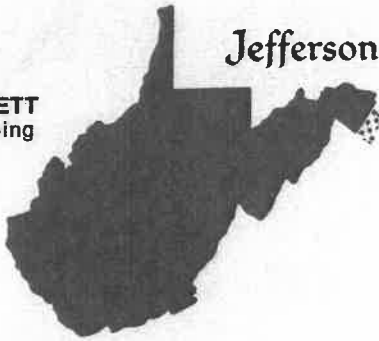


ROBERT BECKETT
Director of Planning



Jefferson County Planning Commission

Charles Town, West Virginia 25414

COURT HOUSE ANNEX
104 E. Washington Street

TEL: (304) 725-6591

July 18, 1980

TO: ALL PLANNING COMMISSION MEMBERS

FROM: ROBERT BECKETT, COUNTY PLANNER

SUBJECT: ANNUAL REPORT - July 1, 1979 through June 30, 1980

Please find enclosed a copy of our Annual Report for the last fiscal year. It will be presented to the County Commission as required by State law.

THIRTEENTH ANNUAL REPORT
 Jefferson County Planning Commission
 July 1, 1979 through June 30, 1980

I. OPERATION OF THE PLANNING COMMISSION

A. Planning Commission Membership

1. H. Richard Flaherty, President
2. John B. Schley, Vice President
3. Donald T. Phillips, Secretary
4. Gary L. Phalen (Designated member from the County Commission)
5. George R. Heidrich
6. Robert A. Hockensmith
7. Albert G. Hooper, Jr.
8. James L. Louthan
9. George E. Tabb*
10. James L. Taylor
11. William E. Walker

* Appointed in April, 1980, to replace Dr. Joseph G. Barrat

B. Planning Commission Staff

Robert L. Beckett, Director of Planning
 Christina D. Jarrett, Permit Officer
 Gary A. Laptosh, County Engineer*
 Natalie G. Parks, Executive Secretary

* Mr. Laptosh was hired August 20, 1979, as Jefferson County's first full-time engineer replacing part-time engineering consultant, Herbert L. Ridder, P.E.

C. Schedule of Regular Meetings

Regular meetings are held on the second and fourth Tuesday of each month at 7:30 P.M. in the Planning Commission office located on the second floor of the Court House Annex, 104 East Washington Street, Charles Town, West Virginia.

Minutes and tapes of Regular Meetings are on record in the Planning Commission office and are available for public review during normal business hours, Monday through Friday, 9:00 A.M. to 5:00 P.M.

The Staff and Subdivision Review Panel conduct subdivision review sessions, as necessary, on the first and third Friday of the month at 10:00 A.M. in the Planning Commission office.

D. 1979-80 Budget

	<u>Budgeted</u>	<u>Paid Out</u>	<u>Balance</u>
Director, Salary	\$21,067.00	\$21,067.00	-0-
Executive Secretary, Salary	9,076.00	9,076.00	-0-
County Engineer, Salary	17,000.00	17,361.00	-361.00
FICA	2,890.00	2,912.00	- 22.00
Insurance	1,350.00	1,353.00	- 3.00
Retirement	4,950.00	4,988.00	- 38.00
	<u>\$56,333.00</u>	<u>\$56,757.00</u>	<u>-424.00</u>

Jefferson County Planning Commission
 Annual Report
 July 1, 1979 through June 30, 1980

E. Revenues

Aerial Prints	\$ 993.50
Base Map Prints	10.50
Engineering Specifications	20.00
Improvement Location Permits	1,865.00
Subdivision Plat Fees	4,517.00
Subdivision Regulations	153.00
	<u>\$7,559.00</u>

F. Improvement Location Permits

New Homes	164	*
Mobile Homes	50	**
Garages/Carports	41	
Additions (to existing structures)	64	
Storage Buildings	27	
Workshops/Offices	5	
Swimming Pools	6	
Farm Structures	17	
Hermitages	3	
Signs	1	
Pavilions	2	
Markets and Eating Places	5	
Aircraft Hangars	2	
Sewage Treatment Plant	1	
Greenhouse	1	
84 Lumber	1	
Fish Hatchery Training Center	1	
Asphalt Plant Accessory Building	1	
Thrift Shop	1	
Speedway Service Center	1	
Travel Information Center	1	
Total Permits Issued	<u>395</u>	

* Shows a 6% decrease in the number of permits issued for new homes as compared to 1978/79 year.

