

THIRTY SECOND ANNUAL REPORT
JEFFERSON COUNTY PLANNING AND ZONING COMMISSION
JANUARY 1, 1999 THROUGH DECEMBER 31, 1999

After the regularly scheduled Planning Commission meeting held on February 23, 1999, the Planning Commission subcommittee appointed at the end of 1998 to formulate Zoning Ordinance amendments, met to discuss the proposed changes. The Planning Commission's subcommittee presented a draft proposal of Zoning Ordinance amendments to the entire Commission at the April 13, 1999 meeting. The amendments dealt with adding and/or modifying definitions; signage; nonconforming uses; model homes; home occupations; and, principal permitted uses.

On May 11, 1999 the Planning Commission discussed the proposed amendments and scheduled them for public hearing to be held on June 8, 1999. The public hearing was held and a time frame to submit written comments set. The Planning Commission discussed the proposed amendments at their meetings held on the July 13, 1999, July 27, 1999, and August 10, 1999. At the August 10, 1999 meeting the amendments as modified were recommended to the County Commission for adoption. On September 28, 1999 the Commission received revisions to the amendments by the County Commission and discussed these at the regularly scheduled Planning Commission meeting held on October 10, 1999. At this meeting the Planning Commission recommended adoption of the Zoning Ordinance amendments with the County Commission's recommended changes which the County Commission adopted at their October 14, 1999 meeting.

Two (2) Neighborhood Compatibility Hearings were held on two (2) different projects (see Page Nine for list). A public hearing was held before the Planning Commission as a result of the Neighborhood Compatibility Hearing held for the Meadow Brook Subdivision, Lots 50-98 on the unresolved issues. There were no unresolved between the public and the developer at the other Neighborhood Compatibility Hearing.

Minutes and tapes of all meetings and work sessions are on record in the Planning Commission office and information on how to obtain a tape of any meeting can be addressed by the Planning Commission Staff during normal business hours, Monday through Friday, 9:00 a.m. to 5:00 p.m.

The Staff and Subdivision Review Panel conducted subdivision review work sessions, as necessary, on the first and third Friday of the month beginning at 10:00 a.m. in the Planning Commission meeting room. During the 1999 calendar year covered by this report seventeen (17) subdivision review work sessions were held for the purpose of reviewing seven (7) Community Impact Statements; five (5) Preliminary subdivision plats; seventeen (17) Site Plan reviews; and, no (0) Preliminary Plat/Site Plans.

II. BUILDING CONSTRUCTION ACTIVITY

A. Improvement Location Permit Activity

The total number of Improvement Location Permits issued during the calendar year 1999, as shown on the table below, increased by 8 over the 1998 calendar year. A total of 1082 permits were issued in 1999 versus 1074 in 1998. The total value of construction increased from \$53.1 million in 1998 to \$55.6 million in 1999.

IMPROVEMENT LOCATION PERMIT ACTIVITY
 CALENDAR YEAR 1998 and CALENDAR YEAR 1999

	<u>No.</u>	<u>1998</u> <u>Value</u>	<u>No.</u>	<u>1999</u> <u>Value</u>
Apartment Buildings	0		8	
Units	0		57	2,625,048
Single Family Homes				
Detached	372	\$43,435,486	363	\$43,175,769
Attached	2	385,000	2	215,000
Mobile Homes	58	892,500	74	1,537,357
Garages/Carports	93	991,463	97	984,039
Additions	250	1,912,889	217	2,571,013
Accessory Buildings	192	571,789	188	641,004
Farm Structures	19	170,495	30	263,297
Commercial/Industrial	56	3,218,855	32	3,054,176
Swimming Pools	20	353,500	20	353,050
Churches	4	1,010,000	1	5,000
Other	8	\$ 165,000	50	\$ 238,569
	1074	\$53,106,977	1082	\$55,663,322
Total dwelling units	432		496	
Average Construction Cost/ single family home (Excluding mobile homes and apartments)		\$117,167		\$118,878

The total number of new dwelling units created (apartment units, single family homes and mobile homes) increased from 432 units in 1998 compared to 496 units in 1999. The average value of residential construction increased from \$117,167 per dwelling unit in 1998, to \$118,878 in 1999, or an increase of \$1,711.00 per unit.

