



AGENDA

Jefferson County Planning Commission

Tuesday, August 13, 2013

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.

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

1. Welcoming of new Planning Commissioner, William McLeod.
2. Approval of the minutes from the July 09, 2013 Planning Commission Meeting.
3. Approval of the minutes from the July 23, 2013 Planning Commission Meeting.
4. Citizen Communications: If you wish to comment, please sign-in to speak for issues that are not on the agenda or items that are not open for public comment. Items not open for public comment will be so noted.
5. Request for postponement.
6. CIS Amendment Public Hearing: Allstadt's Corner (PC File #07-10) to be amended to Allstadt's Corner Business Center. Property is located at the intersection of Route 340 and Millville Road, where the Flea Market is currently located.
7. Public Hearing: Request by applicant Bloomery Plantation Distillery (File #PCW13-07, -08, and -09) to be represented by Thomas Kiefer and Linda Losey for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:
 - a) **PCW13-07:** Appendix B, Section 2.2: Request for waiver from the requirements for driveway width and depth.
 - b) **PCW13-08:** Appendix B, Section 9.4: Request for an increase in maximum driveway slope requirements from 8% to 20%.
 - c) **PCW13-09:** Appendix B, Section 4.3. Request for a waiver from the requirement to provide stormwater management for all areas of site that are to be disturbed.
8. **Request withdrawn by applicant:** Public Hearing: Request by Jefferson County Parks and Recreation (PCW13-10) for a waiver from Appendix B, Section 3.1.A and Appendix A, 1.3.A.24 of the current Jefferson County Subdivision and Land Development Regulations requiring a permit from the Jefferson County Health Department prior to approval of the Preliminary or Final Plat.

There is no public comment for the remaining items.
9. Discussion and possible recommendation regarding the proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2. Review comments compiled from the June 11, 2013 Public Hearing.
10. Discussion and possible recommendation regarding the Proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the regulations as necessary to implement and maintain consistency with the foregoing amendments.
11. Reports from Legal Counsel and legal advice to the Planning Commission.

Active Litigation:

 - Far Away Farms
 - Cedar Meadows Airpark

12. Director's Report.

- Update on 2014 Comprehensive Plan.

13. Planning Commission Exchange and Liaison Reports:

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

14. President's Report.

- Letter from Planning Commission responding to the County Commission's request to consider amending the existing commercial zoning categories (I-C and R-LI-C).

15. Actionable Correspondence.

16. Non-Actionable Correspondence.

- Letter from Debbie Royalty, President of the Jefferson County League of Women Voters

17. Signing of approved Motions from previous Planning Commission meetings.

- Signing Approved Motions for US Coast Guard Waiver Requests PCW13-04, -05, and -06.

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

Feel free to submit your comments to any of the addresses below:

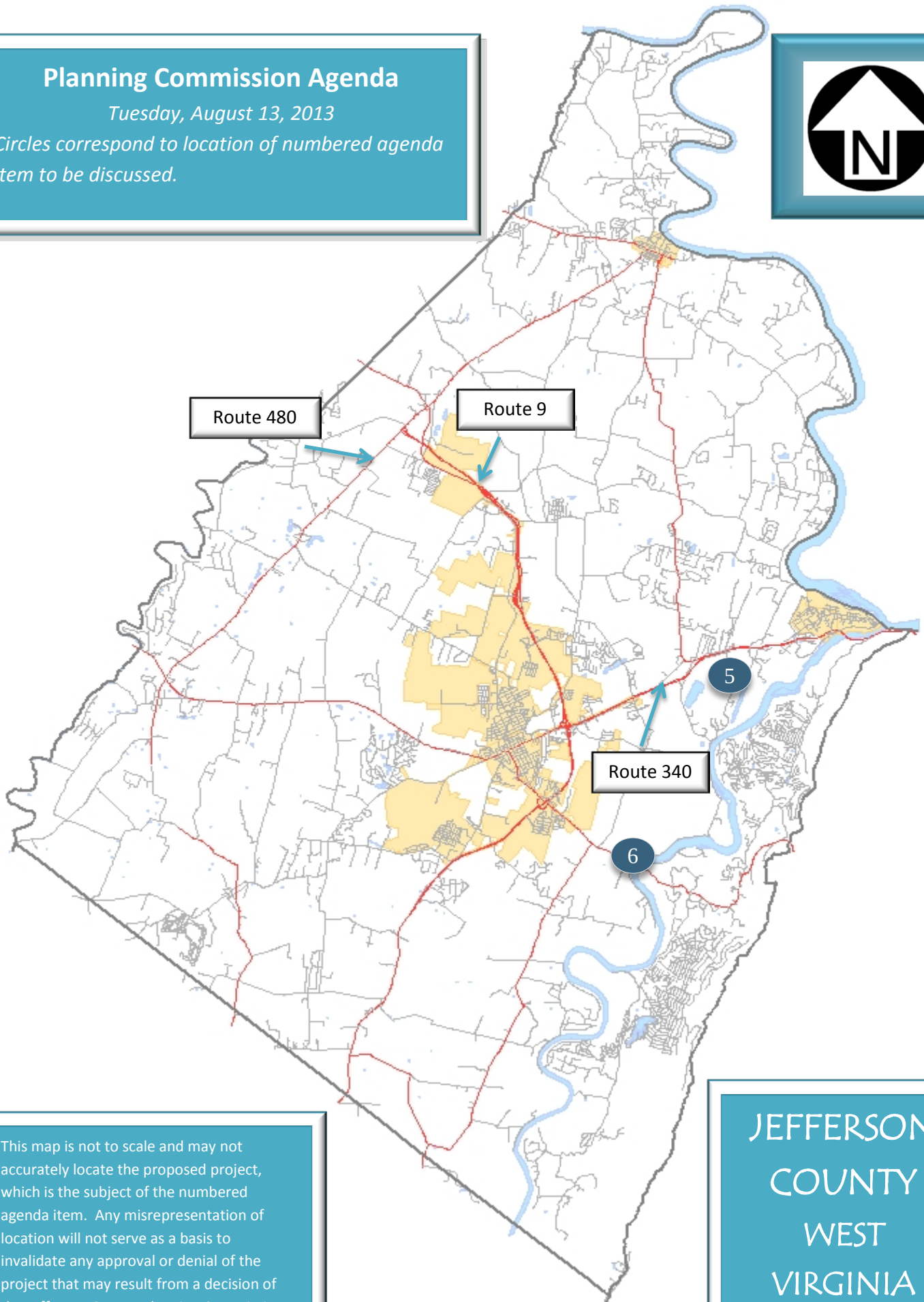
Physical Address: 116 E. Washington St., Charles Town, West Virginia 25414
Mailing Address: P.O. Box 338, Charles Town, West Virginia 25414
Email Address: planningdepartment@jeffersoncountywv.org
Fax Number: 304-728-8126

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

Planning Commission Agenda

Tuesday, August 13, 2013

Circles correspond to location of numbered agenda item to be discussed.



This map is not to scale and may not accurately locate the proposed project, which is the subject of the numbered agenda item. Any misrepresentation of location will not serve as a basis to invalidate any approval or denial of the project that may result from a decision of the Jefferson County Planning Commission.

JEFFERSON
COUNTY
WEST
VIRGINIA

This information is
Tab #2 in your binder.

Draft Minutes
Jefferson County Planning Commission
July 9, 2013

The Jefferson County Planning Commission met on July 9, 2013, with the following Commission members present: Paul Taylor, President, Daniel Hayes, Vice President; Steve Stolipher, Walt Pellish, J.P. Phillips, Wade Louthan, and Gary Phalen. Staff members present included Jennifer Brockman, Director of Planning and Zoning; Seth Rivard, County Planner; Jonathan Saunders, County Engineer; Stephanie Grove, Assistant Prosecuting Attorney; and Alexandra Beaulieu, Planning Clerk.

Staff members Joe Kent, Land Development Inspector, and Roger Goodwin, Chief County Engineer were present for the first half of the meeting which included both public hearings.

Planning Commission members Darlene Truman and Gene Taylor were absent with notification.

Mr. P. Taylor called the meeting to order at 7:02 p.m.

1. Re-Approval of the minutes for the May 14, 2013 meeting as amended.

Mr. Hayes motioned to approve the amended minutes. Mr. Stolipher seconded the motion, which carried unanimously.

2. Approval of the minutes from the June 11, 2013 and June 25, 2013 meetings.

Mr. Pellish motioned to approve the minutes from the June 11, 2013 meeting. Mr. Hayes seconded the motion, which carried unanimously.

Mr. Hayes motioned to approve the minutes from the June 25, 2013 meeting. Mr. Phalen seconded the motion, which carried unanimously.

3. Citizen Communications (hereinafter known as CC). None.

4. Request for postponement. None.

5. Site Plan Public Hearing: Morgan's Grove Market PC File #S12-06.

Mr. Phalen recused himself from the meeting at 7:04 PM due to the fact that Mr. Peter Corum is his son-in-law.

Mr. Rivard provided a staff report which confirmed the applicant had met the conditions set forth by the Planning Commission at the June 11, 2013 meeting. He recommended the Planning Commission approve the Morgan's Grove Market Site Plan with conditions. The proposed conditions included:

- The Department of Highways permit number is submitted.
- Easements shall be recorded by the instrument of a deed and exhibit plat or Final Plat.

Mr. Taylor invited the applicant to speak.

Mr. Fred Blackmer represented Morgan's Grove Market. He stated that he supported the proposed recommendations.

Mr. Taylor opened the floor for public comment.

Mr. Joe Spurgess stated he lived across from the MGM site at 49 Shepherd Lane. He stated he had concerns related to the progress of the building leading to further development such as warehouses or a strip mall.

Ms. Ann Spurgess inquired as to what happened with the results from the well testing. She stated she was aware the wells had been tested but that, to her knowledge, the results had never been made public.

Mr. Taylor stated that Mr. and Mrs. Spurgess were the only two who had signed up to speak.

Mr. Hayes motioned to close public comment. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Blackmer stated that he would make sure the well test results were submitted to the Planning and Zoning Department staff.

Ms. Brockman stated that it was an oversight from staff and that staff would follow up on the submission of well test results. She stated upon receipt of the test results, the information would be available to the public.

Mr. Hayes stated that he would like clarification as to whether or not the well test results would have a bearing on how the Planning Commission would proceed with the current site plan approval request.

Ms. Brockman stated that it would not.

Mr. Stolipher motioned to approve the site plan with the conditions set forth by staff.

Mr. Pellish seconded the motion, which carried unanimously.

Mr. Phalen re-entered the room at 7:13 PM.

6. Public Hearing: Proposed Stormwater Management Ordinance and Text Amendments to the Subdivision and Land Development Regulations and to amend such other articles, sections, subsections, and provisions of the regulations as necessary to implement and maintain consistency with the foregoing amendments.

Mr. Rivard introduced consultants Eric Genga and Teresa Sparacino of Delta Development Group.

Ms. Sparacino gave a power point presentation reviewing the Chesapeake Bay Watershed implementation of Stormwater Management in Jefferson County. She stated that in 2000 the Chesapeake Bay Agreement was signed by the Commonwealth of Virginia, the State of Maryland, the Commonwealth of Pennsylvania, the District of Columbia, the U.S. Environmental Protection Agency, and the Chesapeake Bay Commission. She stated that voluntary tributary strategies were developed to reduce pollutants to the Cap Load Allocation with the understanding that if unsuccessful, the EPA would establish Total Maximum Daily Load (TMDL) requirements.

Ms. Sparacino stated that it was recognized that goals were not being met which lead to President Obama issuing an executive order that expanded the federal commitment to the bay region. She stated that the order allowed the EPA to establish TMDL pollution limits to restore water quality within the Chesapeake Bay Watershed and also gave the EPA enforcement authority if the states missed established goals.

Ms. Sparacino stated that by 2010, the Phase I Watershed Implementation Plan (WIP) became part of the Chesapeake Bay TMDL. She stated that contingency actions and other strategies were being used to achieve the TMDL.

Ms. Sparacino reviewed the impacts of the WIP on Jefferson County. She stated that Jefferson County had not been categorized as an MS-4 (Municipal Separate Storm Sewer

Systems) Community. She stated that the County agreed to improve water quality in the County on a voluntary basis. She stated that the County analyzed MS-4 requirements to incorporate into the proposed new ordinance which will require the community's cooperation in improving water quality within Jefferson County.

Ms. Sparacino stated that the goals for the Stormwater Management Ordinance included limiting the post-construction runoff rates to equal or less than pre-development runoff rates; reducing nonpoint source pollution, nutrients, and sediment; flexible Best Management Practices (BMP) requirements and Low Impact Design (LID) criteria; limit the amount of total land disturbance; divert upslope water around disturbed areas of the site; limit the exposure of disturbed areas to the shortest duration possible; and address the vast areas of Karst geology and specify BMP criteria.

Ms. Sparacino reviewed the publications Delta Development utilized as a foundation for the new ordinance which included: West Virginia Phase II Watershed Implementation Plan, Model Stormwater Management Ordinance developed for the Eastern Panhandle of West Virginia; U.S. EPA Chesapeake Bay TMDL Executive Summary; and the West Virginia Department of Environmental Protection Municipal Separate Storm Sewer Systems (MS4) permit program requirements.

Ms. Sparacino reviewed the six Low Impact Development Design Practices. She stated that the six practices include:

- **Conservation Designs** – Reduce amount of impervious surface.
- **Infiltration Practices** – Designed to capture and infiltrate runoff.
- **Runoff Conveyance Systems** – used to route excess runoff through and off the site.
- **Filtration** – used to treat runoff by filtering it through media (primarily sand) that are designed to capture pollutants through the processes of physical filtration.
- **Bioretention Practices** – used to manage the first 1 inch of rainfall using both infiltration and filtration designs as well as reducing pollutant loads to meet target TMDLs.
- **Low Impact Landscaping** – selection and distribution of plants must be carefully planned when designing a functional landscape.

Mr. Genga reviewed key points from the Stormwater Management Ordinance. He stated that the proposed Stormwater Management Ordinance is primarily comprised of requirements enforced within the current Subdivision and Land Development Regulations and that the biggest change would be the creation of a standalone document. He stated that the proposed Stormwater Management Ordinance would include the addition of Quality Control Criteria, which would need to be met when:

- Minor Site Developments requiring a Limited Site Plan.
- Rural Site Plans.
- Any Site Development requiring Full Site Plan.
- Major residential or commercial subdivision requiring a Preliminary Plan.
- Rural Site Plans involving the Development of 5,000 sq. ft. or more of impervious surface, or resulting in more than one acre of land disturbance.
- Any site Development requiring a Full Site Plan.
- Any Major residential or commercial subdivision requiring a Preliminary Plat.

Mr. Genga stated that Delta Development worked with Jefferson County to ensure the criteria lined up with the existing requirements within the Subdivision Regulations.

Mr. Pellish requested a definition of the term MS4.

Mr. Genga stated that MS4's are the communities or counties defined by DEP that have to meet specific criteria for stormwater management. He stated that designation depended on population and density criteria which are calculated through the census evaluation every 3 - 5 years. He stated that Jefferson County did not meet MS4 criteria during the most recent census; however, the proposed ordinance had been written to include the current standards for MS4 communities so that if Jefferson County were to meet MS4 criteria in the next census, there would be minimal changes required.

Mr. Pellish asked what was meant by slide number four (4) entitled "Chesapeake Bay 2008". He inquired as to which goals were not being met and what measurements were used to determine that these goals were not being met.

Mr. Genga stated that the primary pollutant components were phosphorus, sediment, and nitrogen. He stated that tests were conducted by the DEP and the EPA to measure the pollutant levels within the Chesapeake Bay watershed, examining the pollutant levels. He stated that during the pollution tests, it was determined that nitrogen levels were not being reduced.

Mr. Pellish inquired whether specific tests were conducted in Jefferson County.

Mr. Genga stated he could not confirm whether testing had been conducted in Jefferson County.

Mr. Taylor opened the floor for public comment.

Ms. Kristen Stolipher with Gordon and Associates submitted written comments for the record. She stated the ordinance should be simplified and noted Article I.D.1 could be simplified by stating who is exempt rather than including everyone who must comply. She stated that it should be clearly noted that projects submitted for review prior to the effective date of the proposed ordinance would be reviewed under the existing regulations. Ms. Stolipher suggested that the draft ordinance numbering system match the numbering system used in the Subdivision Regulations and the Zoning Ordinance to achieve uniformity and avoid duplication of section numbers for reference purposes. She recommended that Delta Development come back with a revised draft that would address the comments provided.

Mr. Mike Wiley with Beallair Homes stated he was representing the Eastern Panhandle Homebuilders Association and the Jefferson County Citizens for Economic Preservation. He agreed with Ms. Stolipher's comments and submitted written comments for the record. He inquired as to why staff was spending time and money to develop a new ordinance as opposed to utilizing Berkeley County's Ordinance and modifying to reflect Jefferson County's standards. He noted that several provisions within the draft ordinance were unrelated to Stormwater Management and should remain within the Zoning Ordinance and/or the Subdivision Regulations. He referenced page two (2) Article 1.A of the draft Stormwater Management Ordinance and noted that standards establishing setbacks and lot sizes should be excluded from the Stormwater Management Ordinance and left within the Subdivision Regulations and/or Zoning Ordinance.

Mr. Hayes motioned to close public comment. Mr. Stolipher seconded the motion, which carried unanimously.

Mr. Taylor requested Ms. Brockman provide guidance on the next steps in the approval process.

Ms. Brockman stated that staff recommended the proposed Stormwater Management Ordinance go before the Planning Commission because of the amendments that would be made to the Subdivision and Land Development Regulations as the result of the creation of a new document. She stated that the Planning Commission would have a larger role in the amendments to the Subdivision Regulations than they would in the creation of the Stormwater Management Ordinance. Ms. Brockman stated the Planning Commission would need to motion for the Subdivision Regulations amendments to go before the County Commission.

Mr. Rivard reviewed the staff memo from the agenda packet. He noted that the proposed changes to the amended 2008 Subdivision and Land Development Regulations included:

The removal of Stormwater Management Standards from the 2008 Subdivision and Land Development Regulations which would be moved to the proposed stand-alone Stormwater Management Ordinance.

The addition of references to the proposed Stormwater Management Ordinance which would direct the reader to the Stormwater Management Ordinance for design standards.

The proposed amendment to the Rural Site Plan Standards would reduce the gravel depth in parking and drive aisles from 9 inches to 6 inches.

Mr. Rivard stated that a few minor edits not related to the Stormwater Management Ordinance had been proposed. He stated that the proposed minor edits included:

The 2008 Subdivision Regulations requires a traffic study when a certain threshold is met. The proposed amendment would eliminate the need for a traffic study when roadway improvements are requested by the WVDOT.

Any redline revisions be completed in red ink, whether by hand in red color or in an electronic format in red color.

To allow for administrative approval of trail easements to be substituted for installation of sidewalks in locations where a pedestrian/bike easement may be more appropriate than the installation of sidewalks.

Mr. Hayes requested that staff review and compile comments for a future meeting.

Ms. Brockman stated that it would be beneficial for engineering staff to respond based on their involvement in the development of the Stormwater Management Ordinance.

Mr. Pellish stated that it would be beneficial to extend the review time to allow public comments to be submitted.

Mr. Hayes motioned to keep the proposed Stormwater Management Ordinance open for review to allow the public to submit additional comments. Mr. Pellish seconded the motion, which carried unanimously.

Ms. Brockman clarified that the motion was to have staff compile public comments related to the proposed Stormwater Management Ordinance which would be reviewed during the August 13, 2013 Planning Commission meeting.

Mr. Rivard stated that the Planning Commission could review comments during the August 13, 2013 meeting and then forward to the County Commission for a public hearing on September 19, 2013.

The referenced Power Point document as presented by Delta Development Group is available for review in the office of the Departments of Planning and Zoning.

Additionally, the written comments submitted by Ms. Kristen Stolipher and Mr. Mike Wiley are available for review in the office of the Departments of Planning and Zoning.

7. Discussion and possible recommendation regarding the proposed text amendments to the following sections of the Zoning and Land Development Ordinance: 2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2. Review comments compiled from the June 11, 2013 Public Hearing.

Ms. Brockman reviewed each proposed amendment along with the comments received during the June 11, 2013 Public Hearing.

1. Sections 2.2, 5.7, and 8.5: Farm Breweries, Wineries and Distilleries.

Staff recommended the following: Buildings located on the premises may exceed the 20,000 square footage limit provided that the total building area dedicated to the use (farm brewery, farm winery, or farm distillery) does not exceed to total permitted square footage. This limit applies to the use of space for distilling, bottling, sales, administrative offices, and customer area, and does not apply to a barn, greenhouse, or similar structure that is directly related to agricultural production.

Mr. Hayes requested the language define structures included in the square footage requirements, rather than listing everything that may be excluded, which would simplify the current language.

Ms. Brockman reviewed Section 8.5E which included guidelines for the production of alcohol on a farm. She stated staff recommended removing the guidelines for use of out-of-state ingredients as that standard is enforced at the state level. She stated that in order for a brewery to actually be a farm brewery rather than an industrial operation, there must be some significant connection to crops grown on the farm. Ms. Brockman noted that staff recommended the requirement for use of raw ingredients grown on site be 25%.

Mr. Hayes requested additional research be conducted to determine industry standards for inclusion of raw ingredients in regards to farm breweries.

2. Section 9.5: Deck Setbacks for Townhome Developments.

Ms. Brockman stated that the Board of Zoning Appeals requested an amendment to this section as the result of several variance requests that were being routinely approved. She stated that the amendment would reduce the rear setback of a deck for a townhouse to 10 feet if the adjacent property located to the rear of the subject lot is a dedicated easement or common area and is not a lot that includes a

residence. She stated that staff also recommended amending the section to include the Residential Growth District in addition to the Residential-Light Industrial-Commercial District.

Ms. Brockman noted that comments received stated that the amendment should clarify that reduced setbacks are also permitted for stairs associated with decks, as well as concrete slabs (i.e. patios).

3. Section 10.5: Receptions and Events in Rural Areas.

Ms. Brockman stated that a number of requests to allow the use of barns or other existing historical or agricultural structures for receptions and events had been received. She stated that staff recommended establishing two categories of reception/event facilities to set criteria to allow some events to be processed administratively:

- a) Reception/Event Facility, Small (allow administratively): a facility for the hosting of events such as weddings of up to 100 attendees, at a frequency of no more than one event per month. The land use is subject to the requirements for a Cottage Industry in this ordinance, with the exception of limitations on trips per day and the number of nonresident employees permitted.
- b) Reception/Event Facility (allow by Special Exception): a facility for the hosting of events such as weddings.

Ms. Brockman stated that comments received noted that it may be appropriate to require traffic control for temporary uses such as events and receptions. Ms. Brockman stated that staff proposed for events exceeding 300 persons, the applicant would be required to provide a traffic control plan.

Ms. Brockman stated that a WVDOH entrance permit for the site may be required.

Mr. Stolipher stated that a WVDOH entrance permit should not be required for simplicity and based on the determination that events would only occur once maybe twice annually. He noted that language should be included to state that a site plan is not required. He stated that a note should be included that a sketch or map is required.

Ms. Brockman noted that a threshold to determine at which point the facility may become a business.

Ms. Brockman stated that a comment received requested that use of structures be contingent on compliance with applicable building code requirements. She noted that staff determined the Zoning Ordinance is not the appropriate tool for enforcement of the Building Code. She stated that applicants should be notified that improvements may be required.

4. Section 10.5: Secondary Dwelling Units for Agricultural Purposes.

Ms. Brockman reviewed the current language in the draft ordinance:

Detached accessory dwelling units for agricultural purposes, such as units for occupancy by farmworkers or caretakers. Such units may be approved based on the Board's evaluation of the size of the subject property, adequacy of vehicular access to the property, impact on adjacent properties, and compatibility with the neighborhood.

She stated that comments requested allowing requests to process administratively within certain size requirements.

Mr. Hayes inquired as to why there were two definitions for accessory agricultural dwelling units.

Ms. Brockman stated that the definitions may need to be further defined to distinguish one being processed administratively and one processed by the Board. She stated that the purpose of establishing guidelines was to prevent construction of rental units and establish that the use be restricted to agricultural purposes.

Mr. Stolipher stated that he proposed having requests processed administratively. He proposed defining an Accessory Agricultural Dwelling Unit to 1,000 *heated* square feet or less of gross floor area. He stated that the language should restrict administrative approvals to one unit, and that requests for additional units would need to be processed through the Board of Zoning Appeals.

Ms. Brockman stated that staff recommended requiring a minimum lot area of at least 10 acres for use of a secondary dwelling unit for agricultural purposes. She stated that language could be added to note that lots over 10 acres could go before the Board of Zoning Appeals to request additional units.

5. Section 11.1: Parking for Seasonal or Temporary Uses.

Ms. Brockman reviewed the current language of the draft ordinance:

Upon request, on a case by case basis, the Zoning Administrator may administratively waive parking requirements for seasonal or temporary uses, agricultural uses, events, or other types of uses that do not require parking on a regular basis.

She stated that comments received requested the amendment clarify what standard of the ordinance is being waived. She stated that staff recommended amending the language as follows:

Upon request, on a case by case basis, the Zoning Administrator may administratively *wave permanent off-street automobile parking and loading* requirements for seasonal or temporary uses...

Ms. Brockman stated the next step would be for staff to incorporate public comments and staff recommendations into the Zoning Ordinance for the Planning Commission to review and possibly forward to the County Commission. She stated that a formal motion was not needed and requested confirmation from the Planning Commissioners to move forward as proposed.

Mr. Taylor confirmed that all of the Planning Commissioners were in agreement to have staff incorporate public comments and staff recommendations into the Zoning Ordinance for review at the next meeting.

Mr. Taylor called for a break at 8:45 PM.

Mr. Taylor called to resume the meeting at 8:50 PM.

8. Discussion and possible recommendation regarding the County Commission Motion requesting Planning Commission action related to a proposed draft amendment to the Residential-Light Industrial-Commercial Zone and the Commercial-Industrial Zone.

Mr. Pellish motioned to reject recommendation from the County Commission for a proposed amendment to the Residential – Light Industrial - Commercial and Commercial - Industrial zoning districts.

Mr. Philips seconded the motion.

Mr. Pellish stated that the request was an attempt to stop business development in Jefferson County. He stated that the amendment would suggest that any business development would require a CUP and may incur legal issues.

Mr. Hayes requested that Mr. Pellish withdraw his motion on account that negative action was not required. He recommended submitting a letter to the County Commission with notification that the Planning Commission rejected their motion.

Mr. Pellish withdrew his motion.

Ms. Brockman inquired if the Planning Commissioners would like department staff to draft a letter on their behalf.

Mr. Hayes responded that he would like department staff to draft a letter on behalf of the Planning Commission.

Mr. Phillips and Mr. Stolipher agreed with Mr. Hayes.

Mr. Hayes stated that the letter should note that the proposed text amendments regarding the creation of new commercial and industrial zoning categories would achieve similar goals as intended with the request for an amendment to the existing commercial zones.

Mr. Hayes motioned to have staff draft a letter stating that the Planning Commission rejected the County Commission's request to amend existing commercial and industrial zoning categories.

Mr. Pellish seconded the motion, which carried unanimously.

9. Discussion and possible recommendation regarding proposed text amendments to the Zoning and Land Development Ordinance regarding the creation of new commercial and industrial zoning categories and related amendments.

Ms. Brockman reviewed Appendix C.

Mr. Pellish motioned to send the proposed text amendments regarding the creation of new commercial and industrial zoning categories to the County Commission.

Mr. Stolipher seconded the motion.

Mr. Hayes inquired as to whether there had been any revisions to the proposed amendments since the June 11, 2013 meeting.

Ms. Brockman stated that Appendix C had been revised to include the revisions requested by the Planning Commissioners and that there had been some minor revisions based on the comments received during the public hearing.

Mr. Hayes inquired what the previous Planning Commission members did when the amendments had been initially proposed.

Mr. Pellish stated that the previous County Commission voted to table the proposal while the Comprehensive Plan was being written. He stated that had the proposal not been tabled, the Morgan's Grove Market project would not have reached 2 years in the approval process. Mr. Pellish stated that implementing the proposed amendments would alleviate a majority of concern and confusion encountered during the site plan approval process.

Ms. Brockman stated that the memo related to this agenda item included the changes made to the proposed amendments in response to the comments received from members of the public as well as County Commission members. She read from the memo, "One of the most significant changes [would be] to the proposed location criteria [related to] the language specifying where in the County each district would be appropriate. As a result of feedback that the intended use of the districts should be clearly linked to the Comprehensive Plan, staff [recommended] deleting the detailed location criteria (proposed previously) and [replaced] it with language that specified that each of the new zoning categories would be intended for use on properties: in the Growth Area as shown in the most recently adopted Comprehensive Plan, if the plan does not include a future land use map; or in locations where the appropriate land use category is designated on the future land use map (and related text) in the most recently adopted Comprehensive Plan."

Mr. Hayes inquired what would happen next if the proposed amendments were sent back to the County Commission. He asked for clarification as to whether the County Commission could pick up where they left off in the process to re-visit the proposal or if the process would start at the beginning and require time for the County Commission to review and for a public hearing to be held..

Ms. Grove responded that she did not believe another Public Hearing would be required. She stated that the County Commission could re-visit the proposal at the current phase within the process.

Mr. Hayes amended his motion to include that the County Commission re-visit the proposal where it currently stands in the process.

Mr. Stolipher seconded the motion, which carried unanimously.

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

Active Litigation:

- **Far Away Farms**

Ms. Grove stated that Ms. Linda Gutsell submitted a request for copies of documents related to the FAF case including minutes and audio/video recordings from meetings between 2009 and 2013.

- **Cedar Meadows Airpark**

Ms. Grove stated that Mr. Groh had provided in the agenda packet a copy of a response he filed requesting a motion to dismiss the case involving Cedar Meadows Airpark on

account that the petitioner failed to serve all adverse parties, a requirement under West Virginia Code §8A-9-2 which requires notice to all adverse parties to sustain an appeal.

11. Director's Report.

Ms. Brockman noted that the location for the scheduled Governor's Blue Ribbon Highways Commission public meeting had changed to the Comfort Suites in Kearneysville. She stated that the date had not changed and would still take place on July 11, 2013 with two meeting times: 4:00 – 5:30 PM and 5:30 - 7:00 PM.

Ms. Brockman reviewed the 4th Quarter report and requested the Planning Commissioners review and approve for submission to the County Commission. She noted that if approved, the report would also meet the state's requirement for an annual report from the Planning Commission.

Mr. Hayes motioned to approve the report for submission to the County Commission. Mr. Stolipher seconded the motion, which carried unanimously.

Ms. Brockman reviewed upcoming meeting dates and noted that a special called meeting had been scheduled for July 23, 2013 in response to the submission of three waiver applications from Gordon and Associates on behalf of the US Coast Guard.

12. Planning Commission Exchange and Liaison Reports:

- County Commission – Mr. Pellish: no update.
- Health Department – No update/no liaison.
- Public Service District – No update/no liaison.
- Parks and Recreation – In Mr. Gene Taylor's absence, Ms. Brockman reported on the most recent P&R meeting. She stated that the proposed Hite Road project has been making progress. She reported that a construction crew had been hired and that they planned to begin grading this Fall. She reported that the proposed Amphitheatre project had been delayed, but was intended to pick up again at a later date.
- Jefferson County Development Authority – Mr. Stolipher reported that the proposed building project for the US Coast Guard would be an asset to Jefferson County and stated that the new business is projected to create 150 new jobs.

Ms. Brockman inquired if any of the members had attended the Agricultural Development Authority Meeting.

Mr. Pellish reported he had attended the meeting. He stated that it was discussed that Jefferson County may become a distribution center for food products within the entire state of West Virginia. He stated that 340 North would need to be expanded in order to accommodate the proposed distribution center. He added that expansion of 340 North would also serve as a disaster evacuation route from Washington, D.C..

- Water Advisory Committee – No update/no liaison.
- Planning Commission Exchange – None.

13. President's Report. None.

14. Actionable Correspondence. None.

15. Non-Actionable Correspondence.

Minutes

Jefferson County Planning Commission

July 9, 2013

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- Letter from Stephanie C. Boylan dated June 20, 2013 RE: Rezoning Request #Z12-02.

16. Signing of approved Motions from previous Planning Commission meetings. None.

Mr. Hayes motioned to adjourn the meeting at 9:25 PM. Mr. Stolipher seconded the motion, which carried unanimously.

This information is
Tab #3 in your binder.

Draft Minutes
Jefferson County Planning Commission
July 23, 2013

The Jefferson County Planning Commission met on July 23, 2013, with the following Commission members present: Daniel Hayes, Vice President; Walt Pellish, J.P. Phillips, Darlene Truman, Wade Louthan, and Gary Phalen. Staff members present included Seth Rivard, County Planner; Jonathan Saunders, County Engineer; and Alexandra Beaulieu, Planning Clerk.

Planning Commission members Paul Taylor, Steve Stolipher, and Gene Taylor were absent with notification.

Mr. Hayes presided over the meeting in Mr. Taylor's absence and called the meeting to order at 6:58 PM.

1. **Citizen Communications (hereinafter known as CC).** None.
2. **Public Hearing: Request by applicant US Coast guard (File #PCW13-04, -05, and -06) to be represented by Gordon and Associates for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:**
 - a. **PCW13-04:** Appendix B, Section 2.5.N: A reduction in parking stall depth from 20' to 18'.
 - b. **PCW13-05:** Appendix B, Section 2.3.B.1: To allow for a second entrance off of Wiltshire Road.
 - c. **PCW13-06:** Section 20.102.B: To allow for commencement of early grading and foundation work, prior to the approval of the site plan.

Mr. Hayes stated that if the Planning Commission members were of the same opinion, that a single motion be made either approving or not approving the three waivers. He noted that if members disagreed, a motion would be made for each individual request.

Mr. Rivard stated that staff recommended approval of all three waivers. He recommended that waiver request number PCW13-06 related to the commencement of early grading and foundation work prior to the approval of the site plan be approved under the following conditions:

1. The grading permit is issued to allow the owner to perform site grading for the building pads. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application; and
2. The building permit is issued only for the foundations of the proposed buildings (building construction will stop at the foundation until the site plan is approved); and
3. The owner/Developer assumes all risk for "jump-starting" the project and understands that the final site plan design approved by the planning commission might necessitate some changes and additional construction costs; and
4. Provide bonding of all proposed site improvements pertaining to the permit.

Mr. Hayes requested confirmation that the proposed conditions related to early grading were the same conditions required of both Morgan's Grove Market and Stasis.

Mr. Rivard stated that he was correct.

Mr. Hayes invited the applicant to speak.

Ms. Kristen Stolipher spoke on behalf of Gordon and Associates. She stated that the proposed project would be a 42,000 square foot office building located in the Burr Business

Minutes

Jefferson County Planning Commission

July 23, 2013

Page 2 of 2

Park. She noted that the three waiver requests were fairly straight forward and that she would answer any questions.

Mr. Hayes inquired if the applicant would accept the conditions provided in the motion to approve waiver request number PCW13-06.

Ms. Stolipher stated that they would accept the conditions.

Mr. Hayes opened the floor for public comment.

Ms. Beaulieu confirmed there were no members of the public signed up for public comment.

Mr. Pellish motioned to close public comment.

Ms. Truman seconded the motion which carried unanimously.

Mr. Pellish motioned approval of all three waiver requests.

Mr. Phalen seconded the motion which carried unanimously.

Mr. Hayes stated that a sympathy card was passed around addressed to Mr. Gene Taylor for the Planning Commission members to sign.

Mr. Pellish expressed gratitude to Mr. Phillips for his time on the Planning Commission.

Mr. Phillips stated he was grateful for the opportunity.

Mr. Phalen motioned to adjourn the meeting at 7:05 PM.

Mr. Louthan seconded the motion, which carried unanimously.

This information is
Tab #6 in your binder.

Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

Allstadt's Corner Subdivision PC File #07-10

Agenda Item #6: CIS Amendment Public Hearing for applicant Allstadt's Corner to be amended to Allstadt's Business Center (PC File #07-10).

APPLICANT:	Allstadt's Business Center
OWNER:	Dr. and Mrs. James Gibson
DEVELOPER:	Same as above
SURVEYOR/ENGINEER:	Appalachian Surveys, PLLC
PROPERTY LOCATION:	The property is located on the south side of Route 340 (William L. Wilson Freeway); the east side of Route 27 (Millville Road) and on the west side of Route 27/2 (Allstadt's Hill Road).
LEGAL DESCRIPTION:	District: Harpers Ferry (04); Map: 9; Parcel: 39.1 
ZONING DISTRICT:	Residential - Light Industrial - Commercial
SURROUNDING PROPERTIES:	North: R/LI/C East: R/LI/C and RG South: RG West: R/LI/C and RG
LOT AREA:	12.967 acres
PROPOSED DENSITY:	Lot 1: Existing Wilt's Fruit Stand (~1.4 acres); Lot 2 - 5: will contain between 1.4 and 2.1 acres; Lot 6: Existing Allstadt's House and Ordinary (~1.5 acres) Stormwater Management/Common Area Parcel (~3.5 acres)

Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

Allstadt's Corner Subdivision PC File # 07-10

PERMIT APPROVALS:	
Health Department	Permit No.: 17,962; 17,963
Dept. of Highways	Permit No.: 5-08-0346, 5-08-0347, 5-08-0348, 5-08-0349
APPROVALS:	
Community Impact Statement (CIS) <i>PC File #07-10</i>	Submitted: 04/19/07 County Engineer Approval: 04/30/07 Staff Review Mtg.: 05/04/07 County Planner Approval: 05/31/07 PC Approval: 06/26/07 Expires on: 05/04/09; PC Extended: 06/09/09
Preliminary Plat	Submitted: 10/18/07 Staff Review Mtg.: 11/02/07 County Engineer Approval: 08/20/08 County Planner Approval: 08/28/08
Site Plan	Will be processed in a different phase.
Final Plat	Submitted: 03/06/09 County Planner Approval: 04/24/09 County Engineer Approval: 05/21/09 Final Plat 60-day Provision: 08/14/09 (extended twice) Public Hearing Held: 07/14/09 PC Action: 07/14/09 PC approved the final plat. Approval Extended to 7/1/12 as a result of an Agreed Order (July 2011) Approval Extended to 7/1/15 by action of CC per WV Code (6/21/12)
Variance History	08/28/07- PC approved a variance to permit the residue parcel to retain two existing entrances off existing Allstadt's Hill Road. 04/14/09 - PC approved a variance for an extension of time within which to advance through the final plat public hearing stage. The PC extended the 60-day provision until 06/09/09. 06/09/09 – PC approved a variance for an extension of time within which to advance through the final plat public hearing stage. The PC extended the 60 day provision until 08/14/09. 08/25/09 – PC denied a variance request for an extension of time to bond and record. July 2011 – variance denial overturned per Agreed Court Order
Rezoning (Zoning Map Amendment)	01/12/12 – County Commission approved a rezoning from Residential Growth to Residential-Light Industrial-Commercial

Staff Report

Jefferson County Planning Commission Meeting

August 13, 2013

Background

Allstadt's Corner is located at the intersection of US 340 and Millville Road, where the flea market is currently located. The approved (but not yet recorded) Final Plat is for a 31 lot development. There are 28 lots designated for attached single family homes, 2 lots are proposed for multi-family units and the residue contains the historic Allstadts House and Ordinary. As outlined in the Community Impact Statement (CIS), Allstadt's Corner is proposed to be a residential development only.

Allstadt's Corner Subdivision received Final Plat approval at the July 14, 2009 Planning Commission meeting. The applicant then applied for an extension to bond and record the Final Plat. On August 25, 2009, the Planning Commission denied the variance request for an extension of time to bond and record. This resulted in legal action by the applicant. A resolution came as the result of an Agreed Order between the Planning Commission and the applicant in July 2011. The court ordered agreement granted an extension to the Allstadt's Corner Subdivision to January 14, 2010. As a result of this extension, Allstadt's Corner was eligible for the provision within Senate Bill 595, extending approval to July 1, 2012. Per the provision provided in Senate Bill 595, a further extension was approved by the Jefferson County Commission in June of 2012. Subsequently, the project received an automatic extension to bond and record the Final Plat to July 1, 2015.

The property was rezoned from Residential Growth to Residential-Light Industrial-Commercial by the County Commission on January 12, 2012.

The Request

The applicant is requesting approval of the proposed amended Community Impact Statement (CIS), which will eliminate the residential units (other than the Allstadt's House and Ordinary lot), merge the previously approved residential lots, and create a total of five non-residential lots. This process is permitted, as the property was rezoned from Residential Growth to Residential-Light Industrial-Commercial, which allows for commercial activity.

Since this development was approved and vested under the 1979 Subdivision Ordinance, this amendment to the CIS will be reviewed under those requirements. The CIS amendment is intended to address the change from the approved Allstadt's Corner residential development to the proposed Allstadt's Business Center. No specific uses are being proposed at this time; all uses permitted within the Residential-Light Industrial-Commercial district may be considered and will require the processing of a Site Plan prior to construction.

The process of moving from the CIS amendment to the approval of a Final Plat will be as follows:

- The approval of the revised CIS (Planning Commission approval).
- The submission of the Preliminary Plat (engineering plans meeting the 1979 Subdivision Ordinance Standards – administrative approval).
- The submission of the Final Plat creating the lots (Planning Commission approval).

If the process outlined above is approved, as each lot is sold and developed, an individually designed site plan will be submitted for review and will follow the requirements of the most recent Subdivision and Land Development Regulations. If, as proposed, the roads and stormwater are master planned, each of the site plans for the individual lots will process administratively as minor site plans.

Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

Project Design

The project will change from a Residential Subdivision to a Mixed-Use Retail/Professional/Commercial Business Center, which will also include a multi-unit residential lot containing the existing Allstadt's House and Ordinary.

The remaining 5 lots will be developed into a Business Park with a mix of Flex Commercial Space, Retail Space, Professional Office Space, and other possible uses as permitted by zoning. Lot 1 is approximately 1.4 acres and is where the existing Wilt's Fruit Stand is located. The fruit stand will remain for the foreseeable future, until such time as the lot is sold. Lots 2 through 5 will be between 1.4 and 2.1 acres. There is a possibility that these lots will be adjusted in size or even eliminated by boundary adjustments when the lots are sold to a particular user. Lot 6 is proposed to be 1.5 acres and will continue to contain the multi-family dwelling unit known as the Allstadt's House and Ordinary. A small cemetery exists on proposed Lot 4. This graveyard will be preserved in its present state.

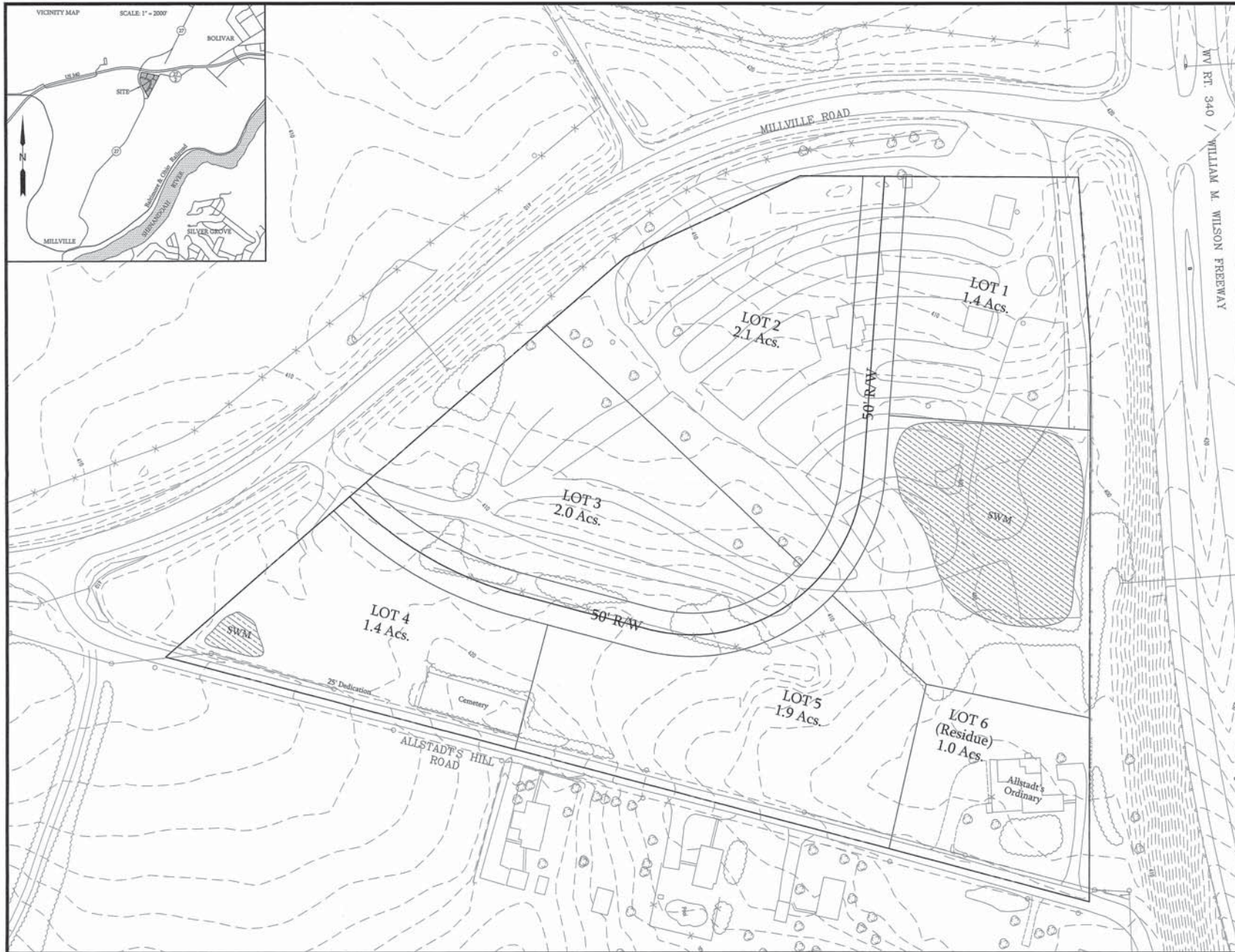
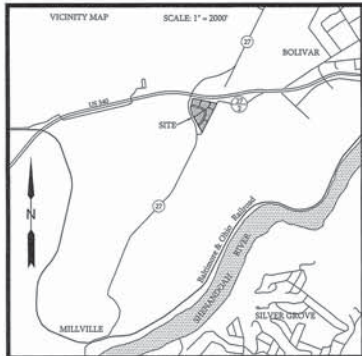
The stormwater management area will remain in the same general location, in a separate common area parcel between lots 1 and 6 (Residue) and will serve the entire subdivision. It will be designed and constructed pursuant to the subdivision ordinance standards in effect at the time of preliminary plat design. The entrances that were previously approved by the WV Department of Highways will remain in the same location.

Recommendation

The applicant has revised and amended the approved CIS to reflect the proposed Allstadt's Business Center. All applicable changes to the CIS for this amendment have been addressed. As such, Staff approves the proposed amendment.

The Planning Commission role, as defined in Section 6.1 of the 1979 Subdivision Ordinance, is below.

6. COMMUNITY IMPACT EVALUATION held before the Planning Commission during a regular meeting. The Planning Commission reviews the Sketch Plat and Community Impact Statement. The Planning Commission renders an informal opinion to accept or reject the suitability of the subdivision proposal based on the Sketch Plat, Community Impact Statement, soils study and other support material submitted.
7. Planning Commission advises the Subdivider, by letter, of its opinion, in order to provide the Subdivider with useful suggestions and with an early indication of the project's acceptability (or nonacceptability). The informal opinion serves as a basis upon which the final Planning Commission decision is reached; subject to new or revised information that may be presented at the Final Plat Public Hearing. (See Step #18)



ALLSTADT'S CORNER

Concept Sketch

Drawn by: KEB

Date: 5/24/13

Scale: 1" = 50'

From Residential to Commercial	
Approved for:	
By: <i>[Signature]</i>	Date: 5/29/13
County Engineer	

RECEIVED
MAY 31 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

APPALACHIAN SURVEYS, PLLC

401 S. FAIRFAX BOULEVARD, SUITE 3
RANSON, WV 25438-1611
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Sheet 1 of 1
#2013034

#0710

#1 FOR REVIEW PLWJ

Revised
Community Impact Statement
Allstadts Corner

New Name:
Allstadts Corner Business Center

A Mixed-Use Retail/Professional/Commercial
Development

Owned and Developed by: *From Residential to Commercial*
Dr. and Mrs. James G. Gibson



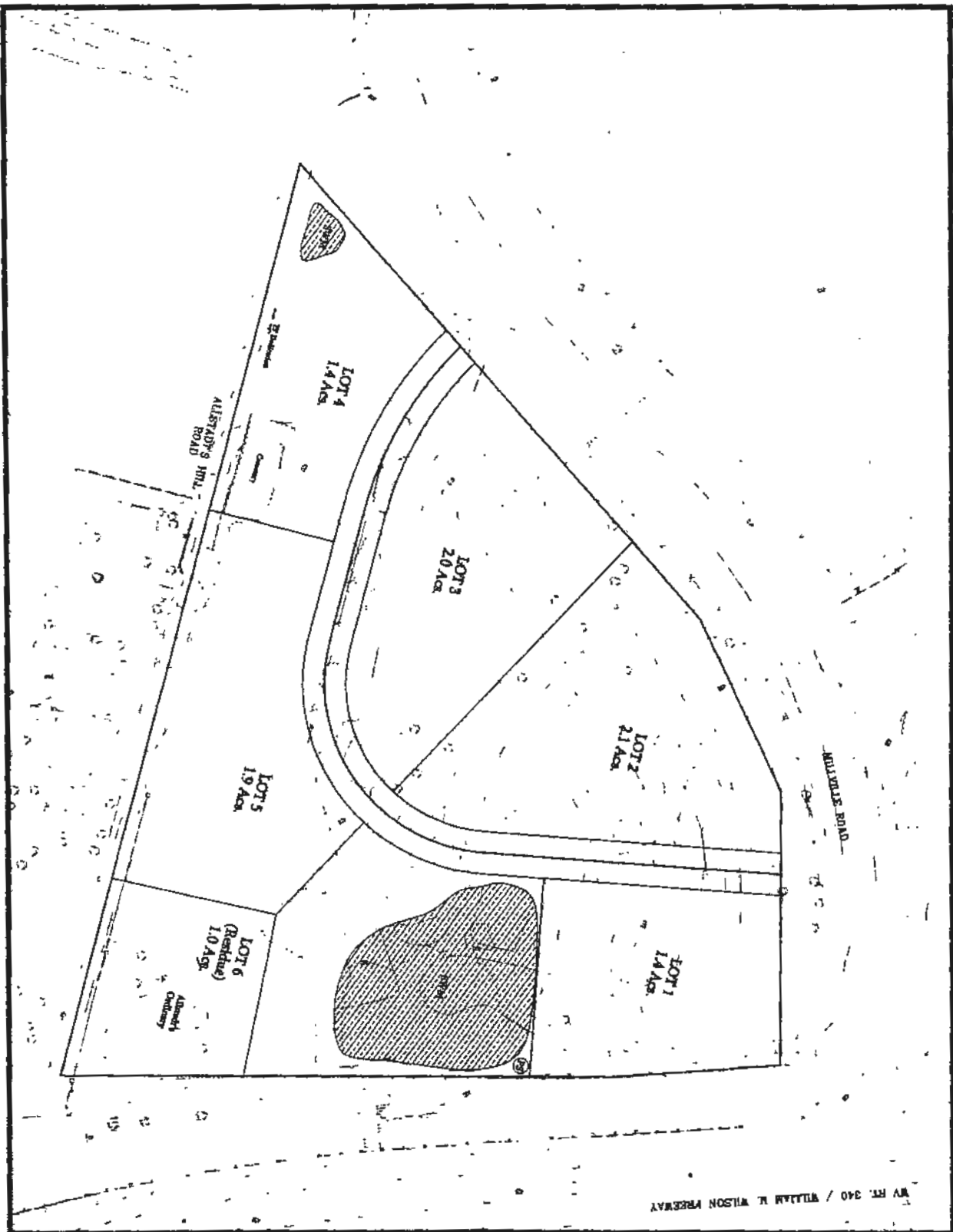
Revised by:
Appalachian Surveys, PLLC

July 17, 2013



#2 FOR REVIEW PRINT

#07-10



ALLSTADT'S CORNER

Concept Sketch

Drawn by: KEB

Date: 5/24/13

Scale: 1" = 50'

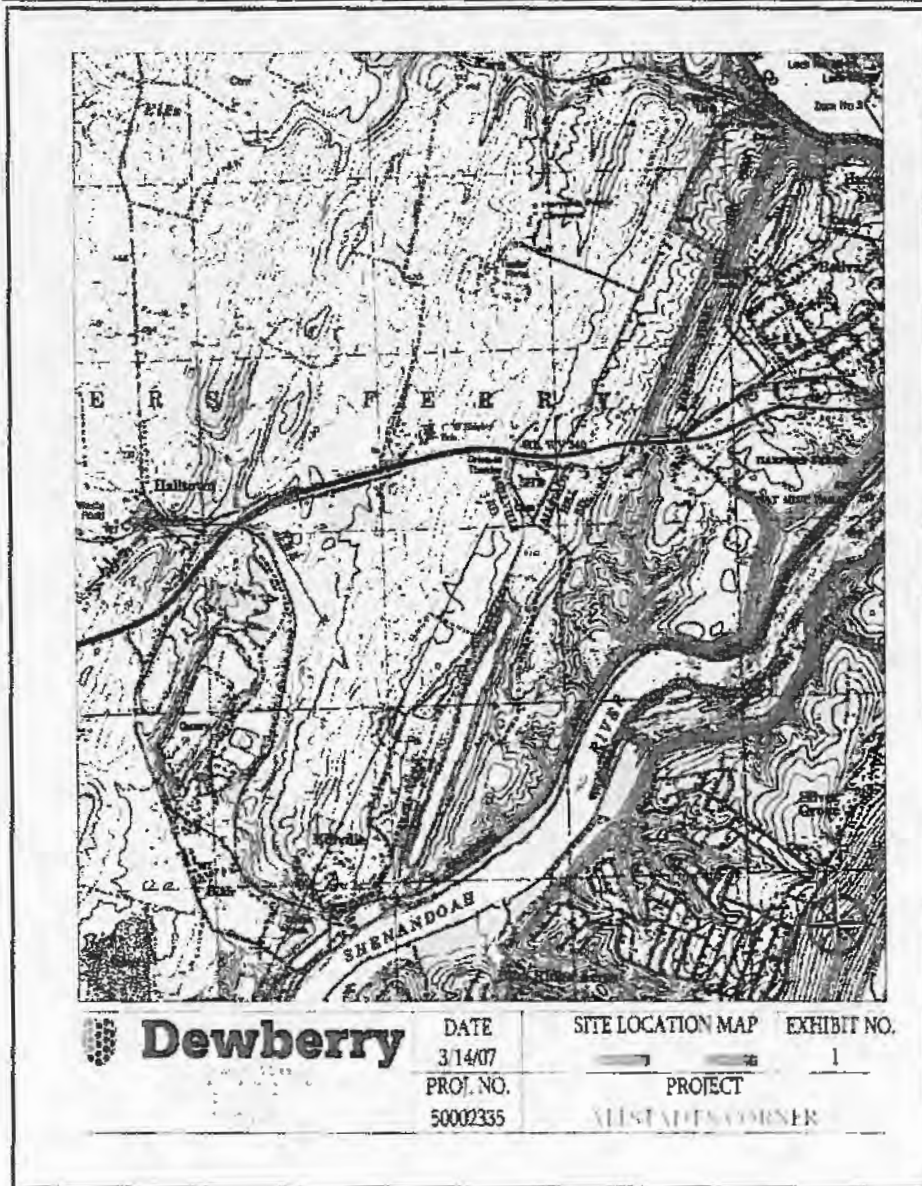


APPALACHIAN SURVEYS, PLLC

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 FAX: 304.263.1111
 www.appalachiansurveys.com

Sheet 1 of 1
 EPT-3004

Exhibit 1: Site Location map

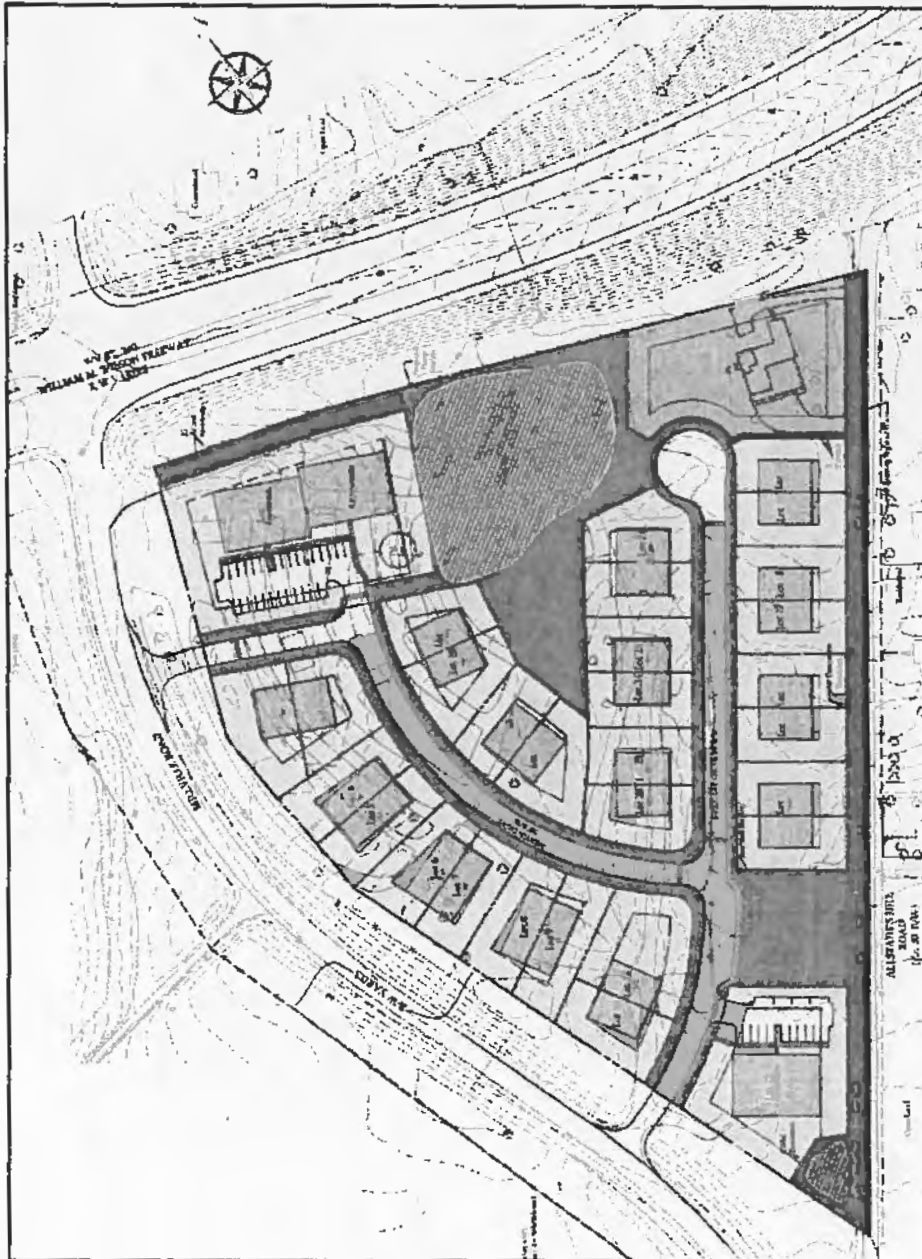


6/8/07

ORIGINAL CIS

50

Allstadt's Corner CIS (final)



6/8/07 CREDIT: Dewberry Original CIS SKETCH

Summary of Revisions

Allstadts Corner Subdivision is an approved residential subdivision in Jefferson County. The development was approved to contain 28 duplex/villa lots; two apartment complexes, one with 8 apartments and one with 16 apartments; a lot that would contain the existing multi-unit residential structure known as the Ordinary; and, a Stormwater Management area. When processed, the property was zoned Residential Growth. During the public hearing for the approved Community Impact Statement, testimony included comments on how the existing commercial uses on this site were the economic engine in the area. The Planning Commission approved the Community Impact Statement for Allstadts Corner on June 26, 2007.

The property, which contains 12.97 acres, was reclassified to the Residential/Light Industrial/Commercial District by the County Commission in 2012. The County Commission found that commercial uses on this property were consistent with the Comprehensive Plan. A primary reason for this finding was that the property was located in the Growth Area in the Plan. Since the property was rezoned in 2012, the Owner would like to revise the proposal into a Mixed-Use Commercial, Retail Professional Business Park. The Planning Commission Staff and the Applicant have discussed the proposal and the processing requirements. The Planning Commission policy permits the processing of this revision to the original Community Impact Statement, since the file remains open and active until July 1, 2015. This process includes:

1. Community Impact Statement Public Hearing by Planning Commission;
2. Preliminary Plat (Engineered Construction Plans) by Staff; and,
3. Final Plat Public Hearing by Planning Commission.

The revised proposal will eliminate the residential units (other than the Ordinary lot) and re-create a total of five additional non-residential lots. This Community Impact Statement revision is intended to address the development of a general commercial business center, which would address specific details when the individual lots are developed at site plan stage. The process will include: the approval of the revised CIS; the submission of the Preliminary Plat (engineering plans meeting the Subdivision Ordinance Standards); and, the submission of the Final Plat creating the lots. Once the subdivision is approved and recorded, and as each lot is sold, a site plan will be submitted for each structure and use to be developed in the Business Park. Accordingly, this development will go through two distinct processes: 1) one for the creation of the lots; and, 2) one for the individual design of a site plan for each of the lots when sold.

This revision to the Community Impact Statement will only address the modified items from the original Community Impact Statement that was already approved by the Planning Commission.

General Description

1. Name, address of Owner/Developer (Same as Original)

Owner & Developer:

James & Barbara Gibson
201 Needwood Farm Lane
Harpers Ferry WV 25425
Phone: 304 725-2688

2. Name, Address of Contact Person(s) (New Appalachian Surveys contact added)

James Gibson
201 Needwood Farm Lane
Harpers Ferry WV 25425
Phone: 304 725-2688

R. Michael Shepp
Appalachian Surveys, PLLC
401 S. Fairfax Blvd., Suite 3
Charles Town, West Virginia 25414
Tel: 304/724-5008

3. Tract Size, Shape, Location (Zoning Added)

Tract Size, Shape and Location do not change.

The property is now zoned Residential/Light Industrial/Commercial. When each lot submits an individual site plan, the use will be evaluated by the Zoning Administrator to determine if the use is permitted in the Residential/Light Industrial/Commercial District. If the particular commercial use is not permitted by right, further processing, such as a conditional use permit, may be necessary at that time.

4. Project Design

As described in the summary, the project will change to a Mixed-Use Retail/Professional/Commercial Business Center that will also include a multi-unit residential lot containing the existing Ordinary. The entrances that were previously approved by the WV Department of Highways will remain in the same location.

Likewise, the SWM area will also remain in the same general location in a separate common area between lots 1 and 6 (Residue).

The remaining 5 lots will be developed into a Business Park with a mix of Flex Commercial Space, Retail Space, Professional Office Space and other possible uses as permitted by zoning. Lot 1 is where the existing Wilt's Fruit Stand is located and will contain approximately 1.4 acres. The fruit stand will remain for the foreseeable future, until such time as the lot is sold. Lots 2 through 5 will contain between 1.4 and 2.1 acres. There is a possibility that these lots will be adjusted in size or even eliminated by boundary adjustments when the lots are sold to a particular user. Lot 6 is proposed to be 1.5 acres and will continue to contain the multi-family dwelling unit known as the Ordinary. These structures were recently restored by the owner as explained in the Approved Community Impact Statement. Since Lot 6 is residential, the existing entrance will continue to be used to serve this lot. A variance was granted by the Planning Commission to permit this separate entrance. Likewise, the WVDOH also approved this entrance point.

The Stormwater Management area will serve the entire subdivision. It will be designed and constructed pursuant to the subdivision ordinance standards in effect at the time of preliminary plat design.

Finally, a small cemetery exists on proposed Lot 4. This graveyard will be preserved in its present state.

5. **Number, Approximate Size and Location of Lots**

The subdivision will contain 5 commercial/retail/flex space lots ranging in size from 1.4 acres to 2.1 acres. The subdivision will also include the Residue lot of approximately 1 acre which will contain the existing Ordinary multi-family dwelling.

The lots will be located as shown on the included Sketch Plat.

6. **Topography**

No Change from original Approved Community Impact Statement.

7. **Soil and Drainage Characteristics**

No Change from the Original Approved Community Impact Statement.

8. **Existing Natural and Man-Made Features**

No Change from the Original Approved Community Impact Statement.

9. **Existing Structures**

No Change from the Original Approved Community Impact Statement. Some existing structures may have to be removed or relocated based on the location of the interior road.

10. **Existing Easements and Rights-of-Way**

No Change from the Original Approved Community Impact Statement

11. **Existing Covenants and Restrictions**

No Change from the Original Approved Community Impact Statement

12. **Approximate Size, etc. of Areas to be Dedicated**

The Street and SWM area will be dedicated to an Owners' Association and will be maintained by such Association. The approximate size of the dedication will be based on the design of the SWM area and be approximately 3.5 acres

Land will be set aside in an easement for a future dedication to the West Virginia Division of Highways to allow for the eventual widening of Allstadts Hill Road from an existing thirty feet wide right of way to a fifty feet wide right of way. This easement will entail a strip 20 feet wide on the northwest side of Allstadts Hill Road where it adjoins the property as well as the 15 ft. within the existing right of way. Additional land will also be dedicated along Millville Road to enable the road to become a 50 feet Right of Way.

13. **Intended Improvements**

The portions regarding Subdivision Roads, Storm drainage and the residue lot remain the same as found in the Original Approved Community Impact Statement.

The balance will be individual improvements to Lots 1 through 5 as needed based on the intended user for each lot. The improvements will include the structures themselves with the addition of onsite SWM provisions as needed and parking and other site improvements as required during the site plan stage on each lot.

14. Intended Land Uses

As previously stated, Lots 1 through 5 will be developed into a business park that may contain retail/commercial/office/flex space lots as permitted by the Jefferson County Zoning Ordinance. Lot 6 will remain as a multi-residential dwelling unit.

15. Intended Earthwork

No change from the Original Approved Community Impact Statement, except that it will be for retail/commercial/office/flex space uses instead of residential.

16. Proposed Covenants and Restrictions

At this time, there are no proposed covenants and restrictions. At the very least, a common interest ownership agreement will be prepared to address maintenance of the roads and common areas. As it is the intent to keep the existing residential use on Lot 6 separate from the business park, that lot will not be included in the common interest ownership agreement.

17. Tentative Schedule

The project will be developed in at least two phases. One phase will be Lot 6 which contains the multi-family Ordinary. The separation of this phase may be initiated at any time after the preliminary plat approval stage of the subdivision process. The intent is to separate the residential use from the balance of the business park.

The balance of the subdivision will begin upon final plat approval and will continue until the market absorbs the lot. It is intended for build-out of the infrastructure within five years. The lots will be actively marketed upon approval and hopefully the uses on each lot will be completed within ten years.

18. Market Feasibility Study

The owner has done his own research into the market and believes that there is currently a need for the intended uses in this area of the County.

Based on the County Commission's recent approval for the rezoning of this parcel, it appears that the County Commission, likewise, agrees that this area is ripe for commercial development.

19. Project Costs

No Change from the Original Approved Community Impact Statement

20. Funding Sources

No Change from the Original Approved Community Impact Statement

Physical Impacts

1. Earthwork

No Change from the Original Approved Community Impact Statement

2. Conversion of Farmland

The property is currently being used as a large flea market, a fruit stand and the Ordinary multi-family dwelling unit. The property is now zoned Residential/Light Industrial/Commercial. Accordingly, there is no conversion of existing Farmland use.

3. Wildlife Populations

No Change from the Original Approved Community Impact Statement

4. Groundwater and Surface Water Resources

No Change from the Original Approved Community Impact Statement

5. Visual and Land Use Compatibility

The property is currently being used primarily for commercial uses. Except to the West, the surrounding and confronting properties are also zoned or used for mixed-use. The Shenandoah Professional Building is an existing office building across Route 340. River Riders owns most of the property to the East of this site and has been used for commercial uses that have been increasing in intensity. Old Standard Quarry is located to the Southeast of this site. Therefore, there should be no adverse impacts on land use compatibility.

The County Commission recently rezoned this property to the Residential/Light Industrial/Commercial District and found that these types of uses are compatible with the Comprehensive Plan.

Otherwise, there are no changes in the visual compatibility of the surrounding area as discussed in the original approved Community Impact Statement.

6. Sensitive Natural Areas

No Change from the Original Approved Community Impact Statement

Social Impacts

7. Demand for Schools

There will be no additional demand for schools, since the Ordinary residential structure already exists.

8. Traffic

Since the users of the lots haven't been identified at this time, the impact of the traffic will be identified at the time the site plans for the individual lots are processed and approved by the Planning, Zoning and Engineering Departments and the Jefferson County Planning Commission. Once individual lots process through the Site Plan Stage, the particular use may trigger a Traffic Study based on trip generation.

The following are the updated traffic count numbers from the 2011 WVDOH Traffic Count Map for Jefferson County:

Route 340 at Millville Road (Route 27)	ADT = 27,459
Route 27 (Millville Road) Just south of site.	ADT = 474

Ironically, the count on Route 340 has dropped since 2005 after a rise in 2008.

2005	Route 340 at Millville Road	ADT = 28,500
	Route 27 (Millville Road)	ADT = 450
2008	Route 340 at Millville Road	ADT = 29,400
	Route 27 (Millville Road)	ADT = 620

According to the WVDOH the 2011 numbers show a considerable decrease in average daily trips per day since 2008.

There are five Commercial/Office/Retail/Professional lots proposed as a part of the Business Center/Park and one existing three unit multi-family dwelling on Lot 6. Although the specific uses haven't been identified, for traffic generation purposes, it can be assumed that there will be approximately 45,000 sq. ft. of office space and 30,000 sq. ft. of commercial/retail in the form of small shopping centers and three apartments in the existing dwelling unit.

Pursuant to the Subdivision Ordinance, peak hour traffic generation can be estimated at:

3 Apartments	x	0.7 peak hour trips per D.U.	=	2.1 trips
45,000 sq. ft. Office	x	2.82 peak hour trips per 1,000 sq. ft.	=	126.9 trips
30,000 sq. ft. Small Shopping Center	x	15.51 peak hour trips per 1,000 sq. ft.	=	465.3 trips
Total Peak Hour				= 594.3 trips

Per the Subdivision Ordinance, traffic counts at two key intersections are required based on this peak hour trip generation. This Revised CIS has included counts and turning movements from three key intersections:

Route 340 and Route 27;
Route 340 and Washington Street/Shenandoah Street
Route 340 and Route 230/Frontage Road

These counts were prepared by the WVDOT.

Also, during the revision/redline of the Preliminary Plat, the applicant will be required to update and/or revise the existing entrance permits (approved as a part of the approved Allstadts Corner Development) through the WVDOT.

A traffic signal has been added to the WVDOT TIP with the HEPMPO's approval. According to reports, a traffic signal will be added to this intersection in the near future. As a matter of fact, the WVDOT has begun the Bid Process for the signal.

Finally, the nearest Key Intersections and Highway Problem Areas remain the same as reported in the Original Approved Community Impact Statement.

9. Demographic Impact

There will be no additional demographic impact since the Ordinary already exists as a multi-family residential structure.

10. Health and Emergency Medical Facilities

No Change from the Original Approved Community Impact Statement.

11. Fire

The only change from the Original Approved Community Impact is that Bakerton Fire Station has entered service since the CIS was approved. This station is located with 5 miles of the existing site.

12. Police

No Change from the Original Approved Community Impact Statement.

13. Trash Removal

No Change from the Original Approved Community Impact Statement.

14. Electric Service

No Change from the Original Approved Community Impact Statement.

15. Telephone Service

No Change from the Original Approved Community Impact Statement.

16. Water and Sewer Service

No Change from the Original Approved Community Impact Statement, with the exception that depending on Health Department approval, the Ordinary may possibly connect to the public water and sewer systems.

17. Relationship of the Property to the Comprehensive Plan

The property was recently rezoned by the County Commission to allow the addition of commercial, office and light industrial uses to the property. The County Commission entered a finding that this property's commercial and mixed-uses were compatible with the Comprehensive Plan.

This property is located within the Growth Area on the Study Area Map in the 2004 Jefferson County Comprehensive Plan. Accordingly, this site is in an area that is slated for growth within Jefferson County.

18. Housing Supply

No Change from the Original Approved Community Impact Statement. However, it is not relevant since this revision is for a business park containing retail/commercial/office/flex space.

19. Historic Sites

No Change from the Original Approved Community Impact Statement.

20. Recreation

No Change from the Original Approved Community Impact Statement. Although no recreation facilities are required for a business park, any of the lots could develop into a commercial operation related to recreational activities to service the many tourists in the area.

Economic Impacts

21. Property Tax Evaluation

The property, when fully developed, will have positive impact on the property tax assessments. At build-out, the property will result in millions of dollars in value to be assessed at the tax rate in effect as lots are developed.

For instance, an additional 5 million dollars of commercial assessment will net an approximate \$116,820 in taxes using the current 2013 rate (2.3364 per \$100).

22. Bank Deposits and Loans

No Change from the Original Approved Community Impact Statement.

23. Anticipated Local Spending

It is anticipated that local contractors will be used to construct the roads, stormwater management facilities and other infrastructure, as well as, the buildings and parking areas for each lot. These contractors will typically use local labor and local supply stores.

Just as important, Allstadts Corner will be developed into a business park that will provide needed commercial services to the many tourists that visit Jefferson County. This business park will capture the tourists' dollar thus stimulating the local and state economy.

24. Local Employment Implications

As a business park, Allstadts Corner will provide commercial/retail/office/flex space that should employ at least 100 people.

25. Property Values

No Change from the Original Community Impact Statement.