\$51,707.68	-	<u>Mean</u>	(Average cost of a new home constructed in Jefferson County during 1979/80)
\$50,000.00	-	<u>Median</u>	(The middle point. Half of the houses constructed in Jefferson County during 1979/80 cost more than \$50,000.00 and half cost less)
\$50,000.00	-	<u>Mode</u>	(The number that occurs most frequently in a series. More new houses were constructed for \$50,000.00 than any other amount)

** Shows a 140% increase in the number of permits issued for mobile homes as compared to 1978/79 year.

	Number of ILP's Issued 1978/79	Number of ILP's Issued 1979/80	% Change
New Homes	174	164	- 6%
Mobile Homes	21	50	+140%

II. STATUS OF PLANNING

A. Subdivision Review

1. Seventeen (17) subdivisions were approved by the Planning Commission in 1979/80:

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Dogwood Manor	Shepherdstown	80.7	27
Oak Tree East	Harpers Ferry	93.0	33
Leisure Acres	Shepherdstown	171.0	41
Jefferson Estates, Section I	Charles Town	2.0	*
Oakleigh	Shepherdstown	97.5	31
West Cavaland	Shepherdstown	47.0	16
Oakwood II, Section A	Shepherdstown	16.29	7
Meadowcraft, Section A	Middleway	25.02	5
Tuscawilla Hills, Lots 231-253	Charles Town	11.0	23
R. N. Hardesty Estate	Kabletown	1.2	2
Walter Glenn Lot	Shepherdstown	2.5	1
Alexander Subdivision	Middleway	6.54	2
Fox Glen Commercial Lot	Middleway	1.07	1
Muzzey Orchard	Shepherdstown	2.57	1
Sycamore Ridge	Shepherdstown	4.0	1
Grainlands II	Kabletown	10.0	3
Lumber Park (Commercial)	Charles Town	10.0	3
	Total	581.39	197

* 50 apartment units for the elderly

2. Ten (10) subdivisions were processed through the Final Plat stage and are awaiting final decisions, pending the construction of required improvements:

Buena Vista	Harpers Ferry	64.0	21
Elk Run Estates, Resubdivision	Harpers Ferry	20.7	4
Mountaintop	Kabletown	36.0	18
Oakwood II, Section B	Shepherdstown	9.23	3
Pembroke Grove, Resubdivision	Kabletown	411.0	88 to 128
Meadowcroft, Section B	Middleway	35.33	7
Lynwood	Harpers Ferry	12.5	5
Kimberly, Section A	Harpers Ferry	35.01	16
Marcus Farm	Kabletown	5.01	1
Priest Field Pastoral Center	Middleway	8.39	PUD

3. Eight (8) subdivisions have not reached the Final Plat stage, but have submitted acceptable Community Impact Statements to the Planning Commission:

Ambrose	Harpers Ferry	60.0	12
Rattling Spring	Harpers Ferry	40.5	*
Blue Ridge Reserve, Section IV	Harpers Ferry	73.0	14
West Blakeley	Kabletown	200.0	69
Cave Quarter Estates, Section A-C	Charles Town	14.8	36

Cabin Run Farm	Harpers Ferry	54.0	26
Jefferson Estates, Section II	Charles Town	2.3	**
Spring Run Townhouses	Charles Town	5.2	***

- * 150 hotel units and 91 townhouses
- ** 50 apartment units for the elderly
- *** 56 apartment units for low and middle income families

B. Subdivision Law Suit - Richard M. Singer, et al. versus Jefferson County Planning Commission

In the fall of 1977 a law suit was filed against the Planning Commission for rejecting the Patrick Henry Estates Subdivision (along U. S. Route 340) on the basis of a negative community impact. The Developer was upheld by the Circuit Court and the Planning Commission was ordered to approve the final plats of the subdivision as submitted.

