waiver meets the "No Site Plan Criteria" found in Sec. 20.203B. No additional structures will be needed, disturbed area will not exceed 5,000 SF.

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

The waiver will allow [REDACTED] to open to the public more immediately than if required to comply with all aspects of the ordinance. This will allow the public to actively enjoy this public asset during phase one development and add value as they will provide feedback on future phases

By signing this application, I give permission to the Planning and Zoning Staff to conduct a site visit for the purpose of taking photos for the Planning Commission staff report. The information given is correct to the best of my knowledge.

[REDACTED]  
Property Owner Signature

10/21/24  
Date

Property Owner Signature

Date

#### Notification Requirements

The subject parcel shall be posted with a minimum of one 28" x 22" placard at least 14 days prior to the public hearing. The placard(s) will be prepared by the Staff and posted by the applicant. Adjacent property owner name and address information shall be provided by the applicant so that notification letters can be mailed by Staff least 14 days prior to the public hearing.

Public Hearing Date

Date Placard Posted

Date Adjoiners Mailed

#### Planning Commission Determination

Approved ☐

Denied ☐

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_



# Diagrammatic Scheme

9/30/2020

## Legend

- Proposed wildlife area
- Potential development areas
- Existing roads
- Proposed roads
- Proposed accessible trails
- Proposed intermediate trails
- Entrances
- Proposed trailheads
- Proposed bird blinds
- Launches



This draft is for conceptual use only.



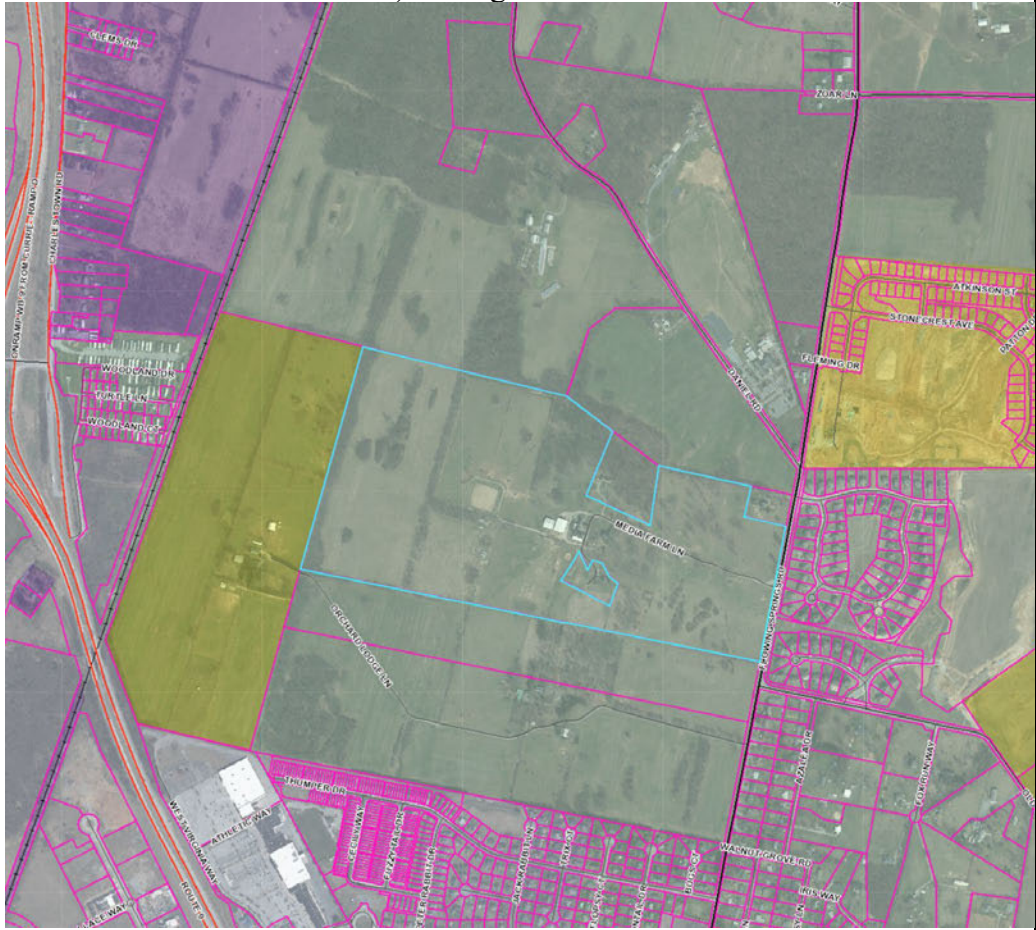
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**Staff Report**  
Jefferson County Planning Commission Meeting  
November 12, 2024

( ) Rezoning Request (24-2-Z)

**Item # 6: Discussion and Action on the Zoning Map Request:** Planning Commission review and recommendation to the County Commission regarding whether the petition for a Zoning Map Amendment to rezone the 127+/- acre Property from Rural(R) to Residential Growth (RG) is consistent with the *2035 Comprehensive Plan*.

|                                     |  |
|-------------------------------------|--|
| Property Owner/<br>Applicant:       |  |
| Consultant:                         | / Attn:  |
| Parcel Information:                 | <p>Three properties south of the Rd. &amp; Rd. intersection<br/>Tax District: ( ), Map: Parcels: &amp;<br/>Acreage: 119.05 ac., 5.35 ac. &amp; 2 ac.(126.4 ac. by Tax Map, 127.6 ac. by Deed) Zoning District: Rural</p>  |
| Surrounding Properties:             | North, South, East: Rural(R) West: Residential Growth (RG)   |
| Current Use:                        | Farm use / Residences  |
| Proposed Request                    | To rezone the total 127+/- acres from Rural to Residential Growth (RG)   |
| Planning Commission Responsibility: | To advise the County Commission whether the requested Zoning Map Amendment is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan</i>  |
| Staff Finding:                      | Staff finds that request is consistent with the <i>Envision Jefferson 2035 Comprehensive Plan Future Land Use Guide</i>  |



**Staff Report**  
Jefferson County Planning Commission Meeting  
November 12, 2024

( [REDACTED] ) **Rezoning Request (24-2-Z)**

**Applicant's Request**

The applicant is requesting to rezone approximately 127 acres from Rural (R) to Residential Growth (RG).

**Neighboring Uses**

The properties under consideration for this Zoning Map Amendment are adjacent to primarily agricultural uses and one residential subdivision.

- The City of Ranson is located to the south.
- [REDACTED] High School, [REDACTED] Middle School, and Shenandoah Junction are all located to the north.

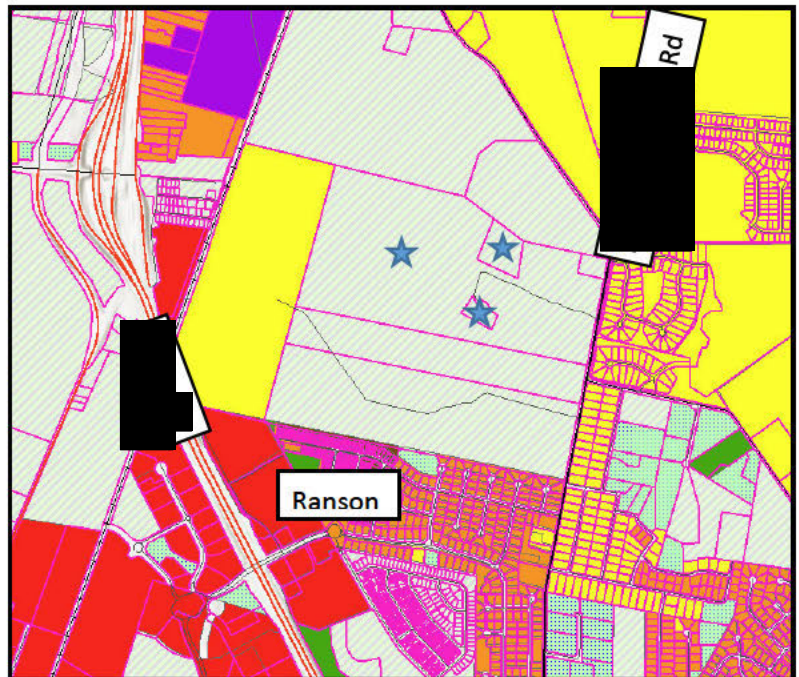
**Scope of this Assessment**

This report focuses on whether or not the Zoning Map Amendment application is consistent with the *Envision Jefferson 2035 Comprehensive Plan* and provides a staff recommendation for the Planning Commission's consideration based on relevant sections and elements of the *Plan*.

Staff's professional recommendation is that the request is **consistent** with the *2035 Plan* because it is shown as future

"Rural/Agricultural for Possible Urban Development" on the Future Land Use Guide. All three properties are located in the Ranson Urban Growth Boundary (UGB). The owner-initiated rezoning to Residential Growth (RG) would allow for a variety of residential land uses such as single-family dwellings, two family dwellings, townhome units, and/or multi-family dwellings.

It should be noted that Staff has no statutory authority to make decisions in this regard. The Planning Commission is required to provide the County Commission with their advice as to whether the request is consistent with the Comprehensive Plan prior to the County Commission's Public Hearing. The County Commission, with the recommendation of the Planning Commission, has the authority to approve or deny a zoning map amendment.



**Zoning Map Amendment Public Hearing Process**

Article 12 of the Zoning Ordinance requires that the "procedure for amendment [by petition] shall be as dictated in Section 8A-7-9 et seq of the West Virginia State Code as amended." Regarding amendments by petition, State statute provides that, "Before amending the zoning ordinance, the governing body with the advice of the planning commission must find that the amendment is consistent with the adopted comprehensive plan." [See WVC 8A-7-9(c)].

**Relevant Envision Jefferson 2035 Comprehensive Plan Elements and Commentary**

The *Envision Jefferson 2035 Comprehensive Plan* consists of both goals and recommendations in text format, as well as a Future Land Use Guide, both of which are relevant to this analysis. Page number references throughout this report relate to the *Envision Jefferson 2035 Comprehensive Plan*.

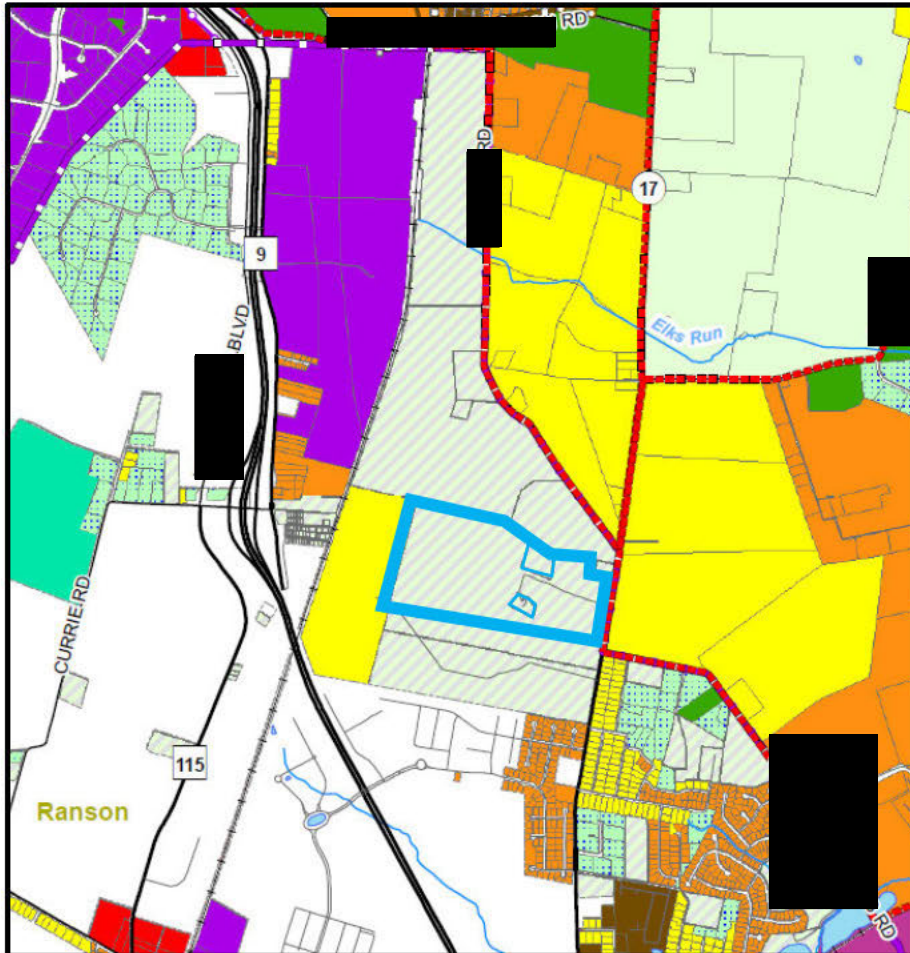


**Staff Report**  
Jefferson County Planning Commission Meeting  
November 12, 2024

( ) Rezoning Request (24-2-Z)

**1. Land Use and Growth Management Element / Future Land Use Guide**

One of the key concepts that the Land Use and Growth Management Element of the *2035 Plan* addresses is how to better influence the location of new development within Jefferson County. As the cost of providing services and utilities increases, many communities similar to Jefferson County have come to the realization that it is more sensible to identify specific areas that can handle development and growth, and to focus infrastructure and community service investments in these areas. In Jefferson County, there are four area types that are identified as part of *Envision Jefferson 2035 Plan* (pp.16-17). The land use area types include



Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA), which are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of the *2035 Plan*; and Rural/Agricultural Areas and Villages, where limited development is possible but is not intended for urban-scale development (p. 17).

The subject parcels are located within the Ranson Urban Growth Boundary (UGB) and are identified as Rural/Agricultural for Possible Urban Development. *The Plan* expects that properties within the UGB may be annexed into the relevant municipality. However, should a developer choose not to annex the property into a municipality the landowner can develop using the County's land development standards and the UGB acts as a PGA in this

circumstance. Urban level development is still anticipated in the UGB when a landowner decides to develop using County land development standards.

The *2035 Plan* clearly discusses the retention of the existing zoning map classifications and states that no zoning map amendments (rezoning requests) or reductions in existing zoning rights were being proposed by the County.

**2. Land Use Map Classifications**

The "Rural/Agricultural for Possible Urban Development" classification is meant as a temporary designation for Rural (R) zoned properties within the UGB until a property owner determines if they want to develop in the municipality or the County. It is not the intention of the *Plan* or the Future Land Use Guide for Rural (R) zoned areas with the UGBs to remain rural (p. 19). Because the landowner could choose to annex into a municipality, no other land use classification other than "Rural/Agricultural for

**Staff Report**  
Jefferson County Planning Commission Meeting  
November 12, 2024

( [REDACTED] ) **Rezoning Request (24-2-Z)**

Possible Urban Development” was given. Appendix G of the *Plan* does not provide a detailed explanation of the classification.

Since the landowner intends to develop under County standards, the properties are treated as being in a PGA without using a land use classification found in Appendix G of the *Plan*.

**3. Proposed Zoning District – Residential Growth (RG)**

The purpose of the Residential Growth (RG) District (Section 5.4 of the Zoning Ordinance) is “to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services” (complete description attached).

As noted previously, the subject parcel is designated as Rural/Agricultural for Possible Urban Development on the Future Land Use Guide of the 2035 *Plan*.

**Staff Discussion and Recommendation**

This property has been zoned Rural since zoning went into to effect in 1988. Two of the subject parcels were created as separate residences by land grant from the [REDACTED] property. [REDACTED] is a Category I historic landmark and has been on the National Register since 1994. When processing any potential developments on the property the developer must comply with the Zoning Ordinance requirements related to historic sites. The *Envision Jefferson 2035 Plan* recommendations focus on balancing accessibility and awareness of such historic sites with the property rights of the landowners of the historic sites. It also promotes the creation and use of voluntary design guidelines to reflect a historic site’s nature and context should development occur (p. 121). As such, staff finds that that the historic nature of Media Farm is not relevant to Planning Commission’s recommendation regarding the proposed zoning map amendment.

The 2035 *Plan* was the first Jefferson County Comprehensive Plan to include a Future Land Use Map/Guide, which is intended to be a tool to provide a visual definition of future growth and areas where potential owner initiated zoning map amendments (rezoning requests) might occur within the timeframe of the *Plan*. The 2035 *Plan* stated that “by creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”(pp. 16-17).

The *Plan* does not initiate any zoning map amendments and only provides recommendations to guide development including identifying Preferred Growth Areas.

Based on these recommendations of the 2035 *Plan* related to the Future Land Use Map/Guide and text, staff finds that the proposed Residential Growth (RG) zoning category for the 127+/- acres included in this application is **consistent** with the *Envision Jefferson 2035 Comprehensive Plan*.

**Planning Commission Action Required**

Article 12 of the Zoning Ordinance and the relevant sections of WV State Code requires the County Commission to refer rezoning petitions to the Planning Commission for their review and recommendation as to whether the amendment is consistent with the adopted Comprehensive Plan. Such recommendation is required to be sent to the County Commission prior to the County Commission’s public hearing which shall be held within 60 days of the date the petition is presented.

The petition was presented to the County Commission on October 17, 2024 and the required Public Hearing has been scheduled for December 5, 2024 at a time to be determined. Therefore, the Planning Commission is required to review this application and make a recommendation to the County Commission prior to this Hearing.

**Staff Report**  
Jefferson County Planning Commission Meeting  
November 12, 2024

[REDACTED] ([REDACTED]) Rezoning Request (24-2-Z)

**Attachments:**

- Section 5.4 of the Zoning Ordinance - Residential Growth (RG)
- Appendix C of the Zoning Ordinance
- EJ 2035 FLU Ranson UGB Guide



## **ARTICLE 5: DISTRICT ESTABLISHMENT; ZONING MAPS; DISTRICT BOUNDARIES; DISTRICT REGULATIONS**

### **Section 5.1 Establishment of Districts<sup>1</sup>**

For the purpose of this Ordinance, all land within the County, exclusive of the incorporated towns, is hereby designated as one of the following zoning districts:

|        |  |
|--------|--|
| RG     | Residential Growth District                      |
| I-C    | Industrial-Commercial District                   |
| R      | Rural (Agricultural) District                    |
| R-LI-C | Residential-Light Industrial-Commercial District |
| V      | Village District <sup>23</sup>                   |
| NC     | Neighborhood Commercial <sup>27</sup>            |
| GC     | General Commercial <sup>27</sup>                 |
| HC     | Highway Commercial <sup>27</sup>                 |
| LI     | Light Industrial <sup>27</sup>                   |
| MI     | Major Industrial <sup>27</sup>                   |
| PND    | Planned Neighborhood Development <sup>27</sup>   |
| OC     | Office / Commercial Mixed-Use <sup>27</sup>      |

### **Section 5.2 Boundaries of Districts**

Unless otherwise indicated on the zoning district maps, the boundary lines of the districts shall follow lot lines, centerlines of streets, alleys, corporate limit lines, or centerlines of waterways as existing at the time of the adoption of this Ordinance.