**Revised Community Impact Statement
Allstadts Corner
Allstadts Corner Business Center
July 17, 2013**

Traffic Counts at Three Key Intersections:

**Route 340 at Route 27 (Bakerton/Millville Road)
Route 340 at Washington Street/Shenandoah Street
Route 340 at Route 230 (Shepherdstown Pike) and Frontage Road**

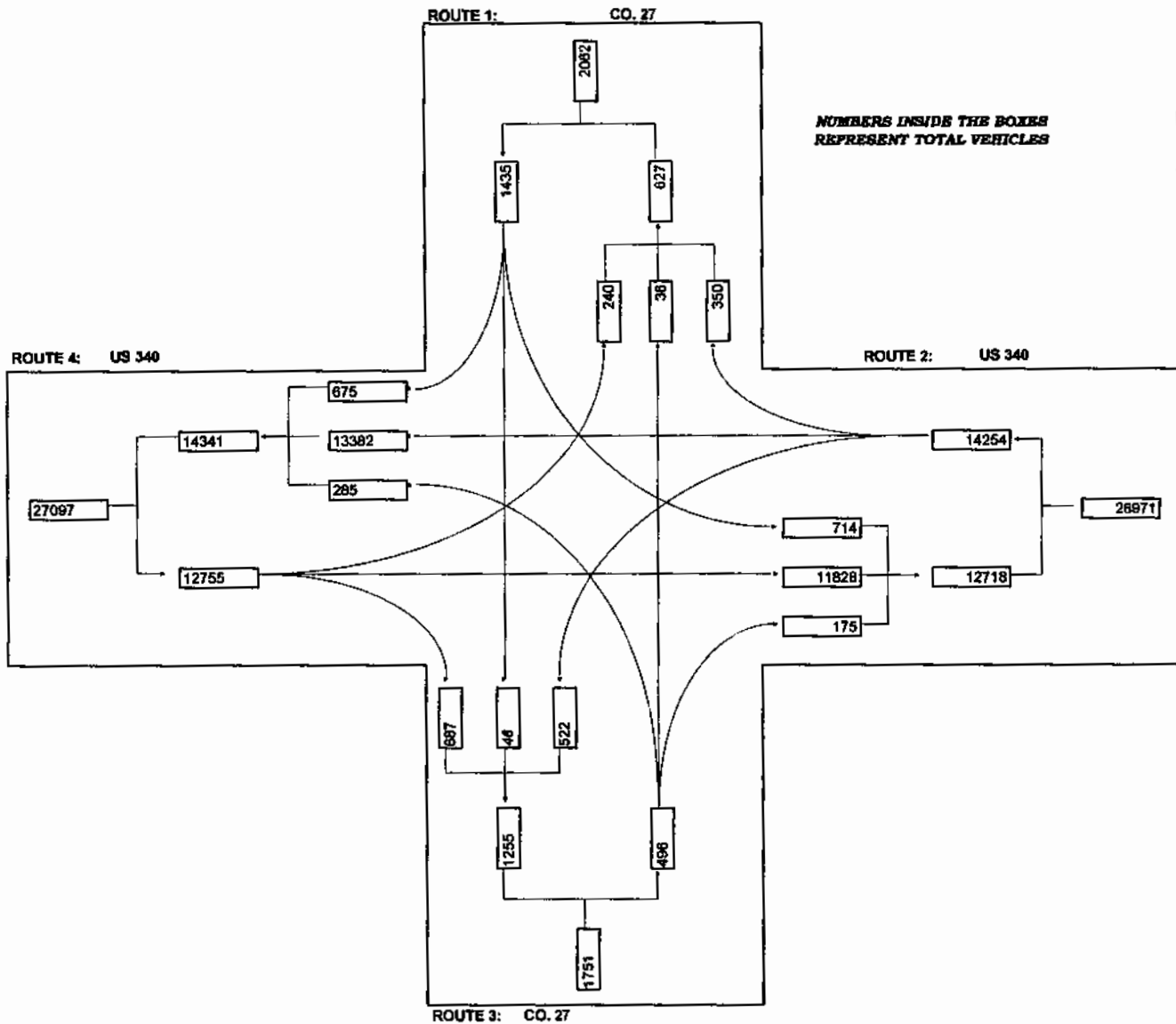
WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

DATE: 08/23/11
DAY: Tuesday
COUNTY: Jefferson

TYPE: 24 HOUR COUNT
PERIOD: 7-10 11-1 2-6

DESCRIPTION: US 340 and CO. 27

JEFF20227-11



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

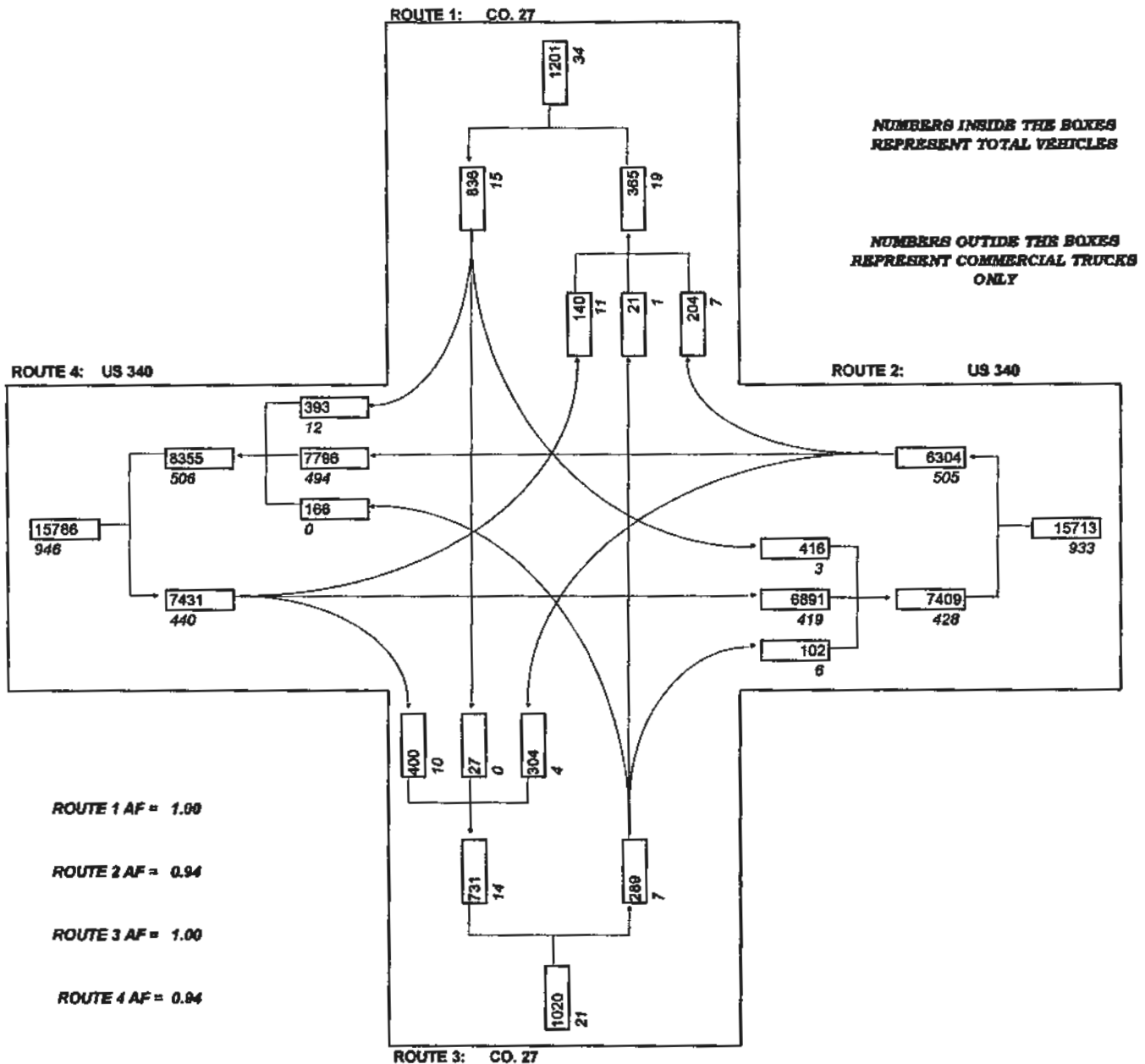
24 HOUR ATR COUNT =	29667	9 HOUR ATR COUNT =	16115	ATR FACTOR =	1.84
MONTHLY FACTOR =	0.84	DAILY FACTOR =	1.11	EXPANSION FACTOR =	1.72

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

DATE : 08/23/11
DAY : Tuesday
COUNTY : Jefferson

TYPE: MANUAL COUNT
PERIOD: 7-10 11-1 2-6

DESCRIPTION: US 340 and CO. 27



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

24 HOUR COUNT =	29667	9 HOUR COUNT =	16115	ADT FACTOR =	1.84
MONTHLY FACTOR =	0.84	DAILY FACTOR =	1.11	EXPANSION FACTOR =	1.72

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY =====>	Jefferson
LOCATION =====>	US 340 and CO. 27
DATE =====>	8/23/2011
DAY OF WEEK =====>	Tuesday
PERIOD OF COUNT ==>	7-10 11-1 2-6
ROUTE 1(NORTH) =====>	CO. 27
ROUTE 2 (EAST) =====>	US 340
ROUTE 3 (SOUTH) =====>	CO. 27
ROUTE 4 (WEST) =====>	US 340
24 HR. ATR COUNT ==>	29667
9 HR. ATR COUNT =====>	16115
MAN. ATR FACTOR ==>	
ATR FACTOR =====>	1.84
MONTHLY FACTOR ==>	0.84
DAILY FACTOR =====>	1.11
EXPANSION FACTOR ==>	1.72
FILE NAME =====>	JEF20227-11

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 1): CO. 27 TO (RTE 2): US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	61															1	1	62
8-9	70																0	70
9-10	3																0	3
																	0	0
11-12	55	1															1	56
12-1	45																0	45
																	0	0
2-3	33	1															1	34
3-4	49																0	49
4-5	48																0	48
5-6	51																0	51
TOTAL	413	2	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	418

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 1): CO. 27 TO (RTE 3): CO. 27

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL	
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	2																0	2
8-9	4																0	4
9-10	2																0	2
																	0	0
11-12	3																0	3
12-1	3																0	3
																	0	0
2-3	3																0	3
3-4	1																0	1
4-5	7																0	7
5-6	2																0	2
TOTAL	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	27

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 1): CO. 27 TO (RTE 4): US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	96																0	96
8-9	65															2	2	67
9-10	59	1	1														2	61
																	0	0
11-12	46	1														1	2	48
12-1	30															1	1	31
																	0	0
2-3	17	1															1	18
3-4	24															3	3	27
4-5	20															1	1	21
5-6	24																0	24
TOTAL	381	3	1	0	0	0	0	0	0	0	0	0	0	0	0	8	12	393

TOTAL VEHICLES FROM: CO. 27

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7-8	159	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	160
8-9	139	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	2	141
9-10	64	1	1	0	0	0	0	0	0	0	0	0	0	0	0	0	2	66
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	104	2	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	107
12-1	78	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	79
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2-3	53	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	55
3-4	74	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	77
4-5	73	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	1	74
5-6	77	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	77
TOTAL	821	5	1	0	0	0	0	0	0	0	0	0	0	0	0	9	15	836

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY : Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 2): US 340 TO (RTE 3): CO. 27

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
																	0	0	
7-8	16	2															2	18	
8-9	18																0	18	
9-10	14																0	14	
																	0	0	
11-12	12																0	12	
12-1	27																0	27	
																	0	0	
2-3	34																0	34	
3-4	41															2	2	43	
4-5	67																0	67	
5-6	71																0	71	
TOTAL	300	2	0	0	0	0	0	0	0	0	0	0	0	0	0	2	4	304	

COUNTY : Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 2): US 340 TO (RTE 4): US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
																	0	0	
7-8	576	12	1	3				1	38								9	64	
8-9	548	11	2		2				25			1		1			4	46	
9-10	494	11	4	1				2	30								1	49	
																		0	
11-12	644	11	3		2				53									69	
12-1	646	10	3						53			4					2	72	
																		0	
2-3	736	8	2					1	41								1	53	
3-4	1065	8	3					1	37								7	56	
4-5	1170	7	1					1	38								2	49	
5-6	1423	2						1	31								2	36	
TOTAL	7302	80	19	4	4	0	0	7	346	0	0	5	0	1	0	28	494	7796	

COUNTY : Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 2): US 340 TO (RTE 1): CO. 27

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	8																0	0	
8-9	18	1															1	19	
9-10	12		1														1	13	
																	0	0	
11-12	23	1															1	24	
12-1	12																0	12	
																	0	0	
2-3	32																0	32	
3-4	32	1															2	35	
4-5	22																1	23	
5-6	38																0	38	
TOTAL	197	3	1	0	0	0	0	0	0	0	0	0	0	0	0	3	7	204	

TOTAL VEHICLES FROM: US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
7-8	800	14	1	3	0	0	0	1	38	0	0	0	0	0	0	0	9	66, 666	
8-9	584	12	2	0	2	0	0	0	25	0	0	0	1	0	1	0	4	47, 631	
9-10	520	11	5	1	0	0	0	2	30	0	0	0	0	0	0	0	1	50, 570	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11-12	679	12	3	0	2	0	0	0	53	0	0	0	0	0	0	0	0	70, 749	
12-1	685	10	3	0	0	0	0	0	53	0	0	0	4	0	0	0	2	72, 757	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2-3	802	8	2	0	0	0	0	1	41	0	0	0	0	0	0	0	1	53, 855	
3-4	1138	9	3	0	0	0	0	1	37	0	0	0	0	0	0	0	11	61, 1199	
4-5	1259	7	1	0	0	0	0	1	38	0	0	0	0	0	0	0	3	50, 1309	
5-6	1532	2	0	0	0	0	0	1	31	0	0	0	0	0	0	0	2	36, 1568	
TOTAL	7799	85	20	4	4	0	0	7	346	0	0	5	0	1	0	33	505, 8304		

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 3): CO. 27 TO (RTE 1): US 340

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	5-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	20																0	0	
8-9	14																0	14	
9-10	12																0	12	
																	0	0	
11-12	12																0	12	
12-1	17																0	17	
																	0	0	
2-3	16																0	16	
3-4	39																0	39	
4-5	22																0	22	
5-6	14																0	14	
TOTAL	166	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	166	

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 3): CO. 27 TO (RTE 1): CO. 27

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8																	0	0	
8-9	5																0	5	
9-10	3		1														1	4	
																	0	0	
11-12	1																0	1	
12-1	2																0	2	
																	0	0	
2-3	3																0	3	
3-4	2																0	2	
4-5	2																0	2	
5-6	2																0	2	
TOTAL	20	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	21	

COUNTY: Jefferson LOCATION: US 340 and CO. 27
FROM (RTE 3): CO. 27 TO (RTE 2): US 340

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	3		1														0	0	
8-9	15																0	15	
9-10	7																0	7	
																	0	0	
11-12	8																0	8	
12-1	9																0	9	
																	0	0	
2-3	9	1															1	10	
3-4	23																3	26	
4-5	9																0	9	
5-6	13																0	13	
TOTAL	96	1	1	0	0	0	0	0	0	0	0	0	0	0	0	4	6	102	

TOTAL VEHICLES FROM: CO. 27

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7-8	23	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	25	
8-9	34	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	34	
9-10	22	0	1	0	0	0	0	0	0	0	0	0	0	0	0	0	1	23	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11-12	21	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	21	
12-1	28	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	28	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2-3	26	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	29	
3-4	64	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	67	
4-5	33	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	33	
5-6	29	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	29	
TOTAL	282	1	2	0	0	0	0	0	0	0	0	0	0	0	0	4	7	289	

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: **Jefferson** LOCATION: **US 340 and CO. 27**
 FROM (RTE 4): **US 340** TO (RTE 1): **CO. 27**

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C/ PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	3-AX	4-AX	BUSES	TKS	VEHS		
7-8	1																0	0		
8-9	21								1								2	3		
9-10	24	2															2	26		
																	0	0		
11-12	8																1	1		
12-1	19																1	1		
																	0	0		
2-3	14																0	14		
3-4	16	1															1	17		
4-5	9																2	2		
5-6	17																0	17		
TOTAL	129	3	0	0	0	0	0	0	1	0	0	0	0	0	0	0	7	11		

COUNTY: **Jefferson** LOCATION: **US 340 and CO. 27**
 FROM (RTE 4): **US 340** TO (RTE 2): **US 340**

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	1130	7	1	2				2	27								7	0	
8-9	849	8	2	1					33					1			4	48	
9-10	620	10	4	1					40								1	49	
																		56	
																		676	
																		0	
11-12	522	17	5		1			1	30									0	
12-1	556	14	1					1	26					1			2	54	
																		578	
																		45	
																		601	
																		0	
2-3	563	4	3		1		1		29					1			8	0	
3-4	776	12	5	1				2	25								4	47	
4-5	736	7	2						29								5	610	
5-6	720	2	2					2	20					3			1	49	
																		825	
																		779	
																		43	
																		750	
TOTAL	6472	61	25	5	2	0	1	8	259	0	0	0	0	8	0	0	32	419	
																		6891	

COUNTY: **Jefferson** LOCATION: **US 340 and CO. 27**
 FROM (RTE 4): **US 340** TO (RTE 3): **CO. 27**

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS		
7-8	22		2														0	0		
8-9	24															1	1	25		
9-10	20	1															1	21		
																	0	0		
11-12	38	1															1	39		
12-1	43															1	1	44		
																	0	0		
2-3	26	1							1								2	28		
3-4	64															1	1	65		
4-5	79															1	1	80		
5-6	74																0	74		
TOTAL	390	3	2	0	0	0	0	0	1	0	0	0	0	0	0	4	10	400		

TOTAL VEHICLES FROM: US 340

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS		
7-8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
	1153	7	3	2	0	0	0	0	2	27	0	0	0	0	0	0	49	1202		
8-9	894	8	2	1	0	0	0	0	0	34	0	0	0	0	1	0	53	947		
9-10	664	13	4	1	0	0	0	0	0	40	0	0	0	0	0	0	59	723		
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
11-12	568	18	5	0	1	0	0	0	1	30	0	0	0	0	0	0	56	624		
12-1	618	14	1	0	0	0	0	0	1	26	0	0	0	0	1	0	47	665		
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0		
2-3	803	5	3	0	1	0	1	0	0	30	0	0	0	0	1	0	49	652		
3-4	856	13	5	1	0	0	0	0	2	25	0	0	0	0	0	0	51	907		
4-5	824	7	2	0	0	0	0	0	0	29	0	0	0	0	0	0	46	870		
5-6	811	2	2	0	0	0	0	0	2	20	0	0	0	0	3	0	30	841		
TOTAL	6991	87	27	5	2	0	1	8	261	0	0	0	0	0	6	0	440	7431		

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

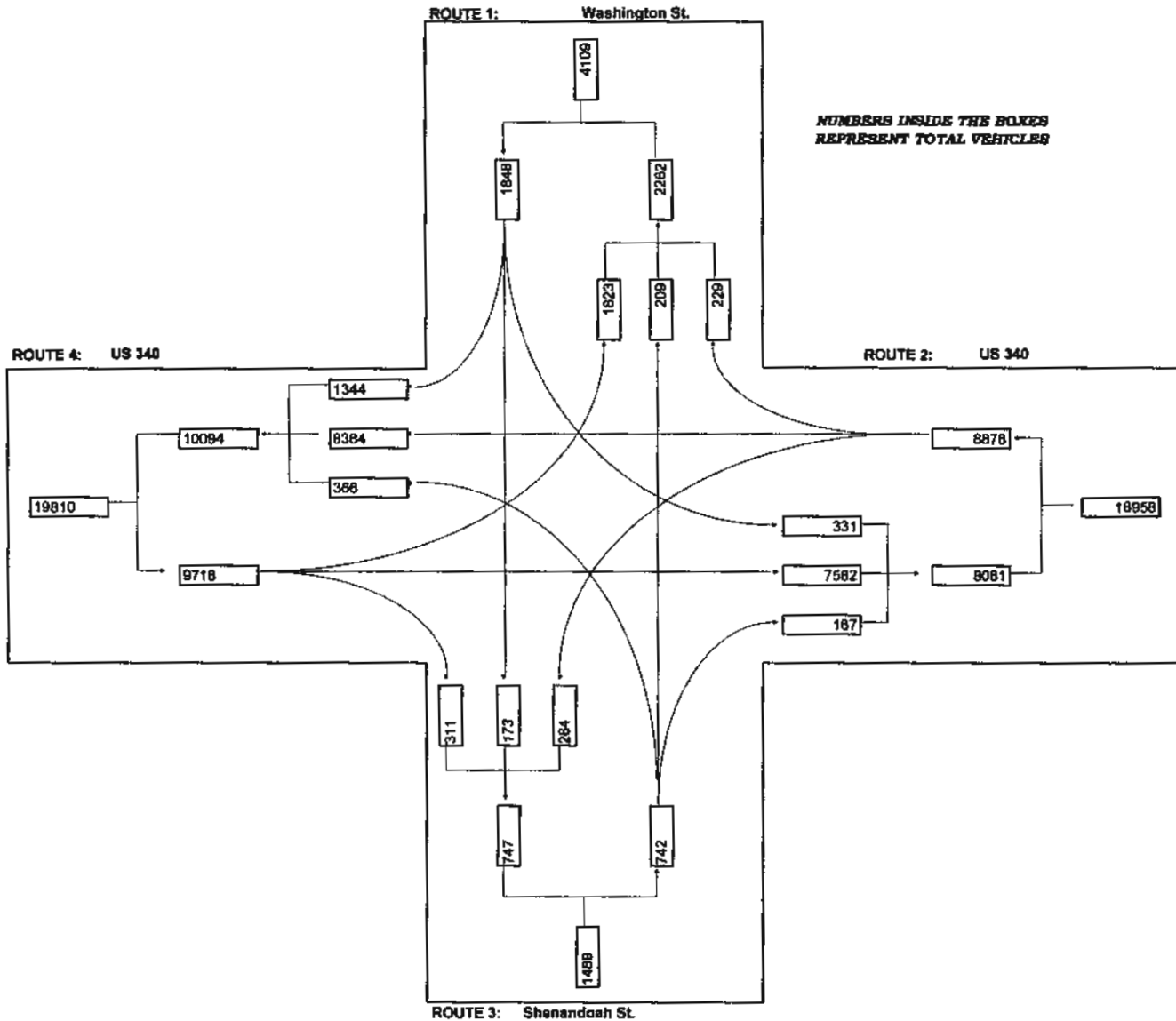
DATE : 07/07/11
 DAY : Thursday
 COUNTY : Jefferson

TYPE: 24 HOUR COUNT
 PERIOD: 7-10 11-1 2-6

DESCRIPTION: US 340, Shenandoah St and Washington St.

JEF20156-11

NUMBERS INSIDE THE BOXES
 REPRESENT TOTAL VEHICLES



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

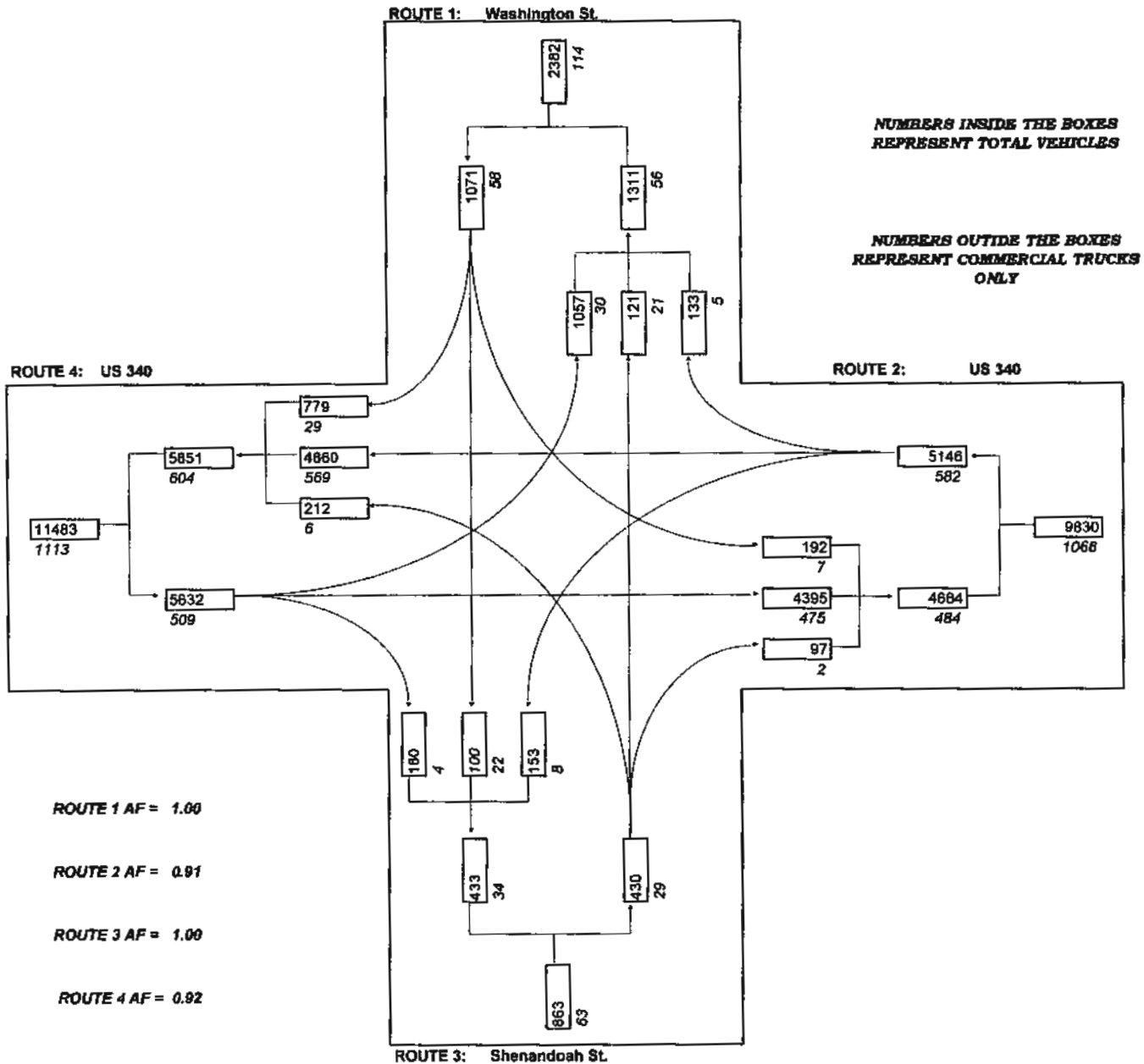
24 HOUR ATR COUNT =	26234	9 HOUR ATR COUNT =	13534	ATR FACTOR =	1.94
MONTHLY FACTOR =	0.89	DAILY FACTOR =	1	EXPANSION FACTOR =	1.73

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

DATE : 07/07/11
DAY : Thursday
COUNTY : Jefferson

TYPE: MANUAL COUNT
PERIOD: 7-10 11-1 2-6

DESCRIPTION: US 340, Shenandoah St. and Washington St.



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

24 HOUR COUNT =	26234	9 HOUR COUNT =	13534	ADT FACTOR =	1.94
MONTHLY FACTOR =	0.89	DAILY FACTOR =	1	EXPANSION FACTOR =	1.73

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY =====>	Jefferson
LOCATION =====>	US 340, Shenandoah St. and Washington St.
DATE =====>	7/7/2011
DAY OF WEEK =====>	Thursday
PERIOD OF COUNT ==>	7-10 11-1 2-6
ROUTE 1(NORTH) =====>	Washington St.
ROUTE 2 (EAST) =====>	US 340
ROUTE 3 (SOUTH) =====>	Shenandoah St.
ROUTE 4 (WEST) =====>	US 340
24 HR. ATR COUNT ==>	26234
9 HR. ATR COUNT =====>	13534
MAN. ATR FACTOR ==>	
ATR FACTOR =====>	1.94
MONTHLY FACTOR ==>	0.89
DAILY FACTOR =====>	1
EXPANSION FACTOR ==>	1.73
FILE NAME =====>	JEF20156-11

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): Washington St. TO (RTE 2): US 340

	AUTOS		SINGLE UNIT TRUCKS				TRACTOR TRAILER / COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	24																0	0
8-9	26																0	26
9-10	14																0	14
																	0	0
11-12	14	2															2	16
12-1	17																0	17
																	0	0
2-3	10																0	10
3-4	29	1						1									2	31
4-5	33																0	33
5-6	18	3															3	21
TOTAL	185	6	0	0	0	0	0	1	0	0	0	0	0	0	0	0	7	192

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): Washington St. TO (RTE 3): Shenandoah St.

	AUTOS		SINGLE UNIT TRUCKS				TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL	
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	6	1															0	0
8-9	1																0	1
9-10	6																0	6
																	0	0
11-12	15	1															7	8
12-1	13	1															5	6
																	0	0
2-3	7																4	4
3-4	10	1															2	3
4-5	15																	0
5-6	5																0	5
TOTAL	78	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	18	22
																		100

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): Washington St. TO (RTE 4): US 340

	AUTOS		SINGLE UNIT TRUCKS				TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL	
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	59	2															0	0
8-9	75	2															1	3
9-10	60																3	3
																	0	0
11-12	121	3	1					2									6	127
12-1	99	3															1	4
																	0	0
2-3	49	2																2
3-4	72	3							1								1	5
4-5	88	2																2
5-6	127	1																1
TOTAL	750	18	1	0	0	0	0	2	1	0	0	0	0	0	0	7	29	779

TOTAL VEHICLES FROM: Washington St.

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TRK	VEHS	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7-8	89	3	0	0	0	0	0	0	0	0	0	0	0	0	0	1	4	93	
8-9	102	2	0	0	0	0	0	0	0	0	0	0	0	0	0	1	3	105	
9-10	80	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	83	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11-12	150	6	1	0	0	0	0	2	0	0	0	0	0	0	0	7	16	166	
12-1	129	4	0	0	0	0	0	0	0	0	0	0	0	0	0	6	10	139	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2-3	86	2	0	0	0	0	0	0	0	0	0	0	0	0	0	4	6	72	
3-4	111	5	0	0	0	0	0	1	1	0	0	0	0	0	0	3	10	121	
4-5	136	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	138	
5-6	150	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4	154	
TOTAL	1013	28	1	0	0	0	0	3	1	0	0	0	0	0	0	25	58	1071	

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 2): US 340 TO (RTE 3): Shenandoah St.

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	3																0	3
8-9	6																0	6
9-10	11																0	11
																	0	0
11-12	30																0	30
12-1	31	2						1								3	6	37
																	0	0
2-3	9																0	9
3-4	24	2															2	26
4-5	7																0	7
5-6	24																0	24
TOTAL	145	4	0	0	0	0	0	1	0	0	0	0	0	0	0	3	8	163

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 2): US 340 TO (RTE 4): US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL	
HOUR	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	397	22	1					2	28			2					0	0
8-9	359	11	2	1				4	43								81	420
9-10	298	18	3	1			3	4	44		4				2	2	81	379
																	0	0
11-12	442	21	4	1				2	48							1	77	519
12-1	373	18	2				2		35							3	80	433
																	0	0
2-3	561	15					1	3	28								47	608
3-4	625	18	4				1	2	40								65	690
4-5	656	13	3	1			1	3	39					1		3	64	720
5-6	580	22	5				2	3	25							2	59	639
TOTAL	4281	158	24	4	0	0	10	23	330	0	4	2	0	1	2	11	569	4860

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 2): US 340 TO (RTE 1): Washington St.

	AUTOS		SINGLE UNIT TRUCKS				TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL	
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	9	2															0	0
8-9	10							1									2	11
9-10	11	1	1														1	11
																	2	13
																	0	0
11-12	18																0	18
12-1	11																0	11
																	0	0
2-3	8																0	8
3-4	20																0	20
4-5	14																0	14
5-6	27																0	27
TOTAL	128	3	1	0	0	0	0	1	0	0	0	0	0	0	0	0	5	133

TOTAL VEHICLES FROM: US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7-8	409	24	1	0	0	0	0	2	28	0	0	2	0	0	0	0	57	468
8-9	375	11	2	1	0	0	0	5	43	0	0	0	0	0	0	0	62	437
9-10	320	19	4	1	0	0	3	4	44	0	4	0	0	0	2	2	83	403
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	490	21	4	1	0	0	0	2	48	0	0	0	0	0	0	1	77	567
12-1	415	20	2	0	0	0	2	1	35	0	0	0	0	0	0	6	66	481
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2-3	578	15	0	0	0	0	1	3	28	0	0	0	0	0	0	0	47	625
3-4	669	20	4	0	0	0	1	2	40	0	0	0	0	0	0	0	67	736
4-5	677	13	3	1	0	0	1	3	39	0	0	0	0	1	0	3	64	741
5-6	631	22	5	0	0	0	2	3	25	0	0	0	0	0	0	2	59	690
TOTAL	4564	165	25	4	0	0	10	25	330	0	4	2	0	1	2	14	582	5146

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 3): Shenandoah St. TO (RTE 1): US 340

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	11																0	0	
8-9	14							1									1	15	
9-10	8																0	8	
																	0	0	
11-12	23															1	1	24	
12-1	35	2															2	37	
																	0	0	
2-3	25																0	25	
3-4	17															2	2	19	
4-5	48																0	46	
5-6	27																0	27	
TOTAL	208	2	0	0	0	0	0	1	0	0	0	0	0	0	0	3	6	212	

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 3): Shenandoah St. TO (RTE 1): Washington St.

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO		TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	5	1															0	0
8-9	13																1	6
9-10	5																0	5
																	0	0
11-12	13						1									6	7	20
12-1	19															5	5	24
																	0	0
2-3	8															5	5	13
3-4	5															1	1	6
4-5	21	2															2	23
5-6	11																0	11
TOTAL	100	3	0	0	0	0	1	0	0	0	0	0	0	0	0	17	21	121

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 3): Shenandoah St. TO (RTE 2): US 340

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	9																0	0
8-9	10	1															1	11
9-10	10	1															1	11
																	0	0
11-12	5																0	5
12-1	11																0	11
																	0	0
2-3	15																0	15
3-4	5																0	5
4-5	20																0	20
5-6	10																0	10
TOTAL	98	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	97

TOTAL VEHICLES FROM: Shenandoah St.

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7-8	25	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	26
8-9	37	1	0	0	0	0	0	1	0	0	0	0	0	0	0	0	2	39
9-10	23	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	24
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	41	0	0	0	0	0	1	0	0	0	0	0	0	0	0	7	8	49
12-1	65	2	0	0	0	0	0	0	0	0	0	0	0	0	0	5	7	72
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2-3	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	5	5	53
3-4	27	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	3	30
4-5	87	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	89
5-6	48	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	48
TOTAL	401	7	0	0	0	0	1	1	0	0	0	0	0	0	0	20	29	430

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): US 340 TO (RTE 2): Washington St.

	AUTOS		SINGLE UNIT TRUCKS				TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	87	1															0	0	
8-9	104	3															1	88	
9-10	135	4															1	108	
																		5	
																		140	
11-12	112	4																0	
12-1	113	3	1						1									0	
																		4	
																		116	
2-3	92	1	1															5	
3-4	94	3																118	
4-5	161	2																0	
5-6	129																	0	
TOTAL	1027	21	2	0	0	0	0	0	1	0	0	0	0	0	0	6	30	1057	

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): US 340 TO (RTE 2): US 340

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	625	12						1	35								0	0	
8-9	679	19	1	2			1	1	43								67	746	
9-10	441	12	3	1					38								54	495	
																	0	0	
11-12	390	11	4	2				3	40								60	450	
12-1	370	22	3	2				3	35								65	435	
																	0	0	
2-3	312	11	10	1			2	5	25							4	58	370	
3-4	333	10	3					2	27							2	44	377	
4-5	333	12	1					2	26							2	43	376	
5-6	237	15	3				1		13						2	2	36	273	
TOTAL	3920	124	28	8	0	0	4	17	282	0	0	0	0	0	2	10	476	4395	

COUNTY: Jefferson LOCATION: US 340, Shenandoah St. and Washington St.
FROM (RTE 1): US 340 TO (RTE 2): Shenandoah St.

AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
7-8	9																0	0	
8-9	16																0	16	
9-10	10		1														1	11	
																	0	0	
11-12	21															1	1	22	
12-1	31							1									1	32	
																	0	0	
2-3	23	1															1	24	
3-4	27																0	27	
4-5	17																0	17	
5-6	22																0	22	
TOTAL	176	1	1	0	0	0	0	1	0	0	0	0	0	0	0	1	4	180	

TOTAL VEHICLES FROM: US 340

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS							MULTI TR-COMBO			TOTAL	TOTAL
HOURL	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	2-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7-8	921	13	0	0	0	0	0	1	35	0	0	0	0	0	0	0	49	970	
8-9	799	22	1	2	0	0	1	1	43	0	0	0	0	0	0	1	71	870	
9-10	586	16	4	1	0	0	0	0	38	0	0	0	0	0	0	1	60	646	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11-12	523	15	4	2	0	0	0	3	40	0	0	0	0	0	0	1	65	588	
12-1	514	25	4	2	0	0	0	5	35	0	0	0	0	0	0	0	71	585	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2-3	427	13	11	1	0	0	2	5	25	0	0	0	0	0	0	4	61	488	
3-4	454	13	3	0	0	0	0	2	27	0	0	0	0	0	0	5	50	504	
4-5	511	14	1	0	0	0	0	2	26	0	0	0	0	0	0	3	46	557	
5-6	388	15	3	0	0	0	1	0	13	0	0	0	0	0	2	2	36	424	
TOTAL	5123	146	31	8	0	0	4	19	282	0	0	0	0	0	2	17	509	5632	

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

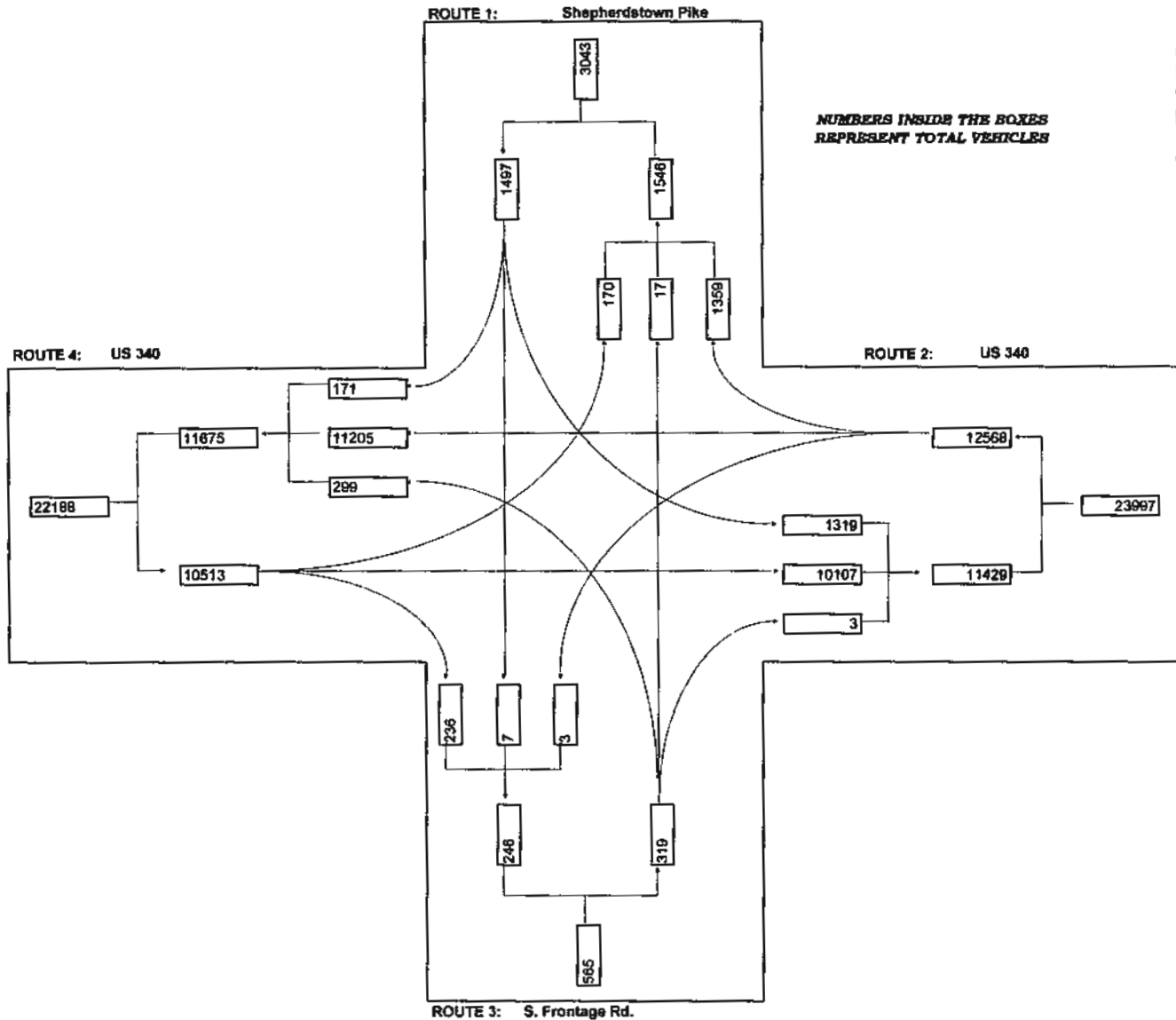
DATE : 07/07/11
 DAY : Thursday
 COUNTY : Jefferson

TYPE: 24 HOUR COUNT
 PERIOD: 7-10 11-1 2-6

DESCRIPTION: US 340, Shepherdstown Pike and S. Frontage Rd.

JEF20155-11

NUMBERS INSIDE THE BOXES
 REPRESENT TOTAL VEHICLES



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

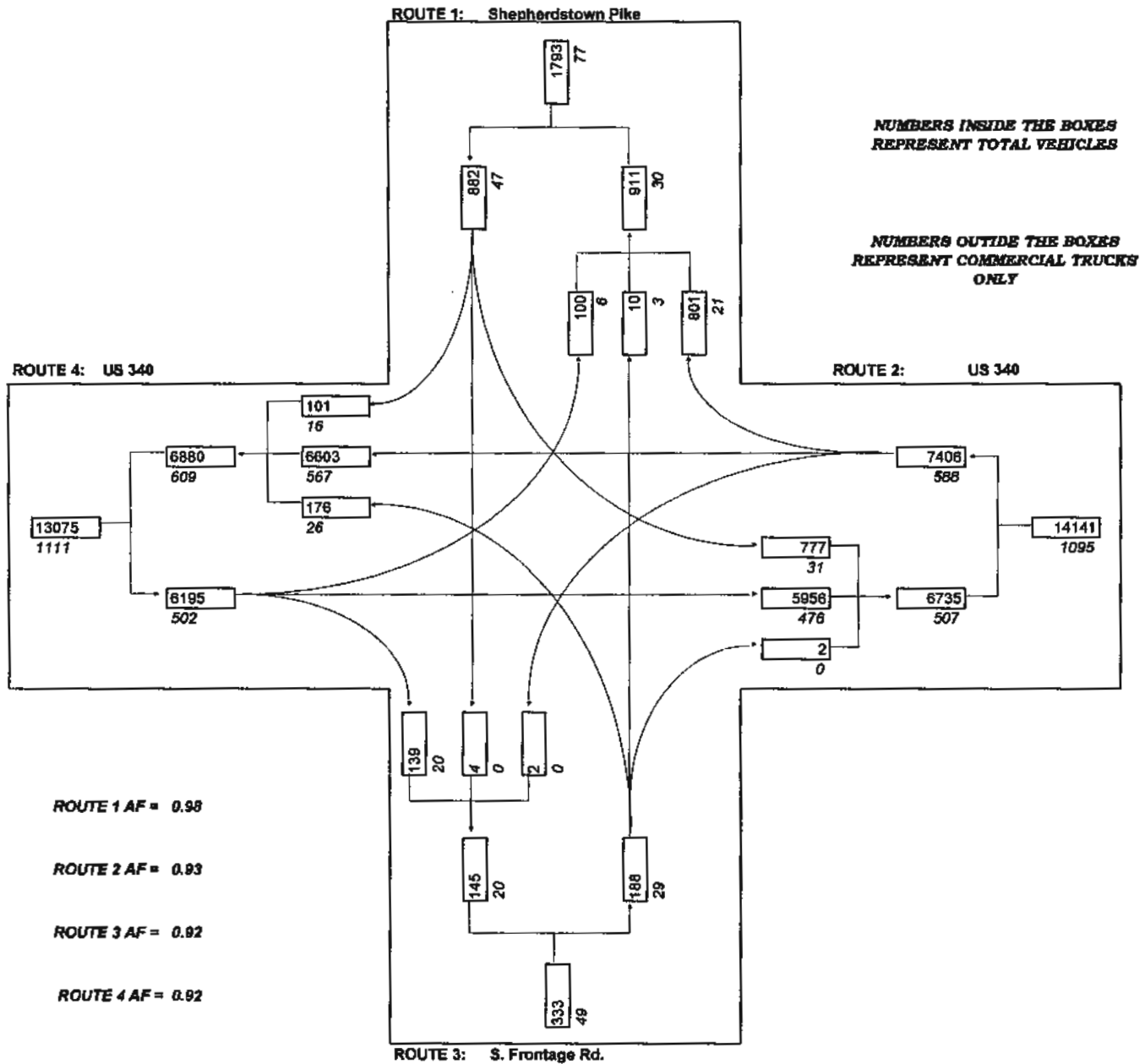
24 HOUR ATR COUNT =	30264	9 HOUR ATR COUNT =	15872	ATR FACTOR =	1.91
MONTHLY FACTOR =	0.89	DAILY FACTOR =	1	EXPANSION FACTOR =	1.70

WEST VIRGINIA DEPARTMENT OF TRANSPORTATION - TRAFFIC ANALYSIS

DATE : 07/07/11
DAY : Thursday
COUNTY : Jefferson

TYPE: MANUAL COUNT
PERIOD: 7-10 11-1 2-8

DESCRIPTION: US 340, Shepherdstown Pike and S. Frontage Rd.



(24 HOUR COUNT / 9 HOUR COUNT) * MONTHLY FACTOR * DAILY FACTOR = EXPANSION FACTOR

24 HOUR COUNT =	30264	9 HOUR COUNT =	15872	ADT FACTOR =	1.91
MONTHLY FACTOR =	0.89	DAILY FACTOR =	1	EXPANSION FACTOR =	1.70

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY =====>	Jefferson
LOCATION =====>	US 340, Shepherdstown Pike and S. Frontage Rd.
DATE =====>	7/7/2011
DAY OF WEEK =====>	Thursday
PERIOD OF COUNT ==>	7-10 11-1 2-6
ROUTE 1(NORTH) =====>	Shepherdstown Pike
ROUTE 2 (EAST) =====>	US 340
ROUTE 3 (SOUTH) =====>	S. Frontage Rd.
ROUTE 4 (WEST) =====>	US 340
24 HR. ATR COUNT ==>	30264
9 HR. ATR COUNT =====>	15872
MAN. ATR FACTOR ==>	
ATR FACTOR =====>	1.91
MONTHLY FACTOR ==>	0.89
DAILY FACTOR =====>	1
EXPANSION FACTOR ==>	1.70
FILE NAME =====>	JEF20155-11

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 1): Shepherdstown Pike TO (RTE 2): US 340

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	174	3						2									5	179
8-9	130	4							2								6	136
9-10	82	3		1				1	3								8	90
																	0	0
11-12	56	3															3	59
12-1	57							1									1	58
																	0	0
2-3	73	1	1														2	75
3-4	81	1						1									2	63
4-5	60	2														2	4	64
5-6	53																0	53
TOTAL	745	17	1	1	0	0	1	4	5	0	0	0	0	0	0	2	31	777

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 1): Shepherdstown Pike TO (RTE 3): S. Frontage Rd.

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	2																0	2
8-9	1																0	1
9-10																	0	0
																	0	0
11-12																	0	0
12-1	1																0	1
																	0	0
2-3																	0	0
3-4																	0	0
4-5																	0	0
5-6																	0	0
TOTAL	4	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	4

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 1): Shepherdstown Pike TO (RTE 4): US 340

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
																	0	0
7-8	3																0	3
8-9	8	1						1				1					3	11
9-10	5	1							2								3	8
																	0	0
11-12	13								1								1	14
12-1	9	1	1		1				1								4	13
																	0	0
2-3	10	2							1								3	13
3-4	11								1								1	12
4-5	13								1								1	14
5-6	13																0	13
TOTAL	85	5	1	0	1	0	0	1	7	0	0	1	0	0	0	0	16	101

TOTAL VEHICLES FROM: Shepherdstown Pike

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER / COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
7-8	179	3	0	0	0	0	0	2	0	0	0	0	0	0	0	0	5	184
8-9	136	5	0	0	0	0	0	1	2	0	0	1	0	0	0	0	9	148
9-10	87	4	0	1	0	0	0	1	5	0	0	0	0	0	0	0	11	98
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
11-12	69	3	0	0	0	0	0	0	1	0	0	0	0	0	0	0	4	73
12-1	67	1	1	0	1	0	0	1	1	0	0	0	0	0	0	0	5	72
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
2-3	83	3	1	0	0	0	0	0	1	0	0	0	0	0	0	0	5	88
3-4	72	1	0	0	0	0	0	1	1	0	0	0	0	0	0	0	3	75
4-5	73	2	0	0	0	0	0	0	1	0	0	0	0	0	0	2	5	78
5-6	66	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	66
TOTAL	835	22	2	1	1	0	1	5	12	0	0	1	0	0	0	2	47	882

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 2): US 340 TO (RTE 3): S. Frontage Rd.

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
																	0		
7-8																	0	0	
8-9																	0	0	
9-10																	0	0	
																	0	0	
11-12																	0	0	
12-1																	0	0	
																	0	0	
2-3																	0	0	
3-4																	0	0	
4-5	2																0	2	
5-6																	0	0	
TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2	

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 3): US 340 TO (RTE 4): US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO		TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	440	8	4		1			1	24			9		1			0	0
8-9	487	9	4			2		2	37			2				1	57	544
9-10	447	14	1		1			3	38			5		2		2	68	513
11-12	601	22	1	2	1	2		3	39			3				2	0	0
12-1	590	18				1		6	57			2				2	75	676
																	86	676
																	0	0
2-3	650	10	2				1	5	38			1					57	707
3-4	827	13						12	38			3				5	71	898
4-5	974	16	1		1		1	2	34			1		2		1	59	1033
5-6	1020	11	2					7	26			2					48	1068
TOTAL	6038	121	15	2	4	5	2	41	331	0	0	28	0	5	0	13	567	6903

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 2): US 340 TO (RTE 1): Shepherdstown Pike

	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	42	1															0	0
8-9	39	1															1	43
9-10	36	3															1	40
11-12	41	2															2	43
12-1	53	2															3	56
2-3	71	3						1	1								5	76
3-4	138																0	138
4-5	149	2															2	151
5-6	211	1						1									2	213
TOTAL	780	15	0	0	0	0	0	2	1	0	0	0	0	0	0	3	21	801

TOTAL VEHICLES FROM: US 340

	AUTOS	SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS								MULTI TR-COMBO			TOTAL	TOTAL
HOUR	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
7-8	482	9	4	0	1	0	0	1	24	0	0	9	0	1	0	0	49	531	
8-9	526	10	4	0	0	2	0	2	37	0	0	2	0	0	0	1	58	584	
9-10	483	17	1	0	1	0	0	3	38	0	0	5	0	2	0	4	71	554	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
11-12	642	24	1	2	1	2	0	3	39	0	0	3	0	0	0	2	77	719	
12-1	643	20	0	0	0	1	0	6	57	0	0	2	0	0	0	3	89	732	
	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	
2-3	721	13	2	0	0	0	1	6	39	0	0	1	0	0	0	0	62	783	
3-4	985	13	0	0	0	0	0	12	38	0	0	3	0	0	0	5	71	1036	
4-5	1125	18	1	0	1	0	1	2	34	0	0	1	0	2	0	1	61	1188	
5-6	1231	12	2	0	0	0	0	8	26	0	0	2	0	0	0	0	50	1281	
TOTAL	6818	136	15	2	4	5	2	43	332	0	0	28	0	5	0	16	588	7406	

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 3): S. Frontage Rd. TO (RTE 4): US 340

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	3					1											0	0
8-9	7	1					2										3	4
9-10	8		1		2				2								5	10
11-12	30	2	2		3												7	37
12-1	16		2		2												4	20
2-3	17			1	1												2	19
3-4	22				3												3	25
4-5	36	1															1	37
5-6	11																0	11
TOTAL	150	4	5	1	12	2	0	0	2	0	0	0	0	0	0	0	26	176

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 3): S. Frontage Rd. TO (RTE 1): Shepherdstown Pike

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8																	0	0
8-9																	0	0
9-10																	0	0
11-12																	0	0
12-1			2														2	2
2-3	2	1															1	3
3-4	2																0	2
4-5	3																0	3
5-6																	0	0
TOTAL	7	3	0	0	0	0	0	0	0	0	0	0	0	0	0	0	3	10

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 3): S. Frontage Rd. TO (RTE 2): US 340

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8																	0	0
8-9	1																0	1
9-10																	0	0
11-12																	0	0
12-1																	0	0
2-3	1																0	1
3-4																	0	0
4-5																	0	0
5-6																	0	0
TOTAL	2	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	2

TOTAL VEHICLES FROM: S. Frontage Rd.

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS						MULTI TR-COMBO			TOTAL	TOTAL
	C/PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	TKS	VEHS
7-8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8-9	3	0	0	0	1	0	0	0	0	0	0	0	0	0	0	0	1	4
9-10	8	1	0	0	0	2	0	0	0	0	0	0	0	0	0	0	3	11
11-12	30	2	2	0	3	0	0	0	0	0	0	0	0	0	0	0	7	37
12-1	16	2	2	0	2	0	0	0	0	0	0	0	0	0	0	0	8	22
2-3	20	1	0	1	1	0	0	0	0	0	0	0	0	0	0	0	3	23
3-4	24	0	0	0	3	0	0	0	0	0	0	0	0	0	0	0	3	27
4-5	39	1	0	0	0	0	0	0	0	0	0	0	0	0	0	0	1	40
5-6	11	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	11
TOTAL	159	7	5	1	12	2	0	0	2	0	0	0	0	0	0	0	29	188

TRAFFIC ANALYSIS - 4-WAY TURNING MOVEMENT

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 1): US 340 TO (RTE 1): Shepherdstown Pike

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS					MULTI TR-COMBO			TOTAL TKS	TOTAL VEHS
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	
7-8	4								1								0
8-9	9	1															1
9-10	5																0
11-12	10			1				1									2
12-1	15																0
2-3	13	1						1									2
3-4	12																0
4-5	11																0
5-6	14																0
TOTAL	94	2	1	0	0	0	1	1	1	0	0	0	0	0	0	0	8

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 4): US 340 TO (RTE 2): US 340

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS					MULTI TR-COMBO			TOTAL TKS	TOTAL VEHS
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	
7-8	750	10	1		1				34			4					50
8-9	624	11	2	1	1		1	5	34			5				2	82
9-10	515	11	1	2			2	1	36			2				1	58
11-12	521	8	2				1	1	33			4				1	53
12-1	548	17	2					2	31			7				1	80
2-3	586	10	2	2				8	35			4		1		2	84
3-4	610	8	3					2	22			1		1		2	39
4-5	672	16		1				2	32			1					52
5-6	651	17						2	15			1		2		1	38
TOTAL	5480	108	13	6	2	3	3	26	272	0	0	29	0	4	0	10	476

COUNTY: Jefferson LOCATION: US 340, Shepherdstown Pike and S. Frontage Rd.
FROM (RTE 4): US 340 TO (RTE 3): S. Frontage Rd.

HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS					MULTI TR-COMBO			TOTAL TKS	TOTAL VEHS
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	
7-8	30		1		2	1			1								5
8-9	10		1			1			1								3
9-10	13	1					2										3
11-12	24			1		1											2
12-1	23	2	2				1										5
2-3	10						1										1
3-4	8						1										1
4-5	2																0
5-6	1																0
TOTAL	119	3	4	1	2	8	0	0	2	0	0	0	0	0	0	0	20

TOTAL VEHICLES FROM: US 340

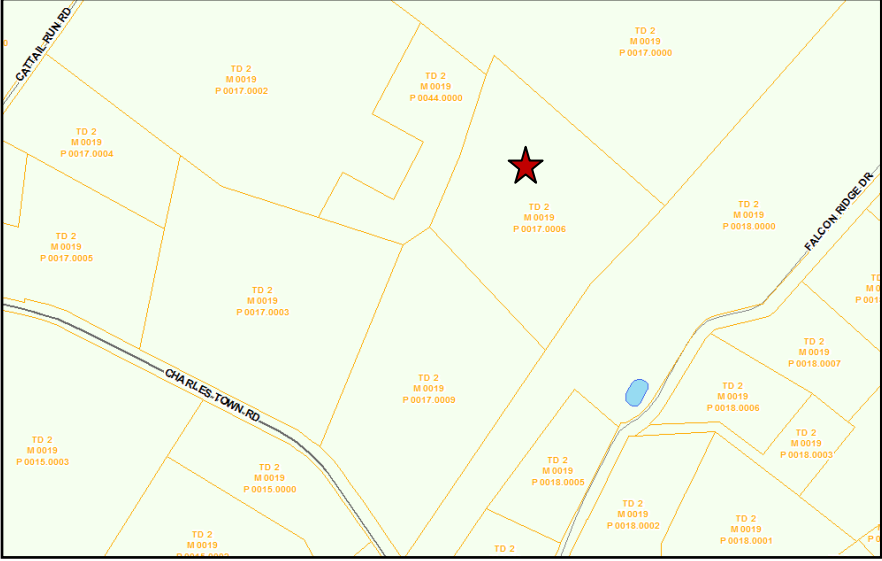
HOUR	AUTOS		SINGLE UNIT TRUCKS					TRACTOR TRAILER COMBINATIONS					MULTI TR-COMBO			TOTAL TKS	TOTAL VEHS
	C / PU	2 AX	3 AX	4 AX	3-AX C	4-AX C	3-AX	4-AX	5-AX	3-AX C	4-AX C	5-AX C	6-AX C	5-AX	6-AX	BUSES	
7-8	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8-9	784	10	2	0	3	1	0	0	36	0	0	4	0	0	0	0	56
9-10	643	12	3	1	1	1	1	5	35	0	0	5	0	0	0	2	68
11-12	538	12	1	2	0	4	1	2	36	0	0	2	0	0	0	1	61
12-1	555	8	3	1	0	2	1	4	33	0	0	4	0	0	0	1	57
2-3	585	19	4	0	0	1	0	2	31	0	0	7	0	0	0	1	65
3-4	611	11	2	2	0	1	1	8	35	0	0	4	0	1	0	2	67
4-5	628	8	3	0	0	1	0	2	22	0	0	1	0	1	0	2	40
5-6	685	16	0	1	0	0	0	2	32	0	0	1	0	0	0	0	52
TOTAL	5693	113	18	7	4	11	4	27	275	0	0	29	0	4	0	10	502

This information is
Tab #7 in your binder.

August 13, 2013

Agenda Item #7: Request by Bloomery Plantation Distillery (File # PCW13-07, -08, and -09) to be represented by Thomas J. Kiefer and Linda Losey, for a waiver from the following sections of the Jefferson County Subdivision and Land Development Regulations:

- a) **PCW13-07:** Appendix B, Section 2.2: use of the existing at-grade driveway for primary access;
- b) **PCW13-08:** Appendix B, Section 9.4. Increase maximum allowed slope from 8% to 20% and waive the width requirement.
- c) **PCW13-09:** Appendix B, Section 4.3. Waiver from the requirement to provide stormwater management for all areas of the site that are to be disturbed.

APPLICANT:	Thomas J. Kiefer and Linda Losey
OWNER :	Bloomery Plantation Distillery
DEVELOPER:	Same
SURVEYOR/ENGINEER:	N/A
PROPERTY LOCATION:	16357 Charles Town Road, Charles Town, WV 25414
LEGAL DESCRIPTION:	District: Charles Town (02); Map: 19; Parcel: 17.6
	
ZONING DISTRICT:	Rural
SURROUNDING PROPERTIES:	Zoning Map Designation: <i>North:</i> R <i>South:</i> R <i>East:</i> R <i>West:</i> R
LOT AREA:	12 acres
PROPOSED ACTIVITY:	A mini-farm distillery, producing small, hand-crafted, seasonal batches of limoncello, and raspberry and peach cordials.
APPROVALS	
WAIVERS	03/08/11 – Planning Commission Approval of the following waivers: 1. Appendix B, Sec. 2.2: To allow use of the existing at-grade driveway with the exception that it be widened to 24 feet from RTE 115 to 10 to 15 feet beyond the adjoining renter’s driveway and with the requirement to widen the driveway to 18 feet from the corner point, or bend, to the parking area and to have the road

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	depth certified by an engineer to be acceptable. 2. Appendix B, Sec. 2.3: To allow for an asphalt entrance instead of a concrete entrance. 3. Appendix B, Sec. 2.5 Internal Driveway and Sec. 9.4 minimum driveway width and maximum driveway slope requirements: to increase the maximum allowed slope from 8% to 15% and to waive the width requirement to prevent disturbing the existing vegetation because the waiver meets the four criteria.
SITE PLAN	Rural Site Plan (PC File # S11-14) Administratively approved September 12, 2011
DENIALS	
WAIVERS	03/08/11 – Planning Commission DENIED the following waiver: 1. Appendix B, Section 4.3, Stormwater Management, to waive the requirement to provide stormwater management for all areas of the site (motion to approve failed with 3-3 vote)

Background

Bloomery Plantation Distillery is a small farm distillery within the rural district.

Previously, the site was determined to qualify to utilize the Rural Site Plan standards detailed in Section 20.203 of the Subdivision and Land Development Regulations. That provision allows for a gravel access drive and gravel parking areas, as long as the applicant makes use of Low Impact Development techniques. While the Rural Site Plan standards remove the requirement for pavement, it does not negate the need for properly engineered parking areas and an access drive that provides safety and convenience to the patrons.

At the March 8, 2011 Planning Commission meeting, Planning Commissioners approved the following requests:

- a) To allow use of the existing at-grade driveway with the exception that it be widened to 24 feet from RTE 115 to 10 to 15 feet beyond the adjoining renter's driveway and the requirement to widen the driveway to 18 feet at the corner point, or bend, to the parking area, and to have the road-depth certified by an engineer to be acceptable.
- b) To allow for an asphalt entrance instead of a concrete entrance.
- c) To increase the maximum allowed slope from 8% to 15% and to waive the width requirement to prevent disturbing the existing vegetation because the waiver meets the four criteria.

The waiver from the requirement to provide stormwater management for all areas of the site that are to be disturbed resulted in indecision (split vote) and was therefore denied.

The Request

The Applicants' stated reasons for the requested waivers from the Jefferson County Subdivision and Land Development Regulations are listed below:

- a) **PCW13-07:** Appendix B, Section 2.2. Request for a waiver from the requirements for driveway width and depth and proposes to retain the existing driveway width and depth. The request is to

Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

remove the previous “friendly amendment” to the motion on March 8, 2011 requiring the applicant to increase the driveway width to 18 feet at the corner of the bend to the parking area. This area of improvement is the location of the incline on the property to the Distillery. The applicant is proposing to maintain the existing site entrance improvements at Route 115 (formerly Route 9).

- The applicant states: Increasing the width of the driveway at this section (the incline) is not practical, considering the constraints on both sides of the road which include 150 year old oak trees and natural rock ledges. The required width would impact both natural features and the rural nature of the area.
- Additionally, the applicant would like to use the County’s newly proposed depth standard of six (6) inches of gravel as the standard for the depth of the driveway. The existing driveway width and depth provides safe and useable access and provides a natural, rural feel as intended by the Rural Site Plan standards.

b) **PCW13-08:** Appendix B, Section 9.4. Request for a waiver from the maximum driveway slope requirements.

- Applicant would like to use the existing at-grade driveway for its primary means of access.
- Applicant states: there are areas that are likely steeper than the maximum allowed grade of 8% for driveways. Adjacent jurisdictions, such as Berkeley County, allow gravel access roads to have a maximum slope of up to 15%.
- Applicant proposes increasing the maximum grade slope percentage figure for this project to 20% so the historic trees are minimally disturbed and are allowed to thrive.
(Note: a previous approved waiver allows 15% slope for this project)

c) **PCW13-09:** Appendix B, Section 4.3. Request for a waiver from the requirement to provide stormwater management for all areas of site that are to be disturbed.

- The applicant states that if the waivers are granted as requested, the only new improvements that would be added would be a six (6) space gravel parking lot and one (1) paved ADA accessible parking space. This would create a footprint similar to that of a typical single-family household.
- The applicant states that the requirements to widen the driveway and reduce the slope create the need for the proposed stormwater management.

Waiver Criteria

The following criteria, as outlined in Section 24.300 of the amended 2008 Subdivision Regulations, have to be met in order to have a waiver granted.

Please note that for PCW13-08, waiver of the requirement to provide stormwater management for all areas of site that are to be disturbed, the Department of Planning and Zoning defers to the Engineering Department. Provided below are pictures of the entrance to the site, the incline on the property where the slope waiver is being requested and where the waiver for the minimum 18 foot wide driveway be eliminated.

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Jefferson County Planning Commission Meeting
August 13, 2013

The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.

PCW13-07 and PCW13-08: Neither the parking area nor the entrance will be maintained by the County and will not result any in cost to the County. Since no open space or parkland is required in this site plan, the waiver criteria have been satisfied in that it does not apply to the particular waivers requested.

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

PCW13-07: The requirements for driveway width and depth to retain the existing driveway width and depth will not affect the public health, safety or welfare or the rights of adjacent property owners or residents. In the Stormwater Management Ordinance being drafted, Staff is proposing a Rural Site Plan standard that requires 9 inches of gravel for parking and driveways be reduced to 6 inches, which is in keeping with the applicant's request. As for the driveway width, Staff would support a minimum driveway width of 13 feet being maintained from the entrance improvements at Route 115 to the parking area due to the low traffic volumes to and from this rural business.

PCW13-08: The reduction from a slope of the current grade of 25% to 20% would improve the current situation, benefiting the public health, safety or welfare or the rights of customers. There will be no effect on other adjacent property owners or residents. Allowing the steep slopes to continue to a business that is open 2 days a week and which creates fairly low traffic volumes would benefit the public health, safety and welfare of the community as it would allow long established trees with large canopies to be maintained which serve to reduce the impact of rainfall, stabilize the slopes and add water and air quality benefits.

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

PCW 13-07: The intent and purpose of the Subdivision Regulations is to provide usable access to the site. While access drive at 13 feet is narrow, the driveway is acceptable when considering the nature of the business on the property and the low traffic volumes. The business is a Rural Agricultural business with a small tasting room. Due to the limited nature of the facility, operation and use of the site, the narrow driveway is adequate.

PCW13-08: While the slope is greater than required by the Subdivision Regulations, the request, considering the setting and the activity on the property as discussed above, is within the intent of the Regulations. Minimizing the disturbance of steep slope areas is honored by maintaining the steeper slopes and the existing tree canopy.

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

PCW13-07: The waiver for the driveway width and depth requirement will result in a reduction in the impervious area, which results in a decreased amount of stormwater runoff. Additionally, the narrower driveway will allow the applicant to maintain a number of large trees which are providing slope stability and a large tree canopy reducing the impact of rainfall on the slopes. As a result, this reduction, for this proposed use, will not decrease the quality of the project and as such the waiver criteria has been satisfied.

PCW13-08: The waiver of the slope requirement will increase the quality and character of the site, as there are significant sized oak trees that will be preserved.

Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

Staff Recommendation

Staff recommends approval of the waivers (PCW13-07 and PCW13-08) requested, provided the width of the existing driveway is no less than 13 feet wide. Since the County is proposing an amendment to 6 inches of gravel in other amendments, the request (PCW13-07) is in keeping with acceptable site plan standards. The waiver of the slope requirement (PCW13-08) will result in the protection of the large oak trees.

In analyzing this request, Staff took into consideration the nature of the business and setting. The retention and protection of a rural agricultural property with steep slopes and a significant existing tree canopy and nature of the site conditions were assessed. With the small nature of the tasting room, limited days of operation and being a Rural Agricultural business Staff can support the request.

Picture 1



Staff Report
Jefferson County Planning Commission Meeting
August 13, 2013

Picture 2



Engineering Report

Bloomery Plantation Distillery Waiver for Roadway Width and Pavement Depth 08/13/2013

Request:

Thomas Kifer and Linda Losey of the Bloomery Plantation Distillery are requesting a waiver from the requirements of the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Appendix B, Section 2.2 Streets, more specifically from the two-way access drive width requirement of 18 feet, and the access drive pavement depth requirement of 9 inches of gravel.

The applicant is requesting a waiver from the previously approved waiver request of an 18 foot wide access drive width (which was reduced from a required width of 22 feet), be reduced to 13 feet as it currently exists.

The applicant is also requesting a waiver allowing for a reduced pavement section of 9 inches of aggregate base course, reducing the pavement section to 6 inches of aggregate base course.

However, the Bloomery Plantation Distillery is developed as a site plan and not a subdivision; therefore, Division 9.0 Site Plan Requirements actually applies in this case. Section 9.4, Internal Vehicular Circulation & Parking provides the requirement for the access drive width. Section 9.5 Parking Area, Entrance and Internal Driveway Paving provide the requirement for the access drive pavement depth which states:

Section 9.4 Internal Vehicular Circulation & Parking:

E. Table 9.4-1,

- A one-way driveway requires a minimum of 12 feet and a maximum of 14 feet
- Traffic Flow Internal Site Driveways Width, Two –Way 22' to 24'

Section 9.5 Parking Area, Entrance and Internal Driveway Paving:

- A. Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:

1 ½" Bituminous Concrete Surface Course
2 ½" Bituminous Concrete Base Course

9" Graded Aggregate Base Course (placed in 2 lifts)

However, the Bloomery Plantation Distillery site plan is located in the rural district; therefore, they are only required to provide the 9 inches of aggregate base course. Asphalt paving is not required.

Findings:

The applicant points out site constraints such as large trees and rock outcroppings which prevent them from meeting the requirements.

Driveway Width:

- A waiver was already granted on March 8, 2011 to reduce the minimum 22 foot access drive width to 18 feet.

Depth of Pavement – Stone:

- Minimum Depth of stone is 9 inches.

Conclusion:

Driveway Width:

As for the Driveway Width, the approved 18' width appears to be adequate to accommodate two-way traffic. A 13' lane is for one-way travel only. Engineering recommends denial of the waiver because 13' is not adequate for two-way traffic.

If the 13' driveway width waiver is granted, the applicant should be required to provide an 18 foot wide access drive width wherever possible as a pull-off/ turn out place where on-coming vehicles can pass. Any change requires the processing of a redline revision.

Depth of Pavement – Stone:

The required 9" stone is adequate for larger, heavier vehicle such as box truck that would be used for deliveries. For smaller residential vehicle, 6" of stone would be adequate. Engineering recommends denial of this waiver.

Engineering Report

Bloomery Plantation Distillery Waiver for Stormwater Management 08/13/2013

Request:

Thomas Kifer and Linda Losey of the Bloomery Plantation Distillery are requesting a waiver from the requirements of the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Sec. 4.3 Stormwater Management the entire section.

The applicant is requesting a waiver Sec. 4.3 Stormwater Management and removing the Bio-retention Infiltration Facility and an Infiltration Ditch as shown on the approved plans.

Findings:

Stormwater management is very vital to the Chesapeake Bay initiative.

The approved plans address this rainwater runoff increase with a Bio-retention Infiltration Facility and an Infiltration Ditch.

The placement of Bio-retention Infiltration Facility is placed near a very large tree and appears to be placed where the rock outcrop begins.

The Infiltration Ditch appears not to have any constraints except where it is to be placed near the rock out crop.

Conclusion:

Any increase in rainwater runoff could be a cause for a lawsuit from a downstream property owner. Engineering feels that it is prudent that all increase in rainwater runoff be accounted for. Therefore, the county engineer recommends denial of this waiver.

If the Planning Commission is inclined to grant this waiver, please still require the 1" capture as recommended by the Chesapeake Bay initiative. Any change requires the processing of a redline revision.



Infiltration Ditch



Bio-retention



Bio-retention

Engineering Report

Bloomery Plantation Distillery Waiver for Maximum Driveway Slope 08/13/2013

Request:

Thomas Kifer and Linda Losey of the Bloomery Plantation Distillery are requesting a waiver from the requirements of the JEFFERSON COUNTY SUBDIVISION AND LAND DEVELOPMENT ORDINANCE (2008), Section 9.4 Internal Vehicular Circulation & Parking which references Division 2.0, Street & Parking Standards. More specifically Sec. 2.5 Off-Street Parking Standards which states:

- I. Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.

On March 8, 2013, the planning commission approved a waiver to increase the required 8% access drive slope to 15%.

The applicant is requesting a waiver from the approved increase slope of 15% to be increased to 20%.

Findings:

The applicant points out site constraints such as large trees and rock outcroppings which prevent them from meeting the requirements.

Berkeley County does allow for 15% grade on a 6" gravel roadway serving a subdivision with lots 5 acre or more in size. For this type of project, Berkeley County may require an 8% slope maximum also unless a waiver is approved.

Conclusion:

The required 8% slope is adequate for larger, heavier vehicle such as box truck that would be used for deliveries. For smaller residential vehicle, 15% would be adequate. 20% is questionable. Engineering recommends denial of this waiver.

If the Planning Commission is inclined to grant the waiver, where there is a 20% slope, the access drive should be asphalt paved because the cost of maintaining gravel would probably offset the cost of asphalt paving over time. Any change requires the processing of a redline revision.

GEOMETRIC DESIGN CRITERIA STREETS AND HIGHWAYS

Item	Streets			
	L1-Alley	L2	L3	Heavy-Duty
Design Speed	25	35	35	N/A
Minimum Turning Lane Width	---	12'	12'	12'
Minimum Horizontal Curvature Radius	100'	150'	300'	500'
Minimum Turning Flare Radius at connections	30'	30'	35'	50'
Stopping Sight Distance	100'	175'	235'	275'
Minimum Roadway Grade	0.5%	0.5%	0.5%	0.5%
Maximum Roadway Grade	15%	12%	10%	8%
Intersection Approach Grade	8%	6%	6%	6%
Roadway Pavement Cross Slope	3/8"/ft.	3/8"/ft.	3/8"/ft.	3/8"/ft.
Maximum Super elevation	---	---	0.04'/ft.	0.04'/ft.



JEFFERSON COUNTY, WEST VIRGINIA

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor, P.O. Box 338

Charles Town, WV 25414

#PCW13-07

#PCW13-08

#PCW13-09

Staff Initials: cdc

Sketch Received: ☒

Fees Paid: \$ 300.00

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

Email planningdepartment@jeffersoncountywv.org

Phone: (304) 728-3228

Email zoning@jeffersoncountywv.org

Fax: (304) 728-8126

Waiver Request

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

Sketch on a separate sheet of paper the shape and location of lot. Show the location of the intended construction or land use indicating building setbacks, size and height. Identify existing buildings, structures or land uses on the property. Sign and date the sketch. Please provide a vicinity map of the area.

I/We request a waiver from the provisions of the Jefferson County 2008 Amended Subdivision Regulations

Property owner information

Name of Property Owner: Thomas Kiefer + LINDA Losey (Bloomery Plantation Distillery)
Mailing Address: 1800 Falls Road
City: Hampstead State: MD Zip Code: 21074
Phone Number: 410-960-8824 Email: Llosey@aol.com

Applicant contact information

Applicant Name: Bloomery Plantation Distillery
Mailing Address: 16357 Charles Town Road
City: Charles Town State: WV Zip Code: 25414
Phone Number: 304-725-3036 Email: Llosey@aol.com

Applicant Representatives

Name of Registered Engineer(s) or Surveyor(s): _____
Mailing Address of Engineer(s) or Surveyor(s): _____
City: _____ State: _____ Zip Code: _____
Phone Number: _____ Email: _____

Physical property details

Physical Property Address: 16357 Charles Town Road
City: Charles Town State: WV Zip Code: 25414
Tax District: 02 Map No: 19 Parcel No: 17.6
Parcel Size: 12 acres Deed Book: 1089 Page No: 619

RECEIVED

JUL 12 2013

JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

Zoning
District:

Rural
(R-A)

Residential
Growth
(R-G)

Industrial
Commercial
(I-C)

Residential-
Light Industrial-
Commercial
(R-L-C)

Village
(V)



What section of the Ordinance are you requesting to waive?

see attached

Briefly describe the nature of your waiver request:

see attached

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.

see attached

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.

see attached

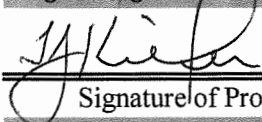
Explain how the waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.

see attached

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

see attached.

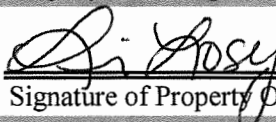
Original signature is required. The information given is correct to the best of my knowledge.



Signature of Property Owner

7/8/13

Date



Signature of Property Owner

7/8/13

Date

For Official Use Only

____ Date of Public Meeting/Public Hearing

____ Official/Administrative Body

____ Date Property to be posted by

____ Date Adjoiner letters to be mailed by

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

☐

Approved

☐

Denied

Jefferson County Planning Commission Waiver Request Form

In September 2011 Bloomery Plantation Distillery, LLC opened as a mini-farm distillery, producing award-winning small, hand-crafted, seasonal batches of farm-fresh cocktail liqueurs, in Jefferson County, West Virginia (WV).

The WV Alcohol Beverage and Control Board requires that as a mini-farm distillery we grow and produce at least 25% of our raw products on the farm, use 50% from other sources within WV, and use no more than 25% from out of state. The State of WV Department of Agriculture has deemed a mini-farm distillery's use as primarily for agricultural purposes. Picture this operation like a farm winery, only with lemons, raspberries ginger and peaches.

Since purchasing the property in October of 2010, we brought to life a unique 12-acre parcel with an 1840s, abandoned log cabin on RTE 115, two miles outside of historic Charles Town near the Shenandoah River. The property itself is steeped in history. The original one room cabin with upstairs sleeping area was built around 1840 and served as the slave quarters of the Willowdale Plantation. The circa 1870 additions were of timber frame, covered in pine plank and batten, salvaged from canal boats, and added to the front and back of the cabin resulting in a small six room house, as it still stands today.

Prior to purchasing the property and embarking on our vision, on December 1, 2010, at a Pre-Proposal Conference, we met with Steve Barney, Zoning Administrator; Seth Rivard, County Planner; Jonathan Saunders, County Engineer; Mike Monaghan, County Inspector; and Mason Carter, County Compliance Officer. The Planning and Zoning Department determined that the proposed use was consistent with the intent of the land use and it was further deemed that a Limited Site Plan with Rural Exceptions would be required, with parking for 7 spaces, which included a handicapped parking space.

Following the Pre-Proposal Conference meeting, on December 20, 2010, we purchased the parcel and converted the existing log cabin into the Bloomery Plantation Distillery, LLC. The two story, 1600 sq. ft. structure was restored and is used as the heart of the operation with a small kitchen and 15'x19' public tasting room.

Of note:

- The existing structure was restored.
- No new construction was proposed.
- No new utilities were proposed other than those required for health department permitting.
- The initial property entrance to the WVDOH right-of way-line is shared by a renter on an adjacent property. This shared entrance will meet all entrance requirements of the WVDOH.
- The property is the sole user of the 2/10-mile long, 13' wide, gravel access driveway.
- The intended use is a limited operation with incidental traffic for a 15'x19' tasting room.
- Contiguous in-residence neighbors have expressed support of the project with no opposition.

In March 8, 2011 the Planning and Zoning Commission approved the following waivers:

Section 2.2: to allow use of the existing at-grade driveway with the exception that it be widened to 24 feet from RTE 115 to 10 to 15 feet beyond the adjoining renter's driveway along with a "friendly amendment" to widen the driveway to 18 ft at the corner point, or bend, to the parking area and to have the road-depth certified by an engineer to be acceptable.

Section 2.3: Allowed for an asphalt entrance instead of a concrete entrance

Section 2.5: Internal Driveway, and Section 9.4, Minimum Driveway Width and Maximum Driveway Slope

Requirements: to increase the maximum allowed slope from 8% to 15% and to waive the width requirement to prevent disturbing the existing vegetation because the waiver meets the four criteria.

Section 4.3: Stormwater Management: To waive the requirement to provide stormwater management for all areas of the site that are to be disturbed because it meets the four criteria for such a waiver. Mr Saunders explained that Low Impact Technologies should be required. It resulted in a split decision and was therefore denied.

Bloomery has been open for business since September of 2011 and our time to construct the new driveway is running out. Implementing the Site Plan is resulting in an undue hardship by attaching a \$70,000 driveway improvement price tag to our small agri-tourism business. This \$70,000 is in addition to the \$30,000 design fees that we have already paid to try and meet the requirements.

In working towards compliance of the Limited Site Plan with Rural Exceptions, we are requesting the following reductions or waivers in the subdivision ordinance requirements: access drive width, slope and depth requirements, grading requirements and stormwater management.

The requested waivers combined would meet the four criteria of a waiver:

1. By granting the waivers the rural character of the site will preserve the greatest amount of open space, and will help to preserve the 150 year old oak trees that will be taken down in the name of progress.
2. The adjacent owners have expressed support for the project and the waivers, therefore it will not adversely affect them or the public's health, safety or welfare.
3. The intent of the ordinance is to "promote efficient and attractive development in a manner that reduces off-site impacts." The waivers, if granted, would allow for an efficient and attractive improvement to a once-abandoned property. Also, the waivers would greatly reduce the impact on the adjacent properties by eliminating much of the required construction. The intent of a waiver is also to have reasonable access to the lot and site—the existing driveway width provides for that without the need to expand it. The number of daily trips, now and in the future, will remain minimal, given the size of the limited-use structure.
4. The waivers would preserve the rural, historic character of the site, which would provide a project of better quality and character.

Specific waiver request sections:

Appendix B, Section 2.2 (Streets and Road Requirements) – Requirements for driveway width and depth:

The project would like to use the existing at grade driveway, except for the 24 ft required entrance as previously required, and remove the "friendly amendment" of increasing the driveway width to 18 ft. at the corner of the bend to the parking area. Increasing the width of the driveway at this section is not practical, considering the constraints on both sides of the road: 150 year old oak trees and natural rock ledges. The required width would impact both natural features and the rural nature of the area, in addition to the extensive cost involved in blasting the existing rock ledges. In addition the project would like to use the County's new proposed depth standard of 6" as the standard for the depth of the driveway. The existing driveway width and depth provides safe and useable access and provides a natural, rural feel as intended by the Rural Site Plan standards.

Appendix B, Section 9.4 – Maximum driveway slope requirements.

- The project would like to use the existing at grade driveway for its primary means of access. As such, there are areas that are likely steeper than the maximum allowed grade of 8% for driveways. Adjacent jurisdictions, such as Berkeley County, allow gravel access roads to have a maximum slope of up to 15%. We propose increasing this maximum grade slope % figure for this project to 20% so the historic trees are minimally disturbed and are allowed to thrive.
- Disturbing the existing vegetation, including the cutting down of numerous oak trees that have been growing on this land for over a hundred years, does not meet the intention of the Rural Site Plan standards, nor our mission of being a green, agri-tourism farm distillery.
- The grading and width requirements are impractical due to existing constraints and contour of the land. We will do the necessary work on site to ensure that the driveway functions to the needs of the property, which includes evening out some of the sloped areas of the driveway.

Appendix B, Section 4.3 (Stormwater Management) – Requirement to provide stormwater management for all areas of site that are to be disturbed.

- If a minor subdivision plat is prepared and recorded in the County, it is not required to provide stormwater management. Our business would likely have less of an impact on stormwater management than a typical residential minor subdivision. If the waivers are granted as requested, the only new improvements that would be added would be a 6 space gravel parking lot and 1 paved ADA accessible parking space, which would have a footprint similar to that of a typical single-family house.
- The requirements of widening the driveway on the property and reducing the slope are in part causing the "need" for the proposed stormwater management. This is hugely expensive given the rock ledges and natural features of the land. The cutting down of the existing oak trees and vegetation will clearly increase the water run-off on the property.

- The existing gravel driveway on the site, as has existed for two years, is functional for the needs of the project. There are existing swales and ditches that cross the site and channel water directly to the Shenandoah River, which is a short distance away from the property. The minimal amount of gravel areas that will be added to the site will have no measurable impact on the adjacent property owners. It is a 12-acre parcel with woods and meadows that has had minimal disturbance since 1840. Constructing stormwater areas, particularly for any widening of the existing gravel drive, would have a greater impact on the property and adjacent properties through stormwater construction, than by letting nature run its course. By granting the waiver, the same run off will continue to take place as it has since the 1840s.

Our goal is for our customers to have an enjoyable experience as soon as they turn off of RTE 115 onto our farm. We're cognizant of the fact that our customers want and need good access to the historic, restored log cabin. We will do the necessary work to improve the existing access driveway by using best management practices that will have the least amount of impact on the land. We want to be good stewards of our land. By granting these waiver requests you'll help ensure that that happens.

This information is
Tab #9 in your binder.