For the purpose of clarifying the limits of authority granted under subdivision enabling legislation in West Virginia, the Planning Commission appealed the Circuit Court order to the State Supreme Court. The Supreme Court agreed to hear the case.

In the decision filed April 4, 1980, the Supreme Court affirmed the decision of the Circuit Court. The Supreme Court ruled that the "Planning Commission failed to show any instance in which the developers did not abide by the specific regulations set forth in the adopted Jefferson County Subdivision Regulations. The imposition of reasonable regulations as conditions precedent to the subdivision of land is not unconstitutional, but, the regulations must be reasonable and the standards adequate to restrain the discretion of the Commissioners. The regulations must be reasonably definite and carefully drafted so that property owners may know in advance what is required of them and what standards and procedures will apply."

C. Subdivision Law Suit - Jefferson County Planning Commission versus W. E. Gano, Jr., et al.

In January, 1978, the Planning Commission initiated legal action against W. E. Gano, Jr., et al. for failure to provide a five year maintenance bond for Mecklenburg Heights, Section F. The Ganos maintained that since the roads had been deeded to the property owner's association, they (W.E. Gano, Jr., et al.) were no longer responsible for maintaining the roads. In an order filed June 30, 1980, the Circuit Court stated that the purpose of the road maintenance bond regulation was to provide for a five year period of road maintenance after which it was anticipated that the lot owners in the subdivision would form an association to perform road maintenance. It was ordered that since more than five years had elapsed since the approval of the subdivision, and since an association had been formed, that the purpose of the regulation as to a road maintenance bond had been accomplished. W. E. Gano, Jr. was not required to post a maintenance bond.

D. Subdivision Law Suit - Jefferson County Planning Commission versus Louis B. Athey and Frederick E. Roughton

In March, 1978, the Planning Commission initiated legal action against Louis B. Athey and Frederick E. Roughton for failure to post a five year maintenance bond for the subdivision known as Southerly. Mr. Athey and Mr. Roughton maintained that the Planning Commission did not have legal authority (under West Virginia statute) to require the posting of a maintenance bond.

In an opinion and order handed down March 28, 1980, the Circuit Court ruled that the Planning Commission had the authority to require maintenance bonds for newly constructed roads in subdivisions in Jefferson County. It was further stated that the defendants submitted to the jurisdiction of the Planning Commission without reservation and with full knowledge of the maintenance bond requirement when submitting the application for approval of a subdivision known as "Southerly". If any objection was to be made, such objection should have been made before the Commission at the time of the submission of the application. No objection was made at that time. The defendants were ordered to post the required road maintenance bond by June 23, 1980.

E. Newsletter

In an effort to better communicate with the people of Jefferson County, the Planning Commission publishes a quarterly newsletter entitled, PROFILE. Copies are mailed directly to municipalities, government offices and public agencies, real estate offices, law offices, taxpayer groups, planning/engineering/surveying firms, Chamber of Commerce, radio/TV/newspaper concerns, and other interested parties. Copies of PROFILE are freely distributed at public places throughout the County.

Each issue covers the Planning Commission's activities for a three month period. Highlights of all meetings are reviewed and a summary of building permits and subdivision activity is presented. Other subjects frequently presented in PROFILE include information about county planning, a review of noteworthy Federal programs, and notices of upcoming events.

F. Subdivision Ordinance

After administering Jefferson County's Subdivision Regulations for several years, it became evident that a complete revision of the regulations was needed. During the 1978/79 year four drafts of a new ordinance were prepared and distributed to the news media, to interested individuals, agencies and organizations, and to the general public for review and comment. Draft No. 4 was recommended to the County Commission for its consideration on June 12, 1979. On July 18, 1979, the Jefferson County Subdivision Ordinance became effective. Two amendments to that Ordinance (one dealing with the creation of 10 acre lots; and one dealing with subdivision road surfaces) were adopted by the County Commission on October 18, 1979, following much Planning Commission discussion and a public hearing.