The number of permits issued for commercial/industrial buildings decreased from 56 in 1998 to 32 in 1999. The value of construction in this category decreased from \$3,218,855 in 1998 to \$3,054,176 in 1999. However, the average construction cost for commercial/industrial increased from \$57,479 in 1998 to \$95,443 in 1999. Overall, the number of permits increased by 8 over the previous calendar year and the total construction value increased by \$2,556,345.

B. Enforcement of Floodplain Management Ordinance

The Planning Commission staff issued fourteen (14) Improvement Location Permits for construction on lots within flood prone areas. Two permits were issued for construction within the flood plain since the value of the addition and deck was less than 50% of the value of the existing structure. Permits were issued for signs, deck, sheds, warehouse and lab with an engineer's certification that it would withstand the 100 year flood. One permit was issued for a camper which is moved every 180 days. One permit was denied for construction within flood prone areas because it did not comply with the 50% value rule.

As in past years the Staff has received numerous inquiries pertaining to the location of flood prone areas, and has prepared a number of parcel maps indicating the regulated flood plain and floodway.

The Jefferson County Flood Plain Management Ordinance was amended on December 10, 1998 to reflect changes suggested by the Federal Emergency Management Agency for clarification to the Ordinance. The definitions of substantial damage and substantially improved were added. The section on elevation and flood proofing was revised to reflect the new definitions.

III. LAND DEVELOPMENT ACTIVITY

A. Subdivision Ordinance Activity

During the calendar year covered by this report 145 new lots, sites or units were approved by the Planning Commission under the Subdivision Ordinance. In addition, the number of lots created through the subdivision exemptions in this period is 27. The number of lots, sites or units pending completion of

subdivision processing at the end of the 1999 calendar year is 440 single family/duplex/commercial. However, the number of pending lots has never been an accurate count of what actually is approved.

A listing of the specific subdivision proposals which have been approved, those currently pending further processing and approval, and Community Impact Statements (concept plans) submitted and accepted as of December 31, 1999, can be found in Appendix 1.

In addition to the subdivision activity described above, the Planning Commission received three (3) variance requests to permit two or more principal buildings on a single lot. Each of these requests were granted.

In the 1999 calendar year covered by this report, whereas 145 lots were created, 365 permits were issued. Therefore, the surplus of lots went down by approximately 220.

B. Construction Inspections and Bonding

Once a project is approved by the Planning Commission, the Planning Commission Staff, and primarily, the County Engineer, inspections are conducted to insure the subdivision/site plan improvements conform with the approved plans.

In addition to the inspections, the Planning Commission Staff administers construction bonds, secured by developers to insure completion of improvements. As of December 31, 1999, the total value of the bonds held by the County was \$3,627,074. The subdivisions currently bonded and the amount and form of security are listed in Appendix II.

C. Salvage Yard Ordinance Activity

The Jefferson County Salvage Yard Ordinance, adopted in August, 1984, established regulations for salvage yards not previously permitted by the State Department of Highways. The ordinance applies to the collection of three or more "junked" motor vehicles (unable to pass State inspection) or other certain accumulations of ferrous and non-ferrous material. Requirements include setbacks, fencing and other site design standards intended to minimize adverse impacts of a salvage yard.

Between January 1, 1999 and December 31, 1999, the Planning Commission Staff investigated over twenty complaints at various locations around the County. Some of the complaints were determined not to constitute a salvage yard by the definition of "junked" motor vehicles. Efforts have been made by a number of property owners who were investigated, to clean up their property and alleviate the cause for the complaints. Eight (8) locations were brought before the Planning Commission for declaration of violation. One (1) of these properties was declared to be in violation of the Salvage Yard Ordinance and is currently pending in Magistrate Court. Four (4) cases from previous years are still pending in Circuit Court.

IV. STATUS OF PLANNING

Two (2) projects were submitted to process through the zoning procedure and the Land Evaluation/Site Assessment (LESA) system.