Jefferson County, West Virginia

Departments of Planning & Zoning

116 East Washington Street
P.O. Box 338
Charles Town, West Virginia 25414

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

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

MEMO

TO: Jefferson County Planning Commission
FROM: Jennifer M. Brockman, AICP, Director, Planning and Zoning
DATE: August 13, 2013
RE: Agricultural Use and Related Zoning Ordinance Amendments

Background

On June 11, 2013, the Planning Commission conducted a public hearing for proposed amendments to various sections of the Zoning Ordinance (2.2, 4.10, 5.7, 5.8, 8.5, 9.5, 10.5, 11.1, and 12.2) related to agricultural uses and other regulations. On July 9, 2013, the Planning Commission reviewed a summary of public comments and the corresponding staff recommendations.

Staff incorporated the relevant comments into the Zoning Ordinance. The final revised version of the Zoning Ordinance will be distributed during the meeting and will be sent out in a separate email when final edits are complete.

Craft Brew Industry

Please note, the following information related to the craft brew industry was provided by a member of the public. This information was not incorporated into the revised version of the Zoning Ordinance; however, the Planning Commission could determine to make revisions based on this information.

The craft beer industry is defined by four distinct markets: brewpubs, microbreweries, regional craft breweries, and contract brewing companies.

Microbrewery: A brewery that produces less than 15,000 barrels (17,600 hectoliters) of beer per year with 75% or more of its beer sold off-site. Microbreweries sell to the public by one or more of the following methods: the traditional three-tier system (brewer to wholesaler to retailer to consumer); the two-tier system (brewer acting as wholesaler to retailer to consumer); and, directly to the consumer through carryout and/or on-site tap-room or restaurant sales.

Brewpub: A restaurant-brewery that sells 25% or more of its beer on site. The beer is brewed primarily for sale in the restaurant and bar. The beer is often dispensed directly from the brewery's storage tanks. Where allowed by law, brewpubs often sell beer "to go" and /or distribute to offsite accounts. Note: BA re-categorizes a company as a microbrewery if its off-site (distributed) beer sales exceed 75%.

Contract Brewing Company: A business that hires another brewery to produce its beer. It can also be a brewery that hires another brewery to produce additional beer. The contract brewing company handles marketing, sales, and distribution of its beer, while generally leaving the brewing and packaging to its producer-brewery (which, confusingly, is also sometimes referred to as a contract brewery).

Regional Brewery: A brewery with an annual beer production of between 15,000 and 6,000,000 barrels.

Regional Craft Brewery: An independent regional brewery who has either an all malt flagship or has at least 50% of its volume in either all malt beers or in beers which use adjuncts to enhance rather than lighten flavor.

Large Brewery: A brewery with an annual beer production over 6,000,000 barrels.¹

Next Steps

At the August 13, 2013 meeting, the Planning Commission can vote to recommend the amendments to the County Commission for their consideration and adoption. The County Commission is required by Article 12 of the Zoning Ordinance to hold their own Public Hearing before adoption.

¹ The Brewers Association, 2013. Market Segments. Retrieved from <http://www.brewersassociation.org>

This information is
Tab #10 in your
binder.

Comments from William H. Gordon Associates, Inc. (responses are provided in red)

General Comment on Section Labels:

- The Zoning Ordinance contains articles 1 through 12. The subdivision ordinance contains articles 20-25 with Appendix A and B which have divisions and sections slightly different than the Zoning Ordinance. The proposed Stormwater Ordinance contains article I through VIII with another different numbering system. I would suggest starting the draft ordinance with Article 30 and matching the numbering system used in the Subdivision Ordinance so that the ordinances have a somewhat uniform system and to avoid duplication of section numbers for reference purposes (Article 3 will always mean it is zoning, not article 3 from either subdivision or zoning).

Since the subdivision ordinance was originally part of the Jefferson County Zoning and Land Development Ordinance it appears this is why the numbering involves sequential articles. Since the Stormwater Management Ordinance is a standalone document it was organized and numbered as such. The document can be renumbered and formatted as the County sees fit.

- Ensure document is formatted to print properly double sided (if additional intentional blank pages are needed to ensure new sections start on the right hand page they should be added, as well as accounting for an individual title page, etc.)

Document is formatted for double sided pages.

Article 1.D.1

- Suggest simplifying section 1 to state that the ordinance is applicable to all land development excluding the activities contained under Article I.D.2. It is much easier to say who is exempt rather than trying to include everyone who must comply. It also establishes that unless you are exempt, you will need to comply with the ordinance.

In order to ensure there is no ambiguity concerning applicability those situations triggering the SWM requirements were included in addition to exemptions. County staff worked extensively with Delta to ensure that the applicability standards were accurately defined.

- Suggest changing section 2 to add
 - o "developments that do not disturb more than 5,000 sq. ft. of area." In lieu of section I.D.1.a & b. Requiring stormwater management quantity control on a 400 sq. ft. building addition, is an excessive burden considering these are generally existing businesses looking to expand. Any new development will generally exceed this limitation, thus engaging the full stormwater requirements
 - o "Rural site plans involving the development of 5,000 sq. ft or less of new impervious surface and resulting in less than one acre of land disturbance."

The County wanted the applicability standards to mirror the existing requirements as closely as possible in order to reduce the burden on development. In order to accomplish this the County specifically designed applicability standards which triggered based on site plat and plan submission requirements and conformed to existing County stormwater management applicability criteria.

See above.

- o Projects submitted for review prior to the effective date of this ordinance shall be reviewed under existing regulations. Projects submitted or approved prior to the effective date shall be governed by the regulations in effect at the time of the submittal or approval provided that construction of the approved stormwater management facility be initiated within one year of the effective date of this Ordinance and construction completed within two years of the effective date of this Ordinance. In addition, if a project has been approved, and the stormwater management facility constructed within two years of the effective date of this Ordinance, and the future phases of the project were designed to be accommodated by the constructed facility, the future phases of the project shall be governed by the original conditions of approval, with the exception of the sediment and erosion control and maintenance requirements of this Ordinance." This is critical for projects that have invested millions of dollars in the County with the expectation that they can construct the project as it was approved. An example would be the Burr Business Park with regional stormwater quantity and quality control. This would severely impact existing businesses and developments and could lead to extensive litigation over vested rights.

Section (g) in Article 1.D.2 has been added, which reads;

"Any vested development that has an active application or submittal at the time of adoption of this ordinance and meets at least one of the following criteria, is exempt from this ordinance.

- An approved master planned development with a current CIS that has submitted at least the first phase of a multi-phased master planned development, or
- Any site plan within an approved non-residential subdivision that has existing central water quantity control structures shall be required to provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.

However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only."

Article I.F

- Suggest adding Maryland Stormwater Design Manual as an optional reference for non-structural LID practices that are applicable to rural and low intensity developments.

Additional reference material has been added.

- Article 11. B references *West Virginia Erosion and Sediment Control Handbook for Developing Areas*. Should this be incorporated by reference?

Yes.

Article II.B

- Literal interpretations of ordinance text has been made in the past and we would like to confirm that although the stormwater management plan and the erosion & sediment control plan sound like individual plans, they may be included as part of the Subdivision or Site Plan document typically prepared. It would be unnecessary to create 3 separate documents for a

single project, and reference to them being part of the subdivision or site plan should be added.

Ordinance has always referenced multiple required components but accepted submittals as part of the larger Plan submission process. This will not change.

Article II.B.Figure1

- Note 1 conflicts with other portions of ordinance, review and correct errors.
This section refers to providing temporary stabilization for portions of the site that are anticipated or have been idle for no more than 3 weeks. The previous section, Article I.D.(2).(c).(i).3, states that permanent vegetation shall be installed within seven days of final grading or the site becoming idle. The 3 week applicability criteria are for those areas which have not undergone final grading and are not located on idle sites. The sentence has been modified to read, “that permanent vegetation shall be installed within seven days of final grading or the site becoming inactive for more than 30 day . . .”

Article 11.C.4.c

- Revise term "swale" to "channel". The use of the term swale implies any slight drainage way, which could become excessive and unnecessary. Channel is more commonly referred to, such as roadside channels, or drainage channels accepting several acres of drainage.

The County can consider the term “channel” but the term “swale” is typically used in the Region 9 Model Stormwater Management Ordinance. Definitions of swales in the County’s subdivision ordinance and through the EPA are provided below, neither of which utilizes quantity of runoff being managed as a defining factor.

Jefferson County Subdivision Ordinance Definition:

Swale. A linear depression in the land's surface in which sheet runoff would collect and form a temporary *watercourse*. The area of a swale is determined by the following: Where the swale serves a drainage area of less than 20 acres, land on either side of and within 30 feet of the centerline is the swale area. Where the swale drains an area of 20 to 160 acres, it is the area 50 feet on either side of the centerline of the swale. For drainage areas in excess of 160 acres, the area is 80 feet on either side of the centerline of the swale.

EPA NPDES definition:

Swale. In the context of BMPS to improve water quality, the term swale (a.k.a. grassed channel, dry swale, wet swale, biofilter, or bioswale) refers to a vegetated, open-channel management practices designed specifically to treat and attenuate stormwater runoff for a specified water quality volume. As stormwater runoff flows along these channels, it is treated through vegetation slowing the water to allow sedimentation, filtering through a subsoil matrix, and/or infiltration into the underlying soils. Variations of the grassed swale include the grassed channel, dry swale, and wet swale. The specific design features and methods of treatment differ in each of these designs, but all are improvements on the traditional drainage ditch. These designs incorporate modified geometry and other features for use of the swale as a treatment and conveyance practice.

Article IV.B.1.f

- Flexibility should be maintained and this should not be locked in with the term "shall". A designer may have another solution or new technologies may provide a better solution. Remove this section or change "shall" to "should" or "are encouraged to".

Shall was changed to should.

Article IV.B.7 & 24

- This section is ambiguous and subjective and should be removed. If the stormwater requirement reduces post development flow to below karst-adjusted pre-development flow any downstream conveyance will be more adequate to handle the reduced flow post development.

Since Article IV.B.(7) is only listing **General Performance Criteria** the notation that the applicants shall improve runoff conditions for redevelopment projects should be adequate considering that Article IV.F specifically addresses the details for redevelopment. A reference to Section F can be added if further clarification is required.

Article IV.C.(24) is the section describing downstream conveyance. This must remain intact and unchanged to ensure that adequate downstream conveyance is considered and valued for any projects not located in Karst geology and for any occurrences that may involve waivers or other mitigating circumstances to ensure the protection of downstream properties. It is critical that unforeseen circumstances or individual situation pertaining to specific projects do not have unintended impacts downstream. Surrounding counties and communities also contain specific language ensuring adequate downstream conveyance and is currently a regional industry standard. The Engineering Department views this as a property and safety issue and will retain the terminology.

Article IV.F

- This section makes it difficult to utilize existing developments, which could lead to a greater instance of abandoned and vacant commercial/industrial properties.

Under MS-4 requirements redevelopment must be addressed. The County, in preparation for anticipated inclusion as a MS-4, chose to utilize the terminology provided in the Region 9 Model Stormwater Management Ordinance to address stormwater management for redevelopment projects.

- Would this apply to the industrial park given the regional stormwater management facilities that exist? Should a provision be included similar to what is included in the existing ordinance about control of the 0.5" storm?

Requirement of the existing "industrial park" will be grandfathered in and will have to meet all requirements of its originally approved stormwater management processes.

Article IV.H.1.b

- HDPE pipe is a common alternative, and in some instances RCP is used. Is CMP still the preferred county standard given the greater flow characteristics and longer life of service of other materials?

The section specifically states that "CMP or an approved, equal alternative" are acceptable. The County Engineering Department specifically cited CMP, but as was identified in the Ordinance, any common, approved industry equivalent is acceptable. This section needed to identify an industry standard and allow provisions for alternatives. Changes could include

specifically identifying HDPE or RCP or an approved equal alternative but either provides allowance for necessary materials.

Article IV.H.1.f

- Can driveway culverts be exempt from the end section requirement? These do not exist in many developments in the county, and are not really necessary given the small drainage areas generally associated with residential developments. Consider exempting single driveway culverts equal to or less than 18".

Residential exemption has been added.

Article IV.I.1

- Consider requiring landscape plan to be prepared by a Professional Landscape Architect licensed in the State of West Virginia.

Under State law, development of the landscape plan is not limited to a Professional Landscape Architect and the County will continue to follow state code allowances for landscape plan development.

Article IV.J

- This section is covered by Sections 22.504 of the Subdivision Ordinance, which even notes that the subdivision ordinance will take precedence, so it can be removed from this ordinance to eliminate duplication.

The County chose to include riparian buffers in the stormwater ordinance as that was the standard set in the Region 9 Model Stormwater Management Ordinance. Any conflicts regarding which will take precedence will be addressed accordingly.

Section 24.112. B.11

- This is the Final Plat Section, not preliminary plat. Stormwater plans are not a part of a final plat.

Terminology has been addressed.

Section 24.119.B.11

- Another reference to a preliminary plat under the Site Plan section. Correct reference.

Terminology has been addressed.

Section 1.3.A.33 from Appendix A (another example of duplicate section numbers)

- Add that the statement of acceptance shall be signed by the developer/owner/subdivider at or before the pre-construction meeting. This will make review submissions easier by not requiring original signatures by the owner until the County Staff approves the plan.

County will retain existing terminology which matches original terminology and does not intend to make any changes procedurally concerning the Statement of Acceptance for the preliminary plat or site plan .

Section Section 2.5 from Appendix B

- Most adjacent jurisdictions have reduced parking stall requirements to limit the proposed impervious areas. Consider, at a minimum, of reducing stall depth to 18'.

Stall depths will not be reduced in order to accommodate larger vehicles typically found in rural portions of the County.

Appendix A and B

- Consider renaming to Articles 26 and 27 for consistency.

Changes were made designating Article 26: Terminology with Divisions 26.100 and 26.200.

Comments on the Proposed Stormwater Management Ordinance

Submitted by Mike Wiley, PE, PS
On behalf of EPHBA and JCCEP 07/09/13
(responses are provided in red)

1. General comment: why expend the time and money to develop a new ordinance as opposed to utilizing Berkeley County's Ordinance and modifying the County name?

Berkeley County is an MS4 Community and must meet conditions set forth in the NPDES Permit. Jefferson County would be required to meet the current MS-4 requirements and therefore based its ordinance off of the Region 9 Model Stormwater Management Ordinance. In addition, the County evaluated ordinances of neighboring jurisdictions in order to develop an ordinance that meets the Region 9 recommendations as closely as possible while not inhibiting development in the County. In addition, there are specific components of the County's existing ordinance which the Engineering Department wanted to ensure were maintained and included in the new Ordinance for ease of transition. The County wanted a comprehensive stormwater ordinance developed that addressed the specific needs and desires of the county while still addressing the current MS-4 requirements as closely as possible. This could not be accomplished by merely adopting an older version of another County's stormwater management ordinance.

2. Page 1: Article I A (3) – add a reference to the WVTMDL?

Need clarification whether this is looking for a reference to the Act which established TMDLs or a reference to the TMDL Water Quality Data Spreadsheet Template specifically. (undergoing legal review.)

3. Page 2: Article I A (5) (a) – this section does not apply to a Stormwater Management Ordinance; should be in the Zoning and/or Subdivision Regulations.

This appears to be referencing Article I.B not Article I.A. Since specific design components which influence stormwater management such as impervious surfaces including sidewalks and parking, as well as conveyance systems such as curbs and gutters are included here and may be impacted by current or future requirements of the Stormwater Management Ordinance it is directly applicable to the Stormwater Management Ordinance and is therefore included.

4. Page 2: Article I A (5) (i) – Erosion & Sediment Control should be in a separate ordinance; delete?

Erosion and Sediment Control is typically included in Stormwater Management Ordinances in WV. E&S Control is included in the following Stormwater Management Ordinances;

Region 9 Model Stormwater Management Ordinance

Berkeley County

City of Martinsburg

City of Charles Town (Water Control Standards)

In Virginia E&S Plans are usually a component within the County Code (separate chapter within county code, i.e. Clarke County) or another ordinance, not a standalone ordinance. As identified by the EPA, "Without appropriate erosion and sedimentation control (ESC) measures, construction activities can contribute large amounts of sediment to stormwater runoff" and was therefore included in the SWM Ordinance. The County can consider creating an entirely separate ordinance for E&S Control but it is recommended that it exist as a component within an existing ordinance.

5. Page 3: Article I D (1) – Erosion & Sediment Control should be in a separate ordinance; delete?

See comment #4.

6. Page 3: Article I D (1) (a) – quantity control, at least for storms over the 10 year, is generally no longer required in most jurisdictions where LID is used; Jefferson County should reconsider this requirement, or at least state throughout the Ordinance that credits for providing water quality volume treatment will reduce the quantity control volumes.
The Article IV.C.28 (pg. 23) states..."Sites required to provide the 1-inch capture quality control shall be allowed to take quantity control credit. The post-developed Runoff Curve Number (RCN) may be adjusted based upon interpolation of Table 2-1 of the NRCS TR-55 manual."
7. Page 3: Article I D (2) (c) – Erosion & Sediment Control should be in a separate ordinance; delete?
See comment #4.
8. Page 3: Article I D (2) (f) – should include a statement after "...Ordinance, including regional stormwater management facilities for multi-phased developments...."
Added (g) which states:
Any vested development that has an active application or submittal at the time of adoption of this ordinance and meets at least one of the following criteria, is exempt from this ordinance.
 - An approved master planned development with a current CIS that has submitted at least the first phase of a multi-phased master planned development, or
 - Any site plan within an approved non-residential subdivision that has existing central water quantity control structures shall be required to provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only.
9. Page 3: Article I D (3) (b) – delete "ordinance" and replace with "the Codes listed in Article I, Section a (2)".
No Change. "Codes" in Art.I.A.2 is referring to WV State Code. "Ordinance" in this instance is referring to local regulations (ex. Floodplain Ordinance)
10. Page 5: Article I F (1) (c) – include reference used in Article II C (3) (n) (pg 11)?
These documents shall be added as references.
11. Page 6: Article II A (4) (a) – Erosion & Sediment Control should be in a separate ordinance?
See comment #4.
12. Page 6: Article II B – Erosion & Sediment Control should be in a separate ordinance; delete?
See comment #4.
13. Page 11: Article II C (3) (n) – see comment on Article I F (1) (c) (pg 5); also add "...as described in at least one of the following documents, or as...".
Clarified to state, "...as described in at least one of the following documents."
14. Page 12: Article II C (3) (v) – digital files may be difficult or impossible for smaller firms to provide (i.e. - those using hand-drafted plans).
The County receives a negligible amount, if any, hand-drafted plans anymore. It is the responsibility of the developer to submit digital plans.

15. Page 12: Article II C (3) (v) – local project datum, should be acceptable if WV State Plane has not historically been used on a long-term project.

The County receives a negligible amount, if any, hand-drafted plans anymore. It is the responsibility of the developer to submit digital plans utilizing current WV State Plane coordinates. Projects that are currently underway or have been in development can continue to use whatever systems have been traditionally used for the project. Future additions to the project, not part of the original master plan approval, will be required to meet the requirements of the new Ordinance.

16. Page 13: Article II C (4) (a) (8) – may need a reference to Q25 if part of a system under WVDOH jurisdiction.

Ordinance now includes terminology which states that any additional data and information shall be included as may be required under other state or local regulations pertaining to stormwater management.

17. Page 13: Article II C (4) (b) (7) – may need a reference to Q25 if part of a system under WVDOH jurisdiction.

Ordinance now includes terminology which states that any additional data and information shall be included as may be required under other state or local regulations pertaining to stormwater management.

18. Page 14: Article II C (4) (c) (5) – may need a reference to Q25 if part of a system under WVDOH jurisdiction.

Ordinance now includes terminology which states that any additional data and information shall be included as may be required under other state or local regulations pertaining to stormwater management.

19. Page 17: Article III A (1) – see comment on Article I D (1) (a) (pg 3) above regarding why water quantity requirements should be reconsidered.

See response to comment #6.

20. Page 17: Article III B (4) (a) – see comment on Article I D (1) (a) (pg 3) and Article III A (1) (pg 17) above regarding why water quantity requirements should be reconsidered.

See response to comment #6.

21. Page 18: Article III B (4) (h) and (j) – these provisions need to be modified when the provisions of Article IV C (26) (pg 23) are permitted.

Since these are addressed on a case-by-case basis these issues would have to be identified and addressed upon review. These components complement each other. The allowance of “quick release” is to prevent increases in peak discharge into waterways.

22. Page 19: Article IV B (1) (b) (i) and (ii) – statements are too subjective and need to define “minimize” and “length”.

Statements and terminology are understandable.

23. Page 20: Article IV B (1) (g) – need a reference to policy where UICP is not required when the infiltration practice’s width exceeds its depth.

This component has been modified to state, “BMPs considered Class V wells must obtain any Underground Injection Control Permit (UIC Permit) as required and provided by the WVDEP.”

24. Page 20: Article IV B (5) – see comment on Article I D (1) (a) (pg 3), Article III A (1) (pg 17), and Article III B (4) (a) (pg 17) above regarding why water quantity requirements should be reconsidered.
See response to comment #6.
25. Page 20: Article IV C (3) – need to include credits for providing water quality volume treatment that will reduce the quantity control volumes. Also consider merging Article IV C (28) (pg 23) into this section.
The credit allowance is clearly stated in Article IV.C.(28)
26. Page 21: Article IV C (5) – need reference to where one can access *Map 1*”.
Sentence has been modified to read, “The Karst adjustment factors shown in Table 2 shall only apply to the area of Jefferson County depicted as Karst on Map 1: Karst Geology Map of Jefferson County located at the end of this section.”
27. Page 21: Article IV C (7) – “adequate” is redundant and vague...need to define.
Article II.C.(3).(o) indicates that runoff cannot result in downstream flooding or channel erosion. Adequate downstream conveyance would avoid downstream flooding or channel erosion. The first use of the term “adequate” in the sentence shall be removed.
28. Page 22: Article IV C (15) – “75 feet” seems arbitrary; should be at the discretion of the Engineer.
These specifications were maintained from the County’s existing Stormwater Management requirements and have been in effect for more than 20 years. See *Jefferson County Subdivision and Land Development Regulations, Appendix B – Engineering Standards, 4.3 Stormwater Management (A)(7)*.
29. Page 22: Article IV C (16) – “6 feet” seems arbitrary; should be as directed in document referenced in Article II C (3) (n).
These specifications were maintained from the County’s existing Stormwater Management requirements and have been in effect for more than 20 years. See *Jefferson County Subdivision and Land Development Regulations, Appendix B – Engineering Standards, 4.3 Stormwater Management (A)(8)*.
30. Page 22: Article IV C (17) – “10 feet” seems arbitrary; should be as directed in document referenced in Article II C (3) (n).
These specifications were maintained from the County’s existing Stormwater Management requirements and have been in effect for more than 20 years. See *Jefferson County Subdivision and Land Development Regulations, Appendix B – Engineering Standards, 4.3 Stormwater Management (A)(9)*.
31. Page 23: Article IV C (24) – “adequate” and “natural” seem arbitrary; need better definition.
These specifications were maintained from the County’s existing Stormwater Management requirements and have been in effect for more than 20 years. See *Jefferson County Subdivision and Land Development Regulations, Appendix B – Engineering Standards, 4.3 Stormwater Management (A)(15)*. See response to comment #27 regarding the definition of adequate.

32. Page 23: Article IV C (26) – “*adjacent*” needs to be defined in context of this requirement.
These specifications were maintained from the County’s existing Stormwater Management requirements and have been in effect for more than 20 years. The term adjacent previously included properties abutting or sharing a boundary with these waterways, and is intended to maintain this definition. See *Jefferson County Subdivision and Land Development Regulations, Appendix B – Engineering Standards, 4.3 Stormwater Management (A)(15)*.
33. Page 23: Article IV C (27) – “*natural*” appears vague; should use “*existing*”.
The County staff considers terminology to be adequate.
34. Page 23: Article IV C (28) – suggest merging this section into Article IV C (3) (pg 20).
These two sections should each stand alone. No need to change.
35. Page 24: Table 1 – suggest merging this section into Article IV C (3) (pg 20) and editing to recognize LID credits.
No change is required.
36. Page 25: Article IV D (1) (a) (i) – need to define “*capture*”.
The word capture is the recognized SWM standard terminology meaning “to contain”.
37. Page 25: Article IV D (1) (b) – “*...as close to the source as possible...*” seems arbitrary; need better definition.
By definition, and as identified by the EPA, Low Impact Development (LID) practices are always designed to occur as close to the source of runoff as possible. This is what partially defines LID since it minimizes the amount of conveyance systems required thereby minimizing developmental impact. This is a fundamental component of LID practices.
38. Page 25: Article IV D (1) (d) – “*...accessory ...*” is vague; need better definition (e.g. – is this overflow parking or something else?).
This component was created and defined by DEP under the National Pollution Discharge Elimination System Water Pollution Control Permit. WVDEP has not developed a formal definition of “accessory” impervious surface but it is generally understood to be included in order to encompass all impervious surfaces.
39. Page 26: Article IV D (1) (d) (i) – should this be cross-referenced or merged with D (1) (k) (pg 27) to clarify?
This component was created and defined by DEP under the National Pollution Discharge Elimination System Water Pollution Control Permit. It is important that this stands alone as a 1-inch capture reduction allowance for development activities that reduce impervious cover. The second sentence of Article IV.D.(1).(k) can be modified to state, “Stormwater quality management shall be designed to capture and treat the stormwater runoff volume from the first 1 inch of rainfall from a 24-hour event over the newly developed impervious cover of development, **except where the provisions of Article IV D.(1).(d).(i) are being utilized** .
40. Page 26: Article IV D (1) (e) – need to define “*permanently retain*” (e.g. - permanent pool?).
This would be an on-site BMP/LID facility that does not convey runoff to another BMP facility, waterway, conveyance system, etc. The existing terminology is adequately defined.

41. Page 26: Article IV D (1) (e) – need to define “capture”.
The word capture is the recognized SWM standard terminology meaning “to contain”.
42. Page 26: Article IV D (1) (e) (i) – need to clarify exceptions when using under drains in Karst areas.
Technical specifications for design details can be found in the West Virginia Stormwater Management and Design Guidance Manual (Chapter 4.2.3 - Bioretention, BR-4.10. Underdrains) or other listed approved references.
43. Page 26: Article IV D (1) (f) – “...shall minimize disturbance...” is totally subjective; need to define.
I believe this is referencing Article IV D.(1).(g). This component was obtained from the Region 9 Model Stormwater Management Ordinance. Defining “minimal” disturbance activities cannot accurately be defined due to the unique nature of topography, geology, environmentally sensitive areas, etc. that each project site main contain. It is generally understood that this means that to the greatest extent possible site design should cause minimal disturbance while still meeting all functional needs and regulatory requirements for development.
44. Page 27: Article IV D (1) (k) – should this be cross-referenced or merged with D (1) (d) (i) (pg 26) to clarify?
See response to comment #39.
45. Page 27: Article IV D (2) (a) – add reference to Table 2.
Added reference to the Table.
46. Page 27: Article IV D (2) (a) (i) – “...may be required...may also require ...” are totally subjective; need to define.
This will vary on a case-by-case basis and the County does not have authority regarding WVDEP requirements.
47. Page 27: Article IV D (2) (a) (iii) – need to define “...closed bioretention...”.
Not all BMPs and LIDs were defined in the document as that is partially the intent of the West Virginia Stormwater Management and Design Guidance Manual
48. Page 28: Table 2 – if “parking lots” are considered a hotspot, the most commonly used from of LID is permeable pavement, which will be restricted in this table – this needs to be given serious reconsideration. Also, “...but can be designated...” is vague and should be defined.
Table 2 is a replica of Table 8.10. Potential Stormwater Hotspot and Site Design Responses as included in the Chesapeake Stormwater Network Design Specification No 8: Infiltration Practice document.
49. Page 30: Article IV F (1) (a) – could severely hamper efforts to develop “Smart Growth” sites in desirable infill areas.
Three options (a, b, c) are provided to allow for flexibility if one is too restrictive. County can modify text to read, “... selection of these performance standards shall be based on suitability as determined by the design engineer.”
50. Page 30: Article IV F (1) (c) – need to acknowledge these criteria should be net of water quality provisions.
If the steps being cited in this section are being taken then quality control doesn’t apply.

51. Page 33: Article IV H (3) (a) – change “*The curb...*” to “*Curb...*”.
Grammatical corrections will be made.
52. Page 33: Article IV H (3) (b) – these details appear unnecessary in this Ordinance and can be covered by standard or plan-specific details.
These technical specifications were included in the original Jefferson County Ordinance and staff preferred to maintain the details as originally included.
53. Page 34: Article IV H (5) – need to clarify if this is via Rational formal or TR-55.
Requirements are described in Article IV.C.4.
54. Page 35: Article IV H (7) (a) – need to clarify if this is via Rational formal or TR-55.
Requirements are described in Article IV.C.4.
55. Page 36: Article IV J – this entire section is not applicable to SWM and should be in the Zoning and/or Subdivision Regulations.
Riparian Buffers are included as a separate section (Article IV.G) of the Region 9 Model Stormwater Management Ordinance and were therefore included in this Ordinance. Since riparian buffers are intended to “protect the aquatic environment from pollution and sedimentation”, which is the primary goal of stormwater management, requirements and regulatory limits regarding riparian buffers are considered an LID activity. County can consider moving or adding riparian buffer components to Subdivision Ordinance.
56. Page 46: Article VIII – definition for “*Common Plan of Development*” should include correlation to Article I D (2) (f).
Article VIII is the definitions component and is merely defining the term Common Plan Development for reference. Exemptions and regulatory variances are contained in other components of the Ordinance not the definitions.
57. Page 46: Article VIII – add definitions for “*Capture*” and “*Closed*”.
These terms are standard terms for individuals familiar with stormwater management.
58. Page 47: Article VIII – definition for “*Return Period*” is incorrect: “...of occurring...” should be “...of an event will be equaled or exceeded...”.
The following contains the EPA definition of Return Period. The definition has been revised to read:
Return Period - The average period of time expected to elapse between occurrences of events at a certain site. A 10-year event is an event of such size that over a long period, the average time between events of equal or greater magnitude is 10 years.
59. Page 50: Article VIII – missing “S” in “...after a Site is developed.”.
An “s” has been added.
60. Page 51: Article VIII – revise if the erosion and sediment control provisions are removed from this Ordinance.
Erosion and Sediment Control will not be removed from Ordinance.

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ARTICLE I GENERAL PROVISIONS**A. STATUTORY AUTHORITY**

- (1) Short Title
 - (a) This Ordinance and Ordinances supplemental or amendatory thereto shall be known and may be cited as the “Stormwater Management Ordinance of Jefferson County” and hereinafter referred to as the “Ordinance.”
 - (b) EFFECTIVE DATE:
- (2) The provisions of this Ordinance are enacted pursuant to West Virginia Code:
 - Chapter 7, County Commissions and Officers, Article 1, “County Commissions Generally”
 - Chapter 8A, Land Use Planning, Article 4, “Subdivision and Land Development Ordinance”
 - Chapter 8A, Land Use Planning, Article 5, “Subdivision or Land Development”
 - Chapter 22, Environmental Resources, Article 11, “Water Pollution Control Act”
 - Chapter 22, Environmental Resources, Article 12, “Ground Water Protection Act”
- (3) The provisions of this Ordinance are also enacted pursuant to the Chesapeake Bay Restoration Act of 2000.

B. PURPOSE AND OBJECTIVES

This Ordinance has the following purpose:

- (1) Protect, maintain, and enhance the environment of Jefferson County and the public health, safety, and general welfare of the citizens of Jefferson County by controlling discharges of pollutants to Jefferson County’s stormwater system, and maintain and improve the quality of the receiving waters into which all stormwater flows, including, without limitation, lakes, rivers, streams, ponds, wetlands, and groundwater of the community
- (2) Enable Jefferson County to comply with the West Virginia Department of Environmental Protection (WVDEP)-administered National Pollutant Discharge Elimination System (NPDES) stormwater permit program and applicable regulations (40 CFR, §122.26) for stormwater discharges
- (3) Enable Jefferson County to comply with the Environmental Protection Agency’s (EPA) Total Maximum Daily Loads (TMDLs) Water Quality Standards established for the Potomac River Basin
- (4) Enable Jefferson County to comply with the West Virginia Water Pollution Control Act, West Virginia Code, Chapter 22, Article 11

- (5) Allow Jefferson County to exercise the powers granted in West Virginia Code §8A-4, Article 4, "Subdivision and Land Development", Article 5, "Subdivision or Land Development," and §22, Article 12, "Ground Water Protection Act," which provide, among other powers that counties have with respect to stormwater systems and stormwater management programs, the power by ordinance or resolution, as the case may require, and by appropriate action based thereon to do the following:
 - (a) Establish standards for setback requirements, Lot sizes, streets, sidewalks, walkways, parking, easements, rights-of-way, drainage, utilities, infrastructure, curbs, gutters, street lights, fire hydrants, stormwater management, and water and wastewater facilities
 - (b) Adopt any rules and regulations deemed necessary to accomplish the purposes of this Ordinance, including the adoption of a system of fees for services and permits
 - (c) Establish standards to regulate the quantity of stormwater discharged and to regulate stormwater contaminants that may be necessary to protect water quality
 - (d) Establish standards for flood-prone or subsidence areas
 - (e) Review and approve plans and plats for stormwater management in proposed residential and nonresidential subdivisions as applicable under Subsection D below
 - (f) Issue permits for stormwater discharges, or for the construction, alteration, extension, or repair of stormwater facilities
 - (g) Suspend or revoke permits when it is determined that the permittee has violated any applicable ordinance, resolution, or condition of the permit
 - (h) Ensure that required improvements are installed and not avoided by a series of minor subdivisions or land developments
 - (i) Define control measures for drainage, erosion, and sediment

C. ADMINISTERING ENTITY

- (1) Pursuant to West Virginia Code §7, Article 1, "County Commissions Generally," any county commission in the State of West Virginia is hereby authorized and empowered to own, acquire, construct, equip, operate, and maintain within the respective county a stormwater system, stormwater works, and stormwater management program as defined herein.
- (2) Jefferson County is the entity responsible for administering the provisions of this Ordinance.

D. APPLICABILITY

- (1) This Ordinance shall be applicable to all activities as defined herein. A Stormwater Management Plan for any new development or redevelopment shall be required as described below. In addition to Stormwater Quantity and Quality Control Plans, stormwater Runoff conveyance systems, Erosion and Sediment Control Plans, and stormwater management facilities' maintenance requirements must be included in all Stormwater Management Plans. Stormwater management quantity and quality control shall be applicable as follows:
 - (a) Quantity control criteria for newly developed impervious surfaces and/or changes in land cover shall apply to
 - (i) Minor Site Developments, as defined by the Jefferson County Subdivision and Land Development Regulations, requiring a Limited Site Plan, and
 - (ii) Rural Site Plans, and
 - (iii) Any Site Development requiring a Full Site Plan, and
 - (iv) Any Major residential or commercial subdivision requiring a Preliminary Plat.
 - (b) In addition to the quantity control requirements noted above, Quality control criteria for newly developed impervious surfaces shall apply to
 - (i) Rural Site Plans involving the Development of 5,000 square feet or more of impervious surface or resulting in more than one acre of land disturbance, and
 - (ii) Any Site Development requiring a Full Site Plan, and
 - (iii) Any Major residential or commercial subdivision requiring a Preliminary Plat.
- (2) The following activities are exempt from this Ordinance:
 - (a) Any emergency activity that is immediately necessary for the protection of life, property, or natural resources
 - (b) Projects that do not require Site Plans or Preliminary Plat Plans. This includes Minor Subdivisions as defined under the Subdivision and Land Development Ordinance.
 - (c) The construction of single-family or duplex residential structures or additions or modifications to existing single-family or duplex residential structures

- (i) However, despite the exemption, minimal Erosion and Sediment control measures shall be required and include the following:
 - 1. Installation and maintenance of a stone construction entrance during the entire construction phase to reduce the transport of sediment from the site by vehicles and equipment leaving the site, and
 - 2. Installation of a Silt Fence during the entire construction phase to control erosion and sediment runoff from the Site, and
 - 3. All disturbed areas on the Site shall be stabilized, within seven days of final grading or becoming inactive for more than 30 days, with permanent vegetation or protective ground cover suitable for the time of year.
- (ii) The Erosion and Sediment control measures shall be constructed and installed according to the details and specifications as established by the Chief County Engineer.
- (iii) The minimal stone construction entrance and Silt Fence shall be in place at the time of the footer inspection. Failure to meet minimal requirements will result in a failed footer inspection under the building code.

The final grading and stabilization of the Site shall be complete at the time of final inspection. Failure to meet this requirement will result in a failed final inspection and withholding of the Use and Occupancy Certificate issued under the building code.

- (d) Any logging or Agricultural Activity that is consistent with an approved farm conservation plan or a timber management plan prepared or approved by the Eastern Panhandle Conservation District.
- (e) Repairs to any Stormwater Management Facility.
- (f) Subdivision Plats or Site Plans approved before the adoption date of this Ordinance. However, any and all Subdivision Plats and Site Plans approved prior to the adoption of this Ordinance shall still be required to meet the stormwater management requirements in effect at the time of their approval and under which they were approved.
- (g) Any vested development that has an active application or submittal at the time of adoption of this ordinance and meets at least one of the following criteria, is exempt from this ordinance.
 - An approved master planned development with a current CIS that has submitted at least the first phase of a multi-phased master planned development, or
 - Any site plan within an approved non-residential subdivision that has existing central water quantity control structures shall be required to

provide stormwater management controls under the regulations, conditions and terms in effect at the time of the original approval.

However, if, after the adoption of this ordinance, there is any physical expansion to said exclusion listed above, this ordinance shall apply to the expanded area only.

- (3) Compatibility with Other Permits and Ordinance Requirements
 - (a) Compliance with the requirements herein does not create exclusion to permitting requirements from the WVDEP, the U.S. Army Corps of Engineers, or any other agency or reviewing body that has jurisdiction over the proposed project area.
 - (b) Whenever this Ordinance imposes a conflicting restriction regarding stormwater regulation, the provisions of the more restrictive ordinance shall control.

E. SEVERABILITY

If any section, clause, sentence, part, or provision hereof shall be held to be invalid, or unconstitutional, by any court of competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance.

F. INCORPORATION BY REFERENCE

- (1) For the purposes of this Ordinance, Jefferson County has adopted by reference the following published standards:
 - (a) *West Virginia Stormwater Management and Design Guidance Manual (2012)*
 - (b) Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)
 - (c) *West Virginia Erosion and Sediment Control Best Management Practice Manual (2006)*
 - (d) *West Virginia Erosion and Sediment Control Handbook for Developing Areas*
 - (e) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (f) *Maryland Stormwater Design Manual*
 - (g) *Pennsylvania Stormwater Best Management Practices Manual*
- (2) All Stormwater Management Plans shall be consistent with the regulations and design standards established in the listed published standards.

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ARTICLE II STORMWATER MANAGEMENT PROGRAM PROCEDURES AND REQUIREMENTS**A. STORMWATER MANAGEMENT PLAN REQUIREMENT, REVIEW, AND APPROVAL**

- (1) Any person or entity proposing to perform any Land Development Activity(ies) pursuant to the applicability standards outlined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan to the Jefferson County Engineering Department as part of a subdivision Preliminary Plat or Site Plan submittal and approval.
 - (a) The Jefferson County Stormwater Management Plan is required in addition to any permitting or Notice of Intent issuances required by the WVDEP for land disturbance activities in excess of one acre.
- (2) Each Stormwater Management Plan submittal shall include the minimum content specified in Article II and meet the minimum stormwater design requirements specified in Article IV of this Ordinance.
- (3) The Stormwater Management Plan shall be in a format acceptable to the Jefferson County Engineering Department and contain any professional certifications and seals required by them and/or as required by any applicable professional licensing board in the State of West Virginia. This shall include, but is not limited to, any surveys, engineered plans, and details, specifications, design calculations, analyses, or reports.
- (4) Unless specified otherwise by this Ordinance, the Stormwater Management Plan must comprise the following:
 - (a) Erosion and Sediment Control Plan in accordance with Article II.B
 - (b) Stormwater Control and Conveyance Plan in accordance with Article II.C
 - (c) Maintenance Plan requirements in accordance with Article II.D
- (5) No Site Plan and/or Subdivision Preliminary Plat Plan shall be approved until a satisfactory Stormwater Management Plan including all components (Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan) has been submitted, undergone a review for compliance with the requirements of this Ordinance and been approved by the Jefferson County Engineering Department.
- (6) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Stormwater Management Plan.
- (7) No owner or developer shall commence any land disturbance activity prior to meeting the requirements of this Ordinance, if applicable.

B. EROSION AND SEDIMENT CONTROL

- (1) Review and Approval of Erosion and Sediment Control Plans
 - (a) No changes shall be made in the contour of the land and no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover shall commence until an Erosion and Sediment Control Plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineering Department.
 - (b) The Erosion and Sediment Control Plan shall be submitted as part of the Stormwater Management Plan at the same time the Subdivision Plat or Site Plan is to be submitted.
 - (c) The owner or developer shall submit the Erosion and Sediment Control Plan, and any supporting computations, to the Jefferson County Engineering Department for review and approval as part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall contain sufficient information and notes to describe how soil Erosion and off-site sedimentation will be minimized. The Jefferson County Engineering Department shall review the plan to determine compliance with the *West Virginia Erosion and Sediment Control Handbook for Developing Areas* and the regulations established in this Ordinance. The plan shall serve as a basis for all subsequent grading and stabilization.
 - (d) All plans must meet the requirements of the WVDEP's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the Jefferson County Subdivision Ordinance's regulations and WVDEP's requirements, WVDEP's requirements shall prevail.
 - (e) Approval of the Subdivision Plat or Site Plan by the Jefferson County Engineering Department shall constitute approval of the Erosion and Sediment Control Plan.
- (2) Contents of Erosion and Sediment Control Plans
 - (a) The applicant is responsible for submitting an Erosion and Sediment Control Plan that meets the requirements of the Jefferson County Engineering Department, this Ordinance, and the *West Virginia Erosion and Sediment Control Handbook for Developing Areas*. The plan shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
 - (b) The Erosion and Sediment Control Plan shall be submitted as a part of the Stormwater Management Plan. The Erosion and Sediment Control Plan shall be at an appropriate scale and include, at a minimum, the following information:
 - (i) North arrow and graphic scale

- (ii) Symbol key for all erosion and sediment control measures (e.g., stabilized construction entrance, silt fence, check dams, culvert inlet protection, etc.) shown on the plan
- (iii) The existing and proposed topography/grading contours
- (iv) The limits of the disturbed area
- (v) Storm drainage provisions, including velocities and peak quantities of the Q10 discharge rates at outfalls
- (vi) Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation
 - 1. Provisions to preserve topsoil and limit disturbance
 - 2. Details of grading practices
 - 3. Design details and construction notes for structural controls
 - 4. Details and notes of temporary and permanent stabilization measures, including placement of the notes included in Figure 1

Figure 1- Erosion and Sediment Control Notes

1. Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks or where construction activity has stopped for three weeks shall be temporarily stabilized.
2. Following initial soil disturbance or re-disturbance, permanent stabilization shall be completed within seven calendar days after completion of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and seven calendar days after reaching final grade for all other disturbed or graded areas.

These provisions do not apply to those areas that are shown on the plan for material storage or for those areas on which actual construction activities are currently being performed.

These time requirements may be extended, as deemed necessary by the Jefferson County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary stabilization.
3. Stabilization will be considered adequate when the following conditions are met:
 - a) Water courses, stream banks, and drainage easements shall be 100% stabilized and free from erosion and deposition.
 - b) Slopes steeper than 10% shall have at least 98% stable ground cover, as determined by the Jefferson County Engineer.
 - c) All other areas shall have at least 85% stable ground cover, as determined by the Jefferson County Engineer.
 - d) Grass vegetation shall have reached a minimum of 3 inches of height or have been mowed back to a minimum of 2 inches of height.
4. For all projects adjacent to or within 500 feet of a continuously flowing stream, no grading, excavating, removal, or destruction of topsoil, trees, or other vegetative cover, or construction activity shall result in point or non-point loading of suspended matter such that turbidity standards spelled out in the Water Resources Board legislative rules are violated. Said standards state that turbidity shall not exceed 10 NTUs over background turbidity when the background is 50 NTUs or less, or have more than a 10% increase in turbidity (plus 10 NTUs minimum) when the background turbidity is more than 50 NTUs.
5. Indication whether an off-site borrow pit is (or is not) proposed for this project.
6. Maintenance shall be performed as necessary to ensure that all erosion and sediment control measures are performing as designed. The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection.
7. All residential and commercial/industrial building Lots shall have a stabilized construction entrance installed prior to beginning construction on the Lot.

- (vii) Temporary and permanent seeding specifications, including:
 - 1. Type of seed (mixture) and application rate
 - 2. Type of lime and fertilizer and the associated application rates
 - 3. Type of mulching, application rate, and type of anchoring
 - (viii) Sequence of construction outlining the installation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, outline the sequence for the installation of erosion and sediment control devices for the following applicable activities:
 - 1. Installation of the stabilized construction entrance
 - 2. Clearing and grubbing for those areas necessary for installation of perimeter controls
 - 3. Construction of perimeter controls (e.g., dikes, silt fence, sediment traps, sediment basins, etc.)
 - 4. Remaining clearing and grubbing
 - 5. Road grading
 - 6. Grading of ditch lines and drainage swales
 - 7. Utility installation
 - 8. Grading for stormwater management facilities
 - 9. Grading for the remainder of the site
 - 10. Final grading, landscaping, or stabilization
 - 11. Maintenance schedule for all erosion and sediment control devices
 - 12. Removal of temporary erosion and sediment controls
 - (ix) Any off-site source of borrow materials that is located in Jefferson County, and not regulated directly by an agency of the state or federal governments, shall be so noted on the Erosion and Sediment Control Plan, and an Erosion and Sediment Control Plan shall be provided for the borrow pit. If no off-site borrow source is proposed, it shall be so noted on the Erosion and Sediment Control Plan.
 - (x) The following note shall be placed on the Site Plan, Preliminary Plat, and Final Plat of subdivision: "All residential and nonresidential building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot."
 - (xi) Computations as may be necessary to show adequate sizing of erosion and sediment control measures.
- (c) The Jefferson County Engineer may waive the inclusion of any specific information required by this section that is considered by the Jefferson County Engineer to not be required or applicable for the affected site.

- (3) Modifications to the Erosion and Sediment Control Plan.
 - (a) The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing that the approved plans do not provide adequate protection. Modifications may also be requested by the developer or engineer of record due to unforeseen field conditions.

C. STORMWATER CONTROL AND CONVEYANCE PLAN REQUIREMENTS

- (1) All Stormwater Control and Conveyance Plans shall be appropriately sealed and signed by a professional engineer in adherence to all minimum standards and requirements pertaining to the practice of that profession in accordance with West Virginia Code Chapter 30, Professions and Occupations, and attendant regulations certifying that the plan meets all submittal requirements outlined in this Ordinance and is consistent with good engineering practice.
- (2) The developer is responsible for submitting a Stormwater Control and Conveyance Plan that meets the design requirements of this Ordinance. The plan shall be accompanied by a report that includes sufficient information to evaluate the environmental characteristics of affected areas, the potential impacts of the proposed development on water resources, and the effectiveness and acceptability of measures proposed for managing stormwater runoff. The developer or builder shall certify on the drawings that all clearing, grading, drainage, construction, and development shall be conducted in strict accordance with the approved plan. The minimum information submitted for support of stormwater management shall include those components listed in subsection (3) of this section.
- (3) The Stormwater Control and Conveyance Plan shall include the following:
 - (a) Name, address, and telephone number of all persons having a legal interest in the property
 - (b) Tax reference number and parcel number of the property or properties affected
 - (c) Existing and proposed buildings, roads, and parking areas
 - (d) Existing and proposed drainage areas, including areas necessary to determine downstream analysis for proposed stormwater management facilities
 - (e) Existing and proposed utilities, easements, and structural stormwater management and sediment control facilities
 - (f) Proposed land use with tabulation of the percentage of surface area to be adapted to various uses
 - (g) Clearing and grading limit boundaries

- (h) A 1-inch = 200-foot topographical base map of the site, which extends a minimum of 200 feet beyond the limits of the proposed development
- (i) Existing surface water drainage including streams, ponds, culverts, ditches, drainage patterns, and wetlands
- (j) A written or graphic inventory of the natural resources at the site and surrounding area, including forest cover, wetlands, and other native vegetative areas, as it exists prior to the commencement of the project and a description of the watershed and its relation to the project site
- (k) Environmentally sensitive features as defined in the Jefferson County Subdivision Ordinance that provide particular opportunities or constraints for Development
- (l) A stable maintenance route to the stormwater management feature
- (m) All necessary construction specifications
- (n) SWM features to meet all Natural Resources Conservation Service (NRCS)-378 pond design criteria, including embankment width, core trench, anti-seep collars, emergency spillway, etc., as described in at least one of the following documents as recommended by the *West Virginia Stormwater Management and Design Guidance Manual*:
 - (i) *West Virginia Erosion and Sediment Control Best Management Practice Manual*
 - (ii) *Virginia Stormwater Best Management Practices Clearinghouse*
 - (iii) *Maryland Stormwater Design Manual*
 - (iv) *Pennsylvania Stormwater Best Management Practices Manual*
- (o) Analysis of the impacts of stormwater flows downstream. The design release rate of the structure shall be modified if there is a risk that any increase in flooding or stream channel erosion will occur at any point.
- (p) A sequence of construction
- (q) A plan and profile view through the centerline of the SWM feature, including the forebay area, micropool area, embankment, and outlet, showing existing and proposed grades and all pertinent features at accurate elevations
- (r) Geotechnical properties for the hydrologic and structural properties of soils, especially for dam embankments, shall be described in a soils report if deemed necessary by the Jefferson County Engineer. The submitted report shall include boring depth, sampling frequency and types, and associated laboratory testing with results and conclusions, and follow the criteria in Appendix B of the *West Virginia Stormwater Management and Design Guidance Manual*. Soil properties for infiltration facilities shall also conform to the guidance and specification outlined in

the *West Virginia Stormwater Management and Design Guidance Manual*.

- (s) Outlet protection information including dimensions, depth, geotextile, and stone sizing
- (t) Tabular summary of all SWM facilities provided in spreadsheet format (Microsoft Excel or equivalent) with the following details:
 - (i) Facility location based upon West Virginia State Plane Coordinate System.
 - (ii) Description of type of system
 - (iii) Total area the facility is providing stormwater management services for.
- (v) Digital data submissions of the same information found on the printed sets of plans are required in addition to the printed sets of plan submission requirement. Printed sets of plans remain mandatory and will continue to be recognized as the official document.

The following digital formats are acceptable:

DXF: AutoCAD Drawing Exchange Format, release 13 or later

DWG: AutoCAD Drawing File, release 13 or later

Data formats that are native to GIS (i.e., shapefiles and geodatabases) are also acceptable, though not required. Additional formats will only be accepted if they are compatible with GIS and increase the efficiency for data capture and integration.

The following coordinate system, horizontal datum and mapping units are required for all digital data submissions:

Coordinate System: State Plane, West Virginia North, FIPS Zone 4701

Horizontal Datum: NAD83

Mapping Units: US Survey Feet

- (w) Any other information required by the Jefferson County Engineering Department or representative thereof
- (x) A Stormwater Control and Conveyance Plan shall be submitted including all hydrologic and hydraulic design calculations for the predevelopment and post-development conditions for the design storms specified in this Ordinance. This report shall be dated, and signed and sealed by the Engineer of Record. Such calculations shall include the following:
 - (i) Description of the design storm frequency, intensity, and duration
 - (ii) Time of concentration

- (iii) Soil Curve Numbers (CNs) or runoff coefficients
 - (iv) Peak runoff rates and total runoff volumes for each watershed
 - (v) Infiltration rates, where applicable
 - (vi) Culvert and/or channel capacities
 - (vii) Flow velocities
 - (viii) Data on the increase in rate and volume of runoff for the specified design storms
 - (ix) Documentation of sources for all computation methods and field test results
- (4) The Stormwater Control and Conveyance Plans shall contain at a minimum, the following. Additional information may be required at the discretion of the County Engineer.
 - (a) Plan over Profile sheets of any storm sewer system shall be shown on the preliminary plat and/or site plan, as applicable; and shall show:
 - (1) Inlet identification that corresponds with plan view
 - (2) Top and bottom of storm inlet elevations.
 - (3) Pipe size, shape, material type & length.
 - (4) Pipe inlet and outlet invert elevations.
 - (5) Slope of pipe.
 - (6) Outlet end-section type.
 - (7) Outfall rip-rap apron/energy dissipation device at 0% grade.
 - (8) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (9) Hydraulic Grade line
 - (10) All applicable details of inlets, and other associated structures
 - (b) Culverts shall be shown in both plan and profile views on the preliminary plat and/or site plan, as applicable, and shall show:
 - (1) Culvert identification that corresponds with plan view
 - (2) Invert elevations at the inlet and outlet of the culvert.
 - (3) Pipe size, shape, material type & length.
 - (4) Slope of pipe.
 - (5) Outlet end-section type.
 - (6) Outfall rip-rap apron/energy dissipation device at 0% grade.

- (7) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
- (c) Drainage swales shall be shown on the preliminary plat and/or site plan, as applicable, and shall show:
 - (1) Grading of the swales.
 - (2) Typical cross section of the swale showing the 10-year water surface.
 - (3) Any required lining.
 - (4) Slope of the swale.
 - (5) Q10 flow rate and velocity, or any other flow rate and velocity information as required under any other State or local regulations pertaining to stormwater management.
 - (6) Any applicable details.
- (d) The Stormwater Control and Conveyance Plan shall include all hydrologic and hydraulic design calculations for all storm sewer, roadway culverts and drainage swale conveyance systems, including a narrative explaining the design methodologies. The report shall be dated and signed and sealed by the Engineer of Record.

D. MAINTENANCE REQUIREMENTS

- (1) The design and planning of all stormwater management facilities shall include detailed maintenance procedures to ensure their continued function. These maintenance procedures will identify the parts or components of a stormwater management facility that need to be maintained and the equipment and skills or training necessary.
- (2) The Stormwater Management Plan must ensure access to all stormwater management facilities at the site for the purpose of inspection and repair by securing all the maintenance access easements needed on a permanent basis. These easements will be recorded and will remain in effect even with the transfer of title to the property.
- (3) Prior to the approval of any Stormwater Management Plan that has stormwater management facilities requiring access easements, the developer or owner of the site must demonstrate that all required easements are obtained and recorded - or will be recorded - prior to recordation of the Final Plat or final approval of the Site Plan.
- (4) Ownership, maintenance, inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association and/or property owner or other responsible entity. All stormwater management facilities shall be conveyed by deed to the responsible party at the same time transfer of all other common areas is required under the Subdivision

and Land Development Regulations. This shall be stated on the Subdivision Preliminary Plat, Final Plat, and/or Site Plan, along with any other required maintenance plan notes and inspection schedule.

- (5) Inspection and maintenance of stormwater facilities
 - (a) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and structures, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
 - (b) The party responsible for the maintenance of the stormwater management system shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the WVDEP. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
 - (c) A periodic maintenance schedule shall be developed for the life of any stormwater management facility. This maintenance schedule shall be included in the approved Stormwater Management Plan and placed on approved Site Plans and Subdivision Preliminary and Final Plats, along with the following statement:

“All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.”
 - (d) The minimum maintenance requirements listed on the following page shall be printed on the Stormwater Management Plan, Site Plan, Preliminary Plat Plan, and Final Plat:
- (6) Inspection report requirements (see Attachment B)

Jefferson County, West Virginia**Stormwater Management Facilities Maintenance Requirement**

1. In accordance with the Jefferson County Stormwater Management Ordinance under which this project was approved, periodic inspection and maintenance shall be performed to ensure the proper function of all stormwater management facilities.
2. All maintenance and repair, periodic inspections, and cleaning of stormwater management facilities shall be the responsibility of the Homeowners Association or Lot Owners Association, and/or property owner or other responsible entity, and shall be performed in accordance with the Jefferson County Stormwater Management Ordinance under which the project was approved.

STORMWATER FACILITY MAINTENANCE AND INSPECTION SCHEDULE

1. Regular Maintenance:
 - A. Mowing (seasonal) and removal of trash and debris shall be performed on a monthly basis at a minimum.
 - B. Repair and stabilization of eroded areas shall be performed during growing season and on an annual basis at a minimum.
2. Periodic Inspections:

All elements of the stormwater management facilities shall be inspected for proper operation and maintenance as follows:

 - A. After the first year of operation
 - B. Once every year after the first year of operation
 - C. Within 15 days after any maintenance activities are performed and completed
 - D. After a 3-inch rainfall within a 24-hour period storm event (2-year, 24-hour storm event)
 - E. As requested by the Jefferson County Engineering Department in response to complaints or notice of possible violations

Best Management Practices (BMPs) Maintenance Procedures

1. Maintenance for rain gardens, vegetated drainage swales, riparian buffers, infiltration basins, etc., shall be performed in accordance with the BMP maintenance specifications in the West Virginia Department of Environmental Protection's *West Virginia Stormwater Management and Design Guidance Manual*.

Project-Specific Maintenance Procedures Required

(Determined by the Stormwater Management Plan Engineer-of-Record)

- 1.
- 2.
- 3.

ARTICLE III WAIVERS AND MODIFICATIONS OF REQUIREMENTS**A. GENERAL**

- (1) This Article is intended to provide a procedure to achieve the water quality and quantity objectives of this Ordinance while providing reasonable flexibility for difficult site conditions and innovative site design approaches.
- (2) The provisions of this Ordinance are the minimum requirements for the protection of the public's health, safety, and welfare, and should be strictly adhered to. Written requests for waivers to or modifications of these requirements should be granted only where the requirement of strict adherence would be unreasonable, cause undue hardship, or an alternative standard can be demonstrated to provide equal or better results.

B. REQUEST FOR WAIVER OR MODIFICATION

- (1) Every person or entity defined under Article I.D. of this Ordinance shall submit a complete Stormwater Management Plan unless a written request for a waiver seeking relief from the stormwater management standards of this Ordinance is filed with the Jefferson County Engineering Department and such request is granted by the Jefferson County Engineering Department.
- (2) If the owner or developer demonstrates to the satisfaction of the Jefferson County Engineering Department that any stormwater management requirements of this Ordinance are unreasonable or cause undue hardship as it applies to the proposed land disturbance activity(ies), the Jefferson County Engineering Department may grant relief to such standards, provided that such relief meets the findings specified under Section B.(4) below.
- (3) The owner or developer shall submit all requests for waivers in writing to the Jefferson County Engineering Department and shall include such requests as a part of the Stormwater Management Plan review and approval process as defined under Article II.D. of this Ordinance. The owner or developer shall state in full the facts of unreasonableness or hardship on which the request is based, the provision or provisions of the Ordinance that are involved, and the minimum waiver or relief that is necessary. The owner or developer shall state how the requested waiver and their proposal shall result in an equal or better means of complying with the water applicable quality and quantity objectives and requirements of this Ordinance.
- (4) The Jefferson County Engineering Department may grant waivers or a modification of requirements when the following findings are made, as relevant:
 - (a) The waiver will not create an adverse impact to water quality and water quantity.
 - (b) The waiver is the minimum action necessary to provide relief.
 - (c) The applicant is *not* requesting a waiver based on cost considerations.
 - (d) Existing off-site stormwater problems will not be exacerbated.

- (e) Runoff is not being diverted to a different drainage area.
- (f) Increased flooding or ponding on off-site properties or roadways will not occur.
- (g) Potential icing conditions will not occur.
- (h) Increase of peak flow or volume from the site will not occur.
- (i) Erosive conditions due to increased peak flows or volume will not occur.
- (j) Increased 100-year floodplain levels will not result.
- (k) Increased or unusual municipal maintenance expenses will not result from the waiver.
- (l) The amount of stormwater generated has been minimized to the greatest extent allowed.
- (m) Infiltration of runoff throughout the proposed site has been provided where practicable, and predevelopment groundwater recharge protected at a minimum.
- (n) Peak flow attenuation of runoff has been provided.
- (o) Long-term operation and maintenance activities are established.
- (p) The downstream waterways within the watershed containing the site that will receive runoff will not be subject to each of the following criteria:
 - (i) Deterioration of existing culverts, bridges, dams, and other structures
 - (ii) Deterioration of biological functions or habitat
 - (iii) Accelerated streambank or streambed erosion or siltation
 - (iv) Increased threat of flood damage to public health, life, and property

ARTICLE IV STORMWATER MANAGEMENT DESIGN CRITERIA**A. REFERENCE TO THE DESIGN MANUAL**

- (1) The Jefferson County Engineering Department shall use the technical specifications and standards in the *West Virginia Stormwater Management and Design Guidance Manual* as the tool for making decisions about stormwater design, implementation, and performance of structural and nonstructural stormwater BMPs.
- (2) The *West Virginia Stormwater Management and Design Guidance Manual* includes a list of stormwater quality treatment practices, including the specific design criteria for each stormwater practice. Stormwater treatment practices that are designed, constructed, and maintained in accordance with these design and sizing criteria will be presumed to meet the minimum water quality performance standards. If the specifications or guidelines found therein are more restrictive than other requirements, they shall not prevent the application of the specifications or guidelines in the *West Virginia Stormwater Management and Design Guidance Manual*.
- (3) Reference is also made to NRCS 378, for the design and construction of conventional pond facilities.

B. GENERAL PERFORMANCE CRITERIA

- (1) Low Impact Development (LID) is a stormwater management method that is modeled after nature. LID is unique to each site and uses both structural and nonstructural practices to control runoff close to where it falls. LID is recommended as the standard stormwater management practice.
 - (a) The use of LID and BMPs in conjunction with traditional stormwater management shall control stormwater runoff at the source and more closely approximate predevelopment runoff conditions.
 - (b) Karst Terrain Considerations
 - (i) Developers and designers shall minimize the amount of impervious cover created at the site to reduce the volume and velocity of stormwater runoff generated.
 - (ii) Developers and designers shall place a high priority on preserving as much of the length of natural Karst swales present on the Site as possible to increase infiltration and accommodate flows from major storm events.
 - (iii) Developers and designers should consider small-scale LID practices as prescribed in the latest version of the Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (c) The design criteria, hydrologic analysis, and computational procedures for LID stormwater management design plans shall be those of the latest

edition of the *West Virginia Stormwater Management and Design Guidance Manual*.

- (d) LID stormwater management design plans shall not conflict with existing state or Jefferson County laws, ordinances, regulations, or policies.
- (e) Storm drainage easements shall be recorded to identify the locations of integrated management practices on lots or parcels. The property owner shall not remove or structurally alter integrated management practices without prior written approval from the Jefferson County Engineering Department.
- (f) Stormwater runoff from parking lots should utilize stormwater management infiltration facilities and/or stormwater management filtering systems. These should be placed within or near the parking lot islands, if feasible.
- (g) Stormwater runoff being infiltrated into the groundwater by means of a Class V well must utilize BMPs that are considered Class V wells provided through the WVDEP at [http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentificationGuide\[1\].pdf](http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Documents/ClassV_Well_IdentificationGuide[1].pdf).

BMPs considered Class V wells must obtain any Underground Injection Control Permit (UIC Permit) as required and provided by the WVDEP.

- (2) All stormwater control facilities shall be designed to achieve post-development hydrologic conditions that are consistent with predevelopment conditions and to improve runoff conditions for redevelopment.
- (3) The site shall maintain, as closely as possible, the predevelopment infiltration processes and rates by implementing infiltration close to the source of runoff.
- (4) Stormwater shall be treated to reduce pollutants during conveyance and collection.
- (5) Peak flows shall be attenuated to prevent high runoff rates and subsequent flooding of the receiving stream.
- (6) Site design should implement runoff reduction techniques to reduce the amount of stormwater that must be collected, conveyed, and treated by stormwater management facilities.
- (7) The applicant shall improve runoff conditions for redevelopment projects.

C. STORMWATER QUANTITY CONTROL CRITERIA

- (1) Figures for determining the rainfall amounts for the design storms shall be obtained from the National Oceanic and Atmospheric Administration (NOAA) point precipitation frequency estimates. The NOAA Site for these estimates is provided below: <http://hdsc.nws.noaa.gov/hdsc/pfds/index.html>.

- (2) Wooded sites shall use a ground cover of woodland in good condition. All other predevelopment land use shall be considered meadow except as noted in Table 1.
- (3) For all new land development projects, the post-development peak discharge rate shall not exceed the predevelopment peak rate (adjusted for Karst if required) for the 2-year, 10-year, and 100-year storm events if applicable under Table 1.
- (4) A hydrologic analysis for calculating the watershed runoff for both the predevelopment and post-development conditions shall be provided and based on the 24-hour rainfall event. This may be done using the NRCS methodologies (e.g., TR-20 and TR-55, etc.) that takes into consideration the ground cover, time of concentration, area of the watershed, and the 24-hour rainfall amount and rainfall distribution for the region; or the modified calculation method provided in Appendix E of the *West Virginia Stormwater Management and Design Guidance Manual* to help prevent overestimations under the TR-20 and TR-55 methods; or any other acceptable methodology in the public domain and approved by the Jefferson County Engineer or authorized representative.
- (5) Table 2 provides for reduction of the predevelopment flows due to the Karst geology characteristics of Jefferson County. This results in lower predevelopment runoff rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events.

The Karst adjustment factors shown in Table 2 shall only apply to the area of Jefferson County depicted as Karst on Map 1: Karst Geology Map of Jefferson County located at the end of this Section.
- (6) Nonstructural quantity control and conveyance methods should be utilized whenever possible.
- (7) The owner or developer must demonstrate that downstream conveyance facilities are adequate.
- (8) Drainage easements that will establish operation and maintenance for on-site properties shall be obtained.
- (9) Stormwater quantity control shall be provided that reduces the post-development runoff rate from the site such that it does not exceed the "Karst adjusted" predevelopment runoff discharge.
- (10) Quantity control may be provided by stormwater detention and retention basins, underground detention storage infiltration basins or trenches, and/or any other means approved by the Jefferson County Engineer. Provide the hydrologic and hydraulic routing calculations and analysis in the Stormwater Management Plan.
- (11) The runoff from any predevelopment area draining to a sinkhole shall not be counted in the calculation of the predevelopment runoff from the site.
- (12) An off-site stormwater management facility may be used instead of an on-site facility when:

- (a) An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and
 - (b) The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and
 - (c) The developer has demonstrated the right to convey the runoff and use the off-site stormwater management facility.
- (13) Standards and methods for stormwater facilities should be constructed in accordance with standards described in NRCS 378, and/or the *West Virginia Stormwater Management and Design Guidance Manual*.
- (14) The emergency spillway and principal spillway outfalls shall be constructed in a cut section only (to prevent erosion and collapse of the basin embankment) and shall maintain a flat (0%) grade to the end of the designed length of the control section, and shall provide a stabilized flow path to a rip-rap outfall apron, plunge pool, or other approved outfall spreader.
- (15) Where the outfall of a stormwater management facility is less than 75 feet from the immediate downstream property line, the outfall rip-rap apron shall be depressed 6 inches to create a plunge pool.
- (16) Where a stormwater management basin exceeds 6 feet in height above the existing ground, anti-seep devices shall be provided along the principal spillway pipe to prevent "piping" and collapse of the basin embankment.
- (17) Where a stormwater management basin embankment exceeds 10 feet in height above the existing ground, a dam breach/failure analysis is required to identify the potential for damage to homes, buildings, roads, utilities, etc. Any facility that falls under the criteria of the West Virginia Dam Control and Safety Act shall meet the design standards of that act. Documentation of approval by the WVDEP Dam Safety staff shall be provided prior to approval by Jefferson County.
- (18) All stormwater management basin embankments shall have core trenches consistent with the size of the embankment. The NRCS Pond 377 and 378 Engineering Standards shall be used as a guide for designing pond embankments, spillways, anti-seep collars, and core trenches, etc., unless another standard is approved by the Jefferson County Engineer.
- (19) All stormwater management basins shall be able to pass the 100-year, 24-hour storm event with a minimum of 1 foot of freeboard.
- (20) The stormwater management basin shall have a minimum slope of 1.0% across the bottom and slope toward the low-flow outlet at the control structure to ensure that the pond drains and to prevent the puddling of water after the basin has emptied. This requirement does not apply to stormwater management basins designed as shallow marsh wetlands and/or stormwater retention or infiltration basins.
Finish contours/grades and/or spot elevations shall be provided on the Stormwater Management Plan, Preliminary Subdivision Plat, or Site Plan, as applicable, detailing the bottom of pond grading. Sediment forebays shall be

provided at all points of concentrated inflow. Sediment forebays shall be lined consistent with WVDEP specifications under the groundwater protection program.

- (21) The Infiltration BMP checklist should be utilized, as provided in Chapter 4.2.6 in the *West Virginia Stormwater Management and Design Guidance Manual* for any Infiltration BMPs to be utilized.
- (22) Infiltration rates for Infiltration basins shall be determined from percolation tests performed by a licensed septic installer or a licensed geotechnical engineer, or based on the NRCS Soils Manual for Jefferson County using Infiltration rates for the soil type at the Site. The method used shall be approved by the Jefferson County Engineer. Infiltration basins shall be designed to infiltrate/empty within 72 hours after the storm event has ended.
- (23) Stormwater management easements shall be provided where necessary to provide for access and maintenance of the stormwater management facilities. All easements shall be shown on the Stormwater Management Plan, Preliminary Subdivision Plat, and Final Subdivision Plat.

For stormwater detention, retention, and infiltration basins, the limits of the 100-year, 24-hour storm event storage elevation shall be delineated on the Preliminary Plat and/or Site Plan, as applicable. The stormwater management facility and the 100-year storm event storage limits shall be located within a lot/common area specifically designated for stormwater management purposes; or a stormwater management easement shall be provided that provides access to and contains both the stormwater management facility and the 100-year storm event storage limits. The limits of the 100-year storm event shall not encroach into a roadway.

All other stormwater management facilities shall have easements where necessary to provide for access and maintenance.
- (24) The Stormwater Management Plan shall demonstrate adequate downstream conveyance of stormwater discharge from the Site. The capacity should be determined for the existing downstream storm drainage system to convey runoff discharged by a project to natural streams and rivers. If the capacity is less than the predevelopment runoff rate, then the capacity of the storm drainage system shall be used as the allowable release rate.
- (25) Structural and nonstructural stormwater management practices that promote or otherwise make best possible use of on-site infiltration shall be considered first.
- (26) For sites located adjacent to the Potomac River, Shenandoah River, or the Opequon Creek, stormwater quantity control may use the "quick release" approach to reduce the impact on the receiving stream's Peak Discharge. Use of the quick release approach shall be justified based on engineering analysis and approved by the Jefferson County Engineer on a case-by-case basis.
- (27) Natural wetlands shall not be used to meet minimum requirements. If an outfall pipe discharges into a natural wetland, the velocity shall not exceed 2 feet per

second for the two-year storm event, and it shall be demonstrated that the discharge will not create erosion.

- (28) Sites required to provide the 1-inch capture quality control shall be allowed to take quantity control credit. The post-developed Runoff Curve Number (RCN) may be adjusted based upon interpolation of Table 2-1 of the NRCS TR-55 manual.

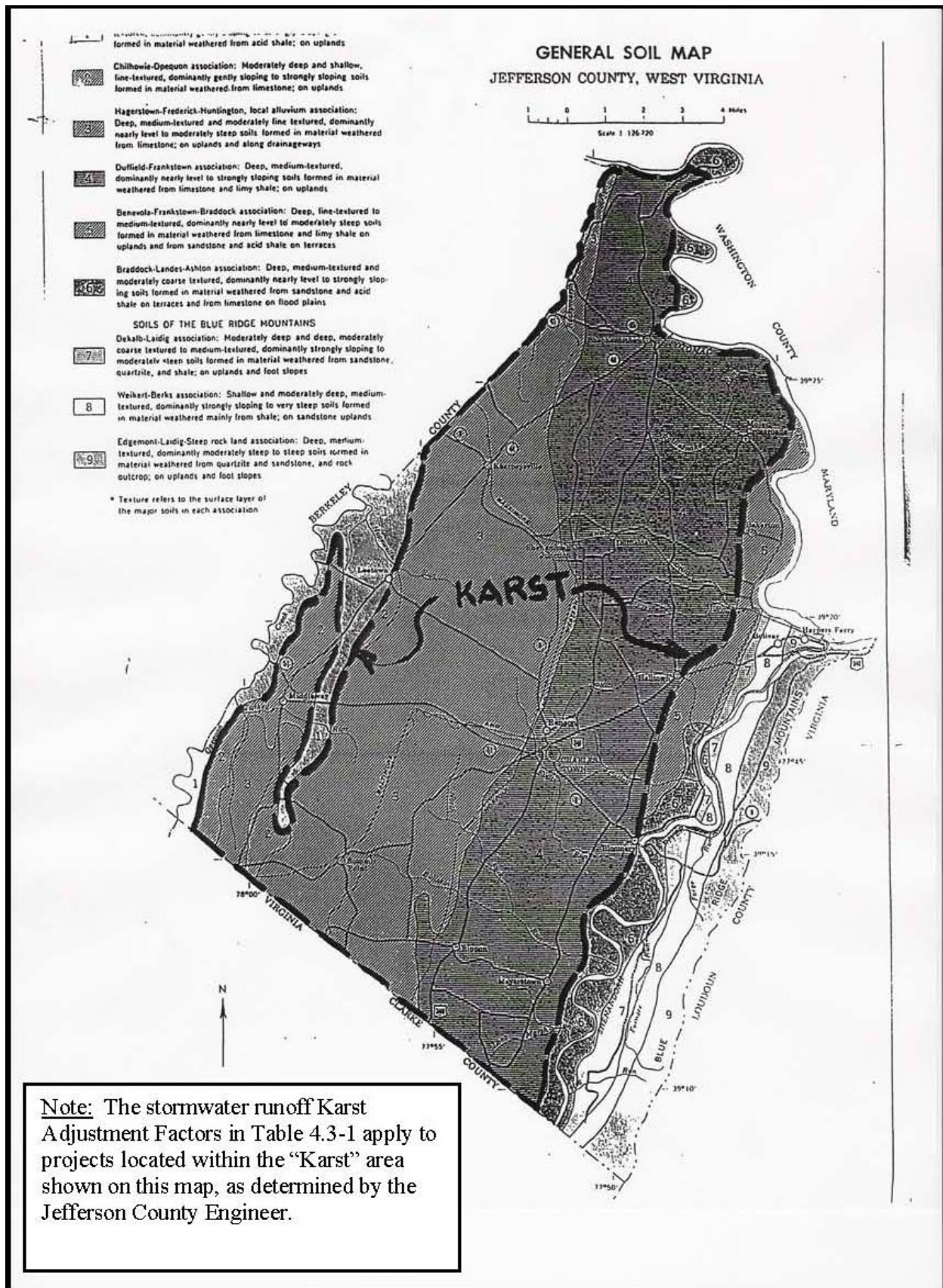
Table 1
Stormwater Management Quantity Control Criteria

	Criteria	2-Year Storm	10-Year Storm	100-Year Storm
1.	Conditions under which stormwater management is required.	All Sites	All Sites	Sites located within the upper two-thirds of the drainage basin as measured from the Potomac or Shenandoah Rivers, or Opequon Creek, and which are located within a "growth" area, and which have a Federal Emergency Management Agency (FEMA)-designated floodplain on or adjacent to the Site.
2.	Allowable assumptions for Predevelopment land use.	Model as wooded, meadow, or existing orchard	Model as land use at present time.	Model as land use at present time.
3.	Typical control device	2-year low-flow orifices and principal spillway	10-year high Weir and principal spillway	Highest Weir for control, or if not controlled, provide emergency overflow spillway cut into existing ground or size the principal spillway to pass the 100-year storm event.
4.	Minimum adjustment of Predevelopment Runoff for Karst geology.	Apply 100% to all on-site drainage areas and pro-rate off-site based on percentage of undeveloped off-site area in the total off-site drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.	Pro-rate based on percentage of undeveloped on-site and off-site area in the total drainage area.

Karst Geology – Runoff Adjustment Factors

	% Karst	Multiply Predevelopment Peak Discharge by Factors Below		
		2-Year Storm	10-Year Storm	100-Year Storm
	100	0.33	0.43	0.50
	90	0.34	0.46	0.56
	80	0.38	0.51	0.62
	70	0.47	0.58	0.68
	60	0.55	0.66	0.74
	50	0.64	0.73	0.80
	40	0.73	0.80	0.85
	30	0.82	0.86	0.89
	20	0.91	0.92	0.93
	10	1.00	0.98	0.97
	0	1.00	1.00	1.00

Note: Post-development Runoff adjustment may be made for Karst in large Lot subdivisions only, based on 1 acre per Lot plus the area of road rights-of-way modeled as "disturbed area," with the remaining undisturbed area considered Karst area. Such adjustment shall be reviewed and approved by the Jefferson County Engineer on a case-by-case basis.



D. STORMWATER QUALITY CONTROL CRITERIA

(1) General Quality Control Provisions

- (a) Stormwater quality control facilities shall reduce solids, sediment, nutrients, and other pollutants from stormwater runoff. This shall be presumed to occur when each of the following criteria is met:
 - (i) The facility is sized to capture the stormwater runoff volume of the first 1 inch of rainfall from a 24-hour storm event.
 - (ii) The facility is designed per the requirements and engineering calculations in the latest edition of the *West Virginia Stormwater Management and Design Guidance Manual*.
 - (iii) The facility is constructed in accordance with all applicable plans and permits.
 - (iv) The facility is maintained per Article VI.
 - (v) Water quality calculations can be estimated utilizing WVDEP's Stormwater Spreadsheet Tool provided through <http://www.dep.wv.gov/WWE/Programs/stormwater/MS4/permits/Pages/ToolsandGuidance.aspx>,
or other models available in the public domain as deemed acceptable by the Jefferson County Engineering Department.
- (b) Infiltration of runoff shall be as close to the source of runoff as possible via Infiltration testing and analysis of Infiltration rates. Preference shall be given to a combination of surface and subsurface infiltration measures.
- (c) Water quality improvements shall be achieved in conjunction with or as part of infiltration design.
- (d) In order to promote activities that reduce existing impervious surfaces or help create less "accessory" impervious surface, the following incentive standards may be applied to these types of projects. A reduction of 0.2 inches from the 1 inch runoff reduction standard may be applied to any of the following types of development. Reductions are additive up to a maximum reduction of 0.75 inches for a project that meets four or more criteria. The owner or developer may choose to be more restrictive and allow a reduction of less than 0.75 inches if they choose. In no case will the reduction be greater than 0.75 inches.
 - (i) Redevelopment
 - (ii) Brownfield Redevelopment
 - (iii) Transit oriented development
 - (iv) Vertical density (Floor to Area Ratio (FAR) of 2 or >18 units per acre)

- (e) If a high water table or other constraints exist, the following hierarchy should be followed in order of preference:
 - (i) BMPs that capture and infiltrate or permanently retain on-site the total volume of the first 0.50 inches
 - (ii) If the applicant can demonstrate through on-site soil evaluations that conditions do not allow for item (e)(i), then BMPs that capture and infiltrate or otherwise permanently retain the largest percentage of the total volume of the 0.50-inch, 24-hour storm event
 - (iii) Infiltration practices shall be designed that capture and infiltrate at least the first 0.50 inches of runoff from all impervious areas. If the volume of runoff is greater than the volume to be infiltrated or retained, the difference should be treated by an acceptable BMP.
- (f) For all new development activities, each of the following regulations shall apply:
 - (i) Stormwater management practices that provide or encourage infiltration shall be considered first and foremost in all site designs.
 - (ii) Stormwater quality management practices shall be designed to capture and treat the runoff volume from the first 1 inch of rainfall from a 24-hour storm event.
 - (iii) Stormwater shall be infiltrated and/or discharged within the same drainage area of the stream receiving the runoff prior to development.
- (g) Site design shall minimize disturbance. All grading should be designed to distribute runoff evenly. Areas of depression should be designed for subsurface infiltration techniques.
- (h) All stormwater BMPs, including methods and systems identified in the *West Virginia Stormwater Management and Design Guidance Manual*, shall be considered and developed according to standards described therein.
- (i) During site construction, the infiltration area shall be protected from compaction, storage of fill, or construction materials.
- (j) Where sediment transport in the stormwater runoff is anticipated to reach the infiltration system, appropriate permanent measures to prevent or collect sediment shall be installed prior to discharge to the infiltration system.