### **Section 5.3 District Maps**

The districts shall be of the size and shape shown on the Jefferson County Zoning Maps and shall hereby be made a part of this ordinance. A copy of the said maps shall be signed by the County Commissioners upon the adoption of these regulations and recorded within the Courthouse.

The Jefferson County zoning layer is parcel-based, maintained in a Geographic Information System (GIS), and shall be the basis for the County's official zoning map. Within 30 days of final County Commission action on a zoning map amendment, GIS/Addressing staff will update the digital zoning layer and make the new data available online.<sup>23</sup>

On an annual basis, in December, and within 30 days of final County Commission action on a zoning map amendment, a new zoning map will be printed which includes the most up to date base layer data, all approved zoning designations since the last printed map, and an effective date, certified by the President of the County Commission, filed with the County Clerk's office, and a copy provided to the Planning Commission. This annual map update shall not require a public hearing and such certification shall occur administratively.<sup>23</sup>

### **Section 5.4 Residential Growth (RG) District**

The Residential Growth District is intended to provide for a variety of residential uses and densities which can be supported by central or public water and sewer and adequate roadways and services. This district encourages areas of commercial growth proposed as an appropriate and compatible integrated part of a residential development in conformance with Section 5.4C of this Ordinance.<sup>32</sup>

The following regulations govern development within the Residential Growth District.

A. Principal Permitted and Conditional Uses<sup>23,27, 32</sup>

1. Uses that are permitted, conditional, and not permitted in this district shall be as indicated in Appendix C, Principal Permitted and Conditional Uses Table.<sup>27, 32</sup>
2. Uses shown as conditional uses (CU) for this district in Appendix C, Principal Permitted and Conditional Uses Table shall be subject to review and approval by the Board of Zoning Appeals in accordance with Section 6.3 of this Ordinance.<sup>27, 32</sup>

B. Minimum Lot Area, Height, and Yard Requirements

1. Setbacks, height, and other site development standards shall be as indicated in Appendix A, Residential Site Development Standards, and Appendix B, Non-Residential Site Development Standards, except as provided elsewhere in this Ordinance. The minimum lot area requirements are based on the availability of central or public water and sewer facilities and West Virginia Board of Health regulations.<sup>23, 27</sup>
2. When computing the dwelling unit yield for a parcel of land, use the total area of parcel minus (1) lands contained in a wetland and (2) hillside lands to be retained in a natural, undisturbed condition as provided for in the Jefferson County Subdivision and Land Development Regulations. The balance square footage between the ADU (Area per Dwelling Unit) and the MLA (Minimum Lot Area) shall not include land set aside in a Sensitive Natural Area, Buffer to a Sensitive Natural Area, land qualifying as Hillside development or a 100 Year Flood Plain.<sup>5,23, 27</sup>
3. All detached accessory structures under 144 square feet in size shall have a setback of 6'.<sup>27</sup>

C. Commercial Services in Residential Developments<sup>23</sup>

1. Commercial services may be included in a residential development providing the commercial uses are intended to serve the residential community proposed and shall relate well to residential areas in terms of pedestrian and vehicular circulation.
2. The gross area for commercial uses shall not exceed 5 acres or 10 percent of the gross tract area, whichever is less.
3. Commercial uses shall not be built or established prior to the residential development unless built in phases consistent with phasing of the residential construction.
4. These uses shall be located within the interior of the project.
5. Commercial uses shall be subject to the Conditional Use Permit process as outlined in Section 6.3 of this Ordinance. Any proposed commercial use that is served from a road that is proposed to be located on the perimeter of the project or on a State Road shall be required to be considered as a part of the Conditional Use Public Hearing process.<sup>5, 32</sup>

D. Standards for Commercial Uses<sup>23, 32</sup>

1. Commercial uses are subject to the following access requirements:<sup>32</sup>
  - a. Such uses will not use adjacent residential roads for through traffic; and
  - b. Will connect to principal and major arterial highways as directly as feasible considering access restrictions.<sup>5</sup>
2. Commercial uses are subject to the requirements of Section 5.6D and the requirements for such standards in Article 8.<sup>32</sup>



**APPENDIX C: PRINCIPAL PERMITTED AND CONDITIONAL USES TABLE<sup>23, 29, 32, 33, 35, 37, 39, 43</sup>**

| Land Use                                    | NC | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | RLIC | IC | V  | Additional Standards |
|---|----|----|----|----|----|------------------|----|----|----|------|----|----|----------------------|
| <b>Residential Uses</b>                     |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| Accessory Agricultural Dwelling Unit        | P  | P  | P  | P  | P  | P                | P  | P  | P  | P    | P  | P  | Sec. 8.15            |
| Dwelling, Single Family                     | CU | NP | NP | NP | NP | P                | NP | P  | P  | P    | NP | P  |                      |
| Dwelling, Single Family, Small Lot          | CU | NP | NP | NP | NP | P                | NP | NP | P  | P    | NP | P  |                      |
| Dwelling, Two Family                        | CU | NP | NP | NP | NP | P                | NP | P  | P  | P    | NP | P  |                      |
| Dwelling, Duplex                            | CU | NP | NP | NP | NP | P                | NP | NP | P  | P    | NP | P  |                      |
| Dwelling, Townhouse                         | CU | NP | NP | NP | NP | P                | P  | NP | P  | P    | NP | CU |                      |
| Dwelling, Multi-Family                      | CU | NP | NP | NP | NP | P                | P  | NP | P  | P    | NP | CU |                      |
| Day Care Center, Small                      | P  | NP | NP | NP | NP | P                | NP | P  | P  | P    | P  | P  |                      |
| In-Law Suite                                | NP | NP | NP | NP | NP | P                | NP | P  | P  | P    | NP | P  | Sec. 8.15            |
| Mixed Use Building                          | P  | NP | NP | NP | NP | P                | P  | NP | CU | P    | NP | P  |                      |
| Mobile Home Park                            | NP | NP | NP | NP | NP | NP               | NP | NP | P  | P    | NP | NP |                      |
| Model Homes/Sales Office                    | P  | CU | NP | NP | NP | P                | NP | P  | P  | P    | NP | NP | Sec. 8.10            |
| <b>Home Uses</b>                            |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| Home Occupation, Level 1                    | P  | NP | NP | NP | NP | P                | P  | P  | P  | P    | P  | P  | Art. 4A              |
| Home Occupation, Level 2                    | P  | NP | NP | NP | NP | P                | P  | P  | P  | P    | P  | P  | Art. 4A              |
| Cottage Industry                            | P  | NP | NP | NP | NP | P                | NP | P  | P  | P    | P  | P  | Art. 4A              |
| <b>Institutional Uses</b>                   |    |    |    |    |    |                  |    |    |    |      |    |    |                      |
| Airport                                     | NP | NP | NP | P  | P  | NP               | NP | CU | NP | CU   | CU | NP |                      |
| Airfield, Private/Helipad                   | NP | NP | NP | NP | NP | NP               | NP | CU | NP | CU   | CU | NP |                      |
| Church <sup>38</sup>                        | P  | P  | P  | P  | CU | P                | P  | P  | P  | P    | CU | P  |                      |
| Convention Center                           | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | CU | NP |                      |
| Cultural Facility                           | P  | P  | P  | P  | CU | P                | P  | P  | P  | P    | P  | P  |                      |
| Day Care Center, Large                      | P  | P  | P  | P  | CU | P                | P  | CU | P  | P    | P  | CU |                      |
| Electric Vehicle Charging Station           | P  | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                      |
| Elementary or Secondary School              | P  | P  | CU | CU | NP | P                | P  | P  | P  | P    | NP | CU |                      |
| Essential Utility Equipment                 | P  | P  | P  | P  | P  | P                | P  | P  | P  | P    | P  | P  | Sec. 4.7             |
| Group Residential Facility                  | P  | P  | P  | NP | NP | P                | CU | P  | P  | P    | NP | P  |                      |
| Group Residential Home                      | P  | P  | P  | NP | NP | P                | CU | P  | P  | P    | NP | P  |                      |
| Heliport                                    | NP | CU | CU | P  | P  | CU               | CU | NP | NP | CU   | CU | NP |                      |
| Hospital                                    | NP | P  | P  | P  | CU | P                | P  | P  | P  | P    | NP | NP |                      |
| Nature Center and Preserve                  | NP | NP | NP | NP | NP | P                | NP | P  | CU | P    | NP | P  |                      |
| Nursing or Retirement Home                  | CU | P  | P  | P  | NP | P                | P  | CU | P  | P    | NP | CU |                      |
| Park  | P  | P  | P  | P  | NP | P                | P  | P  | P  | P    | NP | P  |                      |
| Performing Arts Theater                     | P  | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                      |
| Preschool                                   | P  | P  | CU | CU | CU | P                | P  | P  | P  | P    | NP | CU |                      |
| Public Safety Facility                      | P  | P  | P  | P  | P  | P                | P  | P  | P  | P    | P  | P  |                      |
| Publicly Owned Facility                     | P  | P  | P  | P  | P  | P                | P  | P  | P  | P    | P  | CU |                      |
| Recycling Drop-Off Center                   | CU | P  | P  | P  | P  | P                | P  | NP | NP | P    | P  | NP |                      |
| Residential Care Home                       | P  | P  | P  | NP | NP | P                | CU | P  | P  | P    | NP | P  |                      |
| School, College or University               | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | NP | NP |                      |
| School, Vocational or Professional          | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | NP |                      |
| Vocational and Training Facility for Adults | P  | P  | P  | P  | P  | P                | P  | P  | P  | P    | NP | NP |                      |

| Land Use   | NC | GC | HC | LI | MI              | PND <sup>1</sup> | OC | R  | RG       | RLIC | IC              | V  | Additional Standards   |
|--|----|----|----|----|-----------------|------------------|----|----|----------|------|-----------------|----|------------------------|
| <b>Industrial</b>  |    |    |    |    |                 |                  |    |    |          |      |                 |    | Sec. 8.9               |
| Heavy Equipment Repair   | NP | NP | CU | CU | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Heavy Industrial Uses  | NP | NP | NP | NP | P               | NP               | NP | NP | NP       | NP   | P               | NP | Sec. 8.9               |
| Light Industrial Uses  | NP | NP | NP | P  | P               | NP               | NP | NP | **<br>NP | P    | P               | NP | Sec. 8.9               |
| Manufacturing, Heavy   | NP | NP | NP | CU | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Manufacturing, Limited   | NP | P  | P  | P  | P               | CU               | NP | NP | NP       | P    | P               | NP |                        |
| Printing and Publishing  | NP | P  | P  | P  | P               | P                | P  | NP | NP       | P    | P               | NP |                        |
| Salvage Yards  | NP | NP | NP | NP | CU <sup>2</sup> | NP               | NP | NP | NP       | NP   | CU <sup>2</sup> | NP | Sec. 4.4L              |
| Shooting Range, Indoor   | NP | CU | CU | P  | P               | NP               | NP | CU | NP       | CU   | P               | NP |                        |
| Shooting Range, Outdoor  | NP | NP | NP | CU | CU              | NP               | NP | CU | NP       | NP   | CU              | NP |                        |
| Slaughterhouses, Stockyards  | NP | NP | NP | NP | CU              | NP               | NP | CU | NP       | NP   | CU              | NP |                        |
| Transportation Terminal  | NP | P  | P  | P  | P               | P                | P  | NP | NP       | CU   | P               | NP |                        |
| Vehicle Storage  | NP | NP | NP | P  | P               | NP               | NP | NP | NP       | NP   | P               | NP |                        |
| Warehousing and Distribution, General  | NP | NP | NP | CU | P               | NP               | NP | NP | NP       | CU   | P               | NP |                        |
| Warehousing and Distribution, Limited  | NP | P  | P  | P  | P               | CU               | P  | NP | NP       | P    | P               | NP |                        |
| <b>Industrial Manufacturing &amp; Processing</b>                                 |    |    |    |    |                 |                  |    |    |          |      |                 |    | Sec. 8.9               |
| Acid or heavy chemical manufacturer, processing or storage                       | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Bituminous concrete mixing and recycling plants                                  | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Cement or Lime Manufacture   | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Commercial Sawmills  | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Concrete and ceramic products manufacture, including ready mixed concrete plants | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Explosive manufacture or storage   | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Foundries and/or casting facilities  | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Jails and Prisons  | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP | Sec. 8.7               |
| Mineral extraction, mineral processing   | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP |                        |
| Petroleum products refining or storage   | NP | NP | NP | NP | CU              | NP               | NP | NP | NP       | NP   | CU              | NP | Sec. 8.11              |
| <b>Adult Uses</b>  |    |    |    |    |                 |                  |    |    |          |      |                 |    |                        |
| Adult Uses   | NP | NP | NP | NP | NP              | NP               | NP | NP | NP       | NP   | P               | NP | Sec. 4.4K,<br>Sec. 8.1 |
| <b>Recreational Uses</b>   |    |    |    |    |                 |                  |    |    |          |      |                 |    |                        |
| Hunting, Shooting, Archery and Fishing Clubs, public or private                  | NP | NP | NP | CU | CU              | NP               | NP | P  | NP       | NP   | NP              | NP | Sec. 8.8               |
| <b>Commercial Uses</b>   |    |    |    |    |                 |                  |    |    |          |      |                 |    | Sec. 8.9               |
| Antique Shop   | P  | P  | P  | P  | NP              | P                | NP | CU | CU       | P    | P               | P  |                        |
| Appliance Sales  | NP | P  | P  | P  | CU              | P                | NP | CU | CU       | P    | P               | NP |                        |
| Art Gallery or Artist Studio   | P  | P  | P  | P  | NP              | P                | P  | CU | CU       | P    | P               | P  |                        |
| ATM  | P  | P  | P  | P  | NP              | P                | P  | CU | CU       | P    | P               | CU |                        |
| Automobile repair, sales and service   | NP | P  | P  | P  | P               | P                | NP | CU | CU       | P    | P               | CU |                        |
| Automobile parts, supplies and tire stores                                       | NP | P  | P  | P  | P               | P                | NP | CU | CU       | P    | P               | CU |                        |
| Automobile, light truck and light trailer rentals, indoor                        | P  | P  | P  | P  | P               | P                | NP | CU | CU       | P    | P               | CU |                        |
| Automobile, light truck and light trailer rentals, outdoor                       | NP | P  | P  | P  | P               | P                | NP | CU | CU       | P    | P               | CU |                        |
| Bail Bond Services   | NP | P  | P  | P  | CU              | NP               | NP | CU | CU       | CU   | P               | CU |                        |
| Bank   | P  | P  | P  | P  | CU              | P                | P  | CU | CU       | P    | P               | P  |                        |
| Bank with Drive-Through Facility   | CU | P  | P  | P  | CU              | P                | P  | CU | CU       | P    | P               | CU |                        |



| Land Use                              | NC | GC | HC | LI | MI | PND <sup>1</sup> | OC | R  | RG | RLIC | IC | V  | Additional Standards  |
|---------------------------------------|----|----|----|----|----|------------------|----|----|----|------|----|----|-----------------------|
| <b>Commercial Uses continued</b>      |    |    |    |    |    |                  |    |    |    |      |    |    | <b>Sec. 8.9</b>       |
| Bar                                   | P  | P  | P  | P  | NP | P                | P  | NP | NP | P    | P  | CU |                       |
| Barber/Beauty Shop, Limited           | P  | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | P  |                       |
| Bed and Breakfast                     | P  | NP | NP | NP | NP | P                | NP | P  | CU | P    | NP | P  | Sec. 8.3              |
| Brewpub                               | P  | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU | Sec. 8.5              |
| Business Equipment Sales and Service  | CU | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Building Maintenance Services         | CU | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Building Materials and Supplies       | NP | P  | P  | P  | P  | P                | NP | CU | CU | P    | P  | CU |                       |
| Campground <sup>31</sup>              | CU | P  | NP | NP | NP | P                | NP | P  | CU | P    | P  | CU | Sec. 8.17             |
| Car Wash                              | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Commercial Blood Plasma Center        | NP | P  | P  | P  | NP | CU               | CU | CU | CU | CU   | P  | CU |                       |
| Commercial Uses                       | NP | NP | NP | NP | NP | NP               | NP | NP | ** | P    | P  | CU | Sec. 8.9              |
| Contractor with No Outdoor Storage    | P  | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Contractor with Outdoor Storage       | NP | P  | P  | P  | P  | P                | NP | CU | CU | P    | P  | CU |                       |
| Convenience Store                     | CU | P  | P  | P  | CU | P                | NP | CU | CU | CU   | P  | CU | Sec. 5.8C (RLIC only) |
| Convenience Store, Limited            | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Country Inn                           | P  | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | P  |                       |
| Crematorium, Pet <sup>37</sup>        | NP | P  | NP | P  | NP | NP               | NP | P  | NP | P    | P  | CU | Sec. 8.19             |
| Custom Manufacturing                  | P  | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Dry cleaning and Laundry Services     | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Dry cleaning and Laundry Facility     | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Equipment Rental, Sales, or Service   | NP | P  | P  | P  | P  | P                | NP | CU | CU | P    | P  | CU |                       |
| Exterminating Services                | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Florist                               | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Food Preparation                      | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Gambling Facilities                   | NP | NP | NP | NP | CU | NP               | NP | NP | NP | NP   | CU | CU | Sec. 4.4G             |
| Gas Station                           | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Gas Station, Large                    | NP | CU | P  | P  | CU | CU               | CU | CU | CU | P    | P  | CU |                       |
| Gas Station, Limited                  | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Golf Course                           | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Grocery Store                         | P  | P  | P  | P  | CU | P                | NP | CU | CU | P    | P  | CU |                       |
| Horse Racing Facility                 | NP | NP | NP | P  | NP | NP               | NP | CU | CU | P    | P  | CU |                       |
| Hotel/Motel                           | NP | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Kennel                                | NP | P  | P  | P  | CU | P                | P  | P  | CU | P    | P  | CU | Sec. 8.4              |
| Medical/Dental/Optical Office, Small  | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Medical/Dental/Optical Office         | NP | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Mobile Home, Boat and Trailer Sales   | NP | P  | P  | P  | CU | P                | NP | CU | CU | CU   | P  | CU |                       |
| Movie Theater                         | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Nightclub                             | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Non Profit Commercial Uses            | P  | P  | P  | P  | NP | P                | P  | CU | CU | P    | P  | CU |                       |
| Non-Profit Community Centers          | P  | P  | P  | P  | CU | P                | CU | P  | CU | P    | P  | CU |                       |
| Parking, Commercial Offsite Accessory | NP | P  | P  | P  | P  | P                | P  | CU | CU | P    | P  | CU |                       |
| Pawn Shop Services                    | NP | P  | P  | P  | NP | P                | NP | CU | CU | P    | P  | CU |                       |
| Personal Services                     | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Professional Office                   | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Professional Office, Small            | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | P  |                       |
| Restaurant                            | P  | P  | P  | P  | CU | P                | P  | CU | CU | P    | P  | CU |                       |
| Restaurant, Fast Food                 | CU | P  | P  | P  | CU | P                | P  | CU | CU | CU   | P  | CU |                       |