Meadow Brook Farm Subdivision	49 single family lots	62.90 Acres	Harpers Ferry
The Quilt Hospital	Craft Shop	1.24 Acres	Kabletown

B. Site Plan Reviews

With the institution of zoning, a site plan review process was instituted for any projects other than single family residential. The following projects were submitted for site plan review:

<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
Maddex Court I Limited Part.	Maintenance Shed Dumpster Pad	Shepherdstown	Approved	3.00 20.18
AZ Golf Club of WV	Concrete Pad with Tent for Clubhouse	Charles Town	Approved	161.82
Shannondale Inc. Mini	Mini Storage Units	Kabletown	Approved	17.82
Millville Quarry, Inc.	Heavy Equipment Maintenance Building	Harpers Ferry	Approved	20.18
Todd Electric	Office/Showroom Warehouse	Charles Town	Approved	1.62

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<u>Project</u>	<u>Type Development</u>	<u>District</u>	<u>Status</u>	<u>Acres</u>
Sprint PCS/ Kenneth Wilt (The project was never brought up to 70% completion so has yet to be advertised for Staff Review Meeting)	Communications Tower	Charles Town	Pending	52.10
Kearneysville Community Baptist Church	Church Addition	Middleway	Approved	0.55
84-Lumber	Paved Parking Lot Storage Racks	Charles Town	Approved	4.14
PNGI Charles Town Races	Paddock Temporary Tent Facility	Charles Town	Approved	100.56
Texas Stock Tab, Inc.	Warehouse	Charles Town	Approved	6.46
7-Eleven Jefferson Ave.	Replacing Storage Tanks/Canopy	Charles Town	Approved	0.93
Covenant Baptist Church	Activity Center Paved Parking Lot	Shepherdstown	Pending	15.00
Pentecostal Full Gospel Church	Parking Lot	Middleway	Pending	0.72
Priest Field Pastoral Center	Office & Cold Storage Addition	Middleway	Pending	38.00
Mt. Mission Park	Picnic Pavilion	Kabletown	Pending	3.50

C. Intergovernmental Cooperation

The Planning Commission has established an open working relationship with other governmental agencies to ensure cooperation and coordination of programs and planning activities affecting Jefferson County. Examples of agencies the Planning Commission communicates with on a regular basis include: the Jefferson County Commission, Board of Education, Health Department, Development Authority, Solid Waste Authority, Parks & Recreation Commission, Emergency Services, Public Service District and the offices of the Assessor, County Clerk and Prosecuting Attorney; the State Departments of Health, Highways, and Natural Resources; and the U. S. Departments of Agriculture and Interior.

D. Miscellaneous Meetings and Activities

In addition to the regular and special meetings of the Planning Commission, the Zoning Board of Appeals, Staff Review meetings, and individual project Neighborhood Compatibility Meetings, the Planning Commission Staff has attended numerous meetings, conferences and work sessions on such topics as karst topography, Balancing Working Lands & Development; Childcare Leadership Conference on Work/Family; zoning; subdivision ordinance; stormwater management; water resources; education; natural resources; and, regional concerns.

Neighborhood Compatibility Meetings were held as follows:

<u>Date</u>	<u>Project</u>
September 1, 1999	Meadow Brook Farm Lots 50-98
September 8, 1999	The Quilt Hospital

Late in the year a subcommittee consisting of three of Planning Commissioners was appointed to set a time frame and methodology for receiving public comments on amending the Comprehensive Plan. Meetings were also held with County Commissioners to discuss the Comprehensive Plan process. The Commission felt that they would be working on the Comprehensive Plan process for about two years.

The Planning Commission also adopted a set of rules in accordance with the Open Government Proceedings Act entitled "Jefferson County Planning and Zoning Commission Meeting Rules". The rules stipulate meeting dates and times; special meeting notices; postponement of meetings; and, availability of meeting agendas. (See Appendix IV)

The Planning Commission as in previous years defended several lawsuits, concerning zoning and subdivision decisions. All of these files can be found in the Planning Commission offices.