- (k) For redevelopment activities, water quality improvements shall be provided for drainage areas not otherwise addressed by infiltration practices either at the source of runoff and/or during conveyance away from the source of runoff. Stormwater quality management shall be designed to capture and treat the stormwater runoff volume from the first 1 inch of rainfall from a 24-hour event over the newly developed impervious cover of development, except where the provisions of Article IV D.(1).(d).(i) are being utilized.

(2) **Stormwater Hotspots**

- (a) Stormwater discharges from land uses or activities with a high potential for pollutant loadings (Stormwater Hotspots) require the use of specific filtering or bioretention BMPs prior to infiltration which are indicated on Table 2 on the following page. Stormwater control from these hotspots shall be controlled by the following:
 - (i) **Stormwater Pollution Prevention Plan (SWPPP).** In addition to a Stormwater Management Plan as required in Article II.A, additional permitting may be required by the WVDEP. Documentation of approval by the WVDEP of any additional permits shall be provided prior to approval by Jefferson County. The WVDEP may also require submittal of a Stormwater Pollution Prevention Plan (SWPPP). The SWPPP outlines pollution prevention and treatment practices that will be implemented to minimize polluted discharges from the Site. All SWPPPs shall be prepared following the guidelines in the West Virginia NPDES General Permit regulations even if an NPDES permit is not required. Copies of approved SWPPPs shall be provided to the Jefferson County Engineering Department.
 - (ii) **Restricted Infiltration.** A minimum of 50% of the total water quality volume must be treated by a filtering or bioretention practice prior to any infiltration. Portions of the site that are not associated with the hotspot-generating area should be diverted away and treated by an acceptable stormwater BMP.
 - (iii) **Infiltration Prohibition.** In cases where Infiltration is prohibited, an alternative stormwater practice such as closed bioretention, sand filters, or constructed wetland must be used to filter the entire (100%) water quality volume before it reaches surface or groundwater.

Table 2: Potential Stormwater Hotspot Land Uses

Potential Stormwater Hotspot Operation	SWPPP Required	Restricted Infiltration	Infiltration Prohibited
Facilities with NPDES industrial permits	Yes	☐	☐
Public works yard	Yes		✓
Auto and metal recyclers/scrap yards	Yes		✓
Petroleum storage facilities	Yes		✓
Highway maintenance facilities	Yes		✓
Wastewater, solid waste, composting facilities	Yes		✓
Industrial machinery and equipment	Yes	✓	
Trucks and trailers	Yes	✓	
Aircraft maintenance areas	Yes		✓
Fleet storage areas	Yes		✓
Parking Lots (40 or more parking spaces)	No	✓	
Gas stations	No		✓
Highways (2,500 Average Daily Traffic)	No	✓	
Construction business (paving, heavy equipment storage and maintenance)	No	✓	
Retail/wholesale vehicle/equipment dealers	No	✓	
Convenience stores/fast food restaurants	No	✓	
Vehicle maintenance facilities	No		✓
Car washes (unless discharged to sanitary sewer)	No		✓
Nurseries and garden centers	No	✓	
Golf courses	No	✓	
Key: ☐ depends on facility ✓ Yes Shaded Area: Facilities or operations not technically required to have NPDES permits, but can be designated as potential Stormwater Hotspots by the Jefferson County Engineer			
Source: <i>Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed," version 2.0 (June 2009)</i>			

E. SMALL-SCALE STORMWATER MANAGEMENT PRACTICES

Small-scale stormwater practices, LID, better site design (BSD), and nonstructural techniques designed to mimic natural hydrologic runoff and minimize the impact of land development on water resources must be utilized and described in the Stormwater Management Plan. Only when absolutely necessary is the use of structural BMP warranted.

- (1) The following methods and practices should be utilized to the greatest extent possible, and identified within the Stormwater Management Plan, to meet minimum control requirements before resorting to structural BMPs.
 - (a) Preserving and protecting natural resources
 - (b) Minimizing the removal of trees and underbrush as much as possible during construction
 - (c) Conserving natural drainage patterns
 - (d) Minimizing impervious area
 - (e) Utilizing alternative surfaces such as permeable pavement to reduce runoff
 - (f) Limiting soil disturbance, mass grading, and compaction
 - (g) Clustering development
 - (h) Reducing impervious infrastructure as much as possible, including eliminating or reducing cul-de-sacs and reducing sidewalk widths while still meeting local code requirements
 - (i) Utilizing parking lot landscaping and low-impact residential landscaping in development
 - (j) Utilizing BSD practices described in Chapter 4.1 of the *West Virginia Stormwater Management and Design Guidance Manual*
- (2) The following nonstructural stormwater management practices shall be applied according to the *West Virginia Stormwater Management and Design Guidance Manual* to minimize increases in stormwater runoff in new development:
 - (a) Sheetflow to natural conservation areas
 - (b) Disconnection of rooftop runoff
 - (c) Disconnection of non-rooftop runoff
 - (d) Sheet flow to buffers
 - (e) Grass channels
 - (f) Environmentally sensitive development
 - (g) Landscape infiltration
 - (h) Dry wells
 - (i) Micro-bioretenment
 - (j) Rain gardens
 - (k) Swales
 - (l) Any other practices approved by the Jefferson County Engineering Department

- (3) The use of these practices must not conflict with existing state or local laws, ordinances, regulations, or policies.
- (4) Nonstructural stormwater management practices approved by Jefferson County for development/redevelopment projects must be recorded and remain unaltered by subsequent property owners. Prior approval from the Jefferson County Engineering Department must be obtained before nonstructural stormwater practices are altered.
- (5) The regenerative stormwater conveyance systems should be utilized, as described in Chapter 4.2.7 of the *West Virginia Stormwater Management and Design Guidance Manual*, when at all possible and appropriate for the site.
- (6) Mosquito abatement: Stormwater management facilities containing permanent pools of water should be designed with adequate depth, plantings, and habitat for mosquito predators and other means to control mosquito populations.
- (7) All stormwater management structures shall be located within a common area, right-of-way, or easement. There are to be no individual lot stormwater management structures (i.e., structure to be put in when the home is built).

F. REDEVELOPMENT

- (1) For redevelopment activities meeting the applicability standards defined in Article I.D, one of the following standards shall be accomplished. Selection of these performance standards shall be based on suitability as determined by the Jefferson County Engineer.
 - (a) Reduce impervious cover by at least 20% based on a comparison of existing impervious cover to proposed impervious cover.
 - (b) Achieve a 10% reduction in volume of runoff discharged by a 1-year, 24-hour storm event. Runoff calculations shall be based on a comparison of existing to proposed site conditions.
 - (c) Reduce post-development peak discharge rates to 90% of the predevelopment rates for the 2-year, 10-year, and 100-year, 24-hour storm events based on a comparison of existing ground cover to post-development site conditions.
- (2) In instances where project development cannot meet the standards described in Part (1) of this section on site, two alternatives are available:
 - (a) Off-site mitigation: Runoff reduction can be accomplished at another location in the same watershed as the original project, approved by the Jefferson County Engineering Department. If mitigation is occurring off-site at a new development site, mitigation measures for the original project must be in addition to stormwater management requirements for the new development.

G. SOIL STUDIES AND KARST TERRAIN REQUIREMENTS

- (1) Soil studies for infiltration practices should be conducted according to the Infiltration Design Checklist and the Feasibility Criteria and Design Considerations included in Chapter 4.2.6 on infiltration of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (2) Due to the prevalence of Karst Terrain in Jefferson County, it should be assumed that a project is located in a region of Karst Terrain unless otherwise indicated by the developer, property owner, or other interested party using Map 1 -- *Karst Geology Map of Jefferson County*, or by U.S. Geological Survey Geologic Maps.
 - (a) If the presence of Karst Terrain cannot be accurately determined from Map 1, contact the Jefferson County Engineering Department for clarification.
 - (b) If a quantity other than 100% of the site is to be determined as Karst Terrain, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed" to identify the percentage of Karst Terrain at the Site.
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.
 - (c) If the presence of Karst Terrain is in dispute, the property owner, developer, or other interested party must conduct a detailed site investigation as described in Chesapeake Stormwater Network Technical Bulletin No. 1, "Stormwater Design Guidelines for Karst Terrain in the Chesapeake Bay Watershed."
 - (i) The resulting report must be signed and dated by the engineer who conducted the investigation and provided to the Jefferson County Engineering Department for review.

H. STORMWATER CONVEYANCE AND DRAINAGE CRITERIA

- (1) Drainage Culverts
 - (a) Roadway culverts shall be designed to pass the 10-year, 24-hour storm event without overtopping the roadway at the edge of the shoulder. Provide calculations in the Stormwater Management Plan.
 - (b) Roadway drainage culverts shall be galvanized corrugated metal pipe (CMP) or an approved, equal alternative by the Jefferson County Engineer. The culverts shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.

- (c) The inlet and outlet ends of roadway drainage culverts shall be protected from scour by rip-rap aprons or other energy-dissipating devices. The Jefferson County Engineer may waive this requirement for the inlet end if inlet ends contain manufactured ends or concrete end walls that extend the full width of the drainage ditch or swale, effectively preventing culvert inlet erosion.
 - (d) Drainage culvert outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
 - (e) Roadway culverts shall have a minimum of 12 inches of cover over the pipe.
 - (f) Roadway culverts shall have manufactured end sections or concrete end walls at the inlet and outlet ends. Residential culverts of 18" or less are exempt from this requirements.
 - (g) Profiles of the roadway culverts shall be shown on the Stormwater Management Plan, as applicable, and shall show the following:
 - (i) Culvert identification that corresponds with plan view
 - (ii) Pipe size, shape, material type, and length
 - (iii) Inlet and outlet invert elevations
 - (iv) Slope of pipe
 - (v) Inlet and outlet end section type
 - (vi) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (vii) Q10 flow rate and velocity
 - (h) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the culvert pipe, outfall aprons, and culvert end sections/wing walls.
 - (i) Individual lot driveway culverts shall be sized for the 10-year storm event; however, the minimum is 15 inches in diameter. Driveway culverts shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. A table of lot number and driveway culvert size shall be provided on the Stormwater Management Plan, if applicable.
- (2) Roadway Ditch Lines
- (a) Roadway ditch lines shall be a minimum depth of 1½ feet, with a 4:1 slope in from the road shoulder and a 2:1 return slope back out.
 - (b) Roadway ditch lines shall have a minimum linear slope of 1.5% unless a trapezoidal ditch (minimum 2 feet wide) is used; then a minimum of 0.5% is acceptable.

- (c) Roadway ditch lines shall not meander and shall be generally parallel to the roadway, except where necessary to direct runoff into culverts, move a ditch to the bottom of a fill slope, or to provide for a suitable discharge point.
- (d) Ditch line invert treatment shall be provided based on the 10-year, 24-hour storm event flows and the velocity of the water in the ditch line, as shown on Table 3.

Table 3		
Ditch Material	Maximum Allowed 10-Year Storm Event Velocity (Feet per Second)	Maximum Allowed Ditch Slope (Percent)
Seed & Mulch (Grass)	2.0	3.5
Mesh Ditch Liner	3.0	5.0
Solid Sodding	5.0	10.0
Loose Rip-Rap	7.0	10.0
Concrete Channel	Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 fps.	

- (e) The location and type of ditch line treatment and a typical section of the roadway ditch line shall be provided on the Stormwater Management Plan as applicable.
 - (f) Turnouts constructed in sufficient quantity and/or size to effectively disperse the 2-year, 24-hour flow of runoff is required for ditches terminating at an embankment or a capped ditch end to prevent erosion of embankments and overtopping.
- (3) Curb and Gutter
- (a) The curb and gutter shall be provided when required by the Jefferson County Subdivision and Land Development Regulations.
 - (b) Curb and gutter construction details shall be provided on the Preliminary Plat and/or Site Plan as applicable.

Road curbs and gutters shall be constructed of 3,000 psi strength Portland cement concrete. Curbs shall be to a height of no less than 6 inches above the finished road surface. The base of the curb shall be a minimum of 7 3/8 inches in width. The curb face may slope outward to join a rounded edge having a radius of 1½ inches or more. Other curb designs may be approved by the Jefferson County Engineer.

Drainage gutter and storm drain inlet devices shall be designed to carry the peak flow from a 2-year Frequency, 24-hour storm event with a maximum spread of one-half the travel way.

(4) Roof Drains

For all nonresidential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the Stormwater Management Plan, as applicable.

- (a) Any properties utilizing rainwater harvesting techniques from roof drains on structures located on the Site must utilize standards and maintenance practices described in Chapter 4.2.8 of the *West Virginia Stormwater Management and Design Guidance Manual*.

(5) Drainage Swales

- (a) Drainage swales shall be sized for the 10-year, 24-hour storm event. Provide calculations in the Stormwater Management Plan.
- (b) Drainage swale grading and drainage swale details shall be provided on the Stormwater Management Plan, as applicable.

(6) Storm Sewers

- (a) Storm sewer system piping shall be designed for the 10-year storm event. Storm sewer inlets shall be designed for the 2-year storm event. Inlet structures located in a sump shall be checked to prevent curb overtopping during the 10-year event. Provide calculations in the Stormwater Management Plan.
- (b) Storm sewer systems may utilize curbs and gutters where needed to capture and divert runoff into storm inlets.
- (c) Storm sewer pipe shall be galvanized CMP or an approved, equal alternative by the Jefferson County Engineer. The pipe shall be a minimum of 15 inches in diameter or equivalent elliptical/arched pipe size.
- (d) The outlet end of the storm sewer shall be protected from scour by rip-rap aprons or other energy-dissipating devices.
- (e) Storm sewer outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy-dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
- (f) Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
- (g) The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
- (h) Profiles of the storm sewer system shall be shown on the Preliminary Plat and/or Site Plan, as applicable, and shall show the following:
 - (i) Inlet identification that corresponds with plan view
 - (ii) Top and bottom of storm inlet elevations

- (iii) Pipe size, shape, material type, and length
 - (iv) Pipe inlet and outlet invert elevations
 - (v) Slope of pipe
 - (vi) Outlet end section type
 - (vii) Outfall rip-rap apron/energy-dissipation device at 0% grade
 - (viii) Q10 flow rate and velocity
 - (i) Drain inlets in residential subdivisions with closed section roads shall have bicycle-safe grates.
 - (j) Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan, as applicable, for the storm inlets and grates, manholes, pipe, end section/wing wall, outfall rip-rap apron, curb and gutter, etc.
- (7) Drainage Easements.
- (a) Drainage swales shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff from roadway ditch lines and common areas to stormwater management facilities and to provide access for maintenance of the drainage swale. Drainage swale easements shall be sized to contain the 10-year, 24-hour storm event flow within the easement. Drainage swale easements shall be a minimum width of 15 feet.
 - (b) Storm sewer systems shall be located within drainage easements where necessary (e.g., on individual Lots, etc.) to retain the right to convey runoff and to provide access for maintenance of the storm sewer system. Storm sewer system easements shall be a minimum width of 15 feet. The staff has the authority to require larger storm sewer drainage easements when large pipe diameters and/or bury depth make a 15-foot-wide easement impractical for access, maintenance, or replacement of the storm sewer.
 - (c) Drainage easements shall be shown on Stormwater Management Plan.

I. LANDSCAPING

- (1) The applicant must present Landscaping details as part of the Stormwater Management Plan describing the woody and herbaceous vegetative stabilization and management techniques to be used within and adjacent to the stormwater facilities. The maintenance requirements component of the Stormwater Management Plan must also describe who will be responsible for the maintenance of vegetation at the site and what practices will be employed to ensure that adequate vegetative cover is preserved. This plan must be prepared by a qualified individual, as meets state code, who is familiar with the selection of emergent and upland vegetation appropriate for the selected BMP.

- (2) Landscaping shall be required in and around all constructed stormwater management practices with a minimum surface area of 1,000 square feet.
- (3) No woody plants shall be planted within the saturated zone or on a berm constructed for impounded water.

J. RIPARIAN BUFFERS

A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. Any property that adjoins a watercourse or portion thereof shall provide a riparian buffer along said watercourse limiting development and the impact on these environmental transition zones.

- (1) Activity within these buffers is limited to the following:
 - (a) Activities integral to the utilization of the watercourse that meet all other federal, state, county, and local code, ordinance, and permitting requirements, including but not limited to the construction and use of:
 - (i) Docks
 - (ii) Boat ramps
 - (iii) Piers
 - (iv) Other facilities designed to allow recreational access to the watercourse.
 - 1. Corridor crossings for farm vehicles and livestock
 - (b) Public roads and improvements
 - (c) Corridor crossings for roads and railroads
 - (d) Public utility crossings, including but not limited to sewer, water, and electric
 - (e) Passive recreation uses
 - (f) Streambank improvement projects
 - (g) Any activity, as approved by the Jefferson County Engineering Department, that will minimally disrupt the existing tree cover and soil mantle in order to maximize filtering and overall physical removal of particulate-form pollutants from stormwater runoff

- (2) Riparian buffer requirements are to be established and protected, as defined below. If wetlands or hillsides abut or are within the riparian buffer in (a) through (d) below, then they shall be included even when the distance exceeds the buffer in (a) through (d) below. The buffer widths are as follows:
- (a) Lakes and Ponds - 75 feet
 - (b) Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch Watersheds)
 - (c) Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
 - (d) Opequon Creek and Perennial Streams - 100 feet
 - (e) Wetlands, Marl - 75 feet
 - (f) Wetlands, Farmed - 10 feet
 - (g) Wetlands - 50 feet
 - (h) Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
 - (i) Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

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ARTICLE V CONSTRUCTION INSPECTION AND BONDING**A. PERFORMANCE BOND**

- (1) All stormwater management and storm drainage infrastructure, and erosion and sediment control measures, shall be bonded in accordance with the bonding requirements of the Subdivision and Land Development Regulations and the Jefferson County Commission's bonding policy.
- (2) The estimated cost for stormwater management and storm drainage infrastructure, and erosion and sediment control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be included in the itemized cost estimate prepared under the Subdivision and Land Development Ordinance. The purpose is to have one cost estimate for all site improvements.
- (3) The construction bond and bond surety for the stormwater management and storm drainage infrastructure, and sediment and erosion control measures, that is part of a subdivision or site plan processed under the Subdivision and Land Development Regulations, shall be bonded with the bonding for all other bonded site improvements. The purpose is to have one bond and surety for all site improvements.
- (4) The bonding for stormwater management and storm drainage infrastructure shall be administered in accordance with the Jefferson County Commission's bonding policy.
- (5) Temporary erosion and sediment control measures located on individual residential Lots – measures that are required to be installed under an Improvement Location Permit – shall not require bonding.

B. INSPECTIONS DURING CONSTRUCTION

- (1) The Jefferson County Engineering Department, or their agent, may conduct periodic inspections of the Stormwater Management Facilities during construction. In lieu of performing the inspections, the Jefferson County Engineering Department may require the owner/developer to provide third-party engineering inspections and inspection reports. Construction inspections shall utilize the approved Stormwater Management Plan to establish whether the work is in compliance.
- (2) All inspections shall be documented by a written report prepared by the Jefferson County Engineering Department or agents thereof, or the third-party engineering firm, as may be applicable, and include each of the following:
 - (a) The name of the person or firm performing the inspection
 - (b) The date of the inspection
 - (c) The project name and location
 - (d) A statement of the stage of completion of the work on the date inspected

- (e) A statement regarding compliance with the approved Stormwater Management Plan
 - (f) Documentation of any variations from the approved Stormwater Management Plan
 - (g) Any other variations or violations regarding the on-site conditions as compared to the approved Stormwater Management Plan
 - (h) A statement of any corrective action that is necessary
- (3) The owner/developer shall be notified in writing of any violations and the required corrective actions.
- (4) Additional work shall not proceed until the corrective action is taken and the Jefferson County Engineering Department or agents thereof authorize the work to proceed.
- (5) For enforcement purposes, the Jefferson County Engineering Department may utilize any combination of the following:
- (a) A notice of violation may be used to specify the need for correction.
 - (b) A stop-work order may be issued by the Jefferson County Engineering Department.
 - (c) The bonds or securities may be held or the case can be referred for legal action if reasonable efforts to correct the violation have not been attempted.
 - (d) A civil action or criminal prosecution may be brought against any person in violation of this Ordinance.

C. POST-CONSTRUCTION FINAL INSPECTION AND AS-BUILT PLANS

- (1) Upon completion of a project, and before release of the construction bond for the stormwater management facilities, the owner/developer is required to certify that the completed project is in accordance with the approved Stormwater Management Plan.
- The As-Built plans and certification letter shall be deemed satisfactory prior to approving a request for bond release for the stormwater management facilities.
- (2) The owner/developer shall submit actual As-Built plans and a certification letter from the design Professional Engineer-of-Record for all Stormwater Management Facilities or practices after final construction is completed. The As-Built plan shall include the final As-Built design specifications for all Stormwater Management Facilities and must be certified by a Professional Engineer or a Professional Land Surveyor.

- (a) Submittal shall include the following:
- Two (2) printed sets of plans. The plan shall include final design specifications for all stormwater management facilities and must be certified by a professional engineer.
 - Certification letter to the Jefferson County Engineering Department
 - Digital specifications for stormwater facilities in a ESRI GIS compatible format synced to the West Virginia State Plane Coordinate System .
 - An electronic spreadsheet (Microsoft Excel or equivalent) identifying all BMP facilities with associated coordinates based upon the West Virginia State Plane Coordinate System.

The certification letter shall be signed and sealed by the Design Engineer-of-Record; and the As-Built plans shall be prepared and signed and sealed by a either a Professional Engineer or a Professional Land Surveyor.

- (b) The required certification letter must state that the conditions on the site and the As-Built plan are both identical to the stormwater management facilities shown on the final approved Site Plan or Preliminary Plat plan, as may be applicable.
- (i) Changes made during the construction process will not be permitted without prior processing of a red-lined revision by the design Professional Engineer-of-Record and written approval from the Jefferson County Engineering Department or agents thereof.
- (ii) At a minimum, all As-Built plans and certification letters shall include a red-lined set of drawings that compare the approved Stormwater Management Plan with what was constructed. Final acceptance and approval will not be given until all final inspections, the certification letter, and As-Built plans have been approved.
- (c) The following items shall be surveyed to determine actual field conditions, and the approved Site Plans or approved Preliminary Plat Plans, as may be applicable, shall be annotated to reflect such actual field conditions and shall constitute the As-Built plans:

(i) Storm Sewer System

For the storm sewer system, provide the As-Built stormwater inlet invert and top elevations and the size and location, and the storm sewer pipe size and material type. Show the location of the storm sewer system relative to any designated stormwater management easements. Indicate where the storm sewer system is not properly located or constructed. Provide a statement as to whether or not the storm sewer system is properly constructed.

(ii) Storm Drainage System:

For the storm drainage system, provide the As-Built drainage swales grading and location and verify correct swale dimensions and depths; provide storm drainage culvert As-Built locations, length, pipe size, material type, and invert elevations. Show the location of the storm drainage system relative to any designated storm drainage easements. Indicate where the storm drainage system is not properly located or constructed. Provide a statement as to whether or not the stormwater conveyance system is properly constructed.

(iii) Stormwater Management Basins and BMPs

For stormwater quantity and quality control facilities, show the final topography/grading of the pond and embankment and Infiltration basins. Provide As-Built dimensions compared to design dimensions. Verify that the correct type of control structures are installed, including material types, sizes, elevations, and dimensions, etc. Verify that emergency overflow structures are properly constructed, including material types, elevations, and dimensions, etc.

For quality control BMPs, provide the location of each BMP compared to the approved plan location, and indicate whether or not they are properly constructed and located within any designated stormwater management easements. Verify that the BMPs are installed in accordance with the plans, specifications, and details (e.g., elevations, correct type of soils, filter media, and/or vegetation, correct number and type of plants, discharge piping, etc.).

Indicate where stormwater management basins and BMPs are not properly located or constructed. Provide a statement as to whether or not the stormwater management basins and/or BMPs are properly constructed.

(iv) Other Information

Provide any other As-Built information required by the Jefferson County Engineer that is deemed necessary to verify that the stormwater management facilities are properly constructed.

ARTICLE VI POST-CONSTRUCTION MAINTENANCE, INSPECTION, AND REPAIR OF STORMWATER FACILITIES**A. INSPECTION AND MAINTENANCE OF STORMWATER FACILITIES**

- (1) The Homeowners Association or Lot Owners Association and/or property owner or other entity responsible for the maintenance of the stormwater management facilities constructed pursuant to this Ordinance shall maintain in good condition and promptly repair and restore all grade surfaces, walls, drains, dams and embankments, discharge structures, trash racks, vegetation, erosion and sediment control measures, and other protective devices. Such repairs or restoration and maintenance shall be in accordance with the approved plans and specifications.
- (2) Maintenance performed for specific BMPs shall be in accordance with the Maintenance Plan section within individual stormwater BMP specifications in Chapter 4 of the *West Virginia Stormwater Management and Design Guidance Manual*.
- (3) The party responsible for the maintenance of the stormwater management facilities shall maintain and provide written records of all maintenance and repairs within 30 days of work completion to the West Virginia Department of Environmental Protection or other local responsible entity. A copy of these records shall also be submitted to the Jefferson County Engineering Department as notification that maintenance work was performed.
- (4) The party responsible for maintenance of stormwater management facilities shall perform periodic inspections of all stormwater management facilities in accordance with requirements of the approved plans and specifications and in accordance with the inspection requirements printed on the approved Site Plan or Subdivision Preliminary Plat and Final Plat, as applicable.
- (5) Compliance Inspection Report Requirements
 - (a) Inspection reports shall be written and maintained by the Jefferson County Engineering Department for any stormwater management facility compliance inspections performed by them.
 - (b) A copy of the inspection report shall be provided to the party responsible for the maintenance of the stormwater management facilities.
 - (c) Inspection reports for stormwater management facilities shall include the following:
 - (i) Date of inspection
 - (ii) Location and address of facility
 - (iii) Name of inspector and contact information
 - (iv) Condition of the following:
 1. Vegetation or filter media
 2. Fences or other safety devices

3. Spillways, valves, or other control structures
 4. Embankments, slopes, and safety benches
 5. Reservoir or treatment areas
 6. Inlet and outlet channels or structures
 7. Underground drainage
 8. Sediment and debris accumulation in storage and forebay areas
 9. Any nonstructural practices to the extent practicable
 10. Any other item that could affect the proper function of the stormwater management facilities
- (v) Description of any needed maintenance
- (vi) Date or number of calendar days that the Stormwater Management Facility shall be required to be brought into compliance if maintenance is needed.

ARTICLE VII ENFORCEMENT AND PENALTIES**A. AUTHORITY**

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce this Ordinance in the manner provided for in this section and by applicable law.

The ordinance compliance officer or any employee or agent of the Jefferson County Commission shall have the authority, upon presentation of proper credentials, to enter and inspect any land or premises to ensure compliance with this Ordinance.

B. GENERAL PROCEDURES

Any failure to comply with the requirements of this Ordinance or the requirements of a Stormwater Management Plan that is part of an approved Subdivision Plan/Plat, Site Plan, and/or Improvement Location Permit may be subject to the enforcement actions outlined in this section. Any such action or inaction that is continuous with respect to time is deemed to be a public nuisance and may be abated by injunctive or other equitable relief. The imposition of any of the penalties described below shall not prevent such equitable relief.

- (1) Upon learning of a potential violation of this Ordinance, the ordinance compliance officer or staff shall investigate to determine whether a violation of this Ordinance has occurred.
- (2) When it appears after an investigation that a violation of this Ordinance has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the following:
 - (a) The name and address of the landowner or the person responsible for the activity
 - (b) The physical address and location (e.g., street address, tax map and parcel, subdivision name and Lot number, etc.) of the activity
 - (c) A statement that explains the nature of the violation and the ordinance or regulation being violated
 - (d) A statement of the action needed to bring the violation into compliance
 - (e) A written statement requesting that the violation cease within 15 calendar days from the date appearing on the violation notice
 - (f) A statement that failure to terminate the violation within this time period shall be cause for the planning commission, the governing body, ordinance compliance officer, or other authorized employer or agent to
 - (i) Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not limited to requests for removal of structures or land uses involved, and
 - (ii) Seek a conviction in magistrate court or circuit court

C. CIVIL AND CRIMINAL PENALTIES

Any person or entity who violates any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than \$50 and not more than \$500. Each day during which any violation of this Ordinance occurs shall constitute a separate offense.

D. DISAPPROVAL OF SUBSEQUENT PERMITS

As long as a violation of this Ordinance continues and remains uncorrected, Jefferson County may withhold or disapprove any request for a permit or Development approval or authorization required by this Ordinance, the Zoning Ordinance, the Subdivision and Land Development Regulations, the Building Code Enforcement Ordinance, or the Improvement Location Permit Ordinance for the land or project on which the violation occurs.

E. HOLDS ON USE AND OCCUPANCY CERTIFICATES

Jefferson County may refuse to issue a certificate of use and occupancy for the building or other improvements constructed or being constructed on the site and served by the stormwater practices in question until the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein.

F. SUSPENSION, REVOCATION, OR MODIFICATION OF PERMIT

Jefferson County may suspend, revoke, or modify the permit authorizing the land development project. A suspended, revoked, or modified permit may be reinstated after the applicant or other responsible person has taken the remedial measures set forth in the notice of violation or has otherwise cured the violations described therein, provided such permit may be reinstated to enable the applicant or other responsible person to take the necessary remedial measures to cure such violations.

ARTICLE VIII DEFINITIONS

For the purposes of this Ordinance, certain terms and words used herein shall be interpreted as follows:

1. Words used in the present tense include the future tense; the singular number includes the plural, and the plural number includes the singular; words of masculine gender include feminine gender; and words of feminine gender include masculine gender.
2. The words “includes” or “including” shall not limit the term to the specific example but is intended to extend its meaning to all other instances of like kind and character.
3. The words “shall” and “must” are mandatory; the words “may” and “should” are permissive.
4. Words defined herein may be listed in a separate ordinance by a different definition. If this occurs, then the word shall be used and interpreted within each code in accordance with the specific definition contained therein.

Agricultural Activity - The occupation, business, or science of cultivating the land, producing crops, and raising livestock.

As-Built - Drawing or certification of conditions as they were actually constructed.

Best Management Practice (BMP) - Structural or nonstructural practice that is designed to minimize the impacts of changes in land use on surface and groundwater systems. Structural BMP refers to basins or facilities engineered for the purpose of reducing the pollutant load in stormwater runoff, such as bioretention, constructed stormwater wetlands, etc. Nonstructural BMP refers to land use or development practices that are determined to be effective in minimizing the impact on receiving stream systems, such as preservation of open space and stream buffers, disconnection of impervious surfaces, etc.

Bioretention Basin - Water quality BMP engineered to filter the water quality volume through an engineered planting bed consisting of a vegetated surface layer (vegetation, mulch, ground cover), planting soil, and sand bed (optional), and into the in-situ material; also called rain gardens.

Common Plan of Development – A contiguous construction project where multiple separate and distinct construction activities may be taking place at different times on different schedules but under one plan. The “plan” is broadly defined as any announcement or piece of documentation or physical demarcation indicating that construction activities may occur on a specific plot; included in this definition are most subdivisions.

Constructed Stormwater Wetlands - Areas intentionally designed and created to emulate the water quality improvement function of wetlands for the primary purpose of removing pollutants from stormwater.

Curve Number (CN) - A numerical representation of a given area's hydrologic soil group, plant cover, impervious cover, interception, and surface storage derived in accordance with Natural Resource Conservation Service methods. This number is used to convert rainfall depth into runoff volume. Sometimes referred to as a runoff CN.

Design Storm - A selected rainfall Hyetograph of specified amount, intensity, duration, and frequency that is used as a basis for design.

Detention - The temporary impoundment or holding of stormwater runoff.

Detention Basin - A stormwater management facility that temporarily impounds runoff and discharges it through a hydraulic outlet structure to a downstream conveyance system. While a certain amount of outflow may also occur via Infiltration through the surrounding soil, such amounts are negligible when compared to the outlet structure discharge rates and therefore are not considered in the facility's design. Since an extended detention basin impounds runoff only temporarily, it is normally dry during non-rainfall periods.

Development - See "Land Development."

Diameter at Breast Height (DBH) - The standard method of expressing the diameter of the trunk of a standing tree.

EPA - U.S. Environmental Protection Agency.

Erosion - The wearing away of the land surface by running water, wind, ice, or other geological agents.

Accelerated Erosion - Erosion in excess of what is presumed or estimated to be naturally occurring levels and is a direct result of human activities.

Gully Erosion - Erosion process whereby water accumulates in narrow channels and removes the soil to depths ranging from a few inches to 1 or 2 feet to as much as 75 to 100 feet.

Rill Erosion - Erosion process in which numerous small channels only several inches deep are formed.

Sheet Erosion - Spattering of small soil particles caused by the impact of raindrops on wet soils. The loosened and spattered particles may subsequently be removed by surface runoff.

Erosion and Sedimentation Control Plan - A site-specific plan identifying BMP's or ways in which accelerated erosion and sediment pollution will be minimized.

Frequency (Design Storm Frequency) - The recurrence interval of storm events having the same duration and volume. The frequency of a specified design storm can be expressed either in terms of Exceedance probability or return period.

Exceedance Probability - The probability that an event having a specified volume and duration will be exceeded in one time period, usually assumed to be 1 year. If a storm has a 1% chance of occurring in any given year, then it has an Exceedance Probability of 0.01.

Return Period - The average period of time expected to elapse between occurrences of events at a certain site. A 10-year event is an event of such size that over a long period, the average time between events of equal or greater magnitude is 10 years.

Homeowner's Association (HOA) or Business Owner's Association (BOA) - An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Impervious Cover - A surface composed of any material that significantly impedes or prevents natural infiltration of water into soil. Impervious surfaces include but are not limited to roofs, buildings, streets, parking areas, managed turf, and any concrete, asphalt, or compacted gravel surface.

Infiltration - The downward entry of water into soil.

Karst Terrain - Regions that are characterized by formations underlain by carbonate rock and typified by the presence of limestone caverns and sinkholes.

Land Development - The development of one or more lots, tracts, or parcels of land by any means and for any purpose, but does not include easements, rights-of-way, or construction of private roads for extraction, harvesting, or transporting of natural resources. This definition includes projects that are part of a larger common plan of development or sale.

Land Development, Major - The development and/or subdivision of more than five Lots, tracts, or parcels or any nonresidential Land Development that disturbs more than 5,000 square feet. Also, any Development and/or subdivision that includes a new street shall be considered a Major Land Development.

Land Development, Minor - The development and/or subdivision that does not require the development of new infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously owned parcels of record.

Land Disturbance Activity - Any land change that may result in soil erosion from water or wind or the movement of sediments into state waters or onto lands in the State of West Virginia, including but not limited to clearing, grading, excavating, transporting, and filling of land.

Landscaping - The placement of vegetation in and around stormwater management BMPs.

Low Impact Development (LID) - Hydrologically functional site design, with pollution prevention measures to reduce impacts and compensate for development impacts on hydrology and water quality.

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

- a. A new public or private street or dedication to public use of an existing street;
- b. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;

- c. Apartment or multi-family development of ten or more dwelling units; or
- d. A heavy industrial use.

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

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

Managed Turf - Any of various grasses (such as Kentucky bluegrass or perennial ryegrass) grown to form turf.

Minor Site Plan - A plan that follows the minor site development process and that will not require the development of new infrastructure or the extension of existing off-tract infrastructure that proposes one or more of the following:

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

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

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

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

National Pollutant Discharge Elimination System (NPDES) - The national program for issuing, modifying, monitoring, and enforcing permits under Sections 307, 402, 318, and 405 of the Clean Water Act.

Nonpoint Source Pollution - Contaminants such as sediment, nitrogen and phosphorous, hydrocarbons, heavy metals, and toxins whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

Parcel - A portion of a subdivision or any other lot of land intended as a unit for transfer of ownership or for development or both. The word "parcel" includes the word "plot" or "lot."

Peak Discharge - The maximum rate of flow associated with a given rainfall event or channel.

Percolation Rate - The velocity at which water moves through saturated, granular material.

Post-development - Refers to conditions that reasonably may be expected or anticipated to exist after completion of the land development activity on a specific site or tract of land.

Predevelopment - Refers to the conditions that exist at the time that plans for the land development of a tract of land are approved by the plan approval authority. Where phased development or plan approval occurs (preliminary grading, roads and utilities, etc.), the existing conditions at the time prior to the first item being approved or permitted establishes the predevelopment conditions.

Professional Engineer - An engineer who is licensed within a specific jurisdiction to offer professional services directly to the public.

Redevelopment - Any construction, alteration, or improvement on existing development.

Retention - Permanent storage of stormwater.

Retention Basin - A stormwater management facility that includes a permanent impoundment, or normal pool of water, for the purpose of enhancing water quality and therefore is normally wet, even during non-rainfall periods. Storm runoff inflows may be temporarily stored above this permanent impoundment for the purpose of reducing flooding or stream channel erosion.

Riparian - Relating to or inhabiting the banks of a natural course of water.

Runoff - The portion of precipitation, snow melt, or irrigation water that runs off the land into surface waters.

Runoff Coefficient - The fraction of total rainfall that appears as runoff; represented as "C" in the rational method formula.

Runoff Reduction - The runoff reduction approach that seeks to maintain the same predevelopment runoff volume delivered to a body of water after a site is developed.

Sand Filter - A contained bed of sand that acts to filter the first flush of runoff. The runoff is then collected beneath the sand bed and conveyed to an adequate discharge point or infiltrated into the in-situ soils.

Silt Fence - A temporary linear sediment barrier of permeable fabric designed to intercept and slow the flow of sediment-laden sheet flow runoff.

Site - The parcel of land being developed, or a designated planning area in which a land development project is located.

Stormwater Control and Conveyance Plan - The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Hotspot - An area where the land use or activities are considered to generate Runoff with concentrations of pollutants in excess of those typically found in stormwater (see Table 2).

Stormwater Management Facility - A device that controls stormwater runoff and changes the characteristics of that runoff, including but not limited to the quantity and quality, the period of release, or the velocity of flow.

Stormwater Management Plan - A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Plan for the HOA or property owner to follow, which must be submitted with subdivision plat and/or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the Jefferson County Stormwater Management Ordinance.

Stormwater Pollution Prevention Plan (SWPPP) – The Erosion and Sediment Control Plan and the post-development plan submitted as part of the Site Registration Application form required in the NPDES General Permit.

Stream Buffers - The zones of variable width that are located along both sides of a stream and are designed to provide a protective natural area along a stream corridor.

Total Maximum Daily Load (TMDL) - A calculation of the maximum amount of a pollutant that a water body can receive and still meet water quality standards, and an allocation of that amount to the pollutant's sources.

Water Quality Standards - State-adopted and EPA-approved ambient standards for water bodies. The standards prescribe the use of the water body and establish the water quality criteria that must be met to protect designated uses.

Watershed - A defined land area drained by a river, stream, or drainage way, or system of connecting rivers, streams, or drainage ways such that all surface water within the area flows through a single outlet.

ATTACHMENTS

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A. STORMWATER INSPECTION AND MAINTENANCE AGREEMENT

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**STORMWATER MANAGEMENT FACILITIES
MAINTENANCE AGREEMENT**

THIS STORMWATER MANAGEMENT FACILITIES MAINTENANCE AGREEMENT

made this ____ day of _____, _____, by

(month) (year) (individual, partnership, association, corporation, LLC)

(the "Covenantor", and for indexing purposes "Grantor"); Jefferson County, a municipal corporation of the State of West Virginia, (the City of Martinsburg ", and for indexing purposes "Grantee"); _____ (the "Trustee", and for indexing purposes "Grantor"); and _____ (the "Noteholder", and for indexing purposes "Grantor").

W I T N E S S E T H:

WHEREAS, Jefferson County is authorized and required to regulate and control the disposition of storm and surface waters as set forth in the Jefferson County Stormwater Management Ordinance effective _____, as amended (the "Ordinance"), adopted pursuant to Chapter 8A, Land Use Planning, Article 4, Subdivision and Land disturbance Ordinance, as amended (the "Act"); and

WHEREAS, the Covenantor is the owner and is seized in fee simple of a certain tract or parcel of land more particularly described on Schedule A attached hereto (the "Property"); and

WHEREAS, Covenantor desires to construct certain improvements on the Property which will alter existing storm and surface water conditions on both the Property and adjacent lands; and

WHEREAS, in order to accommodate and regulate these anticipated changes in existing storm and surface water flow conditions, the Covenantor desires to build and maintain at Covenantor's expense a storm and surface water management facility and system (the "Facility and System") more particularly described and shown on plans titled sheets ____ through ____ of _____ prepared by _____ and dated _____, which plans and any amendments thereto, are on file with the County of Jefferson office of the Clerk as required, and are hereby incorporated by reference (the "Site Plan"); and

WHEREAS, Jefferson County has reviewed and approved the Site Plan subject to the execution of this Agreement.

NOW, THEREFORE, in consideration of the benefit received and to be received by the Covenantor, its successors and assigns, as a result of the Jefferson County approval of the Site Plan, the Covenantor, hereby covenants and agrees with Jefferson County as follows:

1. At their sole expense, the Covenantor, its successors and assigns, shall construct and perpetually maintain the Facility and System in strict accordance with the Site Plan and any amendments thereto which have been approved by Jefferson County, the Ordinance and the Act.
2. At their sole expense, the Covenantor, its successors and assigns, shall make such changes or modifications to the Facility and System as may be determined as reasonably necessary by Jefferson County to ensure that the Facility and System is properly maintained and continues to operate as originally designed and approved.
3. At reasonable times and in a reasonable manner as provided in Article VI Section A(1) of the Ordinance, Jefferson County, its agents, employees and contractors, shall have the right of ingress and egress over the Property and the right to inspect the Facility and System in order to ensure that the Facility and System is being properly maintained, is continuing to perform in an adequate manner and is in compliance with the Act, the Ordinance and Site Plan and any amendments thereto approved by Jefferson County.
4. Should either the Covenantor or its successors and assigns, fail to correct any defects in the Facility and System within the time specified in a written notice from Jefferson County that the Covenantor or its successors and assigns has/have failed to maintain the Facility and System in accordance with the approved design standards and/or the Site Plan and in accordance with the law and applicable regulations of the Act and the Ordinance, Jefferson County may pursue such remedies as provided by law, including, but not limited to, such civil and criminal remedies set forth in Article VII of the Ordinance.
5. The Covenantor, its successors and assigns, shall indemnify, hold harmless and defend Jefferson County from and against any and all claims, demands, suits, liabilities, losses, damages and payments, including reasonable attorney fees claimed or made against Jefferson County that are alleged or proven to result or arise from the Covenantor's, its successors' and/or assigns', construction, operations or maintenance of the Facility and System.

6. This Agreement and the covenants and agreements contained herein shall run with the title to the land and whenever the Property shall be held, sold, conveyed or otherwise transferred, it shall be subject to the covenants, stipulations, agreements and provisions of this Agreement which shall apply to, bind and be obligatory upon the Covenantor hereto, its successors and assigns, and shall bind all present and subsequent owners of the Property described herein.

Initially, the Covenantor is solely responsible for the performance of the obligations required hereunder and, to the extent permitted under applicable law, the payment of any and all fees, fines, and penalties associated with such performance or failure to perform under this Agreement.

Notwithstanding any provisions of this Agreement to the contrary, upon the recordation of a deed or other instrument of sale, transfer or other conveyance of fee simple title to the Property or any portion thereof (a "Transfer") to a third party (the "Transferee"), the Covenantor shall be released of all of its obligations and responsibilities under this Agreement accruing after the date of such Transfer to the extent such obligations and responsibilities are applicable to that portion of the Property included in such Transfer, but such release shall be expressly conditioned upon the Transferee assuming such obligations and responsibilities by recorded written agreement for the benefit of Jefferson County. Such written agreement may be included in the Transfer deed or instrument, provided that the Transferee joins in the execution of such deed or instrument. A certified copy of such deed, instrument or agreement shall be provided to Jefferson County. The provisions of the preceding three sentences shall be applicable to the original Covenantor and any successor Transferee who has assumed the obligations and responsibilities of the Covenantor under this Agreement as provided above.

7. Nothing herein shall be construed to prohibit a transfer by the Covenantor to subsequent owners and assigns.
8. The provisions of this Agreement shall be severable and if any phrase, clause, sentence or provision is declared unconstitutional, or the applicability thereof to the Covenantor, its successors and assigns, is held invalid, the

remainder of this Covenant shall not be affected thereby. This Agreement shall be interpreted under the laws of the State of West Virginia.

9. _____, the Noteholder, being the holder of a note or notes secured by a lien on the Property through a deed of trust dated _____, from _____ to _____ and _____, Trustees, either of whom may act, recorded in the land records of the County of Jefferson office of the Clerk (the "Clerk's Office") as required in Deed Book _____, at page _____ (the "Deed of Trust"), joins in the execution of this Agreement to evidence its consent to the provisions hereof and to direct the Trustee to execute same for subordination purposes. At the direction of the Noteholder, the Trustee joins herein to subordinate the lien of the Deed of Trust, and the Noteholder and the Trustee hereby acknowledge and agree that the lien of the Deed of Trust is hereby subordinated to this Agreement, the covenants created or set forth herein and all of the rights of Jefferson County hereunder.
10. This Agreement shall be recorded in the Clerk's Office.
11. In the event that Jefferson County shall determine at its sole discretion at any future time that the Facility and System is no longer required, then at the request of the Covenantor, its successors and/or assigns, Jefferson County shall execute a release of this Agreement which the Covenantor, its successors and/or assigns, shall record in the Clerk's Office, at its/their expense.
12. This Agreement shall be deemed to be a West Virginia contract and shall be governed as to all matters whether of validity, interpretations, obligations, performance or otherwise exclusively by the laws of the State of West Virginia, and all questions arising with respect thereto shall be determined in accordance with such laws. Regardless of where actually delivered and accepted, this Agreement shall be deemed to have been delivered and accepted by the parties in the State of West Virginia.
13. Any and all suits for any claims or for any and every breach or dispute arising out of this Agreement shall be maintained in the appropriate court of competent jurisdiction in Jefferson County.

14. This Agreement shall not be modified except by written instrument executed by Jefferson County and the owner(s) of the Property at the time of modification, and no modification shall be effective until recorded in the Clerk's Office.

IN WITNESS WHEREOF, the Covenantor has executed this Agreement as of the date first set forth above.

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B. STORMWATER FACILITY INSPECTION REPORT

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<u>Stormwater Facility Inspection Report</u>				
Address of facility:			Date of Inspection:	
Associated Business or Property Owner's Name:				
Company Conducting Inspection:				
Name of Inspector:				
	Condition			
	-Substandard- Requires replacement or significant repairs	-Fair- Minor structural maintenance required	-Satisfactory- Minor debris removal and/or weeding recommended	-Good- No action or considerations to be taken
Vegetation or filter media				
Fences or other safety devices				
Spillways, valves, or other control structures				
Embankments, slopes, and safety benches				
Reservoir or treatment areas				
Inlet and outlet channels or structures				
Underground drainage				
Forebay areas				
Sand Filters				
Swales and conveyance systems				
Permeable pavements				
Signage			NA	
Other				

Subdivision and Land Development Regulations

Jefferson County, West Virginia

**Adopted October 9, 2008
Amended January 12, 2012**

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Amendment Reference

This document contains additions and amendments approved by the Jefferson County Commission on the following dates. These changes are noted throughout this document with the corresponding number given to the effective date on this page.

- This document was adopted October 9, 2008 and effective November 1, 2008.
- A comprehensive reorganization and related policy-neutral amendments were approved August 19, 2010 which are not individually noted throughout this document.
- (1) Amended by act of the County Commission, Effective April 28, 2011.
- (2) Amended by act of the County Commission, Effective November 3, 2011.
- (3) Amended by act of the County Commission, Effective January 12, 2012.

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Article 20 Jurisdiction and Development Types

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Division 20.100 Authority and Jurisdiction

- A. **Authority.** These Regulations are adopted pursuant to the authority granted by the Constitution and laws of West Virginia including, but not limited to, that contained in Chapter 8A, *Land Use Planning*, of the West Virginia Code.
- B. **Jurisdiction.** Except as provided herein, all subdivision of land, all re-subdivision of land, all site development, and all land clearing except for agricultural purposes, within the unincorporated area of the County shall meet the standards of these Regulations and other County ordinances that control use (see Zoning Ordinance).

Sec. 20.101 Purpose

The purpose of the subdivision and land development regulations is to facilitate the County Government's review of proposals for development of land either by subdivision plat or site plan, to ensure that proposed subdivision plats or site plans meet the standards of the Jefferson County Zoning Ordinance and satisfy the legal requirements of the State and County for the subdivision and development of land, and to promote efficient and attractive development in a manner that reduces off-site impacts. These regulations are also designed to assure proposed development is, or will be, adequately supported by infrastructure including roads, road access, sewer and/or water facilities, stormwater management facilities and private and public utilities. These regulations also establish a review and approval process for subdivision plats and site plans, provide guidance for the preparation of subdivision plats and site plans and inform citizens of the standards that must be met for approval.

Sec. 20.102 Applicability

- A. **General.** All subdivisions, site plans, lot mergers, vacating of streets, right-of-ways, easements of access or for utilities or drainage shall be subject to the provisions of these Regulations. No recordation of such documents with the County Clerk shall be permitted until such documents have been reviewed and approved in accordance with these Regulations.
- B. **Approval Required.** Before development of the land is commenced, subdivision plats and site plans must be approved by the Planning Commission, recorded, and surety posted for required improvements in accordance with these Regulations and the Comprehensive Plan.

Sec. 20.103 Private Restrictions

The provisions of this Division are not intended to replace any deed restriction, covenant, easement, or any other private agreement regarding a parcel of land. All such restrictions shall be enforced by the parties to the restriction. The County shall not enforce or become involved in the enforcement of such private restrictions, and, in the review of development proposals, the County will apply only its regulations to evaluate the proposal. All subdividers shall submit the proposed private restrictions to the County with or before submitting the final plat or site plan. Covenants shall be consistent with the requirements of the County Zoning Ordinance and these Subdivision Regulations.

Sec. 20.104 Exceptions

- ~~A.~~ **General.** There shall be no exception from these Regulations for activities that involve the creation of lots, revision of lot lines that affect other properties other than the otherwise exempted uses, the creation or abandonment of roads, the provision of access to exterior roads, the vacating of public road right-of-ways, or the creation or

A. abandonment of other easements, unless provided for in Section 20.107, *Conservation Easements*.

B. **Public Schools.** By Statute, public schools are exempt from these Regulations, but are encouraged to voluntarily conform.

C. **Public Utilities.** Public utilities and private utility firms, including wastewater treatment and water supply facilities, regulated by the West Virginia Public Services Commission, shall also be required to conform to the standards of these Regulations.

D. **Land Owned by Government Entities.** Land owned by the Federal Government, State Government, or Municipal Government is exempt from the provisions of these Regulations. The County government has placed its own uses under the jurisdiction of these Regulations.

Sec. 20.105 Vested Property Rights

Commentary: Section 20.105 is based on §8A-5-12, Vested Property Right, of the West Virginia Code, without the damages language (which applies by force of state law).

A. **Vested Rights Defined.** A vested property right is a right to undertake and complete the site development. The right is established when the Community Impact Statement (CIS, under the 1979 Subdivision Ordinance) or the Concept Plan (under these Regulations) is approved by the Planning Commission and is only applicable under the terms and conditions of the approved CIS or Concept Plan. Application of vesting a minor plat or minor site plan shall occur after the first review comments have been returned to the applicant, at which point the application is considered "approved with conditions".

B. **Forfeiture.** Failure to abide by the terms and conditions of the approved CIS and/or Concept Plan will result in forfeiture of the right.

C. Vesting Period.

1. The vesting period for an approved preliminary plat or major site plan which creates the vested property right is five years from the approval of the plat or site plan by the Planning Commission.
2. Without limiting the time when rights might otherwise vest, a landowner's rights vest in a land use or development plan and cannot be affected by a subsequent amendment to a zoning ordinance or action by the Planning Commission when the landowner:
 - a. Obtains or is the beneficiary of a significant affirmative governmental act, which remains in effect allowing development of a specific project;
 - b. Relies in good faith on the significant affirmative governmental act; and
 - c. Incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

D. Automatic Extension.

1. All requirements, for the vesting of property rights contained in an ordinance enacted pursuant to WV Code Section 8A-4-2 that require the performance of any action within a certain time period for any subdivision or land development plan or plat valid under West Virginia law and outstanding as of January 1, 2010, shall be extended until July 1, 2012, or longer as agreed to by the municipality, county commission or planning commission. The provisions of this subsection also apply to any requirement that a use authorized pursuant to a special exception, special use permit, conditional use permit or other

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agreement or zoning action be terminated or ended by a certain date or within a certain number of years.

2. Any subdivision or land development plan or plat, whether recorded or not yet recorded, valid under West Virginia law and outstanding as of January 1, 2010, shall remain valid until July 1, 2012, or such later date provided for by the terms of the Planning Commission or County Commission's local ordinance or for a longer period as agreed to by the Planning Commission or County Commission. Any other plan or permit associated with the subdivision or land development plan or plat shall also be extended for the same time period. *Provided, that* the land development plan or plat has received at least preliminary approval by the Planning Commission or County Commission by March 1, 2010.

Sec. 20.106 Adjustment of Lot Boundaries

All adjustments of boundary lines shall be subject to the requirements of this section. The adjustment of boundary lines or the consolidation of lots or portions of lots for the exclusive purpose of increasing land area or adjusting shape shall be approved, provided that access is not adversely affected, provided no new lot is created, and the remaining area of the lot from which the land is taken, satisfies requirements for minimum lot size in the zone district in which it is located. Lot boundary adjustments between non-conforming lots shall be exempt from the minimum lot size criteria unless the lot from which the land is taken is rendered unbuildable. Properties so merged must clearly state in the deed the following, unless otherwise approved by the Planning Director:

“The land(s) hereby conveyed is (are) adjacent to and contiguous with that certain parcel of land which is owned by the grantees herein, having been conveyed to them by deed of record in the Clerk’s Office of said County in Deed Book _____, Page _____, and this conveyance is made for the purpose of adjusting the boundary line(s) of said presently owned land(s) of the grantees.”

A plat shall be required to be recorded with the deed and shall clearly label the proposed merged land area.

Sec. 20.107 Conservation Easements

All easements created and approved by the Jefferson County Farmland Protection Board, or any other land viewshed, wildlife, water, or historic conservation agency or group, for the purpose of preservation shall process a deed with a corresponding exhibit detailing the boundary of the conservation area through the Departments of Planning and Zoning prior to recordation. The extinguishment and retention of any development rights shall be detailed in the deed and on the exhibit.

Division 20.200 Types of Development

Unless explicitly stated within the individual sections listed in this Division, all requirements of these Regulations apply to each of the types of development listed below. Appendix A and Appendix B are included as requirements. Each development type shall comply with the requirements of the zone district in which it is located and may be limited by that zone’s restrictions. Any subdivision in the Rural District since October 5, 1988, shall designate maximum density calculations on every plat. (See *Zoning Ordinance*) Residue parcels from which development rights have been utilized prior to the effective date of these Regulations shall remain as residue parcels. Such parcels shall be limited to the number of development rights to which the parcel was entitled prior to the effective date of these Regulations.

Excluded are developments for the purpose of extraction or harvesting of resources and for roads on agricultural land for the purpose of conducting the agricultural operation.

Sec. 20.201 Minor Subdivisions

~~Minor subdivisions~~ **Minor subdivisions** are those that do not require the development of new infrastructure, the extension of existing off-tract infrastructure, or the creation of common areas and result in the creation of five (5) lots or less, including the parent parcel or residue, from contiguously owned parcels of record. Such subdivisions are approved by the staff. Standards for approval of a minor subdivision shall be as established in this section. Further subdivision of a parent parcel beyond the maximum five (5) lots created via the minor process shall be classified as a major subdivision and processed accordingly.

A. Residential.

All minor residential subdivisions shall contain, but are not limited to, the following criteria:

1. **Lots and Residue Parcel.** A minor residential subdivision divides the property into lots and a residue parcel. The subdivision of the lots creates the residue parcel out of the original parcel.
2. **Access.** In the Rural District, lots having a minimum road frontage of 200 feet may front on an existing road right-of-way having a width of 50 feet. Shared driveway access may be required. All other lots, regardless of the zoning district, shall have motor vehicle access to a road right-of-way via a 50' access easement which extends from the subdivided lots to the existing road right-of-way and the access easement serves no more than five (5) lots. Said access easement shall not be permitted along any existing property lines.
3. **Water/Well or Sewer/Septic.** Potable water and sewer shall be provided according to the requirements of Appendix B, *Engineering Standards*. All submissions shall provide a plat approved by the Department of Health.
4. **Family Transfers.** When parent-to-child or child-to-parent transfers are provided for in a specific zone district, such transfer shall abide by the requirements and standards of minor residential subdivision provisions and the following criteria:
 - a. Identify the relationship between the grantor and grantee; and
 - b. State in the deed:

“The lot transferred is to be used for a single-family residence only as long as the lot is not further subdivided. Any further subdivision of the lot shall dissolve the single-family restriction and will place development of the lot under the County land development laws in effect at that time. This lot cannot be transferred again for at least five (5) years; except as another parent-to-child or child-to-parent transfer of land. Any ~~transferral~~ **transferal** of this lot within the five (5) year period shall place this lot in violation of the Jefferson County Subdivision and Land Development Regulations.”
 - c. As used in this subsection, the word “transfer” shall not include:

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1. Deeds to Trustees to secure a debt, except that no foreclosure can be had thereunder except at public auction and this provision must appear in the deed of trust;
 2. Judicial sales or tax sales;
 3. Mortgages;
 4. Deeds of partition under or pursuant to an order of Court;
 5. Real estate transferred by will or intestacy.
- d. A parent or a child may receive only one such exempt lot within the County after July 19, 1979.
- e. Parents who are married are entitled to only one such parcel.

B. Non-Residential.

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

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

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

Sec. 20.202 Major Subdivision

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

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Sec. 20.203 Minor Site Development³

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

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

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

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

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

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

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

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

A. **No Site Plan or Stormwater Management Plan Required.** No site plan is required for additions to existing structures or structures ancillary to existing uses on a property, when:

1. The footprint of the addition or the new structure is less than 250 square feet; and
2. No additional parking is required per Zoning Ordinance standards; and
3. The disturbed area is no more than 3000 square feet.

B. **Limited Site Plan and Stormwater Management Plan Addressing Quantity Only Required.**

A site plan limited to basic information needed to address (a) erosion and sediment control, (b) parking requirements for the expanded use, (c) stormwater management for the additional impervious area only, (d) handicapped access to the existing and proposed structures and (e) compliance with the Zoning Ordinance, may be used on sites where the structure is:

1. An addition to an existing structure, or, ancillary to an existing use; and
2. The footprint does not exceed 1600 square feet or 35% of the existing structure, whichever is smaller.

3. For a home occupation or cottage industry, the limited site plan standards are applicable if a site plan is required pursuant to the Zoning Ordinance.
- C. **Full Site Plan Required.** Any development which does not meet all of the criteria for a limited or rural site plan shall meet all the requirements of these Regulations and the appendices.
- D. **For site plans located in the rural zone, Rural Site Plan Required Standards may be utilized.** A primary function of the Rural/Agricultural zoning district is to preserve the rural character of the County and the agricultural community. The definition of agricultural allows a number of types of non-residential farming operations to occur in the Rural District. This creates a need to define the manner in which these uses can be permitted in the Rural/Agricultural zone without negatively impacting the rural character area of the land on which it is proposed to be located. While these uses are defined as agricultural, they may have an impact on the farm uses and neighborhoods in which they are located. For this reason, all non-residential agricultural uses or principal permitted uses in the Rural Zone that require the construction of a structure other than a residence or other than a structure for private agricultural use not intended for public use ~~shall require~~ may utilize the submission of a Rural Site Plan Standards. Such Rural Site Plan Standards shall follow the submittal and review requirements of a minor site plan with the following exceptions to the submission. The following provisions apply ~~to rural site plans only:~~
 1. Parking Areas. Parking areas are not required to be asphalt or concrete paved but ~~must~~ shall have at least 6" of stone/gravel and be graded in a manner that ensures water will not pool on the primary parking area. No curbs and gutters will be required provided the development conforms to the requirement of Section 2.

If the development is of a size or nature that requires the provision of handicapped parking spaces, such spaces shall be paved and a paved surface accessing the front of the structure from the parking pad shall be required as detailed in Appendix B, Sec. 2.5(G), *Off Street Parking Standards*.
 2. Rural Storm Drainage and Management. Development which is proposed in the Rural/Agricultural zoning district which wishes to take advantage of the Rural Site Plan Standards are required to utilize Low Impact Development techniques to minimize the impact of impervious surfaces and retain the rural character of the area. These techniques are identified in Appendix B, Section 4.3.D, Other Systems ~~the Jefferson County Stormwater Management Ordinance.~~ Total square footage will be applied and calculated for ~~Retention or Detention~~ the non-residential structure(s) that will be open for public use.
 3. Where, in the judgment of staff, a proposal does not meet the intent of the rural site plan provision or the intent of these Regulations, the proposal shall be classified as a limited or full site plan. The reason for such a determination shall be provided to the applicant in writing. The determination may be appealed to the Planning Commission for consideration and classification.

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Sec. 20.204 Major Site Development

Major site developments are those proposals that 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. This covers the development of one or more parcels of land where there is no subdivision into separate lots. If the development requires easements for drainage or other purposes, private roads, or parking, and access to public roads is involved that serve one or more land uses, it is a site development. Excluded are developments for the purpose of extraction or harvesting of resources and

for roads on agricultural land for the purpose of conducting the agricultural operation. Re-subdivision or adjustments of lot lines are also excluded. Major site development shall adhere to full site plan requirements in all proposals.³

Division 20.300 General Review Standards

Two types of review occur when a subdivision plat or site plan is proposed, a zoning review and a review of the actual subdivision plat or site plan. Section 20.301 covers the zoning review. Sections 20.302 and 20.303 cover the subdivision plat and site plan review.

Sec. 20.301 Zoning Review

- A. **General.** A zoning review shall be conducted concurrently with the review of an application for a subdivision plat or site plan. A review shall be provided at each phase of the process. Subdivision plats or site plans that do not meet the zoning standards shall not be approved. Conversely, no subdivision plat shall be denied on the basis of zoning if the Zoning Administrator has decided (or the Board of Zoning Appeals has decided on appeal) that the proposed development complies with the Zoning Ordinance.
- B. **Responsibility.** The zoning review is a function of the Department staff under provisions of the Zoning Ordinance. Any appeal of the Department's decision shall be heard by the Board of Zoning Appeals.
- C. **Report to Planning Commission.** Staff shall submit a report to the Planning Commission along with the agenda for each meeting at which a subdivision plat or site plan is to be discussed. The report shall contain a final decision as to whether the subdivision plat or site plan meets the standards of the Zoning Ordinance.

Sec. 20.302 Subdivision Plat General Review Standards

- A. **General.** This section sets forth the design review criteria and the body charged with making the determination. Stormwater Management Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater Management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:
- B. **Natural Resources.** The subdivision plat works with the natural conditions of the property so as to minimize destruction of the natural resources (including but not limited to floodplains, hillsides, wetland, sinkholes; See environmental protection standards in the Zoning Ordinance). The subdivision plat protects the site's natural resources as required by the Zoning Ordinance and these Regulations.
 - 1. The staff shall advise whether the minimum standards are met.
 - 2. The Planning Commission may
 - a. Require adjustment to the lot and street layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
- C. Determine if it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property. The Planning Commission

may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.

D. **Adjoining Properties.** The subdivision plat promotes the best design for the use of the property in relation to the development's function and nearby existing or-in-process developments.

1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
2. During the concept plan stage, the Planning Commission and/or staff may review:
 - a. The lot layout to see if an alternative layout would provide greater compatibility by increasing the distance of some portion of development from neighbors where feasible.
 - b. The distribution of plant material within a bufferyard, and whether an alternative distribution would better protect a specific area.

E. **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater management ~~cover both quantity and quality for both surface flows and subsurface recharge~~ are described in the [Jefferson County Stormwater Management Ordinance](#). The County Engineer shall be responsible for advising whether the plan and drainage facilities meet the required standards. The Planning Commission may seek to use natural surface drainage or encourage the use of low impact development techniques (see ~~Section 22.405, Other Systems for Retention or Detention~~ [Jefferson County Stormwater Management Ordinance](#)) wherever possible.

F. **Streets.** All street and circulation patterns shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential areas, local shopping, schools, and other areas. Road connections shall be made to existing subdivisions or stub streets to avoid external vehicle trips.

1. The West Virginia Division of Highways (WVDOH) is responsible for all roads, except those intended to remain private and/or maintained by a Homeowner's Association. WVDOH shall determine the safety of the roads, access locations, and off-site improvements. Staff shall coordinate with the WVDOH to make all determinations of safety. Likewise, the capacity of the adjoining roads is a technical issue to be determined by WVDOH. At the approval of concept plans, the Planning Commission may require the developer to work with WVDOH to specifically address off-site or capacity issues or concerns.
2. The Planning Commission and staff shall review the pattern of streets and blocks to advise if the design promotes pedestrian and bicycle movement, calms traffic in appropriate locations, and provides for connections to existing subdivisions or stub streets or accommodates future connections to future subdivisions to avoid unnecessary external vehicle trips.
3. Connectivity is intended to ensure an adequate movement of traffic within superblocks, provide multiple means or routes of emergency access, and reduce loadings on arterial or collector roads that bound the superblock. The Planning Commission and staff shall work with the County Engineer with regard to the safety and desirability of connections between subdivisions and/or to existing stubs.

4. Where a superblock or area currently has no internal streets, the Planning Commission shall work with the developer and the staff to develop a sound approach to connectivity within the superblock being developed by recommending a superblock street pattern to guide future development.

G. Utilities. Provisions for adequate sewer and water.

1. The determinations of adequacy or availability shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.
2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.

H. Public Improvement. Facilitate the conformance of subdivision plats with the public improvement plans of the County, such as the proper provision of open space for recreation and other public facilities and the convenient and proper location of sites for public and community facilities and various land uses. This shall be the responsibility of staff.

I. Lots. The subdivision plat shall provide for well-proportioned and oriented lots that relate properly to the roads and open space. An awkward and irrational pattern of lots and individual lot shapes and excessive number of panhandle lots shall be avoided (See Section 21.302, *Flag Lots*). The Planning Commission may require a different lotting pattern if they determine lot shapes or pattern of lots can be improved to support their future development.

J. Landscaping. The subdivision landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance. Landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.

1. The staff shall advise whether the zoning standards are met.
2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.

K. Density. In reviewing a subdivision plat pursuant to A through I above, no requirement shall lower the density or floor area except as provided in 1 to 3 below. The review of subdivision plat is ministerial. There is no discretion to alter density downward if the plan meets all zoning standards. The preliminary or concept plan reviews are intended to encourage or require plan modifications that improve design. The Zoning Ordinance sets the maximum density and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the subdivision plat by ~~altering~~altering roads, lots, landscaping, or other plat elements, but not by ~~altering~~altering development intensity unless it exceeds zoning ordinance standards as indicated by the staff review.

1. A subdivision plat may be denied based on density when it exceeds that permitted by the Zoning Ordinance as indicated by the staff report and the developer is unwilling to accept modifications to bring it into conformance.
2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for

water and sewer find that these services cannot be provided by the developer or another provider in accordance with acceptable standards.

3. The Planning Commission may impose conditions for a lower density when proffered by the developer.
4. The Zoning Ordinance and these subdivision and land development regulations provide flexibility and incentives for good design as well as ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best plan for the property at the densities that are permitted by the Zoning Ordinance.

Sec. 20.303 Site Plan General Review Standards

The site plan process occurs on existing lot(s) with no public roads being built but where private drives, circulation, and parking will be needed. Utility systems that the County will rely on to serve the new development and drainage are also required. Site plans create an area where people will live and work. Site plan review involves the technical and engineering aspects of the proposed site plan in order to ensure that a safe and efficient neighborhood is created. The design of the site is also important to ensure that the site plan achieves the intended results. This section sets forth the design review criteria and the body charged with making the determination. Stormwater Management Plans may be required for inclusion based upon applicability standards defined in the Jefferson County Stormwater Management Ordinance. In conducting a review, the staff shall make a report and recommendations on design, and the Planning Commission shall make a decision, based on the following:

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- A. **Natural Resources.** The site plan works with the natural conditions of the property so as to minimize destruction of the natural resources and maximize the value of the lots for the developer and eventual residents or users. The site plan protects the site's natural resources as required by the Zoning Ordinance.
 1. Staff shall advise whether the minimum standards are met.
 2. The Planning Commission shall review:
 - a. The lot and internal circulation layout to better achieve the level of protection by maintaining linked open space.
 - b. Adjust the location of the open space or landscaped surface area to protect areas of the resource that are most valuable or of highest quality. The location may also be adjusted to protect water quality by better buffering streams or water bodies.
 - c. If it is generally desirable that one on-site resource be protected at a greater level than another on-site resource due to the unique conditions of the property, the Planning Commission may recommend the developer seek a waiver of the resource protection standards in order to provide greater protection for the identified on-site resource.
- B. **Adjoining Properties.** The plan promotes the best design for the use of the property in relation to the development's function and nearby existing or in-process developments.
 1. Staff shall advise whether the minimum bufferyard standards of the Zoning Ordinance are met.
 2. During the concept plan stage, the Planning Commission may review as follows:

- a. The site plan to see if an alternative layout would provide greater compatibility by increasing the distance of a development from neighbors where feasible.
 - b. Where an alternative distribution of plant material within a bufferyard would better protect a specific area.
- C. **Drainage.** The drainage shall be efficiently and unobtrusively integrated into the design and shall avoid off-site impacts. The standards for stormwater ~~management cover both quantity and quality for both surface flows and subsurface recharge~~ are described in the Jefferson County Stormwater Management Ordinance.
 1. The County Engineer shall be responsible for advising whether the ~~site plan and drainage facilities meet~~ Stormwater Management Plan meets the required standards described in the Jefferson County Stormwater Management Ordinance.
 2. The Planning Commission may seek to use natural surface drainage or encourage the use of Low Impact Development (LID) techniques (see Section 22.405, Other Systems for Detention or Retention the Jefferson County Stormwater Management Ordinance) wherever possible.
- D. **Internal Circulation.** All internal roads or parking lots create a circulation pattern which shall provide for the safe, efficient, and convenient movement of vehicular and pedestrian traffic. Within the context of overall community development, the internal circulation system should promote and encourage the increased use of pedestrian and bicycle movement among residential, local shopping, schools, and other areas. Where adjoining developments have stubbed streets the connections shall be made, and the Planning Commission shall require them.
- E. **Utilities.** Adequate provisions are made for sewer and water.
 1. The determinations of adequacy shall be made by the Planning Commission after consultation with appropriate agencies responsible for providing water and wastewater treatment for the area in which the proposed subdivision or development project is located.
 2. The Planning Commission may request that specific problems be considered and addressed by the agencies in the recommendations of the concept plan.
- F. **Landscaping.** The site plan landscaping layout shall promote the zoning classification's qualities and character and meet or exceed the landscaping standards of the Zoning Ordinance. ~~Bufferyard~~ Bufferyard landscaping shall be located to achieve the screening objectives and, where possible, enhance open space objectives beyond the minimum requirements.
 1. The staff shall advise whether the zoning standards are met.
 2. The Planning Commission shall work to ensure that required landscaping is located to best achieve the screening, protection, and overall character to enhance the value of the property. It may authorize moving plant material around, but not require more plant material than required by zoning.
- G. **Intensity.** In reviewing a site plan pursuant to A through G above, no requirement shall lower the permitted floor area except as provided in 1 to 3 below. The review of site plans is ministerial. There is no discretion to alter density or intensity of development downward if the plan meets all zoning standards. The concept plan reviews are intended to encourage or require site plan modifications that improve design. The Zoning Ordinance sets the maximum intensity and includes the environmental regulations to ensure that a site is not over-developed based on its unique conditions. The design review shall focus on revising the site plan by altering building

configuration, circulation and parking design, landscaping, or other site plan elements, but not by altering development intensity unless it exceeds Ordinance standards as indicated by the staff review.

1. A street extension planned in existing development runs through the property.
2. A denial is also possible where the Planning Commission determines that public or community sewer and/or water facilities are required and the agencies responsible for water and sewer find that these services cannot be provided by the developer or another provider.
3. The Planning Commission may impose conditions for a lower intensity when proffered by the developer.
4. The Zoning Ordinance provides flexibility and incentives for good design and provides for ways to waive specific standards in certain circumstances. The Planning Commission's role is to work with the developer to achieve the best site plan for the property at the densities or intensity of uses that are permitted by the Zoning Ordinance.

Article 21 Subdivision and Development Design

Division 21.100 Subdivision Plat Components

Sec. 21.101 Blocks

- A. **Block Length.** The ~~blocks~~blocks shall not, in most instances, exceed six lots in length on one side of the street. For attached units, that shall not exceed 12 lots. The length, width, and shape of blocks shall be determined with due regard to the provision of adequate sites for ~~buildings~~buildings of the type proposed, zoning requirements, fire ~~access~~access, emergency service, and police protection. Blocks may be longer in rural subdivisions due to topographic constraints and/or the total number of lots in the subdivision does not exceed 9 and the lots are over $\frac{3}{4}$ acre in land area each.
- B. **Block Width.** Blocks should be such width as will provide two tiers of lots, except where reverse frontage lots are located along an ~~arterial~~arterial or collector street or where such an arrangement is prevented by the size or other inherent site conditions of the property, as determined by the Department.
- C. **Relations to Arterials and Collectors.** Where possible, blocks shall be laid out to have their short length ~~abutting~~abutting ~~arterials~~arterials, ~~collectors~~, or the development's major road.
- D. **Nonresidential Blocks.** Blocks for commercial, industrial and other non-residential use areas may vary from the elements of design contained in this Section if the nature of the use requires other treatment. In such cases, safe and convenient ~~access~~access to the street system shall be required. Space for off-street parking may also require similar ~~access~~access for employees and customers. Extension of streets and utilities shall be provided, as necessary.
- E. **Grid Layout.** A grid or other formal system is desirable, in which open spaces are integrated into the block design. Exceptions may be made for hillsides, green spaces along drainage or stream channels, or where other natural resources make a grid difficult or cost prohibitive. ~~Alleys~~Alleys are considered desirable where lot sizes are less than 10,000 square feet in area.

Sec. 21.102 Streets

Streets shall be laid out to create ~~blocks~~blocks or, in limited conditions, cul-de-sacs. Within any ~~superblocks~~superblock created by ~~arterials~~arterials or ~~collectors~~collectors, the objective is to provide an interconnected network of streets so that people may reach other locations within the superblock without having to access arterial or collector streets.

- A. **Access to Public Highways.** Any proposed subdivision that is not adjacent to a public highway shall be connected to a public highway by a right-of-way(s) and road(s) that meet the standards required for right-of-ways and roads within the proposed subdivision. This provision may require upgrading of right-of-ways and roads that are not owned by the subdivider and that were platted and recorded prior to the date the subdivider filed a subdivision application.
- B. **Connections to Stub Streets.** Where a stub street has been provided or the right-of-way is provided on an adjoining parcel or subdivision, the developer shall connect. The only exception to this shall be where commercial, industrial or other non-residential use takes access through a residential subdivision or development to a local street.
- C. **Access.** All subdivision plats that contain more than 30 lots shall have a minimum of two access points from existing roads. Where possible, spacing between points of access shall be a minimum of 300 feet. Where possible, all subdivisions shall connect so that developments are

not cul-de-sacs with only one access to an existing road. The use of cul-de-sacs shall be limited to places where natural resources, such as streams, hillsides, ~~floodplains~~floodplains, or ~~open space~~open space, make normal blocks inefficient, environmentally damaging, or prohibitively expensive.

1. Where the frontage on existing roads does not permit two entrances to be adequately spaced, the subdivision shall provide for connections to adjoining existing stub streets or to adjoining vacant parcels to all sides;
2. Where the connection is to an arterial or collector, and where access controls are in place to increase spacing, the second access may be skipped where a stub street on an adjoining property provides the access; or
3. Where the single access is no more than one lot long before splitting into an internal system of connected streets, a street with a parkway may be used.

D. **Future Connections.** Where the adjoining land is vacant, the subdivision shall provide stub streets to the property line. Connections shall be made to all properties that are not vacant or have stub streets in place. The access shall be to properties on all sides. In larger subdivisions, not all streets need to be extended. The skipping of block extensions shall not exceed three block lengths or result in no connection being made to an adjoining parcel.

E. **Street Pattern.** The design of the street system near intersections of collectors or ~~arterials~~arterials should be designed so as to discourage or make difficult short-cutting through a residential area.

Sec. 21.103 Lots

Design standards for lots in subdivisions shall be as follows:

- A. **Required Frontage.** Every lot shall have frontage along the right-of-way lines of a street, except as expressly permitted by Sections 21.301, *Road Frontage*; 21.302, *Flag Lots*; and 21.303, *Lot Shapes*.
- B. **Double Frontage Lots.** Double ~~frontage~~frontage residential lots should be avoided. It is preferable only along ~~arterials~~arterials or collectors where the short end of blocks cannot be used because of the proximity to two intersecting arterials or ~~collectors~~collectors. It is preferable to align ~~blocks~~blocks with perpendicular ~~local streets~~local streets so as to have side lot lines adjoining the main road. Only where all the preferred orientations are impractical or where large ~~buffer yards~~buffer yards set the lots an adequate distance from the road may double frontages be considered for ~~approval~~approval. Lots with double frontages shall be required to have driveway access from the internal or minor subdivision street, and the plat shall bear a notation disallowing ~~access~~access onto major roadways. Residential lots fronting on collectors or arterials shall be prohibited unless served with ~~alleys~~alleys and off-street parking accessed from side streets.
- C. **Side Lot Lines.** Sidelines of a lot shall be set approximately at right angles or radial to street right-of-way lines; rear lines shall be approximately parallel to ~~street lines~~street lines. Different lot shapes may be permitted if necessary or desirable to relate ~~building~~building sites to the terrain or open space or if they provide better site utilization and building relationships.
- D. **Access to existing roads.** In all districts where the subdivision for residential use is to occur, lots shall only have access via internal subdivision roads, except for ~~Rural~~rural lots as provided in Sec. 20.201, *Minor Subdivisions*. Lots shall take ~~access~~ to stub streets with side lot lines paralleling the public road, rather than stripping the frontage. Use of a frontage road to circumvent the intent of this provision shall be prohibited.

- E. **Lot Arrangement.** The arrangement of lots shall preserve and be sensitive to the natural features of the property. Alternative development options, such as cluster or planned developments, provide the design flexibility needed to reduce the intrusion of lot areas into floodplains and other natural resources.
- F. **Non-residential Lots.** Non-residential lots shall be designed to prevent any visually unattractive facility (such as loading platforms, material or refuse storage areas, mechanical equipment, and supply areas) from facing major streets or residential neighborhoods. Alley access or screening walls shall be utilized to shield visually unattractive facilities.
- G. **Driveway Access for Corner Lots.** Corner lots located at the intersection of major and minor streets shall have driveway access from the minor street, if possible. Driveways shall be located as far from the street intersection as practicable and shall not be permitted within the ~~sight distance triangle~~*sight distance triangle*.
- H. **Corner Lot Line Radius.** The corner of corner lots shall be designed and platted as a curve having a radius that is parallel to the radius of the adjacent street pavement and/or curb and gutter.
- I. **Minimum Lot Dimensions.** Refer to the Zoning Ordinance for the specific zone district in which the parcel is located for all required minimum lot dimensions.