| Land Use   | NC | GC               | HC | LI | MI | PND <sup>1</sup> | OC | R                | RG | RLIC | IC | V  | Additional Standards |
|--|----|------------------|----|----|----|------------------|----|------------------|----|------|----|----|----------------------|
| <b>Commercial Uses continued</b>   |    |                  |    |    |    |                  |    |                  |    |      |    |    | <b>Sec. 8.9</b>      |
| Restaurant, Fast Food, Drive-Through <sup>40</sup>   | NP | P                | P  | P  | CU | CU               | P  | CU               | CU | P    | P  | CU |                      |
| Restaurant, Fast Food, Limited   | P  | P                | P  | P  | CU | P                | P  | CU               | CU | P    | P  | CU |                      |
| Retail Sales and Services, General   | NP | P                | P  | P  | NP | P                | NP | CU               | CU | P    | P  | CU |                      |
| Retail Sales Limited   | P  | P                | P  | P  | NP | P                | P  | CU               | CU | P    | P  | CU |                      |
| Retail Store, Large  | NP | CU               | P  | CU | NP | CU               | NP | CU               | CU | CU   | CU | CU |                      |
| Shipping and Mailing Services  | P  | P                | P  | P  | CU | P                | P  | CU               | CU | P    | P  | CU |                      |
| Short Term Rental <sup>41</sup>  | CU | NP               | NP | NP | NP | P                | NP | P                | P  | P    | NP | P  | Sec. 8.16            |
| Solar Energy Facility <sup>43</sup>  | NP | See Section 8.20 |    |    |    | NP               | NP | See Section 8.20 |    |      |    | NP | Sec. 8.20            |
| Special Event Facility   | P  | P                | P  | P  | NP | P                | P  | CU               | CU | P    | P  | CU | Sec. 8.14            |
| Storage, Commercial  | NP | P                | P  | P  | CU | P                | NP | CU               | CU | P    | P  | CU |                      |
| Veterinary Services  | P  | P                | P  | P  | CU | P                | P  | P                | CU | P    | P  | CU |                      |
| Wireless Telecommunications Facilities   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  | Art. 4B              |
| <b>Agricultural Uses*</b>  |    |                  |    |    |    |                  |    |                  |    |      |    |    |                      |
| Agricultural Uses, as defined in Article 2   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  |                      |
| Agricultural Repair Center   | NP | P                | P  | P  | P  | P                | P  | P                | CU | P    | P  | NP |                      |
| Agricultural Tourism   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  |                      |
| Crematorium, Livestock <sup>37</sup>   | CU | CU               | CU | CU | CU | CU               | CU | P                | CU | CU   | CU | CU | Sec. 8.19            |
| Farm Brewery   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  | Sec. 8.5             |
| Farm Winery or Distillery  | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  | Sec. 8.5             |
| Farm Market  | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  | Sec. 8.6             |
| Farmer's Market  | P  | P                | P  | NP | NP | P                | NP | P                | CU | P    | NP | CU | Sec. 8.6             |
| Farm Vacation Enterprise   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  |                      |
| Feed and/or Farm Supply Center   | CU | P                | P  | P  | P  | P                | P  | P                | CU | P    | P  | NP |                      |
| Horticultural Nurseries and Commercial Greenhouses   | P  | P                | P  | P  | P  | P                | P  | P                | CU | P    | P  | NP |                      |
| Landscaping Business   | P  | P                | P  | P  | P  | P                | P  | P                | CU | P    | P  | NP |                      |
| Rental of Existing Farm Building for Commercial Storage<br>Structure must have existed for 5 years | NP | P                | P  | P  | P  | P                | P  | P                | CU | P    | P  | NP |                      |
| Special Event Facility, Agricultural   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  | Sec. 8.14            |
| <b>Accessory Uses</b>  |    |                  |    |    |    |                  |    |                  |    |      |    |    |                      |
| Accessory Uses   | P  | P                | P  | P  | P  | P                | P  | P                | P  | P    | P  | P  |                      |

NC Neighborhood Commercial

GC General Commercial

HC Highway Commercial

LI Light Industrial

MI Major Industrial

PND Planned Neighborhood Development

P Permitted Uses

NP Not Permitted Uses

CU Conditional Uses (subject to requirements of district and/or other requirements of this Ordinance)

\*\* Accessory Use to a planned residential community, if permitted pursuant to Section 5.4 and processed as a CU

<sup>1</sup> The Planning Commission may amend the permitted uses for a development in the PND District per Article 5.

<sup>2</sup> Approval process is per the Salvage Yard Ordinance.

OC Office / Commercial Mixed-Use

R Rural

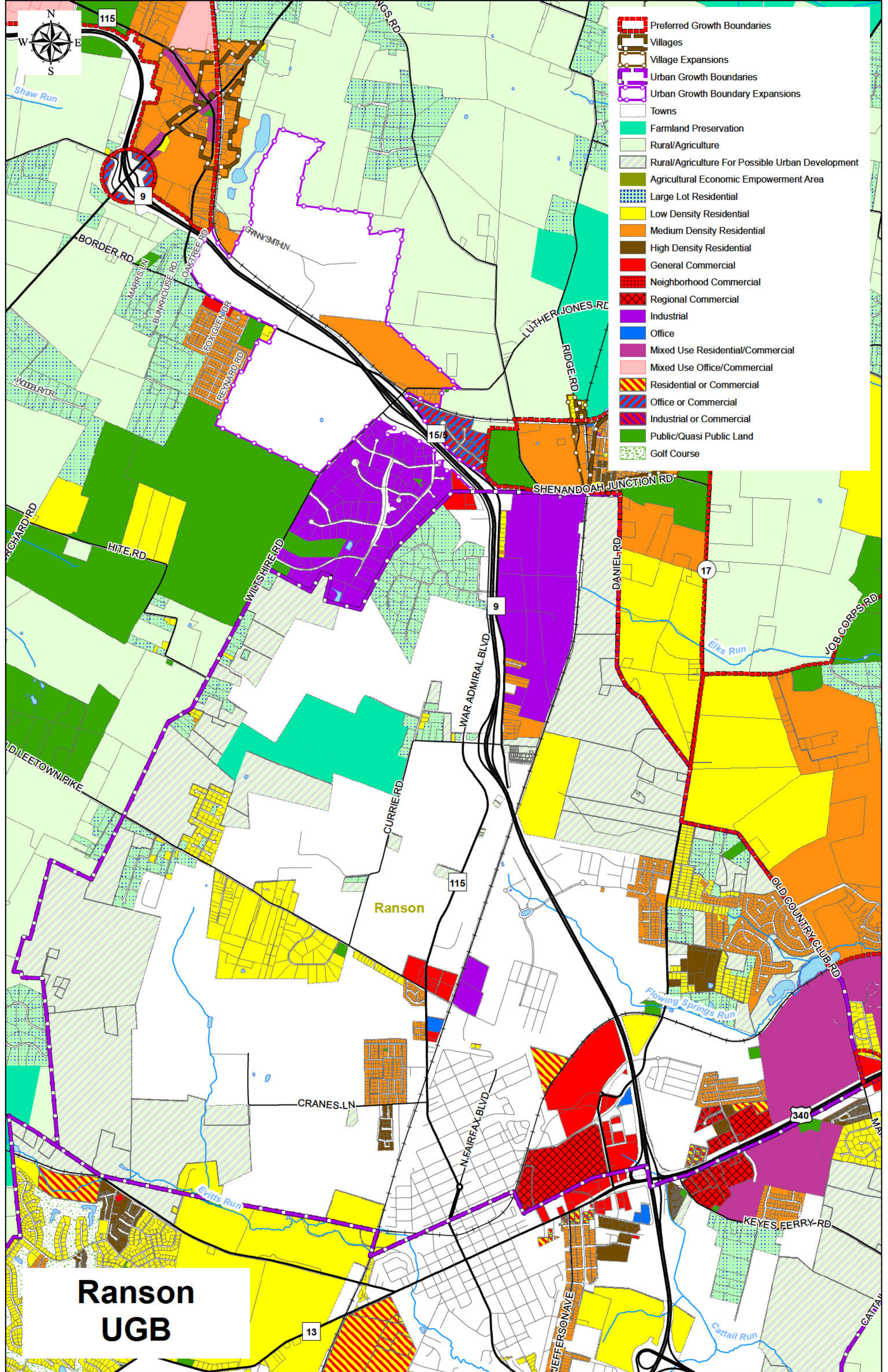
RG Residential Growth District

RLIC Residential-Light Industrial-Commercial District

IC Industrial-Commercial District

V Village District





- Preferred Growth Boundaries
- Villages
- Village Expansions
- Urban Growth Boundaries
- Urban Growth Boundary Expansions
- Towns
- Farmland Preservation
- Rural/Agriculture
- Rural/Agriculture For Possible Urban Development
- Agricultural Economic Empowerment Area
- Large Lot Residential
- Low Density Residential
- Medium Density Residential
- High Density Residential
- General Commercial
- Neighborhood Commercial
- Regional Commercial
- Industrial
- Office
- Mixed Use Residential/Commercial
- Mixed Use Office/Commercial
- Residential or Commercial
- Office or Commercial
- Industrial or Commercial
- Public/Quasi Public Land
- Golf Course

**Ranson  
UGB**





Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
116 E. Washington Street, 2<sup>nd</sup> Floor  
Charles Town, West Virginia 25414

File #: 24-2-Z  
Fees Paid: \$ 11,025

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

Phone: (304) 728-3228

**Zoning Map Amendment (Rezoning)**

**A Zoning Map Amendment shall process in accordance with Article 12 of the Zoning Ordinance.\***

*A complete petition, and related fees, shall be submitted to the Office of Planning and Zoning for placement on the Planning Commission agenda at least two (2) weeks prior to the meeting date at which the petition will be presented. A copy of the application shall be submitted to the County Commission Office for inclusion on the County Commission Agenda at least one week prior to the County Commission meeting date.*

**Property Owner Information**

Owner Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Lane, [REDACTED] Shenandoah Junction, WV 25442  
Phone Number: [REDACTED] Email: c/o [REDACTED]

**Applicant Contact Information**

Applicant Name: Same as Owner Same as owner: ☐  
Business Name: [REDACTED]  
Mailing Address: [REDACTED]  
Phone Number: [REDACTED] Email: [REDACTED]

**Consultant Information**

Consultant Name: [REDACTED]  
Business Name: [REDACTED]  
Mailing Address: [REDACTED] Charles Town, WV 25414  
Phone Number: [REDACTED] Email: [REDACTED]

**Physical Property Details**

Physical Address: [REDACTED] Lane, Ranson, WV 25438 Vacant Lot: ☐  
Parcel ID: (Tax District / Map No. / Parcel No.) [REDACTED] District, Map [REDACTED] Parcels [REDACTED] and [REDACTED]  
Parcel Size: Approx 127± Acres (126.46± Tax, 127.66± Deed) Deed Book: [REDACTED] and [REDACTED] Page No: [REDACTED] and [REDACTED]

**Current Zoning District (please check one)**

- |   |   |
|---|---|
| <input type="checkbox"/> Residential Growth (RG)                          | <input type="checkbox"/> General Commercial (GC)                |
| <input type="checkbox"/> Industrial Commercial (I-C)                      | <input type="checkbox"/> Highway Commercial (HC)                |
| <input checked="" type="checkbox"/> Rural (R)* <u>Within UGB</u>          | <input type="checkbox"/> Light Industrial (LI)                  |
| <input type="checkbox"/> Residential-Light Industrial-Commercial (R-LI-C) | <input type="checkbox"/> Major Industrial (MI)                  |
| <input type="checkbox"/> Village (V)                                      | <input type="checkbox"/> Planned Neighborhood Development (PND) |
| <input type="checkbox"/> Neighborhood Commercial (NC)                     | <input type="checkbox"/> Office/Commercial Mixed-Use (OC)       |

**Proposed Zoning District:** Residential Growth District



\*Pursuant to Article 12, a Zoning Map Amendment is a procedure to amend the official Zoning Map of the County by changing the zoning designation of a property. In order for a proposed amendment to be approved, the County Commission, with the advice of the Planning Commission, must find that the amendment is consistent with the adopted Comprehensive Plan, or if it is inconsistent, must make findings in accordance with the requirements of 8A-7-8 et seq of the WV State Code.

**Substantiation for the Request**

For a Zoning Map Amendment (rezoning) request, the "burden of proof" is on the applicant to show why the proposed zoning is more appropriate than the existing zoning. Accordingly, please explain how the following factors support your proposal.

Describe your proposed use/project and describe why this Zoning Map Amendment is necessary for the proposed use (and/or project) described.

The proposed use is a residential project and a rezoning is needed since the property is located in the Rural District, but is located in the Urban Growth Boundary (UGB). As such, it is a Preferred Growth Area (PGA). As such, the Comprehensive Plan labels this property for Urban Scale Growth.

Describe how this Zoning Map Amendment will be consistent with the objectives and policies of the Comprehensive Plan.

See Attached

Discuss any change(s) of transportation characteristics (i.e. type and frequency of traffic, adequacy of existing transportation routes), and neighborhood characteristics from when the original Ordinance was adopted.

See Attached

A plat or sketch shall include the entire original parcel as it appeared on the date the Zoning Ordinance took effect. The property proposed for development shall be drawn to a reasonable scale (eg. 1" = 50', 1" = 100', or 1" = 200'). The sketch plan shall show, in simple form, the proposed layout of lots, parking areas, recreational areas, streets, building areas, and other features in relation to each other and to the tract boundaries. Contour lines, as shown on the appropriate U.S.G.S. Topographic Quadrangle Map or other data source approved by the Department, should be superimposed on the sketch plan. The source of all contour lines shall be noted on the plan. Natural features such as woods, watercourses, prominent rock outcroppings, sinkholes, and quarries shall be delineated.

**The information given is correct to the best of my knowledge. Property Owner Signature Required.**

Property Owner Signature

Date

10-9-24

Property Owner Signature

Date

Map Amendment (Rezoning) Application  
Article 12, Jefferson County Zoning Ordinance

October 8, 2024

**Owner and Applicant:**

[REDACTED]  
[REDACTED] Lane  
Shenandoah Junction, WV 25442

**Ordinance Citation:**

Article 12 of the Jefferson County Zoning and Development Review Ordinance.  
Section 12.3

**Map Amendment Definition:**

"An amendment to the Zoning Map which is adopted by reference in the Zoning Ordinance that consists of a change that only applies to a specific property, changing from one existing zoning designation to another existing zoning designation. A map amendment does not permit changes, conditions or alterations to uses permitted within an existing zoning designation as all zoning designations must be uniformly applied to all property which are subject to said designation."

**Request:**

Amend the Zoning Map for these three parcels: [REDACTED] Tax District, Map [REDACTED], Parcels [REDACTED], and [REDACTED] totaling approximately 127+- Acres (126.4 acres by Tax Map, 127.6 acres by Deed) from Rural to Residential Growth, based on its Consistency with the Envision Jefferson 2035 Comprehensive Plan (aka the 2015 Jefferson County Comprehensive Plan) and its location within the Urban Growth Boundary (UGB). The Comprehensive Plan, Envision Jefferson 2035 recognizes all property within the UGB as a Preferred Growth Area (PGA).

**Substantiation for the Request:**

1. The property is currently zoned Rural, and the Applicants are seeking a map amendment to the Residential Growth District. The Applicant believes that this map change is consistent and compatible with the Envision Jefferson 2035 Comprehensive Plan primarily since it is in the Urban Growth District (UGB) which is a Preferred Growth Area (PGA) and



being adjacent to property zoned Residential Growth. It is also just south of the Shenandoah PGA and adjacent to the Residential PGA;

2. There have been significant changes in this area, since the Jefferson County Zoning Ordinance was adopted in 1988. The changes include the availability of Public Water and Sewer, the development of the Route 17 (Flowing Springs Road) area of the County which includes this UGB and the two aforementioned PGAs;
3. The 2015 Envision Jefferson 2035 Comprehensive Plan shows this area to be in the Urban Growth Boundary which the Plan classifies the Urban Growth Boundaries as Preferred Growth Areas in Jefferson County. This Map, Growth Area and Plan was approved in 2015, and the area has developed as envisioned in the Plan. The reasons for rezoning that are cited in this Application are the same reasons that led to this area to be in the UGB and PGA in the Envision Jefferson Plan; and,
4. The Applicants believe that the current Rural Zoning classification is an error in the current Jefferson County Zoning Map since the property has been the Urban Growth Boundary since 2009 and in the Preferred Growth Area since 2015. As such, this area is in one of the nine primary growth areas of Jefferson County (seven which are PGAs (one is only a Residential PGA) and two that are UGBs) and is intended for Urban Scale Growth instead of Rural. The property is also located on a Major Collector Road (Route 17) in the County. A Major Collector Road is one of the higher rated roads in the County being just under Principal and Minor Arterial Roads. The area is also served by central water and wastewater treatment facilities.

**Tax District, Map and Parcel Number:**

██████████ Tax District, Map ██████ Parcels ██████ and ██████

**Deed Book Reference:**

Deed Book ██████ at Page ██████  
Deed Book ██████ at Page ██████

**Sketch Plats:**

Attached

**Tract Size:**

Three Parcels Totaling Approximately 127+- Acres (126.4 by Tax Map, 127.6 by Deed Reference)

**Discussion on:**

Comprehensive Plan compatibility of the proposed change: Included in this Petition.

Any Change of transportation characteristics and neighborhood from when the original ordinance was adopted: Included in this Petition.

**A. Comprehensive Plan Compatibility**

Among the many recommendations in the Envision Jefferson 2035 Comprehensive Plan, the following sections address items directly related to this map amendment.