E. Miscellaneous Information Requests

As with previous years, a large portion of Staff time is devoted to responding to inquiries received in person and by telephone. A large portion of these inquiries are directly related to building and subdivision activity. However, the Planning Commission also receives numerous requests for census information, demographic and building permit data, aerial photographs, floodplain information, and general information related to appraisals and marketing studies. In addition, since the zoning effort has been under way and is now effective, numerous inquiries are directed along this line. The Staff keeps a daily log of in-coming and out-going telephone calls and visits in person.

APPENDIX I
 Subdivisions Approved Between January 1, 1999
 and December 31, 1999
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APPENDIX I
Subdivisions Approved Between January 1, 1999 and December 31, 1999

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Breckenridge North	Charles Town	* 213.44	22
Harvest Hills	Shepherdstown	45.364	27
Fernbank at Cress Creek, Lots 62-66	Shepherdstown	* 149.258	5
Gap View Village S/D, Lots 1-26	Harpers Ferry	* 172.8065	26
Meadow Brook Farm, Lots 46-49	Harpers Ferry	4.800	4
Hawthorn Assoc. Ltd. Part. MSD	Kabletown	* 234.36	2
Daniel Duncan MSD	Kabletown	8.736	3
Fred & Della Collins MSD	Shepherdstown	11.00	3
Estate Mary Catherine Weller MSD	Harpers Ferry	* 134.39	2
Locust Hill Lots 96-97, 124-126	Charles Town	21.447	5
Eastland S/D, Lot 70	Charles Town	2.669	1
Dan Ryan Builders MSD	Harpers Ferry	* 80.170	2
Richard Weese MSD	Middleway	* 197.197	2
James E. Burke MSD	Middleway	* 49.784	3
John R. Place MSD	Middleway	11.140	2
Diane Gray & Hugh Hoover MSD	Kabletown	* 102.650	2
Samuel L. & Patricia R. Crim MSD	Charles Town	4.5194	3
Stephen Lee Creamer MSd	Shepherdstown	* 124.09	3
Warren E. & Patricia Walker MSD	Shepherdstown	10.00	2
H.C. Marshall et ux MSD	Shepherdstown	* 72.825	3
William J. Cafferky MSD	Middleway	6.71	3
Nuannit Vasuvat S/D, Lots 1-3	Harpers Ferry	6.575	3
Nancy Hockensmith MSD	Charles Town	75.7576	3
Stanley Singhas S/D, Lots 1-3	Kabletown	* 68.249	3
Archie Blanton MSD	Charles Town	* 48.700	2
David G. Trail MSD	Harpers Ferry	* 73.47	2
Estate of Mary Hardesty MSD	Middleway	* 150.806	2
Estate of Jerry A. White MSD	Middleway	* 71.571	2
Greg Burch MSD	Harpers Ferry	3.502	3
		2010.3885	145

NOTE: * The acreage shown on the denoted subdivisions above are distorted because they include a large residue of property, which at a later date may be further subdivided. The total residue acreage on these denoted subdivisions is 1746.5175 acres. Therefore, the total acreage actually subdivided into lots is 263.871 acres.

APPENDIX I
 Subdivisions Pending Between January 1, 1999
 and December 31, 1999
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Subdivisions Pending At The End of 1999

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Millers Station S/D	Charles Town	9.00	8 Comm.
Outlook Pointe Commons at Charles Town	Charles Town	32.20	1 Comm.
Kingdom Hall of Jehovah Witnesses	Charles Town	3.00	1 other
Murphy's Landing S/D, Lots 1-203	Harpers Ferry	98.9	203 s.f.
Abelow Farm S/D	Middleway	201.26	43 s.f.
Dolly's Woods S/D	Shepherdstown	86.70	8 s.f.
Locust Hill Lots 239-258	Charles Town	93.65	20 s.f.
Meadow Brook Farm Lots 50-97	Harpers Ferry	62.90	48 s.f.
Eastland S/D, Sec. III, Lots 71-101	Charles Town	48.70	31 s.f.
Briar Run, Phase III, Lots 78-133	Charles Town	23.778	56 s.f.
William C. Snelson MSD	Middleway	22.422	2 s.f.
Fernbank Lots 69-75 & 93-101	Shepherdstown	9.465	16 s.f.
Ethel Lucille Waltz MSD	Shepherdstown	4.5067	2 s.f.
Donald P. Saville MSD	Middleway	44.70	2 s.f.
	TOTAL	741.1817	431 s.f. 0 t.h. 0 d.u. 0 apts. 9 Comm.