Sec. 21.104 Lot Width and Frontage

Lot widths shall meet the required minimums for the specific zone district in which the parcel is located that are measured at the setback lines. Frontage is measured along the street property line. The following guidelines govern lot configuration:

- A. **Frontage.** The minimum frontage shall be the minimum lot width for the Zoning District or 80 feet, whichever is less. Flag lots and lots on cul-de-sacs may be permitted to have a minimum frontage of 24 feet based on design and engineering approval.
- B. **Lot Shape.** In general, lots should be roughly rectangular.
 - 1. Where a grid street system exists, the lots should be as close to rectangular as practicable, with the narrow side fronting the local street, as feasible. The ratio between lot depth and lot width shall not exceed 3:1. Depth to width ratios for corner lots will be based on which lot boundary is designated as the rear line. The frontage is opposite the rear line. The frontage opposite the rear line will be defined as width.
 - 2. In curvilinear street patterns, irregular lot shapes will result. The minimum lot width must be maintained between the front and rear yard setback lines; therefore, the lot width may not be narrower than the minimum at any point within the building envelope. The applicant may define *building* envelopes more restrictively than minimum yard setbacks on the *final plat*.
 - 3. Where lots exceed two acres, the need for rectilinear lot shapes decreases and, provided the provisions of 2 above are met, more irregular lots may be approved where it protects natural features or resources or where it makes the lotting more efficient.
 - 4. Acute lot corners shall have angles of no less than sixty (60) degrees. Lot corners of less than sixty (60) degrees may be accepted by the County Engineer for lots along road turnarounds.
- C. **Difficult Properties.** Where topography, natural resources, or property shape make normal lot configurations difficult, common drives, *panhandle lots*, or shared easements may be considered to provide access in those situations. They shall not be used simply to avoid more streets.

Sec. 21.105 Requirements for Parkland

This Section is designed to satisfy needs for park facilities in future neighborhoods.

- A. **Visual Access.** Visual access to parkland shall be encouraged from both lots and streets.
- B. **Greenways.** Parkland shall be designed to provide greenways along drainage corridors, streams, or in accordance with a County trail plan. The landscaping along corridors shall be designed to enhance the filtering of surface and subsurface water flows. Trails shall provide access along the greenway and to the residents of the development.
- C. **Design.**
 - 1. Parkland shall be integrated into the development design to bring significant open space to the maximum number of properties. Small, odd, left-over open space areas shall be avoided. Landscaping may be required to enhance the value of such spaces where they cannot be avoided, and staff may require the concentration of required plant material. The reservation of land for park and recreation purposes shall be in a suitable, convenient location and shall be of a size, dimension, topography, and character conducive to use as a park, playground, playfield, or similar use.
 - 2. Land reserved for park and recreation purposes shall be reasonably level and dry and shall be maintained by the property owners' associations in a useable condition as part of an overall maintenance program for the subdivision. Land reserved for neighborhood park and recreation purposes shall be clearly identified on the final plat and shall be for the use and enjoyment of property owners within the subdivision. Land reserved for greenways and trails for public use shall be clearly identified on the Final Plat. The County Commission may accept donation of all or a portion of parkland, greenways, or trails for use by the public.
 - 3. Open spaces/parkland shall be designed to provide areas of focus within the development. In the Rural District, such spaces shall be minimal unless a Conditional Use Permit (CUP) has been obtained. In the Residential-Light Industrial-Commercial and Residential Growth Districts, open spaces/parkland shall be provided in accordance with Table 21.105. Residential Land area is determined by adding the square footage of all proposed residential lots. Up to 60% of this requirement may be met with passive open space in the Residential-Light Industrial-Commercial and Residential Growth Districts. Landscaping and hardscapes that include furniture for pedestrians shall be installed to enhance the usefulness of these areas.

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Table 21.105 Parkland Requirements for R-LI-C & RG Districts and Development in the Rural District with an approved CUP	
Density in Units per Acre of Residential Land Area	% of Land to be Reserved for Open Space
Less than 2 units per acre	No land required
2-4	4%
4-6	7%
6 to 10	10%
10+	15%

D. **Overlapping Easements.** Easements over environmentally sensitive resources shall not have other easements over the land that would result in the disturbance of the land, with the following exceptions:

1. Pedestrian ~~access easements~~access easements may be permitted anywhere.
2. In order to provide appropriate services, utility and drainage easements may be permitted along any side and rear lot lines of adjoining lots designated for development but shall be minimized in open space areas.

Division 21.200 Site Plan Components

Sec. 21.201 Access and Interconnection

The provision of safe access to adjoining roads and interconnections between adjoining developments is important to a transportation system that works. Access to the State's roads is governed by WVDOH, which is responsible for the review of the site plan for access to the adjoining road network. It is the purpose of these Regulations to encourage connectivity between adjoining uses along arterial and collector roads to reduce the need for traffic to go onto major roads to reach nearby uses. The following governs the review of access and interconnection:

- A. **Access.** The West Virginia Division of Highways (WVDOH) shall review all site plan applications and indicate whether it approves of the proposed access in terms of location and sight distances, acceleration and deceleration lanes, turn lanes, traffic signs and/or signals, and the capacity of the road to handle the proposed traffic.
- B. **Interconnections.** The Department of Planning shall review the site plans to ensure that, where interconnections can be made or where adjoining properties have provided for interconnections, the site plan makes the connections. Site plans may be required to be modified to make the connections or to ensure that the interconnections between a number of properties are made in a manner that facilitates movements between sites. The County Departments of Planning, Zoning & Engineering shall review the layout and engineering of such linkages to ensure that they are feasible and safe.
- C. **Strip Development.** Strip development with each use having its own access to State roads is undesirable. In consultation with WVDOH, the Department and the Planning Commission may require connected parking areas or even a parallel access way connecting a number of parcels. The minimum access standards shall be adhered to. Should the first parcel to develop not be at the best location for access to an area, the County and WVDOH may issue a temporary curb cut permit that allows the entrance to be located there, provided that there are connections to the adjoining properties and the landowner signs an agreement giving the WVDOH permission to close the curb cut, at the landowner's expense, once the property has access to a better curb cut location.

Sec. 21.202 Internal Circulation

All site plans shall be reviewed for efficient internal circulation and safety. The Department report shall recommend any changes. The internal circulation shall be such that it provides for smooth transit across the site for interconnecting traffic. The site plan shall be changed if the circulation pattern does not meet these criteria. Connectivity both for automobiles and pedestrians is important. Since most site plans are small to moderate sized commercial uses, this is a critical element. The following elements shall be the focus:

- A. **Connectivity.** The parking lots of small commercial developments shall be designed to be connected allowing movement through several parcels without returning to the major roads. For larger developments, an access road connecting multiple parcels shall be designed to promote easy traffic movement without difficult turns or disorienting drivers.
- B. **Pedestrian Connectivity.** Sidewalks shall be provided along the road or if a pedestrian path system can work for whole blocks it may be pulled back from the road. Connectivity from non-residential areas to adjoining residential areas shall be provided wherever there are stubs in existing development or where logical pedestrian development could be provided to vacant residential property.

- C. **Parking.** All site plans shall have a provision that permits cross parking with neighboring uses unless demonstrated to be detrimental to the use. Signs that indicate parking exclusively for customers of the use only are prohibited. Staff parking signs can be used.
- D. **Temporary Access.** Where parcels need access but currently cannot obtain adequate separation of roads and drives, the County shall permit access through a temporary connection. These properties shall have connections to adjoining properties so that when correct access spacing can be achieved, the temporary access can be closed and landscaped. The closure shall be at the landowners cost.

Sec. 21.203 Loading and Trash

Loading and trash areas shall be located and designed for loading and trash collection to be done in an efficient manner that allows trucks easy movements for delivery or pickup. Trash areas shall be located and oriented so that they do not create a nuisance to adjoining owners or an unsightly view from public or private roads. Trash container areas shall be screened on three sides with the use of fencing and plant materials.

Sec. 21.204 Pedestrian Circulation

All proposed site plans shall provide a safe, efficient, and attractive pedestrian environment. The criteria for this include:

- A. **Access to Adjoining Property.** The access to adjoining properties shall provide for continued pedestrian access to adjoining commercial properties. Where the adjoining use is residential, the connections shall be to any street's or stub street's sidewalks.
- B. **Crossings.** Crossings of roads or drives shall be clearly identified and signed to provide safe pedestrian crossings. Landscaping shall not interfere with sight distances. Traffic calming measures shall be encouraged in any locations where pedestrian crossings are proposed.
- C. **Outdoor Dining.** When restaurant sites are provided, the building should be designed to encourage outdoor dining.

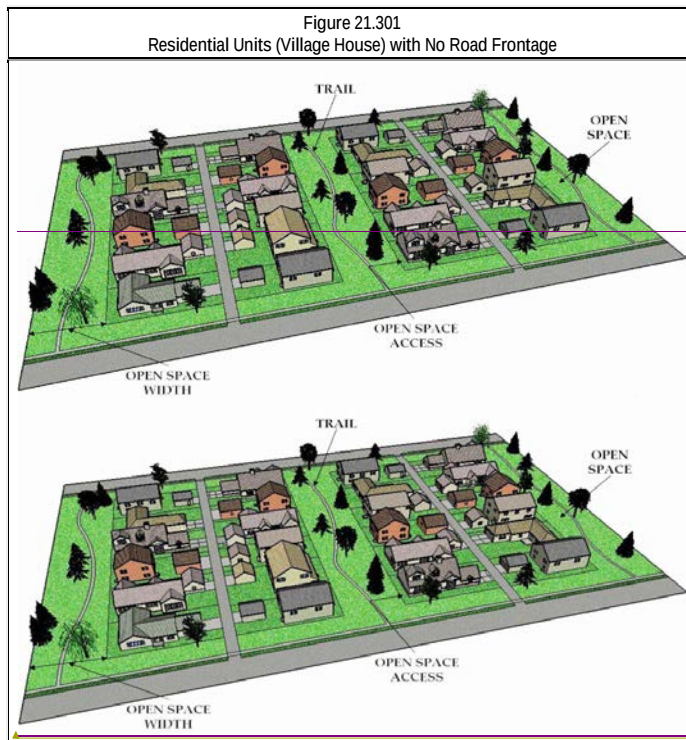
Division 21.300 Modification of Development Standards

Sec. 21.301 Road Frontage

Under certain circumstances, townhouses or similar types of attached units are not required to front a street. All such units shall front an open space that meets the standards in Table 21.301, *Standards for Specific Residential Units with No Road Frontage*. The maximum distance such a unit may be away from a street depends on the distance between the lot and both the open space and an alley that provides the lots with on-site parking and emergency access. The distance requirements in Table 21.301 shall be doubled if a road or emergency access alley is available at both ends of the open space. Figure 21.301 illustrates the various conditions.

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Maximum Distance from Street (ft.)	
Open Space Access	Alley and Open Space Access
60	100
75	150
100	180
120	200



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Sec. 21.302 Flag Lots

Flag lots are generally prohibited because they increase the number of curb cuts on *arterial* or collector streets. However, conditions may exist where flag lots are reasonable and acceptable. These conditions are set forth below and illustrated in Figure 21.302, *Flag Lot Conditions*. If permitted, all flag lots shall allow access for public safety vehicles and providers of public utilities or related public services.

- A. **Irregular Parent Tract, Cul-De-Sac Not Feasible.** If the property to be subdivided has very irregular boundaries and a narrow street and cul-de-sac are not feasible, a flag lot may be used to serve a single lot where lots are one acre or larger.

- B. **Resource Protection.** In a resource protection area, where lots are one acre or larger, a flag lot may be used to reduce resource destruction which would have occurred by extending the cul-de-sac further into the sensitive area.
- C. **Avoidance of Access to Arterial.** A flag lot shall be used to avoid lots taking access to *arterial* or collector streets, as long as the flag lot does not take access from the arterial or collector streets.
- D. **Minimum Access Width.** The "flagpole" or "panhandle" portion of the lot shall be a minimum of 24 feet in width.
- E. **Shared Access.** A combined curb cut for the flag lot and one or more lots may be required where the County believes such design will improve traffic safety.

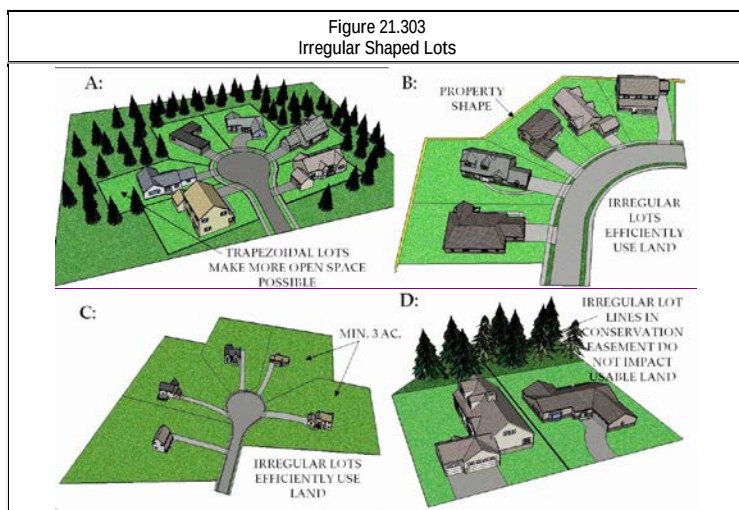


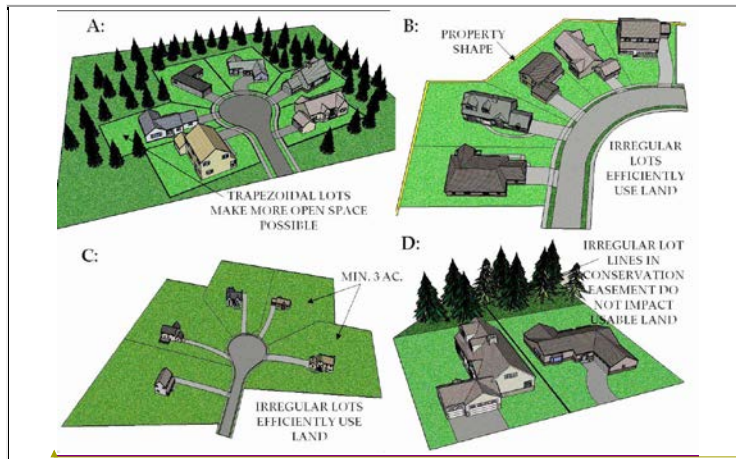
Sec. 21.303 Lot Shapes

Normally, lot shapes are rectangular or pie-shaped. This pattern works well in some cases; rectangular lots are important when lots are rather small since they provide a maximum building envelope. Pie-

shaped lots can be inefficient. The most important element is that the lot contains a building construction envelope adequate for conventional house design. Lot shapes may be irregular under the following circumstances (See Figure 21.303, *Irregular Shaped Lots*):

- A. **Open Space.** Where lots are surrounded by open space, those of approximately trapezoidal shape may be used to maximize the benefits of the open space and reduce road length. (Figure 21.303A)
- B. **Irregular Parent Tract.** Where the property has a shape that makes it difficult to locate lots efficiently, the applicant shall be able to use irregular lot shapes, rather than waste land. (Figure 21.303B)
- C. **Large Lots.** Where lots exceeding three acres are provided, the lot shape that provides efficient use of the land and minimum lot size may be used. (Figure 21.303C)
- D. **Open Space Subject to Deed Restrictions and Covenants.** Portions of lots subject to deed restrictions and covenants to protect open space may have irregular shapes since they cannot be used for construction. (Figure 21.303D)
- E. **Construction Envelope.** All lot sizes and shapes shall be reviewed to ensure that houses similar to those normally built in the district can be constructed with normal patios or decks within the building envelope.





Sec. 21.304 Building Pads

Where lots are greater than one acre in size and an applicant wants to locate buildings to create a more casual layout and eliminate buildings lining up along a street on the setback line, the preliminary plat shall propose building pads for each lot that are varied as to setbacks. The plan shall be approved if the following are met:

- A. **No Loss of Privacy.** There is no loss of privacy with homes being located closer to each other than would be the case if the district setbacks were followed, unless there is a landscaped buffer provided that doubles the opacity that would be provided by adherence to the minimum district standards.
- B. **Environmentally Sensitive Locations.** Pads are located to avoid impacts on resources or to provide a better view of protected resources or open space.
- C. **Landscaping.** Landscaping is increased to materially enhance the character over that provided by the minimum standards.
- D. **Neighboring Property.** Where side lot lines or rear lot lines abut an adjacent property of similar zoning, the minimum setbacks are maintained. Where the property line is an existing residential street, the building pads may be used provided the reduction in front yards is not greater than ten percent and additional street trees or front yard landscaping is used. The Planning Commission may require building pads to be altered if it finds that they are so abruptly varied as to alter the character of the street.

Sec. 21.305 Block Length

The maximum length of blocks is set to provide connectivity between adjoining parcels as they develop separately over time. There are conditions that can exist that warrant longer lengths. Such conditions should be addressed by requesting a waiver from these requirements.

Any request for a waiver of the lengths shall meet the criteria below. Maximums shall not exceed those in A and B below, as measured on both sides of the street.

- A. **Criteria.** The following criteria shall be met in granting a waiver:

1. **Existing Stubs.** If the neighboring property has provided a stub to the subject property, the connection shall be made unless there is a high quality wetland that would have to be destroyed to make the connection.
 2. **Natural Resources.** A connection would result in protected resources being destroyed.
- B. **Blocks.** If a modification is made pursuant to the standards in A above, the blocks shall not exceed:
1. Nine lots in length on one side of the street for single family lots; and
 2. 18 lots in length on one side of the street for attached residential units.

Sec. 21.306 Intersections

Intersections may be permitted closer than the 300 foot centerline distances where:

- A. **Shallow Block Depth.** The depth of a block is less than these distances. An exception shall be granted unless a reasonable alternative street configuration exists which will provide the needed separation; or
- B. **Topography.** Topographic, natural resource, or ownership problems make providing the separation impractical or undesirable; or
- C. **Safety.** A narrower distance may be permitted where the Planning Commission finds the shorter distance results in safer conditions based on sight distances.

Division 21.400 Covenants and Deeds

Covenants shall be provided by the land owner to cover the operation and maintenance of a subdivision or site development. If there are associations, the covenants shall either contain all the needed rules for the association or reference a document that does. If lots or condominium ownership is contemplated, deeds for each property are required. The County shall review these documents to ensure they do not conflict with County laws. If the covenants or deeds do not conflict with County laws they should be approved. The County in no way waives its rights to enforce violations of law later learned of or determined to exist. County approval in no way indicates County assistance in enforcing these covenants, which the County will not do. Covenants and deed restrictions shall also serve as a means of limiting further development of lands set aside as open space to satisfy the cluster and planned development requirements or standards identified in the zoning ordinance.

Sec. 21.401 Private Restrictions and Easements

Design, signage, use, management, maintenance, and cost sharing may be prescribed or limited by private covenants, conditions, or restrictions, provided that such restrictions are not in violation of County law. For any subdivision or development that involves a shared access easement, no obstruction of the full use of the easement shall be permitted. A note to this effect shall be placed on the plat or plan.

Sec. 21.402 Public Easements

General. All easements for all public (water, sewer, stormwater management or storm drainage facilities) or public service type facilities (telephone, electric, gas, cable) that serve the subdivision or site development shall be set forth on the plat or in the deed. Such easements shall be located in street right-of-ways, *alleys*, or side or rear yards as determined by the County in accordance with the particular plans and layout of the utility or other service providing company. All easements shall provide for

access without notification to the property owner for the maintenance, repair, or other work needed in the easement or to the facility in the easement. The following standards shall apply to easements:

- A. **Utility Easements.** A utility easement shall be a minimum of ~~42~~15 feet wide or a width acceptable to grantor and grantee. Easements that fall on shared side or rear lot lines, unless specifically authorized by the County, shall be of equal dimensions on both lots involved. Where attached housing types are involved and yards are enclosed or very narrow, easements shall be in front or rear yards.
- B. **Stormwater.** All stormwater facilities shall be located on open space land, on easements on the lots, or on public rights of way. Easements shall run in favor of the homeowner's association, business owner's association and any of the public service providers using the easement. Drainage easements shall be provided on all lots to ensure that stormwater channels remain clear of development. Where attached housing types are involved and yards are enclosed or very narrow, drainage easements shall be placed on lots to convey *surface water* to storm sewers located on the street or to surface drainage channels located in easements or open spaces as topography and grading dictate. Easements shall be designed for a 10 year storm event and in no case shall be less than 15 feet wide.
- C. **Open Space Deed Restrictions and Covenants.** Deed restrictions and covenants ~~to~~ shall preserve open space, protect natural resources, and protect land held in common or used for recreation and/or open space. All areas subject to deed restrictions or covenants shall be restricted from further residential development and shall run in favor of all lot owners in the development or the homeowner's association.
- D. **Encroachments, Structures and Landscaping.** No permanent encroachments, structures, fences or landscaping shall be allowed to be located within any easement area. The homeowner's association, business owner's association and any of the public service providers shall have the right to remove any encroachment, structures, landscaping, fencing or any other improvements placed upon such public easements.
- E. **Maintenance Access Easements.** These easements shall be a minimum 15 feet wide and are primarily intended to provide access to public utilities or drainage areas that need to be maintained regularly. They are not intended to be used as access to a lot or parcel. The exception to this would be to avoid landlocking a parcel that has no other means of access. Should the homeowner's association, business owner's association, any of the public service providers or other agency with facilities in the easement need to do work in an easement, an attempt shall be made to notify the resident and owner, if feasible. If time allows, the landowner shall be permitted to remove any structure or planting. However, since the work may involve an emergency, the homeowner's association, business owner's association, any of the public service providers or other contractor may do the work, including removal or destruction of structures or landscaping. The only obligation the contractors have is to restore the ground cover if that has been disturbed in the process of the work. Any other costs shall be borne by the landowner.

Division 21.500 Mapping and Monuments

All preliminary plats shall identify the following:

- A. The location of monuments and markers according to type and whether "found," "set," or "to be set." A key to all symbols referencing such markers shall be provided.
- B. The location of benchmarks used in the survey, if available.

- C. The location and description of permanent concrete control monuments acceptable to the County Engineer. (The Engineer shall be provided with a plan of projected permanent concrete monumentation. Where possible, permanent concrete monuments shall be intervisible; at least 750 feet apart; away from future roadwork; and, at least 2 per section or block.)
- D. Lot boundary lines with distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
- E. A number to identify each lot.
- F. Tic marks in State Plane Coordinate System, WV North NAD83.
- G. If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified in D above.
- H. When the standards for mapping and monuments contained in this Division conflict with the standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Article 22 Infrastructure and Grading

Division 22.100 Purpose

The purpose of this Article is to ensure:

- A. The adequate provision of infrastructure, including streets, potable water, sewer, and fire protection to serve development;
- B. Well-designed and well-connected streets and sidewalks;
- C. Adequate lighting of public and private streets;
- D. Adequate and well-designed drainage and stormwater treatment systems to serve new development; and
- E. The protection of environmental resources during site preparation for development, as well as during and after development.

Division 22.200 Streets

Sec. 22.201 Street Design Objectives

New streets shall be designed to achieve the following objectives:

- A. **Integration.** Integrate into the existing street pattern so as to address the area's future circulation needs, as well as County-wide traffic patterns;
- B. **Safety.** Provide a safe and convenient layout and design;
- C. **Character.** Match and enhance the community character of the respective district(s); and
- D. **Natural features.** Respect natural resources, topography, and drainage features.

Sec. 22.202 Local Circulation Plans

- A. **General.** To enhance connectivity within superblocks, to provide a choice of travel routes, to reduce traffic conflicts and vehicle miles traveled, and to promote coordination among property owners with respect to the ultimate development and alignment of collector and minor streets, the County shall develop a Local Circulation Plan when development occurs in an area for which plans for local circulation have not yet been developed. The area that is subject to the plan shall be bounded on all sides by arterial or collector streets (a "superblock"), waterways, stream systems or other similar boundaries.
- B. **Content.** The Local Circulation Plan shall identify desired collectors or streets within a ~~superblock~~superblock, areas for marginal access or reverse frontage roads, and preferred intersection locations. The Local Circulation Plan shall be based on policies of the Comprehensive Plan, property maps, zoning, and topographic and alignment information. At such time as the Comprehensive Plan and transportation system plan may be revised or updated, the Local Circulation Plan shall be based on, and consistent with, such plans.
- C. **Criteria.** The following criteria shall be used in developing the Local Circulation Plan:
 - 1. Collector streets shall serve only the superblock and not provide alternative or cut-through routes for regional or County-wide traffic. Where superblocks are too large, new collector alignments may be designated. Where new collectors are designated, they shall be extensions of existing collectors or be designed to be extended through several superblocks.

2. Where possible, collectors shall be located:
 - a. on the superblock's largest parcels; or
 - b. along parcels where the cost can be distributed among several landowners.
3. Parallel access shall be used where providing individual access to small parcels would create adverse safety conditions due to frequent access on arterial or collector roadways.
4. The plan shall be sensitive to natural resources and topography.

D. **Effect.** Subdivision street design and layout shall be consistent with the Local Circulation Plan in terms of the degree of access to adjoining property and existing streets.

Sec. 22.203 Classification of Streets and Highways

- A. Streets and highways shall be classified as arterial or collector according to their intended function, consistent with the West Virginia Division of Highways (WVDOH) classification system and any County-adopted thoroughfare plan, as amended from time to time.
- B. Road classifications shall anticipate long-term growth prospects so their functional capacity is not undersized in the early development stages.
- C. Other classifications shall be in accordance with the Local Circulation Plan, developed in accordance with Section 22.202, *Local Circulation Plans*.

Sec. 22.204 Residential Streets

- A. **General.** Roads to be accepted as State maintained roads shall meet the requirements of WVDOH.
- B. **Rural.** Roads in the ~~Rural District~~*rural district* shall be rural roads with ditch drainage and shall adhere to the standards required in Appendix B, *Engineering Standards*, Division 2.0, *Street & Parking Standards*.
- C. **All other areas.** In all other residential developments, *applicability and* requirements for curbs, right of ways, and pavement widths shall be in accordance with the provisions of Appendix B, Section 2.2.K, *Curb, Gutters & Sidewalks*. Width shall be measured from gutter pan to gutter pan.
- D. **Parkways.** The subdivider may choose to use parkways or landscaped medians in residential streets, in which case the right-of-way shall be enlarged so that the parkway or median width is added to the right-of-way.

- E. **Natural Areas.** In areas where resource protection is necessary or desired, narrower right-of-ways may be approved and drainage accomplished in a manner that provides for the minimum width, while accommodating the stormwater movement. The County Engineer or a designee shall assist in developing a cross-section that minimizes environmental impact.

Sec. 22.205 Non-residential Streets.

The standards contained in Appendix B, Section 2.2, *Streets*, shall govern all non-residential street construction.

Sec. 22.206 Cul-de-Sacs

- A. **General.** Cul-de-sac streets shall be carefully managed to ensure they are not over-used. Connectivity is preferred.
- B. **Where permitted.** Cul-de-sac streets may be used if:
1. Natural resources, such as topography, floodplains, open space, or stream systems make standard blocks inefficient;
 2. Cul-de-sac streets serve no more than 24 lots or are no more than 800 feet in length, whichever results in a shorter street segment; and
 3. The pedestrian circulation system provides for direct, non-vehicular access between cul-de-sac ends where:
 - a. Two lots or fewer are situated between them; and
 - b. The distance between them, measured along street centerlines, is more than 650 feet.
- C. **Dimensional standards.** All cul-de-sacs shall be designed to permit vehicles to turn around without backing, except as may be provided for in Appendix B, Section 2.2, *Streets*. Cul-de-sac standards are listed in Appendix B, *Engineering Standards*, Table 2.2-1, *Roadway Design Standards*.

Sec. 22.207 Private Roads

Private roads shall be permitted in accordance with this Section.

- A. **Private Roads.** Private roads may be developed if all of the following are demonstrated:
1. A homeowner's association is created that will be responsible for the ownership and maintenance of the road.
 2. The plat and all lot plans in the subdivision contain a note that indicates that the County shall not take ownership or be responsible for maintenance of private roads.
- B. **Gated Communities.** No gated communities shall be permitted.

Sec. 22.208 Sidewalks

- A. **Location of sidewalks.** Sidewalks shall be provided along at least one side of streets in all zone districts. In the Rural District when residential density in the proposed development is less than ~~three~~ (3) units per acre and/or when lot frontage is greater than 80 feet, sidewalks are not required. Sidewalks shall be located within townhouse or multi-family residential developments and any non-residential ~~development, subdivisions and/or site plans.~~ Sidewalks shall be located in the platted street right-of-way, a minimum of one foot from the property line. Walks shall also be installed in pedestrian easements as may be required by the Planning Commission.
- B. **Modification of sidewalk requirements.** Sidewalk requirements may be altered or waived if a pedestrian circulation plan that provides equal or greater pedestrian circulation is submitted to and approved by the Planning Commission. These trade-offs may be permitted:
1. In developments located in the Residential-Light Industrial-Commercial (R-LI-C), Village (V) and Residential Growth (RG) Districts where lots are greater than one-quarter (1/4) acre in land area to allow off-street trails in lieu of sidewalks, thereby meeting the needs of walkers and cyclists; or
 2. In order to implement the County's Parks and Recreation Master Plan, as set out in subsection D., below.
- C. **Completion of sidewalk networks within the subdivision or site development.**
1. In general, sidewalks shall be constructed concurrent with street construction, with special provisions to protect their condition and integrity during the process of building construction. However, this requirement may be waived at the discretion of the Planning Commission if reasonable assurances are provided that:
 - a. Sidewalk segments across individual lots will be constructed after buildings are constructed on the individual lots, but before they are occupied; and
 - b. The timing and phasing of development will result in the completion of the sidewalks on each street segment prior to release of any required construction bond amount for such improvement. Sidewalks shall be installed along street corridors on a priority basis in areas where they are not currently available.
- D. **Trails and bikeways.**
1. On-street bikeways and off-street bicycling and jogging trails shall be developed in accordance with the County's Parks and Recreation Master Plan to link major attractions and destinations throughout the community, including neighborhoods, parks, schools, churches, public libraries, community centers, major employment centers, and shopping areas.
 2. Stream corridors present opportunities for future off-street bicycle and pedestrian trails to connect with existing or new sidewalks and as means of extending the County's trail system and shall be considered for trail system development in all subdivisions where such opportunities are presented.
 3. In all major subdivisions, a dedicated detached trail or bikeway shall be provided along the public right-of-way for the entire width of the property. This trail or bikeway would be required to be constructed once the County trail plan is established.

Sec. 22.209 Street Lighting

The developer of any subdivision shall be required to install street lighting when lots are less than 15,000 square feet according to the following standards:

- A. **Underground Wires.** Street lighting shall be via underground distribution.
- B. **Residential Streets.** The placement of street lighting fixtures on residential streets shall be at 400 to 600 foot intervals unless:
 - 1. The roadway length is less than 400 feet, but more than 200 feet, in which case a street light will be provided at the end of the street; or
 - 2. The roadway length is less than 200 feet, a street light is placed at the intersection, no natural features interfere with the light, and no street light will be placed at the end of the roadway.
- C. **Nonresidential Streets.** The placement of street lighting along non-residential streets shall be in accordance with the latest revision of the Illuminating Engineering Society's "American National Standard for Roadway Lighting."
- D. **Intersections.** A street light shall be provided at all street intersections.
- E. **Maximum Pole Height.**
 - 1. Residential Streets: 15 feet.
 - 2. Thoroughfares: 30 feet, unless the spillover from the fixture will cause *glare* in a residential area, in which case the maximum height shall be 25 feet.
- F. **Illumination Standards.** Street illumination shall satisfy the requirements of the Zoning Ordinance.
- G. **Other Designs.** A developer or Homeowner's Association (HOA) may request non-standard street lighting within a development provided:
 - 1. Street light fixture types and locations are approved by the Planning Commission;
 - 2. Regardless of the nature and type of street lighting constructed, the developer and/or HOA is solely responsible for all installation, operating and maintenance costs associated with non-standard street lights.
 - 3. The developer and/or HOA will be solely responsible for any costs associated with removal of non-standard street lights and any costs associated with installing standard street lights if the lighting is converted in the future.
 - 4. The developer includes all responsibilities of the HOA pertaining to street lighting in the development covenants. The developer shall inform all purchasers of property in the development of these same responsibilities.
 - 5. Non-standard lighting shall not be used on thoroughfares.
 - 6. Developers of private streets shall be required to install private street lighting in accordance with this subsection.

Sec. 22.210 Street and Road Design Standards

When the standards for streets and roads contained in Division 22.200, *Streets*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Division 22.300 Potable Water; Sewer; Fire Hydrants

- A. **Potable water and Sewer.** Potable water service shall be provided according to the requirements of Appendix B, *Engineering Standards*.
- B. **Fire Hydrants.** If public water service is provided, then fire hydrants shall be provided at each street intersection in accordance with all West Virginia Department of Environmental Protection, Bureau for Public Health regulations Appendix B, *Engineering Standards*.
- C. **Dry Hydrants.** Where installed shall meet ISO standards as established by the Jefferson County Office of Emergency Services.

Division 22.400 Drainage

Sec. 22.401 Drainage Plan

- A. **General.** As a part of all site plans and preliminary plats, a drainage plan shall be prepared. These shall be part of the engineering drawings for the plat or plan.
- B. **Roof Drain Discharge Points.** For all non-residential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the preliminary plat and or site plan, as applicable.

Sec. 22.402 Water Quality

Water quality management measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with [Appendix B, Section 4.3B, Quality Control](#)~~the Jefferson County Stormwater Management Ordinance~~. An applicant shall also apply for a construction stormwater NPDES permit from the West Virginia Department of Environmental Protection (WVDEP).

Sec. 22.403 Drainage System Design

Drainage system measures shall be incorporated in all subdivision plats and site plans. Design and construction shall be performed in accordance with [Appendix B, Section 4.2, Storm Drainage](#)~~the Jefferson County Stormwater Management Ordinance~~.

Sec. 22.404 Surface Drainage Configurations

Drainage swale grading and drainage swale details shall be provided on the preliminary plat and/or site plan, as applicable, in accordance with [Appendix B, Section 4.2, Storm Drainage](#)~~the Jefferson County Stormwater Management Ordinance~~.

Sec. 22.405 Other Systems for Retention or Detention

Low Impact Development (LID) techniques can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques. These techniques are identified in [Appendix B, Section 4.3.D, Other Systems for Retention or Detention](#)~~the Jefferson County Stormwater Management Ordinance~~. Use of these techniques is encouraged and preferred to traditional stormwater management measures when feasible and approved by Jefferson County.

Sec. 22.406 Drainage Design Standards

When the standards for drainage design contained in Division 22.400, *Drainage*, conflict with the engineering standards in [Appendix B, Engineering Standards](#)~~the provisions of Appendix B the West~~

Virginia Stormwater Management and Design Guidance Manual as referenced in the Jefferson County Stormwater Management Ordinance, the provisions of the West Virginia Stormwater Management and Design Guidance Manual shall prevail.

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Division 22.500 Grading

All activities addressing grading issues and erosion control shall be described in the Erosion and Sediment Control Plan required as Part of the Stormwater Management Plan in the Jefferson County Stormwater Management Ordinance.

Sec. 22.501 Site Grading

A. **Protect Streams.** Site grading shall be done in such a manner that the appropriate erosion control devices and techniques are used to protect water quality.

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A.B. **Prevent Erosion.** The proper precautions shall be taken to minimize erosion of disturbed soil. Sediment control will be site specific and can include vehicle tracking controls; sod buffer strips around the lower perimeter of the land disturbance; sediment barriers, filters, dikes, traps, or sediment basins; or a combination of any or all of these measures.

B.C. **Minimize Exposure.** During the preliminary stages of development each site shall develop a plan to minimize soil exposure. If soils are exposed the proper seeding shall be placed down in the allotted time recommended by Appendix B, Section 4.1, under the Erosion and Sediment Control Plan as required in the Jefferson County Stormwater Management Ordinance.

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C.D. **Protect Aquifer.** All precautions shall be taken in the prevention of aquifer contamination. Proper erosion precautions shall be in place as well as consideration of other possible forms of aquifer contamination.

D.E. **Extension of Time Limits.** Time may be extended as deemed necessary by the County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary structures.

Sec. 22.502 Residential Site Grading

The development of residential areas shall follow these considerations and recommendations on limiting the loss of natural areas (i.e., trees, native or indigenous grasses, and other vegetation).

- A. **Mass Grading.** Every step shall be taken to limit or avoid mass grading. Smaller graded areas help in reducing run-off, water quality impacts, and loss of natural areas.
- B. **Mass Cut-and-Fill.** Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected.

Sec. 22.503 Non-Residential Site Grading

Cut-and-fill slopes shall be designed and constructed to minimize erosion. This requires consideration of the length and steepness of the slope, the soil type, upslope drainage area, groundwater conditions, and other applicable factors. Slopes that are found to be eroding excessively will require additional slope stabilization until the problem is corrected. The following guidelines shall assist site planners and plan reviewers in developing an adequate design.

- A. **Soil Surface.** Rough soil surfaces are preferred over smooth surfaces on slopes.

- B. **Temporary slope** diversion dikes can be constructed at the top of long steep slopes, or hill slopes that have an upslope tributary drainage area over five (5) acres. Diversion dikes or terraces may also be used to reduce slope length within the disturbed area.
- C. **Channels.** Concentrated stormwater shall not be allowed to flow down cut or fill slopes unless contained within an adequately-sized temporary channel diversion, a permanent channel, or a temporary slope drain.
- D. **Seepage Planes.** Wherever a slope face crosses a water seepage plane that endangers the stability of the slope, adequate drainage shall be provided.

Sec. 22.504 Protection of Resources

The protection of natural resources shall comply with all environmental protection requirements in the Zoning Ordinance and these Regulations. Before construction begins, these areas shall be protected from siltation. Staff shall inspect the proposed means of protection prior to permitting the construction to proceed.

A. Hillside Development.

1. **General.** This section applies to all lands east of the Shenandoah River and all lands in natural conditions within 1000 feet of the Potomac and Shenandoah Rivers and Opequon Creek.

Hillsides with slopes of 10 percent or more are sensitive areas which are frequently not able to tolerate subdivision development as it is practiced on flatter land. The instability of such areas requires careful planning and design before development takes place. Natural slopes, trees, rock formations, and other features such as views can best be preserved if subdivision development is allowed to be flexible and creative. In general, the integrity and durability of a hillside is inversely related to the amount of construction activity (particularly earthwork) that takes place on the hillside.

2. **Principles and Guidelines.** Hillside subdivision proposals will be reviewed and considered on an individual, independent basis. The natural features of each hillside will determine final subdivision design configuration. The most informal development, consistent with principles of good access, proper drainage, and resource conservation, shall be considered.

Planning Commission review of hillside subdivision proposals shall be guided by the following considerations:

- a. Minimize the alteration of natural terrain and the removal of topsoil and vegetative cover.
- b. Allow flexibility in density, lot size, lot shape, and setback so that the more buildable areas of a hillside can be developed, and the less buildable areas left in a natural condition. Use of the cluster concept.
- c. Consider narrow rights-of-way and roads (possibly one-way roads with convenient pull-offs) so that earthwork may be minimized.
- d. Consider roadside parking bays.
- e. Design and construct roads that are parallel to contour lines; preferably design and construct roads on ridges and in valleys to minimize cuts and fill. Use retaining walls where possible to minimize cuts and fill.

- f. Consider lot layouts which minimize on-site (on-lot) grading and earthwork for access, parking and building construction.
- g. Design, engineer and construct entrances to individual lots before lots are sold.
- h. Select building sites and areas for the construction of septic system drainfields before lots are sold.
- i. Include provisions within deeds of sale that require property owners to protect the hillside, woodland, etc. from destruction.

In the event a parcel subject to the provisions of this section has been cleared of trees or otherwise had its natural terrain altered beyond the percentages permitted in Table 22.504, no subdivision will be permitted until the original terrain has been restored and stabilized with healthy vegetation or until a period of five years has passed from the date that said alterations were documented and identified by the Planning Commission.

3. **Natural Areas.** Hillside subdivision developments shall include the retention of land in a natural, undisturbed condition. The following table shall be used to determine the area of land that must be maintained in a substantially natural condition (no clearing, cutting, filling):

Table 22.504 Retention of Land in Hillside Development	
Weighted Average Slope of Land Percent	Percentage of Land To Be Maintained in a Natural Condition
Less 10	No land required
10 – 14.9	25%
15 – 19.9	40%
20 – 24.9	55%
25 – 29.9	70%
30 – 34.9	85%
35+	100

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The weighted average slope shall be determined using the grid cell method or other method as approved by the County Engineer. A grid of cells each scaled at 200' x 200' shall be placed over the subdivision topographic map. Within each cell the average slope shall be determined by measurement using the longest line that can be drawn perpendicular to topographic contour lines passing through the cell. Measured slopes for the grids will be averaged to obtain the mean. If grids vary in size, the averaging will include weighting based on grid sizes.

B. Riparian Buffer. A riparian buffer is a transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. If wetlands or hillsides abut or are within the riparian buffer in 1 to 4 below, then they shall be included even when the distance exceeds the buffer in 1 to 4 below. The buffer width is as follows:

1. Lakes and Ponds - 75 feet.
2. Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
3. Potomac River and Shenandoah Rivers – 300 feet (unless a greater standard is required by the Zoning Ordinance)
4. Opequon Creek and Perennial Streams - 100 feet.
5. Wetlands, Marl - 75 feet.
6. Wetlands, Farmed - 10 feet.
7. Wetlands - 50 feet.
8. Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
9. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

This buffer may overlap the Hillside Development protection standards. -Where conflicts with the Jefferson County Stormwater Management Ordinance exist, the requirements of this section shall take precedence.

Sec. 22.505 Grading Design Standards

When the standards for grading design contained in Division 22.500, *Grading*, conflict with the engineering standards in Appendix B, *Engineering Standards*, the provisions of Appendix B shall prevail.

Division 22.600 Certification of Compliance with Flood and Subsidence Regulations

Staff shall verify that the proposed subdivision plat or site plan complies with the Jefferson County Floodplain management ordinance.

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Article 23 Administrative Bodies

Division 23.100 Purpose

The purpose of this Article is to define the role of boards and agencies involved in the subdivision plat and site plan approval process. Participants include the County Commission, Planning Commission, Department staff, WVDOH, and other agencies responsible for the provision of public services.

Division 23.200 Administration

- A. **Discretion.** The administration of these Subdivision and Land Development Regulations provides for discretion only where specifically authorized. While West Virginia law requires a public hearing for land use proposals, there is no discretion in the review and approval process outside of the requirements of the Zoning Ordinance or the Subdivision and Land Development Regulations. A proposed plat or plan that meets the ordinance and regulatory standards must be approved. Only when there are specific findings that the application does not meet the standards of the ordinance or the regulations, is denial possible.
- B. **Relationship to Zoning Ordinance.** Both subdivision and site development approval are the points at which two separate regulations must be enforced: the Zoning Ordinance and the Subdivision and Land Development Regulations. As a result, different agencies have responsibilities to review the subdivision or site development at the same time.
- C. **Administration.** This Division specifically identifies the administrative bodies that are charged with making a determination of compliance. It is possible to improve the design of a development during the review process, and that is an important factor in the quality of the County's community character. Concerns about quality are addressed by conditional approvals, not denial.

Sec. 23.201 County Commission

The County Commission is responsible for setting in place a means of administering these Subdivision and Land Development Regulations and ensuring enforcement of the County's Zoning Ordinance. As such it has the following powers and duties:

- A. **Adoption and Amendment.** As specified in Chapter 8A of the West Virginia Code, the County Commission has sole responsibility for the adoption and amendment of the subdivision and site development regulations. It is advised in these matters by staff and the Planning Commission.
- B. **Appointment of the Planning Commission.** In accordance with W.Va. Code §8A-2-1, the County Commission shall appoint members of the Planning Commission.
- C. **Planning Staff.** In order to administer and enforce these Regulations, the County Commission shall fund and hire staff, which shall also serve as the staff of the Planning Commission.
- D. **Removal of Planning Commission Members.** Members of the Planning Commission may be removed in accordance with Chapter 6, Article 6 of the West Virginia Code, or in accordance with any procedures which may have been established by the County Commission pursuant to W.Va. Code §8A-2-5(k).

Sec. 23.202 Department of Planning

The Departments of Planning, Zoning and Engineering are the County's lead in ensuring that all regulations are met in the review of subdivision plats and site plans. They are specifically charged with the following review responsibilities:

- A. **Zoning Compliance.** The Department shall review all plat or site plan applications for zoning compliance. They shall provide the Planning Commission with a written opinion as to whether the plat or site plan complies with the Zoning Ordinance. If the staff determines that waivers are appropriate, staff shall recommend approval of these waivers to the Planning Commission.
- B. **Subdivision and Site Development.** The Department of Planning staff shall be responsible for the following:
 - 1. Reviewing and approving applications for minor subdivisions.
 - 2. Reviewing and approving applications for minor site plans.
 - 3. Conducting pre-application and pre-proposal conferences or reviews with developers.
 - 4. Conducting submission review in accordance with Section 24.107, *Major Subdivision Concept Plan - Completeness Review*, and Section 24.111, *Major Subdivision Preliminary Plat - Completeness Review*. The Planning Commission must vote on this, but the Department shall ensure that applications are complete before sending them to the Planning Commission. A developer may request it be submitted to the Planning Commission even if the Department determines that it is an incomplete application.
 - 5. Make professional recommendations on the adequacy of submitted major subdivision plats and major site plans including all design, engineering, and landscape elements.
 - 6. Ensure written communication to the applicant of the status of the project.
 - 7. Collect input from all other agencies involved in the review process.
 - 8. Ensure public notice is provided by appropriate means for all forms of action that require notice.
- C. **Staff Report.** The Department shall provide a staff report to the Planning Commission. Such report, shall accompany concept plans, preliminary plats, final plats and major site plan submissions. The report shall indicate one of the following:
 - 1. **Approval.** If the plat or plan meets all requirements of applicable County ordinances or codes, the staff report shall recommend approval.
 - 2. **Denial.** If the plat or plan fails to meet the requirements of any applicable County ordinance or code, the staff report shall recommend denial except as provided in 3 below:
 - 3. **Approval with Conditions.** The Department may recommend approval with conditions if there are easily changed elements of the plat or plan or minor nonconformities that can be corrected.
 - 4. **Hold.** The Department may hold the application for up to 45 days for additional information necessary to make a determination.
- D. **Annual Report.** At least annually, the Planning Commission shall report to the County Commission any area where it believes the Subdivision and Land Development Regulations or the Zoning Ordinance could be improved to facilitate quality development in the county or eliminate a problem area to provide for quality development in the County. This is an advisory report.

Sec. 23.203 County Agencies

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

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

Sec. 23.204 Other Agencies

The following are the responsibilities of other agencies:

- A. **West Virginia Division of Highways (WVDOH).** WVDOH is responsible for reviewing the site access to public roads.
- B. **Jefferson County Schools.** The Board of Education should determine the adequacy of school facilities intended to serve a proposed residential development.
- C. **Emergency Services.** Fire, police, and EMS providers should determine the adequacy of emergency response and ~~life-saving~~lifesaving services provided to their respective service area if potentially affected by a proposed subdivision or development project.
- D. **U.S. Postal Service.** The U.S. Postal Service shall determine which zip code wholly contains the new subdivision and acknowledge which postal delivery mechanism is approved when affected by a proposed subdivision or development project.

Division 23.300 Planning Commission

The County Planning Commission shall be the agency overseeing the review of subdivisions and site development. This is a function that grants limited authority for the approval. The duties are identified in W.Va. Code §8A-2-11 and the Planning Commission By-Laws.

|

Article 24 Procedures and Administration

The review and approval process of subdivision plats and site developments plans is different for major and minor subdivisions and major and minor site developments.

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Division 24.100 Processing of Applications

Sec. 24.101 Application and Approval Process

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The review processes for subdivisions and site plans are shown in:

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Figure 24.104, *Minor Subdivision Approval Process*,

Figure 24.105, *Minor Site Plan Approval Process*,

Figure 24.106A, *Major Subdivision Approval Process (Part 1)*,

Figure 24.106B, *Major Subdivision Approval Process (Part 2)*,

Figure 24.116A, *Major Site Plan Approval Process (Part 1)*,

Figure 24.116B, *Major Site Plan Approval Process (Part 2)*.

Sec. 24.102 Application Fees

Fees shall be charged for applications pursuant to these Regulations as provided in a Schedule of Fees established by the County Commission, which may be revised from time to time. Such fees shall be proportioned to the cost of processing, reviewing and verifying, and approving proposed subdivision plans or site plans for development.

Sec. 24.103 Pre-Proposal Conference or Review

For all major subdivisions and site developments, a pre-proposal conference (PPC) is optional, but highly recommended. A PPC is an informal meeting where the applicant can talk to County staff, ask questions, and get direction on preparing the plat or plan in accordance with County regulations.

- A. **Submission.** A brief form that identifies the property, describes the proposal and a sketch plan are required. If there is a preliminary concept plan, it is strongly recommended that it also be submitted at this time as this will allow discussion at a more detailed level. Applicants who wish to have a pre-proposal review of a proposed Minor Subdivision and who submit the brief form with an eligibility checklist and sketch plan, shall waive the PPC unless specifically requested.
- B. **Scheduling.** Staff shall schedule the PPC and hold it within fifteen days from receipt of the form and sketch plan submittal.
- C. **Discussion Items.**
 - 1. Concept plans and ideas regarding land use, street and lot arrangements, and tentative lot sizes.
 - 2. Tentative proposals regarding water supply, sewage disposal, surface drainage, highway access and street improvements, and public recreational facilities.
 - 3. Presentation of tentative density calculations based on the zoning district in which it will be located.
 - 4. Identification of potential environmental constraints and tentative mitigation measures, as required in the Zoning Ordinance and these Regulations.
 - 5. Anticipated timing of proposed subdivision or development project.
- D. **Conference.** The conference shall involve an informal presentation by the applicant as to the proposal. Department staff will respond to this and make any recommendations or comments that are possible with the level of detail that is submitted. Concept plan application forms will be provided by staff. A question and answer period on the submittal will follow to best inform the applicant of the process and requirements of the application.
- E. **Conference Memorandum or Review Checklist.** Within ten days, after the PPC is held, the Department shall prepare a memorandum that identifies the proposal and indicates any specific guidance given to the developer. It shall be sent to the applicant and Planning Commission. After review of any minor subdivision which utilizes the eligibility checklist, the checklist shall be returned to the applicant with a stamp of approval or disapproval. Said approval shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the approval of an eligibility checklist, then meeting the amended zoning requirements, if adopted, shall be a condition of the approval.

- F. **Effect.** The PPC is an informational meeting and has no effect other than information being exchanged. Staff approval of an eligibility checklist permits the applicant to proceed to Final Plat submission.

Figure 24.104
Minor Subdivision Approval Process

<i>Minor Subdivision Approval Process</i>		
<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Final Plat Application</u>		
Step 1 <u>Section 24.104</u>	Submission	Staff
Step 2 <u>Section 24.104A</u>	Application Meeting	Staff (performed in 7 days from submission)
Step 3 <u>Section 24.104B</u>	Site Inspection	Staff
Step 4 <u>Section 24.104C</u>	Determination	Staff (performed in 10 days from submission)
Step 5 <u>Section 24.104D</u>	Approval	Staff
Step 6 <u>Section 24.104E</u>	Recordation	Staff

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(For minor subdivision criteria see the definition, Subdivision, Minor and Sec. 20.201, Minor Subdivisions.)

Sec. 24.104 Minor Subdivision Plat Application– Determination

General. An applicant for a minor subdivision plat shall be subject to the procedures of this Section upon submittal of a final plat application and the corresponding fees to the Planning Commission. All minor subdivision plats shall follow the final plat standards in Appendix A, *Plan & Plat Standards*.

- A. **Application Meeting.** Within seven days after the submission of the final plat, the applicant and the staff shall meet to discuss the proposed subdivision and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- B. **Site Inspection.** The staff shall make a site inspection of the proposed subdivision.
- C. **Determination.** Within ten days after the submission of the subdivision final plat, the staff shall notify the applicant in writing that the proposed subdivision has or has not been classified as a minor subdivision.
- D. **Approval.** Within ten days after the subdivision has been classified a minor subdivision, the staff shall approve, approve with conditions, or deny the plat. If the plat has been approved with conditions, the applicant shall be notified in writing of the conditions. The plat shall not be considered approved until all conditions are met and documented by staff.
- E. **Recordation.** The applicant shall have 60 days after approval to file and record the final plat, together with any deed restrictions/covenants as may be required, in accordance with W.Va. Code §39-1-13. The approval shall become void if it is not filed within the 60 day period. The following documents shall be submitted to the Department of Planning:
 - 1. One (1) ~~mylar~~ Mylar copy of the Final Plat suitable for recordation and acceptable to the Clerk of Jefferson County;
 - 2. Three (3) paper copies of the Final Plat;
 - 3. One (1) digital copy of the Final Plat compatible with the Jefferson County GIS, as specified by the Jefferson County GIS requirements; and
 - 4. One (1) digital copy of any deed restrictions/covenants in a form suitable to the Department.

Figure 24.105
Minor Site Plan Approval Process

Minor Site Plan Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
<u>Site Plan Application</u>		
Step 1 <u>Section 24.105A</u>	Submission	<u>Staff</u>
Step 2 <u>Section 24.105B</u>	Application Meeting	<u>Staff (performed in 7 days from submission)</u>
Step 3 <u>Section 24.105C</u>	Site Inspection	<u>Staff</u>
Step 4 <u>Section 24.105E</u>	Determination	<u>Staff (performed in 10 days from submission)</u>
Step 5 <u>Section 24.105F</u>	Approval	<u>Staff</u>

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

Sec. 24.105 Minor Site Plan Application – Determination

- A. **General.** An applicant for a minor site plan, who does not schedule a pre-proposal conference, shall be subject to the procedures of this Section upon submittal of a copy of a site plan application and the corresponding fees to the Planning Commission. All minor site plans shall follow the site plan standards in Appendix A, *Plan & Plat Standards*.
- B. **Application Meeting.** Within seven days after the submission of the site plan, the applicant and the staff shall meet to discuss the proposed site plan and the criteria used to classify the proposal as minor. The applicant may choose to waive this meeting but shall do so upon submission.
- C. **Site Inspection.** The staff shall make a site inspection of the site plan.
- D. **Determination.** Within ten days after the submission of the site plan, the staff shall notify the applicant in writing that the proposed site plan has or has not been classified a minor site development.
- E. **Approval.** Within ten days after the site plan has been classified as minor site plan, the staff shall approve, approve with conditions, or deny the site plan.

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

Figure 24.106A
Major Subdivision Approval Process (Part 1)

Major Subdivision Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Pre-Proposal Conference (Optional)		

<u>Step 1</u> <u>Section 24.103A</u>	Submission	
<u>Step 2</u> <u>Sections 24.103B, C & D</u>	Conference	<u>Staff Conference within 15 days from submission</u>
<u>Step 3</u> <u>Section 24.103E</u>	Memorandum	<u>Staff Memo within 10 days</u>

Concept Plan

<u>Step 1</u> <u>Section 24.106</u>	Submission & Completeness Review	<u>Staff</u>
<u>Step 2</u> <u>Section 24.107</u>	Public Workshop	<u>Planning Commission</u>
<u>Step 3</u> <u>Section 24.108</u>	Concept Plan Direction	<u>Planning Commission</u>

(For major subdivision criteria see the definition, Subdivision, Major and Sec. 20.202, Major Subdivisions.)

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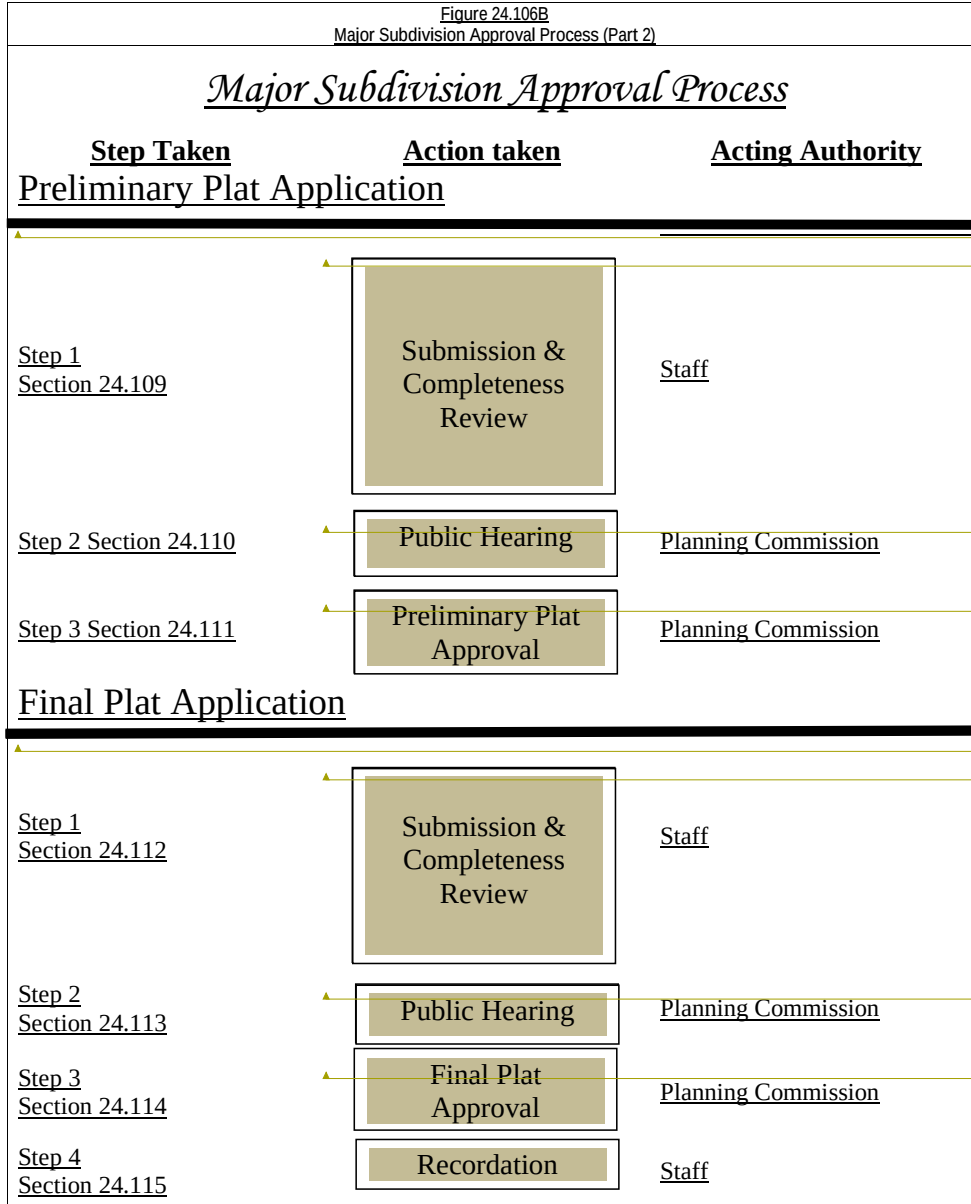
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Figure 24.106B
Major Subdivision Approval Process (Part 2)



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Sec. 24.106 Major Subdivision Concept Plan - Submission and Completeness Review

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

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the planning department. It shall be accompanied by the fee for a concept plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated by staff.
 - 1. **General location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 2. **Concept Plan.** A Concept Plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, Plan & Plat Standards. Show or note if all features are addressed.
 - 3. **Zoning Information.** This shall include:
 - a. Determination of the zoning district in which the proposed subdivision or development project is situated.
 - b. Density calculations.
 - c. Site resource map.
 - 4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
 - 5. **Traffic Impact Data.** This shall include:
 - a. Average Daily Trip figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

USE	PEAK HOUR	AVERAGE DAILY
Single family	0.8	8.0 per d.u.
Detached	0.7	6.0 per d.u.
Townhouse	0.6	7.0 per d.u.
Mobile Home	0.6	5.0 per d.u.

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- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
- d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
- e. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining proposed improvements shall be received with the first submission of the preliminary plat.

6. **Agency Reviews.** The reviewing agencies shall conduct reviews of the proposed concept plan. Agency comments shall be received by the Department fourteen (14) days prior to the scheduled public workshop. The applicant shall distribute the concept plan to all reviewing agencies no later than 7 days after review. Reviewing agencies are found in Sections 23.203 and 23.204. Applicant shall provide a copy of the letter sent to outside agencies to the Department of Planning and Zoning within 7 days of the submission of Concept Plan. If any review agency fails to respond, they shall be deemed by these Regulations to have approved the plan.
7. **Adjoining Property.** The applicant must provide an accurate list of all properties and owners’ addresses adjoining the subject property. The adjoining and Homeowner’s Associations shall be notified by staff of the date of the workshop.
8. **Other Data.** Any other data or information the applicant believes will assist in the review.
9. **Other Reviews.** Any other staff or agency reviews of the plans.

- C. **Review Content.** The Department and agency reviews shall address the areas indicated in D through G below and any other areas of concern to the agencies.

D. **Department.** The Department review shall include the following:

1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the concept plan submission. (Landscaping, for instance, is not generally available at this stage). Staff shall identify conditions that would enable the plan to meet the standards. It shall also identify any other zoning issues the developer shall address in a preliminary plat submittal.
2. Staff opinion as to whether the plan meets the site development planning or subdivision criteria of these Regulations. The Department shall review the concept plan for modifications that would improve the plan.

E. **WVDOH.** When appropriate, the WVDOH shall submit a letter to the Department of Planning indicating issues and data requirements or notice that there are no issues or data requirements. If WVDOH determines that a traffic study needs to include more area than required by these Regulations or the Zoning Ordinance, it shall specify the expanded area. Any issues regarding sight distances, access location, road configuration, or off-site improvements shall be noted with recommendations or required changes. The purpose is to ensure that, at preliminary plat review, all transportation information is available so the agency does not have to seek additional data for a qualitative review.

F. **Traffic Impact.** The review shall indicate whether a traffic impact study will be required based on analysis required in 24.106.B.5.e.

G. **Public Services.** The review shall indicate whether there are existing water and sewer systems in place that can handle the development. If not, the review shall indicate the type or extent of a system that shall be proposed by the developer to best meet the County's needs in that area of the County.

H. **Recommended Conditions.** All reviews shall contain recommended conditions for moving forward to a preliminary plat or reasons why the plat should be denied.

I. **Approval.** Unless there are reviews indicating that the development cannot conform to the Zoning Ordinance, be serviced by public services, or provide its own utilities, or other factors that make the development impossible, Planning Staff shall accept or deny the concept plan as complete.

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

Sec. 24.107 Major Subdivision Concept Plan - Public Workshop

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

A. **Plan Presentation.** The developer shall make a short presentation of the plan.

B. **Agency Comments.** The staff shall briefly outline agency comments. The planning department shall specifically address whether the project can meet the standards of the Zoning Ordinance.

- C. **Public Comment.** The public will be invited to comment. The Planning Commission shall direct participants to briefly cite concerns or ask questions of the Planning Commission. The intent of this procedure, like the Department comments, is to inform the developer and Planning Commission with regard to issues that should be addressed in the preliminary plat and report such transportation or engineering matters.

Sec. 24.108 Major Subdivision Concept Plan - Direction

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

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

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

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

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department and reviewing agencies. It shall be accompanied by the fee for preliminary plat review.

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B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.

1. **Preliminary Plat.** A preliminary plat application shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
2. **Density Calculation and Site Resource Map.** This map shall have the preliminary plat on it and shall identify the total area of each resource present, the amount protected and a summary table showing that the resource protection standards are met.
3. **General Location.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
4. **Preliminary Engineering Plans.** A preliminary engineering plan shall be submitted in accordance with the content and formatting guidelines provided by the County Engineer.
5. **Preliminary Landscape Plans.** A preliminary landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
6. **Transportation Impact Study.** Where applicable, analysis, commentary, drawings, or other material specifically addressing conditions in the concept direction. This shall include comments or material from WVDOH regarding the impact study and any responses from the developer's engineers.
7. **Well and Septic Systems.** Where applicable, preliminary plats shall include well and septic provisions and all appropriate Jefferson County Health Department approvals.
8. **Feasibility of Water and Sewer Systems.** Where applicable, preliminary plats shall include connections to existing water and sewer systems or provisions for these systems and for oversizing to serve additional properties. This shall include comments or material from the Jefferson County Public Service District regarding the impact study and any responses from the developer's engineers.
9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. If other natural resources have specific resource protection standards contained in the Zoning Ordinance, a preliminary engineering assessment shall be provided regarding how those standards can be met.
10. **Historic Resource Preservation.** A Phase I archaeological study is required. A historic resources impact study shall also be included.
11. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is residential.
12. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part

of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

~~12.13.~~ **Identified Concerns.** A report demonstrating how specific conditions identified in the concept plan evaluation and direction received from the Concept Plan public workshop have been addressed on the preliminary plat or will be addressed on the final plat documents.

~~13.14.~~ **Names.** Name of applicant and of consulting firms, addresses, phone, e-mail, and person(s) to whom correspondence shall be addressed.

~~14.15.~~ **Other Data.** Any other data the applicant believes will assist in the review. If there are proffers being offered, they shall be included here.

~~15.16.~~ **Other Agency Reviews.** Agency reviews as to the technical, engineering, zoning, landscaping, impact fee, and other agency reports, comments, and recommendations.

C. **Review Content.** The Department and agency reviews shall address the areas indicated in paragraphs D to F below and any other areas of concern to the agencies.

D. **Department of Planning.** The Department review shall include the following:

1. Whether the density, use, and plan meet the requirements of the Zoning Ordinance and any other zoning issues that can be identified at the preliminary plan submission. Staff shall identify conditions that must be adjusted if they would enable the plan to conform ~~with~~to Zoning and Subdivision Ordinance standards.
2. Staff shall provide a written opinion as to whether the preliminary subdivision plat meets the site planning criteria specified in Articles 21 and 22 of these Regulations. In reviewing the submitted application, the Department shall determine whether the concept plan was fulfilled.

E. **WVDOH.** When appropriate, the WVDOH review shall determine whether the on-site conditions of the preliminary plat are acceptable to the Department, including sight distances, access location, turning or by-pass lanes, road configuration, road alignment and road drainage. A review of the traffic study shall be conducted and any problems or concerns with the study methodology or findings identified. WVDOH shall identify any off-site improvements that shall be required of the developer. A list of concerns to be addressed on the final plat shall be provided.

F. **Public Services.** The review shall indicate whether the preliminary engineering indicates that water and sewer can adequately be provided for the project and if a new system is provided, whether the proposal is sufficient to handle other development in the area. The Public Service District shall make recommendations for oversizing and methods to recapture costs.

G. **Recommended Conditions.** All reviews shall contain recommended final engineering standards that shall be met to deal with specific issues or conditions that need to be addressed in final engineering, plat, landscape plan, or other documents.

H. **Approval.** If the preliminary plat is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, or is otherwise impossible, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

- I. **Effect.** After staff concludes the completeness review, staff shall place the preliminary plat on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. If the application is found complete, the Planning Commission shall schedule a public hearing within 45 days in accordance with Section 24.110 , *Major Subdivision Preliminary Plat - Public Hearing*. If the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.110 Major Subdivision Preliminary Plat - Public Hearing

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

Sec. 24.111 Major Subdivision Preliminary Plat - Approval

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

- A. **Approval.** The Planning Commission shall review the recommendations and opinions of the reviewing agencies, the staff's decision regarding compliance with the Zoning Ordinance, and the testimony of the public and render its decision. In making the decision, the following rules apply:
 1. **Zoning.** The preliminary plat application must be denied on zoning grounds if the staff's decision is that the proposed project does not comply with the Zoning Ordinance. If staff indicates it can meet zoning with a specific condition, these conditions shall be required by the Planning Commission. The Planning Commission cannot deny an application on the basis of zoning if the staff's decision is that the application complies with the Zoning Ordinance.
 2. **Impact Fees.** The County has adopted impact fee requirements that apply to parks and recreation, schools, law enforcement, fire protection, and emergency services. All fees are collected from individual landowners or builders in conjunction with the building permit process. For this reason, the preliminary plat application cannot be denied on the grounds of adverse impact on these services.
 3. **Roads.** The Planning Commission shall have the jurisdiction over any developer or subdivider to require the installation of such improvements as are deemed proper within or adjacent to the subdivision to assure safe access to and from the public highway, and maintain an adequate flow of traffic on the public highway. Improvements required may include the installation of traffic signs and signals, constructing left or right turn lanes, acceleration and deceleration lanes, or reconstructing public roads to eliminate vertical or horizontal curves. Such improvements shall be acceptable to and approved by the West

Virginia Division of Highways, provided a denial of such approval shall supersede Planning Commission authority under this provision. The roads impacted by a development are State roads under the jurisdiction of WVDOH. The Planning Commission shall not substitute its judgment of the safety or performance of roads for that of WVDOH unless there is compelling professional evidence that WVDOH has erred in its determination of impact.

4. **Sewer and Water Systems.** All sewer and water systems, whether privately owned or publicly owned shall be permitted only on the recommendation of the Jefferson County Public Service District (JCPSD), and/or the City of Charles Town or private utilities, depending on the service area within which they are proposed. The Planning Commission shall not make a decision contrary to the agency provider recommendation unless there is compelling professional evidence that its recommendation is in error.
 5. **On-Site Water Supplies and Sanitary Waste Disposal.** The Jefferson County Health Department shall make a determination regarding the feasibility of on-site wells and septic tanks (or other means of on-site disposal), where applicable.
 6. **Engineering and Landscaping.** The plan being reviewed consists of substantial sediment and erosion control, stormwater management and sewer or water system engineering, landscaping, and site development plan. There will be adjustments in additional work that needs to be done for final engineering, landscaping, and site development plan. The preliminary plat application cannot be denied based on engineering considerations that have not been addressed at this stage of the proceedings. The Planning Commission and Engineering Department may attach conditions to ensure that specific issues are addressed.
 7. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the preliminary plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved.
- B. **Conditions.** It is anticipated that there will be conditions for slight site adjustments and many conditions from the planning department and agencies on engineering and landscaping that must be met in the preparation of the final plat, final engineering, and final landscaping. In addition, there will be conditions on surety, payment of impact fees, and any proffers made by the developer and accepted by the Planning Commission or agency benefiting from the proffer. In no event shall a condition require the developer to reduce the density below the requirements of the Zoning Ordinance or what is shown on the proposal unless the reduction is proffered by the applicant.
- C. **Effect.** The approval of the preliminary plat, with or without conditions, allows the applicant to proceed to prepare a final plat, final engineering, and final landscape plan. The approval shall be good for a period of five years, with the provision that any zoning changes that have been advertised for public hearing prior to the date of approval may be made a condition of approval if adopted prior to submission of final plat including all engineering and landscaping.

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

The submission of a final plat application is a required step for all subdivisions. The Department shall have 45 days to complete the sufficiency and completeness review. At the time of submission, the final

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plat shall be placed on the first regularly scheduled Planning Commission meeting after the 45 day review period for the completeness public hearing. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. In order to keep on the proposed schedule, the applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. For the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission meeting.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for final plat review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Final Plat.** The final plat shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the final plat superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 - 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 - 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
 - 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the preliminary plat approval. WVDOH approvals shall be secured prior to final approval.
 - 7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plats, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
 - 8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system, and its location on the site shall be indicated.
 - 9. **Special Engineering.** If the site is in or partially in areas designated as high vulnerability areas, preliminary geotechnical engineering assessment may be required. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations shall be complied with and require final engineering approval. All natural resources which have specific resource protection standards in the Zoning

Ordinance or these Regulations, shall be complied with, and require final engineering approval.

10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the final plat. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.

11. **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

~~11.~~12. **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*

~~12.~~13. **Other Agencies.** Required agency sign offs that the final plat is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved preliminary plat and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.

~~13.~~14. **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

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

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

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

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

E. **Approval.** If the final plat is found by the Planning Commission to be incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

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

Sec. 24.113 Major Subdivision Final Plat - Public Hearing

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

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

Sec. 24.114 Major Subdivision Final Plat - Approval

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

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

Sec. 24.115 Major Subdivision Final Plat - Recording

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

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

Figure 24.116A
Major Site Plan Approval Process (Part 1)

Major Site Plan Approval Process

<u>Step Taken</u>	<u>Action Taken</u>	<u>Acting Authority</u>
Pre-Proposal Conference (Optional)		

Step 1 <u>Section 24.102A</u>	Submission	
Step 2 <u>Sections 24.102B, C & D</u>	Conference	Staff Conference within 15 days from submission
Step 3 <u>Section 24.103E</u>	Memorandum	Staff Memo within 5 days

Concept Plan

Step 1 <u>Section 24.116</u>	Submission and Completeness Review	Staff
Step 2 <u>Section 24.117</u>	Public Workshop	Planning Commission
Step 3 <u>Section 24.118</u>	Concept Plan Direction	Planning Commission

(For major site plan criteria see the definition, Site Plan, Major and Sec. 20.204, Major Site Development.)

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Figure 24.116B
Major Site Plan Approval Procedure (Part 2)

<i>Major Site Plan Approval Process</i>		
Step Taken	Action taken	Acting Authority
Site Plan Application		
Step 1 Section 24.119	Submission & Completeness Review	Staff
Step 2 Section 24.120	Public Hearing	Planning Commission
Step 3 Section 24.121	Site Plan Approval	Planning Commission

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Sec. 24.116 Major Site Plan Concept Plan - Submission and Completeness Review

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

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

- a. Determination of the zoning district in which the proposed site plan project is situated.
 - b. Density calculations.
 - c. Site resource map. (See definition)
 - d. Use designations for all adjoining and confronting parcels.
4. **Proposal Description.** This shall be a written description of the proposal with general identification of the number of dwelling units or floor area proposed, commentary, zoning, and development option selected if the development is multifamily residential.
5. **Traffic Impact Data.** This shall include:
- a. ADT figures for the adjoining or accessible State road.
 - b. Trip generation figures based on the following table:

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

- c. Nearest key intersection that will serve the proposed project. A “key intersection” is defined as any intersection with a primary or secondary highway as classified by the current Comprehensive Plan.
 - d. “Highway Problem Areas” according to the current Comprehensive Plan that falls within a one-mile radius of the project.
 - e. If a use is not listed in the table above, the most current edition of the Institute of Transportation Engineers Trip Generation Manual or Handbook shall be referenced to determine appropriate trip generation figures.
6. In the event trip generation in the peak hour exceeds 100 or the limitation designated in the most current DOH Traffic Engineering Directive, a traffic study will be required which includes generators, etc. or unless the West Virginia Division of Highways has created an agreement with the applicant to provide site access improvements that are typically required by a traffic study, the traffic study shall not be required. This type of study should be performed by a traffic engineering consultant. The effect of phasing the subdivision shall be cumulative. The traffic study or a letter from the West Virginia Division of Highways outlining the proposed improvements shall be received with the first submission of the site plan.

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

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

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

Sec. 24.117 Major Site Plan Concept Plan - Public Workshop

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

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

Sec. 24.118 Major Site Plan Concept Plan - Direction

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

- A. **Direction.** The Planning Commission shall direct the preparation of a site plan subject to conditions to be addressed in the site plan application. The purpose of this review is to guide the developer so that when the site plan application is formally reviewed by the staff, there should not be a whole range of issues being raised for the first time. The developer shall cite conditions and demonstrate that they have been met or otherwise addressed.
- B. **Conditions.** In the direction, it is anticipated that there will be numerous conditions from the Department, agencies, and public comment. There may well be public comment that seeks to lower density of the project below that permitted by the Zoning Ordinance, or to deny the project because of concerns outside the scope of the zoning or subdivision regulations. The applicant may make proffers to address these concerns, but the Planning Commission may not use them as conditions, unless they are proffered by the applicant.
- C. **Effect.** The direction is to the developer to proceed to prepare a site plan (Section 24.119, *Major Site Plan Application – Submission and Completeness Review*). The direction received in the Concept Plan Public Workshop shall be applicable for a period of two years, with the provision that any amendments to these Regulations or the Zoning Ordinance in the second year shall control. If any zoning changes have been presented in a public hearing prior to the decision on

the concept plan direction, then meeting the amended zoning requirements, if adopted, shall be a condition of the direction.

Sec. 24.119 Major Site Plan Application - Submission and Completeness Review

The submission of a site plan application is a required step for all major site plans. The Department shall have 45 days to complete the sufficiency and completeness review. Within the 45 days, the department shall have ten (10) days to review the submission and determine whether it is sufficient in that it includes all of the items listed below. If the submission is insufficient, it shall be returned to the applicant. The applicant shall resubmit a sufficient application within 10 days after being notified of insufficiency. In order for the review to be complete within 45 days and remain on the scheduled Planning Commission meeting, all reviewing material, including outside agency reviews, shall be returned to the Department of Planning and Zoning at least 14 days prior to the scheduled Planning Commission. After staff concludes completeness, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete.

- A. **Submission.** The applicant is responsible for submitting an application and all supporting documents to the Department of Planning. It shall be accompanied by the fee for site plan review.
- B. **Submission Contents.** The submission shall contain the following elements in the number of copies indicated.
 - 1. **Site Plan.** The site plan shall be submitted in accordance with the content and formatting guidelines provided in Appendix A, *Plan & Plat Standards*.
 - 2. **Density Calculation and Site Resource Map.** This map shall have the site plan superimposed, and shall identify the total area of each resource present, the amount protected, and a summary table showing that the resource protection standards are met.
 - 3. **General Location Map.** A map or aerial photograph showing an area of 500 feet around the property. Zoning boundaries shall be located on this document.
 - 4. **Final Engineering Plans.** The final engineering plan(s) shall be submitted in accordance with the content and formatting guidelines provided by the Department of Engineering. If preliminary engineering plans satisfy the requirements of the Department of Engineering and no modifications to the preliminary engineering plans are required, then preliminary plans previously approved shall be considered final plans.
 - 5. **Final Landscape Plans.** The final landscape plan shall be submitted in accordance with the content and formatting guidelines provided by the Department of Planning.
 - 6. **Transportation Impact Study and WVDOH Approvals.** A transportation impact study shall be re-submitted only if there was a condition for revisions in the concept plan approval. WVDOH approvals shall be secured prior to final approval.
 - 7. **Water and Sewer Services.** This shall include a declaration of Public Service District's approval of plans, or approval by the appropriate service provider, and an agreement to operate the facility. This shall also include documents necessary for the transfer of ownership of the facility to the Public Service District or appropriate operating agency.
 - 8. **On-Site Sewer and Water.** If on-site waste disposal and water supply are provided, approval of the soils, design of the system and its location on the site shall be indicated.

9. **Special Engineering.** Special engineering studies are required if the site is in or partially in areas designated as high vulnerability areas. All natural resources which have specific resource protection standards in the Zoning Ordinance or these Regulations, shall be complied with, and require final engineering approval.

10. **Open Space.** Open space to be provided to satisfy the requirements of the Zoning Ordinance shall be identified on the site plan. Covenants and deed restrictions applicable to such open space to assure its retention shall be submitted and approved for recordation.