Starting with one of the most important items in the **Comprehensive Plan (2015)** is the following excerpt from the Implementation section regarding the Zoning Ordinance on **page 148** which clearly establishes the intent of land in the Urban Growth Boundary of either Charles Town or Ranson:

**“A key component of this Plan is that any zoning map amendments (rezoning requests) that are requested would have to be in conformance with all the recommendations created as part of this Plan. As noted in the Land Use and Growth Management Element of this Plan, the areas zoned Rural within the Urban Growth Boundaries (UGB) of Charles Town and Ranson do not have specific future land use classifications. This was done with the understanding these areas are anticipated for growth and the properties could either be annexed into the applicable municipality or rezoned using the County’s zoning map amendment process. The Future Land Use Guide was created to provide an understanding of the types of activity that would be within those locations and provide other agencies, such as the WVDOT and the local water and sewer providers an ability to plan for where their limited resources need to be programmed.” (Emphasis Added)**

This excerpt explains the intent of the County Planning Commission and County Commission for the land in the Charles Town and Ranson UGBs to develop as urban scale development. Urban Growth Boundaries were provided for in the WV Code, as amended, and both the Cities and the County agreed to these areas to be the Preferred Growth Areas in Jefferson County. These areas were identified and adopted prior to the 2015 Comprehensive Plan (approved in 2009) and then included with specific language in the 2015 County’s Envision Jefferson 2035



Comprehensive Plan. These sections of the Plan are identified in the following excerpts.

The definition of 'Designated Growth Area' is found in the definitions of the Envision Jefferson 2035 Plan on Page 243:

**“Designated Growth Area**

**An area which includes municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages.” Emphasis Added**

The subject three parcels totaling approximately 127+- Acres are a Designated Growth Area in the Plan since they are within the UGB and included in the Future Land Use Guide and the Future Land Development Map. These maps are included in the Comprehensive Plan and in this application.

As found on page 13 of the 2015 Comprehensive Plan, there are only seven Preferred Growth Areas (PGAs) (one is a Residential PGA) in Jefferson County that are targeted for urban scale growth along with the two Urban Growth Boundaries. The Comprehensive Plan was adopted in 2015 after several years of meetings throughout the County and after extensive work by the Staff, the Steering Committee, Planning Commission and County Commission. It is typical for communities that have a Comprehensive Plan, to have requests for both text and map amendments for the map and ordinances to better reflect the Plan. In this case, the 2015 Plan show this property slated for growth as it is located within one of the eight preferred growth areas which includes the two UGBs where this property is located and adjacent to, or close to two other PGAs. The Envision Jefferson 2035 Plan is more specific in that it shows this property within the UGB and states the following on Page 17:

**“The first two area types addressed below, Urban Growth Boundaries (UGB) and Preferred Growth Areas (PGA) (including one residential growth area), are the sections of Jefferson County where urban scale development is to be targeted over the planning horizon of Envision Jefferson 2035.” Emphasis Added**

And the Plan continues on Page 18 and explains the County's anticipated plan for land located in the UGB when property is not annexed:

**“This Plan expects that properties within the UGB may be annexed into the adjoining municipality which has created the UGB. However, an entity with property located within the UGB could choose not to annex their land into a municipality and could then develop the land under the County's land development standards instead. In such circumstances, the UGB acts as a Preferred**

**Growth Area for the County and urban level development is still anticipated in these areas.”**

A main difference between the Envision Jefferson 2035 Comprehensive Plan and the previous Plans is that this Plan clearly identifies areas slated for urban growth and under what conditions that this growth should develop. In this area, the Plan targets this area for development due to the availability of Water and Sewer and services being close to the main incorporated areas in Jefferson County. The property area also has direct access to a Major Collector Road, as identified in the Plan which leads directly to access to Route 9. Finally, the area is within the UGB and next to land already zoned Residential Growth and land that is shown on the Future Land Use Guide as Residential and adjacent to another PGA.

The Comprehensive Plan’s map show that the subject property is ready for development, especially residential due to its location. This type of use is what the Commission intended when it was designated a preferred growth area within an establish Urban Growth Boundary. The purpose of the Plan is to both provide the buying public with the opportunity to understand where growth is designated, as well as to provide existing property owners the ability to realize their property’s value and be able to market their property within these growth areas for development.

Page 17 of the Comprehensive Plan describes the various categories of land, including PGAs and UGBs as follows:

**“Land Use Activity Areas**

This Plan details four broad types of land use activity within Jefferson County where development is to be targeted over the planning horizon of Envision Jefferson 2035.

**Four Comprehensive Types of Land Use Activity within the Designated Areas**

**Urban Growth Boundaries  
Preferred Growth Areas (PGAs)  
Villages  
Rural/Agricultural Areas”**

This portion of the Plan, along with the Future Land Use Guide provides predictability to both the property owners within those areas and to the folks buying in the area.



A further explanation of UGBs relationship to established PGAs is found on Page 20 of the Plan:

**“The PGAs are not intended to be promoted in favor of the UGB for the municipalities. Both areas are expected to be viable areas for development and no policy decision is being made to favor one area over another.”** Emphasis Added.

In this case, the subject property is in a UGB. Therefore, pursuant to the Comprehensive Plan, this location is prime for development since it is in this designated growth area.

Also found in the plan under the Section entitled Water and Sewer Services is a statement of a priority for providing Water and Wastewater Treatment infrastructure within this area which is found on page 85 of the plan:

**“In order to take a pro-active role, it is the recommendation of this Plan to encourage the provision of infrastructure that allows for a higher level of development inside of the following areas: municipalities, Urban Growth Boundaries, Preferred Growth Areas, and Villages.”**

In further direct support for the Map Amendment (Rezoning), the following recommendation is found in the Urban Level Development Recommendations Table starting on Page 30 of the Plan:

**“5. Create urban level land uses within the municipalities, UGBs, PGAs, or Villages through rezoning that is consistent with the Plan recommendations.”**

The requested Map Amendment is also supported by the following Economic Development portions of the 2015 Comprehensive Plan:

**“Focusing Economic Development in Municipalities, Urban Growth Boundaries, and Preferred Growth Areas**

Envision Jefferson 2035 expects urban level commercial, office, and industrial activity to be located in the municipalities, within the Urban Growth Boundary and Preferred Growth Areas, where the infrastructure is expected to be available to support these uses.” (Page 69) Emphasis Added

Based on these portions of the Envision Jefferson 2035 Comprehensive Plan, the Future Land Use Guide, the Future Development Area Map, and the Ranson UGB Map, this map amendment is consistent and compatible with the Plan. The

Consistency with, and Compatibility to the existing Comprehensive Plan and the Future Land Use Guide are the two most important criteria to be used for a Map Amendment.

The importance of the Future Land Use Guide when making Map Amendment decisions is outlined on Page 15 of the Plan:

**“By creating a Future Land Use Map/Guide, a community provides clarification for property owners related to their potential development on their site. The review of all zoning map amendment requests shall include consideration of all of the recommendations created as part of this Plan. All zoning map amendments shall be in conformance with the Future Land Use Guide and the recommendations of this Plan.”**

This section of the Plan allows for predictability of future land uses in Jefferson County. Based on the Urban Growth Boundary that was created in 2009 and added as the Ranson Urban Growth Boundary Map in the Plan and the Future Land Use Guide that were created in 2015 (after years of developing the Plan), the previous Property Owner, the current Property Owner and the Public were all made aware of the land use anticipated on this property and in the neighborhood.

To carry through what the City and County adopted in 2009 and then the County included and adopted in the 2015 Comprehensive Plan, in this preferred growth area known as the Ranson Urban Growth Boundary, the requested rezoning would allow the Applicants to develop residentially as the plan anticipated. This land is directly adjacent to property already zoned Residential Growth which is also located in the UGB and adjacent to another PGA.

The Plan encourages growth and development in areas where infrastructure and public facilities are available. In this case, the property has access to both Public Water and Wastewater Treatment Facilities that were expanded into this area due in part to the Comprehensive Plan's designation for growth. These qualities make the property an ideal candidate for a map amendment.

Again, this area is promoted in the Plan to develop into Urban Level Growth including residential subdivisions, apartments, and other higher intensity uses in the Urban Growth Boundaries and the Preferred Growth Areas.

For the Envision Jefferson 2035 Comprehensive Plan, Input on the potential Preferred Growth Areas was provided at a series of Public Workshops prior to the Plan's adoption in 2015. This reference regarding the Ranson UGB is found on page 187:



**“With the input given at the workshops, seven areas were identified as Preferred Growth Areas within Jefferson County.”**

Which included:

**“6. Area within the Ranson Urban Growth Boundary”**

Finally, in the Goals and Objectives of the Comprehensive Plan beginning on Page 190, the number one Goal is:

**“Goal #1: Require Urban Intensity Residential and Non-Residential Development to Occur within Existing Urbanized Areas, Approved Urban Growth Boundaries, Villages, and/or the County’s Identified Preferred Growth Areas.”**

On Page 190 it goes on to list the following as an Objective of this Number 1 Goal:

**“Objective #4: Permit the creation of urban level uses (particularly residential development) within approved Urban Growth Boundaries (UGBs), Villages, or in the Preferred Growth Areas (PGAs) through rezoning that is consistent with the recommendations of this Plan.” Emphasis Added**

And, also found in the Goals and Objectives on Page 196 is Goal 10 and Objective 4 regarding Infrastructure construction within the UGBs and PGAs:

**“Goal #10: Maintain and Enhance Community Services and Infrastructure Capacity for Water, Sanitary Sewer, Storm Sewer, and Other Utilities; and Enable the Provision of Orderly and Efficient Services and Advanced Technologies”**

**“Objective #4: Require that new utility facilities and/or extensions are located within Urban Growth Boundaries (UGBs), Preferred Growth Areas (PGAs), or Villages.” Emphasis Added.**

Based on the preceding recommendations, narrative, goals and objectives from the Envision Jefferson 2035 Comprehensive Plan and the Future Land Use Guide and the Future Land Development Map in the Comprehensive Plan, this map amendment is overwhelmingly consistent and compatible with the Envision Jefferson 2035 Plan.

## B. Change of Neighborhood

The Ordinance requires a discussion on the Change of Neighborhood and Change of Transportation Characteristics in the Map Amendment Request. However, it is important to note that it is to include changes since the adoption of the Zoning Ordinance in 1988.

This area of Jefferson County and the area surrounding both Ranson and Charles Town have changed significantly since the Zoning Ordinance was adopted in 1988. The following are examples of these changes:

1. One of the main changes for both characteristics include of course the adoptions of both the 2004 and replacement 2015 Comprehensive Plans. Along with the newest Plan, the Urban Growth Boundaries were adopted by Charles Town and Ranson in 2009 and ratified by the Jefferson County Commission. The Ranson UGB includes the subject parcels, and the 2015 Comprehensive Plan makes this area a Preferred Growth Area for Urban Growth. As such, the Utility Providers have concentrated their expansion efforts in these areas. If the Comprehensive Plan could change the Zoning designations of properties, this land would have already been reclassified to either the Residential Growth District or the Residential/Light Industrial/Commercial District. Instead, it provided many sections of the Plan that clearly recommend the rezoning of the land into a growth district.
2. The new plan, multiple annexations, sewer and water construction focuses new growth around the PGAs and UGBs. This has led to the considerable change of neighborhood.
3. Several residential developments have been built in this area including the three subdivisions across Flowing Springs Road and even multiple sections of the Briar Run Subdivision were developed after the Zoning Ordinance was adopted. The entire commercial development to the West of this property was developed post the County Zoning Ordinance. Most of this land was annexed to Ranson prior to developing. This includes the Kohls, Weis, Home Depot and all of the shops. It also includes the developments, both commercial and residential, across Route 9 which were all annexed and developed after the Zoning Ordinance.
4. At least two new schools have been built in the area including Wildwood Middle School which started out as the Ninth Grade Complex and Driswood Elementary School. Both were built in the 21<sup>st</sup> century based on the growth in the area that came after the Zoning Ordinance was adopted.
5. Currently, the four lane Route 340 is being completed to Virginia which will lead to more need for residential development as another direct commuter link to Route 7 to Northern Virginia and Winchester.



6. The Pandemic was after the Zoning Ordinance was adopted and it led to the lessening of the Federal Government and Corporation work week in the D.C. Metro area which affected many of the commuters. This shortened commuter work week (allowing more work from home in lieu of the commute) has created an increased demand for residential as more families realize they can move further out from the 'City'.
7. The Capacity of Wastewater Treatment facilities and Water Services has been expanded, especially in this area in anticipation of the development in the Ranson area, the UGBs and several PGAs in this specific area of the County based on the current and previous Comprehensive Plans
8. WVU Hospitals purchased both Berkeley Medical Center and Jefferson Medical Center in Ranson and have expanded the capabilities at both Hospitals and purchased sixty-four acres along Route 340 and Route 9 for potential expansion.
9. Along with the expanded services at Jefferson Medical Center, Valley Health has opened facilities, including a nearby Urgent Care, in this area of the County including within the Ranson UGB.
10. Since the Zoning Ordinance was adopted, the new four lane of Route 9 (West towards Martinsburg) was completed with direct four lane access to and from Route 81 from the north end of the 'Bypass' around Ranson. This expansion allowed easier access to Martinsburg and Hagerstown to this area. This property has close access to this Primary Arterial Road which with the completion of the bypass will create four lane access to and from this area north to Route 81, south to Route 7 and east both via Route 340 and the other 'newer' Route 9 over the mountain. This makes the property ripe for plan supported development.
11. A new Ranson Elementary School is nearing completion in the general Ranson UGB, and the School Board purchased enough land for additional schools in this campus.
12. The new Route 9 was added to provide a new four lane access east over the mountain.

The following are changes in the neighborhood that would specifically support the requested change to the Residential Growth District:

## 1. Availability of Public Utilities and Services:

Public Water and Sewer services with additional capacity are now available in this neighborhood. The availability of this capacity is a change for this neighborhood since 1988. As stated earlier, one of the Comprehensive Plan's primary objectives is to funnel growth into areas already served by existing infrastructure such as sewer and water:

'This Plan recommends that new development will take place in areas where infrastructure exists and the extension of services to growth in outlying areas will occur in accordance with the goals and objectives of this Plan.' (Page 27)

The allowance of growth in this area because of both the sewer and water and location within the PGA is also supported by Recommendation 5a found on Page 30:

**"Direct new urban level residential developments to locate in preferred areas within the municipalities, UGBs, PGAs, or Villages where water and sewer services are available."** (Emphasis added)

In this case, the Plan strongly supports the map amendment request based on the availability of services as recommended in the UGBs and the PGAs. The Applicant has already discussed the water and sewer services with the Utility Companies.

## 2. Growth in the Corridor:

Since the adoption of the original Zoning Ordinance in 1988, this area has grown considerably. The significant residential growth in the Flowing Springs growth corridor which is within the Shenandoah Junction/Schools PGA; the residential and commercial growth within Ranson and the Charles Town and Ranson UGBs, the expansion of services at Jefferson Medical Center and the development of the Valley Health facilities including the Urgent Care along with the Home Depot/Kohls/Weis shopping complex, etc. These types of developments along with the existing growth in the Charles Town and Ranson area illustrate that commercial and residential is very much consistent with the Comprehensive Plan; especially since most of these came after the Zoning Ordinance was adopted. The map amendment for the subject property is exactly what is envisioned in the Comprehensive Plan for the Preferred Growth Areas and within the Urban Growth Boundaries.



C. Change of Transportation Characteristics:

There have been positive changes in the transportation and traffic characteristics in this area since the time of the adoption of the Zoning Ordinance. Most of these are already addressed in the Change of Neighborhood section of this application. This includes the completion of the four lane Route 9 to both Route 81 and over the Mountain which helped to facilitate much of the commuter traffic. Additionally, the road was widened and improved to accommodate the large volume of tractor trailer traffic associated with the industrial and commercial growth in the area.

The finished Route 9 through Jefferson County was the major change in transportation characteristics that serves Ranson and the Ranson UGB where the subject property is located. It is also the direct four lane link to Route 81 that Jefferson County supported. This road has opened both trade routes and commuter routes in and out of Jefferson County.

The newly started construction on the four lane Route 340 from the 'Bypass' south of town to the Virginia line will have a major effect on this entire region, but specifically to properties (such as the subject parcel) that have close access to the Route 9/Route 340 corridor. This improvement and widening of Route 340 to the VA line, will promote the additional location of housing for expanded commuter traffic especially within this Urban Growth Boundary and the Preferred Growth Areas of the UGB and the Shenandoah Junction/Schools PGA.

These changes and improvements to the transportation system and neighborhood have taken place since 1988 when the Zoning Ordinance was adopted. Since the Comprehensive Plan was adopted in 2015, most of these road improvements have already been taken into consideration in the Envision Jefferson 2035 Comprehensive Plan. All these improvements have had a very positive effect on the transportation characteristics and traffic flow in this area and neighborhood. The four lane Route 9 was recognized as a driving force for the creation of this area's Urban Growth Boundary and Preferred Growth Area in the Plan. Accordingly, the Comprehensive Plan already acknowledges that these transportation changes have had a positive effect in this area, so much so that Ranson adopted, and the County acknowledged the UGB and approved the creation of this area as an Urban Growth Center as a Preferred Growth Area. These changes and improvements to both the Comprehensive Plan and the Transportation Characteristics support the rezoning of the subject property.

#### D. Error in the Original Zoning Map

The primary justification for a map amendment/rezoning in West Virginia is the consistency of the request with the Comprehensive Plan. This is the reason that the Comprehensive Plan is so thoroughly discussed in this Application and Request for Map Amendment. However, in some jurisdictions, an error in the original or amended zoning map is also used as a good indicator for map amendments. Accordingly, this Petition will briefly touch on some of the reasons that this property should have been zoned for development when the original ordinance was adopted; and/or shortly after the Envision Jefferson 2035 Plan was adopted. These are not errors in the traditional sense, just reasons that the area should be rezoned based on the circumstances that existed in 1988 when Zoning was adopted or after the 2015 Comprehensive Plan was adopted.