NOTE: The number of lots in subdivisions pending at the end of Calendar Year 1998 was 176 single family, 52 duplex lots and 9 commercial lots. (See Planning Commission 31st Annual Report.) However, 145 lots were actually approved during the calendar year covered by this report (See Appendix I, Page Ten).

Community Impact Statements Accepted by the
Planning Commission Between January 1, 1999 and December 31, 1999
 (Concept Plans)

<u>Subdivision</u>	<u>District</u>	<u>Acres</u>	<u>No. of Lots</u>
Kingdom Hall of Jehovah Witness	Charles Town	63.00	1 other
Murphy's Landing S/D	Harpers Ferry	98.90	203 s.f.
Abelow Farm S/D	Middleway	201.26	43 s.f.
Dolly's Woods S/D	Shepherdstown	86.70	8 s.f.
Meadow Brook Farm Lots 50-97	Harpers Ferry	62.90	48 s.f.
Eastland, Sec. III, Lots 71-101	Charles Town	48.70	31 s.f.
	TOTAL	561.46	333 s.f. 0 t.h. 0 apts. 0 comm. lots 1 other

APPENDIX II
Outstanding Construction Bonds As Of December 31, 1999

<u>Subdivision</u>	<u>Security</u>	<u>Amount</u>
Patrick Henry Estates, Section B	Cash in Escrow	1,500.00
Images Night Club	Cash in Escrow	2,910.00
Bon Aire Village	Letter of Credit	13,000.00
Lowe Products, Inc.	Letter of Credit	8,305.00
Encore Catering	Letter of Credit	4,978.00
The Hillbrook Inn	Letter of Credit	4,075.00
Eastern Management Development Center	Surety Bond	1,443,676.00
Meadow Brook Farm	Letter of Credit	132,100.00
Crosswinds, Section I, Lots 1-17	Letter of Commit.	117,733.00
PNGI Charles Town Gaming LLC	Cash in Escrow	34,340.00
Cranes Meadow Apts. I	Letter of Credit	3,200.00
Breckenridge, Section I, Lots 1-30	Letter of Credit	5,000.00
Robelei, Lots 1-34	Letter of Commit.	5,000.00
Royal Vendors, Inc.	Cash in Escrow	1,500.00
Locust Hill, Lots 149-167 & 217-238	Letter of Credit	74,014.00
Cool Spring Estates, Lots 1-12	Letter of Credit	3,900.00
Rockwell's Moving & Mini Storage	Letter of Credit	21,415.00
Norm Thompson Outfitters, Inc.	Cash in Escrow	1,351.00
Mark J. Kramer S/D Lot 2 site plan	Letter of Commit.	10,000.00
Yorkville Subdivision	Letter of Commit.	9,665.00
Ledge Lowe Subdivision, Lots 1-4	Letter of Credit	53,281.00
Jack & Jill Child Development Center	Letter of Credit	15,300.00
Wood End Subdivision	Letter of Credit	37,881.00
84 Lumber	Cash in Escrow	500.00
Crest View Acres Subdivision	Letter of Credit	47,300.00
Church of Jesus Christ of Latter Saints	Letter of Credit	74,051.00
Crosswinds, Section I, Lots 17-21	Letter of Commit.	24,830.00
Crosswinds, Section I, Lots 21-39	Letter of Credit	74,937.00
Breckenridge, Lots 31-100	Letter of Credit	82,202.00
Fairview Place, Section II, Lots 11-19	Cash in Escrow	37,600.00
Fernbank at Cress Creek Phase III	Letter of Credit	45,421.00
Briar Run Estates, Phase II, Lots 38-77	Letter of Commit.	55,550.00
Autozone, Inc.	Letter of Credit	21,520.00
Mid Atlantic Group	Cash in Escrow	24,492.00
Crosswinds, Section I, Lots 39-66	Letter of Credit	82,900.00
Engle Crossing Subdivision, Lots 10-10	Letter of Commit.	38,480.00
BSR Range Complex	Cash in Escrow	9,402.00
Covenant Baptist Church	Cash in Escrow	2,950.00
Crosswinds II Subdivision	Letter of Commit.	71,014.00
Marrone's Interior Finishes	Letter of Credit	10,068.00
Shepherdstown Men's Club	Letter of Credit	5,660.00
Fernbank at Cress Creek, Lots 14-25	Letter of Credit	10,225.00
Cambridge S/D	Letter of Commit.	56,758.00
Cranes Meadow II Apts.	Letter of Credit	19,338.00
Peace Plantation Animal Sanctuary	Letter of Credit	59,435.00