~~10.11.~~ **Stormwater Management Plan.** A Stormwater Management Plan, as described in the Jefferson County Stormwater Management Ordinance, must be submitted as part of the preliminary plat to be reviewed by the Jefferson County Engineering Department.

~~11.12.~~ **Surety.** Cost estimates for all improvements and proof of surety. See Section 24.503, *Amount of Surety*

~~12.13.~~ **Other Agencies.** Required agency sign offs that the site plan is approved by that agency. These agencies shall include the Jefferson County Health Department, West Virginia Division of Highways, West Virginia Department of Environmental Protection, the West Virginia Health Department, the Public Service District, appropriate utility service providers, Jefferson County 911 Addressing Department, and other review agencies certifying that the application is consistent with approved site plans and meets all requirements of the applicable codes, ordinances, or standards or others when determined appropriate by County staff.

~~13.14.~~ **Names.** Name of applicant and of consulting firms, addresses, phone numbers, e-mail addresses, and person(s) to whom correspondence shall be addressed.

~~14.15.~~ **Additional Information.** The Department shall:

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

C. **Signature Blocks on Site Plans.** The following certificates shall be placed on all site plans:

1. **Surveyor/Engineer.** Certificate of accuracy and mapping by professional licensed surveyor/engineer signed and sealed.
2. **Owners.** Certificate of ownership and dedication signed and notarized, including all individuals, partnerships, corporations, and lenders with financial security interests.
3. **County Staff .** A signature block for the County Engineer and the County Planner approvals in accordance with Appendix A, *Plan & Plat Standards*.

D. **Approval.** If the site plan is incomplete, or the development cannot conform to the Zoning Ordinance, be serviced by public services or on-site utilities, the Planning Commission shall deny the same; otherwise, the Planning Commission shall find it complete and accept it.

E. **Effect.** Once the site plan is found complete, staff shall place the site plan on the next regularly scheduled Planning Commission agenda for a vote to accept or deny the application as complete. At the meeting where the application is found complete, the Planning Commission shall schedule

a public hearing within 45 days and in accordance with Section 24.120. Upon determining the application is incomplete, the applicant shall be notified in writing stating the reasons for denial.

Sec. 24.120 Major Site Plan Application - Public Hearing

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

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

Sec. 24.121 Major Site Plan Application - Approval

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

- A. **Approval.** If the site plan application is consistent with the concept plan application and meets all other requirements of these Regulations and the Zoning Ordinance and has received sign-off from the agencies specified in Section 24.119(B)(12), *Other Agencies*, the Planning Commission shall approve the site-plan application.
- B. **Denial.** Denial can only be done on the following basis:
 - 1. The plan (plan, final engineering, or final landscaping) is inconsistent with the approved concept plan or conditions of said approval.
 - 2. Failure to provide surety.
- C. **Site Plan Signing.** The Planning Commission President shall authorize the signing of the plan.
- D. **Effect and Vesting.** The approval and signing of the site plan allows the applicant to provide surety, if necessary, and begin construction.

Division 24.200 Amendments

Sec. 24.201 Amendment and Modification of Site Plans

- A. **General.** Site plans shall be amended or modified in the same manner as they were originally approved.
- B. **Substantial Compliance ~~With~~ Previous Approval.** The Zoning Administrator shall approve an application to modify a site plan where it is demonstrated that the proposed modification or elimination will result in substantial compliance with the approved site plan, as demonstrated by all of the following:
 - 1. Development density and intensity have not materially changed, in that:
 - a. the number of buildings is not increased by more than 5 percent;

- b. the number of stories is the same or fewer;
 - c. the height of the building(s) is the same or less;
 - d. the number of units is the same or fewer;
 - e. the lot coverage and floor area ratios are the same or less;
 - f. the number of bedrooms and corresponding parking spaces may be increased or decreased by as much as 5 percent, based on the entire plan, provided the plan complies with all other requirements of these Regulations and the Zoning Ordinance; and
 - g. density or intensity (floor area ratio) may be transferred from one building to another or from one stage of development to another, provided that the total floor area ratio is not changed.
2. Design has not materially changed, in that:
- a. the roadway patterns, including ingress-egress points, are in the same general location as shown on the original plans, and are no closer to the rear or interior side property lines than shown on the original plans;
 - b. the parking area is in the same general location and configuration;
 - c. the building setbacks are the same or greater distance from perimeter property lines, except that the building setbacks for detached single family development, attached single family development, townhouse and cluster development may also be decreased, provided that such decrease is limited such that the resulting setback distance will be the greater of either
 - i. the underlying zoning district regulations, or
 - ii. any condition or restrictive covenant regulating the setback for which a substantial compliance determination is sought;
 - d. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - e. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - f. elevations and renderings of buildings, if originally provided, have substantially similar architectural expressions as those shown on the approved plans;
 - g. recreational facilities, if shown on approved plans, either remain the same or are converted from one recreational use to another;
 - h. if recreational facilities were not shown in the approved plans, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
 - i. if a variance for signage has been granted, the proposed sign(s) are no greater in size and are placed in the same general location on the site as originally approved.

An entrance sign location may be moved the same proportional distance as a relocated entrance drive;

- j. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;
3. Additional outparcels may be added where:
- a. there is no increase in the project's total floor area ratio or lot coverage;
 - b. there is no reduction in the total amount of landscaped open space; and
 - c. addition of the outparcel does not result in noncompliance with any other provision of these Regulations or the Zoning Ordinance on any other portion of the subject property.
4. Reductions in the number of parking spaces on the site are permitted if sufficient parking spaces are provided to satisfy the requirements of the Zoning Ordinance.

Sec. 24.202 Amendment, Modification, and the Vacating of Subdivision Plats

A. **Amendment.** The Planning Commission (or staff, in the case of a minor subdivision plat) may approve an amendment to a subdivision plat in the same manner as the plat was originally approved, provided:

- 1. All of the property that is affected by the amendment is under the ownership of the applicant;
- 2. The amendment will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- 3. The amendment complies with all of the standards of these Regulations, including verification of compliance with the Zoning Ordinance.

B. **Minor Modification.** The Zoning Administrator may authorize minor modifications to a plat if no lots have been sold as follows.

- 1. Design has not materially changed, in that:
 - a. the roadway patterns, including ingress-egress points, are not moved more than five feet (centerline) from their indicated location on the original plat, and are no closer to the rear or interior side property lines than shown on the original plat;
 - b. parking areas are in the same general location and configuration;
 - c. the landscaped open space is in the same general location, is of the same or greater amount, and is configured in a manner that does not diminish a previously intended buffering effect;
 - d. the proposed perimeter walls and/or fences are in the same general location and of a comparable type and design as previously approved;
 - e. recreational facilities, if shown on the plat, either remain the same or are converted from one recreational use to another;

- f. if recreational facilities were not shown in the approved plat, they may be added, provided there is no increase in lot coverage or decrease in required open space and such facilities are located internally within the proposed development;
- g. the proposed changes do not have the effect of creating any noncompliance or nonconformity with the strict application of the Zoning Ordinance that were not previously approved at public hearing, or of expanding the scope of existing variances such that they would differ to a greater degree from the strict application of the Zoning Ordinance;

2. If lots have been sold, the minor modification process shall only be used for the relocation of septic reserve locations on individual lots.

C. **Vacating All or Part of Plat.** The Planning Commission may vacate a subdivision plat either in whole or in part if it is demonstrated that:

- 1. The persons making application for vacating a property own the fee simple title to the whole tract, or the entirety of that part of the tract covered by the plat which is sought to be vacated;
- 2. Vacating the property will not affect the ownership or right of convenient access of persons owning other parts of the subdivision; and
- 3. All easement holders whose easements are indicated only on the plat (and not by separate recorded instrument) provide written consent to the vacating of the property.

Sec. 24.203 Reformation of Approved Site Plans or Subdivision Plats to Correct Clerical or Scrivener's Errors

A. **Reformation by Application.** The Zoning Administrator shall approve an application to reform a clerical or scrivener's error in a subdivision plat or site plan approval, including an error in an application or notice, which error causes the approval to not accurately reflect the approving body's intent, and where it is demonstrated that all of the following requirements are met:

- 1. the reformation does not include a change of judgment, policy, or prior intent of the approving body;
- 2. prior to the conclusion of the public hearing at which the approval for which reformation is sought was taken (if a public hearing was required), the current applicant either did not know of the error, or knew of the error and made it known to the adopting board;
- 3. the reformation is essential to ensure that the approved subdivision plat or site plan reflects the intent of the approving body;
- 4. the record, including but not limited to the staff recommendation, minutes, and motion, evidences the clear intent of the approving body;
- 5. the substance of the decision of the approving body was evident at the time of the approval, and there was no intent to deceive the public or the approving body on the part of the current applicant at any time;
- 6. failure to approve the reformation would lead to an unjust result;
- 7. the error in the prior approval did not mislead anyone in a way that would cause them to be prejudiced by the reformation; and

8. any errors related to public notice did not affect the legal sufficiency of the required notice.

B. **Reformation by Zoning Administrator.** Notwithstanding the foregoing provisions, the Zoning Administrator, within 30 days of the approval of a subdivision plat or site plan, may reform a clerical or scrivener's error without public notice, if:

1. the error is not related to public notice, and
2. the error causes the approval as written to inaccurately reflect the clear decision of the approving body.

C. **Relation Back.** A reformed approval shall relate back to the original approval and the effective date of the corrected language shall be deemed to be the same as the effective date of the previous approval.

Division 24.300 Waivers

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. No process or procedural waivers shall be granted.

A. **Applicant.** An application for a waiver may be made by anyone with a financial interest in a property. The owner is responsible for providing all information and justification for the waiver request.

B. **Application.** An application for a waiver shall be filed with the Planning Commission. An application for the waiver shall be submitted, along with the required fee, on the appropriate form. In addition to that basic information, the following information shall be submitted to support the application:

1. Plat or plan of the property depicting parcel information, proposed layout, and, where applicable, all proposed modifications.
2. A description of the physical features of the property, total acreage, present use, the use of the property at the time of the adoption of these Regulations, and any known prior uses;
3. A description of the specific portions of these Regulations for which relief is being sought;
4. A narrative describing how the proposed waiver will improve the public benefits.; and
5. An accurate list of all properties and owners' addresses adjoining the subject property.

C. **Public Notice.** The applicant shall post the property fourteen (14) days prior to the scheduled meeting. The adjoining property owners shall be noticed by staff via mailed letter fourteen (14) days prior to the scheduled meeting.

- D. **Action.** The Planning Commission shall make a decision within 30 days of the receipt of the request for waiver.
- E. **Conditions of Approval.** In granting a waiver, the Planning Commission may prescribe any conditions and safeguards that it finds are appropriate and in conformity with these Regulations.
- F. All waivers and/or conditions of approval associated with the waiver shall be documented on all subsequent plats or plans.

Division 24.400 Appeals

An appeal of a decision of the Planning Commission or staff regarding subdivision or site development decisions shall be taken directly to Circuit Court of Jefferson County, West Virginia, pursuant to W.Va. Code §8A-5-10 and §8A-9-1, et seq.

Division 24.500 Surety

All major subdivisions and all site developments shall be required to provide security that meets the approval of the Department, agencies responsible for accepting the improvements, and in accordance with the County Commission Bonding Policy. Surety is a financial guarantee that the improvements proposed in the subdivision or site development are made as planned if, for some reason, the developer fails to make the required improvements.

Sec. 24.501 Improvements Requiring Surety

- A. **Requirement.** Each of the following elements or systems requires surety:
 - 1. Clearing, Grading, and Site Preparation.
 - 2. Stormwater Facilities.
 - 3. Water and Sewer Utilities or facilities.
 - 4. Streets, Sidewalks, Parking, Curbs, Street Drainage, and Lighting.
 - 5. Landscaping and Recreation Facilities.
 - 6. Other Utilities.
- B. **Exception.** Utilities that install their own infrastructure (such as telephone, electric, gas, and cable companies) will not require surety.

Sec. 24.503 Amount of Surety

- A. **Cost Estimates.** The developer shall submit cost estimates from the project engineer for the cost of such installation.
- B. **Review and Approval.** The County planning department and engineers shall review the cost estimates and make upward adjustments if they find the cost estimates below those the County is currently experiencing.
- C. **Amount.** The surety shall be in the amount of 115 percent of the approved estimate. This covers inflation, the cost of inspecting, and rebidding if the developer defaults and the County has to take over construction or construction supervision.

Sec. 24.504 Funding of Improvements

- A. **On-Site Infrastructure.** All on-site infrastructure shall be provided by the developer.
- B. **Off-Site Infrastructure.** Generally, off-site infrastructure that is necessitated by the development shall be funded by applicable impact fees or proffers (if proffers are made). The County may also approve developer construction of off-site infrastructure.

Sec. 24.505 Improvement Location Permit

An improvement location permit and/or building permit is required prior to the erection, relocation, or alteration of a building or structure, prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use, and prior to any land altering activity in a flood prone area.

Article 25 Enforcement and Penalties

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Division 25.100 Enforcement and Penalties

Sec. 25.101 Authority

The planning commission, governing body, ordinance compliance officer, or any authorized employee or agent may enforce these Regulations in the manner provided for in this section and by applicable law, including but not limited to W.Va. Code § 8A-6-3 and W.Va. Code § 8A-10-1, *et seq.*

Sec. 25.102 Procedure

1. Upon learning of a potential violation of these Regulations, the ordinance compliance officer or staff shall investigate to determine whether a violation has occurred.
2. When it appears after investigation that a violation of these Regulations has occurred, the ordinance compliance officer or staff shall notify the violator by means of a written violation notice. The violation notice shall specify the nature of the violation and request that the violation cease within fifteen (15) days from the date appearing on the notice. Failure to terminate the violation within this time period shall be cause for the planning commission, governing body, ordinance compliance officer, or other authorized employee or agent to:
 - a. Seek an injunction in the Circuit Court of Jefferson County to restrain the violator from continuing the violation, including but not limited to requests for the removal of structures or land uses from the property involved; and
 - b. Seek a misdemeanor conviction in magistrate court or circuit court.

Sec. 25.103 Penalties

Any person who violates any provision of these Regulations shall be guilty of a misdemeanor and, upon conviction, shall be fined not less than fifty dollars nor more than five hundred dollars. Each day during which any violation of these Regulations occurs shall constitute a separate offense.

Division 26.100 Word Usage and Abbreviations

Sec. 26.101 Word Usage

This Division's provisions and rules shall be observed and applied when interpreting these Regulations, except when the context clearly requires otherwise. Words used or defined in one tense or form shall include other tenses or forms.

- A. Words in the singular number shall include the plural number. Words in the plural number shall include the singular number.
- B. The masculine gender shall include the feminine. The feminine gender shall include the masculine.
- C. The word "shall" is mandatory.
- D. The word "may" is permissive.
- E. The word "person" includes individuals, partnerships, firms, corporations, associations, trusts, and any other similar entities or combination of individuals.
- F. The word "Attorney" shall mean the Office of the Prosecuting Attorney of Jefferson County or any individual attorney therein.
- G. The phrase "Board of Zoning Appeals" shall mean the Board of Zoning Appeals of Jefferson County. It may be abbreviated BZA.
- H. The phrase "Comprehensive Plan" shall mean the Comprehensive Plan of Jefferson County. It includes all adopted maps, charts, and explanatory materials and subsequent amendments.
- I. The word "Commissioners" shall mean the Jefferson County, County Commission.
- J. The word "County" shall mean Jefferson County, West Virginia.
- K. The word "Department" shall mean the Jefferson County Department of Planning.
- L. The phrase "Landmarks Commission" shall mean the Jefferson County Historic Landmarks Commission.
- M. The word "Owner" shall mean or include the person holding title to the property, lessees, occupant, or person in charge of the property for management or construction.
- N. The phrase "Planning Commission" shall mean the Jefferson County Planning Commission.
- O. The phrase "County Clerk" shall mean the Jefferson County Office of County Clerk.
- P. The phrase "Professional Engineer" shall mean an engineer licensed in the State of West Virginia.

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- Q. The word “staff” shall mean the Jefferson County Planning, Zoning or Engineering Departments, Zoning Administrator, and such other employees or consultants designated by the County Commission.
- R. The word “State” shall mean the State of West Virginia.
- S. The phrase “Department of Health” or “Health Department” shall mean the Jefferson County Health Department. Sec. 26.102 Abbreviations

The following abbreviations are used in these Regulations:

AASHTO	American Association of State Highway and Transportation Officials
ac.	Acre
DBH	diameter at breast height for a tree
du or dus	dwelling unit(s)
FAR	floor area ratio
FEMA	Federal Emergency Management Agency
ft.	feet
C&G	concrete and gravel
GD	gross density
GIS	Geographic Information Systems
LSR	landscape surface ratio
max.	maximum
min.	minimum
na.	not applicable
ND	net density
OSR	open space ratio
sf.	square feet
S.F.	single-family
SPCS	State Plane Coordinate System
SWM	~~storm water~~ stormwater management
USGS	United States Geological Survey

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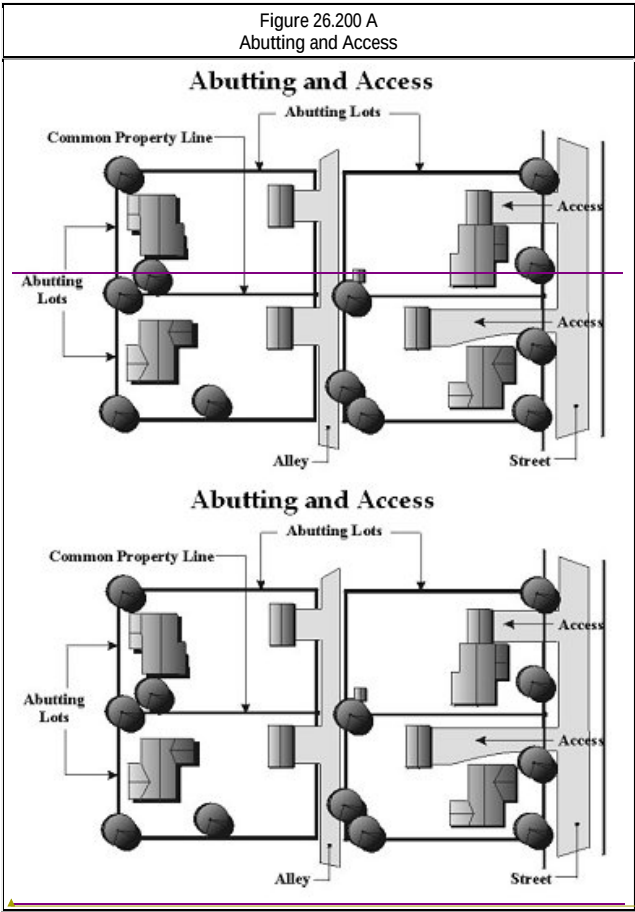
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Division 26.200 Definitions of Terms

The following definitions describe the meaning of the terms used in these Regulations. Appendices may contain additional definitions which are specific to the particular appendix in which they are located.

A

Abutting. Two lots sharing the same or common property lines, including lots separated by an ~~alley~~ alley.



Access Easement. That portion of a lot used for ingress/egress to an ~~abutting~~ abutting lot and shown on a final plat by a recorded easement declaration. In no case shall a street right-of-way be construed to mean an easement.

Access. An area designated as a way for vehicles to enter or leave a property or lot to a public or private street or ~~alley~~alley. Access is intended to permit residents to bring their vehicles onto the property, to allow customers or tenants to park, and to provide for public access in emergencies. See Figure 27.301A, *Abutting and Access*.

Adequate Infrastructure. This includes water, sewer, roads, parks and recreation, emergency services, and stormwater facilities. To be adequate, they shall meet all construction requirements of these Regulations and the County. In addition, the County shall require that there is adequate capacity where the connection is made to the system and in mains, interceptors, or other off-site facilities, including treatment facilities and storage facilities.

Administrator. Refers to the Planner or Zoning Administrator, designated by the County Commission, who shall enforce and interpret the provisions of these Regulations.

Agency. The governmental entity, department, office or administrative unit responsible for carrying out regulations.

Alley. See ~~Street, Service~~Street, Service.

Appeal. A way to obtain review of a decision, determination, order, or act of staff or the Planning Commission pursuant to the terms of these Regulations.

Applicant. A person, firm, or governmental agency that executes the necessary forms to obtain approval or a permit for any zoning, subdivision, site development, building, land disturbance, or other activity regulated by these Regulations.

Application. The completed form or forms and all accompanying documents, exhibits, and fees required of an applicant by the applicable department, board, or commission of the county for development review, approval, or permitting purposes.

Approval. Approval shall mean final action granting an application given by the appropriate administrative body specified in Article 11, *Administrative Bodies*, as having final approval responsibility.

Area of Special Flood Hazard. The land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the Flood Hazard Boundary Map (FHBM). After detailed rate making has been completed in preparation for publication of the FIRM, Zone A usually is refined into Zones A, AE, AH, AO, A1-99, VO, V1-30, VE or V.

Arterial Street. See *Street, Arterial*.

B

Base Flood. The flood having a one percent chance of being equal to or exceeded in any given year.

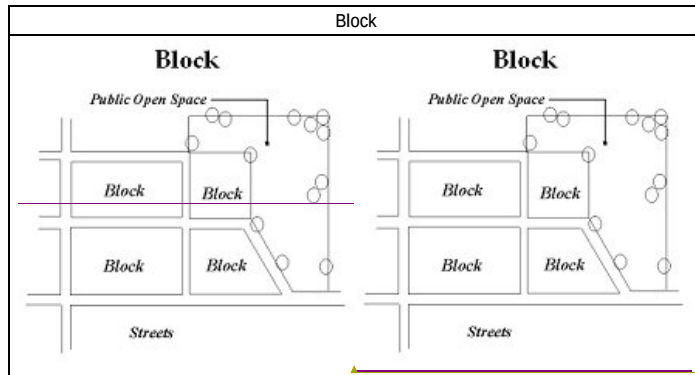
Base Flood Elevation. The elevation in Mean Sea Level of the Base Flood.

Best Management Practices. That combination of conservation measures, structures, vegetation, or management practices that reduces or avoids adverse impacts of development on an adjoining site's land, water, or waterways and water bodies.

Block. An area of land surrounded on all sides by streets or other transportation right-of-ways or by physical barriers such as water bodies or public open spaces. Blocks are normally divided into lots.

Figure 26.200 B1

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Buffer. A designated area between two uses or zoning districts deemed incompatible with each other, or along the perimeter of a natural feature to be protected from an incompatible use, or along the perimeter of that use, which will absorb or otherwise mitigate such incompatibility by some combination of construction design, vegetative plantings, fences, and/or maintenance practices which shall be permanently maintained.

Bufferyard. A strip of land on the periphery of a property created to separate one type of land use or zoning district from another when they are incompatible or in conflict. Bufferyards include street bufferyards that protect the use from road related nuisances or that screen undesirable uses.

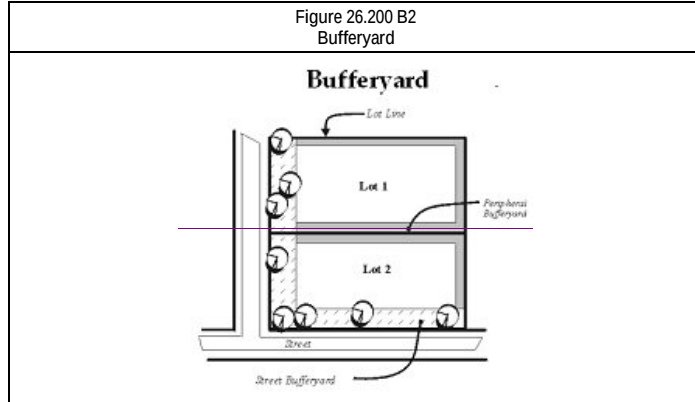
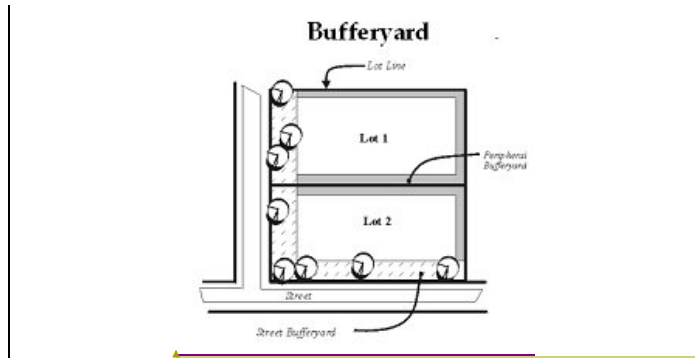


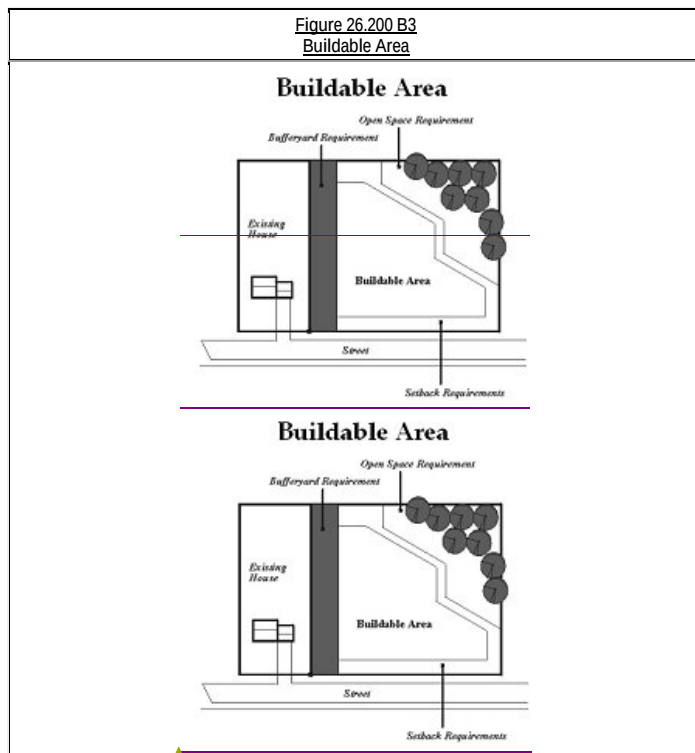
Figure 26.200 B2
Bufferyard

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Buildable Area. The space remaining on a lot after the minimum open space or landscape surface requirements, *bufferyards*, and setbacks have been met. See *Net Buildable Site Area*.



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Building. A structure built on a lot or parcel of land, having a roof, and intended to shelter people, animals, property, or business activity. Any structure used or intended to be used for supporting or sheltering any use or occupancy. The word "building" shall be construed as if followed by the words "or part or parts thereof and all equipment therein."

Business Owner's Association (BOA). See *Homeowner's Association (HOA)*.

C

Calendar Day. Consecutive days including Saturday, Sunday, and holidays. See *Days*.

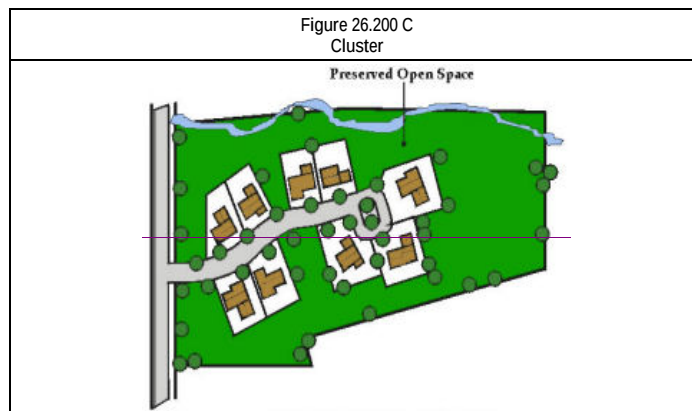
Centralized Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots by a system of pipes to a central treatment and disposal system serving a community and owned and/or operated and maintained by a Public or Private Utility.

Certificate of Occupancy. A statement signed by the Building Official setting forth that a building, structure, or use legally complies with the Zoning Ordinance and the applicable Building Codes and that the building, structure, or use may be used for the purposes stated therein.

Child. Any person who is a natural or legally defined offspring of the owner of a parcel of land.

Clean Fill. A non-decomposable, environmentally inert solid such as rock, soil, or gravel.

Cluster. A development pattern or design technique in which lots are grouped together, rather than spread evenly throughout a parcel as in conventional subdivision development. Cluster development allows the remaining land to be used for recreation, open space, and the preservation of natural or built resources. See Figure 26.200 C, *Cluster*.





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Collector Street. See *Street, Collector*.

Collector, Residential. See *Street, Residential Collector*.

Commencement of Construction. Commencement of construction means that a building permit or other written permit required to be issued by the Building Official has been issued and work has commenced under such permit. This is recognizable upon an inspection of the property and which work is of a nature and character that reflects a good faith intention to continue the work until completion, such as the clearing of right-of-ways, rough-grading of the roadway, the installation of a drainage system or stormwater management facilities, and the placement and active maintenance of erosion and sediment control measures.

Community Sewer System. A sanitary sewage collection and treatment system in which sewage is carried from individual lots, by a system of pipes to a central treatment and disposal system generally serving a neighborhood and owned and/or operated and maintained by a Public or Private Utility as defined above.

Completeness Review. The completeness review determines not only whether the applicant has submitted all required information, but also includes the technical review of the material to determine whether the plan and infrastructure is properly designed and will function adequately. A submission requires roads, sewer, water, and zoning information that only a thorough review by agencies responsible for these items can determine whether the information is present and correct. The drawing, engineering and otherwise, must work when built in the field on the conditions of the site. Agency reports on the plan are part of the required application to the Planning Commission. The developer's submission and agency review are essential to provide a complete application that can be reviewed by the Planning Commission and citizens.

Comprehensive Plan. A plan for physical development, including land use, adopted by a governing body, setting forth guidelines, goals and objectives for all activities that affect growth and development in the governing body's jurisdiction. (*Source Chapter 8A of the West Virginia Code.*)

Conservation. The planned management of a natural feature to prevent its exploitation, destruction, or neglect.

Conservation Area. An area designated on the site-plan, preliminary or final plat intended to preserve and protect natural resources or a public or private land use that preserves an area in a natural condition.

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Conservation Easement. A conservation easement is a recorded document that restricts the use of land to uses that are compatible with environmental conservation, historic preservation, or open space preservation. Conservation easements do not involve transfer of fee simple title to the property to be conserved.

Construct or Construction. The erection of a new building, structure, or object upon a site.

Constructed Wetland. A low-lying area, artificially created by dredging, damming, or berming of earth for the retention of water and the establishment of a hydrophytic vegetative community.

Contiguous. Lots, parcels, municipal boundaries or county boundaries that are next to, abutting and having a boundary, or portion thereof, that is coterminous. Streets, highways, roads or other traffic or utility easements, streams, rivers, and other natural topography are not to be used to determine lots, parcels, municipal boundaries or county boundaries as contiguous. *(Source: Chapter 8A of the West Virginia Code)*

Covenant or Restrictive Covenant. A restriction on the use of land set forth in a formal binding agreement. Restrictive covenants run with the land and are binding upon subsequent owners of the property.

D

Days. Monday through Friday, excluding holidays and any days on which the County offices are closed.

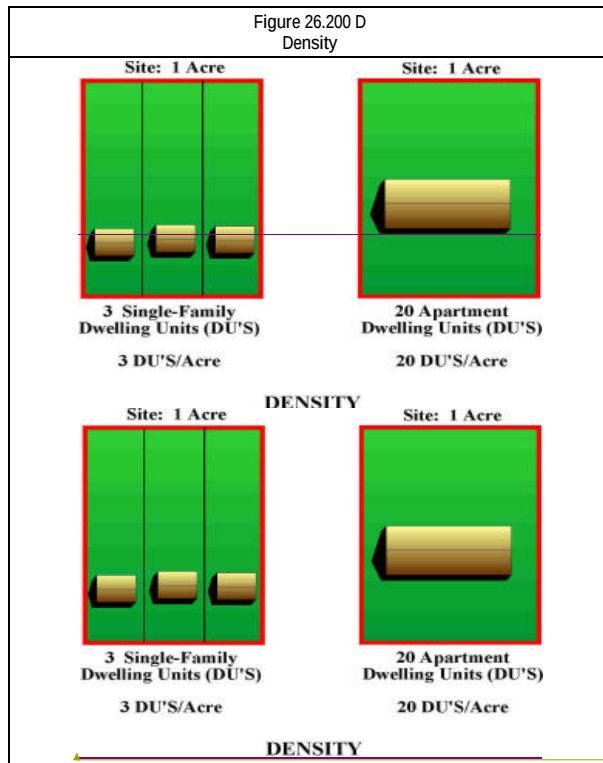
Dedication. The transfer of private property to public or common ownership, such as a Homeowner's Association, for a public purpose. The transfer may be in fee simple interest or less than fee simple interest, including easements. Dedication requires the acceptance of the interest to be complete.

Deed Restriction. A restriction placed within a deed that controls the use of the property. Deed restrictions travel with the deed, and therefore with the property, and cannot generally be removed by new owners.

Density. The average number of dwelling units allowed on an acre of land. It may also measure the families, housing units, or rental rooms. For example, the figure below shows two types of land uses on an acre of land. The first shows a density of three homes per acre. The second shows a density of 20 *apartment* units per acre.

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Department. See Section 26.101, *Word Usage*.

Design Storm Frequencies. Time interval in years at which a storm occurrence has a chance to exceed or equal the storm of specific duration and intensity used in design of drainage facilities.

Detention/Retention Basin. A natural or man-made structure designed as a temporary holding basin for water. Water may be detained to minimize flooding downstream or retained to increase aquifer recharge.

Developer. A person seeking to build or develop as defined in these Regulations.

Development. Construction of a new building or other structures on a lot, the relocation of an existing building on another lot, or the use of open land for a new use. In addition, it also means any man-made change to improved or unimproved real estate, including, but not limited to, parking, fences, pools, signs, temporary uses, clearing of land, dredging, filling, grading, paving, or excavation.

Disposal Field. A system of open jointed or perforated pipes laid in the upper strata of the soil to distribute sewage effluent into the soil for absorption and vaporization.

Drainage. The process by which surface water (usually from rainfall) moves across the land surface. See Division 22.400, *Drainage*.

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Drainage Areas. The delineated areas that currently contribute or are proposed to contribute runoff to a specific location or point.

Drainage Facility. Any system of artificially constructed drains, including open channels and separate stormwater sewers, used to convey stormwater, surface water, or groundwater, either continuously or intermittently, to natural water courses.

Drip-line. A generally circular line, the circumference of which is determined by the outer reaches of a tree's widest branching points.

Driveway. A private ~~accessway~~access way, primarily for vehicles, leading from a street to a parking or loading area.

E

Earthen Berm. A man-made mound of earth in excess of two feet in vertical height used to shield or buffer properties from adjoining uses, highways, or noise or to control the direction of surface water flow.

Easements. Any portion of a parcel, subject to an agreement between the property owner and another party, which grants the other party the right to make limited use of that portion of the property for a specified purpose. See ~~Conservation Easement~~Conservation Easement.

Elevation Certificate. A FEMA form to be completed by a professional engineer or surveyor to document the elevation of the lowest floor, including basement, of all new and substantially improved structures.

Eligibility Checklist. A form created by the department to assist applicants in determining if they are eligible for the minor subdivision process.

Endorsement. The signature of the Director of Planning and Zoning appended to the final plat to signify approval thereof.

Engineer, Professional. An individual technically and legally qualified to practice the profession of civil engineering and who is registered to do so in the State of West Virginia.

Environmental Report. Any study, report, or application required by these Regulations, such as critical natural areas, floodplains, riparian buffers, hillsides, water resource protection areas, and wetlands.

Environmentally Sensitive Area or Resource. Any land area containing (as an example) one, or more, of the following: (1) hillsides; (2) floodplain; (3) soils having high water tables; (4) highly erodible soils; (5) lands incapable of meeting minimum percolation standards; (6) former landfill or industrial waste areas; (7) stream corridors; (8) aquifer recharge or discharge areas; (9) wetlands; (10) scenic view corridors; (11) architectural areas of significant consequence or historic sites, districts, structures or trails; (12) mature stands of trees or vegetation; or any other area possessing environmental characteristics similar to those listed herein.

Ephemeral Stream. A channel that holds water only during or immediately after periods of precipitation. See also *Intermittent Stream*.

Erosion. The wearing away of soil or rock fragments by water, rain, wind, or earth gravity.

Essential Access. An access that must cross a resource restricted area, such as a wetland or hillside, to reach an area of the site that is otherwise buildable and would result in damage to the restricted resource.

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Expressway. A limited access highway designed to carry regional traffic. All intersections shall be grade separated.

F

Filling. The depositing on land, whether submerged or not, of sand, gravel, earth, or other materials. Biodegradable materials and other materials subject to decomposition or significant settling (such as garbage and other organic matter) shall not be considered filling.

Flag Lot. See *Panhandle Lot* or Section 21.302, *Flag Lots*.

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland and tidal waters.
- B. The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). An official map of a community on which the Federal Emergency Management Agency has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles and *water surface elevation* of the base flood, as well as the Flood Boundary-Floodway Map.

Flood Proofing. Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

Flood Protection Elevation. An elevation established or defined in the Jefferson County Floodplain Management Ordinance.

Flood Protection System. Those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the areas within a community subject to a "special flood hazard" and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees, or dikes. These specialized flood modifying works are those constructed in conformance with sound engineering standards.

Floodplain. A relatively flat or low-lying land area adjoining a river, stream, or *watercourse* which is subject to periodic partial or complete inundation. It includes:

- A. Those areas identified by the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM) as being subject to periodic inundation by a 100-year storm, including the floodway, flood fringe and areas for which no base flood elevations area available as depicted in the FEMA Flood Insurance Rate Maps for Jefferson County.
- B. Those lands where a detailed study has not been performed, but where a 100-year flood boundary has been approximated. All land subject to inundation by the 100-year flood shall be considered floodplain. The actual elevation shall be established after consideration of any flood elevation, flood line, or floodway data available from federal, state, local, or other sources. The approximate floodplain appears on flood

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insurance rate maps and flood boundary and floodway maps, where it may appear as Zone A.

Floodplain Administrator. A person accredited by the Board and assigned by the County to administer and implement laws and regulations relating to the management of the floodplains.

Floodplain or Flood-Prone Area. Any land area susceptible to being inundated by water from any source (see *Flood or Flooding*).

Floodplain Management. The operation of an overall program of corrective and preventive measures for reducing flood damage, including, but not limited to, emergency preparedness plans, flood control works, and floodplain management regulations.

Floodplain Management Regulations. The zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance, and erosion control ordinance), and other applications thereof, which provide standards for the purpose of flood damage prevention and reduction.

Floodproofing. Any combination of structural and nonstructural additions, changes, or adjustments to properties and structures which reduce or eliminate flood damage to lands, water and sanitary facilities, structures, and contents of buildings.

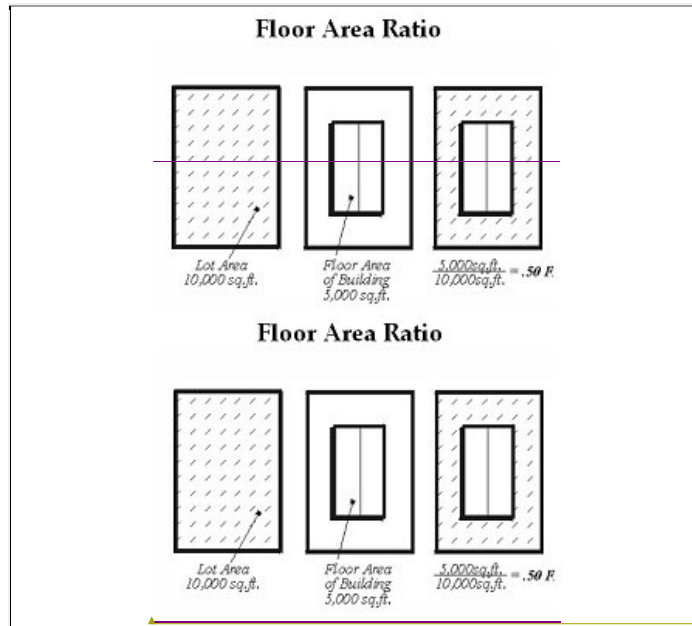
Floodproofing Certificate. A FEMA form to be completed by a professional engineer or surveyor to certify that a floodproofed, nonresidential building has been constructed in accordance with NFIP requirements.

Floodway. The portion of the floodplain where water velocities are high and the majority of the discharge the waters of the 100-year flood occurs as delineated on the Federal Emergency Management Agency's (FEMA) Flood Insurance Rate Maps (FIRM).

Floodway (Regulatory Floodway). The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the *water surface elevation* more than a designated height.

Floor Area Ratio (FAR). A measure of the allowable size of floor area on a lot compared to the size of the lot. FAR gives developers flexibility in deciding whether to construct a low *building* covering most of the lot or a tall building covering only a small part of the lot, as long as the total allowable floor area coverage is not exceeded.

Figure 26.200 F
Floor Area Ratio



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Freeboard. Vertical elevation between 100-year flood elevation level and the top of bank or grade.

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Frontage. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets, the arc between the side lot lines shall be considered the lot frontage.

G

Geographic Information System (GIS). A computer mapping system that collects, stores, manipulates, analyzes, and displays digital geographic data.

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Glare. Light emitting from a luminaire with an intensity great enough to reduce a viewer's ability to see and in extreme cases to cause momentary blindness.

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Grade. The natural level of the ground adjoining the object whose height is to be measured. Where grade refers to a street or road, it is the existing grade at that point.

Grading. The excavating, filling (including hydraulic fill), or stockpiling of earth materials, or any combination thereof, including the land in its excavated or filled condition.

Gross Area. The total land and water surface area contained within the boundaries of a lot or tract.

Gross Floor Area (GFA). The sum of the total horizontal areas of every floor of every building on a lot. The measurement of gross floor area shall be computed by applying the following criteria:

- A. The horizontal square footage is measured from the outside face of all exterior walls.
- B. Cellars, basements, penthouses, attics, covered or uncovered porches, balconies and decks, enclosed storage or mechanical areas, mezzanines, and similar structures shall

be included as GFA wherever at least seven feet are provided between the finished floor and the ceiling.

- C. No deduction shall apply for horizontal areas void of actual floor space (for example, elevator shafts and stairwells). The protected upper floors of open atriums and foyers shall not be included.

Groundwater. A portion of the subsurface water that occurs beneath the water table in soils and geologic formations that are fully saturated.

H

Highly Vulnerable Area. An area where the combination of soils, subsurface conditions, geologic features, hydrology, population density, and Source Water Protection Areas makes the aquifer and groundwater highly vulnerable to contamination.

Highway. Any road thoroughfare, street, ~~boulevard~~boulevard, lane, court, railway, right-of-way, or easement used for, or laid out and intended for, public passage of vehicles or persons.

Hillside. Land that has an average percent of slope equal to or exceeding 10 percent.

Historic District. A geographically definable area, designated as historic on a national, state or local register, possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development.

Historic Resource. A site, structure, area, or district possessing historic importance as defined by the U.S. Department of Interior, West Virginia State Historic Preservation Office, Jefferson County Historic Landmarks Commission, or other governmental agency.

Historic Site. The location of a significant event, a prehistoric or historic occupation or activity, or a building or structure whether standing, ruined or vanished, where the location itself possesses historical, cultural or archaeological value regardless of the value of any existing structure and designated as historic on a national, state or local register, or individually listed on a local inventory of historic places. (Source: Chapter 8A of the West Virginia Code).

Historic Structure. Any structure that is:

- A. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
- D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 1. By an approved state program as determined by the Secretary of the Interior, or
 2. Directly by the Secretary of the Interior in states without approved programs.

Homeowner's Association (HOA) or Business Owner's Association (BOA). An incorporated nonprofit organization operating under a recorded land agreement through which: (a) each lot owner is automatically a member; and (b) each lot is automatically subject to a proportionate share of the expense for the organizations activities, such as, but not limited to maintaining drives, streets, roads, and other common property. Homeowner's Associations and the Uniform Common Interest Ownership Act of West Virginia are interchangeable and reversible terms. The most recent Uniform Common Interest Ownership Act of West Virginia shall prevail.

Hydric Soils. Soils which, in their natural, undrained state, are wet frequently enough at or near the surface to periodically produce anaerobic conditions, thereby influencing plant species' composition and/or growth.

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Hydrophytic Vegetation. Those plants which are adapted to life in saturated soil conditions.

I

Impervious Surfaces. Areas that do not allow significant amounts of water to penetrate.

Impervious Surface Ratio (ISR). The proportion of a development that is impervious surface. It is determined by dividing the area in impervious surface by the base site area.

Improvement Location Permit. A permit which is required prior to the erection or relocation of a building or structure; prior to the alteration of a building or structure in a way which enlarges the exterior dimensions of such a building or structure; prior to establishing a land use on a vacant lot or in a vacant building; prior to changing a land use existing on a lot or in a building to a different land use; and, prior to any land altering activity in a flood prone area.

Individual Sewer System. A wastewater system that only serves the lot on which the sewage is generated, with the effluent disposed on that lot.

Infiltration. The passage or movement of water through the soil profile.

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Infrastructure. Facilities and services needed to sustain industrial, residential, commercial, and all other land-use activities, including water, sewer lines, and other utilities, stormwater systems, streets and roads, communications, and emergency or public facilities such as fire stations, parks, and similar facilities.

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Intensity. A measure of the degree of perceived level of activity as it applies to parking needs, traffic patterns, visual magnitude, or altered character on a particular parcel of land. Intensity as used in these Regulations is typically measured by the number of square feet of development or Floor Area Ratio per acre by land use type with respect to non-residential land uses.

Intermittent Stream. A well-defined channel with banks and a bed within which concentrated water flows only part of the year and is dry other parts. See also *Ephemeral Stream*.

K

Karst Feature. Karst topography is a landscape created by groundwater dissolving sedimentary rock such as limestone. Karst features include sinkholes, fissures enlarged by dissolution, and caves. Karst features may be open or filled and may have standing water or stream flow. There may be one feature alone or in groups, usually trending in linear groups along fractures or fissures.

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L

Land Development. See *Major Site Plan* or *Minor Site Plan*.

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Land Grading. See [Grading-Grading.](#)

Land, Improved. Vacant land that has been provided with power, water, sewage, streets and sidewalks, and other infrastructure.

Landowner. The holder of legal title to the land as recorded by the County Recorder.

Landscape Architect. An individual registered by the State to practice the profession of landscape architecture.

Landscape Plan. A plan associated with a subdivision, site development, or parking facility plan indicating the placement of trees, shrubs, groundcover, and affiliated structures and improvements including specifications, species, quantities, and installation as prepared by an West Virginia registered Landscape Architect.

Landscaping. The design and installation of plant material such as lawns, groundcover, trees, bushes, etc., in formal, informal, or natural arrangements.

Level of Service (LOS). A measure of traffic on a roadway segment or intersection being used during peak hours, as determined by the most current version of Report 209, the Highway Capacity Manual, prepared by the National Research Council's Transportation Research Board. Level of service is expressed on a scale of "A" to "F" with "A" indicating the best level of service and "F" indicating the worst. The definitions of levels of service "A" through "F" shall be those contained in the references cited in this definition.

Local Residential Access Street. A street that provides access to individual residential lots.

Local Street. See *Street, Local*.

Lot. A parcel of land whose boundaries have been established by a legal instrument such as a recorded deed, court order, or a recorded plat, which is recognized as a separate legal entity for purposes of transfer of title.

Lot Area. The area of a lot taken at its perimeter, exclusive of any portion within a public or private street right-of-way.

Lot Line. A line, including property line or a lease line, dividing one lot from another or from a street or other public place. There are basically four types of lot lines -- front, rear, side, and street.

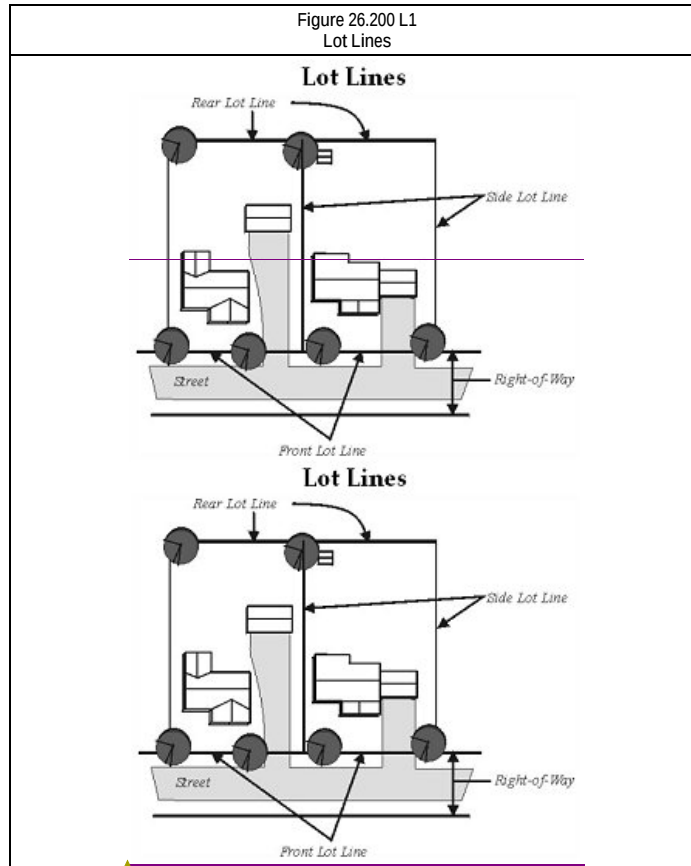
- A. **Front lot line.** The street lot line from which the unit takes access; or, where more than one street yard could safely provide this access, the street serving the smallest traffic volume.
- B. **Rear lot line.** The lot line opposite the front lot line.
- C. **Side lot line.** The lot line that runs generally perpendicular or at angles to the street or any line that is not a front, street, or rear lot line.
- D. **Street lot line.** Any lot line that is also a street right-of-way line.

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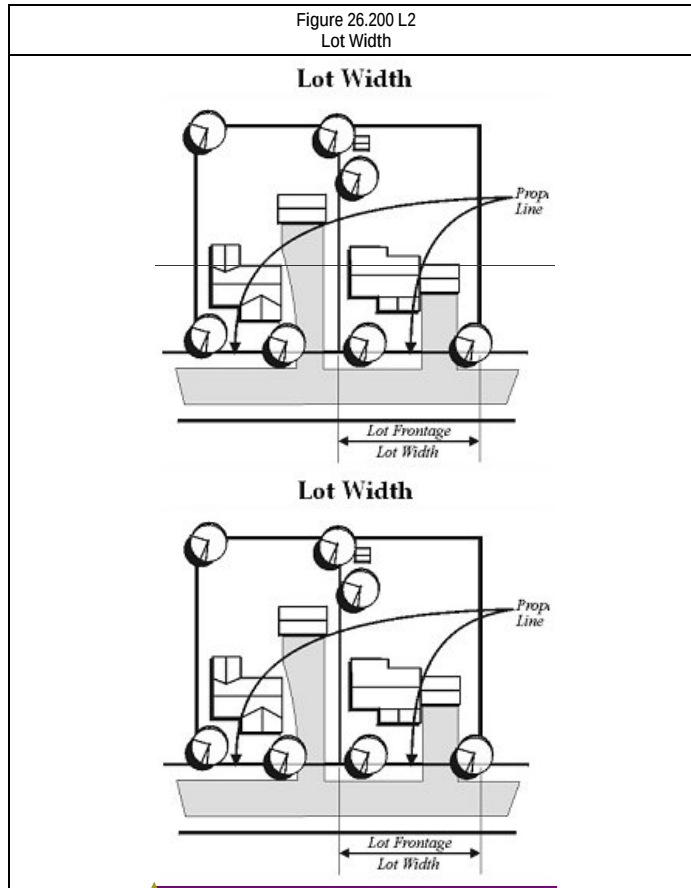
Figure 26.200 L1
Lot Lines



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Lot, Panhandle. See ~~Panhandle Lot~~ Panhandle Lot.

Lot Width. The distance across the lot (side lot line to side lot line) at the minimum front setback line or at the midpoint of the buildable area, whichever is less. Lot width is also the measure of frontage for lots (see ~~Frontage~~ Frontage).



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M

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

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

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

- A. A new public or private street or dedication to public use of an existing street;

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- B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;
- except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. Apartment or multi-family development of ten or more dwelling units; or
- D. A heavy industrial use.

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

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

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

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

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

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

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

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

- A. Building(s), both new and additions to existing, where all structures located on the parcel total less than 5,000 square feet gross floor area (GFA) on any site shall process administratively, and building(s), both new and additions to existing, where all structures

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located on the parcel total more than 5,000 and less than 50,000 square feet gross floor area (GFA) on any site shall:

- Process a concept plan with a public workshop and all remaining site plan review processes shall be administratively approved.
 - In the event that any condition(s) placed upon a site plan during the concept plan public workshop that cannot be addressed or resolved administratively, such condition(s) placed upon the concept plan at the public workshop shall return to the Planning Commission for resolution.
 - Building(s), both new and additions to existing that exceed 50,000 square feet gross floor area at the time of this adoption, adopted 01/19/2012, shall be permitted a one-time expansion up to 25,000 square feet gross floor area with a concept plan public workshop.
- B. Building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater. Sub-Section A of this definition does not apply to this provision;^{1&3}
- C. Apartment or multi-family development of nine or less dwelling units.

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

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

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

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

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

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

N

National Geodetic Vertical Datum (NGVD). Elevations referenced to mean sea level datum of the 1929 or 1988 U.S. Geological Survey.

Natural Areas. Natural areas are areas of private lots or public land that have been created, recreated, restored, or preserved with locally indigenous plant species and are being maintained through the

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encouragement of locally indigenous plant species and elimination of noxious weeds as determined by the West Virginia Code.

New Construction. For the purpose of determining insurance rates, structures for which the *start of construction* commenced on or after the effective date of an initial FIRM or after December 31, 1974, whichever is later, and includes any subsequent improvements to such structures. For floodplain management purposes, "*new construction*" means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision. A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

Nonconforming Structure. A *building*, structure, or parts thereof lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the dimensional requirements of the district in which it is located.

Nonconforming Lot. A lot, legally established prior to the effective date of these Regulations, which does not meet the standards of the district in which it is located. This can involve minimum area, buildable area, or dimensional requirements of the lot.

Nonconforming Use. A use of land or use of a *building* or structure lawfully existing at the time these Regulations or a subsequent amendment to these Regulations became effective which does not conform to the use requirements of the district in which it is located.

Non-delineated Floodplain. An area subject to a 100-year flood, adjacent to a watercourse that is identified by a blue line on the current United States Geological Survey (USGS) topographic maps of the County or in the detailed maps of the Jefferson County Soil Survey for which FEMA has not delineated a floodplain.

North American Datum 1983 (NAD83). The County's GIS data is mapped and stored according to this horizontal datum.

O

Occupancy. The use of land, buildings, or structures.

Open Space. Land area to be left undeveloped as part of a natural resource preservation, recreation, *bufferyards*, or other open space provision of these Regulations. Open space excludes areas in lots, street right-of-ways, or parking. Private open space is designed and intended for common use and the enjoyment of the residents. Public open space is designed and intended for common use and the enjoyment of the residents of Jefferson County.

Open Space Ratio. The proportion of a development required to be left in open space. It is determined by dividing the area in open space by the base site area. When applied to resource protection, the open space ratio shall mean that percentage of the resource feature to be protected and/or preserved in the total land area in that resource.

Ornamental Planting Areas. Ornamental planting areas of private lots or public lands that are used for the growing of herbaceous or woody plantings for ornamental purposes. Determination of plant species

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that may be considered ornamental is to be made by a landscape architect. Ornamental planting areas shall be free of weeds.

Outfall Points. A specific location, as defined by local topography, where stormwater runoff exits a specific land area.

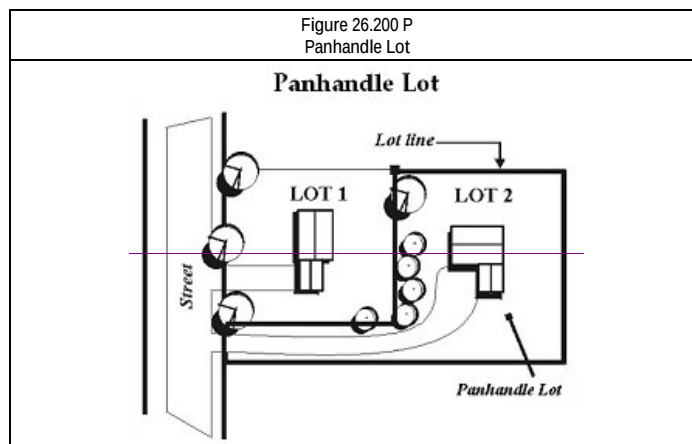
Outflow Hydrograph. Graphical representation of the runoff rate versus time for flow exiting a stormwater management facility.

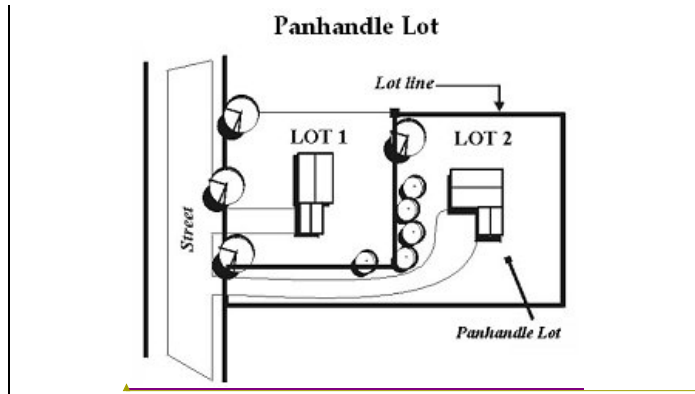
Outparcel. A lot used for drainage, detention, agriculture, or open space, with distinct boundaries, which shall not be used for residential or nonresidential uses, that is created in the process of subdivision.

Owner. See ~~Landowner~~. Landowner.

P

Panhandle Lot. A tract of land having insufficient lot width along a road or at the minimum setback line to meet zoning requirements, but with sufficient area to meet all lot requirements further back on the lot. Sometimes referred to as a *flag lot*.





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Parcel. See *Lot*.

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Parent. Any person who is a natural or legally defined parent of the owner of a parcel of land.

Park or Parkland. An area open to the general public and reserved for recreational, educational, or scenic purposes.

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Paved Area. See *Impervious Surfaces*.

Percolation Tests. See *Soil Borings and Percolation Tests*.

Perennial Stream. A channel with banks and a bed within which concentrated water flows year-round but may stop flowing during prolonged drought.

Performance Guarantee. See *Surety*.

Permit. Documents issued by the County or State allowing a person to begin an activity provided for in these Regulations or other codes, ordinances, and regulatory provisions adopted by the County Commission.

Pervious. A description of a surface that presents an opportunity for precipitation to infiltrate into the ground.

Petition. A request for text amendment or a map amendment made by a property owner, a subject property owner, or by a group of property owners acting as a private citizens' group.

Plan, Concept. An informal plan indicating salient existing features of a tract and its surroundings, including the general layout of a proposed subdivision or site development.

Planning Commission. See Division 23.300, *Planning Commission*.

Plans, Construction. The engineering drawings showing the construction details and the types of material for the physical structures and facilities (excluding dwelling units) and infrastructure to be installed in conjunction with the development of the project.

Plat. A document, prepared by a professional surveyor or licensed professional engineer, which delineates property lines and shows monuments and other landmarks for the purpose of identifying property.

Plat, Final. A complete subdivision plat for recordation, including all required supplementary data, which defines property lines, proposed streets and other improvements, and easements or a plan of private streets to be dedicated to public use.

Plat, Preliminary. A subdivision plat that includes the construction plans (as defined above) and all required supplementary data, showing the approximate proposed street and lot or site layout, or a plan of existing private streets to be dedicated to public use. A preliminary plat is required to be approved by the Planning Commission after a public hearing, but precedes the processing of a final plat.

Plot. See ~~Lot~~.Lot.

Primary Access. The manner in which a property takes access to the public street system, ordinarily by a drive that intersects the street. Where there are several possible accesses, the one located or configured to have the most traffic is the primary access.

Private Utility. A privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).

Proffer. A voluntary offer in writing, which may be made by the owner or contract purchaser, of reasonable conditions in support of an application for rezoning, subdivision or land development approval, made prior to a public hearing before the governing body or planning commission, in addition to the regulations provided for the zoning district or requirements for subdivision or development, provided that (1) the rezoning or subdivision itself gives rise to the need for the conditions;

(2) the conditions have a reasonable relation to the rezoning or impacts associated with the proposed subdivision or development; (3) all conditions are in conformity with the Jefferson County Comprehensive Plan.

Reasonable conditions may include the payment of cash for, any off-site road improvement or any off-site transportation improvement that is consistent with the comprehensive plan and/or incorporated into the capital improvements program, provided that nothing herein shall prevent a locality from accepting proffered conditions which are not normally included in a capital improvement program. For purposes of this section, "road improvement" includes construction of new roads or improvement or expansion of existing roads as required by applicable construction standards of the West Virginia Division of Highways to meet increased demand attributable to new development. For purposes of this section, "transportation improvement" means any real or personal property acquired, constructed, improved, or used for constructing, improving, or operating any (i) public mass transit system or (ii) highway, or portion or interchange thereof, including parking facilities located within a district created pursuant to this title. Such improvements shall include, without limitation, public mass transit systems, public highways, and all buildings, structures, approaches, and facilities thereof and appurtenances thereto, rights-of-way, bridges, tunnels, stations, terminals, and all related equipment and fixtures.

Property Line. See ~~Lot Line~~.Lot Line.

Property Owner. A person or persons having an ownership interest in real property located within the geographic boundaries of Jefferson County, West Virginia.

Public Improvement. Any improvement, facility or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, alleys, pedestrian walks or paths, storm sewers, stormwater management facilities, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, and public utility and energy services.

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Public Sewer System. A wastewater system serving two or more units that share common sewer lines and disposal facilities and owned and/or operated and maintained by a Public or Private Utility as defined above.

Public Utility. A publicly owned or privately owned entity regulated by West Virginia Public Service Commission and West Virginia Department of Environmental Protection, providing utility service to the general public (e.g.: water, wastewater, gas, electric, telephone, solid waste and cable).

Public Water Supply Well. A well from which the water is used to serve a community water system.

R

Rational Method. An engineering method of predicting peak runoff rates.

Rear Yard. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Remedy a Violation.

- A. To take action to correct a violation. This could entail stopping or discontinuing an illegal use, tearing down or altering a structure, or seeking a variation or other action to make the use legal.
- B. Bring the violating structure or other development into compliance with state or local floodplain management regulations or move the use or demolish the structure.

Required Street Yard. The street yard required by these Regulations that lies between the street and the setback line from any street - front, side, or rear.

Reserved Land(s). Lands generally set aside as farmlands to remain undeveloped unless and until such time as they may be rezoned.

Reserve Strip. A parcel of ground in separate ownership separating a street from other adjacent properties or from another street.

Residential Collector Street. See *Street, Residential Collector*.

Resource. A natural area or physical feature that is protected.

Restoration. The reasonable rehabilitation of the affected land for useful purposes and the protection of the natural resources of the surrounding area, including surface water and groundwater.

Retaining Wall. A structure which holds an earthen embankment in place.

Reverse Frontage Lot. A lot extending between and having frontage on two generally parallel streets.

Right-of-Way. An area of land not on a lot that is dedicated for public or private use to accommodate a transportation system. In no case shall a right-of-way be construed to mean an easement.

Riparian Buffer. A transition zone between water and upland environments to protect the aquatic environment from pollution and sedimentation. It is measured from the top of the bank of the stream, or the wetland boundary. If wetlands or hillsides abut or are within the riparian buffer in A to D below,

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then they shall be included even when the distance exceeds the buffer in A to D below. The buffer width is as follows:

- A. Lakes and Ponds - 75 feet.
- B. Ephemeral Streams with stream channels - 50 feet (100 feet when located in the Elk Run and Elk Branch watersheds).
- C. Potomac River and Shenandoah Rivers - 300 feet (unless a greater standard is required by the Zoning Ordinance).
- D. Opequon Creek and Perennial Streams - 100 feet.
- E. Wetlands, Marl - 75 feet.
- F. Wetlands, Farmed - 10 feet.
- G. Wetlands - 50 feet.
- H. Hillsides 15 to 25 percent - to the top of the slope where it falls below 15 percent or 400 feet, whichever is less.
- I. Hillsides 25 percent or more - to the top of the slope where it falls below 15 percent or 600 feet, whichever is less.

Road, Arterial. See *Street, Arterial*.

Road, Collector. See *Street, Collector*.

Road, Major Collector. See *Major Collector Street*.

Road, Minor Collector. See *Minor Collector Street*.

Roadway. The portion of a highway including the cartway and shoulders within a *right-of-way*.

Runoff. That portion of precipitation or snow melt that has not evaporated or infiltrated into the soil, but flows on the land surface.

S

Sanitary Sewage. Any liquid discharge from a structure or animal containment area, except roof drains.

Sanitary Sewage Disposal, Community. A sanitary sewage collection system in which sewage is carried from individual lots, by a system of pipes, to a temporary central treatment and disposal plant, generally serving a neighborhood area.

Sanitary Sewage Disposal, On-lot. A system in which sanitary sewage and wastewater is collected from a single use or dwelling unit, by a system of pipes, and carried to a *septic tank* and tile disposal field located within the boundaries of an individual lot or any other system approved by the West Virginia Health Department as an on lot system.

Sanitary Sewage Disposal, Public. A system in which sanitary sewage and wastewater is collected from multiple uses or dwelling units, by a system of pipes, and carried to a central disposal facility, generally serving a region.

Sanitary Sewer Line. A sanitary sewer collection system in which sewage is carried from individual lots, by a system of pipes, to a central treatment and disposal plant, or to other pipes that run to a central treatment and disposal plant.

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| **Sanitary Sewer System.** A central treatment and disposal plant and related systems and pipes including, but not limited to, sanitary sewer lines.

| **Scale.** A measure of intensity that relates to the size (scale) of the use.

A. **Uses.** Scale indicates traffic volumes associated with the use and, for some uses, the distance people will travel to the use. Location of uses may be regulated by their scale.

B. **Design.** Design standards for non-residential uses are related to scale.

| **SCS Method.** A method of estimating runoff and peak discharges in a *watershed*, including Technical Release 20 and Technical Release 55, promulgated by the U.S. Department of Agriculture.

| **Sediment.** Soils or other surface materials transported and/or deposited by the action of wind, water, ice, or gravity as a product of erosion.

| **Sediment and Stormwater ManagementErosion Control Plan.** A plan for the control of soil erosion, and sedimentation, stormwater quantity, and water quality impacts resulting from any land disturbing activity- to be included as part of the Stormwater Management Plan.

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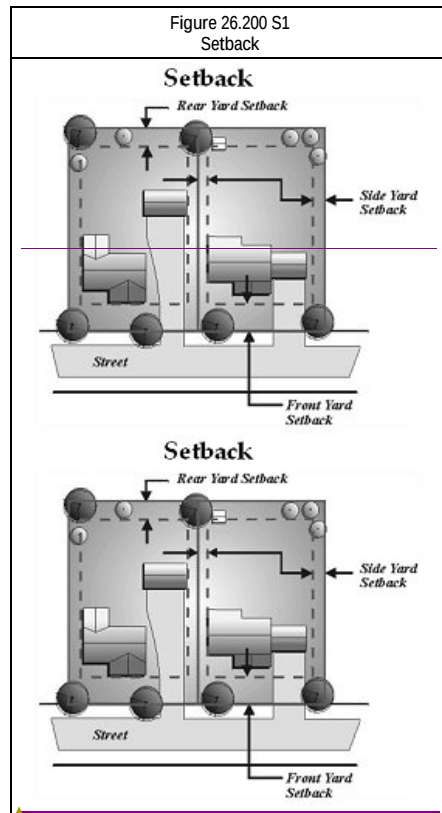
Selective Cutting. The felling of certain, but not all, trees in an area for the purpose of:

- A. Removing dead, diseased, damaged, mature, or marketable timber;
- B. Improving the quality of a tree stand or species; or
- C. Meeting personal domestic needs.

Septic Tank. A multiple compartment, watertight receptacle which receives sewage from a building and is designed and constructed so as to permit settling of solids from the sewage, digestion of the organic matter, and discharge of the liquid portion into a disposal area.

Septic System, Individual. See *Sanitary Sewage Disposal, On-lot*.

Setback. A stated minimum distance on a lot as measured from a lot line.



Shallow Bedrock. This is an area where bedrock is within three feet of the surface, as determined by the general soil classifications found in Jefferson County. Any area where rock outcrops appears on the surface shall be considered shallow bedrock areas regardless of soil type, unless determined not to be

shallow bedrock by a qualified geotechnical engineer or engineering geologist by means of soil test borings, test pits, air track drill probes, or applicable geophysical methods.

Sidewalk. A pedestrian way extending along, parallel to, and within an easement or the right-of-way of a public or private street.

Side Yard. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.

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Sinkhole. A landform created by subsidence of soil, sediment, or rock as underlying strata are dissolved by groundwater. A sinkhole may form by collapse into subterranean voids created by dissolution of limestone or dolostone or by subsidence as these strata are dissolved. A sinkhole is a depressional surficial feature and is generally circular in plan view. The boundary of a sinkhole is five feet beyond the point where the depression returns to the surrounding grades. There are several types of sinkholes.

- A. **Open sinkholes.** These are open to the potentiometric surface (water table) so that water is at the surface at the bottom of the sinkhole for at least a portion of the year. These are either directly connected or most likely to be directly connected to the aquifer. Any sinkhole open to a known cave system is also an open sinkhole.
- B. **Sinkhole with stream inflow.** This is a place where streams disappear into an open sinkhole that is obvious, or voids, fractures, or other areas that allow the stream volume to flow underground. These are directly connected to the aquifer.
- C. **Large Sinkhole.** A depression that extends into the bedrock with a minimum opening into the bedrock of 20 feet diameter. A depressional area that is filled with soil does not count as a large sinkhole, even though there may be numerous filled sinkholes within it.
- D. **Filled sinkhole.** Any sinkhole not meeting definitions A through C above.

Sinkhole Buffer. An area immediately around open sinkholes, sinkholes with stream inflow, and large sinkholes extending outward for 100 feet. The sinkhole drainage area may be entirely within or partially within the sinkhole buffer. After thorough investigation and written recommendation by a qualified geoscientist, including, but not limited to, soil test borings, test pits, air-track drill probe borings, and geophysics, the buffer may be reduced to 50 feet around portions of the sinkhole where so recommended.

Sinkhole Drainage Area. This is generally a depressional area that drains to one or more sinkholes. It may, in some cases, be a watershed leading to a sinkhole with stream inflow.

Site Development. The alteration of a parcel of land or its use that requires easements for drainage or other purposes, private roads, or parking and access to public roads involved that serve one or more land uses, where there is no subdivision into separate lots. See also *Site Plan*.

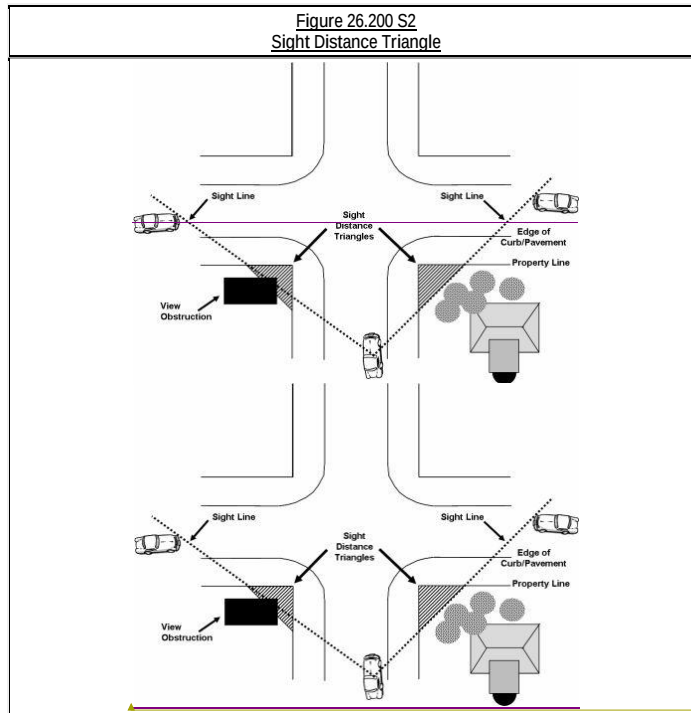
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Sight Distance Triangle. The triangular area formed by a diagonal line connecting two points located on intersecting street right-of-way lines, or a right-of-way line and the curb or edge of a driveway.

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Site Plan. An engineered document depicting the site improvements proposed by a developer and required by the land development codes of Jefferson County. There are two types of detail levels, Limited and Full, depending on the complexity.

Site Plan, Major³. A plan that follows the major site development process and proposes one or more of the following:

- A. A new public or private street or dedication to public use of an existing street;
- B. Building(s), both new and additions to existing, where all structures located on the parcel are equal to or total more than 50,000 square feet or more of GFA on any site;
 - except building(s), both new and additions to existing, regardless of size, when located in a business and/or industrial park on a lot within an approved major non-residential subdivision with master planned roads and stormwater;
- C. Apartment or multi-family development of more than ten dwelling units; or³
- D. A heavy industrial use.

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

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

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

Minor Site Plans do not include the design, erection or addition to detached single family dwelling units when only one dwelling unit is located on an established lot.³

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

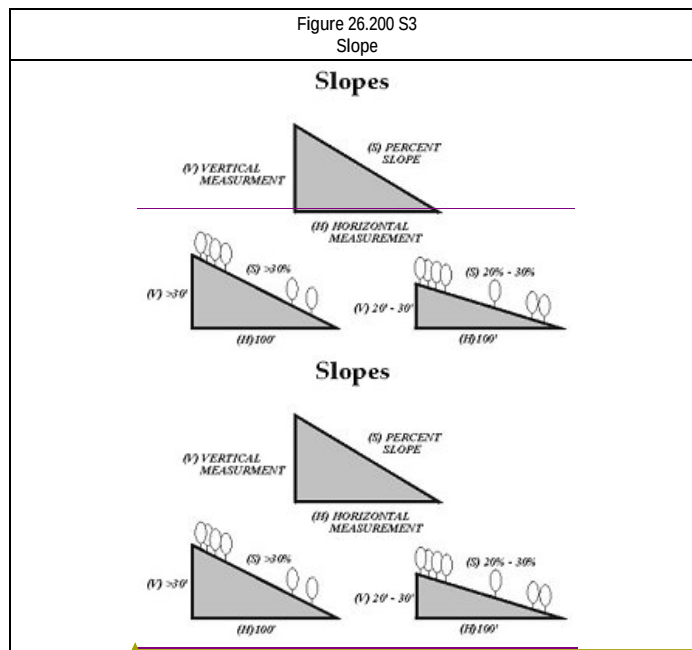
Site Plan, Rural A plan meeting the standards, content, submittal, and review requirements of a minor site plan with certain exceptions to allow for the preservation of the rural character of the County and the agricultural community.

Site Resource Map. A map showing contour lines as depicted on the appropriate U.S.G.S. Topographic Quadrangle map and detailing all natural features found on a parcel such as woods, watercourses, hillsides, prominent rock outcroppings, sink holes and quarries. This map shall provide a quick reference snapshot of slope delineations per Section 22.504, *Protection of Resources*, and floodplain delineation per the Jefferson County Floodplain Ordinance.

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Slope. The change in the vertical measurement divided by the change in the horizontal measurement. The figure is written as a ratio or a percentage.



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Soil Borings and Percolation Tests. Field tests conducted and used in judging the suitability of soil for on-site, subsurface sewerage and seepage systems. The borings indicate the soil formations penetrated and groundwater conditions. The percolation tests give an indication of the absorptive capacity of the soil and provide a basis for the design of seepage facilities.

Stabilization. The prevention of soil erosion by surface runoff or wind through the establishment of vegetative or structural soil coverage measures. Examples include, but are not limited to, straw mulch with temporary or permanent vegetation, wood chips, and stone or gravel groundcover.

Start of Construction. See *Commencement of Construction*.

State Plane Coordinate System (SPCS). The County's GIS data is mapped according to the West Virginia North State Plane Coordinate System.

Steep Slopes. See *Hillside*.

Stormwater Control and Conveyance Plan. The component of the Stormwater Management Plan which contains the details of the stormwater management facilities, Best Management Practices, and Low-Impact Development procedures required to manage stormwater on a development or redevelopment project.

Stormwater Management. The mitigation of the hydrologic impacts of lost natural runoff storage by the use of constructed storage facilities.

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- A. For water quantity control, a system of vegetative, structural, and other measures that may control the volume and rate of stormwater runoff which may be caused by land disturbing activities or activities upon the land; and
- B. For water quality control, a system of vegetative, structural, and other measures that control adverse effects on water quality that may be caused by land disturbing activities or activities upon the land.

Stormwater Management Ordinance. References the Jefferson County Stormwater Management Ordinance which is a standalone document describing the stormwater management requirements for development and redevelopment in the County.

Stormwater Management Plan. A plan containing 3 components, the Erosion and Sediment Control Plan, Stormwater Control and Conveyance Plan, and Maintenance Requirements for the HOA or property owner to follow, which must be submitted with subdivision plat and/or site plans describing the processes and details for managing stormwater and its impact on the built and natural environment. The applicability of this plan is described in the Jefferson County Stormwater Management Ordinance.

Street. A strip of land, comprising the entire area within the right-of-way, intended for use as a means of vehicular and pedestrian circulation to provide access to more than one lot. However, the establishment of a common driveway for access purposes for no more than five separate parcels contiguous to one another shall not be considered a street as this term is defined.

Street, Arterial. A street that serves, or is designed to serve, as a connection between uses which generate heavy traffic volumes or between other arterial streets.

Street, Boulevard. A street that is divided by a landscaped median which is continuous or exists at the development's entrance.

Street, Collector. A street that serves or is designed to serve as the connection from minor streets to the arterial street system, such as the main entrance street of a residential development, or as a secondary connection between arterial streets.

Street, Collector (Major). A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a high volume of traffic from local nonresidential access streets.

Street, Collector (Minor). A street intended to gather traffic from local nonresidential access streets and convey it to higher level streets. Note: This street does not serve individual, nonresidential lots. Located in nonresidential areas or developments, this street type collects and moves a low volume of traffic from local nonresidential access streets.

Street, Cul-de-sac. A short, independent, minor street having only one point of ingress and egress, terminating in a circular turn-around or other approved termination.

Street Frontage. The linear measurement of a parcel along a street line, private road, or right-of-way to which the parcel abuts.

Street, Half (Partial). A street, generally parallel and adjacent to a property line, having a lesser right-of-way width than normally required for improvement and use of the street.

Street Line. A property line of a lot which coincides with a line indicating the limits of an existing or proposed right-of-way.

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Street, Local. A street that serves or is designed to serve primarily as access to abutting properties.

Street, Marginal Access. A local street, parallel and adjacent to an arterial street, but separated from it by a long strip, which provides access to abutting properties and control of intersections with the major street.

Street, Private. Any street right-of-way not dedicated to public use.

Street, Public. Any street right-of-way dedicated to public use or maintained by a federal, state, or local unit of government.

Street, Residential Collector. A street intended to gather traffic from local residential access streets and convey it to higher level streets. Note: This street does not serve individual residential lots. Located in residential areas or developments, this street type collects and moves the traffic from local residential access streets whose total dwelling unit count exceeds 240.

Street Right-of-way. See *Street* and *Right-of-Way*.

Street, Service. A public or private way permanently reserved as a secondary means of access to abutting property.

Street, Stub. A nonpermanent dead-end street intended to be extended in conjunction with the subdivision and development of the adjacent unplatted land.