Listed below are several reasons why this property should have been zoned for development in 1988 when the original ordinance was adopted and after 2015 when the Envision Jefferson 2035 made it very clear that the property was ideal for growth. These reasons have already been discussed in detail in this Petition. Furthermore, these reasons alone would support the requested map amendment to the Residential Growth:

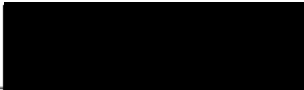
1. The property is located on a major road between Ranson/Charles Town and Shepherdstown which are three of the five Incorporated areas in Jefferson County, and it is a Major Collector Road as defined by the 2015 Comprehensive Plan;
2. The property has access to expanded public water and public wastewater capacity and services;
3. The property is located just south of Jefferson High School, which was the only high school in Jefferson County in 1988 and is now one of two high schools in the County. It is also close to the new Ranson School Campus under construction and close to the Wildwood Middle School and Driswood Elementary School which were constructed since the Zoning Ordinance was adopted; and,
4. The long anticipated major connection was made with Route 81 when the Route 9 Four Lane was completed which there is direct access to Route 9 just south of this site.

Once you combine these facts with the other compelling factors in the application, this Map Amendment is strongly consistent with the Plan. These arguments are bolstered by the creation and approval by both Ranson and the County Commission of the Ranson Urban Growth Boundary and the subsequent adoption of the Envision Jefferson 2035 Comprehensive Plan, which places the subject properties within this UGB/PGA.



E. Conclusion:

The Owner/Applicant respectfully requests that the County Commission approve this map amendment to the Jefferson County Zoning Map. This Petition cites many reasons why the map amendment should be approved. These reasons include: the consistency of the request to the Envision Jefferson 2035 Comprehensive Plan; the fact that the property should have been classified as one of the Growth Zones/Districts in the original ordinance or at least during or after the 2015 rewrite of the Comprehensive Plan; the positive changes in the transportation characteristics in the area, especially the construction of Route 9; the changes in the neighborhood from when the original zoning ordinance was adopted (including the new schools, new residential developments, expansion of Sewer and Water, major commercial developments in the area); the fact that the property and area is located in a Preferred Growth Area in the 2015 Plan and as a UGB in 2009 indicates this area as a major growth location; and, the fact that the property has access to Public Water and Sewer and other services. This map amendment will change the zoning classification on the Owner/Applicant's three properties identified in this application from the Rural District to the Residential Growth District.



Harvest Homes, LLC

10-9-24

Date

VICINITY MAP  
1" = 2000'

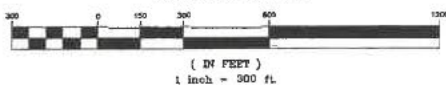


Approx Total Area:  
127 ± ACRES  
TOTAL AREA By DEED  
127.6 acres ±  
Total Area by TAX MAP  
126.4 acres ±

CONTOURS BASED ON  
2012 FEMA RS WV-VA-MD  
NAD83 HORIZONTAL  
NAVD88 VERTICAL  
A FIELD TOPOGRAPHIC  
SURVEY AND BOUNDARY  
SURVEY WOULD BE  
REQUIRED TO ACCURATELY  
ESTABLISH ELEVATIONS  
AND DIMENSIONS

TREE LINE / TREES  
CONTOUR LINES

GRAPHIC SCALE



Approx 127 ± ACRES (126.4 by TAX MAP 127.6 by DEED)

JEFFERSON COUNTY, WEST VIRGINIA

DISTRICT, JEFFERSON COUNTY, WEST VIRGINIA,

PROPERTY STANDING IN THE NAME OF [REDACTED] AS RECORDED  
IN THE OFFICE OF THE COUNTY CLERK OF JEFFERSON COUNTY IN DEED BOOKS

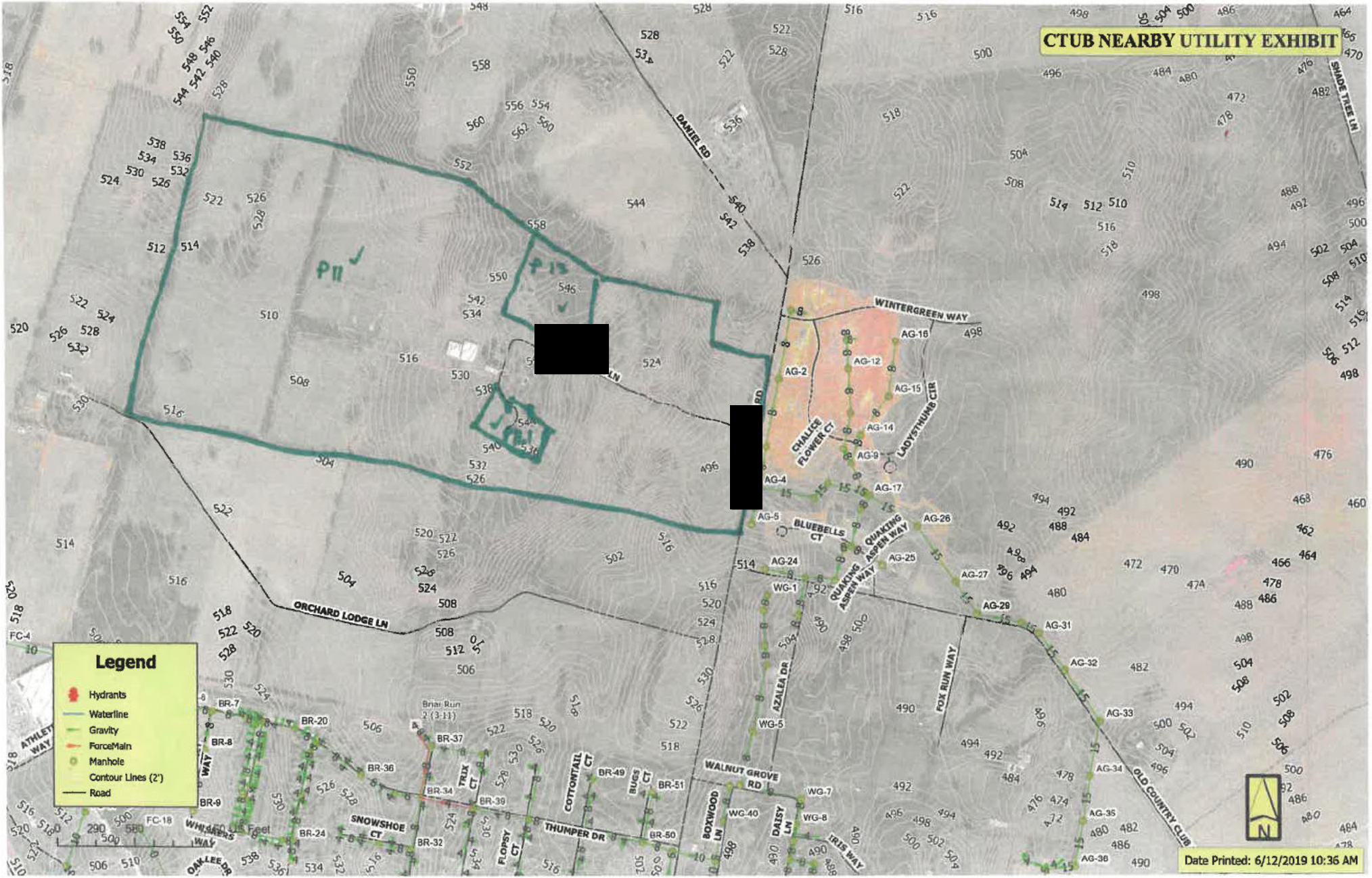
SURVEYOR: [REDACTED] - P.O. BOX BOX [REDACTED] SUMMIT POINT, WV. 25445.

OWNER/ DEVELOPER: [REDACTED] LANE, KEARNEYVILLE, WV, 25430

DWG [REDACTED] DATE 10-08-24



# CTUB NEARBY UTILITY EXHIBIT





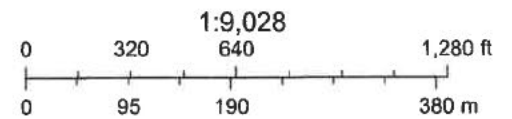
The map displays several land parcels with the following details:

- Parcel 10:** 93.46Ac, located on the left side.
- Parcel 11:** 119.05Ac, a large central parcel outlined in blue.
- Parcel 12:** 34.4Ac, located above Parcel 11.
- Parcel 13:** 5.35Ac, located within the blue-outlined area of Parcel 11.
- Parcel 14:** 39.3Ac, located below Parcel 11.
- Parcel 15:** 2Ac, located to the right of Parcel 11.
- Parcel 16:** 2Ac, located below Parcel 15.

Other features and labels include:

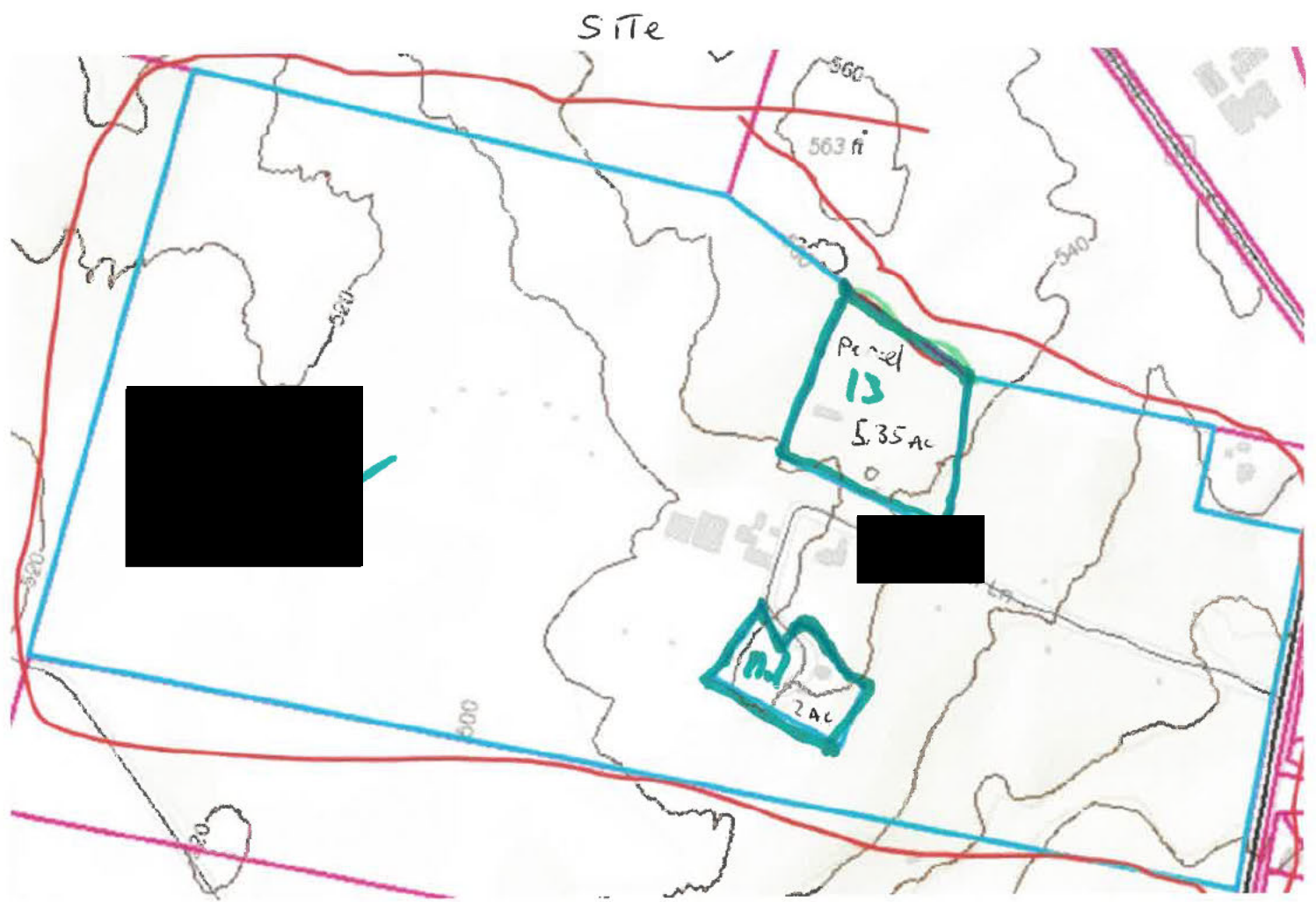
- Roads:** Daniel Road, Farm Lane, Private Road, Flowing Springs Road, and Walnut Hills Road.
- Identifiers:** P10 11, P10 14, P10 15, and P10 16.
- Residential Area:** WALNUT HILLS, located on the right side.
- Redaction:** A black box covers a portion of the central area, likely containing sensitive information.

## Site Location



Me  
Copyright 2014



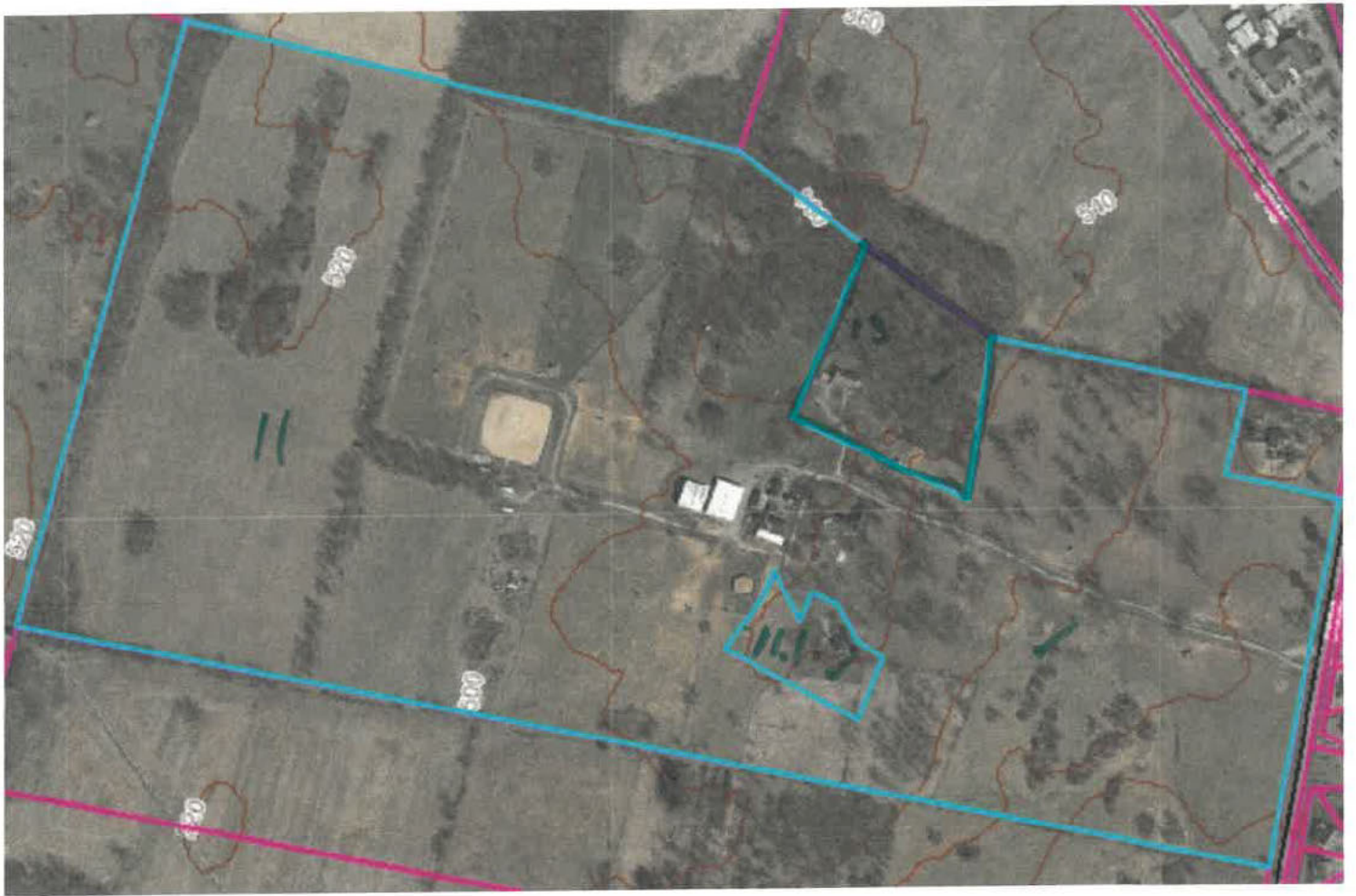


CT District

MAP 4

parcels 11 119.05 ac  
12 2 Ac  
13 5.35 Ac

Town - County Website



SITE Aerial  
TOPO  
NATURAL & MANMADE CONDITIONS



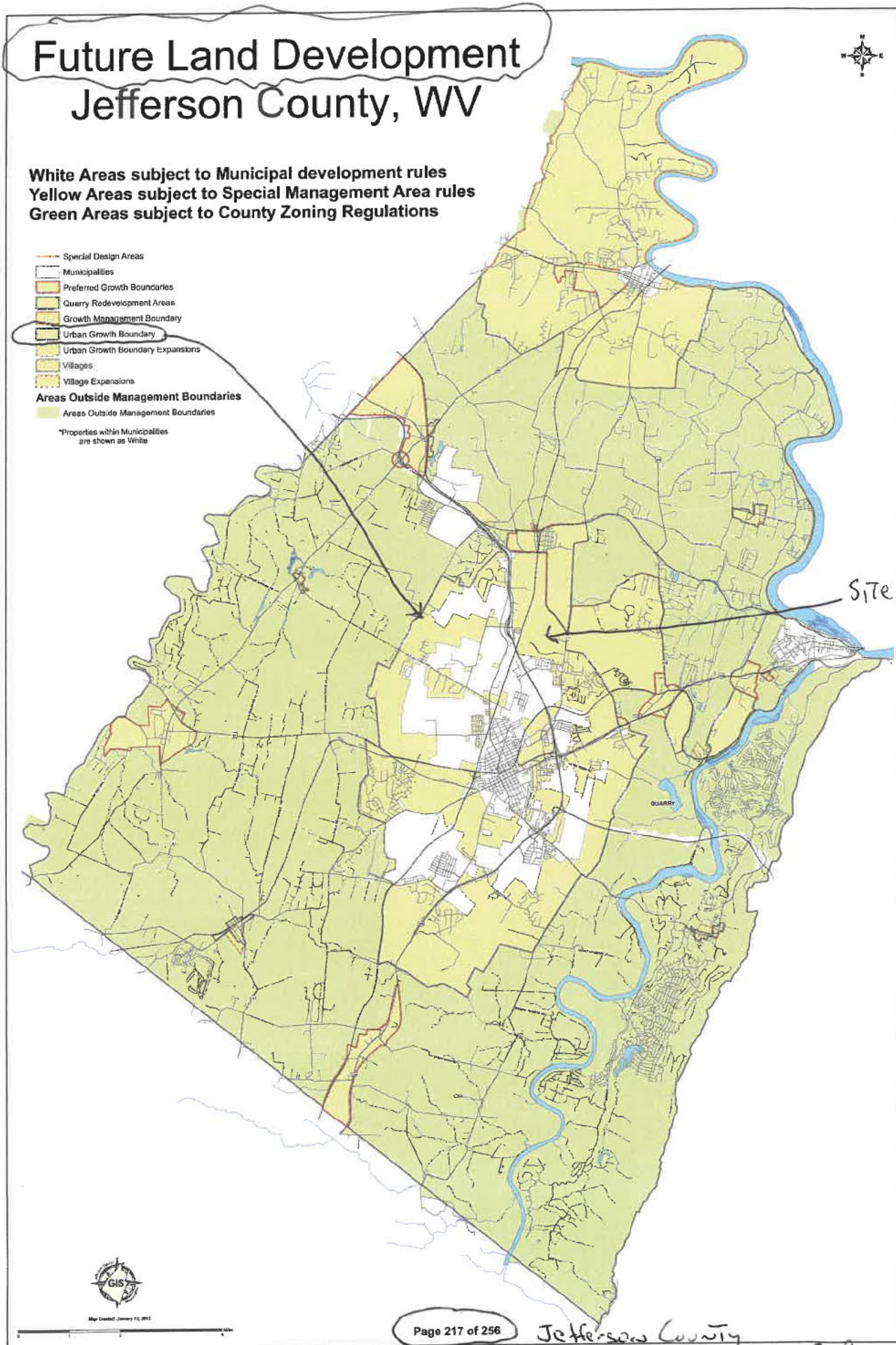
# Future Land Development Jefferson County, WV