G. Agricultural Land Preservation

In an unusual step to protect their farmland from scattered, suburban growth that is moving toward them, Jefferson County farmers are uniting to form Agricultural Land Preservation Districts. By signing written agreements with the County Commission, the farmers are voluntarily restricting their lands to agricultural uses for a period of five years. In return, the County Commission has pledged to support agriculture within the district by whatever means available--including assurances that no nuisance laws aimed at farming operations will be adopted.

The Agricultural Land Preservation Agreements, although temporary, are viewed as a major pioneering effort to keep useful areas of good farmland intact for future agricultural productivity. More than anything else, the Agreements reflect the dedication and determination of many local farmers who feel they are being crowded by nearby residential developments, to remain in farming. This effort is supported wholeheartedly by the Jefferson County Planning Commission.

To date, some 40 farmers with lands totaling 13,500 acres have expressed an interest in signing preservation agreements. Of this total, Agricultural Land Preservation Agreements totaling 7,000 acres have already been signed, approved by the County Commission, and placed on record in the County Clerk's Office.

H. 701 Projects

For the 1979/80 year, the Planning Commission was awarded a \$12,500.00 HUD 701 Grant for Comprehensive Planning Assistance. With a portion of this money, the firm of Fox & Associates, Inc. of Hagerstown, Maryland, was hired as consultants to assist in updating the Land Use and Housing Elements of the 1970 Comprehensive Plan and in preparing a Draft Zoning Ordinance. Throughout the year the following projects have been sponsored by the Planning Commission in an effort to achieve these goals:

1. Land Use Survey--Under the direction of the Planning Commission, a land use survey ("windshield survey") was conducted by Fox & Associates during the months of January-March, 1980. The land use information was collected in the field and placed on aerial photographs of the County. The survey will lead to the preparation of a Land Use Map showing the arrangement of major County land uses as they now exist. The Map will show the extent and location of lands used for agriculture and will show how residential development has spread over the countryside. The survey team also identified the condition (i.e. sound, deteriorating, dilapidated) of all housing units in the County.
2. Public Workshops--During the month of April, 1980, the Planning Commission sponsored three public workshops (at Blue Ridge Elementary School, Shepherdstown Elementary School and Charles Town Junior High) with a total attendance of 70 persons. The purpose of the workshops was to meet with interested county residents to discuss the results of the Land Use Survey and to consider the question, "Where Do We Go From Here?" with regard to future county growth and/or the implementation of zoning in Jefferson County. The sessions were informal and

gave area residents an opportunity to express their ideas prior to the writing of draft land use, housing and zoning proposals.

3. Questionnaire--In an effort to obtain public comments regarding the issues and problems in Jefferson County, a questionnaire was prepared for presentation at the public workshops. The questionnaire was designed to identify the most important land use problems, housing problems and reasons for the defeat of the 1976 zoning proposal. It was also published in the Spirit of Jefferson Farmer's Advocate to give a greater opportunity for public comment.
4. Base Map--A base map of Jefferson County with a scale of 1" = 2000' has been prepared. The map has been updated through the use of County tax maps to show 1979 property boundaries as well as new subdivisions processed through the Planning Commission. The base map is a valuable tool for displaying land use information.

I. Miscellaneous Meetings

A total of approximately 36 evening meetings, hearings and conferences were attended by the Director, in addition to the regular semi-monthly Planning Commission meetings. Subjects discussed included:

- National Park Service land acquisition plans
- economic, industrial and community development
- municipal planning and zoning
- parks and recreation administration
- housing rehabilitation
- water quality
- State Highway Department plans
- farmland preservation
- subdivision regulations
- sludge disposal
- Appalachian Trail concerns
- taxpayer's association concerns