Structure: Anything constructed, the use of which requires fixed location on the ground; or, anything attached to something having such location. A structure does not include fences, individual driveways, or retaining walls. Structures do include prefabricated buildings even if they are not anchored to the ground. Fences 6 feet and higher shall meet building setback lines. Retaining walls 4 feet and higher shall submit building plans and do not have to meet building setback.

Subdivision.

- A. The division or re-division of a lot, tract, or parcel of land, by any means, including by means of a plan or a description by metes and bounds, into two or more lots, tracts, parcels, or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership, or of building development, exempting, however, the division of land for agricultural purposes into parcels of more than ten acres not involving any new streets or easements of access, divisions of property by testamentary or intestate provision, or divisions of property upon court order; or
- B. The division or allocation of land for the opening, widening, or extension of any street or streets, or the division or allocation of land as open spaces for common use by owners, occupants, or leaseholders, or as easements for the extension and maintenance of public sewer, water supply, storm drainage, or other public facilities.

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Subdivision, Major. See *Major Subdivision Plat*.

Subdivision, Minor. See *Minor Subdivision Plat*.

Subdivision Regulations. The Jefferson County Subdivision and Land Development Regulations, as may be amended from time to time.

Submission Review. A submission review is to determine whether all elements of a subdivision plat or site plan required by these Regulations are present. It is not a review of the merits of the submission, but an administrative determination that everything required by these Regulations and application requirements for a technical review is present. A submission is complete when all material needed by all review agencies is in the submission.

Substantial Construction.

- A. **Subdivisions.** Payment of surety, the clearing and grading of the site, installation of roads and utilities, and placing of initial foundations.
- B. **Site Developments.** Installation of parking, circulation, stormwater facilities, and foundations.

Substantial Damage. Damage of any origin sustained by a structure, whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

Superblock. An area bounded by arterial or collector streets.

Surety. A form of financial guarantee that requires improvements will be made by providing the County with the resources to install the improvements shall the developer fail to do so. These include bonds, cash, letters of credit, or other financial instruments approved by the County Attorney.

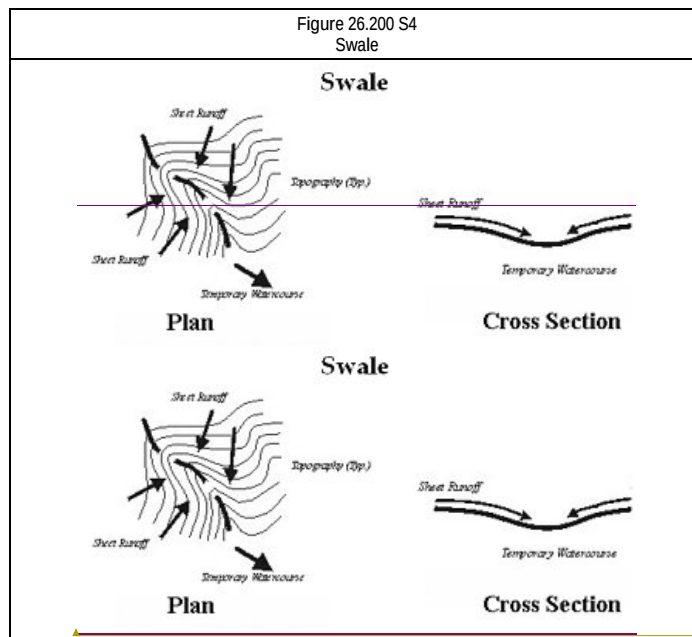
Surface Water. Natural or artificial bodies of water greater than one acre in extent at the normal annual water level, as determined by on-site surveys by a professional surveyor. Excluded from this definition are retention basins or other stormwater management facilities, farm ponds, or other facilities associated with agricultural operations, sewage lagoons, and other facilities for which normal maintenance and repair is necessary.

Surveyor. A land surveyor registered by and licensed to practice in the State of West Virginia.

Swale. A linear depression in the land's surface in which sheet runoff would collect and form a temporary *watercourse*. The area of a swale is determined by the following: Where the swale serves a

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drainage area of less than 20 acres, land on either side of and within 30 feet of the centerline is the swale area. Where the swale drains an area of 20 to 160 acres, it is the area 50 feet on either side of the centerline of the swale. For drainage areas in excess of 160 acres, the area is 80 feet on either side of the centerline of the swale.



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T

Topography. The characteristics of a parcel of land with respect to elevation.

Tree, Understory. Trees located between the mature canopy trees and the shrub layer of vegetation in any forest stand (e.g. dogwood, redbud).

U

Understory Tree. See *Tree, Understory*.

Uniform Common Interest Ownership Act of West Virginia (UCIOA). See *Homeowner's Association (HOA)*.

V

Violation.

- A. **General.** A new use or structure that is not permitted, is improperly located, or is otherwise not in compliance with these Regulations.
- B. **Floodplain.** The failure of a structure or other development to be fully compliant with the County's floodplain management regulations contained in the Floodplain Ordinance. A structure

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or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.

W

Waiver. Adjustments that may be made to the requirements of these Regulations to unusual site conditions in order to achieve a better design. Waivers may not be used to circumvent the process requirements of these Regulations

Water Body. Any watercourse, lake, or pond defined by a bank or shore in which water can be found on a year-round basis.

Water Surface Elevation. The height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

Water Table. The level below the surface at which the ground is saturated by water.

Water Quality. Those characteristics of stormwater runoff, usually from a land disturbing activity, that relate to the chemical, physical, biological, or radiological integrity of water.

Watercourse. A stream channel (perennial, intermittent, mapped, or unmapped) with banks and a bed within which concentrated water flows.

Watershed. The total or partial drainage area contributing surface runoff to a single point.

Wellhead Protection Area. This is a buffer extending 100 feet from any municipal or public well.

Wetland. Those areas inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support and that, under normal circumstances, do support a prevalence of vegetation typically adapted for life in saturated soil conditions; or areas that are defined and delineated in accordance with the “1987 Wetlands Delineation Manual”, and as may be amended from time to time; or as further defined and delineated by the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, or the West Virginia Department of Environmental Protection. There are several special types of wetlands that have additional or different standards:

- A. **Farmed Wetlands.** Wetlands that were drained, dredged, filled, leveled, or otherwise manipulated before December 23, 1985, for the purpose of, or to have the effect of, making the production of an agricultural commodity possible, and continue to meet specific wetland hydrology criteria (U.S. Department of Agriculture).
- B. **Marl Wetlands.** Wetlands that contain the soil series Fairplay of Lappans.

Wetland Delineation and Report. An on-site method or process for identifying wetlands as described in the Corps of Engineers Wetland Delineation Manual, Technical Report: Y-87-1, from 1987 and as may be amended from time to time. The report shall be prepared by a person with professional experience and knowledge in wetlands identification and shall analyze a site for the existence and extent of wetlands.

Y

Yard. An unoccupied space open to the sky on the same lot with a building or structure.

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Yard, Rear. A yard extending the full width of the lot between the rear lot line and the parts of the principal building erected thereon. For a corner lot, the rear yard shall not extend beyond the building setback line on the side street.

Yard, Side. A yard between the parts of the principal building and the adjacent side lot line and extending from the front yard to the rear yard.

Yard, Street (Front). A yard extending the full width of the lot between the street line and the parts of the principal building erected thereon, setting back from and nearest such street line. On a corner lot, both sides abutting the streets forming the corner shall be considered street (or front) yards.

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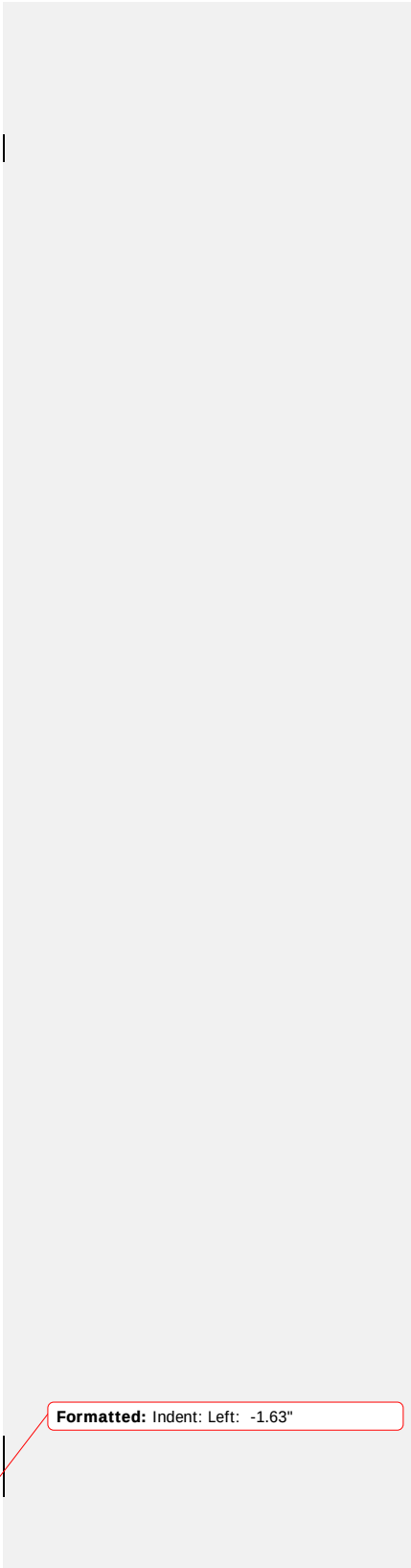
Zoning. The division of a municipality or county into districts or zones which specify permitted and conditional uses and development standards for real property within the districts or zones.

Zoning District. A designation shown on the Zoning Map as being in a district enumerated in the Zoning Ordinance in which a specific set of zoning standards apply. The term may refer to the standards or an area so mapped. The term is also analogous with "zoning classification" or "zoning designation."

Zoning Map. The map(s) showing the location and boundaries of the zoning districts established by the Zoning Ordinance. These maps are entitled, "Official Zoning Map of the Jefferson County, West Virginia."

Zoning Certificate. A written certificate issued by the Zoning Administrator in hard copy that certifies that the proposed use of the land will be in compliance with the use designations of the Zoning Ordinance.

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Appendix A – Plan & Plat Standards

Division 1.0 Plan/Plat Requirements

Sec. 1.1 Sketch Plan

The Sketch Plan submitted for review at the Pre-application Conference or Review shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. Significant natural and topographic features such as woods, watercourses, floodplain, floodway, hillsides, prominent rock outcroppings, sinkholes and quarries shall be indicated.

The Sketch Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

Sec. 1.2 Concept Plan

For subdivisions and site development projects, the Concept Plan submitted shall be on white paper and shall show in simple form the proposed layout of lots, parking areas, recreation areas, roads, building areas and other features in relation to each other and to the tract boundary. The Concept Plan shall be at a scale acceptable to the Engineer. Contour lines as shown on the appropriate U.S.G.S. Topographic Quadrangle map should be transferred to the Concept Plan. Natural features such as woods, watercourses, hillsides, prominent rock outcroppings, sinkholes and quarries should be highlighted.

The Concept Plan shall be accompanied by a tract location map and a tentative list of restrictive covenants and conditions or a tentative statement of project objectives, rules and regulations.

Sec. 1.3 Preliminary Plat or Site Plan

A. Plat/Plan Requirements.

The Preliminary Plat and/or Site Plan shall be drawn or reproduced on paper at a scale of one inch (1") equals one hundred feet (100') or larger. The plat or plan shall be twenty-four inches (24") by thirty-six inches (36") in size. More than one sheet may be used provided all sheets are referenced by a sheet index on the cover sheet. The plat or plan shall be signed and sealed by a licensed professional engineer or surveyor in accordance with the West Virginia law. (Note: Final Plat size is 18" x 24")

Plats or plans are required to include Stormwater Management Plans as required and described in the Jefferson County Stormwater Management Ordinance

The Preliminary Plat or the Site Plan is essentially the construction drawings for the subdivision or site development project. The Preliminary Plat or Site Plan shall show or be accompanied by:

1. A ½ inch border along all sides except the left side (a 24" side) which shall have a 1-3/4 inch border to allow for a binder. All text and symbols shall be a minimum 1/10 of an inch tall on paper.
2. A title block in the lower right corner to include:
The Official name of the subdivision or site development.
The names: "Jefferson County, West Virginia."
Tax District, Tax Map Number and Parcel Number.
Deed book number and page number.

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Property Owner's name, address and telephone number.

Developer's name, address and telephone number.

Engineer and Surveyor of record's signature, seal, name, address & telephone number.

Sheet index on cover sheet if more than one sheet.

3. Tic Marks/SPCS WV North NAD83
4. North arrow, graphic scale and date.
5. A small scale inset map showing the location of the subdivision or site development in the County. The map shall be at 1" = 2000' scale, or other scale approved by the County Engineer.
6. If applicable, a small scale inset map showing the location of the subdivision section relative to other sections of the same subdivision.
7. For Preliminary Plats the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.

For Site Plans, the lot boundary shall be described by bearings and distances. The source of said boundary description shall be noted on the site plan and either a copy of the recorded plat that created the lot, or a certification by a licensed surveyor that a traverse meeting error of closure of 1:7500 or better is provided.

If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified.
8. Lot boundary lines drawn to scale and dimensioned.
9. A number to identify each lot and numbered in logical order.
10. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
11. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. Provide reference to deed book and page and/or plat book and page whichever applies.
12. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County Addressing Office.

Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.
13. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
14. Identification of all current adjoining properties by ownership, tax district, tax map number, and parcel number, deed book reference, zoning district, and use. Departure lines for adjoining properties shall be shown on the plat or plan.
15. Contour lines with minimum vertical intervals of two feet (2') shall be required. Source of

contour line information shall be stated on the plat or plan- reflecting the condition at time of submission. Greater contour intervals may be acceptable by the County Engineer, if compatible with surface topography. (Interpolation of U.S.G.S. contour information is not acceptable.)

16. The location and elevation of benchmarks used in the survey, if applicable.

17. Show existing conditions on its own separate sheet.

18. Show existing physical features including: woods, watercourses, prominent rock outcroppings, sink holes, quarries, culverts, bridges, drains, buildings, sewer lines, water mains, fire hydrants, power lines, and telephone lines. Show locations and associated topography of any off-site man-made structure which is located up to 200 feet downstream from any drainage pipe or stormwater management facility outfall. Where access to off-site property is not allowed, then show the general location of any man-made structure on the plan. Show the limits of the 100-year floodplain and any delineated wetlands.

19. Show adjoining roads including the right-of-way widths, road pavement widths, road names and route numbers.

20. A tentative list of restrictive covenants. (This is not needed for site plans.)

21. Reservations of land for public or semi-public use.

22. Surface drainage plan and erosion control methods, including flow computations, direction of flow, culverts, bulkheads, inlets, and other related improvements to be installed. Materials and dimensions of all improvements and description of vegetative or other stabilizing materials intended for all exposed areas.

23. Complete design and construction plans, profiles and engineering specifications for proposed water treatment and distribution facilities and proposed sewage collection and treatment facilities to be installed.

24. Note on the plat or plan, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.

25. Note on the plat or plan, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.

26. Demonstrate that appropriate agreements between the Jefferson County Public Service District and the developer are in place, if applicable.

27. Note on the plat or plan, the West Virginia Department of Environmental Protection (DEP) permit numbers for all DEP approvals required for the project.

28. Evidence that the West Virginia Public Service Commission has been notified in writing of intentions to construct and operate water/sewer systems, if applicable.

29. Complete design and construction plans, profiles, cross-sections and engineering specifications for roads, sidewalks, curbs and gutters to be installed.

30. Description of soils and subsurface geology and hydrology.

31. Show building setback lines and note the minimum building setbacks on the plat or plan.

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3432. In the Rural District, all plats and plans shall provide a density calculation and a notation that contains one of the following statements:

“This subdivision, together with past subdivision of this property, has utilized all development potential or lots to which the _____ acre parent parcel is entitled under the terms of the Jefferson County Subdivision Regulations. No additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

“To date, this subdivision, together with all past subdivisions of this property, has utilized _____ development rights to which the _____ acre parent parcel is entitled to _____ under the terms of the Jefferson County Subdivision Regulations. _____ additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

3233. A Statement of Acceptance placed on the preliminary plat or site plan cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon; and to complete all the improvements required by the preliminary plat or site plan.”

34. Provide a Signature Block on the cover sheet for the County Engineer and the County Planner approvals. The signature block shall read as follows:

<u>Jefferson County, West Virginia</u>	

☐ <u>PRELIMINARY PLAT APPROVAL</u>	
☐ <u>SITE PLAN APPROVAL</u>	
BY _____	_____
County Engineer	Date
BY _____	_____
County Planner	Date

<u>Jefferson County, West Virginia</u>	
☐ <u>PRELIMINARY PLAT APPROVAL</u>	
☐ <u>SITE PLAN APPROVAL</u>	
BY _____	_____
County Engineer	Date

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35. General Construction Notes

In addition to the general construction notes provided by the engineer of record, the following table of construction notes and milestone inspections shall be placed on the plat or plan cover sheet:

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**Jefferson County
CONSTRUCTION NOTES**

(Table 1.2-1)

1.	Erosion & Sediment Control Measures shall be in place and inspected prior to performing any significant earth disturbing activities and site grading.
2.	Earth Work shall be compacted to the percentages of maximum dry density in accordance with AASHTO T99C, as shown below: a. Roadways..... 98% b. Parking Lots for heavy trucks..... 98% c. Parking Lots for passenger vehicles..... 95% d. Utility line trenches..... 98% e. Building Pads.....100% The above compaction requirements shall be certified by a professional engineer or a soils technician under the direction of a professional engineer, and acceptable to the County Engineer.
3.	Changes and revisions to the construction plans and specifications shall not be made unless first submitted in writing and approved by the County Engineer and any other agencies, as deemed appropriate.
4.	Work zone temporary traffic control along a public road shall be in accordance with West Virginia Division of Highway requirements and approval.
5.	Seventy-two (72) hours prior to excavation in public right-of-ways or in areas served by underground utilities, call MISS UTILITY 1-800-245-4848.

**Jefferson County
SITE WORK
MILESTONE INSPECTIONS**

The developer shall request County Engineer inspections minimum of 48 hours in advance (Call 304-728-3228). Inspections shall be requested according to the Table of Milestones shown below:

1.	Installation of Sediment & Erosion Control Devices prior to beginning site grading.
2.	Roadway and/or parking lot subgrade proof roll prior to placing stone base.
3.	Roadway and/or parking lot stone base depth check prior to placing asphalt or concrete pavement.
4.	Water system and Sanitary sewer system inspection and approval by the public service district/utility prior to backfilling of trenches.
5.	Final inspection including but not limited to: seeding & mulching, roadway & parking lot paving, sidewalks, storm drainage and stormwater management systems, traffic control signs & pavement markings, landscaping, etc.
Note: The County Engineer may accept "third-party" inspection and certification reports in place of inspections performed by the Jefferson County Engineering Department, upon prior approval. Third-party inspection reports shall be submitted in the format specified by the County Engineer.	

3436. The following table listing waivers approved by the Jefferson County Planning Commission and variances approved by the Jefferson County Board of Zoning Appeals shall be placed on the Preliminary Plat, Site Plan or Final Plat cover sheet, as applicable. If no waivers or variances are granted, then a statement of "None granted," shall be placed in the table:

Jefferson County – Complete List of Waivers/Variances (Table 1.2-2)			
Ordinance	Section of Ordinance	Description of Waiver or Variance	Date Granted

3537. The Preliminary Plat and/or Site Plan shall be sealed, signed and dated by the Engineer of Record and the Surveyor of Record, as may be applicable, in accordance with state law.

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B. Plat/Plan Changes.

In the event conditions are encountered during construction which make the approved Preliminary Plat and/or Site Plan impractical or excessively costly, field changes may be proposed in writing, by the developer through the developer's design consultant, to the County Engineer. The County Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer and staff will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the Ordinances the Engineer and staff may grant a field change. Modified plans, with changes shown as "redline revisions," shall be signed and sealed by the engineer or surveyor of record, as applicable, and filed with the Planning Commission office.

Sec. 1.4 Final Plat

The Final Plat shall be drawn or reproduced on ~~mylar~~Mylar for recordation. The plat shall be drawn at a scale of one inch (1") equals one hundred feet (100') or larger and shall be eighteen inches (18") by twenty-four (24") in size. More than one sheet may be used provided all sheets are indexed on the cover sheet.

The Final Plat is the plat for recordation of the lots created by the subdivision. The Final Plat shall show or be accompanied by:

1. A ½ inch border along all sides except the left side (an 18" side) which shall have a 1-3/4 inch border for binding. All text and symbols shall be a minimum of 1/10 of an inch tall on paper.

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2. A title block in the lower right corner to include:
The Official name of the subdivision by which it is to be recorded.
The names: "Jefferson County, West Virginia."
Tax District, Tax Map Number and Parcel Number.
Deed book number and page number.
Property Owner's name, address and telephone number.
Developer's name, address and telephone number.
Engineer and Surveyor of record's name, address and telephone number.
[Sheet index on cover sheet if more than one sheet.](#)
3. Tic Marks/SPCS WV North NAD83
4. North arrow, graphic scale and date.
5. A small scale inset map showing the location of the subdivision in the County. The map shall be 1" = 2,000' scale, or other scale approved by the County Engineer.
6. If applicable, a small scale inset map showing the general location of the subdivision section relative to other sections of the same subdivision.
7. For the Final Plat, the subdivision perimeter boundary described by bearings and distances. The perimeter boundary shall be established by a network of traverse control having a relative error of closure of 1:7500 or better. All perimeter corners shall be permanently marked and in place.

If the survey is based on global positioning system measurements, the relative positional accuracy of the survey measurements shall not be less than that which is specified above.
8. Lot boundary lines drawn to scale and dimensioned.
9. Lot boundary lines described by bearings and distances. Lot boundaries shall be established by a network of traverse control having a relative error of closure of 1:7500 or better.
10. Show the location and description lot markers and permanent concrete control monuments. The lot markers and permanent concrete control monuments shall be in accordance with state law. Where possible, permanent concrete monuments should be intervisible; at least 750 feet apart; away from future roadwork; and at least 2 per section or block.
11. Show building setback lines and note the building setbacks on the plat.
12. A number to identify each lot and numbered in logical order.
13. A key to all symbols. (Identify monuments and markers according to type and whether "found", "set", or "to be set").
14. Existing easements and right-of-ways accurately identified, located, dimensioned and drawn to scale. [Provide reference to deed book and page and/or plat book and page whichever applies.](#)
15. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names

shall be approved by the Jefferson County Addressing Office.

16. Future easements and right-of-ways that may serve at a future date to connect with adjoining properties.
17. Identification of all current adjoining properties by ownership, tax district, tax map number, parcel number, and deed book and page reference. Departure lines for adjoining properties shall be shown on the plat.
18. Show and identify reservations of land for public or semi-public use.
19. Show existing adjoining roads including the right-of-ways widths, road names and route numbers.
20. Delineate the approximate 100-Year Floodplain and show state flood plain zone and firm map number. Show any delineated wetlands that are located on or adjacent to the subdivision; or site plan and reference the source of wetland degradation.
21. Area of each lot to the nearest 0.01 acre or to the nearest 100 square feet.
22. Curve data—radius, delta, arc, tangent, chord and chord bearing.
23. A computation of the total tract area and a computation of the land area included in the right-of-ways.
24. Descriptive lines inside the tract boundary:
 - Tract boundary - heavy dashed and two dotted lines
 - Lot boundaries - medium solid lines
 - Right-of-ways - heavy solid lines
 - Restriction lines - medium dashed lines
 - Easements and other reserved areas - medium dotted lines
25. Descriptive lines outside the tract boundary:
 - Property lines of adjacent tracts - medium dashed and two dotted lines
 - Lot boundaries - light solid lines
 - Right-of-ways - medium solid lines
 - Restriction lines - light dashed lines
 - Easements and other reserved areas - light dotted lines

(NOTE: Descriptive lines outside the tract boundary are useful for purposes of tract location and orientation. However, such outside lines are not within the scope of the subdivision being platted and should not be given dimensions which might confuse existing descriptions on record).

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26. A notation that states:

“The Seller of any lot within this subdivision shall provide the Buyer with a reasonable opportunity, before settlement, to determine that the lot is suitable for the construction of a septic disposal system. If, before settlement, the Buyer is denied a septic system construction permit by the Jefferson County Health Department, the Buyer may refuse to purchase the lot without penalty.”

27. For major subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon; and to complete all the improvements required by the preliminary plat.”

For minor subdivisions, a Statement of Acceptance placed on the plat cover sheet, signed and dated by the developer/subdivider. The Statement shall read:

“The developer, in signing this plat, agrees to abide by all conditions, terms and specifications provided hereon.”

28. Certification of the Surveyor of Record as to the preparation and accuracy of the plat, along with the Surveyor of Record’s professional seal and signature.
29. Note on the plat, the West Virginia Division of Highways entrance permit number and provide a copy of the entrance permit.
30. Note on the plat, the West Virginia Bureau of Health and/or Jefferson County Health Department permit numbers for water/well and septic/sanitary sewer systems; and provide a copy of the approved plans and permits.
31. Such other conditions, certificates, affidavits, endorsements, dedications or agreements as may be deemed necessary by the Planning Commission.
32. A final list of restrictive covenants and/or the declaration in accordance with the West Virginia Uniform Common Interest Ownership Act shall be submitted with the Final Plat. However, they shall not become part of the Final Plat.
33. Signature block placed on the plat cover sheet for the signature of the Director of Planning and Zoning and the affixing of the Planning Commission’s seal.
34. Provide a list of waivers on the Final Plat cover sheet in accordance with Appendix A, Section 1.2.A. 34.
35. In the Rural District, all plats shall provide a density calculation and a notation that states one of the following statements:

“This subdivision, together with past subdivision of this property, has utilized all development potential or lots to which the _____ acre parent parcel is entitled under the terms of the Jefferson County Subdivision Regulations. No additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

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“To date, this subdivision, together with all past subdivisions of this property, has utilized _____ development rights to which the _____ acre parent parcel is entitled to _____ under the terms of the Jefferson County Subdivision Regulations. _____ – additional lots will be permitted subsequent to the approval of this plat of subdivision unless or until such time as the property may be rezoned or amendments to the County development regulations may permit additional subdivision.”

~~36. Proposed easements and right-of-ways (roads, sidewalks, drainage, utilities, etc.) identified, located, dimensioned and drawn to scale. Roads shall be named. Road names shall be approved by the Jefferson County Addressing Office.~~

36. Where the adjoining State Road has a right-of-way of less than 50 feet wide, either a fee simple dedication or a road improvement easement will be provided which is a minimum of 25 feet wide measured from the existing centerline of the State road right-of-way.

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Sec. 1.5 Recordation of Final Plats for Major Subdivisions

The applicant shall have 180 days after approval to file and record the Final Plat in accordance with W.Va. Code § 39-1-13. The approval shall become void if it is not filed within the 180-day period. The following documents shall be submitted to the Department of Planning:

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

(For recordation requirements for Minor Subdivision Final Plats, see Section 24.104(E), *Recordation*.)

Sec. 1.6 Bonding

All bonding and securities for such bonding (bonding shall be a minimum amount of 115% of the cost of all improvements) shall be submitted and approved during this time period. Satisfactory bonding and surety shall be submitted, approved and in place prior to recordation of the final plat. Bonding shall be provided in accordance with the County Commission of Jefferson County's bonding policy.

The developer/subdivider shall submit an itemized estimate of the costs for completing all improvements shown on the Preliminary Plat/Plan and/or Site Plan. The estimate shall be prepared by the engineer of record. The estimate shall be in a format specified by the Chief County Engineer.

For additional site work required due to plat or plan changes approved under Appendix A, Section 1.2.B, *Plat/Plan Changes*, additional bonding shall be provided as determined by the County Engineer.

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Appendix B – Engineering Standards

Division 1.0 General Engineering Requirements

Sec. 1.1 Minimum Engineering Requirements & Standards

These requirements and standards are considered minimums and are not intended to discourage the use of higher standards by developers and subdividers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.

These requirements and standards also apply to Condominium and Non-residential Developments Subdivision and/or site development unless otherwise superseded by requirements and standards specific to those types of development.

Sec. 1.2 Surveys

- A. The Preliminary Plat and Final Plat for a subdivision shall be prepared and certified as to preparation and accuracy by a West Virginia licensed surveyor or engineer.
- B. Permanent monuments shall be of the type specified by the Rules and Regulations of the West Virginia Board of Professional Surveyors; W.Va. Code Sections 23-5-7 and 3-1-17; or a greater standard as specified by the County Engineer/staff.
- C. All permanent lot corner markers not susceptible to destruction by subdivision improvements shall be in place prior to the conveyance of individual lots. All other lot corners shall be in place prior to the final release of the construction bond. Lot corners will consist of 36" long by 5/8" diameter sections of steel rod suitable for magnetic detection; and/or shall be in accordance with state law. Certification of such shall be provided by a West Virginia licensed land surveyor.
- D. Bearings (or Azimuths) shall be dimensioned to the nearest 0.5 minute, distances to the nearest .01 foot and areas to the nearest .01 acre or 100 square feet.
- E. New sections of any subdivision on record at the time these Regulations was adopted may use directional references that align with the directional references of the recorded subdivision.

Sec. 1.3 Construction Plans and Specifications

- A. All construction plans and specifications submitted shall be acceptable to the County Engineer and shall be used to evaluate progress during construction. The Chief County Engineer shall have the authority to establish standard construction details and specifications.
- B. Changes or revisions in construction plans and specifications shall not be made unless first approved by the County Engineer and/or other agencies, as applicable.

Minor changes may be submitted as marked-up "redline revisions" to the construction plans and specifications, and shall be signed, sealed and dated by the engineer or surveyor of record, as applicable. Changes are to be shown in red or with a red bubble cloud around all changes. This cloud may be placed by hand by the applicant.
- C. "As built" plans, specifications and/or third-party engineer/surveyor certifications shall be submitted if requested by the County Engineer to verify the work is installed in accordance with the approved plans and specifications. As-built plans and letters of certification shall be in a format acceptable to the County Engineer. All as-built data shall be shown in red or highlighted

with a red bubble cloud. This cloud may be placed by hand by the applicant.

Sec. 1.4 Construction Practices

- A. All subdivision improvements including roads, curbs, sidewalks, parks, drainage, water systems, sewer systems, and appurtenant structures and buildings shall be constructed in a workmanlike manner and true to line and grade shown on the plans.
- B. Completed improvements shall present a finished appearance as determined by the County Engineer. All disturbed and/or excavated areas shall be adequately compacted and finish/fine graded and properly stabilized. Roads, sidewalks and curbs shall be laid at a uniform width and depth and shall have clean, tooled edges. Parking areas shall also be smooth, compacted and clean at the edges. Roads, sidewalks and parking areas shall have a surface that is of a uniform material and texture. Finished surfaces that display any patchwork or repairs shall be resurfaced if so directed by the County Engineer. Any patchwork or repairs shall be performed in a manner acceptable to the County Engineer.
- Appurtenant buildings and structures such as water and wastewater shall be complete and finished on the exterior with site grading and stabilization complete. All fences shall be erected vertically and shall not sag or bow. Protective fences (e.g. around water and sewage treatment plants) shall be chain link. All components shall be properly leveled and shall be housed in finished enclosures acceptable to the County Engineer.
- Drainage culvert inlets and outlets shall not be ragged, bent or crushed. Catch basins, grates, bulkheads, energy dissipaters, riprap linings and other similar drainage accessories shall be constructed in a manner acceptable to the County Engineer.
- C. All work shall be properly installed, protected and/or maintained until completion of the project. Safe practices shall be used during all phases of construction to prevent off-site property damage resulting from construction operations.

Division 2.0 Street & Parking Standards

Sec. 2.1 Purpose

Any individual, developer, corporation or entity desiring to construct a road, street, or parking area within a subdivision or site development within Jefferson County, West Virginia shall follow these standards for the design and construction.

Sec. 2.2 Streets

- A. Construction Plans.

The Preliminary Plat or Site Plan shall include roadway plan and profile sheets with scale 1"=50' horizontal and 1"=5' vertical.

The plan and profiles shall include complete roadway horizontal and vertical alignment information and accurate dimensions locating the roadway, drainage structures, ditches and other incidental construction, and show existing and finished grades/contours.

Finished grade elevations shall be shown every 50' on the profiles, as well as the station and elevations for PVC, PVI and PVT. Drainage Pipes shall be shown on the profiles with inlet and outlet invert elevation information.

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Roadway storm sewers and culverts shall be designed in accordance with the stormwater management regulations.

B. Specifications.

Specifications for road improvements shall be the latest edition of the West Virginia Division of Highways "Standard Specifications for Roads & Bridges."

C. Geometric & Pavement Design.

1. Geometric and pavement design shall be in accordance with Table 2.2-1, *Roadway Design Standards*; and standard details established by the Chief County Engineer. Items not covered in the standards and details shall be in accordance with West Virginia Division of Highways standards or the latest edition of the American Association of State Highway and Transportation Officials (AASHTO) Policy on Geometric Design of Highways and Streets, as deemed applicable by the Chief County Engineer.

2. Subdivision roadways shall be as follows:

- a. Residential Subdivision with a maximum of 12 lots:

A residential subdivision with a maximum of 12 lots may have gravel roads as specified in Table 2.2-1, *Roadway Design Standards*.

Gravel roads shall be constructed on a compacted subgrade free of organic matter. The subgrade over which gravel is placed must be compacted for the top 12" to 98% of maximum density as determined using AASHTO T99C. The engineer may require compaction testing certified by an independent registered civil engineer. Such testing shall be performed at the developer's expense.

Gravel shall be a well-graded crushed stone aggregate such as 3/4 inch crush-of-run which shall be placed and rolled in a moist condition so that fines remain mixed with the more coarse material. Gravel roads shall measure a minimum of 6 inches thick after rolling. The gravel surface shall be smooth, uniform and tightly packed.

In the event that acceptable subgrade compaction cannot be achieved, additional lifts of larger sized stone may be placed prior to placement of the final 6" depth of 3/4" stone

- b. Residential Subdivision with more than 12 lots:

A residential subdivision with a more than 12 lots shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*.

Asphalt roads shall be placed on subgrade that is compacted to 98% of maximum density per AASHTO T99C. Asphalt shall be applied to the prepared gravel base surface following the application of a liquid asphalt prime coat. Asphalt shall consist of a plant mixed bituminous material rolled smooth to a depth per the standard details and pavement sections established by the Chief County Engineer. The asphalt surface shall be smooth, seamless and of a uniform texture. Asphalt material shall comply with the minimum specifications required by the West Virginia Division of Highways for public roads. (Concrete roads may be

substituted for asphalt roads provided the concrete roads equal or exceed asphalt roads in longevity and performance, as determined by the Chief County Engineer).

Aggregate base shall be compacted to 95% of maximum density per AASHTO T99C. The gravel base course shall extend laterally to daylight in the shoulder or in-slope of the ditch to ensure adequate drainage of the pavement base and subgrade.

The roadway pavement section shall be in accordance with standard details established by the Chief County Engineer; or may be designed specifically for a single project or parts thereof based on soil CBR test results and acceptable engineering design methodology. However, the minimum pavement section shall be as shown in the standard details. Said designs shall be sealed and signed by a licensed professional engineer.

c. Non-Residential (Commercial/Industrial/Institutional) Subdivision:

A non-residential (Commercial/Industrial/Institutional) subdivision shall have bituminous asphalt paved roads designed in accordance with Table 2.2-1, *Roadway Design Standards*, and the standard details and pavement sections established by the Chief County Engineer.

Non-Residential subdivisions (closed section road) shall have sidewalks along one side of the street and around the cul-de-sac. Sidewalks shall be no closer than one foot from the property line or four feet from the curb face or edge of roadway; and be constructed in accordance with Section 2.2.K.3, Sidewalks & Paths.

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Table 2.2-1 Roadway Design Standards				
	Residential Local Street Maximum 12 Lot Subdivision	Residential Local Street (Max. 25 lots or units)	Residential Collector Street (Greater than 25 lots or units)	Non-Residential/Industrial & Commercial Street
ADT	N/A	< or = to 200	>200	N/A
Minimum Turn Lane Width		-	12'	12'
Minimum Horizontal Curve Radius	100'	100'	150'	300'
Minimum Turning Flare Radius at pavement edge	30'	30'	30'	35'
Stopping sight distance	100'	100'	175'	235'
Minimum Road Grade	1.5%	1.5%	1.5%	0.5% w/C&G
	Minimum Road Grade may be 0.50% if 1-1/2' deep x 2' wide flat bottom trapezoidal road drainage ditch provided.			
Maximum Road Grade	10%	9.0%	9.0%	9.0%
Maximum Internal Subdivision Intersection Approach Grade	8%	8%	6%	6%
Pavement Width	20'	20'	22'	26'
Pavement Surface Type	6" Depth Crusher Run Stone	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)	Bituminous Asphalt (per std. detail)
Pavement cross slope	3/8" per ft.	3/8" per ft.	3/8" per ft.	3/8" per ft.
Shoulder Width	3'	3'	3'	<u>Curb & Gutter⁴</u>
Shoulder Type	Crusher Run Stone	Crusher Run Stone	Crusher Run Stone	-
Shoulder cross slope	¾" per ft.	¾" per ft.	¾" per ft.	-
Ditch depth	1.5'	1.5'	1.5'	-
Ditch slope in:	4:1	4:1	4:1	-
Ditch slope out:	2:1	2:1	2:1	-
Ditch Line Treatment	Per Stormwater Management Regulations			-
Minimum Road R.O.W. Width	50'	50'	50'	60'
Minimum Cul-de-sac R.O.W. Radius	-	60'	60'	60'
Cul-de-sac pavement radius	-	50'	50'	50'
Cul-de-sac R.O.W. Fillet Radius		25'	25'	30'
Hammer Head or "Y" Turnaround Allowed	Yes (see std. detail)	No	No	No
Subdivision Roadway Entrance Apron (from edge of existing road).	20'x25'x2-1/2" Bituminous Asphalt Surface	-	-	25'x6" WWF Reinforced 3,000 psi Portland Cement Conc.
Sidewalk	-	-	-	Minimum 4' width; no closer than 1' from P/L or 4' from curb <u>or edge of roadway.</u>

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D. Cut & Fill Slopes.

1. Fill slopes shall not exceed (3:1) 3' horizontal to 1' vertical slope. Fill sections need not have ditches unless the fill slope exceeds six feet in height.
2. Cut slopes shall not exceed (2:1) 2' horizontal to 1' vertical slope.
3. Open ditches shall not be flatter than 1.5 percent; however, a minimum of 0.5% vertical grade may be used for trapezoidal roadway ditch lines with minimum bottom width of 2 feet.

E. Ditch Line Stabilization.

Roadway drainage ditch lines shall be stabilized (i.e., rip-rap, sod, erosion control matting, etc.) in accordance with the Stormwater Management Regulations.

F. Drainage Culvert Pipes.

1. Driveway culvert pipes or paved driveway swales (where allowed in lieu of driveway culvert pipes) shall be sized to carry the ten-year 24-hour storm event ditch flows. However, the minimum size shall be 15 inch diameter or an equivalent elliptical pipe size. The pipe shall be corrugated metal or concrete pipe. A table of lot number and driveway culvert sizes shall be specified on the preliminary plat and the final plat.
2. Roadway culvert pipes shall be sized for the ten-year 24-hour storm event in accordance with the stormwater management regulations. However, roadway culvert pipes shall be a minimum 15 inch diameter corrugated metal or concrete pipe.
3. Roadway culvert pipes and storm drain outfalls shall have outfall protection designed in accordance with the stormwater management regulations.

G. Dead End Street Cul-de-sac.

Dead-end subdivision streets and right-of-ways shall terminate in turnarounds according to the following:

Subdivision road cul-de-sac:

Diameter of turnaround right-of-way	120 feet
Diameter of road pavement in turnaround	100 feet
Width of shoulder	3 feet
R.O.W. fillet radius	30 feet

Circular cul-de-sac may be landscaped in the center with trees, shrubs or other suitable vegetation. The maximum allowable radius for the landscaped center island is 20' with a minimum pavement width of 30'.

A 'tee' (hammerhead) or a 'y' turnaround may be used when a dead-end subdivision road and right-of-way serve no more than twelve (12) single-family lots or dwelling units. The right-of-way shall be adequate to contain the turnaround, shoulder and ditch lines.

Cul-de-sac and turnaround dimensions shall be consistent with the standard details established by the Chief County Engineer.

H. Road Right-of-Way.

1. Residential subdivision road right-of-way shall be a minimum of 50 feet in width.
2. Non-residential subdivision road right-of-way shall be a minimum of 60 feet in width.
3. Greater right-of-way widths may be required by the County Engineer where deemed necessary to contain the roadway, drainage ditches, ditch line return slope, fill embankment, street trees and roadway appurtenances within the road right-of-way.
4. Cut and fill slopes may extend beyond the right-of-ways if a revertible slope easement is provided and the top of cut slope is 25 feet away from any septic drain field or septic reserve area.
5. The centerline of the roadway section shall be congruous with the center of the right-of-way unless an off-set of the centerline is approved by the County Engineer for justifiable reasons.

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I. Intersection Design.

1. Sight Distances at Intersections.

Sight distances at intersections should be regulated to allow approaching drivers' sufficient time to stop. Each vehicle should be visible to the other driver when each vehicle is located on the street centerline and at a specified distance from the point of intersection of the street centerlines. Clear sight triangles should be provided at all intersections and no building, structure, grade, or planting higher than two and one-half (2 ½) feet above the centerline of the street should be permitted within such sight triangles. For intersections of either residential or non-residential (i.e., commercial or industrial) subdivision roads with state highways, sight distance shall be as required by the West Virginia Division of Highways. Otherwise, sight distance triangles shall be provided in accordance with the ~~criteria listed below:~~ AASHTO's "A Policy on Geometric Design of Highways and Streets," latest edition.

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a. ~~Stopping Sight Distance (SSD).~~

~~Stopping sight distance (SSD) is the sum of the distance traveled during a driver's brake reaction time (i.e., perception/reaction time) and the braking distance (i.e., distance traveled while decelerating to a stop). To calculate SSD on level grade, use the following formula:~~

$$\text{SSD} = 1.47 Vt + 1.075 (V^2/a)$$

~~Where:~~

~~SSD = stopping sight distance, ft (m)~~

~~V = design speed, mph (km/h)~~

~~t = brake reaction time, 2.5 s~~

~~a = driver deceleration, ft/s²~~

~~The following briefly discusses the basic assumptions within the SSD model:~~

~~**Brake Reaction Time.** This is the time interval between when the obstacle in the road can be physically seen and when the driver first applies the brakes. Based on several studies of observed driver reactions, the assumed value is 2.5 seconds.~~

~~**Braking Action.** The braking action is based on the driver's ability to decelerate~~

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the vehicle while staying within the travel lane and maintaining steering control during the braking maneuver. A deceleration rate of 11.2 ft/s^2 (3.4 m/s^2) is considered to be comfortable for 90% of the drivers.

Speed. The local facility's design speed is used to determine the initial driver speed.

The following provides stopping sight distances for vehicles on level grade. Use values exceeding the required stopping distance in the design, especially on downgrades 3.0% or steeper, wherever conditions permit. When applying the SSD values, the height of eye is assumed to be 3.5 ft (1.080 m) and the height of object 2 ft (600 mm).

SSD for Vehicles on Level Grade (Table 2.2-2)			
Design Speed (mph)	Brake [†] Reaction Distance (ft)	Braking [‡] Distance On Level (ft)	Design Stopping Sight Distance (ft)
20	73.5	38.4	115
25	91.9	60.0	155
30	110.3	86.4	200
35	128.6	117.6	250
40	147.0	153.6	305
45	165.4	194.4	360
50	183.8	240.0	425
55	202.1	290.3	495
60	220.5	345.5	570
[†] Brake reaction distance based on a time of 2.5s.			
[‡] Driver deceleration based on a rate of 11.2 ft/s^2 .			

b. Passing Sight Distance.

Passing sight distance considerations are limited to 2 lane, 2 way highways. On these facilities, vehicles may overtake slower moving vehicles, and the passing maneuver must be accomplished on a lane used by opposing traffic.

The minimum passing sight distance for 2 lane highways is determined from the sum of four distances as illustrated in Figure 2.2-1. For a discussion on how to determine these four distances, review the *AASHTO A Policy on Geometric Design of Highways and Streets* and/or Section 47-2 of the *BDE Manual*.

Table 2.2-3 provides the minimum passing sight distance for design on 2 lane, 2 way highways. These distances allow the passing vehicle to safely complete the entire passing maneuver. These values should not be confused with the values presented in the ILMUTCD for the placement of no passing zone stripes. These values are based on different operational assumptions (i.e., distance for the passing vehicle to abort the passing maneuver). The designer should also realize that the highway capacity adjustment in the Highway Capacity Manual for 2 lane, 2 way highways is based on the ILMUTCD criteria for marking no passing zones. It is not based on the percent of passing sight distance from the *AASHTO A Policy on Geometric Design of Highways and Streets* and shown in Table 2.2-4.

Passing sight distance for passenger cars is measured from a 3.5 ft (1.080 m) height of eye to a 3.5 ft (1.080 m) height of object. The 3.5 ft (1.080 m) height of object allows the opposing driver to see the top of a typical passenger car. The recommended value of truck driver eye height for design is 7.6 ft (2.330 m) above the roadway surface.

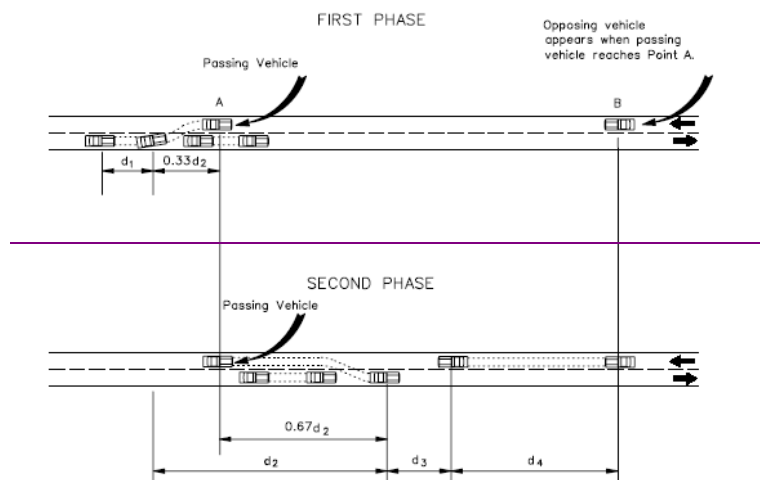
On rural new construction/reconstruction projects, the designer should attempt to provide passing sight distance over the length of the project consistent with the percentages shown in Table 2.2-4. In determining the percentages, each passing sight distance segment should be greater than 1500 ft (450 m). It is generally not cost effective to make significant improvements to the horizontal and vertical alignment solely to increase the available passing sight distance.

Appreciable upgrades can increase the sight distances required for safe passing maneuvers. Where these upgrades are encountered in the design of the project, take this into account when selecting the appropriate passing sight distances.

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Elements of Passing Distance (Two-Lane Highways)
(Figure 2.2-1)



d_1 = Initial maneuver distance, ft

d_2 = Distance while passing vehicle occupies left lane, ft

d_3 = Clearance length, ft

d_4 = Distance traversed by the opposing vehicle, ft

Note: To determine d_1 , d_2 , d_3 and d_4 , see the AASHTO A Policy on Geometric Design of Highways and Streets and/or Section 47-2 of the BDE Manual.

PASSING SIGHT DISTANCE (Table 2.2-3)	
Design Speed (mph)	Design Passing Sight Distance (ft)
20	710
25	900
30	1090
35	1280
40	1470
45	1625
50	1835
55	1985

**GUIDELINES FOR PERCENT PASSING DISTANCE
(Rural)
(Table 2.2-4)**

Terrain	Minimum Percent Passing Sight Distance	
	Collectors	Local
Level	50%	40%
Rolling	30%	20%

c. INTERSECTION SIGHT DISTANCE (ISD).

1) General.

In general, ISD refers to the corner sight distance available in intersection quadrants that allows a driver approaching an intersection to observe the actions of vehicles on the crossing leg(s). ISD evaluations involve establishing the needed sight triangle in each quadrant by determining the legs of the triangle on the two crossing roadways.

Within this clear sight triangle, the objective is to remove or lower any object that obstructs the driver's view, if practical. Sight obstruction may include: buildings, parked or turning vehicles, trees, hedges, fences, retaining walls, and the actual ground line.

In addition, where a crossroad intersects the major road near a bridge on a crest vertical curve, items such as bridge parapets, piers, abutments, guardrail, or the crest vertical curve itself may restrict the clear sight triangle. The additional costs and impacts of removing sight obstructions are often justified. If it is impractical to remove an obstruction blocking the sight distance, consider providing traffic control devices or design applications (e.g., warning signs, turn lanes), which may not otherwise be considered.

In general, point obstacles (e.g., traffic signs, utility poles) are not considered sight obstructions (i.e., the driver can move slightly to avoid these obstacles). Although crops are not considered obstructions, give consideration to crops within the corner sight distance triangle.

The height of eye for passenger cars is assumed to be 3.5 ft above the surface of the minor road. The height of object (approaching vehicle on the major road) is also assumed to be 3.5 ft. An object height of 3.5 ft

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assumes that a sufficient portion of the oncoming vehicle must be visible to identify it as an object of concern by the minor road driver. If there are a sufficient number of trucks to warrant their consideration, see Section 36.6 of the *BDE Manual*.

The necessary clear sight triangle is based on the type of traffic control at the intersection and on the design speeds of the two roadways. The types of traffic control and maneuvers are as follows:

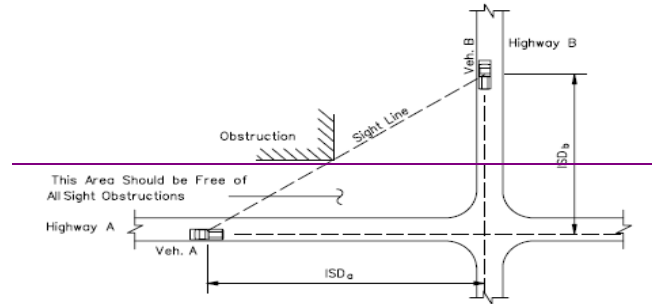
- Case A — Intersections with no control
- Case B — Intersections with Stop control on the minor road
- Case C — Intersections with Yield control on the minor road
- Case D — Intersections with traffic signal control
- Case E — Intersections with all-way Stop control
- Case F — Left turns from the major road

Gap acceptance is used as the conceptual basis for ISD criteria. For additional guidance on the gap acceptance design, see the AASHTO publication *A Policy on Geometric Design of Highways and Streets*.

2) — Case A — Intersections With No Control

Intersections between low volume and low speed roads/streets may have no traffic control. At these intersections, sufficient corner sight distance should be available to allow approaching vehicles to adjust their speed to avoid a collision, typically a reduction to 50% of their mid-block running speed. Figure 2.2-2 illustrates the corner sight distance triangles for intersections with no traffic control. Table 2.2-5 provides the ISD criteria for these intersections. Example 2.2-1 provides the steps in determining the length of each of the legs of an intersection's sight triangle. Consider providing the suggested sight distance, especially for new construction. If this sight distance cannot be provided, consider placing stop or yield signs on one of the roads, or installing intersection warning signs.

——— Measurement of Intersection Sight Distance (No Traffic Control)
——— (Figure 2.2-2)



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Example 2.2-1

Given: No traffic control at intersection
Design speed 40 mph (Highway A—see Figure 2.2-2)
30 mph (Highway B—see Figure 2.2-2)

Problem: Determine legs of sight triangle.

Solution From Figure 2.2-3 $ISD_a = 195$ ft
 $ISD_b = 140$ ft

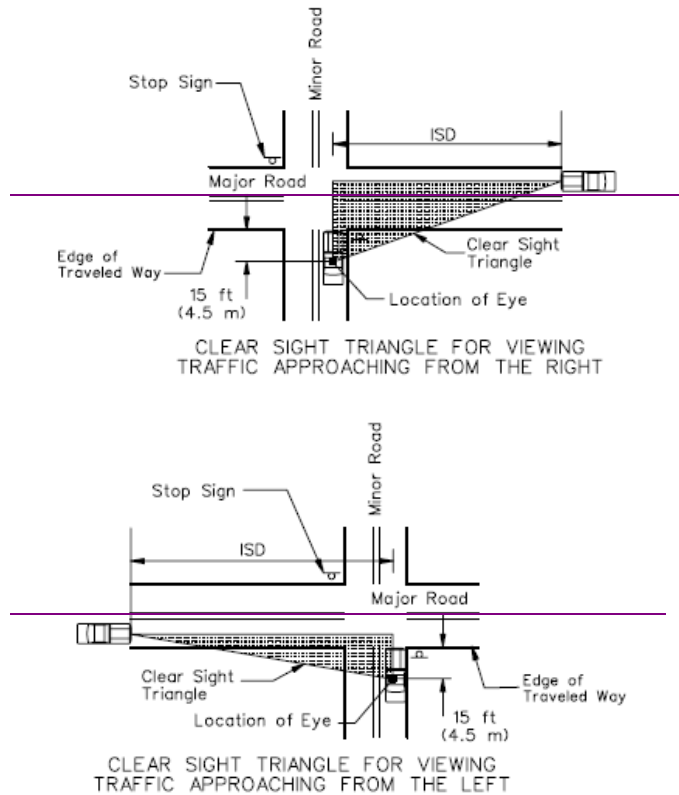
Intersection Sight Distance (No-Traffic Control) (Table 2.2-5)							
Design Speed (mph)	20	25	30	35	40	45	50
Intersection Sight Distance (ft)	90	115	140	165	195	220	25
Note: For approach downgrades greater than 3.0%, increase the ISD value by 10%.							

3) Case B—Intersections with Stop Control on the Minor Road

Where traffic on the minor road of an intersection is controlled by stop signs, the driver of the vehicle on the minor road must have sufficient sight distance for a safe departure from the stopped position assuming that the approaching vehicle comes into view as the stopped vehicle begins its departure.

The intersection sight distance is obtained by providing clear sight triangles both to the right and left as shown in Figure 2.2-3. The length of legs of these sight triangles is determined as follows:

Clear-Sight Triangles (Stop-Controlled) Intersections
(Figure 2.2-3)



- b) — Minor Road. The length of leg along the minor road is based on two parts. The first is the location of the driver's eye on the minor road. This is typically assumed to be 15 ft (4.5 m) from the edge of traveled way for the major road and in the center of the lane on the minor road. The second part is based on the distance to the center of the vehicle on the major road. For right turning vehicles, this is assumed to be the center of the closest travel lane from the left. For left turning vehicles, this is assumed to be the center of the closest travel lane for vehicles approaching from the right. See Figure 2.2-3.
- c) — Major Road. The length of the sight triangle leg or ISD along the major road is determined using the following equation:

$$ISD = 1.47 V_{major} t_g$$

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Where:

ISD = length of sight triangle leg along major road, ft

V_{major} = design speed of major road, mph

t_g = gap acceptance time for entering the major road, sec

The critical gap time (t_g) varies according to the design vehicle, the maneuver type, the grade on the minor road approach, the number of lanes on the major roadway, the type of operation, and the intersection skew.

- d) — Design Vehicles. For local roads and streets, assume a passenger car as the design vehicle (i.e., t_g = 7.5 seconds).
- e) — Grades. If the approach gradient on the minor road is on an upgrade greater than 3.0%, increase the ISD value by 10%.
- f) — ISD Values. Table 2.2-6 provides the ISD criteria for a passenger car turning left or right or crossing a 2-lane major road. For other types of facilities (e.g., 4 lanes, medians) or where trucks may control the design, see Section 36-6 of the *BDE Manual*.

At a minimum, provide Case B sight distance at all intersections for reconstruction and new construction projects. Also, provide Case B sight distance on projects where the vertical alignment is changed.

Intersection Sight Distance (Two-Lane Facilities) (Table 2.2-6)	
Design Speed (V_{major}) (mph)	ISD (ft) ⁽¹⁾⁽²⁾
20	225
25	280
30	335
35	390
40	445
45	500
50	555
55	610
60	665
¹ These ISD values assume crossing or left or right turns onto a 2-lane facility without a median.	
² Where the approach grade on the minor road is on an upgrade greater than 3.0%, increase the ISD value by 10%.	

4) — Case C — Intersections With Yield Control On the Minor Road

At intersections controlled by a yield sign, drivers on the minor road will typically: slow down as they approach the major road to approximately 60% of the approach speed; based on their view of the major road, make a stop/continue decision; and either brake to a stop or continue their crossing or turning maneuver onto the major road.

Yield control criteria is based on a combination of the no-control ISD discussed in Section 2.2(I)(1)(c)(2) and the stop-controlled ISD as discussed in Section 2.2(I)(1)(c)(3). Where yield control is proposed, consider the Case C sight distance on new construction and reconstruction projects. If adequate sight distance cannot be provided, consider replacing the yield sign with a stop sign. To determine the applicable clear sight triangles for a yield-controlled intersection, see Figure 2.2-4.

5) — Case D — Intersections with Traffic Signal Control

At signalized intersections, provide sufficient sight distance from the stop bar so that the first vehicle on each approach is visible to all other approaches. Traffic signals are often used at high volume intersections to address crashes related to restricted sight distances. Therefore, the ISD criteria for left or right turning vehicles as discussed in Section 2.2(I)(1)(c)(3) are typically not applicable at signalized intersections. However, where right turn on red is allowed, check to ensure that the ISD for a stop-controlled right turning vehicle is available to the left. If it is not, consider restricting the right turn on red movement. In addition, if the traffic signal is placed on two-way flash operation (i.e., flashing amber on the major road approaches and flashing red on the minor road approaches) under off-peak or nighttime conditions, consider providing the ISD criteria as discussed in Section 2.2(I)(1)(c)(3) for a stop-controlled intersection.

6) — Case E — Intersections With All-Way Stop Control

At intersections with all-way stop control, provide sufficient sight distance from the stop bar so that the first stopped vehicle on each approach is visible to all other approaches. Often, intersections are converted to all-way stop control to address limited sight distance at the intersection. Therefore, providing additional sight distance at the intersection is unnecessary.

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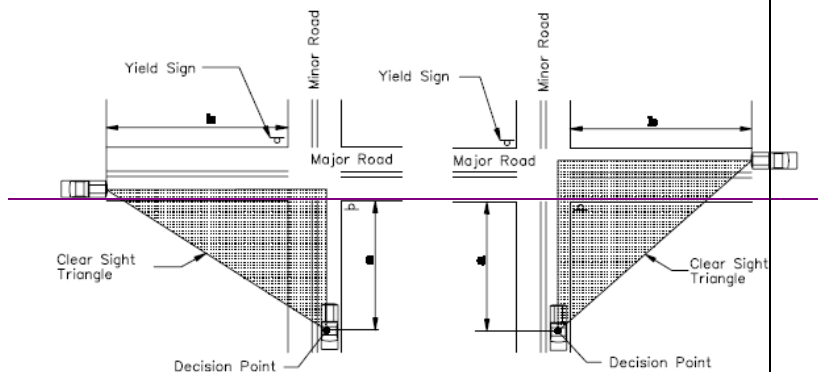
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Intersection Sight Distance Guidelines (Yield Control) (Table 2.2-7)		
Design Speed (mph)	Minor Road Approach (a) (ft) ^{1,2}	Major Road Approach (b) (ft)
20	100	195
25	130	240
30	160	290
35	195	335
40	235	385
45	275	430
50	320	480
55	370	530
60	420	575

¹For "T" intersections, use 85 ft (25 m).

²Values shown are for passenger cars crossing a 2-lane facility with no median and grades 3.0% or less. Increase ISD by 10% on minor roads with approach grades exceeding 3.0%.

Intersection Sight Distance Guidelines (Yield Control)
(Figure 2.2-4)



7) — Case F — Left Turns From the Major Road

At all intersections, regardless of the type of traffic control, consider the sight distance needs for a stopped vehicle turning left from the major road. This situation is illustrated in Figure 2.2-5. The driver will need to see straight ahead for a sufficient distance to turn left and clear the opposing travel lanes before an approaching vehicle reaches the intersection. Sight distance for opposing left turns may be increased by offsetting the left turn lanes. Table 2.2-8 provides ISD values for passenger cars turning left from the major road.

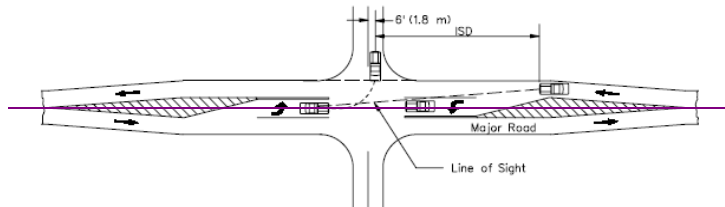
8) — Effect of Skew

Where it is impractical to realign an intersection that is greater than 30° from the perpendicular, the designer may need to adjust the gap acceptance times to account for the additional travel time required for a vehicle to make a turn or cross a facility. At oblique-angled intersections, determine the actual path length for a turning or crossing vehicle by dividing the total distance of the lanes and/or median to be crossed by the sine of the intersection angle. If the actual path length exceeds the total width of the lanes to be crossed by 12 ft (3.6 m) or more, see Section 36-6 of the *BDE Manual* for additional guidance.

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Intersection Sight Distance for a Stopped Vehicle
Turning Left (On a Major Road)
(Figure 2.2-5)



Intersection Sight Distance For A Stopped Vehicle
—Turning Left (On a Major Road)
(Table 2.2-8)

Design Speed (mph)	ISD Crossing 1-Lane (ft)	ISD Crossing 2-Lanes (ft)
20	165	180
25	205	225
30	245	265
35	285	310
40	325	355
45	365	400
50	405	445
55	445	490
60	485	530

Note: Assumes no median on major road.

2. Horizontal Alignment at Intersections

- The preferred angle of intersection for intersecting streets is 90 degrees. The minimum angle is 60 degrees. Any change in street alignment on the side street to meet this requirement should occur no less than one hundred (100) feet from the intersection of the two streets. The point of curve for a horizontal curve on the side street shall be no closer than fifty (50) feet from the intersection of the two streets.
- Multiple intersections involving junctions of more than two (2) streets, is not allowed.
- Two (2) streets intersecting the same street from opposite sides should intersect this same street directly opposite one another; or the streets shall be off-set a minimum of one hundred fifty (150) feet between their centerlines.

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- d. Minimum curb radii at street intersections should be:
 - Residential Subdivision Thirty (30) feet.
 - Non-residential Subdivision Thirty-five (35) feet

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J. Traffic Barriers.

Guardrail is not used extensively on subdivision streets except where there is a significant risk to motorists or pedestrians, such as along sections of roadway with steep foreslopes. Guardrails and other traffic barriers should be designed in accordance with, and installed where warranted by, the latest edition of the AASHTO Roadside Design Guide, or other acceptable policy.

K. Curbs, Gutters & Sidewalks.

1. Where Required.

- a. Roadway curbs, gutters and sidewalks shall be required in residential conventional subdivisions where net residential density is equal to or greater than three dwelling units per acre of land and/or when lot frontages are 80 feet or less.
- b. Roadway curbs, gutters, and sidewalks shall be required in non-residential (i.e., commercial, industrial, etc.) conventional subdivisions unless exempt by the Planning Commission because of low traffic and pedestrian flows.

2. Roadway Curbs & Gutter.

- a. Road curbs shall be constructed of grade A (3,000 lb.) concrete to a height of no less than 6 inches above the finished road surface. The base of curbs shall be a minimum of 7-3/8 inches measured in cross-section. Curb sides may be sloped inward to join a rounded edge having a radius of one and one-half (1-½) inches or more. Alternative designs may be approved by the County Engineer.
- b. Drainage gutters shall be provided at the curb and road surface interface. Gutters shall be designed to carry peak water flows expected from a 10 year frequency storm occurring over the entire contributing watershed. Storm drain inlets in residential closed-section roads shall have bicycle-safe grates.

3. Sidewalks & Paths.

- a. Sidewalks shall be constructed of Portland cement concrete with a minimum depth of four inches except under driveways a minimum depth of 6 inches shall be used. Sidewalks shall be four feet wide and placed on a suitable base approved by the County Engineer. Sidewalks shall be constructed with equally spaced crack control joints and expansion joints; and the sidewalk surface shall have a light broom finish. Sidewalks shall have a ¼" per foot cross slope. Grades on sidewalks shall not exceed (20:1) 20' horizontal to 1' vertical.
- b. Handicapped accessible walkways, stairs and ramps shall be designed and constructed in accordance with the requirements of the Americans with Disabilities Act, "ADA Standards for Accessible Design (28 CFR, Part 36)."
- c. Hiking and biking paths are not required; however, if the developer proposes to install a path, the engineer of record shall show the location of the path and easement on the plan and shall provide construction details and material specifications. Where the path crosses a roadway ditch line, a minimum 15 inch

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diameter drainage culvert shall be installed in the ditch line.

L. Upgrading of Existing Subdivision Road.

1. The subdivision of lots along any existing subdivision roadway that currently serves twelve (12) or more lots, and where the existing roadway is not a public roadway, shall require the existing roadway to be upgraded to the asphalt roadway standards. The road shall be upgraded from the location of the subdivision lots to the intersection with the public road.
2. The creation of a new subdivision with a road that enters upon another existing subdivision road that serves twelve (12) or more lots, and where the existing subdivision road is not a public roadway, shall require the existing subdivision roadway to be upgraded to the asphalt roadway standards. The existing subdivision road shall be upgraded from the entrance of the new subdivision to the public road.

M. Street Name & Traffic Control Devices.

1. All subdivision roads shall be clearly identified by permanent road name signs, in accordance with the Jefferson County Addressing Ordinance.
2. Stop signs shall be provided at all intersections and where a subdivision road meets a state highway.
3. Speed limit signs (preferably with speed limits of twenty-five (25) miles per hour or less) shall also be provided at each subdivision entrance road and other locations where deemed appropriate by the County Engineer.
4. Pavement markings for traffic control (i.e., centerline stripes, stop bars, speed hump delineation, directional arrows, cross-walks, etc.) shall be provided where deemed appropriate by the County Engineer.
5. Traffic control signs (i.e., "No Left Turn," "One Way," etc.) shall be provided where necessary to provide safe traffic control for subdivisions and site development projects as determined appropriate by the County Engineer.
6. All traffic control signs and pavement markings shall be installed in accordance with the latest edition of the U.S. Department of Transportation - Manual of Uniform Traffic Control Devices (MUTCD) and the Standard Highway Signs (SHS) manual. Traffic control sign and pavement marking details and specifications shall be provided on the Preliminary Plat and/or Site Plan.

Sec. 2.3 Subdivision and Site Development Access Management

A. Subdivision Access to Public Roads.

1. Subdivision roads shall be coordinated with existing or proposed public roads. Generally, individual lots shall not have direct access to public roads. Lots must be served by internal subdivision roads unless otherwise approved by the Planning Commission. Subdivision road entrances onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.
2. Non-Residential subdivision entrance access to public roads shall be designed to

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minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by the County Engineer.

Generally, a subdivision entrance shall be spaced a minimum of 200' from the intersection of two public roads.

3. Generally, a subdivision shall be served by at least two entrances. The entrances shall be offset a minimum of 300' centerline to centerline.

For a residential subdivision, a single entrance may be used under the following conditions:

Maximum Number of Lots	Single Entrance Road Width
12	22' entire length
13 to 30	24' entire length

Residential subdivisions with more than 30 lots shall have two entrances.

4. Where a subdivision road slopes toward a public highway, the entrance slope may not exceed a three percent (3%) grade for at least 100 linear feet into the subdivision.

Where a subdivision entrance slopes away from a public highway, the entrance slope may not exceed a five percent (5%) slope for at least 100 linear feet into the subdivision.

5. Residential & Non-Residential Subdivision boulevard type entrances used at the point of connection of a subdivision road to the public highway shall be designed as follows:
 - a. Raised median minimum 4' wide with concrete curb.
 - b. Single lane width of a minimum of 13' and maximum of 17'.
 - c. The single lane width shall extend a minimum of 50' beyond the termination of the median; at which point a pavement edge transition taper of 10:1 to a two-way street pavement width shall begin.
6. Non-Residential subdivisions shall have a concrete entrance apron, as follows:

Full width of the subdivision road pavement x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland cement concrete. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.
7. Minimum curb radii at the subdivision entrance should be as follows:

Residential Subdivision	Thirty (30) feet.
Non-Residential Subdivision	Thirty-five (35) feet.

B. Site Development Access to Public Roads.

1. Site development access driveways shall be coordinated with existing subdivision streets or public roads. Generally, individual lots within a subdivision shall not have direct access to public roads unless approved by the Planning Commission. Site development access onto public roads must be acceptable to the Planning Commission and to the West Virginia Division of Highways as to: location, number of entrances, drainage provisions, traffic safety, traffic control devices and general entrance design.

2. Site development site entrance drives and site access shall be designed to minimize traffic conflicts in accordance with guidelines of the latest edition of the Transportation Research Board's Access Management Manual; or as determined by the County Engineer.

3. Entrance width limits are as follows:

Minimum one-way	13'
Maximum one-way	17'
Minimum two-way	24'
Maximum two-way	35'

Length of entrance shall be a minimum of 50' long from the existing edge of pavement of the access road before beginning a 1 to 15 taper from the edge of pavement to desired width.

4. Site development entrance access drives shall be spaced as follows:

- a. A minimum of 75' centerline to centerline; and
- b. A minimum of 75' from the centerline of an internal subdivision road intersection; and
- c. A minimum of 150' from the intersection of a non-residential subdivision entrance road or public highway with another public highway.

5. Site development access drives to subdivision streets and public roads shall have a concrete entrance apron, as follows:

Full width of the driveway x 25' long x 6" depth with WWF Reinforced 3,000 psi Portland Cement Concrete, and 4" of base stone. The apron shall be designed to carry the loads imposed by the anticipated vehicular traffic.

6. Minimum ~~curbfillet~~ radii at the site development access drive intersection with the subdivision street or public highway should be thirty ~~(30)~~five (35 feet-).

C. Improvements to State Highways.

The minimum criteria for installation of site access improvements to State Highways shall be as listed below. In the event the West Virginia Division of Highways will not permit such improvements, and is stated accordingly in writing, the decision of the Division of Highways will prevail.

1. Traffic signals may be required when warranted in accordance with Part IV of the Manual on Uniform Traffic Control Devices; and shall be installed, if warranted by the West Virginia Division of Highways (WVDOT). If a traffic signal is needed, then installation normally will be at the developer's expense. The developer is responsible for coordinating the design and installation with West Virginia Division of Highways.
2. Left turn lanes may be required on all divided highways and on two-lane two-way State Routes having a two-way peak hour volume of 600 or more or an ADT of 6000 or more and a potential peak hour left turning movement into the development of 50 or more. Other factors, such as approach sight distances, may dictate installation where volumes are lower. The turn lane vehicle queue length and design shall be in accordance with the latest edition of the American Association of State Highway and Transportation Officials

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(AASHTO) Policy on Geometric Design of Highways and Streets and shall be approved by the West Virginia Division of Highways. The left turn lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.

3. Deceleration lanes shall be provided on Primary and Secondary Routes where the operating speed on the State Highway is 45 miles per hour or greater. The deceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or the requirements of the WVDOH. The deceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
4. Acceleration lanes shall be provided where peak hour two-way volumes on two-lane two-way State Highways are 600 or greater. The length of the lanes will be a function of operating speed. Operating speed is the highest overall speed at which a driver can travel on a given highway under favorable, prevailing conditions without exceeding a safe speed based on design speed. The acceleration lane design shall be in accordance with the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or WVDOH requirements. The acceleration lane shall be installed by the developer only if warranted by the West Virginia Division of Highways.
5. The need for reconstruction of vertical or horizontal alignments to improve site access and sight distance shall be determined based on the design speed of the road as addressed in the latest edition of the AASHTO Policy on Geometric Design of Highways and Streets and/or requirements of the WVDOH. The roadway improvements shall be installed by the developer only if warranted by the West Virginia Division of Highways.
6. Shoulder widening shall be provided as follows:
 - a. Secondary Routes – Minimum eight (8) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of six hundred feet, whichever is less.
 - b. Local Service Routes with current ADT of 2000 or greater or projected year 2000 ADT of 2500 or greater – Same as Secondary Routes.
 - c. Local Service Routes with current ADT from 1200 to 1999 or projected year 2000 ADT from 1500 to 2499 – Minimum six (6) feet wide, paved to WVDOH specifications extending across the front of the property or a distance of four hundred feet, whichever is less.
 - d. All other Local Service Routes – Minimum three (3) feet wide gravel with a 4:1 slope into a one (1) foot deep ditch and out with a 2:1 side slope.
 - e. Safety improvements such as signing and delineation at locations on the State Road adjacent to a development may be required. Said improvements must be based on either (1) a proven significant accident record or (2) an existing condition which the addition of the subject development would exacerbate actual accident experience.

Shoulder widening improvements shall be installed by the developer unless the WVDOH determines the improvements are not warranted.

Sec. 2.4 Subdivision Road & Common Area Ownership & Maintenance

- A. A Homeowner's Association or Business Owner's Association must be established without delay as soon as 50% of properties are sold. Membership in the association is mandatory for all property owners within the subdivision. The developers shall dedicate all common lands (SWM Basin, roads, right-of-ways, etc.) to the Association. A note to this effect is required on the Site Plan or Final Plat.
- B. A Common Interest Ownership Agreement must be established to provide for the maintenance of commonly owned land, including, but not limited to the private road system within the subdivision. This Common Interest Ownership Agreement must be developed in accordance with the Uniform Common Interest Ownership Act of West Virginia.

Sec. 2.5 Off-Street Parking Standards

- A. Off-street parking facilities may be parking lots, parking bays, or other types approved by the County Engineer. Parking facilities shall be designed in accordance with the design standards and details established by the County Engineer.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking lots and parking bays (except for parallel parking along a townhouse/condominium complex street) shall be physically separated from the street and confined by curbing, unless other suitable design is approved by the County Engineer.
- D. ~~Medians and landscaped areas separating rows of parking spaces shall be curbed. All~~Any curb lines in ~~all~~ parking areas shall have a minimum radius of curvature of five (5) feet.
- E. The layout of parking areas shall permit safe and efficient internal circulation in accordance with generally accepted engineering principals and practices.
- F. All dead-end parking areas shall be designed to provide sufficient back-up area for the end stalls of the parking area; and to allow turn-around of cars without having to back out of parking bays.
- G. Handicapped parking spaces and access ramps shall be provided, designed, located and delineated in accordance with the latest edition of the Americans with Disabilities Act, ADA Standards for Accessible Design (28 CFR, Part 36). Calculations showing the required number of handicapped parking spaces shall be provided on the site plan; and details and dimensions shall be provided for the access ramps, parking spaces, pavement markings and signs, etc.
- H. Parking area and drive aisle grades shall be as follows:

Maximum	6.5%
Minimum	0.5%
- I. Parking area access driveways and entrances leading from the public road or subdivision street, and also the parking area internal access drives connecting physically separated parking bays, shall not exceed an 8% grade.
- J. The maximum embankment cut or fill-grade inside and/or adjacent to parking areas shall not exceed (3:1) 3' horizontal to 1' vertical slope. The County Engineer may accept steeper embankment slopes up to (2:1) 2' horizontal to 1' vertical upon review and approval by a geotechnical engineer.

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A minimum three foot wide strip, not to exceed (5%) five percent slope, shall be provided between parking areas, sidewalks, and parking area access drives, and the toe or top of any embankment slope.

When retaining walls are used, they shall be designed and certified by a Professional Engineer licensed in West Virginia. The construction details and specifications shall be shown on the site plan.

- K. There shall be a minimum 10' median between the end of a row of parking spaces and any parking area access drive in order to provide for adequate sight distance.
- L. All cart storage areas, parking area internal pedestrian pathways, parking spaces, directional arrows, fire lanes, and handicapped parking symbols, etc., shall be shown on the preliminary plan and delineated on the pavement with traffic grade paint.
- M. All parking areas shall be bituminous asphalt or concrete paved. Paving sections shall be as established by the County Engineer.
- N. Parking area dimensions shall be no less than those listed in Table 2.5-1, as follows:

Parking (Table 2.5-1)				
Parking Angle	Stall Width	Stall Depth	Drive Aisle One-Way	Drive Aisle Two-Way
90	9'	20'	24'	24'
60	9'	22'	18'	24'
45	9'	21'	14'	24'
Parallel	9'	22'	12'	24'

- O. The County Engineer may establish standard details as deemed necessary to depict and convey the parking requirements.

Sec. 2.6 Street and Parking Area - Outside Lighting

Street lighting is typically required in concentrated areas of pedestrians or vehicles. Areas of potential need for lighting for the safety of pedestrians and motorists include but are not limited to: schools, hospitals, churches, shopping centers, restaurants, recreation centers, self-storage centers, convenience/retail stores, industrial complex, apartment and townhouse complexes, parking lots and street intersections. Street lighting shall be provided as required by the Zoning Ordinance and Section 22.209, *Street Lighting*.

Whenever street or other outside lighting is required, the minimum lighting intensity shall be in accordance with the latest edition of the American National Standard Practice for Roadway Lighting, Illuminating Engineering Society, American National Standards Institute.

Light poles installed in a parking area shall be installed on a 30" high structural base (i.e., reinforced concrete pier) to protect them from vehicle damage.

Lighting shall be shielded and directed down to prevent glare and to minimize light trespass. The location, specifications and construction details for outside lighting shall be provided on the preliminary plat.

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Sec. 2.7 Speed Humps

In subdivisions and site development projects, if roadway or access drive traffic calming speed bumps are proposed, they shall be designed, installed and delineated in accordance with the latest edition of the Institute of Transportation Engineers Guidelines For The Design And Application Of Speed Humps. Construction details shall be provided on the Preliminary Plat and/or Site Plan.

Division 3.0 Utilities and Water & Sanitary Sewer Systems

Sec. 3.1 Water & Sanitary Sewer Systems

A. Well & Septic Systems.

1. Individual well and/or septic systems, where allowed, shall be approved by the Jefferson County Health Department. A copy of the approved Health Department permit shall be submitted prior to approval of the Preliminary or Final Plat.
2. Location of the septic system percolation test holes and septic reserve area shall be shown on the Preliminary Plats and Final Plats. A 100' buffer separating any well from any septic reserve area and existing drain field shall be shown on the Preliminary Plats and Final Plats.
3. Effective as of March 1, 1989, in all subdivisions to be served by individual wells, all such wells shall be pressure grouted. A note shall be placed on all plats stating the following:

“Verification from a well driller that a pressure grouted well is drilled and is producing water at a quantity approved by the Jefferson County Health Department and/or the West Virginia Bureau of Health shall be submitted to the Planning Commission prior to the issuance of an Improvement Location Permit. Certification that the water is potable must be submitted to the Planning Commission Office within 6 months of the issuance of an Improvement Location Permit.”

4. In subdivisions to be served by individual wells and/or septic systems a note shall be placed on the Final Plat alerting the public that:

“The Public Service District may require in the future each property owner to abandon existing well and septic systems and to connect to a centralized system when and if it becomes available.”

B. Central Water & Sanitary Sewer Systems.

1. A centralized water system shall be required for all subdivisions taken from contiguously owned tracts of land which contain 100 or more lots or dwelling units. A centralized water system shall also be required for all subdivisions which create a total of 100 or more lots on a tract of land that was on record at the Clerk's Office on October 6, 1988.

Subdivisions of greater than 150 dwelling units and that are required to have central water systems shall be equipped with fire hydrants. Fire hydrants shall meet the requirements herein specified for fire hydrant installation and operation.

Non-residential subdivisions shall be served by central water systems with fire hydrants sufficient to meet all requirements of the West Virginia State Fire Marshal's regulations.