**White Areas** subject to Municipal development rules  
**Yellow Areas** subject to Special Management Area rules  
**Green Areas** subject to County Zoning Regulations

- Special Design Areas
- Municipalities
- Preferred Growth Boundaries
- Quarry Redevelopment Areas
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansions
- Villages
- Village Expansions
- Areas Outside Management Boundaries**
- Areas Outside Management Boundaries

\*Properties within Municipalities  
are shown as White



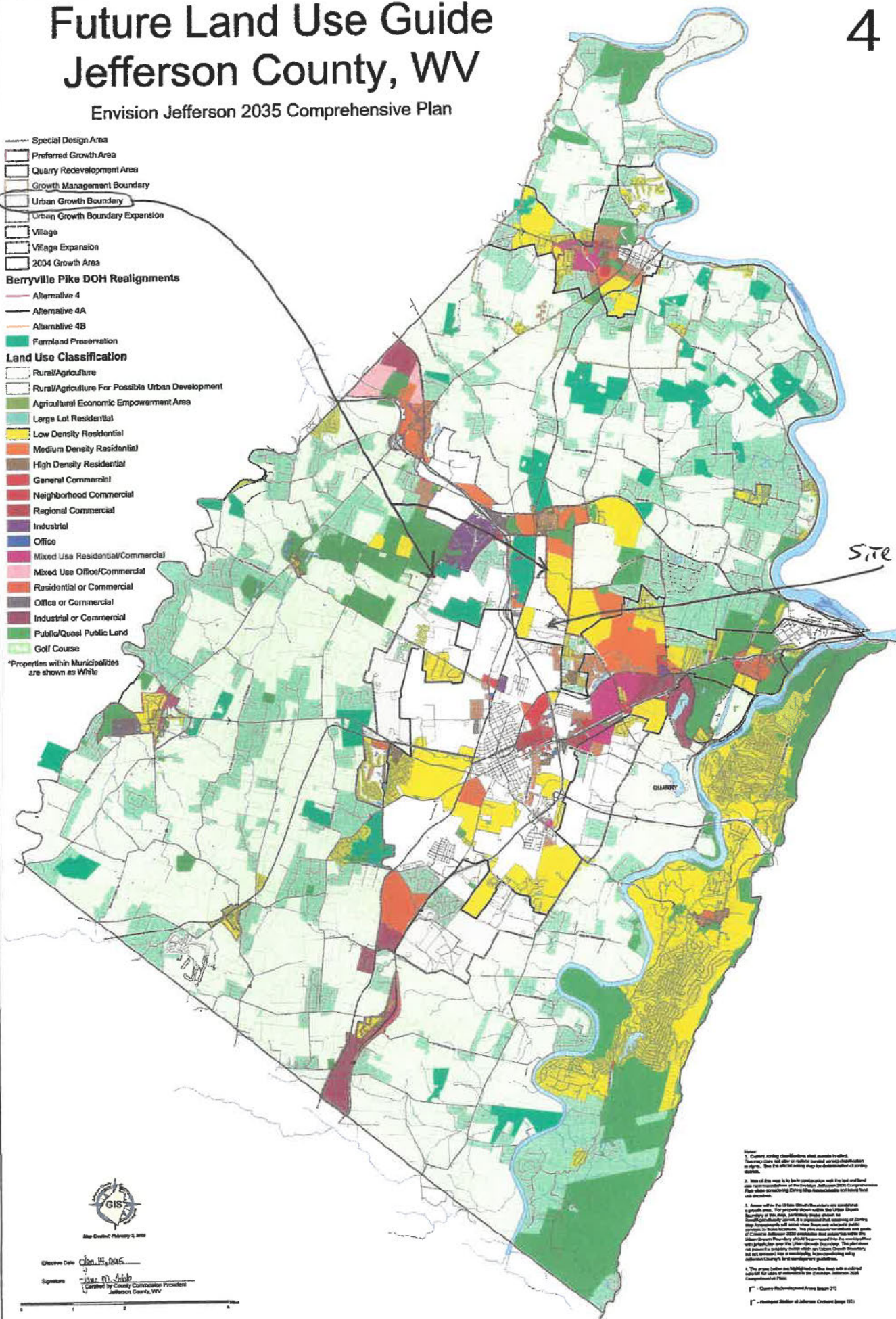


# Future Land Use Guide Jefferson County, WV

Envision Jefferson 2035 Comprehensive Plan

4

- Special Design Area
- Preferred Growth Area
- Quarry Redevelopment Area
- Growth Management Boundary
- Urban Growth Boundary
- Urban Growth Boundary Expansion
- Village
- Village Expansion
- 2004 Growth Area
- Berryville Pike DOH Realignments**
  - Alternative 4
  - Alternative 4A
  - Alternative 4B
- Land Use Classification**
  - Rural/Agriculture
  - Rural/Agriculture For Possible Urban Development
  - Agricultural Economic Empowerment Area
  - Large Lot Residential
  - Low Density Residential
  - Medium Density Residential
  - High Density Residential
  - General Commercial
  - Neighborhood Commercial
  - Regional Commercial
  - Industrial
  - Office
  - Mixed Use Residential/Commercial
  - Mixed Use Office/Commercial
  - Residential or Commercial
  - Office or Commercial
  - Industrial or Commercial
  - Public/Quasi Public Land
  - Golf Course
- \*Properties within Municipalities are shown as White



Map Created: February 3, 2015

Checked Date: 02/03/2015

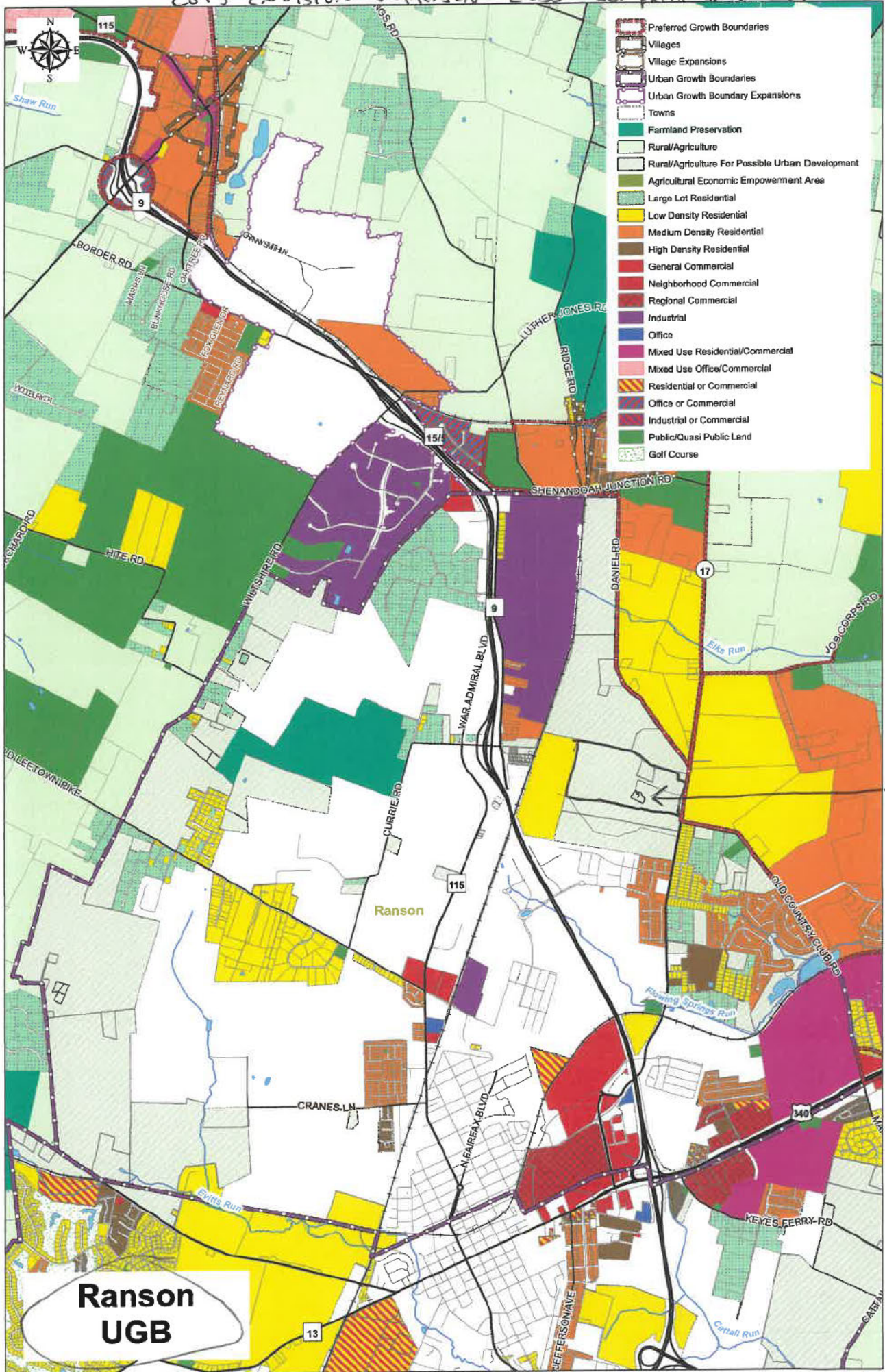
Signature: [Signature] County Commission President  
Jefferson County, WV

Notes:  
1. Current zoning classifications shall remain in effect. Zoning maps will also be subject to zoning classification as shown. See the official zoning map for determination of zoning districts.  
2. Use of this map is for informational purposes only and does not constitute a representation of the Envision Jefferson 2035 Comprehensive Plan or any other planning document. It is not intended to be used for any other purpose.  
3. Areas within the Urban Growth Boundary are considered a growth area. For purposes of the Urban Growth Boundary, the area is defined as the area within the boundary of the county. It is a designated area for future growth and development. The area is not intended to be used for any other purpose.  
4. The plan is not intended to be used for any other purpose. It is a designated area for future growth and development. The area is not intended to be used for any other purpose.  
5. The plan is not intended to be used for any other purpose. It is a designated area for future growth and development. The area is not intended to be used for any other purpose.  
6. The plan is not intended to be used for any other purpose. It is a designated area for future growth and development. The area is not intended to be used for any other purpose.

1" = County Subdivision Area Scale 20'  
1" = Township Section of Jefferson County Scale 10'



# 2015 Emission Jefferson 2035 Comprehensive Plan





PC COPY

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



Name: Harvest Homes LLC

Department or Organization: [REDACTED]

Estimation of amount of time needed for appointment: 5 Minutes

Date Requested – 1<sup>st</sup> Choice: **October 17, 2024**

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

Subject (*Wording to be placed on agenda*): Landowner Petition for Map Amendment for [REDACTED] District, Map [REDACTED] Parcels [REDACTED] and [REDACTED] containing a Total of approximately 127 +- Acres (126.4 per Tax Map, 127.6 per Deeds) Request to schedule a Public Hearing and refer the application to the Planning Commission for advice on the Comprehensive Plan Consistency of the request.

Please provide the County Commission with a description of your request or presentation, including any background information: Request for a Map Amendment for [REDACTED] per Article 12, Section 12.3.A. of the Jefferson County Zoning and Land Development Ordinance from Rural to Residential Growth. The three parcels are within the Urban Growth Boundary. Supporting and Background Attached.

Is this a funding request? Y/N NO

If so, how much? \$

Provide exact financial impact/request: \$0.00

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

**Motion:** Move to Accept Landowner Petition and Request for Map Amendment for [REDACTED] Parcels [REDACTED] and [REDACTED] on Map [REDACTED] in the [REDACTED] Tax District and schedule a Public Hearing at the County Commission Meeting on December 5, 2024 and to refer the application to the Planning Commission for advice on the request's consistency with the Comprehensive Plan.

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

If not attached, explain: Attached

Is equipment needed? Projector Y/N Internet/Wi Fi Y/N Telephone for conference call Y/N

Contact information: [REDACTED]

Email address: [REDACTED]

Phone Number: [REDACTED]

**FOR COMMISSION STAFF USE ONLY – FINANCIAL IMPACT/RECOMMENDATION**

not applicable





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

116 East Washington Street, 2<sup>nd</sup> Floor, P.O. Box 716

Charles Town, WV 25414

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

Phone: (304) 728-3228

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## MEMO

**TO: Planning Commission**

**FROM: Jennifer M. Brockman, AICP, Chief County Planner/Acting Zoning Administrator**

**DATE: November 12, 2024**

**RE: Solar Energy Facility Text Discussion**

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The 3-year history of the development of the current Solar Energy Facility language found in Section 8.20 of the Jefferson County Zoning and Land Development Ordinance is detailed in the following pages. In December 2023, the County Commission expressed concern about the quality and quantity of Solar Facilities that have been approved and requested that the Planning Commission review Section 8.20 of the Zoning Ordinance and provide recommended edits based on the projects submitted thus far.

There are three possible amendments that the Planning Commission may want to consider discussed below. It should be noted that unless any of the currently approved five Solar Facilities expire, the solar projects that have already obtained approvals under the current regulations would be grandfathered and permitted to continue under the current Zoning Ordinance requirements. Any new regulations or standards adopted in the future would apply only to new proposals.

1) Conditional Use Permits

The original petition and text recommendation proposed requiring all proposed Solar Facilities to process as Conditional Uses rather than Principal Permitted Uses. Four of the five that have been approved have had at least a portion of the project process as a Conditional Use and any conditions placed on the approval by the BZA is being incorporated into the Concept Plan.

2) Site Plan Requirement

One significant change that would give the County more authority related to the construction of the Solar Facilities would be to amend Section 8.20 of the Zoning Ordinance to require Solar Energy Facilities to process a Site Plan, in addition to the currently required Concept Plan. A Site Plan requirement could include a Public Hearing and would require posting a construction bond for site improvements such as landscaping and storm water management which would give the County more authority over ensuring the proposed design elements are constructed per the plans.

3) Setback/Buffer/Landscaping

One of the issues that the Planning Commission and staff have received the most concern about relates the relationship between the solar panels and neighboring residential developments. Consideration of an increase in the landscape buffer/ screening and setbacks could address these concerns and provide more protection to the nearby existing residential developments.

**The history of the current Solar Energy Facility language found in  
Section 8.20 of the Jefferson County Zoning and Land Development Ordinance:**

**ZTA19-03:**

- 12-10-19: Landowner petition requesting that the Planning Commission consider a proposed text amendment to the Zoning Ordinance to create a process to allow Solar Farms in the Rural Zoning District only as a Conditional Use.
- 02-11-20: The PC appointed a subcommittee and directed the subcommittee to draft a text amendment to allow solar energy facilities as a Principal Permitted Use. The Planning Commission specifically directed the committee to develop requirements to address fencing, screening, and decommissioning of solar energy facilities.
- 06-02-20: PC Public Hearing on ZTA19-03 including language to allow solar energy facilities as a Principal Permitted Use in multiple Zoning Categories and requiring a Concept Plan, Zoning Certificate, Building Permits, and Decommissioning Plan.
- 06-23-20: PC set recommended draft ZTA19-03 text amendment to CC for their consideration.
- 09-11-20: CC Public Hearing on recommended version of ZTA19-03 text amendment.
- 10-01-20: CC approved ZTA19-03 text amendment with an effective date of November 16, 2020.  
[11-14-20 Temporary Restraining Order filed;  
12-10-20 Agreed Order vacating ZTA 19-03 and directing reconsideration by the PC (vacated by vote of the County Commission.)]
- 02-09-21: PC held Public Hearing to received public input on ZTA19-03. The PC closed the hearing and called a special meeting for 02-23-21 to allow additional time to review the written comments submitted.
- 02-23-21: PC determined that allowing solar facilities as a principal permitted use was consistent with the Comprehensive Plan and noted that if there were any conflicts with the Plan, there had been changes of a social nature, which support alternative energy. The PC directed Legal Counsel to draft Findings of Fact and Conclusions of Law for their review during the March meeting.
- 03-09-21: PC made a recommendation to the CC that the proposed text amendment is consistent with the Comp Plan, and noted that if there were any conflicts with the Plan, that there had been changes of a social nature, which support alternative energy.
- 03-18-21: CC received the Planning Commission's recommendation draft ZTA19-03 and scheduled a Public Hearing for April 12, 2021 @ 6:00 PM.
- 04-12-21: CC held PH on ZTA19-03 and voted to approve the text amendment with minor edits based on public input.
- 08-16-21: Judge McLaughlin issued a decision on Civil Case #CC-19-2021-C-33 which overturned Zoning Text Amendment ZTA19-03.

**Envision Jefferson Comprehensive Plan Amendment:**

- 09/02/21: CC directed the PC to develop an amendment to the Comprehensive Plan to clarify that solar facilities be recognized as a principal permitted use throughout the rural and residential zoning districts in accordance with WV Code 8A-3-11.
- Comp Plan Amendment Discussions: 9/28/21 Workshop; 10/5/21 Work Session; 10/12/21 discussion
- 12/7/21: PC Comprehensive Plan Solar Facility Text Amendment Public Hearing
- 12/14/21: PC voted to forward recommended Comp Plan text amendment re: solar facilities in the rural and residential districts to County Commission.