APPENDIX II
 Outstanding Construction Bonds as of December 31, 1999
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<u>Subdivision</u>	<u>Security</u>	<u>Amount</u>
Millville Quarry Concrete Plant	Letter of Credit	64,979.00
Leila Stadtmiller Child to Parent Lot	Cash in Escrow	10,230.00
Jefferson Asphalt Product Company Inc.	Letter of Credit	20,320.00
Cameron Run S/D	Letter of Credit	3,400.00
Maddex Court Apts.	Letter of Credit	13,900.00
Meadow Brook Lots 46-49	Letter of Credit	58,870.00
Locust Hill, Lots 96-97 & 124-126	Letter of Credit	52,068.00
Todd Electric	Letter of Credit	2,784.00
Kearneysville Community Baptist Church	Cash in Escrow	1,281.00
Fernbank Lots 62-66	Letter of Credit	120,549.00
Breckenridge North	Letter of Credit	337,451.00
Shannondale Mini Storage	Letter of Credit	27,344.00
TST/Impresso, Inc.	Letter of Credit	43,760.00
7-Eleven	Cash in Escrow	3,321.00
Jefferson Cottage, Inc.	Cash in Escrow	8,060.00
	TOTAL	<u>\$3,627,074.00</u>

TABLE I
Proposed vs. Approved Lots
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TABLE 1

Calendar Year <u>Initiated</u>	<u>Proposed Lots</u>	<u>Approved Lots</u> ****	<u>Accumulative</u>	
			<u>Proposed</u>	<u>Approved</u>
1972	806	594	808	594
1973	1135	415	1941	1009
1974	523	313	2464	1322
1975	491	277	2955	1599
1976	815	191	3770	1790
1977	193	127	3963	1917
1978	367	267	4330	2184
1979	459	87	4789	2271
1980	102	46	4891	2317
1981	53	22	4944	2339
1982	94 (88 Apts)	93	5038	2432
1983	232	216	5270	2648
1984	115	102	5385	2750
1985	295	216	5680	2966
1986	134	133	5814	3099
1987	1275	430	7089	3529
1988	1705	723	8794	4252
1989	5457	648	14251	4900
1990	2353	404	16604	5304
1991	88 (+132 Apts)	90	16692	5394
1992 thru 10/27/92	-86*	97	16606	5491
10/28/92 thru 1993	298**	98 (+40 Apts)	16904	5589
1994	241***	128*	17145	5717
1995	521***	138	17666	5855
1996	682*** (64 Apts)	129	18348	5984
1997	90 (50 Apts)	237 (+64 Apts)	18438	6221
1998	113	288 (+50 Apts) 41****	18551	6550
1999	333	145	18884	6695

*This reflects the difference between 548 new proposed lots and 634 proposed lots on projects that were closed out before final plat approval.

** 332 proposed - 34 closed = 298

***Between the years denoted 320 single family lots, 406 townhouse lots and 192 apartment lots/unit files were closed.

****41 approved in previous year but never picked up by this report (File #94-8).

***** These figures do not include lots created by parent to child exemptions or lots created for commercial purposes.