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Subdivisions which contain 100 or more lots or dwelling units may request a variance from this provision. Any application for such variance shall include a hydrology study done by a “competent professional.”

2. Water and sanitary sewer systems, water treatment plants, waste water treatment plants, storage tanks, etc., shall be designed and constructed according to the regulations of the West Virginia Bureau of Health, the West Virginia Department of Environmental Protection and federal regulations, as applicable.

A copy of the approved West Virginia Bureau of Health permit and a complete set of the approved plans shall be submitted prior to approval of the Preliminary Plat. The plans shall include the utility system plan, profiles, details, and specifications necessary for construction of the system.

For waste water treatment plants, a copy of the West Virginia Department of Environmental Protection’s waste load allocation and discharge permit shall be provided prior to approval of the Preliminary Plat.

3. If a central water and/or sanitary sewer system is required, then the developer shall enter into a binding legal agreement with the appropriate Public Service District for the construction and operation of such systems. The terms and conditions of such agreement must be acceptable to the Public Service Commission and in compliance with all pertinent rules and regulations of the West Virginia Public Service Commission. Such construction and operation agreement shall be in full force and effect and guaranteed construction funding, in a form acceptable to the Planning Commission and the Jefferson County Commission, shall be committed prior to the sealing of the Final Plat by the Planning Commission.
4. Where centralized water and/or a sanitary sewer system are provided in a subdivision, a note shall be placed on the Final Plat stating:

“Private wells and/or private septic systems for domestic use are prohibited when central water and/or sanitary sewer service is available.”
5. Where possible, water and sewer lines that are installed parallel to subdivision roads shall be laid within the road right-of-ways. Otherwise, utility easements shall be provided as deemed necessary to provide for access and maintenance. A note shall be placed on the Final Plat stating:

“A blanket easement is granted to the appropriate Public Service District in all road right-of-ways for construction and maintenance of water and sanitary sewer lines.”
6. A note shall be place on the Preliminary Plats and Final Plats stating that:

“Service laterals to individual lots or sites shall be installed prior to construction of the finished road pavement surface.”
7. The installation of water and sanitary sewer utility lines and appurtenances shall be inspected and certified by the Public Service District that will own and operate the system. In the event the ~~Publie~~Public Service District is not able to perform the inspections, an independent professional engineer licensed in West Virginia shall inspect and certify that the system is installed in accordance with the approved plans and permits.

8. Fire hydrants shall be installed in subdivisions served by existing municipal water systems or subdivisions served by a central water system that has at least 60,000 gallons of storage capacity. The hydrant shall have a minimum flow rate of 500 gallons per minute (gpm) at a residual pressure of 20 pounds per square inch (psi).
9. Fire hydrants shall be installed at each street intersection with additional hydrants installed where necessary to provide fire hydrants at a maximum spacing interval of 500 feet or ISO standards, whichever is less. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
10. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia State Fire Marshal and the Jefferson County Volunteer Fireman's Association.
11. Subdivisions with central water systems that do not meet the standards required for the installation and operation of fire hydrants shall provide proper tap connections at the storage site to permit water draws by pumper or tank trucks.
12. Fire service, dry hydrants, and cisterns (underground water storage tanks), where installed, shall meet the specifications and standards as established by the Jefferson County Office of Emergency Management; and shall be acceptable to the Chief County Engineer.

Sec. 3.2 Utilities

All utility transmission lines (e.g., electric, phone, cable, water, sewer, etc.) and service lines within the subdivision or site development project shall be underground.

Division 4.0 Stormwater Management and Erosion & Sediment Control

All requirements and processes for Stormwater Management and Erosion & Sediment Control for Jefferson County are contained within the Jefferson County Stormwater Management Ordinance. Development within the County, meeting the criteria described in the Stormwater Management and Erosion & Sediment Control, must conform to the standards set therein.

Sec. 4.1 Erosion & Sediment Control

A. Review and Approval of Erosion & Sediment Control Plans:

1. No changes shall be made in the contour of the land and no grading, excavating, removal or destruction of topsoil, trees, or other vegetative cover shall be commenced, until an erosion and sediment control plan for stabilizing disturbed areas has been reviewed and approved by the Jefferson County Engineer; and until a subdivision Final Plat has been recorded and bonded or a Site Plan has been approved and bonded, as may be applicable.
2. The applicant shall submit the erosion and sediment control plan and any supporting computations to the Jefferson County Planning, Zoning & Engineering Departments for review and approval. The erosion and sediment control plan shall contain sufficient information and notes to describe how soil erosion and off-site sedimentation will be minimized. The Jefferson County Planning, Zoning & Engineering Departments shall review the plan to determine compliance with the "West Virginia Erosion & Sediment Control Handbook For Developing Areas" and these regulations. The plan shall serve as a basis for all subsequent grading and stabilization.

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3. The Jefferson County Engineer may require that the erosion and sediment control plan be provided on separate plan sheets in the Preliminary Plat and/or Site Plan, solely intended to show the erosion and sediment control plan and the related details and notes.
4. All plans must meet the requirements of the West Virginia Department of Environmental Protection's Construction Stormwater NPDES regulations, as applicable. In the event of conflict between the Jefferson County Subdivision Ordinance requirements and WVDEP requirements, WVDEP requirements shall prevail.
5. Approval of the Site Plan and/or Preliminary Plat by the Jefferson County Engineer shall constitute approval of the erosion and sediment control plan.

B. Contents of the Erosion and Sediment Control Plan.

1. The applicant is responsible for submitting an erosion and sediment control plan which meets the requirements of the Jefferson County Engineering Department, these Regulations, and the "West Virginia Erosion & Sediment Control Handbook For Developing Areas." The plans shall include sufficient information to evaluate the potential impacts of the proposed grading on water resources and the effectiveness and acceptability of measures proposed to minimize soil erosion and off-site sedimentation.
2. The erosion and sediment control plan shall be submitted as a part of the application for subdivision Preliminary Plat or Site Plan approval. The erosion and sediment control plan shall include, at a minimum, the following information:

A plan at an appropriate scale indicating at least:

- a. North arrow and graphic scale.
- b. Symbol key for all erosion and sediment control measures (i.e., stabilized construction entrance, silt fence, check dams, culvert inlet protection, etc.) shown on the plan.
- c. The existing and proposed topography/grading contours.
- d. The limits of the disturbed area.
- e. Storm drainage provisions, including velocities and peak quantities of the Q10 flow at outfalls.
- f. Erosion and sediment control provisions to minimize erosion and prevent off-site sedimentation including:
 - 1) Provisions to preserve topsoil and limit disturbance;
 - 2) Details of grading practices;
 - 3) Design details and construction notes for structural controls; and
 - 4) Details and notes of temporary and permanent stabilization measures including placement of the following notes on the plan:

Erosion & Sediment Control Notes

1. ~~Any area of exposed soil where no construction activity is anticipated for a period of longer than three weeks or has stopped for three weeks shall be temporarily stabilized.~~
2. ~~Following initial soil disturbance or re-disturbance, permanent stabilization shall be completed within:~~

~~Seven calendar days after completion of all perimeter dikes, swales, ditches, perimeter slopes, and all slopes greater than 3 horizontal to 1 vertical (3:1); and~~

~~Seven calendar days after reaching final grade for all other disturbed or graded areas.~~

~~These provisions do not apply to those areas which are shown on the plan for material storage or for those areas on which actual construction activities are currently being performed.~~

~~These time requirements may be extended, as deemed necessary by the Jefferson County Engineer in the event that adverse conditions prevent compliance with the stated time limitations for the completion of permanent or temporary stabilization.~~
3. ~~Stabilization will be considered adequate when the following conditions are met:~~
 - a) ~~Water courses, stream banks and drainage easements shall be 100% stabilized and free from erosion and deposition.~~
 - b) ~~Slopes steeper than 10% shall have at least 98% stable ground cover, as determined by the County Engineer.~~
 - c) ~~All other areas shall have at least 85% stable ground cover, as determined by the County Engineer.~~
 - d) ~~Grass vegetation shall have reached a minimum of 3 inches height or have been mowed back to a minimum of 2 inches of height.~~
4. ~~For all projects adjacent to or within 500 feet of a continuously flowing stream, no grading, excavating, removal or destruction of topsoil, trees or other vegetative cover, or construction activity shall result in point or non-point loading of suspended matter such that turbidity standards spelled out in the Water Resources Board legislative rules are violated. Said standards state that turbidity shall not exceed 10 NTU's over background turbidity when the background is 50 NTU's or less; or have more than a 10 percent increase in turbidity (plus 10 NTU minimum) when the background turbidity is more than 50 NTU's.~~
5. ~~An off-site borrow pit is (or is not) proposed for this project.~~
6. ~~Maintenance shall be performed as necessary to ensure that all erosion and sediment control measures are performing as designed. The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection.~~
7. ~~All residential and commercial/industrial building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot.~~
8. ~~The developer/applicant is responsible for ensuring that all clearing, grading, drainage, construction and development is conducted in accordance with the erosion and sediment control plan.~~

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- g. Temporary and permanent seeding specifications, including:
Type of seed (mixture) and application rate;
Type of lime and fertilizer and the associated application rates; and
Type of mulching, application rate, and type of anchoring.
- h. Sequence of construction outlining the installation and maintenance of erosion and sediment controls, including permanent and temporary stabilization and the various stages or phases of earth disturbance and construction. The sequence of construction shall, at a minimum, outline the sequence for the installation of erosion and sediment control devices for the following applicable activities:
- 1) Installation of the stabilized construction entrance;
 - 2) Clearing and grubbing for those areas necessary for installation of perimeter controls;
 - 3) Construction of perimeter controls (i.e. dikes, silt fence, sediment traps, sediment basins, etc.);
 - 4) Remaining clearing and grubbing;
 - 5) Road grading;
 - 6) Grading of ditch lines and drainage swales;
 - 7) Utility installation;
 - 8) Grading for stormwater management facilities
 - 9) Grading for the remainder of the site;
 - 10) Final grading, landscaping or stabilization;
 - 11) Maintenance schedule for all E & S control devices; and
 - 12) Removal of temporary erosion & sediment controls.
- i. Any off site source of borrow materials that is located in Jefferson County, and not regulated directly by an agency of the State or Federal governments, shall be so noted on the erosion and sediment control plan and an erosion and sediment control plan shall be provide for the borrow pit.
- If no off site borrow source is proposed, it shall be so noted on the erosion and sediment control plan.
- j. The following note shall be placed on the Site Plan, Preliminary Plat, and Final Plat of subdivision:
- “All residential and non residential building lots shall have a stabilized construction entrance installed prior to beginning construction on the lot.”
- k. Computations as may be necessary to show adequate sizing of erosion and sediment control measures.

3. The Jefferson County Engineer may waive the inclusion of any specific information required by this section that is considered by the County Engineer to not be required or not applicable for the affected site.

C. Modifications to Erosion and Sediment Control Plan.

The Jefferson County Engineer may require modifications to an approved plan, require additional sediment and erosion control measures, or cause new plans to be submitted as a result of field inspection revealing the approved plans do not provide adequate protection. Modifications may also be requested by the developer or engineer of record due to unforeseen field conditions.

Sec. 4.2 Storm Drainage

A. Drainage Culverts.

1. Roadway culverts shall be designed to pass the 10-year, 24-hour storm event without overtopping the roadway at the edge of pavement. Provide calculations in the stormwater management report.
2. Roadway drainage culverts shall be galvanized corrugated metal pipe (CMP) or approved equal by the Jefferson County Engineer. The culverts shall be a minimum of 15-inch diameter or equivalent elliptical/arched pipe size.
3. The outlet end of roadway drainage culverts shall be protected from scour by rip-rap aprons or other energy dissipating devices.
4. Drainage culvert outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
5. Roadway culverts shall have a minimum of 12 inches of cover over the pipe.
6. Roadway culverts shall have manufactured end sections or concrete end walls at the inlet and outlet ends.
7. Profiles of the roadway culverts shall be shown on the Preliminary Plat and/or Site Plan, as applicable; and shall show:
 - a. Culvert identification that corresponds with plan view.
 - b. Pipe size, shape, material type & length.
 - c. Inlet and outlet invert elevations.
 - d. Slope of pipe.
 - e. Inlet and outlet end section type.
 - f. Outfall rip-rap apron/energy dissipation device at 0% grade.
 - g. Q10 flow rate and velocity.
8. Construction details and specifications shall be provided on the preliminary plat and/or site plan, as applicable, for the culvert pipe, outfall aprons, and culvert end sections/wing walls.

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9. Individual lot driveway culverts shall be sized for the 10-year storm event; however, the minimum is 15 inch diameter. Driveway culverts shall be galvanized corrugated metal pipe or approved equal by the Jefferson County Engineer.

A table of lot number and driveway culvert size shall be provided on the Preliminary Plat and Final Plat, if applicable.

B. Roadway Ditch Lines:

1. Roadway ditch lines shall be a minimum depth of 1 1/2 feet, with a 4:1 slope in from road shoulder and a 2:1 return slope back out.
2. Roadway ditch lines shall have a minimum linear slope of 1.5%; unless a trapezoidal ditch (minimum 2 feet wide) is used; then a minimum of 0.5% is acceptable.
3. Roadway ditch lines shall not meander and shall be generally parallel to the roadway, except where necessary to direct runoff into culverts, move a ditch to the bottom of a fill slope, or to provide for a suitable discharge point.
4. Ditch line invert treatment shall be provided based on the 10-year, 24-hour storm event flows and the velocity of the water in the ditch line, as shown on Table 4.2-1.

Table 4.2-1		
Ditch Material	Maximum Allowed 10-year storm event velocity (feet per second)	Maximum Allowed Ditch Slope (Percent)
Seed & Mulch (Grass)	2.0	3.5
Mesh Ditch Liner	3.0	5.0
Solid Sodding	5.0	10.0
Loose Rip-Rap	7.0	10.0
Concrete Channel	Governed by ability to dissipate energy at outfall to provide a maximum velocity of 4 fps.	

5. The location and type of ditch line treatment and a typical section of the roadway ditch line shall be provided on the Preliminary Plat and/or Site Plan, as applicable.

C. Curb & Gutter:

1. Curb & gutter shall be required along all residential subdivision roadways and parking bay areas where the net residential density is equal to or greater than three dwelling units per acre of land (e.g., condominium and townhouse projects).
2. Curb & gutter shall be required along the subdivision streets in non-residential (i.e., commercial and industrial) subdivisions unless exempted by the Planning Commission because of low vehicular traffic.
3. Curb & gutter construction details shall be provided on the Preliminary Plat and/or Site Plan as applicable.

- Road curbs and gutters shall be constructed of 3,000 psi strength Portland cement concrete. Curbs shall be to a height of no less than six inches above the finished road surface. The base of the curb shall be a minimum of 7 3/8 inches in width. The curb face may slope outward to join a rounded edge having a radius of 1 1/2 inches or more. Other curb designs may be approved by the Jefferson County Engineer.
- Drainage gutter and storm drain inlet devices shall be designed to carry the peak flow from a 2-year frequency, 24-hour storm event with a maximum spread of one-half the travel way.

D. — Roof Drains.

For all non-residential sites, the building structure roof drain discharge points shall be located so as to avoid icing of walkways, driveways, and building entrances. The location of roof drain discharge points shall be shown or noted on the Preliminary Plat and/or Site Plan, as applicable.

E. — Drainage Swales.

1. — Drainage swales shall be sized for the 10-year, 24-hour storm event. Provide calculations in the stormwater management report.
2. — Drainage swale grading and drainage swale details shall be provided on the preliminary plat and/or site plan, as applicable.

F. — Storm Sewers.

1. — Storm sewer system piping shall be designed for the 10-year storm event. Storm sewer inlets shall be designed for the 2-year storm event. Inlet structures located in a sump shall be checked to prevent curb overtopping during the 10-year event. Provide calculations in the stormwater management report.
2. — Storm sewer systems may utilize curb and gutter where needed to capture and divert runoff into storm inlets.
3. — Storm sewer pipe shall be galvanized corrugated metal pipe (CMP) or approved equal by the Jefferson County Engineer. The pipe shall be a minimum of 15-inch diameter or equivalent elliptical/arched pipe size.
4. — The outlet end of the storm sewer shall be protected from scour by rip-rap aprons or other energy dissipating devices.
5. — Storm sewer outfalls shall be at a 0% grade (flat) for the length of the rip-rap apron or energy dissipating device. The Jefferson County Engineer may waive this requirement where it is not practical to meet this requirement due to topographic constraints.
6. — Storm sewer pipe shall have a minimum of 12 inches of cover over the pipe.
7. — The outlet end of the storm sewer shall have manufactured end sections or concrete end walls.
8. — Profiles of the storm sewer system shall be shown on the preliminary plat and/or site plan, as applicable; and shall show:
 - a. — Inlet identification that corresponds with plan view.

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- b. Top and bottom of storm inlet elevations.
- c. Pipe size, shape, material type & length.
- d. Pipe inlet and outlet invert elevations.
- e. Slope of pipe.
- f. Outlet end section type.
- g. Outfall rip rap apron/energy dissipation device at 0% grade.
- h. Q10 flow rate and velocity.

9. Drain inlets in residential subdivisions with closed section roads shall have bicycle safe grates.

10. Construction details and specifications shall be provided on the Preliminary Plat and/or Site Plan as applicable, for the storm inlets and grates, manholes, pipe, end section/wing wall, outfall rip rap apron, curb and gutter, etc.

G. Drainage Easements.

1. Drainage swales shall be located within drainage easements where necessary (i.e., on individual lots, etc.) to retain the right to convey runoff from roadway ditch lines and common areas to stormwater management facilities; and to provide access for maintenance of the drainage swale.

Drainage swale easements shall be sized to contain the 10-year, 24-hour storm event flow within the easement. Drainage swale easements shall be a minimum width of 15 feet.

2. Storm sewer systems shall be located within drainage easements where necessary (i.e., on individual lots, etc.) to retain the right to convey runoff and to provide access for maintenance of the storm sewer system.

Storm sewer system easements shall be a minimum width of 15 feet. The staff has the authority to require larger storm sewer drainage easements when large pipe diameters and/or bury depth make a 15-foot wide easement impractical for access, maintenance or replacement of the storm sewer.

3. Drainage easements shall be shown on the Final Plat.

Sec. 4.3 Stormwater Management

A. Quantity Control.

1. A hydrologic analysis for calculating the water shed runoff for both the pre-development and post-development conditions shall be provided and based on the 24-hour rainfall event. This may be done using the NRCS methodologies (i.e., TR-20 & TR-55, etc.) that takes into consideration the ground cover, time of concentration, area of the watershed, and the 24-hour rainfall amount and rainfall distribution for the region; or any other acceptable methodology in the public domain and approved by the Jefferson County Engineer.

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— The hydrologic analysis shall be modeled as outlined in Table 4.3-1, *Stormwater Management – Quantity Control Criteria*. Provide the hydrologic analysis and calculations in the stormwater management report.

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2. — Stormwater quantity control shall be provided that reduces the post-development runoff rate from the site such that it does not exceed the “Karst-adjusted” pre-development runoff discharge. For sites located adjacent to the Potomac River, Shenandoah River or the Opequon Creek, stormwater quantity control may use the “quick-release” approach to reduce the impact on the receiving stream’s peak discharge. Use of the quick release approach shall be justified based on engineering analysis and approved by the County Engineer on a case-by-case basis.

— Quantity control may be provided by stormwater detention and retention basins, underground detention storage infiltration basins or trenches, and/or any other means approved by the Jefferson County Engineer. Provide the hydrologic and hydraulic routing calculations and analysis in the stormwater management report.

3. — The runoff from any pre-development area draining to a sinkhole shall not be counted in the calculation of the pre-development runoff from the site.
4. — Table 4.3-1 provides for reduction of the pre-development flows due to the Karst geology characteristics of Jefferson County. This results in lower pre-development runoff rates for the 1-year, 2-year, 10-year, and 100-year, 24-hour storm events.

The Karst adjustment factors shown in Table 4.3-1 shall only apply to the area of the county depicted as Karst on Map 4.3-1, *Karst Geology Map of Jefferson County*.

5. — An off-site stormwater management facility may be used instead of an on-site facility when:
 - a. — An adequate route of conveyance between the site and the off-site facility exists, or will be built as part of the project; and
 - b. — The off-site facility has the capacity or can be retrofitted to meet the criteria stated above; and
 - c. — The developer has demonstrated the right to convey the runoff and use the off-site stormwater management facility.
6. — The emergency spillway and principal spillway outfalls shall be constructed in a cut section only (to prevent erosion and collapse of the basin embankment) and shall maintain a flat (0%) grade to the end of the designed length of the outfall rip-rap, plunge pool or other approved outfall spreader.
7. — Where the outfall of a stormwater management facility is less than 75’ from the immediate downstream property line, the outfall rip-rap apron shall be depressed six inches at the property line to create a plunge pool.
8. — Where a stormwater management basin exceeds six (6’) feet in height above the existing ground, anti-seep devices shall be provided along the principal spillway pipe to prevent “piping” and collapse of the basin embankment. (See Standard Details.)

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9. ~~Where a stormwater management basin embankment exceeds ten (10') feet in height above the existing ground, a dam breach/failure analysis is required identifying the potential for damage to homes, buildings, roads, utilities, etc.~~
10. ~~All stormwater management basin embankments shall have core trenches consistent with the size of the embankment.~~
- ~~The Natural Resources Conservation Service (NRCS) Pond 377 & 378 Engineering Standards shall be used as a guide for designing pond embankments, spillways, anti-seep collars and core trenches, etc; unless another standard is approved by the County Engineer.~~
11. ~~All stormwater management basins shall be able to pass the 100-year, 24-hour storm event with a minimum of one foot of freeboard.~~
12. ~~The stormwater management basin shall have a minimum slope of 1.0% across the bottom and slope toward the low-flow outlet at the control structure to ensure that the pond drains; and to prevent the puddling of water after the basin has emptied. This requirement does not apply to stormwater management basins designed as shallow marsh wetlands and/or stormwater retention basins.~~
- ~~Finish contours/grades and/or spot elevations shall be provided on the Preliminary Plat or Site Plan, as applicable, detailing the bottom of pond grading.~~
13. ~~Infiltration rates for infiltration basins shall be determined from percolation tests performed by a licensed septic installer or a licensed geotechnical engineer; or based on the NRCS Soils Manual for Jefferson County using infiltration rates for the soil type at the site. The method used shall be approved by the Jefferson County Engineer.~~
- ~~Infiltration basins shall be designed to infiltrate/empty within 72 hours after the storm event has ended.~~
14. ~~Stormwater management easements shall be provided where necessary to provide for access and maintenance of the stormwater management facilities. All easements shall be shown on the Preliminary Plat and Final Plat.~~
- ~~For stormwater detention, retention and infiltration basins, the limits of the 100-year, 24-hour storm event storage elevation shall be delineated on the Preliminary Plat and/or Site Plan, as applicable. The stormwater management facility and the limits of the 100-year storm event storage limits shall be located within a lot/common area specifically designated for stormwater management purposes; or a stormwater management easement shall be provided that provides access to and contains both the stormwater management facility and the 100-year storm event storage limits. The limits of the 100-year storm event shall not encroach into a roadway.~~
- ~~All other stormwater management facilities shall have easements where necessary to provide for access and maintenance.~~
15. ~~The stormwater management plan and report shall demonstrate adequate downstream conveyance of stormwater discharge from the site.~~

The capacity should be determined of the existing downstream storm drainage system to convey runoff discharged by a project to natural streams and rivers. If the capacity is less than the pre-development runoff rate, then the capacity of the storm drainage system shall be used as the allowable release rate.

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Table 4.3-1

**Stormwater Management
Quantity Control Criteria**

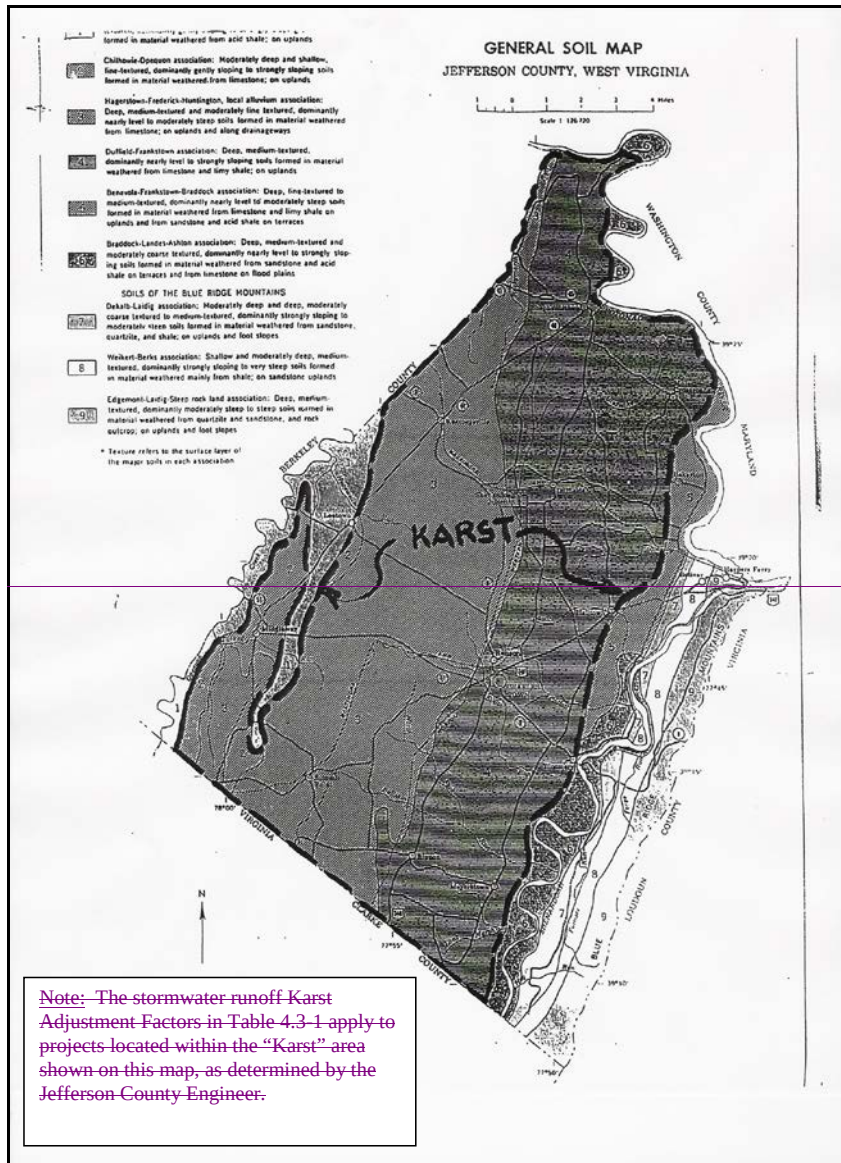
	Criteria	1-Yr & 2-Yr Storm	10-Yr Storm	100-Yr Storm
1.	Conditions under which stormwater management is required.	All Sites	All Sites	Sites located within the upper two-thirds of the drainage basin as measured from the Potomac or Shenandoah Rivers, or Opequon Creek; and which are located within a "growth" area; and which have a FEMA designated floodplain on or adjacent to the site.
2.	Allowable Assumptions for Pre-development land use.	Model as Wooded, Meadow, or existing Orchard	Model as land use at present time.	Model as land use at present time.
3.	Typical control Device	Extended Detention + 1-Yr & 2-Yr Low Flow Orifices + Principal Spillway	10-Yr High Weir + Principal Spillway	Highest Weir for control, or if not controlled, provide emergency overflow spillway cut into existing ground or size the principal spillway to pass the 100-Yr Storm Event.
4.	Minimum adjustment of Pre-development runoff for Karst Geology.	Apply 100% to all on-site drainage area and pro-rate off-site based on % of undeveloped off-site area in the total off-site drainage area.	Pro-rate based on % of undeveloped on-site & off-site area in the total drainage area.	Pro-rate based on % of undeveloped on-site & off-site area in the total drainage area.

Karst Geology — Runoff Adjustment Factors

	% Karst	Multiply Pre-Development Peak Discharge by Factors Below		
	100	0.33	0.43	0.50
	90	0.34	0.46	0.56
	80	0.38	0.51	0.62
	70	0.47	0.58	0.68
	60	0.55	0.66	0.74
	50	0.64	0.73	0.80
	40	0.73	0.80	0.85
	30	0.82	0.86	0.89
	20	0.91	0.92	0.93
	10	1.00	0.98	0.97
	0	1.00	1.00	1.00

Note: Post-development runoff adjustment may be made for Karst in large lots subdivisions only, based on 1-acre-per-lot plus the area of road rights-of-way modeled as "disturbed area," with the remaining undisturbed area considered Karst area. Such adjustment shall be reviewed and approved by the County Engineer on a case-by-case basis.

Map 4.3-1
Karst Geology Map of Jefferson County



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~~B. Quality Control.~~

- ~~1. There are two options for providing quality control at stormwater management basins:
 - ~~a. Provide extended detention whereby the 1.25" storm event post development runoff from the project is stored and released in not less than a 24 hour period and not more than a 72 hour period; or~~
 - ~~b. Provide quantity control of the 1 year 24 hour storm event.~~
 - ~~c. Provide a wet pond. The design of wet ponds for quality control shall be approved on a case by case basis by the County Engineer. Stormwater retention (wet ponds) ponds and infiltration basins do not require extended detention.~~~~
- ~~2. Stormwater management basins may be utilized as temporary sediment basins during the construction phase by providing 3600 cubic feet of storage volume per acre of area. Half the volume shall be in a permanent pool and half shall be in dry storage. Sediment basins must be able to de-water the dry storage volume in 48 to 72 hours.~~
- ~~The temporary sediment basin shall be converted to a permanent stormwater management facility once construction is complete and the site is stabilized.~~
- ~~3. Stormwater management basins for commercial, industrial and institutional sites shall have vegetation capable of enhancing water quality. Constructed wetland and bio-retention designs are acceptable in this case.~~
- ~~4. For sites that do not have a stormwater management basin or are using a basin that does not have water quality features, then separate water quality facilities shall be provided that filter the volume of water resulting from the first ½ inch of runoff from paved areas, vehicle travel ways and parking areas.~~

~~*Note: The only site that this presently applies to is the Bardane/Burr Industrial Park. Central stormwater management is provided; however, each individual site is required to provide its own stormwater quality control facility/basin.*~~

~~C. Stormwater Management Plan & Report.~~

- ~~1. Provide on the Preliminary Plat and/or Site Plan, all grading, details and construction notes for all stormwater management features/facilities.~~
- ~~2. A Stormwater Management Report shall be submitted with the subdivision Preliminary Plat and/or Site Plan, as applicable, including but not limited to the following:
 - ~~a. Report in a binder and signed, sealed, and dated by the engineer of record.~~
 - ~~b. Storm drainage maps for "pre" and "post" development conditions with the watershed divides, time of concentration flow path, and the type of flow and flow length.~~
 - ~~c. Soil types delineated on the drainage maps.~~
 - ~~d. Show on the drainage maps, all off-site structures within 200 feet downstream of any stormwater management drainage or discharge point.~~~~

e. A narrative of the analysis and modeling of the stormwater runoff and routing of the stormwater management facilities. The following is a guide of key points that may be included:

- 1) Location of the project site.
- 2) The size/acreage of the site.
- 3) Description of the adjacent properties (i.e., roads, schools, residential, non-residential development, etc.).
- 4) General topographic description of the site (i.e., rolling terrain, hilly, flat, streams, rock-out crops, etc.).
- 5) Description of the soils and the hydrologic soil classifications (A, B, C or D).
- 6) Pre & Post development site conditions.
- 7) Methodology (i.e., TR-55, TR20, etc.) used to calculate the runoff and to model the SWM facilities and route the runoff hydrographs.
- 8) Table of Pre-development runoff calculations, Karst adjustment factors, Karst adjusted allowable runoff, Post-development runoff, and the routed SWM pond discharge rates.
- 9) Description of the type of stormwater management facilities proposed for providing quantity control of the stormwater runoff.
- 10) The calculations and description of the stormwater management facilities proposed for providing stormwater quality control.
- 11) Description of storm drainage features proposed (i.e., road culverts, storm sewer system, etc.).
- 12) Provide all calculations for determining runoff rates, routed discharge rates, sizing of culverts and storm sewer systems, etc.

f. Any other information deemed necessary by the Jefferson County Engineer for determining compliance with these regulations.

D. Other Systems for Retention or Detention

The following are Low Impact Development (LID) techniques that can be used to minimize the impact of impervious surfaces by reducing connected impervious surfaces to a minimum, thereby reducing the area and cost of mitigation techniques. Use of these techniques are encouraged and preferred when traditional stormwater management measures are not feasible.

1. **Water Gardens.** Convey drainage from rooftops or drives to water gardens. The water garden shall be landscaped with natural vegetation that includes unmowed groundcovers and woody plants that can tolerate periodic inundation. When conveying the roof runoff to open spaces with natural vegetation, care must be taken to assure sheet flow, not channelized flow, to prevent erosion.

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2. **Rain Barrels or Cisterns.** Rain barrels or cisterns can be designed into the buildings or yards so that roof runoff is directed to these storage facilities and used for beneficial purposes such as lawn watering, vehicle washing, or other nonpotable purposes. A variety of commercial products are available for this purpose. Their installation must be partly assured by the subdivider's surety.
3. **Pervious pavements.** Driveway, parking areas, or sidewalks may be constructed from pervious concrete to provide infiltration of runoff. Pervious concrete or asphalt is recommended for minor roads or heavily used parking areas. Concrete or other containment structures that hold gravel or turf are recommended for driveways or low use parking areas.
4. **Vegetated swales.** These shall be used unless the developer can show they are impractical or that the slopes would result in erosion.
5. **Swale Blocks.** The swale block is installed at intervals along a vegetated swale to allow the water to build up into a series of pools, slowing water flow and allowing the vegetation to assist in cleaning the water and settling out solids. The blocks shall be slotted to allow them to drain down and have a notch to permit maximum flows during the 50-year storm without overflowing the swale. Their use slows flows and decreases pollutant loading and the detention facilities shall be sized to account for the reduction in flows.
6. **Green Roofs.** The use of green roofs, roofs that have been planted in vegetation, shall be strongly encouraged for buildings with roof areas in excess of 20,000 square feet. These provide both stormwater storage and cleaning of the water.

Sec. 4.4 Definitions

The following definitions describe the meaning of the terms used in Appendix B, Division 4.0, *Stormwater Management and Erosion & Sediment Control*.

“Adverse impact” means any deleterious effect on waters or wetlands, including their quality, quantity, surface area, species composition, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation.

“Applicant” means any person, firm, or governmental agency who executes the necessary forms to procure official approval of a project or a permit to carry out construction of a project.

“Aquifer” means a porous water bearing geologic formation generally restricted to materials capable of yielding an appreciable supply of water.

“Best Management Practice (BMP)” means a structural device or nonstructural practice designed to temporarily store or treat stormwater runoff in order to mitigate flooding, reduce pollution, and provide other amenities.

“Clearing” means the removal of trees and brush from the land but shall not include the ordinary mowing of grass.

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“Detention structure” means a permanent structure for the temporary storage of runoff, which is designed so as not to create a permanent pool of water.

“Develop Land” means to change the runoff characteristics of a parcel of land in the conjunction with residential, commercial, industrial, or institutional construction or alteration.

“Drainage area” means that area contributing runoff to a single point measured in a horizontal plane, which is enclosed by a ridge line.

“Easement” means a grant or reservation by the owner of land for the use of such land by others for a specific purpose or purposes, and which must be included in the conveyance of land affected by such easement.

“Exemption” means those site development activities that are not subject to the stormwater management requirements of these Regulations.

“Extended detention” means a stormwater design feature that provides gradual release of a volume of water in order to increase settling of pollutants and protect downstream channels from frequent storm events.

“Flow attenuation” means the prolonging the flow time of runoff to reduce the peak discharge.

“Grading” means any act by which soil is cleared, stripped, stockpiled, excavated, scarified, filled or any combination thereof.

“Infiltration” means the passage or movement of water into the soil surface.

“Off-site stormwater management” means the design and construction of systems necessary to control stormwater for more than one development.

“On-site stormwater management” means the design and construction of systems necessary to control stormwater within an immediate development.

“Retention structure” means a permanent structure that provides for the storage of runoff by means of a permanent pool of water.

“Retrofitting” means the construction of a structural BMP in a previously developed area, the modification of an existing structural BMP, or the implementation of a nonstructural practice to improve the water quality over current conditions.

“Sediment” means soils or other surficial materials transported or deposited by the action of wind, water, ice, or gravity as a product of erosion.

“Site” means any tract, lot or parcel of land or combination of tracts, lots or parcels of land, which are in one ownership or are contiguous and in diverse ownership where development is to be performed as part of a unit, subdivision, or project.

“Stabilization” means the prevention of soil movement by any of various vegetative and/or structural means.

“Stormwater management” means:

For quantitative control, a system of vegetative and structural measures that control the increased volume and rate of surface runoff caused by man-made changes to the land; and

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For qualitative control, a system of vegetative, structural, and other measures that reduce or eliminate pollutants that might otherwise be carried by surface runoff.

“Stormwater management plan” means a set of drawings or other documents submitted by a person as a prerequisite to obtaining a stormwater management approval, which contain all of the information and specifications pertaining to stormwater management.

“Stripping” means any activity which removes the vegetative surface cover including tree removal, clearing, grubbing and storage or removal of topsoil.

“Waiver” means the relinquishment from stormwater management requirements by the Jefferson County Engineering Department for a specific development on a case by case basis.

“Watercourse” means any natural or artificial stream, river creek, ditch, channel, canal, conduit, culvert, drain, waterway, gully, ravine or wash, in and including any adjacent area that is subject to inundation from overflow or flood water.

“Watershed” means the total drainage area contributing runoff to a single point.

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Division 5.0 Requirements for Townhouses

Section 5.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 5.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 5.0 are in addition to the requirements for subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 5.0, then the requirement of Division 5.0 shall apply.

Section 5.2 Plat/Plan Requirements

- A. In townhouse subdivisions, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code.
- B. See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements.

Section 5.3 Design and Construction Requirements

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to townhouse subdivisions shall apply:

- A. Roads and Rights-of-way Specific to Townhouse Subdivisions
 - 1. Townhouse projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
 - 2. Townhouse subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:

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- a. Parking areas with adequate turn-around area for emergency vehicles; or a
 - b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100', a pavement diameter of 80', and a fillet radius of 20'. Turnarounds shall be landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2, *Streets*. However, townhouse development roads shall be a closed section with a minimum of twenty-four (24) foot width for vehicular drives.
 4. Townhouse units shall have a conveniently located minimum 1000 sq.-ft. (i.e., 10' x 100') bus/mail box cluster pull-off area. Such area shall be asphalt paved the same as the roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Townhouse Subdivisions

1. Road and parking ~~area curbs~~ areas must utilize curb and ~~gutters shall be constructed~~ gutter systems in coordination with LID and BMP practices to manage stormwater in all townhouse subdivisions.
2. Sidewalks shall be constructed in all townhouse subdivisions to provide for pedestrian movement from parking areas to building entrances and for pedestrian movement between buildings.

Sidewalks will be located at or near the edge of roadway or curb behind the planting strip and in front of all dwelling units. All other areas will have sidewalk on at least one side of the road. Sidewalks will be a minimum of four (4) feet wide.

Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

3. Roadway curbs and gutter, and sidewalks shall be constructed in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
4. Right-of-way will be located a minimum of one (1) foot in back of the sidewalk; and a minimum of three (3) feet from the back of the curb or edge of roadway, when curbs are not present, in areas where sidewalks are not required.
5. A minimum five (5) foot public access easement shall be provided between all buildings, as approved by the County Engineer and staff.

C. Storm Drainage and Erosion Control Specific to Townhouse Subdivisions

Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with ~~Appendix B, Division 4.0, Storm Water~~ the Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.

D. Utilities

1. Townhouse subdivisions shall have public/central water and sanitary sewer systems.
2. Fire hydrants shall be provided in all townhouse subdivisions in accordance with Appendix B, Section 3.1.B.9 & 3.1.B.10. However, fire hydrant spacing shall be a maximum of 500 feet, or pursuant to the rating agency (ISO), whichever is less.

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3. All utilities shall be underground and provided in accordance Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

E. Street & Parking Area Lighting

All townhouse subdivisions shall be furnished with outside lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum; or as required by the Zoning Administrator. Lighting shall be in accordance with the Zoning Ordinance and Appendix B, Section 2.6, *Street and Parking Area – Outside Lighting*.

F. Lots and Setbacks.

Townhouse lot and building standards shall be consistent with the requirements of the Zoning Ordinance. In addition:

1. No more than five (5) clusters of townhouses may be located on a dead-end drive.
2. A group/cluster of townhouses shall not contain more than six (6) units with a continuous front, or eight (8) units total in a building of any geometric configuration.
3. Minimum lot size shall be 1400 square feet.
4. Minimum area of the development including lots, green space, parking areas and roads shall be 3500 square feet per dwelling unit.
5. Minimum lot width will be fourteen (14) feet.
6. The required minimum building restriction lines will be as follows:

Front	25 feet
Side (confronting end units)	12 feet
Street side (abutting internal subdivision street)	15 feet
Street side (abutting right-of-way equal to or more than 40')	15 feet
Rear	20 feet

G. Screening

1. Street trees shall be planted along the townhouse subdivision streets. Installation of street trees shall comply with standard details as established by the Chief County Engineer.
2. Buffer screening will be provided between common areas and adjoining properties with single family detached residences, in accordance with the Zoning Ordinance.
3. A landscape plan shall be submitted, in accordance with the Zoning Ordinance, for all common areas.
4. All on-site utilities (i.e., waste water treatment plant, water treatment plant, pump station etc.) and trash dumpsters shall be effectively screened; as required by the Zoning Ordinance.
5. In the event of a conflict between the provisions of Section 5.3 herein and the Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail.

H. Parkland

Parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

I. Parking

1. The minimum number of spaces shall be two (2) per dwelling unit plus 1/4 space for every bedroom.
2. Fifty (50) percent of garage bays plus one driveway space for every lot may be counted toward meeting the total number of parking spaces required.
3. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
4. All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.

Division 6.0 Requirements for Condominium Subdivisions (Residential & Non-Residential)

Section 6.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 6.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 6.0 are in addition to the requirements for major subdivisions found in Appendix A, *Plan & Plat Standards*, and Appendix B, *Engineering Standards*. In the event of a conflict between a requirement of the Appendices and Division 6.0, then the requirement of Division 6.0 shall apply.

Section 6.2 Plan/Plat Requirements

In condominium development, the developer shall submit the necessary Preliminary Plat and Final Plat in accordance with the procedures defined in these Regulations and the Uniform Common Interest Ownership Act (UCIOA), Chapter 36B of the West Virginia Code. In the event that a specific provision in the UCIOA is inconsistent with the requirements of a commercial, industrial, institutional, multi-family or non-residential project, that specific provision shall not apply.

See Appendix A, *Plan & Plat Standards*, for general plan/plat requirements. Additional plan/plat requirements specific to condominium projects are as follows:

- A. Items specific to Condominium plats
 1. A project that does not want to separate the building sites for trust, lease or sale shall not have to describe the site by metes and bounds.
 2. Show a dimensioned and scaled outline of each site (building site) upon which a principal land use or a principal building is to be located. The position of each building must be

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referenced to a station along the centerline of an interior subdivision road right-of-way, or other horizontal control approved by the County Engineer.

3. Identify each building site as to approximate acreage, proposed use, size of building (sq. ft., height and no. of stories).
4. Show the number, location and layout of parking spaces, the location and dimensions of site access entrances and exits, and the location and dimensions of sidewalks.
5. A number to identify each building site.
6. The name and a survey or general schematic map of the entire common interest community.
7. The location and dimensions of common areas, open space or areas to remain undeveloped.
8. A legally sufficient description of any real estate subject to development rights, labeled to identify the rights applicable to each parcel.
9. The extent of any encroachments by or upon any portion of the common interest community.
10. To the extent feasible, a legally sufficient description of all easements serving or burdening any portion of the common interest community.
11. The location and dimensions of any vertical unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
12. The location with reference to an established datum of any horizontal unit boundaries not shown or projected on plans recorded pursuant to subsection (d) of UCIOA and that unit's identifying number.
13. A legally sufficient description of any real estate in which the unit owners will own only an estate for years, labeled as "leasehold real estate."
14. The distance between noncontiguous parcels of real estate comprising the common interest community.
15. The location and dimensions of limited common elements, including porches, balconies and patios, other than parking spaces and the other limited common elements described in Sections 2-102(2) and (4) of Chapter 36B of the West Virginia Code.
16. In the case of real estate not subject to development rights, all other matters customarily shown on land surveys.
17. A plan/plat may also show the intended location and dimensions of any contemplated improvement to be constructed anywhere within the common interests community. Any contemplated improvement shown shall be labeled as "MUST BE BUILT" or "NEED NOT BE BUILT".
18. The location and dimensions of the vertical boundaries of each unit and that unit's identifying number.

19. Any horizontal unit boundaries, with reference to an established datum, and that unit's identifying number.
20. Any units in which the declarant has reserved the right to create additional units or common elements, identified appropriately.
21. Unless the declaration provides otherwise, the horizontal boundaries of part of a unit located outside a building have the same elevation as the horizontal boundaries of the inside part and need not be depicted on the plats and plans.
22. A final list of restrictive covenants and conditions including any special covenants and conditions requested by the Planning Commission or a final statement of project rules and regulations.
23. A final project development schedule (construction schedule) for all improvements to be installed on the tract.

Section 6.3 Design and Construction Requirements

In addition to the requirements of Appendix B, *Engineering Standards*, the following requirements specific to condominium subdivisions shall apply:

A. Roads and Rights-of-Way Specific to Condominium Subdivisions

1. Condominium projects shall generally have two entrances and the access to public roads shall be in accordance with Appendix B, Section 2.3, *Subdivision and Site Development Access Management*.
2. Condominium subdivision roads and rights-of-way that are designed as dead-end streets shall terminate in:
 - a. Parking areas with adequate turn-around area for emergency vehicles; or a
 - b. Circular cul-de-sac turn-around with a minimum right-of-way diameter of 100', a pavement diameter of 80', and a fillet radius of 20'. Turnarounds may be landscaped in the center with trees, shrubs or other suitable vegetation.
3. Roadways/streets and rights-of-way shall be in accordance with Appendix B, Section 2.2, *Streets*. However, condominium development roads shall be a closed section with a minimum of twenty-four (24) foot width for vehicular drives.
4. When condominium units are proposed for residential use, a conveniently located minimum 1000 sq. ft. (i.e., 10' x 100') bus/mail box cluster pull-off area shall be provided. Such area shall be asphalt paved the same as the roadway pavement section.

B. Curbs, Gutters, Sidewalks Specific to Condominiums

1. Road and parking ~~area curbs~~ areas must utilize LID stormwater management practices or curb and ~~gutters shall be constructed~~ gutter systems to manage stormwater in all condominium subdivisions.
2. Sidewalks shall be constructed in all condominium subdivisions to provide for pedestrian movement from parking areas to building entrances and for pedestrian movement between buildings. Sidewalks shall be a minimum 4 feet width.

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Where a sidewalk is located outside of a road right-of-way, it shall be identified by a separate platted right-of-way.

3. Road curbs and gutter and sidewalks shall be constructed in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
4. Right-of-way will be located a minimum of one (1) foot in back of the sidewalk; and a minimum of three (3) feet from the back of the curb or edge of the roadway, when curbs are not present, in areas where sidewalks are not required.

C. Storm Water Drainage and Erosion Control Specific to Condominiums

Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with Appendix B, Division 4.0, Storm Water ~~the Jefferson County Stormwater Management and Erosion & Sediment Control Ordinance.~~

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D. Utilities

1. Condominium projects shall have public/central water and sanitary sewer systems.
2. All utilities shall be underground and provided in accordance the Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

E. Street & Parking Area Lighting

All condominium subdivisions shall be furnished with lighting units to illuminate sidewalks, parking areas and roads. Lighting units shall be placed at intervals of 125 feet maximum; or as required by the Zoning Administrator. Lighting shall be in accordance with the Zoning Ordinance and Appendix B, Section 2.6, *Street and Parking Area – Outside Lighting*.

F. Building Sites and Setbacks

1. The ratio between building site depth and width shall not exceed 3:1. Building sites with long narrow extensions (~~pipe stems~~ pipe stems) shall not be permitted even though average depth to width ratios may not exceed 3:1. For corner lots width will be measured parallel to the designated rear line.
2. Acute corners of building sites shall have angles of no less than sixty-degrees, unless otherwise approved by the Engineer due to site limitations or other design considerations.
3. Building site boundary lines shall not extend into road rights-of-way but shall be drawn to the edge of such road rights-of-way.
4. Every building site shall have a minimum road frontage (width) of 80 feet along a platted road right-of-way. Lesser widths may be accepted by the Engineer along road turnarounds.
5. Setbacks separating condominium buildings and adjoining properties shall comply with the Zoning Ordinance.
6. Minimum spacing between condominium buildings and adjoining properties shall comply with the Zoning Ordinance and the following standards:
 - a. Between two buildings containing multi-family residential units:

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- 30 feet or the height of the taller of the two buildings, whichever is greater.
- b Between two buildings containing one single family unit in each building:
17 feet.
 - c Between two buildings containing non-residential uses:
50' or the height of the taller of the two buildings, whichever is greater.
 - d Between a building containing non-residential uses and a building containing any residential use:
100 feet.
7. For buildings which are attached to each other by a common fire-rated party wall (e.g. townhouses or duplexes), the combined units shall be considered a “single building” for purposes of determining minimum spacing between buildings.
 8. Lots and setbacks for Residential and Multi-family condominium subdivisions shall be in accordance with the Zoning Ordinance.

G. Parkland

For residential condominium subdivisions, parkland shall be provided as required by Section 21.105, *Requirements for Parkland*, of the Subdivision Regulations.

H. Parking

1. Parking shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
2. All parking spaces, except for driveway and garage parking spaces, shall be located within the road right-of-way.
3. Parking for non-residential condominium subdivisions shall be provided in accordance with the requirements of the Zoning Ordinance for the proposed use.

Parking for residential/multi-family condominium subdivisions shall be provided as follows:

Type of Dwelling Unit	Minimum Number of Parking Spaces per Dwelling Unit
Efficiency (no separate bedroom)	1.00
One Bedroom	1.25
Two Bedroom	1.50
Three Bedroom	2.00
Four-plexes	2.00

Not more than fifty percent of the total area of the minimum required side and rear yards shall be occupied by parking spaces, drives, access roads running between such spaces, turnarounds or other surfaces designed for vehicular use, and no parking spaces or

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vehicular uses, except entrance drives, shall be located within the minimum required front yard.

I. Surveys

Requirements for surveys shall be as required by State of West Virginia laws governing property surveys, and Appendix B, Section 1.2, *Surveys*. In the event of a conflict, State law shall prevail.

J. Construction Plans and Specifications

Construction plans and specifications shall be submitted in accordance with Appendix A, Section 1.3, *Preliminary Plat or Site Plan*; and Appendix B, Section 1.3, *Construction Plans and Specifications*.

K. Construction Practices

Construction practices shall be in accordance with Appendix B, Section 1.4, *Construction Practices*.

Section 6.4 Self-Storage Condominium Subdivisions

Self-storage (commonly referred to as mini-storage) projects that are developed with all units on one parcel, and where the units are for rent or lease, shall be processed as a non-residential Site Plan.

Division 7.0 Mobile/Manufactured Home Parks & Campgrounds

Section 7.1 Minimum Requirements and Standards

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

Section 7.2 Mobile/Manufactured Home Park Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within Division 7.0 shall apply.
- B. The design, construction, installation, maintenance, and operation of a mobile/manufactured home park or a mobile/manufactured home park development shall comply with all applicable provisions of these Subdivision Regulations; and also comply with the mobile home regulations, minimum standards and engineering practices which are approved and acceptable to the West Virginia State Department of Health. All mobile/manufactured home parks shall be reviewed and approved by the West Virginia Department of Health for compliance with their regulations.
- C. The area of each mobile/manufactured home site (building site) shall be a minimum of 4,000 square feet. Each mobile/manufactured home site shall have a minimum road frontage (width) of 40 feet along a platted road right-of-way.

- D. Each mobile/manufactured home site shall provide an adequate stand for the placement of a mobile home unit.
- E. Not more than one mobile/manufactured home unit shall be placed on or above a mobile/manufactured home site. The mobile/manufactured home structure shall be set on the site in accordance with the requirements of the Jefferson County Building Code Enforcement Ordinance and applicable State Codes. The more stringent requirement shall prevail.
- F. All mobile/manufactured homes not set on permanent masonry or concrete foundation walls shall be skirted. Mobile homes shall be skirted with a uniform material; and an access door a minimum size of two feet by two feet shall be constructed in the skirting of each mobile home.
- G. Mobile/manufactured homes and accessory buildings shall be set back a minimum of 20 feet from the front mobile/manufactured home-site lines and 10 feet from rear and side mobile/manufactured home-site lines. No mobile/manufactured home shall be located within a FEMA flood-hazard area.
- H. Mobile homes, structures, and storage buildings, in a mobile/manufactured home park, shall be kept 25 feet back from all exterior property lines and right-of-way lines.
- I. Convenient off-street parking (on each mobile home site or in designated parking areas) shall be provided at the rate of two spaces per mobile home site. Each space shall have a minimum dimension of 10 feet by 20 feet.
- J. Each mobile home stand shall be served by an individual sidewalk a minimum 2 feet in width. All walkways shall be constructed in accordance with Appendix B, Section 2.2.K.3, *Sidewalks & Paths*. Individual sidewalks shall connect with the common sidewalks in the mobile home park, or, to paved off-street parking spaces, or, to paved streets.
- K. Each mobile home site shall provide serviceable connections for water supply, sewage disposal and electricity. Water and sewer connections shall comply with the minimum standards of the West Virginia Department of Health. Electrical connections shall comply with service provider requirements.
- L. Each mobile home park shall be served by a central water supply system.
- M. Each mobile home park shall be served by a central sewerage system. Septic systems are prohibited.

Section 7.3 Campground Requirements

- A. The following provisions supplement the provisions of the Jefferson County Zoning Ordinance. If any of these provisions or standards conflict with those contained in the Zoning Ordinance, the provisions contained within this section shall apply.
- B. The area of each campsite shall be a minimum of 1,500 square feet not to include road rights-of-way. Each campsite shall have a minimum road frontage (width) of 20 feet along a platted road right-of-way.
- C. Each campsite shall provide an adequate stand for the placement of a camping unit. A campsite stand shall be at least 15 feet by 25 feet in size, shall be flat, and shall not exceed a 3 percent slope in any direction. No more than one camping unit shall be placed on or above a campsite.

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- D. A campsite may contain any combination of water, sewerage or electrical connections. If not provided at campsites, water and sewerage facilities must be provided at convenient comfort stations as determined by the Planning Commission.
- E. Main entrance and primary looping roads - as determined by the County Engineer - within a campground, shall be minimum 22 feet wide asphalt paved with shoulders and ditch lines, the same as the asphalt roadway requirements of Appendix B, Section 2.2.C.2.b, *Residential Subdivision with more than 12 lots*.
- F. Roads within a campground that are not main entrance or primary looping roads - as determined by the County Engineer - shall be a minimum of 20 feet wide gravel with shoulders and ditch lines, the same as the gravel roadway requirements of Appendix B, Section 2.2.C.2.a, *Residential Subdivision with a maximum of 12 lots*.
- G. Convenient off-street parking shall be provided at the rate of 1 space at each campsite; plus 3 additional spaces for each 50 campsites to be located at or near the campground office. Each parking space shall have a minimum dimension of 109 feet by 20 feet. As a minimum, designated parking areas shall be surfaced according to the surfacing requirements for gravel roads. Designated parking areas may not be used for overnight camping or occupancy.
- H. Each campsite shall be provided with a sanitary, covered garbage can.
- I. A campground shall provide at least one sanitary sewerage dump station for every forty (40) or fraction thereof trailer or recreational vehicle hookups, one water refill station and one solid waste disposal collection facility.
- J. As a minimum, design capacities for centralized water and sewerage systems shall be based on the total number of campsites proposed plus 25 percent again to accommodate the tent area (if any), plus an allowance for a sewerage dump station and a water refill station.
- K. All power lines shall be placed underground in a campground. Overhead power lines may be permitted by the Planning Commission where such lines can be effectively screened from view by trees.
- L. Road rights-of-way in a campground shall be a minimum of 50 feet in width.
- M. One-way roads shall be at least 12 feet in width with 3 foot wide gravel shoulders. Drainage ditch lines 1-1/2 feet deep shall be provided at a 4:1 slope from the edge of the shoulder, with a 2:1 return slope back to existing grade.

Division 8.0 – Non-Residential Subdivisions

Section 8.1 General

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

Division 9.0 Site Plan Requirements

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Section 9.1 Minimum Requirements and Standards

- A. The requirements and standards of Division 9.0 are minimal and are not intended to discourage the use of higher standards by developers who wish to achieve more desirable results. The Planning Commission may specify additional requirements where, owing to unique or unusual characteristics, the purposes of these Regulations can be better served.
- B. The provisions of Division 9.0 are in addition to the requirements for Site Plan projects found in Appendix A and Appendix B. In the event of a conflict between a requirement of the Appendices and Division 9.0, then the requirement of Division 9.0 shall apply.
- C. Conditions under which the site plan requirements may be waived or limited are cited in Section 20.203, *Minor Site Development*.

Section 9.2 General Information Requirements

- A. All proposed site plans for Heavy Industrial Uses, as referenced in the Zoning Ordinance, on a parcel shall process through the major site plan process. Concept plan submissions shall include the following additional material:
 - 1. Basic Information:
 - a. Solid and drainage characteristics
 - b. Existing natural or man-made features including vegetative cover, water bodies, quarries, and rock outcroppings
 - c. Existing and proposed covenants and restrictions
 - d. Intended earthwork that would alter the natural topography
 - e. Tentative development and construction schedule
 - f. Market surveys and feasibility studies
 - g. Anticipated project costs
 - h. Anticipated funding sources
 - 2. Physical Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:
 - a. Earthwork: Will project strip entire site? Will blasting be extensive? Will the project be a borrow or a waste job? Will drainage be ~~effected~~affected?
 - b. Wildlife populations and DNR endangered species check
 - c. Groundwater and surface water resources: Number of reported water contamination problems within 1000 feet, major surface water sensitive areas, i.e. wetlands, marshes and existing ponds, within one -mile of the site. Describe the storm water management concept.
 - d. Compatibility of the project with the surrounding area in terms of land use and visual appearance

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- e. Impact on sensitive natural areas such as sink holes, water recharge areas, stream and river banks, hillsides, forests, wetlands and water bodies will be described. A sink hole inventory check will be requested and obtained from the local office of the Natural Resources Conservation Service. The applicant will describe the condition of channel and banks of streams on property or within 500 feet of discharge point from property.

3. Social Impacts. A discussion of the relationship of the proposed project to the community (County) to include the following:

- a. Demographic impact
- b. Adequacy of health and emergency medical services
- c. Adequacy of fire protection
- d. Adequacy of police protection
- e. Trash removal
- f. Adequacy of electrical power service
- g. Adequacy of telephone service
- h. Sewer and water services
- i. Relationship of the project to the Comprehensive Plan
- j. Housing supply and demand
- k. Proximity and relationship to known historic features

4. Economic Impacts. A discussion of the relationship of the proposed project o the community (County) to include the following:

- a. Property tax evaluation
- b. Anticipated bank deposits and loans
- c. Anticipated local spending (construction, retail, services, etc.)
- d. Local employment implications
- e. Expected changes in property values

- B. In the event conditions are encountered during construction which make the approved Site Plan impractical or excessively costly, field changes may be proposed, in writing, by the developer - through the developer's design consultant - to the County Engineer. The County Engineer will review the proposed changes to determine whether or not the change is major and subject to Planning Commission action. In either case, the Engineer will determine the technical acceptability of the proposed changes. Where said changes are minor, technically acceptable and in accord with the intent of the Ordinances the Engineer may grant a field change. Modified plans will be signed by the appropriate professional and filed with the Planning Commission office.

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Section 9.3 Site Access

- A. Site Development access entrances, from either an internal subdivision road or a public road, shall be provided in accordance with Appendix B, Section 2.3.B, *Site Development Access to Public Roads*.
- B. For Site Development projects with site access directly onto a public road (not onto an internal subdivision road) owned and maintained by the West Virginia Division of Highways, site access improvements shall be provided in accordance with Appendix B, Section 2.3.C, *Improvements to State Highways*.

Section 9.4 Internal Vehicular Circulation & Parking

- A. For Site Development projects, internal site vehicular circulation and parking (including handicapped parking) shall be provided in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- B. The number of parking spaces shall be as required by the Zoning Ordinance.
- C. All parking aisle, parking space, parking stall dimensions, parking width, and off-street loading shall be provided as required by Appendix B, Division 2.0, *Street & Parking Standards*. All parking aisle, parking space and internal site driveway setbacks shall be shown on the site plan.
- D. Shared use of parking spaces shall be permitted at the discretion of the staff. Proposals for shared use of parking spaces must be accompanied by a study and documentation of user hours to demonstrate compatibility of the proposal prepared in accordance with the Zoning Ordinance.
- E. Internal site driveways, (does not include parking area drive aisles) such as those that:
 - 1. Lead to parking areas; or are
 - 2. Internal site driveways connecting separated parking bays; or
 - 3. Provide vehicular access to loading docks, drive-in windows, etc., shall be designed to the following standards unless other design is justified by the design consultant and approved by the County Engineer:

Table 9.4-1	
Traffic Flow	Internal Site Driveways Width
Two -Way	22' to 24'
One-Way	12' to 14'
Drive-up Window	10'

- F. Internal access driveways serving delivery truck-trailer or truck-semi-trailer combinations shall be designed for a vehicle with an inside tracking radius of 44'.
- G. Loading spaces shall be designated for all building bay door openings 6' or greater in width. The loading spaces shall not conflict with internal site driveways and parking

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aisle access. The loading spaces shall not be counted toward satisfying the parking space requirements.

- H. Drive-in service facilities and drive-up windows shall be located and provided with sufficient vehicle queue length such that waiting vehicles will not block internal vehicular circulation or external vehicular access to the site.

Section 9.5 Parking Area, Entrance and Internal Driveway Paving

- A. Site Development parking lots, entrances and internal driveways for use by the public shall be bituminous asphalt or concrete paved. Paving sections shall be approved by the Engineer. The minimum acceptable bituminous asphalt paving section is as follows:

1 ½" Bituminous Concrete Surface Course

2 ½" Bituminous Concrete Base Course

9" Graded Aggregate Base Course (placed in 2 lifts)

Heavier pavement sections may be required by the County Engineer. The consulting engineer shall take into consideration the soil subgrade strength and load bearing capacity and the type of traffic loads anticipated in preparing the concrete or bituminous asphalt pavement section design.

Section 9.6 Curbs, Gutters, & Sidewalks

- A. ~~Curbs, gutters and stormwater management using low impact development technology (LID) and landscaping or curb, and gutter systems as well as~~ sidewalks shall be provided to support multi-family residential and non-residential ~~commercial/industrial development when more than three (3) parking spaces are required unless subdivision/site development. On a plan for case by case basis, the Planning and Zoning Department will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Department Staff may allow a 10 foot pedestrian movement, parking management and stormwater management using low impact development technology (LID) and landscaping is demonstrated to achieve equal or better results. Curbs and gutter shall/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided where necessary to convey storm waterstormwater from impervious areas to storm waterstormwater management facilities; and they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.~~ sidewalks shall be provided to support multi-family residential and non-residential development. On a plan for case by case basis, the Planning and Zoning Department will review alternatives to traditional sidewalks; such alternatives may include hard surface trails or meandering paths. Planning and Zoning Department Staff may allow a 10 foot pedestrian movement, parking management and stormwater management using low impact development technology (LID) and landscaping is demonstrated to achieve equal or better results. Curbs and gutter shall/bike easement(s) in-lieu of installation of a sidewalk, trail or path when in the judgment of Staff an easement(s) may be a preferred option. Where curbs and gutters are provided where necessary to convey storm waterstormwater from impervious areas to storm waterstormwater management facilities; and they shall be in accordance with Appendix B, Section 2.2.K.2, Roadway Curbs & Gutter.
- B. Internal site sidewalks and ramps shall be provided where necessary to convey pedestrian traffic from parking areas to buildings; and shall be in accordance with Appendix B, Section 2.2.K, Curbs, Gutters, & Sidewalks.
- C. Sidewalks shall be provided where required to continue existing public sidewalks or where required to provide pedestrian conveyance between existing developments on either side of the proposed site.

Section 9.8 Site Grading

- A. Site access entrance grades shall be in accordance with Appendix B, Section 2.3.B, Site Development Access to Public Roads.

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- B. Grades for parking areas and internal driveways shall be in accordance with Appendix B, Section 2.5, *Off-Street Parking Standards*.
- C. Grades for sidewalks shall be in accordance with Appendix B, Section 2.2.K, *Curbs, Gutters & Sidewalks*.
- D. A minimum three foot wide strip, not to exceed 3% grade, shall be provided between the edge of parking areas, internal driveways and/or sidewalks, and the toe or top of slopes that are steeper than a 4:1 slope.
- E. When retaining walls are used, the design thereof shall be certified by a Licensed Professional Engineer licensed in the State of West Virginia. All construction details and specifications shall be provided on the Site Plan. The following note shall be placed on the Site Plan:

“Retaining walls 4 feet or greater in height require a building permit under the Jefferson County Building Code Enforcement Ordinance. The Owner/Developer is responsible for obtaining the permit.”

Section 9.9 Utilities and Water & Sanitary Sewer Systems

A. General

Utilities and water and sanitary sewer systems shall be provided in accordance with Appendix B, Division 3.0, *Utilities and Water & Sanitary Sewer Systems*.

B. Sanitary Sewer System

The following requirements specific to site plans shall apply:

1. Sanitary sewer connections will have a minimum grade of 2% for gravity flow, a minimum pipe size of 4 inches and will be a minimum of 100 feet from any water well. There is no minimum grade for a pump system.
2. A monitoring manhole will be set on the sewer connection line at the property line if, in the opinion of the local health officials, the proposed uses on the property could result, either by intent or accident, in the introduction of non-septic sewage, oils, chemicals, paint or petroleum products into the sanitary sewer system.
3. Sewer connection sizes will be justified by accompanying computations indicating the daily flow rate (gallons per day) for the proposed use and the minimum required pipe size. This information shall be shown on the land development site plan.

C. Water System

The following requirements specific to site plans shall apply:

1. Water supply demand computations shall be provided and shall be based on plumbing fixture-unit tables provided by the West Virginia Department of Health. The total daily demand flow rate (gallons per day) shall be shown on the site plan.
2. Where sprinkler systems are proposed, the water supply demand calculations shall demonstrate that an adequate supply of water is available for the sprinkler system.

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3. In a non-residential or multi-family subdivision that does not have fire hydrant service installed but has adequate public water service available; the developer shall install a fire hydrant to serve the project site if a fire hydrant is not located within 1,000 feet of the site.

For a project located outside a non-residential or multi-family subdivision where it does not have fire hydrant service within 1,000 feet, but has adequate public water service available; the developer shall install a fire hydrant to serve the project site.

Calculations demonstrating adequate fire flow at the minimum residual pressure - as established by the West Virginia State Department of Health - shall be provided and shown on the site plan.

4. Fire hydrants shall be connected to water lines that are at least 6 inches in diameter. Fire hydrants shall have isolation valves and be designed to drain and prevent freezing.
5. Fire hydrant specifications and thread sizes shall be acceptable to the West Virginia Fire Marshal and the Jefferson County Volunteer Fireman's Association.
6. Fire hydrants set in the right-of-way shall be located two feet back of the sidewalk or in accordance with the standards of the controlling public service district.

D. Underground Utilities

All on-site utility service lines (e.g., electric, phone, cable, fiber optic, water, sewer, etc.) serving the Site Development project shall be underground.

Section 9.10 ~~Storm Water~~Stormwater Management

- A. Storm water management, storm drainage and sediment and erosion control shall be provided in accordance with ~~Appendix B, Division 4.0, Storm Water~~the Jefferson County ~~Stormwater~~ Management ~~and Erosion & Sediment Control~~Ordinance.
- B. Site Development project on-site stormwater runoff from impervious areas shall be contained for conveyance whenever concentrated flows exceed 2.5 cubic feet per second (cfs) during the ten year event as determined using the Rational Method. Containment may be accomplished using either closed pipe or open channel systems. Open channel systems shall include pedestrian crossings spaced no further apart than 300 feet apart in areas where pedestrian traffic exists. With the approval of the County Engineer, bio-retention methods may be used to minimize the rate of flow.

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Section 9.1211 Landscaping, Screening and Buffer Yard Requirements

- A. Screening in the form of either vegetation or opaque fencing shall be provided on all properties along property lines in accordance with the Zoning Ordinance.
- B. Site Plans shall include a landscape plan meeting the requirements of the Zoning Ordinance
- C. All parking lots shall contain landscaping equal to a minimum of five percent (5%) of the area of parking lots and on-site driveways. Parking lots that are designated exclusively for employees only or for large trucks or vehicles owned or leased by the user of the site

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need not contain the landscaping if they are screened from any exterior state route. Said landscaping shall be contained within a perimeter which includes the parking lots, the on-site driveways, all islands dividing or supporting parking aisles from each other and from on-site driveways and areas bounded on at least two sides by parking lot or on-site driveways. The perimeter on the exterior of the parking lot shall follow the back curb or edge of the parking spaces or the limit of a required buffer.

- D. Opaque screen fences shall be a minimum of six (6) feet high. A sketch of the proposed screen will be submitted for approval with the site plan.
- E. Other requirements are referenced in the Jefferson County Zoning Ordinance.
- F. All on-site utilities and dumpsters shall be effectively screened.

Section 9.1312 Signage

Signage shall be in conformance with all existing Ordinances in Jefferson County and/or State and Federal Law.

Section 10.0 Site Plans for Communications Towers

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Section 10.1 General

- A. The provisions of Division 10.0 are in addition to the requirements for Site Development projects found in Appendix A, *Plan & Plat Standards*, Appendix B, *Engineering Standards*, and the Zoning Ordinance. In the event of a conflict between a requirement of the Appendices and Division 10.0, then the requirement of Division 10.0 shall apply.
- B. Any site developed for a communication tower shall require a Site Plan. Where the site is located on a lot to be created out of a subdivision of land, then processing through the appropriate subdivision process shall also be required.

Section 10.2 Design and Construction Requirements

- A. Entrances
 - 1. The site access road running from the public road or subdivision street to the communications tower site, and which serves no other non-residential use and no more than three residences, may be as narrow as 12 feet in width. Otherwise, the site access road shall be in accordance with Appendix B, Section 2.2, *Streets*.
 - 2. The site access road shall have an all-weather gravel surface at least six inches deep.
 - 3. Connection of the site access road to the public road shall be in accordance with West Virginia Division of Highways requirements.
- B. Parking

No delineated parking spaces need be shown on the Site Plan.
- C. Landscaping and Screening and Other Site Amenities
 - 1. Landscaping may be limited to perimeter vegetative screening suitable to the staff.
 - 2. The site is exempt from providing sidewalks.

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D. Stormwater Management and Erosion and Sediment Control

Stormwater management and erosion and sediment control shall be provided to control runoff from the access road and the tower site, in accordance with Appendix B, Division 4.0, Storm Water ~~Jefferson County Stormwater~~ Management ~~and Erosion & Sediment Control Ordinance.~~

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E. The lease area for the tower structure shall tie into an existing property monument with bearing and distances referencing two corner of the lease area.

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Jefferson County, West Virginia

Departments of Planning and Zoning

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

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

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

Director's Report August 13, 2013 Planning Commission Meeting

1) **Jefferson County Fair – Envision Jefferson 2035 Booth -- FYI**

The Envision Jefferson 2035 Steering Committee will have an indoor booth throughout the County Fair to distribute information about the on-going Comprehensive Plan planning effort. We will be manning the booth 3:00 – 7:00 PM, Monday, August 19 through Friday, August 23. If any PC members would like to assist with this effort, please contact JT Redmon regarding availability.

2) **Recent CC Actions relevant to Planning:**

- a) Discussion and Possible Action Related to a Budget Amendment to Allow the Development of an Access Management Study and Draft Ordinance for US 340 South.
(Action Postponed due to budget discussion: 07/11/13)
- b) 4th Quarterly Report/Annual Report FY 2013 -- Provided to County Commission in their packet at the 08/01/13 meeting.

3) **Upcoming CC Actions relevant to Planning:**

- a) Letter from Paul Taylor RE: PC response to request by CC to amend I-C and R-LI-C zones to require development plan with rezoning requests (TBD).
- b) Request by the Planning Commission that the County Commission Reconsider their Motion of 10/25/13 Regarding the Proposed Zoning Ordinance Text Amendment Related to New Commercial and Industrial Zoning Categories (tentative: 08/15/13).

4) **Envision Jefferson 2035 Update**

- a) Brief overview of recent second series of public meetings regarding Goals and Objectives and Future Land Use Exercise (held July 27, 2013 and July 30, 2013)
- b) County Fair booth (Future Land Use Exercise) –volunteers needed
Monday, August 19 – Friday, August 23, 2013 3:00 – 7:00 PM.
- a) Next steps:
 - Stakeholders Sessions – September 18, 2013 (four x 1½ hour sessions)
 - Third Series of Public Meetings – Land Use Map – “what and how”
 - Future Land Use Map and Recommendations

5) **Upcoming PC meetings**

- a) September 10, 2013

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Jefferson County, West Virginia

Departments of Planning and Zoning

116 East Washington Street, 2nd Floor

Charles Town, WV 25414

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

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

Phone: (304) 728-3228

Fax: (304) 728-8126

August 13, 2013

To: County Commission of Jefferson County, WV

From: Paul Taylor, President
Jefferson County Planning Commission

Re: Motion from County Commission to consider amending the current commercial zoning categories.

On June 11, 2013, the Planning Commission received from the County Commission a recommendation to consider amending the existing commercial districts (I-C and R-LI-C) as defined within the current Jefferson County Zoning and Land Development Ordinance to require all Zoning Map amendment requests to be accompanied by a development plan.

After consideration of this recommendation, by a vote of 9 in favor, 0 opposed, the Planning Commission has decided to not pursue the recommendation as proposed.

The Planning Commission determined that the proposed text amendment regarding the creation of new commercial and industrial zoning categories would achieve similar goals as intended with the request proposed by the County Commission for an amendment to the existing commercial zones.

Respectfully submitted,

Paul Taylor, President
Jefferson County Planning Commission

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JEFFERSON COUNTY
PLANNING, ZONING AND ENGINEERING

President Taylor and Members of the Planning Commission,

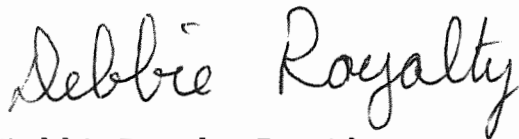
I would like to present to you two Observers from the Jefferson County League of Women Voters.

Ms. Susan Kraber and Ms. Donna Hamstead will be attending the Planning Commission meetings on behalf of the League, observing and reporting on the meetings for our members.

The purpose of the League of Women Voters is to promote political responsibility through informed and active participation of citizens in government.

We look forward to increased interaction between your Board and the League Board. Feel free to contact me with any questions.

Thank you,



Debbie Royalty, President
Jefferson County League of Women Voters

304-728-0191

twoofakindfarm@frontiernet.net

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**A Motion Recommending Approval of a
Waiver for US Coast Guard (S13-04)
July 23, 2013**

Whereas, the following facts relate to the processing of US Coast Guard Waiver Request (PCW13-04);

Whereas, the US Coast Guard has requested a waiver from the 2008 Jefferson County Subdivision and Land Development Regulations per Appendix B, Section 2.5.N to allow for a reduction in the parking stall depth from 20 feet to 18 feet;

Whereas, The use of the site is primarily for office activity;

Whereas, A reduction in the parking stall depth will result in less impervious area;

Whereas, the following findings, which are required, can be made in regards to this request, in accordance with the provisions of Appendix B, Section 2.5.N of the 2008 Subdivision Regulations and Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission _____ the requested waiver for US Coast Guard for a reduction in parking lot stall depth from 20 feet to 18 feet.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken on this ___ day of _____ 2013
By vote of the Jefferson County Planning Commission
By a vote of ___ Yes ___ No

Planning Commission President

**A Motion Recommending Approval of a
Waiver for US Coast Guard (S13-04)
July 23, 2013**

Whereas, the following facts relate to the processing of US Coast Guard Waiver Request (PCW13-05);

Whereas, the US Coast Guard has requested a waiver from the 2008 Jefferson County Subdivision and Land Development Regulations per Appendix B, Section 2.3.B.1 to allow for a second entrance off of Wiltshire Road;

Whereas, US Coast Guard has proposed a secondary access that serves a greater public safety role which meets their needs specific mission and responsibilities;

Whereas, the following findings, which are required, can be made in regards to this request, in accordance with the provisions of Appendix B, Section 2.3.B.1 of the 2008 Subdivision Regulations and Section 24.300 of the 2008 Subdivision Regulations:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Now therefore be it moved, that the Jefferson County Planning Commission _____ the requested waiver for US Coast Guard for a secondary access onto Wiltshire Road.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken on this ___ day of _____ 2013
By vote of the Jefferson County Planning Commission
By a vote of ___ Yes ___ No

Planning Commission President

**A Motion Recommending Approval of a
Waiver for US Coast Guard (S13-04)
July 23, 2013**

Whereas, the following facts relate to the processing of US Coast Guard Waiver Request (PCW13-06);

Whereas, the US Coast Guard has requested a waiver from the 2008 Jefferson County Subdivision and Land Development Regulations per Section 20.106.B to allow for the commencement of early grading and foundation work prior to the approval of the site plan;

Whereas, US Coast Guard is not requesting a waiver to opt out of a standard or a process;

Whereas, the following findings of Division 24.000 of the amended 2008 Subdivision Regulations are not applicable since the applicant is not opting out of any standards or procedures:

1. The design of the project will provide public benefit in the form of reduction in County maintenance cost, greater open space, parkland consistent with the County parks plan, or benefits of a similar nature.
2. The waiver, if granted, will not adversely affect the public health, safety or welfare or the rights of adjacent property owners or residents.
3. The waiver, if granted, will be in keeping with the intent and purpose of this Ordinance.
4. The waiver, if granted, will result in a project of better quality and/or character.

Whereas, The Grading Permit was issued under the following conditions:

1. The grading permit is issued to allow the owner to perform site grading for the building pads. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application; and
2. The building permit is issued only for the foundations of the proposed buildings (building construction will stop at the foundation until the site plan is approved); and
3. The owner/Developer assumes all risk for "jump-starting" the project and understands that the final site plan design approved by the planning commission might necessitate some changes and additional construction cost; and
4. Provide bonding of all proposed site improvements pertaining to the permit.

Now therefore be it moved, that the Jefferson County Planning Commission _____ the requested waiver for US Coast Guard with the following conditions:

1. The grading permit is issued to allow the owner to perform site grading for the building pads. This permit is subject to the requirements of the sediment and erosion control plan submitted and approved as part of the grading plan and building permit application; and

2. The building permit is issued only for the foundations of the proposed buildings (building construction will stop at the foundation until the site plan is approved); and
3. The owner/Developer assumes all risk for "jump-starting" the project and understands that the final site plan design approved by the planning commission might necessitate some changes and additional construction cost; and
4. Provide bonding of all proposed site improvements pertaining to the permit.

The portion of the record of the Planning Commission meeting pertaining to this application and the official minutes thereof are incorporated herein by reference as if set forth in full herein.

Action taken on this ___ day of _____ 2013
By vote of the Jefferson County Planning Commission
By a vote of ___ Yes ___ No

Planning Commission President