- 02/03/22: CC Comprehensive Plan Solar Facility Text Amendment Public Hearing
- 04/05/22: CC recommended a final revision to the draft amendment to the Envision Jefferson 2035 Comprehensive Plan. Pursuant to State Code, their revised draft was forwarded to the Planning Commission for final approval.
- 04/12/22: PC formally accepted the CC's recommended revisions to the draft amendment, which included the following revision to the Infrastructure and Technology Recommendations on Page 93 of the Comprehensive Plan:  
 "Encourage public entities to utilize alternative and renewable energy sources for a variety of energy needs, specifically Solar Energy Facilities in areas inside of the Urban Growth Boundary and the Preferred Growth Area as a Principal Permitted Use, and outside of the Urban Growth Boundary and the Preferred Growth Area, by the Conditional Use Process (Recommendation 8)."

Following their approval to accept the proposed amendment to the Comprehensive Plan, the Planning Commission directed Staff to revise the previous text amendment to the Zoning Ordinance to incorporate provisions in accordance with the Comprehensive Plan, as amended.

#### **ZTA22-01:**

- 04/19/22: PC Special Meeting to review the draft of the text amendment to the Zoning Ordinance (File ZTA22-01).
- 05/17/22: PC Public Hearing on the draft ZTA22-01.
  - The draft amendment included provisions to allow Solar Energy Facilities to process as a Permitted Use on parcels located within the Urban Growth Boundary and Preferred Growth Area as identified on the Future Land Use Guide in the Envision Jefferson 2035 Comprehensive Plan. The amendment also includes provisions to allow Solar Energy Facilities to process as a Conditional Use on parcels located outside of the Urban Growth Boundary and Preferred Growth Area.
  - ZTA22-01 proposed revisions to Article 2, Section 2.2, Terms Defined; Article 8, Supplemental Use Regulations, [creation of new Section 8.20, Solar Energy Facilities]; and Appendix C, Principal Permitted and Conditional Uses Table.
  - PC recommended the proposed text to the CC for their review and approval.
- 06/09/22: CC Public Hearing on the recommended draft text amendment ZTA22-01. Motion to approve did not pass.
- 06/16/22: CC voted to reconsider ZTA22-01 which was approved as presented at the Public Hearing, effective immediately.

[07/07/23: CC by vote of 2-1 repealed the Solar Energy Facility provisions of the Zoning Ordinance without the required public hearing process.

12/21/23: Moved to rescind action of CC on 7/7/23 regarding the Solar Text Amendment and further requested that the PC review Section 8.20 of the Zoning Ordinance and provide recommended edits based on the projects submitted thus far.]

## **Section 8.20 Solar Energy Facilities**

Solar Energy Facilities shall process as a Principal Permitted Use in areas inside of the Urban Growth Boundary and the Preferred Growth Area as delineated on the Future Land Use Guide in the Comprehensive Plan. Solar Energy Facilities shall process as a Conditional Use in areas outside of the Urban Growth Boundary (UGB) and Preferred Growth Area (PGA).

All projects shall process a Concept Plan in accordance with the requirements listed below under Subsection B. For projects that require processing a Conditional Use Permit, a Concept Plan shall process subsequent to the Board of Zoning Appeals approval.

For projects that will occur across parcels located both inside and outside the County's UGB/PGA areas, an applicant may choose to process in two phases, with the first phase addressing the parcels located within the UGB/PGA areas as a Principal Permitted Use and the second phase processing a Conditional Use Permit to allow the Board to evaluate compatibility of the second the phase outside of the UGB/PGA areas. Should the Board issue a Conditional Use Permit, a Concept Plan shall process and shall include an exhibit depicting the full-buildout of the entire Solar Energy Facility project.

A Pre-Proposal Conference is recommended for all solar projects, pursuant to the Jefferson County Subdivision and Land Development Regulations.

### **A. Process for Solar Energy Facilities as a Conditional Use**

1. Projects which will occur on properties located outside of the UGB/PGA areas as delineated on the Future Land Use Guide shall process a Conditional Use in accordance with Article 6.
2. In addition to the criteria established in Article 6, the following exhibits shall be included with the Conditional Use Permit application for the Board's evaluation:
  - a. Submit a sketch depicting the location of the proposed project and delineate the distance of the panels from the external property lines.
  - b. Submit a brief description of the timeline of the lease or operating plan, and an overview of the plan for removal of the solar energy facility. The decommissioning plan and bond shall be in accordance with the West Virginia Department of Environmental Protection (WVDEP), pursuant to WV State Code §22-32-1, et. sec. or its successor.
3. Should the Board issue a Conditional Use Permit, the applicant shall proceed with application for a Concept Plan, pursuant to the criteria listed below under subsection B.

### **B. Process for Solar Energy Facilities as a Principal Permitted Use**

1. A Concept Plan, pursuant to the Minor Site Development Concept Plan standards established in the Jefferson County Subdivision and Land Development Regulations is required; except that after the Planning Commission direction is given, the next steps are Application for a Zoning Certificate and Building Permit. In addition to the Concept Plan requirements outlined in the Subdivision Regulations, the Concept Plan shall also include the following criteria:
  - a. Property or Properties Location;
  - b. Access Points;
  - c. Anticipated location of all proposed components of the Solar Energy Facility. Each proposed solar panel is not required to be shown on the Concept Plan, if compliance with setbacks can be established by what is depicted on the Concept Plan; and
  - d. Landscaping, Buffering, Ground Cover Plan, and Fencing. The landscaping plan shall include a note stating, "It will be the responsibility of the landowner to replace any trees, shrubs, or vegetation that die."

If the project is to be completed in phases, the Concept Plan shall reflect phasing of the project.



## 2. Decommissioning Outline

- a. A narrative outlining the decommissioning of the Solar Energy Facility shall be included with the Concept Plan. This narrative shall include a description of the timeline of the lease or operating plan, and a general plan for removal of the Solar Energy Facility.
- b. The company shall provide to the Department of Engineering, Planning, and Zoning proof of application for a decommissioning plan and bond when such application is filed with the WVDEP as required by WV State Code §22-32-1, et. sec. or its successor.
- c. Staff shall be notified by certified mail at least 60 days in advance of the intended decommissioning of the Solar Energy Facility. Staff will place the notice on the next regularly scheduled Planning Commission meeting under “non-actionable correspondence”.
- d. Failure of the Lessee or Property Owner to meet and/or comply with the decommissioning plan as approved by the WVDEP may result in legal action pursuant to Article 3, Section 3.3 of this Ordinance and/or any applicable State Law.

## C. Setbacks, Landscaping, and Buffer Standards for a Solar Energy Facility

1. Multiple adjacent properties under the same ownership or lease by the same company shall be considered one property for the purpose of these regulations. Internal boundary lines on adjacent properties under the same ownership or lease by the same company are not subject to the setbacks or buffer requirements provided below.

### 2. Setbacks

#### a. Solar Panels

- i. Front, Side, and Rear Setbacks shall be 100 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.
- ii. The above referenced setback may be decreased to 50 feet provided it includes a six foot high opaque buffer within the setback area comprised of two rows of evergreen trees that are six feet tall at the time of planting or a solid fence. Alternatively, a 50 foot strip of existing, mature woodlands may be allowed in lieu of a planted buffer or fence if documentation is submitted documenting how the existing mature woodlands complies with the required buffer standard.
- iii. Solar panels and accessory components may be located on a common side or rear lot line of contiguous property owned by the same entity.

#### b. Accessory components, excluding solar panels and underground utilities.

- i. Front, side, and rear setbacks shall be 25 feet from all external/perimeter property lines and from the edge of the State ROW or Easement of any State Road.

### 3. Landscaping and Buffer Standards

- a. Solar Panels that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use or structure as determined by the Zoning Administrator, shall provide a 20 foot wide buffer along common property lines. The buffer shall be provided anywhere within the 200 foot radius from the structures/uses herein and is not required to be provided along the entire length of the common property line.
- b. The buffer screen may be either vegetative or opaque fencing and may be placed anywhere within the buffer area. No structures, materials, or vehicular parking shall be permitted within the side and rear yard buffers. Existing, natural vegetation may be used in lieu of a planted buffer if documentation is submitted to the Zoning Administrator verifying how the existing natural vegetation complies with the required buffer standard.
- c. Accessory Components (excluding solar panels) that are located within 200 feet of any residence, Category 1 Historic Resource, Institution for Human Care, Church, or similar use as determined by the Zoning Administrator, shall comply with the commercial provisions of Section

4.11, with the exception that the Zoning Administrator can allow the use of existing, natural vegetation as appropriate to achieve the intent of the required buffering.

#### 4. Security and Access

a. A security fence with secured gates shall be erected around the operating areas of the Solar Energy Facility with a minimum height of six feet and a maximum height of ten feet.

i. Arrangements shall be made with the appropriate Fire Department for Access. A letter documenting approval of access from the Fire Department shall be provided with the Zoning Certificate application. The Fire Department shall respond within 15 days of the date of the letter. If no response is provided, the Fire Department shall be deemed by this Ordinance to have approved the access.

ii. Upon three business days' notice by the Department of Engineering, Planning, and Zoning, access shall be provided to Staff.

D. A Zoning Certificate based on an approved Concept Plan is required prior to initiating any use regarding Solar Energy Facilities.

In addition to the standards found in Section 8.20, any Zoning Certificate regarding Solar Energy Facilities shall be issued conditioned on all other State Regulations and approvals being granted, including, but not limited to, the WV Public Service Commission, WVDEP applicable NPDES Permits and Decommissioning Bonds, Fire Marshal approval, Building Permits through the Department of Engineering, Planning, and Zoning, and approval of the Stormwater Management Report pursuant to the Jefferson County Stormwater Management Ordinance.

#### E. Stormwater Management

Stormwater Management shall be required in accordance with the Jefferson County Stormwater Management Ordinance. Solar Energy Facilities may be exempt from providing stormwater management if the conditions for granting exemption under Article I.D.2.h of the Stormwater Management Ordinance are satisfied.

#### F. General Requirements

1. Design, construction, and installation of the Solar Energy Facility shall conform to applicable industry standards, including those of the American National Standards Institute (ANSI), Underwriters Laboratories (UL), the American Society for Testing and Materials (ASTM) or other similar certifying organizations and shall comply with the West Virginia Fire and Building Codes, including compliance with the Jefferson County Building Code.

2. Prior to commencing the transmission of electricity, the Solar Energy Facility shall provide documentation evidencing an interconnection agreement or similar agreement with the applicable public utility or approved entity in accordance with applicable law.

3. Generation of electrical power shall be limited to photovoltaic panels, provided that any on-site buildings may utilize integrated photovoltaic building materials.

4. Solvents necessary for the cleaning of the Solar Panels shall be biodegradable.

5. Internal wiring, excluding that which is on or between the Solar Arrays, connected to substations or between Solar Panels, shall be located underground, except where necessary to mitigate impact to environmental and/or terrain features.

6. Onsite lighting shall be the minimum necessary for security and onsite management and maintenance and shall comply with the standards outlined in the Subdivision Regulations.

7. Photovoltaic Panels shall use antireflective glass that is designed to absorb rather than reflect light.

8. Ground Cover comprised of natural vegetation is required. Ground cover that uses native or naturalized perennial vegetation and that provides foraging habitat that is beneficial for songbirds, gamebirds, and pollinators is encouraged but not required.



9. Collocation of other agricultural activities such as small market hand-picked crops, grazing, and apiary activities are permitted and encouraged.
10. No signage or advertising is permitted on the Solar Energy Facility other than an identifying sign at the entrance of the Facility that shall be approved by the Zoning Administrator in accordance with Article 10. All other signage must be approved by Special Exception by the Board of Zoning Appeals.
11. Solar Energy Facilities shall comply with Article 8, Section 8.9 of this Ordinance.
12. The Solar Energy Facility Use is not considered abandoned until such time it is Decommissioned.
13. Damaged or unusable panels shall be repaired, replaced, or removed within 60 days from discovery of damage; provided, however, longer periods may be approved by the County Engineer due to extenuating circumstances.



# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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

Phone: (304) 728-3228

## Budget Memo

November 12, 2024 Planning Commission Meeting

**Date of Memo: November 12, 2024**

Pursuant to WV State Code §8A-2-11(13), The Planning Commission shall “Prepare and submit an annual budget to the appropriate governing body.”

The County will soon be working on the budget for fiscal year 2026. Each Department is tasked with preparing a budget for their needs. The Planning Commission has a role in preparing for the annual budget by identifying special projects and/or studies that may need to be completed as part of their work plan and/or to make recommendations in support of staffing needs identified by the Department. The compensation package of the five full time Planning and Zoning staff members are outside of the scope of this memo.

With the anticipated adoption of the 2045 Comprehensive Plan prior to FY 2026, two line items can have funds moved to new priorities. Principally, the recommended 2045 Comprehensive Plan update identifies several special projects and priorities, including the rewrite of the Subdivision and Zoning Ordinances. Part of the budget requests included are for additional part time staff to help facilitate the Action Items from the updated 2045 Comprehensive Plan (once adopted) related to updating the County's Ordinances. Additional small increases are for ongoing staff training and professional development. As part of the FY 2025 budget, the land development fee schedule was updated and the current fees are included as an attachment to this memo.

**The purpose of this memo and presentation at the 11/12/2024 Planning Commission meeting is for Planning Commissioners to review the proposed FY 2026 budget memo, prioritize projects that may require funding, and provide staff direction for potential changes.**

### **Summary of Planning and Zoning Specific Budget Items**

| Object Code | Line Items            | Current<br>FY 2025 | Requested<br>FY 2026 | Budget Changes |
|-------------|-----------------------|--------------------|----------------------|----------------|
| 410802      | Extra Help/Part Time  | 5,000              | 33,000               | +28,000        |
| 421100      | Telephone             | 845                | 0                    | -845           |
| 421400      | Travel                | 775                | 1050                 | +275           |
| 422000      | Ads/Legal Publication | 3000               | 3000                 | 0              |
| 422100      | Training&Education    | 850                | 950                  | +100           |
| 422200      | Dues&Subscriptions    | 400                | 800                  | +400           |
| 423000-PLN  | Contracted Services   | 11,000             | 5,000                | -6,000         |
| 434102-PLN  | Materials&Supplies    | 15,900             | 1,900                | -14,000        |
|             | <b>Total</b>          | 37,770             | 45,700               | +7,930         |



**For the FY 2026 budget the Office of Planning and Zoning is asking to reallocate existing funding priorities and requesting an additional \$7,930 to implement Action Items in the Comprehensive Plan.**

**Attachments:**

- Excerpt from State Code
- Land Development Fee Schedule



**Jefferson County, West Virginia**  
**Department of Engineering, Planning, and Zoning**  
**Office of Planning and Zoning**  
116 East Washington Street, 2<sup>nd</sup> Floor  
Charles Town, WV 25414

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

Phone: (304) 728-3228

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

Fax: (304) 728-8126

**1<sup>st</sup> Quarter Report for Planning and Zoning**  
**FY 2025 (July 1, 2024 – September 30, 2024)**

Attached is an electronically generated report of all applications submitted and reviewed within the 1<sup>st</sup> Quarter of FY2025. This data is being provided as a part of the 1<sup>st</sup> Quarter Report from the Planning Commission and Offices of Planning and Zoning to the County Commission. The items below reflect actions of the Planning Commission and Board of Zoning Appeals in this same time period and related meetings attended by Planning and Zoning staff.

**PLANNING COMMISSION ITEMS**

|  |                          |
|--|--------------------------|
| <b>Planning Commission Meetings:</b>           | <b>6 Meetings</b>        |
| <b>Comprehensive Plan Work Sessions:</b>       | <b>2 Work Sessions</b>   |
| <b>Comprehensive Plan Public Hearing:</b>      | <b>1 Public Hearing</b>  |
| <b>Comp Plan Special PC Meeting:</b>           | <b>1 Special Meeting</b> |
| <b>Subdivision Regulations Text Amendments</b> | <b>none this quarter</b> |
| <b>Zoning Ordinance Text Amendments</b>        | <b>none this quarter</b> |
| <b>Zoning Map Amendments/Rezoning</b>          | <b>none this quarter</b> |
| <b>Concept Plan Public Workshops</b>           | <b>1</b>                 |

#24-5-SP      Concept Plan for the [REDACTED] Brewpub for a Minor Site Development project that contains more than 5,000 square feet of gross floor area (GFA). The proposal includes construction of a new structure to be used as a brewpub, a pavilion, and association parking.  
Property Owner/Applicant: [REDACTED], [REDACTED], [REDACTED], and [REDACTED]  
Property Location: [REDACTED] Blvd, Charles Town, WV;  
Size: 4.70 acres; Zoning District: Industrial-Commercial.  
*Public Workshop 07/09/22; PC approved a motion to approve the Concept Plan as presented.*



**BOARD OF ZONING APPEALS (BZA) ITEMS****Board of Zoning Appeals Meetings:****3 meetings****Zoning Appeal of Administrative Application:****none this quarter****PLANNING & ZONING STAFF ITEMS****Pre-Proposal Conference (PPC) Meetings:****20 Total (14 Subdivision & 6 Site Plan)****Information Request Forms (IRFs) -- general inquiries from the public:****33 Total****Zoning and Land Development Fees Collected:****\$ 82,160.04**

| <b>Regional Transportation Planning Meetings</b>   |                                 |
|--|---------------------------------|
| Eastern Panhandle Transit Authority (EPTA) Board Meetings  | 07/15/24,<br>08/19/24, 09/16/24 |
| EPTA Committee Meetings  | 08/28/24                        |
| Hagerstown Eastern Panhandle Metropolitan Planning Organization (HEPMPO) Technical Advisory Committee (TAC) Meetings | 08/21/24                        |
| West Virginia Infrastructure Hub team Workshop   | 8/1/24                          |

| <b>Local and Regional Planning Meetings (all remote)</b> |                            |
|--|----------------------------|
| Town Run Watershed Meeting                               | 08/29/24                   |
| WV APA Legislative Committee                             | 7/19/24, 8/2/24,<br>9/6/24 |
| WV APA Biannual Chapter Meeting                          | 9/10/24                    |
| WV APA Professional Development Committee                | 9/25/24                    |

| Planning and Zoning Quarterly Report<br>07/01/2024 - 09/30/2024 (Generated 10/21/2024) |                |               |            |          |                 |  |
|--|----------------|---------------|------------|----------|-----------------|--|
| Type   | Project Number | Creation Date | Owner Name | Location | Status          | Description  |
| Conditional Use Permit   | 24-7-CUP       | 9/23/2024     |            |          | Open            | Request for a Conditional Use Permit to expand [REDACTED] business operations. The applicant is proposing to expand an existing emergency vehicle outfitting and retrofitting professional office, which is designated as a Contractor with Outdoor Storage (see Article 2). The proposal consists of constructing a new 1,200 square foot building to house vehicles and a workshop for the outfitting work.  |
|  |                |               |            |          | Category Total: | 1  |
| Easements  | 24-3-E         | 9/19/2024     |            |          | Open            | Conservation easement with the [REDACTED], two properties  |
|  |                |               |            |          | Category Total: | 1  |
| Merger or Boundary Line Adjustment   | 24-13-M        | 7/16/2024     |            |          | Open            | BLA of .328 acres from Parcel [REDACTED] to Parcel [REDACTED]; and to vacate a previously platted 30' access easement (see [REDACTED])   |
|  | 24-14-M        | 8/26/2024     |            |          | Open            | Boundary line adjustment between Parcels [REDACTED] and [REDACTED]   |
|  | 24-15-M        | 9/4/2024      |            |          | Open            | Boundary Line Adjustment   |
|  |                |               |            |          | Category Total: | 3  |
| Miscellaneous Fees   | 24-9-MPC       | 7/8/2024      |            |          | Closed          | [REDACTED] 2 MSD Lot 3 (septic)  |
|  | 24-10-MPC      | 9/18/2024     |            |          | Open            | Minor Plat Change to move septic reserve for proposed house and garage.  |
|  |                |               |            |          | Category Total: | 2  |
| Planning Commission Waiver   | 24-23-PCW      | 7/15/2024     |            |          | Closed          | Waiver from the requirements of Section 21.401 and 21.402.D of the Subdivision Regulations to allow an existing fence within the required 50' access easement of a proposed minor subdivision  |
|  | 24-24-PCW      | 7/19/2024     |            |          | Closed          | Waiver from the requirements of Section 20.203B of the Subdivision Regulations that requires the proposed project to process as a Minor Site Development. The project consists of the installation of a crane/bungee area affixed to a 400 sf slab, a 320 sf storage container, a 1,225 sf registration kiosk, a 75 sf floating dock, and a 216 sf staircase. The proposal will also include various walking paths, gravel drive aisles, grass & gravel parking, and   |
|  | 24-25-PCW      | 8/20/2024     |            |          | Open            | Waiver from Section 24.118 of the Subdivision Regulations to extend the timeframe to bond and record the final plat for Phase 2 of the [REDACTED] to December 31, 2024.  |
|  | 24-26-PCW      | 8/21/2024     |            |          | Open            | Waiver from Section 20.201B of the Subdivision Regulations to reduce the required access easement width of [REDACTED] Lane from 50' to 40' and to allow more than five lots to access [REDACTED] Lane for a proposed two lot minor subdivision   |
|  |                |               |            |          | Category Total: | 4  |
|  |                |               |            |          | Open            | Variance from Section 2.1B of the 1979 Subdivision Ordinance (parent to child exemption) to lift the single family restriction to allow for a detached Accessory Dwelling Unit (In-Law Suite) pursuant to Section 8.15A of the Zoning Ordinance.   |
| Planning Commission Variance (1979 ZO)   | 24-3-PCV       | 8/30/2024     |            |          | Open            |  |
| Final Plat Amendment   | 24-4-FPA       | 8/21/2024     |            |          | Open            | Final Plat Amendment to lift the single family restriction for a detached accessory dwelling unit for a family member. See Note #9 on Final Plat PB [REDACTED] PG. [REDACTED] (File#24-5-FPA)  |
|  |                |               |            |          | Category Total: | 1  |
| Site Plan  | 24-5-RR        | 8/19/2024     |            |          | Open            | 1. Revise layout from previously approved 61 townhouse lots to 45 villa Lots. 2. Revise road horizontal and vertical alignments to accommodate villa Product. 3. Revise grading based on new road horizontal and vertical alignments, Villa product and drainage patterns. 4. Revise water, sanitary and storm drainage system as required by revised Horizontal and vertical layout. 5. Minor revisions to erosion and sediment control plan. 6. Minor revision to landscaping to coordinate with new layout. |
|  | 24-6-SP        | 9/27/2024     |            |          | Open            | Concept Plan for a Major Site Plan (water bottling facility).  |
|  |                |               |            |          | Category Total: | 2  |
| Subdivision  | 24-20-SD       | 7/16/2024     |            |          | Open            | Creation of Lot 2B and 2C - Residue  |
|  | 24-21-SD       | 7/19/2024     |            |          | Open            | Creation of six FT lots and a residue parcel   |
|  | 24-22-SD       | 8/12/2024     |            |          | Open            | Creation of three residential lots and one commercial lot (Lot 1).   |
|  | 24-23-SD       | 8/14/2024     |            |          | Open            | Minor Subdivision to create Family Transfer Lots 2-12  |
|  | 24-24-SD       | 8/23/2024     |            |          | Open            | Family Transfer Minor Subdivision Lots C-1 Residue; C-2, and C-3   |
|  | 24-25-SD       | 8/26/2024     |            |          | Open            | Lots 3-A and 3-B - Family Transfer Minor Subdivision   |
|  | 24-26-SD       | 8/27/2024     |            |          | Open            | Final Plat - Phase 2 includes:   |
|  |                |               |            |          |                 |  |



|                    |          |           |  |  |                        |   |
|--------------------|----------|-----------|--|--|------------------------|---|
|                    | 24-27-SD | 9/6/2024  |  |  | Open                   | Creation of 1 lot and a residue   |
|                    | 24-28-SD | 9/16/2024 |  |  | Open                   | Creation of 3 lots  |
|                    | 24-30-SD | 9/27/2024 |  |  | Open                   | Final Plat Family Transfer  |
|                    | 24-31-SD |           |  |  |                        | Proposed subdivision of Lot A & B on lands owned by [REDACTED]  |
|                    |          |           |  |  | <b>Category Total:</b> | <b>11</b>   |
| Zoning Certificate | 24-27-ZC | 7/10/2024 |  |  | Closed                 | Accessory Dwelling Unit for a family member (detached in-law suite).  |
|                    | 24-28-ZC | 7/12/2024 |  |  | Closed                 | Dish proposes to install (3) antennas (3) frames. (8) RRUs. (11 OVP, and (1) hybrid cable, and ground   |
|                    | 24-29-ZC | 7/22/2024 |  |  | Closed                 | Short term rental: [REDACTED]<br>[REDACTED] Enterprise approved for [REDACTED] units/lodges.<br>[REDACTED] - Short Term Rental  |
|                    | 24-19-ZC | 7/26/2024 |  |  | Closed                 | Five lodging units on each of the four tracts (twenty lodging units total).<br>tower/site modifications.  |
|                    | 24-30-ZC | 7/29/2024 |  |  | Closed                 | Removal of: (3) Existing Antennas; (3) Existing TMA's; (6) Existing Coax Cables; (1) Existing Battery Cabinet; 6201 ODE Cabinet with All Modules & Radios; and,<br>Installation of: (3) New [REDACTED] Ericsson-Air6419 B41 Antennas; (3) New [REDACTED] Commscope - W-65A-R1 Antennas; (3) New [REDACTED] Ericsson 4460 B25 + B66 Radios; (3) New [REDACTED] Ericsson (2") 6x24 Hybrid Cables; (1) New [REDACTED] Ericsson 6160 Ac V1 Enclosure; (1) New Ericsson B160 Battery Cabinet; (2) New BB 6630, (1) New DUG20, (1) New RBS 6601, (1) New RP 6651, (1) PSU 4813 VR4A, (1) CSR ICRE V2 Router Inside New Enclosure; Mount and Structural Modifications. |
|                    | 24-31-ZC | 8/7/2024  |  |  | Closed                 | Telecommunication Tower Modification: removal & installation of new antennas and supporting equipment.  |
|                    | 24-32-ZC | 8/12/2024 |  |  | Open                   | [REDACTED] Convenience Store & Gas Station  |
|                    | 24-33-ZC | 8/13/2024 |  |  | Closed                 | Short Term Rental<br>No meals proposed to be served; renting space in basement through AirBnb   |
|                    | 24-34-ZC | 8/16/2024 |  |  | Closed                 | Short Term Rental: [REDACTED]   |
|                    | 24-35-ZC | 8/16/2024 |  |  | Closed                 | Existing cell tower modification: to remove (1) MW dish, install (1) new MW dish, remove (1) ODU, install (2) new ODUs, remove (2) coax cable lines, install (2) hybrid lines, and install (2) control cables. Please see Sheet G-0001 for scope of work.   |
|                    | 24-37-ZC | 8/16/2024 |  |  | Closed                 | Short Term Rental: [REDACTED]   |
|                    | 24-36-ZC | 8/30/2024 |  |  | Closed                 | Agricultural Tourism  |
|                    | 24-38-ZC | 8/30/2024 |  |  | Closed                 | Farm Brewery, Agricultural Event Facility, Agritourism  |
|                    | 24-38-ZC | 8/30/2024 |  |  | Closed                 | Farm Brewery, Agricultural Event Facility, Agritourism  |
|                    | 24-39-ZC | 9/13/2024 |  |  | Open                   | Farm Vacation Enterprise: five lodging unitys   |
|                    | 24-40-ZC | 9/20/2024 |  |  | Open                   |   |
|                    |          |           |  |  | <b>Category Total:</b> | <b>16</b>   |
| Zoning Variance    | 24-25-ZV | 7/1/2024  |  |  | Open                   | Variance request from Section 8.14B.1.a to reduce the minimum lot size for the proposed use from 5 acres to .63 acres and Section 8.14B.1.b to reduce the number of required parking spaces.  |
|                    | 24-26-ZV | 7/23/2024 |  |  | Open                   | Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed five (5) unit campground from 10 acres to 5.92 acres.  |
|                    | 24-27-ZV | 7/23/2024 |  |  | Open                   | Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed four (4) unit campground from 10 acres to 3 acres.   |
|                    | 24-28-ZV | 7/26/2024 |  |  | Open                   | Variance from Appendix B to reduce the side setback & unscreened buffer area along the eastern property line for an addition to an accessory structure and the installation of a driveway.  |
|                    | 24-29-ZV | 7/26/2024 |  |  | Open                   | Variance from Section 5.7B of the Zoning Ordinance (as amended 05/01/03) to reduce the rear setback from 50' to 5' for a 66' x 40' accessory structure (detached garage)  |
|                    | 24-30-ZV | 8/23/2024 |  |  | Open                   | Variance request from Appendix A to reduce the rear setback from 50' to 4' along the southern property line for a 15' x 25' accessory structure (greenhouse).   |
|                    | 24-31-ZV | 8/26/2024 |  |  | Open                   | Variance from Section 8.17B.1 to reduce the minimum lot size of a proposed 10 unit campground from 10 acres to 6.3 acres.   |
|                    | 24-32-ZV | 9/24/2024 |  |  | Open                   | Variance from Section 4.6D & Section 8.2 to reduce the distance requirement along the eastern property line from 50' to 12' for a 24'x 30' barn.  |
|                    | 24-33-ZV | 9/26/2024 |  |  | Open                   | Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' (240 sf) accessory structure.   |
|                    | 24-34-ZV | 9/26/2024 |  |  | Open                   | Variance from Section 9.7 to reduce the rear setback from 12' to 6' for a 12' x 20' (240 sf) accessory structure.   |

|                 |          |           |  |  |                 |   |
|-----------------|----------|-----------|--|--|-----------------|---|
| Zoning Variance | 24-35-ZV | 9/26/2024 |  |  | Open            | Variance from Section 9.7 to reduce the side setback from 15' to 5' for a 12' x 20' (240 sf) accessory structure. |
|                 | 24-36-ZV | 9/26/2022 |  |  | Open            | Variance from Section 9.7 to reduce the side setback from 15' to 5' for a 12' x 20' (240 sf) accessory structure. |
|                 | 24-37-ZV | 9/26/2024 |  |  | Open            | Eliminate buffer, parking standards, and drive isle   |
|                 | 24-38-ZV | 9/27/2024 |  |  | Open            | Adjust 25' setback between buildings  |
|                 |          |           |  |  | Category Total: | 14  |
|                 |          |           |  |  | Grand Total:    | 56  |





# Jefferson County, West Virginia

Department of Engineering, Planning, and Zoning

Office of Planning and Zoning

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

Charles Town, WV 25414

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## Planner's Memorandum Planning Commission Meeting November 12, 2024

### 1) Department of Engineering, Planning and Zoning County Offices Contact Information

BUILDING PERMITS & INSPECTIONS 304-725-2998 [permits@jeffersoncountywv.org](mailto:permits@jeffersoncountywv.org)

IMPACT FEES 304-728-3331 - [mmason@jeffersoncountywv.org](mailto:mmason@jeffersoncountywv.org)

ENGINEERING 304-728-3257 - [engineering@jeffersoncountywv.org](mailto:engineering@jeffersoncountywv.org)

PLANNING & ZONING 304-728-3228 - [planningdepartment@jeffersoncountywv.org](mailto:planningdepartment@jeffersoncountywv.org), [zoning@jeffersoncountywv.org](mailto:zoning@jeffersoncountywv.org)

GIS & ADDRESSING 304-724-6759 - [gis@jeffersoncountywv.org](mailto:gis@jeffersoncountywv.org)

### 2) Planning Commissioner Self Evaluation

Discussion of Results of Self Evaluation Forms

### 3) County Commission Direction:

- At the October 17, 2024 County Commission meeting, the Commission directed Legal Counsel and the County Administrator to investigate the legality and effectiveness of Berkeley County's policy requiring developers building 15 or more homes to perform hydrogeological testing relating to the quantity and quality of groundwater at the proposed site prior to approval.

### 4) Report related to 2024 WV Trails Conference

### 5) Upcoming PC meetings

- ❖ Next Regular meeting date: **December 10, 2024**

- 7:00 pm Planning Commission Meeting

The following dates relate to the adoption of the *2045 Comprehensive Plan*:

- ❖ Per WV Code 8A-3-7c, after the presentation of the recommended *2045 Comprehensive Plan* by the Planning Commission to the governing body and prior to adoption, the governing body shall hold a public hearing after giving notice. At the October 17, 2024 County Commission meeting, the County Commission scheduled a Public Hearing to be held on **Wednesday, December 4, 2024 at 6 pm at Jefferson High School Auditorium**, with an **Open House with staff from 5 pm – 6 pm**.
- ❖ Per WV Code 8A-3-8, within the latter of ninety days or three scheduled meetings after the submission of the recommended comprehensive plan to the County Commission, the County Commission must act by either **adopting, rejecting or amending the 2045 Comprehensive Plan**. The 90 days ends on **January 14, 2025**.



Jefferson County, West Virginia  
Department of Engineering, Planning and Zoning  
**Office of Planning and Zoning**  
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**DRAFT**

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**2025 MEETING SCHEDULE**  
**JEFFERSON COUNTY PLANNING COMMISSION**

Unless otherwise posted, 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 at 7:00 p.m.

| <b><u>Submission Deadlines</u></b> |                               | <b><u>Regularly Scheduled Meeting</u></b> <sup>^</sup> |
|------------------------------------|-------------------------------|--|
| <b><u>Waiver/Variance</u></b> *    | <b><u>Concept Plan</u></b> ** |  |
| Monday, December 23, 2024          | Wednesday, November 27, 2024  | Tuesday, January 14, 2025                              |
| Tuesday, January 21, 2025          | Friday, December 27, 2024     | Tuesday, February 11, 2025                             |
| Tuesday, February 18, 2025         | Friday, January 24, 2025      | Tuesday, March 11, 2025                                |
| Tuesday, March 18, 2025            | Friday, February 21, 2025     | Tuesday, April 8, 2025                                 |
| Tuesday, April 22, 2025            | Friday, March 28, 2025        | Tuesday, May 13, 2025                                  |
| Tuesday, May 20, 2025              | Friday, April 25, 2025        | Tuesday, June 10, 2025                                 |
| Tuesday, June 17, 2025             | Friday, May 23, 2025          | Tuesday, July 8, 2025                                  |
| Tuesday, July 22, 2025             | Friday, June 27, 2025         | Tuesday, August 12, 2025                               |
| Tuesday, August 19, 2025           | Friday, July 25, 2025         | Tuesday, September 9, 2025                             |
| Tuesday, September 23, 2025        | Friday, August 29, 2025       | Tuesday, October 14, 2025                              |
| Tuesday, October 14, 2025          | Friday, September 19, 2025    | Tuesday, November 4, 2025                              |
| Tuesday, November 18, 2025         | Friday, October 24, 2025      | Tuesday, December 9, 2025                              |

<sup>+</sup>Meeting dates have been modified in observance of the Veterans Day.

<sup>^</sup>Regularly scheduled Planning Commission Meetings are held on the second Tuesday of each month. The Planning Commission may choose to schedule a Tentative Meeting (as needed) on the fourth Tuesday of every month to conduct Commission business or to meet required deadlines that are in accordance with the Planning Commission's 4<sup>th</sup> Tuesday Meeting policy (approved 11/14/17). Please check with office Staff for a list of Tentative Meeting dates.

The required application, supporting documentation and applicable fees must be submitted to the office in accordance the Application Submission Deadline Policy, which establishes a 4:00 pm deadline for any application submitted on a Friday.

\*The Waiver and Variance deadline is 21 calendar days prior to the meeting to allow for Staff review the applications, and to accommodate the 14-day notice requirements for the placard/sign and mailings to adjacent property owners.

\*\*The Concept Plan deadline is 45 calendar days prior to the meeting to allow for Staff review of the Plan, and to accommodate the 21-day legal advertisement requirement, and the 14-day notice requirements for the placard/sign and mailings to adjacent property owners. All documents & fees must be submitted no later than 4:00 pm.

Changes in the time or location of the meeting shall be noticed on the County's website at [www.jeffersoncountywv.org](http://www.jeffersoncountywv.org).

**Note:** if the President of the County Commission or the Planning Commission determines that weather conditions make travel unsafe for the public, County offices may close and/or the meeting may be cancelled. Please check the County's website for possible meeting updates during inclement weather.

Agenda items that have been deferred due to a meeting cancellation will be rescheduled. No additional public notice shall be given. All signs must remain posted on the respective properties until the rescheduled meeting date. Please call the office or check the County's website for the rescheduled meeting date.